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

Mayor Pro Tem Nestande convened the meeting at 3:01 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 arrived at 4:54 p.m.

Also Present:
Lauri Aylaian, City Manager
Robert W. Hargreaves, City Attorney
Rachelle D. Klassen, City Clerk
Russell Grance, Director of Building & Safety
Martin Alvarez, Director of Economic Development
Janet M. Moore, Director of Finance/City Treasurer
Tom Garcia, Director of Public Works
Eric Ceja, Principal Planner
Stephen Y. Aryan, Risk Manager
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
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)

MR. CHARLIE ARA, Palm Desert Greens Parkway, Palm Desert, addressed the City Council to present three more pages of petition signatures, encouraging the City Council to change from its at-large election system to by-district.
IV. ADJOURN TO CLOSED SESSION

Request for Closed Session:

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

1) Property: Lease Property - Palm Desert iHUB, 37023 Cook Street, Suite 102, Palm Desert
   Negotiating Parties:
   Agency: Lauri Aylaian/Martin Alvarez/City of Palm Desert
   Property Owner: Sinatra and Cook Project, LLC
   Under Negotiation: x Price x Terms of Payment

2) Property: Lease Property - Palm Desert iHUB, 37023 Cook Street, Suite 102, Palm Desert
   Negotiating Parties:
   Agency: Lauri Aylaian/Martin Alvarez, City of Palm Desert
   Property Owner: Sinatra and Cook Project, LLC
   Other Parties: The Trustees of the California State University/California State University, San Bernardino
   Under Negotiation: x Price x Terms of Payment

3) Property: Lease Property - Parkview Professional Office Complex, 73720 Fred Waring Drive, Suite No. 102, Palm Desert
   Negotiating Parties:
   Agency: Lauri Aylaian/Janet M. Moore/City of Palm Desert
   Property Owner: City of Palm Desert
   Other Parties: State of California, Department of Rehabilitation
   Under Negotiation: x Price x Terms of Payment

4) Property: Desert Rose - 75315 Kelsey Circle North (APN 634-242-016), Palm Desert
   Negotiating Parties:
   Agency: Lauri Aylaian/Veronica Tapia/City of Palm Desert/ Palm Desert Housing Authority
   Property Owner: Gary and Jacqueline Brantley (Deceased)
   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

With City Council concurrence, Mayor Pro Tem Nestande adjourned the meeting to Closed Session at 3:04 p.m. She reconvened the meeting at 4:09 p.m.

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

A. REPORT ON ACTION FROM CLOSED SESSION.

Mr. Hargreaves reported the following with respect to the Closed Session Agenda:

• Item A - Real Property Negotiations, Nos. 1 and 2, regarding the Palm Desert iHUB, including a Lease with Sinatra and Cook Project, LLC, and also with California State University, San Bernardino, City Council directed that negotiations be finalized. Resulting agreements will be made public once finalized.

• Item A - Real Property Negotiations, No. 4, regarding Desert Rose Property, direction was given to go ahead and finalize the purchase.

• Item B - Existing Litigation, No. 1, Salas and Quintanilla v. City of Palm Desert, regarding the California Voting Rights Act, that matter was continued to the end of today’s regular session so that City Council can reconvene with all members present to further those discussions.

VI. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA - Councilmember Jan C. Harnik

VII. INVOCATION/INSPIRATION - Councilman Sabby Jonathan

VIII. AWARDS AND PRESENTATIONS

A. PRESENTATION TO THE CITY COUNCIL OF THE COACHELLA VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT’S (CVMVCD) WEST NILE VIRUS RESPONSE AND PROGRAMS UPDATE BY GENERAL MANAGER JEREMY WITTIE, MS.

Mr. Wittie provided a PowerPoint presentation and oral update about the District’s work. The printed presentation is now on file and of record in the City Clerk’s Office.
B. PRESENTATION TO THE CITY COUNCIL REGARDING GREATER PALM SPRINGS CONVENTION & VISITORS BUREAU (CVB) ACTIVITIES.

Tourism & Marketing Manager Thomas Soule provided the overview, which had a companion PowerPoint presentation, now on file and of record in the City Clerks’s Office. Mayor Pro Tem Nestande expressed concern about the number of nights booked in 2018 compared to the number to date for 2019, stating it appears the number of nights booked will be much less by the end of the year. President/CEO Scott White explained that every month is different. For instance, if you look at the month of June, there were 22,000 rooms booked overall for the Valley, and in December of last year they booked nearly 60,000 rooms, therefore, you can't divide it equally. He said it varies on the cycle of contracts, and there is no formula like you would see with sales tax throughout the year, because it doesn't work that way. He added that are right on pace from previous years.

Councilmember Harnik suggested Councilmembers attend one of the CVB meetings, because so much information and analytics is provided that they will walk away with a greater understanding of all the stats, and it’s wonderful to see so many people in one room who are working together to achieve greater tourism in this Valley.

Mr. Soule pointed out that the CVB also works with international travel agencies to bring tourism from other countries, and the top tier they focus on is the United Kingdom, Australia, France, Germany, and China. They also have their eye on some of the developing markets, but they are doing a good job of representing the Coachella Valley to a wider international audience. Responding to question, he confirmed they do Canada as well. Mr. Soule went on to complete his presentation that included travel industry sales, clients reached, countries touched, marketing, television spots and impressions, and digital streaming.

Councilman Jonathan stated the name Greater Palm Springs, Convention and Visitors Bureau has the greatest awareness and cache, which he was in favor, but he heard a discussion that it was time to look at something else like the Greater Coachella Convention and Visitors Bureau, questioning if that was under consideration. He added he was not advocating for it, but was curious if that was being considered objectively.

Mr. Thibault said the name is tested every year as they do all of their campaigns. In fact, they tested the Greater Coachella Valley name against the Greater Palm Springs, and Greater Palm Springs has a much greater recognition factor. Based on their research, it’s generally where the airport is at, so the airport seems to be the indicator that connects the two dots.
IX. ORAL COMMUNICATIONS - B

MR. WALLY MELENDEZ, Coachella Valley resident, addressed the City Council, in a continued effort to get College of the Desert be a four-year institution that offers bachelor degree programs.

X. MAYOR AND COUNCILMEMBER REPORTS & REMARKS TO THE COMMUNITY

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

1. RCTC Meeting - at yesterday’s Riverside County Transportation Commission Meeting, the $8.8 million initiative for “Festival Trains” to the Indio Station was approved for the 2020 festival season.

Additionally, provided reminder about ongoing roadwork along State Route 60 for truck lanes through the “badlands,” as well as work being done on the roadway west of the I-15 junction; both east- and westbound lanes will be impacted. Public can sign up for commuter updates on the Caltrans District 8 website for details.

2. Leadership Coachella Valley - attended the recent graduation ceremony for the group along with Mayor Weber. Noted next year’s application period was opening and encouraged anyone interested to apply; it’s a great experience.

3. Lifestream’s 9 Cities Challenge Blood Drive - reminded all of this Saturday’s Blood Drive, July 13, 8:00 a.m. - 2:00 p.m., at the Palm Desert Community Center. Anyone unable to donate on Saturday can donate any time until July 27 and indicate that their donation should be credited to Palm Desert’s total, hoping to be #1 in this year’s Challenge. Thanked everyone in advance for their life-saving donations.

B. Councilman Sabby Jonathan Committee Reports and General Comments.

None

C. Councilmember Kathleen Kelly Committee Reports and General Comments.

None
D Mayor Pro Tem Gina Nestande Committee Reports and General Comments.

None


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

1. 50th Anniversary of the Apollo 11 Moon Landing - 1969-2019

Upon her arrival at the meeting, Mayor Weber thanked staff for running the Apollo 11 commemorative video on the projector in the Council Chamber to recognize mankind’s achievement from 50 years ago this month.

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 City Manager’s Meeting Summaries Report was received and filed.

B. City Attorney

None

C. City Clerk

None
D. Public Safety

1. Fire Department

Chief Davis provided an update on a residential structure fire in Palm Desert earlier this week and also a Home Safety Checklist for fire safety. Copies of the checklist flier were provided in the Council Chamber foyer for anyone interested.

Note: Mayor Weber arrived at 4:54 p.m.

2. Police Department

None

XII. CONSENT CALENDAR

Palm Desert City Council

A. MINUTES of the Regular City Council Meeting of June 27, 2019.

Rec: By Minute Motion, continue to the next meeting.


Rec: Approve as presented.

C. CLAIMS AND DEMANDS AGAINST THE CITY/HOUSING TREASURIES - Warrants Dated 5/31/2019 and 6/21/2019 (Joint Consideration with the Palm Desert Housing Authority - Item Z below).

Rec: Approve as presented.

D. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE by Freedom Barbershop, Inc., 42005 Cook Street, Suite 106, Palm Desert.

Rec: Receive and file.


Rec: Waive further reading and adopt.
F. RESOLUTION NO. 2019 - 50 – A Resolution of the City Council of the City of Palm Desert, California, Setting Forth Its Findings and Authorizing the Destruction of Paper Records that Have Been Digitally Imaged from the Office of the City Clerk, to Rely on the Electronic Record as the Official Record - Various Records Center Files 1991 - 2006 (Exhibit “A”).

Rec: Waive further reading and adopt.

G. RESOLUTION NO. 2019 - 51 – A Resolution of the City Council of the City of Palm Desert, California, Setting Forth Its Findings and Authorizing the Destruction of Paper Records that Have Been Digitally Imaged from the Office of the City Clerk, to Rely on the Electronic Record as the Official Record - Various Records Center Files 1991 - 2016 (Exhibit “A”).

Rec: Waive further reading and adopt.

H. RESOLUTION NO. 2019 - 52 – A Resolution of the City Council of the City of Palm Desert, California, Determining and Providing for the Disposition of a Refund from Southern California Edison in Connection with the City of Palm Desert Highlands Undergrounding District No. 04-01.

Rec: Waive further reading and adopt.

I. REQUEST FOR AUTHORIZATION to Declare 10 Recliners as Surplus Property from Fire Station Nos. 67 and 71 and Approve their Disposal.

Rec: By Minute Motion, declare 10 recliners located at Fire Station No. 67 and Fire Station No. 71 as surplus property and authorize disposal as appropriate.

J. REQUEST FOR AUTHORIZATION for the City Manager to Enter Into Agreement with ECS Imaging, Inc., for Laserfiche Enterprise Content Management System in the Amount of $175,937 (Contract No. C38990).

Rec: By Minute Motion, authorize the City Manager to enter into an agreement with ECS Imaging, Inc., Riverside, California, for Laserfiche Enterprise Content Management System in the amount of $175,937, including software licenses, training, and conversion services for all scanned documents – funds are available in Account No. 5304190-4404000.
K. **REQUEST FOR APPROVAL** of the Purchase of 160,000 Pounds of Grass Seed from Simplot Partners in the Amount of $169,428.40.

Rec: By Minute Motion, approve the purchase of 160,000 pounds of grass seed from Simplot Partners, Palm Desert, California, in the amount of $169,428.40 – funds are available in the FY 2019-2020 Budget.

L. **REQUEST FOR AUTHORIZATION** for Desert Willow Golf Resort to Purchase Maintenance Equipment from Turf Star/Western During Fiscal Year 2019-2020 in the Amount of $72,241.40 (Project No. 844-20).

Rec: By Minute Motion, authorize Desert Willow Golf Resort to purchase maintenance equipment from Turf Star/Western, Hayward, California, during FY 2019-2020 in the amount of $72,241.40 – funds are available in Account No. 5204195-4803100 - Course and Grounds Expenses.

M. **REQUEST FOR AUTHORIZATION** of Expenditures with BMW Motorcycle of Riverside for Maintenance and Repair of Police Motorcycles in an Amount Not to Exceed $70,000.

Rec: By Minute Motion, authorize expenditures with BMW Motorcycle of Riverside for maintenance and repair of police motorcycles in an amount not to exceed $70,000 in Fiscal Year 2019-2020 – funds are available in the FY 2019-2020 Police Department Budget.


Rec: By Minute Motion, approve/authorize: 1) Staff to use vendors on the Palm Desert Public Safety Vendors List appended to the accompanying staff report; 2) exception to purchasing requirements as provided by Section 3.30.160(C)(D)(H) of the Palm Desert Municipal Code for FY 2019-2020.

O. **REQUEST FOR AUTHORIZATION** to Extend by One Year Contract Between City of Palm Desert and FG Creative, Inc., to Provide Advertising Services for the El Paseo Parking & Business Improvement District (Contract No. C37061).

Rec: By Minute Motion, approve/authorize: 1) One-year extension of subject contract with FG Creative, Inc., to provide advertising services for the El Paseo Parking & Business Improvement District;
2) City Attorney to make non-substantive changes to the contract and Mayor to execute same on behalf of the City – funds are available in Account No. 2714491-4321500.

P. REQUEST FOR AUTHORIZATION of Extra Work in the Amount of $179,000 with Ideapeddler, LLC, as Provided for in Contract No. C37181.

Rec: By Minute Motion, authorize $179,000 to be used at the City Manager’s discretion for extra work that may arise during the year, as defined and provided for in subject contract with Ideapeddler, LLC, Austin, Texas – funds for projects were budgeted in the FY 2019-2020 Marketing Budget.

Q. REQUEST FOR RATIFICATION of City Manager’s Approval of Change Order No. 1 to Contract with Presentation Projects, Inc., d.b.a. Spinitar, in the Amount of $14,055.50 for Sales Tax on Equipment, and for Authorization of Contingency Funds for Additional Work as May Be Authorized by the City Manager for the Council Chamber Audio-Visual System Upgrade Project (Contract No. C37960B).

Rec: By Minute Motion: 1) Ratify City Manager’s approval of Change Order No. 1 to subject contract with Presentation Products, Inc., d.b.a. Spinitar, in the amount of $14,055.50 for Sales Tax on equipment; 2) authorize setting aside a 5% contingency for the project in the amount of $11,256 for additional work as may be authorized by the City Manager – funds were budgeted from the Equipment Replacement Fund, as part of the Capital Improvement Plan (under the IT Master Plan) and are available in FY 2019-2020, Account No. 5304190-4404000.

R. REQUEST FOR APPROVAL of the Information Systems Department Vendor List for Technology Equipment Purchases in an Aggregate Amount Not to Exceed $150,000, and of $1,048.30 Additional Funds for Fiscal Year 2018-2019.

Rec: By Minute Motion, approve: 1) Information Systems Department’s Vendor List for technology equipment purchases in an aggregate amount not to exceed $150,000, and authorize City Manager to execute any related agreements (Contract No. C39000A-Z); 2) additional funds in the amount of $1,048.30 for FY 2018-2019 – funds are available in the Equipment Replacement Fund.


T. **REQUEST FOR APPROVAL** of a Service Provider Agreement in the Amount of $77,000 with Sunline Transit Agency (Contract No. C39010).

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


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

V. **REQUEST FOR ACCEPTANCE** of Partial Improvements to Dinah Shore Drive and Portola Avenue and the Authorization for Release of a Portion of the Security for Parcel Map 36792 (Palm Desert University Gateway, LLC, Applicant).

Rec: By Minute Motion: 1) Accept partial improvements to Dinah Shore Drive and Portola Avenue; 2) release $344,813 of the Faithful Performance Bond and $172,406 of the Labor and Materials Bond for Parcel Map 36792.

**SUCCESSOR AGENCY TO THE PALM DESERT REDEVELOPMENT AGENCY**

W. **MINUTES** of the June 27, 2019, Regular Meeting of the Board of Directors of the Successor Agency to the Palm Desert Redevelopment Agency.

Rec: By Minute Motion, continue to the next meeting.


Rec: Approve as presented.
Y. MINUTES of the Housing Authority Meeting of June 27, 2019.

Rec: By Minute Motion, continue to the next meeting.

Z. CLAIMS AND DEMANDS AGAINST THE CITY/HOUSING TREASURIES - Warrants Dated 5/31/2019 and 6/21/2019 (Joint Consideration with the Palm Desert City Council - Item C above).  

Rec: Approve as presented.

AA. REQUEST FOR ACCEPTANCE OF WORK for Contract No. HA37860 – Plumbing Re-Pipe for Building No. 33 at One Quail Place Apartments (New Construction Solutions, Inc., La Quinta, CA).

Rec: By Minute Motion: 1) Accept the work as complete for the subject contract with New Construction Solutions, Inc., for Plumbing Re-Pipe on Building No. 33 at One Quail Place Apartments; 2) authorize the Authority Secretary to file a Notice of Completion for the project; 3) authorize the Chairman and/or the Executive Director to execute the Notice of Completion and any documents necessary to facilitate filing of same.

Councilman Jonathan requested Item T be removed for separate consideration.

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

XIII. CONSENT ITEMS HELD OVER

T. REQUEST FOR APPROVAL of a Service Provider Agreement in the Amount of $77,000 with Sunline Transit Agency (Contract No. C39010).

Councilman Jonathan stated he felt the cost of $77,000 to maintain 45 bus shelters was excessive and questioned if staff explored other alternatives. For example, the City’s Code Compliance Department has trucks and equipment to paint over graffiti, so he wondered if there was the possibility of allocating City staff to do the work.

Mr. Garcia responded that Sunline currently performs the maintenance of the bus shelters on a frequent basis, and he was doubtful there would be a reduction in cost if the work was contracted out, adding that if the City took
over it would require additional personnel. He said the rate has remained the same for several years, but Sunline is currently looking at actual costs incurred, so he anticipated the rate will go up in the future. Therefore, this was a good time to look at alternative methods if that's the direction of the Council.

Councilman Jonathan strongly urged staff to look at alternative methods, because he did the math and it accounts for two shelters per day. If there was a full-time staff member doing this work, he couldn't imagine they would spend four hours per bus shelter every day to do maintenance. He's observe Sunline and they do a good job of picking up the trash and so forth, and once in a while there is graffiti, but he still felt the cost was excessive. If staff reviews this matter and determines the current method is the most effective, then ok, but he believed it beared some scrutiny.

Councilmember Kelly pointed out that the agreement is for compensation not to exceed $77,000 with services billed upon demonstration of actual cost incurred. She said a year's tracking of the services will be helpful in assessing the concerns raised.

Councilman Jonathan agreed, but fortunately, the data exists. Therefore, staff can review the history on this to see what has been paid. He was focusing on Exhibit "A," which is the scope of services, and it specifically cites the monthly charge in total to be $74,482.20. But if in fact the actual cost is half of the $74,000 and/or the current method is cost effective, he would agree to proceed in approving the contract. Further, he suggested waiting until the August meeting to approve the contract to hear staff's findings on this matter.

Councilmember Harnik was willing to accept the proposed contract at this point, but ask that Sunline track their hours and list the things they do.

Mr. Garcia replied that Sunline will be tracking their hours and actual expenditures on the maintenance of the bus shelter in order to get a true accounting and in turn charge the City the actual rate.

Councilman Jonathan pointed out that Sunline was charging $137 per shelter, which was $137 multiplied by 45 bus shelters, times 12 months. He was inclined to take a pause in order for staff to research what the City has been charged in the past, what it expects to be charged, and make sure it's the most cost-effective alternative. He wished to continue this item to the meeting of August 22, 2019, with staff providing answers to the following: 1) Amount of prior years’ total expenditures for this contract; 2) anticipated total costs for FY 2019-2020; 3) research on more cost-effective options for this service.
Mr. Garcia noted the current maintenance contract is expiring, therefore, the City will have to find ways of maintaining the bus shelters in the interim.

Councilman Jonathan was adamant that Council has made it clear to staff it doesn’t want to be in a position where a contract comes before the City Council at the last second and it doesn’t have the opportunity to explore staff’s recommendation. He couldn’t understand why this continues to happen.

Mr. Garcia explained that Sunline approached the City in June requesting this item is placed on the July agenda and to advise they will be tracking actual costs to determine future contract rates.

Councilmember Kelly pointed out the contract also requires Sunline to accomplish certain repairs at Sunline’s expense, which means they are incurring risk. It is something that may be difficult to estimate, but it should be recognized in the analysis.

Councilman Jonathan moved to, by Minute Motion, approve/authorize: 1) Service Provider Agreement in the amount of $77,000 with Sunline Transit Agency, Thousand Palms, California, for maintenance of the City of Palm Desert’s bus shelters; 2) City Manager to execute said agreement – funds are available in Account No. 1104310-4332000 - R/M Streets, subject to staff providing related answers to: a) Amount of prior years’ total expenditures for this contract; b) anticipated total costs for FY 2019-2020; c) research on more cost effective options for this service; d) ensure contract renewals and all other deadline-driven requests be brought before City Council with sufficient timeline for adequate due diligence and consideration. Motion was seconded by Kelly and carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

XIV. RESOLUTIONS

None

XV. ORDINANCES

A. For Introduction:

None
B. For Adoption:


Councilmember Harnik moved to waive further reading and adopt Ordinance No. **1349**. Motion was seconded by Kelly and carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

XVI. NEW BUSINESS

A. **REQUEST FOR AWARD OF CONTRACT TO AMERICAN ASPHALT SOUTH, INC., IN THE AMOUNT OF $1,699,855 FOR THE 2019 ARTERIAL SLURRY SEAL PROJECT (CONTRACT NO. C38730, PROJECT NO. 751-19A).**

Project Administrator Ryan Gayler stated this contract is to slurry seal several arterial streets that includes Portola Avenue, Frank Sinatra, Highway 111, and El Paseo.

Councilman Jonathan thanked staff for coordinating the slurry seal on El Paseo as to not conflict with the El Paseo street improvements. With respect to this contract staff was expecting the cost to be $1.5 million and the low bid was $1.7 million. He asked if the difference was due to the thermoplastic material that was going to be used on the striping instead of the paint.

Mr. Gayler answered yes, stating thermoplastic is an expensive product and this is the first year the City will be using it. He added that the product has a longer life and it will save money down the road, because it will reduce the annual painting that will be required.

Councilmember Kelly moved to, by Minute Motion, authorize: 1) Award of subject contract in the amount of $1,699,855 to American Asphalt South, Inc., Fontana, California, for the 2019 Arterial Slurry Seal Project; 2) Director of Finance to set aside a 10% contingency for the project in the amount of $169,986; 3) City Manager or designee to review and approve written requests for use of the contingency for unanticipated conditions, per Section 3.30.170(A) of Ordinance 1335; 4) Mayor to execute said contract – funds are available in Account No. 2134311-4332000 - Measure “A” Street Maintenance. Motion was seconded by Harnik and carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).
B. REQUEST FOR AUTHORIZATION FOR THE CITY CLERK TO ADVERTISE A NOTICE INVITING SEALED BIDS FOR CONSTRUCTION OF THE EL PASEO PEDESTRIAN IMPROVEMENTS PROJECT (CONTRACT NO. C38830, PROJECT NO. 810-20).

Senior Engineer Randy Bowman requested authorization to go out to bid for the El Paseo Pedestrian Improvement Project. He recalled for the City Council that in September 2019, Council authorized staff to move forward with a pilot and demonstration projects for El Paseo. He noted the staff report includes color exhibits showing what is being proposed. He provided a Power Point presentation with slides illustrating the five locations for the pedestrian improvements that are off El Paseo. Staff is proposing improvements at two crosswalks with bulb outs at the intersections of Larkspur Lane and San Pablo Avenue. The crosswalk dimension will be kept the same, but instead of just painting the white lines, they will have colorful decorative enhancements to them. At all four corners of the intersections there will be delineation posts that will be installed along the perimeter of the bulb outs to enhance safety for pedestrians and motorists. The project will include re-pavement rehabilitation and repairs. Since the City is restriping, there will be some Americans with Disability Act (ADA) requirements that will include a couple of wheelchair ramps. He said this project is being coordinated with the Slurry Seal Project that was just approved. Responding to question about the proposed decorative sidewalk, he said the El Paseo Business Improvement District (BID) approved the color scheme, which is what they will propose to the contractor to do.

Mayor Pro Tem Nestande asked if the BID gave their stamp of approval on the proposed color scheme.

Mr. Bowman replied the Planning staff briefed the BID on the color scheme.

Principal Planner Eric Ceja clarified Planning staff provided conceptual layouts to the BID, but he was doubtful this exact artistic rendering was shown to the BID.

Councilmember Harnik recalled the BID accepted the concept, but they have not seen the specifics.

Mr. Bowman went on to show the three mid-block crossings, which have the same characteristics. It will be a raised mid-block crossing so that as the vehicle goes down the street, it will go up in elevation to the height of the curb and then it comes back down; it’s called a speed table. It’s a traffic calming measure the City has in its tool box. These crossings come with some standard markings that you see in advance of the speed table, the marking is shaped like a chevron. Included are ADA compliant detectable
warning mats on either side of the street. Coupled with these improvements, there will be advanced signage; a static sign that leads up to the area, a warning that there is a crosswalk ahead. These crossings will have pedestrian activation where you press a button that will cause a sign to flash. He said there are examples of this device in Palm Springs on Indian Canyon. These activation devices are solar powered, so there is no hardwiring necessary. At the end of the pilot these devices can be removed or kept. Lastly, the black dots on the renderings at the entrances and exits to the crosswalks represent solar-powered lighting systems that light up and flash simultaneously. These particular mid-block crossings will have a different enhanced decorative paint scheme that was proposed by the Marketing team.

Councilmember Kelly asked about the width of the crosswalks.

Mr. Bowman said it was about 10 feet. He added that since the City was restriping the two intersections at Larkspur and San Pablo, the striping varied slightly from what is seen in the renderings. The project enhancements were coordinated with landscaping, economic development, and planning staff. He completed the presentation with slides of examples of the proposed enhancements. He noted that Riverside County Transportation Commission (RCTC) was considering a Capital Improvement Project (CIP) amendment, and as Councilmember Harnik acknowledged, the CIP was approved to be funded by Measure "A" and RCTC has agreed. Lastly, this project is one of the City’s goals for 2019.

Councilman Jonathan references slide one, which shows the locations of the proposed pedestrian improvement locations, questioned why there was so much concentration in one area given that El Paseo is a mile long.

Mr. Bowman recalled staff had a focused discussion on where to locate the proposed mid-block crossings based on the work done under the Gibbs Study.

Mr. Ceja explained that great consideration was given to the entire corridor and thought strategically where these improvements should be placed. Again, this is a demonstration project where staff felt they would be most effective, which is around the hotel. With the number of visitors entering and exiting the hotel site and trying to access El Paseo, staff felt one improvement could be placed at The Gardens to help people cross the street to reach other areas.

Councilman Jonathan believed there was a lot of walking traffic on the west side where there are restaurants and shops, stating he hopes staff keeps that in mind. Now with regard to the decorative enhancements at the crosswalks, he was not a fan. He asked if there were other options to consider.
Mr. Bowman said he researched the internet for examples of bulb outs and decorative crosswalk paintings, and staff selected ones that might be acceptable to the City. They also sought the assistance from Tourism & Marketing Manager Thomas Soule, who is part of the City’s branding team, for the selection of the color scheme.

Mr. Soule explained that originally this was designed to be executed quickly before the beginning of Fashion Week, so staff had Idea Peddler come up with some designs that related to the Food & Wine Festival and that would be easy to execute. Because this was a demonstration project, they would not be using permanent paint. He added that the design can look quite different from a pedestrian level versus a driver or passenger in a car.

Councilman Jonathan said he liked all the flashing lights and wondered if that will be on all crossing.

Mr. Bowman said they would be on all three crossings.

Mayor Weber stated that because this was a pilot and/or demonstration, she wondered how this project qualified under Measure “A.”

Mr. Bowman replied that staff vetted the project with RCTC staff and it met all the qualifications.

Councilmember Harnik moved to, by Minute Motion, authorize the City Clerk to advertise a Notice Inviting Sealed Bids for construction of the El Paseo Pedestrian Improvements Project – project was included in the proposed Measure “A” 5-Year Capital Improvement Project Program, which is pending funding approval. Motion was seconded by Councilmember Kelly.

Mayor Pro Tem Nestande expressed concern that the artistic treatment was not vetted by the El Paseo Business District, stating she didn’t want to encounter another situation like with the President’s Plaza Parking Project, where Council was ready to move forward but the project had to be delayed in order to obtain the business owners input.

Councilmember Harnik stated the BID has wanted these crossings for a very long time, and these decorative enhancements are considered temporary, but she can appreciate the concern. Therefore, the quicker this trial project gets done in order to work and learn from it, the better off everyone will be once we have the findings.

Councilman Jonathan agreed with both comments, but of course, he wasn’t a fan of the color scheme. He believed if the City was going to do a trial, it should be done as best as it can to generate as much support and enthusiasm possible. However, he felt Council has learned its lesson on
getting the El Paseo merchants and property owners input first. He suggested moving forward, but not finalize the paint scheme until staff has received the input from the merchants and potentially modify the paint scheme if appropriate.

Mr. Bowman said there is a short window between the end of the Slurry Seal Project, and the hope is to have these crossings in place in time for the Golf Cart Parade, which is October 27. Therefore, there are only five weeks to accomplish all the work, which means the City will award the project at the August 22, 2019, City Council meeting. In the interim, staff can meet with the BID, and if tweaks are necessary, the City can issue an addendum prior to bid opening, but it will require a change order. He said there are things that need to be done before the painting, so there is time for staff to obtain buy-in from the merchants.

Councilmember Harnik pointed out that the BID doesn’t have a voice in the Art In Public Places (AIPP) when it comes to the exhibition on the El Paseo median, and sometimes it’s not necessarily their lane. The merchant’s main concern was to have mid-block crossings, so asking them about the artwork is probably beyond their scope. Getting the mid-block crossings completed is what’s most important, because paint can be readily changed.

Councilmember Kelly said it made sense to share the scheme with representatives from the merchants, but agreed with Councilmember Harnik that it shouldn’t make adjustments at this time in response to some reaction. She felt that once the merchants learn the background about where the proposals came from, they will be excited to move the project forward and to trust that expertise. She had a different reaction to the art initially, but after she heard where it came from and what kind of expertise informed the choices, she was okay with it. The name of the game is to share with people so they aren’t surprised, but also inform them there can be adjustments once it has experience and feedback from shoppers and users. The choice of placement of the mid-block crossings struck her as ideal as a starting point, because The Gardens is just a popular place to park, but the retailers on the north side of the street will benefit, because the crossings will entice people to walk across the street.

Councilman Jonathan said he was excited to see this move forward, and he heard staff say the project would not be delayed if they went out to get the merchants feedback, including the ability to change the artwork if they objected. He added that the merchants had the biggest stake on how this project was carried out, but the devil was in the details.

Councilmember Harnik amended the motion to, by Minute Motion, authorize the City Clerk to advertise a Notice Inviting Sealed Bids for construction of the El Paseo Pedestrian Improvements Project – project was included in the proposed Measure “A” 5-Year Capital
Improvement Project Program, which is pending funding approval, with additional direction given for staff to communicate with El Paseo merchants about background of the project and development of its artistic treatment, and include their feedback in the staff report for construction contract award scheduled for the meeting of August 22, 2019. Motion was seconded by Kelly and carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

C. REQUEST FOR AWARD OF CONTRACT FOR ARBORICULTURAL SERVICES TO WEST COAST ARBORISTS, INC., IN AN AMOUNT NOT TO EXCEED $890,000 ANNUALLY (CONTRACT NO. C38850, PROJECT NO. 933-20) (JOINT CONSIDERATION WITH THE PALM DESERT HOUSING AUTHORITY).

Landscape Supervisor Randy Chavez said this was a new project where staff consolidated all the tree pruning contracts into a comprehensive contract that includes palm tree pruning, hardwood tree pruning, and all the miscellaneous and necessary removals of plants, etc. The Public Works Department now manages and oversees the City’s, Housing Authority properties, and Desert Willow Golf Resort trees. Each of the entities have different time frames of when pruning is required, and this contract will accommodate these trees and meet all the individual schedules. As part of this contract, a tree inventory will be conducted and it will be revised every time they are managed.

Councilman/Member Jonathan thanked Mr. Chavez and his staff, because this was innovative and it was taking steps toward best practices. He loves the idea of implementing a City Urban Forest Inventory.

Councilmember/Member Kelly moved to, by Minute Motion: 1) Award a three-year contract for Arboricultural Services to West Coast Arborists, Inc., Grand Terrace, California, in an amount not to exceed $890,000 annually; 2) authorize the Mayor/Executive Director to execute said agreement – funds for portion of the contract relative to the City, Desert Willow, and Assessment Districts are available in Account Nos. 1104610-4332001, 1104610-4337100, 1104611-4332001, 1104614-4337001, 4414195-4332000, and the Assessment District Fund 200 Accounts; funds for the portion relative to the Housing Authority are set aside in the FY 2019-2020 Operating Budgets. Motion was seconded by Harnik and carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

D. INFORMATIONAL REPORT RELATED TO THE SUSPENSION OF ENFORCEMENT OF PALM DESERT MUNICIPAL CODE CHAPTERS 8.20 AND 8.70 REGARDING BROWN LAWNS, AND A REQUEST TO PROVIDE DIRECTION TO STAFF REGARDING THIS POLICY.
Principal Planner Eric Ceja reported this item was a followup to Mayor Pro Tem Nestande’s request on the enforcement of brown lawns in the City. In 2015, the Governor declared a Drought State of Emergency, prohibiting cities and counties from imposing and enforcing green and brown lawns as a means to limit water consumption. In 2017 that drought emergency was lifted, although staff has continued the policy of not enforcing brown lawns as a means for reducing water consumption. At this time, staff is seeking Council direction on whether or not to start enforcing the City’s Ordinance on residents.

Mayor Pro Tem Nestande clarified she had asked about blighted lawns, because she was seeing many lawns with overgrown weeds and/or just dirt. For example, there is a home on the corner of Portola Avenue and Magnesia Falls, where there have been dirt and weeds for more than four years.

Mr. Ceja replied that in most cases the City’s Code Compliance has been active in having those areas and lawns maintained, and where the weeds would have been removed. Now it’s just about the enforcement on whether they have been watering turf. He will followup with Code Compliance on the specific item mentioned, but staff is working with them now on their landscaping plan to start enhancing the area.

Councilmember Kelly said she understood that if there is an area with dirt that includes an overgrowth of grass or weeds, it is the City’s policy to address it. Therefore, it’s something one can notify Code Enforcement about to address it. Mr. Ceja concurred.

Councilman Jonathan stated if the City is concerned about conserving water as an alternative to enforcing the Brown Lawn Ordinance, he asked if the City had an education or incentive program in coordination with Coachella Valley Water District (CVWD) to convert brown lawns into drought tolerant landscape.

Mr. Ceja replied staff has informational items to get out to the public regarding more compatible desert landscape, but the City does not have any financial incentives to convert turf, but CVWD does.

Mr. Garcia offered that CVWD requires a viable turf area that can be converted to a desert friendly landscape in order to qualify for a rebate. If you have a dead lawn, there is no savings, because you are not irrigating. The key here is that the lawn has to be alive. When residents turned off their water sprinklers, they lost the opportunity for removing it.

Councilmember Kelly stated Code Compliance is creative in reaching out to nonprofits to collaborate in cases where the residents truly don’t have the resources to address their blighted yard to come into compliance.
Mayor Pro Tem Nestande pointed out she meets with CVWD every couple of months and recalled hearing the aquifer is almost at 100% capacity. Therefore, there are many ways to have green grass and not be a water hog. She asked if staff had any data on the negative impacts from having green grass.

Mr. Garcia responded he hadn’t addressed that issue with CVWD, but staff utilized their incentive program on its last project for the Haystack conversion. The City was able to take advantage of the rebate program, because that project had active turf. He will follow up with CVWD to see if they have a program in the promotion of green turf.

Councilmember Harnik said Palm Desert has always been a leader in sustainability, and even though the official California drought is over, but by definition because we live in the desert, the state will always be in a drought. She suggested an article in the BrightSide Newsletter providing water saving tips along with the information provided earlier by the CV Mosquito and Vector Control on mosquitoes would be helpful. She said those who want green lawns should have them if they can accomplish it in a water-wise fashion, but the City should continue to encourage residents to save water and to use it wisely.

Mayor Weber questioned how the City was going to tell everyone that it was suspending a Code, but now it was going to look at the issue of brown lawns. In the meantime, CVWD sends everyone a notice about their inefficient water usage under their drought rules.

Mayor Pro Tem Nestande offered there is a lot of research done that indicates grass has a cooling effect on temperature, and too much desert landscaping creates dust, adding to the air quality. She said it costs about $2,000 to convert a yard to desert landscaping.

Councilmember Kelly noted that staff was asking for direction, so as a community, she didn’t believe Council was at the place where it wants to actively encourage grass, but actively encourage turf. She believed the current policies provide the tools for Code Enforcement to ensure a beautiful city. For the time being, Council should simply support their work and report anything they observe not to be in compliance.

Councilmember Harnik agreed, but the agenda item is to address brown lawns. She said if someone chooses to have turf, it’s very likely their bill will state they are inefficient and will be required to pay more. Therefore, people can have a green lawn, but it will cost them. People should be cognizant that we live in the desert and should practice good water use. However, she felt it was time to say something to those who have a brown lawn.
Councilmember Kelly reiterated that Council didn’t have to change anything, but only makes sure the current policy is followed.

Councilman Jonathan concurred, stating it was premature to start enforcing the Code or force people to use water to make their brown lawn green. He is perplexed with CVWD policy in that someone who has a brown lawn has to first use water and is penalized by them. Therefore, as part of staff’s direction, perhaps contacting CVWD to see if there is wiggle room in their policy for allowing brown lawns to be converted under their incentive program. At this point, he favored encouragement and education or an incentive program, if the City can provide it, instead of starting to enforce the City’s Brown Lawn Ordinance.

Mayor Pro Tem Nestande recalled she brought this issue up with the City Manager under the blanket issue of blighted yards, however, the informational report is mostly focused on brown lawns. She has several photos of blighted yards that are not necessarily brown lawns, and she knows this because as a real estate broker, she sees these yards when driving around showing properties.

Councilmember Harnik moved to, by Minute Motion, receive and file the informational report, with direction to be taken from discussion at this meeting. Motion was seconded by Kelly and carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

XVII. CONTINUED BUSINESS

A. CONSIDERATION OF THE SUBMISSION OF A LETTER OF SUPPORT (IF AMENDED) FOR ASSEMBLY BILL 377 (GARCIA AND MAYES) REGARDING MICROENTERPRISE HOME KITCHEN OPERATIONS (Continued from the meeting of June 27, 2019).

Management Analyst Christopher Gerry stated Council requested staff to conduct additional outreach to the authors of AB 377 and revise the City’s position letter in a more constructive manner. In the spirit of collaboration, staff contacted the Offices of the two Assembly Members and informed them of the City’s recommended position, which is the City’s support if the bill is amended. Both offices appeared to understand the concern regarding which agencies are responsible for opting into the program. Although, there is currently no desire to amend AB 377, both offices displayed interest in having further discussions on this matter following this legislation.

Councilman Jonathan said the bill specifies the County can set policy about the home kitchen, which would then automatically apply at the City level. However, legal counsel has opined that the City will have some control over it through land-use authority. If the bill passes and the City wants to
implement land-use authority, there is a conflict that will be resolved in some manner, possibly through litigation.

Mr. Hargreaves concurred, stating there has been tension in the law between the Health and Safety Licensing Authority for restaurants under the County and the Land-Use Authority under the City. He said legislation has not been clear in prior years about how these two interacted. In recent legislation, there was an attempt to clear it up, but city attorney’s on behalf of cities, still believe that cities retain land-use control. Therefore, he believed the City has the option of exercising land-use control under these circumstances.

Councilmember Kelly noted she was the one that originally pulled this item from the Consent Calendar at the last meeting, and the current draft of the letter fully addresses her concerns.

Councilman Jonathan stated he is prepared to oppose AB 377, because it clearly has the intent of depriving Palm Desert of local control, and he will fight that tooth and nail. Even if the bill was amended, it’s not in the City’s best interest.

Councilmember Kelly pointed out that the draft letter expresses support if the legislation is amended to preserve local control.

Councilmember Harnik concurred, stating the letter is phrased in a positive fashion and allowing them to understand the City’s thoughts on the issue.

Councilmember Kelly moved to, by Minute Motion, approve the submission of a letter of support (if amended) to the appropriate legislators for Assembly Bill 377 regarding microenterprise home kitchen operations. Motion was seconded by Harnik.

Mayor Weber requested the definition of “a home,” because you now have all these laws that say you can level a home and build a fourplex, and are they each considered a home requiring each to have one of these licences.

Mr. Hargreaves said it was a good question, but he will have to get back to the Mayor on that definition.

Councilman Jonathan agreed it was a good question, because what about commercial kitchens in each apartment.

Councilmember Kelly felt Council was borrowing trouble from tomorrow which may or may not happen. The issue before Council was about taking a position on the current bill and requesting it be amended to preserve local control.
Mayor Weber agreed, but she still felt the City needed to be prepared for the land-use ordinance based on the fact that there could be a kitchen in every apartment and so forth.

Mayor Weber called for the vote and the motion carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

XVIII. OLD BUSINESS

A. REQUEST FOR APPROVAL OF THE SELECTION OF A DESIGN FOR PRESIDENT’S PLAZA EAST AND WEST PARKING LOT IMPROVEMENTS AND OF CONTRACT AMENDMENT NO. 1 TO DESIGN CONTRACT WITH DUDEK ENGINEERING (CONTRACT NO. C37040, PROJECT NO. 758-14).

Mr. Garcia said he will provide an update to the President’s Plaza Project using the input received at the June 26 Study Session where staff brought forward four proposals. Based on the input from Council, Options 1, 2, and 3, were not the preferred options, so then staff was tasked with exploring options that would include minimizing impacts on parking, increase landscaping and shade areas, accommodate trash enclosures, and address new policies coming down from the State, including shared-ride parking areas. He provided a slide presentation of Options 1 through 5 and described each option in detail with respect to the parking spaces, trash enclosures, and medians. Option 5 was a new option that was constructed without the center islands, but it included additional landscaping and trees. The issue with trees is that there are a couple of challenges. First, they require a 60-foot area in order for it to survive and create a canopy. Secondly, CVWD based the water budget on the landscape area, and that area is for planters and not the asphalt around it. In order to water a tree for it to grow will require going over the water budget, which will cost a lot of money. It’s the reason for the larger landscape areas and the smaller areas will be good for shrubs and non-vertical planting. The additional challenge for landscaping and trees is that the existing lot on the east side has 44 trees, and Option 5 would allow for 14. In the west lot, there are currently 41 trees and Option 5 would allow for 10. This will be a drastic reduction in trees and the way to mitigate this is to increase the planter areas to accommodate trees, but it will reduce parking spaces.

Councilmember Harnik asked if the City was currently over its water budget.

Mr. Garcia answered it was, stating that in losing the center islands, staff lost the ability to nest the trees and create a space that was viable for the trees. Option 5 has been vetted through the property owners and it’s the option preferred by them. Property owners appreciated that staff listened to their concerns for the need to maximize the parking spaces and minimize the impacts on enhancements. They did keep the center walking aisles on both
parking lots, which can have decorative paving or possibly concrete stamp material to extenuate the pedestrian pathway. Staff still needs to work out the trash enclosures with the businesses to ensure not only that the number is right, but their locations. He will be talking to Burrtec on their preference in accessing them and also find out the size of the new enclosures based on State requirements for organic waste. Staff is finalizing the lighting, landscaping plans, and tree count, and once that is done, they will work on the location for the pick up and drop off for ride share programs and the shade structure design and location to compliment remaining trees.

Councilman Jonathan asked about the distance from the middle of the parking lot to the nearest trash enclosure.

Mr. Garcia said it was about 520 feet.

Councilmember Harnik noted she previously worked at President’s Plaza and she had the duty of dumping the trash, so she was not in favor of asking business to have to walk to either end of the parking lot, because that would be too far.

Mr. Garcia agreed it was an issue, because it’s the major concern expressed, stating that access to the trash enclosures and the use of them by non-businesses at President’s Plaza is a big deal.

Councilmember Kelly stated that one of the merchants communicated to her that they loved Option 5, recognizing there are still details about trees and trash receptacles to work out. She asked staff if that was consistent with what they have been hearing from the merchants.

Mr. Garcia answered yes, stating both in phone calls and emails. Resoundingly, merchants have endorsed Option 5 with the caveat to continue to work on the location of the trash enclosures and the trees. The reduction in trees at this time is excessive and staff is trying to incorporate less asphalt and somewhat more urban forest.

Councilman Jonathan asked about the 3-D renderings that the City paid $7,000, and if staff could put those up on the screen.

Mr. Garcia replied he didn’t have them as part of this presentation, but believed he had them on a shared drive that he will try to access.

Councilmember Harnik stated that Option 3 on Portola Avenue and San Luis Rey represented a loss of 10 stalls, but it appears there are waste receptacles in the center and on either end of the parking lot, which includes roundabout that can include a tree. She said Option 3 includes the appropriate amount of waste receptacles.
Ms. Aylaian pointed out that for Option 3 you need to look at both pages together in order to see there is a loss of 34 stalls.

Councilmember Harnik felt that if the other side was treated the same as the one on Portola Avenue and San Luis Rey, wouldn’t that add a greater number of stalls and add waste receptacles to the center. In other words, use the same treatment on the east and west.

Councilmember Kelly asked if Option 5 included trash receptacles in the center.

Mr. Garcia replied that currently there are no trash receptacles in the center island and what is being shown in the center area are shade structures. Responding to question about the 3-D renderings, he said they were buried in the non-public drive.

Councilman Jonathan said the renderings were presented to the City Council at the June 26 study session, and part of the proposal was to pay $7,000 for them, therefore, he thought they would be part of this presentation. The reason he brings it up is that they are very attractive and they illustrated the striping and the split bulb outs.

Mr. Garcia was able to display a picture of Option 2, and explained that Option 3 would show fewer trees, and Option 4 eliminated the center islands and the majority of the landscaping. With Option 5, they have converted some of the parking spaces into landscaping areas to accommodate trees, but still have far less than Option 2.

Councilmember Kelly said there were merchants here at the beginning of the meeting, but left because they were confident, based on the discussion at the study session, that Council would be working with Option 5 and they love it. Now Council is hearing there is potential to add some trees and potentially explore placement of trash receptacles in the center, which she felt the merchants are amenable to. The appropriate thing to do is to approve Option 5 with direction to accomplish those two things through discussions with the merchants, because Council can try to micro-design this for quite a few more meetings, but it will delay the project. She believed Council has accomplished what it could by way of guidance to achieve the appropriate outcome. As stated by Councilmember Harnik, returning to some aspects of Option 3 will help resolve those two issues, but the finalization of the fine points should happen between staff and the affected merchants.

Councilmember Harnik asked for clarification, because she thought she heard staff say the merchants were amenable to no trash receptacle in the middle.
Mr. Garcia explained the discussion he had with the merchants was that they loved Option 5 with the caveat that some parking would be loss as additional trash receptacles would be accommodated in locations yet to be determined. Staff came to the City Council with Option 5 as a template, recognizing it needs to tweak it to identify the loss in trees, which staff is trying to mitigate. He said staff can work with Option 5, along with the merchants, but he didn’t want anyone to be surprised by the impacts on the project.

Councilman Jonathan said he started this process looking for something really grand, and in early discussions and study sessions, he envisioned a partially submerged parking lot with a park on top with gathering spaces, etc. He has gone far away from his original vision, and Council had this discussion earlier as to whose qualified to guide this project, and it appears that in this case it’s the merchant. However, at the end of the day, it’s the City who will inherit this project for many years. He said Option 5, without micro-managing and micro-designing, is acceptable, adding he was reluctantly ready to make that compromise. He wanted the final product to be a beautiful upscale parking lot that represented the Palm Desert standard, which he hopes to still gain. If Council approves Option 5, it needs to be with two caveats: No. 1, direct staff to get as much landscaping possible, and No. 2 include a full-size waste receptacle in the center of those lots. He believed there was a potential solution, although you lose parking stalls, which is to look at Option 3 and doing the same for both the east and west using Option 5. This will address the center trash receptacles, which employees who have to throw trash will appreciate.

Mr. Garcia offered Option 5 with an increased area at the access points to accommodate receptacles without having to do a big center island.

Councilman Jonathan requested full-size trash receptacles in the center of the west and east parking lot under Option 5, and direction to include as many trees and greenery as possible.

Councilmember Kelly added that the request to get as many trees as possible has to be in the context of Option 5 goals, which is to preserve as many parking spaces as possible, stating it was a balancing act.

Councilmember Harnik was adamant that if the parking lot does not have full-size receptacles in the center, there will be a lot of unhappy people. She reminded everyone that this was not only a parking lot, but also the front door to many of the businesses.

Mr. Garcia noted the motion includes an amendment to the contract with the cost for the engineer in the amount of $50,000. Also, staff will be coming back to the City Council for authorization to go out to bid in January 2020.
Councilmember Kelly moved to, by Minute Motion: 1) Select Option 5, with instruction to staff to accomplish inclusion of additional trees/landscaping, consistent with stated objectives of said option, and placement of full-size waste receptacles in the center of both east and west lots, through discussion with affected merchants; 2) approve Amendment No. 1 to subject contract with Dudek in the amount of $50,000; 3) authorize the Mayor to execute said Contract Amendment – funds are available in Account No. 4514692-4400100 - SARDA Bond Project Funds. Motion was seconded by Jonathan.

Councilman Jonathan noted that the construction completion date of September 28, 2020, is very critical, which he believed everyone understood.

Mayor Weber called for the vote and the motion carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Nestande, and Weber; NOES: None).

Mayor Weber thanked staff for all their time and energy on this project.

XIX. PUBLIC HEARINGS

None

XX. ADJOURNMENT

With City Council concurrence, Mayor Weber adjourned the meeting to the recessed Closed Session at 6:47 p.m. Ms. Klassen reconvened the meeting at 7:23 p.m. and immediately adjourned, with no reportable action from the Closed Session.

SUSAN MARIE WEBER, MAYOR

ATTEST:

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