



Monday, December 10, 2018
Minutes of the Special Meeting of the City Council

CALL TO ORDER

A Special Meeting of the Palm Springs City Council was called to order by Mayor Moon on Monday, December 10, 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, Lisa Middleton, JR Roberts; Mayor Pro Tem Geoff Kors; 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.

REPORT OF CLOSED SESSION

The Special Closed Session of the City Council of December 10, 2018, was called to order by Mayor Moon at 5:00 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: 3

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

Number of Cases: 3

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: 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)

City Attorney Kotkin reported that the City Council on a motion by Councilmember Roberts, seconded by Councilmember Holstege, unanimously added one case of existing litigation related to *EHOF Canyon View, LLC v. City of Palm Springs*, noting that there was a need to take immediate action and that the need for action came to the attention of the City subsequent to the posting of the agenda; advised that the City Council directed staff to publically release the demographic report prepared by National Demographics Corporation; stated that the City Council received briefings and provided direction to staff regarding the agendaized Closed Session Items, but did not take any reportable action.

1. PUBLIC HEARINGS:

A. PUBLIC HEARING TO CONSIDER INTRODUCTION OF AN ORDINANCE TO CHANGE THE CITY'S ELECTORAL SYSTEM FROM AT-LARGE TO BY-DISTRICT ELECTIONS WITH RESPECT TO ELECTING MEMBERS OF THE CITY COUNCIL, ESTABLISHING BOUNDARIES, AND SEQUENCING OF ELECTIONS WITH THE DISTRICTS PURSUANT TO ELECTIONS CODE SECTION 10010

City Clerk Mejia presented the staff report.

Mayor Moon opened the Public Hearing.

The following individuals urged the City Council to retain the at-large Mayoral position:

Norm King
Judy Deertrack
Robert Findley

The following individuals urged the City Council to adopt Palm Springs District Map V2:

David Freedman

Rick Berg

Jim Gazan

Alexis Ortega

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

The City Council unanimously agreed to waive Attorney-Client privilege regarding discussions on ballot initiatives and legal challenges on districting.

In response to City Council inquiry, City Attorney Kotkin advised that the City Council has the authority to establish districts and opined that five districts is more consistent with the California Voting Rights Act (CVRA) than four districts and an at-large Mayoral position; stated that submitting the question of transitioning to Districts as a ballot measure would result in a delay in adopting the ordinance and may result in costly litigation; opined that if voters oppose transitioning to Districts, a Court would likely overturn the election results; advised that the Court has previously ruled that the CVRA is a matter of Statewide concerns and trumps all municipal concerns and home rule issues.

Mayor Moon stated that he will not support the proposed Ordinance, opining that the question of five districts or four districts with an at-large Mayor should have been submitted to the voters in the November 2018 election.

Councilmember Roberts voiced opposition to the proposed ordinance, opining that voters have elected past Councilmembers based on their substance and leadership; expressed concern that future City Councils will become consumed with district-based concerns rather than the betterment of the City as a whole; expressed support for Mayoral position being selected from amongst the City Council.

Councilmember Holstege commended the City Council, Subcommittee, and CVRA Working Group for their efforts to engage the entire community in the district process; expressed concern that individuals with incorrect legal arguments could derail the district process with a legal challenge.

Councilmember Middleton spoke on the City's efforts to engage minority communities, noting that minorities will have a greater ability to influence elections within the districts; noted that every Councilmember has a responsibility to serve the best interests of the City as a whole and that the City Council will need to create an institution and establish practices that will uphold this goal.

Mayor Pro Tem Kors noted that the CVRA was adopted over 16 years ago and that the City should have been exploring transitioning to districts much earlier; pointed out that the City of Indio and Cathedral City completed their first election after enacting Districts, noting that the City Councils are now more racially diverse.

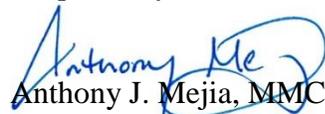
MOTION BY MAYOR PRO TEM KORS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 3-2 (COUNCILMEMBER ROBERTS AND MAYOR MOON VOTING NO), to:

1. Adopt "Palm Springs District Map V2" as the district boundaries map.
2. Introduce Ordinance No. 1971 entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, TO SAFEGUARD PALM SPRINGS RESIDENTS' VOTING RIGHTS, COMPLY WITH THE CALIFORNIA VOTING RIGHTS ACT, AND PROTECT THE CITY AGAINST LITIGATION; ADDING SECTION 2.02.005 OF THE PALM SPRINGS MUNICIPAL CODE ESTABLISHING BY-DISTRICT ELECTIONS, DEFINING DISTRICT BOUNDARIES, AND SCHEDULING DISTRICT ELECTIONS."

ADJOURNMENT

At 7:47 p.m., the City Council adjourned to a Special Meeting to be held on Monday, December 17, 2018, at 4:30 p.m. in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

Respectfully submitted,


Anthony J. Mejia, MMC
City Clerk