

**CITY COUNCIL  
CITY OF PALM SPRINGS, CALIFORNIA**

**MINUTES  
WEDNESDAY, JANUARY 25, 2017  
City Hall, Council Chamber  
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262**

**CLOSED SESSION MEETING**

**CALL TO ORDER (Council Chamber):**

Mayor Moon called the meeting to order at 5:02 p.m.

Douglas Holland, City Attorney reported three (3) items came before the City after the posting of the agenda, there is an immediate need to hear and/or take action, and requested the following be added to the Closed Session agenda:

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR G.C. 54956.8**

Property Address/Description: APN 513-460-033 (Right-of-Way)  
Agency: City of Palm Springs  
City Negotiator: Marcus L. Fuller  
Assistant City Manager or Designee  
Negotiating Parties: 4348 Lockwood Avenue, LLC  
Under Negotiation: Price and Terms of Payment (Easement)

**PUBLIC EMPLOYMENT APPOINTMENT G.C. 54957**

Position: City Attorney

**EXISTING LITIGATION G.C. 54956.9(a)**

Amy Marschak v. City of Palm Springs; Erik Larson et al  
Case 5:17-CV-00055, United States Court, Central District of California

The City Council unanimously approved(5-0-0) 1) Finding information was received after the posting of the Agenda and there is an immediate need to hear and/or take action and 2) three (3) items were added to the Closed Session agenda pursuant to G.C. 54954.2(b), as follows:

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR G.C. 54956.8**

Property Address/Description: APN 513-460-033 (Right-of-Way)  
Agency: City of Palm Springs  
City Negotiator: Marcus L. Fuller  
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**PUBLIC COMMENT (*Council Chamber*):**

No one came forth to address the City Council.

**RECESS TO CLOSED SESSION (*Small Conference Room*):**

See Closed Session Agenda, attached as Exhibit A.

The City Council, City Manager, Assistant City Manager, and City Attorney recessed to Closed Session in the Small Conference Room at 5:04 p.m.

David Ready, City Manager, stated he has a conflict of interest, did not participate in the discussion, and exited the Small Conference Room at 5:30 p.m. relating to the following:

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

**G.C. 54956.8**

Property Address/Description:	APN 513-460-033 (Right-of-Way)
Agency:	City of Palm Springs
City Negotiator:	Marcus L. Fuller Assistant City Manager or Designee
Negotiating Parties:	4348 Lockwood Avenue, LLC
Under Negotiation:	Price and Terms of Payment (Easement)

**STUDY SESSION AND ADJOURNED REGULAR MEETING**

**CALL TO ORDER:**

Mayor Moon called the meeting to order at 6:08 p.m.

**PLEDGE OF ALLEGIANCE:**

Mayor Moon led the flag salute.

**ROLL CALL:**

PRESENT: Councilmembers Kors, Mills, Roberts, Mayor Pro Tem Foat, and Mayor Moon

ABSENT: None

ALSO PRESENT: City Manager Ready, City Attorney Holland, and Interim City Clerk Hart

**REPORT OF CLOSED SESSION:**

Douglas Holland, City Attorney, stated the City Council unanimously approved (5-0-0) 1) Finding information was received after the posting of the Agenda and there is an immediate need to hear and/or take action and 2) three (3) items were added to the Closed Session agenda pursuant to G.C. 54954.2(b), as follows:

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR** **G.C. 54956.8**

Property Address/Description: APN 513-460-033 (Right-of-Way)  
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**PUBLIC EMPLOYMENT APPOINTMENT** **G.C. 54957**

Position: City Attorney

**EXISTING LITIGATION** **G.C. 54956.9(a)**

Amy Marschak v. City of Palm Springs; Erik Larson et al  
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Additionally, City Attorney Holland reported no reportable action was taken.

**PUBLIC TESTIMONY: (Study Session Item ONLY)**

CHRIS STEINMAN, Palm Springs, spoke on the Downtown Park.

JEB BONNER, Palm Springs, spoke on the Downtown Park.

DONNA MAC MILLAN, Indian Wells, spoke on the Downtown Park.

KATHY WEREMIUK, Palm Springs, provided some historical information and spoke in support of the Downtown Park.

**SS. STUDY SESSION:**

**SS1. REVIEW OF THE CONCEPTUAL DESIGN FOR THE DOWNTOWN PARK:**

David Ready, City Manager, provided background information as provided in the staff report and requested direction.

The following was the consensus of the City Council:

1. Direct the subcommittee and staff to have conceptual design prepared by Mark Rios, if he is available. Some of the items to be included in the conceptual design shall be as follows:
  - a. Alluminaire House
  - b. Potential for temporary fencing
  - c. Restrooms
  - d. Ability to have two (2) future event stages
  - e. Location for the Forever Marilyn sculpture
  - f. Shading

- g. Security Plan
  - h. Ability to recognize and honor the "Desert Inn"
2. Hold a joint meeting at the Convention Center with the Planning Commission, Public Arts Commission, Architectural Advisory Committee, Parks and Recreation Commission, and Measure J Oversight Commission.

**PUBLIC TESTIMONY: (Adjourned Meeting Item ONLY)**

No one came forth to address the City Council.

**1. ADJOURNED MEETING:**

**1.A. APPOINT TWO (2) MEMBERS OF THE CITY COUNCIL TO THE ANDAZ HOTEL DEVELOPMENT AD HOC SUBCOMMITTEE WITH THE SUNSET DATE OF DECEMBER 31, 2017:**

**ACTION:** Appoint Councilmembers Mills and Roberts to the Andaz Hotel Development Ad hoc Subcommittee with respect to development matters with the sunset date of December 31, 2017.

**Motion by Councilmember Kors, seconded by Mayor Pro Tem Foat, and unanimously carried (5-0-0) on a roll call vote.**

**PUBLIC COMMENT: (Non-Agenda Items)**

DARYL TERRELL, Moreno Valley, spoke of the new administration in Washington D.C.

ROBERT FINLEY, Palm Springs, commented on the Downtown Park, and stated this meeting was very informative.

DAVID VOGEL, Measure J Commission Chair, stated support of this project.

**COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:**

Mayor Pro Tem Foat requested placing on the next City Council agenda to form an Oswit Canyon Ad hoc subcommittee.

Mayor Moon requested updates on the Agua Caliente Band of Cahuilla Indians' Conformity Report in the downtown area, and the tentative joint meeting with the Planning Commission to discuss the Planned Development Districts.

David Ready, City Manager, and Flinn Fagg, Director of Planning Services, reported the comments on the Conformity Report are due March 15, 2017, and recommended placing this item on the March 1, 2017, City Council agenda.

David Ready, City Manager, and Flinn Fagg, Director of Planning Services, reported the Planning Commission Ad hoc Subcommittee is currently reviewing the proposed

amendments to the Planned Development District ordinance after which it shall be reviewed by the entire Planning Commission; therefore, it was recommended that the joint meeting be postponed from February, 2017, to the Spring of 2017.

Councilmember Kors provided a report on the Homeless Count which took place on January 24, 2017, and stated staff will be working on it the remainder of this week. Additionally, he stated he and Mayor Pro Tem Foat spoke to many of the homeless, age ranging from possibly 15 years old through 83 years old, and the importance of programs for the homeless.

Mayor Pro Tem Foat, recited some of her conversations with the homeless, and provided a summary of some of those conversations; additionally, she added she never felt unsafe, and the public often has the misconception that homelessness and crime are typically associated. She also commented on the need for programs for the homeless.

Councilmember Kors provided additional comments regarding the homeless with respect to employment, insurance, health care, the need to continue programs, for the homeless, and requested a meeting with the City Manager and the subcommittee.

Mayor Pro Tem Foat spoke of the Riverside County Transportation Commission's (RCTC) retreat on January 26 and 27, 2017, at the Hyatt in Palm Springs, stated it is an open meeting, and invited the public to attend. Adding, she serves on a RCTC subcommittee, and they are in the planning stages of extending rail service to Indio.

Councilmember Kors requested a subcommittee meeting to discuss CDBG.

**ADJOURNMENT:**

At 8:14 p.m., the City Council adjourned to the next regular meeting, Wednesday, February 1, 2017, at 6:00 p.m., Council Chamber, City Hall, preceded by Closed Session at 4:30 p.m., Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

**APPROVED BY A MOTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ON FEBRUARY 15, 2017.**

Respectfully submitted,



KATHLEEN D. HART, MMC  
INTERIM CITY CLERK

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CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, KATHLEEN D. HART, Interim City Clerk of the City of Palm Springs, hereby certify that the January 25, 2017 MINUTES were approved by the City Council of the City of Palm Springs at a regular meeting held on February 15, 2017, by the following vote:

AYES: Councilmembers Kors, Mills, Roberts, Mayor Pro Tem Foat, and Mayor Moon  
NOES: None  
ABSENT: None  
ABSTAIN: None  
RECUSED: None



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KATHLEEN D. HART, MMC  
INTERIM CITY CLERK

# EXHIBIT A

**CITY COUNCIL  
AND AS SUCCESSOR AGENCY TO THE  
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF THE PALM SPRINGS  
CITY OF PALM SPRINGS, CALIFORNIA**



**CLOSED SESSION AGENDA**  
Wednesday, January 25, 2017 – 5:00 p.m.

City Hall, Small Conference Room  
3200 East Tahquitz Canyon Way, Palm Springs

**CONFERENCE WITH LEGAL COUNSEL.** The City Council finds, based on advice from the City Attorney, that discussion in open session of the following described matter(s) will prejudice the position of the City in existing and anticipated litigation.

**EXPOSURE TO LITIGATION**

**G.C. 54956.9(b)**

4 Case(s).

**INITIATION OF LITIGATION**

**G.C. 54956.9(c)**

3 Case(s).