

POSTED AGENDA

REGULAR PALM DESERT CITY COUNCIL MEETING

THURSDAY, OCTOBER 12, 2017

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 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 - Henderson Community Building,
72559 Highway 111, Palm Desert

Negotiating Parties:

Agency: Lauri Aylaian/City of Palm Desert

Property Owner: City of Palm Desert

Other Parties: Laurie Baldwin/

Palm Desert Area Chamber of Commerce

Under Negotiation: x Price x Terms of Payment

- 2) Property: Lease Property - Parkview Professional Office Complex,
73710 Fred Waring Drive, Palm Desert

Negotiating Parties:

Agency: Lauri Aylaian/Janet M. Moore/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) Timothy Lewis Whiting v. City of Palm Desert, et al., U. S. District Court, Central District of California, Civil Action No. 5:17-cv-01395-JGB-KK

2) Kenneth Doran v. City of Palm Desert, Riverside County Superior Court, Case No. PSC 1705265

- 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 - Mayor Pro Tem Sabby Jonathan**

VII. INVOCATION - Mayor 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 RECOGNIZE JIM BUTZBACH FOR HIS SERVICE TO THE CITY OF PALM DESERT AND ITS PUBLIC SAFETY COMMISSION, 2001 - 2017.

Action:

- B. PRESENTATION OF PROCLAMATION DECLARING OCTOBER 8 - 14, 2017, AS "FIRE PREVENTION WEEK" IN THE CITY OF PALM DESERT.

Action:

IX. ORAL COMMUNICATIONS - B

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X. MAYOR AND COUNCILMEMBER REPORTS & REMARKS TO THE COMMUNITY

- A. Mayor Pro Tem Sabby Jonathan Committee Reports and General Comments.

Action:

- B. Councilmember Kathleen Kelly Committee Reports and General Comments.

Action:

- C. Councilmember Gina Nestande Committee Reports and General Comments.

Action:

- D. Councilmember Susan Marie Weber Meeting Summaries Report for the Period of September 18-30, 2017.

Rec: Receive and file.

Action:

- E. Mayor Jan C. Harnik Committee Reports and General Comments.

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 18-29, 2017.

Rec: Receive and file.

Action:

2. Update on the SpringHill Suites by Marriott Property on Highway 111 by Director of Building & Safety Russell Grance.

Rec: Oral report to be provided at the meeting.

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 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 XIII, CONSENT ITEMS HELD OVER, OF THE AGENDA.

- A. MINUTES of the Regular City Council Meeting of September 28, 2017.

Rec: Approve as presented.

- B. CLAIMS AND DEMANDS AGAINST THE CITY TREASURY - Warrants Dated 8/31/2017, 9/22/2017, 9/22/2017-9/30/2017, and 9/29/2017.

Rec: Approve as presented.

- C. CLAIMS AND DEMANDS AGAINST THE CITY/HOUSING TREASURIES - Warrant Dated 9/15/2017 (**Joint Consideration with the Palm Desert Housing Authority**).

Rec: Approve as presented.

- D. COMPLIANCE ANALYSIS AND INVESTMENT REPORTS for the Months of June, July, and August 2017 (**Joint Consideration with the Successor Agency to the Palm Desert Redevelopment Agency**).

Rec: Receive and file.

- E. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE by Amanda's Shabby Chic Tea Room and Boutique, LLC, 73625 Highway 111, Suites B & C, Palm Desert.

Rec: Receive and file.

- F. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE by Wildest Greens, 72990 El Paseo, #3, Palm Desert.

Rec: Receive and file.

- G. AUDIT, INVESTMENT & FINANCE COMMITTEE Minutes for the Meeting of June 27, 2017.

Rec: Receive and file.

- H. LETTER OF RESIGNATION from James Butzbach - Public Safety Commission.

Rec: Receive with very sincere regret.

- I. LETTER OF RESIGNATION from Mahasti Islami - Marketing Committee.

Rec: Receive with very sincere regret.

- J. REQUEST FOR ACCEPTANCE OF WORK for Contract No. C36330 – Desert Willow Clubhouse Carpet Replacement (Project No. 856-18) (Temalpakh, Inc., d/b/a The Works Floor & Wall, Palm Springs, CA).

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

- K. 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 by The Joslyn Center, 73750 Catalina Way.

Rec: By Minute Motion: 1) Approve an exception to Palm Desert Municipal Code Section 9.58.010 - Consumption of Alcoholic Beverages on Public Property - at The Joslyn Center, 73750 Catalina Way, for an event on November 16, 2017; 2) authorize City Manager to sign the Daily License Application from the California Department of Alcoholic Beverage Control for this event.

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 2016-2017 FINAL BUDGET ADJUSTMENTS TO REVENUE AND EXPENDITURES, AND AUTHORIZE CERTAIN RELATED EXPENDITURES FOR FISCAL YEAR 2017-2018.

- Rec: 1) Waive further reading and adopt Resolution No. 2017 - 71, authorizing the Fiscal Year 2016-2017 final year-end budget adjustments to revenue and expenditures.
- 2) By Minute Motion, authorize and appropriate an additional payment to CalPERS in an amount up to \$1,700,000 for Fiscal Year 2017-2018 to reduce the City's unfunded liability.

Action:

B. REQUEST FOR APPROVAL OF A VEHICLE LEASING AND REPLACEMENT PROGRAM WITH ENTERPRISE FLEET MANAGEMENT, AND RELATED ACTIONS FOR MANAGEMENT OF THE CITY'S FLEET.

- Rec: By Minute Motion, approve/authorize: 1) Vehicle Leasing and Replacement Program with Enterprise Fleet Management for City vehicles; 2) City Manager to declare various City-owned vehicles as surplus and sell vehicles at such times as disposal is deemed appropriate; 3) proceeds from sale of surplus vehicles to be applied toward cost of the annual leasing program; 4) City Manager to take any actions necessary to facilitate new vehicle leasing process during the three-year replacement program; 5) City Manager to execute a Master Equity Lease Agreement and a Maintenance Management and Fleet Rental Agreement (Contract Nos. C36460A-B) – Capital Project Reserve Funds for leasing of the vehicles are available in Account No. 5304310-4403000 - Equipment Replacement, and funds for the maintenance portion are available in General Fund Account No. 1104331-4334000 - R/M Fleet.

Action:

- C. REQUEST FOR AUTHORIZATION OF CITY OF PALM DESERT'S PARTICIPATION IN THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS' (CVAG) HOUSING FIRST HOMELESSNESS PROGRAM IN THE AMOUNT OF \$103,000.

- Rec: 1) Waive further reading and adopt Resolution No. 2017 - 72, approving participation in the CVAG Housing First Homelessness Program.
- 2) By Minute Motion, authorize expenditure of \$103,000 for the CVAG Housing First Homelessness Program – funds are available in Dues, Account No. 1104159-4363000 - this is a one-time commitment.

Action:

- D. REQUEST FOR APPROVAL OF \$5,000 DONATION TO ONE AMERICA APPEAL TO ASSIST VICTIMS OF THE RECENT HURRICANES HARVEY, IRMA, AND MARIA.

- Rec: By Minute Motion: 1) Authorize the one-time contribution of \$5,000 to One America Appeal to assist victims of the recent Hurricanes Harvey, Irma, and Maria; 2) appropriate \$5,000 from the Unobligated General Fund to Account No. 1104800-4388000.

Action:

XVII. CONTINUED BUSINESS

- A. ORDINANCE NO. 1329 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING A ZONING ORDINANCE AMENDMENT TO PALM DESERT MUNICIPAL CODE SECTION 25.34.120, CHAPTERS 25.16 AND 25.18, TO ALLOW COMMERCIAL CANNABIS OPERATIONS IN THE CITY, SUBJECT TO A CONDITIONAL USE PERMIT; AND ESTABLISHING CHAPTER 5.101 - COMMERCIAL CANNABIS REGULATORY PERMITS AND CHAPTER 8.38 - PERSONAL USE OF CANNABIS, Case No. ZOA 17-027 (City of Palm Desert, Applicant) (Continued from the meeting of September 28, 2017).

Rec: Waive further reading and pass to second reading.

Action:

XVIII. OLD BUSINESS

- A. REQUEST FOR DIRECTION REGARDING THE ALESSANDRO WEST CORRIDOR IMPROVEMENT PROJECT WITHOUT UNDERGROUNDING OF THE OVERHEAD UTILITIES.

Rec: By Minute Motion, direct staff to proceed with the Alessandro West Corridor Improvement Project (Alessandro West) without the undergrounding of overhead utilities – project is included in FY 2017-2018 Capital Improvement Project Budget and will be reimbursed by restricted funds set aside for this purpose.

Action:

XIX. PUBLIC HEARINGS

None

XX. ADJOURNMENT

FUTURE MEETINGS:

October 17, 2017	6:00 p.m.	Planning Commission <u>Civic Center Council Chamber</u>
October 18, 2017	3:00 p.m.	Library Promotion Committee <u>Administrative Conference Room</u>
October 24, 2017	12:00 p.m.	Architectural Review Commission <u>Development Services Conference Rm.</u>
October 26, 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 5th day of October, 2017. Note: This agenda is subject to amendment up to 72 hours in advance of the meeting.

Rachelle D. Klassen, City Clerk