



Wednesday, April 18, 2018
Minutes of the Regular Meeting of the City Council

CALL TO ORDER

A Regular Meeting of the Palm Springs City Council was called to order by Mayor Moon on Wednesday, April 18, 2018, at 6:03 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 Cindy Berardi, Chief Deputy City Clerk, were present at Roll Call. Other staff members presented reports or responded to questions as indicated in the minutes.

ACCEPTANCE OF THE AGENDA

MOTION BY COUNCILMEMBER KORS, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, to accept the agenda as amended, removing Consent Calendar Item Nos. 1H, 1I, 1J, and 1K and noting Councilmember Middleton's recusal on Item No. 1F.

REPORT OF CLOSED SESSION

The Regular Closed Session of the City Council of April 18, 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
Linda Apling, as Personal Representative of the Will and Estate of David Hamaker v. City of Palm Springs et al.
Case No. PSC1801693 and PSC1801694, Riverside Superior Court, Palm Springs Division

Ana Lavenant and Jose Ortiz v. City of Palm Springs et al.
Case No. 5:17-cv-02267, U. S. District Court, Central District of California

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

Number of Anticipated Cases: 7
 One (1) Case Re: Response to Letter From Kevin Shenkman, Esq., received March 5, 2018 (California Voting Rights Act of 2001)

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

Number of Cases: 5

CONFERENCE WITH REAL PROPERTY NEGOTIATORS, 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 Drive
 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)

CONFERENCE WITH LABOR NEGOTIATOR, 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

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; noted that Councilmember Holstege recused herself and left the Closed Session on one matter of Initiation of Litigation due to a personal income/economic interest; advised that City Manager Ready recused himself and left the Closed Session related to the Lockwood case.

PUBLIC TESTIMONY

Bruce Hoban, spoke on Item No. 4A, suggested that the City produce its own Economic Tourism Report for Palm Springs hotels.

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

Councilmember Kors reported on recent meetings and events; spoke on residents' options related to the new Community Choice Program for electricity; reported on the Sustainability Commission's meeting with the Hospitality Association regarding a polystyrene and plastic straw ordinance; requested that discussion of allowing greater flexibility in the City's sign ordinance be agendaized; requested that staff provide assistance to those businesses affected by the fire on Arenas Road; invited the community to attend upcoming budget and town hall forums; requested that staff address a situation in which a landlord will not allow a restaurant to install recycling bins.

Mayor Pro Tem Roberts provided an update on the Vacation Rental and Downtown Development subcommittees; advised that Tesla has expressed interest in adding charging stations in the downtown parking structure; requested that staff ensure that the Cameron Project neighborhood meeting is conducted in a manner in which neighbors can express their concerns.

Councilmember Holstege requested that the Tesla proposal be presented to the City Council; provided an update on efforts to address homelessness in the Coachella Valley; suggested that the Hospitality Association inform employees about the services available at the Find Food Bank; requested that the City Council consider issuing a letter of support for Assembly Bill 1885, related to a California Resident Work Program.

Mayor Moon requested that staff implement stricter requirements for construction fencing and to work with Tova Hotel to address their perimeter fencing; suggested that the Measure J or Parks and Recreation Commission discuss installation of a restroom at the Desert Highland Park; questioned and received clarification that the progress is being made to color match the Town and Country Center.

1. CONSENT CALENDAR

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to approve the Consent Calendar with Item Nos. 1H, 1I, 1J, and 1K pulled for separate discussion. Councilmember Middleton noted her recusal on Item 1F.

A. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR CLASS 1 HISTORIC SITE LOCATED AT 1774 S. PALM CANYON DRIVE, ROYAL HAWAIIAN ESTATES, HSPB 73 HD-2

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

1. Approve a Mills Act Historic Property Preservation Agreement with Eric L Johnston and the Royal Hawaiian Estates Homeowners Association, for 1774 S. Palm Canyon Drive, HSPB 73 HD-2. A7128.
2. Authorize the City Manager to execute the Agreement.
3. Direct the City Clerk to record the Agreement.

B. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR CLASS 1 HISTORIC SITE LOCATED AT 1811 SANDCLIFF ROAD, HSPB 93/HD-5

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

1. Approve a Mills Act Historic Property Agreement with Michael J Mahon and Sandcliff Homeowners Association, for 1811 Sandcliff Road, a Class 1 Historic Site, HSPB 93/HD-5. A7129.
2. Authorize the City Manager to execute the Agreement.
3. Direct the City Clerk to record the Agreement.

C. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR CLASS 1 HISTORIC SITE LOCATED AT 1813 SANDCLIFF ROAD, HSPB 93/HD-5

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

1. Approve a Mills Act Historic Property Agreement with Michael J. Mahon and Sandcliff Homeowners Association, for 1813 Sandcliff Road, a Class 1 Historic Site, HSPB 93/HD-5. A7130.
2. Authorize the City Manager to execute the Agreement.
3. Direct the City Clerk to record the Agreement.

D. FREEHOLD CAPITAL MANAGEMENT, LLC, REQUESTING A ONE-YEAR EXTENSION OF TIME FOR PHASE 2 OF TENTATIVE TRACT MAP 31848 FOR THE MIRALON DEVELOPMENT, A PREVIOUSLY-APPROVED SUBDIVISION FOR THE DEVELOPMENT OF 1,150 RESIDENTIAL UNITS LOCATED AT 801 SUNRISE PARKWAY, CASE 5.0982-PD 290 / TTM 31848

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24399 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A REQUEST BY FREEHOLD CAPITAL MANAGEMENT, LLC, FOR A ONE-YEAR EXTENSION OF TIME FROM MAY 5, 2018, TO MAY 5, 2019, FOR TTM 31848, A PREVIOUSLY-APPROVED SUBDIVISION OF 309 ACRES TO CONSTRUCT 1,150 SINGLE-FAMILY, MULTI-FAMILY RESIDENTIAL UNITS AND AN AMENITY CENTER FACILITY LOCATED AT 801 SUNRISE PARKWAY; ZONE PD 290, SECTION 35."

E. TREASURER'S INVESTMENT REPORT AS OF FEBRUARY 28, 2018

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to receive and file the Treasurer's Investment Report as of February 28, 2018

F. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF MARCH 2018

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 4-1, (COUNCILMEMBER MIDDLETON RECUSED), to receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of March 1 through March 31, 2018

G. APPROVAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PALM SPRINGS AND THE COUNTY OF RIVERSIDE FOR TECHNICAL ASSISTANCE AND PLAN REVIEW FOR ONSITE WASTEWATER TREATMENT SYSTEMS

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

1. Approve the Memorandum of Understanding between the City of Palm Springs and Riverside County for Technical Assistance and Plan Check Services for Onsite Wastewater Treatment Systems within the City of Palm Springs. A7131.
2. Authorize the City Manager to execute all necessary documents.

H. ACCEPTANCE OF THE TRAFFIC MANAGEMENT CENTER AND CITYWIDE TRAFFIC SIGNAL INTERCONNECT/ SYNCHRONIZATION PROJECT, AND APPROVAL OF AMENDMENT NO. 4 IN THE AMOUNT OF \$6,428.15 TO PROFESSIONAL SERVICES AGREEMENT NO. A5985 WITH MICHAEL BAKER INTERNATIONAL, INC. FOR EQUIPMENT PURCHASED FOR REPAIRS OF DAMAGED SIGNAL EQUIPMENT DUE TO VEHICULAR TRAFFIC INCIDENT RELATED TO THE PROJECT, FEDERAL AID PROJECT NO. CML-5282(031), CP 08-04

This item was excluded from the Consent Calendar. Please refer to Page 7 of these minutes for a summary of that action.

I. ADOPT A RESOLUTION IDENTIFYING THE PROJECTS TO BE FUNDED BY SENATE BILL 1 (SB 1): THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017, FOR FISCAL YEAR 2018-19

This item was excluded from the Consent Calendar. Please refer to Page 8 of these minutes for a summary of that action.

J. NATIONAL WILDLIFE FEDERATION'S MONARCH PLEDGE

This item was excluded from the Consent Calendar. Please refer to Page 8 of these minutes for a summary of that action.

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

This item was excluded from the Consent Calendar. Please refer to Page 8 of these minutes for a summary of that action.

L. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS

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

1. Adopt Resolution No. 24401 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 02-10-2018 BY WARRANTS NUMBERED 420221, 420222, 420225, 420226, AND 420228 THROUGH 420237 TOTALING \$22,755.15 LIABILITY CHECKS NUMBERED 1097372 THROUGH 1097391 TOTALING \$77,803.77, FIVE WIRE TRANSFERS FOR \$61,964.75, AND THREE ELECTRONIC ACH DEBITS OF \$1,422,194.98 IN THE AGGREGATE AMOUNT OF \$1,584,718.65, DRAWN ON BANK OF AMERICA.

(City Council action continued on next page)

2. Adopt Resolution No. 24402 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1097392 THROUGH 1097526 IN THE AGGREGATE AMOUNT OF \$1,480,623.96, DRAWN ON BANK OF AMERICA."
3. Adopt Resolution No. 24403 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1097527 THROUGH 1097650 IN THE AGGREGATE AMOUNT OF \$1,799,979.65, DRAWN ON BANK OF AMERICA."

EXCLUDED CONSENT CALENDAR

H. ACCEPTANCE OF THE TRAFFIC MANAGEMENT CENTER AND CITYWIDE TRAFFIC SIGNAL INTERCONNECT/ SYNCHRONIZATION PROJECT, AND APPROVAL OF AMENDMENT NO. 4 IN THE AMOUNT OF \$6,428.15 TO PROFESSIONAL SERVICES AGREEMENT NO. A5985 WITH MICHAEL BAKER INTERNATIONAL, INC. FOR EQUIPMENT PURCHASED FOR REPAIRS OF DAMAGED SIGNAL EQUIPMENT DUE TO VEHICULAR TRAFFIC INCIDENT RELATED TO THE PROJECT, FEDERAL AID PROJECT NO. CML-5282(031), CP 08-04

Councilmember Middleton questioned gaps in signal synchronization, noting the signal at the south end of Sunrise Way and eastern end of Ramon Road. City Engineer Garcia explained synchronization has difficulty at the start, end, or long distances between signals; advised that the Coachella Valley Association of Governments (CVAG) regional synchronization will extend the existing end points and improve the entire corridor.

City Engineer Garcia advised that Palm Springs will not be significantly impacted if adjacent cities do not participate in the regional synchronization program and that the additional funding would be provided to the participating agencies.

In response to Councilmember Holstege, City Engineer Garcia advised that the closed-circuit television (CCTV) at certain intersections is only accessible by the City; advised that the City is evaluating how it will provide access to CVAG; noted that the CCTV is utilized as a mechanism to address changing traffic conditions.

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

1. Accept the public works improvements identified as the Traffic Management Center and Citywide Traffic Signal Interconnect/Synchronization, Federal-Aid Project No. CML-5282 (031), CP 08-04, as completed in accordance with the plans and specifications.

(City Council action continued on next page)

2. Approve Amendment No. 4 in the amount of \$6,428.15 to Professional Services Agreement No. A5985 with Michael Baker International, Inc. for purchase of traffic signal equipment damaged due to vehicular traffic incident within the project limits, increasing the total contract amount to \$665,879.15 for the Traffic Management Center and Citywide Traffic Signal Interconnect/Synchronization Project, CP 08-04.
3. Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Traffic Management Center and Citywide Traffic Signal Interconnect/Synchronization Project, CP 08-04.

I. ADOPT A RESOLUTION IDENTIFYING THE PROJECTS TO BE FUNDED BY SENATE BILL 1 (SB 1): THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017, FOR FISCAL YEAR 2018-19

Councilmember Holstege questioned and received clarification that the SB 1 funds will be distributed via a formula based on population and that the City's share would only increase if its population increases.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24400 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, IDENTIFYING THE PROJECT(S) TO BE FUNDED BY SENATE BILL 1 (SB 1), THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017."

J. NATIONAL WILDLIFE FEDERATION'S MONARCH PLEDGE

Councilmember Kors noted that the National Wildlife Federation has reported a drastic decline in the Monarch Butterfly population; advised that Palm Springs is on the butterfly's migration path and spoke on the importance of restoring their habitat; advised that the Sustainability Commission is developing public education projects and that the Federation is seeking the city's pledge.

Councilmember Holstege questioned and received clarification that the Sustainability Commission is identifying projects to move forward and will present its recommendations at a future meeting.

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to authorize the Mayor of Palm Springs, or designee, to take the "Mayors' Monarch Pledge."

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

In response to City Council inquiry, Director of Planning Services Fagg reported that, under the adopted Airport Master Plan, all of the anticipated improvements will not be affected by this designation.

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE CARRIED 5-0, to approve the submittal of the nomination of the Palm Springs International Airport terminal building to the National Register of Historic Places.

2. PUBLIC HEARINGS:

A. PUBLIC HEARING UNDER SECTION 53083 OF THE CALIFORNIA GOVERNMENT CODE TO APPROVE A HOTEL OPERATING COVENANT BETWEEN THE CITY OF PALM SPRINGS AND CAHUILLA CHURCH, LLC, NEW CHURCH II, LLC, AND WERWER ONE THOUSAND, LLC, FOR DEVELOPMENT OF THE AUBERGE HOTEL; AND APPROVAL OF A RESOLUTION EXTENDING THE EXPIRATION OF LAND USE ENTITLEMENTS CONSISTENT WITH THE HOTEL OPERATIONS INCENTIVE PROGRAM AND OPERATING COVENANT

City Manager Ready presented the staff report.

In response to City Council inquiry, City Manager Ready advised that City Council must review all covenants for the project; advised that the site has been blighted for over 10 years; stated that the Hotel Incentive Program will only be available if the project remains an Auberge Hotel, unless City Council allows for a future operator to utilize the incentive; explained that the City could lose future revenues if the project were to convert uses, such as housing.

City Attorney Kotkin advised that the agreement could be amended to run with the property in an effort to ensure that the City is reimbursed for the Transient Occupancy Tax (TOT), in the event that the project converts uses or operator; advised that City Council has the authority to grant an extension, if desired.

Mayor Moon opened the Public Hearing.

Richard Weintraub, Developer, pointed out that Auberge is one of the nation's finest hotel operators and that this project would restore a historic structure; opined that it is unlikely that the hotel would be converted to condominiums; stated that his company is taking considerable financial risk, but remains committed to the project; noted that the projections have been reviewed by a credible auditor.

Aftab Dada, speaking on behalf of the Palm Springs Hospitality Association, stated that the Association is unanimously opposed to granting a TOT rebate greater than 75%; asserted that the proposal would not be fair to other hoteliers; suggested that a proposal be developed in which the developer could receive the additional 25% TOT rebate for anything above his projected revenues. In response to City Council inquiry, Mr. Dada clarified that the Association is not opposed to the project, but that they are opposed to a TOT rebate greater than 75%.

Mr. Weintraub opined that project will not cannibalize the City's revenues and will result in raising the bar on the average daily rate for neighboring hotels.

Mayor Moon closed the Public Hearing, there being no others desiring to speak on this item.

During the course of discussion, the City Council inquired and Mr. Weintraub reviewed the hotels' pro forma and changing conditions in the lending market for hotels; summarized his involvement with certain projects including a hotel in Rancho Mirage, the Indio Mall, and the Sportsman Lodge in Studio City; reviewed the project's timeline, noting that it is an 18-month all-end build; pointed out that the project will have a \$250 million financial impact to Palm Springs, which will offset any risks for the City related to the TOT; advised that the City is in receipt of the Management Agreement with Auberge Hotel, noting that he will develop the project to the operator's standards; clarified that the anticipated remodel in year 10, will not impact the repayment of the TOT, as there is a separate reserve for the remodel.

The City Council spoke on the importance of protecting the City's interests, including its TOT revenues; discussed the need for timelines to ensure that the project is completed in a timely manner.

City Attorney Kotkin advised that the City Council could amend the contract to include a performance schedule, if the developer is amenable; stated that if the project were left incomplete, that the City could enforce its vacant building ordinance, if needed.

City Manager Ready noted that the City is in receipt of the Management Agreement between Mr. Weintraub and Auberge and the document will be provided to the City Council.

Economic Development Director Virata noted that his review of the pro forma appears appropriate and that the project is anticipated to generate over \$500,000 in non-TOT revenues to the City.

Mr. Weintraub requested that the City Council table the matter to allow him to review his options related to the project.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to table the item to a date uncertain.

B. AMENDMENT TO THE CLASS 1 HISTORIC SITE DESIGNATION OF “THE OASIS HOTEL” TO LIST THE OASIS HOTEL DINING HALL LOCATED AT 211-219 SOUTH PALM CANYON DRIVE AND THE COMMERCIAL STOREFRONT AND CASITA BUILDINGS LOCATED AT 121 SOUTH PALM CANYON DRIVE AS CONTRIBUTING ELEMENTS; DESIGNED BY MASTER ARCHITECT LLOYD WRIGHT; ZONE CBD, CASE HSPB 10 AMND

Director of Planning Services Fagg presented the staff report.

Mayor Moon opened and closed the Public Hearing, there being no one desiring to speak.

Mayor Pro Tem Roberts and Mayor Moon expressed support for the designation, noting the importance of preserving the City’s history.

The City Council requested that staff coordinate a tour of the site.

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to adopt Resolution No. 24404 “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE CLASS 1 HISTORIC SITE DESIGNATION OF 'THE OASIS HOTEL' TO LIST THE OASIS HOTEL DINING HALL LOCATED AT 211-219 SOUTH PALM CANYON DRIVE AND THE COMMERCIAL STOREFRONT AND CASITA BUILDINGS LOCATED AT 121 SOUTH PALM CANYON DRIVE AS CONTRIBUTING ELEMENTS; DESIGNED BY MASTER ARCHITECT LLOYD WRIGHT; CASE HSPB 10 AMND, APN NOS. 513-143-009, 513-143-008, AND 513-153-017, ZONES: CU (CIVIC USES) & CBD (CENTRAL BUSINESS DISTRICT).”

C. SEWER CONSTRUCTION REFUND AGREEMENT WITH MAGIO, INC., A CALIFORNIA CORPORATION, FOR A PUBLIC SEWER LINE EXTENSION IN RADIO ROAD

City Attorney Kotkin acted as City Clerk for this item as Chief Deputy City Clerk Berardi is the spouse of the Principal Applicant under consideration and she was recused on this item.

Director of Engineering Garcia presented the staff report.

Mayor Moon opened the Public Hearing.

Mario Berardi, Magio, Inc., reviewed the project and urged the City Council to support staff’s recommendation.

Mayor Moon closed the Public Hearing, there being no others desiring to speak on this item.

In response to City Council inquiry, Assistant City Manager Fuller advised that the policy related to reimbursement of off-site improvements was adopted by the City Council in the 1980s.

Councilmember Kors noted that because these are all private funds, there is no prevailing wage issue.

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

1. Approve a Sewer Construction Refund Agreement with Magio, Inc., a California corporation, for a public sewer line extension in Radio Road. A7132.
2. Direct the City Clerk to record the Sewer Construction Refund Agreement with the Riverside County Recorder.

D. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MODIFYING CERTAIN USER FEES AND CHARGES BY IMPLEMENTING A CONSUMER PRICE INDEX INCREASE AND ADOPTING THE COMPREHENSIVE FEE SCHEDULE FOR FISCAL YEAR 2018-19

At the request of staff, MOTION BY COUNCILMEMBER KORS, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, to continue the Public Hearing to May 2, 2018, with no public testimony at this time.

E. REQUEST BY THE CITY OF PALM SPRINGS FOR A ZONE TEXT AMENDMENT TO MAKE MINOR MODIFICATIONS AND CORRECTIONS TO SECTIONS 93.20.00 THROUGH 93.20.13 OF THE PALM SPRINGS ZONING CODE (PSZC) RELATIVE TO THE CITY'S SIGN ORDINANCE, CASE 5.1416-A ZTA

At the request of staff, MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to continue the Public Hearing to May 2, 2018, with no public testimony at this time.

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

A. UPDATED IMPACT ANALYSIS RELATING TO "MEASURE C" – A CITIZENS' INITIATIVE TO PROHIBIT THE VACATION RENTAL OF SINGLE FAMILY RESIDENCES IN THE CITY'S R-1 ZONES

Councilmember Holstege announced her recusal, due to a financial interest and left the Council Chambers.

Director of Economic Development Virata presented the staff report.

In response to City Council inquiry, City Attorney Kotkin advised that the City will need a court to define the ambiguity related to the definition of a vacation rental and homestays, if the measure is approved by the voters.

The City Council expressed concern that the initiative ordinance has internal inconsistencies and will significantly impact the City's finances; addressed the importance of ensuring that the community is educated about the facts of the initiative.

Councilmember Holstege returned to the Chambers and took her place on the dais.

The City Council took no action on this item.

5. NEW BUSINESS

A. LEEF INDUSTRIES, LLC REQUESTING AN ADMINISTRATIVE MINOR MODIFICATION (AMM) SEEKING RELIEF FROM MINIMUM SEPARATION DISTANCE REQUIREMENTS FOR A 1,120-SQUARE FOOT CANNABIS DISPENSARY LOCATED IN SUITE D, 3700 EAST VISTA CHINO ROAD, ZONE M-1-P, CASE 7.1552 AMM

Director of Planning Services Fagg presented the staff report.

In response to City Council inquiries, Director Fagg and City Attorney Kotkin advised that State law does not require a minimum distance standard for cannabis dispensaries from parks; noted that State law has a 600-foot distance requirement from schools.

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to adopt Resolution No. 24405 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN ADMINISTRATIVE MINOR MODIFICATION GRANTING RELIEF FROM THE SEPARATION DISTANCE REQUIREMENT OF SIX HUNDRED (600') FEET FOR A CANNABIS DISPENSARY TO A PUBLIC PARK LOCATED AT SUITE D, 3700 EAST VISTA CHINO ROAD."

B. DESIGNATION OF A DELEGATE REPRESENTATIVE AND ALTERNATE REPRESENTATIVE FOR THE 2018 SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) GENERAL ASSEMBLY

City Manager Ready presented the staff report.

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to appoint Mayor Moon as the Delegate Representative and Councilmember Middleton as the Alternate Delegate Representative to the SCAG General Assembly held on May 3, 2018, in Indian Wells, California.

C. CONTINUED DISCUSSION AND DIRECTION ON THE FISCAL YEAR 2018-19 BUDGET

City Manager Ready presented the staff report.

In response to City Council inquiry, Councilmember Holstege summarized the proposed Economic Incentive Program, noting its potential benefits to the City's economy and local businesses.

Councilmember Middleton spoke on the importance of allocating sufficient funding to complete the Zoning Code update. Mayor Pro Tem Roberts opined that completing the Zoning Code update is more urgent than the starting the General Plan update.

Councilmember Kors requested that staff provide additional information regarding the City's reserve accounts for a presentation in May 2018.

Mayor Moon recommended hiring a consultant to evaluate the City's permitting process and methods of streamlining and automating the process. City Manager Ready advised that staff has demonstrations of such programs scheduled in the coming weeks.

Councilmember Holstege noted that adding hearing-impaired access, Closed Captioning, is a high priority.

PUBLIC COMMENT

Janie Bark and Dave Avalon, Family YMCA of the Desert, summarized the programs and services of the YMCA provided for the entire Coachella Valley; encouraged the youth of Palm Springs to participate at the center.

CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT

Councilmember Kors requested that the Public Integrity Ordinance be agendized for a City Council meeting in May 2018; requested that the Public Integrity Standing Subcommittee establish a quarterly meeting schedule; directed staff to begin implementing the policy related to noticing both tenants and property owners of Public Hearings; requested that a draft ordinance to protect historic and potentially historic properties from demolition be agendized for discussion.

Councilmember Middleton and Mayor Pro Tem Roberts requested that staff bring forward an extension of Planning Commissioners Weremuik and Calerdine's term, noting that without such an extension, a majority of the Planning Commission would be new members.

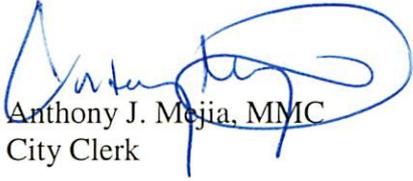
Councilmember Holstege requested that the City Council engage in a strategic planning and goal setting process and that staff explore alternative transportation programs such as transportation vouchers to alleviate the gap in transportation caused by the ending of the Buzz Trolley.

Councilmember Middleton reported on recent discussions with the Sunline regarding transportation options to be presented to the City Council in the coming weeks.

ADJOURNMENT

At 9:22 p.m., the City Council adjourned to a special meeting on Thursday, April 19, 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