

**POSTED AGENDA**

**REGULAR PALM DESERT CITY COUNCIL MEETING**

**THURSDAY, MAY 24, 2018**

**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 - Parkview Professional Office Complex -  
73710 Fred Waring Drive, Suite Nos. 100 or 104,  
Palm Desert

Negotiating Parties:

Agency: Lauri Aylaian/Janet M. Moore/Anthony Hernandez/City of  
Palm Desert

Property Owner: City of Palm Desert

Other Parties: LIFT to RISE

Under Negotiation: x Price x Terms of Payment

- 2) Property: Lease Property - Parkview Professional Office Complex -  
73710 Fred Waring Drive, Suite No. 104, Palm Desert  
Negotiating Parties:  
Agency: Lauri Aylaian/Janet M. Moore/Anthony Hernandez/City of  
Palm Desert  
Property Owner: City of Palm Desert  
Other Parties: United Way of the Desert  
Under Negotiation: x Price x Terms of Payment
- 3) Property: SEC Fred Waring Drive/San Pablo Avenue (APNs  
627-101-002, 627-101-017, 627-101-033, 627-101-061,  
and 627-101-062)  
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 significant exposure to litigation  
pursuant to Government Code Section 54956.9(d)(2):  
Number of potential cases: 2
- C. Conference with Labor Negotiator pursuant to Government Code  
Section 54957.6:  
Agency: Lauri Aylaian/City of Palm Desert  
Employee Organization: Palm Desert Employees Organization

**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 - Honorary Mayor for the Day  
Daisy Armstrong**

**VII. INVOCATION - Mayor 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 THURSDAY, MAY 24, 2018, AS "DAISY ARMSTRONG DAY" IN THE CITY OF PALM DESERT.

Action:

- B. PRESENTATION OF UPDATE ON PALM DESERT YOUTH COMMITTEE ACTIVITIES BY MEMBER TIMOTHY FITZPATRICK.

Rec: Oral report to be provided at the meeting.

Action:

- C. PRESENTATION OF PROCLAMATION DECLARING THURSDAY, MAY 24, 2018, AS "DESERT ROSE SOCIETY DAY" IN THE CITY OF PALM DESERT.

Action:

- D. PRESENTATION OF PROCLAMATION DECLARING THURSDAY, MAY 24, 2018, AS "PDHS WINTER GUARD DAY" IN THE CITY OF PALM DESERT.

Action:

- E. PRESENTATION OF PROCLAMATION DECLARING THURSDAY, MAY 24, 2018, AS "PDCMS VARSITY WINTER GUARD DAY" IN THE CITY OF PALM DESERT.

Action:

- F. PRESENTATION OF PROCLAMATION DECLARING THURSDAY, MAY 24, 2018, AS "PDCMS JV WINTER GUARD DAY" IN THE CITY OF PALM DESERT.

Action:

- G. PRESENTATION OF PROCLAMATION DECLARING MAY 21 - 27, 2018, AS "NATIONAL PUBLIC WORKS WEEK" IN THE CITY OF PALM DESERT.

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 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. Councilmember Kathleen Kelly Committee Reports and General Comments.

Action:

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

Action:

- D. Mayor Pro Tem Susan Marie Weber Meeting Summaries Report for the Period of April 21 - May 6, 2018.

Rec: Receive and file.

Action:

- E. Mayor Sabby Jonathan 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 April 30 - May 11, 2018.

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 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 May 10, 2018.

Rec: Continue to the next meeting.

- B. CLAIMS AND DEMANDS AGAINST THE CITY TREASURY - Warrants Dated 4/20/2018, 4/27/2018, and 4/30/2018.

Rec: Approve as presented.

- C. CLAIMS AND DEMANDS AGAINST THE CITY/HOUSING TREASURIES - Warrant Dated 5/4/2018 (**Joint Consideration with the Palm Desert Housing Authority**).

Rec: Approve as presented.

- D. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE by Libation Room, 73750 El Paseo, Suite No. 101, Palm Desert.

Rec: Receive and file.

- E. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE by Palm Desert Resort Country Club, 77333 Country Club Drive, Palm Desert.

Rec: Receive and file.

- F. REQUEST FOR APPROVAL of a Revised Funding Source for the 2018 Slurry Seal Project (Contract No. C36690, Project No. 751-18).

Rec: By Minute Motion, review the funding source for the 2018 Slurry Seal Project from Measure "A" to Gas Tax Funds.

- G. REQUEST FOR RATIFICATION of Increasing Purchase Order No. P113796 Issued to Office Team to \$55,000 for Temporary Staffing.

Rec: By Minute Motion, ratify increasing P.O. P113796 issued to Office Team to \$55,000

- H. REQUEST FOR AWARD OF CONTRACT to Sola-Lite for the North Wing and Administration Lobby Skylight Replacement Project in the Amount of \$14,989.84 (Contract No. C36820, Project No. 723-18).

Rec: By Minute Motion, award/authorize: 1) Subject contract to Sola-Lite, Palm Desert, California, for the North Wing and Administration Lobby Skylight Replacement Project in the amount of \$14,989.84; 2) Finance Director to set aside an additional contingency in the amount of \$5,000 for unforeseen expenses; 3) City Manager the use of said contingency by means of a Change Order, should staff recommend it; 4) City Manager to execute the subject agreement and all related documents, including Change Orders; 5) Mayor to execute the Notice of Completion upon satisfactory completion of said work – funds are available in Project Account No. 4504161-4400100 - Building Maintenance.

- I. REQUEST FOR APPROVAL of a One-Year Extension of Contract with Conserve LandCare, Inc., for Landscape Maintenance Area (LMA) No. 1 in the Amount of \$122,884.08 and Including Repair Work and Services at the Specified Contract Amount Not to Exceed 20% (Contract No. C35951, Project No. 901-18).

Rec: By Minute Motion, approve/authorize: 1) One-year extension to subject contract with Conserve LandCare, Inc., Thousand Palms, California, for Landscape Maintenance Area (LMA) No. 1 in the amount of \$122,884.08; 2) repair work and services at the specified contract amount not to exceed 20% (\$24,577); 3) City Manager to execute the related contract amendment – funds are available in General Fund Account No. 1104614-4337001 - Repair/Maintenance Medians and Assessment District Account No. 2764374-4332000 - Haystack Drainage Channel.

- J. REQUEST FOR APPROVAL of One-Year Extension for Contract with Urban Habitat Environmental Landscapes for Landscape Maintenance Area (LMA) No. 2 in the Amount of \$107,384.16 and Including Repair Work and Services at the Specified Contract Amount Not to Exceed 20% (Contract No. C35661, Project No. 902-18).

Rec: By Minute Motion, approve/authorize: 1) One-year extension for subject contract with Urban Habitat Environmental Landscapes, La Quinta, California, for Landscape Maintenance Area (LMA) No. 2 in the amount of \$107,384.16; 2) repair work and services at the specified contract amount not to exceed 20% (\$21,477); 3) City Manager to execute the related contract amendment – funds are available in General Fund Account No. 1104614-4337001 - Repair/Maintenance Medians.

- K. REQUEST FOR APPROVAL of One-Year Extension for Contract with Kirkpatrick Landscaping Services, Inc., for Landscape Maintenance Area (LMA) No. 4 in the Amount of \$129,051.96 and Including Repair Work and Services at the Specified Contract Amount Not to Exceed 20% (Contract No. C35671, Project No. 904-18).

Rec: By Minute Motion, approve/authorize: 1) One-year extension for subject contract with Kirkpatrick Landscaping Services, Inc., Indio, California, for Landscape Maintenance Area (LMA) No. 4 in the amount of \$129,051.96; 2) repair work and services at the specified contract amount not to exceed 20% (\$25,810); 3) City Manager to execute the related contract amendment – funds are available in General Fund Account No. 1104614-4337001 - Repair/Maintenance Medians.

- L. REQUEST FOR APPROVAL of One-Year Extension to Contract with Kirkpatrick Landscaping Services, Inc., for Landscape Maintenance Area (LMA) No. 7 in the Amount of \$105,541.44 and Including Repair Work and Services at the Specified Contract Amount Not to Exceed 20% (Contract No. C35681, Project No. 907-18).

Rec: By Minute Motion, approve/authorize: 1) One-year extension for subject contract with Kirkpatrick Landscaping Services, Inc., Indio, California, for Landscape Maintenance Area (LMA) No. 7 in the amount of \$105,541.44; 2) repair work and services at the specified contract amount not to exceed 20% (\$21,108); 3) City Manager to execute the related contract amendment – funds are available in the respective Landscape and Lighting District Accounts.



- M. REQUEST FOR APPROVAL of Second One-Year Extension of Contract with Conserve LandCare, Inc., for Landscape Maintenance Area (LMA) No. 16 in the Amount of \$167,067.12 and Including Repair Work and Services at the Specified Contract Amount Not to Exceed 20% (Contract No. C34852, Project No. 916-16).

Rec: By Minute Motion, approve/authorize: 1) Second one-year extension for subject contract with Conserve LandCare, Inc., Thousand Palms, California, for Landscape Maintenance Area (LMA) No. 16 in the amount of \$167,067.12; 2) repair work and services at the specified contract amount not to exceed 20% (\$33,414); 3) City Manager to execute the related contract amendment – funds are available in General Fund Account No. 1104611-4332001 - Repair/Maintenance Landscaping Services.

- N. REQUEST FOR APPROVAL of Second One-Year Extension to Contract with Conserve LandCare, Inc., for Landscape Maintenance Area (LMA) No. 18 in the Amount of \$86,671.56 and Including Repair Work and Services at the Specified Contract Amount Not to Exceed 20% (Contract No. C34862, Project No. 918-16).

Rec: By Minute Motion, approve/authorize: 1) Second one-year extension for subject contract with Conserve LandCare, Inc., Thousand Palms, California, for Landscape Maintenance Area (LMA) No. 18 in the amount of \$86,671.56; 2) repair work and services at the specified contract amount not to exceed 20% (\$17,335); 3) City Manager to execute the related contract amendment – funds are available in General Fund Account No. 1104611-4332001 - Repair/Maintenance Landscaping Services.

Action:

### **XIII. CONSENT ITEMS HELD OVER**

**XIV. RESOLUTIONS**

- A. RESOLUTION NO. 2018 - 28 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ADOPTING A POLICY OF GUIDELINES FOR ART IN PUBLIC PLACES.

Rec: Waive further reading and adopt.

Action:

**XV. ORDINANCES**

- A. For Introduction:

None

- B. For Adoption:

1. ORDINANCE NO. 1337 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING A CHANGE OF ZONE APPLICATION TO REZONE APPROXIMATELY 30 ACRES FORMERLY OPERATED AS THE PALM DESERT COUNTRY CLUB EXECUTIVE COURSE LOCATED AT 77200 CALIFORNIA DRIVE, Case No. CZ 16-280 (Christopher McFadden/McFadden Architects, Applicant).

Rec: Waive further reading and adopt.

Action:

2. ORDINANCE NO. 1338 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING AMENDMENTS TO PALM DESERT MUNICIPAL CODE CHAPTER 5.10 - SHORT-TERM RENTALS - IN REGARD TO TERMINATION AND AMORTIZATION OF SHORT-TERM RENTALS WITHIN THE CITY IN R-1 AND R-2 ZONES.

Rec: Waive further reading and adopt.

Action:

**XVI. NEW BUSINESS**

- A. REQUEST FOR DIRECTION RELATIVE TO THE DESERT HEALTHCARE DISTRICT'S EASTERN COACHELLA VALLEY EXPANSION PLAN (LOCAL AGENCY FORMATION COMMISSION [LAFCO] NO. 2017-02-4).

Rec: By Minute Motion, provide direction to staff regarding Local Agency Formation Commission (LAFCO) Application No. 2017-02-4 related to the Desert Healthcare District (DHD) Eastern Expansion Plan.

Action:

- B. REQUEST FOR ADOPTION OF RESOLUTIONS, APPROVING EXECUTION OF THE ASSIGNMENT OF THE SUCCESSOR AGENCY'S INTERESTS AND OBLIGATIONS UNDER A COOPERATIVE AGREEMENT AND RELATED DOCUMENTS FOR THE SHERIFF STATION PROPERTY ON GERALD FORD DRIVE, AND TAKING OTHER RELATED ACTIONS **(JOINT CONSIDERATION WITH THE SUCCESSOR AGENCY TO THE PALM DESERT REDEVELOPMENT AGENCY)**.

Rec: Waive further reading and adopt City Council Resolution No. 2018 - 29 and Successor Agency Resolution No. SA-RDA 071, approving execution of the assignment of the Successor Agency's obligations, rights, and interests under a Cooperative Agreement and related documents for the Sheriff Station property on Gerald Ford Drive (Contract No. C27980), and taking other related actions.

Action:

- C. REQUEST FOR ADOPTION OF RESOLUTIONS, APPROVING EXECUTION OF THE ASSIGNMENT OF THE SUCCESSOR AGENCY'S INTERESTS AND OBLIGATIONS UNDER A DISPOSITION AND DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS FOR THE McCALLUM THEATRE PROPERTY, AND TAKING OTHER RELATED ACTIONS (JOINT CONSIDERATION WITH THE SUCCESSOR AGENCY TO THE PALM DESERT REDEVELOPMENT AGENCY).

- Rec: 1) Waive further reading and adopt City Council Resolution No. 2018 - 30 and Successor Agency Resolution No. SA-RDA 072, approving execution of the assignment of the Successor Agency's obligations, rights, and interests under a Disposition and Development Agreement, a Lease, Sublease, and other documents relating to the McCallum Theatre property from the Successor Agency to the City of Palm Desert.
- 2) By Minute Motion, authorize payment from the City to the Successor Agency in the amount of \$50 in consideration of the assignment.

Action:

- D. REQUEST FOR APPROVAL OF A THREE-YEAR CONTRACT FOR CITY FACILITIES JANITORIAL SERVICES TO DEDICATED BUILDING SERVICES, LLC, FOR THE ANNUAL AMOUNT OF \$264,300 (CONTRACT NO. C36780, PROJECT NO. 771-19).

- Rec: By Minute Motion: 1) Award the subject three-year contract for City Facilities Janitorial Services to Dedicated Building Services, LLC, Studio City, California, for the annual amount of \$264,300; 2) authorize City Manager to execute the contract – funds are available in Account Nos. 1104330-4331000 - R/M Buildings, 1104340-4332600 - R/M Janitorial, 5104195-4369601 - CAM-BLDG #444 Parkview, and 5104195-4369800 - Henderson Building.

Action:

- E. REQUEST FOR APPROVAL OF A COOPERATIVE AGREEMENT TO PROVIDE FIRE PROTECTION, FIRE PREVENTION, RESCUE, FIRE MARSHAL, AND MEDICAL EMERGENCY SERVICES FOR THE CITY OF PALM DESERT (CONTRACT NO. C37050).

Rec: By Minute Motion, approve the subject Cooperative Agreement to provide Fire Protection, Fire Prevention, Rescue, Fire Marshal, and Medical Emergency Services for the City of Palm Desert, as approved to final form by the City Attorney.

Action:

- F. REQUEST FOR APPROVAL OF CONTRACT WITH FG CREATIVE, INC., FOR ADVERTISING SERVICES FOR THE EL PASEO PARKING & BUSINESS IMPROVEMENT DISTRICT (CONTRACT NO. C37060).

Rec: By Minute Motion: 1) Approve the award of subject contract to FG Creative, Inc., Palm Desert, California, in the amount of \$235,000 that includes \$24,000 for advertising consulting services for the El Paseo Business Improvement District and a reimbursement in an amount not to exceed \$211,000 for advertising production; 2) authorize 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.

Action:

- G. REQUEST FOR APPROVAL OF CONCEPTUAL ARCHITECTURAL RENDERINGS AND THE EXPANDED SCOPE FOR THE PARKVIEW BUILDING RENOVATION PROJECT, INCLUDING AMENDMENT TO JMA ARCHITECTURE'S CONTRACT FOR ARCHITECTURAL, LANDSCAPE ARCHITECTURAL, AND STRUCTURAL ENGINEERING SERVICES FOR THE PROJECT IN AN AMOUNT NOT TO EXCEED \$34,850 (CONTRACT NO. C37070, PROJECT NO. 726-17).

Rec: By Minute Motion, approve/authorize: 1) Architectural renderings and the expanded scope for the Parkview Building Renovation Project; 2) amendment to JMA Architecture's contract for Architectural, Landscape Architectural, and Structural Engineering Services for the Parkview Building Renovation Project in an amount not to exceed \$34,850; 3) Mayor to execute said contract – funds are available in Account No. 5104361-4400100 - Parkview Office Complex Enterprise Fund.

Action:

H. REQUEST FOR APPROVAL OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) JOINT RECIPIENT COOPERATIVE AGREEMENT WITH COUNTY OF RIVERSIDE FOR FISCAL YEARS 2019-2020 AND 2020-2021 (CONTRACT NO. C37080).

- Rec: 1) Waive further reading and adopt Resolution No. 2018 - 31, authorizing participation in the County of Riverside's Urban County Program for Fiscal Years 2019-2020 and 2020-2021.
- 2) By Minute Motion, authorize: a) City Attorney to finalize the Joint Recipient Cooperation Agreement with County of Riverside; b) City Manager to execute the Joint Recipient Cooperation Agreement with County of Riverside, allowing the City to participate in the Urban County Consolidated Planning Program, and taking any other actions necessary to effectuate the actions taken herewith.

Action:

**XVII. CONTINUED BUSINESS**

None

**XVIII. OLD BUSINESS**

None

**XIX. PUBLIC HEARINGS**

None

**XX. ADJOURNMENT**

**FUTURE MEETINGS:**

|               |            |  |
|---------------|------------|--|
| May 29, 2018  | 9:00 a.m.  | Cultural Resources Preservation Cmte.<br><u>Administrative Conference Room</u> |
| June 4, 2018  | 1:30 p.m.  | Oversight Board<br><u>Administrative Conference Room</u>                       |
| June 5, 2018  | 8:30 a.m.  | Parks & Recreation Commission<br><u>Administrative Conference Room</u>         |
|               | 3:00 p.m.  | Marketing Committee<br><u>Administrative Conference Room</u>                   |
|               | 6:00 p.m.  | Planning Commission<br><u>Civic Center Council Chamber</u>                     |
| June 6, 2018  | 4:00 p.m.  | Hotel & Signature Events Committee<br><u>North Wing Conference Room</u>        |
| June 12, 2018 | 12:00 p.m. | Architectural Review Commission<br><u>Development Services Conference Room</u> |
| June 13, 2018 | 9:00 a.m.  | Art In Public Places Commission<br><u>-Adjourning to June 20 at 9:00 a.m.-</u> |
|               | 3:30 p.m.  | Housing Commission<br><u>North Wing Conference Room</u>                        |
|               | 3:30 p.m.  | Public Safety Commission<br><u>Administrative Conference Room</u>              |
| June 14, 2018 | 3:00 p.m.  | Reg. City Council/Successor-RDA Mtgs.<br><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 May, 2018. 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