

**POSTED AGENDA**

**REGULAR PALM DESERT CITY COUNCIL MEETING**

**THURSDAY, NOVEMBER 14, 2019**

**CIVIC CENTER COUNCIL CHAMBER**

**73510 FRED WARING DRIVE, PALM DESERT, CA 92260**

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

**II. ROLL CALL**

**III. ORAL COMMUNICATIONS - A (CLOSED SESSION ITEMS)**

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

**IV. ADJOURN TO CLOSED SESSION**

Request for Closed Session:

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

- 1) Property: Desert Willow Golf Resort - Overflow Public Parking Lot  
(Portion of APN 620-400-008 and APN 620-420-024)

Agency Negotiator: Lauri Aylaian/Martin Alvarez/City of Palm Desert

Other Party Negotiator: Desert Wave Ventures, LLC

Property Owner: City of Palm Desert

Under Negotiation: x Price x Terms of Payment

- 2) Property: 44911 Cabrillo Avenue (APN 625-082-022), Palm Desert

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

Other Party Negotiator: Family YMCA of the 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

**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 - Councilmember Kathleen Kelly**

**VII. INVOCATION/INSPIRATION - Councilman Sabby Jonathan**

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

**VIII. AWARDS AND PRESENTATIONS**

- A. PRESENTATION TO RECOGNIZE BRIAN HOLCOMBE FOR HIS SERVICE TO THE CITY OF PALM DESERT AND ITS FINANCE COMMITTEE, 2016 - 2019.

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 October 12 - November 1, 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 October 14 - November 1, 2019.

Rec: Receive and file.

Action:

B. City Attorney

C. City Clerk

D. Public Safety

1. Fire Department
2. Police Department

**XII. CONSENT CALENDAR**

ALL MATTERS LISTED ON THE CONSENT CALENDAR FOR 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 OF THE AGENDA, CONSENT ITEMS HELD OVER.

**PALM DESERT CITY COUNCIL**

- A. MINUTES of the Regular City Council Meeting of October 24, 2019.

Rec: Approve as presented.

- B. CLAIMS AND DEMANDS AGAINST THE CITY TREASURY - Warrants Dated 10/4/2019, 10/18/2019, and 10/28/2019.

Rec: Approve as presented.

- C. CLAIMS AND DEMANDS AGAINST THE CITY/HOUSING TREASURIES - Warrants Dated 10/11/2019, 10/18/2019, and 10/25/2019 (**Joint Consideration with the Palm Desert Housing Authority - See Item S below**).

Rec: Approve as presented.

- D. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE by Desert Falls Country Club, 1111 Desert Falls Parkway, Palm Desert.

Rec: Receive and file.

- E. CULTURAL RESOURCES PRESERVATION COMMITTEE Meeting Minutes for March 26, 2019.

Rec: Receive and file.

- F. RESIGNATION of Tommy Edwards – Citizens’ Sustainability Committee.

Rec: Receive with very sincere regret.

- G. RESIGNATION of Lynn Bixen – Parks & Recreation Commission.

Rec: Receive with very sincere regret.

- H. REQUEST FOR DECLARATION of Surplus Property and Authorization for Disposal – Miscellaneous Computer Equipment and Electronics.

Rec: By Minute Motion, declare items listed in the accompanying staff report’s Exhibit “A” as surplus and authorize disposal as appropriate.

- I. REQUEST FOR APPROVAL of Side Letter Agreement 2 to the 2017 Memorandum of Understanding (MOU) with the Palm Desert Employees Organization (PDEO) for Year-End Holiday Considerations.

Rec: By Minute Motion: 1) Approve Side Letter Agreement 2 to the 2017 MOU with the PDEO (Contract No. C36180) to: a) Close City Hall all day (instead of half-day closures) on Tuesday, December 24, 2019, and Tuesday, December 31, 2019; b) provide employees with an additional eight (8) hours (total) of paid Holiday Leave to accommodate the closure; 2) authorize the Mayor to declare said dates as Holidays in accordance with Section 2.52.700 of the Palm Desert Municipal Code and the approved Side Letter Agreement 2 to the 2017 MOU – no direct budget impact from this request, total annual salary expenditures would be the same.

- J. REQUEST FOR AWARD OF CONTRACT in the Amount of \$61,390 to International Line Builder, Inc., for Washington Street Intersection Re-Wiring and Controller Cabinet Assembly Upgrades (Contract No. C38550A, Project No. 551-17).

Rec: By Minute Motion, authorize: 1) Award of subject contract in the amount of \$61,390 to International Line Builder, Inc., Corona, California, for Washington Street Intersection Re-Wiring and Controller Cabinet Assembly Upgrades Project; 2) Director of Finance to set aside a 10% contingency in the amount of \$6,139; 3) 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) City Manager to execute said contract – funds are available in Measure A Fund, Account No. 2134617-4400100 - Washington Street Improvements / Capital Project.

- K. REQUEST FOR AWARD OF CONTRACT for Engineering and Traffic Survey Services for Establishment of Speed Zones Citywide to TJKM Transportation Consultants in the Amount of \$90,625 (Contract No. C39140, Project No. 590-20).

Rec: By Minute Motion: 1) Award subject contract for Engineering and Traffic Survey Services for Establishment of Speed Zones Citywide to TJKM Transportation Consultants, San Diego, California, in the amount of \$90,625; 2) authorize the Mayor to execute said contract – funds are available in General Fund Account No. 1104250-4309000 - Professional-Other.

- L. REQUEST FOR APPROVAL of the 2019 Miracle on El Paseo Event.

Rec: By Minute Motion, approve: 1) Miracle on El Paseo Event scheduled for Saturday, November 23, 2019; 2) two-phase road closure plan on El Paseo from Highway 74 to Sage Lane; 3) consumption of alcoholic beverages on City-owned property pursuant to Palm Desert Municipal Code Section 9.58.040.

- M. REQUEST FOR APPROVAL of the 2020 Y-Be-Fit Palm Desert Challenge.

Rec: By Minute Motion, approve use of City property for the 2020 Y-Be-Fit Palm Desert Challenge scheduled for Sunday, October 4.

- N. INFORMATIONAL REPORT for the First Year of Commercial Cannabis Business Operations in the City of Palm Desert.

Rec: Receive and file.

- O. STATUS UPDATE Regarding Short-Term Rentals (STRs) Within the City of Palm Desert.

Rec: Receive and file.

- P. REQUEST FOR AUTHORIZATION to Accept Improvements to Monterey Avenue, Release the Faithful Performance and Labor and Materials Bonds, and Accept a 10% Maintenance Bond for the California Desert Association of Realtors (CDAR) Project (California Desert Association of Realtors, Applicant).

Rec: By Minute Motion: 1) Accept the improvements to Monterey Avenue; 2) release \$26,686 of the Faithful Performance Bond and \$13,343 of the Labor and Materials Bond for the project; 3) accept a 10% maintenance deposit in the amount of \$2,668.60 for same.

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

- Q. MINUTES of the October 24, 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**

- R. MINUTES of the Housing Authority Meeting of October 24, 2019.

Rec: Approve as presented.

- S. CLAIMS AND DEMANDS AGAINST THE CITY/HOUSING TREASURIES - Warrants Dated 10/11/2019, 10/18 2019, and 10/25/2019 (Joint Consideration with the Palm Desert City Council - See Item C above).

Rec: Approve as presented.

Action:

**XIII. CONSENT ITEMS HELD OVER**

**XIV. RESOLUTIONS**

None

**XV. ORDINANCES**

A. For Introduction:

None

B. For Adoption:

None

**XVI. NEW BUSINESS**

A. REQUEST FOR APPROVAL OF FISCAL YEAR 2018-2019 FINAL BUDGET ADJUSTMENTS TO REVENUE AND EXPENDITURES, AND CERTAIN RELATED EXPENDITURES FOR FISCAL YEAR 2019-2020.

Rec: 1) Waive further reading and adopt Resolution No. 2019 - 81, approving and confirming the Fiscal Year 2018-2019 final year-end budget adjustments to revenue and appropriations; 2) by Minute Motion, authorize and: a) Commit replenishment of the Economic Development Reserve in the amount of \$1,400,000; b) appropriate an expenditure of \$1,500,000 for an additional payment to CalPERS in Fiscal Year 2019-2020 to reduce the City's unfunded liability from FY 2018-2019 excess revenues.

Action:

B. REQUEST FOR AWARD OF CONTRACT TO HF&H CONSULTANTS, LLC, FOR SOLID WASTE, RECYCLING, AND ORGANICS CONSULTING SERVICES IN AN AMOUNT NOT TO EXCEED \$323,000 (CONTRACT NO. C39600).

Rec: By Minute Motion: 1) Award subject contract to HF&H Consultants, LLC, Irvine, California, in an amount not to exceed \$323,000 for Solid Waste, Recycling, and Organics Consulting Services; 2) appropriate \$323,000 from the Recycle Fund to Account No. 2364195-4309000; 3) authorize the Mayor to execute said agreement and any documents necessary to effectuate the actions taken herewith – upon approval, funds will be available in Account No. 2364195-4309000 - Recycling Professional-Other.

Action:



- C. REQUEST FOR APPROVAL OF VxRAIL DATACENTER SOLUTION FROM ABTECH TECHNOLOGIES FOR \$284,898.01.

Rec: By Minute Motion, approve the purchase from Abtech Technologies, Carlsbad, California, of Dell hardware, switches, and services to install and configure a VxRail datacenter solution in the amount of \$284,898.01 – funds are available in the Equipment Replacement Fund.

Action:

- D. REQUEST FOR APPROVAL OF A PROPOSAL FROM THE MATRIX CONSULTING GROUP IN THE AMOUNT OF \$59,000 TO CONDUCT A JOINT POLICE CONTRACT FEASIBILITY STUDY IN CONJUNCTION WITH THE CITIES OF INDIAN WELLS AND LA QUINTA (CONTRACT NO. C39610).

Rec: By Minute Motion, approve a proposal from the Matrix Consulting Group, Mountain View, California, in the amount of \$59,000 to conduct a Joint Police Contract Feasibility Study in conjunction with the Cities of Indian Wells and La Quinta, and authorize the City Manager to execute any related documents – funds are available in Account No. 1104210-4304200, and no appropriation is required.

Action:

- E. INFORMATIONAL UPDATE AND A REQUEST FOR APPOINTMENT OF TWO (2) CITY COUNCILMEMBERS TO SERVE ON THE SUBCOMMITTEE PROVIDING INPUT REGARDING AESTHETIC FEATURES FOR PROPOSED COUNCIL CHAMBER RENOVATION PROJECT.

Rec: By Minute Motion: 1) Receive and file the informational update; 2) appoint two (2) City Councilmembers to serve on the subcommittee and provide input regarding aesthetic features for proposed Council Chamber Renovation Project, including the selection of paint color schemes and finish materials of furniture and other fixtures.

Action:

**XVII. CONTINUED BUSINESS**

- A. REQUEST FOR AUTHORIZATION OF A ONE-YEAR LEASE AGREEMENT WITH ANTHONY WESTERGAARD FOR THE OPERATION OF A REMOTE-CONTROLLED (RC) RACETRACK ON A VACANT CITY-OWNED PARCEL (APN 640-091-010) (CONTRACT NO. C39460) (Continued from the meeting of October 10, 2019).

Rec: By Minute Motion, authorize the Mayor to execute a one-year Lease Agreement with Anthony Westergaard for the operation of an RC racetrack on a vacant City-owned parcel located on Painters Path (APN 640-091-010).

Action:

**XVIII. OLD BUSINESS**

None

**XIX. PUBLIC HEARINGS**

- A. REQUEST FOR ADOPTION OF 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: 1) Conduct a public hearing to accept public testimony regarding adoption of the subject Codes.
- 2) Waive further reading and adopt Ordinance No. 1351.

Action:

- B. CONSIDERATION OF THE APPROVAL OF A SPECIFIC PLAN, PRECISE PLAN, TENTATIVE TRACT MAP 37639, AND DISPOSITION AND DEVELOPMENT AGREEMENT, INCLUDING APPROVAL AS TO FORM OF ASSOCIATED TRANSIENT OCCUPANCY AGREEMENT AND ACQUISITION AGREEMENT FOR DSRT SURF, A RESORT DEVELOPMENT INCLUSIVE OF A SURF LAGOON AND SURF CENTER FACILITY (RESTAURANT, BAR, RETAIL, AND SUPPORT FACILITIES), UP TO 350 HOTEL ROOMS, AND 88 RESIDENTIAL VILLAS ON A VACANT 17.69-ACRE SITE; CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE DSRT SURF PROJECT LOCATED ON THE WEST SIDE OF DESERT WILLOW DRIVE; AND CONSIDERATION OF CORRESPONDING AB 562 ECONOMIC DEVELOPMENT SUBSIDY REPORT, WHICH DESCRIBES \$36.6 MILLION IN SUBSIDIES FOR THE PROJECT Case Nos. SP 18-0002, PP 18-0009, EA 18-0002, and TTM 37639 (Desert Wave Ventures, LLC, Applicant).

Rec: 1) Conduct a public hearing to accept testimony regarding subject project.

2) Waive further reading and adopt: a) Resolution No. 2019 - 82, approving Case Nos. SP 18-0002, PP 18-0009, EA 18-0002, and TTM 37639 for the DSRT SURF Project, subject to the conditions of approval; b) Resolution No. 2019 - 83, certifying the EIR and adopting a Statement of Overriding Considerations for the DSRT SURF Project.

3) By Minute Motion, approve/authorize: a) Disposition and Development Agreement (DDA) between City of Palm Desert and Desert Wave Ventures, LLC; b) Transient Occupancy Tax (TOT) Agreement, as to form, with Desert Wave Ventures, LLC, in an amount not to exceed \$16.1 million for the operation of a 164-room upper upscale or luxury hotel and 66 villas located on Parcel B within the Desert Willow Golf Resort; c) Acquisition Agreement, as to form, between the City and Desert Wave Ventures, LLC, in the amount of \$20 million for acquisition of the public improvements; d) City Manager to make non-substantive changes to the DDA, the TOT Agreement, the Acquisition Agreement, and authorize legal counsel to finalize and the Mayor to execute same; e) City Manager to make non-substantive changes and to execute the DDA's sub-agreement, City Cost Reimbursement Agreement, and other implementing agreements and easements necessary to implement the project; f) appropriation of \$20 million of bond proceeds from Fund 451 for costs associated with the public improvements described in the DDA and the Acquisition Agreement to the project account; g) City Manager, in consultation with legal counsel, to take any actions necessary to effectuate these actions, provided such action is not inconsistent with the actions taken herewith.

Action:

## XX. ADJOURNMENT

**FUTURE MEETINGS:**

November 18, 2019	6:00 p.m.	Adj. Reg. Youth Committee <u>Administrative Conference Room</u>
November 19, 2019	6:00 p.m.	Planning Commission <u>Civic Center Council Chamber</u>
November 20, 2019	3:00 p.m.	Library Promotion Committee <u>Administrative Conference Room</u>
November 26, 2019	9:00 a.m.	Cultural Resources Preservation Cmte. <u>Administrative Conference Room</u>
	10:00 a.m.	Finance Committee <u>North Wing Conference Room</u>
	12:30 p.m.	Architectural Review Commission <u>Development Services Conference Room</u>
November 28, 2019	3:00 p.m.	Reg. City Council/Successor-RDA Mtgs. -NONE- Thanksgiving Holiday
December 3, 2019	8:30 a.m.	Parks & Recreation Commission <u>Administrative Conference Room</u>
	3:00 p.m.	Marketing Committee <u>Administrative Conference Room</u>
	6:00 p.m.	Planning Commission <u>Civic Center Council Chamber</u>
December 4, 2019	3:30 p.m.	Housing Commission <u>Development Services Conference Room</u>
	4:00 p.m.	Hotel & Signature Events Committee <u>North Wing Conference Room</u>
December 9, 2019	6:00 p.m.	Youth Committee <u>Administrative Conference Room</u>
December 10, 2019	12:30 p.m.	Architectural Review Commission <u>Development Services Conference Room</u>
December 11, 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>
December 12, 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 7th day of November, 2019. Note: This agenda is subject to amendment up to 72 hours in advance of the meeting.

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Rachelle D. Klassen, City Clerk