



Wednesday, November 28, 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 28, 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

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

Mayor Moon announced and displayed an “Honor Roll” Plaque recognizing past Chairpersons of the One-PS Neighborhood Organizations.

ACCEPTANCE OF THE AGENDA

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to remove Consent Calendar Item Nos. 1A, 1B, 1F, and 1H for separate discussion.

REPORT OF CLOSED SESSION

The Regular Closed Session of the City Council of November 28, 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 Regular 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*

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

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

Number of Anticipated Cases: 8, including Robolights 2018/19

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

Number of Cases: 2

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

City Attorney

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

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)

Property Address/Description: 3.6 Acres at SE corner of Indian Canyon Drive and San Rafael Road APN 501-031-028
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: Community Housing Opportunities Corporation (CHOC)
Under Negotiation: Price and Terms of Payment (Sale)

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

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

Employee Organizations: 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

Jeff Clarkson, speaking on Item 3A, voiced opposition to non-residents serving as Chair of the Airport Commission.

Raymond Lamy, speaking on Item 3A, expressed opposition to non-residents serving as Chair of the Airport Commission.

Daryl Terrell, speaking on Item 1H, conveyed support for the amicus brief related to immigration policies.

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

Councilmember Middleton provided an update on the activities of the Affordable Housing Subcommittee and the Coachella Valley Mountain Conservancy. Mayor Moon appointed himself and Councilmember Middleton to serve on an Ad Hoc Subcommittee to review the roster of Standing and Ad Hoc Subcommittees.

Councilmember Kors provided an update on Desert Community Energy and community outreach efforts related to Districting; invited stakeholders to attend an upcoming Subcommittee Meeting on Vacation Rentals.

Mayor Pro Tem Roberts provided an update on the Downtown Project; spoke on the need to incentivize development of affordable housing projects and to reduce the stigma and nimbyism associated with affordable housing projects.

Councilmember Holstege requested that the Riverside County's Housing Plan be agendaized for receive and file at the next City Council meeting; requested that the CVRA Working Group's recommendations be agendaized for discussion in January 2019; reported on efforts by students, of the Desert Learning Academy, to raise awareness regarding polystyrene and plastic waste.

1. CONSENT CALENDAR

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to approve the Consent Calendar, with the removal of Consent Calendar Item Nos. 1A, 1B, 1F, and 1H for separate discussion.

A. SECOND READING OF ORDINANCE NO. 1968, REPEALING PALM SPRINGS MUNICIPAL CODE SECTION 11.16.040

This item was excluded from the Consent Calendar. Please refer to Page 6 of these minutes for a summary of that action.

B. PALM SPRINGS INNOVATION HUB AND ACCELERATOR CAMPUS QUARTERLY REPORT FOR JULY 1, 2018, TO SEPTEMBER 30, 2018

This item was excluded from the Consent Calendar. Please refer to Page 6 of these minutes for a summary of that action.

C. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF OCTOBER 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 October 1 through October 31, 2018.

D. APPROVAL OF AMENDMENT NO. 7 TO THE PROFESSIONAL SERVICES AGREEMENT WITH CNS ENGINEERS, INC., IN THE AMOUNT OF \$170,360.48 FOR THE RAMON ROAD WIDENING (FROM SAN LUIS REY DR. TO LANDAU BLVD.) INCLUDING THE WHITEWATER RIVER BRIDGE WIDENING, FEDERAL-AID PROJECT NO. BHLS-5282 (040) CP 08-25

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

1. Approve Amendment No. 7 to the Professional Services Agreement with CNS Engineers, Inc., a California corporation, to incorporate additional engineering design and right of way services in the amount of \$170,360.48 for an increased total contract amount of \$3,402,592.23 for the Ramon Road Widening (San Luis Rey Dr. to Landau Blvd.) including the Whitewater River Bridge Widening, Federal-Aid Project No. BHLS-5282 (040) CP 08-25. A6190.
2. Authorize the City Manager to execute all necessary documents.

E. ACCEPTANCE OF THE AIRPORT TICKETING RENOVATION PROJECT ENABLING PHASE 1, IFB 18-02

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

1. Accept the public works improvement identified as the Airport Ticketing Renovation Project Enabling Phase 1, as completed in accordance with the plans and specifications, IFB 18-02.
2. Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Airport Ticketing Renovation Project Enabling Phase 1, IFB 18-02.

F. PURCHASE OF NEWS RACKS FOR THE DOWNTOWN/UPTOWN BUSINESS DISTRICT AREAS

This item was excluded from the Consent Calendar. Please refer to Page 6 of these minutes for a summary of that action.

G. APPROVE AMENDMENT NO. 1 IN THE AMOUNT OF \$131,353 TO THE PROFESSIONAL SERVICES AGREEMENT WITH RICONDO & ASSOCIATES FOR AIRLINE LEASE AND TERMINAL CONCESSION SERVICES

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

1. Approve Amendment No. 1 in the amount of \$131,353 to Professional Services Agreement No. A6938 with Ricondo & Associates.
2. Authorize the City Manager to execute all necessary documents.

H. RECEIVE AND FILE REPORT RE: “FRIEND OF THE COURT” BRIEF FILED IN THE NINTH CIRCUIT COURT OF APPEALS, IN SUPPORT OF THE STATE OF CALIFORNIA, IN UNITED STATES v. CALIFORNIA, A FEDERAL GOVERNMENT CHALLENGE AGAINST RECENT STATE LAWS RELATED TO IMMIGRATION POLICY

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

EXCLUDED CONSENT CALENDAR**A. SECOND READING OF ORDINANCE NO. 1968, REPEALING PALM SPRINGS MUNICIPAL CODE SECTION 11.16.040**

Councilmember Middleton stated that she will support the proposed ordinance, noting that the State has adopted a similar regulation.

Councilmember Kors voiced dissent to the proposed ordinance, citing the effectiveness of the existing ordinance.

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

B. PALM SPRINGS INNOVATION HUB AND ACCELERATOR CAMPUS QUARTERLY REPORT FOR JULY 1, 2018, TO SEPTEMBER 30, 2018

The City Council requested that the Palm Springs Innovation Hub conduct an open house for the City Council and public to tour the facility.

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to receive and file the quarterly report from the Coachella Valley Economic Partnership for the Palm Springs Innovation Hub for the period of July 1, 2018, to September 30, 2018.

F. PURCHASE OF NEWS RACKS FOR THE DOWNTOWN/UPTOWN BUSINESS DISTRICT AREAS

Councilmember Kors requested that staff provide an update regarding Purchase Orders and the inclusion of the non-discrimination provision.

City Attorney Kotkin advised that he will provide a legal analysis on the requirements of providing public space to accommodate news racks.

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

1. In accordance with Palm Springs Municipal Code Section 7.04.020 “Sole Source Procurement by the City,” authorize issuance of a Purchase Order in the amount of \$38,228.47, to City News Stands of Indianapolis, IN, for the purchase of seven (7) news racks.
2. Authorize the City Manager to execute all necessary documents.

H. RECEIVE AND FILE REPORT RE: "FRIEND OF THE COURT" BRIEF FILED IN THE NINTH CIRCUIT COURT OF APPEALS, IN SUPPORT OF THE STATE OF CALIFORNIA, IN UNITED STATES v. CALIFORNIA, A FEDERAL GOVERNMENT CHALLENGE AGAINST RECENT STATE LAWS RELATED TO IMMIGRATION POLICY

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to receive and file the staff report regarding United States v. California, along with a true and correct copy of the brief filed.

2. PUBLIC HEARINGS

A. AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, TO EXTEND A TEMPORARY MORATORIUM ON CONVERSIONS OF GOLF COURSES TO OTHER USES FOR AN ADDITIONAL FOUR (4) MONTHS TO ALLOW FOR CONSIDERATION OF APPROPRIATE AMENDMENTS TO THE GENERAL PLAN OR MUNICIPAL CODE IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65858

Director of Planning Services Fagg presented the staff report.

Mayor Moon opened the Public Hearing.

Russ Uthe, expressed support for the extension of the Golf Course moratorium ordinance.

Ellen Strenski, voiced support for the extension of the proposed ordinance.

Ruth Sinfuego, urged the City Council to adopt the proposed ordinance.

There being no others desiring to speak, Mayor Moon closed the Public Hearing.

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to adopt Ordinance No. 1969 entitled "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, TO EXTEND INTERIM URGENCY ORDINANCE NO. 1967 FOR AN ADDITIONAL FOUR (4) MONTHS AND CONTINUE FOR THIS PERIOD A TEMPORARY MORATORIUM ON THE CONVERSION 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."

3. LEGISLATIVE

A. **PROPOSED ORDINANCE TO ALLOW ANY AIRPORT COMMISSION MEMBER TO SERVE AS CHAIRPERSON**

During the course of discussion, the City Council agreed that Palm Springs residents are most impacted by the operations of the airport and that the Chair of the Airport Commission should continue to be a Palm Springs resident.

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, FAILED 0-5, to introduce an Ordinance entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 2.16.040 RELATING TO THE SELECTION OF CHAIRPERSON FOR THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION."

4. UNFINISHED BUSINESS

A. **APPROVAL OF A FINAL RELEASE OF THE PERFORMANCE TRUST DEED RELATED TO THE DOWNTOWN PALM SPRINGS PROJECT**

City Attorney Kotkin presented the staff report.

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, to authorize the City Manager to execute a Substitution of Trustee and Deed of Full Reconveyance by and between the City of Palm Springs (Beneficiary) and Palm Springs Promenade, LLC, (Trustor) for the Downtown Palm Springs Project in accordance with Section 2(b)(10) of that certain Project Financing Agreement dated September 29, 2011, approved on September 7, 2011. A6144.

5. NEW BUSINESS

A. **UPDATE REGARDING RECRUITMENT EFFORTS FOR THE CITY'S BOARDS AND COMMISSIONS**

City Clerk Mejia presented the staff report.

Councilmember Holstege spoke on the benefits of establishing a Youth Commission.

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

1. Waive the procedures in Resolution No. 18804 Section 7(b), to allow for the City Council as a whole, to participate in the screening and interview of applicants for the Historic Site Preservation Board, Measure "J" Oversight Commission, and the Planning Commission.
2. Waive the procedures in Resolution No. 18804 Section 7(b) which provide for the Mayor to select and participate in all subcommittees.

PUBLIC COMMENT

Daryl Terrell, spoke on the importance of community resiliency.

Rick Pantelle, urged residents to support a fundraising campaign for a Police Officer recovering from a brain tumor.

Les Young, urged residents to participate in the “Stuff the Bearcat” event to benefit the Well in the Desert and Mizell Senior Center.

David Zecca, spoke on the CVRA Working Group’s recommendations, voicing support for additional staff to support the City Council.

CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT

The City Council requested that discussion of City Council appointments to regional organizations be agendaized for December 5, 2018.

Councilmember Holstege requested that staff research technological solutions to help manage and respond to citizen inquiries via email and social media.

Councilmember Kors suggested that the City Council discuss all incentive programs at a future City Council meeting.

At the request of staff, the City Council agreed to reschedule the Joint Meeting with the Planning Commission set for December 10, 2018, to a date to be determined.

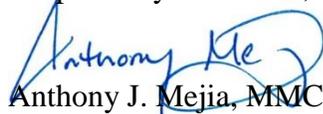
RECESS TO CLOSED SESSION

The City Council recessed to Closed Session at 8:15 p.m., with all members present.

ADJOURNMENT

The City Council adjourned to a Special Meeting to be held on Thursday, November 29, 2018, at 6:00 p.m. in the Council Chamber at City Hall, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

Respectfully submitted,



Anthony J. Mejia, MMC
City Clerk