

# CITY OF PALM DESERT STAFF REPORT

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MEETING DATE: March 28, 2024

PREPARED BY: Martin Alvarez, Director of Public Works

REQUEST: APPROVE A FINAL SETTLEMENT AGREEMENT WITH THE MILLENNIUM PALM DESERT HOMEOWNERS' ASSOCIATION (GENESIS HOA) TO INSTALL PERIMETER LANDSCAPING AS REQUIRED IN THE ORIGINAL SUBDIVISION LANDSCAPE PLAN

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## **RECOMMENDATION:**

1. Approve a final settlement agreement with the Millennium Palm Desert HOA for a one-time reimbursement of the installation of 33 perimeter trees in an amount not to exceed \$20,265.
2. Authorize the City Attorney to make any 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.

## **BACKGROUND/ANALYSIS:**

The Genesis subdivision, approved in 2015, is located at the northwest corner of Gerald Ford Avenue and Dinah Shore Dr. and has a frontage on Portola Avenue. As part of the subdivision's conditions of approval, the perimeter landscape along Gerald Ford Drive, Portola Road, and Dinah Shore Drive was required to be installed by the developer prior to final release of the maintenance to the Genesis HOA. Prior to final approval of the subdivision's improvements including streets, curbs, gutters, and perimeter landscaping, the City was required to inspect all improvements. Due to the City's oversight, the improvements apart from the perimeter landscaping were inspected per the approved plans.

The HOA recently contacted the City and identified that 33 trees were not installed per the approved City landscape plan. Following a thorough staff review and inspection of the site, our Development Services Department confirmed that the perimeter landscaping was not installed per plan and confirmed the missing trees. The developer completed all other required infrastructure improvements, and the City released the performance and improvement bonds.

The City has worked with the HOA to identify a final settlement agreement to cover the cost of 33 (24" Box) trees that were omitted from the approved landscape plan. The agreement includes a one-time reimbursement in an amount not to exceed \$20,265 for the installation of the trees and associated irrigation. The final agreement also releases the City of any future liability, maintenance, and condition of the trees and/or perimeter landscape.

The HOA procured three bids from qualified vendors and the lowest bid was in the amount of \$20,265. Therefore, staff recommends approval of the final settlement agreement. New procedures have been developed to ensure the inspection of perimeter subdivision landscaping for all subdivisions from this point forward.

**Legal Review:**

This report has been reviewed by the City Attorney's office.

**Strategic Plan:**

This recommendation aligns with the Land Use, Housing & Open Space – Priority 1: Enhance Palm Desert as a first-class destination for premier shopping and national retail businesses.

**FINANCIAL IMPACT:**

Funds for the one-time reimbursement under this final agreement are available in General Services Account No. 1104159-4309300, so there is no additional financial impact to the general fund.

**ATTACHMENTS:**

1. Settlement Agreement