

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

**Regular Meeting Minutes**

July 13, 2023, 3:15 p.m.

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

\*Mayor Pro Tem Quintanilla and Councilmember Nestande remote participated in accordance with AB 2449.

**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 Kelly on Thursday, July 13, 2023, 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**

**3. RECESS TO CLOSED SESSION**

Mayor Kelly adjourned to Closed Session at 3:16 p.m.

**4. CLOSED SESSION AGENDA**

**4.a Closed Session Meeting Minutes: June 22, 2023**

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

**4.b.1 Property Description: 72-559 Highway 111**

**4.b.2 Property Description: 9002 Shadow Ridge Road**

**4.c Conference with Legal Counsel regarding Significant Exposure to Litigation pursuant to Government Code Section 54956.9(d)(2):**

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

Mayor Kelly reconvened the regular meeting at 4:00 p.m.

**6. PLEDGE OF ALLEGIANCE**

Councilmember Nestande led the Pledge of Allegiance.

**7. INSPIRATION**

Councilmember Harnik offered words of inspiration.

**8. REPORT OF CLOSED SESSION**

Assistant 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**

**10.a FOURTH OF JULY CELEBRATION UPDATE**

Deputy Director of Economic Development Lawrence provided a report of the event and thanked the City's partners for their support and participation. Mayor Kelly expressed her appreciation for staff who worked the event.

**10.b OUTDOOR WORKER APPRECIATION DAY**

Public Works Director Alvarez noted that July 17-23 would be recognized as Outdoor Worker Appreciation Week, and thanked staff in a variety of divisions who provide service to the community on an ongoing basis.

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

Councilmembers reported on their attendance at various meetings and events. Councilmember Harnik reported a \$1.3B grant for the I-10 trade corridor and that CVAG would be leading the project. She reminded residents to check on their neighbors during this time of extreme heat; reminded to donate blood through August 31, Nine Cities Challenge. Councilmember Trubee reminded the public the inaugural Library Taskforce meeting will take place in the following week. Mayor Kelly requested on April 27, 2019, unanimously observed that the various downtown overlay districts were not serving to implement the General Plan, particularly in regard to heights. Want staff assessment of how well the overlay districts are functioning, and provide recommendations for alternatives. Supported by all Councilmembers.

**12. NON-AGENDA PUBLIC COMMENTS**

Barbara Wasserkrug, Palm Desert resident, spoke in opposition to the use of FLOCK license plate readers in the city. Mayor Kelly requested a summary in the weekly report regarding the safeguards in place.

**13. CONSENT CALENDAR**

**Motion by:** Mayor Pro Tem Quintanilla

**Seconded by:** Councilmember Harnik

Approve the consent calendar as presented.

**Motion Carried (5 to 0)**

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

**Motion by:** Mayor Pro Tem Quintanilla

**Seconded by:** Councilmember Harnik

Approve the Minutes of June 22, 2023.

**Motion Carried**

**13.b APPROVAL OF WARRANTS**

**Motion by:** Mayor Pro Tem Quintanilla

**Seconded by:** Councilmember Harnik

Approve the warrants issued for the period January 14 through June 30, 2023.

**Motion Carried**

**13.c APPROVE SPONSORSHIP FOR CELEBRATE CV EVENT**

**Motion by:** Mayor Pro Tem Quintanilla

**Seconded by:** Councilmember Harnik

1. Approve sponsorship in the amount of \$25,000 for the Celebrate CV event scheduled for December 30, 2023.
2. Authorize the Director of Finance to appropriate \$25,000 to Account No. 1104800-4306201, from available General Fund Reserves.

**Motion Carried**

**13.d APPROVE REVISIONS TO THE CITY OF PALM DESERT'S PUBLIC ART DEACCESSIONING POLICY**

**Motion by:** Mayor Pro Tem Quintanilla

**Seconded by:** Councilmember Harnik

Approve revisions to the City of Palm Desert's Public Art Deaccessioning Policy for the City's permanent public art collection.

**Motion Carried**

**13.e ADOPT A RESOLUTION DECLARING CITY OF PALM DESERT OWNED PROPERTIES WITH ASSESSOR'S PARCEL NUMBERS (APN) 627-101-002, 627-101-017, 627-101-033, 627-101-061, 627-101-062, AND ADJACENT RIGHT OF WAY SURPLUS LAND**

**Motion by:** Mayor Pro Tem Quintanilla

**Seconded by:** Councilmember Harnik

1. Adopt a Resolution declaring City of Palm Desert properties with APNs 627-101-002, 627-101-017, 627-101-033, 627-101-061, 627-101-062, and adjacent Right of Way surplus land for purposes of the Surplus Land Act.
2. Authorize staff to release a Notice of Availability for the sale of the properties.

**Motion Carried**

**13.f ADOPT A RESOLUTION DECLARING CITY OF PALM DESERT OWNED PROPERTIES WITH ASSESSOR'S PARCEL NUMBERS (APN) 640-370-018 AND 640-370-016 SURPLUS LAND**

**Motion by:** Mayor Pro Tem Quintanilla

**Seconded by:** Councilmember Harnik

1. Adopt a Resolution declaring City of Palm Desert properties with APNs 640-370-018 and 640-370-016 surplus land for purposes of the Surplus Land Act.
2. Authorize staff to release a Notice of Availability for the sale of the properties.

**Motion Carried**

**13.g ADOPT A RESOLUTION DECLARING CITY OF PALM DESERT OWNED PROPERTY WITH ASSESSOR'S PARCEL NUMBER 627-164-012 SURPLUS LAND AND AUTHORIZING STAFF TO RELEASE A NOTICE OF AVAILABILITY FOR THE SALE OF THE PROPERTY**

**Motion by:** Mayor Pro Tem Quintanilla

**Seconded by:** Councilmember Harnik

1. Adopt a Resolution declaring City of Palm Desert property with APN 627-164-012 surplus land for purposes of the Surplus Land Act.
2. Authorize staff to release a Notice of Availability for the sale of the property.

**Motion Carried**

**13.h APPROVAL OF RESOLUTION AUTHORIZING THE LEVY OF A SPECIAL TAX IN COMMUNITY FACILITIES DISTRICT NO. 2005-1 (UNIVERSITY PARK) FOR FISCAL YEAR 2023-24**

**Motion by:** Mayor Pro Tem Quintanilla

**Seconded by:** Councilmember Harnik

Approve a Resolution authorizing the annual levy of a special tax in the City of Palm Desert Community Facilities District No. 2005-1 (University Park) for Fiscal Year 2023-24.

**Motion Carried**

**13.i APPROVAL OF RESOLUTION AUTHORIZING THE LEVY OF A SPECIAL TAX IN COMMUNITY FACILITIES DISTRICT NO. 2021-1 (UNIVERSITY PARK) FOR FISCAL YEAR 2023-24**

**Motion by:** Mayor Pro Tem Quintanilla

**Seconded by:** Councilmember Harnik

Approve Resolution authorizing the annual levy of a special tax in the City of Palm Desert Community Facilities District No. 2021-1 (University Park) for Fiscal Year 2023-24.

**Motion Carried**

**13.j APPROVE A ONE YEAR EXTENSION TO THE CONTRACT BETWEEN THE CITY OF PALM DESERT AND CIRCUIT TRANSIT, INC., TO PROVIDE EL PASEO COURTESY CART SERVICES FOR FISCAL YEAR 2023/24**

**Motion by:** Mayor Pro Tem Quintanilla

**Seconded by:** Councilmember Harnik

1. Approve Amendment No. 1 to Contract No. C43540 with Circuit Transit, Inc., in an amount not to exceed \$219,241.02, including regularly scheduled, special events and flex hours for the operation of the El Paseo Courtesy Cart Program during Fiscal Year 2023/24.
2. Authorize the City Manager to execute said contract and allow the City Attorney to make non-substantive changes.

**Motion Carried**

**13.k HOUSING AUTHORITY: RATIFICATION OF MULTIPLE VENDOR CONTRACTS FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE HOUSING AUTHORITY PROPERTIES IN THE AGGREGATE AMOUNT NOT TO EXCEED \$270,000**

**Motion by:** Mayor Pro Tem Quintanilla

**Seconded by:** Councilmember Harnik

1. Ratify the award of multiple vendor contracts for construction management services entered between the City of Palm Desert and Anser Advisory Management LLC, MARRS Services, Inc., and MAAS Companies, Inc., to support the completion of capital improvement projects at the Housing Authority properties in the aggregate amount not to exceed \$270,000.
2. Authorize the City to administer the contracts on behalf of the Housing Authority and authorize the City Manager to execute said contracts and subsequent task orders.
3. Authorize Director of Finance to transfer \$100,000 from Housing Authority Account No. 8714195-4309200 to Account No. 8714195-4331100 for Fiscal Year 2022/23.
4. Direct the Director of Finance and Director of Public Works/Capital Projects to review annual expenditures and performance of the vendors under said contracts.
5. Authorize the contracts subject to the City Attorney's non-monetary changes as to form.

**Motion Carried**

**13.I HOUSING AUTHORITY: APPROVAL OF AMENDMENT NO. 2 TO CONTRACT HA 40360 WITH SOUTHWEST PROTECTIVE SERVICES, INC., FOR COURTESY PATROL SERVICES AT PALM DESERT HOUSING AUTHORITY PROPERTIES IN A TOTAL AMOUNT NOT TO EXCEED \$145,517.20**

**Motion by:** Mayor Pro Tem Quintanilla

**Seconded by:** Councilmember Harnik

1. Approve Amendment No. 2 to Contract HA 40360 with Southwest Protective Services, Inc., for courtesy patrol services at the Palm Desert Housing Authority properties effective September 1, 2023, for an additional one (1) year term in a total annual amount not to exceed \$145,517.20 (includes an annual amount not to exceed \$135,517.20 and up to \$10,000 for additional services to be requested as needed).
2. Authorize the Executive Director to execute the Amendment and any documents necessary to effectuate and implement the actions taken herewith.

**Motion Carried**

**13.m RECEIVE AND FILE A LETTER OF SUPPORT FOR COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS' GRANT APPLICATION TO THE CALIFORNIA TRANSPORTATION COMMISSION'S LOCAL TRANSPORTATION CLIMATE ADAPTATION PROGRAM**

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

Receive and file the letter of support for Coachella Valley Association of Governments' grant application for the ACCESS Indian Canyon Project to the California Transportation Commission's Local Transportation Climate Adaptation Program.

**Motion Carried**

**13.n HOUSING AUTHORITY: APPROVE A RESOLUTION ADOPTING A RECORDS MANAGEMENT AND RETENTION POLICY**

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

Approve a Resolution adopting the Records Management Policy and Records Retention Schedules of the City of Palm Desert to apply to the Palm Desert Housing Authority, except as otherwise preempted by federal, state, or local law.

**Motion Carried**

**13.o REJECT ALL PROPOSALS FOR BUMP & GRIND TRAILHEAD RESTROOM PROJECT AND AUTHORIZE STAFF TO READVERTISE FOR PROPOSALS (PROJECT NO. 956-23)**

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

1. Reject all proposals presented for Bump & Grind Trailhead Restroom Project.
2. Authorize Public Works staff to readvertise the project.

**Motion Carried**

**13.p RATIFY THE CITY MANAGER'S APPROVAL OF CHANGE ORDER NO. 2 TO CONTRACT NO. C40620 FOR THE DRAINAGE IMPROVEMENTS AT FIRE STATION NO. 71-COUNTRY CLUB DRIVE (PROJECT NO. 562-23)**

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

Ratify the City Manager's approval of Change Order No. 2 to C40620 with Pro-Craft Construction for drainage improvements at Fire Station No. 71-Country Club Drive, in the amount of \$125,000.

**Motion Carried**

**13.q AUTHORIZE THE TRANSFER OF DEVELOPER DEPOSIT FOR PORTOLA AVENUE MEDIAN AND MAGNESIA FALLS DRIVE MEDIAN ISLAND LANDSCAPE PROJECT (PROJECT NO. 937-23/MLS00027)**

**Motion by:** Mayor Pro Tem Quintanilla

**Seconded by:** Councilmember Harnik

Authorize the Director of Finance to transfer developer deposit in the amount of \$151,200 from Deposit Account No. 4000000-2220000 to Project Account No. 4004614-4337001 for the Portola Avenue and Magnesia Falls Drive Median Island Landscape Installation.

**Motion Carried**

**13.r APPROVE FIRST AMENDMENT TO THE AGREEMENT FOR MARKETING SERVICES BETWEEN THE CITY OF PALM DESERT AND IDEA PEDDLER**

**Motion by:** Mayor Pro Tem Quintanilla

**Seconded by:** Councilmember Harnik

1. Approve Amendment No. 1 to Contract No. C43390 in the amount of \$890,000 with Idea Peddler for marketing services.
2. Authorize the City Attorney to make non-substantive changes to the amendment and the City Manager to execute the agreement on behalf of the City.

**Motion Carried**

**13.s ADOPT A RESOLUTION SETTING THE CITY COUNCIL REGULAR MEETING SCHEDULE FOR THE CALENDAR YEAR 2024**

**Motion by:** Mayor Pro Tem Quintanilla

**Seconded by:** Councilmember Harnik

Adopt a Resolution establishing dates for regular meetings of the Palm Desert City Council for the calendar year 2024.

**Motion Carried**



**14. ACTION CALENDAR**

**14.a AWARD CONTRACT TO PALM SPRINGS LIFE / DESERT PUBLICATIONS, INC., TO PRODUCE PALM DESERT'S 50TH ANNIVERSARY CELEBRATION**

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

**Motion by:** Councilmember Harnik

**Seconded by:** Councilmember Trubee

1. Approve Contract with Palm Springs Life/Desert Publications, Inc., in the amount of \$350,000 to produce Palm Desert's 50th Anniversary Celebration scheduled for November 18, 2023.
2. Authorize staff to finalize negotiations of the Contract.
3. Authorize the City Manager to execute Contract, subject to the satisfaction of the City Attorney.
4. Authorize Director of Finance to appropriate \$270,000 to Account No. 1104800-4306101, from available General Fund Reserves.

**Motion Carried (5 to 0)**

**14.b APPROVE CONTRACT WITH COACHELLA VALLEY WATER DISTRICT FOR UTILITY CONFLICT RELOCATION IN ROUNDABOUT AT SAN PABLO AVENUE AND SAN GORGONIO WAY**

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

**Motion by:** Mayor Pro Tem Quintanilla

**Seconded by:** Councilmember Nestande

1. Approve a Contract with Coachella Valley Water District (CVWD) for Utility Conflict Relocation at San Pablo Phase 1 Roundabout in the amount of \$115,000 to prepare for installation of *Sunburst* sculpture by artist Donald Gialanella.
2. Approve project contingency in the amount of \$30,000.
3. Authorize Director of Finance to appropriate \$145,000 to the Restricted Capital Project Fund Account No. 4514342-4400100.
4. Authorize City Attorney to make any necessary, non-monetary changes to the CVWD Contract.
5. Approve gas line relocation by SoCalGas.
6. Authorize City Manager to sign all documents and waive all permit fees associated with execution of this project.

**Motion Carried (5 to 0)**

**14.c AWARD CONTRACT NO. C45240 IN THE AMOUNT OF \$3,057,420 TO MATICH CORPORATION OF SAN BERNARDINO, CALIFORNIA, FOR THE FRED WARING DRIVE STREET REHABILITATION PROJECT (PROJECT NO. 752-23/MST00008)**

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

**Motion by:** Councilmember Harnik  
**Seconded by:** Councilmember Trubee

1. Make a finding that the project is categorically exempt from further review under the California Environmental Quality Act guidelines, Class 1 of Section 15301, and authorize the City Engineer to submit a Notice of Exemption.
2. Award Contract No. C45240, including bid alternate #1, in the amount of \$3,057,420 to Match Corporation of San Bernardino, California, for the Fred Waring Drive Street Rehabilitation Project.
3. Authorize the Director of Finance to set aside a 10% contingency in the amount of \$306,000.
4. Authorize the Director of Finance to set aside an early completion incentive in the amount of \$300,000.
5. Authorize the City Manager to review and approve written requests for the use of contingency for unanticipated conditions, per Section 3.30.170 Section B of Ordinance No. 1392.
6. Authorize the City Manager to review and approve the use of incentive funds if the requisite conditions have been met.
7. Authorize the City Manager or designee to execute the Agreement and the City Attorney to make non-monetary changes to the contract.

**Motion Carried (5 to 0)**

**15. PUBLIC HEARINGS**

**15.a APPROVE A PROPOSED PLAN FOR BOND ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR THE CROSSINGS AT PALM DESERT APARTMENT PROJECT**

Housing Manager Gonzales narrated a PowerPoint presentation and responded to City Council inquiries.

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

**Motion by:** Councilmember Nestande

**Seconded by:** Mayor Pro Tem Quintanilla

1. Conduct the public hearing under the requirements of Tax and Equity Fiscal Responsibility Act ("TEFRA") and the Internal Revenue Code of 1986, as amended (the "Code") in connection with the proposed issuance in one or more series of revenue bonds by the California Statewide Communities Development Authority ("CSCDA"), a joint exercise of powers authority and public entity of the State of California, in an amount not to exceed Sixty Million Dollars \$60,000,000.00 (the "Bonds"), to finance the acquisition, construction and development of the 176-unit Crossings at Palm Desert Apartments, a multifamily rental housing project located at located at the southeast corner of Dick Kelly Drive & Gateway Drive, Palm Desert, California (the "Project") and receive public comments.
2. Adopt a resolution in the form attached hereto approving the issuance of the Bonds by CSCDA for the benefit of A0357 Palm Desert, L.P., a California Limited Partnership (the "Borrower") a partnership of which Urban Housing Communities, LLC (the "Developer") or a related person to the Developer is the general partner, to provide for the financing of the Project. Such adoption is solely for the purposes of satisfying the requirements of TEFRA, the Code and California Government Code Sections 6500 et seq.

**Motion Carried (5 to 0)**

**15.b APPROVE A POWER PURCHASE AGREEMENT WITH FOREFRONT POWER FOR THE DESERT WILLOW OVERFLOW LOT PHOTOVOLTAIC PROJECT (PROJECT NO. 777-14/CFA00005)**

Project Manager Gayler presented a staff report and responded to City Council inquiries.

Mayor Kelly opened the public hearing.

Following the adoption of the the resolution, Mayor Kelly closed the public hearing, there being no member of the public wishing to speak.

**Motion by:** Councilmember Harnik

**Seconded by:** Councilmember Trubee

Conduct a Public Hearing and adopt a Resolution finding that the project will result in net cost savings to the City over the life of the 20-year contract and finding that the project is categorically exempt from further review pursuant to the requirements of the California Environmental Quality Act (CEQA).

**Motion Carried (5 to 0)**

**Motion by:** Councilmember Harnik

**Seconded by:** Councilmember Trubee

1. Authorize the City Manager to execute the Power Purchase Agreement for the Photovoltaic Systems at the planned Overflow Lot.
2. Authorize the City Manager to negotiate non-monetary changes and clarifications to the agreements, in consultation with the City Attorney, as may be required to carry out the intent of the agreement.

**Motion Carried (5 to 0)**

**16. INFORMATION ITEMS**

None.

**17. ADJOURNMENT**

The City Council adjourned at 4:45 p.m.

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Níamh M. Ortega  
Assistant City Clerk/Assistant Secretary

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Anthony J. Mejia, MMC  
City Clerk/Secretary