

POSTED AGENDA

REGULAR PALM DESERT CITY COUNCIL MEETING

THURSDAY, OCTOBER 24, 2019

CIVIC CENTER COUNCIL CHAMBER

73510 FRED WARING DRIVE, PALM DESERT, CA 92260

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

II. ROLL CALL

III. ORAL COMMUNICATIONS - A (CLOSED SESSION ITEMS)

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

IV. ADJOURN TO CLOSED SESSION

Request for Closed Session:

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

1) Property: 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: Joe Mann Park, Palm Desert (APN 637-062-010)

Negotiating Parties:

Agency: Lauri Aylaian/Ryan Stendell/City of Palm Desert

Property Owner: City of Palm Desert

Under Negotiation: x Price x Terms of Payment

- 3) Property: Palm Desert Country Club (APN 637-020-011)
Negotiating Parties:
Agency: Lauri Aylaian/Ryan Stendell/City of Palm Desert
Property Owner: PD Holdings Inc.
Under Negotiation: x Price x Terms of Payment

- 4) Property: Desert Willow Lot Pad E - 11.17 Acres at the NEC
Country Club Drive/Desert Willow Drive
Negotiating Parties:
Agency: Lauri Aylaian/Martin Alvarez/City of Palm Desert
Property Owner: City of Palm Desert
Under Negotiation: x Price x Terms of Payment

- 5) Property: Desert Willow Golf Resort - Overflow Public Parking Lot
(Portion of APN 620-400-008 and APN 620-420-024)
Negotiating Parties:
Agency: Lauri Aylaian/Martin Alvarez/City of Palm Desert
Property Owner: City of Palm Desert
Under Negotiation: x Price x Terms of Payment

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

D. Conference with Legal Counsel regarding potential to initiate litigation pursuant to Government Code Section 54956.9(d)(4):
Number of potential cases: 1

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

A. REPORT ON ACTION FROM CLOSED SESSION.

Action:

**VI. PLEDGE OF ALLEGIANCE TO THE FLAG OF
THE UNITED STATES OF AMERICA** - Palm Desert Youth Committee Member
Alan Cho

VII. INVOCATION/INSPIRATION - Councilmember Jan C. Harnik

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

VIII. AWARDS AND PRESENTATIONS

- A. PRESENTATION TO THE CITY COUNCIL OF AN UPDATE ON PALM DESERT YOUTH COMMITTEE ACTIVITIES BY MEMBER ALAN CHO.

Rec: Oral report to be provided at the meeting.

Action:

- B. PRESENTATION OF PROCLAMATION BY THE CITY OF PALM DESERT, RECOGNIZING 25 YEARS SINCE ENACTMENT OF THE CALIFORNIA DESERT PROTECTION ACT.

Action:

- C. PRESENTATION OF 2019 PALM DESERT "MINI-MUSTER" ARTWORK AWARDS.

Action:

IX. ORAL COMMUNICATIONS - B

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

X. MAYOR AND COUNCILMEMBER REPORTS & REMARKS TO THE COMMUNITY

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

Action:

- B. Councilman Sabby Jonathan Committee Reports and General Comments.
Action:
- C. Councilmember Kathleen Kelly Committee Reports and General Comments.
Action:
- D. Mayor Pro Tem Gina Nestande Committee Reports and General Comments.
Action:
- E. Mayor Susan Marie Weber Meeting Summaries Report for the Period of September 28 - October 11, 2019.
Rec: Receive and file.
Action:
- F. City Council Requests for Action.
Action:
- G. City Council Consideration of Travel Requests/Reports.
Action:

XI. STAFF REPORTS AND REMARKS

- A. City Manager
 - 1. City Manager's Meeting Summaries Report for the Period of September 30 - October 11, 2019.
Rec: Receive and file.
Action:
 - 2. Request for Direction Regarding the Process for Recruitment and Appointment of Committee and Commission Members.
Rec: By Minute Motion, provide direction to staff regarding the process for recruitment and appointment of Committee and Commission Members.
Action:

- B. City Attorney
- C. City Clerk
- D. Public Safety
 - 1. Fire Department
 - 2. Police Department

XII. CONSENT CALENDAR

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

PALM DESERT CITY COUNCIL

- A. MINUTES of the Regular City Council Meeting of October 10, 2019.
Rec: Approve as presented.
- B. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE by California Fish Grill, 73547 Highway 111, Suite G4, Palm Desert.
Rec: Receive and file.
- C. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE by Fairfield Inn & Suites, 74764 Technology Drive, Palm Desert.
Rec: Receive and file.
- D. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE by French Rotisserie Café, 44489 Town Center Way, Suite G, Palm Desert.
Rec: Receive and file.

- E. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE by Monsoon, 72211 Highway 111, Suite 109A, Palm Desert.

Rec: Receive and file.

- F. CITY COMMITTEE AND COMMISSION MEETING MINUTES.

1. Art In Public Places Commission Meeting of September 11, 2019.
2. Citizens' Sustainability Committee Meeting of July 29, 2019.

Rec: Receive and file.

- G. REQUEST FOR AUTHORIZATION to Declare Vehicles as Surplus and for Disposal as Recommended.

Rec: By Minute Motion, declare vehicles listed on the accompanying staff report as surplus and authorize their disposal, as recommended.

- H. RESOLUTION NO. 2019 - 78 - 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 Dated 1976 - 2016.

Rec: Waive further reading and adopt.

- I. REQUEST FOR AUTHORIZATION to Issue a Call for Entries, Seeking Artists for the 2021/2022 El Paseo Sculpture Exhibition (Contract No. C39520A-Z).

Rec: By Minute Motion, authorize staff to issue a Call for Entries, seeking artists for the 2021/2022 El Paseo Sculpture Exhibition.

- J. REQUEST FOR APPROVAL of an Exception to Palm Desert Municipal Code Section 9.58.010 - Consumption of Alcoholic Beverages on Public Property - for the Sale and Consumption of Alcohol at the Joslyn Center, 73750 Catalina Way - Fiscal Year 2019-2020.

Rec: By Minute Motion, approve/authorize: 1) Exception to Palm Desert Municipal Code Section 9.58.010 - Consumption of Alcoholic Beverages on Public Property - for the sale and consumption of alcohol at the Joslyn Center, 73750 Catalina Way, FY 2019-2020; 2) City Manager to execute any California Department of Alcoholic Beverage Control documents, as required.

- K. EMERGENCY SERVICES COORDINATOR'S Monthly Report - September 2019.

Rec: Receive and file.

SUCCESSOR AGENCY TO THE PALM DESERT REDEVELOPMENT AGENCY

- L. MINUTES of the October 10, 2019, Regular Meeting of the Board of Directors of the Successor Agency to the Palm Desert Redevelopment Agency.

Rec: Approve as presented.

PALM DESERT HOUSING AUTHORITY

- M. MINUTES of the Housing Authority Meeting of October 10, 2019.

Rec: Approve as presented.

- N. HOUSING COMMISSION MINUTES for the Meeting of September 4, 2019.

Rec: Receive and file.

Action:

XIII. CONSENT ITEMS HELD OVER

XIV. RESOLUTIONS

- A. RESOLUTION NO. 2019 - 79 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING THE FINAL SUBDIVISION MAP OF PARCEL NO. 37611 (Lumar Devco, LLC, Applicant).

Rec: Waive further reading and adopt.

Action:

- B. RESOLUTION NO. 2019 - 80 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND RECEIPT OF, SB 2 PLANNING GRANTS PROGRAM FUNDS.

Rec: Waive further reading and adopt.

Action:

XV. ORDINANCES

- A. For Introduction:

1. ORDINANCE NO. 1351 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AMENDING SPECIFIED CHAPTERS OF THE PALM DESERT MUNICIPAL CODE, TO ADOPT THE 2019 EDITIONS OF THE CALIFORNIA CODE OF REGULATIONS, TITLE 24, AND RELATED CODES WITH SELECTED APPENDICES AND AMENDMENTS.

Rec: Waive further reading and pass to second reading at a public hearing during the regular City Council Meeting of November 14, 2019.

Action:

- B. For Adoption:

1. ORDINANCE NO. 1350A - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING A ZONING ORDINANCE AMENDMENT TO PALM DESERT MUNICIPAL CODE SECTION 25.28.040 - EL PASEO OVERLAY DISTRICT (EPOD) AND SECTION 25.18.040 - DOWNTOWN DISTRICT (DD), ALLOWING PROFESSIONAL OFFICE USES ON THE GROUND FLOOR FRONTING EL PASEO, SUBJECT TO A CONDITIONAL USE PERMIT, AND ADOPTING A NOTICE OF EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), Case No. ZOA 19-0002 (City of Palm Desert, Applicant).

Rec: Waive further reading and adopt.

Action:

XVI. NEW BUSINESS

- A. REQUEST FOR ACCEPTANCE OF THE CITY'S CITIZENS OPTION FOR PUBLIC SAFETY/SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (COPS/SLESF) EXPENDITURE PLAN AND FUNDING FOR FISCAL YEAR 2019-2020.

Rec: By Minute Motion:

- 1) Approve the Citizens Option for Public Safety/Supplemental Law Enforcement Services Fund (COPS/SLESF) program expenditure plan, as provided by the Chief of Police.
- 2) Accept the FY 2019-2020 COPS/SLESF funding, resulting in an unencumbered balance of \$177,000 (as of 10/01/2019).
- 3) Appropriate \$50,000 from Unobligated Fund 229 to Account No. 2294210-4391400 for this purpose.

Action:

- B. REQUEST FOR AUTHORIZATION TO REPLACE MEDIC UNIT NO. 267 WITH THE PURCHASE OF A FRAZER TYPE 1 AMBULANCE AT AN ESTIMATED COST OF \$235,000.

Rec: By Minute Motion, approve the replacement of Medic Unit No. 267 with the purchase of a Frazer Type 1 Ambulance at an estimated cost of \$235,000 – funds are available in the FY 2019-2020 City Budget (FD 530-Equipment Replacement), and no appropriation is requested.

Action:

- C. REQUEST FOR AUTHORIZATION OF THE CITY MANAGER APPROVING AMENDMENTS TO CONTRACT WITH THE ART OFFICE IN AN AMOUNT NOT TO EXCEED \$100,000 FOR CONCEPTUAL ART DESIGN ON THE PORTOLA/I-10 OVERPASS (CONTRACT NO. A24660A).

Rec: By Minute Motion: 1) Authorize City Manager to approve and sign amendments to subject contract with The Art Office, Palm Desert, California, in an amount not to exceed \$100,000 for conceptual art design for the Portola Overpass Project; 2) appropriate \$67,500 from the Unobligated General Fund Reserve to Account No. 1104430-4309000 for this purpose.

Action:

- D. REQUEST FOR APPROVAL OF AN AMENDMENT TO RENEW THE CITY MANAGER EMPLOYMENT AGREEMENT WITH LAURI AYLAIAN FOR SERVICES AS THE CITY OF PALM DESERT CITY MANAGER FOR THE TERM OCTOBER 3, 2019, THROUGH MARCH 1, 2023 (CONTRACT NO. C35651).

Rec: By Minute Motion, approve an amendment to the subject City Manager Employment Agreement with Lauri Aylaian (Exhibit "A"), for services as the City of Palm Desert City Manager for the term of October 3, 2019, through March 1, 2023.

Action:

XVII. CONTINUED BUSINESS

None

XVIII. OLD BUSINESS

None

XIX. PUBLIC HEARINGS

None

XX. ADJOURNMENT

FUTURE MEETINGS:

October 29, 2019	9:00 a.m.	Cultural Resources Preservation Cmte. <u>Administrative Conference Room</u>
November 5, 2019	8:30 a.m.	Parks & Recreation Commission <u>Administrative Conference Room</u>
	6:00 p.m.	Planning Commission <u>Civic Center Council Chamber</u>
November 6, 2019	3:30 p.m.	Housing Commission <u>Development Services Conference Room</u>
November 11, 2019 (Veterans Day Holiday)	6:00 p.m.	Youth Committee <u>-Adjourning to November 18 at 6:00 p.m.-</u>
November 12, 2019	12:30 p.m.	Architectural Review Commission <u>Development Services Conference Room</u>
November 13, 2019	9:00 a.m.	Art In Public Places Commission <u>Development Services Conference Room</u>
	3:30 p.m.	Public Safety Commission <u>Administrative Conference Room</u>
November 14, 2019	3:00 p.m.	Reg. City Council/Successor-RDA Mtgs. <u>Civic Center Council Chamber</u>

I hereby certify, under penalty of perjury under the laws of the State of California, that the foregoing agenda for the Palm Desert City Council was posted on the City Hall bulletin board not less than 72 hours prior to the meeting. Dated this 17th day of October, 2019. Note: This agenda is subject to amendment up to 72 hours in advance of the meeting.

Rachelle D. Klassen, City Clerk