



# CITY OF INDIO

## Agenda

November 17, 2021

### City Council

The City Council serves as the Indio Water Authority

150 Civic Center Mall  
Indio, California

***The City Council Chamber will be open to the public and City Council meetings will be conducted in person and remotely through Zoom in compliance with Government Code Section 54953(e) (AB 361)***

The Council Chamber will have very limited seating available on a first-come, first-served basis. Members of the public will be required to comply with the California Department of Health Guidance for the Use of Face Coverings which requires unvaccinated individuals to wear a mask in indoor public settings unless otherwise exempt.

You may view the meeting via the following:

**Livestream** [https://www.indio.org/your\\_government/city\\_clerk/agendas.htm](https://www.indio.org/your_government/city_clerk/agendas.htm)

**Facebook Live** <https://www.facebook.com/CityofIndio/>

**YouTube** <https://www.youtube.com/channel/UCnJCb93GZ3LsUSpDYss2oWA>

**Zoom** (view and participate) <https://us02web.zoom.us/j/86280063555?pwd=dDArdjM0cmRsU0Nua2w5U0dEcC9WQT09>  
Webinar ID: 862 8006 3555  
Passcode: 715084

Consistent with Government Code Section 54953(e) (Assembly Bill 361), members of the Indio City Council and City Staff are permitted to attend the meeting by teleconference and such teleconference locations are not accessible to the public and are not subject to special posting requirements. If you are an individual with a disability and need a reasonable modification or accommodation pursuant to the Americans with Disabilities Act ("ADA") please contact the office of the City Clerk at 760-391-4007 prior to the meeting for assistance.

Members of the public who desire to address the City Council during the meeting may do so either in person or orally or in writing as described below.

**Oral Comments:** Oral testimony can be provided in person or during the virtual live session. Individual speakers are limited to three minutes each, unless the Mayor amends the time limit. To address the Council in person please complete speaker request card located at the entrance and give it to the City Clerk. Your name will be called when it is your turn to speak. To address the Council during the virtual live session via zoom, please email the City Clerk at [ssanchez@indio.org](mailto:ssanchez@indio.org) or alternatively, during the specific agenda item or general comment period (i.e. non-agenda items), please use the "raise your hand" function on zoom in order to be recognized by the City Clerk in order to provide comments in real time. **The City Clerk will facilitate to the extent possible any email requests to provide oral comments that are sent during the live meeting.** Please specify on the subject line of the email "Oral Comment" and note the agenda item number or if general comment (i.e. non-agenda item). To participate during the live session, please keep track of the meeting proceedings by watching the meeting via Livestream, Facebook Live, YouTube, or Zoom. Please raise your hand and your name or other identifier (phone number) will be called when it is your turn to speak.

**Written Comments:** If you are unable to provide comments during the meeting (whether in person or the virtual live session), written public comments on agenda and non-agenda items, or both, may be submitted by email to the City Clerk at [ssanchez@indio.org](mailto:ssanchez@indio.org). Please specify on the subject line the agenda item number or if general public comment (i.e. non-agenda item). For example on a specific item, write "agenda item 8a" on the email subject line.

**Email/Written comments must be received by the City Clerk no later than 2:00 p.m. on the day of the meeting** and such comments will be distributed to the City Clerk, City Council, posted on the agenda landing page and be made part of the agenda packet and public record of the meeting; however, they will not be read during the meeting.

**Public Hearing Items:** Any person may provide in-person comments on public hearing items. Oral or written comments will also be accepted on public hearing items in the manner prescribed in the notice at the top of this agenda except that comments will be accepted during the public hearing until the hearing is closed.

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**NOVEMBER 17, 2021**

**MISSION STATEMENT**

*THE CITY OF INDIO'S PUBLIC SERVANTS PROVIDE OUTSTANDING MUNICIPAL SERVICES TO ENHANCE THE QUALITY OF LIFE FOR OUR RESIDENTS, VISITORS AND THE BUSINESS COMMUNITY*

**STUDY SESSION  
CITY COUNCIL  
3:00 p.m.**

**1. CALL TO ORDER AND ROLL CALL**

Mayor Elaine Holmes  
Mayor Pro Tem Waymond Fermon  
Councilmember Oscar Ortiz  
Councilmember Lupe Ramos Amith  
Councilmember Glenn Miller

**2. PLEDGE OF ALLEGIANCE**

**3. PUBLIC COMMENT**

*This is the time set aside for public comment for items not on the agenda. Public comments may be provided in the manner prescribed at the top of this agenda. If the total time of comments extend beyond 30 minutes, the Mayor may defer further public comments for items Not on the Agenda until the end of the Agenda.*

**4. STUDY SESSION ITEMS**

- a. A City Council Study Session for Discussion and Possible Direction on the following: Cannabis Regulations within the City of Indio (*Bryan H. Montgomery, City Manager*)
- b. A City Council Study Session for Discussion and Possible Direction on the following: Development Impact Fees (*Timothy T. Wassil, Director of Public Works*)

**5. ADJOURN**

**CLOSED SESSION  
CITY COUNCIL  
4:30 p.m.**

**1. CALL TO ORDER AND ROLL CALL**

Mayor Elaine Holmes  
Mayor Pro Tem Waymond Fermon  
Councilmember Oscar Ortiz  
Councilmember Lupe Ramos Amith  
Councilmember Glenn Miller

**2. PUBLIC COMMENT**

*This is the time set aside for public comment for items not on the agenda. Public comments may be provided in the manner prescribed at the top of this agenda. If the total time of comments extend beyond 30 minutes, the Mayor may defer further public comments for items Not on the Agenda until the end of the Agenda.*

**3. ADJOURN TO CLOSED SESSION to consider:**

- a. Conference with Legal Counsel, Existing Litigation, Government Code Section 54956.9(d)(1);  
In re National Prescription Opioid Litigation, MDL No. 2804 (Federal District Court N.D. Ohio)
- b. Conference with Labor Negotiator, Government Code Section 54957.6; City Negotiator: Bryan H. Montgomery, City Manager, Rob Rockwell, Assistant City Manager & Finance Director, Scott Trujillo, Deputy City Manager, and Andrew Ansoorian, Director of Human Resources and Risk Management; Employee Organizations: Police Command Unit Association (PCU)

**REGULAR MEETING  
CITY COUNCIL / INDIO WATER AUTHORITY  
5:00 p.m.**

**PLEASE NOTE THAT THE CITY COUNCIL  
MAY ACT ON ANY ITEM LISTED ON THE AGENDA**

**1. CALL TO ORDER AND ROLL CALL**

Mayor/President Elaine Holmes  
Mayor Pro Tem/Vice President Waymond Fermon  
Councilmember/Commissioner Oscar Ortiz  
Councilmember/Commissioner Lupe Ramos Amith  
Councilmember/Commissioner Glenn Miller

**2. INVOCATION**

*The City Council does not endorse the content of the invocation and does not endorse the invitational speaker's particular faith, belief and/or religious denomination. The City Council does not engage in any prior inquiry, review of, or involvement in, the content of the invocation, except to request the speaker to refrain from using the invocation as an opportunity to attempt to convert others to a particular faith or to disparage any faith or belief and for the speaker to face the City Council. The City Council has an established neutral policy for selecting and scheduling invitational speakers. The City Clerk will make the Council's policy on invocations available upon request for public inspection and copying.*

**3. PLEDGE OF ALLEGIANCE**

**4. CITY ATTORNEY REPORT ON CLOSED SESSION**

**5. PRESENTATIONS**

- a. Certificates - Indio High School Girls Golf Team, Desert Valley League (co)-Champions

**6. YOUTH ADVISORY COUNCIL**

Frida Arriaga, Alondra Barrios Navarro, Miabella Cansino, Kailey Cisneros, Stephanie DeJesus, Lilyana Garcia, Eliana Perez, Daniela Rodriguez, Vianca Terriquez, and Victoria Terriquez.

**7. REPORT ON CITY COUNCIL EXTERNAL/INTERNAL BOARDS, COMMISSIONS AND COMMITTEE MEETINGS AND REPORT ON MEETINGS ATTENDED PER GOVERNMENT CODE SECTION 53232.3(d)**

**8. CITY MANAGER REPORTS AND INFORMATION**

- a. Tamale Festival update by CUSP agency
- b. Review of Downtown Event Park
- c. Proposed Downtown Façade Program

**9. CONSENT CALENDAR**

*Consent calendar items are considered to be routine in nature and will be approved by one motion. Reading of text of Ordinances is waived and Ordinances are adopted as second reading, by title only. Public requests to discuss consent calendar items must be filed with the City Clerk before the consent calendar is called. This is the time for any member of the public wishing to speak on a consent calendar item to do so. Any member of the public wishing to speak shall have a total of three minutes to address any and all items on which he/she wishes to speak. Unless a consent calendar item is*

*pulled for discussion by a council member, there will be no further opportunity to discuss the matter. If a consent calendar item is pulled for Council discussion and a member of the public then wishes to speak, he/she shall limit comments to matters raised during the Council discussion.*

- a. [Minutes for City Council/Indio Water Authority meeting held November 3, 2021](#) (Sabdi Sanchez, City Clerk Administrator) Recommendation: Approve
- b. [City Warrants](#) (Rob Rockwell, Assistant City Manager and Director of Finance) Recommendation: Receive & File
- c. [IWA Warrants](#) (Rey Trejo, Interim IWA General Manager) Recommendation: Receive & File
- d. [Approval of the water improvement agreement and performance and payment bonds from Elemento 49 LLC, for the Elemento 49 Development, Tract No. 36679, located near the southwest corner of Avenue 49 and Madison Street](#) (Rey Trejo, Interim IWA General Manager) Recommendation: Approve & Accept
- e. [Amendment to the Software as a Service \(Saas\) agreement between the City of Indio and Tyler Technologies in the amount of \\$846,090, to include the EnerGov Land Management](#) (Ian Cozens, Director of Information Technology) Recommendation: Approve
- f. [Professional Services Agreement between the City of Indio and SDI Presence in the amount of \\$210,000 for consulting services related to the Land Management Implementation](#) (Ian Cozens, Director of Information Technology) Recommendation: Approve
- g. [Change Order No. 2 in the amount of \\$120,000 to the contract with C. S. Legacy Construction, Inc. for the installation of the sculpture garden adjacent to the Sarbale Ke art piece located at Dr. Carreon Park \(Project No. PK2002\)](#) (Timothy T. Wassil, Director of Public Works) Recommendation: Approve

## **10. ADMINISTRATIVE ITEMS**

- a. [Agreement between the City and Goldenvoice, LLC, for the installation, display and long term loan of the Colassol Cacti Art Piece](#) (Carl S. Morgan, Director of Economic Development) Recommendation: Approve
- b. [Ordinance No. 1766, an Ordinance of the City Council of the City of Indio Amending Chapter 37 of the Indio Municipal Code Relating to Short-Term Rentals](#) (Roxanne Diaz, City Attorney) (Continued from 11/03/21 CC Mtg)

## **11. PUBLIC HEARINGS**

- a. [Resolution No. 10242, adopting Development Impact Fees pursuant to the 2021 Development Impact Fee Study](#) (Timothy T. Wassil, Director of Public Works) Recommendation: Approve

## **12. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

*This is the time set aside for public comment for items not on the agenda. Public comments may be provided in the manner prescribed on the first page of this agenda.*

## **13. ADJOURN**

**Next Council / IWA Meeting: December 1, 2021**

Agenda packets are available on the city's website at [www.indio.org](http://www.indio.org) and at the public counter in City Hall at 100 Civic Center Mall, Indio, California. Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection at the front counter of the lobby of the City Hall Administration Building at 100 Civic Center Mall, Indio, during normal City business hours and during the meeting.

## PUBLIC NOTICE

The Indio City Council Chamber is accessible to person(s) with disabilities. If special equipment is needed, for the hearing impaired, please call the City Clerk's office. Persons with disabilities can receive this agenda in an alternative format and should call the City Clerk's office at 391-4007. Notification 48 hours prior to a meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102.35.104 ADA Title 11).

## RULES OF DECORUM

To help conduct the business of the City Council in an orderly fashion, the City Council has adopted rules pertaining to decorum and order, as provided for in Ordinance No. 1205. The City Council will strictly enforce these rules in order to allow full expression of ideas and opinions by councilmembers, staff and the public. Generally, the City's rules of decorum prohibit comments or actions which willfully disrupt the meeting. All remarks and questions shall be addressed to the Council as a whole and not to any particular member. No individual Councilmember or member of the City staff shall be questioned without first obtaining permission from the Presiding Officer. The City Council asks that all persons - including councilmembers, staff and the public - act and speak respectfully.

## DECLARATION OF POSTING

I, Sabdi Sanchez, City Clerk Administrator of the City of Indio, California, do hereby declare that the foregoing agenda was posted on November 12, 2021, at least seventy-two (72) hours prior to the meeting per Government Code 54954.2, at the following locations:

City of Indio Council Chamber, 150 Civic Center Mall, Indio, CA 92201  
City of Indio website [www.indio.org](http://www.indio.org)

*Sabdi Sanchez*

SABDI SANCHEZ, CMC  
CITY CLERK ADMINISTRATOR