

**POSTED AGENDA**

**REGULAR PALM DESERT CITY COUNCIL MEETING**

**THURSDAY, MARCH 23, 2017**

**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 item not appearing on the agenda that is within the subject matter jurisdiction of the 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.

**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 - 43900 San Pablo Avenue, Palm Desert  
Negotiating Parties:  
Agency: Lauri Aylaian/Mark Greenwood/City of Palm Desert  
Property Owner: City of Palm Desert  
Other Parties: Kevin Kalman/Desert Recreation District  
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) City of Palm Springs v. All Persons Interested, etc., et al., Riverside County Superior Court, Case No. INDIO 51124

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- 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** - Palm Desert Youth Committee Member  
Matthew Chang

**VII. INVOCATION** - Mayor Pro Tem Sabby Jonathan

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

**VIII. AWARDS AND PRESENTATIONS**

- A. PRESENTATION OF PROCLAMATION DECLARING "SERGEANT DAVID ADAMS DAY" IN THE CITY OF PALM DESERT.

Action:

- B. PRESENTATION OF PROCLAMATION DECLARING APRIL 2-8, 2017, AS "CRIME VICTIMS' RIGHTS WEEK" IN THE CITY OF PALM DESERT.

Action:

- C. PRESENTATION OF PROCLAMATION DECLARING APRIL 2017 AS "DMV / DONATE LIFE CALIFORNIA MONTH" IN THE CITY OF PALM DESERT.

Action:

- D. PRESENTATION TO THE CITY COUNCIL OF AN UPDATE ON PALM DESERT YOUTH COMMITTEE ACTIVITIES BY MEMBER MATTHEW CHANG.

Rec: Oral report to be given at the meeting.

Action:

**IX. ORAL COMMUNICATIONS - B**

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**X. MAYOR AND COUNCILMEMBER COMMENTS TO THE COMMUNITY**

**XI. CONSENT CALENDAR**

ALL MATTERS LISTED ON THE CONSENT CALENDAR ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE ROLL CALL VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL OR AUDIENCE REQUEST SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE DISCUSSION AND ACTION UNDER SECTION XII, CONSENT ITEMS HELD OVER, OF THE AGENDA.

- A. MINUTES of the Regular City Council Meeting of March 9, 2017.  
Rec: Approve as presented.
- B. CLAIMS AND DEMANDS AGAINST THE CITY TREASURY - Warrants Dated 2/24/2017 and 2/28/2017.  
Rec: Approve as presented.
- C. CLAIMS AND DEMANDS AGAINST THE CITY/HOUSING TREASURIES - Warrants Dated 2/24/2017, 3/3/2017, and 3/10/2017 (**Joint Consideration with the Palm Desert Housing Authority**).  
Rec: Approve as presented.
- D. CLAIM AGAINST THE CITY (#786) by Nancy M. Torsney in an Unspecified Amount.  
Rec: By Minute Motion, reject the Claim and direct City Clerk to so notify the Claimant.

- E. CLAIM AGAINST THE CITY (#787) by Kenneth Doran in an Unspecified Amount.

Rec: By Minute Motion, reject the Claim and direct that the Claimant be so notified.

- F. CLAIM AGAINST THE CITY (#789) by Matthew Stenzel, a Minor, Through His Guardian, Dana Stenzel, in an Amount Over \$25,000.

Rec: By Minute Motion, reject the Claim and direct the City Clerk to so notify the Claimant.

- G. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE (Qty. 2) by Whiskey One Eleven LLC, 73101 Highway 111, Palm Desert.

Rec: Receive and file.

- H. CITY COMMITTEE AND COMMISSION MEETING MINUTES.

1. Marketing Committee Meeting of December 6, 2016.
2. Parks & Recreation Commission Meeting of January 12, 2017.

Rec: Receive and file.

- I. RESOLUTION NO. 2017 - 23 - 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 - Records from 1998 through 2013 (Exhibit "A").

Rec: Waive further reading and adopt.

- J. RESOLUTION NO. 2017 - 24 - A Resolution of the City Council of the City of Palm Desert, California, Setting Forth Its Findings and Authorizing the Destruction of Records from the Office of the City Clerk, as Indicated on the Records Retention Schedule (Adopted May 14, 2015) - Records Dated 2006 - 2014 (Exhibit "A").

Rec: Waive further reading and adopt.

- K. REQUEST FOR APPROVAL of a Modification to the 2016 Emergency Management Program Grant (EMPG) to Purchase Computer Equipment for the City's Emergency Operations Center (EOC) in an Amount Not to Exceed \$18,000.

Rec: By Minute Motion: 1) Approve a grant-spending modification, as identified within the accompanying staff report, for the 2016 Emergency Management Program Grant; 2) authorize purchase of various computer equipment, as identified within the accompanying staff report, for the City of Palm Desert Emergency Operations Center in the amount of \$18,000.

- L. REQUEST FOR APPROVAL of Palm Desert's 2017 Spring Concert Series.

Rec: By Minute Motion, approve/authorize: 1) 2017 Spring Concert Series schedule; 2) Contract No. C35970A with Bart Davis in the amount of \$2,500; 3) Contract No. C35970B with Amanda Castro in the amount of \$1,550; 4) Contract No. C35970C with Rose's Pawn Shop, LLC, in the amount of \$4,000; 5) Contract No. C35970D with Arise Roots in the amount of \$4,000; 6) Mayor to execute said contracts; 7) expenditure with Studio Instrument Rentals (SIR), Palm Springs, California, in the amount of \$8,800 for Professional Sound and Lighting Services and Equipment in conjunction with the concerts (Contract No. C35360); 8) miscellaneous expenditures in an amount not to exceed \$12,000 for production of the 2017 Spring Concert Series – funds are available in Account No. 1104416-4306101.

- M. REQUEST FOR AUTHORIZATION to Release Performance Security Agreement for Demolition Project at 73330 El Paseo (ITX Construction Consultants, Inc., Applicant).

Rec: By Minute Motion, authorize release of the Performance Security Agreement for ITX Construction Consultants, Inc., for the subject project.

Action:

## XII. CONSENT ITEMS HELD OVER

**XIII. RESOLUTIONS**

- A. RESOLUTION NO. 2017 - 25 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, DELEGATING TORT LIABILITY CLAIMS HANDLING RESPONSIBILITIES TO THE CALIFORNIA JOINT POWERS INSURANCE AUTHORITY (CJPIA), AS AUTHORIZED BY GOVERNMENT CODE SECTIONS 910, ET SEQ.

Rec: Waive further reading and adopt.

Action:

- B. RESOLUTION NO. 2017 - 26 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING THE FINAL SUBDIVISION MAP OF TRACT NO. 37023 (Bighorn Golf Club, Applicant).

Rec: Waive further reading and adopt.

Action:

- C. RESOLUTION NO. 2017 - 27 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, SETTING FORTH SUPPORT FOR THE RIVERSIDE COUNTY'S BROADBAND FIBER TO THE PREMISES MASTER PLAN.

Rec: Waive further reading and adopt.

Action:

**XIV. ORDINANCES**

- A. For Introduction:

1. ORDINANCE NO. 1319 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AMENDING CHAPTER 2.52 OF THE PALM DESERT MUNICIPAL CODE - PERSONNEL SYSTEM, BY AMENDING SECTIONS 2.52.305 - EMPLOYMENT TYPES AND 2.52.700 - HOLIDAYS.

Rec: Waive further reading and pass to second reading.

Action:

- B. For Adoption:

None

**XV. NEW BUSINESS**

- A. REQUEST TO AFFIRM THE RECOMMENDATION OF THE ART IN PUBLIC PLACES (AIPP) COMMISSION TO DENY THE APPLICATION FOR REIMBURSEMENT OF ART IN PUBLIC PLACES FEE IN THE AMOUNT OF \$17,500 FOR TH-225 CUPIDS ON DOME BY JACOB DAGAN FOR THE VENUS DE FIDO BUILDING LOCATED AT 73600 ALESSANDRO DRIVE, PALM DESERT (Lindi Biggi, Venus de Fido, Applicant).

Rec: By Minute Motion, uphold the recommendation of the AIPP Commission and deny the request for reimbursement of Art In Public Places in lieu fee in the amount of \$17,500 for *TH-225 Cupids on Dome* by Jacob Dagan for the Venus de Fido Building located at 73600 Alessandro Drive, Palm Desert.

Action:

- B. REQUEST FOR APPROVAL OF MILLS ACT CONTRACTS FOR NOTED PROPERTIES IN SANDPIPER CONDOMINIUMS CIRCLES 11 & 12, PALM DESERT.

Rec: By Minute Motion: 1) Approve the identified Mills Act Contracts for the Sandpiper Condominiums located in Circles 11 & 12, in accordance with Section 29.70.030 of the Palm Desert Municipal Code: 72487 El Paseo #1101, 72497 El Paseo #1106, 72499 El Paseo #1107, 72501 El Paseo #1108, 72475 El Paseo #1111, 72459 El Paseo #1201, 72461 El Paseo #1202, 72467 El Paseo #1205; 72439 El Paseo #1207, 72441 El Paseo #1208, 72443 El Paseo #1209, 72445 El Paseo #1210, 72447 Willow #1211, 72455 El Paseo #1215, and 72457 El Paseo #1216; 2) authorize City Manager and City Attorney to sign and execute the contracts.

Action:

- C. REQUEST FOR DIRECTION RELATING TO VARIOUS REHABILITATION STRATEGIES FOR THE PRESIDENT'S PLAZA PARKING AREA.

Rec: By Minute Motion, direct staff to incorporate Option No. 2, a 15- to 20-year improvement, into the Capital Improvements Projects for the upcoming FY 2017-2018 Budget.

Action:

- D. REQUEST FOR AWARD OF CONTRACT FOR THE MAINTENANCE YARD LIGHTING INSTALLATION (SOUTH END) PROJECT TO SIERRA PACIFIC ELECTRICAL CONTRACTING IN THE AMOUNT OF \$57,000 (CONTRACT NO. C35760, PROJECT NO. 715-17).

Rec: By Minute Motion: 1) Award subject contract for the Maintenance Yard Lighting Installation (South End) to Sierra Pacific Electrical Contracting, Jurupa Valley, California, in the amount of \$57,000; 2) authorize Director of Finance to set aside a 10% contingency for the project in the amount of \$5,700; 3) authorize the Mayor to execute said contract – funding is available in Account No. 4504330-4400100 - Building Maintenance Fund.

Action:

- E. REQUEST FOR AWARD OF CONTRACT FOR THE 2017 CITYWIDE PALM TREE PRUNING PROJECT TO ANDY'S LANDSCAPE & TREE SERVICE, INC., IN THE AMOUNT OF \$98,245.30 (CONTRACT NO. C35910, PROJECT NO. 931-17) (JOINT CONSIDERATION WITH THE PALM DESERT HOUSING AUTHORITY).

Rec: By Minute Motion: 1) Award subject contract for the 2017 Citywide Palm Tree Pruning Project to Andy's Landscape & Tree Service, Inc., Palm Desert, California, in the total amount of \$98,245.30 (City - \$88,157.85, Housing Authority - \$10,077.45); 2) authorize Director of Finance to set aside an additional 10% contingency in the total amount of \$9,824.53 (City - \$8,815.79, Housing Authority - \$1,007.74); 3) authorize Mayor/Chairman to execute the contract – funds are available for the portion of the contract relative to the City and Assessment Districts in Parks and Recreation Account Nos. 1104610-4332001, 1104611-4332001, and 1104610-4337100, Repair/Maintenance Medians Account No. 1104614-4337001, Desert Willow Account No. 4414195-4332000, and Assessment District Fund 200 Accounts; and for the Housing Authority, funds are set aside in the FY 2016-2017 and proposed FY 2017-2018 Housing Authority Operating Budgets.

Action:



- F. REQUEST FOR AWARD OF CONTRACT FOR THE 2017 CITYWIDE TREE PRUNING PROGRAM TO WEST COAST ARBORISTS IN THE AMOUNT OF \$284,690 (CONTRACT NO. C35920, PROJECT NO. 932-17) (JOINT CONSIDERATION WITH THE PALM DESERT HOUSING AUTHORITY).

Rec: By Minute Motion: 1) Award subject contract for the 2017 Citywide Tree Pruning Program to West Coast Arborists, Grand Terrace, California, in the total amount of \$284,690 (City - \$227,654, Housing Authority - \$57,036); 2) authorize Director of Finance to set aside an additional 10% contingency in the total amount of \$28,469 (City - \$22,765.40, Housing Authority - \$5,703.60); 3) authorize Mayor/Chairman to execute the contract – funds are available for the portion of the contract relative to the City and Assessment Districts in Parks and Recreation Account Nos. 1104610-4332001, 1104611-4332001, and 1104610-4337100, Repair/Maintenance Medians Account No. 1104614-4337001, Desert Willow Account No. 4414195-4332000, and Assessment District Fund 200 Accounts; and for the Housing Authority, funds are set aside in the FY 2016-2017 and proposed FY 2017-2018 Housing Authority Operating Budgets.

Action:

- G. REQUEST FOR SUPPORT OF PARTICIPATION IN THE REGIONALIZATION OF THE HOMELESS COMMUNITY OUTREACH RESOURCE PROGRAM (CORP) AND PALM DESERT'S PARTICIPATION IN THAT PROGRAM, AS WELL AS OTHER PROGRAMS AVAILABLE TO HOMELESS PERSONS.

Rec: 1) By Minute Motion, authorize City of Palm Desert's: a) Support of Coachella Valley Association of Government's (CVAG) intent to participate in the Regionalization of the Homeless Community Resource Program (CORP); b) participation in CORP and other programs available to homeless persons.

2) Waive further reading and adopt: a) Resolution No. 2017-28, proclaiming support for Community Outreach Resource Program (CORP) expansion in the Coachella Valley Region; b) Resolution No. 2017-29, proclaiming support for CORP implementation in the City of Palm Desert.

Action:

## XVI. CONTINUED BUSINESS

None

**XVII. OLD BUSINESS**

None

**XVIII. PUBLIC HEARINGS**

- A. REQUEST FOR APPROVAL OF HISTORIC DISTRICT DESIGNATION FOR SANDPIPER CONDOMINIUMS CIRCLES 5 THROUGH 10, LOCATED ON EL PASEO, AS A LOCAL HISTORIC DISTRICT, Case No. CRPC 16-01.

Rec: Waive further reading and adopt Resolution No. 2017 - 30, reaffirming the action of the Cultural Resources Preservation Committee, designating the Sandpiper Condominiums Circles 5 through 10, located on El Paseo, with a Historic District Designation, in accordance with Section 29.50.010 of the Palm Desert Municipal Code.

Action:

- B. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO DEVELOPMENT AGREEMENT 98-1 (DA 98-1) FOR MARRIOTT SHADOW RIDGE LOCATED AT 9003 SHADOW RIDGE ROAD, THUS EXTENDING THE TERM BY 10 YEARS THROUGH DECEMBER 10, 2030, Case No. DA 98-1, Amendment No. 1 (Marriott Ownership Resorts, Inc., Applicant).

Rec: Waive further reading and pass Ordinance No. 1320 to second reading, upholding Planning Commission Resolution No. 2689 and approving Amendment No. 1 to Development Agreement 98-1 (DA 98-1), thus extending the term by 10 years through December 10, 2030.

Action:

**XIX. REPORTS AND REMARKS**

- A. CITY MANAGER

1. City Manager's Meeting Summaries Report for the Period of February 27-March 10, 2017.

Rec: Receive and file.

Action:

B. CITY ATTORNEY

C. CITY CLERK

1. Announcement of City Council Study Session - Thursday, April 13, 2017, at 2:00 p.m., Administrative Conference Room, regarding the Quiksilver Development Proposal at Desert Willow Golf Resort.

Action:

D. PUBLIC SAFETY

1. Fire Department
2. Police Department

E. MAYOR AND MEMBERS OF THE CITY COUNCIL

1. Councilmember Susan Marie Weber's Meeting Summaries Report for the Period of February 27-March 12, 2017.

Rec: Receive and file.

Action:

2. City Council Requests for Action:
3. City Council Consideration of Travel Requests and Reports:

**XX. ADJOURNMENT**

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**FUTURE MEETINGS:**

March 28, 2017	9:00 a.m.	Cultural Resources Preservation Cmte. <u>Administrative Conference Room</u>
	10:00 a.m.	Audit, Investment & Finance Committee <u>North Wing Conference Room</u>
	12:00 p.m.	Architectural Review Commission <u>Development Services Conference Room</u>
April 3, 2017	1:30 p.m.	Oversight Board <u>Administrative Conference Room</u>
	6:00 p.m.	Youth Committee <u>Administrative Conference Room</u>
April 4, 2017	8:30 a.m.	Parks & Recreation Commission <u>Administrative Conference Room</u>
	6:00 p.m.	Planning Commission <u>Civic Center Council Chamber</u>
April 5, 2017	4:00 p.m.	Hotel & Signature Events Committee <u>North Wing Conference Room</u>
April 11, 2017	12:00 p.m.	Architectural Review Commission <u>Development Services Conference Room</u>
April 12, 2017	9:00 a.m.	Art In Public Places Commission <u>Development Services Conference Room</u>
	3:30 p.m.	Housing Commission <u>North Wing Conference Room</u>
	3:30 p.m.	Public Safety Commission <u>Administrative Conference Room</u>
April 13, 2017	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 March, 2017. 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