

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

Regular Meeting Minutes

January 11, 2024, 3:30 p.m.

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

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 Quintanilla on Thursday, January 11, 2024, 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 Quintanilla 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: December 14, 2023

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

4.b.1 PROPERTY DESCRIPTION: 72559 HIGHWAY 111, PALM DESERT

**4.b.2 PROPERTY DESCRIPTION: DESERT WILLOW LOT PAD B, APN 620-
400-008, -023**

4.b.3 PROPERTY DESCRIPTION: DESERT WILLOW LOT PADS C, D, AND E

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

6. PLEDGE OF ALLEGIANCE

Councilmember Trubee led the Pledge of Allegiance.

7. INSPIRATION

Mayor Pro Tem Harnik provided words of inspiration.

8. REPORT OF CLOSED SESSION

City Attorney Shah stated that no reportable actions were taken by the City Council.

9. AWARDS, PRESENTATIONS, AND APPOINTMENTS

9.a COACHELLA VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT UPDATE

Doug Walker, Palm Desert's appointee for the Coachella Valley Mosquito & Vector Control District (CVMVCD), introduced Jeremy Witte, CVMVCD General Manager. Mr. Wittie narrated a PowerPoint presentation and responded to City Council inquiries.

10. CITY MANAGER COMMENTS

None.

11. MAYOR/COUNCILMEMBER REPORTS AND REQUESTS FOR ACTION

Councilmembers reported on their attendance at various meetings and events. Councilmember Trubee reported Palm Desert High School would host a World Guard International competition in March 2024; thanked staff for their work on the recent Fred Waring Drive project. Mayor Pro Tem Harnik reported that the Federal Rail Administration added the CV Rail project to the Federal Corridor Identification and Development program, and CalTrans was awarded a \$500,000 grant for project planning. She also encouraged residents to provide input for Connect SoCal. Mayor Quintanilla noted the Palm Desert Area Chamber of Commerce would make labor law posters available to all businesses.

12. NON-AGENDA PUBLIC COMMENTS

Barbara Wasserkrug, Palm Desert resident, spoke about the hazards of chemtrails in the atmosphere.

Ken Seumalo, Public Works Director for City of Indian Wells, thanked the Public Works staff and the Riverside County Sheriff's department for their assistance with traffic control at a recent special event that took place at Southwest Community Church.

13. CONSENT CALENDAR

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

To approve the consent calendar as presented.

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 December 14, 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 10/31/2023 to 1/4/2024.

Motion Carried (5 to 0)

13.c ADOPT RESOLUTION FOR RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGETS FOR THE FISCAL PERIOD FROM JULY 1, 2024, THROUGH JUNE 30, 2025, PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177 AND TAKING CERTAIN RELATED ACTIONS

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

Adopt Resolution No. SA-RDA 102 for Recognized Obligation Payment Schedule and Administrative Budgets for the fiscal period from July 1, 2024, through June 30, 2025, and taking certain related actions.

Motion Carried (5 to 0)

13.d NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM UPDATE (PROJECT NO. CST00004)

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

Receive and file update on the Neighborhood Traffic Management Program.

Motion Carried (5 to 0)

13.e ACCEPT CONTRACT NO. C44890 WITH HORIZON PROFESSIONAL LANDSCAPE, INC., FOR THE DESERT WILLOW PERIMETER LANDSCAPE RENOVATION PHASE II PROJECT AS COMPLETE AND AUTHORIZE THE CITY CLERK TO FILE THE NOTICE OF COMPLETION (PROJECT NO. 871-23 / CLS00001)

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

1. Accept the Desert Willow Perimeter Landscape Renovation Phase II Project as complete.
2. Authorize the City Clerk to file the Notice of Completion.

Motion Carried (5 to 0)

- 13.f ACCEPT CONTRACT NO. C44690 WITH URBAN HABITAT, INC., FOR THE PORTOLA AVENUE AND MAGNESIA FALLS DRIVE MEDIAN ISLAND LANDSCAPE INSTALLATION PROJECT AS COMPLETE AND AUTHORIZE THE CITY CLERK TO FILE THE NOTICE OF COMPLETION (PROJECT NO. 937-23/MLS00027)**

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

1. Accept the Portola Avenue and Magnesia Falls Drive Median Island Landscape Installation Project as complete.
2. Authorize the City Clerk to file the Notice of Completion.

Motion Carried (5 to 0)

- 13.g APPROVE UP TO SEVEN ADDITIONAL TEMPORARY WAIVERS TO PALM DESERT MUNICIPAL CODE SECTIONS 9.58.010 AND 9.58.020 FOR THE SALE AND CONSUMPTION OF ALCOHOL AT THE HENDERSON BUILDING LOCATED AT 72559 HIGHWAY 111 FOR FISCAL YEAR 2023/2024**

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

1. Authorize the City Manager to approve up to an additional seven temporary event waivers to Palm Desert Municipal Code Sections 9.58.010 and 9.58.020 (Consumption/Possession of Alcoholic Beverages on Public Property) at the Henderson Building (72559 Highway 111) as needed for fiscal year 2023/2024.
2. Authorize the City Manager to execute the California Department of Alcoholic Beverage Control documents or other documents to effectuate the action herein, as required.

Motion Carried (5 to 0)

- 13.h EXPAND THE UNITE PALM DESERT BICYCLE INCENTIVE PROGRAM FUNDS TO BE USED BY THE CITY FOR PLACEMENT OF BICYCLE RACKS ON CITY PROPERTY**

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

Expand the use of the Unite Palm Desert Bicycle Incentive Program funds to allow the City to purchase and place bicycle racks on public property.

Motion Carried (5 to 0)

13.i REALLOCATE \$5,000 OF UNITE PALM DESERT SECURITY CAMERA GRANT FUNDS FOR A MISTER SYSTEM GRANT PROGRAM

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

1. Reallocate \$5,000 of Unite Palm Desert Security Camera Grant Program (UPDSC) funds to a mister system grant program that grants up to \$500 per commercial business/property owner to purchase and install misters at their location.
2. Authorize the City Manager to execute any and all documents related to a mister system grant program.

Motion Carried (5 to 0)

13.j ACCEPTANCE OF A RESIGNATION FROM THE PUBLIC SAFETY COMMITTEE AND MARKETING COMMITTEE - APPOINTMENT TO THE PUBLIC SAFETY COMMITTEE

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

1. With regret, accept the resignation of Gary Bindman from the Public Safety Committee.
2. With regret, accept the resignation of Erin Scott from the Marketing Committee.
3. Appoint Stephen Nelson to the Public Safety Committee to fill the unscheduled vacancy for the term ending June 30, 2025.

Motion Carried (5 to 0)

13.k APPROVE OUT-OF-STATE TRAVEL FOR THE PUBLIC AFFAIRS MANAGER TO PROMOTE PALM DESERT FOOD AND WINE

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

Authorize out-of-state travel for the Public Affairs Manager to travel to New York City to promote Palm Desert Food & Wine at the James Beard House in conjunction with Palm Springs Life and Visit Greater Palm Springs.

Motion Carried (5 to 0)

14. ACTION CALENDAR

14.a APPROVE A SECOND AMENDMENT TO THE SECOND REVISED AND RESTATED DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PALM DESERT AND DESERT WAVE VENTURES, LLC

Economic Development Director Ceja presented a staff report and responded to City Council inquiries.

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

1. Approve the Second Amendment to the Second Revised and Restated DDA between the City of Palm Desert and Desert Wave Ventures, LLC.
2. Authorize the Mayor to execute said Agreements.
3. Authorize the City Manager to make non-substantive changes to the Second Amendment to the Second Revised and Restated DDA as needed prior to execution by the Mayor.
4. Authorize the City Manager to draft, negotiate, and execute other supporting agreements that may be required by the DDA.
5. Authorize the City Manager to execute said agreements.

Motion Carried (5 to 0)

14.b AWARD CONTRACT NO. C46970 TO ALTA PLANNING + DESIGN INC. TO DEVELOP PALM DESERT VISION ZERO STRATEGY IN THE AMOUNT OF \$948,920, AND APPROPRIATE \$66,980 IN MEASURE A FUND REVENUE (PROJECT NO. GSS00001/CST00018)

Project Manager Gerry presented a staff report and responded to City Council inquiries.

Motion by: Councilmember Kelly

Seconded by: Councilmember Trubee

1. Award Contract No. C46970 to Alta Planning + Design, Inc., of Los Angeles, California, to develop Palm Desert Vision Zero Strategy in the amount of \$948,920.
2. Authorize the Finance Director to appropriate funds in the amount \$66,980 from unobligated Measure A Fund Balance to Account No. 21343000-4000910, Safe Routes.
3. Authorize the City Attorney to make any necessary non-monetary changes to the agreement.
4. Authorize City Manager or designee to execute agreement and any documents necessary to effectuate actions taken herewith.

Motion Carried (5 to 0)

14.c REQUEST FOR FEEDBACK AND DIRECTION REGARDING UPDATING ZONING AND BUSINESS REGULATIONS REGARDING CANNABIS MANUFACTURING BUSINESSES

Development Services Director Cannone narrated a PowerPoint presentation and responded to City Council inquiries.

Jocelyn Kane, Coachella Valley Cannabis Network (CVCAN) Board Vice President, spoke against staff's recommendation and stated it would not bring additional business to the area, asked that the City Council not be overly reactive to a recent fire at a cannabis-related business.

Scot Rsuczyk, CVCAN Board President, spoke about the desire to balance the need for public safety with allowing businesses to grow, and shared information about their programs and meetings.

Kenneth Churchill, West Coast Cannabis Club and CVCAN Board Member, spoke about his businesses' conformance to the City's regulations and expressed concern regarding potential limitations placed on the retail portion of his businesses.

City Manager Hileman clarified that retail operations at existing microbusinesses are not affected by staff's recommendation, and confirmed that the State of California has shifted the responsibility of inspection, oversight and compliance to the City.

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

Direct staff to proceed with amendments to the Palm Desert Municipal Code (PDMC) to:

- a. Prohibit cannabis manufacturing businesses
- b. Add Cannabis Microbusiness as a use that could be permitted through a Conditional Use Permit (CUP) in Service Industrial only with the following use limitations:
 - i. Limited to one (1) business
 - ii. No retail storefront, delivery only [Note: cannabis retail is prohibited in SI].
 - iii. Manufacturing is limited to packaging and labeling.
- c. Update/clarify any inconsistent code sections.
- d. Establish an annual fee of \$2,760 for cannabis regulatory permits for Microbusinesses and Distribution businesses to cover the cost of semi-annual inspections.

Motion Carried (5 to 0)

14.d APPROVE THE 2024 LIST OF SOCIAL MEDIA COMMEMORATIONS

Public Affairs Manager Soule narrated a PowerPoint presentation and responded to City Council inquiries.

Mayor Quintanilla expressed her opposition to commemorating Columbus Day on social media and support for celebrating Indigenous Peoples' Day.

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

1. Direct staff to commemorate Columbus Day and Indigenous Peoples' Day and sensitively incorporate the comments from the City Council.
2. Approve the list of social media commemorations planned for 2024.

NOES (1): Mayor Quintanilla

Motion Carried (4 to 1)

15. PUBLIC HEARINGS

15.a PALM DESERT REDISTRICTING 2023: PUBLIC HEARING #5 REGARDING REDISTRICTING OF CITY COUNCIL BOUNDARIES – CONSIDERATION OF ADOPTING A CITY COUNCIL ELECTION DISTRICT BOUNDARIES MAP AND ORDINANCE INTRODUCTION (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.

Michael Stafford, Palm Desert resident, spoke in opposition to Map 109 Renumbered B, and requested the introduction of Map 102c as an additional focus map.

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

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

Mayor Kelly thanked the City Clerk for his guidance through the process, and thanked all residents for their participation. She assured residents that the City Council has been monitoring the school boundary issue for a number of years, and established a subcommittee to work with the school districts to determine if the boundaries could be redrawn and learned it could not easily be done due to funding issues for each school district. She also noted District 4 Fred Waring Drive as a major commuter artery, and noted similar traffic safety issues on Fred Waring Drive, Cook Street, and commuter difficulties at the north end of the District 4, demonstrating a community of interest surrounding traffic issues.

Mayor Pro Tem Harnik noted that District 4 also shares a unique border with Indian Wells in addition to the traffic issues on Fred Waring Drive.

Motion by: Councilmember Kelly

Seconded by: Mayor Pro Tem Harnik

1. Adopt "Map 109 Renumbered B" as the City Council election district boundaries map.
2. Introduce Ordinance No. 1406 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AMENDING SECTION 2.38.040 OF THE PALM DESERT MUNICIPAL CODE RELATED TO BY-DISTRICT ELECTIONS, DEFINING DISTRICT BOUNDARIES, AND SCHEDULING ELECTIONS WITHIN THE DISTRICTS."

Motion Carried (5 to 0)

16. INFORMATION ITEMS

17. ADJOURNMENT

The City Council adjourned at 6:07 p.m.

18. PUBLIC NOTICES

Níamh M. Ortega

Assistant City Clerk/Assistant Secretary

Anthony J. Mejia, MMC

City Clerk/Secretary