

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

**Regular Meeting Minutes**

February 15, 2024, 3:30 p.m.

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

**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, February 15, 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: January 25, 2024**

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

**4.b.1 PROPERTY DESCRIPTION: 73710 FRED WARING DRIVE, PALM DESERT**

**4.c Conference with Legal Counsel regarding Significant Exposure to Litigation pursuant to Government Code Section 54956.9(d)2**

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

**6. PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Harnik led the Pledge of Allegiance.

**7. INSPIRATION**

Councilmember Trubee provided words of inspiration.

**8. REPORT OF CLOSED SESSION**

City Attorney Shah stated that no reportable actions were taken.

**9. AWARDS, PRESENTATIONS, AND APPOINTMENTS**

**9.a PROCLAMATION - COLORECTAL CANCER AWARENESS MONTH**

Mayor Quintanilla read and presented a proclamation in recognition of Colorectal Cancer Awareness Month.

**9.b PRESENTATION REGARDING THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION'S 2024 DRAFT TRAFFIC RELIEF PLAN**

Riverside County Transportation Commission's Executive Director Ann Mayer narrated a PowerPoint presentation and responded to City Council inquiries.

**9.c CVAG PRESENTATION RELATIVE TO DUST MITIGATION**

Coachella Valley Association of Governments' Executive Director Tom Kirk narrated a PowerPoint presentation and responded to City Council inquiries.

**10. CITY MANAGER COMMENTS**

**10.a SHERIFF'S DEPARTMENT UPDATE**

Lt. Daniel Porras provided an update to the City Council and responded to City Council inquiries.

**11. MAYOR/COUNCILMEMBER REPORTS AND REQUESTS FOR ACTION**

Councilmembers reported on their attendance at various meetings and events.

Mayor Pro Tem Harnik reported that the public comment period for Riverside County Transportation Commission's rail project has now closed and the project is moving forward.

**12. NON-AGENDA PUBLIC COMMENTS**

Mark Schyback, representing Desert Cancer Foundation, shared information regarding their annual Paint El Paseo Pink event in October.

Dominic Moore, Palm Desert resident, spoke on the need for an independent redistricting committee, and shared his recent experiences using Sunline transportation regarding cleanliness and bus stop safety.

Gary Leong, Palm Desert resident, expressed appreciation for the City's newest pickleball facility, and spoke in favor of the current rotation system in place at the pickleball courts.

Manuel Sanchez, Palm Desert resident, expressed his dissatisfaction regarding an ongoing Code Enforcement issue; the matter was referred to the City Manager for additional follow-up.

Barbara Wasserkrug, Palm Desert resident, spoke in opposition to central bank-controlled digital currency.

Nancy Gutierrez, Palm Desert resident, spoke in opposition to natural asset companies.

Brad Anderson, Rancho Mirage resident, spoke in opposition to a sales tax proposal by Riverside County Transportation Commission, and in opposition to efforts to control airborne particulate matter (PM-10).

**13. CONSENT CALENDAR**

Brad Anderson, Rancho Mirage resident, relative to Item 13h, spoke in opposition to the five-year term for the contract. Relative to Item 13n, he expressed concern that the residents should not need to pay for a street sweeper.

Donald Ziegler, Palm Desert resident, spoke in favor of Item 13w, and suggested that the climate consultant include an evaluation of how electrical power is supplied and consider alternate types of resilient power sources, microgrid research, and non-profit solutions to the power supply.

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

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:** Mayor Pro Tem Harnik

Approve the Minutes of January 25, 2024.

**Motion Carried (5 to 0)**

**13.b APPROVAL OF WARRANTS**

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

Approve the warrants issued for the period 11/29/2023 to 2/1/2024.

**Motion Carried (5 to 0)**

**13.c RECEIVE AND FILE APPLICATIONS FOR ALCOHOLIC BEVERAGE LICENSES**

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

Receive and file the applications for Alcoholic Beverage Licenses for:

1. RJHS Gas & Food Store, Inc. ARCO AMPM 73980 HWY 111, Palm Desert

**Motion Carried (5 to 0)**

**13.d ADOPTION OF ORDINANCE NO. 1407 REPEALING SECTION 2.38.050 OF CHAPTER 2.38 (“GENERAL MUNICIPAL ELECTIONS”) OF TITLE 2 (“ADMINISTRATION AND PERSONNEL”) OF THE PALM DESERT MUNICIPAL CODE**

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

Adopt Ordinance No. 1407 entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, REPEALING SECTION 2.38.050 OF CHAPTER 2.38 (“GENERAL MUNICIPAL ELECTIONS”) OF TITLE 2 (“ADMINISTRATION AND PERSONNEL”) OF THE PALM DESERT MUNICIPAL CODE IN ORDER TO ELIMINATE RANKED CHOICE VOTING FOR THE ELECTION OF MEMBERS OF THE CITY COUNCIL”.

**Motion Carried (5 to 0)**

**13.e ADOPTION OF ORDINANCE NO. 1408 ADDING CHAPTER 2.74 TO TITLE 2 OF THE PALM DESERT MUNICIPAL CODE, ESTABLISHING A MUNICIPAL LIBRARY FOR THE CITY, AND MAKING A FINDING OF EXEMPTION UNDER CEQA**

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

Adopt Ordinance No. 1408 entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ADDING CHAPTER 2.74 TO TITLE 2 OF THE PALM DESERT MUNICIPAL CODE, ESTABLISHING A MUNICIPAL LIBRARY FOR THE CITY, AND MAKING A FINDING OF EXEMPTION UNDER CEQA”.

**Motion Carried (5 to 0)**

**13.f AWARD OF CONTRACT TO LANCE, SOLL & LUNGHARD, LLP TO PERFORM PROFESSIONAL AUDITING SERVICES FOR THE FISCAL YEARS ENDING JUNE 30, 2024, THROUGH 2026**

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

1. Approve a contract to Lance, Soll & Lunghard, LLP (LSL, CPAS) in substantial form to perform professional auditing services for the fiscal years ending June 30, 2024, through 2026 in the amount of \$89,082 for the first year, and two subsequent years as outlined in Exhibit C of the contract.
2. Authorize the Finance Director to negotiate other services that may be necessary from time to time in an amount reasonable for such services.
3. Authorize the City Attorney to make any necessary, non-monetary changes to the agreement.
4. Authorize the City Manager to execute the contract and the City Manager or his designee to take any actions necessary to facilitate the contract.

**Motion Carried (5 to 0)**

**13.g APPROVE A THREE-YEAR LEASE AGREEMENT NO. C47060 WITH TWO, ONE-YEAR EXTENSIONS BETWEEN THE CITY OF INDIAN WELLS AND CITY OF PALM DESERT FOR THE USE OF INDIAN WELLS FIRE STATION NO. 55**

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

1. Approve a three-year lease Agreement No. C47060 with two, one-year extensions between the City of Indian Wells and the City of Palm Desert for the use of Indian Wells Fire Station No. 55.
2. Authorize the City Attorney to make any necessary, nonmonetary changes to the agreement.
3. Authorize the City Manager or designee to execute the lease agreement between the City of Indian Wells and the City of Palm Desert.

**Motion Carried (5 to 0)**

**13.h APPROVE AGREEMENT WITH FLOCK SAFETY FOR AUTOMATED LICENSE PLATE RECOGNITION SOFTWARE SUBSCRIPTION FOR A TERM OF FIVE YEARS**

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

1. Approve Agreement No. C47070 with Flock Group, Inc., dba Flock Safety, for Automated License Plate Recognition (ALPR) software subscription for a term of five (5) years.
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.i RECEIVE AND FILE THE CITY OF PALM DESERT AUDITED ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2023**

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

Receive and file the audited Annual Comprehensive Financial Report (ACFR) for the City of Palm Desert for the Fiscal Year ended June 30, 2023.

**Motion Carried (5 to 0)**

**13.j RECEIVE AND FILE THE INDEPENDENT ACCOUNTANTS' REPORT ON AGREED-UPON PROCEDURES PERFORMED ON THE MEASURE A TRANSPORTATION FUND FOR THE FISCAL YEAR ENDED JUNE 30, 2023**

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

Receive and file the Independent Accountants' Report on Agreed-Upon Procedures Performed on the Measure A Transportation Fund for the fiscal year ended June 30, 2023.

**Motion Carried (5 to 0)**

**13.k ACCEPT CONTRACT NO. C45240 AS COMPLETE FOR THE FRED WARING DRIVE STREET IMPROVEMENT PROJECT (PROJECT NO. CST00022)**

**Motion by:** Councilmember Kelly

**Seconded by:** Mayor Pro Tem Harnik

1. Accept Contract No. C45240 with Matich Corporation of San Bernadino, California, for the Fred Waring Drive Street Rehabilitation Project as complete and authorize the City Clerk to file the Notice of Completion (Project No. CST00022).
2. Authorize the Mayor to execute and the City Clerk to file the Notice of Completion.

**Motion Carried (5 to 0)**

**13.l APPROVE SPECIAL EVENT PREPAID EXPENDITURES FOR FISCAL YEAR 2024/25**

**Motion by:** Councilmember Kelly

**Seconded by:** Mayor Pro Tem Harnik

1. Approve prepaid expenditures in an amount not to exceed \$130,000 from the Fiscal Year 2024/25 Budget for production of the 2024 Independence Day Celebration and October Concerts in the Park Series.
2. Authorize the City Manager to execute vendor contracts associated with production of the events.

**Motion Carried (5 to 0)**

**13.m RECEIVE AND FILE THE 2024 WORK PLAN FOR THE PUBLIC SAFETY COMMITTEE**

**Motion by:** Councilmember Kelly

**Seconded by:** Mayor Pro Tem Harnik

Receive and file the 2024 Work Plan for the Public Safety Committee.

**Motion Carried (5 to 0)**

**13.n PURCHASE OF A STREET SWEEPER TO IMPROVE CITYWIDE ROADWAY AND PARKING LOT MAINTENANCE**

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

1. Authorize the purchase of an Elgin Broom Bear Street Sweeper from Haaker Equipment Company from La Verne, California, in the amount of \$454,194.27.
2. Authorize the Director of Finance to set aside a contingency of \$25,000 for any unforeseen fees and ancillary equipment.
3. Authorize the Finance Director to appropriate funds in the amount \$479,194.27 from unobligated Equipment Replacement Fund to Account No. 5304310-4403000.
4. Authorize City Manager or designee to approve the use of the contingency and any documents necessary to effectuate actions taken herewith.

**Motion Carried (5 to 0)**

**13.o REAFFIRM APPROVAL OF A CONSERVATION EASEMENT WITH THE COACHELLA VALLEY CONSERVATION COMMISSION FOR LANDS WITHIN THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PROGRAM**

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

1. Reaffirm approval of the Conservation Easement with the Coachella Valley Conservation Commission (CVCC) for lands within the Coachella Valley Multiple Species Habitat Conservation Program (CVMSHCP).
2. Authorize the City Manager to execute the Conservation Easement document.

**Motion Carried (5 to 0)**

**13.p RECEIVE AND FILE AN INFORMATIONAL REPORT FOR THE CITY-OWNED PARCEL LOCATED AT THE NORTHEAST CORNER OF OCOTILLO DRIVE AND TUMBLEWEED LANE**

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

Receive and file an informational report for the City-owned parcel located at the northeast corner of Ocotillo Drive and Tumbleweed Lane.

**Motion Carried (5 to 0)**



**13.q RECEIVE AND FILE REPORT RELATED TO TRANSIENT OCCUPANCY TAX COMPLIANCE PROGRAM PERFORMED ON COLLECTIONS RECEIVED DURING FISCAL YEARS 2018-2019 THROUGH 2020-2021 AND WAIVE CERTAIN FINDINGS**

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

1. Receive and file a report related to Transient Occupancy Tax (TOT) Compliance Program for collections during Fiscal Years 2018-2019 through 2020-2021.
2. Authorize Director of Finance to waive collection of findings related to attrition and cancellation charges and issue a one-time Notice of Forgiveness.
3. Authorize Director of Finance to collect all other findings and authorize payment to Avenu for completion of Compliance Review Final Report.

**Motion Carried (5 to 0)**

**13.r PALM DESERT REDISTRICTING 2023: PUBLIC EDUCATION AND OUTREACH PLAN SUMMARY REPORT – REPORT ON THE BASIS ON WHICH THE CITY COUNCIL MADE ITS DECISIONS IN ACHIEVING COMPLIANCE WITH REDISTRICTING REQUIREMENTS AND CRITERIA [ELECTIONS CODE 21130(F)]**

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

1. Receive and file the Redistricting Public Education and Outreach Summary Report.
2. Pursuant to Elections Code 21130(f), approve the report which explains the basis on which the City Council made its decisions in achieving compliance with the redistricting requirements and criteria.

**Motion Carried (5 to 0)**

**13.s APPROVAL OF PARK ORDINANCE WAIVERS FOR THE 2024 PALM DESERT HALF MARATHON AND 5K AND WILDFLOWER FESTIVAL EVENTS**

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

Approve temporary waiver of the following Palm Desert Municipal Code (PDMC) sections for the 2024 Palm Desert Half Marathon and 5K and Wildflower Festival Events:

- a. 11.01.20 (Hours of Use in City Parks)
- b. 11.01.140 (Amplified Sound in City Parks)
- c. 11.01.080 H (Camping)
- d. 11.01.080 O (Placement of Advertising Signage in City Parks)
- e. 11.01.080 Q (Vendor Sales in City Parks)
- f. 11.01.080 W (Possession/Consumption of Alcohol in City Parks) pursuant to PDMC 9.58.040

**Motion Carried (5 to 0)**

**13.t ESTABLISHMENT OF A CITY COUNCIL AD HOC SUBCOMMITTEE ON THE NAMING OF PARKS**

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

Confirm the appointment of Councilmembers Kelly and Trubee to a City Council Ad Hoc Subcommittee on the naming of parks.

**Motion Carried (5 to 0)**

**13.u ESTABLISHMENT OF A CITY COUNCIL AD HOC SUBCOMMITTEE ON MAYORAL ROTATION**

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

Confirm the appointment of Mayor Pro Tem Harnik and Mayor Quintanilla to a City Council Ad Hoc Subcommittee on the Mayoral Rotation.

**Motion Carried (5 to 0)**

**13.v RATIFY A LETTER TO THE CALIFORNIA LEGISLATURE URGING THE PROTECTION OF DEDICATED REGIONAL EARLY ACTION PLANNING GRANTS PROGRAM FUNDING**

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

Ratify a letter to the California Legislature urging the protection of dedicated Regional Early Action Planning Grants (REAP 2.0) program funding.

**Motion Carried (5 to 0)**

**13.w ADOPT RESOLUTION NO. 2024-004 ESTABLISHING THE 2024 CITY COUNCIL GOALS AND PRIORITIES**

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

Adopt Resolution No. 2024-004 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ESTABLISHING THE CITY COUNCIL GOALS AND PRIORITIES FOR THE 2024 CALENDAR YEAR."

**Motion Carried (5 to 0)**

**13.x RECEIVE AND FILE THE INVESTMENT REPORT, GENERAL FUND, PARKVIEW OFFICE COMPLEX, AND DESERT WILLOW GOLF RESORT FINANCIAL MONTHLY REPORTS FOR NOVEMBER AND DECEMBER 2023**

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

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

**Motion Carried (5 to 0)**

**14. ACTION CALENDAR**

**14.a APPROVAL OF RESOLUTION NOS. 2024-005 AND 2024-006 APPROVING 2023-24 MID-YEAR BUDGET ADJUSTMENTS AND REVISED STAFF ALLOCATION SCHEDULE**

Break 5:26 p.m. to 5:38 p.m.

Finance Director Chavez narrated a PowerPoint presentation and responded to City Council inquiries.

**Motion by:** Councilmember Kelly

**Seconded by:** Councilmember Nestande

1. Adopt Resolution No. 2024-005 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AMENDING THE FISCAL YEAR 2023-24 BUDGET AS A RESULT OF MID-YEAR ADJUSTMENTS".
2. Adopt Resolution No. 2024-006 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ADOPTING AUTHORIZED CLASSIFICATIONS AND ALLOCATED POSITIONS INCLUDED HEREIN ATTACHED AS EXHIBIT "A" AND RESCINDING RESOLUTION NO. 2023-022".

**Motion Carried (5 to 0)**

**14.b APPROVE RESOLUTION NO. 2024-007 AUTHORIZING THE ISSUANCE OF UNIVERSITY PARK COMMUNITY FACILITIES DISTRICT NO. 2021-1 SPECIAL TAX BONDS, SERIES 2024**

Finance Director Chavez presented a staff report and responded to City Council inquiries.

**Motion by:** Mayor Pro Tem Harnik

**Seconded by:** Councilmember Nestande

Adopt Resolution No. 2024-007 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ACTING FOR ITSELF AND AS THE LEGISLATIVE BODY OF CITY OF PALM DESERT COMMUNITY FACILITIES DISTRICT NO. 2021-1 (UNIVERSITY PARK), TO AUTHORIZE THE ISSUANCE OF THE DISTRICT'S SPECIAL TAX BONDS, SERIES 2024, AND APPROVING CERTAIN DOCUMENTS AND TAKING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH)".

**Motion Carried (5 to 0)**

**14.c APPROVE AGREEMENT NO. C47080 IN SUBSTANTIAL FORM BY AND BETWEEN THE CITY OF PALM DESERT AND THE COUNTY OF RIVERSIDE SETTING THE TERMS FOR WITHDRAWAL FROM THE RIVERSIDE COUNTY LIBRARY SYSTEM**

Assistant City Manager Escobedo narrated a PowerPoint presentation and responded to City Council inquiries.

**Motion by:** Councilmember Trubee

**Seconded by:** Councilmember Nestande

1. Approve Agreement No. C47080 in substantial form and authorize the City Manager to finalize the agreement with the County of Riverside setting the terms for withdrawal from the Riverside County Library system.
2. Authorize the City Attorney to make any necessary, non-monetary changes to the agreement.
3. Authorize the City Manager to execute all documents necessary to effectuate this action.

**Motion Carried (5 to 0)**

**14.d EXECUTE LEASE AGREEMENT NO. C47090 BETWEEN THE CITY OF PALM DESERT AND THE DESERT COMMUNITY COLLEGE DISTRICT FOR 20,802 SQUARE FEET OF SPACE IN THE LIBRARY BUILDING LOCATED AT THE SOUTH END OF THE CAMPUS**

Director of Library Services Shaffer narrated a PowerPoint presentation and responded to City Council inquiries.

**Motion by:** Mayor Pro Tem Harnik

**Seconded by:** Councilmember Trubee

1. Authorize the City Manager to enter into an up to five-year lease Agreement No. C47090 with the Desert Community College District to lease 20,802 square feet of space in the library building at the south end of the campus in the base-year amount of \$112,310.37 with a separate \$23,000 credit in year-one only.
2. Authorize the City Attorney to make any necessary non-monetary changes to the agreement.
3. Authorize the City Attorney to make any necessary conforming and clarifying changes acceptable to the City Manager.
4. Authorize the City Manager to execute all documents necessary to effectuate this action.

**Motion Carried (5 to 0)**

**14.e APPROVE AMENDMENT NO. 3 TO THE CITY MANAGER'S EMPLOYMENT AGREEMENT NO. C41110 EFFECTIVE MARCH 1, 2024**

Human Resources Manager Staehle narrated a staff report and responded to City Council inquiries.

**Motion by:** Councilmember Nestande

**Seconded by:** Mayor Pro Tem Harnik

Approve Amendment No. 3 to the City Manager's Employment Agreement No. C41110 with L. Todd Hileman (Exhibit A) effective March 1, 2024.

**Motion Carried (5 to 0)**

**15. PUBLIC HEARINGS**

None.

**16. INFORMATION ITEMS**

None.

**17. ADJOURNMENT**

The City Council adjourned at 5:57 p.m.

Respectfully submitted,

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Níamh M. Ortega

Assistant City Clerk/Assistant Secretary

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Anthony J. Mejia, MMC

City Clerk/Secretary