



Wednesday, January 23, 2019
Minutes of the Regular Meeting of the City Council
of the City of Palm Springs

CALL TO ORDER:

A Regular Meeting of the Palm Springs City Council was called to order by Mayor Moon on Wednesday, January 23, 2019, 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, J.R. Roberts; and Mayor Robert Moon.

Absent: Mayor Pro Tem Geoff Kors.

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:

The City Council expressed condolences to the families of Greg Pettis, Carol Channing, and Kaye Ballard and adjourned tonight's meeting in their memories.

Brian Nestande, representing the Salton Sea Authority, provided an update on the establishment of the Salton Sea Authority.

Councilmember Roberts and Mayor Moon invited the community to attend the Plaza Theater Community Forum on January 26, 2019, to discuss fundraising opportunities for the restoration of the Theater.

City Manager Ready announced that the Palm Springs International Airport set an all-time record of 2,327,018 passengers served at the airport.

ACCEPTANCE OF THE AGENDA:

City Clerk Mejia requested that the City Council add to the agenda consideration of making appointments to the Administrative Appeals Board, noting that there is 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.

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-0, to add consideration of making appointments to the Administrative Appeals Board.

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 4-0, to remove Consent Calendar Item Nos. 1A, 1G, 1L, 1N, 1P for separate discussion.

REPORT OF CLOSED SESSION:

The Regular and Special Closed Session of the City Council of January 23, 2019, was called to order by Mayor Moon at 4:00 p.m., with all members present and Mayor Pro Tem Kors participating via teleconference.

The meeting convened into Closed Session to discuss the following items as listed on the 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

NDC Equities Downtown PS, LLC v. City of Palm Springs
Case No. PSC 1807579, Superior Court of the State of California, County of Riverside

Ascensio et al. v. City of Palm Springs
Case No. PSC 1807953, Superior Court of the State of California, County of Riverside

EHOF 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, Superior Court of the State of California, County of Riverside

Timothy A. Garrett v. City of Palm Springs
Case No. PSC 1702958, Superior Court of the State of California, County of Riverside

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

Number of Anticipated Cases: Five (5)

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

Number of Cases: Four (4)

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: 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 additional reportable action.

PUBLIC TESTIMONY:

Dick Burkett, speaking on Item 1L, urged the City Council to adopt the proposed ordinance.

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

Councilmember Middleton reported that she and Councilmember Holstege attended the League of California Cities, Policy Committee meetings.

Councilmember Holstege requested that the Sustainability Commission's plastic foodware ordinance be presented to the City Council at a future meeting; requested that the CVAG Homelessness Report be agendaized for receive and file on February 6, 2019; stated that she will work with Councilmember Middleton and staff to prepare a resolution calling for an end to the federal government shutdown, for consideration on February 6, 2019;

Mayor Moon announced that he will not seek re-election in November 2019.

1. CONSENT CALENDAR:

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-0, to approve the Consent Calendar, with the removal of Consent Calendar Item Nos. 1A, 1G, 1L, 1N, and 1P for separate discussion.

A. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF DECEMBER 2018

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

B. ACCEPT AN AWARD FROM THE U.S. DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$21,158 AND APPROVE AN INTERLOCAL AGREEMENT WITH THE CITY OF RIVERSIDE AND OTHER PARTICIPATING CITIES AND COUNTY FOR THE ADMINISTRATION OF THE GRANT

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-0, to:

1. Approve the acceptance of a grant award from the United States Department of Justice in the amount of \$21,158 from the 2018 Justice Assistance Grant (JAG) Program.
2. Approve an Interlocal Agreement with the City of Riverside, and various cities within Riverside County, for the City of Riverside to administer the grant on behalf of participating agencies.
3. Authorize the City Manager to execute all necessary documents.

C. TREASURER'S INVESTMENT REPORT AS OF NOVEMBER 30, 2018

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-0, to receive and file the Treasurer's Investment Report as of November 30, 2018.

D. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$35,000 WITH SANBORN ARCHITECTURAL GROUP, INC., FOR ARCHITECTURAL SERVICES RELATED TO THE DOWNTOWN PARK, CP 15-07

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-0, to:

1. In accordance with Palm Springs Municipal Code Section 7.04.030 "Special expertise procurement," approve a professional services agreement in the amount of \$35,000 with Sanborn Architecture Group, Inc., a California corporation. **A7241**.
2. Authorize City Manager to execute all necessary documents.

E. 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 SAN FRANCISCO'S MOTION FOR SUMMARY JUDGMENT IN SAN FRANCISCO V. WHITAKER, A FEDERAL GOVERNMENT CHALLENGE AGAINST RECENT STATE LAWS RELATED TO IMMIGRATION POLICY

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-0, to direct the City Attorney to sign a "friend of the court" brief prepared by the County of Santa Clara, to be filed with the Ninth Circuit Court of Appeals in the City and County of San Francisco v. Whitaker case, and to execute any related documents and take any related action necessary.

F. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR A CLASS 1 HISTORIC SITE LOCATED AT 1782 SOUTH ARABY DRIVE, HSPB 103/HD-6

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-0, to:

1. Approve a Mills Act Historic Property Agreement with Todd Goddard, Andrew Mandolene and Park Imperial South Homeowners Association for 1782 S Araby Drive, a Class 1 Historic Site, HSPB 103/HD-6. **A7242**.
2. Authorize the City Manager to execute the Agreement.
3. Direct the City Clerk to record the Agreement.

G. ACCEPTANCE OF THE TAHQUITZ CREEK LEVEE IMPROVEMENTS PROJECT, CP 08-26

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

H. ACCEPTANCE OF THE DUNN ROAD PROPERTY RESTORATION PROJECT FOR ASSESSOR'S PARCEL NO. 635-060-011, CP 17-04

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-0, to:

1. Accept the public works improvement identified for Dunn Road Property Restoration Project as completed in accordance with the plans and specifications, CP 17-04.
2. Authorize the Civil Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Dunn Road Property Restoration Project.

I. ACCEPTANCE OF THE 2017 SLURRY SEAL PROJECT, CP 17-02

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-0, to:

1. Accept the public works improvement identified for 2017 Slurry Seal Project as completed in accordance with the plans and specifications, CP 17-02.
2. Authorize the Civil Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the 2017 Slurry Seal Project.

J. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE 2019 ADA CURB RAMP IMPROVEMENTS PROJECT, CP 19-03

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-0, to approve the plans, specifications and estimate and authorize staff to advertise and solicit bids for the 2019 ADA Curb Ramp Improvements Project, CP 19-03.

K. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-0, to:

1. Adopt Resolution No. 24546 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1102399 THROUGH 1102508 IN THE AGGREGATE AMOUNT OF \$1,422,667.35, DRAWN ON BANK OF AMERICA."

(City Council action continued on next page)

2. Adopt Resolution No. 24557 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 11-03-2018 BY WARRANTS NUMBERED 420508 THROUGH 420520 TOTALING \$15,545.74, LIABILITY CHECKS NUMBERED 1102509 THROUGH 1102527 TOTALING \$79,340.35, FOUR WIRE TRANSFERS FOR \$60,926.21, AND SIX ELECTRONIC ACH DEBITS OF \$1,480,283.59 IN THE AGGREGATE AMOUNT OF \$1,636,095.89, DRAWN ON BANK OF AMERICA."
3. Adopt Resolution No. 24548 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1102528 THROUGH 1102673 IN THE AGGREGATE AMOUNT OF \$943,830.40, DRAWN ON BANK OF AMERICA."
4. Adopt Resolution No. 24549 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1102674 THROUGH 1102816 IN THE AGGREGATE AMOUNT OF \$1,535,420.83, DRAWN ON BANK OF AMERICA."
5. Adopt Resolution No. 24550 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 11-17-2018 BY WARRANTS NUMBERED 420521,420522, 420524 THROUGH 420535 TOTALING \$23,360.14, LIABILITY CHECKS NUMBERED 1102817 THROUGH 1102835 TOTALING \$78,450.93, FOUR WIRE TRANSFERS FOR \$61,880.38, AND SEVEN ELECTRONIC ACH DEBITS OF \$1,521,981.14 IN THE AGGREGATE AMOUNT OF \$1,685,672.59, DRAWN ON BANK OF AMERICA."
6. Adopt Resolution No. 24551 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1102836 THROUGH 1102962 IN THE AGGREGATE AMOUNT OF \$3,149,861.08, DRAWN ON BANK OF AMERICA."
7. Adopt Resolution No. 24552 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1102963 THROUGH 1103088 IN THE AGGREGATE AMOUNT OF \$1,958,255.30, DRAWN ON BANK OF AMERICA."

L. SECOND READING AND ADOPTION OF ORDINANCE NO. 1970 AMENDING CHAPTER 8.05 OF THE PALM SPRINGS MUNICIPAL CODE RELATIVE TO PROCEDURES FOR ALTERATION AND DEMOLITION OF HISTORIC BUILDINGS AND STRUCTURES, AND GENERAL REVISIONS TO HISTORIC PRESERVATION STANDARDS, CASE 5.1454

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

M. APPROVAL OF MINUTES

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-0, to approve the City Council Meeting Minutes of March 21, 2018.

N. SECOND READING AND ADOPTION OF ORDINANCE NO. 1973 AMENDING SECTION 94.08.10 OF THE PALM SPRINGS ZONING CODE, PROVIDING FOR A FIRST AMENDMENT TO THE VIRGIN HOTEL DEVELOPMENT AGREEMENT WITH DTPS B-3, LLC, REVISING THE PERFORMANCE SCHEDULE FOR CONSTRUCTION PROPOSED ON BLOCK B-1 OF THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN, LOCATED AT THE NORTHEAST CORNER OF MUSEUM WAY AND BELARDO ROAD, ZONE CBD, SECTION 15, AND MAKING ADDITIONAL REVISIONS, CASE 5.1427 DA AMENDMENT

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

O. SECOND READING AND ADOPTION OF ORDINANCE NO. 1974, AMENDING THE PALM SPRINGS ZONING CODE TO ESTABLISH DEFINITIONS AND STANDARDS FOR TRANSITIONAL AND SUPPORTIVE HOUSING, CASE 5.1460 ZTA

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-0, to adopt Ordinance No. 1974 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING SECTION 93.23.19 OF THE PALM SPRINGS ZONING CODE RELATING TO TRANSITIONAL AND SUPPORTIVE HOUSING, CASE 5.1460 ZTA."

P. SECOND READING AND ADOPTION OF ORDINANCE NO. 1975, AMENDING THE PALM SPRINGS ZONING CODE TO ESTABLISH PROCEDURES RELATING TO REASONABLE ACCOMMODATIONS, CASE 5.1459 ZTA

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

Q. SECOND READING AND ADOPTION OF ORDINANCE NO. 1976 ADOPTING SECTION 93.23.17 OF THE PALM SPRINGS ZONING CODE RELATING TO DENSITY BONUSES FOR AFFORDABLE HOUSING, CASE 5.1458 ZTA

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-0, to adopt Ordinance No. 1976 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING SECTION 93.23.17 OF THE PALM SPRINGS ZONING CODE RELATING TO DENSITY BONUSES FOR AFFORDABLE HOUSING, CASE 5.1458 ZTA."

R. APPROVE AMENDMENT NO. 1 TO CONTRACT SERVICES AGREEMENT NO. A7222 WITH METRO VIDEO SYSTEMS, INC., IN THE AMOUNT OF \$103,991.17

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-0, to:

1. Approve Amendment No. 1 to Contract Services Agreement No. A7222 with Metro Video Systems, Inc., a California corporation, in the amount of \$103,991.17.
2. Authorize the City Manager to execute all necessary documents.

S. AUTHORIZE A PURCHASE ORDER IN THE AMOUNT NOT TO EXCEED OF \$362,026 WITH WSP USA, INC., FOR DESIGN AND TSA COORDINATION SERVICES ASSOCIATED WITH THE PALM SPRINGS INTERNATIONAL AIRPORT TERMINAL PASSENGER SCREENING AREA EXPANSION PROJECT

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-0, to:

1. Authorize a Purchase Order in the amount not to exceed of \$362,026 with the City's "on-call" professional aviation consulting services firm, WSP USA, Inc., pursuant to Agreement No. A7149, for internal renovation design and TSA equipment reconfiguration at the Palm Springs International Airport passenger checkpoint.
2. Authorize the City Manager to execute all necessary documents.

T. CONSIDER AN AMENDMENT TO THE CITY'S SEWER BILLING POLICES AND PROCEDURES TO ALLOW FOR SUSPENSION OF SEWER SERVICE CHARGES FOR PROPERTIES DETERMINED UNINHABITABLE BY THE BUILDING OFFICIAL

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-0, to adopt Resolution No. 24553 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 2 OF RESOLUTION NO. 11123, TO ALLOW FOR SUSPENSION OF SEWER SERVICE CHARGES FOR CERTAIN PROPERTIES RENDERED UNINHABITABLE."

EXCLUDED CONSENT CALENDAR:**A. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF DECEMBER 2018**

Following clarification, MOTION BY COUNCILMEMBER ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 4-0, to receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of December 1 through December 31, 2018

G. ACCEPTANCE OF THE TAHQUITZ CREEK LEVEE IMPROVEMENTS PROJECT, CP 08-26

Councilmember Middleton urged staff to be cautious when working in bird and wildlife habitats.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER HOLSTEGE CARRIED 4-0, to:

1. Accept the public works improvement identified for Tahquitz Creek Levee Improvements Project as completed in accordance with the plans and specifications, CP 08-26.
2. Authorize the Civil Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Tahquitz Creek Levee Improvements Project.

L. SECOND READING AND ADOPTION OF ORDINANCE NO. 1970 AMENDING CHAPTER 8.05 OF THE PALM SPRINGS MUNICIPAL CODE RELATIVE TO PROCEDURES FOR ALTERATION AND DEMOLITION OF HISTORIC BUILDINGS AND STRUCTURES, AND GENERAL REVISIONS TO HISTORIC PRESERVATION STANDARDS, CASE 5.1454

In response to City Council inquiry, Director Fagg confirmed that the benchmark year for Class 4 structures is 1978.

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 4-0, to adopt Ordinance No. 1970 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 8.05 OF THE PALM SPRINGS MUNICIPAL CODE RELATIVE TO PROCEDURES FOR ALTERATION AND DEMOLITION OF HISTORIC BUILDINGS AND STRUCTURES, AND GENERAL REVISIONS TO HISTORIC PRESERVATION STANDARDS, CASE 5.1454."

N. SECOND READING AND ADOPTION OF ORDINANCE NO. 1973 AMENDING SECTION 94.08.10 OF THE PALM SPRINGS ZONING CODE, PROVIDING FOR A FIRST AMENDMENT TO THE VIRGIN HOTEL DEVELOPMENT AGREEMENT WITH DTPS B-3, LLC, REVISING THE PERFORMANCE SCHEDULE FOR CONSTRUCTION PROPOSED ON BLOCK B-1 OF THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN, LOCATED AT THE NORTHEAST CORNER OF MUSEUM WAY AND BELARDO ROAD, ZONE CBD, SECTION 15, AND MAKING ADDITIONAL REVISIONS, CASE 5.1427 DA AMENDMENT

In response to City Council inquiry, City Attorney Kotkin advised that staff will seek confirmation that project financing is in place and will ensure that the safe harbor verbiage related to prevailing wage is included in the amended Development Agreement.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 4-0, to adopt Ordinance No. 1973 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 94.08.10 OF THE PALM SPRINGS ZONING CODE, PROVIDING FOR A FIRST AMENDMENT TO THE VIRGIN HOTEL DEVELOPMENT AGREEMENT WITH DTPS B-3, LLC, REVISING THE PERFORMANCE SCHEDULE FOR CONSTRUCTION PROPOSED ON BLOCK B-1 OF THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN, LOCATED AT THE NORTHEAST CORNER OF MUSEUM WAY AND BELARDO ROAD, ZONE CBD, SECTION 15, AND MAKING ADDITIONAL REVISIONS, CASE 5.1427 DA AMENDMENT."

P. SECOND READING AND ADOPTION OF ORDINANCE NO. 1975, AMENDING THE PALM SPRINGS ZONING CODE TO ESTABLISH PROCEDURES RELATING TO REASONABLE ACCOMMODATIONS, CASE 5.1459 ZTA

In response to City Council inquiry, Director Fagg confirmed that all changes as recommended by the Inland Counties Legal Services have been incorporated into the final ordinance.

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 4-0, to adopt Ordinance No. 1975 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING SECTION 93.23.18 OF THE PALM SPRINGS ZONING CODE RELATING TO REASONABLE ACCOMMODATIONS, CASE 5.1459 ZTA."

2. PUBLIC HEARINGS: None.

3. LEGISLATIVE:

A. RE-INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 5.26 OF THE PALM SPRINGS MUNICIPAL CODE, RE-ESTABLISHING THE HOTEL OPERATIONS INCENTIVE PROGRAM

Director of Community and Economic Development Virata presented the staff report.

In response to City Council inquiry, Director Virata confirmed that utilization of the incentive program will require payment of prevailing wage.

During the course of discussion, the City Council agreed that the incentive program should be limited to facilities, fixtures, and equipment (FF&E), noting that any improvements should benefit hotels located in Palm Springs; directed that the verbiage prohibiting project phasing be replaced with verbiage stating the project must be completed within twelve months.

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 4-0, to introduce Ordinance No. 1972 "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 5.26 OF THE PALM SPRINGS MUNICIPAL CODE, RE-ESTABLISHING THE HOTEL OPERATIONS INCENTIVE PROGRAM."

4. UNFINISHED BUSINESS:

A. CONSIDER A RESOLUTION ADOPTING A CODE OF CONDUCT FOR ELECTED OFFICIALS

Councilmember Middleton presented the City Council Subcommittee Report.

Following discussion, MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 4-0, to adopt Resolution No. 24554 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A CODE OF CONDUCT FOR ELECTED OFFICIALS," with the following direction:

- Modify Section 1.1 to read as follows, "Councilmembers shall not direct, order or make demands on any City employee, other than inquiries that can be answered routinely and ~~without~~ with minimal research and support requested in accordance with a protocol established by the City Manager..."
- Add verbiage to clarify that members of City Council may direct work priorities for employees assigned to support the City Council.
- Modify Section 2.2 to read as follows "When making written and verbal public ~~utterances~~ communications, Councilmembers shall make it clear whether they are authorized to speak in an official capacity on behalf of the body of which they are a member, or whether they are presenting their own views."
- All public requests for appearances and policy considerations are to be forwarded to the City Manager and/or provided to all Councilmembers.
- Individual Councilmember stationary is to be ordered.

5. NEW BUSINESS:**A. DISCUSSION OF REVISED CITY COUNCIL RULES OF PROCEDURE**

Councilmember Roberts presented the City Council Subcommittee Report.

In response to City Council inquiry, City Manager Ready advised that he will work with the Subcommittee to refine verbiage related to members of City Council requesting that matters be agendized.

Councilmember Holstege opined that public comment on non-agenda items should be considered earlier in the meeting agenda. Councilmember Roberts voiced opposition, pointing out that public comment on non-agenda items at the beginning of the meeting previously resulted in applicants and members of the public desiring to speak on agenda items waiting prolonged periods.

Following discussion, the City Council provided the following direction:

- Clarify and formalize the process for members of the City Council to request that a matter be agendized.
- Modify Section 3.1 to state that the Mayor Pro Tem shall be selected at the same meeting as the Mayor.
- Update the City Council Rules of Procedure to have gender neutral language.

B. CONSIDERATION OF CHANGING GENERAL MUNICIPAL ELECTIONS FROM NOVEMBER OF ODD-NUMBERED YEARS TO EVEN-NUMBERED YEARS

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-0, to table this item to the City Council meeting of February 6, 2019.

C. APPROVAL OF PRE-QUALIFIED CONTRACTORS AND AUTHORIZATION TO PROCEED WITH BIDDING THE PALM SPRINGS INTERNATIONAL AIRPORT TICKETING HALL EXPANSION, FAA AIP GRANT NO. 3-06-0181-054-2016, IFB 19-03

Assistant City Manager Fuller presented the staff report and responded to City Council inquiries.

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 4-0, to:

1. In accordance with Section 7.03.090 of the Palm Springs Municipal Code approve the list of pre-qualified general contractors for the Palm Springs International Airport Ticketing Hall Expansion, FAA AIP Grant No. 3-06-0181-054-2016, Invitation for Bids No. 19-03, pursuant to the requirements specified in the City's Statement of Qualifications 02-19, to include: (a) McCarthy Building Companies, Inc., a Missouri corporation; Newport Beach, CA (b) Q&D Construction, LLC, a Nevada limited liability company; Sparks, NV (c) Swinerton Builders, a California corporation; Los Angeles, CA (d) Walsh Construction Company II, LLC, an Illinois limited liability company; Chicago, IL
2. Pursuant to the mandatory requirements specified in the City's Statement of Qualifications 02-19, determine that The Weitz Company, LLC, an Iowa limited liability company, is not qualified to submit a bid for the Palm Springs International Airport Ticketing Hall Expansion, FAA AIP Grant No. 3-06-0181-054-2016, IFB 19-03.
3. Approve the plans, specifications, and working details for the Palm Springs International Airport Ticketing Hall Expansion, FAA AIP Grant No. 3-06-0181-054-2016, IFB 19-03, and authorize staff to solicit bids from the four pre-qualified contractors.

D. PRESENTATION OF THE 2018 PAVEMENT MANAGEMENT PROGRAM

Assistant City Manager Fuller presented the staff report and responded to City Council inquiries.

During the course of discussion, the City Council agreed that street improvements should be based on a "worst-first" concept with major arterial and secondary arterial roadways being prioritized over collector and local residential streets; expressed support for grouping streets with the same Pavement Condition Index (PCI) score for future projects.

E. REVIEW AND MAKE APPOINTMENTS TO CITY COUNCIL SUBCOMMITTEES, CITY REPRESENTATIVES TO PROJECTS, LIAISONS TO CITY COMMISSIONS AND BOARDS, AND REPRESENTATIVES TO EXTERNAL ORGANIZATIONS

MOTION BY COUNCILMEMBER HOLSTEGE SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-0, to table this item to the City Council meeting of February 6, 2019.

F. APPOINTMENTS TO THE ADMINISTRATIVE APPEALS BOARD

City Clerk Mejia presented the staff report.

The City Council directed that consideration of amending the code to allow for two alternates and discussion of transitioning to Hearing Officers be agendaized for February 6, 2019.

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-0, to:

1. Appoint Stephen Moses to the Administrative Appeals Board for the term ending June 30, 2019.
2. Appoint Jocelyn Kane to the Administrative Appeals Board for the term ending June 30, 2021.
3. Appoint Wayne Sinclair to the Administrative Appeals Board for the term ending June 30, 2021.

PUBLIC COMMENT:

Allen Worthy, urged the City Council to settle his claim against the City.

Edward Holzhauser, urged the City Council to declare Palm Springs as a Sanctuary City.

Yasmin Espinoza, urged the City Council to declare Palm Springs as a Sanctuary City.

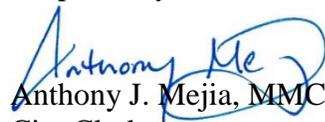
CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT:

Councilmember Holstege requested that consideration of a resolution declaring Palm Springs as a Sanctuary City be agendaized for the meeting of February 6, 2019.

ADJOURNMENT:

The City Council adjourned at 9:02 p.m. in the memories of Greg Pettis, Carol Channing, and Kaye Ballard.

Respectfully submitted,


Anthony J. Mejia, MMC
City Clerk

APPROVED BY CITY COUNCIL: 06/05/2019