



Wednesday, October 2, 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, October 2, 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; 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: None.

ACCEPTANCE OF THE AGENDA:

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to remove Consent Calendar Item Nos. 1A, 1D, 1E, 1J, 1L, and 1M for separate discussion and the deletion of Item Nos. 5D and 5F from the agenda.

REPORT OF CLOSED SESSION:

The Regular Closed Session of the City Council of October 2, 2019, was called to order by Mayor Moon at 4:00 p.m.

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):

4328 Lockwood Avenue v. City of Palm Springs,

Case No. RIC 1703102, Superior Court of the State of California, County of Riverside

Dept. of Homeland Security v. Regents of Univ. Calif.; Donald Trump v. NAACP; Kevin McAleenan v. Martin Batalla Vidal (amicus curiae)

Case Nos. 18-587, 18-588, 18-589, United States Supreme Court, Washington, DC

Garrod v. City of Palm Springs,

Case No. 1804963, 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):

Six (6) 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.

PUBLIC EMPLOYEE EVALUATION, Pursuant to Government Code Section 54957:

Employee: City Manager

CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Pursuant to Government Code Section 54956.8:

Property Description:	538 North Palm Canyon Drive, Palm Springs
Agency:	City of Palm Springs
Agency Negotiator(s):	David H. Ready, City Manager or designee
Negotiating Parties:	W. Layne, President, Palm Canyon Theatre
Under Negotiation:	Price and Terms of Payment (Lease)

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

Property Description:	3400 Tahquitz Canyon Way, Palm Springs (portions of airport)
Agency:	City of Palm Springs
Agency Negotiator(s):	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)
Property Description:	APN 504-040-046 (Tram Way and W. Racquet Club Road)
Agency:	City of Palm Springs
City Negotiator:	David Ready, City Manager or Designee
Negotiating Parties:	Grit Development, LLC
Under Negotiation:	Price and Terms of Payment
Property Description:	Tract Map 31095 (W. Via Escuela)
Agency:	City of Palm Springs
City Negotiator:	David Ready, City Manager or Designee
Negotiating Parties:	Grit Development, LLC
Under Negotiation:	Price and Terms of Payment
Property Description:	APN 513-560-048 (Parcel 7 of Parcel Map 36446)
Agency:	City of Palm Springs
City Negotiator:	David Ready, City Manager or Designee
Negotiating Parties:	Grit Development, LLC
Under Negotiation:	Price and Terms of Payment
Property Description:	APN 681-480-011 (42.32 acre "Rimrock" property located south of E. Palm Canyon Drive)
Agency:	City of Palm Springs
City Negotiator:	David Ready, City Manager or Designee
Negotiating Parties:	Grit Development, LLC
Under Negotiation:	Price and Terms of Payment
Property Description:	APN 677-540-028 and 677-540-029 (north east corner of Gene Autry Trail and Mission Drive)
Agency:	City of Palm Springs
City Negotiator:	David Ready, City Manager or Designee
Negotiating Parties:	Grit Development, LLC
Under Negotiation:	Price and Terms of Payment

Property Description:	287 S. El Cielo Road (APN 502-210-023)
Agency:	City of Palm Springs
City Negotiator:	David Ready, City Manager or Designee
Negotiating Parties:	Coachella Valley Rescue Mission
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:

Adrian Alcantar, speaking on Item 1E, spoke on the urgent need to repair sidewalks along Sunrise Way and Vista Chino.

Steve Somers, speaking on Item 5D, voiced support for preserving the Rimrock parcel as open space and developing a park adjacent to Rimrock Plaza.

Aftab Dada, speaking on Item 5A, expressed support for awarding the Downtown Park construction contract, noting that the local hotel general managers urge that construction begin immediately.

Arlene Rosenthal, speaking on Item 5A, expressed a desire to help the City utilize the \$10 million state grant to help address homelessness, noting that appropriate use of the funds could reduce impacts to the future Downtown Park.

Oliver Cleary, speaking on Item 1D, voiced opposition to the ordinance prohibiting dogs on trails; stated that the Coachella Valley Multiple Species Habitat Conservation Plan only prohibits dogs above designated picnic table areas.

Daryl Terrell, speaking on Item 5D and 5E, expressed support for designating the Gene Autry parcel for an affordable housing development; urged support for the proposed Affordable and Multi-Family Housing Incentive Program.

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

Mayor Pro Tem Kors noted that the emergency overnight cooling center operations have been extended through October 2019; requested that staff submit a report summarizing the activities of the Public Integrity Standing Committee for receive and file at the City Council meeting of October 23, 2019; commended Mayor Moon for a successful State of the City address, noting that the video is available online.

Councilmember Roberts requested that staff research and update the City Council regarding its authority to allow dogs on trails, or portions thereof.

Councilmember Holstege noted that many cities have declared a climate emergency and requested that staff agendaize discussion of the City's Climate Action Plan and work with the Sustainability Commission to ensure progress on the stated goals.

Councilmember Middleton requested that the Program Grants and Sponsorships process be evaluated for improvements, noting that the Community Development Block Grant process includes community evaluators and scoring criteria; reported on the activities of the Library Building Committee, noting that their recommendation will be presented on October 23, 2019; reported on her attendance at regional transportation meetings, noting that there is a growing demand for electric vehicle charging stations; commended the Police Department Advisory Committee and staff for hosting National Night Out.

Mayor Moon expressed concern related to the number of cannabis-related business advertisements at the Airport; requested that the City Council discuss the possibility of prohibiting such advertisements at the Airport.

City Manager Ready invited staff to provide updates on a recently-awarded Tobacco Prevention Grant, upcoming General Municipal Election, and maintenance at the Dog Park.

1. CONSENT CALENDAR:

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to approve the consent calendar, with the removal of Item Nos. 1A, 1D, 1E, 1J, 1L, and 1M for separate discussion and the deletion of Item Nos. 5D and 5F from the agenda.

A. APPROVAL OF MINUTES

This item was excluded from the Consent Calendar. Please refer to Page 8 of these minutes for a summary of that action.

B. APPROVAL OF PAYROLL WARRANTS, CLAIMS, AND DEMANDS

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24651 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDING 08-10-2019 AND 08-24-2019 BY WARRANTS NUMBERED 420801 THROUGH 420825 TOTALING \$106,999.00 CLAIMS, DEMANDS AND LIABILITY CHECKS NUMBERED 1107782 THROUGH 1108504 TOTALING \$9,589,214.06, FOUR WIRE TRANSFERS FOR \$73,355.16, AND TWELVE ELECTRONIC ACH DEBITS OF \$12,865,839.75 IN THE AGGREGATE AMOUNT OF \$13,046,193.91, DRAWN ON BANK OF AMERICA."

C. TREASURER'S INVESTMENT REPORT AS OF JUNE 30, 2019

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to receive and file Treasurer's Investment Report as of June 30, 2019.

D. SECOND READING AND ADOPTION OF ORDINANCE NO. 2001, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 11.44.100 TO THE PALM SPRINGS MUNICIPAL CODE, PROHIBITING DOGS ON RECREATIONAL TRAILS WITHIN THE SANTA ROSA AND SAN JACINTO MOUNTAINS AREA

This item was excluded from the Consent Calendar. Please refer to Page 9 of these minutes for a summary of that action.

E. AWARD A CONSTRUCTION CONTRACT TO VIDO SAMARZICH, INC., A CALIFORNIA CORPORATION, IN THE AMOUNT OF \$1,251,556 FOR BID SCHEDULES A THROUGH G FOR THE MEASURE J COMMUNITY PROJECTS - SIDEWALK GAP CLOSURE IMPROVEMENTS CITY PROJECT NO. 15-31

This item was excluded from the Consent Calendar. Please refer to Page 9 of these minutes for a summary of that action.

F. ACQUISITION OF RIGHT-OF-WAY FOR THE SOUTH PALM CANYON DRIVE BRIDGE REPLACEMENT, CITY PROJECT 12-02, FEDERAL-AID PROJECT NO. BRLS-5282(042)

MOTION BY COUNCILMEMBER ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24652 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO APPROVE THE ACQUISITION OF RIGHT-OF-WAY FOR THE SOUTH PALM CANYON DRIVE BRIDGE REPLACEMENT, CITY PROJECT 12-02, FEDERAL-AID PROJECT NO. BRLS-5282(042)."

G. APPROVAL OF A GROUND LEASE AGREEMENT WITH NEW CINGULAR WIRELESS, PCS, LLC, FOR NON-EXCLUSIVE USE OF GROUND SPACE WITH AN EXISTING WIRELESS COMMUNICATIONS TOWER AT 1901 EAST BARISTO ROAD

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

1. Approve a Wireless Communications Facilities Site Lease agreement by and between New Cingular Wireless, PCS, LLC and the City of Palm Springs for ground space with an existing wireless tower at 1901 East Baristo Road, for a term of five (5) years with two (2) options to extend the agreement by five (5) additional years.
2. Authorize the City Manager or his designee to execute all necessary documents.

H. AMEND THE CONTRACT SERVICES AGREEMENT NO. A6231 WITH MK SOLUTIONS FOR THE LIBRARY'S AUTOMATED MATERIALS HANDLING SYSTEM

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

1. Approve Amendment No. 2, in the amount of \$27,930 annually, subject to a 2.5% increase each year hereafter, for the ongoing Gold Level maintenance of the Automated Materials Handling system from MK Solutions of York, PA, for as long as the Library utilizes the system.
2. Authorize the City Manager to execute all necessary documents.

I. AMENDMENT TO THE PALM SPRINGS INTERNATIONAL AIRPORT CONCESSION LEASE AGREEMENTS FOR ANTON AIRFOOD, DBA HMS HOST INC. AND PARADIES SHOPS, LLC

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

1. Approve a seven-month extension of the airport concession leases with Paradies Shops, LLC for the current news & gift operations and Anton Airfood, dba HMS Host Inc. for the current food & beverage operations, commencing on November 1, 2019, through May 31, 2020, then to a month-to-month arrangement, if required.
2. Increase the percentage of gross paid to the airport to twelve percent during the term of the extension.
3. Authorize the City Manager to execute all necessary documents.

J. APPROVAL OF ART PLACEMENT "A TALE OF SURVIVAL IN THE FACE OF CRUSHING INERTIA" IN THE REGIONAL CONCOURSE AT THE PALM SPRINGS INTERNATIONAL AIRPORT

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

K. RESOLUTION OF THE CITY COUNCIL STANDING AGAINST HATE SPEECH AND PROTECTING VULNERABLE COMMUNITIES

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

1. Adopt Resolution No. 24653 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS STANDING AGAINST HATE SPEECH AND PROTECTING VULNERABLE COMMUNITIES."
2. Authorize the City Manager and City Clerk to take all necessary actions identified in the resolution.

L. PROVIDE DIRECTION ON RESOLUTIONS BEING CONSIDERED AT THE LEAGUE OF CALIFORNIA CITIES' ANNUAL BUSINESS MEETING

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

M. REQUEST BY CITY OF LOS ANGELES AND COUNTY OF LOS ANGELES TO JOIN IN AN AMICUS CURIAE BRIEF BEFORE THE U.S. SUPREME COURT IN THREE CASES INVOLVING THE DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) - DEPT. OF HOMELAND SECURITY V. REGENTS OF UNIV. CALIF.; DONALD TRUMP V. NAACP; KEVIN MCALEENEN V. MARTIN BATALLA VIDAL

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

EXCLUDED CONSENT CALENDAR:**A. APPROVAL OF MINUTES**

Councilmember Holstege requested that the minutes be amended to reflect the in-kind amounts allocated for each of the awardees of the City's Program Grants and Sponsorships.

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY MAYOR PRO TEM KORS, CARRIED 5-0, to approve the City Council Meeting Minutes of September 18, 2019, as amended.

D. SECOND READING AND ADOPTION OF ORDINANCE NO. 2001, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 11.44.100 TO THE PALM SPRINGS MUNICIPAL CODE, PROHIBITING DOGS ON RECREATIONAL TRAILS WITHIN THE SANTA ROSA AND SAN JACINTO MOUNTAINS AREA

Councilmember Roberts requested that staff research and update the City Council regarding its authority to allow dogs on trails, or portions thereof.

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 5-0, to continue this matter to the City Council meeting of October 23, 2019.

E. AWARD A CONSTRUCTION CONTRACT TO VIDO SAMARZICH, INC., A CALIFORNIA CORPORATION, IN THE AMOUNT OF \$1,251,556 FOR BID SCHEDULES A THROUGH G FOR THE MEASURE J COMMUNITY PROJECTS - SIDEWALK GAP CLOSURE IMPROVEMENTS CITY PROJECT NO. 15-31

In response to Councilmember Middleton's inquiry, City Attorney Ballinger confirmed that members of City Council whose residence may be within 500' of a particular sidewalk improvement need not recused themselves, noting that the Fair Political Practices Commission exempts projects which provide a citywide benefit and there is no disproportionate benefit to a Councilmember.

In response to City Council inquiry, City Manager Ready confirmed that the City Council may direct staff to repair sidewalks under the responsibility of Caltrans in the future, noting that staff would proceed with forwarding the associate costs to Caltrans.

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

1. Award a construction contract to Vido Samarzich, Inc., a California corporation, in the amount of \$1,251,556 for Bid Schedules A through G for the Measure J Community Projects - Sidewalk Gap Closure Improvements, City Project No. 15-31.
2. Delegate authority to the City Manager to approve and execute construction contract change orders up to \$62,500 (5%) with all change orders reported to the City Council.
3. Authorize the City Manager to execute all necessary documents.

J. APPROVAL OF ART PLACEMENT "A TALE OF SURVIVAL IN THE FACE OF CRUSHING INERTIA" IN THE REGIONAL CONCOURSE AT THE PALM SPRINGS INTERNATIONAL AIRPORT

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

1. Approve the temporary placement of public art "A Tale of Survival in the Face of Crushing Inertia" within the interior of the Regional Concourse Terminal at the Palm Springs International Airport.
2. Authorize the City Manager to enter into an agreement for the commission, temporary placement, and maintenance of the public art, in a form acceptable to the City Attorney.

L. PROVIDE DIRECTION ON RESOLUTIONS BEING CONSIDERED AT THE LEAGUE OF CALIFORNIA CITIES' ANNUAL BUSINESS MEETING

Mayor Pro Tem Kors recommended that a City Council Subcommittee review League of California Cities resolutions and provide a recommendation in the future.

MOTION BY MAYOR PRO TEM KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to support the resolutions proposed for the upcoming League of California Cities' Annual Business Meeting at the League's Annual Conference in Long Beach, California.

M. REQUEST BY CITY OF LOS ANGELES AND COUNTY OF LOS ANGELES TO JOIN IN AN AMICUS CURIAE BRIEF BEFORE THE U.S. SUPREME COURT IN THREE CASES INVOLVING THE DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA) - DEPT. OF HOMELAND SECURITY V. REGENTS OF UNIV. CALIF.; DONALD TRUMP V. NAACP; KEVIN MCALEENEN V. MARTIN BATALLA VIDAL

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

1. Approve the City of Palm Springs joining as amicus curiae brief filed by the City of Los Angeles and the County of Los Angeles before the United States Supreme Court in the following cases: Dept. of Homeland Security v. Regents of Univ. Calif.: Donald Trump v. NAACP: Kevin McAleenan v. Martin Batalla Vidal.
2. Authorize the City Attorney to sign on to such brief on behalf of the City of Palm Springs.

2. PUBLIC HEARINGS:**A. AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, TO ADOPT A SECOND EXTENSION OF A TEMPORARY MORATORIUM ON CITY APPROVAL OF NEW APPLICATIONS FOR PERMITS TO ENGAGE IN CERTAIN CANNABIS BUSINESSES AND ACTIVITIES IN PORTIONS OF THE DESERT HIGHLAND GATEWAY ESTATES AND DEMUTH PARK NEIGHBORHOODS OF THE CITY, FOR CONSIDERATION OF APPROPRIATE AMENDMENTS TO THE GENERAL PLAN, MUNICIPAL CODE AND ZONING CODE IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 65858 (4/5THS VOTE REQUIRED)**

Councilmember Holstege announced that her spouse is a real estate broker and has a listing within the area subject to the moratorium and recused herself; left the Council Chamber at 6:53 p.m. and returned at the conclusion of the matter at 7:05 p.m.

Director of Planning Services Fagg presented the staff report and responded to City Council inquiries.

Mayor Moon opened the Public Hearing.

Michael McGrady, voiced support for extending the proposed moratorium.

Les Young, conveyed support for extending the moratorium and establishing a preferred cannabis corridor or green zone.

Joy Brown Meredith, expressed support for the moratorium and commended the Desert Highland neighborhood for voicing their concerns regarding the over-saturation of cannabis-related businesses in the area.

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

Councilmember Roberts and Mayor Pro Tem Kors summarized the activities of the City Council Cannabis Subcommittee, noting that they will be proposing new regulations and penalties for odor violations and an analysis on the feasibility of establishing a green zone.

MOTION BY MAYOR PRO TEM KORS, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 4-0 (COUNCILMEMBER HOLSTEGE RECUSED), to adopt Ordinance No. 2002 entitled, "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, TO EXTEND INTERIM URGENCY ORDINANCE NO. 1987 FOR AN ADDITIONAL CALENDAR YEAR, AND CONTINUE FOR THIS PERIOD A TEMPORARY MORATORIUM ON CITY APPROVAL OF NEW APPLICATIONS FOR PERMITS TO ENGAGE IN CERTAIN CANNABIS BUSINESSES AND ACTIVITIES IN PORTIONS OF THE DESERT HIGHLAND GATEWAY ESTATES AND DEMUTH PARK NEIGHBORHOODS OF THE CITY, FOR CONSIDERATION OF APPROPRIATE AMENDMENTS TO THE GENERAL PLAN, MUNICIPAL CODE AND ZONING CODE IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65858."

B. REQUEST BY THE CITY OF PALM SPRINGS FOR A ZONE TEXT AMENDMENT TO AMEND THE PALM SPRINGS ZONING CODE CHAPTER 93.00 TO ADD SECTIONS 93.16.00 THROUGH 93.16.09 AND AMEND SECTIONS 92.17.1.01, 92.17.2.01, 92.20.01, 92.21 .01 AND 93.03.00 TO MEET THE STATE OF CALIFORNIA ENERGY CODE REQUIREMENTS RELATIVE TO SOLAR ENERGY SYSTEMS ON NEW RESIDENTIAL CONSTRUCTION THREE (3) STORIES AND UNDER (CASE 5.1470 ZTA)

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

1. Table the Public Hearing with no testimony at this time and continue the Public Hearing to November 6, 2019.
 2. Direct the City Clerk to post a Notice of Continuance in accordance to established procedures.
3. **LEGISLATIVE:** None.
4. **UNFINISHED BUSINESS:** None.
5. **NEW BUSINESS:**

A. AWARD OF A CONSTRUCTION CONTRACT TO FAST-TRACK CONSTRUCTION CORPORATION, IN THE AMOUNT OF \$7,600,000 FOR THE DOWNTOWN PARK, CITY PROJECT NO. 15-07, AND RELATED ACTIONS

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

In response to City Council inquiry, Ryan Radebach, representing Fast-Track Construction, stated that he is confident that they will begin construction this November and complete the project within one year.

Mayor Pro Tem Kors urged staff and the contractor to complete the Downtown Park by Thanksgiving 2020.

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

1. Uphold the City Engineer's decision to reject the bid protest submitted by Robert Clapper Construction Services, Inc., and waive any informality in the apparent low bid submitted by Fast-Track Construction Corporation, a California corporation.
2. Award a construction contract to Fast-Track Construction Corporation, a California corporation, in the amount of \$7,600,000 for the Downtown Park, City Project No. 15-07.

(City Council action continued on the next page)

3. Authorize a Purchase Order in the amount not to exceed \$425,000 with the City's "on-call" professional consulting services firm, Willdan Engineering, a California corporation, pursuant to Agreement No. 6688, for construction management and inspection services related to the Downtown Park, City Project No. 15-07.
4. Authorize the City Manager to approve and execute construction contract change orders up to a cumulative amount of \$760,000 (10% of construction contract).
5. Authorize the City Manager to execute all necessary documents.

B. AWARD OF A CONSTRUCTION CONTRACT TO CALTEC CORP, A CALIFORNIA CORPORATION, IN THE AMOUNT OF \$1,400,000 FOR THE PALM SPRINGS INTERNATIONAL AIRPORT TERMINAL MODIFICATIONS, CITY PROJECT NO. 19-22, AND RELATED ACTIONS

City Manager Ready presented the staff report.

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

1. Approve the plans, specifications and construction drawings, and authorize the bidding of the Palm Springs International Airport Terminal Modifications, City Project No. 19-22.
2. In accordance with Public Contract Code 5101, consent to and approve the withdrawal of the apparent low bid submitted by Aid Builders, Inc.
3. Award a construction contract to Caltec Corp, a California corporation, in the amount of \$1,400,000 for the Palm Springs International Airport Terminal Modifications, City Project No. 19-22.
4. Authorize a Purchase Order in an amount not to exceed \$300,000 with the City's "on-call" professional aviation consulting services firm, RS&H California, Inc., a California corporation, pursuant to Agreement No. 7148, for construction management services related to the Palm Springs International Airport Terminal Modifications, City Project No. 19-22.
5. Authorize the City Manager to approve and execute construction contract change orders up to a cumulative amount of \$140,000.
6. Approve an appropriation from the Airport Capital Fund Balance (Fund 416) in the amount of \$650,000.
7. Authorize the City Manager to execute all necessary documents.

C. AWARD OF A CONSTRUCTION CONTRACT TO MATICH CORPORATION, A CALIFORNIA CORPORATION, IN THE AMOUNT OF \$8,586,000 FOR BID SCHEDULES A, B AND C; AND APPROVAL OF A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$243,100 TO INTERWEST CONSULTING GROUP FOR CONSTRUCTION MANAGEMENT, INSPECTION AND MATERIALS TESTING SERVICES FOR THE 2019 PAVEMENT REHABILITATION, CITY PROJECT NO 19- 01

City Attorney Ballinger reconfirmed that members of City Council whose residence may be within 500' of a particular street improvement need not recused themselves, noting that the Fair Political Practices Commission exempts projects which provide a citywide benefit and there is no disproportionate benefit to a Councilmember.

Assistant City Manager Fuller narrated a PowerPoint presentation and responded to City Council inquiries.

Councilmember Middleton pointed out that subject streets were selected based on an objective scoring of the pavement condition index, from worst to best.

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

1. Award a construction contract to Match Corporation, a California corporation, in the amount of \$8,586,000 for Bid Schedules A, B, and C for the 2019 Pavement Rehabilitation, City Project No. 19-01.
2. Authorize a Purchase Order to Interwest Consulting Group, pursuant to On-Call Agreement No. 6686, in an amount not to exceed \$243,100 for construction management, inspection and materials testing services for the 2019 Pavement Rehabilitation, City Project No. 19-01.
3. Delegate authority to the City Manager to approve and execute construction contract change orders up to \$400,000 with all change orders reported to the City Council.
4. Approve a budget amendment to appropriate \$4,500,000 from General Fund balance, to be replenished as part of the FY 2020/21 budget.
5. Authorize the City Manager to execute all necessary documents.

D. DISCUSSION OF PROCESS FOR IMPLEMENTING OPEN SPACE AND AFFORDABLE HOUSING ASPECTS OF THE GRIT/1090 SETTLEMENT AGREEMENT

This item was deleted from the agenda.

E. APPROVAL OF THE "AFFORDABLE AND MULTI-FAMILY HOUSING INCENTIVE PROGRAM," A PROGRAM TO ESTABLISH REDUCED DEVELOPMENT IMPACT FEES AND DEVELOPER FEES RELATED TO RESIDENTIAL PROJECTS CONSTRUCTING NEW AFFORDABLE DWELLING UNITS, OR CONSTRUCTING NEW MULTI-FAMILY RESIDENTIAL UNITS

Assistant City Manager Fuller presented the staff report.

In response to City Council inquiries, Community and Economic Development Director Virata advised that the City could place affordable housing covenants on applicable properties to ensure that homebuyers do not immediately flip homes intended as affordable housing. Assistant City Manager Fuller advised that staff will return to City Council to discuss terms of the affordable housing covenants.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 5-0, to adopt Resolution No. 24654 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING THE "AFFORDABLE AND MULTI-FAMILY HOUSING INCENTIVE PROGRAM," A PROGRAM TO ESTABLISH REDUCED DEVELOPMENT IMPACT FEES AND DEVELOPER FEES RELATED TO RESIDENTIAL PROJECTS CONSTRUCTING NEW AFFORDABLE DWELLING UNITS, OR CONSTRUCTING NEW MULTI-FAMILY RESIDENTIAL UNITS."

F. AMENDING GUIDELINES FOR ART SHOWS HELD AT PUBLIC PARKS AND ESTABLISHING A DEPOSIT BASED FEE TO RECOVER CITY COSTS ASSOCIATED WITH SPECIAL EVENTS AND ART SHOWS HELD AT CITY PARKS AND FACILITIES

This item was deleted from the agenda and referred to the Business Retention Standing Subcommittee.

G. CONSIDERATION OF MODIFYING THE CITY COUNCIL REGULAR MEETING SCHEDULE

The City Council discussed and provided general direction to staff.

PUBLIC COMMENT:

Daryl Terrell, recommended that the City Council support and develop home buying programs for first-time homebuyers, first-responder, and teachers.

Les Young, voiced concern that homes on Arnico Street are still on septic tanks, recommended that the City evaluate options for connecting these properties to sewer lines.

CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT:

Mayor Pro Tem Kors requested that staff agendaize consideration of a Community Workforce Agreement for the City Council meeting of October 23, 2019.

Councilmember Roberts requested that discussion of Mayor Moon's and his own involvement related to the Plaza Theater be agendaized for the City Council meeting of November 6, 2019.

Councilmember Middleton requested that staff work with the City Council Subcommittee on Grants and Sponsorships to discuss process improvements.

ADJOURNMENT:

The City Council adjourned at 8:03 p.m.

Respectfully submitted,


Anthony J. Mejia, MMC
City Clerk

APPROVED BY CITY COUNCIL: 10/23/2019