

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

May 9, 2024, 4:00 p.m.

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

1. CALL TO ORDER

A Regular Meeting of the Palm Desert City Council was called to order by Mayor Quintanilla on Thursday, May 9, 2024, at 4:02 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

Mayor Pro Tem Harnik led the Pledge of Allegiance.

4. INSPIRATION

Councilmember Kelly provided words of inspiration.

5. AWARDS, PRESENTATIONS, AND APPOINTMENTS

Mayor Quintanilla issued a proclamation for Professional Municipal Clerks Week. City Clerk Mejia expressed his appreciation for his staff.

5.a RECOGNITION - CIVIC ACADEMY PARTICIPANTS

Mayor Quintanilla congratulated the most recent attendees of the City's Civic Academy, thanked them for their interest and dedication to the program, and presented them with certificates of completion.

5.b RECOGNITION - RETIRED COMMISSIONER KAREL LAMBELL

This item was removed from the agenda as Ms. Lambell was unable to attend.

5.c PROCLAMATION - POLLINATOR WEEK

Mayor Quintanilla shared a proclamation for Pollinator Week and encouraged Palm Desert residents to take personal measures committing to sustainability and a healthy environment.

6. CITY MANAGER COMMENTS

6.a SHERIFF DEPARTMENT UPDATE

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

7. MAYOR/COUNCILMEMBER REPORTS AND REQUESTS FOR ACTION

Councilmembers reported on their attendance at various meetings and events. Mayor Quintanilla requested that the Harvey Milk breakfast be added to the City's list of table sponsorships. Councilmember Kelly supported the request and recommended that it be referred to the appropriate subcommittee for further action.

8. NON-AGENDA PUBLIC COMMENTS

Brad Anderson, Rancho Mirage resident, noted a potential ballot measure of 1% sales tax regarding transportation; shared information about West Nile Virus and mosquito abatement; requested that public comment be allowed in person at study sessions.

Tammy Bennett, Palm Desert resident, expressed her displeasure regarding the Whitestone Lane drainage project, and urged the City Council to address issues that resulted relative to her property.

Barbara Wasserkrug, Palm Desert resident, informed the City Council of her presentation regarding artificial intelligence relative to health care.

Nancy Gutierrez, Palm Desert resident, expressed concern regarding air pollution and geoengineering.

Josh Heinz, Visit Greater Palm Springs representative, expressed his gratitude to the City Council and staff for their leadership in becoming a Certified Autism Center, and encouraged the City Council to consider providing grants to local businesses to complete their certifications.

Alan Carvalho expressed his opposition to Mayor Pro Tem Harnik's position on Mayor Quintanilla's attendance at NALEO.

9. CONSENT CALENDAR

Brad Anderson, Rancho Mirage resident, spoke in opposition to Item 9d relative to possession of catalytic converters, and in general support of Item 9h regarding the El Paseo Sculpture Exhibition.

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

To approve the consent calendar, excluding Items 9F and 9L.

Motion Carried (5 to 0)

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

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

Approve the Minutes of April 25, 2024.

Motion Carried (5 to 0)

9.b APPROVAL OF WARRANT REGISTERS

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

Approve the warrant registers issued for the period 4/22/2024 to 4/25/2024.

Motion Carried (5 to 0)

9.c RECEIVE AND FILE APPLICATION FOR ALCOHOLIC BEVERAGE LICENSES

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

Receive and file application for alcoholic beverage license for Jackson 6843 (Food Mart) 72300 Highway 111, Palm Desert, California 92260-2747

Motion Carried (5 to 0)

9.d ADOPTION OF ORDINANCE NO. 1412 ADDING CHAPTER 9.71 TO TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE PALM DESERT MUNICIPAL CODE, ESTABLISHING REGULATIONS PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

Adopt Ordinance No. 1412 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ADDING CHAPTER 9.71 (UNLAWFUL POSSESSION OF A CATALYTIC CONVERTER PROHIBITED) TO TITLE 9 (PUBLIC PEACE, MORALS AND WELFARE) OF THE PALM DESERT MUNICIPAL CODE, ESTABLISHING REGULATIONS PROHIBITING THE UNLAWFUL POSSESSION OF CATALYTIC CONVERTERS IN THE CITY"

Motion Carried (5 to 0)

9.e ADOPTION OF ORDINANCE NO. 1413 AMENDING CHAPTER 2.74 OF THE PALM DESERT MUNICIPAL CODE TO ESTABLISH A PALM DESERT LIBRARY BOARD OF TRUSTEES AND LIBRARY ADVISORY COMMITTEE AND MAKING A FINDING OF EXEMPTION UNDER CEQA

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

Adopt Ordinance No. 1413 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AMENDING CHAPTER 2.74 OF THE PALM DESERT MUNICIPAL CODE TO ESTABLISH A LIBRARY BOARD OF TRUSTEES AND LIBRARY ADVISORY COMMITTEE, AND MAKING A FINDING OF EXEMPTION UNDER CEQA."

Motion Carried (5 to 0)

9.g RECEIVE AND FILE A CERTIFICATE OF APPRECIATION FROM THE WORLD ROMA FEDERATION

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

Receive and file a Certificate of Appreciation from the World Roma Federation.

Motion Carried (5 to 0)

9.h APPROVAL OF EIGHTEEN (18) SCULPTURES AND SIX (6) ALTERNATE SCULPTURES FOR THE FY 2025/2026 EL PASEO SCULPTURE EXHIBITION (CONTRACT NOS. C47500 A-Z)

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

1. Approve eighteen (18) sculptures and six (6) alternate sculptures for the 2025/2026 El Paseo Sculpture Exhibition. (Contract Nos. C47500 A-Z)
2. Approve honorarium of \$5,000 for each of the participating artists.
3. Authorize staff to finalize negotiations of the subject contracts with the eighteen (18) artists and authorize City Manager to execute same, subject to the satisfaction of the City Attorney.
4. Authorize City Manager to make changes to sculpture selection based on staff recommendation.

Motion Carried (5 to 0)

9.i AUTHORIZE CITY MANAGER TO AWARD LIBRARY FURNITURE, FIXTURE, FINISHES, AND EQUIPMENT CONTRACTS TO MULTIPLE VENDORS TO OUTFIT THE LIBRARY LOCATED AT 73-300 FRED WARING DRIVE IN THE ADDITIONAL AMOUNT OF \$42,000 (CONTRACT NOS. C47240 A-Z)

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

1. Authorize increase of \$42,000 to previously approved City Manager Not to Exceed threshold of \$650,000 for furniture, fixture, and equipment (FF&E) vendors for the library located at 73-300 Fred Waring Drive, for a total of \$692,000 (Contract Nos. C47240 A-Z).
2. Authorize the City Manager to execute any agreements, amendments, and all other documents necessary to effectuate this action.
3. Authorize the City Attorney to make any necessary non-monetary changes to the agreement.

Motion Carried (5 to 0)

- 9.j APPROVE A ONE YEAR LEASE AGREEMENT WITH ONE, ONE-YEAR EXTENSION WITH CHRIS NELSON FOR THE OPERATION OF A REMOTE CONTROLLED RACETRACK ON THE VACANT CITY-OWNED PARCEL, ASSESSOR'S PARCEL NO. 640-091-010**

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

1. Approve a one (1) year lease agreement with one (1), one (1) year extension with Chris Nelson for the operation of a remote controlled racetrack on the vacant City-owned parcel with Assessor's Parcel No. (APN) 640-091-010.
2. Authorize the City Attorney to make necessary, nonmonetary changes to the lease agreement.
3. Authorize the City Manager to execute the lease and any and all related documents.

Motion Carried (5 to 0)

- 9.k RESOLUTION FOR THE NATIONAL WILDLIFE FEDERATION'S MAYORS' MONARCH PLEDGE TO RENEW THE CITY'S EFFORTS TO PROTECT AND ENHANCE THE POLLINATOR POPULATION**

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

1. Adopt a Resolution No. 2024-016 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AUTHORIZING THE CITY TO ENTER INTO THE NATIONAL WILDLIFE FEDERATION MAYORS' MONARCH PLEDGE."
2. Authorize staff to work in collaboration with the Living Desert Zoo and Gardens and University of California, Riverside (UCR) Palm Desert Center to carry out the three specific actions listed below within the next year:
 - a. Issue a Proclamation to raise awareness about the decline of the monarch butterfly and the species' need for habitat.
 - b. Increase the area of pollinator-friendly demonstration garden at Civic Center Park.
 - c. Support milkweed propagation by planting milkweed at various City parks and medians, where advisable.

Motion Carried (5 to 0)

9.m RESOLUTION NO. 2024-018 OF SUPPORT FOR THE PROPOSED CHUCKWALLA NATIONAL MONUMENT, INCLUDING EXPANSION OF JOSHUA TREE NATIONAL PARK

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

Adopt a Resolution No. 2024-018 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, IN SUPPORT OF THE ESTABLISHMENT OF THE PROPOSED CHUCKWALLA NATIONAL MONUMENT AND EXPANSION OF JOSHUA TREE NATIONAL PARK VIA AN ADJACENT NATIONAL MONUMENT.”

Motion Carried (5 to 0)

9.n RESOLUTION NOS. 2024-019 AND 2024-020: APPROVE THE START OF PROCEEDINGS TO LEVY AND COLLECT ANNUAL ASSESSMENTS AND GRANT PRELIMINARY APPROVAL OF THE 2024-25 ENGINEER’S REPORT FOR CONSOLIDATED PALM DESERT LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO.1

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

1. Adopt Resolution No. 2024-019 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, DECLARING ITS INTENTION TO INITIATE PROCEEDINGS FOR THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS FOR CONSOLIDATED PALM DESERT LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2024-25.
2. Adopt Resolution No. 2024-020 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT THE ANNUAL ASSESSMENTS FOR CONSOLIDATED PALM DESERT LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1 FOR FISCAL YEAR 2024-25 AND PRELIMINARY APPROVAL OF THE ENGINEER’S REPORT.”
3. Set a public hearing to be held at the City Council meeting of June 27, 2024, at 4 p.m.

Motion Carried (5 to 0)

9.o RESOLUTION NOS. 2024-021 AND 2024-022: APPROVE THE START OF PROCEEDINGS TO LEVY THE ANNUAL ASSESSMENT FOR CITY OF PALM DESERT BENEFIT ASSESSMENT DISTRICT NO. 1 FOR FISCAL YEAR 2024/2025

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

1. Adopt Resolution No. 2024-021 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS FOR PLAM DESERT BENEFIT ASSESSMENT DISTRICT NO. 1 FOR FISCAL YEARS 2024/2025."
2. Adopt Resolution No. 2024-022 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, DECLARING ITS INTENTION TO LEVY THE ANNUAL ASSESSMENT FOR CITY OF PALM DESERT BENEFIT ASSESSMENT DISTRICT NO. 1 FOR FISCAL YEAR 2024/2025, PURSUANT TO THE BENEFIT ASSESSMENT ACT OF 1982 AND APPOINTING A TIME AND PLACE FOR THE PUBLIC HEARING ON THESE MATTERS."
3. Set a public hearing to be held at the City Council meeting of June 27, 2024, at 4 p.m.

Motion Carried (5 to 0)

CONSENT ITEMS HELD OVER

9.f APPROVE RESOURCE PRESERVATION AND ENHANCEMENT COMMITTEE 2024/2025 WORK PLAN

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

Motion by: Councilmember Kelly

Seconded by: Mayor Pro Tem Harnik

Approve the Resource Preservation and Enhancement Committee's 2024/2025 Work Plan.

Motion Carried (5 to 0)

9.1 RESOLUTION NO. 2024-017 DENYING A STREET VACATION OF AN 8,582 SQUARE FOOT PORTION OF SHADOW LAKE DRIVE IN FAVOR OF A PROPERTY AT 73745 SHADOW LAKE DRIVE

Mayor Pro Tem Harnik recused herself due to the proximity of her home, and left the Council Chamber.

Brad Anderson, Rancho Mirage resident, spoke in support of a street vacation in favor of the property owner.

Motion by: Councilmember Kelly
Seconded by: Councilmember Nestande

Adopt a Resolution No. 2024-017 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, DENYING A PROPOSED STREET VACATION OF AN 8,582 SQUARE FOOT PORTION OF SHADOW LAKE DRIVE IN FAVOR OF A PROPERTY AT 73745 SHADOW LAKE DRIVE IS CONSISTENT WITH THE CITY OF PALM DESERT GENERAL PLAN (APNS: 627-342-001)."

RECUSED (1): Mayor Pro Tem Harnik

Motion Carried (4 to 0)

Mayor Pro Tem Harnik returned to the Council Chamber.

10. ACTION CALENDAR

10.a INTRODUCTION OF ORDINANCE NO. 1414 ADDING SECTION 2.38.070 TO THE PALM DESERT MUNICIPAL CODE TO ALLOW FOR THE ELECTRONIC OR PAPER FILING OF CAMPAIGN FINANCE DISCLOSURE STATEMENTS

City Clerk Mejia presented a staff report and responded to City Council inquiries.

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

Introduce Ordinance No. 1414 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ADDING SECTION 2.38.070 TO THE PALM DESERT MUNICIPAL CODE APPROVING ELECTRONIC AND PAPER METHODS OF FILING CAMPAIGN FINANCE DISCLOSURE STATEMENTS."

Motion Carried (5 to 0)

**10.b REQUEST FOR DIRECTION REGARDING LUPINE PLAZA PROJECT
CST00015**

Project Manager Ennis narrated a PowerPoint presentation and responded to City Council inquiries.

Cathy Green, CODA Gallery and adjacent shopping center affiliate, spoke in opposition to the project.

Samuel Heaton, CODA Gallery owner, spoke in opposition to the project.

Motion by: Councilmember Kelly

Seconded by: Mayor Pro Tem Harnik

Direct staff to discontinue Lupine Plaza Project CST00015.

Motion Carried (5 to 0)

11. PUBLIC HEARINGS

**11.a RESOLUTION NO. 2024-023: APPEAL OF THE DEVELOPMENT SERVICES
DIRECTOR DETERMINATION THAT A LIVING ROOM CANNOT BE COUNTED
AS A BEDROOM FOR PURPOSES OF A SHORT-TERM RENTAL**

Mayor Quintanilla opened the appeal hearing.

Development Services Director Cannone narrated a PowerPoint presentation, summarizing the Director's interpretation on whether a living room can be counted as a bedroom for purposes of a short-term rental.

Shaun Murphy, representing the Appellant, shared the Appellant's position that a living room can serve as a bedroom as it is defined as a habitable space, noting the City's regulation is silent on whether guests can sleep in a living room; asserted that the market will determine whether using a living room as a bedroom is appropriate.

Brad Anderson, Rancho Mirage resident, spoke in support of the Appellant and opined that owners should be able to advertise their space however they choose.

Dylan Gunzel, Attorney representing the City, opined that although the City's municipal code is silent on bedrooms, Code Section 15.04.010 and 15.06.010 both adopt wholly the Residential Code and California Building Code, which both define bedrooms for the purposes of construction and plans. He noted the construction plans differ from marketing materials, and the City should rely on official construction plans of record.

Shaun Murphy, representing the Appellant, opined that the marketing materials have created confusion and that a living room is habitable space and should be allowed to be used as a bedroom for short-term rentals.

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

Councilmember Kelly pointed out to the City Council that they were advised of a separate appeal process regarding the interpretation of using a den as a bedroom; suggested the City Council focus on determining whether a living room can be counted as a bedroom for purposes of a short-term rental; opined that although a living room may constitute habitable space, it does not inherently qualify as a bedroom any more than a kitchen or bathroom, both of which are habitable spaces but cannot be used as bedrooms.

Councilmember Nestande questioned why there is an appeal when the floorplans indicate three bedrooms. In response, Director Cannone clarified that the floorplans included with the appeal letter were for marketing purposes and that the Riverside County Assessor's records show the unit as having two bedrooms and a den; explained that the Building Board of Appeals will consider whether a den may be counted as a bedroom for purposes of a short-term rental under a separate appeal process, noting the Board's decision is subject to appeal to the City Council.

City Attorney Shah confirmed that the question before the City Council is whether a living room can be counted as a bedroom for purposes of a short-term rental.

Mayor Quintanilla opined that guests have an expectation of privacy when renting a hotel room, suite, or short-term rental; stated she does not believe a living room should be counted as a bedroom.

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

1. Find that this report, including attachments, and any additional evidence provided at the hearing provides satisfactory evidence that the Development Services Director's determination was correct.
2. Adopt Resolution No. 2024-023 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, UPHOLDING THE DEVELOPMENT SERVICES DIRECTOR DETERMINATION THAT A LIVING ROOM CANNOT BE COUNTED AS A BEDROOM FOR PURPOSES OF A SHORT-TERM RENTAL AND MAKING FINDINGS IN SUPPORT THEREOF."

Motion Carried (4 to 0)

12. INFORMATION ITEMS

None.

13. ADJOURNMENT

The City Council adjourned at 6:13 p.m.

Respectfully submitted,

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

Anthony J. Mejia, MMC
City Clerk/Secretary