



Wednesday, November 14, 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, November 14, 2018, at 6:12 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

Nancy Stuart, Tramway Board Acting Chair, provided an update on the programs and services of the Palm Springs Tramway.

Oliver Maxwell and Delaney Boynton, Desert Learning Academy, 4th Grade, expressed concern about plastic pollution and polystyrene and the effects on the ocean and wildlife; recommended using no straws or alternative straws; urged the City Council to adopt an ordinance banning plastic straws.

ACCEPTANCE OF THE AGENDA

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to remove Consent Calendar Item Nos. 1B, 1C, 1D, 1K, and 1P for separate discussion.

REPORT OF CLOSED SESSION

The Regular Closed Session of the City Council of November 14, 2018, was called to order by Mayor Moon at 3:30 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. RIC 1703102, Riverside County Superior Court, Riverside Division

EHOFF Canyon View, LLC v. City of Palm Springs
Case No. PSC 1806289, Riverside County Superior Court, Palm Springs Division

Sabordo and Huerto v. City of Palm Springs
Case No. PSC 1602732, Riverside County Superior Court, Palm Springs Division

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

Number of Anticipated Cases: 9, including Robolights 2018-19

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

Number of Anticipated Cases: 2

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

City Attorney

CONFERENCE WITH REAL PROPERTY NEGOTIATOR, 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: State Highway 111, Vista Chino and Gene Autry Trail Within the Boundaries of the City of Palm Springs
 Agency: City of Palm Springs
 City Negotiator: David H. Ready, City Manager or Designee
 Negotiating Parties: State of California, Caltrans
 Under Negotiation: Terms of Payment (Relinquishment)

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 or Purchase)

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 Fire Safety
 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; noted that City Manager Ready recused himself related to the Lockwood litigation.

PUBLIC TESTIMONY

Jim Stuart, speaking on Item 1I, suggested that the City's sewer line be extended to enable service connections for north Palm Springs.

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

Councilmember Kors advised that the City signed onto an amicus brief related to *Trump v. California* and requested that the issue be agendaized for the City Council meeting on November 28, 2018; requested that a status update from the City's Diversity Consultant regarding Board and Commission recruitment efforts be agendaized for the City Council meeting on November 28, 2018.

Councilmember Holstege reported on her attendance at various City Council Subcommittee and Regional Agency meetings; requested that the City Council discuss next steps in relation to the CVRA Working Group's Report at a future City Council meeting.

Councilmembers Kors and Holstege advised that they will prepare a resolution banning the use of plastic straws at City facilities for a future City Council meeting.

Mayor Pro Tem Roberts reported on the Subcommittee meeting with cannabis stakeholders regarding fees and taxes, odor control standards, and cashless systems; requested that the City Council Subcommittee on Affordable Housing explore incentive programs for affordable housing developments; advised that the businesses on Arenas Road have established a new Arenas Business Association and requested to serve as the City Council liaison.

The City Council agreed to appoint Mayor Pro Tem Roberts to serve as the City Council liaison to the Arenas Business Association.

Councilmember Middleton requested that staff coordinate a presentation with the Coachella Valley Association of Governments (CVAG) regarding the installation of fiber optic as part of transportation upgrades for a future City Council meeting.

Mayor Moon commended the Chamber of Commerce on their coordination of a new inductee to the Walk of Stars; requested that discussions related to pickle ball be expedited so that recommendations may be considered during the budget process; noted that the Downtown holiday decorations need to be replaced and requested that lighting samples be installed for community feedback.

1. CONSENT CALENDAR

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to remove Consent Calendar Item Nos. 1B, 1C, 1D, 1K, and 1P for separate discussion.

A. TREASURER'S INVESTMENT REPORT AS OF SEPTEMBER 30, 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 September 30, 2018.

B. ADMINISTRATIVE APPEALS BOARD HEARING DECISIONS

This item was excluded from the Consent Calendar. Please refer to Page 9 of these minutes for a summary of that action.

C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS

This item was excluded from the Consent Calendar. Please refer to Page 10 of these minutes for a summary of that action.

D. ACCEPT THE RESIGNATION OF JAMES REED FROM THE ADMINISTRATIVE APPEALS BOARD FOR THE TERM ENDING JUNE 30, 2019

This item was excluded from the Consent Calendar. Please refer to Page 11 of these minutes for a summary of that action.

E. ACCEPTANCE OF THE CITY COUNCIL CHAMBER AUDIO/VISUAL SYSTEM UPGRADE, CP 15-06

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

1. Accept the public works improvement identified as the City Council Chamber Audio/Visual System Upgrade as completed in accordance with the plans and specifications, CP 15-06. A6964
2. Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the City Council Chamber Audio/Visual System Upgrade, CP 15-06.

F. ENGAGEMENT OF SPECIAL LEGAL COUNSEL; MICHAEL REITER, ESQ., MILLIGAN, BESWICK, LEVINE AND KNOX LLP

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

1. Approve a Professional Services Agreement, with Milligan, Beswick, Levine and Knox, a California Limited Liability Partnership, for special legal counsel services in code enforcement and other municipal law practice areas determined on a case-by-case basis, including without limitation complex code enforcement, cost recovery, and receivership, in a form substantially similar to that published with this staff report, subject to minor modification, within the reasonable discretion of the City Attorney. A7227.
2. Authorize the City Manager to execute all necessary documents.

G. WAIVER OF FEES FOR ENCROACHMENT PERMITS RELATED TO PROPERTY OWNER SIDEWALK REPAIR

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24513 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING WAIVER OF FEES FOR ENCROACHMENT PERMITS ISSUED TO PROPERTY OWNERS PERFORMING REPAIRS TO CITY STREETS AND SIDEWALKS ADJACENT TO THEIR PROPERTY.”

H. ACCEPTANCE OF THE AIRPORT AIRFIELD LIGHTING PROJECT, CP 17-07

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

1. Accept the public works improvement identified as the Airfield Lighting Project as completed in accordance with the plans and specifications, CP 17-07.
2. Authorize approval of Change Orders Nos. 10 and 11 in the amount of \$118,874.22 for work performed by the contractor and approved by the City’s Construction Management firm URS. A7000.
3. Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Airfield Lighting Project, CP 17-07.

I. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH DOKKEN ENGINEERING IN THE AMOUNT OF \$93,100 FOR DESIGN SERVICES FOR THE INDIAN CANYON DRIVE WIDENING & BRIDGE REPLACEMENT, CP 01-11

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

1. In accordance with Palm Springs Municipal Code Section 7.04.030 “Special Expertise Procurement,” approve a Professional Services Agreement with Dokken Engineering in the amount of \$93,100 for design services related to the Indian Canyon Drive Widening & Bridge Replacement, CP 01-11. A7228
2. Authorize the City Manager to execute all necessary documents.

J. CITY COUNCIL REPORT REGARDING THE CITY'S MEASURES TO ALLEVIATE CONDITIONS WHICH LED TO ADOPTION OF INTERIM URGENCY ORDINANCE NO. 1967 – A TEMPORARY MORATORIUM ON CONVERSIONS OF GOLF COURSES FOR OTHER USES

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 the adoption of Interim Urgency Ordinance No. 1967 – a temporary moratorium on conversions of golf courses for other uses.

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

This item was excluded from the Consent Calendar. Please refer to Page 11 of these minutes for a summary of that action.

L. APPROVAL OF A RESOLUTION OF PUBLIC CONVENIENCE OR NECESSITY REQUEST BY MICHAEL LAWRENCE CONSRUCK AND DWIGHT JAMES MORTENSEN FOR A TYPE 48 (ON SALE GENERAL) LIQUOR LICENSE FOR A PROPOSED WINE BAR AND COCKTAIL LOUNGE WITHIN AN EXISTING COMMERCIAL BUILDING LOCATED AT 600 EAST TAHQUITZ CANYON WAY, ZONE REO OF SECTION 14 SPECIFIC PLAN (CASE 5.1451 PCN)

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24515 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING THAT THE PUBLIC CONVENIENCE WOULD BE SERVED BY THE ISSUANCE OF AN ON-SALE LIQUOR LICENSE (TYPE 48) AT THE COMMERCIAL PROPERTY LOCATED AT 600 EAST TAHQUITZ CANYON WAY, WITHIN CENSUS TRACT NO. 9414."

M. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR A CLASS 1 HISTORIC SITE LOCATED AT 1855 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 Bruce E. Phillips Trust and Sandcliff Homeowners Association, for 1855 Sandcliff Road, a Class 1 Historic Site, HSPB 93/HD-5. A7229
2. Authorize the City Manager to execute the agreement.
3. Direct the City Clerk to record the agreement.

N. ACCEPTANCE OF THE CLASS II AND CLASS III BICYCLE LANES, FEDERAL-AID PROJECT NO. CML-5282 (044), CP 14-14

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

1. Accept the public works improvement identified Class II and Class III Bicycle Lanes as completed in accordance with the plans and specifications, Federal Aid Project No. CML-5282 (044), CP 14-14. A7125.
2. Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Class II and Class III Bicycle Lanes, Federal Aid Project No. CML-5282 (044), CP 14-14.

O. APPROVAL OF PROGRAM SUPPLEMENT NO. N038 REV. 1, WITH THE STATE OF CALIFORNIA FOR USE OF HBP FEDERAL-AID FUNDS FOR THE SOUTH PALM CANYON BRIDGE REPLACEMENT OVER TAHQUITZ CREEK (BRIDGE NO. 56C-0408), CP 12-02, FEDERAL-AID PROJECT NO. BRLS-5282 (042)

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

1. Adopt Resolution No. 24516 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT NO. N038 REV. 1 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$1,860,901 FOR THE SOUTH PALM CANYON BRIDGE REPLACEMENT OVER TAHQUITZ CREEK, CITY PROJECT NO. 12-02, FEDERAL-AID PROJECT NO. BRLS-5282 (042)." A6452.
2. Authorize the City Manager to execute all necessary documents.

P. AUTHORIZATION OF AN INCREASE TO THE PURCHASE ORDERS FOR FIRE ENGINE MAINTENANCE AND REPAIRS WITH SOUTH COAST EMERGENCY VEHICLE SERVICE

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

Q. AGREEMENT WITH PALM SPRINGS UNIFIED SCHOOL DISTRICT FOR LAW ENFORCEMENT SERVICES FROM PALM SPRINGS POLICE DEPARTMENT FOR A SCHOOL RESOURCE OFFICER

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

1. Approve an agreement with Palm Springs Unified School District to provide a full-time police officer (School Resource Officer) on the campus of the Palm Springs High School and Desert Learning Academy, for one year expiring at the end of the 2018-19 school year. A5553.
2. Authorize the City Manager to execute all necessary documents.

R. APPROVAL OF AMENDMENT NO. 4 IN THE AMOUNT OF \$25,000 TO PROFESSIONAL SERVICES AGREEMENT NO. A6132 WITH MICHAEL FONTANA AND ASSOCIATES FOR ON-CALL FACILITY CONSTRUCTION OWNER REPRESENTATIVE SERVICES

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

1. Approve Amendment No. 4 to Agreement No. A6132 increasing the contract amount by \$25,000, for a total not to exceed \$200,000, with Michael Fontana and Associates for On-Call Facility Construction Owner Representative Services.
2. Authorize the City Manager to execute all necessary documents.

S. APPROVAL OF MINUTES

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to approve the City Council Meeting Minutes of October 3, 2018, October 4, 2018, October 17, 2018, and October 18, 2018.

EXCLUDED CONSENT CALENDAR

B. ADMINISTRATIVE APPEALS BOARD HEARING DECISIONS

In response to City Council inquiry, City Attorney Kotkin advised that the proposed Ordinance which would have required a minimum of three affirmative votes to uphold a vacation rental citation was not ultimately adopted; advised that staff will administratively implement the requirement based on City Council direction.

The City Council directed staff to send Appeal Hearing notices to Neighborhood Organizations and properties within 500 feet of a vacation rental property, if the citation is related to a noise violation; expressed support for a requirement that citations upheld on a 2-1 vote be reheard by the full Board.

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to receive and file the Administrative Appeals Board decisions from the August 27, 2018, September 12, 2018, September 21, 2018, and October 22, 2018, hearings.

C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS

The City Council requested that reimbursements to the City Council, City Manager, and City Attorney be listed on a separate sheet or distinguishable in some manner from the remainder of the payments.

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

1. Adopt Resolution No. 24505 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 08-25-2018 BY WARRANTS NUMBERED 420443 THROUGH 420457 TOTALING \$27,388.43, LIABILITY CHECKS NUMBERED 1101171 THROUGH 1101174 TOTALING \$1,493.64, SEVEN ELECTRONIC ACH DEBITS OF \$1,506,213.29 IN THE AGGREGATE AMOUNT OF \$1,535,095.36, DRAWN ON BANK OF AMERICA."
2. Adopt Resolution No. 24506 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1101175 THROUGH 1101318 IN THE AGGREGATE AMOUNT OF \$1,883,311.36, DRAWN ON BANK OF AMERICA."
3. Adopt Resolution No. 24507 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1101319 THROUGH 1101435 IN THE AGGREGATE AMOUNT OF \$1,631,691.36, DRAWN ON BANK OF AMERICA."
4. Adopt Resolution No. 24508 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 09-08-2018 BY WARRANTS NUMBERED 420458 THROUGH 420470 TOTALING \$19,938.00, LIABILITY CHECKS NUMBERED 1101436 THROUGH 1101455 TOTALING \$79,050.70, FOUR WIRE TRANSFERS FOR \$60,083.49, AND FIVE ELECTRONIC ACH DEBITS OF \$1,444,405.31 IN THE AGGREGATE AMOUNT OF \$1,603,477.50, DRAWN ON BANK OF AMERICA."

(City Council action continued on the next page)

5. Adopt Resolution No. 24509 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1101456 THROUGH 1101549 IN THE AGGREGATE AMOUNT OF \$789,052.16, DRAWN ON BANK OF AMERICA."
6. Adopt Resolution No. 24510 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1101550 THROUGH 1101682 IN THE AGGREGATE AMOUNT OF \$2,723,261.51, DRAWN ON BANK OF AMERICA."
7. Adopt Resolution No. 24511 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 09-22-2018 BY WARRANTS NUMBERED 420471 THROUGH 420481 TOTALING \$18,061.83, LIABILITY CHECKS NUMBERED 1101683 THROUGH 1101701 TOTALING \$79,481.08, FOUR WIRE TRANSFERS FOR \$67,344.58, AND FIVE ELECTRONIC ACH DEBITS OF \$1,422,152.06 IN THE AGGREGATE AMOUNT OF \$1,587,039.55, DRAWN ON BANK OF AMERICA."
8. Adopt Resolution No. 24512 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1101702 THROUGH 1101830 IN THE AGGREGATE AMOUNT OF \$792,646.78, DRAWN ON BANK OF AMERICA."

D. ACCEPT THE RESIGNATION OF JAMES REED FROM THE ADMINISTRATIVE APPEALS BOARD FOR THE TERM ENDING JUNE 30, 2019

In response to City Council inquiry, City Clerk Mejia advised that interviews to fill the vacancy on the Administrative Appeals Board will be scheduled as soon as possible.

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

1. Accept with regret the resignation of James Reed from the Administrative Appeals Board, effective November 15, 2018.
2. Direct the City Clerk to post a notice of vacancy for the term ending June 30, 2019.

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

The City Council agreed to conduct meetings on July 17, 2019 (instead of July 10, 2019) and September 18, 2019 (instead of September 4, 2019) and to cancel the meeting of November 6, 2019.

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24514 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE CANCELLATION AND RESCHEDULING OF CERTAIN CITY COUNCIL MEETINGS AND ESTABLISHING THE RESCHEDULED MEETINGS AS REGULAR MEETINGS OF THE CITY COUNCIL," as amended.

P. AUTHORIZATION OF AN INCREASE TO THE PURCHASE ORDERS FOR FIRE ENGINE MAINTENANCE AND REPAIRS WITH SOUTH COAST EMERGENCY VEHICLE SERVICE

In response to City Council, City Manager Ready advised that it is his preference that the City Manager's purchasing authority remain at \$25,000, noting that the City Manager has emergency purchasing authority.

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, to authorize the issuance of individual Purchase Orders in an amount not to exceed \$200,000 annually with South Coast Emergency Vehicle Service related to heavy mechanical maintenance and repairs on the City's fleet of fire engines and aerial ladder trucks.

2. PUBLIC HEARINGS:

A. COUNCIL CALL-UP OF A PROJECT PREVIOUSLY APPROVED BY THE PLANNING COMMISSION FOR RADIO PS PROPERTIES, LLC FOR A CONDITIONAL USE PERMIT; ADOPTION OF A MITIGATED NEGATIVE DECLARATION; AND A MAJOR ARCHITECTURAL APPLICATION FOR THE CONSTRUCTION OF A 10,504-SQUARE FOOT CANNABIS CULTIVATION FACILITY LOCATED AT 3573 NORTH ANZA ROAD, ZONE M-1, SECTION 34, CASE 5.1441 CUP AND 3.4073 MAJ

Planning Services Director Fagg presented the staff report.

In response to City Council inquiry, City Attorney Kotkin advised that the City has engage a third party consultant to review the Odor Management Program and purchased equipment to assist staff in determining the source of cannabis odors; advised that a cannabis-related business could be issued a citation or their permit could be revoked for violations of the Municipal Code.

Mayor Moon opened the Public Hearing.

Charlie Kieley, Applicant, advised that his business will be housed in a new building designed to prevent the release of odor; stated that the proposed Odor Mitigation Plan has been developed by their consultant and reviewed by the City's third party consultant.

Evernell Black, voiced concern related to the over-concentration of cannabis-related businesses adjacent to the Desert Highland neighborhood, citing impacts to public health.

Carol Davis, Racquet Club, expressed concern related to the over saturation of cannabis-related businesses in north Palm Springs.

Maria Deangelo, Vice Chair of the Upper Westside Neighborhood Organization, voiced opposition to any new cannabis-related businesses in close proximity to residences, citing concerns related to the release of volatile organic compounds.

Ron Oden, asserted that the over-concentration of cannabis-related businesses adjacent to minority and disenfranchised communities equates to environmental racism.

Julie Montante, spoke in support of the proposed business, opining that it is not possible for a cannabis-related business to eliminate all odors; noted that these businesses employ over 200 people.

Tony Pellum, opined that the City need to address the existing cannabis odor problem prior to approving another cannabis-related business in the same industrial zone.

Ray Marchant, asserted that the City has failed to address the cannabis odors from existing facilities, opining that a new business should not be approved until odor issues are resolved.

Joy Brown Meredith, summarized the regulations for dispensaries, noting that two of the existing seven cannabis-related businesses in the subject area are dispensaries and do not contribute to the odor problem.

Monique Smith, expressed concern regarding the concentration of cannabis-related businesses adjacent to an affordable housing complex with many children.

Shawnda Faveau, urged the City Council to direct staff to issue citations to businesses which do not comply with the City's odor regulations; opined that cannabis-related businesses should be located near Interstate-10.

Thomas Hernandez, expressed concerns regarding cannabis odors and truck noise from the existing businesses.

Dieter Crawford, voiced concern regarding the over-saturation of cannabis-related businesses and negative impacts to adjacent residential neighborhoods.

Gary LaSalle, advised that he is the owner of one of the existing cannabis-related businesses, noting that he is working to improve his odor mitigation plan and will work with neighbors to address their concerns.

Carl Blair, advised that he lives within 300 feet of an existing cannabis-related business and cited negative impacts from cannabis odors; urged the City Council to deny new businesses until the odor issue is addressed.

Les Young, questioned whether the odor detection tools are sophisticated enough to determine odor sources when multiple businesses are in close proximity.

Charlie Kieley, Applicant, pointed out that the City Council determined that cannabis-related businesses would not have a saturation limit in the Industrial Zones; urged the City Council to approve his project.

There being on others desiring to speak, Mayor Moon closed the Public Hearing.

Councilmember Kors requested that future cannabis-odor complaints be shared with the City Council Subcommittee or full City Council.

In response to City Council inquiry, City Manager Ready advised that Code Enforcement is on duty on weekends and will respond to odor complaints.

Councilmember Holstege suggested that the City Council discuss impacts from the over-saturation of cannabis-related business on adjacent neighborhoods at a future City Council meeting; requested that a map of all cannabis-related businesses be posted on the City's website.

Councilmember Middleton spoke on the need to address cannabis odors from existing businesses before permitting new facilities; suggested that cannabis-related businesses should avoid utilizing older building not designed to seal odors and that a more suitable location is near Interstate-10.

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0 to continue the matter to the City Council meeting of December 5, 2018.

RECESS AND RECONVENED

The City Council recessed at 9:16 p.m. and reconvened at 9:33 p.m., with all members present.

B. ADOPTION OF A RESOLUTION ESTABLISHING ANNUAL CANNABIS RELATED BUSINESS AND ACTIVITIES PERMIT RENEWAL FEE

City Attorney Kotkin presented the staff report and responded to City Council inquiries; noted that a revised version of the proposed ordinance was distributed to the City Council and on file with the City Clerk.

Mayor Moon opened the Public Hearing.

Joy Brown Meredith, requested that the City consider allowing cannabis-related businesses to pay fees on a monthly basis, stating that it will help small businesses.

There being on others desiring to speak, Mayor Moon closed the Public Hearing.

City Attorney Kotkin advised that he will work with the Fire Department to ensure that inspect fees are set at the appropriate level for cost recovery.

The City Council referred consideration of allowing businesses to pay annual fees on a monthly or quarterly basis to the Business Retention Subcommittee.

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to adopt Resolution No. 24517 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING ANNUAL CANNABIS RELATED BUSINESS AND ACTIVITIES PERMIT RENEWAL FEE," as amended.

REORDERING OF THE AGENDA

By consensus, the City Council agreed to reorder the agenda to consider Item No. 3A following consideration of New Business Items. For the convenience of these minutes, Item No. 3A is listed in its natural order.

3. LEGISLATIVE:

A. INTRODUCTION OF AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, REPEALING PALM SPRINGS MUNICIPAL CODE SECTION 11.16.040 AND DISCUSSION OF POTENTIAL NEW FIREARMS REGULATIONS

City Attorney Kotkin requested that the City Council recess to a Closed Session to discuss potential litigation related to this issue, noting that the matter is listed on the Closed Session agenda. The City Council recessed to Closed Session at 11:33 p.m. and reconvened at 11:42 p.m., with all members present.

City Attorney Kotkin presented the staff report.

Councilmember Middleton advised that she will support the proposed ordinance, noting that the State Legislature has enacted a new and similar law related to the reporting of lost or stolen firearms.

Councilmember Holstege voiced opposition to the adopting the proposed ordinance based on a threat of litigation, noting Palm Springs' status as a Charter City and that the existing ordinance is more protective than the new State law.

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY MAYOR MOON, CARRIED 3-2 (COUNCILMEMBERS HOLSTEGE AND KORS VOTING NO), to introduce Ordinance No. 1968 entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, REPEALING PALM SPRINGS MUNICIPAL CODE SECTION 11.16.040."

4. UNFINISHED BUSINESS:**A. APPROVE MEMORANDUM OF UNDERSTANDING WITH SUNLINE TRANSIT AGENCY FOR BUZZ TROLLEY SERVICE**

City Manager Ready presented the staff report. In response to City Council inquiry, Mr. Ready advised that the Buzz Trolley route will be determined and under the control of the SunLine Transit Agency.

Councilmember Middleton advised that SunLine staff has conducted a meeting with the Historic Tennis Club Neighborhood and agreed to evaluate the current route based on standard SunLine metrics to determine if adjustments are warranted.

Mayor Moon voiced opposition to using Measure J funds or General Funds to subsidize the Buzz Trolley; voiced concern that SunLine will have authority to alter the routes without input from the City Council, noting that residents have complained about specific areas of the route for several years; noted that the Buzz Trolley ridership has declined over the years, pointing out the emergence of rideshare companies.

Councilmember Kors suggested referring the question of determining a funding source to the Budget Subcommittee, noting that Measure J funds should not be used.

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

1. Approve a Memorandum of Understanding with SunLine Transit Agency for BUZZ Trolley Service, for an annual amount of \$356,500, with a proration to the City's first payment to SunLine to reflect a starting date after December 1, 2018. A7230.
2. Authorize the City Manager to agree upon the date when SunLine operation of the BUZZ Trolley will commence, and to execute all necessary documents.

5. NEW BUSINESS**A. REVIEW OF AN ASSESSMENT OF THE PLAZA THEATER COMPLETED BY M. ARTHUR GENSLER & ASSOCIATES**

Peter Wilson, Gensler & Associates, narrated a PowerPoint presentation and responded to City Council inquiry.

By consensus, the City Council voiced support for hosting a community forum at the Plaza Theater to garner community support and identify individuals interested in serving on a Board of Trustees to assist with fundraising efforts.

B. APPROVAL OF A FINAL RELEASE OF THE PERFORMANCE DEED OF TRUST FOR BLOCK A-1, BLOCK D, BLOCK F, AND BLOCK G OF THE DOWNTOWN PALM SPRINGS PROJECT

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

In response to City Council inquiry, Michael Braun, Grit Development, advised that Grit Development has performed its obligations and is seeking release of the security instrument; stated that the public bathroom is not open pending resolution of ongoing legal issues, noting that it is unrelated to the security instrument; stated that his attorney is advising him not to execute the agreement related to the public bathroom unless 1090 claims are waived; stated that he would be agreeable to executing a six month lease to allow the City and Grit Development to address unresolved legal issues.

Mayor Pro Tem Roberts stated that he is disappointed in this situation and urged Mr. Braun to release the bathroom immediately.

The City Council agreed to refer the matter to the Downtown Project Subcommittee and to table the matter to November 28, 2018.

Councilmember Holstege requested that the future staff report identify the required public improvements and status of compliance.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to table the matter to the City Council meeting of November 28, 2018.

C. AUTHORIZATION OF A PURCHASE ORDER TO MWH CONSTRUCTORS, INC., IN THE AMOUNT NOT TO EXCEED \$300,000 FOR AN UPDATE TO THE CITY OF PALM SPRINGS WASTEWATER TREATMENT PLANT CAPITAL REPAIR AND REHABILITATION PLAN, AND PREPARATION OF A CORRESPONDING SEWER RATE STUDY

Assistant City Manager Fuller advised that the Purchase Order will include the non-discrimination provision contained in standard contracts.

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

1. Appoint an Ad-Hoc Subcommittee relating to the Wastewater Enterprise focused on an update to the WWTP CIP and corresponding Rate Study with a sunset date of December 31, 2019.
2. Authorize a Purchase Order in the amount not to exceed \$300,000 with MWH Constructors, Inc., pursuant to the City's "on-call" agreement for wastewater engineering, construction management and inspection services. A6687.
3. Authorize the City Manager to execute all necessary documents.

D. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE 2018 SLURRY SEAL, CP 18-02

At the request of staff, this matter was tabled to a date uncertain.

E. APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE PALM SPRINGS FIREFIGHTERS ASSOCIATION AND ADOPTING SALARY AND BENEFIT CONDITIONS FOR UNREPRESENTED EMPLOYEES

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

1. Adopt Resolution No. 24518 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 PALM SPRINGS FIREFIGHTERS ASSOCIATION, FOR THE PERIOD OF JULY 1, 2018, THROUGH JUNE 30, 2021, SUBJECT TO ASSOCIATION EXECUTING THE MEMORANDUM OF UNDERSTANDING, AND ADOPTING SALARY AND BENEFIT CONDITIONS OF EMPLOYMENT FOR UNREPRESENTED EMPLOYEES SIMILAR TO THOSE OF THE MANAGEMENT EMPLOYEE ASSOCIATION."
2. Adopt Resolution No. 24519 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDING THE EMPLOYER-EMPLOYEE RELATIONS RESOLUTION NO. 16438 AND AS PREVIOUSLY AMENDED BY RESOLUTION NOS.17793 AND 24276 FOR THE FIREFIGHTER UNIT NAME CHANGE AND CLASSIFICATIONS OF FIREFIGHTER PARAMEDIC, FIRE ENGINEER PARAMEDIC, AND FIRE CAPTAIN PARAMEDIC."
3. 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 plans, agreements and contracts, and any non-substantial MOU language or reorganization.

F. CONSIDERATION OF SCHEDULING A JOINT MEETING WITH THE PLANNING COMMISSION AND ADDITIONAL SPECIAL MEETINGS RELATED TO DISTRICTING AND BOARD AND COMMISSION INTERVIEWS

The City Council agreed to conduct a Joint Session with the Planning Commission and to take action related to districting on December 10, 2018 at 6:00 p.m., and to schedule Board and Commission interviews on December 17, 2018, at a time to be determined.

PUBLIC COMMENT

None.

CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT

None.

ADJOURNMENT

At 11:49 p.m., the City Council adjourned to a Special Meeting on Thursday, November 15, 2018, at 6:00 p.m. in the Council Chamber at City Hall, preceded by Closed Session, Small Conference Room at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

Respectfully submitted,


Anthony J. Mejia, MMC
City Clerk