



GEM of the DESERT

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# CITY COUNCIL AGENDA

CITY HALL COUNCIL CHAMBER  
78495 Calle Tampico, La Quinta

## SPECIAL MEETING

WEDNESDAY, AUGUST 23, 2023 AT 10:00 A.M.

Members of the public may listen to this meeting by tuning-in live via <http://laquinta.12milesout.com/video/live>.

### CALL TO ORDER

ROLL CALL: Councilmembers: Fitzpatrick, McGarrey, Peña, Sanchez, Mayor Evans

### PLEDGE OF ALLEGIANCE

### PUBLIC COMMENTS - INSTRUCTIONS

Members of the public may address the City Council on any matter listed or not listed on the agenda as follows:

WRITTEN PUBLIC COMMENTS can be provided either in-person during the meeting by submitting 15 copies to the City Clerk, it is requested that this takes place prior to the beginning of the meeting; or can be emailed in advance to [CityClerkMail@LaQuintaCA.gov](mailto:CityClerkMail@LaQuintaCA.gov), no later than 8:00 a.m., on the day of the meeting. Written public comments will be distributed to Council, made public, and will be incorporated into the public record of the meeting, but will not be read during the meeting unless, upon the request of the Mayor, a brief summary of public comments is asked to be reported.

If written public comments are emailed, the email subject line must clearly state **“Written Comments”** and should include: **1) full name, 2) city of residence, and 3) subject matter.**

VERBAL PUBLIC COMMENTS can be provided in-person during the meeting by completing a “Request to Speak” form and submitting it to the City Clerk; it is requested that this takes place prior to the beginning of the meeting. Please limit your comments to three (3) minutes

(or approximately 350 words). Members of the public shall be called upon to speak by the Mayor.

In accordance with City Council Resolution No. 2022-027, a one-time additional speaker time donation of three (3) minutes per individual is permitted; please note that the member of the public donating time must: 1) submit this in writing to the City Clerk by completing a “Request to Speak” form noting the name of the person to whom time is being donated to, and 2) be present at the time the speaker provides verbal comments.

Verbal public comments are defined as comments provided in the speakers’ own voice and may not include video or sound recordings of the speaker or of other individuals or entities, unless permitted by the Mayor.

Public speakers may elect to use printed presentation materials to aid their comments; 15 copies of such printed materials shall be provided to the City Clerk to be disseminated to the City Council, made public, and incorporated into the public record of the meeting; it is requested that the printed materials are provided prior to the beginning of the meeting. There shall be no use of Chamber resources and technology to display visual or audible presentations during public comments, unless permitted by the Mayor.

All writings or documents, including but not limited to emails and attachments to emails, submitted to the City regarding any item(s) listed or not listed on this agenda are public records. All information in such writings and documents is subject to disclosure as being in the public domain and subject to search and review by electronic means, including but not limited to the City’s Internet Web site and any other Internet Web-based platform or other Web-based form of communication. All information in such writings and documents similarly is subject to disclosure pursuant to the California Public Records Act [Government Code § 7920.000 *et seq.*].

### **PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA**

At this time, members of the public may address the City Council on any matter not listed on the agenda pursuant to the “Public Comments – Instructions” listed above. The City Council values your comments; however, in accordance with State law, no action shall be taken on any item not appearing on the agenda unless it is an emergency item authorized by the Brown Act [Government Code § 54954.2(b)].

### **TELECONFERENCE ACCESSIBILITY – INSTRUCTIONS**

*Teleconference accessibility may be triggered in accordance with AB 2449 (Stats. 2022, Ch. 285), codified in the Brown Act [Government Code § 54953], if a member of the City Council requests to attend and participate in this meeting remotely due to “just cause” or “emergency circumstances,” as defined, and only if the request is approved. In such instances, remote public accessibility and participation will be facilitated via Zoom Webinar as detailed at the end of this Agenda.*

### **CONFIRMATION OF AGENDA**

**BUSINESS SESSION**

- 1. ADOPT RESOLUTION TO RATIFY THE PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY RELATED TO HURRICANE HILARY, AND TO AUTHORIZE STAFF TO APPLY FOR AND RECEIVE FEDERAL AND STATE PUBLIC ASSISTANCE

**MAYOR’S AND COUNCIL MEMBERS’ ITEMS**

**CLOSED SESSION**

- 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO PARAGRAPH (1) OF SUBDIVISION (d) OF SECTION 54956.9 OF THE GOVERNMENT CODE. NAME OF CASE: REESE v. CITY OF LA QUINTA; RIVERSIDE COUNTY SUPERIOR COURT CASE NO. CVPS2302997
- 2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO PARAGRAPH (1) OF SUBDIVISION (d) OF SECTION 54956.9 OF THE GOVERNMENT CODE. NAME OF CASE: BARBER v. CITY OF LA QUINTA; RIVERSIDE COUNTY SUPERIOR COURT CASE NO. CVPS2303039

*RECESS TO CLOSED SESSION*

RECONVENE

**REPORT ON ACTION(S) TAKEN IN CLOSED SESSION**

**ADJOURNMENT**

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The next regular meeting of the City Council will be held on September 19, 2023, at 4:00 p.m. at the City Hall Council Chamber, 78495 Calle Tampico, La Quinta, CA 92253.

**DECLARATION OF POSTING**

I, Monika Radeva, City Clerk of the City of La Quinta, do hereby declare that the foregoing Agenda for the La Quinta City Council Special meeting was posted on the City’s website, near the entrance to the Council Chamber at 78495 Calle Tampico, and the bulletin board at the La Quinta Cove Post Office at 51321 Avenida Bermudas, on August 22, 2023.

DATED: August 22, 2023



MONIKA RADEVA, City Clerk  
City of La Quinta, California

### Public Notices

- Agenda packet materials are available for public inspection: 1) at the Clerk's Office at La Quinta City Hall, located at 78495 Calle Tampico, La Quinta, California 92253; and 2) on the City's website at [www.laquintaca.gov/councilagendas](http://www.laquintaca.gov/councilagendas), in accordance with the Brown Act [Government Code § 54957.5; AB 2647 (Stats. 2022, Ch. 971)].
- The La Quinta City Council Chamber is handicapped accessible. If special equipment is needed for the hearing impaired, please call the City Clerk's office at (760) 777-7123, 24-hours in advance of the meeting and accommodations will be made.
- If background material is to be presented to the City Council during a City Council meeting, please be advised that 15 copies of all documents, exhibits, etc., must be supplied to the City Clerk for distribution. It is requested that this takes place prior to the beginning of the meeting.

#### \*\*\* TELECONFERENCE PROCEDURES – PURSUANT TO AB 2449\*\*\*

#### APPLICABLE ONLY WHEN TELECONFERENCE ACCESSIBILITY IS IN EFFECT

**Verbal public comments via Teleconference – members of the public may attend and participate in this meeting by teleconference via Zoom** and use the “raise your hand” feature when public comments are prompted by the Mayor; the City will facilitate the ability for a member of the public to be audible to the City Council and general public and allow him/her/them to speak on the item(s) requested. **Please note – members of the public must unmute themselves when prompted upon being recognized by the Mayor, in order to become audible to the City Council and the public.**

Only one person at a time may speak by teleconference and only after being recognized by the Mayor.

**ZOOM LINK:** <https://us06web.zoom.us/j/82540879912>  
**Meeting ID:** 825 4087 9912  
**Or join by phone:** (253) 215 – 8782

**Written public comments** – can be provided in person during the meeting or emailed to the City Clerk's Office at [CityClerkMail@LaQuintaCA.gov](mailto:CityClerkMail@LaQuintaCA.gov) any time prior to the adjournment of the meeting, and will be distributed to the City Council, made public, incorporated into the public record of the meeting, and will not be read during the meeting unless, upon the request of the Mayor, a brief summary of any public comment is asked to be read, to the extent the City Clerk's Office can accommodate such request.

# City of La Quinta

CITY COUNCIL SPECIAL MEETING: August 23, 2023

## STAFF REPORT

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**AGENDA TITLE:** ADOPT RESOLUTION TO RATIFY THE PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY RELATED TO HURRICANE HILARY, AND TO AUTHORIZE STAFF TO APPLY FOR AND RECEIVE FEDERAL AND STATE PUBLIC ASSISTANCE

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### RECOMMENDATION

Adopt a resolution to ratify the Acting City Manager's proclamation of the existence of a local emergency, declared on August 20, 2023, related to Hurricane Hilary; and authorize the City Manager, Acting City Manager, and Finance Director to apply for and receive federal and state public assistance, as specified.

### EXECUTIVE SUMMARY

- On August 18, 2023, Hurricane Hilary began bringing heavy rain, flooding, lightning, and gusty winds to Southern California.
- Between August 18-20, 2023, the National Weather Service issued warnings that Hurricane Hilary was expected to reach Southern California at a tropical storm strength on August 20, 2023, and warning of conditions of possible damage and extreme peril to the safety of persons and property within Riverside County.
- On August 20, 2023, the Acting City Manager issued a Proclamation declaring the existence of a local emergency for the City due to Hurricane Hilary.
- On August 20, 2023, the City activated the Emergency Operations Center (EOC) to provide communication and coordination of efforts to protect the health and safety, and preserve the lives and property of the people within the City.
- Staff seeks Council ratification of the Proclamation declaring the existence of a local emergency for the City, and authorization to apply for and seek federal and state public assistance, if available, related to this emergency event.

### FISCAL IMPACT

Staff is completing field inspections, assessing possible damages, and obtaining cost estimates. Council's ratification of the proclamation of the existence of a local emergency, declared by the Acting City Manager on August 20, 2023, may be required to allow and qualify the City to apply for and seek assistance in recovering damages and expenses associated with the emergency event.

## **BACKGROUND/ANALYSIS**

On August 18, 2023, Hurricane Hilary began bringing heavy rain, flooding, lightning, and gusty winds to Southern California.

The National Weather Service issued warnings that Hurricane Hilary was expected to reach Southern California at a tropical storm strength on August 20, 2023, and flash flooding and strong tropical storm force winds could be expected across the entire region, with rare and dangerous flooding expected across the mountains and desert.

On August 19, 2023, California Governor Newsom issued a Proclamation declaring the existence of a state of emergency for the State in response to the extreme weather-related events and conditions as a result of Hurricane Hilary.

On August 20, 2023, the Acting City Manager, pursuant to his/her powers and authority under California Government Code Section 8630 and La Quinta Municipal Code Section 2.20.080, issued a Proclamation declaring the existence of a local emergency for the City due to the potential of the aforementioned conditions of extreme peril warranted by Hurricane Hilary; the Proclamation is set to exist until 11:59 p.m. on August 27, 2023.

On August 20, 2023, the City activated the Emergency Operations Center (EOC) to provide communication and coordination of efforts to protect the health and safety, and preserve the lives and property of the people within the City; the EOC was deactivated at 2:20 p.m. on August 21, 2023.

On August 21, 2023, Riverside County issued a Proclamation declaring the existence of a local emergency for the County due to Hurricane Hilary.

Adopting the proposed resolution would ratify the Acting City Manager's Proclamation declaring the existence of a local emergency due to Hurricane Hilary and authorize Staff to apply for and seek federal and state public assistance, if available, related to this emergency event.

**ALTERNATIVES** – Staff does not recommend an alternative.

Prepared by:           Monika Radeva, City Clerk  
Approved by:           Gil Villapando, Acting City Manager

Attachment:            1. Proclamation declaring the existence of a local emergency, dated August 20, 2023

**RESOLUTION NO. 2023 – 032**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, RATIFYING THE ACTING CITY MANAGER’S PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY RELATED TO HURRICANE HILARY, AND AUTHORIZING THE CITY MANAGER, ACTING CITY MANAGER, AND CITY FINANCE DIRECTOR TO APPLY FOR AND RECEIVE FEDERAL AND STATE PUBLIC ASSISTANCE, AS SPECIFIED**

**WHEREAS**, California Government Code Section 8630 and La Quinta Municipal Code Section 2.20.080 empowers the City Council, or, if the City Council is not in session, by (1) any member of the City Council acting individually; (2) City Manager; (3) Chief of Police; (4) Fire Chief; or (5) Acting City Manager, to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity; and

**WHEREAS**, California Government Code Section 8630 and La Quinta Municipal Code Section 2.20.080 empowered the Acting City Manager to proclaim a “local emergency,” as that term is defined in Government Code Section 8558, subject to City Council ratification within seven (7) days; and

**WHEREAS**, on August 20, 2023, the Acting City Manager did find the existence or threatened existence of conditions of a disaster or of extreme peril to the safety of the persons and property within the City of La Quinta, and which conditions were or were likely to be beyond the control of the services, personnel, equipment, and facilities of the City of Claremont, requiring the combined forces of other political subdivisions to combat, and that the City Council was not in session; and

**WHEREAS**, the City Council does hereby find that conditions of a disaster or of extreme peril to the safety of persons and property within the City of La Quinta did arise due to the severe wind storm commencing on or about August 20, 2023.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of La Quinta, California, as follows:

**SECTION 1.** The City Council does hereby ratify the Acting City Manager’s Proclamation, attached hereto as Exhibit 1 and incorporated herein by this reference, and the City Council does hereby adopt the findings of the Acting City Manager, as set forth in the attached Proclamation, as the findings of the City Council meriting the proclamation of the local emergency within the City of La Quinta.

**SECTION 2.** The City Manager or Acting City Manager is continued to be designated as the authorized representative for public assistance, and the City’s Finance

Director is continued to be designated as the authorized representative for individual assistance of the City of La Quinta for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available state and federal assistance, including financial assistance, in response to the local emergency as identified and proclaimed in the Acting City Manager’s Proclamation.

**SECTION 3.** The local emergency shall be deemed to exist until the termination on the date as identified in the Acting City Manager’s Proclamation, which is 11:59 p.m. on the 27<sup>th</sup> day of August, 2023.

**SECTION 4.** A copy of this Resolution and attached Acting City Manager Proclamation shall be forwarded to the Governor of California with the request that he proclaim the City of La Quinta to be in a state of emergency; and that a copy of this Resolution and attached Acting City Manager Proclamation be forwarded to the State Director of the Office of Emergency Services; and that a copy of this Resolution and attached Acting City Manager Proclamation be forwarded to the Riverside County Emergency Management Department Duty Officer.

**SECTION 5.** The City Clerk shall certify as to the adoption of this Resolution.

**PASSED, APPROVED, and ADOPTED** at a special meeting of the La Quinta City Council held on this 23rd day of August 2023, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

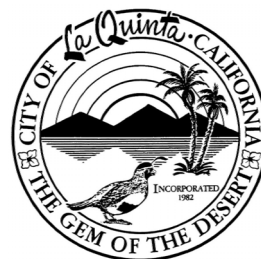
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LINDA EVANS, Mayor  
City of La Quinta, California

**ATTEST:**

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MONIKA RADEVA, City Clerk  
City of La Quinta, California





**APPROVED AS TO FORM:**

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WILLIAM H. IHRKE, City Attorney  
City of La Quinta, California

**PROCLAMATION OF A LOCAL EMERGENCY**

**A DECLARATION OF THE ACTING CITY MANAGER /  
EMERGENCY CORPS COMMANDER OF THE CITY OF LA  
QUINTA, CALIFORNIA, PROCLAIMING A LOCAL  
EMERGENCY PURSUANT TO CALIFORNIA  
GOVERNMENT CODE SECTION 8630 AND LA QUINTA  
MUNICIPAL CODE SECTION 2.20.080**

**WHEREAS**, on August 18, 2023, Hurricane Hilary began bringing heavy rain, flooding, lightning, and gusty winds to Southern California, necessitating the proposition of significant resources, including swift water rescue teams and the California National Guard, to protect health and safety and preserve the lives and property of the people of the State of California; and

**WHEREAS**, the National Weather Service issued a series of Flood Watches August 18, 2023, warning of potential significant flooding between August 19, 2023, and August 22, 2023, in several California counties, including Riverside County; and

**WHEREAS**, the City of La Quinta is incorporated in Riverside County and located in an area of the county, the Coachella Valley, that has been identified as potentially suffering from extreme weather-related events as a result of Hurricane Hilary; and

**WHEREAS**, the National Weather Service has warned that Hurricane Hilary may bring the potential for isolated tornadoes across portions of Southern California; and

**WHEREAS**, the National Weather Service has warned that Hurricane Hilary is expected to reach Southern California at tropical storm strength on August 20, 2023; Flash Flooding and strong tropical storm force winds can be expected across the whole region, with rare and dangerous flooding expected across the mountains and desert; and

**WHEREAS**, the Governor of the State of California proclaimed a State of Emergency on August 19, 2023, in response to the extreme weather-related events as a result of Hurricane Hilary; and

**WHEREAS**, California Government Code Section 8630 and La Quinta Municipal Code Section 2.20.080 empowers the City Council, or, if the City Council is not in session, by (1) any member of the City Council acting individually; (2) City Manager; (3) Chief of Police; (4) Fire Chief; or (5) Acting City Manager, to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity; and

**WHEREAS**, La Quinta Municipal Code Section 2.20.020 defines the terms emergency or disaster to mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused

by such conditions as, among other events, floods, storms, and other conditions that are or are likely to be beyond the control of the services, regular personnel, equipment and facilities of the City and which may require the combined forces of other political jurisdictions; and

**WHEREAS**, based on the foregoing recitals and the continued monitoring of extreme weather-related events resulting from Hurricane Hilary, the Acting City Manager does hereby find that potential conditions of extreme peril to the safety of persons and property may arise within the City, caused by heavy rain, strong tropical strength winds, and major flash flooding, expected to commence on or about 12:00 p.m. on the 20<sup>th</sup> day of August 2023, and that the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency; and

**WHEREAS**, pursuant to La Quinta Municipal Code Section 2.20.090, the Acting City Manager shall be the Emergency Corps Commander for the duration of the existence of a local emergency, as the City Manager has designated the Acting City Manager to serve in his absence while on vacation pursuant to Memorandum dated August 10, 2023, incorporated herewith by the reference as Exhibit A; and

**WHEREAS**, in accordance with La Quinta Municipal Code Section 2.20.100, the Emergency Corps Commander may direct all agencies of the city government to utilize and employ city personnel, equipment and facilities for the performance of any and all activities designed to prevent or alleviate actual or threatened damage due to the local emergency; and

**WHEREAS**, California Government Code Section 3100 declares that the protection of the health and safety and preservation of the lives and property of the people of the state from the effects of natural, manmade, or war-caused emergencies which result in conditions of disaster or in extreme peril to life, property, and resources is of paramount state importance requiring the responsible efforts of public and private agencies and individual citizens; and

**WHEREAS**, in furtherance of the exercise of the police powers of the state, counties, and local agencies, in protection of its citizens and resources, all public employees are declared to be **disaster service workers** subject to such disaster service activities as may be assigned to them by their superior or by law; and

**WHEREAS**, as required by California Government Code Section 3102, all City employees, before they enter upon the duties of their employment, take and subscribe to the oath of affirmation affirming and accepting to act in their capacity as **disaster service workers** as prescribed by law.

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED** by the Acting City Manager of the City of La Quinta, California, that a local emergency now exists throughout the City of La Quinta; and

**IT IS HEREBY FURTHER PROCLAIMED AND ORDERED** that during the existence of said local emergency the powers, functions, and duties of the Emergency Manager and the emergency organization of the City of La Quinta shall be those prescribed by state law, by ordinances, and resolutions of this City; and

**IT IS HEREBY FURTHER PROCLAIMED AND ORDERED** that the Emergency Operations Center Director or his/her successor or assignee is hereby designated as the authorized representative of the City of La Quinta for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available state and federal assistance; and

**IT IS HEREBY FURTHER PROCLAIMED AND ORDERED** that said local emergency shall be deemed to exist for a period of seven (7) days, and unless ratified and extended by the City Council of the City of La Quinta, it shall terminate at 11:59 p.m. on the 27<sup>th</sup> day of August 2023, in accordance with La Quinta Municipal Code Section 2.20.080; and

**IT IS HEREBY FURTHER PROCLAIMED AND ORDERED** that a copy of this proclamation shall be forwarded to the Governor of California with the request that he proclaim the City of La Quinta to be in a state of emergency; and

**IT IS HEREBY FURTHER PROCLAIMED AND ORDERED** that a copy of this proclamation be forwarded to the State Director of the Office of Emergency Services; and

**IT IS HEREBY FURTHER PROCLAIMED AND ORDERED** that a copy of this proclamation be forwarded to the Riverside County Emergency Management Department Duty Officer; and

**IT IS HEREBY FURTHER PROCLAIMED AND ORDERED** that the City Manager or Acting City Manager is hereby designated as the authorized representative for public assistance and the City's Finance Director is hereby designated as the authorized representative for individual assistance of the City of La Quinta for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available state and federal assistance.

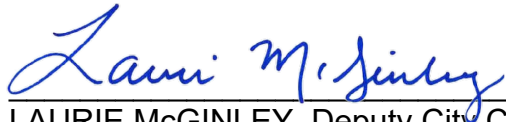
**ISSUED, DECLARED AND PROCLAIMED** this 20<sup>th</sup> day of August 2023, pursuant to California Government Code Section 8630 and La Quinta Municipal Code Section 2.20.080.



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MONIKA RADEVA, Acting City Manager  
City of La Quinta, California

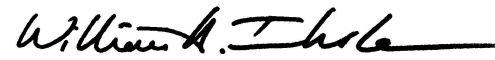
**ATTEST:**



LAURIE MCGINLEY, Deputy City Clerk  
City of La Quinta, California



**APPROVED AS TO FORM:**



WILLIAM H. IHRKE, City Attorney  
City of La Quinta, California



## MEMORANDUM

TO: Madam Mayor and Members of the City Council

FROM: Jon McMillen, City Manager

DATE: August 10, 2023

SUBJECT: Designation of Acting City Managers  
August 12-30, 2023

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I will be out of the area and on vacation August 12-30, 2023. I will return to the office on Thursday, August 31, 2023.

During my absence, I have designated City Clerk, Monika Radeva as Acting City Manager from August 12<sup>th</sup> thru August 20<sup>th</sup>. Monika's direct contact information is as follows:

Cell: 760-567-6605    City: 760-777-7035  
[mradeva@laquintaca.gov](mailto:mradeva@laquintaca.gov)

From August 21<sup>st</sup> thru August 30<sup>th</sup>, I have designated Gil Villalpando, Director of Business and Housing, as Acting City Manager. Gil's direct contact information is as follows:

Cell: 951-537-8671    City: 760-777-7094  
[gvillalpando@laquintaca.gov](mailto:gvillalpando@laquintaca.gov)

If you have any questions, please contact me.

Thank you.

cc: Executive Team  
Bill Ihrke