



**Wednesday, July 10, 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, July 10, 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 Lisa Middleton, J.R. Roberts; Mayor Pro Tem Geoff Kors; and Mayor Robert Moon.

**Absent:** Councilmember Christy Holstege.

**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:**

Mayor Moon presented a Proclamation to members of the Parks and Recreation Commission declaring July 2019 as Parks and Recreation Month.

Nancy J. Stuart, Palm Springs representative to the Mount San Jacinto Winter Park Authority, provided an update on the Palm Springs Aerial Tramway.

**ACCEPTANCE OF THE AGENDA:**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to remove Consent Calendar Item Nos. 1P for separate discussion and deletion of Item No. 1G, Recommendation No. 1, from the agenda.

**REPORT OF CLOSED SESSION:**

The Regular Closed Session of the City Council of July 10, 2019, was called to order by Mayor Moon at 4:00 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):

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

4328 Lockwood Avenue v. City of Palm Springs,  
Case No. RIC 1703102, Superior Court of the State of California, County of Riverside

NDC v. Palm Springs,  
Case No. PSC 1807579 /US Dist. Ct. Case No. 5:19-CV-00100-JGB (SHKx), Superior Court of the State of California, County of Riverside

Haner v. Lane, City of Palm Springs,  
Case No. PSC 1903349, Superior Court of the State of California, County of Riverside

Moaven v. City of Palm Springs,  
Case No. PSC 1805472, 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):

Five (5) 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 four (4) 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 Ready, City Manager or Designee  
 Negotiating Parties: W. Layne, President  
 Palm Canyon Theatre  
 Under Negotiation: Price and Terms of Payment (Lease)

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

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

Property Address/Description: 3400 Tahquitz Canyon Way, Palm Springs, CA  
 (portion(s))  
 Agency: City of Palm Springs  
 City Negotiator: David H. Ready, City Manager or designee  
 Negotiating Parties: Chief Planning and Development Officer, Agua  
 Caliente Band of Cahuilla Indians  
 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:**

The following individuals spoke in support of Item No. 4A related to settling 1090 claims against Palm Springs Promenade and Grit Development:

Fred Baldwin  
Jeremy Hobbs  
Peter Maietta  
Kathy Weremuik

Dennis Woods  
Dan Hall  
Rick Pantele

Scott Myer, speaking on Item 4A, voiced support for settling 1090 claims against Palm Springs Promenade and Grit Development, without the provision related to constructing a new library in the downtown.

Ed McBride, speaking on Item 4A, voiced support for settling 1090 claims against Palm Springs Promenade and Grit Development; encouraged the City Council to allow the Library Building Subcommittee to continue its work evaluating all potential sites.

The following individuals spoke in support of Item No. 4A related to settling 1090 claims against Palm Springs Promenade and Grit Development and encouraged the City Council to consider negotiating ownership of the Town and Country Center for preservation:

Courtney Newman  
Robert Imber

Gary Johns

The following individuals spoke in opposition to Item No. 3B related to transitioning the Administrative Appeals Board to an Independent Hearing Officer:

Bruce Hoban  
Steve Moses

Ken Hedrick  
Robert Findley

Daryl Terrell, speaking on Item 5F, expressed support for issuing a letter of opposition to AB 1112; encouraged the City Council to develop a Legislative Platform and submitted an example from the City of Moreno Valley.

Ellen Goodman, speaking on Item 1G, urged the City Council to be consistent in allowing the Chair of all Boards or Commissions to participate in the interviews for new members.

Grace Garner, speaking on Items 4A and 5C, voiced support for settling the 1090 claims against Palm Springs Promenade and Grit Development; urged the City Council to incentivize the development of a grocery store in the northern area of Palm Springs.

Debbie Espinosa, President of FIND Food Bank, speaking on Item 5C, thanked the City Council for partnering with FIND Food Bank to provide food pantry services at the James O. Jesse Desert Highland Unity Center.

Joy Brown Meredith, voiced support and urged City Council approval for Items 1I, 1R, 4A, and 5C; urged the City Council to preserve the Cresendo and Boulders properties and to negotiate for the Town and Country Center.

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

Sustainability Manager Tallarico provide an update on the success of the battery recycling program.

Mayor Pro Tem Kors spoke on the successful launch of the Overnight Cooling Shelters in Palm Springs, Desert Hot Springs, and Cathedral City; reported on his attendance at regional meetings and events; requested that contact information for the Agua Caliente Band of Cahuilla Indians related to the environmental study for the proposed arena be posted on the City's website; advised that recommendations on streamlining the development process will be agendaized for July 24, 2019; requested that meeting notes and recommendations of the Cannabis Subcommittee be made available to the public and that discussion of the recommendations be agendaized for July 24, 2019; requested that staff evaluate alternative landscaping chemicals to replace the use of Round-Up.

Councilmember Middleton reported on her attendance at the Zero Traffic Fatalities Taskforce meeting; thanked Stonewall Gardens for its commemoration of the Stonewall riots; advised that the Riverside County Transportation Commission (RCTC) is considering placing a ½ cent sales tax for transportation projects on the 2020 Statewide Election.

**1. CONSENT CALENDAR:**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to approve the consent calendar, with the removal of Item No. 1P for separate discussion.

**A. APPROVAL OF MINUTES**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to approve the City Council Meeting Minutes of June 19, 2019.

**B. RATIFY THE NOMINATION OF THE CITY OF INDIAN WELLS TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to appoint Paul Budilo to the Palm Springs International Airport Commission for a term ending June 30, 2021.

**C. RATIFY THE NOMINATION OF THE PALM SPRINGS UNIFIED SCHOOL DISTRICT TO THE PARKS AND RECREATION COMMISSION**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to reappoint Ellen Goodman to the Parks and Recreation Commission for a term ending June 30, 2022.

**D. RATIFY THE NOMINATION TO THE MOUNT SAN JACINTO WINTER PARK AUTHORITY**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to reappoint Nancy Stuart and Jerry Ogburn to the Mount San Jacinto Winter Park Authority for terms ending September 30, 2023.

**E. APPOINTMENTS TO THE VILLAGEFEST BOARD**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to:

1. Appoint Celia Garton, Darryl Flick, and Daniel Gonnella to the VillageFest Board for terms ending June 30, 2022.
2. Reappoint Chris Campbell to the VillageFest Board for a term ending June 30, 2021.

**F. APPOINTMENTS TO THE LIBRARY BOARD OF TRUSTEES**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to:

1. Appoint Dr. Craig Borba to the Library Board of Trustees for a term ending June 30, 2022.
2. Reappoint George McBride to the Library Board of Trustees for a term ending June 30, 2022.

**G. APPOINTMENTS TO THE PARKS AND RECREATION COMMISSION**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to reappoint Travis Armstrong, Johnny Coladonato, and Alan Bowley to the Parks and Recreation Commission for terms ending June 30, 2022.

**H. SECOND READING AND ADOPTION OF ORDINANCE NO. 1996 TO ADD SECTION 2.06.040 TO THE PALM SPRINGS MUNICIPAL CODE RELATING TO THE SUSPENSION OF BOARD AND COMMISSION MEMBERS FOR FAILURE TO FILE MANDATORY PUBLIC DISCLOSURE REPORTS**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to adopt Ordinance No. 1996 entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 2.06.040 TO THE PALM SPRINGS MUNICIPAL CODE SECTION RELATING TO THE SUSPENSION OF BOARDS AND COMMISSION MEMBERS FOR FAILURE TO FILE MANDATORY PUBLIC DISCLOSURE REPORTS."

**I. SECOND READING AND ADOPTION OF ORDINANCE NO. 1997 OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 14.26.020 AND 14.26.040 OF CHAPTER 14.26 OF TITLE 14 OF THE PALM SPRINGS MUNICIPAL CODE, REGARDING STANDARDS FOR NEWSRACKS IN THE UPTOWN AND DOWNTOWN PALM SPRINGS AREA"**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to adopt Ordinance No. 1997 entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 14.26.020 AND 14.26.040 OF CHAPTER 14.26 OF TITLE 14 OF THE PALM SPRINGS MUNICIPAL CODE, REGARDING STANDARDS FOR NEWSRACKS IN THE UPTOWN AND DOWNTOWN PALM SPRINGS AREA."

**J. REQUEST FOR APPROVAL OF MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR A CLASS 1 HISTORIC SITE LOCATED AT 1786 SOUTH ARABY DRIVE (HSPB #103/HD-6)**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to:

1. Approve a Mills Act Historic Property Agreement between the City of Palm Springs, Mark Luellen and Park Imperial South Homeowners Association, for 1786 S Araby Drive, a Class 1 Historic Site (HSPB #103/HD-6).
2. Authorize the City Manager to execute the Agreement.
3. Direct the City Clerk to record the Agreement.

**K. AUTHORIZATION TO REDUCE SUBDIVISION IMPROVEMENT SECURITIES FOR THE "VIBE", TRACT NO. 36689**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to adopt Resolution No. 24639 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE REDUCTION OF SECURITIES ASSOCIATED WITH TRACT MAP 36689 AND THE SUBDIVISION IMPROVEMENT AGREEMENT WITH JEN CALIFORNIA 3, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF FARRELL DRIVE AND BARISTO ROAD, IN SECTION 13, TOWNSHIP 4 SOUTH, RANGE 4 EAST."

**L. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE 2019 PAVEMENT REHABILITATION, CITY PROJECT NO. 19-01**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to approve the specifications & estimates and authorize staff to advertise and solicit bids for the 2019 Pavement Rehabilitation, City Project No. 19-01.

**M. AWARD A CONSTRUCTION CONTRACT TO GNM CONSTRUCTION, INC. DBA G & M CONSTRUCTION, A CALIFORNIA CORPORATION, IN THE AMOUNT OF \$182,059 FOR THE RAMON ROAD STORM WATER RETENTION BASIN, CITY PROJECT NO. 18-151**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to:

1. Award a construction contract to GNM Construction, Inc. dba G & M Construction, a California corporation, for Bid Schedule A in the amount of \$182,059.
2. Authorize the City Manager to execute all necessary documents.

**N. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID MEASURE J COMMUNITY PROJECTS - SIDEWALK GAP CLOSURE IMPROVEMENTS, CITY PROJECT NO. 15-31**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to approve the plans, specifications and estimate; and authorize staff to advertise and solicit bids for Measure J Community Projects- Sidewalk Gap Closure Improvements, City Project No. 15-31.

**O. APPROVE A LICENSE AGREEMENT WITH THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS, TO ALLOW THE USE OF A PORTION OF THE TAHQUITZ CREEK CHANNEL BIKE TRAIL FOR INSTALLATION AND MAINTENANCE OF CV LINK APPURTENANCES WITHIN A.P.N. 508-161-002 AND A.P.N. 508-172-012**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to:

1. Approve a License Agreement by and between the City of Palm Springs and Coachella Valley Association of Governments for the installation and maintenance of CV Link appurtenances along the City-operated and maintained Tahquitz Creek Channel Bike Trail within A.P.N. 508-161-002 and A.P.N. 508-172-012.
2. Authorize the City Manager to execute all necessary documents.

**P. APPROVE THE SALE OF PATROL CAR P-48 TO THE FAMILY OF FALLEN OFFICER LESLEY ZEREBNY**

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

**Q. REPORT OF EMERGENCY PURCHASE OF TWO PORTABLE MESSAGE BOARDS FOR THE EMERGENCY ROAD CLOSURES CITY WIDE PURSUANT TO PALM SPRINGS MUNICIPAL CODE SECTION 7.04.040**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to receive and file the report of emergency purchase of two portable message boards for the emergency road closures Citywide, pursuant to Palm Springs Municipal Code Section 7.04.040.

**R. APPROVE A PURCHASE ORDER WITH JOHNSEN COMMERCIAL SERVICES DBA PACIFIC DECORATING COMPANY FOR REFURBISHMENT OF THE DOWNTOWN/UPTOWN HOLIDAY LIGHTING DECORATIONS IN AN AMOUNT NOT TO EXCEED \$225,000**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to:

1. Waive the City's bidding procedures, and authorize refurbishment and repair of the City's decorative holiday lights by the City's existing vendor, Johnsen Commercial Services dba Pacific Decorating Company pursuant to Section 7.04.030 "Special expertise procurement" of the Palm Springs Municipal Code.
2. Approve a purchase order with Johnsen Commercial Services dba Pacific Decorating Company, of Grass valley, CA, for the complete refurbishment of the City's decorative holiday lights in an amount not to exceed \$225,000.
3. Authorize City Manager to execute all necessary documents.

**S. APPROVAL OF A CONSULTING SERVICES AGREEMENT WITH O'BAYLEY COMMUNICATIONS FOR MARKETING OUTREACH AND COMMUNICATION SERVICES**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to:

1. Approve a Consulting Services Agreement with O'Bayley Communications for public relations, media, and communication services in an amount not-to-exceed \$50,000.
2. Authorize the City Manager to execute all necessary documents.

**T. AUTHORIZE THE PURCHASE OF 18 NEW REPLACEMENT VEHICLES AND TWO NEW HYBRIDS IN AN AMOUNT NOT TO EXCEED \$1,046,925**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to:

1. Authorize the purchase of four (4) new Ford or Chevrolet trucks and one (1) Passenger van, including necessary vehicle outfitting and equipment, for the Airport Operations Division, in an amount not to exceed \$181,500.
2. Authorize the purchase of one (1) new Chevy Silverado 2500 Truck, including necessary vehicle outfitting and equipment, for the Police Department (Code Enforcement Division), in an amount not to exceed \$44,000.

*(City Council action continued on the next page)*

3. Authorize the purchase of five (5) new Ford Utility Police Department patrol vehicles, including necessary vehicle outfitting and equipment, in an amount not to exceed \$316,250.
4. Authorize the purchase of two (2) new Ford 150 Trucks, including necessary vehicle outfitting and equipment, for the Maintenance and Facilities Department, in an amount not to exceed \$72,000.
5. Authorize the purchase of two (2) new Ford Explorers, including necessary vehicle outfitting and equipment, for the Police Department, in an amount not to exceed \$106,000.
6. Authorize the purchase of one (1) new Ford Escape SE Sport Hybrid vehicle, including necessary vehicle outfitting and equipment, for the Planning Services Department, in an amount not to exceed \$32,500.
7. Authorize the purchase of one (1) new Ford Escape SE Sport Hybrid, including necessary vehicle outfitting and equipment, for the Engineering Services Department, in an amount not to exceed \$32,500.
8. Authorize the purchase of one (1) new Ford Ranger Truck, including necessary vehicle outfitting and equipment, for the Information Technology Department, in an amount not to exceed \$33,000.
9. Authorize the purchase of one (1) new Ford F-450 Truck and 1 new Ford F-150 Truck, including necessary vehicle outfitting and equipment, for the Parks and Recreation Department, in an amount not to exceed \$134,000.
10. In accordance Section 7.09.010 "Cooperative Purchasing Programs," of the Palm Springs Municipal Code, authorize issuance of Purchase Orders with National Auto Fleet Group pursuant to the Cooperative Purchasing Contract 120716- NAF for the new vehicles.
11. Authorize staff to conduct the appropriate bid processes, or utilize cooperative purchase contracts if available, in accordance with Procurement procedures and authorize the City Manager to execute all necessary documents, including Purchase Orders for the new replacement vehicles and equipment, in a total cumulative amount not to exceed \$951,750 with an allowance of up to 10% additional cost (not to exceed \$1,046,925) for final dealer costs on newer model year pricing if required.
12. After receipt of replacement vehicles, declare the following 20 existing vehicles, Units 1P5101, 2D0411, 201111, 000008, 061000, 061200, 070703, 070803, 092108, 200211, 201911, 204311, 204511, 206609, 320405, 800699, 801003, 801100, 804599, and 805602 as surplus vehicles and authorize the City Manager, or designee, to sell at public auction in accordance with Chapter 7.07 of the Palm Springs Municipal Code.

**U. APPROVAL OF NON-DISCRETIONARY INVESTMENT ADVISORY AND PORTFOLIO TRANSACTION PROCESSING SERVICES AGREEMENT WITH PUBLIC TRUST ADVISORS**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to:

1. Award a one year professional contract services agreement to Public Trust Advisors of Los Angeles, CA, in an amount not-to-exceed \$90,000.
2. Authorize the City Manager to execute all necessary documents.

**V. EARLY LUMP SUM ANNUAL PAYMENT TO CALPERS TOWARDS RETIREE UNFUNDED ACCRUED LIABILITY (UAL)**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to receive and file the staff report regarding the early lump sum annual payment to CalPERS towards retiree unfunded accrued liability.

**EXCLUDED CONSENT CALENDAR:**

**P. APPROVE THE SALE OF PATROL CAR P-48 TO THE FAMILY OF FALLEN OFFICER LESLEY ZEREBNY**

City Manager Ready announced that the City's purchasing procedures provide for the City Council to surplus Patrol Car P-48, Unit 200809, and allow for David Kling, father of Lesley Zerebny, to receive the vehicle at no cost.

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to:

1. Waive the Public Auction requirement in Section 7.07.020 (3) of the Municipal Code for Disposition of Surplus Property and authorize the direct sale of Patrol Car P-48, Unit 200809 to David Kling, father of Lesley Zerebny for no cost.
2. Authorize the City Manager to execute all necessary documents.

**2. PUBLIC HEARINGS:**

**A. CITY COUNCIL REVIEW OF THE CONDITIONAL USE PERMIT ISSUED FOR WELL IN THE DESERT, LOCATED AT 441 SOUTH CALLE ENCILIA, LSC ZONE (CASE 5.1419 CUP)**

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to continue the Public Hearing to the City Council meeting of September 18, 2019.

**B. REQUEST BY SELENE PALM SPRINGS, LLC, FOR AN AMENDMENT TO THE FINAL DEVELOPMENT PLANS FOR THE DREAM HOTEL PROJECT TO DECREASE THE NUMBER OF HOTEL UNITS FROM 170 UNITS TO 156 UNITS; TO INCREASE THE NUMBER OF CONDO UNITS FROM 35 UNITS TO 40 UNITS; TO MAKE MODIFICATIONS TO THE FINAL LANDSCAPE AND EVENT SPACE PLANS; AND TO AMEND THE PURCHASE AND SALE AGREEMENT RELATIVE TO THE HOTEL PROJECT, LOCATED AT THE NORTHWEST CORNER OF AVENIDA CABALLEROS AND AMADO ROAD, ZONE POD 333, SECTION 14 (CASE 5.1132-PD 333/TPM 35236)**

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

Mayor Moon opened the Public Hearing.

Lauri Kibby, Applicant, advised that the community input on the proposed revisions were well received and positive; urged the City Council to approve the staff recommendations.

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

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to:

Amendment to POD 333:

1. Adopt Resolution No. 24640 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PROPOSED AMENDMENT TO THE FINAL DEVELOPMENT PLANS OF A PREVIOUSLY APPROVED FINAL POD TO INCLUDE CHANGES TO THE SITING OF FIVE RESIDENTIAL BUILDINGS AND CONVERT THE BUILDINGS TO CONDOMINIUM STRUCTURES; INCREASE THE NUMBER OF CONDO UNITS FROM 35 UNITS TO 40 UNITS; DECREASE THE NUMBER OF HOTEL UNITS FROM 170 TO 156 UNITS AND MAKE MINOR MODIFICATIONS TO THE FINAL LANDSCAPE AND EVENT SPACE PLANS OF THE DREAM HOTEL LOCATED AT THE NORTHWEST CORNER OF AVENIDA CABALLEROS AND AMADO ROAD, ZONE POD 333, SECTION 14."

Modification to the Purchase and Sale Agreement:

1. Approve Amendment No. 10 to the Purchase and Sale Agreement (A6329) by and between the City of Palm Springs and Selene Palm Springs, LLC, a California limited liability company, related to the Dream Hotel Project.
2. Authorize the City Manager or designee to take all actions needed to execute these actions.

**C. CONSIDERATION OF A REVISION TO THE DEVELOPER FEE INCREASE  
ADOPTED ON JUNE 5, 2019**

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

Mayor Moon opened the Public Hearing.

Daryl Terrell, voiced support for staff recommendations, recommending that the City Council consider a development impact fee deferral program for affordable housing projects.

Erica Harnick, Riverside Building Industry Association, recommended that the City Council consider phasing-in the proposed fee increases in increments of 50%, 25%, and then 25% over 18 months.

Damien Fussell, Riverside Building Industry Association, voiced support for the proposed 18-month, phased-in approach.

Gretchen Gutierrez, Desert Valley Builders Association, voiced support for the proposed 18-month, phased-in approach.

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

During the course of discussion, the City Council considered whether the user fee program should address subsidies/incentives for affordable housing projects or whether a separate policy related to waiving fees for desirable housing projects should be considered.

Following discussion, City Manager Ready clarified that staff will bring forward a proposed resolution to implement 100% of the fee increases and policy options for incentivizing and/or fee waivers for affordable and multifamily housing projects.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 4-0, to continue the Public Hearing to the City Council meeting of July 24, 2019.

**MEETING RECESS**

The City Council recessed at 8:45 p.m. and returned at 8:55 p.m., with all members present, except Councilmember Holstege.

**3. LEGISLATIVE:****A. INTRODUCTION OF AN ORDINANCE ENTITLED "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 8.04.340 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE CITY'S BUILDING CODE APPEALS BOARD"**

City Attorney Ballinger presented the staff report.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM KORS, CARRIED 4-0, to introduce Ordinance No. 1998 entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 8.04.340 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE CITY'S BUILDING CODE APPEALS BOARD."

**B. AN ORDINANCE OF THE CITY COUNCIL OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTERS 2.05, APPEAL TO CITY COUNCIL, 2.50, ADMINISTRATIVE APPEALS BOARD, 5.40, PASSENGER CARRIERS, 8.80, VACANT BUILDINGS; BLIGHTED PROPERTY, 10.18, DANGEROUS AND VICIOUS ANIMALS, 11.56, CURFEW AND TRUANCY, AND 11.72, PUBLIC NUISANCES, OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO REPLACING THE ADMINISTRATIVE APPEALS BOARD WITH AN INDEPENDENT HEARING OFFICER**

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

In response to City Council inquiry, City Manager Ready and City Clerk Mejia spoke to the administrative efficiencies gained by transitioning to an Independent Hearing Officer model. City Attorney Ballinger advised that the City could choose to contract with a firm to provide hearing officers or enter into long-term contracts with Hearing Officer(s).

Councilmember Middleton voiced opposition to the proposed ordinance, opining that there is a benefit to residents considering the appeals of their peers.

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY MAYOR PRO TEM KORS, CARRIED 3-1 (COUNCILMEMBER MIDDLETON VOTING NO), to:

1. Introduce Ordinance No. 1999 entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTERS 2.05, APPEAL TO CITY COUNCIL, 2.50, ADMINISTRATIVE APPEALS BOARD, 5.40, PASSENGER CARRIERS, 8.80, VACANT BUILDINGS; BLIGHTED PROPERTY, 10.18, DANGEROUS AND VICIOUS ANIMALS, 11.56, CURFEW AND TRUANCY, AND 11.72, PUBLIC NUISANCES, OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO REPLACING THE ADMINISTRATIVE APPEALS BOARD WITH AN INDEPENDENT HEARING OFFICER."
2. Direct staff to provide an update on the Hearing Officer program in one year.

**4. UNFINISHED BUSINESS:****A. UPDATE ON PROPOSED SETTLEMENT OF CITY'S POTENTIAL GOVERNMENT CODE SECTION 1090 CLAIMS AGAINST PALM SPRINGS PROMENADE, LLC, INCLUSIVE OF GRIT DEVELOPMENT LLC, (SUCCESSOR TO JOHN WESSMAN/WESSMAN HOLDINGS), IN CONNECTION WITH REDEVELOPMENT OF THE DESERT FASHION PLAZA (THE DOWNTOWN PALM SPRINGS PROJECT), AND AGAINST DAKOTA PS, LLC, IN CONNECTION WITH THE DAKOTA PROJECT**

City Manager Ready provided an update on the proposed settlement negotiations and displayed a slide highlighting the proposed settlement.

Councilmember Roberts noted that the criminal case will continue to proceed independent of any settlement agreement reached on the 1090 claims; noted that Grit Development has indicated that inclusion of the Town and Country Center (TCC) is a non-starter and will not be considered; pointed out that the TCC is a Class 1 Historic Site and that Grit Development has its own incentives to restore and preserve the property; advised that the City Council and staff will continue to negotiate, if the property appraisals do not support the valuation presented by Grit Development.

Mayor Moon spoke on the benefits of preserving open space such as the Cresendo and Boulders parcels; noted that Michael Braun has indicated his commitment to restoring and preserving the TCC.

Councilmember Middleton noted that pursuing a civil case on the 1090 claims would likely take many years and creates uncertainty for the Downtown project; noted that the overwhelming public sentiment has been positive in reaching a settlement agreement; noted that the final settlement agreement should include preservation of open space in the Chino Cone and Rimrock.

Mayor Pro Tem Kors noted that the Gene Autry parcel designated for an affordable housing project would likely score well for federal tax credits, noting that it would be in close proximity to transit and social services.

City Manager Ready advised that staff will bring forward a proposed settlement agreement or discussion item for the next City Council meeting.

**5. NEW BUSINESS:****A. CONTRACT MANAGEMENT SERVICES OF THE PALM SPRINGS CONVENTION CENTER AND BUREAU OF TOURISM**

City Manager Ready displayed a slide reviewing the major terms of the subject contract.

Following discussion, MOTION BY COUNCILMEMBER ROBERTS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-0, to:

1. Approve an Agreement for Tourism and Management Services with AEG Management Palm Springs, LLC, a Delaware limited liability company, for the Palm Springs Convention Center and Bureau of Tourism, as amended, with caveat that staff will negotiate the Consumer Price Index (CPI) cap, termination for convenience, and insurance requirements.
2. Authorize the City Manager to issue a 60-day notice of termination to SMG for a 60-day transition of Convention Center and Bureau of Tourism operations from SMG to AEG, with AEG operations effective September 12, 2019.
3. Authorize the City Manager to execute all necessary documents.

**B. ALLOCATE FISCAL YEAR 2019-2020 SPONSORSHIP AND PROGRAM FUNDING GRANTS AND CITY SPONSORED SPECIAL EVENTS**

City Manager Ready presented the staff report and responded to City Council inquiries; clarified that funding for the proposed sponsorship are funds from PS Resorts allocated for the City Council's direction.

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

1. Award Fiscal Year 2019-2020 Sponsorship Funding for Palm Springs Pride in the amount of \$90,000, from PS Resorts funds.
2. Authorize the City Manager or his designee to execute Sponsorship and Program Fund Grant Agreements.

**C. APPROVE AGREEMENT FOR MOBILE FOOD PANTRY SERVICES WITH FOOD IN NEED OF DISTRIBUTION, INC., (FIND FOOD BANK) FOR THE DESERT HIGHLAND GATEWAY ESTATES COMMUNITY**

City Manager Ready presented the staff report.

Mayor Pro Tem Kors voiced support for the proposal, noting that school children are on summer recess and there is a higher need for these services; noted that funding is being sought to conduct another study to support attracting a supermarket in the northerly area of Palm Springs.

Councilmember Roberts expressed support for the proposed program, noting that he is concerned with utilizing funds from the Sponsorship and Program Grants; pointed out that many organizations submitted applications for funding and that this particular program is being consider in advance of all other program.

MOTION BY MAYOR PRO TEM KORS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 3-1 (COUNCILMEMBER ROBERTS VOTING NO), to authorize the City Manager to execute a one year Service Agreement with Food in Need of Distribution, Inc., (FIND Food Bank) for an amount not to exceed \$63,180 to provide mobile food pantry services and community healthcare outreach at the James O. Jesse Desert Highland Unity Center.

**D. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH CONNEXION PARTNERSHIPS, INC., TO SOLICIT AND SECURE SPONSORSHIPS FOR FESTIVAL OF LIGHTS EVENT**

Director of Parks and Recreation Alvarado presented the staff report.

Mayor Pro Tem Kors requested that staff develop a list of regular sponsors which will be excluded from the commission provision of the contract and to distribute said list to the City Council Subcommittee; noted that the City Council is willing to serve as a resource in sending letters of gratitude or meeting with potential sponsors.

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

1. Approve a Professional Services Agreement with ConneXion Partnerships, Inc., (CXP) in the amount of \$30,000 plus commissions to solicit and secure sponsorships for the Festival of Lights event.
2. Authorize the City Manager to execute all necessary documents.

**E. CONSIDERATION OF AUTHORIZING A LETTER OF OPPOSITION FOR SENATE BILL 266, PUBLIC EMPLOYEES' RETIREMENT SYSTEM: DISALLOWED COMPENSATION: BENEFIT ADJUSTMENTS**

City Manager Ready presented the staff report.

Mayor Pro Tem Kors voiced opposition to the proposed letter, noting that employees should not be responsible for inaccurate reporting by local agencies.

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 3-1 (MAYOR PRO TEM KORS VOTING NO), to authorize a letter of opposition to Senate Bill 266, Public Employees' Retirement System: disallowed compensation: benefit adjustments.

**F. CONSIDERATION OF AUTHORIZING A LETTER OF OPPOSITION FOR ASSEMBLY BILL NO. 1112, ALLOWING LOCAL AUTHORITIES TO REGULATE THE OPERATION OF SHARED MOBILITY DEVICES**

City Manager Ready presented the staff report.

MOTION BY MAYOR PRO TEM KORS, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 4-0, to authorize a letter of opposition to Assembly Bill 1112, Shared Mobility Devices: local regulation.

**PUBLIC COMMENT:**

Darryl Terrell, spoke on the importance of the Apollo 11 mission and the first human landing on the moon.

Brad Anderson, voiced concern regarding the Coachella Valley Mosquito and Vector Control District; pointed out that there was a recent death in the Coachella Valley caused by the transmission of the West Nile Virus.

**CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT:**

Councilmember Middleton and Mayor Pro Tem Kors volunteered to serve on an Ad Hoc Subcommittee to evaluate the possibility of renaming streets or naming new streets for Martin Luther King Jr., Lawrence Crossley, Harvey Milk, and Barack Obama.

Mayor Pro Tem Kors requested that staff evaluate the use of quiet fireworks for future displays.

**ADJOURNMENT:**

The City Council adjourned at 10:26 p.m.

Respectfully submitted,

  
Anthony J. Mejia, MMC  
City Clerk

APPROVED BY CITY COUNCIL: 07/24/2019