



Wednesday, March 21, 2018

**Minutes of the Regular Meeting of the City Council and as Successor Agency to the
Community Redevelopment Agency of the City of Palm Springs**

CALL TO ORDER

A Regular Meeting of the Palm Springs City Council was called to order by Mayor Moon on Wednesday, March 21, 2018, at 6:08 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.

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 KORS, CARRIED 5-0, to accept the agenda, with the deletion of Item Nos. 1H and removal of Item No. 1Q for separate discussion.

REPORT OF CLOSED SESSION

The Regular Closed Session of the City Council of March 21, 2018, was called to order by Mayor Moon at 3:00 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

EXPOSURE TO LITIGATION, Pursuant to Government Code Section 54956.9(d)(2):

Number of Cases: 4

INITIATION OF LITIGATION, Pursuant to Government Code Section 54956.9(d)(4):

Number of Cases: 5

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

Title: City Attorney

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

Property Address/Description: 980 E. Tahquitz Canyon Way, APN 508-056-010

Agency: City of Palm Springs

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

Negotiating Parties: Palm Springs Unified School District; Sandra Lyon, Superintendent

Under Negotiation: Price and Terms of Payment (Lease)

Property Address/Description: 4449 N. Indian Canyon Dr., APN 669-330-047

Agency: City of Palm Springs

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

Negotiating Parties: Desert Community College District

Under Negotiation: Price and Terms of Payment (Acquisition)

Property Address/Description: 342-344 North Palm Canyon Drive

Agency: Successor Agency of the Redevelopment Agency

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

Negotiating Parties: Emmanuel Dossetti

Under Negotiation: Price and Terms of Payment (Sale)

CONFERENCE WITH LABOR NEGOTIATOR, Pursuant to Government Code Section 54957.6:

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

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

City Attorney Kotkin 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 with the exception that the City Council settled the case of Masters v. Palm Springs for \$75,000; noted that certain Closed Session Items were not discussed due to time constraints; advised that City Manager Ready recused himself and left Closed Session related to the Lockwood case.

PUBLIC TESTIMONY

Aftab Dada, speaking on Item No. 1K, urged the City Council to support Senate Bill 905 related to the hours of sale of alcoholic beverages.

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

Mayor Moon discussed he had a positive meeting with the Crossly Neighborhood about the tamarisk trees along the golf course and waivers to remove the trees; encouraged residents to participate in the budget process beginning in April; spoke on the importance of addressing the comprehensive list of maintenance projects for City facilities.

Councilmember Middleton advised that she has inquired and staff has confirmed that the City and the Riverside County Transportation Commission do not have investments in gun manufacturing or distribution companies, noting that she is awaiting a response from the Sunline Transit Agency; reported on the meetings of the Coachella Valley Mountains Conservancy Board and Desert Community Energy.

Mayor Pro Tem Roberts reported on the Downtown Project, noting the possibility for a temporary sculpture garden or temporary parking lot; advised that the City Council Ad Hoc Subcommittee on Recycling and Diversion of Debris is considering ways to offer an incentive to contractors to recycle construction debris.

Councilmember Holstege advised that the Palm Springs Animal Shelter hired a new Director of Operations; reported on her attendance at regional meetings throughout Riverside County, noting that the Riverside County Community Action Commission meetings have moved from Banning to Riverside; noted that Councilmember Middleton and herself attended Principal for a Day at local schools and commended the teachers for their efforts; requested that discussion of pedestrian safety be agendaized for a future City Council meeting.

Councilmember Kors noted that Ordinance No. 1927 related to tenant relocation and protections was due to sunset and requested that an urgency ordinance to extend the sunset date be agendaized for the City Council meeting of April 4, 2018; recommended that the City Council agendaize discussion of allowing for alternates to serve on the Administrative Appeal Board.

Councilmembers Kors and Middleton read a statement regarding the California Voting Rights Act (CVRA), noting that an attorney is alleging the City is in violation of the CVRA and should transition from at-large elections to a district-based electoral system. A hard copy of the statement is on file with the City Clerk.

City Manager Ready reported on the popularity and economic success of Modernism Week and thanked Chris Mobley, CEO of Modernism Week, for his efforts; introduced Police Chief Reyes who reported on recent crime statistics, noting that there has been a significant decrease in crimes throughout Palm Springs.

1. CONSENT CALENDAR

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to approve the Consent Calendar, with the removal of Item No. 1Q for separate discussion and tabling Item No. 1H.

A. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR 1750 SOUTH ARABY DRIVE, A CLASS 1 HISTORIC SITE HSPB 103/HD-6

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to:

1. Approve a Mills Act Historic Property Preservation Agreement with Barry Schweiger and Park Imperial South Homeowners Association, for 1750 South Araby Drive, a Class 1 Historic Site, HSPB 103/HD-6. A7118.
2. Authorize the City Manager to execute the Agreement.
3. Direct the City Clerk to record the Agreement.

B. DESERT REGIONAL MEDICAL CENTER REQUEST FOR AN ART MURAL ON THE EAST SIDE OF THE HOSPITAL COMPLEX LOCATED AT 1150 NORTH INDIAN CANYON DRIVE (CASE 18-001 MUR)

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24389 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN ART MURAL ON THE EAST SIDE OF THE HOSPITAL PROPERTY LOCATED AT 1150 NORTH INDIAN CANYON DRIVE (CASE 18-001 MUR)."

C. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF FEBRUARY 2018

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to receive and file the report of Staff Authorized Agreements and Purchase orders for the period of February 1, 2018, through February 28, 2018.

D. TREASURER'S INVESTMENT REPORT AS OF JANUARY 31, 2018

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to receive and file the Treasurer's Investment Report as of January 31, 2018.

E. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF COACHELLA TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING DECEMBER 31, 2018

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to reappoint Bill Pattison, as the City of Coachella representative, to the Palm Springs International Airport commission for the term ending December 31, 2018.

F. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE PALM SPRINGS CONVENTION CENTER PARKING LOT (PHASE 2) CP 17-14

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to approve the plans, specifications and estimate, and authorize staff to advertise and solicit bids for the Palm Springs Convention Center Parking Lot (Phase 2), CP 17-14.

G. APPROVAL OF THE FISCAL YEAR 2018-19 CSA 152 SPECIAL ASSESSMENT RATE

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24390 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MAKING FINDINGS AND RE-AFFIRMING THE ESTABLISHMENT AND SETTING OF RATES FOR COUNTY SERVICE AREA 152 FOR FISCAL YEAR 2018-19 TO FUND THE CITY'S NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT IN ORDER TO OPERATE AND MAINTAIN THE CITY'S DRAINAGE AND FLOOD CONTROL SYSTEMS."

H. APPROVE THE SUBMITTAL OF THE NOMINATION OF THE PALM SPRINGS INTERNATIONAL AIRPORT TERMINAL BUILDING TO THE NATIONAL REGISTER OF HISTORIC PLACES

This item was deleted from the agenda.

I. APPROVAL OF A CONSULTING SERVICES AGREEMENT WITH SYMBLAZE INC. TO PROVIDE ONGOING COMMUNICATIONS AND TECHNOLOGY SERVICES FOR THE REMAINING PERIOD OF FOUR MONTHS OF THE BUZZ TROLLEY PROGRAM IN AN AMOUNT NOT TO EXCEED \$6,995.00

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to:

1. Approve an Agreement with Symlaze, Inc. in an amount not to exceed \$6,995.00 for communication and technology support services for the remaining four months of the BUZZ Trolley program. A6552.
2. Authorize the City Manager or his designee to execute all necessary documents.

J. APPROVE AMENDMENT NO. 1 OF A GRANT AGREEMENT 3850-P01-0008 FROM THE COACHELLA VALLEY MOUNTAINS CONSERVANCY, AWARD A CONSTRUCTION CONTRACT TO NATURES IMAGE INC., AND APPROVE CONTRACT CHANGE ORDER NO. 1 FOR A CONTRACT AMOUNT OF \$803,611 FOR THE RESTORATION OF CITY OWNED PROPERTY ON DUNN ROAD (ASSESSOR'S PARCEL NO. 635-060-011), CP 17-04

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to:

1. Approve Amendment No. 1 to Proposition 1 Grant Agreement Grant No. 3850-P01-0008 (Phase 2 Implementation), between the State of California (Coachella Valley Mountains Conservancy) and the City of Palm Springs, for an increase of \$319,511 to a new grant amount of \$803,611. A7037.
2. Reject the Bid submitted by Amec Foster Wheeler, Inc., as being non-responsive.
3. Award a construction contract to Natures Image, Inc., a California corporation, in the amount of \$1,491,466 for the Dunn Road Property Restoration Project, APN No. 635-060-011, CP 17-04. A7119.
4. Approve Contract Change Order No. 1 to Agreement No. A7119 with Natures Image, Inc., a California corporation for a decrease of \$687,855 for a total revised contract amount of \$803,611.
5. Authorize the City Manager to execute all necessary documents.

K. AUTHORIZE A LETTER IN REGARDS TO SENATE BILL 905, ALCOHOLIC BEVERAGES: HOURS OF SALE

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to authorize a letter to the authors of Senate Bill 905, Alcoholic Beverages: Hours of Sale, requesting that the City of Palm Springs be named in the Bill as a “qualified city.”

L. AUTHORIZE THE PURCHASE OF THREE (3) NEW POLICE PATROL VEHICLES FOR THE DOWNTOWN AREA, ONE (1) NEW FIRE COMMAND VEHICLE, AND ONE (1) NEW RAPID RESPONSE PARAMEDIC UNIT IN AN AMOUNT NOT TO EXCEED \$348,000

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to:

1. Authorize the purchase of three (3) new Ford Utility Interceptors, or equivalent patrol vehicle model, including required outfitting, for the Police Department Downtown Patrol, in an amount not to exceed \$201,000.
2. Authorize the purchase of one new Ford F-450 Medic Unit, or equivalent vehicle model, including required outfitting, for the Fire Department – Rapid Response Paramedic Unit, in an amount not to exceed \$80,000.
3. Authorize the purchase of one new Ford Expedition XLT vehicle, or equivalent sport utility vehicle model, including required outfitting, for the Fire Department – Deputy Chief (Operations), in an amount not to exceed \$67,000.
4. Authorize Staff to conduct the appropriate bid processes, or utilize cooperative purchase contracts if available, in accordance with Procurement procedures and authorize the City Manager to execute all necessary documents, including Purchase Orders for the new replacement vehicles and equipment, in a total cumulative amount not to exceed \$348,000.

M. AMENDMENT TO AGREEMENT NO. A5209 FOR LICENSED FINANCE SYSTEM SOFTWARE UPGRADES, REMOTE HOSTING AND RELATED PROFESSIONAL SERVICES WITH SUPERION CORPORATION

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to:

1. Approve Amendment No. 1 to Agreement No. A5208 with Superior Corporation to provide software upgrades to the City's Finance system software, with recurring costs of up to \$37,019 annually plus annual CPI increases capped at a maximum of 3%, and for one-time costs not to exceed \$100,000.
2. Authorize the City Manager to execute all necessary documents.

N. AMENDMENT TO AGREEMENT NO. A6205 FOR BUSINESS LICENSE TAX CERTIFICATE DISCOVERY AND ASSESSMENT SERVICES WITH MUNISERVICES, LLC

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to:

1. Approve Amendment No. 2 to Agreement No. A6205 with MuniServices, LLC to provide the City Business License Discovery and Assessment Services extending the term of the agreement for three (3) additional years ending June 30, 2020, and lowering the existing compensation schedule of 40% of additional revenue collected to 30% of additional revenue collected.
2. Authorize the City Manager to execute all necessary documents.

O. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to:

1. Adopt Resolution No. 24391 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANT NUMBERED 1097088 IN THE AGGREGATE AMOUNT OF \$290.00, DRAWN ON BANK OF AMERICA."
2. Adopt Resolution No. 24392 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 01-27-2018 BY WARRANTS NUMBERED 420206 THROUGH 420220 TOTALING \$27,595.86, LIABILITY CHECKS NUMBERED 1097089 THROUGH 1097108 TOTALING \$78,803.19, FIVE WIRE TRANSFERS FOR \$61,825.66, AND THREE ELECTRONIC ACH DEBITS OF \$1,405,036.56 IN THE AGGREGATE AMOUNT OF \$1,573,261.27, DRAWN ON BANK OF AMERICA."
3. Adopt Resolution No. 24393 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1097109 THROUGH 1097265 IN THE AGGREGATE AMOUNT OF \$2,529,650.55, DRAWN ON BANK OF AMERICA."
4. Adopt Resolution No. 24394 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1097266 THROUGH 1097371 IN THE AGGREGATE AMOUNT OF \$2,662,569.34, DRAWN ON BANK OF AMERICA."

P. ENGAGEMENT OF LEGAL COUNSEL, COTA COLE & HUBER LLP

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to:

1. Approve a Professional Services Agreement with Cota Cole & Huber LLP, in a form substantially similar to that published with the staff report, subject to minor modifications, within the reasonable discretion of the City Attorney. A7120.
2. Authorize the City Manager to execute all necessary documents.

EXCLUDED CONSENT CALENDAR**Q. PUBLIC COMMENT REGARDING UNITED STATES BUREAU OF LAND MANAGEMENT REVIEW OF DESERT RENEWABLE ENERGY CONSERVATION PLAN LAND USE AMENDMENT**

Councilmember Holstege advised that President Trump issued an Executive Order to re-open the Desert Conservation Plan; requested that the City Council approve the proposed letter opposing the re-opening of the plan; encouraged residents to submit their own comments to the U.S. Bureau of Land Management.

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, to approve comments as reflected in the letter attached to the staff report, and authorize the City Manager to issue the letter and execute any other related documents necessary.

PUBLIC HEARINGS**A. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2018–2019 ANNUAL ACTION PLAN AND CDBG BUDGET ADOPTION; AND AUTHORIZATION FOR SUBMISSION TO THE UNITED STATES DEPARTMENT OF HOUSING & URBAN DEVELOPMENT, FOR THE FISCAL YEAR 2018–2019 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, 44TH PROGRAM YEAR; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL SUBRECIPIENT AGREEMENTS**

Director of Economic Development Virata presented the staff report and responded to City Council inquiries.

In response to City Council inquiries, City Manager Ready advised that grant subrecipients are required to enter into an agreement and report on the use of the grant funds; noted that subrecipients must comply with Housing and Urban Development (HUD) procedures for procurement/bidding; stated that staff will provide the City Council with the subrecipients' reports upon submission to HUD.

Economic Development Director Virata advised that staff publishes notices and sends direct emails to known service providers advising of the availability of CDBG funds; opined that the City's allocation of \$300,000 is unlikely to significantly impact or incentivize affordable housing projects.

Councilmember Kors and Councilmember Holstege noted that the City's major goal is to address affordable housing and homelessness, pointing out that the CDBG funds could be used for rental assistance programs if service providers were to apply for such a program; expressed concern that the advisory committee does not have representatives from homeless- or housing-related entities or tenant/landlord representatives. City Manager Ready recommended the formation of a City Council subcommittee to review the CDBG process and make-up of the advisory committee.

In response to City Council inquiry, City Engineer Garcia explained the purpose of the Solar Radar Speed Sign Project. Councilmember Middleton recommended that the City Council consider funding of the equipment during the budget process.

In response to City Council inquiries, Les Young, representing the Citizens' Advisory Committee, advised that the funding amount was less than originally anticipated; summarized the evaluation criteria and scores of the proposed projects.

Mayor Pro Tem Roberts and Mayor Moon requested that future staff reports summarize if an organization previously received CDBG funds and a description of the project(s) and the rationale for recommending approval/denial of a particular project.

Mayor Moon opened the Public Hearing.

Judy Cressman, Jewish Family Services of the Desert, advised that the funding would provide approximately 50 seniors with emergency assistance.

Darrel Tucci, Desert Aids Project, spoke on the benefits of the energy-efficiency LED retrofit lighting project.

MEETING RECESSED AND RECONVENED

The City Council recessed at 7:34 p.m. and reconvened at 7:41 p.m., with all members present.

City Attorney Kotkin advised that due to a potential conflict, that former Councilmember Ginny Foat would withdraw her request to address the City Council.

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

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 4-0 (COUNCILMEMBER KORS ABSTAINING), to adopt Resolution No. 24395 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE 2015-2019 CONSOLIDATED PLAN STRATEGIC GOALS AND THE 2018-2019 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN; APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET FOR FISCAL YEAR 2018-2019; AUTHORIZING THE SUBMITTAL OF THE PLANS AND BUDGET TO THE UNITED STATES DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (HUD); AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROVAL/AGREEMENT (GRANT # B-18-MC- 06-0561) WITH HUD IN THE AMOUNT OF \$362,316 AND TO EXECUTE ALL SUBRECIPIENT AGREEMENTS."

Councilmember Kors noted that his abstention is due to a lack of information to make an informed decision.

B. RECOMMENDATION BY THE HISTORIC SITE PRESERVATION BOARD FOR CLASS 1 HISTORIC SITE DESIGNATION OF "THE WILLIAM HOLDEN – DEEPWELL RESIDENCE", LOCATED AT 1323 SOUTH DRIFTWOOD DRIVE, ZONE R-1-C, CASE HSPB 110

Director of Planning Services Fagg presented the staff report, displayed photos of the residence, and responded to City Council inquiries.

Mayor Pro Tem Roberts expressed concern that the residence has undergone significant renovations and questioned whether the Historic Site Preservation Board (HSPB) was unanimous in its recommendation. Director Fagg advised that the HSPB unanimously supported Class 1 Historic Designation with conditions of approval.

In response to Councilmember Holstege's inquiry, Director Fagg advised that the historic designation would cover all four lots in which the structure sits on, noting that the property owners processed a lot line merging of the four lots into one.

Mayor Moon opened the Public Hearing.

Barbara Marshall, Applicant, representing the Palm Springs Preservation Foundation, provided an overview of the Holden Residence and encouraged approval of the Class 1 Historic Designation.

Jane Garrison, Property Owner, spoke on the restoration of the residence, noting that the original architectural footprint has been restored; stated that she is committed to maintaining and preserving the entire property and will not split the lots.

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

Members of the City Council expressed concern that the restoration did not retain many of the original elements of the residence and questioned whether enough of the original structure is still intact to qualify for a historic site designation; expressed gratitude for Ms. Garrison's commitment to retain the property as a single lot. Councilmember Kors opined that the subject residence meets historic preservation criteria 2, 3, 4, and 5 making it eligible for Class 1 Historic Designation.

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

1. Adopt Resolution No. 24396 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING "THE WILLIAM HOLDEN DEEPWELL RESIDENCE" LOCATED AT 1323 SOUTH DRIFTWOOD DRIVE AS A CLASS 1 HISTORIC SITE, HSPB 110, APN 508-402-005."
2. Direct the City Clerk to record the Resolution.

C. ROSIAN V, LLC, FOR A PLANNED DEVELOPMENT DISTRICT APPLICATION, A MINOR ARCHITECTURAL APPLICATION, CONDITIONAL USE PERMIT APPLICATIONS AND A VARIANCE APPLICATION, PROPOSING RENOVATIONS AND ADDITIONS TO AN EXISTING 62-ROOM HOTEL TO ADD AN OUTDOOR MUSIC VENUE, AN OUTDOOR RESTAURANT USE, AN OUTDOOR COCKTAIL LOUNGE USE AND SUPPORT SPACES AT THE MONROE HOTEL (AKA INFUSION BEACH HOTEL) LOCATED AT 1900 NORTH PALM CANYON DRIVE, CASES 5.1409 CUP/PDD 387/3.864 MAA/6.550 VAR (APN 504-320-026, ZONE C-1/R- 3/RESORT COMBINING ZONE)

Director of Planning Services Fagg narrated a PowerPoint presentation entitled "Infusion Beach." In response to City Council inquiries, Director Fagg reviewed the regulatory parking requirements and summarized the Planning Commission's deliberations related to the proposed parking plan; reported on the proposed noise mitigation measures, noting that the City would be provided with data from the noise monitoring stations, upon request; advised that the project will provide funding to fill sidewalk gaps near the project site as its public benefit requirement.

Mayor Moon opened the Public Hearing.

Matthew Rogers, Project Manager, provided an overview of the business plan and need for a food and beverage station; noted that the noise study consultant recommends the installation of a noise level limiter or a noise monitoring system; voiced opposition to the Planning Commission's Condition of Approval to install both noise mitigation measures; stated that the noise monitoring station would likely detect noise from Highway 111 and inadvertently attribute the noise to the hotel; spoke on the off-site parking arrangement, noting that there is an option to purchase the former Dink's property.

Aftab Dada, President of Palm Springs Hospitality Association, indicated support for the project.

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

In response to City Council inquiry, Mr. Rogers discussed the proposed security plan for the property; advised that the owners intend to open a cocktail lounge at the former Dink's property.

Mayor Pro Tem Roberts opined that the off-site parking agreement should be for a longer term, noting that it is unlikely that the restaurant operations will cease once the parking agreement terminates.

Mayor Moon expressed concerns that the valet parking traffic pattern is such that valet drivers may violate traffic regulations and take a short cut and the potential noise impacts on adjacent condominium projects and neighborhoods.

Councilmember Holstege suggested that staff should begin updating the parking standards, noting that transportation network companies have changed how people travel and park; recommended that the applicant facilitate a neighborhood meeting to inform residents of the new operations; opined that the Conditions of Approval should be modified to allow for the installation of only the noise level limiter.

Councilmember Middleton agreed with the Planning Commission's recommendation for the installation of both noise mitigation systems, noting her experience addressing noise impacts associated with the former Hacienda Cantina and Beach Club; suggested that public benefits should be associated with affordable housing projects in the future.

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 4-1 (MAYOR MOON VOTING NO), to:

1. Adopt the Mitigated Negative Declaration (MND) as an adequate and complete analysis of the project's potential environmental impacts pursuant to the California Environmental Quality Act (CEQA).
2. Adopt Resolution No. 24397 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 3.864 MAA, A MINOR ARCHITECTURAL APPLICATION FOR RENOVATION AND ADDITIONS TO AN EXISTING 62-ROOM HOTEL; CASE 6.550 VAR, A VARIANCE APPLICATION APPROVING REMOTE PARKING AT A DISTANCE THAT EXCEEDS THE MAXIMUM LIMIT OF ZONING CODE SECTION 93.06.00; CASE 5.1409 CUP, CONDITIONAL USE PERMITS (CUP'S) FOR AN OUTDOOR RESTAURANT USE, AN OUTDOOR COCKTAIL LOUNGE USE AND AN OUTDOOR SOUND STAGE USE; AND CASE 5.1409 PDD 387, A PLANNED DEVELOPMENT DISTRICT GRANTING DEVIATIONS IN THE UNDERLYING DEVELOPMENT STANDARDS OF THE C-1/R-3 ZONE RELATIVE TO SETBACKS, OPEN SPACE AND OFF-STREET PARKING FOR THE PROPOSED OUTDOOR MUSIC VENUE USE, RESTAURANT AND COCKTAIL LOUNGE USE ON A 1.42-ACRE SITE LOCATED AT 1900 NORTH PALM CANYON DRIVE AND RECOMMENDING APPROVAL OF CASE 5.1409 PDD 387 BY THE CITY COUNCIL, SUBJECT TO CONDITIONS OF APPROVAL," as amended:

(City Council action continued on next page)

- a. The Conditions of Approval shall be amended to require only a sound level limiter.
- b. The Planning Commission will review the CUP at six months and annually thereafter, for a period of five (5) years.
- c. The applicant shall provide a public benefit in the amount of \$50,000 to the City's Sidewalk Gap Closure Fund to improve sidewalks in the vicinity of the project site.

3. LEGISLATIVE

None.

4. UNFINISHED BUSINESS

None.

5. NEW BUSINESS

None.

PUBLIC COMMENT

Alan Worthy, stated the City was in default of the complaint he filed against Officer Donovan in November 2017; called for the undivided attention of the City Council during his public comment.

Sharlane Ferris, stated that she is a bit shaken up by the comment of Mr. Worthy; thanked the City Council and Board of Directors of the Palm Springs Animal Shelter for returning her cats to her.

Mayor Pro Tem Roberts stated that he is unable to perform his duties and is concerned that members of the audience are intimidated and frightened, due to the aggressive behavior of Mr. Worthy.

City Attorney Kotkin advised that he would prepare the City Council and Police Department a Confidential Attorney-Client Memorandum describing the City's capacity to limit disruptive behavior in the City Council Chamber.

Councilmember Middleton noted that she and City Attorney Kotkin met with Mr. Worthy a month ago to discuss his concerns and requested that he submit his issues in writing with a commitment from herself to follow-up; agreed that his behavior is inappropriate and disruptive.

CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT

At the request of Councilmember Holstege, Mayor Moon appointed Councilmembers Holstege and Kors to serve on an *Ad Hoc* Subcommittee to coordinate town forums related to the City Council Standing Subcommittee on Business Retention, for a period of one year.

Councilmember Holstege requested consideration of updating the City's Noise Ordinance and Parking Standards be agendized for a future City Council meeting.

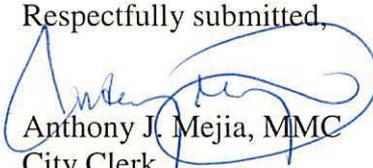
In response to Councilmember Middleton, Assistant City Manager Fuller reported on the progress of bringing Fire Station No. 4 back to service.

Mayor Pro Tem Roberts requested that discussion of the Downtown Furniture Pilot Project and improvements to the Planning Review Process be agendized for future City Council meetings; suggested that the 2018 Meeting Schedule be agendized for the next City Council meeting.

ADJOURNMENT

At 11:05 p.m., the City Council adjourned, to the next regular meeting Wednesday, April 4, 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