

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

April 11, 2024, 4:00 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 - 4:00 P.M.

A Regular Meeting of the Palm Desert City Council was called to order by Mayor Quintanilla on Thursday, April 11, 2024, at 4:13 p.m. in the Council Chamber, City Hall, located at 73-510 Fred Waring Drive, Palm Desert, California.

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

Councilmember Trubee led the Pledge of Allegiance.

4. INSPIRATION

Mayor Quintanilla provided words of inspiration.

5. AWARDS, PRESENTATIONS, AND APPOINTMENTS

John F. Kennedy Memorial Foundation President/CEO Peter Sturgeon thanked the City of Palm Desert for the CDBG grant awarded last year and introduced two student ambassadors who shared their experience with the Foundation's Ophelia Project.

6. CITY MANAGER COMMENTS

Director of Library Services Shaffer provided a report regarding National Library Week and responded to City Council inquiries.

7. MAYOR/COUNCILMEMBER REPORTS AND REQUESTS FOR ACTION

Councilmembers reported on their attendance at various meetings and events. Councilmember Nestande reported the Southern California region was awarded \$200 million in federal grants for energy initiatives related to climate change, and additional information would be available through Coachella Valley Association of Governments.

8. NON-AGENDA PUBLIC COMMENTS

Donald Ziegler, Palm Desert resident, urged the City Council to consider installing backup power equipment for public facilities as outlined as a safety goal in the City's General Plan.

Brad Anderson, Palm Desert resident, urged the City Council to consider allowing public comment at study sessions.

9. CONSENT CALENDAR

Motion by: Mayor Pro Tem Harnik

Seconded by: Councilmember Nestande

To approve the consent calendar as presented.

Motion Carried (5 to 0)

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

Approve the Minutes of March 28, 2024.

Motion Carried (5 to 0)

9.b APPROVAL OF WARRANT REGISTERS

Approve the warrant registers issued for the period 3/20/2024 to 3/29/2024.

Motion Carried (5 to 0)

9.c ADOPTION OF RESOLUTION NO. 2024-011 ADOPTING A POLICY FOR CEREMONIAL PROCLAMATIONS AND RECOGNITIONS

Adopt Resolution No. 2024-011 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ADOPTING A POLICY FOR CEREMONIAL PROCLAMATIONS AND RECOGNITIONS AND RESCINDING RESOLUTION NO. 2022-25."

Motion Carried (5 to 0)

9.d ACCEPTANCE OF A RESIGNATION FROM THE MARKETING COMMITTEE AND PARKS AND RECREATION COMMITTEE

1. With regret, accept the resignation of Jan Hulahan from the Marketing Committee.
2. With regret, accept the resignation of Gerald Dawson from the Parks & Recreation Committee.

Motion Carried (5 to 0)

9.e APPOINTMENTS TO THE BUILDING BOARD OF APPEALS

Appoint John Greenwood, Lindsey Holt, and Nicholas Latkovic to the Building Board of Appeals for terms ending June 30, 2024.

Motion Carried (5 to 0)

9.f RATIFY LETTERS OF SUPPORT FOR THE CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO, AND CITY OF INDIAN WELLS COMMUNITY PROJECT FUNDING REQUESTS

1. Ratify issuance of a letter of support for the California State University, San Bernardino (CSUSB), Community Project Funding request for the Artificial Intelligence and Virtual Reality Research and Retraining Center and Nursing Street Medicine Program.
2. Ratify issuance of a letter of support for the City of Indian Wells' Community Project Funding request to rebuilding the Emergency Operation Center.

Motion Carried (5 to 0)

9.g REQUEST FOR ADOPTION OF MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PALM DESERT AND THE PALM DESERT EMPLOYEE ORGANIZATION EFFECTIVE MARCH 25, 2024, THROUGH JUNE 30, 2026

1. Approve the Memorandum of Understanding (MOU) between the City of Palm Desert and the Palm Desert Employee Organization (PDEO) effective March 25, 2024, through June 30, 2026.
2. Authorize the City Manager to take actions to implement the MOU between the City of Palm Desert and PDEO.

Motion Carried (5 to 0)

9.h APPROVE A PURCHASE AND SALE AGREEMENT BETWEEN THE CITY OF PALM DESERT AND GLEN M. KAMMERER AND SHERILL R. KAMMERER FOR AN APPROXIMATELY 1.01-ACRE SITE ON MOUNTAIN VIEW, ASSESSOR'S PARCEL NO. 637-300-023

1. Approve Purchase and Sale Agreement in substantial form for the acquisition of APN 637-300-023.
2. Authorize the Director of Finance to appropriate \$1,640,359 from undesignated General Fund Reserve monies to Account No. 1104159-4219100 for the Mountain View Flood Infrastructure Improvements Project.
3. Authorize the City Attorney to make any necessary nonmonetary changes to agreements.
4. Authorize the City Manager to execute all documents necessary to effectuate this action.

Motion Carried (5 to 0)

9.j APPROVE AMENDMENT NO. 7 TO CONTRACT NO. C36620 WITH YMCA FOR MANAGEMENT OF THE PALM DESERT AQUATIC CENTER

1. Approve Amendment No. 7 to update the scope of work for Contract No. C36620 with the Family Young Men’s Christian Association of the Desert (“YMCA”), of Palm Desert, California.
2. Authorize the City Attorney to make any necessary nonmonetary changes to the amendment.
3. Authorize the City Manager to execute Contract No. C36627, Amendment No. 7 to Contract No. C36620.

Motion Carried (5 to 0)

CONSENT ITEMS HELD OVER

9.i APPROVE CHANGE ORDERS/AMENDMENT TO CONTRACTS NO. C44620A-E FOR ON-CALL FACILITIES REPAIRS & IMPROVEMENTS IN THE AMOUNT OF \$1,500,000 (PROJECT NO. MFA00009)

City Manager Hileman provided a report and responded to City Council inquiries.

Motion by: Councilmember Kelly

Seconded by: Councilmember Trubee

1. Approve the increase of the annual aggregate amount to Contracts C44620A-E from \$3,000,000 to \$4,500,000 for On-call Facilities Repairs & Improvements.
2. Authorize the City Manager to review and approve up to two, one-year extensions per vendor contract for an aggregated amount not to exceed \$4,500,000.
3. Authorize the City Manager or designee to review and approve change orders for unanticipated conditions per Section 3.30.170 Section A of Ordinance No. 1335.
4. Authorize the City Manager to execute the change orders and amendments.

Motion Carried (5 to 0)

10. ACTION CALENDAR

10.a INTRODUCE ORDINANCE NO. 1410 RELATIVE TO THE PURCHASING SYSTEM AND PUBLIC WORKS CONTRACTS AND MAKING FINDINGS UNDER CEQA

Management Analyst Ortega narrated a PowerPoint presentation and responded to City Council inquiries.

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

Introduce Ordinance No. 1410 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, REPLACING CHAPTER 3.30 IN ITS ENTIRETY AND RESCINDING ORDINANCES NO. 224, 423, 586, 927, 928, 986, 1162, 1166, 1204, 1229, 1276, 1317, 1335 AND 1392 RELATIVE TO THE PURCHASING SYSTEM AND PUBLIC WORKS CONTRACTS AND MAKING FINDINGS UNDER CEQA."

Motion Carried (5 to 0)

10.b SECOND AMENDED AND RESTATED DDLA, RELATED RESOLUTIONS 2024-012 AND HA-120, LOANS OF \$1,965,539 AND \$4,789,461 FROM THE AUTHORITY, AND ACTIONS RELATED TO CONVEYANCE OF PARCELS APN 694-120-028 AND A PORTION OF 694-120-029 FOR AFFORDABLE HOUSING

Housing Manager Gonzales provided a staff report and responded to City Council inquiries.

Carlos Garcia, Palm Desert resident, spoke in opposition to the developer of the project and the terms of the proposed loan.

Len Foster, Palm Desert resident, expressed concerns about the developer of the project.

Stephen Nelson, Palm Desert resident, spoke in opposition to the developer of the project and the terms of the proposed loan.

Dan Horn, Palm Communities representative, thanked the City Council for their past support and spoke in support of his project.

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

1. City Council: Adopt Resolution No. 2024-012 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING A SECOND "AMENDED AND RESTATED DISPOSITION, DEVELOPMENT AND LOAN AGREEMENT" REGARDING "PALM VILLAS AT MILLENIUM" AMONG THE CITY, AS SELLER, THE PALM DESERT HOUSING AUTHORITY, AS LENDER, AND PALM COMMUNITIES, A CALIFORNIA LIMITED COMPANY, AS PURCHASER/ BORROWER/ DEVELOPER, IN CONNECTION WITH APPROXIMATELY 10.49 ACRES OF PROPERTY OWNED BY THE CITY, AND TAKING RELATED ACTIONS."
2. Housing Authority: Adopt Resolution No. HA-120 entitled, "A RESOLUTION OF THE PALM DESERT HOUSING AUTHORITY APPROVING A SECOND "AMENDED AND RESTATED DISPOSITION, DEVELOPMENT AND LOAN AGREEMENT" REGARDING "PALM VILLAS AT MILLENIUM" AMONG THE AUTHORITY, AS LENDER, THE CITY OF PALM DESERT, AS SELLER, AND PALM COMMUNITIES, A CALIFORNIA LIMITED COMPANY, AS PURCHASER/ BORROWER/ DEVELOPER, IN CONNECTION WITH APPROXIMATELY 10.49 ACRES OF PROPERTY OWNED BY THE CITY, APPROPRIATING FUNDS IN CONNECTION THEREWITH, AND TAKING RELATED ACTIONS."
3. Authorize the Authority to make two loans to the Developer for the purchase of the Property and construction of the Project (\$1,965,539 for Phase I and \$4,789,461 for Phase II), to be repaid from a percentage of residual receipts (i.e., net income) from the Project over the term of the loans, with any accrued interest and unpaid principal coming due 55 years from the completion of the Project, with such loans being secured by a subordinate deed of trust on the Project.
4. Authorize the Director of Finance to appropriate \$6,755,000 from Unobligated Housing Asset Fund balance to the appropriate budget line item.
5. Authorize the Director of Finance to designate the proceeds of the sale of the City-owned property for the purpose of future affordable housing.
6. Authorize Mayor/Chairman, staff, and legal counsel to negotiate, execute and record agreements and necessary documents to effectuate the resolutions, including the conveyance of the Property, the funding commitments, and related actions for the Project as set forth in the Second Amended and Restated DDLA.

NOES (1): Mayor Quintanilla

Motion Carried (4 to 1)

10.c ADOPT THE PALM DESERT BROADBAND FEASIBILITY AND MASTER PLAN STUDY AND APPROVE RELATED AMENDMENT

Economic Development Coordinator Glickman narrated a PowerPoint presentation and responded to City Council inquiries. HR Green representative Ken Demlow provided additional information regarding the Study.

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

1. Adopt the Palm Desert Broadband Feasibility and Master Plan Study.
2. Approve Amendment 10 to Contract No. C41690 with HR Green in the amount of \$19,884 for management of Request for Proposals (RFP) and grant processes related to broadband.
3. Direct staff to pursue grant funding for implementation of the adopted Broadband Master Plan.
4. Direct staff to release a Request for Proposals (RFP) to identify any partner agencies to execute the adopted Broadband Master Plan Study and middle-mile network.

Motion Carried (5 to 0)

10.d ADOPTION OF RESOLUTION NO. 2024-013 ESTABLISHING PROCEDURES FOR THE APPOINTMENT OF THE MAYOR AND MAYOR PRO TEM

City Clerk Mejia narrated a PowerPoint presentation and responded to City Council inquiries.

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

Adopt a Resolution entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ESTABLISHING PROCEDURES FOR THE APPOINTMENT OF THE MAYOR AND MAYOR PRO TEM AND RESCINDING RESOLUTION NO. 2021-61", as amended.

Motion Carried (5 to 0)

11. PUBLIC HEARINGS

11.a INTRODUCTION OF ORDINANCE NO. 1411 TO ADOPT A ZONING ORDINANCE AMENDMENT TO IMPLEMENT RESIDENTIAL AND MIXED-USE OBJECTIVE DESIGN STANDARDS AND MAKING A FINDING OF EXEMPTION UNDER CEQA

Mayor Quintanilla opened the public hearing.

Principal Planner Melloni narrated a PowerPoint presentation and responded to City Council inquiries.

Donald Ziegler, Palm Desert resident, urged the City Council to consider the electrical power options associated with this project.

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

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

Introduce Ordinance No. 1411 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AMENDING THE PALM DESERT MUNICIPAL CODE TO ADD CHAPTER 25.42 – MULTIFAMILY AND MIXED-USE OBJECTIVE DESIGN STANDARDS AND AMENDING OTHER CHAPTERS OF THE ZONING ORDINANCE, AND MAKING A FINDING OF EXEMPTION UNDER CEQA"

Motion Carried (5 to 0)

12. INFORMATION ITEMS

None.

13. ADJOURNMENT

The City Council adjourned at 5:49 p.m.

Respectfully submitted,

Níamh M. Ortega, CMC
Assistant City Clerk/Assistant Secretary

Anthony J. Mejia, MMC
City Clerk/Secretary