



Wednesday, October 17, 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 17, 2018, at 6:00 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

Jamey Canfield and Mary Jo Ginther presented an update on the Palm Springs Bureau of Tourism and Convention Center.

ACCEPTANCE OF THE AGENDA

MOTION BY COUNCILMEMBER KORS, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, to remove Consent Calendar Item Nos. 1F, 1I, 1J, 1K, 1M, and 1Q for separate discussion.

REPORT OF CLOSED SESSION

The Regular Closed Session of the City Council of October 17, 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 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: 8

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

Number of Cases: 2

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 S. 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: 1433 and 1455 North Indian Canyon Drive

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: 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: 538 North Palm Canyon Drive
 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)

CONFERENCE WITH LABOR NEGOTIATOR, 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; reported that on a motion By Councilmember Middleton, seconded by Councilmember Holstege, carried 4-0, the City Council added an additional Closed Session Item related to E. Hoff Canyon Views v. City of Palm Springs, noting that the City became aware of the litigation subsequent to the posting of the agenda.

PUBLIC TESTIMONY

Mike Smith, speaking on Item 5A, spoke in opposition to restarting the BUZZ trolley if its route is proposed to go through the Historic Tennis Club Neighborhood.

Mike Guerra, speaking on Item 5A, expressed opposition to the BUZZ trolley operating in the Historic Tennis Club Neighborhood, citing past complaints related to noise, traffic, vibrations, and unsafe conditions for pedestrians.

Patricia Breslin, speaking on Item 5A, conveyed her opposition to the BUZZ trolley operating in the Historic Tennis Club Neighborhood; asserted that the BUZZ trolley negatively impacts the quality of life for the neighborhood residents.

Ron Iamele, Speaking on Item 5A, representing the Historic Tennis Club Neighborhood; expressed opposition to the BUZZ trolley operating in the neighborhood, noting that the residents voted 3 to 1 in opposition to the route.

Thomas Doyle, General Manager of the Palm Springs Tennis Club, speaking on Item 5A, expressed support for the BUZZ trolley and the existing route.

Kathy Weremiuk, Planning Commission Chairperson, Speaking on Item 3A, advised that the Planning Commission recommends that the City Council move forward with the Golf Course Conversion Moratorium.

Russ Uthe, President of Sonora Sunrise Neighborhood, speaking on Item 3A, voiced support for the proposed moratorium on Golf Course Conversions.

Chuck Steinman, speaking on Item 3A, voiced support for the proposed moratorium on Golf Course Conversions.

John Marksburly, speaking on Item 3A, voiced support for the proposed moratorium on Golf Course Conversions.

Michael Johnson, speaking on Item 3A, voiced support for the proposed moratorium on Golf Course Conversions.

Wayne Guralnica, speaking on Item 3A, voiced support for the proposed moratorium on Golf Course Conversions; recommended that the ordinance be modified to address properties which have been allowed to become fallow.

Jim Gross, Human Rights Commissioner, speaking on Item 1G, noted that the Human Rights Commission unanimously supports the proposed Tobacco Retailer Permit Ordinance.

Paul Hindrichsen, speaking on Item 1G, expressed gratitude to the City Council for adopting the Tobacco Retailer Permit Ordinance, noting that it will help protect the youth's health.

Bob Heinbaugh, speaking on Item 1G, thanked the City Council for supporting the Tobacco Retailer Permit Ordinance; noted that it is a self-funding initiative and managed by the County of Riverside.

Jim Franklin, Palm Springs Regional Association of Realtors, speaking on Item 1Q, advised that the Realtors Association supports the Costa Hawkins Rental Housing Act; opined that Proposition 10 will negatively impact the rental housing market and cause rentals to covert to short-term vacation rentals.

Becky Bowles, speaking on Item 1Q, expressed support for the comments of Jim Franklin.

Karen Tabbatt, speaking on Item 1Q, voiced opposition to the City Council taking a position on Proposition 10; asserted that Proposition 10 is misleading and does not result in affordable housing.

Jenna LeConte-Hinely, CEO of Health Assessment and Research for Communities (HARC) speaking on Item 5B, advised that her organization is coordinating a three-year health assessment for the Coachella Valley; requested financial support from the City of Palm Springs, noting that other non-profit organizations can utilize the final results in seeking grants.

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

City Manager Ready displayed a video depicting solar panel arrays installed at the Convention Center and other City facilities, repaving of Kirk Douglas Way at the airport, and the remodel of Fire Station No. 4.

Councilmember Kors reported on the Town Hall Meeting with the LGBT Caucus represented by Assembly Member Low; encouraged residents to attend the Senior Resources Event at the Mizell Senior Center on October 23, 2018; advised that the City Council Ad Hoc Subcommittee on Communications met to discuss the feasibility of a City Council quarterly newsletter, stating that plans are to move forward with the concept; requested that the City Council discuss the possibility of waiving attorney-client privilege related to certain districting matters and requested the City Attorney determine whether discussion should occur in open or closed session.

Mayor Pro Tem Roberts requested that discussion of the La Plaza Theater be agendized for an upcoming City Council meeting; noted that Mayor Moon and himself serve on the City Council Ad Hoc Subcommittee on Rules and Procedures and that their recommendations will come forward at a City Council meeting in November; requested that the City hold a community meeting to discuss the landscaping plan for Tahquitz Creek Golf Course; requested that the City Council adjourn tonight's meeting in memory of Jonathan Skow.

Councilmember Holstege reported on her attendance at regional meetings related to housing and homelessness; encouraged residents to attend the City Council meeting related to districting on November 18, 2018.

1. CONSENT CALENDAR

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to remove Consent Calendar Item Nos. 1F, 1I, 1J, 1K, 1M, and 1Q for separate discussion.

A. ACCEPT THE RESIGNATION OF SAM CIRAULO FROM THE HUMAN RIGHTS COMMISSION FOR THE TERM ENDING DECEMBER 31, 2018

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

1. Accept with regret the resignation of Sam Ciraulo from the Human Rights Commission.
2. Direct the City Clerk to post a notice of vacancy for the term ending December 31, 2018

B. ACCEPT THE RESIGNATION OF J. DOUGLAS DONENFELD FROM THE PLANNING COMMISSION FOR THE TERM ENDING DECEMBER 31, 2018

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

1. Accept with regret the resignation of J. Douglas Donenfeld from the Planning Commission.
2. Direct the City Clerk to post a notice of vacancy for the term ending December 31, 2018.

C. ACCEPT THE RESIGNATION OF HUNTER JOHNSON FROM THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING JUNE 30, 2019

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

1. Accept with regret the resignation of Hunter Johnson from the Palm Springs International Airport Commission.
2. Direct the City Clerk to post a notice of vacancy for the term ending June 30, 2019.

D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF SEPTEMBER 2018

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of September 1 through September 30, 2018.

E. TREASURER'S INVESTMENT REPORT AS OF AUGUST 31, 2018

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to receive and File the Treasurer's Investment Report as of August 31, 2018.

F. SECOND READING AND ADOPTION OF ORDINANCE NO. 1964, RELATING TO PUBLIC INTEGRITY, NOTICING, LOBBYING, AND APPLICANT DISCLOSURE, AND IDENTIFYING FORTHCOMING CHANGES IN NOTICING

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

G. SECOND READING AND ADOPTION OF ORDINANCE NO. 1965, ADDING CHAPTER 6.11 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO TOBACCO RETAILER PERMITS

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

H. AWARD A MAINTENANCE AND SERVICE AGREEMENT CONTRACT TO METRO VIDEO SYSTEMS, INC. FOR THE PALM SPRINGS INTERNATIONAL AIRPORT SECURITY ACCESS CONTROL SYSTEM AND VIDEO MANAGEMENT SYSTEM

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

1. Award a three year contract with two, 1-year options for a Service Agreement with Metro Video Systems, Inc., a California Corporation, for an annual fixed amount of \$69,900.00 for routine fixed maintenance, with on-call hourly rates for non-routine maintenance and repair services, for the additional Security Access Control System (SACS) and Video Management System (VMS) at Palm Springs International Airport pursuant to RFP No. 04-19 for the first three (3) years, with optional renewal years subject to a CPI adjustment. A7222.
2. Authorize the City Manager to execute all necessary documents.

I. APPROVE AMENDMENT NO. 3 TO THE CONSULTING SERVICES AGREEMENT WITH HARRELL & COMPANY ADVISORS, LLC TO EXTEND THE TERM OF THE AGREEMENT

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

J. LETTER OF SUPPORT FOR MEASURE BB, DESERT HEALTHCARE DISTRICT ANNEXATION

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

- K. PS COUNTRY CLUB, LLC SEEKING RATIFICATION OF TENTATIVE TRACT MAP 36691 AS CONFORMING TO CITY COUNCIL RESOLUTION NO. 24085 AND A TIME EXTENSION OF THE SAME TENTATIVE TRACT MAP FOR SERENA PARK – A RESIDENTIAL DEVELOPMENT CONSISTING OF 386 ATTACHED AND DETACHED RESIDENTIAL UNITS, OPEN SPACE, STREETS AND PARK SPACE ON 126-ACRES OF LAND PREVIOUSLY OPERATED AS A GOLF COURSE GENERALLY LOCATED EAST OF SUNRISE WAY, NORTH OF VERONA ROAD AND SOUTHWEST OF THE WHITEWATER RIVER WITHIN SECTIONS 1 AND 36, CASE TTM 36691**

This item was excluded from the Consent Calendar. Please refer to Page 14 of these minutes for a summary of that action.

- L. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID PALM CANYON DRIVE PEDESTRIAN IMPROVEMENTS IN DOWNTOWN, CP 17-07, AND PEDESTRIAN SAFETY IMPROVEMENTS ALONG SOUTH AND EAST PALM CANYON DRIVE CORRIDOR, CP 17-09**

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to approve the plans, specifications and estimate; and authorize staff to advertise and solicit bids for Palm Canyon Drive Pedestrian Improvements in Downtown, CP 17-07, and Pedestrian Safety Improvements along South and East Palm Canyon Drive Corridor, CP 17-09.

- M. TOLL BROTHERS, INC. ON BEHALF OF PALM CANYON 65, LLC FOR A TIME EXTENSION OF TENTATIVE TRACT MAP 36914 TO SUBDIVIDE A RESIDENTIAL DEVELOPMENT CONSISTING OF 56 DETACHED SINGLE-FAMILY RESIDENCES, 25 MULTIPLE-FAMILY RESIDENTIAL CONDOMINIUMS, OPEN SPACE AND PRIVATE STREETS ON 12.38-ACRES OF LAND LOCATED AT 777 SOUTH PALM CANYON DRIVE, ZONE PD-379, CASE 5.1378 PD-379, 3.3876 MAJ & TTM 36914**

This item was excluded from the Consent Calendar. Please refer to Page 14 of these minutes for a summary of that action.

N. ACCEPTANCE OF THE SOLAR PHOTOVOLTAIC SYSTEMS AT THE PALM SPRINGS WASTEWATER TREATMENT PLANT, ANIMAL SHELTER AND CONVENTION CENTER INSTALLED AS PART OF THE CITYWIDE SOLAR PROJECT, CITY PROJECT NO. 15-03

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

1. Approve an Amendment to Design/Build Agreement for Design, Installation and Commissioning of Solar/Photovoltaic System at Wastewater Treatment Plant (WWTP) by and between the City of Palm Springs and Tesla Energy Operations, Inc., for a decrease in the capital cost of \$7,417.05 for a new capital cost of \$2,171,430.49 to account for the final system size of 1,106.640 kW. A6772.
2. Approve an Amendment to Operation and Maintenance Agreement (Commercial) at Wastewater Treatment Plant (WWTP) by and between the City of Palm Springs and Tesla Energy Operations, Inc., for a decrease in the 20-year term maintenance cost of \$108,960.84 for a new 20-year maintenance cost of \$343,654.89. A6772.
3. Approve an Amendment to Performance Guarantee Agreement (Design/Build Agreement for Design, Installation and Commissioning of Solar/Photovoltaic System) for the Wastewater Treatment Plant by and between the City of Palm Springs and Tesla Energy Operations, Inc. A6772.
4. Accept the public works improvement identified as the Solar Photovoltaic System at the Wastewater Treatment Plant installed pursuant to the Design/Build Agreement with SolarCity Corporation (now known as Tesla Energy Operations, Inc.) dated October 27, 2015, as completed in accordance with the plans and specifications. A6772.
5. Approve an Amendment to Operation and Maintenance Agreement (Commercial) at Palm Springs Animal Shelter by and between the City of Palm Springs and Tesla Energy Operations, Inc., to account for the final system size of 430.92 kW. A6867.
6. Accept the public works improvement identified as the Solar Photovoltaic System at the Palm Springs Animal Shelter installed pursuant to the Design/Build Agreement with SolarCity Corporation (now known as Tesla Energy Operations, Inc.) dated September 22, 2016, as completed in accordance with the plans and specifications. A6867.
7. Approve an Amendment to Power Purchase Agreement – Palm Springs Convention Center Solar/Photovoltaic System by and between the City of Palm Springs and Tesla Energy Operations, Inc., to account for the final system size of 836.55 kW. A6868.

(City Council action continued on the next page)

8. Approve an Amendment to Performance Guarantee Agreement (Power Purchase Agreement – Palm Springs Convention Center) by and between the City of Palm Springs and Tesla Energy Operations, Inc., to account for final system size of 836.55 kW. A6868
 9. Accept the public works improvement identified as the Solar Photovoltaic System at the Palm Springs Convention Center installed pursuant to the Power Purchase Agreement – Palm Springs Convention Center Solar/Photovoltaic System with SolarCity Corporation (now known as Tesla Energy Operations, Inc.) dated September 22, 2016, identified as Agreement No. A6868, as completed in accordance with the plans and specifications.
 10. Consent to a mutually agreed voluntary termination of the Power Purchase Agreement for Sunrise Plaza by and between the City of Palm Springs and SolarCity Corporation (now known as Tesla Energy Operations, Inc.) dated October 28, 2015, identified as Agreement No. A6773, and the associated Performance Guarantee Agreement.
 11. Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the various solar photovoltaic projects.
 12. Authorize the City Manager to execute all necessary documents.
- O. AUTHORIZE AN INCREASE OF \$150,000 TO PURCHASE ORDER NO. 18-0742 ISSUED TO VEOLIA WATER WEST OPERATING SERVICES, INC., RELATED TO ADDITIONAL PROFESSIONAL SERVICES REQUIRED TO COMPLY WITH THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD ORDER R7-2017-0013**

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

1. Authorize an increase in the amount of \$150,000 to Purchase Order 18-0742 with Veolia Water West Operating Services, Inc., pursuant to Agreement No. A6804, for additional special groundwater studies, and implementation of a work plan to evaluate total dissolved solids from industrial and commercial sources, as required by the California Regional Water Quality Control Board Order R7-2017-0013.
2. Authorize the City Manager to execute all necessary documents.

P. APPROVE AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENTS WITH ALBERT GROVER & ASSOCIATES, ALBERT A. WEBB ASSOCIATES, AND MSA CONSULTING, INC., FOR ON-CALL CIVIL ENGINEERING AND TRAFFIC ENGINEERING SERVICES (A6442, A6443, A6445)

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

1. Approve Amendment No. 1 to the Professional Services Agreement for On-Call Traffic Engineering Services with Albert Grover & Associates extending the term by one year. A6442.
2. Approve Amendment No. 1 to the Professional Services Agreement for On-Call Traffic Engineering Services with Albert A. Webb Associates extending the term by one year. A6443.
3. Approve Amendment No. 1 to the Professional Services Agreement for On-Call Civil Engineering Services with MSA Consulting, Inc., extending the term by one year. A6445.
4. Authorize the City Manager to execute all necessary documents.

Q. RESOLUTION OF SUPPORT FOR PROPOSITION 10, THE AFFORDABLE HOUSING ACT, EXPANDING LOCAL GOVERNMENTS' AUTHORITY TO ENACT RENT CONTROL ON RESIDENTIAL PROPERTY

This item was excluded from the Consent Calendar. Please refer to Page 15 of these minutes for a summary of that action.

R. CONSIDERATION OF THE SUMMARY VACATION OF A PORTION OF THE PUBLIC RIGHT-OF-WAY FOR CAMINO DEL MONTE NORTH OF CAMINO CARMELITA IN SECTION 27, TOWNSHIP 4 SOUTH, RANGE 4 EAST, S.B.M., CASE NO. 3.529 – ENG. FILE R 18-02

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to adopt Resolution No. 24504 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUMMARILY VACATING AND ABANDONING A PORTION OF THE PUBLIC RIGHT-OF-WAY FOR CAMINO DEL MONTE NORTH OF CAMINO CARMELITA IN SECTION 27, TOWNSHIP 4 SOUTH, RANGE 4 EAST, S.B.M., CASE NO. 3.529 – ENG. FILE R 18-02, AND APPROVING A DETERMINATION THAT THE ACTION IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)."

S. APPROVE REQUEST FROM COUNTY OF SANTA CLARA TO SIGN A "FRIEND OF THE COURT" BRIEF TO BE FILED IN THE NINTH CIRCUIT COURT OF APPEALS, IN SUPPORT OF THE STATE OF CALIFORNIA, IN THE UNITED STATES v. CALIFORNIA CASE, A FEDERAL GOVERNMENT CHALLENGE AGAINST RECENT STATE LAWS RELATED TO IMMIGRATION POLICY

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to direct the City Attorney to sign a "friend of the court" brief prepared by the County of Santa Clara, the County of Los Angeles, and the City of Oakland to be filed with the Ninth Circuit Court of Appeals in the United States v. California case, and to execute any related documents and take any related action necessary.

T. APPROVAL OF MINUTES

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to approve the City Council Meeting Minutes of April 4, 2018, and September 27, 2018.

EXCLUDED CONSENT CALENDAR

F. SECOND READING AND ADOPTION OF ORDINANCE NO. 1964, RELATING TO PUBLIC INTEGRITY, NOTICING, LOBBYING, AND APPLICANT DISCLOSURE, AND IDENTIFYING FORTHCOMING CHANGES IN NOTICING

Councilmember Holstege noted that the verbiage under Section 2.60.060 should be clarified to indicate that notification will be provided to "all owners and tenants of real property," noting that the intention is that both commercial and residential tenants will receive notification when appropriate.

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to adopt Ordinance No. 1964 "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 2.60 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO PUBLIC INTEGRITY, NOTICING, LOBBYING, AND APPLICANT DISCLOSURE, AND IDENTIFYING FORTHCOMING CHANGES IN NOTICING," as amended.

I. APPROVE AMENDMENT NO. 3 TO THE CONSULTING SERVICES AGREEMENT WITH HARRELL & COMPANY ADVISORS, LLC TO EXTEND THE TERM OF THE AGREEMENT

Councilmember Kors noted that the contract should be modified to include the current non-discrimination provision.

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

1. Approve Amendment No. 3 to Agreement No. A5548 with Harrell & Company Advisors, LLC, as amended.
2. Authorize the City Manager to execute the Amendment to the Agreement.

J. LETTER OF SUPPORT FOR MEASURE BB, DESERT HEALTHCARE DISTRICT ANNEXATION

Mayor Moon expressed concerns related to the expansion of the Desert Healthcare District, noting that the proposal does not identify on-going funding sources which could result in a decrease in funding available for Palm Springs residents; expressed disappointment that the Riverside County Board of Supervisors did not approve a property tax funding mechanism similar to the existing district.

During the course of discussion, individual Councilmember(s) offered commentary as follows. The below points do not necessarily reflect City Council consensus:

- It is important to unify the Coachella Valley in terms of healthcare.
- The Desert Healthcare District Board of Directors support the expansion.
- There is a great need for access to healthcare in the east side of Coachella Valley.
- Homelessness and healthcare are regional issues.
- If residents in particular areas of the region cannot get access to healthcare, it will erode efforts regionally.

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-1 (MAYOR MOON VOTING NO), to authorize a letter of support for Measure BB, Desert Healthcare District Annexation.

K. PS COUNTRY CLUB, LLC SEEKING RATIFICATION OF TENTATIVE TRACT MAP 36691 AS CONFORMING TO CITY COUNCIL RESOLUTION NO. 24085 AND A TIME EXTENSION OF THE SAME TENTATIVE TRACT MAP FOR SERENA PARK – A RESIDENTIAL DEVELOPMENT CONSISTING OF 386 ATTACHED AND DETACHED RESIDENTIAL UNITS, OPEN SPACE, STREETS AND PARK SPACE ON 126-ACRES OF LAND PREVIOUSLY OPERATED AS A GOLF COURSE GENERALLY LOCATED EAST OF SUNRISE WAY, NORTH OF VERONA ROAD AND SOUTHWEST OF THE WHITEWATER RIVER WITHIN SECTIONS 1 AND 36, CASE TTM 36691

Following clarification, MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24501 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, RATIFYING TENTATIVE TRACT MAP 36691 AS CONFORMING TO ITS APPROVAL BY CITY COUNCIL RESOLUTION 24085, AND APPROVING A TWELVE MONTH EXTENSION FOR TTM 36691 – A SUBDIVISION OF 156.18 GROSS ACRES INTO 386 RESIDENTIAL LOTS, PUBLIC AND PRIVATE STREETS, A PARK, PRESERVED OPEN SPACE, AND PRIVATE OPEN SPACE, GENERALLY LOCATED NORTH OF VERONA ROAD, EAST OF SUNRISE WAY, AND SOUTHWEST OF WHITEWATER RIVER WASH, TTM 36691.”

M. TOLL BROTHERS, INC. ON BEHALF OF PALM CANYON 65, LLC FOR A TIME EXTENSION OF TENTATIVE TRACT MAP 36914 TO SUBDIVIDE A RESIDENTIAL DEVELOPMENT CONSISTING OF 56 DETACHED SINGLE-FAMILY RESIDENCES, 25 MULTIPLE-FAMILY RESIDENTIAL CONDOMINIUMS, OPEN SPACE AND PRIVATE STREETS ON 12.38-ACRES OF LAND LOCATED AT 777 SOUTH PALM CANYON DRIVE, ZONE PD-379, CASE 5.1378 PD-379, 3.3876 MAJ & TTM 36914

Mayor Pro Tem Roberts questioned and received clarification that the applicant will need to demonstrate progress on the project or it is unlikely that the Planning Commission will grant another extension.

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to adopt Resolution No. 24502 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A TWELVE MONTH EXTENSION FOR TTM 36914 – A SUBDIVISION CONSISTING OF 56 SINGLE-FAMILY RESIDENTIAL LOTS, ONE (1) LOT FOR 25 MULTI-FAMILY RESIDENTIAL CONDOMINIUMS, OPEN SPACE AND PRIVATE STREETS ON 12.38-ACRES OF LAND LOCATED AT 777 SOUTH PALM CANYON DRIVE.”

Q. RESOLUTION OF SUPPORT FOR PROPOSITION 10, THE AFFORDABLE HOUSING ACT, EXPANDING LOCAL GOVERNMENTS' AUTHORITY TO ENACT RENT CONTROL ON RESIDENTIAL PROPERTY

Mayor Moon and Mayor Pro Tem Roberts expressed concern regarding supporting Proposition 10, citing concerns that rent control could negatively impact local and state revenues and disincentivize the building of new homes.

Councilmembers Kors, Holstege, and Middleton pointed out that Proposition 10 does not enact rent control, but would provide local governments with the authority to enact rent control if needed.

Mayor Pro Tem Roberts noted that the City Council is split on the issue and requested that the City Council not take any position on Proposition 10.

Councilmember Middleton requested that the second whereas clause be amended to read, "...characterized by ~~skyrocketing rents and eviction rates~~ by escalating and frequently unaffordable rents due to an inadequate inventory of affordable housing."

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 3-2 (MAYOR PRO TEM ROBERTS AND MAYOR MOON VOTING NO), to adopt Resolution No. 24503 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUPPORTING PROPOSITION 10, THE AFFORDABLE HOUSING ACT," as amended.

2. PUBLIC HEARINGS:

- A. PS COUNTRY CLUB, LLC FOR A REVIEW AND AMENDMENT OF THE DEVELOPMENT AGREEMENT FOR SERENA PARK – A RESIDENTIAL DEVELOPMENT CONSISTING OF (386) ATTACHED AND DETACHED RESIDENTIAL UNITS, OPEN SPACE, STREETS AND PARK SPACE ON 126-ACRES OF LAND PREVIOUSLY OPERATED AS A GOLF COURSE GENERALLY LOCATED EAST OF SUNRISE WAY, NORTH OF VERONA ROAD AND SOUTHWEST OF THE WHITEWATER RIVER WITHIN SECTIONS 1 AND 36, CASE 5.1327 DA**

Planning Services Director Fagg presented the staff report.

In response to City Council inquiry, Planning Services Director Fagg advised that the City would withhold issuing any new permits if the Development Agreement Fee of \$3-million is not paid by the due date; noted that the Agreement could be terminated in the event of a default; pointed out that the Agreement is binding on all successors; stated that the Development Agreement Fee is secured by the entitlements themselves which are valued at more than \$3-million.

The City Council agreed to modify the Amendment to indicate that the property must be restored to a natural and safe condition, such as that it is not a nuisance in the discretion of the City.

Mayor Moon opened the Public Hearing.

Eric Taylor, Applicant, Palm Springs Country Club, LLC, agreed to the modified verbiage related to restoration of the property; stated that they will repair the perimeter fence and clean-up the property; noted that the property will be more secure once construction begins and there is site monitoring.

Doug Jones, stated that the area is currently blighted and the project will enhance the northern portion of Palm Springs and improve the local housing stock.

Kathy Weremiuk, speaking as a private citizen, expressed support for the preservation of the Chino Cone; expressed concern that the Amendment moves away from the original purpose of the Development Agreement Fee which is for the transfer of density rights.

Ed Dube, Friends of PS Mountain Board Member, requested that the City Council deny the proposed Amendment; opined that the Agreement does not contain any security for the \$3-million fee.

Mayor Moon closed the Public Hearing.

During the course of discussion, City Attorney Kotkin advised that the language in the Development Agreement and Subdivision Improvement Agreement should be consistent and memorialize the City's right to revert to acreage and extinguish the Development Agreement in the event of default.

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

1. Approve the proposed revisions to the Development Agreement.
2. Authorize the City Manager to execute all necessary documents.

B. AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, TO EXTEND INTERIM URGENCY ORDINANCE NO. 1963 FOR AN ADDITIONAL 10 MONTHS AND 15 DAYS, AND CONTINUE FOR THIS PERIOD A TEMPORARY MORATORIUM ON DEMOLITION OR SUBSTANTIAL ALTERATION OF STRUCTURES BUILT BEFORE 1969 (CLASS 3 HISTORIC STRUCTURES) TO ALLOW FOR CONSIDERATION OF APPROPRIATE AMENDMENTS TO THE GENERAL PLAN OR MUNICIPAL CODE IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65858

Planning Services Director Fagg presented the staff report.

Mayor Moon opened the Public Hearing.

Dick Burkett, Historic Site Preservation Board (HSPB) Vice Chair, voiced support for the moratorium; advised that the draft ordinance is comprehensive and will be presented to the City Council in the near future.

Becky Bowles, pointed out that the moratorium will impact over 5,000 properties; stated that a new property owner cannot renovate his dilapidated home due to the moratorium; asserted that the moratorium is a taking of private property rights.

Mayor Moon closed the Public Hearing.

In response to City Council inquiry, Planning Services Director Fagg advised that the moratorium does not prevent minor alterations and renovations.

Councilmember Holstege opined that the moratorium is too broad and that too many homes are impacted; agreed that the moratorium should be extended only for a limited period.

The City Council agreed to extend the moratorium for four months and requested that the City Attorney determine whether the City Council could adopt the final ordinance as an urgency ordinance; requested that staff circulate the draft ordinance to realtors and other stakeholders.

MOTION BY COUNCILMEMBER KORS, SECOND BY MAYOR MOON, CARRIED 4-1 (COUNCILMEMBER HOLSTEGE VOTING NO), to adopt Ordinance No. 1966 entitled "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, TO EXTEND INTERIM URGENCY ORDINANCE NO. 1963 FOR AN ADDITIONAL 4 MONTHS ~~10 MONTHS AND 15 DAYS~~, AND CONTINUE FOR THIS PERIOD A TEMPORARY MORATORIUM ON DEMOLITION OR SUBSTANTIAL ALTERATION OF STRUCTURES BUILT BEFORE 1969 (CLASS 3 HISTORIC STRUCTURES) TO ALLOW FOR CONSIDERATION OF APPROPRIATE AMENDMENTS TO THE GENERAL PLAN OR MUNICIPAL CODE IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65858."

MEETING RECESS

The City Council recessed at 9:05 p.m. and reconvened at 9:16 p.m. with all members present.

3. LEGISLATIVE:

- A. AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A TEMPORARY MORATORIUM ON CONVERSIONS OF GOLF COURSES TO OTHER USES TO ALLOW FOR CONSIDERATION OF APPROPRIATE AMENDMENTS TO THE GENERAL PLAN OR MUNICIPAL CODE IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65858**

Planning Services Director Fagg presented the staff report.

In response to City Council inquiry, City Attorney Kotkin advised that the Agua Caliente Band of Cahuilla Indians indicated that they have no comment on the proposed moratorium; recommended that the moratorium be extended for a limited and specific period after the initial 45-days.

The City Council agreed to modify the definition of Golf Course to include the term "fallow" and to indicate that it is "a lot or portion of a lot as identified in the General Plan as Open Space Recreation."

In response to City Council inquiry, Planning Services Director Fagg advised that the City does not have a defined process or development standards related to Golf Course Conversions; noted that the Miralon and Serena Park Projects were processed under a Planned Development District; noted that most Golf Courses are bordered by residential homes and that establishment of development standards are needed to provide adequate protections for existing residents.

The City Council requested that the City Attorney solicit a formal response from the Agua Caliente Band of Cahuilla Indians related to the moratorium.

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to adopt Ordinance No. 1967 entitled " AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A TEMPORARY MORATORIUM ON CONVERSIONS OF GOLF COURSES TO OTHER USES TO ALLOW FOR CONSIDERATION OF APPROPRIATE AMENDMENTS TO THE GENERAL PLAN OR MUNICIPAL CODE IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 65858."

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS

A. APPROVE MEMORANDUM OF UNDERSTANDING WITH SUNLINE TRANSIT AGENCY FOR BUZZ TROLLEY SERVICE

This item was deleted from the agenda.

B. CONSIDERATION OF FISCAL YEAR 2018-19 SPONSORSHIP OF HEALTH ASSESSMENT AND RESEARCH FOR COMMUNITIES, INC. FOR COMMUNITY HEALTH SURVEY

Councilmember Holstege provided a summary of the services provided by Health Assessment and Research for Communities (HARC); advised that the funding would support a health survey for the entire Coachella Valley, noting that the report could assist other non-profits in obtaining grants; recommended that the City of Palm Springs contribute \$10,000.

The City Council agreed to fund \$5,000 this initial year and encouraged HARC to apply for the full amount in the future.

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to provide a \$5,000 Fiscal Year 2018-19 Sponsorship to HARC.

C. CONSIDERATION OF THE 2019 CITY COUNCIL/SUCCESSOR AGENCY MEETING SCHEDULE

City Manager Ready presented the staff report.

Following discussion, the City Council agreed to the tentative 2019 meeting schedule as follows:

- Cancel the meetings scheduled for July 3 and July 17, 2019 and reschedule them to a consolidated meeting on July 10, 2019.
- Cancel the meetings in the month of August 2019.
- Cancel the meeting of September 18, 2019.
- Reschedule the meeting of October 16, 2019, to occur on October 23, 2019.
- Due to the transition of a new City Council, the City Council directed that the meeting of November 20, 2019, be cancelled.
- Reschedule the meetings of January 1 and 15, 2020, to occur on January 8 and 22, 2020

The City Council directed staff to agendize the final meeting schedule for the next City Council meeting and to encourage the Boards and Commissions to emulate the same meeting schedule.

PUBLIC COMMENT

Brad Anderson, expressed concerns regarding the effectiveness of the Coachella Valley Mosquito and Vector Control District; spoke on the need to urgently address the mosquito population.

Damon Lawson, urged the City Council as individuals to support the Seventh Day Adventist Church's 5K Home Run to benefit the homeless and Housing First Initiative.

CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT

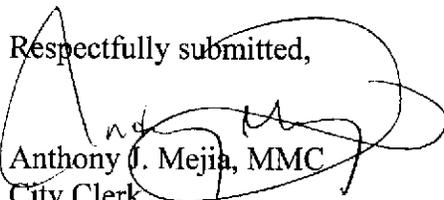
The City Council agreed that the City Council should walk at the 2019 Holiday Parade.

Councilmember Kors requested that staff schedule a Cannabis Stakeholder Meeting in the near future.

ADJOURNMENT

At 10:05 p.m., the City Council adjourned in memory of Jonathan Skow. A Special Meeting will be held on Thursday, October 18, 2018, at 6:00 p.m. in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

Respectfully submitted,


Anthony J. Mejia, MMC
City Clerk