
City Council Meeting Agenda

Thursday, April 17, 2014

1:30 p.m.

City Hall Council Chambers at
44-950 Eldorado Drive, Indian Wells



Indian Wells City Hall

WELCOME TO A REGULARLY SCHEDULED MEETING OF THE CITY COUNCIL. ALL PERSONS WISHING TO ADDRESS THE CITY COUNCIL SHOULD FILL OUT A BLUE PUBLIC COMMENT FORM BEFORE THE MEETING BEGINS AND GIVE IT TO THE CITY CLERK. WHEN THE MAYOR HAS RECOGNIZED YOU, PLEASE COME FORWARD TO THE PODIUM AND STATE YOUR NAME FOR THE RECORD. A 3-MINUTE TIME LIMIT IS CUSTOMARY. PLEASE NOTE THAT YOU MAY ADDRESS THE CITY COUNCIL ON AN AGENDA ITEM AT THE TIME IT IS DISCUSSED, BUT ONLY AFTER BEING RECOGNIZED BY THE MAYOR. ANY PUBLIC RECORD, RELATING TO AN OPEN SESSION AGENDA ITEM, THAT IS DISTRIBUTED WITHIN 72 HOURS PRIOR TO THE MEETING IS AVAILABLE FOR PUBLIC INSPECTION AT CITY HALL RECEPTION AREA 44-950 ELDORADO DRIVE, INDIAN WELLS DURING NORMAL BUSINESS HOURS.

1. CONVENE THE CITY COUNCIL, PLEDGE OF ALLEGIANCE AND ROLL CALL

MAYOR TED J. MERTENS
MAYOR PRO TEM TY PEABODY
COUNCIL MEMBER PATRICK MULLANY
COUNCIL MEMBER DOUGLAS HANSON
COUNCIL MEMBER MARY T. ROCHE

2. APPROVAL OF THE FINAL AGENDA**3. APPROVAL OF THE MEETING MINUTES**

A. April 3, 2014 Regular Meeting Minutes, Page 11.

4. PROCLAMATIONS AND PRESENTATIONS

A. "Working Together to Prevent West Nile Virus" Presentation by Coachella Valley Mosquito & Vector Control District.

5. PUBLIC COMMENTS

ALL PERSONS WISHING TO ADDRESS THE CITY COUNCIL SHOULD FILL OUT A BLUE PUBLIC COMMENT FORM IN ADVANCE AND HAND IT TO THE CITY CLERK. AT THE APPROPRIATE TIME, PLEASE COME FORWARD TO THE PODIUM AND STATE YOUR NAME FOR THE RECORD. SPEAKERS ARE LIMITED TO THREE MINUTES. PARTIES ARE ENCOURAGED TO SUBMIT THEIR COMMENTS IN WRITING WITH ANY ATTACHMENTS OR EXHIBITS THEY WISH FOR THE COUNCIL TO REVIEW, PREFERABLY 24 HOURS PRIOR TO THE MEETING. SPEAKERS CAN THEN USE THEIR THREE-MINUTES TO SUMMARIZE THE KEY POINTS OF THEIR COMMENTS. PLEASE NOTE THAT YOU MAY ADDRESS THE CITY COUNCIL ON AN AGENDA ITEM AT THE TIME IT IS DISCUSSED, BUT ONLY AFTER BEING RECOGNIZED BY THE MAYOR.

UNDER THE BROWN ACT, THE COUNCIL SHOULD NOT TAKE ACTION ON OR DISCUSS MATTERS RAISED DURING THE PUBLIC COMMENT PORTION OF THE AGENDA WHICH ARE NOT LISTED ON THE AGENDA. COUNCIL MEMBERS MAY REFER SUCH MATTERS TO STAFF FOR FACTUAL INFORMATION OR TO BE PLACED ON A SUBSEQUENT AGENDA FOR CONSIDERATION. NOTWITHSTANDING THE FOREGOING, COUNCIL MEMBERS AND STAFF MAY BRIEFLY RESPOND TO STATEMENTS MADE OR QUESTIONS POSED DURING PUBLIC COMMENT, AS LONG AS SUCH RESPONSES DO NOT CONSTITUTE ANY DELIBERATION OF THE ITEM.

A. Public Comments

B. Response to Prior Public Comments

6. PUBLIC HEARINGS

ANYONE WHO CHALLENGES ANY HEARING MATTER IN COURT MAY BE LIMITED TO RAISING ONLY THOSE ISSUES HE/SHE OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED HEREIN, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY COUNCIL AT, OR PRIOR TO, THE PUBLIC HEARING.

A. Adopt Resolution Approving the Annual Special Fire Tax Standby and Availability Charges for Fiscal Year 2014-15. Page 23.

RECOMMENDED ACTION:

Council **OPENS** the Public Hearing, takes any public testimony, **CLOSES** the Public Hearing, and

ADOPTS Resolution Bill No. 2014-04 approving the annual levy of the Special Fire Tax Standby and Availability Charges for Fiscal Year 2014-15; and

ORDERS the special fire tax levy to be placed on the Fiscal Year 2014-15 Riverside County tax roll

B. Adopt Resolution Approving the Annual Levy of the Fire Access Maintenance District No. 1 for Fiscal Year 2014-15. Page 28.

RECOMMENDED ACTION:

Council **OPENS** the Public Hearing, takes any public testimony, **CLOSES** the Public Hearing, and

ADOPTS Resolution Bill No. 2014-05 approving the annual levy of the Fire Access Maintenance District No. 1 for Fiscal Year 2014-15; and

ORDERS the Fire Access Maintenance District No. 1 levy to be placed on the Fiscal Year 2014-15 Riverside County tax roll.

7. CONSENT CALENDAR

ALL MATTERS LISTED ON THE CONSENT CALENDAR ARE CONSIDERED TO BE ROUTINE AND WILL BE ENACTED BY ONE VOTE. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS MEMBERS OF THE CITY COUNCIL OR AUDIENCE REQUEST THAT SPECIFIC ITEMS BE REMOVED FROM THE CONSENT CALENDAR FOR SEPARATE DISCUSSION AND ACTION. IF YOU WISH TO ADDRESS THE CITY COUNCIL, PLEASE FILL OUT A BLUE PUBLIC COMMENT FORM IN ADVANCE AND HAND IT TO THE CITY CLERK. PLEASE STATE YOUR NAME FOR THE PUBLIC RECORD. A THREE MINUTE LIMIT IS CUSTOMARY. FINANCIAL MATTERS WILL BE INDICATED AS BUDGETED OR NON-BUDGETED BELOW.

- A. Approve Requisition for Levy Restaurants in the Amount of \$31,190.66 for Food & Beverage in Suites During the 2014 BNP Paribas Open. Page 33.

RECOMMENDED ACTION:

COUNCIL **APPROVES** THE REQUISITION TO LEVY RESTAURANTS IN THE AMOUNT OF \$31,190.66 FOR FOOD & BEVERAGE SERVED IN THE CITY SUITES DURING THE 2014 BNP PARIBAS OPEN.

- B. FAMD Warrant and Demands. Page 35.

RECOMMENDED ACTION:

COUNCIL **APPROVES** THE APRIL 17, 2014 FAMD WARRANT AND DEMANDS.

- C. City Warrant and Demands. Page 38.

RECOMMENDED ACTION:

COUNCIL **APPROVES** THE APRIL 17, 2014 CITY WARRANT AND DEMANDS.

8. GENERAL BUSINESS

- A. Adopt Resolution Approving the City of Indian Wells Bail Schedule. Page 50.

RECOMMENDED ACTIONS:

COUNCIL **ADOPTS** RESOLUTION BILL NO. 2014-03 APPROVING THE CITY OF INDIAN WELLS BAIL SCHEDULE; AND

DIRECTS STAFF TO FORWARD THE NEW BAIL SCHEDULE TO RIVERSIDE COUNTY SUPERIOR COURT

- B. Approve Sub-Reimbursement Agreement with Coachella Valley Association of Governments for the Jefferson Street and Interstate 10 Interchange Project. Page 66.

RECOMMENDED ACTIONS:

COUNCIL **APPROVES** THE SUB-REIMBURSEMENT AGREEMENT BY AND BETWEEN COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS, THE NINE COACHELLA VALLEY CITIES, AND THE COUNTY OF RIVERSIDE WHICH ESTABLISHED INVOICING PROCEDURES FOR THE LOCAL SHARE OF COSTS FOR THE INTERCHANGE PROJECT AT JEFFERSON STREET AND INTERSTATE 10; AND

AUTHORIZES AND **DIRECTS** THE MAYOR TO EXECUTE SAID AGREEMENT.

- C. Affirm Consent to Conflict of Representation Waiver Allowing Best Best & Krieger to Represent Coachella Valley Association of Governments for CV Link Project Environmental Work. Page 81.

RECOMMENDED ACTIONS:

COUNCIL **AFFIRMS** ITS CONSENT TO THE CONFLICT OF REPRESENTATION ALLOWING BEST BEST & KRIEGER LLP TO REPRESENT COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS FOR THE ENVIRONMENTAL WORK RELATED TO THE CV LINK PROJECT; AND

AUTHORIZES AND **DIRECTS** THE CITY MANAGER TO EXECUTE THE CONFLICT OF REPRESENTATION WAIVER

- D. Adopt 1) Resolution Amending Resolution No. 2013-53 Concerning the Compensation and Benefit Plan for Non-Represented Professional and Management Employees, Confidential Employees, and Non-Represented Employees and 2) Authorized Positions and Salary Schedule Including Two New Positions. Page 87.

RECOMMENDED ACTIONS:

COUNCIL **ADOPTS** RESOLUTION BILL NO. 2014-19 AMENDING RESOLUTION NO. 2013-53 CONCERNING SECTION 1 OF THE COMPENSATION AND BENEFIT PLAN FOR NON-REPRESENTED PROFESSIONAL AND MANAGEMENT EMPLOYEES, CONFIDENTIAL EMPLOYEES, AND NON-REPRESENTED EMPLOYEES EFFECTIVE JULY 1, 2013 THROUGH JUNE 30, 2014 BY MAKING CHANGES AS THE TO THE CLASSIFICATION OF CERTAIN POSITIONS; AND

ADOPTS THE FISCAL YEAR 2013-2014 AUTHORIZED POSITIONS AND SALARY SCHEDULE THAT INCORPORATES CHANGES TO THE AUTHORIZED POSITIONS.

9. CITY MANAGER'S REPORT/COMMENTS AND MATTERS FROM STAFF

10. COUNCIL MEMBERS' REPORTS AND COMMENTS

A. Council Member Roche

California Joint Powers Insurance Authority
 Coachella Valley Mountains Conservancy
 Cove Communities Services Commission
 Coachella Valley Animal Campus
 CVAG Conservation Commission
 CVAG Energy Committee
 Indian Wells Marketing Committee
 Jacqueline Cochran Regional Airport Commission

B. Council Member Hanson

Coachella Valley Economic Partnership
 CVAG Transportation Committee
 Indian Wells Finance and Legal Services Oversight Committee
 Indian Wells Golf Resort Advisory Committee
 Indian Wells Tee Committee
 Riverside County Transportation Committee
 Sunline Transit Agency

C. Council Member Mullany

Cove Communities Services Commission
Indian Wells Golf Resort Advisory Committee
Indian Wells Public Safety Committee
Indian Wells Tee Committee

D. Mayor Pro Tem Peabody

CVAG Homelessness Committee
Indian Wells Community Activities Committee
Indian Wells Grants-in-Aid Committee
Indian Wells Finance and Legal Services Oversight Committee
Indian Wells Marketing Committee
Indian Wells Personnel Committee
Indian Wells Crossing Development Ad Hoc Committee
Tennis Stadium Ad Hoc Committee

E. Mayor Mertens

CVAG Executive Committee
CVAG Public Safety Committee
Greater Palm Springs Convention and Visitors Bureau
Indian Wells Personnel Committee
Indian Wells Public Safety Committee
Indian Wells Crossing Development Ad Hoc Committee
Tennis Stadium Ad Hoc Committee

11. CITY ATTORNEY REPORTS AND COMMENTS

12. CLOSED SESSION

- A. Conference with Labor Negotiators Pursuant to Government Code Section 54957. Agency Designated Representative: Wade G. McKinney. Employee Organization: Indian Wells City Employees Association.
- B. Conference with Legal Counsel Regarding Existing Litigation Pursuant to Government Code Section 54956.9(d)(1). Name of Case: Rubakovic v. Indian Wells, Riverside County Superior Court Case # PSC 1302806.

13. ADJOURNMENT

TO A SPECIAL STATE OF THE CITY MEETING OF THE CITY COUNCIL TO BE HELD AT 6:00 P.M.
ON APRIL 17, 2014 AT THE INDIAN WELLS GOLF RESORT, PAVILION.

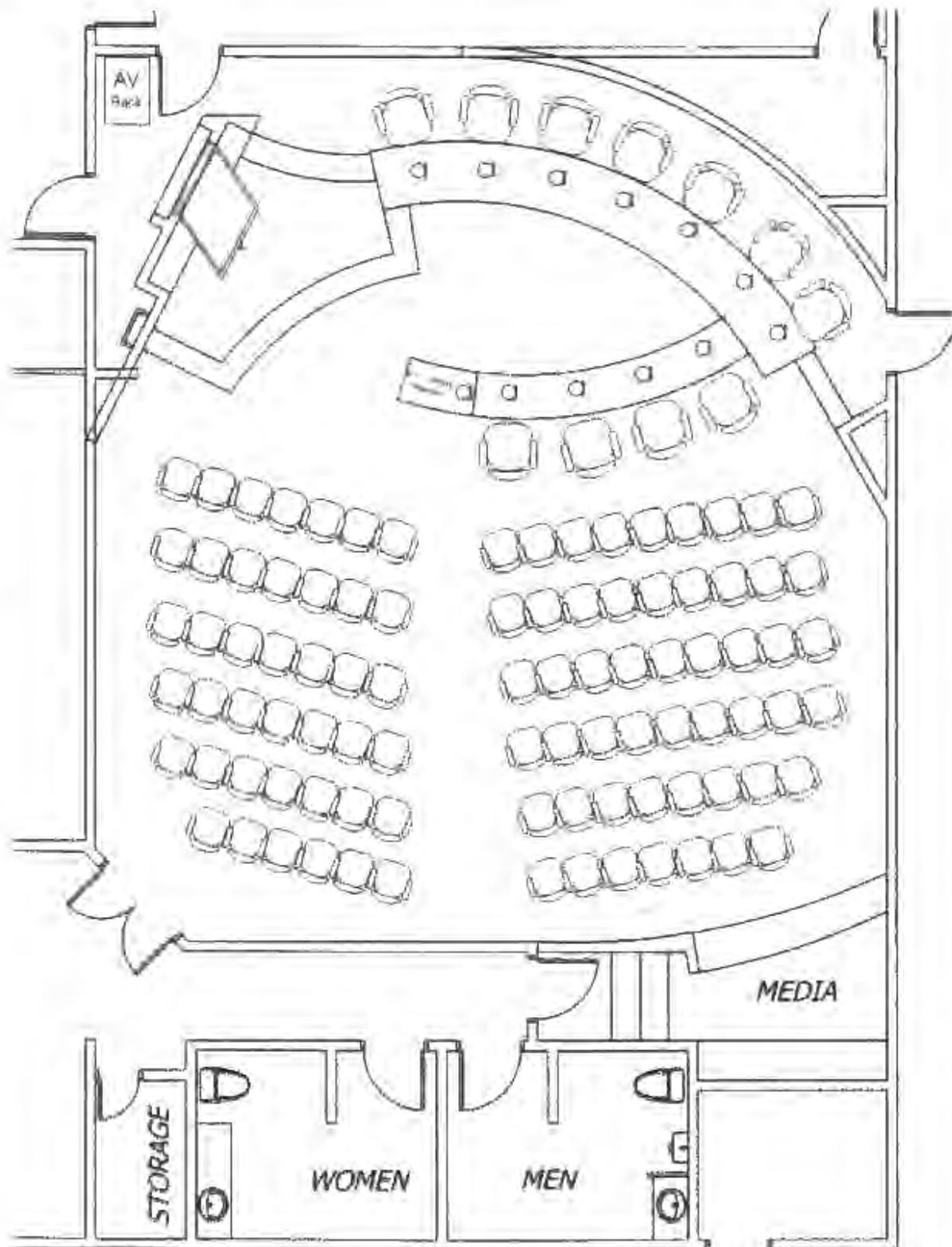
IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CITY CLERK AT (760) 346-2489. NOTIFICATION 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING. 128 CFR 35.102.35.104 ADA TITLE III

AFFIDAVIT OF POSTING

I, Anna Grandys, certify that on April 11, 2014, I caused to be posted a notice of a City Council Meeting to be held on Thursday, April 17, 2014 at 1:30 p.m. in the City Hall Council Chambers.

Notices were posted at Indian Wells Civic Center, Village 1 (Ralph's), and Indian Wells Plaza (Indian Wells Chamber of Commerce)


Anna Grandys
Chief Deputy City Clerk



City Council Meeting Minutes

Thursday, April 3, 2014

1:30 p.m.

City Hall Council Chambers at
44-950 Eldorado Drive, Indian Wells



Indian Wells City Hall

WELCOME TO A REGULARLY SCHEDULED MEETING OF THE CITY COUNCIL. ALL PERSONS WISHING TO ADDRESS THE CITY COUNCIL SHOULD FILL OUT A BLUE PUBLIC COMMENT FORM BEFORE THE MEETING BEGINS AND GIVE IT TO THE CITY CLERK. WHEN THE MAYOR HAS RECOGNIZED YOU, PLEASE COME FORWARD TO THE PODIUM AND STATE YOUR NAME FOR THE RECORD. A 3-MINUTE TIME LIMIT IS CUSTOMARY. PLEASE NOTE THAT YOU MAY ADDRESS THE CITY COUNCIL ON AN AGENDA ITEM AT THE TIME IT IS DISCUSSED, BUT ONLY AFTER BEING RECOGNIZED BY THE MAYOR. ANY PUBLIC RECORD, RELATING TO AN OPEN SESSION AGENDA ITEM, THAT IS DISTRIBUTED WITHIN 72 HOURS PRIOR TO THE MEETING IS AVAILABLE FOR PUBLIC INSPECTION AT CITY HALL RECEPTION AREA 44-950 ELDORADO DRIVE, INDIAN WELLS DURING NORMAL BUSINESS HOURS.

1. CONVENE THE CITY COUNCIL AND ROLL CALL

[1:31:05] Mayor Mertens convened the City Council at 1:31 p.m. in the City Hall Council Chambers.

PRESENT: 5 – Mayor Ted Mertens, Mayor Pro Tem Ty Peabody, Council Member Patrick Mullany, Council Member Douglas Hanson, and Council Member Mary T. Roche

2. APPROVAL OF THE FINAL AGENDA

[1:32:01] Council Member Roche requested that Items #4A and #4B be moved from Proclamations and Presentations to General Business

A motion was made by Council Member Roche, seconded by Council Member Mullany, to Approve the Agenda as Amended. The motion carried by the following vote 5-0:

AYES: 5 – Mertens, Peabody, Mullany, Hanson, Roche

NOES: 0 – None

3. APPROVAL OF THE MEETING MINUTES

[1:32:59]

A. March 20, 2014 Special Meeting Minutes. Page 21.

B. March 20, 2014 Regular Meeting Minutes. Page 24.

A motion was made by Council Member Mullany, seconded by Council Member Roche, to Approve the Minutes as Submitted. The motion carried by the following vote 5-0:

AYES: 5 – Mertens, Peabody, Mullany, Hanson, Roche

NOES: 0 – None

4. PROCLAMATIONS AND PRESENTATIONS

[1:32:01] Council Member Roche requested that Items #4A and #4B be moved from Proclamations and Presentations to General Business.

- A. Presentation of Annual Other Post-retirement Employee Benefits (OPEB) Funding Status Report by Finance Director.
- B. Presentation of City Water Conservation Efforts by Public Works Director and Landscape Specialist.

5. PUBLIC COMMENTS

[1:33:15] Ms. Janice Holmlund, member of the Indian Wells Historic Preservation Foundation presented written comments with regard to three historic preservation items being requested of the City by the Foundation.

Mr. Bob Mitchell, resident, thanked the Council for the Committee, Commission and Board Recognition dinner which occurred last evening. Mr. Mitchell remarked conversation at his table seemed to be limited because of the acoustics.

Ms. Pat Fredericks, President of Rancho Palmaras Homeowners Association, brought to Council's attention an issue with a neighborhood rental home stating a petition was signed by Indian Wells Residents and been given to the Chief Deputy City Clerk earlier this week.

Mr. Grant Silvernale stated the PNB Paribas tennis tournament experience was great and the Hyatt Spa facility is wonderful and a great resident benefit. Mr. Silvernale also commented on the historical recognition of the Sandpiper Development condominium complex consisting of 16 units which was built during the 1960's.

Mr. Tyler Nelson introduced himself as the recently appointed National Community Renaissance of California [NCORE] Senior Community Manager for the two affordable housing developments in the City.

Mr. Denny Booth, resident, presented his written comments and questions relating to the Indian Wells Crossing project and Mr. Jerry Fogelson.

6. CONSENT CALENDAR

[1:58:04]

- A. FAMD Warrant and Demands. Page 35.

IT WAS DETERMINED TO **APPROVE** THE APRIL 3, 2014, 2014 FAMD WARRANT AND DEMANDS.

THIS MATTER WAS APPROVED ON THE CONSENT AGENDA.

- B. City Warrant and Demands. Page 36.

IT WAS DETERMINED TO **APPROVE** THE APRIL 3, 2014, 2014 CITY WARRANT AND DEMANDS.

THIS MATTER WAS APPROVED ON THE CONSENT AGENDA.

PASSED THE CONSENT AGENDA. A MOTION WAS MADE BY COUNCIL MEMBER MULLANY, SECONDED BY COUNCIL MEMBER ROCHE, INCLUDING THE PRECEDING ITEM MARKED AS HAVING BEEN APPROVED ON THE CONSENT AGENDA. THE MOTION CARRIED BY THE FOLLOWING VOTE 5-0:

AYES: 5 – Mertens, Peabody, Mullany, Hanson, Roche
NOES: 0 – None

7. GENERAL BUSINESS

- A. Approve Fiscal Year 2014-15 City Goals and Action Plans. Page 47.

[1:59:15] Council Member Hanson recommended that the words "International Resort Destination" be added to the end of the Mission Statement.

A motion was made by Council Member Hanson, seconded by Council Member Roche, to Approve this Motion. The motion passed by the following vote 5-0:

AYES: 5 – Mertens, Peabody, Mullany, Hanson, Roche
NOES: 0 – None

It was also determined to APPROVE the Fiscal Year 2014-15 City Goals and Action Plan

A motion was made by Council Member Roche, seconded by Council Member Hanson, to Approve this Motion. The motion passed by the following vote 5-0:

AYES: 5 – Mertens, Peabody, Mullany, Hanson, Roche

NOES: 0 – None

**B. Annual Appointments to Commissions, Committees and Boards
Page 58.**

[2:00-33] Chief Deputy City Clerk Anna Grandys stated there are thirteen (13) vacancies on five City Commissions, Committees and one Board. The term for each of these vacancies will be for a two year period beginning July 1, 2014 and ending on June 30, 2016.

PLANNING COMMISSION

Ms. Grandys stated there are three vacancies for the Planning Commission and the applicants were as follows: Ronald Easton, John Emerson, Harry Kaladjian, Dennis Pindiak, Ulrich Sauerbrey, Dawn Swajian, A.J. Staples and Paul Wertlake.

The results of the first ballot vote were as follows:

Mayor Mertens – Ronald Easton, Dennis Pindiak and A.J. Staples

Mayor Pro Tem Peabody – Easton, Dennis Pindiak and A.J. Staples

Council Member Mullany – John Emerson, Dennis Pindiak and A.J. Staples

Council Member Hanson – Ronald Easton, Dennis Pindiak and A.J. Staples

Council Member Roche – Ronald Easton, Dennis Pindiak and A.J. Staples

Ms. Grandys announced that Ronald Easton, Dennis Pindiak and A.J. Staples each received the minimum of three votes and were nominated to the Planning Commission for a two year term commencing July 1, 2014 and ending on June 30, 2016.

It was determined to APPROVE the appointments of Ronald Easton, Dennis Pindiak and A.J. Staples to the Planning Commission for a two year term commencing July 1, 2014 and ending on June 30, 2016.

A motion was made by Council Member Hanson, seconded by Council Member Mullany, to Approve this Motion. The motion passed by the following vote 5-0:

AYES: 5 – Mertens, Peabody, Mullany, Hanson, Roche

NOES: 0 – None

ARCHITECTURE & LANDSCAPE COMMITTEE

Ms. Grandys stated there are three vacancies for the Planning Commission and the applicants were as follows: Steven DeLateur, Steve Howell, Harry Kaladjian, Dennis Pindak, Brenda Reed and Paul Wertlake

The results of the first ballot vote were as follows:

Mayor Mertens – Steven DeLateur, Harry Kaladjian and Brenda Reed

Mayor Pro Tem Peabody – Steve Howell, Harry Kaladjian and Brenda Reed

Council Member Mullany – Steven DeLateur, Steve Howell and Brenda Reed

Council Member Hanson – Steven DeLateur, Harry Kaladjian and Brenda Reed

Council Member Roche – Steve DeLateur, Brenda Reed and Paul Wertlake

Ms. Grandys announced that Steven DeLateur, Harry Kaladjian and Brenda Reed each received the minimum of three votes and were nominated to the Architecture & Landscape Committee for a two year term commencing July 1, 2014 and ending on June 30, 2016.

It was determined to APPROVE the appointments of Steven DeLateur, Harry Kaladjian and Brenda Reed to the Architecture & Landscape Committee for a two year term commencing July 1, 2014 and ending on June 30, 2016.

A motion was made by Council Member Hanson, seconded by Council Member Mullany, to Approve this Motion. The motion passed by the following vote 5-0:

AYES: 5 – Mertens, Peabody, Mullany, Hanson, Roche

NOES: 0 – None

COMMUNITY ACTIVITIES COMMITTEE

Ms. Grandys stated there are two vacancies for the Community Activities Committee and the applicants were as follows: Vicki Blythin, Loretta Ferraro, Arlene Lucchesi and Rocky Randall. It was noted that Vicki Blythin should not have been listed on the ballot as she has not met the required one year lapse between appointments to the same committee.

The results of the first ballot vote were as follows

Mayor Mertens – Loretta Ferraro

Mayor Pro Tem Peabody – Loretta Ferraro and Rocky Randall

Council Member Mullany – Loretta Ferraro and Arlene Lucchesi

Council Member Hanson – Loretta Ferraro and Rocky Randall

Council Member Roche – Loretta Ferraro and Rocky Randall

Ms. Grandys announced that Loretta Ferraro and Rocky Randall each received the minimum of three votes and were nominated to the Community Activities Committee for a two year term commencing July 1, 2014 and ending on June 30, 2016.

It was determined to APPROVE the appointments of Loretta Ferraro and Rocky Randall to the Community Activities Committee for a two year term commencing July 1, 2014 and ending on June 30, 2016.

A motion was made by Council Member Roche, seconded by Mayor Pro Tem Peabody, to Approve this Motion. The motion passed by the following vote 5-0:

AYES: 5 – Mertens, Peabody, Mullany, Hanson, Roche

NOES: 0 – None

GOLF RESORT ADVISORY COMMITTEE

Ms. Grandys stated there are two vacancies for the Golf Resort Advisory Committee and the applicants were as follows: Richard Balocco, Tom Davis, John Emerson, Roger Hiddleston and Ulrich Sauerbrey. It was noted that Rocky Randall was crossed off the ballot as she has been appointed to the Community Activities Committee.

The results of the first ballot vote were as follows:

Mayor Mertens – Tom Davis and Ulrich Sauerbrey

Mayor Pro Tem Peabody – Tom Davis and Ulrich Sauerbrey

Council Member Mullany – Tom Davis and Roger Hiddleston

Council Member Hanson – Tom Davis and Ulrich Sauerbrey

Council Member Roche – Tom Davis and Ulrich Sauerbrey

Ms. Grandys announced that Tom Davis and Ulrich Sauerbrey each received the minimum of three votes and were nominated to the Golf Resort Advisory Committee for a two year term commencing July 1, 2014 and ending on June 30, 2016.

It was determined to APPROVE the appointments of Tom Davis and Ulrich Sauerbrey to the Golf Resort Advisory Committee for a two year term commencing July 1, 2014 and ending on June 30, 2016.

A motion was made by Council Member Mullany, seconded by Council Member Roche, to Approve this Motion. The motion passed by the following vote 5-0:

AYES: 5 – Mertens, Peabody, Mullany, Hanson, Roche

NOES: 0 – None

GRANTS-IN-AID COMMITTEE

Ms. Grandys stated there are two vacancies for the Grants-in-Aid Committee and the applicants were as follows: Ronald Easton, Donna Griffith and Arlene Lucchesi.

The results of the first ballot vote were as follows:

Mayor Mertens – Donna Griffith and Arlene Lucchesi

Mayor Pro Tem Peabody – Donna Griffith and Arlene Lucchesi

Council Member Mullany – Donna Griffith and Arlene Lucchesi

Council Member Hanson – Donna Griffith and Arlene Lucchesi

Council Member Roche – Donna Griffith and Arlene Lucchesi

Ms. Grandys announced that Donna Griffith and Arlene Lucchesi each received the minimum of three votes and were nominated to the Grants-in-Aid Committee for a two year term commencing July 1, 2014 and ending on June 30, 2016.

It was determined to APPROVE the appointments of Donna Griffith and Arlene Lucchesi to the Grants-in-Aid Committee for a two year term commencing July 1, 2014 and ending on June 30, 2016.

A motion was made by Council Member Roche, seconded by Mayor Pro Tem Peabody, to Approve this Motion. The motion passed by the following vote 5-0:

AYES: 5 – Mertens, Peabody, Mullany, Hanson, Roche

NOES: 0 – None

JOSLYN CENTER

Ms. Grandys stated there is one vacancy for the Joslyn Center Board and the applicants were as follows: Vicki Blythin and Janet Underwood.

The results of the first ballot vote were as follows:

Mayor Mertens – Janet Underwood
Mayor Pro Tem Peabody – Janet Underwood
Council Member Mullany – Janet Underwood
Council Member Hanson – Janet Underwood
Council Member Roche – Janet Underwood

Ms. Grandys announced that Janet Underwood received the minimum of three votes and was nominated to the Joslyn Center Board for a two year term commencing July 1, 2014 and ending on June 30, 2016.

It was determined to APPROVE the appointment of Janet Underwood to the Joslyn Center Board for a two year term commencing July 1, 2014 and ending on June 30, 2016.

A motion was made by Council Member Roche, seconded by Council Member Mullany to Approve this Motion. The motion passed by the following vote 5-0:

AYES: 5 – Mertens, Peabody, Mullany, Hanson, Roche
NOES: 0 – None

C. Presentation of Annual Other Post-retirement Employee Benefits (OPEB) Funding Status Report by Finance Director.

Finance Director Kevin McCarthy gave a presentation on the annual other post-retirement employee benefit funding status report. In response to Mr. Bob Mitchell's question could the money in reserve be used for other uses, Mr. McCarthy stated no it could not.

- D. Presentation of City Water Conservation Efforts by Public Works Director and Landscape Specialist.

Mr. Ryan Bowen, Landscape Specialist, gave a presentation on how the City is conserving water and plans for future conservation in the City's landscaping areas.

8. CITY MANAGER'S REPORT/COMMENTS AND MATTERS FROM STAFF

[2:49:00] City Manager Wade McKinney reported that Susan Leong had been hired as a Senior Accountant and would be starting on Monday, April 7, 2014. It was noted that Ms. Leong was one of the employees who had been let go because of the budget cuts in 2011 and everyone was happy to have her return.

9. COUNCIL MEMBERS' REPORTS AND COMMENTS

[2:49:33]

A. Council Member Roche

No report.

B. Council Member Hanson

Council Member Hanson stated as it relates to the Highway 111 petition, he was personally opposed to the widening of Highway 111. Mr. Hanson also questioned the meet and greet event which will be held prior to the State of the City event on April 17, 2014. Mayor Mertens stated the flyers were distributed before he had the opportunity to inform the Council of the particulars of the event.

C. Council Member Mullany

No report.

D. Mayor Pro Tem Peabody

No report.

E. Mayor Mertens

Mayor Mertens stated he never will advocate for the widening of Highway 111. Mayor Mertens gave an update on the Ryerson/Miles Lodge Project where the next major milestone in the Development Agreement is June 2014.

10. CITY ATTORNEY REPORTS AND COMMENTS

[3:01:03] City Attorney Stephen Deitsch reported at this morning's Special Meeting Council met in Closed Session on Items #A & #B. Closed Session Item #C was two cases; one being an errant golf ball claim and the other was alleged damage to a vehicle. Mr. Deitsch stated there was no reportable action taken.

11. ADJOURNMENT

At 3:01 p.m. Mayor Mertens ADJOURNED to a regularly scheduled meeting of the City Council to be held at 1:30 p.m. on April 17, 2014 in the City Hall Council Chambers; and thereafter to a Special State of the City meeting of the City Council to be held at 6:00 p.m. on April 17, 2014 at the Indian Wells Golf Resort, Pavilion

Respectfully submitted,

Wade G. McKinney, City Manager/City Clerk

This council meeting may be viewed on the City's website at <http://www.cityofindianwells.org> click on "City Council Meeting View Online" tab and the complete agenda packets are available on the City's website at <http://www.cityofindianwells.org/cityhall/cagenda.asp>

Denny Booth

Dear Mr. Booth,

Please find below answers to the questions regarding the Miles Crossing property you posed at the April 3, 2014 City Council meeting:

1. What was the purchase price of each parcel?
The two parcels were an assembly of many smaller properties and we have not completed the research to verify acquisition cost.
2. What was the sales price of each parcel?
 - a. *Total consideration for Parcel 1 was \$2,317,406.*
 - b. *Total consideration for Parcel 2 was \$2,024,233.*
3. What was the deposit?
 - a. *\$25,000*
4. What were the principal payments?
 - a. *There were no principal payments during the term of the promissory note*
5. What were the interest payments?
 - a. *There were no interest payments during the term of the promissory note*
6. What was the amount of differed interest?
 - a. *The accrued interest of Parcel 1 was \$647,516 as of March 7, 2014.*
 - b. *The accrued interest of Parcel 2 was \$573,075 as of March 10, 2014.*
7. What was the original due dates?
 - a. *The original due dates of both promissory notes was August 25, 2013.*
8. The date or dates of the extensions of due dates?
 - a. *The first foreclosure date was set for January 21, 2014*
 - b. *The second foreclosure date was set for February 3, 2014*
 - c. *The final foreclosure date was set for March 10, 2014*
9. The final due dates of the loans?
 - a. *Payment was made on March 7, 2014.*

Indian Wells City Council

April 17, 2014

Staff Report – Finance

Adopt Resolution Approving the Annual Special Fire Tax Standby and Availability Charges for Fiscal Year 2014-15

RECOMMENDATIONS:

City Council **OPENS** the Public Hearing, takes any public testimony, **CLOSES** the Public Hearing; and

ADOPTS Resolution Bill No. 2014-04 approving the annual levy of the Special Fire Tax Standby and Availability Charges for Fiscal Year 2014-15; and

ORDERS the special fire tax levy to be placed on the Fiscal Year 2014-15 Riverside County tax roll.

DISCUSSION:

Background

In 1980, Indian Wells voters approved a special tax of \$10 per home per month for fire suppression and paramedic services. Special Tax revenues are vital to the City's emergency services program by contributing approximately \$600,000 of the \$3.2 million fire services budget. Remaining funding is derived from County fire tax credits, interest come, and special grant revenues.

The special tax is used for fire suppression and paramedic services, as well as capital replacements of fire equipment such as building improvements, gurneys, infrared helmets, and medic units. Through a contract with the Riverside County Fire Department, residents are provided with fire suppression, fire prevention, fire investigation, fire safety education and paramedic services. The City's fire station is fully staffed 24-hours a day, 365 days per year with five full-time personnel, three on the Engine and two Paramedic Firefighters on an advanced life support ambulance. Additionally, specialized rescue equipment for major accidents, confined space rescue, trench rescue, and swift water/flood rescue along with 4 highly trained personnel on a Ladder Truck that is shared with the cities of Palm Desert and Rancho Mirage.

FISCAL IMPACT:

The estimated collection of the levy in fiscal year 2014/15 is \$600,000. This special tax is not subject to a CPI index and the voter approved levy rate will remain constant at \$10 per house per month for upgrading fire suppression and paramedic services.

The Special Fire Tax Standby and Availability Charges are paid by the property owners to the City per year and shall be as follows:

<u>Land Use Category</u>	<u>Assessment</u>
Residential Improved Lot	\$120.00 per dwelling unit, per year
Residential Subdivided Vacant Lot	\$60.00 per equivalent dwelling unit, per year
Vacant Acreage	
Up to and including 1 acre	\$39.00 per year
For size over 1 acre up to & including 50 acres	\$39.00 for the first acre plus \$6.50 per each additional acre or prorated portion of an acre, per year
For size over 50 acres up to & including 100 acres	\$39.00 for the first acre plus \$6.50 per each additional acre up to & including 50 acres plus \$2.60 per acre or prorated portion of an acre over 50 acres, per year
For size over 100 acres	\$39.00 for the first acre plus \$6.50 per each additional acre up to & including 50 acres plus \$2.60 per acre over 50 acres up to & including 100 acres plus \$0.65 per acre or prorated portion of an acre over 100 acres, per year

ATTACHEMENT:

1. Resolution Bill No. 2014-04

RESOLUTION BILL NO. 2014-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE CITY OF INDIAN WELLS FIRE TAX STANDBY AND AVAILABILITY CHARGES PURSUANT TO CITY ORDINANCE NO. 170

WHEREAS, the City Council of the City of Indian Wells, California (the "City Council") has prepared the annual assessment against parcels of land within the City of Indian Wells for the Fire Tax Standby and Availability Charges for the Fiscal Year commencing July 1, 2014 and ending June 30, 2015 pursuant to City Ordinance No. 170 to pay for the described standby costs; and

WHEREAS, the City Council has retained Willdan Financial (the "Engineer") for the purpose of assisting the City with the preparation of the annual assessment and collection of the Fire Tax Standby and Availability Charges; and

WHEREAS, the Engineer has prepared the proposed charge and collection upon eligible parcels of land within the City, and the City Council has approved such assessments; and

WHEREAS, the City Council desires to levy and collect assessments against parcels of land within the District for the Fiscal Year commencing July 1, 2014 and ending June 30, 2015 to pay for the Fire Tax Standby and Availability Charges; and

WHEREAS, A Public Hearing Notice was published in a newspaper of general circulation once at least fifteen (15) days before the public hearing on annual levies; and a copy of the Public Hearing Notice was posted in three (3) public places within the City.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL AS FOLLOWS:

SECTION 1. That the Special Fire Tax Standby and Availability charges be paid by the property owners to the City for the Fiscal Year commencing July 1, 2014 and ending June 30, 2015 and shall be as follows:

<u>Land Use</u>	<u>Assessment</u>
Residential Improved Lot	\$120.00 per dwelling unit, per year
Residential Subdivided Vacant Lot	\$ 60.00 per equivalent dwelling unit, per year
Vacant Acreage:	
Up to and including 1 acre	\$ 39.00 per year
For size over 1 acre up to and including 50 acres	\$ 39.00 for the first acre plus \$6.50 per each additional acre or prorated portion of an acre, per year
For size over 50 acres up to and including 100 acres	\$ 39.00 for the first acre plus \$6.50 per each additional acre up to & including 50 acres plus \$2.60 per acre or prorated portion of an acre over 50 acres, per year
For size over 100 acres	\$ 39.00 for the first acre plus \$6.50 per each additional acre up to & including 50 acres plus \$2.60 per acre over 50 acres up to & including 100 acres plus \$0.65 per acre or prorated portion of an acre over 100 acres, per year

SECTION 2. In accordance with City Ordinance No. 170, non-residential land shall be levied upon the class of improvements to property and the use of property basis utilizing estimated fire flow requirements determined in accordance with the formula contained in the Insurance Services Office guidelines in the Fire Prevention and Control Master Planning Guide distributed by the United States Department of Commerce.

SECTION 3. The document referenced in Section 2 is no longer in production and has been replaced by County of Riverside regulations for fire flow requirements. Those County regulations have been adopted by the City of Indian Wells through Ordinance Nos. 370 and 451. The rates for non-residential land will not exceed the maximum allowable charge.

SECTION 4. The above rates shall be effective July 1, 2014 through June 30, 2015.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on this 17th day of April 2014.

TED J. MERTENS
MAYOR

CERTIFICATION FOR RESOLUTION BILL NO. 2014-04

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that the whole number of the members of the City Council is five (5); that the above and foregoing resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Indian Wells the 17th day of April 2014, by the following vote:

AYES:

NOES:

ATTEST:

APPROVED AS TO FORM:

WADE G. MCKINNEY
CITY MANAGER/CITY CLERK

STEPHEN P. DEITSCH
CITY ATTORNEY

Indian Wells City Council

April 17, 2014

Staff Report – Finance

Adopt Resolution Approving the Levy of Fire Access Maintenance District No. 1 for Fiscal Year 2014-15

RECOMMENDATIONS:

City Council **OPENS** the Public Hearing, takes any public testimony, **CLOSES** the Public Hearing; and

ADOPTS Resolution Bill No. 2014-05 approving the annual levy of the Fire Access Maintenance District No. 1 for Fiscal Year 2014-15; and

ORDERS the Fire Access Maintenance District No. 1 levy to be placed on the Fiscal Year 2014-15 Riverside County tax roll.

DISCUSSION:

Background

In 1973 the City Council was asked to consider a proposal to convert the public streets in the area then known as the Indian Wells Country Club to a private status. At that time, all the streets were open, public and un-gated. The City Council implemented this proposal by abandoning all interest in the public streets within the identified area, and designating them within a maintenance district ("Fire Access Maintenance District" or "FAMD"). The FAMD was formed for maintaining and operating access roadways, rights of way and easements for fire protection purposes.

Formation of the maintenance district gave the City Council the authority to impose a property tax rate on those properties located within the FAMD to pay for the district's operations. The abandonment of the streets changed their character from public streets to private streets. However, at the time the public easements in the streets were vacated, the Council reserved an emergency vehicle easement, which granted emergency vehicles access to the now private streets. The City Council was to be ultimately responsible for the expenditure of FAMD funds and FAMD activities.

The FAMD is governed by the City Council and over the years the City Council has employed different means to operate and govern the FAMD. From 1973 to 1982 the City Council directly handled all of the FAMD's operations. From 1982 through 1996 the City Council created and sought the advice of an Advisory Council composed of members living within the FAMD. In 1996 the City Council reorganized the governance of the FAMD by establishing direct district elections of the Board of Directors. The FAMD was formed for the exclusive benefit of those people living behind the gates of the Indian Wells Country Club. It was logical that the authority to spend the moneys collected in the District should be the responsibility of those persons living inside the District.

Although the FAMD Board maintains its own governance through election of its Board, the City Council is required to annually adopt a resolution to place the levy on the County tax roll on behalf of the FAMD Board. The tax is collected to furnish security, street maintenance, landscaping, and capital improvements within the district.

City Staff is actively engaged in monitoring the activities of the FAMD. The Public Works Department acts as City liaison and attends FAMD Board meetings. City Finance reviews contracts and budgets; the City Attorney reviews contracts for legal sufficiency and City Staff handle monitoring of the FAMD contracts and insurance.

FISCAL IMPACT:

The FAMD has two sources of revenues: (1) property taxes of approximately \$293,170, based on an assessment of \$1.19 per \$100 of assessed valuation levied by the City Council prior to the adoption of Proposition 13 in 1978; and (2) a voter-approved special assessment of \$1,030 per residential unit approved by the voters in 2004/05, which yields \$1,200,000 annually. Any increase the special assessment requires voter approval.

The City collects the FAMD levies in a Special Revenue Fund which limits expenditures to those associated with the operations and maintenance of the FAMD District. This special tax is not subject to a CPI index, and the voter approved levy rate will remain constant as described below. The FAMD Special Parcel Tax is as follows:

Land Use	Currently Approved Annual Special Tax
Residential Improved	\$ 1,030.00
Residential Vacant Lot 1 Acre or less	700.00
Vacant Land greater than 1 acre, Per Acre	550.00
Golf Club / Golf Course	\$ 190,000.00

ATTACHMENT:

1. Resolution Bill No. 2014-05

RESOLUTION BILL NO. 2014-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, ORDERING THE LEVY AND COLLECTION OF A SPECIAL TAX FOR THE CITY OF INDIAN WELLS FIRE ACCESS MAINTENANCE DISTRICT NO. 1

WHEREAS, the City Council of the City of Indian Wells, California (the "City Council") by Ordinance No. 572 and previous Resolutions has established procedures to replace in its entirety the parcel fee which has been levied annually against parcels of land within the Indian Wells Fire Access Maintenance District No. 1 (the "FAMD") to finance security, street maintenance and repair, and entrance landscape services within the District; and

WHEREAS, the City Council by Resolution No. 2005-02 and pursuant to the requirements of the laws of the State of California, held a Special Municipal Election on May 5, 2005, at which time the rates stated in Ordinance No. 572 were approved by the qualified electors of the District to finance security, street maintenance and repair, and entrance landscape services within the FAMD; and

WHEREAS, the City Council has retained Willdan Financial (the "Engineer") for the purpose of assisting the City with the preparation of the annual levy and collection of special taxes by the FAMD; and

WHEREAS, the Engineer has prepared the proposed levy and collection of special taxes upon eligible parcels of land within the FAMD, and the City Council has approved such special taxes; and

WHEREAS, the City Council desires to levy and collect special taxes against parcels of land within the FAMD for the Fiscal Year commencing July 1, 2014 and ending June 30, 2015 to finance security, street maintenance and repair, and entrance landscape services within the FAMD; and

WHEREAS, a Public Hearing Notice was published in a newspaper of general circulation once at least fifteen (15) days before the public hearing on annual levies; and a copy of the Public Hearing Notice was posted in three (3) public places within the City.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE CITY COUNCIL FOR THE DISTRICT AS FOLLOWS:

SECTION 1. That the Fire Access Maintenance District No. 1 special taxes be paid by the property owners to the City for the Fiscal Year commencing July 1, 2014 and ending June 30, 2015 shall be placed on the tax rolls for the County of Riverside, and shall be as follows:

Residential

<u>Land Use</u>	<u>Assessment</u>
Residential Improved *	\$1,030.00 per unit per year
Residential Vacant Lot 1 acre or less	\$700.00 per unit per year
Vacant Land greater than 1 acre	\$550.00 per acre per year
* Includes Indian Wells Country Club	

Golf Club / Golf Course

The amount of the tax imposed each fiscal year for the Golf Club / Golf Course shall be \$190,000.00

SECTION 2. The above rates shall be effective July 1, 2014 through June 30, 2015.

SECTION 3. The County Auditor of the County of Riverside shall enter on the County Assessment Roll opposite each eligible parcel of land the amount of levy set forth herein, and such levies shall be collected at the same time and in the same manner as the County taxes are collected. After collection by the County, the net amount of the levy shall be paid to the City Treasurer.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on this 17th day of April 2014.

TED J. MERTENS
MAYOR

CERTIFICATION FOR RESOLUTION BILL NO. 2014-05

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that the whole number of the members of the City Council is five (5); that the above and foregoing resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Indian Wells the 17th day of April 2014, by the following vote:

AYES:
NOES:

ATTEST:

APPROVED AS TO FORM:

WADE G. MCKINNEY
CITY MANAGER/CITY CLERK

STEPHEN P. DEITSCH
CITY ATTORNEY

Indian Wells City Council

April 17, 2014

Staff Report – Marketing & Community Services

Approval Requisition for Levy Restaurant in the Amount of \$31,190.66 for Food & Beverage in Suites During the 2014 BNP Paribas Open

RECOMMENDATION:

City Council **APPROVES** the requisition to Levy Restaurants in the amount of \$31,190.66 for food & beverage served in the City suites during the 2014 BNP Paribas Open.

DISCUSSION:

During the tournament the City operates two suites (212 & 332) where food and beverages are served daily to residents and guests of the City. Although the City does have a \$75,000 credit for food and beverage through the City's Marketing agreement with the Indian Wells Tennis Gardens, the City has historically exceeded that amount.

- 2013 paid an additional \$18,537.12
- 2012 paid an additional \$13,056.47

In 2014, a few additional changes impacted the overall costs of running the suite. These changes include: Levy Restaurants increasing their pricing on food, but significantly increased their pricing on beverages; the #332 suite was used for more tourism and marketing based events like the resorts entertaining meeting planners and clients; and because of the high volume of guests in both suites, it required more assistance from Levy suite attendants, which required an increase in the suite attendants tip.

Every year the Marketing Department does anticipate this additional food & beverage cost.

FISCAL IMPACT:

This is a budgeted item in the City's Community Services and Marketing budgets.



CITY OF INDIAN WELLS
 44-950 ELDORADO DRIVE
 INDIAN WELLS, CA 92210
 (760) 346-2489

Requisition

DATE	Department
04/03/14	Mrktg & Comm

Terms: **Net 30 Days**

VENDOR: **Levy Restaurants**
1111 S. Figueros Ste. 1600
Los Angeles, CA 90015

Vendor Phone: 213.742.7833
 Vendor Fax: 213.742.7895
 Dept. Contact: **Kena Liggins**
 Dept. Phone: 213.742.7833

VENDOR #: 04959

SPECIAL INST.:

DESCRIPTION	PRICE
2014 BNP Paribas Open Suite Invoices	31,190.66
FY 2013-14	
Total	31,190.66

ACCOUNT DISTRIBUTION:

Account Number		Budget Available
760.00.00.05550.000	15,000.00	31,755.65
101.27.02.05510.000	16,190.66	25,750.00
TOTAL:	31,190.66	57,505.65

Prepared By: Micaela Wilkey

Date: 4/3/2014

Requisition Checklist:

Copies of the following items must accompany all requisitions in order for processing.

Please check off attached items as collected

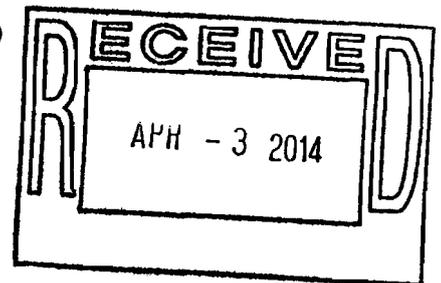
- A signed Professional Service Agreement (over \$25,000)
- Insurance Certificate(s) and indemnification.

 Risk Manager Approval

Procurement Methods:

Please attach backup support for procurement method. (refer to page 7 of Fiscal Procedure Manual 2006)

- Request for Proposal
- Negotiation
- Informal Bid
- Formal Bid
- Authorized Purchasing Alternatives
- Copy of 3rd Party Request for Funds (if required)



AUTHORIZED SIGNATURES

Required for Purchases over \$5,000	Required for Purchases over \$5,000	Required for Purchases over \$25,000
 Department Head	 Finance Director	City Manager
4/3/14	4/4/2014	
Date	Date	Date

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City Council Approval:

Meeting Date: _____

Item No.: _____

**FIRE ACCESS MAINTENANCE DISTRICT (FAMD)
04/17/2014 MEETING WARRANT LIST**

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
45043	4/17/2014		UNIVERSAL PROTECTION SERVICE		
		1052703	FAMD SECURITY SVCS FOR FEB 14-FEB 20, 2014	15,562.56	
		1066715	FAMD SECURITY SVCS FOR FEB 28-MAR 6, 2014	15,103.31	
		1030990	FAMD SECURITY SVCS FOR JAN 17-JAN 23, 2014	14,910.92	
		1044164	FAMD SECURITY SVCS FOR JAN 31-FEB 6, 2014	14,791.00	
		1048298	FAMD SECURITY SVCS FOR FEB 7-FEB 13, 2014	14,791.00	
		1059341	FAMD SECURITY SVCS FOR FEB 21-FEB 27, 2014	14,791.00	
		1049142	FAMD SECURITY COMSERCO EXPENSES (4) 16-CHANNEL RADIO'S 3-YR WARRANTY & SUPPLIES	4,262.71	
		1039271	FAMD SECURITY SVCS CYCOP & VEHICLES FOR DEC 27, 2013-JAN 30, 2014	1,045.00	
		1060760	FAMD SECURITY SVCS CYCOP & VEHICLES FOR FEB, 2014	1,045.00	
		1042573	FAMD SECURITY SERVICES FUEL REIMBURSEMENT FOR JAN, 2014	708.42	
		1065238	FAMD SECURITY SERVICES FUEL REIMBURSEMENT FOR FEB, 2014	655.49	97,666.41
45037	4/17/2014		M & M SWEEPING, INC.		
		35564	FAMD MONTHLY STREET SWEEPING & ADDITIONAL-MANITOU, IROQUOIS & CLUB FOR FEB, 2014	5,380.00	
		35501	FAMD EAST & WEST MANITOU CURB DRAINS & (9) STREET DRAIN SWEEPING SERVICES	2,850.00	8,230.00
	4/17/2014		DESERT RESORT MANAGEMENT INC.		
		DRM013661	FAMD MANAGEMENT SERVICES FOR MAR, 2014	5,768.00	
		DRM013529	FAMD FCC LICENSE APPLICATION REIMBURSEMENT FOR JAN, 2014	490.00	6,258.00
45034	4/17/2014		CONSERVE LANDCARE		
		7330	FAMD LANDSCAPE MAINTENANCE FOR FEB, 2014	1,755.00	
		7478	FAMD LANDSCAPE MAINTENANCE FOR MAR, 2014	1,755.00	
		7422	FAMD INSTALLATION OF EXTRA FLOWER FLATS AT GUARDHOUSE ENTRY PLANTERS	216.00	
		7257	FAMD CLUB GATE IRRIGATION LEAK REPAIR ON JAN 8, 2014	210.00	
		7527	FAMD REPLACE (2) POP-UP SPRINKLERS AT MANITOU GATE ENTRANCE ON MAR 3, 2014	81.30	
		7492	FAMD REPLACE (1) POP-UP SPRINKLER AT MANITOU GATE ENTRANCE ON FEB 24, 2014	54.00	4,071.30
45030	4/17/2014		AMS		
		7934	FAMD BACK UP BATTERY POWER OUTLETS FOR MANITOU & CLUB GATEHOUSE WORK STATIONS	1,244.00	
		7197	FAMD CLUB DR TRANSPONDER, CAMERAS & ARM GATE TROUBLESHOOTING SVCS ON NOV 19-25,	665.00	
		7751	FAMD CERTIFICATE INSTALL UPDATE, TROUBLESHOOT GATEHOUSE CAMERAS/AUDIO FOR FEB	665.00	
		7680	FAMD CLUB DR GATEHOUSE COMPUTER REPAIR BACKUP FLASH DRIVE & EXTENDED CABLES	149.00	
		7642	FAMD MANITOU GATE BARRIER ARM REPAIR SERVICE & MATERIAL	99.10	2,822.10

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**FIRE ACCESS MAINTENANCE DISTRICT (FAMD)
04/17/2014 MEETING WARRANT LIST**

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
45042	4/17/2014		STAPLES		
		601110005223615	FAMD SUPPLIES TONER, HIGHLIGHTERS, COLORED COPY PAPER, INDEX TABS & SANITIZER	1,210.13	
		601110005223615	FAMD SUPPLIES COPY PAPER, BLACK, YELLOW, MAGENTA INK, FEBREZE, & WINDEX	348.15	1,558.28
45031	4/17/2014		APPLICATIONS BY DESIGN, INC.		
		23069	FAMD ACCESS CONTROL SYSTEM HOSTING FOR APR, 2014	625.00	
		22819	FAMD ACCESS CONTROL SYSTEM HOSTING FOR MAR, 2014	625.00	1,250.00
45032	4/17/2014		ASSOCIA ONCALL CALIFORNIA INC		
		OCA006750	FAMD CLUB DRIVE GUARDHOUSE EXTERIOR PAINTING SERVICE ON JAN 16, 2014	340.00	
		OCA006752	FAMD NEW OFFICE DESK ASSEMBLY & INSTALLATION SERVICE ON JAN 16, 2014	260.00	
		OCA006751	FAMD (1) OFFICE CHAIR FOR CLUB DR GUARDHOUSE & ASSEMBLY FEE	197.67	
		OCA006651	FAMD DELGADO DRIVE CURB NUMBER CORRECTION PAINT SERVICE ON JAN 2, 2014	50.00	847.67
45035	4/17/2014		DESERT PROPERTIES LIGHT MAINT.		
		11874	FAMD (6) HOURS OF GUARDHOUSE CABLE MOVING SERVICES ON JAN 30, 2014	330.00	
		11843	FAMD GATES LIGHT MONTHLY MAINTENANCE FOR JAN, 2014	95.00	
		12127	FAMD GATES LIGHT MONTHLY MAINTENANCE FOR FEB, 2014	95.00	520.00
45038	4/17/2014		PLACENCIA MIRROR & GLASS, INC.		
		26463	FAMD (1) 105 DEGREE OVERHEAD DOOR CLOSER FOR MANITOU GATEHOUSE	390.00	390.00
45033	4/17/2014		COASTAL CLEAR POOLS		
		4945	FAMD CLUB/MANITOU FOUNTAINS MAINTENANCE FOR FEB, 2014	150.00	150.00
45041	4/17/2014		SPARKLETTS DRINKING WATER		
		8380597030114	FAMD CLUB/MANITOU GATEHOUSE FILTRATION SYSTEM RENTALS FOR FEB, 2014	124.48	124.48
45039	4/17/2014		POWERFUL PEST		
		100425	FAMD CLUB/MANITOU GUARDHOUSE PEST CONTROL FOR FEB, 2014	61.80	
		100425	FAMD CLUB/MANITOU GUARDHOUSE PEST CONTROL FOR MAR, 2014	61.80	123.60
45040	4/17/2014		ROTA, RANDI		
		REIMB	FAMD (1) ACCENT TABLE FOR MANITOU DRIVE GUARDHOUSE	107.99	107.99

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FIRE ACCESS MAINTENANCE DISTRICT (FAMD)
 04/17/2014 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
14 checks in this report					
				TOTAL FAMD WARRANTS 45030-45043:	124,119.83

CG/MA ACTION _____ MTG. DATE: 4-17-14
 APPROVED DENIED REC/FILE CONT. _____
 OTHER _____
 VOTE: YES 5 NO 0 ABSTAIN _____

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CITY OF INDIAN WELLS
04/17/2014 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
45010	4/17/2014		RIVERSIDE COUNTY SHERIFF DEPT		
		SH0000023409	SHERIFF DEPUTIES, MILEAGE, FORENSIC TECH, LIEUTENANT,CSO FOR JAN 9-FEB 5	234,169.21	234,169.21
45027	4/17/2014		VINTAGE ASSOCIATES		
		SI-143554	(19) CITYWIDE GENERAL FUND & LLMDS LANDSCAPE MAINT FOR FEB, 2014	43,855.13	
		SI-141634	PLACEMENT OF DECOMPOSED GRANITE ON MILES AVENUE MEDIANS	6,148.00	
		SI-142604	EXTRA LANDSCAPE SERVICES FLOWER PLANTING & DIGGING FOR ELECTRICAL WORK	2,574.00	52,577.13
44981	4/17/2014		GREATER PALM SPRINGS		
		0013051-IN	TOT FUNDING CONTRIBUTION FOR APR TO JUN, 2014	51,182.00	51,182.00
44983	4/17/2014		HOSPITALITY EBUSINESS		
		20543REVISED	SEARCH ENGINE/EMAIL MARKETING, WEBSITE OPERATION, ACCOUNT MGMT FOR APR-JUN 2014	13,794.57	
		20565	SUMMER CAMPAIGN-FACEBOOK TIMELINE UPGRADE,ONLINE CHANNEL STRATEGY YOU TUBE SETL	12,120.00	
		20209	LOCAL LISTING FEES FOR YAHOO, IWGR, RENAISSANCE, IW RESORT, MIRAMONTE, & HYATT	597.00	
		20210	CONTENT MANAGEMENT SYSTEM (CMS) UPGRADE & IMPLEMENTATION FOR MAR, 2014	597.00	
		20481	EXTRA BANDWIDTH ADJUSTMENT FOR JAN, 2014	299.73	27,408.30
44952	3/31/2014		CALPERS RETIREMENT SYSTEM		
		0844	OPEB FUNDING FOR MAR 28, 2014	26,441.77	26,441.77
44951	3/28/2014		SUNDANCE AT INDIAN WELLS HOA		
		2013/14-1	LLMD PASS THROUGH 1ST PAYMENT FOR FY 2013/14	25,010.44	25,010.44
45017	4/17/2014		TENNIS CHANNEL, THE		
		IW-20140224	2014 BNP PARIBAS OPEN COVERAGE HOST SPONSORSHIP	24,990.00	24,990.00
45005	4/17/2014		PROPER SOLUTIONS		
		863	RECEPTIONIST & COMMUNITY DEVELOPMENT TEMP SVCS FOR MAR 10-MAR 14, 2014	1,108.80	
		688	RECEPTIONIST & COMMUNITY DEVELOPMENT TEMP SVCS FOR FEB 24-FEB 28, 2014	1,108.80	
		713	RECEPTIONIST & COMMUNITY DEVELOPMENT TEMP SVCS FOR MAR 3-MAR 7, 2014	1,108.80	
		1059	RECEPTIONIST & CITY CLERK DEPT TEMP SERVICES FOR MAR 24-MAR 28, 2014	1,108.80	
		1032	RECEPTIONIST & CITY CLERK DEPT TEMP SERVICES FOR MAR 17-MAR 21, 2014	1,089.00	
		668	RECEPTIONIST & COMMUNITY DEVELOPMENT TEMP SVCS FOR FEB 17-FEB 21, 2014	950.40	6,474.60

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CITY OF INDIAN WELLS
04/17/2014 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
45013	4/17/2014		SOUTHERN CALIFORNIA EDISON CO.		
		2-10-345-9178	ELDORADO/HWY 111/COOK/FRED WARING/CIELITO/OSAGE/PALMERAS UTILITIES FOR MAR, 2014	4,486.18	
		2-32-228-7590	45-200 CLUB DR & CLUB DR STE B. UTILITIES FOR MAR, 2014	284.78	
		2-19-200-4638	74812 1/2 HWY 111 UTILITIES FOR MAR, 2014	34.97	4,805.93
44968	4/17/2014		COACHELLA VALLEY ASSOC OF GOVT		
		MAR14	TUMF FEES COLLECTED FOR MAR, 2014	3,674.88	
		CV 14099-14	SOUTHERN CALIFORNIA AIR QUALITY MGMT DISTRICT FUNDS (AB2766) FOR OCT-DEC 2013	848.81	4,523.69
44969	4/17/2014		COACHELLA VALLEY WATER DIST.		
		331197-849962	LLMD S. HWY 111 @ MANITOU UTILITIES MAR, 2014	983.28	
		155761-422706	INCA DRIVE UTILITIES FOR MAR, 2014	419.96	
		155641-422578	44980 COOK ST UTILITIES FOR MAR, 2014	408.76	
		156361-423526	HWY 111 LANDSCAPE UTILITIES FOR MAR, 2014	406.54	
		153215-419808	MILES AVE/WARNER TRL UTILITIES FOR MAR, 2014	382.30	
		281269-740542	OSAGE TRL LOT 30 UTILITIES FOR MAR, 2014	208.14	
		281233-740500	76625 HWY 111 UTILITIES FOR MAR, 2014	207.18	
		313547-845300	MILES AVE EAST OF WARNER TRL UTILITIES FOR MAR, 2014	200.30	
		281271-740546	45-410 COOK ST UTILITIES FOR MAR, 2014	142.20	
		317055-849582	LLMD A2 RANCHO PALMERAS DR UTILITIES FOR FEB, 2014	129.92	
		152991-419528	HWY 111 UTILITIES FOR MAR, 2014	91.82	
		324083-740422	SANDPIPER DR/MANITOU UTILITIES FOR MAR, 2014	89.56	
		155805-422752	HWY 111 EAST OF CLUB DR UTILITIES FOR MAR, 2014	88.44	
		155581-422504	COOK ST CENTER MEDIAN UTILITIES FOR MAR, 2014	78.36	
		152067-418436	44-860 ELDORADO DRIVE UTILITIES FOR MAR, 2014	58.08	
		314309-846198	75420 MANSFIELD DR UTILITIES FOR MAR, 2014	58.06	
		152073-418442	44-950 ELDORADO DRIVE UTILITIES FOR MAR, 2014	54.56	
		152071-418440	44-500 INDIAN WELLS LANE UTILITIES FOR MAR, 2014	50.22	
		314511-846428	44500 INDIAN WELLS LN UTILITIES FOR FEB, 2014	47.98	
		152069-418438	FIRE STATION #55 UTILITIES FOR MAR, 2014	43.50	
		152175-418598	44502 ELDORADO DR UTILITIES FOR MAR, 2014	42.52	
		542759-418520	44-950 ELDORADO DR COMMUNITY GARDEN UTILITIES FOR MAR, 2014	41.40	
		152599-419102	45318 INDIAN WELLS LN UTILITIES FOR MAR, 2014	39.16	

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CITY OF INDIAN WELLS
04/17/2014 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
		314503-846420	OSAGE TRL MEDIAN WEST OF PAWNEE UTILITIES FOR MAR, 2014	27.96	
		152173-418596	ELDORADO DR SE CORNER OF OSAGE TRL UTILITIES FOR MAR, 2014	27.96	
		314329-846220	45585 ELDORADO DR UTILITIES FOR MAR, 2014	27.96	
		152575-419066	45200 CLUB DR UTILITIES FOR MAR, 2014	24.46	
		134443-394192	44010 SUPERIOR COURT UTILITIES FOR MAR, 2014	23.80	
		314499-846416	OSAGE TRL LOT 4 UTILITIES FOR MAR, 2014	23.48	
		308623-839674	INDIAN WELLS LANE MEDIANS UTILITIES FOR MAR, 2014	19.00	
		281261-740534	44-860 ELDORADO DR UTILITIES FOR MAR, 2014	15.00	
		281263-740536	44-950 ELDORADO DRIVE UTILITIES FOR MAR, 2014	10.00	4,471.86
44996	4/17/2014		LUMPKIN, RUSSELL L.		
		DTD 3/31/14	BUILDING INSPECTION, PLAN REVIEW,PERMIT ISSUANCE & CODE ENFORCEMENT SVCS	2,112.00	
		DTD 3/15/14	BUILDING INSPECTION, PLAN REVIEW,PERMIT ISSUANCE & CODE ENFORCEMENT SVCS	1,920.00	4,032.00
44953	3/31/2014		DELTA DENTAL		
		BE000775309	DENTAL INSURANCE FOR APR 2014	3,454.45	3,454.45
45020	4/17/2014		TRAFFEX ENGINEERS INC		
		4	HWY 111, MILES, COOK ST & VILLAGE CTR TRAFFIC ENGINEERING SVC FOR FEB 1-MAR 26	3,227.50	3,227.50
45007	4/17/2014		PWLC, II, INC.		
		87552	IWGR WHITEWATER CHANNEL LANDSCAPE MAINTENANCE FOR APR, 2014	2,696.00	
		87567	HWY 111 EAST & WEST MEDIANS OFF COOK STREET LANDSCAPE MAINTENANCE FOR APR, 2014	355.00	3,051.00
44989	4/17/2014		JOE A. GONSALVES & SON		
		24332	LEGISLATIVE ADVOCACY SERVICES FOR APR, 2014	3,000.00	3,000.00
45000	4/17/2014		MIRAMONTE RESORT		
		4AB53Z	2014 BNP PARIBAS OPEN IW BOOTH MASSAGE THERAPIST SVC FEES FOR MAR 7-MAR 22	2,730.00	2,730.00
45024	4/17/2014		VACATION RENTAL COMPLIANCE,LLC		
		196	INVESTIGATE HOME ADS ON INTERNET,ORDINANCE REVIEW,COMPLIANCE WORKSHEETS FOR MAR	2,340.00	2,340.00
45012	4/17/2014		SIMPLOT PARTNERS		
		208032284	POLYONBEST & NATURE SAFE CITY GENERAL FUND LANDSCAPE MAINTENANCE SUPPLIES	2,311.20	2,311.20

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**CITY OF INDIAN WELLS
04/17/2014 MEETING WARRANT LIST**

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
44980	4/17/2014		GRAPHTEK INTERACTIVE		
		8389-1	DESIGN AND LAYOUT OF (4,400) 2-SIDED STATE OF THE CITY POSTCARD	1,482.80	
		8405-1	DESIGN ONE COLOR GRAPHIC FOR FRONT OF RESIDENT'S CUP T-SHIRTS	375.00	
		8338-1	DESIGN FULL COLOR 1-SIDED RESIDENT'S CUP FLYER	350.00	2,207.80
44987	4/17/2014		INDIAN WELLS GOLF RESORT		
		05305982	(32) COMMITTEE/COMMISSIONERS APPRECIATION GIFTCARDS	1,600.00	
		05303539	(13) BNP PARIBAS SUITE STAFF UNIFORM SHIRTS	594.76	2,194.76
44965	4/17/2014		CALIF. DEPT OF CONSERVATION		
		JAN-MAR14	STRONG MOTION INSTRUMENTATION (SMI) FEES COLLECTED FOR JAN-MAR, 2014	2,150.43	2,150.43
45023	4/17/2014		UNION BANK OF CALIFORNIA		
		6736304590	ANNUAL ADMINISTRATIVE CUSTODIAL FEES FOR DEC 1, 2013-FEB 28, 2014	2,117.00	2,117.00
45022	4/17/2014		TROON RESTAURANT HOLDINGS, LLC		
		03002387	CITY COUNCIL & STAFF STUDY SESSION LUNCH ON MAR 20, 2014	1,486.25	
		03002356	CITY COUNCIL MEETING LUNCH FOR MAR 6, 2014	442.71	1,928.96
45004	4/17/2014		PRINTING PLACE		
		140633	PRINT (5,000) 8-PAGE APRIL, 2014 NEWSLETTERS	1,830.60	1,830.60
44955	3/31/2014		UNION SECURITY INSURANCE CO.		
		4015595	SHORT/LONG TERM DISABILITY FOR APR 2014	1,537.55	1,537.55
44985	4/17/2014		IBOSS NETWORK SECURITY		
		869309	IBOSS ENTERPRISE INTERNET FILTER SUBSCRIPTION FOR APR 2014-APR 2015	655.00	
		869310	IBOSS ENTERPRISE INTERNET FILTER SUBSCRIPTION FOR MAY 24, 2014-MAY 25, 2015	655.00	1,310.00
45008	4/17/2014		RENAISSANCE ESMERALDA RESORT		
		31514	2014 BNP PARIBAS OPEN IW BOOTH MASSAGE THERAPIST SVC FEES FOR MAR 7-MAR 22	1,277.50	1,277.50
44984	4/17/2014		HYATT REGENCY INDIAN WELLS		
		23988	2014 BNP PARIBAS OPEN IW BOOTH MASSAGE THERAPIST SVC FEES FOR MAR 7-MAR 22	1,256.40	1,256.40
44958	4/7/2014		INDIAN WELLS, CITY OF		
		PETTY CASH	SR. ACCOUNTANT JOB INTERVIEW PANEL LUNCH MEETING FOR MAR 13, 2014	141.86	

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CITY OF INDIAN WELLS
04/17/2014 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
			PETTY CASH SANDWICHES & CHIPS FOR EMPLOYEE ST. PATRICK'S DAY LUNCH FOR MAR 17, 2014	113.97	
			PETTY CASH SUPPLY OF COUNCIL FOLDERS FOR PERSONNEL DEPT	85.83	
			PETTY CASH FUEL SUPPLY FOR CITY VEHICLE '08 F150 TRUCK	80.00	
			PETTY CASH EMPLOYEE EVENTS BIRTHDAY CELEBRATION SUPPLY FOR FEB, 2014	79.72	
			PETTY CASH LUNCH MEETING WITH T.MERTENS, T.PEABODY & W.MCKINNEY FOR APR 1, 2014	72.05	
			PETTY CASH CANDY AND WATER SUPPLY FOR INDIAN WELLS BOOTH AT TENNIS GARDEN BNP PARIBAS OPEN	71.44	
			PETTY CASH LUNCH MEETING WITH T.MERTENS, T.PEABODY & W.MCKINNEY FOR MAR 4, 2014	63.14	
			PETTY CASH EMPLOYEE ST. PATRICKS DAY LUNCH EVENT FOR MAR 17, 2014	62.44	
			PETTY CASH FUEL SUPPLY FOR CITY VEHICLE F-250 TRUCK	60.00	
			PETTY CASH FUEL SUPPLY FOR CITY VEHICLE TRUCK	60.00	
			PETTY CASH LUNCH MEETING WITH T.MERTENS, T.PEABODY & W.MCKINNEY FOR MAR 18, 2014	58.38	
			PETTY CASH LUNCH MEETING WITH CAL RECYCLE & K.MCCARTHY FOR MAR 26, 2014	44.15	
			PETTY CASH BREAKFAST MEETING FOR COMMUNITY DEVELOPMENT DEPARTMENT FOR MAR 21, 2014	39.73	
			PETTY CASH (1) PACK OF 3 HONEY SUPPLY FOR EMPLOYEE LOUNGE	25.98	
			PETTY CASH CANDY SUPPLY FOR INDIAN WELLS BOOTH AT TENNIS GARDEN BNP PARIBAS OPEN	23.95	
			PETTY CASH (2) UNIVERSAL REMOTES FOR IWTG CITY SUITES	21.58	
			PETTY CASH ROTARY CLUB MEETING DUES FOR WADE MCKINNEY FOR MAR 3, 2014	20.00	
			PETTY CASH CARD STOCK FOR STRATEGIC PLANNING SESSION FOR FEB 11 AND FEB 12, 2014	19.97	
			PETTY CASH ICMA WEBINAR FRUIT, NUTS AND COOKIES FOR MAR 26, 2014	16.60	
			PETTY CASH CITY COUNCIL MEETING COOKIES FOR MAR 20, 2014	12.47	
			PETTY CASH 3/19/14 FUEL SUPPLY FOR CITY VEHICLE TRUCK	10.00	
			PETTY CASH PETTY CASH RECONCILING ITEM FOR FEB 10 TO APR 1, 2014	-0.13	1,183.13
45029	4/17/2014		ZUMAR INDUSTRIES, INC.		
		0151307	CITY SIGNAGE SUPPLY (2) WASHINGTON STREET & (2) MILES AVENUE	1,108.20	1,108.20
44995	4/17/2014		LSL CPA'S		
		10097	GOLF RESORT QUARTERLY AGREED UPON PROCEDURES PREPARATION & AUDIT SERVICES	1,000.00	1,000.00
45018	4/17/2014		TIME WARNER CABLE		
		8448410760148720	CITY HALL INTERNET SERVICES FOR APR 6-MAY 5, 2014	889.00	889.00

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CITY OF INDIAN WELLS
04/17/2014 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
44957	3/31/2014		VISION SERVICE PLAN - (CA)		
		121858900001	VISION INSURANCE FOR APR 2014	848.33	848.33
45003	4/17/2014		PALMS TO PINES AUTOMOTIVE		
		49041	2007 FORD F250 LUBE, OIL, AIR FILTER, BRAKE CHECK & (2) NEW TIRES	755.33	
		49040	2012 TOYOTA TACOMA LUBE, OIL, & AIR FILTER MAINTENANCE SERVICES	71.88	827.21
44988	4/17/2014		INLAND LIGHTING SUPPLIES, INC.		
		168056	FLUORESCENT LIGHTING FOR CITY GENERAL FUND AREAS	823.50	823.50
44976	4/17/2014		FINCHER, J. MICHAEL		
		1310901-1 0005	DUST CONTROL/GRADING PERMIT DEPOSIT REFUND FOR 76105 AQUAMARINE	800.00	800.00
44962	4/17/2014		BIO-TOX LABORATORIES		
		28399	IW POLICE DRUG TESTING SVCS FOR FEB, 2014	693.00	
		28398	IW POLICE DRUG TESTING SVCS FOR FEB, 2014	90.70	783.70
44966	4/17/2014		CALIFORNIA BUILDING STANDARDS		
		JAN-MAR14	CBSC FEES COLLECTED FOR JAN-MAR 2014	720.90	720.90
44975	4/17/2014		EARTH SYSTEMS SOUTHWEST		
		043254	TRACT 36297 VINTAGE CLUB GEOTECHNICAL SVC FOR FEB, 2014	631.15	631.15
44964	4/17/2014		BLUERIDGE SOFTWARE INC.		
		8067	ANNUAL CONTRACT ASSISTANCE SUPPORT & MAINTENANCE SOFTWARE MAY 2014-MAY 2015	629.82	629.82
44999	4/17/2014		MINUTEMAN PRESS		
		29860	CITY NEWSLETTER ADVERTISING INSERT PRINTING FOR APRIL, 2014	607.18	607.18
45016	4/17/2014		STAPLES		
		3225743096	COIN EVELOPES, BINDER COVERS, PENS, COFFEE CREAMERS, & COPY PAPER	337.75	
		3226290451	WRITING PADS, ADVIL, NAME BADGES, LIPTON TEA & COPY PAPER SUPPLY	160.79	
		3225743097	(50) STANDARD PRESENTATION BACK COVERS FOR BINDING BOOKS	50.09	548.63
44954	3/31/2014		STANDARD INSURANCE COMPANY		
		643033	LIFE INSURANCE/AD&D FOR APR 2014	514.02	514.02

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CITY OF INDIAN WELLS
04/17/2014 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
44967	4/17/2014		CDW GOVERNMENT, INC.		
		KQ19287	(1) DOCK STORAGE CONTROLLER FOR TECHNOLOGY DEPT	492.38	492.38
45019	4/17/2014		TOPS N BARRICADES		
		1038644	(1) TYPE I PEDESTRIAN BARRICADE FOR PUBLIC WORKS DEPT	486.00	486.00
45015	4/17/2014		SOUTHWEST BOULDER & STONE INC.		
		1036455-IN	MOJAVE GOLD ROCK SUPPLY FOR CITY GENERAL FUND LANDSCAPE AREAS	385.65	385.65
45011	4/17/2014		SEGWAY		
		288008-0414	"800" EMERGENCY PHONE LINES FOR APR-JUN 2014	371.58	371.58
44972	4/17/2014		DESERT REPROGRAPHICS, LLC		
		29327	(10) GENERAL PLAN BOOKLETS FOR PLANNING DEPT	353.49	353.49
44997	4/17/2014		MARTIN SWEEPING		
		5452	EXTRA STREET SWEEPING SERVICES ON MAR 3, 2014	340.00	340.00
44979	4/17/2014		FULTON DISTRIBUTING		
		318696	TOILET TISSUE, FACIAL TISSUE, TOWELS, & 33GL LINERS CITY JANITORIAL SUPPLIES	339.09	339.09
45001	4/17/2014		NORTHERN-BLUETARP FINANCIAL		
		30277008	(1) COXREELS COMPACT POWER CORD REEL FOR IW FIRE STATION #55	326.87	326.87
44977	4/17/2014		FIRST AMERICAN TITLE COMPANY		
		2082-2082102446	TRUSTEE FEES & RECORDING OF DEED FOR MILES CROSSING LAND SALE	318.32	318.32
44960	4/17/2014		AMERICAN FORENSIC NURSES		
		64513	(4) PUBLIC SAFETY BLOOD DRAW TESTING SERVICE	160.00	
		64565	(3) PUBLIC SAFETY BLOOD DRAW TESTING SERVICE	120.00	280.00
45025	4/17/2014		VERIZON CALIFORNIA		
		341-3179	CITY HALL FIRE/ALARM PHONE LINE SERVICE FOR MAR 25-APR 24, 2014	154.14	
		346-0407	CITY HALL FAX SERVICE FOR MAR 19 TO APR 18, 2014	103.66	257.80
45006	4/17/2014		PRUDENTIAL OVERALL SUPPLY		
		20839798	CITY TOWEL, MATS & AIR FRESHENER SUPPLIES FOR MAR 19, 2014	137.22	

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CITY OF INDIAN WELLS
04/17/2014 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
		20843223	CITY TOWEL, MATS & AIR FRESHENER SUPPLIES FOR MAR 26, 2014	109.79	247.01
45014	4/17/2014		SOUTHERN CALIFORNIA GAS CO.		
		15892760008	44860 ELDORADO CORP YARD UTILITIES FOR MAR 4-APR 2, 2014	82.47	
		16102760622	44900 ELDORADO DRIVE FIRE STATION UTILITIES FOR MAR 4-APR 2, 2014	64.85	
		16312760008	44950 ELDORADO DRIVE CITY HALL UTILITIES FOR MAR 4-APR 2, 2014	48.39	
		04162524872	44950 ELDORADO DRIVE CITY HALL UTILITIES FOR FEB 21-MAR 24, 201	47.86	243.57
45028	4/17/2014		WILKEY, MICAELA		
		SAN DIEGO	2014 SOCIAL MEDIA MARKETING WORLD CONF TRAVEL EXPENSE REIMB FOR MAR 26-28	232.29	232.29
44993	4/17/2014		LASR-INK		
		11360	(2) PRINTER CARTRIDGE FOR TECHNOLOGY DEPT	201.49	201.49
44982	4/17/2014		GREEN DESERT NURSERY		
		60865	(25) GALLONS OF FLOWERS FOR HWY 111 HOLE 17 LANDSCAPE MAINTENANCE	187.92	187.92
44959	4/17/2014		AIIM		
		DTD 2/5/14	ANNUAL MEMBERSHIP RENEWAL FOR CITY CLERK A.GRANDYS	169.00	169.00
44974	4/17/2014		DIVISION OF STATE ARCHITECT		
		JAN14-MAR14	DISABILITY ACCESS AND EDUCATION FEES (SB 1186) COLLECTED FOR JAN-MAR, 2014	168.60	168.60
45009	4/17/2014		RIVERSIDE COUNTY AUDITOR/		
		FEB14	CITY CITATION COLLECTIONS REIMBURSEMENT FOR FEB, 2014	162.50	162.50
44973	4/17/2014		DESERT SUN PUBLISHING CO.		
		0004888474	CITY CLERKS DEPT LEGAL NOTICES PUBLIC NOTICE NO.0232 FOR FEB, 12 201	158.60	158.60
44992	4/17/2014		KEITH HULL'S POOL SERVICE, INC		
		14220300	WALK OF HONOR/CITY ENTRY FOUNTAINS MAINT FOR MAR, 2014	150.00	150.00
44994	4/17/2014		LEAGUE OF CALIFORNIA CITIES		
		100507	CALIFORNIA STATEWIDE LOCAL STREETS & ROADS NEEDS ASSESSMENT FUNDING DONATION	150.00	150.00
44961	4/17/2014		ARMSTRONG GROWERS		
		93758	ALYSSUM, PETUNIAS, GERANIUM ZONAL FLOWERS FOR CITY WALK OF HONOR LANDSCAPE	99.25	

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CITY OF INDIAN WELLS
04/17/2014 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
		94028	(4) 4" FLATS OF PETUNIA DREAMS WHITE FLOWERS FOR HWY 111 MEDIANS	43.20	142.45
44998	4/17/2014		MAXIMUM SECURITY		
		85874	CITY HALL BACK ENTRANCE ACCESS CONTROL DOOR RE-PROGRAMMING SVC	45.00	
		86462	CLUB DRIVE ENTRANCE ACCESS CONTROL DOOR RE-PROGRAMMING SVC	45.00	
		86463	PUBLIC WORKS MAINT BLDG ENTRANCE ACCESS CONTROL DOOR RE-PROGRAMMING SVC	45.00	135.00
44978	4/17/2014		FIRST CHOICE SERVICES		
		948517	COFFEE SUPPLY FOR MAR 26, 2014	114.27	114.27
44963	4/17/2014		BIRCH COMMUNICATIONS, INC.		
		15685876	TOLL-FREE/LONG DISTANCE PHONE SERVICE FOR MAR 21-APR 20, 2014	111.29	111.29
44991	4/17/2014		JUDICIAL DATA SYSTEMS CORP.		
		4390	PARKING CITATIONS REVIEWS/HEARING PROCESSING ADMINISTRATION FEES FOR FEB, 2014	100.00	100.00
45026	4/17/2014		VERIZON WIRELESS		
		9722468775	CITY, CSO & BURGLARY SURPRESSION UNIT CELLULAR PHONES FOR FEB 26-MAR 25, 14	91.26	91.26
44986	4/17/2014		IMPERIAL IRRIGATION DISTRICT		
		50579115	78560 VISTA DEL SOL #A BRIDGE LIGHTING UTILITIES FOR FEB 25-MAR 25, 2014	48.00	48.00
44956	3/31/2014		UNITED WAY OF THE DESERT		
		352000006506	PAYROLL EMPLOYEE CONTRIBUTIONS FOR MAR 28, 2014	40.00	40.00
45021	4/17/2014		TRI-A-BIKE, INC		
		137026	(1) TIRE TUBE & SEALANT FOR IW PATROL BICYCLE	24.50	24.50
44970	4/17/2014		DESERT ELECTRIC SUPPLY		
		S2074215.001	(2) FLUORESCENT LIGHT BULBS FOR CITY GENERAL FUND LANDSCAPE LIGHTING	22.82	22.82
45002	4/17/2014		PALM DESERT ACE HARDWARE		
		183568	(1) LEVEL FOR PUBLIC WORKS DEPT	21.59	21.59
44990	4/17/2014		JOHN DEERE LANDSCAPES		
		67423275	(12) 9V CARBON ZINC BATTERIES FOR CITY GENERAL FUND LANDSCAPE LIGHTING	15.03	15.03

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CITY OF INDIAN WELLS
04/17/2014 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
44971	4/17/2014	0014486940	DESERT PIPE & SUPPLY (1) CHROME TANK LEVER FOR PUBLIC WORKS DEPT	4.86	4.86

79 checks in this report

TOTAL CITY WARRANTS 44951-45029: 522,820.08

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CITY OF INDIAN WELLS
04/17/2014 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
Wires :					
1426	3/31/2014		CALIFORNIA PUBLIC EMPLOYEES		
		100000014254370	MEDICAL INSURANCE FOR APR 2014	59,795.40	59,795.40
1425	3/31/2014		INTERNAL REVENUE SERVICE		
		95-2489139	FWT, FICA & MEDICARE FOR MAR 28, 2014	34,537.29	34,537.29
1427	3/28/2014		CALPERS RETIREMENT SYSTEM		
		6392517834	PAYROLL CONTRIBUTIONS FOR MAR 28, 2014	8,292.00	8,292.00
1424	3/28/2014		ICMA		
			CONTRIBUTIONS 401A, 457 & ROTH IRA FOR MAR 28, 2014	7,964.52	7,964.52
1428	3/31/2014		CALIFORNIA, STATE OF		
		925-0060-2	SDI & SWT DEPOSIT FOR MAR 28, 2014	7,209.45	7,209.45
2842	3/27/2014		INDIAN WELLS EMPLOYEE ASSOC.		
		2379795	PAYROLL EE DUES FOR MAR 28, 2014	154.00	154.00

PAYROLL WIRE DISBURSEMENTS 1424-1428 & 2842: 117,952.66

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CITY OF INDIAN WELLS
 04/17/2014 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
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EFT 13011-13040	74,179.25
2844 & 2846-2847	3,512.77
Total Net Payroll 04/11/14	77,692.02

TOTAL CITY DISBURSEMENTS: 718,464.76

Note: Warrants 44951-44958 were issued prior to City Council approval.
 Note: Warrant 44713 was voided on 3/28/14.

C/C/H/A ACTION _____ MTG. DATE: 4-17-14
 APPROVED DENIED REC/FILE _____ CONT. _____
 OTHER _____
 VOTE: YES 5 NO 0 ABSTAIN _____

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Indian Wells City Council

April 17, 2014

Staff Report – Finance/Code Enforcement

Adopt Resolution Approving the City of Indian Wells Bail Schedule

RECOMMENDATIONS:

City Council **ADOPTS** Resolution Bill No. 2014-03 approving the City of Indian Wells Bail Schedule; and

DIRECTS staff to forward the new bail schedule to Riverside County Superior Court.

DISCUSSION:

Summary

The Indian Wells Police Department has requested that the City adopt what is known as a bail schedule. Currently, the Indian Wells Police Department only has designated bail amounts for municipal code *parking* violations. The lack of a bail schedule for all municipal code violations, especially Noise Ordinance violations, limits the ability of the IW Police Department to effectively deal with neighbor complaints with "party houses", loud parties, etc.

The proposed bail schedule, attached as Exhibit "A" to Resolution No. 2014-03, shows each municipal code section, whether a violation of each section is considered an infraction or a misdemeanor, and a corresponding bail amount or fine. The proposed bail schedule, if adopted, would allow deputies to issue infraction and misdemeanor citations with specified bail amounts for *all* municipal code violations. The bail schedule creates no new citation fees but merely organizes the existing Municipal Code violations in an easy format for the police department and the court system.

Background

The objective of bail in criminal actions is to prevent the accused from being imprisoned prior to trial while ensuring his or her appearance at trial. Constitutional and statutory rights to bail prior to conviction exist for most offenses, but state constitutional provisions and statutes must be consulted to determine the offenses to which bail applies.

In each county, a countywide bail schedule exists for all bailable felony offenses, misdemeanors, and infractions. (Pen. Code, §1269b(c).) The bail schedules typically list the offense by code section and description, indicating the recommended amount of bail. The jails have a copy of the bail schedules. (Pen. Code, §1269b(f).) They are also available from the court clerk. (Pen. Code, §1269b(f).) Defendants may post the amount of bail listed in the bail schedule to affect their release before appearing in court.

Persons subject to citation for an infraction or misdemeanor municipal code violation are generally released on a citation, except in limited circumstances. (Pen. Code, §§ 853.5; 853.6.) The citation includes a written notice to appear in court, containing the name and address of the person, the municipal code violation charged, the bail schedule fine amount, and the time when, and place where, the person shall appear in court. A copy of the citation, incident report, photographs, declaration in support of arrest warrant, and any other evidence gathered will be forwarded to the city attorney for prosecution. The city attorney will then file a formal complaint and appear at the scheduled arraignment hearing. Some counties require each municipality to prepare and adopt, subject to court approval, a bail schedule for municipal code violations.

Analysis

The County of Riverside does not require municipalities to adopt their own bail schedules for municipal code violations. However, the Indian Wells Police Department has requested that the City adopt a bail schedule so that it may cite municipal code violations as criminal infractions or misdemeanors. Currently, the Indian Wells Police Department is only able to issue criminal infraction or misdemeanor citations for municipal code parking violations.

The City's municipal code designates most violations as either an infraction or misdemeanor punishable by a criminal fine. The proposed bail schedule lists all municipal code section violations as either an infraction or misdemeanor and a corresponding fine amount.

If the proposed bail schedule is adopted, it will be sent to the Riverside County Superior Court for approval and incorporation into the court's existing bail schedule. At that point, the court will be able to assess fines when a violator is guilty or pleads no contest to a municipal code violation. Typically, the city attorney will seek a guilty plea in exchange for the defendant paying the bail as a fine and the City dismissing the criminal action.

It should be noted that the fines called for by the city's municipal code and bail schedule constitute "base bail" and that the ultimate fine paid by a violator to the court includes additional assessments levied by the court pursuant to State law which serve to effectively triple the base bail.

Prosecuting infraction and misdemeanor code violations is just one of the City's available methods used to enforce its municipal code. In addition, or as an alternative, the City may issue administrative citations or file a civil action (such as for an abatement warrant or injunction) against the code violator.

ATTACHMENT:

1. Resolution Bill No. 2014-03

RESOLUTION BILL NO. 2014-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA ADOPTING A BAIL SCHEDULE FOR INFRACTION AND MISDEMEANOR VIOLATIONS

WHEREAS, the City of Indian Wells City Council ("City Council") believes that enforcing the Indian Wells Municipal Code ("IWMC or "Code") is a matter of local concern and serves an important public purpose; and

WHEREAS, the City of Indian Wells ("City") places a high value on protecting community character, land values and the general public, health, safety and welfare, and has previously adopted numerous ordinances to help ensure such protection; and

WHEREAS, the City's municipal code designates all code violations as misdemeanors unless by ordinance a violation is made an infraction; and

WHEREAS, Code violations occur regularly and require the City to take enforcement action; and

WHEREAS, the City desires to improve its ability to utilize all available code enforcement remedies; and

WHEREAS, the City wishes to adopt a bail schedule designating infraction and misdemeanor fines for each municipal code violation.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Recitals. The City Council **FINDS** that all of the forgoing recitals are true and correct and are hereby incorporated and adopted as findings and determinations by the City Council as if fully set forth herein.

SECTION 2. Bail Schedule. The City Council hereby **ADOPTS** the Bail Schedule, attached hereto as Exhibit "A" and by this reference incorporated herein.

SECTION 3. Effective Date. This Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on this 17th day of April, 2014.

TED J. MERTENS
MAYOR

CERTIFICATION FOR RESOLUTION BILL NO. 2014-03

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that the whole number of the members of the City Council is five (5); that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Indian Wells on the 17th day of April, 2014, by the following vote:

AYES:
NOES:

ATTEST:

APPROVED AS TO FORM:

WADE G. MCKINNEY
CITY MANAGER/CITY CLERK

STEPHEN P. DEITSCH
CITY ATTORNEY

Exhibit "A"

Correctable Bail Schedule
City of Indian Wells, Desert Judicial District, 2014

Section	Description/Offense	Type	Fine	Correctable
1.16.010	Violations of this Code shall be prosecuted as misdemeanors unless by ordinance the violation is made an infraction.			
CHAPTER 3.12 TRANSIENT OCCUPANCY TAX				
3.12.050	Operator's Duties	M	\$50	Yes
3.12.060	Transient Occupancy Registration Permit	M	\$100	Yes
3.12.070	Payments and Reporting	M	\$50	Yes
3.12.110	Records	M	\$50	Yes
CHAPTER 3.14 ADMISSIONS TAX				
3.14.030	Operator's Duties	M	\$50	Yes
3.14.050	Admission Tax Collection Certificate	M	\$100	Yes
3.14.100	Reporting and Remitting	M	\$50	Yes
3.14.190	Records	M	\$50	Yes
CHAPTER 3.42 TRADEMARKS				
3.42.030	Use of City's Trademark without Authorization	M	\$100	Yes
CHAPTER 5.01 BUSINESS LICENSES GENERALLY				
5.01.020	Business License Required	M	\$100	Yes
5.01.030(d)	Posting License	M	\$50	Yes
5.01.060	Operating a Home Occupation without a Business License	M	\$100	Yes
CHAPTER 5.20 SHORT - TERM RESIDENTIAL RENTALS				
5.20.040	Operating Short Term Rental without Business License	M	\$100	Yes
5.20.050	Registration	M	\$100	Yes
5.20.090	Statement of Occupancies	M	\$100	Yes
5.20.100	Signage Prohibited	M	\$100	Yes
5.20.110	Noise	M	\$100	Yes
5.20.120	Occupancy Limits	M	\$100	Yes
5.20.130	Maintenance of Residential Character	M	\$100	Yes
5.20.140	3 Day Minimum Duration	M	\$100	Yes
5.20.150	Parking Restrictions	M	\$100	Yes
CHAPTER 5.24 MASSAGE ESTABLISHMENT, BATHHOUSES, AND ESCORT SERVICES				
5.24.020	Permit Required	M	\$100	Yes
5.24.060	Operational Criteria	M	\$100	Yes
5.24.070	Registration of Customers- Inspection	M	\$100	Yes
5.24.100	Operating Requirements	M	\$100	Yes
5.24.110	Prohibition Regarding Specified Anatomical Areas	M	\$100	Yes
5.24.120	Employment of and services rendered to minor prohibited	M	\$100	Yes
5.24.220	Inspection Required	M	\$100	Yes
5.24.250	Conducting a Business as a Nuisance	M	\$100	Yes
CHAPTER 5.26 MASSAGE THERAPIST PERMIT				
5.26.200	Permit Required	I/M	\$250	Yes
5.26.320	Therapist's dress and identification	I/M	\$250	Yes

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5.26

**Correctable Bail Schedule
City of Indian Wells, Desert Judicial District, 2014**

Section	Description/Offense	Type	Fine	Correctable
5.26.330	Other prohibited activities	I/M	\$250	Yes
CHAPTER 30 SEXUALLY ORIENTED BUSINESSES				
5.30.030	Prohibited Locations	M	\$100	Yes
5.30.050				
5.30.090	Permit Required	M	\$100	Yes
5.30.130	Inspection	M	\$100	Yes
5.30.190	Sexually oriented business employee license	M	\$100	Yes
5.30.200	Regulations re sexually explicit videos in video booths	M	\$100	Yes
5.30.210	Prohibitions re minors and sexually oriented businesses	M	\$100	Yes
5.30.230	Hours of operation	M	\$100	Yes
5.30.250	Additional criminal prohibitions for the operator of a sexually oriented business without a valid permit	M	\$100	Yes
5.30.300	Prohibition of distribution of sexual devices	M	\$100	Yes
CHAPTER 5.34 TOBACCO RETAILERS				
5.34.020	Requirement for tobacco retailer license	M	\$50	Yes
5.34.050	Display of license	M	\$50	Yes
5.34.080	License violation	M	\$50	Yes
CHAPTER 5.44 COMMERCIAL MOBILE VEHICLE WASH OPERATIONS				
5.44.020	Regulations	M	\$100	Yes
5.44.030	Business license required	M	\$100	Yes
CHAPTER 6.08 MANDATORY DOG LICENSING AND VACCINATION				
6.08.010	Dog license required	I	\$50	Yes
6.08.020	Rabies vaccination required	I	\$50	Yes
CHAPTER 6.16 MANDATORY LICENSING OF KENNELS AND CATTERIES				
6.16.010	Licensing of kennels and catteries required	I	\$50	Yes
6.16.070	Animal rescuer program	I	\$50	Yes
CHAPTER 6.36 IMPOUNDED DOGS AND CATS				
6.36.080	Unlawful removal of impounded animal	I	\$100	Yes
CHAPTER 6.44 VICIOUS ANIMALS, EXOTIC ANIMALS, AND STRAY AND BARKING DOGS				
6.44.010	Posting of notice required	I	\$50	Yes
6.44.020	Required constraint of animal	I	\$50	Yes
6.44.040	Dogs running at large	I	\$50	Yes
6.44.050	Nuisance prohibited – Barking and Pets Per Household	I	\$50	Yes
6.44.055	Regulations regarding the trapping of cats	I	\$50	Yes
6.44.060	Control and impoundment of dangerous or vicious animals	I	\$50	Yes
6.44.065	Exotic animals prohibited	I	\$50	Yes
6.44.070	Dog defecation to be removed by owner	I	\$50	Yes
CHAPTER 6.48 RABIES SUPPRESSION, CONTROL AND QUARANTINE				
6.48.030	Owner to quarantine dog upon order—Examination	I	\$50	Yes
6.48.060	Entry of dog from rabid area denied	I	\$50	Yes
6.48.070	Prohibitions regarding trapping, capturing or transporting skunks	I	\$50	Yes

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**Correctable Bail Schedule
City of Indian Wells, Desert Judicial District, 2014**

Section	Description/Offense	Type	Fine	Correctable
CHAPTER 6.50 PLACEMENT REQUIREMENTS				
6.50.010	Advertising requirements	I	\$50	Yes
6.50.040	Illegal documentation prohibited	I	\$50	Yes
6.50.060	Prohibition of sales or the giving away of dogs and cats on public property	I	\$50	Yes
CHAPTER 6.56 ENFORCEMENT				
6.56.030	Interference with code enforcement prohibited	I	\$100	Yes
CHAPTER 6.64 PUBLIC NUISANCE				
6.64.010	Public nuisance defined	I	\$50	Yes
CHAPTER 8.04 HEALTH AND SANITATION				
8.04.020	Owner's responsibility for removal of refuse	M	\$50	Yes
8.04.030	Residential container specifications	M	\$50	Yes
8.04.050	Storage of containers in residential districts	M	\$50	Yes
8.04.060	When removal is prohibited	M	\$100	Yes
8.04.070	Non-compactable solid waste	M	\$50	Yes
8.04.090	Contractor and trucks	M	\$50	Yes
CHAPTER 8.08 PUBLIC NUISANCES				
8.08.010	Maintenance of property—Conditions that are nuisances	M	\$100	Yes
8.08.190	Violations	M	\$100	Yes
CHAPTER 8.12 ENFORCEMENT OF STATE HOUSING LAW				
8.12.040	Permit requirements	M	\$100	Yes
CHAPTER 8.16 TREES AND SHRUBS				
8.16.020	Responsibility of property owner to maintain trees	M	\$100	Yes
8.16.030	Responsibility of property owner to trim and prune trees	M	\$100	Yes
CHAPTER 8.20 FUGITIVE DUST CONTROL				
8.20.410	Work practices - all fugitive dust sources	I	\$100	Yes
8.20.420	Construction and demolition activities	I	\$100	Yes
8.20.430	Disturbed vacant lands/weed abatement activities	I	\$100	Yes
8.20.440	Unpaved roads	I	\$100	Yes
8.20.450	Unpaved parking lots	I	\$100	Yes
8.20.460	Public or private paved roads	I	\$100	Yes
CHAPTER 8.24 BLOWING SAND AND DIRT				
8.24.010	Blowing sand and dirt	M	\$100	Yes
CHAPTER 8.34 WELL DRILLING				
8.34.010	Violation of Riverside County Ordinance No. 682, adopted on October 31, 1989	I	\$100	

**Correctable Bail Schedule
City of Indian Wells, Desert Judicial District, 2014**

Section	Description Offense	Type	Fine	Correctable
CHAPTER 8.32 COLLECTION, TRANSPORTATION, AND REMOVAL OF WASTE PRODUCTS				
8.32.020	Violation of Ordinance No. 712, an Ordinance of the County of Riverside Regulating the Collection, Transportation and Removal of Liquid Wastes and Animal By-Products	I	\$100	Yes
CHAPTER 8.36 GRAFFITI				
8.36.020	Graffiti—Nuisance	I	\$100	Yes
8.36.050	Mandatory storage of aerosol container of spray paint	I	\$100	Yes
CHAPTER 8.40 REGULATION OF FOOD ESTABLISHMENTS AND FOOD FACILITIES				
8.40.050	Permits	I	\$100	Yes
8.40.090	Right of inspection	I	\$100	Yes
CHAPTER 8.44 REGISTRATION AND MAINTENANCE OF ABANDONED PROPERTIES				
8.44.030	Duty to record transfer of loan and/or deed of trust and/or assignment of rents	M	\$1,000	Yes
8.44.040	Registration	M	\$1,000	Yes
8.44.050	Maintenance requirements	M	\$1,000	Yes
8.44.060	Security requirements	M	\$1,000	Yes
8.44.070	Local property management company	M	\$1,000	Yes
8.44.080	Additional requirements	M	\$1,000	Yes
CHAPTER 9.04 OFFENSES AGAINST THE PUBLIC PEACE				
9.04.020	Musical Instruments—Use in attracting customers for sales	M	\$100	Yes
9.04.040	Obstruction of entrance to places of public assemblage	M	\$100	Yes
9.04.050	Inhaling or drinking certain substances	M	\$100	Yes
9.04.060	Off-road use of motor vehicles	M	\$250	Yes
CHAPTER 9.06 NOISE				
9.06.040	Noise standards	I	\$100	Yes
9.06.042	Schools, hospitals, and churches	I	\$100	Yes
9.06.043	Residential pumps, fans, and air conditioners	I	\$100	Yes
9.06.044	Off-road vehicles	I	\$100	Yes
9.06.045	Waste disposal vehicles	I	\$100	Yes
9.06.047	Construction or landscape maintenance noise	I	\$100	Yes
9.06.050	General noise regulations	I	\$100	Yes
CHAPTER 9.08 OFFENSES AGAINST PROPERTY				
9.08.010	Fire hydrants—Injuring and defacing	M	\$100	Yes
9.08.020	Obstruction of streets	M	\$100	Yes
9.08.030	Dumping debris on public or private property	M	\$100	Yes
CHAPTER 9.10 PUBLIC NUDITY				
9.10.030	Unlawful	M	\$100	Yes
CHAPTER 9.12 OFFENSES AGAINST MORALITY				
9.12.030	Prohibition against display of female breasts	M	\$100	Yes
9.12.040	Prohibition against display of private parts	M	\$100	Yes

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**Correctable Bail Schedule
City of Indian Wells, Desert Judicial District, 2014**

Section	Description/Offense	Type	Fine	Correctable
9.12.050	Accessories	M	\$100	Yes
9.12.070	Games of chance—Playing	M	\$100	Yes
9.12.080	Games of chance—Allowing to be conducted on one's premises	M	\$100	Yes
CHAPTER 9.20 AIRCRAFT REGULATION				
9.20.020	Sound devices on aircraft	M	\$100	Yes
CHAPTER 9.28 HUNTING				
9.28.010	Prohibited	M	\$100	Yes
9.28.020	Use of weapons prohibited	M	\$100	Yes
CHAPTER 9.32 MINORS RESTRICTIONS				
9.32.010	Curfew	M	\$50	Yes
9.32.020	Firearms—Ammunition	M	\$100	Yes
CHAPTER 9.36 PARADE PERMITS				
9.36.030	Permit generally	M	\$100	Yes
CHAPTER 9.36 FILM PERMITS				
9.38.020	Permits required	I/M	\$100	Yes
CHAPTER 9.40 RADIO RECEPTION AND TRANSMISSION				
9.40.010	Unlawful interference	M	\$100	Yes
CHAPTER 9.44 ROCK CRUSHERS				
9.44.010	Operation of machinery unlawful	M	\$100	Yes
CHAPTER 9.48 REGULATION OF PEDDLERS				
9.48.030	Peddler—Application for license	M	\$75	Yes
9.48.100	Peddler—License and identification card to be carried on person	M	\$75	Yes
9.48.110	Peddler—Conditions and regulations	M	\$100	Yes
9.48.140	Peddling unlawful where "no peddlers" sign posted	M	\$100	Yes
CHAPTER 9.54 BINGO GAMES				
9.54.040	Operation of licensed bingo games—Restrictions	M	\$50	Yes
CHAPTER 9.56 UNLAWFUL CAMPING				
	9.56.030 Prohibited acts	I	\$100	Yes
CHAPTER 9.58 TRESPASSING				
9.58.020	Trespasses constituting a misdemeanor	M	\$100	Yes
CHAPTER 9.70 SPECIAL SALE EVENTS				
9.70.030	Special sale events prohibition	I	\$100	Yes
CHAPTER 9.84 AMBULANCE SERVICE				
9.84.050	Permit required to operate ambulance	M	\$100	Yes
9.84.100	License fee—Expiration of license—Certificate to be visibly displayed	M	\$100	Yes
9.84.200	Ambulance driver's permit required—Form and contents	M	\$100	Yes

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**Correctable Bail Schedule
City of Indian Wells, Desert Judicial District, 2014**

Section	Description/Offense	Type	Fine	Correctable
9.84.250	Ambulance Personnel Requirements	M	\$100	Yes
CHAPTER 9.88 SALE OF TICKETS OF ADMISSION				
9.88.020	Restrictions on sale of tickets of admission	I	\$100	Yes
CHAPTER 11.28 OVERSIZE VEHICLES				
11.28.010	Oversize vehicles prohibited	I	\$50	Yes
CHAPTER 11.36 STOPPING, STANDING AND PARKING				
11.36.010(b)	Curb Markings Non-Compliance	I	\$45	Yes
11.36.020(d)	No Parking	I	\$45	Yes
11.36.040	Parking Not to Obstruct Traffic	I	\$45	Yes
11.36.050	Parked other than Within a Single Space	I	\$41	Yes
11.36.110	72 Hours Parking	I	\$54	Yes
CHAPTER 11.40 ABANDONED VEHICLES				
11.40.010	Abandoned vehicles	I	\$100	Yes
CHAPTER 11.44 TEMPORARY STREET CLOSURES				
11.44.010	Temporary street closure	I	\$100	Yes
CHAPTER 11.56 BICYCLES				
11.56.030	Operation on sidewalks prohibited.	I	\$100	Yes
CHAPTER 11.60 SKATEBOARDS				
11.60.010	Restrictions on public or City-owned property	I	\$50	Yes
11.60.020	Restrictions on private property	I	\$50	Yes
CHAPTER 12.04 ENCROACHMENTS				
12.04.040	Encroachment permit	M	\$100	Yes
12.04.070	Work requirements	M	\$100	Yes
12.04.100	Protection measures and routing of traffic	M	\$100	Yes
12.04.110	Clearance of vital structures	M	\$100	Yes
12.04.150	Cleanup	M	\$100	Yes
12.04.160	Protection of watercourses	M	\$100	Yes
12.04.170	Cutting of pavement, sidewalk, curb and gutter and cross-gutter	M	\$100	Yes
12.04.172	Driveway approach width	M	\$100	Yes
12.04.180	Boring and jacking of utility lines and conductor casings	M	\$100	Yes
12.04.190	Depth of substructures	M	\$100	Yes
12.04.210	Site restoration	M	\$100	Yes
12.04.270	Preservation of monuments	M	\$100	Yes
CHAPTER 13.04 UNDERGROUND UTILITY DISTRICTS				
13.04.050	Unlawful acts	M	\$100	Yes
CHAPTER 16.28 RELOCATIONS				
	16.28.010 Permit required	M	\$100	Yes
CHAPTER 16.31 ESTABLISHING BARRIERS FOR SWIMMING POOLS, SPAS AND HOT TUBS				
16.31.030	Requirements	M	\$100	Yes

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**Correctable Bail Schedule
City of Indian Wells, Desert Judicial District, 2014**

Section	Description/Offense	Type	Fine	Correctable
CHAPTER 16.32 CALIFORNIA FIRE CODE				
16.32.040	Nonconforming storage containers	M	\$100	Yes
16.32.060	Outdoor fires prohibited	M	\$100	Yes
CHAPTER 16.36 FLOODPLAIN MANAGEMENT				
16.36.120	Standards of construction	M	\$100	Yes
16.36.130	Standards for Utilities	M	\$100	Yes
16.36.140	Standards for subdivisions	M	\$100	Yes
16.36.150	Standards for manufactured homes	M	\$100	Yes
16.36.160	Floodways	M	\$100	Yes
CHAPTER 16.50 TRANSPORTATION DEMAND MANAGEMENT REQUIREMENTS FOR SPECIFIED NEW DEVELOPMENT PROJECTS				
16.50.050	Minimum standards	M	\$100	Yes
CHAPTER 16.52 STORM WATER MANAGEMENT AND DISCHARGE CONTROLS				
16.52.020	Discharge regulation and requirements	I	\$100	Yes
CHAPTER 16.75 WASTE MANAGEMENT PLAN FOR CERTAIN CONSTRUCTION AND DEMOLITION PROJECTS WITHIN THE CITY OF INDIAN WELLS				
16.75.035	Required diversion rates	I	\$50	Yes
16.75.050	Waste management plan requirements	I	\$50	Yes
16.75.060	Waste management compliance reporting	I	\$50	Yes
16.75.075(a),(b)	Willfully fail to comply with any provision of this Chapter; provide false or misleading information in any plan, report or document required in this Chapter	M	\$100	Yes
16.75.075(c)	Fail to meet the diversion requirement for any covered project	I	\$50	Yes
CHAPTER 17.08 SIGN PERMIT PROCEDURES				
17.08.010	Sign permit application and fees	M	\$100	Yes
CHAPTER 17.12 PERMITTED SIGNS				
17.12.020	Design standards	M	\$100	Yes
CHAPTER 17.16 PROHIBITED SIGNS				
17.16.010	Prohibited signs	M	\$100	Yes
CHAPTER 17.24 PROPER MAINTENANCE OF SIGNS				
17.24.010	Maintenance	M	\$100	Yes
17.24.020	Safety	M	\$100	Yes
CHAPTER 17.40 NON-CONFORMING SIGNS				
17.40.020	Prohibitions	M	\$100	Yes
CHAPTER 18.08 PERMITS (EXCAVATION)				
18.08.010	Required	M	\$100	Yes
CHAPTER 18.12 STANDARDS FOR EXCAVATIONS AND FILLS				
18.12.000	Depth of fill—Permitting	M	\$100	Yes
18.12.010	Steepness of slopes	M	\$100	Yes

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**Correctable Bail Schedule
City of Indian Wells, Desert Judicial District, 2014**

Section	Description/Offense	Type	Fine	Correctable
18.12.020	Maximum height of slopes	M	\$100	Yes
18.12.030	Drainage generally	M	\$100	Yes
18.12.040	Gross-drainage requirements	M	\$100	Yes
18.12.050	Depth of fill—Residential lot	M	\$100	Yes
CHAPTER 18.16 COMPACTION OF FILLS				
18.16.020	Clearing, grubbing and preparing areas to be filled	M	\$100	Yes
18.16.030	Materials	M	\$100	Yes
18.16.040	Placing, spreading and compacting fill material	M	\$100	Yes
18.16.050	Seasonal limits	M	\$100	Yes
CHAPTER 18.20 MISCELLANEOUS REGULATIONS				
18.20.010	Relationship of buildings to cut and fill slopes	M	\$100	Yes
18.20.020	Responsibility of permittee	M	\$100	Yes
18.20.030	Conditions of permit	M	\$100	Yes
18.20.040	Existing excavations and fills	M	\$100	Yes
18.20.050	Completion and approval of work	M	\$100	Yes
18.20.060	Maintenance of protective devices	M	\$100	Yes
CHAPTER 21.22 NATURAL PRESERVE ZONE DEVELOPMENT STANDARDS				
21.22.165	Conditional Use Permit required—Project initiation	M	\$50	Yes
CHAPTER 21.23 VERY LOW DENSITY RESIDENTIAL ZONE DEVELOPMENT STANDARDS				
21.23.030 (c)	Agricultural uses, subject to approval of a Conditional Use Permit	M	\$50	Yes
21.23.030(e)	Country clubs/golf courses, subject to approval of a Conditional Use Permit	M	\$50	Yes
21.23.030(f)	Recreational facilities, including, but not limited to, tennis courts, subject to approval of a Conditional Use Permit	M	\$50	Yes
21.23.030(g)	Small and large family day care, subject to approval of a Conditional Use Permit	M	\$50	Yes
CHAPTER 21.24 LOW DENSITY RESIDENTIAL ZONE DEVELOPMENT STANDARDS				
21.24.030(c)	Agricultural uses, subject to approval of a Conditional Use Permit	M	\$50	Yes
21.24.030(e)	Country clubs/golf courses, subject to approval of a Conditional Use Permit	M	\$50	Yes
21.24.030(f)	Recreational facilities, including, but not limited to, tennis courts and swimming pools, subject to approval of a Conditional Use Permit	M	\$50	Yes
21.24.030(g)	Small and large family day care, subject to approval of a Conditional Use Permit	M	\$50	Yes
CHAPTER 21.26 MEDIUM DENSITY RESIDENTIAL ZONE DEVELOPMENT STANDARDS				
21.26.030(b)	Multifamily residential uses shall be a primary use, subject to approval of a Conditional Use Permit	M	\$50	Yes

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**Correctable Bail Schedule
City of Indian Wells, Desert Judicial District, 2014**

Section	Description/Offense	Type	Fine	Correctable
21.25.030(d)	Agricultural uses, subject to approval of a Conditional Use Permit	M	\$50	Yes
21.26.030(f)	Recreational facilities, including, but not limited to, tennis courts, subject to approval of a Conditional Use Permit	M	\$50	Yes
21.26.030(g)	Small and large family day care, subject to approval of a Conditional Use Permit	M	\$50	Yes
21.26.030(j)	Large residential care facilities (more than six (6) persons) subject to approval of a Conditional Use Permit and	M	\$50	Yes
CHAPTER 21.27 MEDIUM HIGH DENSITY RESIDENTIAL ZONE DEVELOPMENT STANDARDS				
21.27.030(b)	Multifamily "cluster type" residential uses shall be a primary use, subject to approval of a Conditional Use Permit	M	\$50	Yes
21.27.030(c)	Small and large family day care facilities subject to approval of a Conditional Use Permit	M	\$50	Yes
21.27.030(e)	Agricultural uses, subject to approval of a Conditional Use Permit	M	\$50	Yes
21.27.030(g)	Recreational facilities, including, but not limited to, tennis courts, subject to approval of a Conditional Use Permit	M	\$50	Yes
21.27.030(k)	Large residential care facilities (more than six (6) persons) subject to approval of a Conditional Use Permit	M	\$50	Yes
CHAPTER 21.28 AFFORDABLE HOUSING OVERLAY ZONE DEVELOPMENT STANDARDS				
21.28.040	Conditional Use Permit Required	M	\$50	Yes
CHAPTER 21.29 SENIOR HOUSING OVERLAY ZONE DEVELOPMENT STANDARDS				
21.29.030	Approved site plan and Conditional Use Permit Required	M	\$50	Yes
CHAPTER 21.30 COMMUNITY COMMERCIAL ZONE DEVELOPMENT STANDARDS				
21.30.030	Conditional Use Permit Required for all uses except emergency shelter	M	\$50	Yes
CHAPTER 21.33 CONDOMINIUM HOTELS				
21.33.030	Condominium hotels regulations	M	\$50	Yes
21.33.060	Condominium hotel standards, conditions and requirements	M	\$50	Yes
21.33.070	Provisions for conditions, covenants and restrictions	M	\$50	Yes

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**Correctable Bail Schedule
City of Indian Wells, Desert Judicial District, 2014**

Section	Description/Offense	Type	Fine	Correctable
CHAPTER 21.34 RESORT COMMERCIAL ZONE DEVELOPMENT STANDARDS				
21.34.040	All development shall be in accordance with a Master Development Plan; CUP required for (a) Those uses which can be shown to make up the "resort experience"; which may include, but are not necessarily limited to hotels, conference and convention facilities, recreational facilities, restaurants, country clubs and golf courses; (b) Sexually oriented businesses	M	\$50	Yes
CHAPTER 21.35 SPORTS COMPLEX (SPX) ZONE DEVELOPMENT STANDARDS				
21.35.020	Master Development Plan required	M	\$50	Yes
21.35.030	Conditional Use Permit required	M	\$50	Yes
CHAPTER 21.36 OFFICE PROFESSIONAL ZONE DEVELOPMENT STANDARDS				
21.36.040	All development shall be in accordance with a Master Development Plan; CUP required in some instances	M	\$50	Yes
CHAPTER 21.40 GOLF COURSE OVERLAY ZONE DEVELOPMENT STANDARDS				
21.40.030	Only uses and facilities directly related thereto which are necessary for the operation and maintenance of the subject golf course shall be permitted in this district	M	\$50	Yes
CHAPTER 21.45 HIGHWAY 111 OVERLAY ZONE DEVELOPMENT STANDARDS				
21.45.040	CUP required	M	\$50	Yes
CHAPTER 21.50 WALLS, FENCES AND LANDSCAPING				
21.50.030	Construction and security fencing	M	\$100	Yes
21.50.040	Protection of intersection visibility regulations	M	\$100	Yes
21.50.050	Residential height standards	M	\$100	Yes
21.50.051	Hedge height standards	M	\$100	Yes
21.50.053	Individual shrub height standards	M	\$100	Yes
21.50.065	Screening of utility and solid waste facilities	M	\$100	Yes
CHAPTER 21.80 ANCILLARY QUARTERS DEVELOPMENT STANDARDS				
21.80.030	Permitted zones	M	\$50	Yes
21.80.040	Occupancy limitations	M	\$50	Yes
21.80.060	Development regulations	M	\$50	Yes
CHAPTER 21.90 ADDITIONAL USE REGULATIONS				
21.90.020	Medical marijuana dispensaries prohibited	M	\$100	Yes
21.90.040	Special events require Temporary Use Permit	M	\$25	Yes
21.90.050(s)	Minimum Conditions of Approval for Recycling facilities	M	\$100	Yes
21.90.060	Antenna regulations	M	\$100	Yes
21.90.070	Flagpole height, flag size, lighting restrictions	M	\$100	Yes

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**Correctable Bail Schedule
City of Indian Wells, Desert Judicial District, 2014**

Section	Description/Offense	Type	Fine	Correctable
Chapter 21.100 PARKING STANDARD DESIGN REQUIREMENTS AND REVIEW PROCEDURES				
21.100.020(e)(1)(iv)	Parking in the Street or Side Yard for More than 24 Hours (Recreational Vehicles, Boats, Non-Operational Vehicles, and Trailers)	I	\$41	Yes
CHAPTER 22.04 HILLSIDE MANAGEMENT				
22.04.092	Design standards	M	\$100	Yes
CHAPTER 22.12 LIGHTING STANDARDS				
22.12.040	General installation requirements	I	\$100	Yes
22.12.050	Lighting standards and submission of plans and evidence of compliance	I	\$100	Yes
22.12.060	Prohibitions	I	\$100	Yes
CALIFORNIA VEHICLE CODE VIOLATIONS				
	All other sections not listed herein	I/M	\$50	No
CVC4000(a)(1)	No and/or expired registration	I/M	\$250	Yes
CVC5200	Failure to display two license plates on vehicle	I/M	\$50	Yes
CVC5204(a)	Display of tags	I/M	\$50	Yes
CVC22500(b)	Blocking crosswalk	I/M	\$54	No
CVC22500(e)	Blocking driveway	I/M	\$54	No
CVC22500(f)	Blocking sidewalk	I/M	\$54	No
CVC22500(h)	Blocking double-parked	I/M	\$50	No
CVC22502(a)	Not within 18" of the curb	I/M	\$54	No
CVC22502(b)	Facing wrong way	I/M	\$50	No
CVC22507.8(a)	Handicapped Parking - No Visible Placard/Special Lic. Plate	I/M	\$330	No
CVC22507.8(c)(2)	Handicapped Parking on Cross-Hatched Lanes	I/M	\$330	No
CVC22514	Fire hydrant	I/M	\$54	No
CVC22526(a)	Anti-gridlock blocking intersection	I/M	\$50	No

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Indian Wells City Council

April 17, 2014

Staff Report – Public Works

Peabody

Approve Sub-Reimbursement Agreement with Coachella Valley Association of Governments for the Jefferson Street and Interstate 10 Interchange Project

RECOMMENDATIONS:

City Council **APPROVES** the Sub-Reimbursement Agreement by and between Coachella Valley Association of Governments, the nine Coachella Valley cities, and the County of Riverside which establishes invoicing procedures for the local share of costs for the Interchange Project at Jefferson Street and Interstate 10; and

AUTHORIZES and **DIRECTS** the Mayor to execute said agreement.

DISCUSSION:

Background:

The Jefferson interchange along Interstate 10 is the latest in a series of interchange projects along the I-10 corridor in the Coachella Valley. The Jefferson interchange is the fifth such project headed by Coachella Valley Association of Governments ("CVAG") in conjunction with Riverside County and CalTrans. The completed interchange projects are at Indian Canyon, Gene Autry/Palm Drive, and Bob Hope/Ramon, and the fourth interchange project at Date Palm is in its final stages of completion.

The Jefferson Street interchange project estimated cost is \$50,000,000 and the project is eligible for a 75% regional reimbursement with a "local share" obligation of 25%. As the five interchange projects were being constructed it became apparent the benefits derived from the interchange projects were more far-reaching to the Valley cities than initially thought. CVAG in 2003, after extensive input from its member jurisdictions, adopted an revised schedule of the percentages to be charged to each of its jurisdictions based on the ratio of trips generated by each of the jurisdictions for the 25% local share portion. The CVAG Executive Committee approved this revised distribution of percentage of payment schedule for the Jefferson Street interchange project in October 2013. The 25% local share of the project is \$12,500,000 and of this amount, the City of Indian Wells obligation is 0.7%, totaling \$87,500.

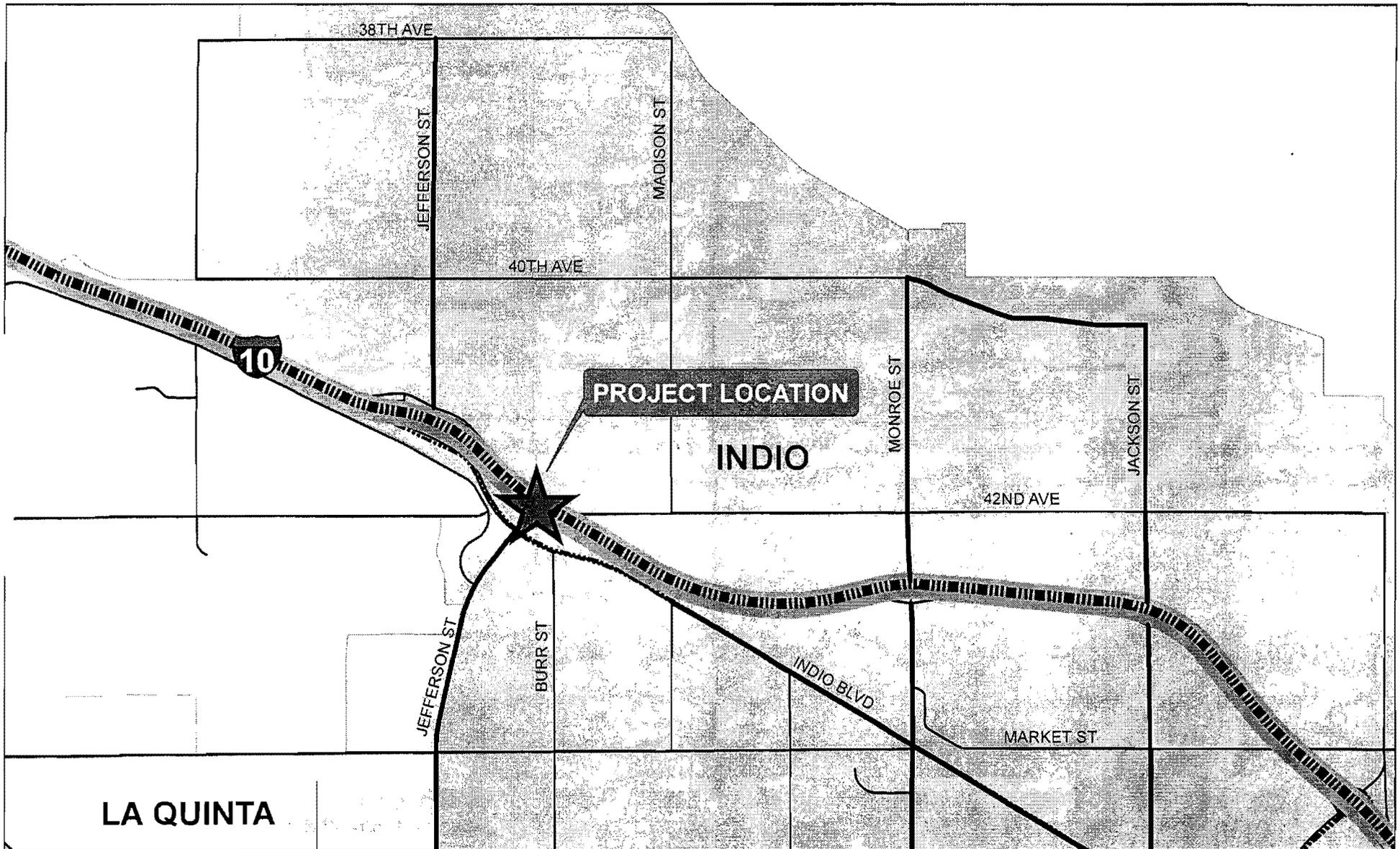
FISCAL IMPACT

The City's share of the Jefferson interchange project is approximately \$87,500 and is currently unbudgeted. Funding for this project will come from the City's Capital Improvement Fund. The project is likely to take several years to complete. CVAG will begin billing the City in fiscal year 2014/15. Staff recommends establishing the Jefferson interchange project in the Capital Improvement Fund beginning fiscal year 2014/15 with a budget of \$87,500. The Finance Director will establish a reserve in the City's Capital fund (Due to CVAG- Jefferson interchange project) to fund the project as draw payments are requested by CVAG.

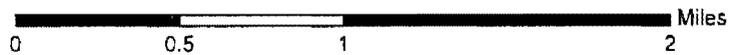
ATTACHMENTS:

1. Vicinity Map
2. Sub-Reimbursement Agreement

Jefferson St/I-10 Interchange Project



Attachment # 1



1/17/2014

SUB-REIMBURSEMENT AGREEMENT

by and between
CVAG

and the City of Cathedral City, the City of Coachella, the City of Desert Hot Springs, the City of Indian Wells, the City of Indio, the City of La Quinta, the City of Palm Desert, the City of Palm Springs, the City Of Rancho Mirage and the County of Riverside

for

the Interchange Project at Jefferson Street and Interstate 10

THIS SUB-REIMBURSEMENT AGREEMENT is made and entered into this 27th day of January, 2014 by and between the City of Cathedral City (Agency), the City of Coachella (Agency), the City of Desert Hot Springs (Agency), the City of Indian Wells (Agency), the City of Indio (Agency), the City of La Quinta (Agency), the City of Palm Desert (Agency), the City of Palm Springs (Agency), the City Of Rancho Mirage (Agency), the County of Riverside (Agency) and the Coachella Valley Association of Governments, a California joint powers agency, (CVAG), with reference to the following background facts and circumstances:

The Transportation Project Prioritization Study, a valley-wide study prepared and regularly updated under the auspices of CVAG, has identified various transportation and highway projects throughout the Coachella Valley as projects of regional importance; and,

Approval of a highway financing measure by the voters of Riverside County in November, 1988, (Measure A), as well as the approval of an extension of Measure A by the voters in November, 2002, has created a source of funds with which to construct such projects; and,

CVAG, by agreement with its member agencies and with the Riverside County Transportation Commission (RCTC), has been designated as the agency through which such funds are to be conveyed and disbursed for the purpose of completing said regional transportation projects; and,

The CVAG Executive Committee, on July 31, 2006, approved the implementation of the amended Transportation Uniform Mitigation Fee (TUMF) Ordinance to increase the collected TUMF, effective January 1, 2007; and,

Under CVAG's policy of funding eligible projects by member jurisdictions, effective January 1, 2007, the responsible jurisdiction(s) will be responsible for paying Twenty-five Percent (25%) of the project costs (the Local Share), as well as any ineligible project costs, and CVAG will be responsible for Seventy-five Percent (75%) of eligible project costs (the Regional Share). Historically, the CVAG Regional Share has been paid as a reimbursement to the jurisdiction, as invoices are submitted and approved; and,

Under CVAG's reimbursement policy for administering regional funds for eligible projects undertaken by its member jurisdictions, the cost of the eligible project is split into a "Local Share" and a "Regional Share." The "Regional Share," paid by CVAG from regional funds, is equal to seventy-five percent (75%) of eligible costs, as defined by applicable CVAG policies

and procedures in effect at the time CVAG is invoiced by the lead agency for reimbursement. All remaining costs constitute the "Local Share."

Although sometimes referred to as the "Local 25% Share," the Local Share includes not only the remaining twenty-five percent (25%) of eligible costs as defined by CVAG policy, but also one hundred percent (100%) of all ineligible project costs.

As determined by a benefit assessment evaluation for each project, the jurisdiction within which a regional project is sited, as well as those jurisdictions in the near vicinity most-immediately benefited, are assessed a specified portion of the Local Share. Accordingly, as to each project, and after extensive input from its member jurisdictions, CVAG has adopted a schedule of the percentages of the Local Share to be charged to each of the responsible jurisdictions based on the ratio of trips generated by each of the respective jurisdictions.

As each project proceeds, CVAG enters into a reimbursement agreement with the Lead Agency for the regional project. Pursuant to that reimbursement agreement, CVAG is invoiced and makes reimbursement for certain project costs. In some circumstances, a Sub-Reimbursement Agreement is entered for those jurisdictions not named in the project reimbursement agreement.

Now, therefore, this Sub-Agreement is intended to provide for collection and payment of the applicable percentage of the Local Share of the costs of the Agencies' NOT NAMED in the Reimbursement Agreement for the I-10 Interchange at Jefferson Street Project approved in January, 2002.

1. Agencies named below agree to contribute their percentage assessment of the Local Share as shown for **the Interchange Project at Jefferson Street and Interstate 10** ("Project").

This Sub-Reimbursement Agreement modifies and changes the proportionate local shares of costs for the responsible jurisdictions for the Interchange Project at Jefferson Street and Interstate 10 as originally approved by the Executive Committee at their meeting in September, 2003.

This Sub-Reimbursement Agreement includes the City of Cathedral City, the City of Coachella, the City of Desert Hot Springs, the City of Indian Wells, the City of Indio, the City of La Quinta, the City of Palm Desert, the City of Palm Springs, the City Of Rancho Mirage and the County of Riverside as agencies responsible for payment of proportionate shares of local costs for the Jefferson Street Interchange Project as approved by the Executive Committee at their meeting in October, 2013.

The County of Riverside and the City of Indio, signatories to the original Reimbursement Agreement, are also signatories to this Sub-Reimbursement Agreement as this is the document which establishes the percentage of Local Share which those two jurisdictions are responsible for in payment for the Jefferson Street Interchange Project

The following table shows all proportionate local shares for the **Jefferson Street Interchange Project** which were approved in **October, 2013**.

Cathedral City	3.2 %
Coachella	2.6%
Desert Hot Springs	0.8%
Indian Wells	0.7%
Indio	50.1%
La Quinta	10.7%
Palm Desert	2.5%
Palm Springs	4.9%
Rancho Mirage	1.6%
Riverside County	<u>22.9%</u>
	100.0%

2. CVAG has entered into a Reimbursement Agreement for the Project with the County of Riverside (Lead Agency) and the City of Indio (Agency) concerning the administration of regional funding for the cost of the Project.

Any excess property purchased to secure the necessary right-of-way for the Project will be shared between the appropriate jurisdiction and the Regional Arterial Program proportionately according to the funding of the purchase by each jurisdiction participating in the project. Excess property will be disposed of in the best interests of the Regional Arterial Program, in order to recapture funds expended. Any recaptured funds will reduce the overall cost of the project.

3. The scope of work for the Project was described in the original Reimbursement Agreement, Exhibit "A," entitled "Scope of Services". The cost estimate for the Project was described in Exhibit "B," entitled "Estimate of Cost," also attached to the original Reimbursement Agreement. The cost estimate includes a calculation intended to allow Agency to recover an amount representing the time of its employed staff in working on the Project, as well as the amount Agency shall pay to outside contractors in connection with the Project. Subject to the terms and all applicable rules regarding allowed costs, the amount of the Jurisdiction One-Quarter and the CVAG Three-Quarters shall be calculated by reference to the cost estimates as shown on Exhibit "B."

4. The County of Riverside estimates the total cost of **the Interchange Project at Jefferson Street and Interstate 10** will be approximately **\$50,000,000**. CVAG's 75% Regional Share will equal \$37,500,000 and the 25% Local Share will equal \$12,500,000, as well as one hundred percent (100%) of all costs not eligible for reimbursement by CVAG. **This Sub-Reimbursement Agreement shall establish that CVAG may decline, or delay, to provide regional funds for the Interchange Project at Jefferson Street and Interstate 10 should it be determined that such action is necessary to maintain a minimum balance of regional funds.**

5. Agency agrees to seek reimbursement of Seventy-five Percent of only those costs, up to the not-to-exceed limit, which are eligible for reimbursement by CVAG, as outlined in the most recent update of the CVAG Policies and Procedures Manual.

5.1 Agency shall be responsible for initial payment of all covered costs as they are incurred. Following payment of such costs, Agency shall submit invoices to CVAG requesting reimbursement of seventy-five percent of those eligible costs associated with the Project. Each invoice shall be accompanied by detailed contractor invoices, or other demands for payment addressed to Agency, and documents evidencing Agency's payment of the invoices

or demands for payment. Agency shall also submit a Project Completion Report, in a form acceptable to CVAG, with each statement. Agency shall submit invoices not more often than monthly and not less often than quarterly.

5.2 Agency shall, at the design stage of the Project, identify a project specific ratio, "Project Ratio", for the construction phase of the project that distinguishes between "Capacity Enhancement" items, "Rehabilitation" items or "Other" items.

Agency shall apply that "Project Ratio" to the project construction cost and provide CVAG with supporting documents that will clearly identify "Capacity Enhancement" costs, eligible for payment with TUMF revenues, "Rehabilitation" costs, eligible for payment with Measure "A" revenues, and Other costs that are not eligible for reimbursement by CVAG.

All invoices submitted to CVAG for reimbursement shall include a table identifying "Capacity Enhancement" costs eligible for payment with TUMF, "Rehabilitation" costs eligible for payment with Measure "A", and other costs that are not eligible for reimbursement by CVAG.

5.3 Upon receipt of an invoice from Agency, CVAG may request additional documentation or explanation of the Project costs. Undisputed reimbursement amounts shall be paid by CVAG to Agency within thirty (30) days. In the event that the Agency is delinquent in payment of any past due invoices related to any regional transportation project, CVAG may deduct the amount owed from the reimbursement amount requested by the Agency on this project.

5.4 If a post-payment audit or review indicates that CVAG has provided reimbursement to Agency in an amount in excess of Seventy-five Percent of eligible costs, or has provided reimbursement of ineligible Project costs, Agency shall reimburse CVAG for the excess or ineligible payments within thirty (30) days of notification by CVAG.

6. Prior to any final payment to Agency by CVAG, a final report shall be submitted to CVAG by Agency containing a record of all payments made for said Project and the source of funds of all such payments, together with a record of all change orders, cost over-runs, and other expenses incurred. Final payment will thereafter be paid by CVAG in accordance with its rules, regulations and policies concerning project cost determination and expense eligibility.

7. The format used for all bids solicited by Agency for the Project shall require itemization sufficient to allow quantities of each bid item to be easily discernible. It shall be the responsibility of Agency to determine what quantity is for Capacity Enhancement and/or Rehabilitation, and to provide CVAG staff with that information.

8. The parties agree that should unforeseen circumstances arise which result in new work not covered in Exhibit "A," an increase of any costs over those shown in Exhibit "B," or other changes in the Scope of Work are proposed, CVAG will in good faith consider an amendment to this Agreement to provide for further appropriate reimbursement if the proposed amendment is in accordance with the policies, procedures, and cost determination/expense eligibility criteria adopted by CVAG. Non-substantive changes may be made to this agreement subject to CVAG's General Counsel's approval.

9. Agency shall maintain an accounting of all funds received from CVAG pursuant to this Agreement in accordance with generally accepted accounting principles. Agency agrees

to keep all Project contracts and records for a period of not less than three years from the date a notice of completion is filed by the Agency on such Project; or, if the Project is not one as to which a notice of completion would normally be recorded, for three years from the date of completion. Agency shall permit CVAG, at any reasonable time, upon reasonable notice, to inspect any records maintained in connection with the Project. CVAG shall have no duty to make any such inspection and shall not incur any liability or obligation by reason of making or not making any such inspection.

10. The occurrence of any one or more of the following events shall, at CVAG's option, constitute an event of default and Agency shall provide CVAG with immediate notice thereof.

10.1 Any warranty, representation, statement, report or certificate made or delivered to CVAG by Agency or any of Agency's officers, employees or agents now or hereafter which is incorrect, false, untrue or misleading in any material respect;

10.2 Agency shall fail to pay, perform or comply with, or otherwise shall breach, any obligation, warranty, term or condition in this Agreement or any amendment to this Agreement, or any agreement delivered in connection with the Project; or,

10.3 There shall occur any of the following: dissolution, termination of existence or insolvency of Agency; the commencement of any proceeding under any bankruptcy or insolvency law by or against Agency; entry of a court order which enjoins, restrains or in any way prevents Agency from paying sums owed to creditors.

11. No waiver of any Event of Default or breach by one party hereunder shall be implied from any omission by the other party to take action on account of such default, and no express waiver shall affect any default other than the default specified in the waiver and the waiver shall be operative only for the time and to the extent therein stated. Waivers of any covenant, term, or condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term or condition. The consent or approval by one party to or of any act by the other party shall not be deemed to waive or render unnecessary the consent or approval to or of any subsequent or similar act.

12. This Agreement is made and entered into for the sole protection and benefit of CVAG and Agency and no third person shall have any right of action under this Agreement.

13. It is the intent of the Agency and CVAG that the Project be represented as being funded by Measure "A"/TUMF funds. All public notices, news releases, and documents shall indicate that the Project is being cooperatively developed by the Agency, RCTC, and CVAG using Measure "A"/TUMF funds. Prior to initiation of on-site construction, Agency agrees to provide at least one "Project Sign" to be placed in a safe and visible location near the site of construction so that all travelers passing the location have the opportunity to observe who the agencies are that are providing funds for the construction of the Project. CVAG shall provide a guide for the Project Sign format.

14. This Agreement is for funding purposes only and nothing herein shall be construed so as to constitute CVAG as a party to the construction or in ownership or a partner or joint venturer with Agency as to the Project. The Agency shall assume the defense of, indemnify and hold harmless CVAG, its member agencies, and their respective officers, directors, agents, employees, servants, attorneys, and volunteers, and each and every one of

them, from and against all actions, damages, claims, losses and expenses of every type and description to which they may be subjected or put by reason of or resulting from the actions or inactions of the Agency related to the Project or taken in the performance of this Agreement or any agreement entered into by Agency with reference to the Project. CVAG shall assume the defense of, indemnify and hold harmless the Agency, its officers, directors, agents, employees, servants, attorneys, and volunteers, and each of them, from and against all actions, damages, claims, losses, and expenses of every type and description to which they may be subjected or put by reason of or resulting from the actions of CVAG taken in the performance of this Agreement.

15. Agency agrees to include in its contract specifications and bid documents a requirement that all prime contractors shall name CVAG and its member agencies as "also insured" on all liability insurance coverage required by Agency on each contract. Agency will provide a copy of the Insurance Certificate to CVAG, depicting CVAG and its member agencies as "also insured," within 30 days of signing a contract with the prime contractor.

16. Any dispute concerning a question of fact arising under this Agreement that is not disposed of by voluntary negotiations between the parties shall first be decided by the CVAG Executive Director or designee, who may consider any written or verbal evidence submitted by Agency. This decision shall be issued in writing. However, no action in accordance with this Section shall in any way limit either party's rights and remedies through actions in a court of law with appropriate jurisdiction. Neither the pendency of dispute nor its consideration by CVAG will excuse Agency from full and timely performance in accordance with the terms of this Agreement.

17. Any agency receiving federal funds must have an approved Disadvantaged Business Enterprise program. All recipients of Federal Highway Administration (FHWA) funds must carry out the provisions of Part 26, Title 49 of the Code of Federal Regulations (CFR) which established the Federal Department of Transportation's policy supporting the fullest possible participation of firms owned and controlled by minorities and women in the Department of Transportation programs. Except to the extent that such or other contrary federal regulations may apply, Agency covenants that, by and for itself and all persons claiming under or through it, there shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin or ancestry in the performance of this Agreement.

18. Agency warrants that all aspects of the Project shall be undertaken in compliance with all applicable local, state and federal rules, regulations and laws. Agency will execute and deliver to CVAG such further documents and do other acts and things as CVAG may reasonably request in order to comply fully with all applicable requirements and to effect fully the purposes of this Agreement.

19. This Agreement may not be assigned without the express written consent of CVAG first being obtained.

20. Agency, its successors in interest and assigns shall be bound by all the provisions contained in this Agreement.

21. No officer or employee of CVAG shall be personally liable to Agency or any successor in interest, in the event of any default or breach by CVAG or for any amount with may

become due to Agency or to its successor, or for breach of any obligation of the terms of this Agreement.

22. Notwithstanding any other provision herein, CVAG shall not be liable for payment or reimbursement of any sums for which CVAG has not first obtained the necessary and appropriate funding from TUMF and/or Measure "A" monies.

23. No officer or employee of CVAG shall have any personal interest, direct or indirect, in this Agreement; nor shall any such officer or employee participate in any decision relating to this Agreement which effects his or her personal interest or the interest of any corporation, partnership or association in which she or he is, directly or indirectly, interested, in violation of any state, federal or local law.

24. Agency warrants that the funds received by CVAG pursuant to this Agreement shall only be used in a manner consistent with CVAG's reimbursement policy and all applicable regulations and laws. Any provision required to be included in this type of agreement by federal or state law shall be deemed to be incorporated into this Agreement.

25. All notices or other communications required or permitted hereunder shall be in writing and shall be either personally delivered (which shall include delivery by means of professional overnight courier service which confirms receipt in writing, such as Federal Express or UPS); sent by telecopier or facsimile machine capable of confirming transmission and receipt; or sent by certified or registered mail, return receipt requested, postage prepaid to the following parties at the following addresses or numbers:

- | | |
|--|---|
| If to City of Cathedral City: | Rod Wood, Interim City Manager
City of Cathedral City
68-700 Avenida Lalo Guerrero
Cathedral City, CA 92234
Telephone: (760) 770-0340
Fax.: (760) 770-0399 |
| If to City of Coachella: | David Garcia, City Manager
City of Coachella
1515 Sixth Street
Coachella, CA 92236
Telephone: (760) 398-3502
Fax.: (760) 398-8117 |
| If to City of Desert Hot Springs: | Robert Adams, City Manager
City of Desert Hot Springs
65-950 Pierson Boulevard
Desert Hot Springs, CA 92240
Telephone: (760) 329-6411
Fax.: (760) 288-3129 |

If to City of Indian Wells: Wade Mc Kinney, City Manager
City of Indian Wells
44-950 El Dorado Drive
Indian Wells, CA 92210
Telephone: (760) 346-2489
Fax.: (760) 346-0407

If to City of Indio: Dan Martinez, City Manager
City of Indio
100 Civic Center Mall
Indio, CA 92201
Telephone: (760) 391-4000
Fax.: (760) 391-4008

If to City of La Quinta: Frank Spevacek, City Manager
City of La Quinta
78-495 Calle Tampico
La Quinta, CA 92253
Telephone: 760-777-7000
Fax.: (760) 777-7101

If to City of Palm Desert: John Wohlmuth, City Manager
City of Palm Desert
73-510 Fred Waring Drive
Palm Desert, CA 92260
Telephone: (760) 346-0611
Fax.: (760) 340-0574

If to City of Palm Springs: David Ready, City Manager
City of Palm Springs
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262
Telephone: (760) 322-8350
Fax.: (760) 323-8207

If to City of Rancho Mirage: Randy Bynder, City Manager
City of Rancho Mirage
69-825 Highway 111
Rancho Mirage, CA 92270
Telephone: (760) 324-4511
Fax: (760) 324-8830

If to County of Riverside: Clerk of the Board
Riverside County Board of Supervisors
4080 Lemon Street, 5th Floor
Riverside, CA 92502-6919
Telephone: (951) 955-1110
Fax.: (951) 955-1105

If to CVAG:

CVAG
73-710 Fred Waring Drive
Palm Desert, CA 92260
Attn: Deputy Executive Director
Telephone: (760) 346-1127
Fax.: (760) 340-5949

Notices sent in accordance with this paragraph shall be deemed delivered upon the next business day following the: (i) date of delivery as indicated on the written confirmation of delivery (if sent by overnight courier service); (ii) the date of actual receipt (if personally delivered by other means); (iii) date of transmission (if sent by telecopier or facsimile machine); or (iv) the date of delivery as indicated on the return receipt if sent by certified or registered mail, return receipt requested. Notice of change of address shall be given by written notice in the manner detailed in this paragraph.

19. This agreement contains the entire agreement between the parties, and is intended by the parties to completely state the agreement in full. Any agreement or representation respecting the matter dealt with herein or the duties of any party in relation thereto, not expressly set forth in this agreement, is null and void.

20. If any term, provision, condition, or covenant of this agreement, or the application thereof to any party or circumstance, shall to any extent be held invalid or unenforceable, the remainder of the instrument, or the application of such term, provision, condition or covenant to persons or circumstances other than those as to whom or which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this agreement shall be valid and enforceable to the fullest extent permitted by law.

21. In the event a party hereto brings an action or proceeding for a declaration of the rights of the parties, for injunctive relief, for an alleged breach or default, or any other action arising out of this agreement, or the transactions contemplated hereby, the prevailing party in any such action shall be entitled to an award of reasonable attorneys' fees and costs incurred in such action or proceeding, in addition to any other damages or relief awarded, regardless of whether such action proceeds to final judgment.

22. Time is of the essence in this agreement, and each and every provision hereof in which time is an element.

23. This agreement and all documents provided for herein shall be governed by and construed in accordance with the laws of the State of California. Any litigation arising from this Agreement shall be adjudicated in the courts of Riverside County, Desert Judicial District, State of California.

24. Local Agency warrants that the execution, delivery and performance of this agreement and any and all related documents are duly authorized and do not require the further consent or approval of any body, board or commission or other authority.

25. This agreement may be executed in one or more counterparts and when a counterpart shall have been signed by each party hereto, each shall be deemed an original, but all of which constitute one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their duly authorized representatives on this date:

ATTEST

CITY OF CATHEDRAL CITY

By: _____
City Manager

By: _____
Mayor

ATTEST

CITY OF COACHELLA

By: _____
City Manager

By: _____
Mayor

ATTEST

CITY OF DESERT HOT SPRINGS

By: _____
City Manager

By: _____
Mayor

ATTEST

CITY OF INDIAN WELLS

By: _____
City Manager

By: _____
Mayor

ATTEST

CITY OF INDIO

By: _____
City Manager

By: _____
Mayor

ATTEST

CITY OF LA QUINTA

By: _____
City Manager

By: _____
Mayor

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ATTEST

By: _____
City Manager

CITY OF PALM DESERT

By: _____
Mayor

ATTEST

By: _____
City Manager

CITY OF PALM SPRINGS

By: _____
Mayor

ATTEST

By: _____
City Manager

CITY OF RANCHO MIRAGE

By: _____
Mayor

ATTEST

By: _____
Clerk of the Board

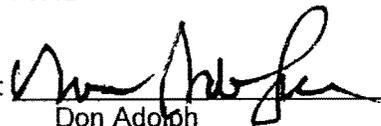
COUNTY OF RIVERSIDE

By: _____
Chair

ATTEST:

By: _____
Tom Kirk
Executive Director

CVAG

By: 
Don Adolph
Chair

Indian Wells City Council

April 17, 2014

Staff Report – Community Development

Affirm Consent to Conflict of Representation Waiver Allowing Best Best & Krieger to Represent Coachella Valley Association of Governments for CV Link Project Environmental Work

RECOMMENDATIONS:

City Council **AFFIRMS** its consent to the conflict of representation allowing Best Best & Krieger LLP to represent Coachella Valley Association of Governments for the environmental work related to the CV Link project; and

AUTHORIZES and **DIRECTS** the City Manager to execute the conflict of representation waiver.

DISCUSSION:

Background

Best Best & Krieger LLP ("BB&K") has provided City Attorney services to the City of Indian Wells from April 1, 2004 to the present, and served as Special Redevelopment Counsel from 1993 through March 2004. BB&K also provides City Attorney services for two other Coachella Valley cities, Palm Desert and Coachella. The City of Indian Wells has approved two previous conflicts of representation waivers for BB&K. The first was in August 2009 for a traffic signal agreement between the City and Palm Desert. The other waiver was approved in October 2010 between the City and Coachella Valley Water District ("District") related to holding the District harmless where the City opens a water account to abate public nuisances, and for non-potable water related to the Golf Resort.

Analysis

The City has been approached by BB&K to consider a conflict of representation waiver ("waiver") that would permit the law firm to represent the Coachella Valley Association of Governments ("CVAG") with respect to National Environmental Policy Act ("NEPA") and California Environmental Quality Act ("CEQA") requirements in connection with the development of the CV Link project ("CV Link"), a 52 mile pathway for pedestrians, bicyclists and low-speed electronic vehicles envisioned to ultimately run from Desert Hot Springs to the Salton Sea. The exact alignment and location of the CV Link has not been chosen and will not be finalized until the completion of the environmental review.

However, it is anticipated that the CV Link would generally track the Whitewater River Channel through the Coachella Valley. As a result, the CV Link could encroach upon property or facilities owned or operated by the City. The City of Palm Desert has already approved the waiver related to the CV Link. CVAG has indicated it will approve the waiver as part of its contract with BB&K once all of the cities give their approval.

BB&K has more than 170 attorneys on staff. If approved, BB&K would continue to represent the City as the City Attorney in all matters. The attorneys representing CVAG would be different from those representing the City, and all communication between the attorneys and respective clients would remain confidential. In the event of any future dispute between the City and CVAG, the firm will erect an "ethical wall" between the attorneys advising the City and the attorneys advising CVAG with respect to the CV Link, and will keep each entity's communications separate and confidential.

CVAG has indicated that it will consent to BB&K continuing to represent the City in all matters, including on any issues pertaining to the CV Link even if such issues ripen into a dispute with CVAG. It is clear under the proposed waiver that separate attorneys at BB&K will represent CVAG, who do not and will not perform services for the City.

ATTACHMENT:

1. BB&K Conflict of Representation Waiver



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Indian Wells
(760) 568-2611
Irvine
(949) 263-2600
Los Angeles
(213) 617-8100
Riverside
(951) 686-1450

2855 E. Guasti Road, Suite 400, Ontario, CA 91761
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(916) 325-4000
San Diego
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Walnut Creek
(925) 977-3300
Washington, DC
(202) 785-0600

Stephen P. Deitsch
(909) 483-6642
stephen.deitsch@bbklaw.com
File No. 09957-00000

April 9, 2014

Wade McKinney, City Manager
City of Indian Wells
44-950 El Dorado Drive
Indian Wells, CA 92210-7494

Re: Informed Written Consent Concerning CV Link Project

Dear Mr. McKinney:

As you know, we currently represent the City of Indian Wells (the "City") as City Attorney. However, we were recently asked to represent the Coachella Valley Association of Governments ("CVAG") with respect to National Environmental Policy Act ("NEPA") and California Environmental Quality Act requirements in connection with the development of the Coachella Valley Link Project, a 52-mile recreational trail through the Coachella Valley (the "Project"). At this time, the exact alignment and location of the Project has not been chosen, nor will it be chosen until the completion of all required environmental review. However, it is anticipated that the Project would generally track the Whitewater River through the Coachella Valley, such that it is possible the Project could encroach upon property or facilities owned by, operated by, or under the jurisdiction of, the City. Accordingly, we have to inform you about our proposed representation of CVAG, discuss with you the potential impact of our representation, and obtain your informed written consent.

RULES OF PROFESSIONAL CONDUCT

Rule 3-310 of the California Rules of Professional Conduct provides in pertinent part:

- (C) A member [of the Bar] shall not, without the informed written consent of each client:
 - (1) Accept representation of more than one client in a matter in which the interests of the clients potentially conflict; or
 - (2) Accept or continue representation of more than one client in a matter in which the interests of the clients actually conflict; or
 - (3) Represent a client in a matter and at the same time in a separate matter accept as a client a person or entity whose interest in the first matter is adverse to the client in the first matter.

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BEST BEST & KRIEGER
ATTORNEYS AT LAW

Wade McKinney, City Manager
City of Indian Wells
April 9, 2014
Page 2

- (D) A member who represents two or more clients shall not enter into an aggregate settlement of the claims of or against the clients without the informed written consent of each client.

OUR REPRESENTATION

In this matter, we would represent CVAG with respect to environmental compliance and other matters related to the Project. We would also continue to represent the City as City Attorney for all matters. Given that different BBK attorneys would be advising CVAG from those attorneys advising the City with respect to the CVLink Project, we understand that the City and CVAG each agree that their communications with their respective BBK attorneys shall remain confidential and privileged from the other. In the event of any future dispute between the City and CVAG, we will erect an ethical wall between the attorneys advising the City and the attorneys advising CVAG with respect to the CVLink Project, and will keep each entity's communications separate and confidential. Your execution of this letter constitutes an agreement to this arrangement, and your consent to our concurrent representation of the City and CVAG in the event of a future conflict with respect to the CVLink Project. We will make any engagement agreement with CVAG subject to this same arrangement.

ADVERSE CONSEQUENCES

We are obliged to inform you of any actual or reasonably foreseeable adverse effects of this representation. It is possible that:

- We may be tempted to favor the interests of one client over the other.
- Our exercise of independent judgment to you may be impaired or clouded by our relationship with CVAG.
- We may not be able to present the appropriate position, claims or defenses for a client in order to avoid taking adverse positions to the other client.
- We may be restricted from forcefully advocating a client's position for fear of alienating the other client.
- Disputes may arise between both clients regarding tactics, objectives or resolution of this matter because of our joint representation of both clients.
- We may be forced to withdraw from representing either or both clients because of disputes or further conflicts of interest which could increase either or both clients' attorney's fees and costs.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Wade McKinney, City Manager
City of Indian Wells
April 9, 2014
Page 3

- There may be an appearance of impropriety in our representation of both clients simultaneously. Similarly, you should know that a court may later determine that the above ethical wall is ineffective to keep such communications privileged and confidential between the City and CVAG. In addition, a court could later decide that because BBK represented both entities at the same time, the communications with each entity may not be protected from disclosure to third parties despite the ethical wall we will erect and the efforts we will make to keep communications confidential.

YOUR CONSENT

If you wish to allow us to represent CVAG in this matter, we need you to sign this consent letter. It is understood that this consent will not waive any protection that you may have with regard to attorney-client communications with us. Those communications will remain confidential and will not be disclosed to any third party without your consent.

I believe that you are familiar with the factual background in this matter, and I have given you a sufficiently-detailed description for obtaining informed written consent. However, if you believe that there is any other information that you or I need to have before such consent can be granted, please let me know immediately.

In the event that circumstances change or we become aware of new information that requires a new consent from the parties, you will be notified of that fact immediately, and continued representation will be subject to the informed written consent of involved parties.

I should emphasize that you are entitled to and should consider obtaining an independent legal opinion regarding the advisability of signing this consent form.

Your execution of this consent form will constitute an acknowledgment of full disclosure in compliance with the requirements of Section 3-310 of the California Rules of Professional Conduct previously quoted in this letter.



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Wade McKinney, City Manager
City of Indian Wells
April 9, 2014
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If you have any questions, please do not hesitate to call.

Sincerely,

Stephen P. Deitsch
of BEST BEST & KRIEGER LLP

AGREED AND ACCEPTED:

CITY OF INDIAN WELLS

By: _____
Wade McKinney, City Manager

Dated: _____

09957.00000\8634024.2

Indian Wells City Council
Staff Report – City Manager’s Office

April 17, 2014

Adopt 1) Resolution Amending Resolution No. 2013-53 Concerning the Compensation and Benefit Plan for Non-Represented Professional and Management Employees, Confidential Employees, and Non-Represented Employees and 2) Authorized Positions and Salary Schedule Including Two New Positions

RECOMMENDATIONS:

City Council **ADOPTS** Resolution Bill No. 2014-19 amending Resolution No. 2013-53 concerning Section 1 of the compensation and benefit plan for non-represented professional and management employees, confidential employees, and non-represented employees effective July 1, 2013 through June 30, 2014 by making changes as to the classification of certain positions; and

ADOPTS the Fiscal Year 2013-2014 Authorized Positions and Salary Schedule that incorporates changes to the authorized positions.

DISCUSSION:

The City Council adopted Resolution No. 2013-53 on November 7, 2013 which set forth current benefits and terms and conditions of employment for the non-represented employees. The City Council also approved eliminating one department head position and adding two management positions. This proposed resolution will amend the initial Resolution by adding the two new positions, including the Accounting Technician III/Payroll position under the confidential category, and delete the Personnel/Public Safety Director position. The Accounting Technician III/Payroll is involved in the meet and confer process and is therefore categorized as confidential employee consistent with the Meyers Millais Brown Act.

FISCAL IMPACT:

There is no fiscal impact from this amendment

ATTACHEMENT:

1. Resolution Bill No. 2014-19

RESOLUTION BILL NO. 2014-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING RESOLUTION NO. 2013-53 CONCERNING THE COMPENSATION AND BENEFIT PLAN FOR NON-REPRESENTED PROFESSIONAL AND MANAGEMENT WORKERS, CONFIDENTIAL EMPLOYEES, AND NON-REPRESENTED EMPLOYEES, EFFECTIVE JULY 1, 2013 THROUGH JUNE 30, 2014

WHEREAS, the Government Code of the State of California prescribes a procedure for discussing and resolving matters regarding wages, hours and other terms and conditions of employment; and

WHEREAS, the City Council has adopted Resolution No. 2013-53 establishing the Compensation and Benefit plan for Non-Represented Professional and Management workers, Confidential employees, and Non-Represented employees; and

WHEREAS, the City desires to designate two new positions classified as Management Positions, classify one position as Confidential, and delete one position from the Executive Management Positions classification, as it relates to the salaries and benefits for Non-Represented Professional and Management workers, Confidential employees, and Non-Represented employees.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Indian Wells that Section 1 of the Compensation and Benefit Plan for Non-Represented Professional and Management employees, the Confidential employees, and the Non-Represented employees shall be amended to read in its entirety as follows (strikethroughs and additions are shown in red):

"SECTION 1: POSITIONS

The following positions are included in this Resolution. The City Manager has an individual employment agreement(s), and any amendments, defining other terms and conditions of employment not described herein.

Executive Management Positions:

City Manager
Finance Director
~~Personnel/Public Safety Director~~
Community Development Director
Public Works Director
Marketing/Community Relations Director

Management Positions:

Assistant to the City Manager

Chief Deputy City Clerk

Senior Accountant

Professional Positions:

Information Technology Manager

Assistant Planner

Confidential: (Includes only designated positions within the classifications)

Senior Executive Assistant/Deputy City Clerk

Accounting Technician III/Payroll

Non-Represented Employees:

Marketing Associate

Executive Assistant

Receptionist

SECTION 2. This Resolution shall take effect upon its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on this 17TH day of April, 2014.

TED J. MERTENS
MAYOR

CERTIFICATION FOR RESOLUTION BILL NO. 2014-19

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that the whole number of the members of the City Council is five (5); that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Indian Wells on the 17th day of April, 2014, by the following vote:

AYES:
NOES:

ATTEST:

APPROVED AS TO FORM:

WADE G. MCKINNEY
CITY MANAGER/CITY CLERK

STEPHEN P. DEITSCH
CITY ATTORNEY

EXHIBIT "A"

**City of Indian Wells
 Authorized Positions and Ranges
 Effective Fiscal Year 2013/14**

	Authorized Position	Grade	Begin Range	Top of Range
1	City Manager	83	199,467	242,454
2	Finance Director	75	164,103	199,467
3	Community Development Director	74	160,195	194,718
4	Public Works Director	72	152,567	185,446
5	Director of Marketing & Community Relations	66	131,793	160,195
6	Information Technology Manager	64	125,517	152,567
7	Public Works Superintendent	56	103,263	125,517
8	Assistant to City Manager	52	93,663	113,848
9	Chief Deputy City Clerk	48	84,954	103,263
10	Senior Accountant	48	84,954	103,263
11	Assistant Engineer II	46	80,909	98,346
12	Assistant Planner	44	77,057	93,662
13	Accounting Technician III/Payroll	42	73,388	89,203
14	Marketing Associate	41	71,597	87,027
15	Landscape Specialist	40	69,892	84,954
16	Code Enforcement/Deputy Fire Marshal	40	69,892	84,954
17	Building Inspector II	40	69,892	84,954
18	Senior Executive Assistant/Deputy City Clerk	39	68,188	82,883
19	Senior Electrical Maintenance Technician	39	68,188	82,883
20	Building Technician II	38	66,564	80,909
21	Executive Assistant	36	63,394	77,057
22	Accounting Technician II	32	57,501	69,892
23	Administrative Assistant	31	56,099	68,188
24	Administrative Assistant	31	56,099	68,188
25	Administrative Assistant	31	56,099	68,188
26	Accounting Technician 1	28	52,155	63,394
27	Public Works Maint. Worker II	28	52,155	63,394
28	Public Works Maint. Worker I	24	47,306	57,501
29	Receptionist	21	43,955	53,427