

**Palm Desert City Council, Successor Agency to the Palm Desert Redevelopment
Agency, and Housing Authority**
Regular Meeting Minutes

December 14, 2023, 3:30 p.m.

Present: Councilmember Jan Harnik, Councilmember Gina Nestande,
Councilmember Evan Trubee, Mayor Pro Tem Karina Quintanilla,
and Mayor Kathleen Kelly

1. CALL TO ORDER - CLOSED SESSION - 3:30 P.M.

A Regular Meeting of the Palm Desert City Council was called to order by Mayor Kelly on Thursday, December 14, 2023, at 3:30 p.m. in the Council Chamber, City Hall, located at 73-510 Fred Waring Drive, Palm Desert, California.

2. PUBLIC COMMENT FOR CLOSED SESSION ITEMS ONLY

None.

3. RECESS TO CLOSED SESSION

Mayor Kelly adjourned to Closed Session at 3:30 p.m.

4. CLOSED SESSION AGENDA

The following items were considered in closed session:

4.a Closed Session Meeting Minutes: October 26, 2023

4.b Conference with Real Property Negotiations pursuant to Government Code Section 54956.8

4.b.1 PROPERTY DESCRIPTION: ASSESSOR'S PARCEL NUMBERS 627-102-017 AND 627-102-025

4.b.2 PROPERTY DESCRIPTION: ASSESSOR'S PARCEL NUMBERS 694-410-003; 694-160-005 THROUGH 008, 694-160-011; 694-120-025; AND 685-010-005 THROUGH 008, 694-160-011; 694-120-025; AND 685-010-005

5. ROLL CALL - REGULAR MEETING - 4:00 P.M.

6. PLEDGE OF ALLEGIANCE

Mayor Kelly led the Pledge of Allegiance.

7. INSPIRATION

Mayor Kelly provided words of inspiration.

8. REPORT OF CLOSED SESSION

Assistant City Attorney Shah stated that direction was given by the City Council; no reportable actions were taken.

9. AWARDS, PRESENTATIONS, AND APPOINTMENTS

9.a APPOINTMENT OF THE MAYOR AND MAYOR PRO TEM

Motion by: Councilmember Nestande
Seconded by: Councilmember Trubee

Appoint Karina Quintanilla to the position of Mayor and Jan Harnik to the position of Mayor Pro Tem for a one-year term commencing upon appointment.

Motion Carried (5 to 0)

9.b CONGRESSMAN CALVERT - RECOGNITION OF PALM DESERT'S 50TH ANNIVERSARY

Indio Councilmember Glenn Miller, representing Congressman Calvert, presented a certificate recognizing the City of Palm Desert's 50th anniversary of incorporation. He shared that the City would receive the U.S. flag that flew over the Capitol building in Washington, D.C., on the City's anniversary date of November 26, 2023.

9.c PROCLAMATION - MANNY DE LA ROSA

Mayor Quintanilla presented a proclamation to Manny De La Rosa in recognition of his significant contributions to the Filipino-American community.

9.d RPM RECOGNITION

Mayor Quintanilla presented a plaque to RPM representative Teresa Vakili in recognition of 25 years of service to the Palm Desert Housing Authority communities.

9.e 59TH ANNUAL PALM DESERT GOLF CART PARADE RECAP

Palm Desert Area Chamber of Commerce representatives Alisa Williams and Patrick Klein narrated a PowerPoint presentation relative to the 59th Annual Palm Desert Golf Cart Parade and presented an award to the City for the Best Overall Golf Cart.

10. CITY MANAGER COMMENTS

10.a DESERT WILLOW GOLF RESORT COURSE OF THE YEAR AWARD

Desert Willow Golf Resort General Manager Derek White reported on their award from California Golf Course Owners Association and thanked the City Council and staff for the resources and support provided to Desert Willow Golf Resort.

11. MAYOR/COUNCILMEMBER REPORTS AND REQUESTS FOR ACTION

Councilmembers reported on their attendance at various meetings and events.

Councilmember Trubee requested that staff research potential additional motor patrol, supported by Councilmember Kelly and Mayor Pro Tem Harnik; and requested that the Holiday Decoration Committee review the Highway 111 seasonal decorations plan.

Councilmember Kelly expressed appreciation for staff and colleagues during her year as Mayor; reported that the region has secured \$50 million in funding for improvements to Indian Canyon Drive; requested that the Public Safety Committee research a potential ordinance to assist law enforcement in fighting catalytic converter theft by requiring verification of ownership, supported by Mayor Quintanilla and Mayor Pro Tem Harnik.

Councilmember Nestande expressed appreciation to Councilmember Kelly for her service as mayor and as a fellow councilmember for the last seven years, and welcomed Mayor Quintanilla.

Mayor Quintanilla expressed appreciation to Councilmember Kelly for her mentorship, and expressed appreciation for local businesses.

Councilmember Harnik encouraged drivers to exercise patience at stoplights, and urged residents to provide input for Connect SoCal's 2024 Southern California Long-Range Regional Transportation Plan and Sustainable Community strategy.

12. NON-AGENDA PUBLIC COMMENTS

Mario Garcia, representing Coachella Urban Farms and the Palm Desert Certified Farmers' Market, urged the City Council to support the market.

Leigh Shecuran shared information regarding the farmers' market occurring on Wednesdays in Palm Desert.

Christiana Green, requested the City's support through social media posts regarding the Palm Desert Certified Farmers' Market.

Leo Becerra, a local beekeeper, urged the City Council to support farmers' markets.

Nancy Gutierrez, Palm Desert resident, spoke regarding the benefits of carbon dioxide.

Jim Seavey, representing Palm Desert Senior Softball Association, shared information regarding interactions between his association and the Desert Recreation District regarding the use of baseball fields in the Civic Center Park.

John Seigel, Palm Desert resident, commended Deputy Rivera for his support during a recent family emergency.

Barbara Wasserkrug, Palm Desert resident, spoke in opposition to the COVID-19 vaccine and other vaccines.

Francis Fernandez, Senior Public Affairs Specialist representing South Coast Air Quality District, urged the City Council and residents to submit nominations for the annual Clean Air awards.

13. CONSENT CALENDAR

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

To approve the consent calendar excluding Items 13.l and 13.z.

Motion Carried (5 to 0)

13.a APPROVAL OF CITY COUNCIL, SUCCESSOR AGENCY, AND HOUSING AUTHORITY MINUTES

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

Approve the Minutes of November 16, 2023.

Motion Carried (5 to 0)

13.b APPROVAL OF WARRANTS

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

Approve the warrants issued for the period 11/9/2023 to 12/1/2023.

Motion Carried (5 to 0)

13.c RECEIVE AND FILE APPLICATIONS FOR ALCOHOLIC BEVERAGE LICENSES

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

Receive and file the applications for Alcoholic Beverage Licenses for:

1. Carmen's Restaurant, 78010 Country Club Dr. Suite 400, Palm Desert
2. Marriott Hotel Services, LLC. 74885 Country Club Dr., Palm Desert

Motion Carried (5 to 0)

13.d RECEIVE AND FILE THE INVESTMENT REPORT, GENERAL FUND, PARKVIEW OFFICE COMPLEX, AND DESERT WILLOW GOLF RESORT FINANCIAL MONTHLY REPORTS FOR SEPTEMBER AND OCTOBER 2023

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

Receive and file the monthly Investment Report, General Fund, Parkview Office Complex, and Desert Willow Golf Resort Financial Monthly Reports for September and October 2023.

Motion Carried (5 to 0)

13.e APPOINTMENT OF ISRA SHAH AS PALM DESERT CITY ATTORNEY (CONTRACT NO. C28883)

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

1. Approve Amendment No. 3 to Contract C28880 with Best Best & Krieger LLP for City Attorney Services to appoint Isra Shah as Palm Desert City Attorney.
2. Authorize the City Attorney to make non-substantive changes and the Mayor to execute all necessary documents.

Motion Carried (5 to 0)

13.f ADOPT CITY COUNCIL, SUCCESSOR AGENCY, FINANCING AUTHORITY AND HOUSING AUTHORITY RESOLUTIONS APPROVING THE CITY OF PALM DESERT INVESTMENT POLICY (FIN-002), AS AMENDED

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

Adopt City, Successor Agency, Financing Authority, and Housing Authority Resolutions approving the City of Palm Desert Investment Policy (FIN-002), as amended.

Motion Carried (5 to 0)

13.g RECOMMEND DEACCESSION OF RECREATION LIBERATES BY JOS GOMOLKA

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

Authorize deaccession of *Recreation Liberates* by Jos Gomolka.

Motion Carried (5 to 0)

13.h APPROVE CENTRAL INVENTORY OF SURPLUS LAND OWNED BY THE CITY OF PALM DESERT AND SUCCESSOR AGENCY TO THE PALM DESERT REDEVELOPMENT AGENCY AND DIRECT THE REPORTING OF INFORMATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

1. Approve the City of Palm Desert Central Inventory of surplus land and land in excess of foreseeable need in connection with properties owned by the City of Palm Desert and Successor Agency to the Palm Desert Redevelopment Agency (SARDA), as outlined in the staff report, pursuant to Government Code Section 54230(a)(1).
2. Authorize staff to report to the California State Department of Housing and Community Development (HCD) information about such properties pursuant to Government Code 54230(a)(2).

Motion Carried (5 to 0)

13.i ADOPT RESOLUTION NO. 2023-063 EXTENDING THE CITY'S DEADLINE TO ESTABLISH AN ONLINE PERMITTING SYSTEM FOR POST-ENTITLEMENT PHASE PERMITS

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

Adopt Resolution No. 2023-063 entitled, "EXTENDING THE DEADLINE TO ESTABLISH AN ONLINE PERMITTING SYSTEM FOR POST-ENTITLEMENT PHASE PERMITS UNDER CALIFORNIA GOVERNMENT CODE SECTION 65913.3.5 (AB 2234)."

Motion Carried (5 to 0)

13.j ADOPT RESOLUTION MAKING CERTAIN FINDINGS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 66000-66008 RELATING TO THE DEVELOPMENT IMPACT FEES ANNUAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2023

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

Adopt Resolution No. 2023-064 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, REVIEWING AND ACCEPTING THE ANNUAL DEVELOPMENT IMPACT FEE DISCLOSURE REPORT FOR THE CITY'S VARIOUS DEVELOPMENT IMPACT FEES AND MAKING FIVE-YEAR FINDINGS REGARDING THE CONTINUING NEED FOR UNEXPENDED BALANCES OF IMPACT FEES AS OF JUNE 30, 2023, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 66001."

Motion Carried (5 to 0)

13.k AUTHORIZE THE REMOUNT AND REFURBISHMENT OF TWO ALS PARAMEDIC UNITS FROM FRAZER, LTD, FOR A TOTAL AMOUNT OF \$551,410.64

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

1. Authorize the remount and refurbishment of two ALS Paramedic Units from Frazer, LTD, of Houston, Texas, for the amount of \$551,410.64.
2. Authorize the Director of Finance to appropriate and transfer out a total of \$25,248.00 from Unobligated Fire Facilities Fund Balance to Equipment Replacement Fire Vehicles Account No. 5304220-4403000.

Motion Carried (5 to 0)

13.m APPROVAL OF MILLS ACT CONTRACTS (RESOLUTION NOS. 2023-065 THROUGH 2023-067 BETWEEN THE CITY AND THE PROPERTY OWNER OF THREE INDIVIDUAL HISTORICAL PROPERTIES

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

1. Adopt Resolution No. 2023-065 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING A MILLS ACT AGREEMENT BETWEEN THE CITY AND THE OWNER OF THE PROPERTY LOCATED AT 373 SANDPIPER STREET, CASE NOS. MILLS23-0003."
2. Adopt a Resolution No. 2023-066 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING A MILLS ACT AGREEMENT BETWEEN THE CITY AND THE OWNER OF THE PROPERTY LOCATED AT 382 SANDPIPER STREET, CASE NOS. MILLS23-0004."
3. Adopt a Resolution No. 2023-067 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING A MILLS ACT AGREEMENT BETWEEN THE CITY AND THE OWNER OF THE PROPERTY LOCATED AT 381 SANDPIPER STREET, CASE NO. MILLS23-0008."

Motion Carried (5 to 0)

13.n RECEIVE AND FILE INFORMATIONAL REPORT FOR ROAD CLOSURES SCHEDULED TO OCCUR FOR THE 2024 PALM DESERT HALF MARATHON AND 5K EVENT

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

1. Receive and file informational report for road closures associated with the Palm Desert Half Marathon and 5K event scheduled for Sunday, February 18, 2024.
2. Authorize the City Manager to execute any documents that may be necessary to facilitate the event.

Motion Carried (5 to 0)

13.o APPROVE A ONE (1) YEAR LEASE AGREEMENT NO. C46850 WITH ONE (1) EXTENSION OF ONE (1) YEAR WITH ADAM DRAKE FOR THE OPERATION OF A REMOTE CONTROLLED RACETRACK ON VACANT CITY-OWNED PARCEL WITH ASSESSOR'S PARCEL NO. 640-091-010

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

1. Approve a one (1) year lease Agreement No. C46850 with one (1) extension of one (1) year with Adam Drake for the operation of a remote controlled racetrack (RC) on vacant City-owned parcel with Assessor's Parcel No. (APN) 640-091-010.
2. Authorize the City Attorney to make any necessary, non-monetary changes.
3. Authorize the City Manager to execute the lease and any and all related documents.

Motion Carried (5 to 0)

13.p RELEASE MAINTENANCE BOND FOR PORTA VIA PROJECT LOCATED AT 73100 EL PASEO

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

Release maintenance bond in the amount of \$8,026.18 for the Porta Via Restaurant located at 73100 El Paseo.

Motion Carried (5 to 0)

13.q RESOLUTION NO. HA-119 TO AUTHORIZE THE DESTRUCTION OF OBSOLETE RECORDS OF THE HOUSING AUTHORITY

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

Adopt Resolution No. HA-119 entitled, "A RESOLUTION OF THE PALM DESERT HOUSING AUTHORITY SETTING FORTH ITS FINDINGS AND AUTHORIZING THE DESTRUCTION OF RECORDS OF THE PALM DESERT HOUSING AUTHORITY FROM 1988-2021 (AS IDENTIFIED ON EXHIBIT "A"), AS INDICATED ON THE RECORDS RETENTION SCHEDULE (ADOPTED BY THE PALM DESERT HOUSING AUTHORITY ON JULY 13, 2023)."

Motion Carried (5 to 0)

13.r TROPICAL STORM HILARY RECOVERY UPDATE

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

Receive and file update on the August 2023 Weather Event Storm Recovery and Redevelopment.

Motion Carried (5 to 0)

13.s APPROVE CONTRACT NO. C46860 FOR CITY HALL FURNITURE, FIXTURE, AND EQUIPMENT REPLACEMENT PROJECT AND REASSIGN FUNDS FROM COMPLETED PROJECT SAVINGS

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

1. Approve the addition of the City Hall Furniture, Fixture, and Equipment Replacement Project.
2. Award Contract No. C46860 to Quality Office Furnishings, Inc., for cubicle furnishings in the amount of \$280,840.71.
3. Authorize the Director of Finance to set aside a contingency amount of \$30,000 for unforeseen circumstances.
4. Authorize the City Manager to award a contract for improvements in the Development Services Building for an amount not to exceed \$250,000.
5. Reassign funds from Account No. 4504161-4400100 in the amount of \$560,840.71 from projects identified in the Financial Impact Section of the report to this project.
6. Authorize the City Manager to execute the agreement, change orders and any documents necessary to effectuate the actions taken herewith.
7. Authorize the City Attorney to make any necessary non-monetary changes to the agreement.

Motion Carried (5 to 0)

13.t PURCHASE AND APPROPRIATION FOR A CUSTOMIZED LOW-SPEED ELECTRIC VEHICLE FOR MOBILE LIBRARY OUTREACH

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

1. Authorize the purchase of a customized electric low-speed utility vehicle for library outreach from Valero Services in an amount not to exceed \$73,116.84, plus CA sales tax.
2. Authorize Director of Finance to set aside a 20% contingency in the amount of \$15,756.68.
3. Authorize Director of Finance to appropriate funds to Equipment Replacement Fund in General Government Capital Autos/Vehicles Account Number .5304195-4403000 in the amount of \$94,540.07.
4. Authorize Director of Finance to make an interfund transfer from the Library Services Fund Account No. 2524199-4501000 to the Equipment Replacement Fund Account No. 5300000-3910000 in the amount of \$94,540.07 to accommodate this request.
5. Authorize the City Attorney to make any necessary non-monetary changes to the agreement.
6. Authorize the City Manager to execute all documents necessary to effectuate this action.

Motion Carried (5 to 0)

13.u RESOLUTION NO. 2023-068 DESIGNATING CITY MANAGER, ASSISTANT CITY MANAGER AND CITY TREASURER AS AUTHORIZED AGENTS AS REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE STATE OF CALIFORNIA GOVERNORS OFFICE OF EMERGENCY SERVICES FOR DISASTER AID

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

Adopt Resolution No. 2023-068 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, DESIGNATING THE CITY MANAGER, ASSISTANT CITY MANAGER, AND CITY TREASURER TO BE THE AUTHORIZED AGENTS TO PROVIDE REQUIRED ASSURANCES AND EXECUTE AGREEMENTS FOR THE PURPOSES OF OBTAINING FINANCIAL ASSISTANCE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND THE STATE OF CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES (CalOES) FOR DISASTER AID."

Motion Carried (5 to 0)

13.v APPOINTMENT TO THE JOSLYN COVE SENIOR CENTER BOARD

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

Appoint Michael Plante to The Joslyn Cove Senior Center Board to a term ending June 30, 2025.

Motion Carried (5 to 0)

13.w APPROVAL OF THE 2024 CITY COUNCIL LIAISON AND SUBCOMMITTEE ASSIGNMENTS AND APPOINTMENT OF REPRESENTATIVES TO EXTERNAL ORGANIZATIONS

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

Approve the 2024 City Council liaison and subcommittee assignments and appointment of representatives to external organizations.

Motion Carried (5 to 0)

13.x APPROVE AMENDMENT NO. 2 TO CONTRACT NO. C43220 WITH FLOCK SAFETY FOR PHASE 3 OF A FIXED LOCATION AUTOMATED LICENSE PLATE RECOGNITION (ALPR) SYSTEM

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

1. Approve Amendment No. 2 to Contract No. C43220 with Flock Safety for Phase 3 of a fixed location Automated License Plate Recognition system in the amount of \$40,000 in the first year and \$33,000 each year thereafter, subject to annual budget appropriation.
2. Authorize the City Attorney to make necessary, non-monetary changes to the Agreement.
3. Authorize the City Manager to execute the Agreement and any documents necessary to effectuate the actions taken herewith.

Motion Carried (5 to 0)

13.y APPROVE CHANGE ORDER NO. 1 FOR THE HAYSTACK ROAD AT HIGHWAY 74 INTERSECTION MODIFICATIONS

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

1. Approve Change Order No. 1 in the amount of \$159,762.49 to Contract No. C43350 with Crosstown Electrical and Data, Inc., for the Haystack Road at Highway 74 Intersection Modifications (Project No. CST00003).
2. Appropriate \$175,000 to Project Account 2134250-5000904 from unobligated Measure A.

Motion Carried (5 to 0)

13.I APPROVE A LICENSE AGREEMENT BETWEEN THE CITY OF PALM DESERT AND DESERT WAVE VENTURES FOR USE OF A PORTION OF ASSESSOR'S PARCEL NUMBERS 620-450-002, 620-370-003, 620-370-004, 620-370-020, 620-370-033, AND A PORTION OF 620-370-043

Economic Development Director Ceja presented a staff report.

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

1. Approve a License Agreement between the City of Palm Desert and Desert Wave Ventures (DWV) for the use of Accessor's Parcel Nos. (APNs) 620-370-002, 620-370-003, 620-370-004, 620-370-020, 620-370-033, and a portion of 620-370-043.
2. Authorize City Attorney to make non-monetary changes to the License Agreement.
3. Authorize City Manager to execute any and all documents related to the License Agreement.

NOES (1): Mayor Quintanilla

Motion Carried (4 to 1)

13.z AWARD CONTRACT TO THE VAN DYKE CORPORATION AND APPROPRIATE FUNDS FOR THE SECTION 29 RETENTION BASIN IMPROVEMENTS AND EXPANSION (PROJECT CDR0004) IN THE AMOUNT NOT TO EXCEED \$4,630,291.40

City Clerk Mejia noted that a bid protest filed by Contera Construction, and continued that Finance staff and legal counsel has evaluated and found the protest to be meritless. He requested that a motion be added to reject the bid protest from Contera Construction.

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

1. Reject the bid protest received from Contera Construction.
2. Make a finding that the project is categorically exempt from further review under the California Environmental Quality Act guidelines, Class 2 of section 15302, and authorize the consultant to submit a Notice of Exemption.
3. Award Contract No. C46150 in the amount of \$4,630,291.40 to The Van Dyke Corporation of Twentynine Palms, CA, for the Section 29 Retention Basin Improvements and Expansion (Project CDR00004).
4. Authorize the Director of Finance to set aside a contingency in the amount of \$463,029.14 for unforeseen conditions.
5. Authorize the Director of Finance to appropriate \$3,000,000 from Benefit Assessment District No. 1 (Section 29) unobligated fund balance to Account No. 2894374-5000455, as well as an additional \$1,900,000 from the Restricted Capital Project fund balance to Account No. 4514374-5000455.

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6. Authorize the City Manager to review and approve written requests for the use of contingency per Section 3.30.170 B of the Palm Desert Municipal Code.
7. Authorize the City Attorney to make any necessary, nonmonetary changes to the agreement.
8. Authorize the City Manager to execute the agreement and any documents necessary to effectuate the actions taken herewith.
9. Authorize the City Manager to execute the Notice of Completion (NOC) and the City Clerk to file the NOC upon satisfactory completion of the Project.

Motion Carried (5 to 0)

14. ACTION CALENDAR

14.a PROVIDE INPUT AND DIRECTION ON NORTH PALM DESERT COMMUNITY PARK DESIGN

Community Services Manager Muir and Interwest Consulting Group representative Bailey narrated a PowerPoint presentation and responded to City Council inquiries.

Motion by: Councilmember Kelly
Seconded by: Mayor Pro Tem Harnik

1. Support the schematic design for a new community park planned on Dinah Shore in north Palm Desert and approve staff to move forward with design development process.
2. Direct Public Works Staff to finalize the park plans and approvals in accordance with the Millennium Palm Desert Specific Plan.

Motion Carried (5 to 0)

14.b EXTEND CONTRACT NO. C36620 WITH YMCA FOR MANAGEMENT OF THE PALM DESERT AQUATIC CENTER FOR AN 18-MONTH TERM

Community Services Manager Muir narrated a PowerPoint presentation and responded to City Council inquiries.

Motion by: Councilmember Kelly
Seconded by: Mayor Pro Tem Harnik

1. Approve Amendment No. 6 to extend Contract No. C36620 with the Family Young Men's Christian Association of the Desert ("YMCA") of Palm Desert, California, for management and staffing of the Palm Desert Aquatic Center for an 18-month term in the amount of \$100,210 plus reimbursement of additional costs included in the agreement in the amount of \$880,069 for a total amount not to exceed \$980,279 for FY2023/24.
2. Authorize the Mayor to execute said amendment.

Motion Carried (5 to 0)

14.c AWARD CONTRACT NO. C44200B TO AMERICAN LANDSCAPE, INC., OF CANOGA PARK, CALIFORNIA, FOR THE GREENS/TEE BOX RENOVATION AND TURF REDUCTION AT DESERT WILLOW GOLF RESORT IN THE AMOUNT OF \$4,083,396.75 (PROJECT NO. MLS00005)

Public Works Director Alvarez narrated a PowerPoint presentation and responded to City Council inquiries.

Motion by: Councilmember Kelly
Seconded by: Mayor Pro Tem Harnik

1. Award Contract No. C44200B to American Landscape, Inc., of Canoga Park, California, for the Firecliff Golf Course Greens/Tee Box Renovations and Turf Reduction at Desert Willow Golf Resort (DWGR) in the amount of \$4,083,396.75.
2. Authorize the Finance Department to set aside a contingency in the amount of \$400,000 for unforeseen circumstances.
3. Authorize the Finance Director to appropriate funds in the amount in the amount of \$4,473,396.75 from unobligated Desert Willow Capital Fund Balance to Account No. 4414195-4809200, DWGR Capital.
4. Authorize the City Attorney to make any necessary non-monetary changes to the agreement.
5. Authorize the City Manager to execute the agreement and any documents necessary to effectuate the actions taken herewith.
6. Authorize the City Manager to review and approve written contract change orders requests up to the contingency amount per Section 3.30.170 of the Palm Desert Municipal Code.

Motion Carried (5 to 0)

14.d AUTHORIZE CITY MANAGER TO AWARD TASK ORDER CONTRACTS TO MULTIPLE VENDORS FOR CITYWIDE TROPICAL STORM HILARY MAINTENANCE AND REPAIRS IN AN AMOUNT NOT TO EXCEED \$2,000,000 (PROJECT NO. SDS00003) (C46840 A-Z)

Deputy Director of Public Works Chavez presented a staff report and responded to City Council inquiries.

Motion by: Councilmember Nestande

Seconded by: Councilmember Trubee

1. Authorize the City Manager to review and reject bids, waive any minor irregularities, and award task order contracts to qualified contractors for Citywide Tropical Storm Hilary Maintenance and Repairs for a period of two (2) years in an aggregate amount not to exceed \$2,000,000, pursuant to the terms of the agreement(s).
2. Authorize the Director of Finance to appropriate \$500,000 from General Fund Facility Reserve Funds to Account No. 1104159-4219100.
3. Authorize the City Manager to execute the agreements (C46840 A-Z), and to review and approve up to two (2) additional one-year terms per vendor contract.
4. Authorize the City Attorney to make any necessary non-monetary changes to the agreement.

Motion Carried (5 to 0)

14.e APPROVE AMENDMENT NO. 1 TO CONTRACT NO. C44740 WITH PREST-VUKSIC-GREENWOOD ARCHITECTS (PVGA)

Project Manager Leyva narrated a PowerPoint presentation and responded to City Council inquiries.

Motion by: Councilmember Trubee

Seconded by: Mayor Pro Tem Harnik

1. Approve Amendment No. 1 to Contract No. C44740 with Prest-Vuksic-Greenwood Architects for services rendered.
2. Discontinue the current design and continue the project to a date uncertain.

Motion Carried (5 to 0)

15. PUBLIC HEARINGS

15.a PALM DESERT REDISTRICTING 2023: PUBLIC HEARING #3 REGARDING REDISTRICTING OF CITY COUNCIL BOUNDARIES (TO COMMENCE AT 4:30 P.M. OR SOON THEREAFTER)

Mayor Quintanilla opened the public hearing.

City Clerk Mejia narrated a PowerPoint presentation and responded to City Council inquiries. NDC Demographer Shalice Tilton and Best, Best & Krieger Attorney William Priest also responded to City Council inquiries.

Jackie Curtis, Palm Desert resident, spoke in favor of Map 109.

Joan Speer, Palm Desert resident, spoke in favor of Map 109 and the renumbering of districts, and requested the introduction of Map 102c as an additional focus map.

Tom Mortensen, Palm Desert resident, spoke in favor of Map 109.

Michael Stafford, Palm Desert resident, spoke in opposition of Map 109 and in favor of introducing Map 102c as an additional focus map.

Debbie Green, Palm Desert resident, spoke in opposition of Map 109 and in favor of introducing Map 102c as an additional focus map.

Susie Hauser, Palm Desert resident, urged the City Council and the community to come together after a map is chosen and work for the good of the community as a whole.

Ruth Hill, Palm Desert resident, spoke in opposition to redistricting and in support of Map 109.

Mike Morsch, Palm Desert resident, spoke in support of Map 109.

Carlos Garcia, Palm Desert resident, spoke in opposition of Map 109, and in favor of introducing Map 102c as an additional focus map.

Stephen Nelson, Palm Desert resident, spoke in favor of introducing Map 102c.

Gregg Akkerman, Palm Desert resident, spoke in favor of introducing Map 102c.

Craig, Palm Desert resident, spoke in favor of introducing Map 102c.

Vince Carlin (sp), Palm Desert resident, spoke in favor of Map 109.

Mayor Quintanilla closed the public hearing, there being no other member of the public wishing to speak.

Responding to question, City Clerk Mejia stated that Map 102c was requested by a resident after the deadline, and it was not within staff's prerogative to bring the map forward without City Council direction.

City Clerk Mejia displayed a map of school district boundaries, and NDC demographer indicated that the homes north of Frank Sinatra Drive are part of Palm Springs Unified School District and represent 4,000 people.

Councilmember Kelly noted previous City Council actions to expand the northern area of Palm Desert with universities, housing development, infrastructure and regional parks, and encouraged residents to review the City's General Plan demonstrating its commitment to develop the area for the enjoyment and benefit of its residents. She reaffirmed her support for Map 109, and noted that factors such as the Mid-Valley Channel, future rail infrastructure, balancing future population growth between two districts, and unique attributes of Portola Country Club and Palm Desert Greens demonstrate the need for certain neighborhoods to be placed in the same district.

Councilmember Trubee expressed his agreement with Councilmember Kelly, and shared his perspective that there is an opportunity for North Palm Desert to be represented by multiple Councilmembers should Map 109 be adopted.

Councilmember Nestande noted she previously met with Palm Springs school board representatives to discuss annexing the land in Palm Desert to Desert Sands Unified School District, and was informed that there were no plans to do so, nor plans to build a school to serve that area in the next ten years.

Mayor Pro Tem Harnik expressed her agreement with comments made by Councilmember Kelly, and also encouraged residents to review the General Plan update which was prepared with the input of residents rather than Councilmembers. She thanked residents for their participation in workshops and community meetings. She shared her opinion that Map 109 provides the best opportunity for voices to be heard and decisions to be made.

Mayor Quintanilla noted she heard from many residents regarding map preferences, and noted that living in one part of Palm Desert is different than living in and experiencing another part of Palm Desert. She shared that many housing projects that are in various stages of completion are accessible, workforce and affordable housing and that there is no guaranteed future completion date or time. She expressed concern about diluting the purpose and voice of a protected class and community of interest. She noted that the current City Council is committing itself to an idea that the housing projects in progress will come to fruition in a timely fashion. She opined that the City Council would be ignoring the voice of its current residents in favor of future residents.

Councilmember Kelly noted the staff report shows approximately two-thirds of approved housing developments are under construction, and those being completed are being occupied are a mixture of single-family homes at different price points, and multi-family housing.

Motion by: Councilmember Kelly

Seconded by: Mayor Pro Tem Harnik

1. Conduct a public hearing to receive public input on district boundaries and sequencing of elections.
2. Receive and file a report on the redistricting process and permissible criteria to be considered to redraw district boundaries.
3. Support Focus Map 109 and the sequencing of elections, as presented.

NOES (1): Mayor Quintanilla

Motion Carried (4 to 1)

15.b SECOND AMENDMENT TO DEVELOPMENT AGREEMENT 98-1 BETWEEN THE CITY OF PALM DESERT AND MARRIOTT OWNERSHIP RESORTS, INC. – CONTINUE PUBLIC HEARING TO A DATE UNCERTAIN

Mayor Quintanilla opened and closed the public hearing, there being no member of the public wishing to speak.

Motion by: Councilmember Kelly

Continue the public hearing regarding a second amendment to Development Agreement 98-1 between the City of Palm Desert and Marriott Ownership Resorts, Inc., to a date uncertain.

Motion Carried (5 to 0)

16. INFORMATION ITEMS

None.

17. ADJOURNMENT

The City Council adjourned at 7:21 p.m.

Respectfully submitted,

Níamh M. Ortega
Assistant City Clerk/Assistant Secretary

Anthony J. Mejia, MMC
City Clerk/Secretary