



Wednesday, June 5, 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, June 5, 2019, at 6:10 p.m., in the Council Chamber, City Hall, located at 3200 E. Tahquitz Canyon Way, Palm Springs, California.

PLEDGE OF ALLEGIANCE:

Boy Scouts Troop 262 led the Pledge of Allegiance.

ROLL CALL:

Present: Councilmembers Christy Holstege, Lisa Middleton, J.R. Roberts; Mayor Pro Tem Geoff Kors; and Mayor Robert Moon.

Absent: None.

City Staff

Present: David H. Ready, City Manager; Jeffrey Ballinger, 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:

Councilmember Roberts invited the community to attend a press conference to accept a \$50,000 donation from the Palm Springs Preservation Foundation for the restoration of the Plaza Theater.

City Manager Ready and Information Technology Director Brown announced the launch of a new City mobile application.

ACCEPTANCE OF THE AGENDA:

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY MAYOR PRO TEM KORS, CARRIED 5-0, to accept the agenda, with Item No. 5A continued to a meeting in July 2019.

REPORT OF CLOSED SESSION:

The Regular Closed Session of the City Council of June 5, 2019, was called to order by Mayor Moon at 4:00 p.m., with all members present, except Councilmember Middleton who arrived during the Closed Session.

Rich Tarpenting, KESQ, summarized the media's procedures when accessing the Eastern Riverside Interoperability Communications Authority (ERICA) radio system and urged the City Council to restore access to the media.

Dan Adams, NBC Palm Springs, stressed the importance for local media to have access to the ERICA radio system to obtain information about emergency and late breaking incidents; spoke on his experience with the Loma Prieta earthquake and the importance of the media being able to report information to the residents.

Rebecca Johnson, KESQ, urged the City Council to restore media access to dispatch radios to ensure they can disseminate emergency information to residents.

City Attorney Ballinger requested that the City Council add two Closed Session Items to the agenda, noting that there is a need to immediately discuss, and possibly provide direction to staff, and that the need for action came to the attention of the City subsequent to the posting of the agenda.

On a motion by Mayor Pro Tem Kors, seconded by Councilmember Roberts, carried 4-0 (Councilmember Middleton absent), the City Council added the following Closed Session Items to the agenda:

Property Address/Description:	Former Boxing Club Property, 225 S. El Cielo Road
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or designee
Negotiating Parties:	Rob Field, County of Riverside EDA
Under Negotiation:	Price and Terms

Property Address/Description:	Palm Springs Convention Center, 277 N. Avenida Caballeros
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or designee
Negotiating Parties:	AEG Facilities LLC
Under Negotiation:	Price and Terms

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):

Marilyn Aronson v. City of Palm Springs, Mariposa Landscape
Case No. PSC1902825, Superior Court of the State of California, County of Riverside

Anne Pomije v. Palm Springs
Case No. PSC1902858, Superior Court of the State of California, County of Riverside

City of Palm Springs v. O&M (Prairie Schooner)
Case No. PSC1701804, Superior Court of the State of California, County of Riverside

Maria Marin Orellana v. City of Palm Springs et al
Case No. PSC 1902500, Superior Court of the State of California, County of Riverside

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

Nine (9) matters that, under the existing circumstances, the City Attorney believes creates significant exposure to litigation.

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

Under existing facts and circumstances, there are three (3) matters the City Council has decided or may decide to initiate litigation.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR, 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: 538 North Palm Canyon Drive, Palm Springs
 Agency: City of Palm Springs
 City Negotiator: David H. Ready, City Manager or Designee
 Negotiating Parties: W. Layne, President
 Palm Canyon Theatre
 Under Negotiation: Price and Terms of Payment (Lease)

Property Address/Description: Carriage House Property (0.5 acres) on a Portion of APN 513-070-009 known as the O'Donnell Golf Course
 Agency: City of Palm Springs
 City Negotiator: David H. Ready, City Manager or Designee
 Negotiating Parties: Tracy Conrad
 Under Negotiation: Price and Terms of Payment (Lease or Purchase)

Property Address/Description: 550 North Palm Canyon Drive, Palm Springs
 Agency: City of Palm Springs
 City Negotiator: David H. Ready, City Manager or Designee
 Negotiating Parties: Jonathan Cassie, President
 Desert Arts Center
 Under Negotiation: Price and Terms of Payment (Lease)

City Attorney Ballinger 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.

PUBLIC TESTIMONY:

Richard Noble, spoke on the importance of addressing climate change and challenged the City Council to adopt an electricity portfolio of 100% renewable energy.

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

Mayor Pro Tem Kors reported on the activities of the Public Integrity and Affordance Housing and Homelessness Standing Subcommittees; noted that a letter executed by the City Council was sent to the Riverside County Board of Supervisors calling for action to address homelessness; advised that the Cannabis Subcommittee will discuss potential ordinance modifications at an upcoming stakeholders meeting in July 2019.

Councilmember Middleton announced that she will be a member of the Zero Traffic Fatalities Task Force established under Assembly Bill 2363.

Councilmember Holstege reported on the activities of the Business Retention Standing Subcommittee; spoke on the success of Riverside's One Stop Shop model for business permits, recommending that the City Council and staff tour Riverside's permit center; requested that consideration of a resolution related to the Salton Sea be agendaized for the City Council meeting of June 19, 2019.

Mayor Moon requested that the Historic Site Preservation Board consider designating Promontory Point and Club House on the O'Donnell Golf Course as Class 1 Historic Sites.

1. CONSENT CALENDAR:

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to approve the consent calendar.

A. ACCEPT THE RESIGNATION OF TRENT PACE FROM THE PARKS AND RECREATION COMMISSION FOR THE TERM ENDING JUNE 30, 2020

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

1. Accept with regret the resignation of Trent Pace from the Parks and Recreation Commission.
2. Direct the City Clerk to post a notice of vacancy for the term ending June 30, 2020.

B. ANNUAL LEVY OF ASSESSMENTS FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS, FISCAL YEAR 2019-20

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

1. Adopt Resolution No. 24611 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE PREPARATION OF AND GIVING PRELIMINARY APPROVAL OF THE ENGINEER’S REPORT REGARDING STREET LIGHTING MAINTENANCE DISTRICT NO. 3, AND PARKWAY MAINTENANCE DISTRICTS NO. 6A, 6C, 7, 8, 9, AND 10 (ZONES 1 AND 2), AND LANDSCAPE MAINTENANCE DISTRICT NO. 12, TO ESTABLISH ANNUAL ASSESSMENTS AND THE LEVY AND COLLECTION RELATED THERETO FOR FISCAL YEAR 2019-20.”
2. Adopt Resolution No. 24612 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON JULY 24, 2019, REGARDING STREET LIGHTING MAINTENANCE DISTRICT NO. 3, AND PARKWAY MAINTENANCE DISTRICTS NO. 6A, 6C, 7, 8, 9, AND 10 (ZONES 1 AND 2), AND LANDSCAPE MAINTENANCE DISTRICT NO. 12, AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2019-20.”

C. APPROVE A CONTRACT WITH VOHNE LICHE KENNELS INC. FOR THE PURCHASE OF POLICE CANINES, ACADEMY TRAINING, MONTHLY MAINTENANCE TRAINING AND YEARLY CERTIFICATIONS

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

1. Award a contract services agreement with Vohne Liche Kennels, Inc, of Denver, IN with a location in Banning, CA for the as-needed acquisition of police canines, academy training, monthly maintenance training, and certifications at the Unit Prices per the agreement for a 3 year period with 2 one year optional renewals. **A7096**.
2. Authorize the City Manager to execute all necessary documents.

D. AUTHORIZE A PURCHASE ORDER WITH MWH CONSTRUCTORS, INC., FOR SEWER DESIGN AND CONSTRUCTION SUPPORT SERVICES TO COMPLY WITH REGIONAL BOARD ORDER R7-2017-0013, AND INCREASE IN PURCHASE ORDER FOR BOGERT TRAIL SEWER LIFT STATION, CP 18-18

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

1. Authorize a Purchase Order in an amount not to exceed \$100,000 with the City's "on-call" professional consulting services firm MWH Constructors, Inc., pursuant to Agreement No. A6687, for hydrogeological support service for the construction of groundwater monitoring wells.
2. Authorize an increase to the Purchase Order No. 19-0946 for the Bogert Trail Sewer Lift Station design in an amount not to exceed \$15,500, for a change in their scope of services to accommodate a dry well system.
3. Authorize the City Manager to execute all necessary documents.

E. PROPOSED ORDINANCE AMENDING THE PALM SPRINGS MUNICIPAL CODE RELATED TO THE "PLACING OF WASTE AND RECYCLABLES IN STREET"

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to adopt Ordinance No. 1990 entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 6.04.110 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO THE "PLACING OF WASTE AND RECYCLABLES IN STREET."

F. PROPOSED ORDINANCE AMENDING THE PALM SPRINGS MUNICIPAL CODE REGARDING NONCONSENSUAL TOW FEES

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to adopt Ordinance No. 1991 entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 11.82.070(b) OF THE PALM SPRINGS MUNICIPAL CODE, REGARDING NONCONSENSUAL TOW FEES."

G. APPROVAL OF PARCEL MAP 37570

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24613 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PARCEL MAP 37570, FOR PROPERTY LOCATED AT 2584 ANZA TRAIL, IN SECTION 25, TOWNSHIP 4 SOUTH, RANGE 4 EAST."

H. APPOINTMENTS TO THE PUBLIC ARTS COMMISSION

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

1. Re-appoint Melanie Brenner to the Public Arts Commission for a term ending June 30, 2022.
2. Re-appoint Ann Sheffer to the Public Arts Commission for a term ending June 30, 2021.

I. APPROVAL OF FIVE (5) PROFESSIONAL SERVICES AGREEMENTS FOR ON-CALL ENVIRONMENTAL ASSESSMENT (CEQA) SERVICES

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

1. Approve an agreement with LSA Associates Inc., for on-call environmental assessment (CEQA) services for an initial three (3) year term, subject to two (2) additional one (1) year extensions approved at the discretion of the City. **A7097.**
2. Approve an Agreement with Michael Baker International, for on-call environmental assessment (CEQA) services for an initial three (3) year term, subject to two (2) additional one (1) year extensions approved at the discretion of the City. **A7098.**
3. Approve an Agreement with Rincon Consultants Inc., for on-call environmental assessment (CEQA) services for an initial three (3) year term, subject to two (2) additional one (1) year extensions approved at the discretion of the City. **A7099.**
4. Approve Agreement No. A6559 with Terra Nova Planning and Research Inc., for on-call environmental assessment (CEQA) services for an initial three (3) year term, subject to two (2) additional one (1) year extensions approved at the discretion of the City.
5. Approve an Agreement with The Altum Group, for on-call environmental assessment (CEQA) services for an initial three (3) year term, subject to two (2) additional one (1) year extensions approved at the discretion of the City. **A7100.**
6. Authorize the City Manager to execute all necessary documents.

J. ACCEPT FEDERAL AVIATION ADMINISTRATION GRANT No. 3-06-0181-056-2019 FOR FISCAL YEAR 2019-20 FUNDING OF AIRPORT PROJECTS

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

1. Approve acceptance of Federal Aviation Administration AIP Grant No. 3-06-0181-056-2019 in the amount of \$9,624,572.
2. Authorize the City Manager to execute all necessary grant documents.

K. AWARD A CONTRACT SERVICES AGREEMENT TO WATERLINE TECHNOLOGIES, INC., IN THE AMOUNT OF \$50,000 ANNUALLY FOR POOL CHEMICALS AT THE PALM SPRINGS SWIM CENTER

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

1. Award a contract to Waterline Technologies Inc., for the delivery of Hydrochloric Acid 15% at \$2.35 per gallon and Sodium Hypochlorite 12.5% at \$1.21 per gallon on an as-needed basis for an estimated amount not to exceed \$50,000 annually. **A7101**.
2. Authorize the City Manager to execute all necessary documents.

L. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE CITY-WIDE SIGN REPLACEMENT PROGRAM, CP 18-12

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to approve the plans, specifications and estimate, and authorize staff to advertise and solicit bids for the City-Wide Sign Replacement Program, CP 18-12.

M. AMENDMENT TO AIRPORT USE AND LEASE AGREEMENT FOR COMMERCIAL AIRLINE TENANTS AT PALM SPRINGS INTERNATIONAL AIRPORT

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

1. Approve an eighteen-month extension of the current Airport Use and Lease Agreement (AULA) commencing June 30, 2019, through December 30, 2020.
2. Authorize the City Manager to execute all necessary documents.

N. APPROVAL OF MINUTES

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to approve the City Council Meeting Minutes of January 9, January 23, February 6, February 13, February 20, February 28, March 6, March 20, April 3, April 17, April 18, April 22, May 1, and May 22, 2019.

O. RESOLUTION DECLARING THE CITY COUNCIL'S COMMITMENT TO THE RESTORATION OF THE HISTORIC PLAZA THEATER AND DEDICATING FUTURE USE OF THE THEATER FOR THE PALM SPRINGS INTERNATIONAL FILM FESTIVAL

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24614 entitled "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE CITY COUNCIL'S COMMITMENT TO THE RESTORATION OF THE HISTORIC PLAZA THEATER AND DEDICATING FUTURE USE OF THE THEATER FOR THE PALM SPRINGS INTERNATIONAL FILM FESTIVAL."

2. PUBLIC HEARINGS:**A. RESOLUTION CONFIRMING THE REPORT OF THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD, LEVYING THE FISCAL YEAR 2019-20 ASSESSMENT, AND CONDUCT OF PROTEST PROCEEDINGS**

City Clerk Mejia presented the staff report.

Mayor Moon opened the Public Hearing.

Michael Green, Chair of Small Hotel TBID, reported on the activities and successes of the Small Hotel TBID.

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

City Clerk Mejia announced that one written protest and no verbal protest were received, and that it does not constitute a majority protest. Therefore, the City Council may proceed with consideration of adopting the subject Resolution.

MOTION BY MAYOR PRO TEM KORS, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 5-0, to adopt Resolution No. 24615 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD AND LEVYING AN ASSESSMENT FOR FISCAL YEAR 2019-20 IN CONNECTION WITH THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS IMPROVEMENT DISTRICT."

B. AUTHORIZE ISSUANCE OF 2019 AIRPORT PASSENGER FACILITY CHARGE REVENUE BONDS (PALM SPRINGS INTERNATIONAL AIRPORT) AND APPROVE RELATED DOCUMENTS AND ACTIONS

Bond Counsel Harnell presented the staff report and responded to City Council inquiries.

Mayor Moon opened and closed the Public Hearing, there being no one desiring to speak.

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

1. Conduct the Public Hearing pursuant to Internal Revenue Code Section 147(f) to receive testimony on the issuance of the PFC Bonds and on the nature and location of the facilities proposed to be financed at the Palm Springs International Airport.
2. Adopt Resolution No. 24616 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$30,000,000 PRINCIPAL AMOUNT OF 2019 AIRPORT PASSENGER FACILITY CHARGE REVENUE BONDS (PALM SPRINGS INTERNATIONAL AIRPORT) TO PROVIDE FINANCING FOR APPROVED AIRPORT PROJECTS AND APPROVING RELATED DOCUMENTS AND ACTIONS.”
3. Authorize the City Manager to execute all necessary documents.
4. Authorize the Director of Finance and Treasurer to transfer PFC funds to the Trustee for the early redemption of the outstanding bonds secured by PFCs.

C. KOAR PALM SPRINGS, LLC, FOR A PRELIMINARY PLANNED DEVELOPMENT DISTRICT APPLICATION (5.1449 PDD 389); A TENTATIVE TRACT MAP (TTM 37602); A MAJOR ARCHITECTURAL APPLICATION (3.4105 MAJ); AND ADOPTION OF AN ADDENDUM TO A PREVIOUSLY APPROVED MITIGATED NEGATIVE DECLARATION FOR THE CONSTRUCTION OF A 95-UNIT, THREE (3) STORY CONDOMINIUM BUILDING AND A 4,990-SQUARE FOOT RETAIL STRUCTURE LOCATED AT 1122 EAST TAHQUITZ CANYON WAY, ZONE REO, SECTION 14

Director of Planning Services Fagg narrated a PowerPoint presentation and responded to City Council inquiries.

Mayor Moon opened the Public Hearing.

Loren Ostrow, Applicant, summarized his experience and qualifications, noting his desire to develop senior housing that is welcoming to the aging LGBT community; reviewed the project attributes and amenities; requested that the City Council consider eliminating the Conditions of Approval related to a public drinking fountain and installation of a custom bus shelter, or as an alternative, allow for the installation of a standard bus shelter.

Kathy Weremuik, urged the City Council to support the proposed development project.

Beverly Sweater, questioned whether the development will include residential elevators and whether the proposed movie theater and bar will be open to the public.

In response to inquiry, Mr. Ostrow advised that the property will include four elevators and that the movie theater and bar will be designated for residents only.

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

During the course of discussion, the City Council commended Mr. Ostrow for the quality of the project's design and amenities offered to the residents; voiced support for allowing the installation of a standard Sunline bus shelter and retaining the requirement for the installation of a public water fountain.

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to adopt Resolution No. 24617 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PRELIMINARY PLANNED DEVELOPMENT DISTRICT APPLICATION (5.1449 PDD 389); A TENTATIVE TRACT MAP (TTM 37602); A MAJOR ARCHITECTURAL APPLICATION (3.4105 MAJ); AND ADOPTION OF AN ADDENDUM TO A PREVIOUSLY APPROVED MITIGATED NEGATIVE DECLARATION FOR THE CONSTRUCTION OF A 95-UNIT, THREE (3) STORY CONDOMINIUM BUILDING AND A 4,990-SQUARE FOOT RETAIL STRUCTURE LOCATED AT 1122 EAST TAHQUITZ CANYON WAY, ZONE REO, SECTION 14, APN 508-070-028," with a modification to the Condition of Approval to allow for the installation of a standard Sunline bus shelter.

D. ZONE TEXT AMENDMENT TO AMEND PALM SPRINGS ZONING CODE SECTION 93.23.07 RELATIVE TO THE HEIGHT AND SETBACK STANDARDS FOR COMMERCIAL WIND ENERGY CONVERSION SYSTEMS (WECS) CASE 5.1469 ZTA

Director of Planning Services Fagg presented the staff report.

Mayor Moon opened the Public Hearing.

David Freedman, voiced support for the proposed ordinance and urged the City Council to adopt the ordinance.

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

MOTION BY MAYOR PRO TEM KORS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to introduce Ordinance No. 1992 entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PALM SPRINGS ZONING CODE SECTION 93.23.07 FOR THE DEVELOPMENT STANDARDS FOR COMMERCIAL WIND ENERGY CONVERSION SYSTEMS (WECS) RELATIVE TO TOWER HEIGHTS AND ADJUSTMENTS TO SETBACKS (CASE 5.1469 ZTA).”

E. A REQUEST BY PALM SPRINGS MODERN CONSTRUCTION, ON BEHALF OF GRIT DEVELOPMENT LLC, FOR TENTATIVE AND FINAL PARCEL MAP APPROVAL FOR THE REVERSION TO ACREAGE OF FINAL MAP 33162 FOR THE FORMER PEDREGAL DEVELOPMENT AT THE SOUTHWEST CORNER OF NORTH PALM CANYON DRIVE AND TRAMWAY ROAD, ZONE R-3, SECTION 3, CASES TPM 37673 AND PM 37673

Director of Planning Services Fagg presented the staff report.

Mayor Moon opened and closed the Public Hearing, there being no one desiring to speak.

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

1. Adopt Resolution No. 24618 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A REQUEST FOR THE REVERSION TO ACREAGE OF A PREVIOUSLY SUBDIVIDED FINAL MAP 33162 FOR THE DEVELOPMENT OF A 132-UNIT CONDOMINIUM COMPLEX AT THE PEDREGAL DEVELOPMENT LOCATED AT THE SOUTHWEST CORNER OF NORTH PALM CANYON DRIVE AND TRAMWAY ROAD. (CASE TPM 37673).”
2. Adopt Resolution No. 24619 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PARCEL MAP 37673, FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF NORTH PALM CANYON DRIVE AND TRAMWAY ROAD, IN SECTION 3 TOWNSHIP 4 SOUTH, RANGE 4 EAST.”

F. CALLING AND CONDUCTING A SPECIAL ELECTION AND INTRODUCING AN ORDINANCE AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN ANNEXATION NO. 20 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)

City Clerk Mejia presented the staff report.

Mayor Moon opened and closed the Public Hearing, there being no one desiring to speak.

City Clerk Mejia conducted the election, noting that the property owner voted in favor and that the City Council may proceed with the annexation.

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

1. Adopt Resolution No. 24620 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING ANNEXATION NO. 20, CANYON VIEW, TRACT MAP NO. 36969, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX, AND SUBMITTING THE LEVY OF A SPECIAL TAX TO QUALIFIED ELECTORS.”
2. Adopt Resolution No. 24621 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE RESULTS OF A SPECIAL ANNEXATION LANDOWNER ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING THE RECORDING OF AN AMENDMENT TO NOTICE OF SPECIAL TAX LIEN FOR ANNEXATION NO. 20, CANYON VIEW, TRACT MAP NO. 36969, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES).”
3. Introduce Ordinance No. 1993 entitled “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY IDENTIFIED AS ANNEXATION NO. 20, CANYON VIEW, TRACT MAP NO. 36969, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES).” City Clerk Mejia read the ordinance by title.

G. APPROVAL OF THE CITYWIDE USER FEE STUDY / COST ALLOCATION PLAN, AND COMPREHENSIVE FEE SCHEDULE FOR FISCAL YEAR 2019-20

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

Mayor Moon opened the Public Hearing.

Deborah McGarrey, Southern California Gas Company, requested that the City Council reconsider the proposed increase for encroachment permits, noting that the Gas Company provides the City with franchise fee payments.

Gretchen Gutierrez, Desert Valley Builders Association (DVBA), asserted that Palm Springs will have the overall most expensive permits for a single family residential development; requested that the City Council consider a phased-in approach to implementing the fee increases.

Erica Harnik, DVBA, stated that increases in permit fees will be passed through to the home buyer; urged the City Council to use discretion and reconsider imposing the fee increases.

Damien Füssel, Riverside Building Industry Association, opined that increased permit fees will negatively impact housing affordability and will make the area less desirable for future developments; questioned the propriety of utilizing user fees to pay for overhead costs.

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

Councilmember Roberts and Mayor Pro Tem Kors voiced their support for considering fee waivers on a case-by-case basis, or developing criteria related to fee waivers, for developments which include affordable housing.

Mayor Pro Tem Kors noted that developers' complaints are typically related to the processing time for entitlements and permits rather than development-related fees; voiced support for the implementation of technology and process improvements to streamline the entitlement and permit review process.

At the request of Councilmember Middleton, the City Council expressed support for her to work with representatives of the Planning Commission, Architectural Advisory Committee, and Building Industry Association to discuss process improvements.

Councilmember Holstege noted that she cannot support the proposed fee increases without a phased-in approach, due to the ongoing housing crisis.

Councilmembers Holstege and Middleton, and Mayor Moon voiced support for phasing the proposed development-related fee increases over a two year period.

In response to City Council inquiry, Assistant City Manager Fuller advised that phasing-in of the fee increases will result in a projected deficit for Fiscal Year 2019-20 and that other programs or services may be impacted.

Councilmember Roberts and Mayor Pro Tem Kors noted their opposition to a phased-in approach to the development-related fee increases, noting that it will impact the City's proposed budget and create a blanket subsidy for all housing developments, rather than a waiver of fees, based on the proportionate amount of affordable housing.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 3-2 (COUNCILMEMBER ROBERTS AND MAYOR PRO TEM KORS VOTING NO), to adopt Resolution No. 24622 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A USER FEE STUDY AND COST ALLOCATION PLAN, MODIFYING AND APPROVING CERTAIN USER FEES AND CHARGES AND ADOPTING THE COMPREHENSIVE FEE SCHEDULE FOR FISCAL YEAR 2019-20, AND ESTABLISHING A POLICY FOR ADJUSTMENTS TO USER FEES AND CHARGES COMMENCING WITH FISCAL YEAR 2020-21," with direction to implement 50% of the proposed development-related fees increases in Fiscal Year 2019-20 and the balance of the fee increases and Consumer Price Index (CPI) increase in Fiscal Year 2020-21.

MEETING RECESS

The City Council recessed at 8:35p.m. and reconvened at 8:49p.m., with all members present.

H. PUBLIC HEARING AND ADOPTION OF THE FISCAL YEAR 2019-2020 AND FISCAL YEAR 2020-21 BUDGET, ALLOCATED POSITIONS AND COMPENSATION PLAN, PALM SPRINGS COMMUNITY REDEVELOPMENT SUCCESSOR AGENCY ADMINISTRATIVE BUDGET, APPROPRIATIONS AND APPROPRIATIONS LIMIT

Director of Finance and Treasurer Pauley presented the staff report and responded to City Council inquiries.

Mayor Moon opened the Public Hearing.

Kathy Weremuik, commended staff for developing an easy to understand budget report; expressed gratitude to the City Council for budgeting a part-time Library Assistant, noting that the Library will be able to add additional services and programs.

Jeffrey Bernstein, voiced support for the continued funding for the Uniquely Palm Springs initiative and additional incentive program funding as recommended by the Business Retention Subcommittee.

Joy Brown Meredith, expressed support for the Uniquely Palm Springs and other local business incentive programs.

Gretchen Gutierrez, Desert Valley Builders Association, voiced concern regarding the number of new positions proposed in the budget; expressed support for automating permit processing and implementing other cities best practices related to building permits.

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

Mayor Moon voiced concern regarding increasing pension liabilities and infrastructure maintenance.

Councilmember Roberts expressed concern that phasing-in of development-related fees has resulted in a deficit budget; recommended that the City Council reconsider its previous decision related to the user fees.

Councilmembers Holstege and Middleton spoke on the importance of investing and growing the local economy to help grow the City's revenue sources; agreed that any proposed budget cuts should not reduce support for Public Safety.

Mayor Pro Tem Kors suggested that postponing the hiring of certain positions could result in enough salary savings to balance the budget.

Mayor Moon questioned whether Fire Chief Nalder would support postponing the hiring of one Fire Captain for one year.

The City Council requested that City Manager Ready propose alternative budgetary cuts to ensure a balanced budget.

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to continue the Public Hearing to the City Council meeting of June 19, 2019.

3. LEGISLATIVE:

A. AN URGENCY ORDINANCE AUTHORIZING AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE SECTION 20516 (EMPLOYEES SHARING ADDITIONAL COST) OF 3% FOR CLASSIC LOCAL FIRE MEMBERS

Councilmember Middleton noted that she serves on the CalPERS Board of Directors. City Attorney Ballinger confirmed that Councilmember Middleton has no conflict of interest and may participate in deliberations.

Human Resource Director Madison presented the staff report.

MOTION BY MAYOR PRO TEM KORS, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 5-0, to adopt Ordinance No. 1994 entitled "AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS CALIFORNIA AUTHORIZING AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY OF PALM SPRINGS." City Clerk Mejia read the ordinance by title.

B. INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 2.40 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO PERSONNEL SYSTEM, AND MAKING A CORRESPONDING AMENDMENT TO SECTION 2.50.020 OF THE PALM SPRINGS MUNICIPAL CODE

City Attorney Ballinger presented the staff report.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to introduce Ordinance No. 1995 entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 2.40 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE PERSONNEL SYSTEM, AND MAKING A CORRESPONDING AMENDMENT TO SECTION 2.50.020 OF THE PALM SPRINGS MUNICIPAL CODE." City Clerk Mejia read the ordinance by title.

4. UNFINISHED BUSINESS:

A. CONSIDER WHETHER THE CITY OF PALM SPRINGS WILL PROCEED WITH A 2020 LAUNCH OF THE DESERT COMMUNITY ENERGY COMMUNITY CHOICE PROGRAM, AND DETERMINE THE DEFAULT OPTION FOR RATEPAYERS

Sustainability Manager Tallarico presented the staff report.

Tom Kirk, Coachella Valley Association of Governments, reviewed the benefits and greenhouse gas emission reductions by moving forward with a 2020 launch of Desert Community Energy and a 100% carbon free default option for ratepayers.

In response to City Council inquiry, Mr. Kirk advised that residents will continue to be eligible for solar net metering; advised that other communities retained 90% of ratepayers in the default 100% carbon free option; noted that revenues generated from Palm Springs ratepayers will be reserved for use in the Palm Springs community; advised that the carbon free electricity will be purchased from multiple sources and that DCE will seek to purchase local carbon free electricity in the future.

Councilmember Middleton stressed the importance of educating residents about the benefits of DCE and the potential reduction in greenhouse gases.

Mayor Pro Tem Kors suggested that recipients of the City's Grants and Sponsorship Program distribute information about utility discount programs for eligible low income residents.

MOTION BY MAYOR PRO TEM KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to support a 2020 launch of the Desert Community Energy Community Choice Program and selecting the 100% carbon free default option for ratepayers.

5. NEW BUSINESS:

A. PURCHASE OF NEW TRASH/RECYCLING BINS FOR THE DOWNTOWN/UPTOWN BUSINESS DISTRICT AREAS

This item was continued to a City Council meeting in July 2019.

B. APPROVE ANNUAL INSURANCE POLICY RENEWALS FOR THE CITY'S INSURANCE PORTFOLIO FOR FISCAL YEAR 2019-20

City Manager Ready presented the staff report; recommended that the City Council authorize increasing earthquake insurance for City facilities from \$5 million to \$10 million.

Councilmember Middleton requested that staff conduct a comprehensive evaluation of insurance coverages for catastrophic events for primary City facilities.

Mayor Pro Tem Kors noted that staff will need to account for the increase in insurance premiums for the recommended earthquake coverage in the City's proposed budget.

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 5-0, to adopt Resolution No. 24623 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING KEENAN & ASSOCIATES AS THE CITY'S BROKER OF RECORD, TO PURCHASE PROPERTY LIABILITY, EXCESS EARTHQUAKE/FLOOD LIABILITY (DIFFERENCE IN CONDITION), EXCESS LIABILITY, EXCESS WORKERS COMPENSATION, AIRPORT OWNERS AND OPERATORS LIABILITY, VILLAGEFEST LIABILITY, MULTI MEDIA LIABILITY, AIRCRAFT HULL LIABILITY, CRIME/FIDELITY LIABILITY, AND CYBER LIABILITY INSURANCE POLICIES FROM VARIOUS CARRIERS FOR POLICY YEAR 2019-20, EFFECTIVE JULY 1, 2019," with direction to increase the coverage for city facilities from \$5 million to \$10 million.

C. DISCUSSION OF PROPOSITION 68 GRANT OPPORTUNITIES FOR THE CITY OF PALM SPRINGS PARKS AND RECREATION DEPARTMENT

Director of Parks and Recreation Alvarado presented the staff report and responded to City Council inquiries.

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

1. Select the "Design and Construction of the New Whitewater Park Project" as the project most competitive for submission under the Proposition 68 Statewide Park Development and Community Revitalization Program.
2. Adopt Resolution No. 24624 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE APPLICATION FOR STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM GRANT FUNDS."
3. In accordance with Section 7.04.030 of the Palm Springs Municipal Code, approve an agreement with MVR Consulting in the amount of \$48,700 for grant preparation and coordination services related to the Proposition 68 Statewide Park Development and Community Revitalization Program.
4. Authorize the City Manager to execute all necessary documents.

D. DISCUSSION AND DIRECTION REGARDING ASSEMBLY BILL 854, IMPERIAL IRRIGATION DISTRICT: RETAIL ELECTRIC SERVICE

Councilmember Middleton summarized the staff report and suggested that the City Council take a neutral position on the proposed legislation, but remain supportive of the concept that residents receiving services should have a vote in electing representation.

Mayor Pro Tem Kors noted that Palm Springs' residents and businesses are not impacted by the legislation and that the City should take no position.

Councilmember Holstege opined that the City should support regional partner cities and advocate for ratepayer representation.

The City Council took no formal action on this issue.

PUBLIC COMMENT:

Scott Myer, spoke on the need for increasing international tourism; suggested that the City adopt a Sister City, noting that the cities of Temecula and Palm Desert participate in the Sister City Program.

CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT:

Councilmember Middleton requested that the City Manager and Chief of Police evaluate City facilities for public and employee safety recommendations; requested that the City Council adjourn in memory of the victims of the Virginia Beach shooting.

Mayor Pro Tem Kors requested that the City Attorney prepare amicus briefs for a case related to Title 7. Mayor Moon requested that the staff report include background information about the organization requesting the amicus brief.

ADJOURNMENT:

The City Council adjourned at 11:00 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Anthony Mejia". The signature is stylized with a large loop at the end.

Anthony J. Mejia, MMC
City Clerk

APPROVED BY CITY COUNCIL: 06/19/2019