

CITY OF PALM DESERT STAFF REPORT

MEETING DATE: February 26, 2026

PREPARED BY: Randy Chavez, Director of Public Works

SUBJECT: AGREEMENT WITH REGENCY ESTATES HOMEOWNERS'
ASSOCIATION FOR IMPROVEMENTS AT THE TAMARISK ROW
RETENTION BASIN AND ACCEPTANCE OF EMERGENCY ACCESS
EASEMENT

RECOMMENDATION:

1. Approve a Right-Of-Entry Agreement for Temporary Access and Construction with Palm Desert Regency Estates Homeowners Association for access to repair and restore the Tamarisk Row Retention Basin.
2. Authorize repair and restoration improvements to the Tamarisk Row Retention Basin in an amount not to exceed \$200,000.
3. Authorize the City Attorney to make necessary non-monetary changes to the agreement.
4. Authorize the City Manager to execute the agreement and any other documents necessary to effectuate the taken herewith.
5. Approve acceptance of Emergency Access Easement Deed granting emergency access to the Tamarisk Row Retention Basin to perform emergency repair and maintenance.

BACKGROUND/ANALYSIS:

On August 20, 2023, Tropical Storm Hilary caused widespread flooding and damage throughout the Coachella Valley, including impacts to stormwater infrastructure in Palm Desert. In the aftermath of the storm, the City undertook extensive cleanup, repair, and drainage system maintenance efforts to restore affected areas and improve long-term flood resilience.

One of the facilities affected by the storm is the Tamarisk Row Retention Basin, which is owned by the Palm Desert Regency Estates Homeowners Association (Regency Estates HOA). Damage to the basin's spillway has created a risk to the adjacent public street and requires repair to reduce the potential of street closure during future storm events.

As part of the post-storm response, the City has provided up to \$200,000 in funding to multiple property owners and homeowners' associations impacted by Tropical Storm Hilary to complete similar storm-related drainage and infrastructure improvements. The proposed action is consistent with that approach and is intended to address a specific public infrastructure concern.

On January 5, 2026, staff met with representatives of the Regency Estates HOA, who confirmed their willingness to allow the City access to the property for the limited purpose of completing the proposed repair and restoration improvements. Staff recommended entering into a Right-of-Entry Agreement for Temporary Access and Remediation to authorize City access to the private property to perform such repairs and restoration.

The City will utilize up to \$200,000 in available funds to repair the damaged spillway. If funding and site conditions allow, staff will also prioritize addressing percolation issues within the basin and removing excess vegetation to improve overall basin function. City crews may also provide in-kind services, including vegetation removal, to supplement contractor work and maximize the effectiveness of available funding.

Upon execution of the agreement, staff will coordinate implementation of the repair and restoration improvements and continue to work with the Regency Estates HOA throughout the duration of the project.

In addition to the Agreement, to facilitate potential emergency repair work to the Tamarisk Row Retention Basin if needed in the future on a temporary basis, Regency Estates HOA will grant to the City an emergency access easement allowing the City the right, but not the obligation, to enter the property and perform emergency maintenance and repair of the retention basin. Acceptance of the emergency access easement will be needed by the City.

On February 17, 2026, staff met with the Regency States HOA Board to present the proposed scope of work for their review and formal consideration. Following the presentation, the Board voted and approved the proposal.

Legal Review:

This report has been reviewed by the City Attorney's Office.

FINANCIAL IMPACT:

Funds are available for the repair and restoration of the Tamarisk Row Retention Basin are included in the approved FY 2025-26 Financial Plan and Capital Improvement Project (CIP) List under Account No. 4004159-4219100 (CP-Disaster/Emergency). The improvements will be made by a contractor currently under contract with the City for an amount not to exceed \$200,000. Therefore, this action will result in no additional impact on the General Fund.

ATTACHMENT:

1. Right-Of-Entry Agreement for Temporary Access and Construction
2. Emergency Access Easement Deed with Certificate of Acceptance

CONFLICT OF INTEREST AWARENESS CHECKLIST:

Site-Specific Property Interest – Councilmembers should check if they own or lease real property within 1,000 feet of the project site (Gov. Code § 87103(b); FPPC Reg. 18702.2).

SB 1439 Applicability (Campaign Contributions) – Applies to licenses, permits, or other entitlements for use, and to contracts or franchise agreements other than competitively bid, labor, or personal employment contracts.

Applicant(s)/Appellant(s): Not Applicable

Councilmembers should review any campaign contributions received within the last 12 months from parties or participants to the proceeding and must not accept contributions over \$500 from those parties for 12 months following the final decision (Gov. Code § 84308).

Note: These indicators are informational and do not constitute a legal determination. Each Councilmember is responsible for identifying and disclosing any disqualifying interests in accordance with the Political Reform Act and FPPC regulations.