

**Palm Desert City Council, Successor Agency to the Palm Desert Redevelopment
Agency, Housing Authority, and Board of Library Trustees**

Regular Meeting Minutes

June 27, 2024, 3:30 p.m.

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

**Mayor Pro Tem Harnik attended remotely in accordance with AB
2449.*

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, June 27, 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: April 25, 2024

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

**4.b.1 Property Description: Approx. 8 acres located at northwest corner of
Desert Willow Drive and Country Club Drive (portions of APN(s) 620-
370-002, -003, -004, -017, -018, -020, -033 and -043)**

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

6. PLEDGE OF ALLEGIANCE

Councilmember Nestande led the Pledge of Allegiance.

7. INSPIRATION

Councilmember Trubee provided words of inspiration.

8. REPORT OF CLOSED SESSION

City Attorney Shah stated that direction was given by the City Council; no reportable actions were taken.

9. AWARDS, PRESENTATIONS, AND APPOINTMENTS

Mayor Quintanilla issued a proclamation to Jack Newby in celebration of his retirement as Executive Director of the Joslyn Center. Mr. Newby expressed his appreciation to the City Council and staff.

Mayor Quintanilla issued a proclamation in recognition of LGBTQ+ Pride Month.

10. CITY MANAGER COMMENTS

City Manager Hileman introduced Dr. Jay Seller as the new Executive Director of the Joslyn Center.

11. MAYOR/COUNCILMEMBER REPORTS AND REQUESTS FOR ACTION

Councilmembers reported on their attendance at various meetings and events. Councilmember Kelly requested that staff determine a location for after-hours cool centers in the event of an evening power outage and share the information with the public. The request was supported by Mayor Quintanilla and Councilmember Nestande.

12. NON-AGENDA PUBLIC COMMENTS

Linda Kandler, Palm Desert resident, expressed concern regarding the grading and drainage of the Refuge/Pulte Del Webb development adjacent to her neighborhood.

Barbara Wasserkrug, Palm Desert resident, encouraged residents to attend an upcoming informational event at the Desert Cities Baptist Church in Palm Desert.

Jana Koroczynsky, Palm Desert resident, spoke in opposition to the Refuge/Pulte Del Webb development currently underway adjacent to her neighborhood, noting drainage and flooding concerns.

Brad Anderson, Rancho Mirage resident, spoke in opposition of the use of AB 2449; recommended the community become more involved at Children's Discovery Museum and the Cove Commission meetings.

Nancy Gutierrez, Palm Desert resident, spoke on refugee programs around the Country.

13. CONSENT CALENDAR

Motion by: Councilmember Nestande

Seconded by: Councilmember Kelly

To approve the consent calendar excluding Items 13f, 13j, 13o and 13r.

Motion Carried (5 to 0)

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

Motion by: Councilmember Nestande
Seconded by: Councilmember Kelly

Approve the Minutes of May 30, June 4, and June 13, 2024.

Motion Carried (5 to 0)

13.b APPROVAL OF WARRANT REGISTERS

Motion by: Councilmember Nestande
Seconded by: Councilmember Kelly

Approve the warrant registers issued for the period 6/01/2024 to 6/14/2024.

Motion Carried (5 to 0)

13.c AWARD CONTRACT NO. C47890 TO CLARION ASSOCIATES OF DENVER, COLORADO, TO CREATE A UNIFIED DEVELOPMENT CODE FOR THE CITY IN AN AMOUNT NOT TO EXCEED \$428,080 AND APPROPRIATE FUNDS FROM RESERVES

Motion by: Councilmember Nestande
Seconded by: Councilmember Kelly

1. Award Contract No. C47890 to Clarion Associates of Denver, CO, to complete a comprehensive amendment to the City's Zoning Ordinance and create a Unified Development Code in an amount not to exceed \$428,080.
2. Appropriate \$428,080 from unassigned General Fund Reserve monies to Account No. 1104470-4305000 for Fiscal Year 2024-25.
3. Authorize the City Attorney to make any necessary non-monetary changes to the agreement.
4. Authorize the City Manager to execute said agreement and contract amendments per Palm Desert Municipal Code Section 3.30.170.

Motion Carried (5 to 0)

13.d APPROVE AMENDMENT NO. 3 TO CONTRACT NO. C37610 WITH WILLDAN FINANCIAL SERVICES FOR COMPREHENSIVE USER FEE STUDY AND COST ALLOCATION PLAN

Motion by: Councilmember Nestande

Seconded by: Councilmember Kelly

1. Approve Amendment No. 3 to Contract No. C37610 with Willdan Financial Services for comprehensive user fee study and cost allocation plan, extending the contract term through December 31, 2024.
2. Authorize the City Attorney to make any necessary, non-monetary changes to the agreement.
3. Authorize the City Manager to execute the requested amendment.

Motion Carried (5 to 0)

13.e APPOINT AND REAPPOINT APPLICANTS TO THE CITY OF PALM DESERT'S ESTABLISHED BOARDS, COMMISSIONS, COMMITTEES, AND TASKFORCES ("APPOINTED BODIES")

Motion by: Councilmember Nestande

Seconded by: Councilmember Kelly

Appoint/Reappoint the individuals, as outlined in Appendix A of these minutes, to serve on the City of Palm Desert's appointed bodies for the term of July 1, 2024, through June 30, 2028, except as noted.

Motion Carried (5 to 0)

13.g APPROVE CITY SPONSORSHIP AND OUTSIDE AGENCY FUNDING FOR FISCAL YEAR 2024-25 (CONTRACT NOS. C47970 A-Z, C47980 A-Z, C47990 A-Z, C48000 A-Z)

David Tsikman, Palm Desert resident, spoke in favor of supporting Chabad Jewish Community Center with Outside Agency Funding.

Chani Lew, Palm Desert resident, spoke in favor of supporting Chabad Jewish Community Center with Outside Agency Funding.

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Motion by: Councilmember Nestande
Seconded by: Councilmember Kelly

1. Approve Community Sponsorship Awards in the amount of \$539,500 to the agencies listed herein with associated restrictions and conditions, including confirmation of events prior to distribution, if applicable. (Contract Nos. C47970 A-Z)
2. Approve Outside Agency Funding Awards in the amount of \$521,000 to the agencies listed herein with associated restrictions and conditions, including confirmation of event prior to distribution, if applicable. (Contract Nos. C47980 A-Z, Contract Nos. C47990 A-Z, Contract Nos. C48000 A-Z)
3. Approve increase FY 2024-25 Proposed Annual Budget in the amount of \$96,000 to the appropriate General Fund Contributions account numbers, as detailed in this report.
4. Authorize the City Manager or designee to consider alternative requests during the year provided the request is consistent with the original request.
5. Pending approval of the FY 2024-25 City of Palm Desert Annual Budget, authorize the City Manager or designee to execute any documents necessary to effectuate the actions taken herewith.

Motion Carried (5 to 0)

13.h RATIFICATION OF MULTIPLE VENDOR CONTRACTS FOR ADDITIONAL SERVICES FOR THE HOUSING AUTHORITY PROPERTIES, IN THE AGGREGATE AMOUNT NOT TO EXCEED \$124,729

Motion by: Councilmember Nestande
Seconded by: Councilmember Kelly

1. Ratify the authorization of an increase to Garland/DBS, Inc., Southwest Protective Services, Inc., and Victor G. Peloquin dba Exclusive Pest Control Services, contracts for additional services in the amount of \$72,000, \$37,116, \$15,613, respectively in Fiscal Year 2023/24, to support the operations at the Housing Authority properties in the aggregate amount not to exceed \$124,729.
2. Authorize an increase in the annual not to exceed extra work amount of \$25,000 for Victor G. Peloquin dba Exclusive Pest Control Services for the remaining contract term.
3. Authorize the Executive Director or his designee to take any necessary actions to facilitate execution of amended agreements with the multiple vendors and any documents necessary to effectuate the actions taken herewith.

Motion Carried (5 to 0)

13.j ACCEPT CONTRACT NO. C44440 AS COMPLETE FOR THE TRAFFIC SIGNAL HARDWARE UPGRADE (PROJECT NO. MTS00002)

Motion by: Councilmember Nestande
Seconded by: Councilmember Kelly

1. Accept Contract No. C44440 with Econolite Systems, Inc., of Anaheim, California, for the Traffic Signal Hardware Upgrade as complete and authorize the City Clerk to file the Notice of Completion.
2. Authorize the City Manager to execute and the City Clerk to file the Notice of Completion.

Motion Carried (5 to 0)

13.k INTRODUCE ORDINANCE NO. 1415 AMENDING PALM DESERT MUNICIPAL CODE CHAPTER 2.36 RELATED TO PROCEDURES FOR THE CONDUCT OF MEETINGS

Brad Anderson, Rancho Mirage resident, suggested that the City provide five minutes instead of three minutes for closing arguments in appeal procedures.

Motion by: Councilmember Nestande
Seconded by: Councilmember Kelly

Introduce Ordinance No. 1415 entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AMENDING CHAPTER 2.36, PROCEDURE OF THE CONDUCT OF MEETINGS."

Motion Carried (5 to 0)

13.l AMENDMENT NO. 3 TO CONTRACT NO. A43790 WITH FG CREATIVE FOR PALM DESERT AQUATIC CENTER MARKETING SERVICES

Motion by: Councilmember Nestande
Seconded by: Councilmember Kelly

1. Approve Amendment No. 3 to Contract No. A43790 with FG Creative for Palm Desert Aquatic Center Marketing Services, extending the contract through June 30, 2025, and increasing total annual compensation to an amount not to exceed \$100,000.
2. Authorize the City Attorney to make necessary nonmonetary changes to the contract.
3. Authorize the City Manager to execute the contract on behalf of the City.

Motion Carried (5 to 0)

13.m RATIFY CITY MANAGER APPROVAL OF LIBRARY REPAIR CONTRACTS NOT TO EXCEED \$35,222 TO MULTIPLE VENDORS TO BE REIMBURSED BY DESERT COMMUNITY COLLEGE DISTRICT

Motion by: Councilmember Nestande

Seconded by: Councilmember Kelly

1. Ratify City Manager approval of contracts not to exceed \$35,222 to multiple vendors for necessary facility repairs at library building on Desert Community College District (DCCD) campus to be reimbursed by DCCD upon completion.
2. Authorize appropriation of \$35,222 from unobligated Library Capital Project Funds to Account No. 4524136-4400100.
3. Authorize the City Manager to execute any documents necessary to effectuate this action.
4. Authorize the City Attorney to make any necessary non-monetary changes to documents.

Motion Carried (5 to 0)

13.n RESOLUTION NO. 2024-037 ADOPTING THE PALM DESERT LOCAL HAZARD MITIGATION PLAN ANNEX FROM THE RIVERSIDE COUNTY OPERATIONAL AREA MULTI-JURISDICTIONAL LOCAL HAZARD MITIGATION PLAN

Motion by: Councilmember Nestande

Seconded by: Councilmember Kelly

Adopt Resolution No. 2024-037 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ADOPTING THE PALM DESERT LOCAL HAZARD MITIGATION PLAN ANNEX FROM THE RIVERSIDE COUNTY OPERATIONAL AREA MULTI-JURISDICTIONAL LOCAL HAZARD MITIGATION PLAN."

Motion Carried (5 to 0)

13.p ADOPT RESOLUTION NO. 2024-038 IN RECOGNITION OF LGBTQ PRIDE MONTH

Motion by: Councilmember Nestande

Seconded by: Councilmember Kelly

Adopt Resolution No. 2024-038 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ESTABLISHING A POLICY RELATED TO LGBTQ PRIDE MONTH COMMEMORATIONS."

Motion Carried (5 to 0)

13.q APPROVE RESOLUTION NO. 2024-039 ADOPTING POLICY NUMBERS 001-013, COLLECTIVELY REFERRED TO AS THE PALM DESERT LIBRARY POLICY MANUAL

Motion by: Councilmember Nestande

Seconded by: Councilmember Kelly

1. Adopt Resolution No. 2024-039 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ADOPTING LIBRARY POLICIES".
2. Authorize the City Manager, through the Library Services Director, to uphold and enforce the policy terms.

Motion Carried (5 to 0)

13.s LETTER OF SUPPORT FOR SENATE JOINT RESOLUTION 16, CHUCKWALLA NATIONAL MONUMENT AND THE JOSHUA TREE NATIONAL MONUMENT

Motion by: Councilmember Nestande

Seconded by: Councilmember Kelly

Ratify issuance of a letter of support for Senate Joint Resolution 16 (Padilla) related to the establishment of the Chuckwalla National Monument.

Motion Carried (5 to 0)

13.t RECEIVE AND FILE OF HOUSING COMMISSION MEETING MINUTES

Motion by: Councilmember Nestande

Seconded by: Councilmember Kelly

Receive and file the Housing Commission meeting minutes of May 8, 2024.

Motion Carried (5 to 0)

CONSENT ITEMS HELD OVER

13.f APPROVE AMENDMENT NO. 1 TO CONTRACT C45420 FOR ANNUAL FUNDING AND PARTICIPATION WITH THE COACHELLA VALLEY ECONOMIC PARTNERSHIP

Laura James, Interim CEO of Coachella Valley Economic Partnership, spoke in favor of the approval of Amendment No. 1 to Contract No. C45420.

Deputy Director Ceja provided a staff report and responded to City Council inquiries.

Motion by: Mayor Quintanilla
Seconded by: Councilmember Kelly

1. Approve Amendment No. 1 to Contract C45420 totaling \$25,000 for Fiscal Year 2024/25 and Fiscal Year 2025/26 for participation and funding with the Coachella Valley Economic Partnership (CVEP).
2. Direct staff to issue half of the annual payment (\$12,500) immediately, and the second installment upon receipt of a CVEP workplan by a date certain to be determined by the Economic Development Department.
3. Direct the City Attorney to make any non-substantive changes to the contract.
4. Direct the City Manager to execute the contract amendment.

Motion Carried (5 to 0)

13.i AWARD CONTRACT NO. C47900 TO ARCHITECTURAL RESOURCES GROUP OF LOS ANGELES, CALIFORNIA, TO COMPLETE A HISTORIC CONTEXT STATEMENT AND CITY-WIDE HISTORIC RESOURCES SURVEY IN AN AMOUNT NOT TO EXCEED \$82,700

Principal Planner Flores provided a staff report and responded to City Council inquiries.

Motion by: Mayor Quintanilla
Seconded by: Councilmember Kelly

1. Award Contract No. C47900 to Architectural Resources Group of Los Angeles, CA, to complete a Historic Context Statement and City-Wide Historic Resources Survey in an amount not to exceed \$82,700.
2. Authorize appropriation from unassigned General Fund reserves to Account No. 1104470-4300500 in FY 2024-25.
3. 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.
4. Authorize the City Attorney to make any necessary non-monetary changes to the agreement.
5. Authorize the City Manager to execute said agreement.

Motion Carried (5 to 0)

13.o APPROVE AGREEMENT NO. C47910 WITH SUNLINE TRANSIT AGENCY FOR BUS SHELTER MAINTENANCE IN AN AMOUNT NOT TO EXCEED \$97,383 PER FISCAL YEAR

Brad Anderson, Rancho Mirage resident, spoke in opposition of the contract with Sunline Transit Agency, and opined a local vendor may be interested in the work.

Deputy Director of Public Works Chavez provided a staff report and responded to City Council inquiries.

Following discussion as to whether a local vendor should be sought for the maintenance of three inactive stops listed in the agreement, it was determined this was not the direction the City Council wanted to take at this time.

Motion by: Mayor Pro Tem Harnik

Seconded by: Councilmember Kelly

1. Approve a one-year Agreement No. C47910 plus extensions, with Sunline Transit Agency for the annual maintenance of the City of Palm Desert's bus shelters in an amount not to exceed \$97,383 per fiscal year.
2. Authorize the City Attorney to make any necessary non-monetary changes to the agreement.
3. Authorize the City Manager to review and approve written contract amendments and change order requests for unanticipated conditions per Section 3.30.170 of the Palm Desert Municipal Code.
4. Authorize the City Manager to execute the service provider agreement.

Motion Carried (5 to 0)

13.r AWARD CONTRACT NOS. C47920 - C47960 TO MULTIPLE VENDORS FOR PURCHASE OF LIBRARY MATERIALS FOR FY 2024-25

Director of Library Services Shaffer provided a staff report and responded to City Council inquiries.

Motion by: Councilmember Trubee

Seconded by: Councilmember Kelly

1. Award contracts in substantial form, for books and library materials with Brodart Company (C47920), Ingram Content Group (C47930), Midwest Tape (C47940), Baker & Taylor (C47950), and Barnes & Noble (C47960), for a period of one (1) year, plus (2) additional one-year terms, in an aggregate amount not to exceed \$350,000 per fiscal year.
2. Authorize the City Attorney to make non-monetary changes and the City Manager to execute said agreements.
3. Authorize the City Manager to review and approve written contract amendments and any documents necessary to effectuate the actions taken herewith.

Motion Carried (5 to 0)

14. ACTION CALENDAR

14.a RESOLUTION NOS. 2024-040 and 2024-041 TO APPROVE THE MANAGEMENT DISTRICT PLAN AND ORDER THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE PRESIDENT'S PLAZA I PROPERTY AND BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2024-25

Deputy Director of Public Works Chavez introduced Management Analyst Breyer to the City Council.

Management Analyst Breyer provided a staff report and responded to City Council inquiries.

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

1. Adopt Resolution No. 2024-040 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING AND ADOPTING THE MANAGEMENT DISTRICT PLAN FOR THE PRESIDENT'S PLAZA I PROPERTY AND BUSINESS IMPROVEMENTS DISTRICT FOR FISCAL YEAR 2024-25."
2. Adopt Resolution No. 2024-041 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE PRESIDENT'S I PLAZA PROPERTY AND BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2024-25."

Motion Carried (5 to 0)

14.b RESOLUTION NOS. 2024-042 and 2024-043 TO APPROVE THE MANAGEMENT DISTRICT PLAN AND ORDER THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE PRESIDENT'S PLAZA III PROPERTY AND BUSINESS IMPROVEMENT DISTRICT FOR FISCAL YEAR 2024-25

Management Analyst Breyer provided a staff report and responded to City Council inquiries.

Motion by: Councilmember Kelly
Seconded by: Councilmember Trubee

1. Adopt Resolution No. 2024-042 entitled "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING THE MANAGEMENT DISTRICT PLAN FOR THE PRESIDENT'S PLAZA III PROPERTY AND BUSINESS IMPROVEMENT ASSESSMENT DISTRICT, FISCAL YEAR 2024-25."
2. Adopt Resolution No. 2024-043 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE

PRESIDENT'S PLAZA III PROPERTY AND BUSINESS IMPROVEMENT
ASSESSMENT DISTRICT, FISCAL YEAR 2024-25."

Motion Carried (5 to 0)

14.c AWARD CONTRACT TO WILLDAN ENGINEERING C48010A), BUREAU VERITAS NORTH AMERICA (C48010B), AND INTERWEST CONSULTING GROUP (C48010C) FOR ON-CALL PLAN REVIEW AND INSPECTION SUPPORT SERVICES

Chief Building Official Finley provided a staff report and responded to City Council inquiries.

Motion by: Mayor Pro Tem Harnik

Seconded by: Councilmember Trubee

1. Award on-call contracts to Willdan Engineering (C48010A), Bureau Veritas North America, Inc. (C48010B), and Interwest Consulting Group, Inc. (C48010C), to provide on-call plan review and inspection support services to the Development Services Department for a period of one (1) year with the option for two (2) additional one-year terms in an amount not to exceed \$300,000 per year in aggregate.
2. Authorize the City Attorney to make any necessary non-monetary changes to the agreement.
3. Authorize the City Manager to execute said agreements and extensions.

Motion Carried (5 to 0)

15. PUBLIC HEARINGS

15.a APPEAL OF THE BUILDING BOARD OF APPEALS DETERMINATION OF THE CHIEF BUILDING OFFICIAL'S APPLICATION OF THE 2022 CALIFORNIA RESIDENTIAL CODE, SECTION R310.1 (EMERGENCY ESCAPE AND RESCUE)

Mayor Quintanilla opened the appeal hearing.

Development Services Director Cannone and Chief Building Official Finley narrated a PowerPoint presentation, summarizing the Chief Building Official's application of the emergency egress requirement for a sleeping room per the California Residential Code and whether it was applied correctly for purposes of a Short Term Rental permit.

Carrie Kropfl, Appellant, contended that the emergency egress requirement had been misapplied, arguing that affirming the Building Board of Appeals' decision constituted a regulatory taking of bedrooms. She claimed that short-term rentals benefited the community and that the developer had fraudulently marketed Monterey Country Club units by advertising a room attached to the atrium as a bedroom. Appellant alleged that the City had been aware of this misrepresentation and remained silent, amounting to gross negligence. She

further asserted that the City had discriminated against short-term rental property owners by not permitting equal use and noted that the County Assessor's Office had recognized her property as a three-bedroom unit, updating their records accordingly.

Kelli Haakenson, Dana Point resident, realtor, Monterey Country Club property owner and short-term rental operator, spoke in support of the Appellant; stated her condo has been marketed as a three-bedroom unit; asserted marketing her unit as a two-bedroom unit would impact her income; opined that a disclosure letter should be signed by renters indicating their acknowledgement that the den does not have the required emergency egress.

Dr. Debra Duardo, Los Angeles resident and Monterey Country Club property owner, spoke in support of the previous speaker and the Appellant; asserted she and other speakers are the victims of fraud, negligence and discrimination; urged the City Council to consider creating a disclosure letter for renters.

Tyler Steele, Monterey Country Club resident and short term rental operator, spoke in support of the Appellant; shared his experience of being in an apartment fire; expressed concern for decreased property value should his unit be considered a two-bedroom unit.

Leslie Larson, Monterey Country Club resident, asserted that marketing her unit as a two-bedroom unit would result in an adverse impact on her rental income and retirement plan; expressed disappointment that the City Council did not respond to her letter outlining her concerns.

Brad Anderson, Rancho Mirage resident, opined that the Greater Palm Springs Board acted as a tax entity in an effort to reduce short-term rentals to encourage stays at other properties; spoke about other multi-unit properties in the area; expressed support of the Appellant and previous speakers.

Dylan Guzel, provided closing remarks on behalf of the City, asserted that there are regulations that businesses are required to follow that homeowners do not in order to protect the public; asserted that this action is not considered a regulatory taking as the City stated the room was never intended to be a bedroom, the City did not sell or advertise the unit, and the City upheld the Code at the time of construction.

Carrie Kropfl, Appellant, provided closing remarks; stated she represents the innocent victims; urged the City prepare a disclosure form for short-term rental operators and renters, and send a cease and desist letter to Monterey Country Club property management.

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

Councilmember Nestande stated she would like to find a fair, safety-conscious solution, suggesting grandfathering the units with a caveat for the California Standards Commission to consider an exception for three-bedroom status. She noted the need to consider long-term rental permits in safety discussions, and requested the City send cease and desist letters.

City Attorney Shah noted that long-term rentals are subject to a different permitting process; should be discussed at a different time; and should not be considered as part of this appeal.

Councilmember Kelly stated that the City's mission to ensure public safety is upheld through permit requests and that the proposed solutions fail to protect the public; cited the International Residential Code's requirement for emergency escape and rescue in sleeping rooms due to potential fire hazards; expressed support for Option 1, upholding the Building Board of Appeals determination.

City Manager Hileman noted the Development Services Director Cannone worked to ensure that the building plans matched up to the permits to ensure the City was not going against the Building Code which is applied across California. He pointed out that a commercial venture follows different rules than residential owners. He noted an inspection program could be put in place if the City Council directs, and added it would require a different level of service and staffing than how the City currently operates. He noted a study session would be set up to solicit the City Council's feedback on how they wish to move forward with potential guidelines for similar situations.

Councilmember Trubee noted that regardless of the City's decision, the next step would be for the Appellant to appeal to the California State Building Code, and expressed his support for Option 1 upholding the Building Board of Appeals determination.

Mayor Pro Tem Harnik expressed that this is a commercial endeavor and a safety issue the City should not override, and expressed her support for Option 1.

Mayor Quintanilla shared that creating a blanket ordinance would be harsher and more punitive against neighbors that are choosing to reside or long-term rent their homes; expressed her support for short-term rentals in general; noted that short-term rentals were not permitted by the City at the time the regulations were first put in place; shared examples of regulations changing over the years; expressed that safety is a primary concern; and expressed support for Option 1.

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 Chief Building Official's determination was correct.
2. Adopt Resolution No. 2024-044 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, UPHOLDING THE BUILDING BOARD OF APPEALS DETERMINATION FOR 239 SERENA DRIVE, PALM DESERT, CALIFORNIA, FOR THE USE OF THE DEN AS A SLEEPING ROOM AND MAKING FINDINGS IN SUPPORT THEREOF."

NOES (1): Councilmember Nestande

Motion Carried (4 to 1)

15.b APPROVAL OF RESOLUTIONS RELATED TO THE ADOPTION OF THE FISCAL YEAR (FY) 2024-25 FINANCIAL PLAN AND CAPITAL IMPROVEMENT PROGRAM

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

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

Mayor Quintanilla shared resident concerns expressed to her that they see great value in the parks but requested they be delayed; requested an increase for the Mayor's travel budget to attend additional events during the year.

Councilmember Kelly noted some of the capital expenses being faced now are due to projects being postponed and deferred in the past, resulting in more complicated and expensive maintenance, stated it was appropriate to act on the plans that the City Council had developed in prior study sessions, and to assure residents that deferring the projects will produce greater expenses later without a good plan to address them. She opined that tweaking a travel budget tonight would make it difficult to assure the bottom line is what it needs to be.

Councilmember Nestande expressed her support for the parks and noted residents had expressed to her that they are looking forward to having a regional and community park in their neighborhood in the north sphere.

Mayor Pro Tem Harnik stated that maintenance becomes more expensive when it is deferred, as do all costs. She expressed that existing and new residents on the north side of the city deserve the parks that have been planned; expressed her full support for the budget plan.

Councilmember Trubee noted that in addition to deferred maintenance, building costs also increase over time, and that the North Sphere residents need and expect the same type of parks as the rest of the city.

Motion by: Councilmember Trubee
Seconded by: Councilmember Kelly

1. Adopt Resolution No. 2024-045 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ADOPTING THE FINANCIAL PLAN FOR THE FISCAL YEAR JULY 1, 2024 THROUGH JUNE 30, 2025 AND CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2024-25 THROUGH 2028-29,” and authorizing the use of General Fund reserves, to the extent needed, to cover any revenue shortfall.
2. Adopt Resolution No. 2024-046 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ESTABLISHING THE APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2024-25.”
3. Adopt Resolution No. HA-123 entitled “A RESOLUTION OF THE PALM DESERT HOUSING AUTHORITY OF PALM DESERT, CALIFORNIA, ADOPTING THE HOUSING AUTHORITY’S FINANCIAL PLAN FOR THE FISCAL YEAR JULY 1, 2024 THROUGH JUNE 30, 2025.”
4. Adopt Resolution No. 2024-047 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, RESCINDING AND REPLACING RESOLUTION NOS. 2024-006, ADOPTING AUTHORIZED CLASSIFICATIONS, ALLOCATED POSITIONS, SALARY SCHEDULE, AND SALARY RANGES INCLUDED HEREIN AND ATTACHED AS “EXHIBIT A” EFFECTIVE JULY 1, 2024.”
5. Approve FY 2024-25 Out-of-State Travel as outlined in the staff report/memorandum.

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

15.c APPROVE OUTSIDE AGENCY FUNDING COMMITTEE RECOMMENDATIONS FOR FISCAL YEAR 2024-25 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ACTION PLAN

Senior Contracts and Grants Analyst Barron narrated a PowerPoint presentation and responded to City Council inquiries.

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

Motion by: Councilmember Kelly

Seconded by: Councilmember Nestande

1. Conduct a public hearing and accept public comment related to the Community Development Block Grant (“CDBG”) Program proposed, Annual Action Plan (FY 2024-25).
2. Approve Outside Agency Funding Committee (“Committee”) recommendations for FY 2024-25 CDBG award of subrecipients, Programs and/or Projects and funding amounts as proposed.
3. Approve the use of the FY 2024-25 CDBG funding allocation awarded to the City of Palm Desert (“City”) by the U.S. Department of Housing and Urban Development (“HUD”) for the proposed funding of subrecipient’s Programs and/or Projects recommended by the Committee.
4. Approve the City’s FY 2024-25 CDBG Annual Action Plan (“Annual Plan”) and authorize staff to submit to HUD.
5. Authorize the City Manager to execute any documents necessary to effectuate the actions taken herewith.

Motion Carried (5 to 0)

15.d RESOLUTION NO. 2024-048 TO APPROVE THE ENGINEER’S REPORT, ORDER THE LEVY AND COLLECTION OF ASSESSMENTS IN THE CITY OF PALM DESERT BENEFIT ASSESSMENT DISTRICT NO. 1 FOR FISCAL YEAR 2024-25

Management Analyst Breyer provided a staff report and responded to City Council inquiries.

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

Motion by: Councilmember Nestande
Seconded by: Councilmember Trubee

Adopt Resolution No. 2024-048 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING THE ENGINEER’S REPORT AND ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN CITY OF PALM DESERT BENEFIT ASSESSMENT DISTRICT NO. 1 FOR FISCAL YEAR 2024-25, PURSUANT TO THE PROVISIONS OF THE BENEFIT ASSESSMENT ACT OF 1982.”

Motion Carried (5 to 0)

15.e RESOLUTION NOS. 2024-049 AND 2024-050 TO APPROVE THE ENGINEER’S REPORT FOR, AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS WITHIN CONSOLIDATED PALM DESERT LANDSCAPING AND LIGHTING DISTRICT NO. 1 FOR FISCAL YEAR 2024-25

Management Analyst Breyer provided a staff report and responded to City Council inquiries.

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

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

1. Adopt Resolution No. 2024-049 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING THE ENGINEER’S REPORT FOR CONSOLIDATED PALM DESERT LANDSCAPING AND LIGHTING DISTRICT NO. 1 FOR FISCAL YEAR 2024-25.”
2. Adopt a Resolution No. 2024-050 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN CONSOLIDATED PALM DESERT LANDSCAPING AND LIGHTING DISTRICT NO. 1 FOR FISCAL YEAR 2024-25.”

Motion Carried (5 to 0)

15.f ADOPT RESOLUTION NO. 2024-051 INCREASING SOLID WASTE SERVICE CHARGES COLLECTED ON PROPERTY TAX ROLL FOR FISCAL YEAR 2024/2025 AND DIRECT THE CITY CLERK TO FILE SAID REPORT WITH THE RIVERSIDE COUNTY AUDITOR CONTROLLER TO PLACE SAID CHARGES ON THE TAX ROLL

Management Analyst Moctezuma provided a staff report and responded to City Council inquiries.

Mayor Quintanilla opened the public hearing.

Brad Anderson, Rancho Mirage resident, expressed concerns over quality of service provided by Burrtec Waste Management; addition of the fees to the property tax roll; noted he could not find the percentage to be increased in the staff report.

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

Motion by: Mayor Pro Tem Harnik

Seconded by: Councilmember Nestande

1. Conduct a public hearing to receive public comment related to the collection of solid waste charges for single-family residences for FY 2024/2025 on the County of Riverside's property tax roll.
2. Find that no majority protest exists.
3. Adopt Resolution No. 2024-051 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ADOPTING THE REPORT PROPOSING TO HAVE SOLID WASTE SERVICE CHARGES COLLECTED ON THE PROPERTY TAX ROLL FOR FISCAL YEAR 2024-25 AND DIRECTING THE CITY CLERK OF THE CITY TO FILE SAID REPORT WITH THE RIVERSIDE COUNTY AUDITOR CONTROLLER TO PLACE SAID CHARGES ON THE TAX ROLL."

Motion Carried (5 to 0)

15.g ORDINANCE NO. 1416: INTRODUCTION OF A ZONING ORDINANCE TEXT AMENDMENT TO AMEND SECTIONS OF TITLE 25 OF THE PALM DESERT MUNICIPAL CODE AND FINDING THE ACTION EXEMPT PER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Principal Planner Melloni provided a staff report and responded to City Council inquiries.

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

Motion by: Mayor Pro Tem Harnik

Seconded by: Councilmember Nestande

Introduce Ordinance No. 1416 entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING A ZONING ORDINANCE AMENDMENT FOR SECTIONS 25.16.030, 25.18.040, 25.28.070, 25.34.120, 25.68.020, AND 25.99.020 OF PALM DESERT MUNICIPAL CODE TITLE 25 AND MAKING A FINDING THAT THE ACTION IS EXEMPT FROM FURTHER ENVIRONMENTAL REVIEW PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)."

Motion Carried (5 to 0)

16. INFORMATION ITEMS

None.

17. ADJOURNMENT

The City Council adjourned at 8:32 p.m.

Respectfully submitted,

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

Anthony J. Mejia, MMC
City Clerk/Secretary