

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

September 12, 2024, 3:15 p.m.

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

**1. CALL TO ORDER - CLOSED SESSION - 3:15 P.M.**

A Regular Meeting of the Palm Desert City Council was called to order by Mayor Quintanilla on Thursday, September 12, 2024, at 3:15 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 3:15 p.m.

**4. CLOSED SESSION AGENDA**

The following items were considered in closed session:

**4.a Closed Session Meeting Minutes: August 22, 2024**

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

**4.b.1 Property Description: Portola Community Center, 45480 Portola  
Avenue**

**4.b.2 Property Description: 72-567 Highway 111**

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

**6. PLEDGE OF ALLEGIANCE**

Councilmember Kelly led the Pledge of Allegiance.

**7. INSPIRATION**

Mayor Quintanilla 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**

None.

**10. CITY MANAGER COMMENTS**

None.

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

Councilmembers reported on their attendance at various meetings and events. Mayor Pro Tem Harnik shared that September is Hunger Action Month and encouraged the public to support FIND Food Bank. Mayor Quintanilla announced the formation of the Hispanic American Chamber of Commerce and encouraged businesses to attend their meetings.

**12. NON-AGENDA PUBLIC COMMENTS**

Mike Morsch, Palm Desert resident, spoke in support of Measure G, requested additional financial information about Measure G from staff, urged the Mayor to take notes the morning after the City Council meeting rather than during the meeting, and spoke in support of the Patriot Store.

John Yambao, Palm Desert resident, voiced his support of the mayor in the event of a recall, and shared his positive experience at the Patriot Store in general and negative experience with a store patron.

Karen Von Der Ahe, Palm Desert resident, spoke in opposition to the Mayor's post on August 10, in opposition to her service on the City Council, and requested her resignation.

Dean Gatons, Palm Desert resident and Resource Preservation Enhancement Committee member, urged the City Council to consider prioritizing an exit to Portola Avenue from Interstate 10.

Debbie Green, Palm Desert resident, expressed her disappointment in not hearing a City message denouncing hate mail and threats against anyone, spoke in opposition to some of the items sold by the Patriot Store.

Brad Anderson, Rancho Mirage resident, requested that public comment be allowed and noted on the Study Session agenda; reported on his attendance at the CVAG; and spoke in opposition to the City's study session Item 2d regarding gun restriction at City properties.

Vicki Schneider expressed her support for Mayor Quintanilla; shared her perspective relative to the ongoing discussion surrounding her August 10 Facebook post regarding the Patriot Store; opined that the City Council and community was silent in response to the situation; and stated she would be attending more Council meetings.

Storm Jenkins, Palm Desert business owner, spoke in opposition to the mayor's conduct and comments relative to the August 10 Facebook post regarding the Patriot Store; stated he did not receive an apology for the attack on his store; opined the mayor defamed his business; provided a draft of a proposed resolution for City Council consideration to censure Mayor Quintanilla for her actions.

Linda Salas, expressed her support for Mayor Quintanilla; stated the issue of the Patriot Store being offensive had been addressed in previous community meetings with the mayor; opined the issue needed to be addressed; expressed her opposition to the threats received by the mayor.

**13. CONSENT CALENDAR**

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

To approve the consent calendar excluding Items 13j, 13k and 13p.

**Motion Carried (5 to 0)**

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

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

Approve the Minutes of July 18, 2024, and August 22, 2024.

**Motion Carried**

**13.b APPROVAL OF WARRANT REGISTERS**

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

Approve the warrant registers issued for the period 8/15/2024 to 8/26/2024.

**Motion Carried**

**13.c RECEIVE AND FILE APPLICATIONS FOR ALCOHOLIC BEVERAGE LICENSES**

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

Receive and file applications for Alcoholic Beverage Licenses for:

1. Palm Desert Local Mart, Inc., - 45200 Avenue 321, Palm Desert
2. Petrie and Friends, LLC (Black Cat Pizza) - 72795 HWY 111 Suite G2, Palm Desert
3. La Quinta Brewing Company, LLC (La Quinta Brewing Co) - 747147 Technology Drive, Palm Desert
4. The Cheese Shop on El Paseo - 73280 El Paseo Suite 1, Palm Desert
5. Shake Shack California, LLC (Shake Shack #1529) - 73199 El Paseo Suite A, Palm Desert
6. APalmDesert, LLC (Dennys 9377) - 42455 Washington Street, Palm Desert

**Motion Carried**

**13.d 2024 CONFLICT OF INTEREST CODE BIENNIAL NOTICE PURSUANT TO THE POLITICAL REFORM ACT**

**Motion by:** Councilmember Kelly

**Seconded by:** Councilmember Nestande

1. Receive and file the 2024 Local Agency Biennial Notice.
2. Direct staff to promulgate the necessary amendments and return to the City Council in December 2024 for adoption pursuant to the Political Reform Act.

**Motion Carried**

**13.e APPROVE AN EXCLUSIVE NEGOTIATION AGREEMENT WITH KAM SANG COMPANIES, INC., FOR SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY PROPERTIES LOCATED AT DESERT WILLOW GOLF RESORT**

**Motion by:** Councilmember Kelly

**Seconded by:** Councilmember Nestande

1. Approve an Exclusive Negotiation Agreement (ENA) with Kam Sang Company, Inc., for acquisition of Lots C and D at Desert Willow Golf Resort.
2. Authorize the City Attorney to make any necessary nonmonetary changes to the ENA.
3. Authorize the City Manager to execute the ENA and any other documents necessary to effectuate this action.

**Motion Carried**

**13.f APPROVE CHANGE ORDER NO. 3 FOR CONTRACT NO. C44200B TO AMERICAN LANDSCAPE, INC., OF CANOGA PARK, CALIFORNIA, FOR THE GREENS/TEE BOX RENOVATION AND TURF REDUCTION AT DESERT WILLOW GOLF RESORT (PROJECT NO. MLS00005)**

**Motion by:** Councilmember Kelly

**Seconded by:** Councilmember Nestande

1. Approve Change Order No. 3 to Contract No. C44200B with American Landscape, Inc., of Canoga Park, California, for the Firecliff Golf Course Greens/Tee Box Renovations and Turf Reduction at Desert Willow Golf Resort (DWGR) in the amount of \$395,901, plus a \$40,000 contingency.
2. Appropriate \$443,570 from the unobligated Desert Willow Capital Fund Balance to Account No. 4414195-4809200, DWGR Capital.
3. Authorize the City Attorney to make any necessary non-monetary changes to the change order.
4. Authorize the City Manager to execute the change order and to approve additional written contract change orders requests up to the contingency amount per Section 3.30.170 of the Palm Desert Municipal Code.
5. Authorize the City Manager to execute the Notice of Completion (NOC) and authorize the City Clerk to file the NOC upon satisfactory completion of the project.

**Motion Carried**

**13.g APPROVE CHANGE ORDER NO. 1 TO CONTRACT NO. C44470 WITH THE CHRISTMAS KINGS, INC., DBA SOUTHERN CALIFORNIA LIGHTING, INC., FOR ADDITIONAL SEASONAL LIGHTING (PROJECT NO. MLS00033)**

**Motion by:** Councilmember Kelly

**Seconded by:** Councilmember Nestande

1. Approve Change Order No. 1 to Contract No. C44470 with The Christmas Kings, Inc., dba Southern California Lighting, Inc., of Lake Elsinore, California, in the cumulative amount of \$122,000, plus an annual contingency amount of \$50,000 for additional areas.
2. Authorize extra work in the annual amount of \$25,000 for unforeseen conditions and repairs.
3. Authorize the City Manager to execute the agreement, change orders, amendments, and any other documents necessary to effectuate these actions.

**Motion Carried**

**13.h APPROVE THE PURCHASE OF ONE 580 SN BACKHOE FROM SONSRAY MACHINERY**

**Motion by:** Councilmember Kelly

**Seconded by:** Councilmember Nestande

1. Approve the purchase of a 580 SN BACKHOE from Sonsray Machinery in the amount of \$154,264.73, plus \$5,000 in contingency for unforeseen costs.
2. Authorize the City Manager to execute all documents necessary to effectuate this action.

**Motion Carried**

**13.i AUTHORIZE THE PURCHASE OF BENCH AND WASTE BIN REPLACEMENTS FOR EL PASEO FROM OUTDOOR CREATIONS, INC. (CONTRACT NO. C48230)**

**Motion by:** Councilmember Kelly

**Seconded by:** Councilmember Nestande

1. Authorize the purchase of bench and waste bin replacements for El Paseo from Outdoor Creations, Inc., in the amount of \$212,095.10. (Contract No. C48230)
2. Authorize appropriation in the total amount of \$212,095.10 from Reallocated Capital Improvement Bond Proceed Funds to Account Number 4514679-5000102.
3. Authorize the City Attorney to make necessary nonmonetary changes to the agreement.
4. Authorize the City Manager to execute the agreement and any other documents necessary to effectuate this action.

**Motion Carried**

**13.I CONSIDERATION TO APPROVE CONSTRUCTION OF A NEW BREEZE BLOCK GARDEN WALL EXHIBIT AT 72861 EL PASEO**

**Motion by:** Councilmember Kelly

**Seconded by:** Councilmember Nestande

Approve construction of a new breeze block garden wall exhibit at a city-owned property at 72861 El Paseo.

**Motion Carried**

**13.m RATIFY A LETTER OF SUPPORT TO THE U.S. DEPARTMENT OF TRANSPORTATION FOR THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS' ACCESS INDIAN CANYON DRIVE PROJECT**

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

Ratify a letter of support to the U.S. Department of Transportation for the Coachella Valley Association of Governments' ACCESS Indian Canyon Drive Project.

**Motion Carried**

**13.n RECEIVE AND FILE INFORMATIONAL REPORT ON ROAD CLOSURES SCHEDULED TO OCCUR ON EL PASEO ASSOCIATED WITH FISCAL YEAR 2024-25 ROUTINE SPECIAL EVENTS**

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

Receive and file informational report on road closures scheduled to occur on El Paseo associated with Fiscal Year 2024-25 routine special events:

1. Desert Cancer Foundation's Paint El Paseo Pink – October 19, 2024
2. Palm Desert Area Chamber of Commerce's Golf Cart Parade – October 27, 2024
3. Martha's Village and Kitchen's Thanksgiving 5K – November 28, 2024
4. Palm Desert Charter Middle School Foundation's Panther 5K – January 26, 2025

**Motion Carried**

**13.o RECOGNITION OF SERVICE AND AUTOMATIC REMOVAL OF SUSAN STAUBER FROM THE EL PASEO PARKING & BUSINESS IMPROVEMENT DISTRICT BOARD OF DIRECTORS**

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

1. Thank Susan Stauber for her many years of service on the El Paseo Parking & Business Improvement District (EPPBID) Board of Directors.
2. Acknowledge the automatic removal of Susan Stauber from the EPPBID Board of Directors in accordance with Palm Desert Municipal Code Section 3.40.070(F).

**Motion Carried**

**13.q AWARD CONTRACT NO. C48320 TO UNITED STORM WATER INC., FOR THE ON-CALL CATCH BASIN AND DRAIN CLEANING PROGRAM (PROJECT NO. MDR00004)**

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

1. Award Contract No. C48320 to United Storm Water, Inc., for the On-Call Catch Basin and Drain Cleaning Program in an amount not to exceed \$309,317 for the first year and \$175,321 annually thereafter for a three-year term, with two one-year extensions.
2. Authorize the City Attorney to make any necessary non-monetary changes to the agreement.
3. Authorize the City Manager to execute the agreement, any documents necessary to effectuate the actions taken herewith, and approve written contract amendment and change order requests for unanticipated conditions per Section 3.30.170 of the Palm Desert Municipal Code.

**Motion Carried**

**13.r AMEND ELECTRONIC PAYMENT POLICY ALLOWING CONVENIENCE FEES TO BE PAID BY CUSTOMER**

Clerk Note: Section IV, F, of the Electronic Payment Policy (FIN-001) shall be revised to read as follows: "Customers choosing to pay fees electronically shall also be responsible for convenience fees assessed and administered by third party providers."

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

Amend the Electronic Payment Policy (Policy FIN-001) allowing convenience fees to be paid by customer.

**Motion Carried**



**CONSENT ITEMS HELD OVER**

**13.j AWARD CONTRACT NO. C47810 TO SUPERB ENGINEERING, INC., FOR THE DESERT WILLOW PERIMETER LANDSCAPE AND LIGHTING REHABILITATION PHASE 3 (PROJECT NO. CLS00001)**

City Clerk Mejia stated a bid protest was submitted, reviewed, and found to be without merit. Subsequently, the protester withdrew his comments; therefore, staff is requesting that the City Council reject the bid protest and award the contract to Superb Engineering, Inc.

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

1. Award Contract No. C47810 to Superb Engineering, Inc., of Banning, California, in the amount of \$1,031,528.03, plus a \$200,000 contingency, for the Desert Willow Perimeter Landscape and Lighting Rehabilitation Phase 3.
2. Authorize the City Attorney to make necessary nonmonetary changes to the contract.
3. Authorize the City Manager to execute the contract and any written requests for change orders, amendments, and any other documents necessary to effectuate this action, in accordance with Section 3.30.170 of the Palm Desert Municipal Code.
4. Authorize the City Manager to execute the Notice of Completion (NOC) and the City Clerk to file the NOC upon satisfactory completion of the project.

**Motion Carried (5 to 0)**

**13.k AMENDMENT NO. 4 TO CONTRACT NO. C28880 WITH BEST BEST & KRIEGER LLP FOR CITY ATTORNEY SERVICES, EXTENDING THE TERM TO AUGUST 31, 2025**

Brad Anderson, Rancho Mirage resident, stated he felt it was important for residents to know that the contract for basic costs total approximately \$18,500 per month.

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

1. Approve Amendment No. 4 to Contract No. C28880 with Best Best & Krieger LLP for City Attorney Services, extending the term to August 31, 2025.
2. Authorize the City Attorney to make necessary nonmonetary changes to the Agreement.
3. Authorize the Mayor to execute the Agreement.

**Motion Carried (5 to 0)**

**13.p RESOLUTION NO. 2024-068: SUPPORT FOR PROPOSITION 36, MODIFYING EXISTING LAWS RELATED TO PUNISHMENT OF THEFT AND DRUG CRIMES**

Mayor Pro Tem Harnik noted the importance of Proposition 36 in discouraging crime and provides an opportunity for offenders to seek treatment.

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

Adopt Resolution No. 2024-068 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, SUPPORTING PROPOSITION 36, WHICH MODIFIES EXISTING LAWS RELATED TO PUNISHMENT FOR THEFT AND DRUG CRIMES BY CREATING INCENTIVES FOR ADDICTION TREATMENT, TREATING FENTANYL LIKE OTHER DANGEROUS DRUGS, AND DISCOURAGING RETAIL THEFT."

**Motion Carried (5 to 0)**

**14. ACTION CALENDAR**

**14.a DIRECTION ON A RESOLUTION BEING CONSIDERED AT THE LEAGUE OF CALIFORNIA CITIES' GENERAL ASSEMBLY MEETING**

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

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

Oppose the resolution proposed for the upcoming League of California Cities' General Assembly Meeting.

**Motion Carried (5 to 0)**

**14.b APPOINTMENTS TO AN AD HOC CITY COUNCIL SUBCOMMITTEE ON THE UNIFIED DEVELOPMENT CODE**

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

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

Continue the item until after the November 5, 2024, election.

**Motion Carried (5 to 0)**

**14.c CONSIDERATION OF A SPONSORSHIP REQUEST FOR THE TOUR DE PALM SPRINGS IN COACHELLA VALLEY**

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

Cody Shelton, Tour de Palm Springs representative, provided a report to the City Council regarding revenue the City has received as a result of their event in previous years.

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

1. Approve a community event sponsorship in the amount of \$20,000 payable to CVSPIN, Inc., for the 2025 Tour de Palm Springs in Coachella Valley charity bicycle ride and walk, with the condition that there is an overflow start in Palm Desert.
2. Approve waiver of permit fees associated with event in an amount not to exceed \$800.
3. Appropriate \$20,000 from the Unobligated General Fund Reserve for this purpose to Account No. 1104800-4306201.

NOES (1): Mayor Quintanilla

**Motion Carried (4 to 1)**

**15. PUBLIC HEARINGS**

None.

**16. INFORMATION ITEMS**

None.

**17. ADJOURNMENT**

The City Council adjourned at 5:23 p.m.

Respectfully submitted,

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

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Anthony J. Mejia, MMC  
City Clerk/Secretary