



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

CALL TO ORDER:

A Regular Meeting of the Palm Springs City Council was called to order by Mayor Moon on Wednesday, October 23, 2019, at 6:08 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:

Jennifer Cusick, representing Southern California Edison (SCE), narrated a PowerPoint presentation on SCE's Wildfire Mitigation Plan.

William Hutchinson, Police Lieutenant, provided an update on a recent hate crime in which a swastika was painted on the door of a business, urged anyone with information about the crime to contact the Police Department.

Mayor Pro Tem Kors requested that the Police Department engage the public with programs to educate them about the impacts of hate speech.

ACCEPTANCE OF THE AGENDA:

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 5-0, to remove Consent Calendar Item Nos. 1D, 1H, and 1N for separate discussion and the deletion of Item No. 3A from the agenda

REPORT OF CLOSED SESSION:

The Regular Closed Session of the City Council of October 23, 2019, was called to order by Mayor Moon at 3:30 p.m., with all members present.

Timothy Kiley, representing KESQ, voiced concern that the Eastern Riverside County Interoperable Communications Authority (ERICA) has rescinded access to the public safety dispatch system to local media agencies, urging the City Council to restore such access.

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

City of Palm Springs v. Miggy's Cantina, LLC,

Case No. 1600359, Superior Court of the State of California, County of Riverside

Manning v. City of Palm Springs,

Case No. 1704634, Superior Court of the State of California, County of Riverside

City of Palm Springs v. Cooper,

Case No. PSC 1806775, Superior Court of the State of California, County of Riverside

City of Palm Springs v. Roosevelt, L.P.,

Case No. 1804230, Superior Court of the State of California, County of Riverside

Ascencio v. City of Palm Springs,

Case No. PSC 1807953, 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 five (5) 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:	Ian Cooke, 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:	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)
Property Description:	505-182-010 and 505-182-004 (Adjacent parcels located at the Southwest corner of North Palm Canyon Drive and Stevens Road)
Agency:	City of Palm Springs and Successor Agency of the Former Redevelopment Agency of the City of Palm Springs
City Negotiator:	David Ready, City Manager or Designee
Negotiating Parties:	None
Under Negotiation:	Price and Terms of Payment (Sale)
Property Description:	Vacant Land in APNs 505-360-029, 505-360-014, 005 and 029 (3.89 acres)
Agency:	City of Palm Springs
City Negotiator:	David Ready, City Manager or Designee
Negotiating Parties:	Arnold Stevens, Successor Trustee of the Island Trust
Under Negotiation:	Price and Terms of Payment (Donation)

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; advised that the City Council has not made a determination related to the Eastern Riverside County Interoperable Communications Authority (ERICA) pending input from the California Attorney General and public.

PUBLIC TESTIMONY:

Robert Findley, speaking on Item 5A, voiced support for the Library Building Committee's recommendation to renovate and expand the existing library.

David Kelly, speaking on Item 5A, expressed support for building a new library in the downtown area.

David Gray, speaking on Items 1B and 5A, voiced support for moving forward with the proposed improvements to the Welwood Library and expansion of the existing library at Sunrise Park.

Ed McBride, speaking on Items 1B and 5A, reported on the Library Building Committee meetings, noting that the Committee unanimously supported expanding the existing library; expressed support for the proposed improvements at the Welwood Library.

Sy Lynne, representing Palm Canyon Theatre, speaking on Item 1P, expressed gratitude to the City Council for moving forward with the proposed lease with Palm Canyon Theatre.

David Morgan, speaking on Item 5A, voiced support for expanding the existing library.

Oliver Cleary, speaking on Item 1Q, urged the City Council to identify at least one recreational trail in which dogs are permitted.

Adrian Alcantar, speaking on Items 1R, 4A, and 5A, spoke in support of the proposed art mural, expansion of the existing library, and developing a Master Plan for Sunrise Park; voiced opposition to an extension of the Orchid Tree's entitlements, unless significant and measurable progress is demonstrated.

Ron Wilson, speaking on Items 1B and 5A, voiced support for moving forward with the improvements at Welwood Library and expansion the Sunrise Park library.

Jim Franklin, speaking on Item 3B, representing the Palm Springs Regional Association of Realtors, pointed out that Assembly Bill 1482 which includes provisions making it retroactive and may not address month to month rentals.

Dick Burkett, speaking on Item 5A, pointed out the interrelationships between the existing library, senior center, swim center, Boys and Girls Club, and other amenities at Sunrise Park; opined that the existing library is architecturally significant and voiced support for its renovation and expansion.

Barbara Matis, speaking on Item 1Q, voiced concern that dogs will no longer be allowed on recreational trails the same time as the Dog Park will be closed for reseeding; urged the City Council to reconsider the prohibition of dogs on recreational trails.

Nickie McLaughlin, speaking on Item 5A, conveyed support for the comments of Dick Burkett and urged the City Council to move forward with expansion of the existing library.

Naomi Soto, speaking on Item 5A, spoke on the importance of developing a Master Plan for Sunrise Park, noting her support for renovating and expanding the existing library.

Michael Hirschbein, speaking on Item 5A, conveyed support for the development of a Master Plan for Sunrise Park and expansion of the existing library; noted that his preference would be to locate a new library on Block "F" within the downtown area.

Joy Brown Meredith, speaking on Item 5A, expressed support for expansion of the existing library and development of a Master Plan for Sunrise Park.

Kathy Weremuik, stated that the Library Building Committee did not discuss programming in regard to the proposed library sites; asserted that the site options available were not good alternatives to the existing library site; expressed support for expanding the library and developing a Master Plan for Sunrise Park.

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

City Manager Ready noted that the Dog Park will be closed for three weeks due to reseeding; invited the community to the ground breaking ceremony for the new Downtown Park on October 31, 2019.

Sustainability Manager Tallarico summarized Senate Bill 1383, noting that the City will need to adopt new regulations to implement the requirements of SB 1383 in the near future.

Councilmember Middleton reported on her attendance at the Southern California Association of Governments (SCAG) Transportation Committee meeting, noting that it is beginning to discuss alternative methods for gas tax collection; noted that she attended the League of California Cities Annual Conference and presented on CalPERS; advised that the Zero Traffic Fatalities Taskforce has begun discussions related to the need to revise the 85th percentile rule for determining speed limits; urged staff to aggressively address brush clearance on vacant parcels.

Mayor Pro Tem Kors spoke on his attendance at the Desert Community Energy meeting, noting that he was selected to serve as Chair of the Board; reported on recent meetings, including Lift2Rise and the Homelessness and Affordable Housing Subcommittee; invited interested parties to attend the Cannabis Subcommittee meeting on October 24, 2019.

Councilmember Holstege noted that Assemblymember Mayes participated in the Homelessness and Affordable Housing Subcommittee meeting, noting that a comprehensive public process will be developed to discuss use of the \$10 million grant to help address homelessness; commended local residents Alexis Ortega and Harold Matzner for being honored at the California Equality Awards; urged residents to vote in the upcoming election for Districts 1, 2, and 3; requested that staff evaluate and seek community input regarding the conditions of the Demuth Dog Park; voiced support for identifying at least one recreational trail in which dogs are allowed.

Councilmember Roberts noted that the Cannabis Subcommittee meeting will discuss issues related to odor control and distance separation requirements.

1. CONSENT CALENDAR:

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 5-0, to approve the consent calendar, with the removal of Item Nos. 1H, 1D, and 1N for separate discussion.

A. APPROVAL OF MINUTES

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 5-0, to approve the City Council Meeting Minutes of October 2, 2019.

B. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE WELWOOD LIBRARY COURTYARD IMPROVEMENTS, CITY PROJECT NO. 16-02

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER ROBERTS, 5-0, to approve the plans, specifications and estimate, and authorize staff to advertise and solicit bids for the Welwood Library Courtyard Improvements.

C. AWARD A CONSTRUCTION CONTRACT TO SAFETY NETWORK TRAFFIC SIGNS, INC., A CALIFORNIA CORPORATION, IN THE AMOUNT OF \$100,201 FOR THE CITY WIDE TRAFFIC SIGN REPLACEMENT PROGRAM, CITY PROJECT NO. 18-12

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

1. Award a construction contract to Safety Network Traffic Signs, Inc., a California corporation, in the amount of \$100,201 for the City Wide Traffic Sign Replacement Program, City Project No. 18-12.
2. Authorize the City Manager to execute all necessary documents.

D. APPROVAL OF FIRST AMENDMENT, ASSIGNMENT, AND ASSUMPTION TO COOPERATIVE AGREEMENT (A6877) BY AND AMONG RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, THE CITY OF PALM SPRINGS, RREF II - DC CAMERON, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND TOLL WEST INC., A DELAWARE CORPORATION, RELATED TO CONSTRUCTION OF PALM SPRINGS MASTER DRAINAGE PLAN (MDP) LINE 29 ASSOCIATED WITH TRACT MAP 33575

This item was excluded from the Consent Calendar. Please refer to Page 12 of these minutes for a summary of that action.

E. REPORT OF EMERGENCY REPLACEMENT OF PALM SPRINGS POLICE DEPARTMENT'S AUTOMATIC TRANSFER SWITCH (ATS), EMERGENCY REPAIR OF PALM SPRINGS POLICE DEPARTMENT'S BUILDING BACK-UP GENERATOR, AND RENTAL OF BACK-UP GENERATOR PURSUANT TO PALM SPRINGS MUNICIPAL CODE SECTION 7.04.040

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 5-0, to receive and file the report of Emergency Replacement of the Palm Springs Police Department's Automatic Transfer Switch (ATS), emergency repair of Palm Springs Police Department's Building Back-Up Generator, and rental of Back-Up Generator.

F. AUTHORIZATION TO RELEASE SUBDIVISION IMPROVEMENT SECURITIES FOR THE "ENCLAVE @ BARISTO," TRACT NO. 37245

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 5-0, to adopt Resolution No. 24655 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE RELEASE OF SECURITIES ASSOCIATED WITH TRACT MAP 37245 AND THE SUBDIVISION IMPROVEMENT AGREEMENT WITH ENCLAVE @ BARISTO, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF BARISTO ROAD AND HERMOSA DRIVE, IN SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST."

G. AUTHORIZATION TO RELEASE SUBDIVISION IMPROVEMENT SECURITIES FOR THE "SKYE," TRACT NO. 36738

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 5-0, to adopt Resolution No. 24656 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE RELEASE OF SECURITIES ASSOCIATED WITH TRACT MAP 36738 AND THE SUBDIVISION IMPROVEMENT AGREEMENT WITH PALM RIDGE HOUSING, LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR PROPERTY LOCATED AT 665 WEST RAMON ROAD, IN SECTION 22, TOWNSHIP 4 SOUTH, RANGE 4 EAST."

H. AUTHORIZATION TO REDUCE SUBDIVISION IMPROVEMENT SECURITIES FOR THE "ICON," TRACT NO. 36725

This item was excluded from the Consent Calendar. Please refer to Page 12 of these minutes for a summary of that action.

I. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF SEPTEMBER 2019

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 5-0, to receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of September 1, 2019, through September 30, 2019.

J. APPROVAL OF A REIMBURSEMENT AGREEMENT IN THE AMOUNT OF \$343,735 WITH JEN CALIFORNIA 3, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, RELATED TO INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF TAHQUITZ CANYON WAY AND CIVIC DRIVE; AND APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE TAHQUITZ CANYON WAY AND CIVIC DRIVE TRAFFIC SIGNAL INSTALLATION, CITY PROJECT NO. 15-21

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

1. Approve Reimbursement Agreement with Jen California 3, LLC, a California Limited Liability Company, in the amount of \$343,735.
2. Approve the plans, specifications and estimate and authorize staff to advertise and solicit bids for the Tahquitz Canyon Way and Civic Drive Traffic Signal Installation, City Project No. 15-21.
3. Authorize the City Manager to execute all necessary documents.

K. A RESOLUTION HONORING THE 25TH ANNIVERSARY OF THE 1994 CALIFORNIA DESERT PROTECTION ACT

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 5-0, to adopt Resolution No. 24658 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, HONORING AND RECOMMITTING TO THE SAFEGUARDS THAT HAVE BEEN PUT IN PLACE OVER THE PAST 25 YEARS AS A RESULT OF THE 1994 CALIFORNIA DESERT PROTECTION ACT."

L. RENEW AGREEMENT WITH DRUG ENFORCEMENT ADMINISTRATION TO PARTICIPATE IN TASK FORCE

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

1. Renew an agreement with the Drug Enforcement Administration through September 30, 2020.
2. Authorize the City Manager to execute all necessary documents.

M. APPROVAL OF AGREEMENT WITH STREET SMART LLC FOR LAW ENFORCEMENT INTELLIGENCE SHARING SOFTWARE

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

1. Approve the cooperative purchase and a 5-year service agreement with Street Smart LLC for initial CAD integration costs of \$15,000; year one Software as a Service (SaaS) fees of \$10,000; a secondary CAD integration fee not to exceed \$5,000 when converting to a new CAD system; and \$10,000 in annual SaaS fees for the remaining four (4) years in an amount not to exceed \$70,000 for a five (5) year term, utilizing SLESA grant funding, with no impact to the General Fund.
2. Authorize the City Manager to execute all necessary documents.

N. ADOPTION OF A RESOLUTION AUTHORIZING THE CITY OF PALM SPRINGS TO ENTER INTO AN AGREEMENT WITH THE BUREAU OF CANNABIS CONTROL TO RECEIVE STATE EQUITY GRANT FUNDING

This item was excluded from the Consent Calendar. Please refer to Page 13 of these minutes for a summary of that action.

O. SELECTION OF VISUAL ART OPERATOR FOR LEASING THE DESERT ART CENTER AT 550 NORTH PALM CANYON DRIVE AT FRANCES STEVENS PARK AND AUTHORIZING A FIVE-YEAR LEASE WITH MUTUAL OPTION TO EXTEND FOR AN ADDITIONAL FIVE-YEAR TERM

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

1. Authorize the City of Palm Springs to enter into a Lease Agreement, in a form approved by the City Attorney, with Desert Art Center of the Coachella Valley, Inc. for City-owned property located at 550 North Palm Canyon Drive, at Frances Stevens Park, for a term of five (5) years at an annual rental rate of \$1.00.
2. Authorize the City Manager and/or his designee to execute all necessary documents.

P. SELECTION OF PERFORMING ARTS OPERATOR FOR LEASING THE PALM CANYON THEATRE AT 538 NORTH PALM CANYON DRIVE AT FRANCES STEVENS PARK AND AUTHORIZING A FIVE-YEAR LEASE WITH MUTUAL OPTION TO EXTEND FOR AN ADDITIONAL FIVE-YEAR TERM

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

1. Authorize a lease agreement, in a form approved by the City Attorney, with Palm Canyon Theatre, Inc. for City-owned property located at 538 North Palm Canyon Drive, at Frances Stevens Park, for a term of five (5) years at a monthly rental rate of \$2,500.00, with one extension option for an additional five (5) year term upon mutually agreeable terms and subject to a shared use agreement with the Palm Springs International Film Festival."
2. Authorize the City Manager and/or his designee to execute all necessary documents.

Q. 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

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 5-0, to adopt Ordinance No. 2001 entitled, "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."

R. AN APPLICATION BY TRACY AND JERRY TURCO FOR AN ART MURAL ON AN EXTERIOR WALL OF AN APARTMENT BUILDING LOCATED AT 1339 NORTH INDIAN CANYON DRIVE (CASE 19-002 MUR)

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 5-0, to adopt Resolution No. 24660 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN ART MURAL ON A WALL OF AN APARTMENT BUILDING AT 1339 NORTH INDIAN CANYON DRIVE, ZONE R-3 (CASE 19-002 MUR)."

S. APPROVAL OF A THREE-YEAR LEASE AGREEMENT WITH TCF EQUIPMENT FINANCE FOR 152 E-Z-GO TXT ELECTRIC GOLF CARTS; AND THREE FOUR-YEAR LEASE AGREEMENTS WITH YAMAHA MOTOR FINANCE CORPORATION, U.S.A., FOR A BEVERAGE CART, RANGE PICKER, AND TWO UTILITY VEHICLES TO SERVE THE PALM SPRINGS TAHQUITZ CREEK "LEGENDS" AND "RESORT" GOLF COURSES

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

1. In accordance with Palm Springs Municipal Code Section 7.04.030, "Special Expertise Procurement," approve a three (3) year lease of 152 E-Z-GO TXT Electric Golf Carts, for the Tahquitz Creek Golf Course through TCF National Bank, Lease Number 008-0185560-101, for a monthly cost of \$13,044.01, and a total lease payment of \$469,584.47.
2. In accordance with Palm Springs Municipal Code Section 7.04.030, "Special Expertise Procurement," approve a four (4) year lease of one YU2A Bev Unit Yamaha Golf Car, for the Tahquitz Creek Golf Course, through Yamaha Motor Finance Corporation, U.S.A., through Equipment Lease Schedule No. 201377, for a monthly cost of \$307.48, and a total lease payment of \$14,759.04.
3. In accordance with Palm Springs Municipal Code Section 7.04.030, "Special Expertise Procurement," approve a four (4) year lease of one YU2A Range Picker Yamaha Golf Car, for the Tahquitz Creek Golf Course, through Yamaha Motor Finance Corporation, U.S.A., through Equipment Lease Schedule No. 201378, for a monthly cost of \$261.54, and a total lease payment of \$12,553.92.
4. In accordance with Palm Springs Municipal Code Section 7.04.030, "Special Expertise Procurement," approve a four (4) year lease of two YU2A Golf Cars, for the Tahquitz Creek Golf Course through Yamaha Motor Finance Corporation, U.S.A., through Equipment Lease Schedule No. 201379, for a monthly cost of \$300.87, and a total lease payment of \$14,441.76.
5. Adopt Resolution No. 24661 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE NEGOTIATION, EXECUTION, AND DELIVERY OF LEASE NUMBER 008-0185560-101, DATED AUGUST 27, 2019, BETWEEN THE CITY OF PALM SPRINGS, AND TCF NATIONAL BANK; AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH."
6. Authorize the City Manager to execute all necessary documents.

EXCLUDED CONSENT CALENDAR:**D. APPROVAL OF FIRST AMENDMENT, ASSIGNMENT, AND ASSUMPTION TO COOPERATIVE AGREEMENT (A6877) BY AND AMONG RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, THE CITY OF PALM SPRINGS, RREF II - DC CAMERON, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND TOLL WEST INC., A DELAWARE CORPORATION, RELATED TO CONSTRUCTION OF PALM SPRINGS MASTER DRAINAGE PLAN (MDP) LINE 29 ASSOCIATED WITH TRACT MAP 33575**

Councilmember Middleton noted that Toll Brothers has made good progress and is moving forward with this project, noting that the developer should be mindful of the Tahquitz Creek Master Plan and should work with the City and residents to ensure adherence to the subject plan.

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

1. Approve the first amendment, assignment, and assumption of Cooperative Agreement (A6877) between the Riverside County Flood Control and Water Conservation District, the City of Palm Springs, and RREF II - DC Cameron, LLC, a Delaware Corporation, and Toll West Inc., a Delaware Corporation, associated with the construction, operation, and maintenance of flood control improvements identified as Palm Springs Master Drainage Plan (MDP) Line 29, associated with Tract Map 33575.
2. Authorize the City Manager to execute all necessary documents.

H. AUTHORIZATION TO REDUCE SUBDIVISION IMPROVEMENT SECURITIES FOR THE "ICON," TRACT NO. 36725

In response to City Council inquiry, Assistant City Manager Fuller advised that the City will have security bonds and certificates of occupancy to leverage in the event that the public improvements are not completed by the developer.

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 5-0, to adopt Resolution No. 24657 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING A REDUCTION OF SECURITIES ASSOCIATED WITH TRACT MAP 36725 AND AUTHORIZING REDUCTION OF SECURITIES REQUIRED BY THE SUBDIVISION IMPROVEMENT AGREEMENT WITH FAR WEST INDUSTRIES, A CALIFORNIA CORPORATION, FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO ROAD, IN SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST."

N. ADOPTION OF A RESOLUTION AUTHORIZING THE CITY OF PALM SPRINGS TO ENTER INTO AN AGREEMENT WITH THE BUREAU OF CANNABIS CONTROL TO RECEIVE STATE EQUITY GRANT FUNDING

Councilmember Holstege commended staff for securing grant funds and encouraged staff to evaluate other cities policies related to the use of the grant funds.

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

1. Adopt Resolution No. 24659 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE CITY OF PALM SPRINGS TO ENTER INTO AN AGREEMENT WITH THE BUREAU OF CANNABIS CONTROL TO RECEIVE STATE EQUITY GRANT FUNDING."
2. Authorize the City Manager to execute all documents consistent with this Resolution.

2. PUBLIC HEARINGS:

A. APPEAL BY SUNQUITZ EMC, LLC OF THE PLANNING COMMISSION DECISION TO DENY A MAJOR ARCHITECTURAL APPLICATION TO CONSTRUCT A 35,000-SQUARE FOOT MEDICAL OFFICE BUILDING, PAD SITE FOR FUTURE BUILDING, AND OTHER RELATED ON- AND OFF-SITE IMPROVEMENTS ON A 3.76-ACRE SITE LOCATED AT THE NORTHWEST CORNER OF NORTH SUNRISE WAY AND EAST TAHQUITZ CANYON WAY, NC ZONE OF THE SECTION 14 SPECIFIC PLAN (3.4132 MAJ)

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

Mayor Moon opened the Public Hearing.

David Smith, Project Architect, narrated a PowerPoint presentation, noting that the applicant has agreed to making significant improvements based on the feedback of the Architectural Advisory Committee and Planning Commission, including the landscape, massing, and enhancing the building materials. In response to City Council inquiries, Mr. Smith reviewed accessibility paths to the building entrance and bus stop locations within close proximity.

Hank Gordon, Applicant, pointed out that the proposed development would house a single tenant rather than a multi-office medical building. In response to City Council inquiry, Mr. Gordon advised that he would be willing to accept a Condition of Approval that the second pad will not be a fast food restaurant.

Greg Rodriguez, voiced his support for the proposed project.

Adrian Alcantar, expressed support for the proposed project.

Les Young, voiced his support for the proposed project, noting that it should be re-oriented to place an entrance facing Tahquitz Canyon Way.

Richard Boureston, Applicant, explained that re-orienting of the main entrance to face Tahquitz Canyon Way, would not be conducive to the intended uses of the building.

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

During the course of discussion, the City Council provided the following commentary:

- The building colors are too generic and should be revised, noting that the colored window fins better reflect the Palm Springs community.
- Mature landscaping should be planted.
- The future second pad should have high-design standards and should include a gateway feature.
- The architectural details on the Northeast elevation should be extended to the other sides of the building.

Following discussion, MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24662 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OVERTURNING THE PLANNING COMMISSION'S DENIAL OF MAJOR ARCHITECTURAL APPLICATION, CASE 3.4132 MAJ, AND APPROVING SAID APPLICATION FOR THE CONSTRUCTION A 35,000-SQUARE FOOT MEDICAL OFFICE BUILDING, PAD SITE FOR FUTURE BUILDING, AND OTHER RELATED ON- AND OFF-SITE IMPROVEMENTS ON A 3.76-ACRE SITE LOCATED AT THE NORTHWEST CORNER OF NORTH SUNRISE WAY AND EAST TAHQUITZ CANYON WAY," with direction that a Subcommittee of the Planning Commission and Architectural Advisory Committee should review the final design proposal based on the City Council's direction.

B. AN APPLICATION BY THE CITY OF PALM SPRINGS, CALIFORNIA FOR CLASS 1 HISTORIC RESOURCE DESIGNATION OF "THE THOMAS O'DONNELL GOLF HOUSE," THE O'DONNELL GOLF COURSE AND ASSOCIATED BUILDINGS LOCATED AT 301 NORTH BELARDO ROAD, CASE HSPB #123

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

Mayor Moon opened the Public Hearing.

Steven Keylon, opined that the O'Donnell Golf Course is the most historically-significant property that has not yet been designated as a Class 1 Historic Site; spoke on the historically significant persons involved with, and events which took place at, the Golf Course.

Jan Harper, urged the City Council to support the proposed designation.

Tom Jakway, expressed support for the historic designation.

Hugh Kaptur, spoke on the history of the City and voiced his support for the historic designation of the golf course.

Dick Burkett, spoke on the importance of the O'Donnell Golf Course and urged the City Council to approve the historic designation.

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

In response to City Council inquiry, Director Fagg advised that the historic designation would not prevent a future City Council from making changes to the use of the Golf Course or replacement of certain landscaping features; explained that the historic designation would require a future City Council to follow a prescribed process to modify any such use or modification to contributing features.

MOTION BY MAYOR PRO TEM KORS, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 5-0, to adopt Resolution No. 24663 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING "THE THOMAS O'DONNELL GOLF HOUSE," THE O'DONNELL GOLF COURSE AND ASSOCIATED BUILDINGS LOCATED AT 301 NORTH BELARDO ROAD AS CLASS 1 HISTORIC RESOURCE HSPB #123, SUBJECT TO CONDITIONS," noting that the subject property meets criteria 2, 3, 4, and 6.

MEETING RECESS

The City Council recessed at 9:08 p.m. and reconvened at 9:23 p.m., with all members present.

C. CONDUCTING A TAX AND EQUITY FISCAL RESPONSIBILITY ACT (TEFRA) HEARING FOR THE PROPOSED ISSUANCE OF CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY BONDS IN AN AMOUNT NOT TO EXCEED \$23,000,000 FOR THE PURPOSE OF ASSISTING SPIRA EQUITY PARTNERS ACQUIRE AND REHABILITATE THE PACIFIC PALMS APARTMENTS AT 410 SOUTH CALLE ENCILIA

Community and Economic Development Director Virata presented the staff report.

Mayor Moon opened the Public Hearing.

Steven Ho, Applicant, summarized the proposed improvements to the apartment complex, noting that tenants will not need to be relocated, fourteen (14) units will become ADA accessible, and there will be a 55-year affordable housing covenant recorded on the deed.

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

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

1. Adopt Resolution No. 24664 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE ISSUANCE BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY OF MULTIFAMILY HOUSING REVENUE BONDS FOR THE PACIFIC PALMS APARTMENTS."
2. Authorize the City Manager to execute all necessary documents.

3. LEGISLATIVE:

A. INTRODUCTION OF AN ORDINANCE ENTITLED, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 11.82.020, 11.82.030, 11.82.060, 11.82.070, 11.82.080, 11.82.090, 11.82.100, 11.82.120, 11.82.130 AND 11.82.150 OF CHAPTER 11.82, POLICE TOW SERVICES STANDARDS, OF THE PALM SPRINGS MUNICIPAL CODE"

This item was deleted from the agenda at the request of staff.

B. ADOPTION OF AN ORDINANCE ENTITLED, "AN URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 5.87 TO TITLE 5 OF THE PALM SPRINGS MUNICIPAL CODE, TO TEMPORARILY PROHIBIT NO-FAULT EVICTIONS THROUGH DECEMBER 31, 2019, FOR RESIDENTIAL REAL PROPERTY BUILT PRIOR TO JANUARY 1, 2005."

City Attorney Ballinger presented the staff report and advised that Senate Bill 1383 would apply to month-to-month leases, provided that the tenant occupied the unit for the previous 12 months.

Following discussion, MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY MAYOR PRO TEM KORS CARRIED 5-0, to adopt Ordinance No. 2003 entitled, "AN URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 5.87 TO TITLE 5 OF THE PALM SPRINGS MUNICIPAL CODE, TO TEMPORARILY PROHIBIT NO-FAULT EVICTIONS THROUGH DECEMBER 31, 2019, FOR RESIDENTIAL REAL PROPERTY BUILT PRIOR TO JANUARY 1, 2005," with direction to modify Section 5.87.030(A) as follows:

- "Through December 31, 2019, the owner of residential rental property shall not terminate a lawful tenancy without at-fault just cause, unless the termination is required to comply with an order issued by a government agency or court necessitating vacating the residential real property or to comport with due process, federal, or state law, which shall be stated in the written notice of termination of tenancy. This prohibition shall also apply to an owner's action that constitutes constructive eviction under California law. An owner's failure to comply with this Chapter shall render any notice of termination of tenancy void. This Chapter may be asserted as an affirmative defense in

an unlawful detainer action. An owner's failure to comply with this Chapter does not constitute a criminal offense. *This section does not in any way adversely affect or abrogate the rights of tenants under the Rent Stabilization Ordinance.*"

4. UNFINISHED BUSINESS:

A. STATUS REPORT ON THE ORCHID TREE INN DEVELOPMENT AT 222 SOUTH CAHUILLA ROAD, ZONE R-3, SECTION 15 (CASE 5.1345 CUP, HSPB 23, HSPB 72 & 3.0678 MAJ)

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

In response to City Council inquiries, Richard Weintraub, Applicant, advised that construction could begin 9-12 months from receiving approval for the new site plans and that construction would be completed in 18 months; asserted that the City Council agreed to provide a one (1) year entitlement extension in the event that there was a site plan change.

The City Council directed staff to work with the applicant to develop strict milestone deadlines to ensure that the project is moving forward and to return to City Council with an amendment to the Operations Covenant.

5. NEW BUSINESS:

A. DISCUSSION OF PALM SPRINGS PUBLIC LIBRARY BUILDING COMMITTEE REPORT

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

Councilmember Middleton provided the City Council Subcommittee report.

By consensus, the City Council received and filed the report from Library Building Committee and directed staff to provide an update of programming and projected costs at a future meeting.

B. A STATUS REPORT ON THE ORCHID TREE INN DEVELOPMENT AT 222 SOUTH CAHUILLA ROAD, ZONE R-3, SECTION 15 (CASE 5.1345 CUP, HSPB 23, HSPB 72 & 3.0678 MAJ)

The City Council re-ordered the agenda to consider New Business Item No. 5B as Unfinished Business Item No. 4A.

C. REQUEST FOR PROPOSALS FOR FOOD AND GIFT CONCESSION PROGRAMS AT THE PALM SPRINGS INTERNATIONAL AIRPORT

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

In response to City Council inquiry, Airport Director Nolan advised that there is potential for adding kiosks and seasonal concessions for local businesses; stated that staff will offer local businesses assistance in completing the RFP process.

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

1. Consider the Airport Commission's recommendations for the concessions RFP and/or provide additional guidance.
2. Approve proceeding with final RFP development and proceed with the solicitation process.

D. CONSIDERATION OF MODIFYING THE CITY COUNCIL REGULAR MEETING SCHEDULE

Following discussion, MOTION BY MAYOR PRO TEM KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to direct staff to move forward with transitioning the City Council meetings to the second and fourth Thursday of each month, unless otherwise modified in the 2020 City Council meeting schedule.

PUBLIC COMMENT:

Daryl Terrell, suggested that the City Council contract with a local non-profit organization to provide legal representation to residents in need of assistance with enforcing their tenant rights.

CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT:

Councilmember Middleton requested that the City sponsor a half-day conference on LGBTQ & Aging issues, noting that it will be hosted by Sage Equality California and Eisenhower Hospital.

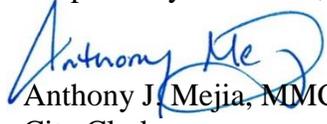
Councilmember Holstege requested that staff evaluate public restrooms to ensure that baby changing tables are installed.

Mayor Pro Tem Kors requested staff to survey all City-owned, single occupancy restrooms to ensure that gender neutral signs are installed; requested that the Labor Peace Agreement and Community Workforce Agreement be agendized together; requested that staff agendize an update on the Sunline Buzz Bus; requested that staff agendize discussion of designating a City recreational trail to allow dogs.

ADJOURNMENT:

The City Council adjourned at 11:08 p.m.

Respectfully submitted,


Anthony J. Mejia, MMC
City Clerk

APPROVED BY CITY COUNCIL: 11/06/2019