

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

**Regular Meeting Minutes**

March 28, 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, March 28, 2024, at 3:50 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 3:51 p.m.

**4. CLOSED SESSION AGENDA**

**4.a Closed Session Meeting Minutes: March 14, 2024**

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

**4.b.1 Property Description: 73510 Fred Waring Drive and 74725 Hovley  
Lane E**

Agency: City of Palm Desert

City Negotiator: Todd Hileman/Chris Escobedo/Eric Ceja

Negotiating Parties: Crown Castle

Under Negotiation: Price and Terms

**4.b.2 Property Description: 73710 Fred Waring Drive; 73520 Fred Waring  
Drive; and 44400 Town Center Way**

Agency: City of Palm Desert

City Negotiator: Todd Hileman/Chris Escobedo/Eric Ceja

Negotiating Parties: N/A

Under Negotiation: Price and Terms

**4.c Conference with Labor Negotiators pursuant to Government Code Section  
54957.6**

Agency designated representatives: Todd Hileman/Chris Escobedo/Andrea Staehle

Employee organization: Palm Desert Employees Organization

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

Following the closed session, the Mayor Quintanilla resumed the regular City Council meeting at 4:32 p.m.

**6. PLEDGE OF ALLEGIANCE**

Councilmember Kelly 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**

Felipe Ortiz, representing Assemblyman Greg Wallis, presented a proclamation to the City of Palm Desert recognizing its achievement as the first city in the State of California to become a Certified Autism Center.

**10. CITY MANAGER COMMENTS**

None.

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

Councilmembers reported on their attendance at various meetings and events. Councilmember Kelly congratulated the Joslyn Center for its efforts to become a Certified Autism Center, and thanked the Slaughter family for their generous donation of 10 acres of open land in the foothills of Palm Desert.

**12. NON-AGENDA PUBLIC COMMENTS**

Brad Anderson, Rancho Mirage resident, suggested that public comment be taken at the study session, closed session should be at the end of regular session.

Michael Nowacki, Palm Desert resident, urged the City Council to direct the City Manager to issue a "cease and desist" letter for non-compliance with a bingo license.

**13. CONSENT CALENDAR**

**Motion by:** Councilmember Kelly

**Seconded by:** Mayor Pro Tem Harnik

To approve the consent calendar excluding Items 13.e and 13.f.

**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 March 14, 2024.

**Motion Carried (5 to 0)**

**13.b APPROVAL OF WARRANT REGISTERS**

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

Approve the warrant registers issued for the period 03/07/2024 to 03/20/2024.

**Motion Carried (5 to 0)**

**13.c ADOPTION OF ORDINANCE NO. 1409 A NOTICE OF EXEMPTION UNDER CEQA AND APPROVE CHANGE OF ZONE 24-0001 TO CHANGE ZONING DESIGNATION OF THE PROPERTIES LOCATED AT 73600 ALESSANDRO DRIVE FROM DOWNTOWN EDGE TRANSITION OVERLAY (DE-O) TO DOWNTOWN EDGE (DE)**

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

Adopt Ordinance No. 1409 entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ADOPTING A NOTICE OF EXEMPTION PURSUANT TO THE STATE OF CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVING A CHANGE OF ZONE FROM DE-O TO DE FOR THE PROPERTIES LOCATED AT 73600 ALESSANDRO DRIVE (ASSESSOR'S PARCEL NUMBERS 627-153-018, AND 627-153-019) CASE NO. CZ24-0001"

**Motion Carried (5 to 0)**

**13.d APPROVE CHANGE ORDER NO. 3 INCREASING CONTRACT NO. C41880 WITH MARIPOSA LANDSCAPES, INC., OF IRWINDALE, CALIFORNIA, IN AN ANNUAL AMOUNT NOT TO EXCEED \$150,000 AND ADD MAINTENANCE SERVICES TO NON-LANDSCAPED AREAS (PROJECT NO. MLS00008)**

**Motion by:** Councilmember Kelly

**Seconded by:** Mayor Pro Tem Harnik

1. Approve Change Order No. 3 to increase Contract No. C41880 with Mariposa Landscapes, Inc. of Irwindale, California, in an annual amount of \$150,000 and add maintenance services to non-landscaped areas for a total annual contract amount of \$661,408.56.
2. Increase irrigation, plant, and related extra work and services to an annual amount of \$125,000.
3. Authorize the Finance Director to appropriate prorated funds in the amount of \$75,000 from Unobligated General Fund to Account No. 1104310-4332000, R/M Streets for Fiscal Year 2023/24.
4. Authorize the City Manager to approve change orders and amendments associated with this contract based on staff's recommendations.
5. Authorize the City Manager or designee to execute said change order.

**Motion Carried (5 to 0)**

**13.g APPROVE CULTURAL ARTS COMMITTEE FISCAL YEAR 2024/25 WORK PLAN**

**Motion by:** Councilmember Kelly

**Seconded by:** Mayor Pro Tem Harnik

Approve the Cultural Arts Committee's Fiscal Year 2024/25 Work Plan.

**Motion Carried (5 to 0)**

**13.h 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**

**Motion by:** Councilmember Kelly

**Seconded by:** Mayor Pro Tem Harnik

1. Approve a Final Settlement Agreement No. C47330 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.

**Motion Carried (5 to 0)**

**13.i REJECT THE PROPOSAL TO PURCHASE A DIESEL STREET SWEEPER AND APPROVE THE PROPOSAL TO PURCHASE A CNG STREET SWEEPER FROM PB LOADER CORPORATION TO IMPROVE CITYWIDE ROADWAY AND PARKING LOT MAINTENANCE**

**Motion by:** Councilmember Kelly

**Seconded by:** Mayor Pro Tem Harnik

1. Reject previous request to purchase an Elgin Broom Bear Diesel Street Sweeper from Haaker Equipment Company of La Verne, California.
2. Authorize the purchase of a CNG Powered Street Chassis with XBroom (Street Sweeper) from PB Loader Corporation of Fresno, California, in the amount of \$624,527.35.
3. Authorize the Director of Finance to set aside a contingency of \$25,000 for any unforeseen fees and ancillary equipment.
4. Authorize the Finance Director to appropriate additional funds in the amount of \$170,333.08 from unobligated Equipment Replacement Fund Balance to Account No. 5304310-4403000.
5. Authorize City Manager to approve the use of the contingency and any documents necessary to effectuate actions taken herewith.

**Motion Carried (5 to 0)**

**13.j ADOPT RESOLUTION NO. 2024-010 AUTHORIZING DESTRUCTION OF OBSOLETE RECORDS FROM THE FINANCE DEPARTMENT**

**Motion by:** Councilmember Kelly

**Seconded by:** Mayor Pro Tem Harnik

Adopt Resolution No. 2024-010 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, SETTING FORTH ITS FINDINGS AND AUTHORIZING THE DESTRUCTION OF PAPER RECORDS FROM THE FINANCE DEPARTMENT, AS INDICATED ON THE RECORDS RETENTION SCHEDULE (ADOPTED DECEMBER 15, 2022). RECORDS FROM 1988-2018 (EXHIBIT A)"

**Motion Carried (5 to 0)**

**13.k APPROPRIATE FUNDS FOR NEW LIBRARY FACILITY PROJECT AND AWARD ARCHITECT CONTRACT NO. C47340 TO RICHÄRD KENNEDY ARCHITECTS FOR CONCEPTUAL DESIGN SERVICES (PROJECT NO. CFA00027)**

**Motion by:** Councilmember Kelly

**Seconded by:** Mayor Pro Tem Harnik

1. Award Contract No. C47340 to Richärd Kennedy Architects for Conceptual Design of New Library Facility in an amount not to exceed \$514,865 (\$499,865 Basic Services + \$15,000 reimbursables).
2. Authorize the Director of Finance to set aside a contingency amount of \$128,000 for unforeseen circumstances.
3. Authorize the Director of Finance to set aside \$157,135 for pre-construction services by other consultants still to be determined.
4. Authorize the Director of Finance to appropriate funds in the amount of \$800,000 from Uncommitted General Fund Reserves to Account Number 1104199-4501000 Inter-Fund Transfers Out.
5. Authorize the Director of Finance to transfer funds to the Library Transfer-In Account No. 4520000-391000 and appropriate expenditure of funds to Capital Projects Account No. 4524136-4400100 for this purpose.
6. Authorize the City Manager to review and approve written contract change orders requests per Section 3.30.170 of the Palm Desert Municipal Code.
7. Authorize the City Attorney to make any necessary non-monetary changes to the agreement.
8. 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 AWARD CONTRACT NO. C47350 TO CAL-STRIPE, INC., FOR ON-CALL CITYWIDE STREET AND BIKE LANE STRIPING IMPROVEMENTS IN AN ANNUAL AMOUNT NOT TO EXCEED \$450,000 (MST00002)**

**Motion by:** Councilmember Kelly

**Seconded by:** Mayor Pro Tem Harnik

1. Award a 27-month Contract No. C47350 to Cal-Stripe, Inc. for On-call Citywide Street and Bike Lane Striping Improvements in an annual amount not to exceed \$450,000, with the option of two, one-year extensions.
2. Authorize the City Manager to review and approve written contract amendment and change order requests for unanticipated conditions per Section 3.30.170 of the Palm Desert Municipal Code.
3. Authorize the City Attorney to make any necessary non-monetary changes to the agreement.
4. Authorize the City Manager to execute the agreement and any documents necessary to effectuate the actions taken herewith.

**Motion Carried (5 to 0)**

**CONSENT ITEMS HELD OVER**

**13.e AUTHORIZE AN AMENDMENT TO CONTRACT NO. A43790 WITH FG CREATIVE INCREASING COMPENSATION FOR PALM DESERT AQUATIC CENTER MARKETING SERVICES**

Public Affairs Manager Soule responded to City Council inquiries.

**Motion by:** Mayor Pro Tem Harnik

**Seconded by:** Councilmember Kelly

1. Authorize an amendment to Contract No. A43790 with FG Creative for Palm Desert Aquatic Center marketing services to increase compensation in the amount of \$7,700.
2. Authorize the City Attorney to make any necessary nonmonetary changes to the agreement.
3. Authorize the City Manager to execute said agreement on behalf of the City.

**Motion Carried (5 to 0)**

**13.f AUTHORIZE AN AMENDMENT TO CONTRACT NO. C43370 TO INCREASE THE CITY'S CONTRACT WITH FG CREATIVE FOR EL PASEO PARKING & BUSINESS IMPROVEMENT DISTRICT MARKETING SERVICES**

**Motion by:** Mayor Pro Tem Harnik

**Seconded by:** Councilmember Kelly

1. Authorize an amendment to Contract C43370 with FG Creative in the amount of \$15,000.
2. Authorize the City Attorney to make any necessary nonmonetary changes to the agreement.
3. Authorize the City Manager to execute said agreement on behalf of the City.

**Motion Carried (5 to 0)**

**14. ACTION CALENDAR**

**14.a APPROVE AN EMERGENCY GRANT PROGRAM IN AN AGGREGATE AMOUNT NOT TO EXCEED \$1,500,000 FOR COMMERCIAL PROPERTY OWNERS AND HOMEOWNERS ASSOCIATIONS LOCATED ALONG INTERSTATE 10 AND AFFECTED BY TROPICAL STORM HILARY**

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

**Motion by:** Councilmember Nestande

**Seconded by:** Mayor Pro Tem Harnik

1. Approve emergency grant program in an aggregate amount not to exceed \$1,500,000 for commercial property owners and homeowners associations located along Interstate 10 and impacted by Tropical Storm Hilary.
2. Authorize the Finance Director to appropriate funds in the amount of \$1,500,000 from General Fund Emergency Reserves to Account No. 1104159-4219100.
3. Authorize the City Attorney to prepare all necessary documents and make any non-monetary changes to the agreement.
4. Authorize City Manager to execute agreements and any documents necessary to effectuate actions taken herewith.

**Motion Carried (5 to 0)**



**14.b APPROVE REPLACEMENT OF A BRONZE PLAQUE AT THE DESERT HOLOCAUST MEMORIAL**

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

**Motion by:** Councilmember Kelly  
**Seconded by:** Councilmember Nestande

Approve replacement of a bronze plaque at the *Desert Holocaust Memorial*.

**Motion Carried (5 to 0)**

**14.c APPROVE PLACEMENT OF PEACE POLE AT THE COMMUNITY ROSE GARDEN IN CIVIC CENTER PARK**

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

**Motion by:** Councilmember Trubee  
**Seconded by:** Councilmember Nestande

Approve Placement of Peace Pole at the Community Rose Garden in Civic Center Park.

**Motion Carried (5 to 0)**

**14.d RESOLUTION NO. 2024-011 ESTABLISHING PROCEDURES FOR THE SELECTION 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

Direct staff to proceed with preparing a seniority-based rotation, and to evaluate whether there are any unknown issues related to the policy for consideration at a future meeting.

**Motion Carried (4 to 0), with Mayor Quintanilla abstaining.**

**15. PUBLIC HEARINGS**

None.

**16. INFORMATION ITEMS**

None.

**17. ADJOURNMENT**

The City Council adjourned at 5:56 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