Wednesday, October 3, 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, October 3, 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

Palm Springs Air Force ROTC Junior Color Guard 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

Jeremy Witte, General Manager, Coachella Valley Mosquito and Vector Control District, provided an update on the Districts activities to protect the public health against vector-borne diseases.

ACCEPTANCE OF THE AGENDA

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to delete Item No. 5C from the agenda and to remove Consent Calendar Item Nos. 1D and 1F for separate discussion. Councilmember Middleton recused herself on Item 1C related to her travel reimbursement.

REPORT OF CLOSED SESSION

The Regular Closed Session of the City Council of October 3, 2018, was called to order by Mayor Moon at 4:30 p.m., with all members present.

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

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

4348 Lockwood Ave LLC et al v. City of Palm Springs
Case No. RIC1703102, Riverside Superior Court, Riverside Division

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

Number of Anticipated Cases: 7 Including:

Threat dated 8.14.18 by Michel & Associates on behalf of California Rifle & Pistol Association, Incorporated

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

Number of Cases: 6

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

Property Address/Description:	Vineyard Parking Lot, APNs 513-153-029,513-153-015, 513-153-016, Northeast Corner of Belardo Rd. and Baristo Rd.
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	New Church II, LLC, a Nevada limited liability company
Under Negotiation:	Price and Terms (Lease)

Property Address/Description:	Baristo Parking Structure, APNs 513-154-044, 513-154-045, 513-154-046, 513-154-047, 513-154-048, 275 South Indian Canyon Dr.
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	New Church II, LLC, a Nevada limited liability co.
Under Negotiation:	Price and Terms (Lease)

Property Address/Description:	Plaza Mercado Parking Lot, APNs 513-143-017, Northeast Corner of Belardo Rd. and Arenas Rd.
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	New Church II, LLC, a Nevada limited liability co.
Under Negotiation:	Price and Terms (Lease)

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:	1433 and 1455 North Indian Canyon Dr.
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	Ken Agee
Under Negotiation:	Terms of Payment (Substitution of Trustor)

Property Address/Description:	538 North Palm Canyon Dr.
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	Charles Yates and Se Layne
Under Negotiation:	Price and Terms of Payment (Lease)

Property Address/Description:	550 North Palm Canyon Dr.
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	Ian Cooke and Debra Ann Mumm
Under Negotiation:	Price and Terms of Payment (Lease)

CONFERENCE WITH REAL LABOR NEGOTIATORS, Pursuant to Government Code Section 54957.6

Agency Designated Representatives:	City Manager David Ready and Attorney Peter Brown
Employee Organizations:	Palm Springs Firefighters Association Palm Springs Fire Management Association Palm Springs Police Management Association Palm Springs Police Officers Association Service Employees International Union Local 721 Unrepresented Employees

City Attorney Kotkin stated that the City Council convened into Closed Session to discuss the above listed items; reported that the City Council received briefings and provided direction to staff regarding the Closed Session items, but did not take any reportable action; noted that certain items listed on the Closed Session Agenda were not discussed due to time constraints; announced that City Manager Ready recused himself due to a property conflict of interest and left the Closed Session during discussion of 4348 Lockwood Ave LLC et al v. City of Palm Springs.

PUBLIC TESTIMONY

The following individuals spoke in support of Item No. 3A, urging the City Council to adopt the proposed ordinance allowing participation in the Tobacco Retailer Permit Program coordinated by the County of Riverside:

Bob Heinbaugh
Paul Hinrickson
Melissa Curiel, representing the American Cancer Society
VJ Sleight

Joy Brown Meredith, speaking on Item No. 5C, expressed gratitude for Mayor Pro Tem Roberts' efforts to move the downtown furniture project forward; agreed that the matter should be removed from the agenda to allow additional community input on the proposed furniture.

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

Councilmember Middleton noted that the Planning Commission has developed recommendations related to Golf Course Conversions and a definition for Public Benefits in relation to Planned Development Districts (PDDs); requested that the City Council schedule a joint session with the Planning Commission in the near future; reported on a City Council Ad Hoc Subcommittee meeting with the Desert Aids Project regarding their affordable housing project; spoke on her meeting with the California Department of Transportation (Caltrans) regarding bringing rail transportation to the Coachella Valley and to allow cities to invoke speed limits which improve pedestrian safety in their cities.

Mayor Pro Tem Roberts noted that the City Council Ad Hoc Subcommittee on Cannabis is discussing new technologies to monitor and mitigate cannabis cultivation odors; provided an update on the progress to build the Aluminaire House in Palm Springs.

Councilmember Holstege noted that the Palm Springs Animal Shelter has a new Executive Director; advised that she was elected Vice Chair of the Coachella Valley Association of Governments (CVAG) Homeless Task Force; provided an update on the designing of the Rainbow crosswalks on Arenas Road; noted that the Sustainability Commission will be conducting a business survey on how to reduce polystyrene and plastic straw waste.

Councilmember Kors pointed out that new State requirements to divert landfill waste will become effective in 2020; requested that staff provide an update on the impacts of Assembly Bill 1912 related to joint-liability for Joint Powers Authorities unfunded pension liabilities.

1. CONSENT CALENDAR

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, approve the Consent Calendar with Item Nos. 1D and 1F pulled for separate discussion. Councilmember Middleton noted her recusal on Item No. 1C related to her travel reimbursement.

A. ACCEPT THE RESIGNATION OF DAVID VOGEL FROM THE MEASURE J OVERSIGHT COMMISSION FOR THE TERM ENDING DECEMBER 31, 2018

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

1. Accept with regret the resignation of David Vogel from the Measure J Oversight Commission.

2. Direct the City Clerk to post a notice of vacancy for the term ending December 31, 2018.

B. ACCEPT THE RESIGNATION OF JESSICA SPRY FROM THE SUSTAINABILITY COMMISSION FOR THE TERM ENDING DECEMBER 31, 2018

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

1. Accept with regret the resignation of Jessica Spry from the Sustainability Commission.

2. Direct the City Clerk to post a notice of vacancy for the term ending December 31, 2018.

C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS

Councilmember Middleton recused herself related to her reimbursement for travel.

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

1. Adopt Resolution No. 24494 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1100626 THROUGH 1100717 IN THE AGGREGATE AMOUNT OF $2,120,783.96, DRAWN ON BANK OF AMERICA."

2. Adopt Resolution No. 24495 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1100718 THROUGH 1100895 IN THE AGGREGATE AMOUNT OF $2,294,877.06, DRAWN ON BANK OF AMERICA."

(City Council action continued on the next page)

3. Adopt Resolution No. 24496 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 08-11-2018 BY WARRANTS NUMBERED 420402, AND 420424 THROUGH 420442 TOTALING $35,023.34, LIABILITY CHECKS NUMBERED 1100896 THROUGH 1100915 TOTALING $78,778.78, FOUR WIRE TRANSFERS FOR $60,070.99, AND NINE ELECTRONIC ACH DEBITS OF $1,398,752.23 IN THE AGGREGATE AMOUNT OF $1,572,625.34, DRAWN ON BANK OF AMERICA."

4. Adopt Resolution No. 24497 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1100916 THROUGH 1101063 IN THE AGGREGATE AMOUNT OF $2,375,570.59, DRAWN ON BANK OF AMERICA."

5. Adopt Resolution No. 24498 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1101064 THROUGH 1101170 IN THE AGGREGATE AMOUNT OF $1,051,522.35, DRAWN ON BANK OF AMERICA."

D. COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS' (CVAG) HOUSING FIRST PROGRAM EVALUATION

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

E. APPROVE A NOTICE TO PROCEED TO VEOLIA WATER WEST OPERATING SERVICES, INC., IN THE AMOUNT OF $33,017

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to authorize the City Engineer to issue a Notice to Proceed to Veolia Water West Operating Services, Inc., in the amount of $33,017 for the construction of the sewer lateral for the Fire Station No. 4 Remodel and Expansion, part of CP 15-25.

F. APPROVAL OF MINUTES

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

G. CITY COUNCIL REPORT RE CITY'S MEASURES TO ALLEVIATE CONDITIONS WHICH LED TO ADOPTION OF INTERIM URGENCY ORDINANCE NO. 1963 – A TEMPORARY MORATORIUM ON DEMOLITION OR SUBSTANTIAL ALTERATION OF UNDESIGNATED STRUCTURES BUILT BEFORE 1969 (CLASS 3 STRUCTURES)

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to adopt and issue the City Council Report to the public describing the City's Measures to alleviate the conditions which led to adoption of Interim Urgency Ordinance No. 1963 - a temporary moratorium on demolition or substantial alteration of undesignated structures built before 1969.

EXCLUDED CONSENT CALENDAR

D. COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS' (CVAG) HOUSING FIRST PROGRAM EVALUATION

Councilmember Holstege summarized the evaluation findings for the Coachella Valley Association of Governments' Housing First Program.

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to receive and file the independent assessment of the CVAG Housing First Program Evaluation prepared by Health Assessment and Research for Communities (HARC).

F. APPROVAL OF MINUTES

Councilmember Holstege corrected the minutes to reflect that her recusal in relation to Item 1O was due to a "potential" conflict of interest regarding Tesla.

MOTION BY COUNCILMEMBER KORS, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, to approve the City Council Meeting Minutes of September 20, 2018, as amended.

2. PUBLIC HEARINGS:

A. J5 INFRASTRUCTURE ON BEHALF OF AT&T MOBILITY FOR A CONDITIONAL USE PERMIT TO INSTALL A WIRELESS COMMUNICATIONS FACILITY CONSISTING OF TWELVE 8-FOOT TALL PANEL ANTENNAS ON THE ROOF OF AN EXISTING WAREHOUSE BUILDING LOCATED AT 770 SOUTH GENE AUTRY TRAIL, ZONE M-1, SECTION 20, (CASE 5.1438 CUP)

Planning Services Director Fagg narrated a PowerPoint presentation and responded to City Council inquiries.

In response to City Council inquiry, Melissa Francisco, representing AT&T, advised that the enclosures around the antenna would have minimal impact on performance.

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0 to adopt Resolution No. 24499 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING A CONDITIONAL USE PERMIT (CUP) APPLICATION, CASE NO. 5.1438-CUP, FOR THE INSTALLATION AND OPERATION OF TWELVE UNMANNED EIGHT (8) FOOT TALL COMMERCIAL WIRELESS COMMUNICATION ANTENNAS ON THE ROOF OF AN EXISTING WAREHOUSE BUILDING LOCATED AT 770 SOUTH GENE AUTRY TRAIL, CASE NO. 5.1438-CUP."

3. LEGISLATIVE:

A. INTRODUCTION OF AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 6.11 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO TOBACCO RETAILER PERMITS

City Attorney Kotkin presented the staff report.

Councilmember Middleton questioned and received clarification that allotted land trusts and Tribal land trusts will be exempted, consistent with the Renewed and Restated Land Use Agreement with the Agua Caliente Band of Cahuilla Indians; requested that staff report back on the location of tobacco retailers operating on Tribal lands.

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0 to introduce Ordinance No. 1965 entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 6.11 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO 'TOBACCO RETAILER PERMITS."

4. UNFINISHED BUSINESS:

A. MEASURE J CAPITAL FUND FISCAL YEAR 2018-19 BUDGET APPROPRIATIONS

City Manager Ready presented the staff report.

At the request of staff, Mayor Moon appointed Councilmember Holstege and himself to a City Council Ad Hoc Subcommittee on Capital Projects with instructions to return to the City Council in approximately 30 days.

The City Council agreed that the Measure J Commission should provide a liaison to the City Council Ad Hoc Subcommittee, with review of liability issues by the City Attorney. Councilmember Holstege requested that staff provide expanded project descriptions and information on the level of necessity.

Mayor Moon noted that the Downtown holiday decorations need replacement and requested that the City Council Ad Hoc Subcommittee on Holiday Decorations meet with Joy Brown Meredith, representing Main Street, to receive merchant input.

5. NEW BUSINESS

A. APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT NO. A7071 IN THE AMOUNT OF $82,500 WITH RIOS CLEMENTE HALE STUDIOS ASSOCIATED WITH THE DOWNTOWN PARK, CP 15-07

Assistant City Manager Fuller narrated a PowerPoint presentation on the Downtown Park Police Substation.

Mayor Pro Tem Roberts expressed concern regarding the increased cost for the design modification to the Police Substation; advised that he will review and discuss the proposal with Rios Clemente Hale Studios to find ways of reducing costs.

In response to City Council inquiry, Police Chief Reyes advised that the larger substation is needed to respond to large crowd events, noting that visibility and availability serve as a crime deterrent.

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

1. Approve Amendment No. 1 to the Professional Services Agreement No. A7071 in the amount of $82,500 with Rios Clementi Hale Studios, a California corporation, for professional landscape architectural and related design services including the Schematic Design, Design Development, Construction Documents/Permitting, Bidding, Construction Observation, and Warranty Phases for the Downtown Park, CP 15-07.

2. Authorize the City Manager to execute all necessary documents.

B. REVIEW OF PRELIMINARY LANDSCAPE PLAN FOR THE 14TH AND 15TH FAIRWAYS OF THE TAHQUITZ CREEK "LEGENDS" GOLF COURSE

Assistant City Manager Fuller provided the staff report.

The City Council directed staff to conduct neighborhood outreach to the Lawrence Crossley and Mountain Shadow neighborhoods and to quickly move forward with the landscaping.

Councilmember Holstege urged staff to work with the Golf Course landscapers to evaluate the landscaping plan in an effort to reduce errant golf balls from damaging property. Assistant City Manager Fuller noted that the property owners were advised that removal of the Tamarisk trees may expose their properties to errant golf balls and that they acknowledged the liability.

C. PURCHASE OF NEW TRASH/RECYCLING BINS AND NEWS RACKS FOR THE DOWNTOWN/UPTOWN BUSINESS DISTRICT AREAS

This item was deleted from the agenda.

D. MEMORANDUM OF UNDERSTANDING WITH THE MANAGEMENT ASSOCIATION OF PALM SPRINGS

City Manager Ready presented the staff report.

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

1. Adopt Resolution No. 24500 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) RELATIVE TO WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR EMPLOYEES IN THE MANAGEMENT ASSOCIATION OF PALM SPRINGS, FOR THE PERIOD JULY 1, 2018, THROUGH JUNE 30, 2021, SUBJECT TO THE ASSOCIATION EXECUTING THE MEMORANDUM OF UNDERSTANDING."

2. Authorize the City Manager to execute the Memorandum of Understanding (MOU) and all documents necessary to effectuate the above action, including the allocation and compensation plan and any non-substantial MOU language or reorganization. A5573.

E. DISCUSSION OF UPCOMING MEETING SCHEDULE

The City Council discussed potential agenda items which should be prioritized for upcoming agendas. The following issues were raised by one or more Councilmember(s) but do not necessarily reflect City Council consensus:

- Development of regulations related to shared bicycle and scooter systems
- Parks and Recreation Commission's recommendations related to Pickle Ball
- Presentation of the study and recommendations related to La Plaza Theater
- Development of a work plan for the General Plan and Zoning Code updates
- Discussion of the Hotel Renovation Program
- Discussion of the nonsmoking ordinance
- Discussion of cannabis ordinance updates

Councilmember Middleton addressed the need to begin communicating with the College of the Desert regarding the potential for sharing a Library facility.

In response to City Council inquiry, City Manager Ready advised that Trailhead parking is a complex issue, noting that staff will present a project timeline at an upcoming City Council meeting. Councilmember Middleton requested that staff develop temporary measures to address where visitors can and cannot park, particularly at the Trailhead on Ramon Road and the Araby Trailhead.

In response to City Council inquiry, Planning Services Director Fagg advised that the Historic Site Preservation Board's recommendations regarding Class 3 Historic Structures will be presented to the City Council in November or December 2018.

At the request of Councilmembers Kors and Middleton, the City Council agreed to reschedule the Special City Council meeting of October 16, 2018, to October 18, 2018, for its discussion on districting-related matters.

Councilmember Middleton noted that the Planning Commission has requested a joint meeting in the near future to discuss Golf Course Conversion regulations and other matters.

F. COUNCILMEMBER REPORTS ON LEAGUE OF CALIFORNIA CITIES CONFERENCE

Each Councilmember provided an update on the sessions they attended at the League of California Cities Annual Conference in Long Beach, California. The City Council requested that staff evaluate and report back on the impacts of Senate Bill 743, noting that the Bill impacts local agencies' ability to analyze traffic impacts caused by new developments.

PUBLIC COMMENT

Robert McCann, expressed concern regarding the lack of transparency by the Coachella Valley Mosquito and Vector Control District; opined that invasive mosquitos are now an epidemic and that the District's truck spraying is ineffective.

Alicia Espinoza, Moreno Valley, refuted that allegations raised by David Kurylowicz against Riverside County Sheriff candidate Chad Bianco.

Allen Worthy asserted that he was previously assaulted and robbed and the Police Department has not taken appropriate actions.

CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT

Mayor Pro Tem Roberts suggested that a program be developed which allows individuals to receive a profile on a homeless person and to donate directly to benefit that person, i.e. sponsoring a homeless person.

Councilmember Holstege encouraged members of the City Council to participate in the Homerun 5K and Expo hosted by the Seventh Day Adventist Church to benefit the Path of Life Ministries; requested that the City Council agendize consideration of sponsoring the Health Assessment and Research for Communities' (HARC) health assessment for the Coachella Valley.

Mayor Moon requested that staff modify the public parking signage near the Hyatt Hotel on Indian Canyon Drive to indicate that it is free public parking.

ADJOURNMENT

At 8:53 p.m., the City Council adjourned to a Special Meeting of the City Council to be held on October 4, 2018 at 6:00 p.m. in the Council Chamber, City Hall, located at 3200 East Tahquitz Canyon Way, Palm Springs, California.

Respectfully submitted,

Anthony J. Mejia, MMC
City Clerk