

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

September 14, 2023, 3:30 p.m.

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

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 Kelly on Thursday, September 14, 2023, 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

3. RECESS TO CLOSED SESSION

Mayor Kelly adjourned to Closed Session at 3:30 p.m.

4. CLOSED SESSION AGENDA

The following items will be considered in closed session.

4.a Closed Session Meeting Minutes: August 24, 2023

4.b Conference with Labor Negotiators pursuant to Government Code Section 54957.6

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

6. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Quintanilla led the Pledge of Allegiance.

7. INSPIRATION

Councilmember Trubee provided 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 AND PRESENTATIONS

9.a PRESENTATION - HUNGER ACTION MONTH

Kelly Mui-Chesterton, FIND Food Bank representative, narrated a PowerPoint presentation. Mayor Kelly recognized September as National Hunger Action Month.

9.b PRESENTATION - CITY OF PALM DESERT EMPLOYEES

Mayor Kelly recognized the work of City staff during the recent weather event and presented certificates to each department thanking them for their service to the community.

Patrick Klein, General Manager of The Gardens of El Paseo, applauded the efforts of the Public Works department and other City staff for their quick action in response to flooding during Tropical Storm Hilary.

Ken Seumalo, City of Indian Wells Public Works Director, thanked the Palm Desert Public Works department, City staff and City Council for their collaborative efforts between cities to address issues during and after Tropical Storm Hilary.

10. CITY MANAGER COMMENTS

Paulina Larson, Palm Springs Life representative, provided an update on the City's 50th Anniversary celebration branding and marketing efforts.

11. MAYOR/COUNCILMEMBER REPORTS AND REQUESTS FOR ACTION

Councilmembers reported on their attendance at various meetings and events. Mayor Pro Tem Quintanilla encouraged residents to utilize mosquito-repellant plants and flowers in their gardens; encouraged residents to get their flu shots; requested that the objective standards include a landscape plan to specifically exclude the Palo Verde variety that does not root well. Councilmember Harnik reported that Southern California Association of Governments obtained its clean air designation due to its alternate energy efforts and transportation plan.

Mayor Kelly requested staff to coordinate with Southern California Edison to make a presentation at a future City Council meeting regarding cost of delivery on residential and commercial bills; this request was supported by Mayor Pro Tem Quintanilla and Councilmember Nestande. Mayor Kelly noted a request from a property owner to open a vet clinic on Highway 111. The property is not currently zoned to allow such a development, and requested an item be agendaized for a future meeting to amend the text for permitted uses in that vicinity to allow a vet clinic as a conditional use. This request was supported by Mayor Pro Tem Quintanilla and Councilmember Trubee.

12. NON-AGENDA PUBLIC COMMENTS

Kenneth Doran, Palm Desert resident, spoke about his visit to City Hall to obtain information, and noted a letter would be mailed to the City Council outlining his experience.

Lydia Duran, Palm Desert resident, spoke about her situation following the August storm event, and requested assistance from the City on next steps.

Linda Lester, Palm Desert resident, spoke about her situation following the August storm event, and requested assistance from the City on next steps.

Nancy Gutierrez, Palm Desert resident, requested that the City Council consider passing a law banning all future mask and vaccine mandates.

Barbara Wasserkrug, Palm Desert resident, spoke regarding her findings about FLOCK license plate reader equipment.

Pedro Reyes, Palm Desert resident, expressed gratitude for City's response following the August storm event.

13. CONSENT CALENDAR

Motion by: Mayor Pro Tem Quintanilla

Seconded by: Councilmember Nestande

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

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 Nestande

Approve the Minutes of August 24, 2023, Study Session and Regular Meeting.

Motion Carried

13.b APPROVAL OF WARRANTS

Motion by: Mayor Pro Tem Quintanilla

Seconded by: Councilmember Nestande

Approve the warrants issued for the period 6/30/2023 to 8/31/2023.

Motion Carried

13.c RECEIVE AND FILE APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

Motion by: Mayor Pro Tem Quintanilla

Seconded by: Councilmember Nestande

Receive and file the application for Alcoholic Beverage License for the following business:

1. Yours Truly Wine Importers; 77564 Country Club Dr. Suite 227

Motion Carried

13.d RESOLUTION EXTENDING PARTICIPATION IN THE RIVERSIDE COUNTY SERVICE AUTHORITY ABANDONED VEHICLE ABATEMENT PROGRAM UNTIL MAY 31, 2034

Motion by: Mayor Pro Tem Quintanilla

Seconded by: Councilmember Nestande

Adopt Resolution No. 2023-042 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AUTHORIZING THE EXTENSION OF THE SERVICE FEE COLLECTED ON BEHALF OF THE RIVERSIDE COUNTY ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY UNTIL MAY 2034."

Motion Carried

13.e RESOLUTION TO AUTHORIZE DESTRUCTION OF OBSOLETE RECORDS FROM THE SPECIAL PROGRAMS DIVISION

Motion by: Mayor Pro Tem Quintanilla

Seconded by: Councilmember Nestande

Adopt Resolution No. 2023-043 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, SETTING FORTH ITS FINDINGS AND AUTHORIZING THE DESTRUCTION OF PAPER RECORDS FROM THE SPECIAL PROGRAMS DIVISION"

Motion Carried

13.f RECEIVE AND FILE INFORMATIONAL REPORT FOR ROAD CLOSURES SCHEDULED TO OCCUR ON EL PASEO ASSOCIATED WITH FISCAL YEAR 2023/24 ROUTINE SPECIAL EVENTS

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

Receive and file informational report for road closures scheduled to occur on El Paseo associated with the following Fiscal Year 2023/24 routine special events:

1. Desert Cancer Foundation's Paint El Paseo Pink – Saturday, October 14, 2023.
2. Palm Desert Area Chamber of Commerce's (PDACC) Golf Cart Parade – Sunday, October 29, 2023.
3. Martha's Village and Kitchen's Thanksgiving 5K – Thursday, November 23, 2023.
4. Palm Desert Charter Middle School Foundation's Panther 5K – Sunday, January 28, 2024.

Motion Carried

13.g RECEIVE AND FILE A LETTER OF OPPOSITION TO ASSEMBLY BILL 1484 (ZBUR): TEMPORARY PUBLIC EMPLOYEES

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

Receive and file a letter of opposition to Assembly Bill 1484 (Zbur): Temporary Public Employees.

Motion Carried

13.h SECOND READING AND ADOPTION OF ORDINANCE NO. 1399, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, UPDATING CHAPTER 8.20 REGARDING PUBLIC NUISANCE ABATEMENT AND COST RECOVERY PROCEDURES

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

Waive the second reading of the ordinance text in its entirety and read by title only; and adopt Ordinance No. 1399 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, UPDATING CHAPTER 8.20 REGARDING PUBLIC NUISANCE ABATEMENT AND COST RECOVERY PROCEDURES".

Motion Carried

13.i ORDINANCE NO. 1398 TO CHANGE ZONING DESIGNATION OF PARCEL 1 OF PARCEL MAP NO. 36614, LOCATED APPROX. 500 FEET FROM NW CORNER OF HWY 111 AND FRED WARING DR. FROM RESPORT COMMERCIAL CENTER (PC-4) TO DISTRICT COMMERCIAL CENTER (PC-2) - CEQA FINDING

Motion by: Mayor Pro Tem Quintanilla

Seconded by: Councilmember Nestande

Waive the second reading of the ordinance text in its entirety and read by title only; and adopt Ordinance No. 1398 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ADOPTING A NOTICE OF EXEMPTION PURSUANT TO THE STATE OF CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVING A CHANGE OF ZONE FROM PC-4 TO PC-2 FOR THE PROPERTY LOCATED ON PARCEL 1 OF PARCEL MAP NO. 36614 AT 72221 HIGHWAY 111 (ASSESSOR'S PARCEL NUMBER 640-020-054) CASE NO. CZ23-0001".

Motion Carried

13.I RATIFY A CHANGE ORDER FOR CONTRACT NO. C41770 WITH RIVERSIDE COUNTY ANIMAL SERVICES IN THE AMOUNT OF \$58,725 TO COVER ADDITIONAL COSTS FOR FIELD AND ANIMAL SHELTER SERVICES FOR FISCAL YEAR 2022/23 – BUDGET ADJUSTMENT

Motion by: Mayor Pro Tem Quintanilla

Seconded by: Councilmember Nestande

Ratify a Change Order for Contract No. C41770 with Riverside County Animal Services in the amount of \$58,725 to cover additional costs for field and animal shelter services for Fiscal Year 2022/23 with request staff to explore \$3,000 for mobile bus and return to Council for discussion.

Motion Carried (5 to 0)

13.n REQUEST FOR APPROVAL OF SIDE LETTER CLARIFYING CALLBACK PAY IN THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PALM DESERT AND THE PALM DESERT EMPLOYEE ORGANIZATION

Motion by: Mayor Pro Tem Quintanilla

Seconded by: Councilmember Nestande

1. Approve the side letter clarifying callback pay in the Memorandum of Understanding between the City of Palm Desert and the Palm Desert Employee Organization.
2. Authorize the City Manager to take actions to implement the side letter between the City of Palm Desert and Palm Desert Employee Organization.

Motion Carried

13.o ACCEPT A RESIGNATION FROM THE CIVIC ENGAGEMENT COMMITTEE

Motion by: Mayor Pro Tem Quintanilla

Seconded by: Councilmember Nestande

With regret, accept the resignation of Jonathan Stutz from the Civic Engagement Committee.

Motion Carried

13.p ADOPT RESOLUTION NO. 2023-044 APPROVING FINAL TRACT MAP NO. 37639 AND AGREEMENTS

Motion by: Mayor Pro Tem Quintanilla

Seconded by: Councilmember Nestande

1. Adopt Resolution No. 2023-044 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, APPROVING THE FINAL SUBDIVISION MAP OF TRACT MAP 37639.
2. Authorize the Mayor to execute the Agreement for the Exchange of Real Property and any documents necessary to effectuate and implement the actions taken herewith.
3. Authorize the Mayor to execute a Master Agreement for Grant of Temporary Construction, Access, and Parking Easements.
4. Authorize the City Attorney to make non-substantive changes to the Agreements and City Manager to execute any changes to said Agreements.

Motion Carried

13.q RATIFY AMENDMENT NO. 1 TO CONTRACT NO. C44620B WITH BELFOR USA GROUP, INC., FOR PROPERTY RESTORATION SERVICES

Motion by: Mayor Pro Tem Quintanilla

Seconded by: Councilmember Nestande

Ratify Amendment No. 1 to Contract No. C44620B with Belfor USA Group, Inc., for property restoration services.

Motion Carried

13.s APPROVE CONTRACT NO. C46270 WITH SHADE STRUCTURES, INC., DBA USA SHADE & FABRIC STRUCTURES FOR SHADE IMPROVEMENTS AT THE PALM DESERT AQUATIC CENTER AND FREEDOM PARK (PROJECT NO. MFA00022 AND MPK00001, RESPECTIVELY)

Motion by: Mayor Pro Tem Quintanilla

Seconded by: Councilmember Nestande

1. Approve Contract No. C46270 with Shade Structures, Inc., dba USA Shade & Fabric Structures (USA Shade) for shade improvements at the Palm Desert Aquatic Center and Freedom Park in the combined amount of \$784,485.27.
2. Authorize the Finance Department to set aside a contingency amount of \$150,000 for unforeseen circumstances.
3. Approve a budget appropriation from General Fund Reserves and transfer to Palm Desert Aquatic Center Capital Project Account No. 2424549-4400100 in the amount of \$508,285.98.
4. Authorize the City Manager or designee to review and approve written contract amendment or change order requests up to the contingency amount.
5. Authorize the City Attorney to make non-substantive changes and the City Manager to execute all necessary documents.

Motion Carried

13.t INTRODUCTION OF ORDINANCE NO. 1400 AMENDING SECTION 2.36.370 OF THE PALM DESERT MUNICIPAL CODE RELATED TO THE READING OF ORDINANCES AND RESOLUTIONS

Motion by: Mayor Pro Tem Quintanilla

Seconded by: Councilmember Nestande

Introduce Ordinance No. 1400 entitled, “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AMENDING SECTION 2.36.370 OF THE PALM DESERT MUNICIPAL CODE RELATED TO THE READING OF ORDINANCES AND RESOLUTIONS.”

Motion Carried

13.j HOUSING AUTHORITY - APPROVE CHANGE ORDER NO. 1 TO CONTRACT HA45140 WITH JACOBSSON ENGINEERING CONSTRUCTION, INC., FOR THE FURNISHING AND INSTALLATION OF 10 CARPORTS AT ONE QUAIL PLACE IN THE AMOUNT OF \$601,000 (PROJECT CHA00003)

This item was deferred to a future meeting due to the cancellation of the Housing Commission meeting and the need for a recommendation from this Commission prior to City Council consideration of the item.

13.k AUTHORIZE THE USE OF QUILL, LLC., AND NATIONAL SERVICES COMPANY DBA WAXIE SANITARY SUPPLY FOR THE PURCHASE OF OFFICE, JANITORIAL, AND SANITARY SUPPLIES FOR THE PALM DESERT HOUSING AUTHORITY FOR FISCAL YEAR 2023/24

This item was deferred to a future meeting due to the cancellation of the Housing Commission meeting and the need for a recommendation from this Commission prior to City Council consideration of the item.

13.m HOUSING AUTHORITY - AUTHORIZE AN INCREASE TO THE NOT TO EXCEED AMOUNT FOR HD SUPPLY FACILITIES MAINTENANCE, LTD., IN THE AMOUNT OF \$10,000 FOR FISCAL YEAR 2022/23

This item was deferred to a future meeting due to the cancellation of the Housing Commission meeting and the need for a recommendation from this Commission prior to City Council consideration of the item.

13.r ACCEPTANCE OF A RESIGNATION FROM THE HOMELESSNESS TASKFORCE AND APPOINTMENTS TO THE HOMELESSNESS TASKFORCE AND HOUSING COMMISSION

Councilmember Trubee shared that he was impressed with the caliber of individuals recently interviewed to serve on an appointed body for the City of Palm Desert, and congratulated them on their appointments.

Motion by: Councilmember Trubee

1. With regret, accept the resignation of Rosemary Anaya from the Homelessness Taskforce.
2. Appoint Christopher Schachter to the Homelessness Taskforce for a term ending June 30, 2025.
3. Appoint Davis Meyer to the Homelessness Taskforce for a term ending June 30, 2027.
4. Appoint Olivia Bocken to the Housing Commission as a Housing Authority Tenant for a term ending June 30, 2025.
5. Appoint Dominic Moore to the Housing Commission for a term ending June 30, 2027.

Motion Carried (5 to 0)

14. ACTION CALENDAR

14.a CONSIDERATION OF A THREE-YEAR SPONSORSHIP NO. C46280 WITH DESERT PUBLICATIONS, INC., FOR FASHION WEEK EL PASEO AND FOOD & WINE FESTIVAL PALM DESERT

Deputy Director of Economic Development Lawrence narrated a PowerPoint presentation and responded to City Council inquiries.

Motion by: Councilmember Harnik

Seconded by: Councilmember Trubee

1. Approve a three-year Sponsorship Agreement No. C46280 with Desert Publications, Inc., in the amount of \$300,000 annually for Fashion Week El Paseo and the Palm Desert Food & Wine Festival.
2. Authorize use of the north side of Shadow Mountain Lane behind The Gardens on El Paseo for valet parking during the event.
3. Authorize waiver of all permit and inspection fees related to the event.
4. Authorize the City Attorney to make non-substantive changes and the City Manager to execute all necessary documents.

Motion Carried (5 to 0)

14.b APPOINTMENT OF LORI DAVIS AS THE PALM DESERT POET LAUREATE

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

Lori Davis, Palm Desert resident, thanked the City Council for the opportunity to serve as Poet Laureate.

Motion by: Councilmember Harnik

Seconded by: Councilmember Nestande

Appoint Lori Davis as Palm Desert’s inaugural Poet Laureate.

Motion Carried (5 to 0)

14.c APPROPRIATE FUNDS FOR EMERGENCY EXPENDITURES INCURRED DURING THE AUGUST 2023 WEATHER EVENT

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

Motion by: Mayor Pro Tem Quintanilla

Seconded by: Councilmember Trubee

1. Receive and file the report of expenditures to date related to the August 2023 weather event.
2. Appropriate funds in the amount of \$1,765,000 from committed general fund balance allocated to emergency reserves to the emergency expenditure account (1104159-4219100) to cover expenditures incurred during the August 2023 weather event.
3. Authorize the City Manager to transfer funds from the emergency expenditure account to other expenditure accounts as appropriate.

Motion Carried (5 to 0)

15. PUBLIC HEARINGS

15.a RESOLUTION NO. 2023-045 TO APPROVE THE FEE INCREASE FOR THE PALM DESERT AQUATIC CENTER

Community Services Manager Muir and Deputy Finance Director Urban narrated a PowerPoint presentation and responded to City Council inquiries.

Mayor Kelly opened the public hearing.

Terry Applegate, aquatic therapist, spoke in opposition to raising fees at the aquatic center.

Mayor Kelly closed the public hearing, there being no one else wishing to speak.

Motion by: Councilmember Harnik

Seconded by: Councilmember Trubee

Adopt Resolution No. 2023-045 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, INCREASING CERTAIN ENTRY FEES FOR THE PALM DESERT AQUATIC CENTER AND TAKING OTHER ACTIONS THEREIN."

Motion Carried (5 to 0)

15.b PALM DESERT REDISTRICTING 2023 – PUBLIC HEARING #1 TO RECEIVE INPUT FROM THE COMMUNITY REGARDING THE REDRAWING OF ELECTION DISTRICT BOUNDARIES

Mayor Kelly opened the public hearing.

City Clerk Mejia narrated a PowerPoint presentation and responded to City Council inquiries.

Mayor Kelly closed the public hearing, there being no one from the public desiring to speak.

Motion by: Mayor Pro Tem Quintanilla

Seconded by: Councilmember Trubee

1. Receive and file a report on the redistricting process and permissible criteria to be considered to redraw district boundaries.
2. Conduct a public hearing to receive public input on district boundaries.

Motion Carried (5 to 0)

16. INFORMATION ITEMS

None.

17. ADJOURNMENT

The City Council adjourned at 6:39 p.m.

Respectfully submitted,

Níamh M. Ortega
Assistant City Clerk/Assistant Secretary

Anthony J. Mejia, MMC
City Clerk/Secretary