



**Wednesday, January 24, 2018**  
**Minutes of the Adjourned Regular Meeting of the City Council**

**CALL TO ORDER**

An Adjourned Regular Meeting of the Palm Springs City Council was called to order by Mayor Moon on Wednesday, January 24, 2018, at 6:05 p.m., in the Council Chamber, City Hall, located at 3200 E. Tahquitz Canyon Way, Palm Springs, California.

**PLEDGE OF ALLEGIANCE**

Mayor Moon led the Pledge of Allegiance.

**ROLL CALL**

**Present:** Councilmembers Christy Holstege, Geoff Kors, Lisa Middleton; Mayor Pro Tem J.R. Roberts; and Mayor Robert Moon.

\* Councilmember Middleton left the meeting at 10:38 p.m.

**Absent:** None.

**City Staff**

**Present:** David H. Ready, City Manager; Edward Z. Kotkin, City Attorney; Marcus Fuller, Assistant City Manager; and Anthony J. Mejia, City Clerk, were present at Roll Call. Other staff members presented reports or responded to questions as indicated in the minutes.

**PRESENTATIONS**

None.

**ACCEPTANCE OF THE AGENDA**

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to accept the agenda, with the deletion of Item Nos. 1O and 1V, removal of Item Nos. 1D, 1G, and 1Q for separate discussion, and withdrawal of Item No. 2A.

Councilmember Kors presented the report.

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to:

1. Add to the agenda consideration of issuing a letter opposing the CPUC draft Resolution E-4097, relating to Community Choice Aggregation Programs, based on the following:
  - a) the need for action came to the City's attention subsequent to the agenda being posted; and
  - b) action is needed prior to the next City Council meeting.
2. Authorize the Mayor, or designee, to sign a letter opposing the CPUC draft Resolution E-4097, relating to Community Choice Aggregation Programs.

**REPORT OF CLOSED SESSION**

The Regular Closed Session of the City Council of January 24, 2018, was called to order by Mayor Moon at 4:00 p.m., with all members present.

The meeting convened into Closed Session to discuss the following items as listed on the Regular Closed Session Meeting Agenda:

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Pursuant to Government Code Section 54956.9(d)(1):**

*Lockwood Ave LLC et al v. City of Palm Springs*

Case No. RIC1703102, Riverside Superior Court, Riverside Division

*City of Palm Springs v. O & M HR, LLC, et al.*

Case Number PSC 1701804, Riverside Superior Court, Palm Springs Division

*Palm Springs Preservation Foundation v. City of Palm Springs*

Case Number PSC 1704485, Riverside Superior Court, Palm Springs Division

*Protect Our Neighborhoods v. City of Palm Springs*

Case No. RIC1704320, Riverside Superior Court, Riverside Division

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Pursuant to Government Code Section 54956.9(d)(2):**

Number of Anticipated Cases: 4

**CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Pursuant to Government Code Section 54956.9(d)(4):**

Number of Cases: 3

**PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Pursuant to Government Code Section 54957(b)(1):**

Title: City Attorney

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS, Pursuant to Government Code Section 54956.8:**

Property Address/Description: 285 North Indian Canyon Drive (adjacent to north of Fire Station #1)

Agency: City of Palm Springs

City Negotiator: David H. Ready, City Manager or Designee

Negotiating Parties: DJL of the Desert, Inc., a California Corporation

Under Negotiation: Price and Terms of Payment (Sale)

Property Address/Description: Palm Canyon Wash parcels, APN 510-210-002, -003, 680-020-023, -026, -028, -034, -070, 680-180-009, 681-210-009, 681-250-012

Agency: City of Palm Springs  
 City Negotiator: David H. Ready, City Manager or Designee  
 Negotiating Parties: Claudio Padres, Riverside County Flood Control District  
 Under Negotiation: Price and Terms of Payment (Easement)

Property Address/Description: Palm Canyon Wash parcels, APN 510-160-012, 510-160-014

Agency: City of Palm Springs  
 City Negotiator: David H. Ready, City Manager or Designee  
 Negotiating Parties: Palm Canyon Farms, Michael Kilroy  
 Under Negotiation: Price and Terms of Payment (Purchase)

**CONFERENCE WITH LABOR NEGOTIATORS, Pursuant to Government Code Section 54957.6:**

Agency Designated  
 Representatives: City Manager David Ready and Attorney Peter Brown

Employee Organizations: Management Association of Palm Springs  
 Palm Springs Fire Safety  
 Palm Springs Fire Management  
 Palm Springs Police Management Association  
 Palm Springs Police Officers Association  
 Service Employees International Union Local 721

On a motion by Councilmember Middleton, second by Councilmember Holstege, carried 5-0, to add the following matter to the Closed Session Agenda based on: 1) the need for action came to the City's attention subsequent to the agenda being posted; and 2) action is needed prior to the next City Council meeting.

**CONFERENCE WITH REAL PROPERTY NEGOTIATORS, Pursuant to Government Code Section 54956.8:**

Property Address/Description: 449 N. Indian Canyon Drive, APN 669-330-047  
 Agency: City of Palm Springs  
 City Negotiator: David H. Ready, City Manager or Designee  
 Negotiating Parties: College of the Desert  
 Under Negotiation: Price and Terms of Payment

City Attorney Kotkin amended his Closed Session report for November 15, 2017, to declare that the City Council unanimously approved the Robolights Settlement Agreement.

City Attorney Kotkin provided an update regarding the *City of Palm Springs v. O & M HR, LLC, et al.*; reported that the City Council received briefings and provided direction to staff regarding the agendaized Closed Session Items, but did not take any reportable action; announced that Councilmember Holstege recused herself and left the Closed Session in relation to *Protect Our Neighborhoods v. City of Palm Springs* and one matter of anticipated litigation and City Manager Ready recused himself and left the Closed Session in relation to *Lockwood Ave LLC et al v. City of Palm Springs*.

**PUBLIC TESTIMONY**

Linda Futlerer, speaking on Item No. 1F, voiced support for the purchase of new furniture for the library and urged the City Council to support the purchase.

Loren Watkins, spoke in support of Item No. 1Q, noted that the sidewalk on south Camino Real is incomplete and created hazards for children going to Cahuilla Elementary School.

The following individuals spoke in opposition to Item No. 3A relating to transportation network companies operating at the Palm Springs International Airport:

Duncan MacLeod

Michelle Brock

Anna Maria Julianelli

Bill Meyers

Peter Gregor, Taxi Administrator for Sunline Services Group

David Schreiner

The following individuals spoke in support of Item No. 3A relating to transportation network companies operating at the Palm Springs International Airport:

Jarryd Davis, Uber, Regulatory and Public Affairs Manager for Southern California

Richard Singerman, Uber driver

Elisa Deemer, Lyft driver

Max Giella, Lyft, Airport Policy Manager

Steve Aldrich, Lyft driver

Matthew Himbert, Lyft and Uber driver

David Bradley, Lyft driver

The following individuals spoke in support of Item No. 3C relating to the Office of Neighborhood Involvement:

David Freedman

Paul Hinrichsen

Robert Heinbaugh

Jim Gross

Derrick Smedley

The following individuals spoke in opposition to Item No. 4A relating to the removal of tamarisk trees located along the 14<sup>th</sup> and 15<sup>th</sup> fairways of the Tahquitz Creek "Legends" Golf Course:

Dennis Bisnan

Sue Palmquist

The following individuals spoke in support of Item No. 4A related to the removal of tamarisk trees located along the 14<sup>th</sup> and 15<sup>th</sup> fairways of the Tahquitz Creek "Legends" Golf Course:

Diane Worgan  
Summer Helene  
Alexis Romero  
Jarred Fiorda  
Paul Bernstein  
Kurt Cyr  
Kevin Harmon  
Kimberly  
Carl Brenags.

Peter MacFarlane, speaking on Item No. 4B, expressed concern that the proposed initiative measure is untimely; suggested that the initiative proponents allow the existing regulations to have more time to be effective before submitting the measure to the voters.

Jeremy Ogul, representing HomeAway Vacation Rentals, speaking on Item No. 4B, recommended that the City Council order an impact report in relation to the proposed initiative measure and delay any action on scheduling the matter for an election.

Rich Pedine, speaking on Item No. 4B, requested that the City Council be thoughtful about removal of the tamarisk trees, ensuring that it is a compromise that benefits all stakeholders.

The following individuals spoke on Item No. 4B related to the citizens' initiative measure to prohibit the vacation rentals of single family residences, urging the City Council to submit the ballot question to the voters at the Statewide Primary Election on June 5, 2018:

Jennifer Samuels, Volunteer for PS Neighbors for Neighborhoods  
Steve Rose, Treasurer for PS Neighbors for Neighborhoods  
Marla Malaspina, Campaign Team for PS Neighbors for Neighborhoods  
Richard Samuels  
Don Villen

#### **CITY COUNCIL, SUBCOMMITTEE, AND CITY MANAGER'S COMMENTS AND REPORTS**

In response to City Council inquiry, City Attorney Kotkin advised that a contract for outside legal services specializing in Tribal Law will be presented to the City Council at its next meeting.

Mayor Moon and Councilmember Middleton voiced disappointment that someone vandalized Wang's in the Desert. Councilmember Middleton noted that everyone in our community should be treated with respect, regardless of political views.

Councilmember Kors thanked volunteers for assisting with the Homeless Point-in-Time count; requested that City staff re-designate a tour pick-up location for the downtown.

At the request of Councilmember Kors, Mayor Moon appointed Councilmember Kors and Mayor Pro Tem Roberts to an Ad Hoc Subcommittee for possible amendments to the historic preservation ordinance and appointed Councilmembers Kors and Holstege to an Ad Hoc Subcommittee to review the smoking ordinance for possible amendments.

Councilmember Holstege reported that Councilmember Middleton and she attended the League of California Cities Annual Conference in Sacramento.

## **1. CONSENT CALENDAR**

**MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to approve the consent calendar, with the deletion of Item Nos. 1O and 1U, and removal of Item Nos. 1D, 1G, and 1Q for separate discussion.**

### **A. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF DECEMBER 2017**

**MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of December 1 through December 31, 2017.**

### **B. APPROVAL AND TRANSMITTAL OF RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE (ROPS 18-19 A & B) FOR THE PERIOD OF JULY 1, 2018, THROUGH JUNE 30, 2019, PURSUANT TO SECTION 34169(G)(1) OF CALIFORNIA HEALTH & SAFETY CODE**

**MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to adopt Resolution No. 24356 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING SOLELY IN ITS CAPACITY AS SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE (ROPS 18-19 A & B) AND AN ADMINISTRATIVE EXPENSE BUDGET FOR THE PERIOD OF JULY 1, 2018, THROUGH JUNE 30, 2019, PURSUANT TO THE CALIFORNIA HEALTH & SAFETY CODE."**

### **C. APPROVE PROCUREMENT OF DELL SERVERS, SOFTWARE AND STORAGE SYSTEMS**

**MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to:**

- 1. Approve the purchase of three Dell servers, including licensing, support, storage and installation in an amount not to exceed \$234,000.00, inclusive of all applicable taxes and fees, utilizing the National Association of State Procurement Officials ValuePoint national cooperative purchase contract MNWNC-108/7157034003 from Dell.**
- 2. Authorize the City Manager to execute all necessary documents.**

**D. APPROVAL OF A FACILITY USE AGREEMENT WITH PALM SPRINGS POWER BASEBALL CLUB FOR THE PALM SPRINGS STADIUM:**

This item was excluded from the Consent Calendar. Please refer to Page 12 of these minutes for a summary of that action.

**E. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR 1611 SOUTH CALLE PALO FIERRO UNIT 4, A CLASS 1 HISTORIC SITE, HSPB 102:**

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to:

1. Approve a Mills Act Historic Property Agreement with Bernard L. Cain, Barbara P. Cain and Desert Star Homeowners Association, for 1611 South Calle Palo Fierro, Unit 4, a Class 1 Historic Site, HSPB 102, A7075.
2. Authorize the City Manager to execute the Agreement.
3. Direct the City Clerk to record the Agreement.

**F. PURCHASE OF FURNITURE FROM AGATI FURNITURE FOR THE MAIN LIBRARY:**

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to:

1. Approve the purchase of chairs and side tables for the main library inclusive of all applicable taxes and fees utilizing the cooperative services purchase contract E & I Contract CNR-01372 in the amount of \$65,481.51 from Agati Furniture.
2. Authorize the City Manager to execute all necessary documents.

**G. ACCEPT THE RESIGNATION OF JANEL HUNT FROM THE HUMAN RIGHTS COMMISSION:**

This item was excluded from the Consent Calendar. Please refer to Page 13 of these minutes for a summary of that action.

**H. AGREEMENT WITH PALM SPRINGS UNIFIED SCHOOL DISTRICT TO PROVIDE A FULL TIME POLICE OFFICER AT THE PALM SPRINGS HIGH SCHOOL CAMPUS:**

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to:

1. Approve an agreement with the Palm Springs Unified School District to provide a full-time police officer (School Resource Officer) at the high school campus including the Desert Learning Academy, for one year expiring at the end of the 2017-2018 school year, A5553.
2. Authorize the City Manager to execute all necessary documents.

**I. RANGE SERVICES AGREEMENT BETWEEN PALM SPRINGS POLICE DEPARTMENT AND STATE OF CALIFORNIA, DEPARTMENT OF CORRECTIONS AND REHABILITATION, 2017-2019:**

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to:

1. Approve a Facilities Use Agreement with the State of California-Department of Corrections and Rehabilitation to use the Palm Springs Police Department's Firing Range, in the amount of \$3,850.00 revenue to the City from November 1, 2017, through June 30, 2019, A5335.
2. Authorize the City Manager to execute all necessary documents.

**J. ACCEPTANCE OF DONATION FROM THE AGUA CALIENTE BAND OF CAHUILLA INDIANS IN THE AMOUNT OF \$35,000 FOR THE PALM SPRINGS POLICE DEPARTMENT'S MOUNTED POLICE SEARCH & RESCUE TEAM:**

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to:

1. Approve the acceptance of a donation award from the Agua Caliente Band of Cahuilla Indians in the amount of \$35,000, A7076.
2. Authorize the City Manager to execute all necessary documents.

**K. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:**

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to:

1. Adopt Resolution No. 24357 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 12-06-2017 BY WARRANTS NUMBERED 420149 THROUGH 420161 TOTALING \$29,741.93, LIABILITY CHECKS NUMBERED 1096087 THROUGH 1096106 TOTALING \$79,124.22, FIVE WIRE TRANSFERS FOR \$111,291.18, AND THREE ELECTRONIC ACH DEBITS OF \$1,881,750.25 IN THE AGGREGATE AMOUNT OF \$2,101,907.58, DRAWN ON BANK OF AMERICA."
2. Adopt Resolution No. 24358 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1096107 THROUGH 1096237 IN THE AGGREGATE AMOUNT OF \$2,249,372.29, DRAWN ON BANK OF AMERICA."
3. Adopt Resolution No. 24359 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1096238 THROUGH 1096350 IN THE AGGREGATE AMOUNT OF \$1,483,424.52, DRAWN ON BANK OF AMERICA."
4. Adopt Resolution No. 24360 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 12-16-2017 BY WARRANTS NUMBERED 420162 THROUGH 420177 TOTALING \$23,787.72, LIABILITY CHECKS NUMBERED 1096351 THROUGH 1096370 TOTALING \$78,693.76, FIVE WIRE TRANSFERS FOR \$64,554.52, AND THREE ELECTRONIC ACH DEBITS OF \$1,546,654.81 IN THE AGGREGATE AMOUNT OF \$1,713,690.81, DRAWN ON BANK OF AMERICA."
5. Adopt Resolution No. 24361 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1096371 THROUGH 1096535 IN THE AGGREGATE AMOUNT OF \$2,109,912.68, DRAWN ON BANK OF AMERICA."
6. Adopt Resolution No. 24362 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1096536 THROUGH 1096601 IN THE AGGREGATE AMOUNT OF \$1,979,082.81, DRAWN ON BANK OF AMERICA."

**L. AWARD CONTRACT TO GA TECHNICAL SERVICES IN THE AMOUNT OF \$32,459.89 FOR AIRPORT FIBER INFRASTRUCTURE SYSTEM RE-TERMINATION PROJECT, IFB 18-03:**

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to:

1. Award a contract to GA Technical Services of Upland, CA in the amount of \$32,459.89 for the Fiber Infrastructure System Re-Termination Project at Palm Springs International Airport, IFB 18-03, A7077.
2. Authorize the City Manager to execute all documents, including execution of change orders up to ten percent of the contract amount (\$3,246).

**M. SECOND READING AND ADOPTION OF ORDINANCE NO. 1947, AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN ANNEXATION NO. 18 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES):**

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to adopt Ordinance No. 1947 entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY IDENTIFIED AS ANNEXATION NO. 18, ENCLAVE AT BARISTO, TRACT MAP NO. 37245, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1, (PUBLIC SAFETY SERVICES)."

**N. SECOND READING AND ADOPTION OF ORDINANCE NO. 1948 OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND SUPERSEDING CHAPTER 5.81 OF THE PALM SPRINGS MUNICIPAL CODE REGARDING THE REGULATION OF ART MURALS ON PRIVATE PROPERTY:**

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to adopt Ordinance No. 1948 "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND SUPERSEDING CHAPTER 5.81 OF THE PALM SPRINGS MUNICIPAL CODE REGARDING THE REGULATION OF ART MURALS ON PRIVATE PROPERTY."

**O. SECOND READING AND ADOPTION OF ORDINANCE NO. 1949, AMENDING AND SUPERSEDING CHAPTER 8.80 AND ADDING AND AMENDING SECTIONS OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO VACANT BUILDINGS AS BUILDING CODE VIOLATIONS AND/OR PUBLIC NUISANCES, AND PROVIDING FOR THE ABATEMENT OF BLIGHTED PROPERTY:**

This item was deleted from the agenda at the request of City staff.

**P. AWARD A CONSTRUCTION CONTRACT TO STL LANDSCAPE, INC. IN THE AMOUNT OF \$134,104; FOR THE 2017 ADA CURB RAMPS & LIBRARY SIDEWALK, CP 17-11:**

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to:

1. Reject the bids submitted by All Cities Engineering, Inc. and C&M Construction LLC as being non-responsive.
2. Award a construction contract to STL Landscape, Inc., a California corporation, in the amount of \$134,104 for the 2017 ADA Curb Ramps & Library Sidewalk, CP 17-11, A7078.
3. Authorize the City Manager to approve and execute construction contract change orders up to a cumulative amount of \$13,410 (10% of construction contract).
4. Authorize the City Manager to execute all necessary documents.

**Q. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE MEASURE J COMMUNITY PROJECTS – SIDEWALK GAP CLOSURE IMPROVEMENTS, CP 15-31:**

This item was excluded from the Consent Calendar. Please refer to Page 13 of these minutes for a summary of that action.

**R. APPROVAL OF MINUTES:**

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to approve the City Council Meeting Minutes of December 6, 2017, December 13, 2017, December 18, 2017, and January 3, 2018.

**S. ENGAGEMENT OF LEGAL COUNSEL, LYNBERG & WATKINS, APC:**

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to:

1. Approve an Agreement with Lynberg & Watkins, APC, a California professional corporation, in a form substantially similar to that published with the staff report, subject to minor modification, within the reasonable discretion of the City Attorney, A7079.
2. Authorize the City Manager to execute all necessary documents.

**T. ENGAGEMENT OF LEGAL COUNSEL, BEST BEST & KRIEGER LLP:**

City Attorney Kotkin noted that the agreement for Best, Best, & Krieger should be modified to add additional rates of \$275 and \$325 when the City requests specific attorneys or specific partners to work on complex litigation, respectively.

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to:

1. Approve an Agreement with Best Best & Krieger LLP, a California limited liability partnership, in a form substantially similar to that published with the staff report, subject to minor modification, within the reasonable discretion of the City Attorney, A7080.
2. Authorize the City Manager to execute all necessary documents.

**U. ENGAGEMENT OF LEGAL COUNSEL, JOHN M. FUJII, SILVER & WRIGHT LLP:**

This item was deleted from the agenda at the request of City staff.

**V. ENGAGEMENT OF LEGAL COUNSEL, LIEBERT CASSIDY WHITMORE APC:**

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to:

1. Approve an Agreement with Liebert Cassidy Whitmore APC, a California professional corporation, in a form substantially similar to that published with the staff report, subject to minor modification, within the reasonable discretion of the City Attorney, A7081.
2. Authorize the City Manager to execute all necessary documents.

**EXCLUDED CONSENT CALENDAR****D. APPROVAL OF A FACILITY USE AGREEMENT WITH PALM SPRINGS POWER BASEBALL CLUB FOR THE PALM SPRINGS STADIUM:**

Mayor Moon read letters of support from individuals and business leaders regarding the Palm Springs Power Baseball Club.

In response to City Council inquiry, Andrew Starke, Owner and President of Palm Springs Powers, reported on the number of rooms booked from the league season and traveling teams; noted that the City does not contribute as a sponsor or for marketing efforts; advised that he is willing to accept the agreement terms to ensure that the Winter League may proceed, however it is begrudgingly.

Mayor Moon suggested that the existing agreement be extended for an additional six months while negotiating a new agreement.

Councilmember Kors opined that the existing Facility Use Agreement is the equivalent of a subsidy, and that a more appropriate funding source would be PS-Resorts.

Following discussion, MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to:

1. Approve an Agreement with Palm Springs Power Baseball Club, Inc., for rental and use of the Palm Springs Stadium for a limited term of January 22, 2018, through July 31, 2018, A5282.
2. Authorize the City Manager to execute all necessary documents.

**G. ACCEPT THE RESIGNATION OF JANEL HUNT FROM THE HUMAN RIGHTS COMMISSION:**

Councilmember Holstege commended Janel Hunt for her efforts on the Human Rights Commission.

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to:

1. Accept with regret the resignation of Janel Hunt from the Human Rights Commission.
2. Direct the City Clerk to post a notice of vacancy for the term ending June 30, 2019.

**Q. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE MEASURE J COMMUNITY PROJECTS – SIDEWALK GAP CLOSURE IMPROVEMENTS, CP 15-31:**

Councilmember Kors noted that certain sidewalks that the community desires are not moving forward because the property owners will not agree to the installation of sidewalks; requested that sidewalk gap closures which include lighting be separated for discussion in the future.

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to approve the plans, specifications and estimates and authorize staff to advertise and solicit bids for the Measure J Community Projects – Sidewalk Gap Closure Improvements, CP 15-31.

**2. PUBLIC HEARINGS**

**A. APPEAL BY WILLIE HOLLAND, JR., CO-APPLICANT OF COACHELLA GREEN DRAGON, REGARDING THE DECEMBER 5, 2017, DECISION OF**

**THE CITY ATTORNEY DENYING THE ISSUANCE OF A CANNABIS RELATED BUSINESS AND ACTIVITIES PERMIT, APPLICATION NO. C-2017-006**

The appellant withdrew his appeal.

**B. JR HAVENDALE, LLC FOR TENTATIVE PARCEL MAP 37376 TO SUBDIVIDE 2.67-ACRES OF LAND INTO FOUR PARCELS FOR THE EXISTING COMMERCIAL DEVELOPMENT LOCATED AT 450, 462, 490 SOUTH PALM CANYON DRIVE AND 471 SOUTH INDIAN CANYON DRIVE, ZONE CBD, CASE TPM 37376**

Planning Services Director Fagg presented the staff report.

Mayor Moon opened the Public Hearing.

Joseph Ramani, advised that JR Havendale has only one other investor, Diego Rahmanizad.

Benjamin Egan, explained the rationale for requesting the subdivision of the property into four parcels; noted that the applicant is seeking relief Planning Commission Condition Nos. 2 and 3.

In response to City Council inquiry, Director Fagg advised that staff will review Condition No. 3 and the existing easement covenants to determine if they are adequate and if so, will waive Condition No. 3.

There being no others desiring to speak to this issue, the Public Hearing was closed.

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to:

1. Determine the adjacent right-of-ways are acceptable in their current condition.
2. Adopt Resolution No. 24363 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 37376 TO SUBDIVIDE 2.67 ACRES INTO FOUR PARCELS FOR THE EXISTING COMMERCIAL DEVELOPMENT LOCATED AT 450, 462, 490 SOUTH PALM CANYON DRIVE AND 471 SOUTH INDIAN CANYON DRIVE (CASE TTM 37376)."

**C. AN APPLICATION BY THE PALM SPRINGS PRESERVATION FOUNDATION ON BEHALF OF MARK AND JANE GARRISON, OWNERS, FOR CLASS 1 HISTORIC DESIGNATION OF "THE ABE AND MARION SCHWARTZ RESIDENCE," LOCATED AT 1999 SOUTH JOSHUA TREE PLACE, ZONE R-1-C, HSPB 104**

Planning Services Director Fagg presented the staff report.

MOTION BY MAYOR MOON, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to adopt Resolution No. 24364 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE ABE AND MARION SCHWARTZ RESIDENCE, LOCATED AT 1999 SOUTH JOSHUA TREE PLACE, AS A CLASS 1 HISTORIC SITE HSPB 104."

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 4-0, to reopen the public hearing for reconsideration.

Mayor Moon opened the Public Hearing.

Barbara Marshall, representing the Palm Springs Preservation Foundation, noted that the property is an excellent example of modernism architecture; spoke on the community contributions of Abe and Marion Schwartz; expressed gratitude to Mark and Jane Garrison for the efforts to preserve the residence.

There being no others desiring to speak to this issue, the Public Hearing was closed.

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 4-0 (COUNCILMEMBER MIDDLETON ABSENT), to adopt Resolution No. 24364 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE ABE AND MARION SCHWARTZ RESIDENCE, LOCATED AT 1999 SOUTH JOSHUA TREE PLACE, AS A CLASS 1 HISTORIC SITE HSPB 104."

### 3. LEGISLATIVE

#### A. PROPOSED ORDINANCE AMENDING CHAPTER 16.37 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO REGULATION, PERMITTING REQUIREMENTS, OPERATIONAL RULES, PASSENGER LOADING AND UNLOADING, AND PENALTIES FOR TRANSPORTATION NETWORK COMPANIES OPERATING AT THE PALM SPRINGS INTERNATIONAL AIRPORT

City Manager Ready and City Attorney Kotkin presented the staff report and responded to City Council inquiries, noted that the City Council previously identified a preference for Area A as a Pick-Up/Drop-Off Area.

During the course of discussion, the City Council expressed concern that the California Public Utilities Commission has created a set of regulations that establish a double standard between taxi and limo companies versus Transportation Network Companies (TNC); noted the increased danger that airport patrons experience attempting to pick up a TNC on El Cielo Road; signage located near the proposed pick-up/drop-off location could indicate to customers that TNC drivers are not subject to random drug and alcohol testing.

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to introduce Ordinance No. 1950 entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 16.37.005, 16.37.010, 16.37.015, 16.37.025, AND 16.37.040 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO REGULATION, PERMITTING REQUIREMENTS, OPERATIONAL RULES, PASSENGER LOADING AND UNLOADING, AND PENALTIES FOR TRANSPORTATION NETWORK COMPANIES OPERATING AT THE PALM SPRINGS INTERNATIONAL AIRPORT," with direction that signage advising that TNC drivers are not subject to random alcohol or drug testing be installed at the airport. The signage verbiage is to be submitted to the City Council for receive and file.**INTRODUCTION OF AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 5.41 TO THE PALM SPRINGS MUNICIPAL CODE, REGARDING REGULATION OF PEDICABS ON CITY STREETS**

City Attorney Kotkin and Councilmember Kors presented the report; noted that the resort industry has expressed opposition to allowing open carry on pedicabs; and responded to City Council inquiries.

In response to City Council inquiries, Police Chief Reyes expressed concern regarding limited Police resources if calls for service were to increase due to allowing open carry on pedicabs.

During the ensuing discussion, the City Council expressed concern regarding the potential for littering, broken bottles, and impacts on vehicular traffic that might be caused by allowing open carry on pedicabs.

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to introduce Ordinance No. 1951 entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 5.41 TO THE PALM SPRINGS MUNICIPAL CODE, REGARDING REGULATION OF PEDICABS ON CITY STREETS, with the deletion of all references to alcohol service/consumption and pilot program.

### **MEETING RECESSED AND RECONVENED**

The City Council recessed at 9:06 p.m. and reconvened at 9:24 p.m., with all members present.

#### **B. PROPOSED ORDINANCE AMENDING PALM SPRINGS MUNICIPAL CODE CHAPTER 2.55 RELATING TO THE OFFICE OF NEIGHBORHOOD INVOLVEMENT**

City Manager Ready presented the staff report and responded to City Council inquiries.

MOTION BY COUNCILMEMBER KORS, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, to introduce Ordinance No. 1952 entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING

CHAPTER 2.55 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO THE OFFICE OF NEIGHBORHOOD INVOLVEMENT."

**C. PROPOSED ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING CHAPTER 2.60 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO PUBLIC INTEGRITY**

The City Council agreed to continue this matter to a future meeting.

**NEW BUSINESS**

**D. CONSIDER THE REMOVAL OF EXISTING TAMARISK TREES LOCATED ALONG THE 14TH AND 15TH FAIRWAYS OF THE TAHQUITZ CREEK "LEGENDS" GOLF COURSE, AND ADOPTION OF A CEQA NOTICE OF EXEMPTION**

City Manager Ready and City Attorney Kotkin presented the staff report and responded to City Council inquiries.

The City Council concurred with the City Attorney's recommendation regarding property owners' ability to opt out of the tree removal program and to require that property owners execute the appropriate legal documents to authorize City access and release of liability; directed City staff to distribute information regarding relevant Code provisions related to property maintenance visible from the public right-of-way.

The City Council directed that the remaining insurance funds be held in reserve for future landscaping and maintenance.

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY MAYOR MOON, CARRIED 5-0, to:

1. Authorize the removal of the existing tamarisk trees located along the east edge of Fairways #14 and #15 of the Tahquitz Creek "Legends" Golf Course, inclusive of such other remedial work associated with the removals, at a cost not to exceed \$175,000.
2. Adopt a CEQA Notice of Exemption in accordance with the California Code of Regulations, Title 14, (CEQA Guidelines) § 15304(i).
3. Authorize the City Manager or designee to take all necessary steps to execute these actions.

**E. CITIZENS' INITIATIVE FOR THE PROHIBITION OF VACATION RENTAL OF SINGLE FAMILY RESIDENCES IN THE CITY – SUFFICIENCY OF PETITIONS**

On behalf of Councilmember Holstege, City Attorney Kotkin announced that Councilmember Holstege will recuse herself due to a personal financial interest in the

vacation rental business in her household. Councilmember Holstege left the Council Chamber at 9:59 p.m.

City Attorney Kotkin presented the staff report and responded to City Council inquiries.

In response to City Council inquiry, City Manager Ready pointed out the Elections Code only provides for a 30 day period to complete the impact report, noting that if individual Councilmembers desire for specific impacts to be analyzed, staff will attempt to address them in the impact report.

Councilmember Kors expressed an interest to have the impacts on the availability of housing and property values addressed in the report.

**MOTION BY COUNCILMEMBER KORS, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 4-0 (COUNCILMEMBER HOLSTEGE RECUSED), to:**

1. Receive, file, and accept the Certificate of Sufficiency of Initiative Petition for the prohibition of vacation rental of single family residences in the City.
2. Order a report on the initiative measure pursuant to California Elections Code Section 9212 to be presented to the City Council no later than February 23, 2018.
3. Directed City staff to bring forward resolutions calling for a special election to be consolidated with the Statewide Primary on June 5, 2019, as well as calling for a vote at the City's next regular election.

#### **4. UNFINISHED BUSINESS**

##### **A. REVIEW AND APPOINT LIAISONS TO CITY BOARDS AND COMMISSIONS**

The City Council agreed to appoint Councilmember Holstege to serve as the City Council Liaison to the Parks and Recreation Commission and deferred further consideration till the City Council meeting of February 7, 2018.

#### **PUBLIC COMMENT**

Diana Grace, President of the Four Seasons Community Association, voiced concern that there is an impasse in the Serena Park Estates Project; noted that the project would eliminate a public nuisance without cost to the City and would generate new property tax and sales tax; urged the City Council to assist in reaching a resolution in this project.

John Goins, representing the Sustainability Commission, invited the community to attend a free workshop on how to achieve the modernism aesthetic in a sustainable way on February 18, 2018, at the Modernism Week Camp.

Dan Ball, expressed concern that Wang's in the Desert was vandalized and members of the community have called for a boycott of the restaurant in response to it hosting his campaign event; urged the City Council to condemn the actions taken against Wang's.

Johnny Hilsreth, President of the Log Cabin Republicans Palm Springs Chapter, urged the City Council to declare that the actions against Wang's in the Desert will not be tolerated.

Guy Garrett, noted that Wang's in the Desert business and employees are suffering and urged that the City Council issue a cohesive message against the vandalism.

Steve Rosenberg, opined that the City Council should elect to have meetings more frequently to avoid such large agendas and packets.

Rick Pantelle, spoke in support of the owners and employees of Wang's in the Desert, noting that they contribute to many community organizations.

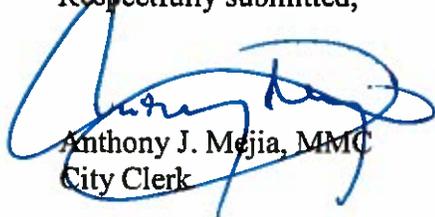
**CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT**

None.

**ADJOURNMENT**

At 11:56 p.m., the City Council will adjourn to the next regular meeting Wednesday, February 7, 2018, at 6:00 p.m. Council Chamber, City Hall, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

Respectfully submitted,



Anthony J. Mejia, MMC  
City Clerk

