

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



MINUTES
WEDNESDAY, MARCH 15, 2017
City Hall, Council Chamber
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262

3:30 P.M. CLOSED SESSION

CALL TO ORDER (Council Chamber):

Mayor Moon called the meeting to order at 4:02 p.m.
All present.

PUBLIC COMMENT (Council Chamber): None.

RECESS TO CLOSED SESSION (Small Conference Room):

See Closed Session Agenda, Exhibit A.

At 4:03 p.m. the Mayor and City Council recessed to Closed Session in the Small Conference Room.

At 5:38 p.m., David Ready, City Manager, stated he had a conflict of interest, he would not participate with respect to the property negotiations at APN 513-460-033 (Right-of-Way) with 4348 Lockwood Avenue, LLC, and exited the Small Conference Room.

6:00 P.M. REGULAR CITY COUNCIL MEETING

CALL TO ORDER: Mayor Moon called the meeting to order at 6:03 p.m.

ROLL CALL: (Council Chamber):

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

ABSENT: None

ALSO PRESENT: City Manager Ready, City Attorney Holland, and Interim Chief Deputy
City Clerk Berardi

PLEDGE OF ALLEGIANCE: Mayor Moon led the flag salute.

PRESENTATIONS: None.

ITEM NO. 1.0.

ACCEPTANCE OF THE AGENDA:

Mayor Pro Tem Foat requested removing 1D and 1G from the Consent Calendar for a separate vote and indicated recusal on 2A.

Councilmember Mills indicated a recusal on 1B, Warrant No. 1090308.

Councilmember Kors requested removing 1J and 1N from the Consent Calendar for a separate vote.

ACTION: Approve the agenda as presented with the following modifications:

1. Removing 1D, 1G, 1J, and 1N from the Consent Calendar.
2. Noting the recusal of Mayor Pro Tem Foat on Item 2A due to her employment at the Mizell Senior Center, and the recusal of Councilmember Mills on Item 1B Warrant No. 1090308 due to serving on the Board of Directors of the Boys and Girls Club.

Motion by Councilmember Mills, seconded by Councilmember Kors, and unanimously (5-0-0) carried on a roll call vote.

REPORT OF CLOSED SESSION:

Douglas Holland, City Attorney, stated the City Council recessed into Closed Session to discuss items on the Closed Session Agenda and no reportable actions were taken.

PUBLIC TESTIMONY: (Non-Public Hearing Agenda Items ONLY)

Jim Stuart spoke in support of 1D due to the need for sewers for development.

Rick Pantele spoke in support of 1D.

Merv Kirschner spoke in support of 1D based on revenue and job generation.

John Soulliere, on behalf of Mission Springs Water District, provided history regarding water service to the area, community surveys, and recent meetings with City staff related to Item 1D.

Robert Findley spoke in support of 1F, and thanked the City Council, staff, and ONE-PS for their involvement.

Mackinley Cross read a statement from Chad Austin in opposition to 1G.

Natalie Austin spoke in opposition of 1G.

Marla Malaspina spoke in opposition to 1G.

Scott Harlow read a statement from Matthew Mitchell in opposition to 1G.

Aftab Dada, representing PS Resorts, spoke in support of 4A.

Paul Onufer, Arroyo Vista Partners, spoke in support of 5E.

John Pavelak, Watermark Homes, spoke in support of Item 5E.

CITY COUNCIL AND CITY MANAGER'S COMMENTS AND REPORTS:

Mayor Moon requested the City Manager provide an update on the Vacant Building Ordinance at a future meeting.

Councilmember Roberts concurred with Mayor Moon on the need for an update on the Vacant Building Ordinance and briefly discussed the recent strategic planning meeting, indicating the results would be available on the City's website.

David Ready, City Manager, outlined the upcoming budget update, Budget Finance Committee requests, and placing the Downtown project expenditures on the City's website by next week.

Mayor Pro Tem Foat announced the need for spaying/neutering of stray kittens, provided an update on available pet adoptions at the animal shelter, and announced dates for upcoming spay/neuter clinics.

CITY COUNCIL SUBCOMMITTEE REPORTS:

Councilmember Roberts requested a subcommittee meeting regarding Walk of Star dedications including the approval criteria.

Mayor Pro Tem Foat commented that most Walk of Stars names were unrecognizable which she felt cheapened the value of the program.

Councilmember Kors reported on the March 14, 2017, City Council Homelessness Standing Subcommittee meeting.

Mayor Pro Tem Foat discussed the Homelessness Task Force's request for consideration of the \$103,000 previously given to Roy's Desert Resource Center. She expressed concern regarding shelters in Indio being at capacity and questioned what would happen when Roy's closed. She discussed the status of the CORE program.

Councilmember Kors requested discussion regarding the Ethics, Transparency and Government Reform Task Force recommendations, and to receive Council direction.

1. CONSENT CALENDAR:

ACTION: Approve Items 1A, 1B, 1C, 1E, 1F, 1H, 1I, 1K, 1L and 1M, noting the recusal of Councilmember Mills on Items 1B, Warrant No. 1090308.

Motion by Councilmember Roberts, seconded by Councilmember Mills, and unanimously carried on a roll call vote.

1.A. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF FEBRUARY 2017:

ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of February 1 through February 28, 2017.
Approved as part of the Consent Calendar.

**1.B. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:
ACTION:**

- 1) Adopt Resolution No. 24189-1, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 01-28-2017 BY WARRANTS NUMBERED 419813 THROUGH 419827 TOTALING \$26,826.98, LIABILITY CHECKS NUMBERED 1090177 THROUGH 1090197 TOTALING \$83,217.02, FIVE WIRE TRANSFERS FOR \$57,699.67 AND THREE ELECTRONIC ACH DEBITS OF \$1,331,287.93 IN THE AGGREGATE AMOUNT OF \$1,499,031.60, DRAWN ON BANK OF AMERICA."
- 2) Adopt Resolution No. 24190, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1090198 THROUGH 1090295 IN THE AGGREGATE AMOUNT OF \$841,059.31, DRAWN ON BANK OF AMERICA."
- 3) Adopt Resolution No. 24191, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1090296 THROUGH 1090437 IN THE AGGREGATE AMOUNT OF \$2,077,316.08, DRAWN ON BANK OF AMERICA."
- 4) Adopt Resolution No. 24192, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 02-11-2017 BY WARRANTS NUMBERED 419828 THROUGH 419840 TOTALING \$19,746.01, LIABILITY CHECKS NUMBERED 1090438 THROUGH 1090459 TOTALING \$83,414.26, FIVE WIRE TRANSFERS FOR \$57,824.67, AND THREE ELECTRONIC ACH DEBITS OF \$1,304,689.54 IN THE AGGREGATE AMOUNT OF \$1,465,674.48, DRAWN ON BANK OF AMERICA."

Approved as part of the Consent Calendar, noting the recusal of Councilmember Mills on Warrant No. 1090308.

1.C. TREASURER'S INVESTMENT REPORT AS OF JANUARY 31, 2017:

ACTION: Receive and File the Treasurer's Investment Report as of January 31, 2017.

Approved as part of the Consent Calendar.

1.E. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR CLASS 1 HISTORIC SITE LOCATED AT 360 CABRILLO ROAD UNIT 125-126 (RACQUET CLUB COTTAGES WEST HD-3):

ACTION:

- 1) Approve a Mills Act Historic Property Preservation Agreement with Helen du Toit and the Racquet Club Garden Villas Homeowners Association, for 360 Cabrillo Road Unit 125-126 (HSPB 88 / HD-3). A6954.
- 2) Authorize the City Manager to execute the Agreement.
- 3) Direct the City Clerk to record the Agreement.

Approved as part of the Consent Calendar.

1.F. ACCEPTANCE OF MESQUITE AVENUE STREET IMPROVEMENTS, CP 12-01:**ACTION:**

- 1) Accept the public works improvements identified as the Mesquite Avenue Street Improvements as completed in accordance with the plans and specifications, CP 12-01. A6888.
- 2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Mesquite Avenue Street Improvements, CP 12-01.

Approved as part of the Consent Calendar.

1.H. APPROVE ISSUANCE OF AN ENCROACHMENT LICENSE FOR INSTALLATION AND MAINTENANCE OF A GREASE INTERCEPTOR LOCATED AT 1551 N. PALM CANYON DR., ENGINEERING FILE NO. EL 16-03:**ACTION:**

- 1) Approve issuance of an Encroachment License to Palm Grove Group, LLC for the installation and maintenance of a grease interceptor and sample box to serve the Arrive Hotel located within City right-of-way at 1551 N. Palm Canyon Drive. A6955.
- 2) Authorize the City Manager to execute all necessary documents.

Approved as part of the Consent Calendar.

1.I. APPROVAL OF THE INCLUSION OF PROPERTIES WITHIN THE CITY OF PALM SPRINGS IN THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY (CMFA) OPEN PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM:

ACTION: Adopt Resolution No. 24194, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF THE CITY OF PALM SPRINGS IN THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY OPEN PACE PROGRAMS; AUTHORIZING THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE TERRITORY OF THE CITY OF PALM SPRINGS; AND AUTHORIZING RELATED ACTIONS."

Approved as part of the Consent Calendar.

1.K. APPROVE AMENDMENT NO. 4 TO AGREEMENT NO. A5728 WITH ADVANCED, INC. DBA PROGREEN BUILDING MAINTENANCE FOR A FIVE (5) MONTH CONTRACT SERVICE EXTENSION FOR JANITORIAL SERVICES AT VARIOUS CITY FACILITIES:

ACTION:

- 1) Approve Amendment No. 4 to Agreement No. A5728 with Advanced Inc. DBA PROgreen Building Maintenance for janitorial services at various city owned facilities, for an additional five (5) month term extension not to exceed \$108,949.64. A5728.
- 2) Authorize the City Manager to extend the current agreement for janitorial services for a period not to exceed 5 months, under the same terms and conditions, during the interim period.
- 3) Authorize the City Manager to execute all necessary documents.

Approved as part of the Consent Calendar.

1.L. ACCEPT THE RESIGNATION OF BONNIE RUTTAN FROM THE PUBLIC ARTS COMMISSION:

ACTION:

- 1) Accept with regret the resignation of Bonnie Ruttan from the Public Arts Commission.
- 2) Direct the City Clerk to post a notice of vacancy for the term ending June 30, 2017.

Approved as part of the Consent Calendar.

1.M. APPROVE ADDITIONAL FUNDING FOR COUNSELING AND CRISIS INTERVENTION SERVICES WITH THE COUNSELING TEAM INTERNATIONAL FOR CRITICAL INCIDENTS:

ACTION:

- 1) Approve an additional amount of \$30,000 to provide ongoing professional crisis intervention services and aftercare counseling with The Counseling Team International.
- 2) Authorize the City Manager to execute all necessary documents.

Approved as part of the Consent Calendar.

EXCLUDED CONSENT CALENDAR:

1.D. LETTER FROM MISSION SPRINGS WATER DISTRICT (MSWD) REGARDING THE CONSTRUCTION OF WASTEWATER FACILITIES AND DEVELOPMENT OF COLLECTION FACILITIES IN THE I-10/INDIAN CANYON BUSINESS CORRIDOR:

Mayor Pro Tem Foat requested a staff report.

David Ready, City Manager, provided background information and stated the item was presented for receipt and filing.

ACTION: Receive and file the letter from Mission Springs Water District (MSWD).

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

1.G. SUNLIGHT PEAK LLC (DBA: "EPIC HOTEL"), FOR A CONDITIONAL USE PERMIT TO ALLOW AN EIGHT (8) UNIT BOUTIQUE HOTEL TO CONTAIN KITCHENS, LOCATED AT 275 EAST TAMARISK ROAD, ZONE R-3 (CASE 5.1404 CUP):

ACTION: Adopt Resolution No. 24193, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1404 CUP, A CONDITIONAL USE PERMIT (CUP) TO ALLOW AN EIGHT (8) UNIT BOUTIQUE HOTEL TO CONTAIN KITCHENS, LOCATED AT 275 EAST TAMARISK ROAD" *with the following conditions added and made available to every tenant, from the date the application was proposed to convert to a hotel, who has left or leaves due to action by the landlord:*

- 1) Three month's rent minimum, plus one additional month for every year they were there in excess of three years.*
- 2) 90-day notice of eviction, rent increase by no more than the cost of living, or non-renewal of their rental agreement.*
- 3) The owner will provide the City with a list of all tenants and their address as of the date they applied for a permit within 15 days.*
- 4) The owner will notify the City within 15 days of providing notice of eviction or non-renewal to the tenant.*
- 5) A letter will be sent by the applicant or the City to the tenant, as determined by the City Manager, outlining the process and their rights to notice and relocation expenses.*

Motion by Councilmember Kors, seconded by Mayor Pro Tem Foat, and unanimously carried on a roll call vote.

1.J. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF INDIO TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING MARCH 19, 2020:

ACTION: Appoint Jhan Schmitz, as the City of Indio representative, to the Palm Springs International Airport Commission for the term ending March 19, 2020.

Motion by Councilmember Mills, seconded by Councilmember Roberts, and unanimously carried on a roll call vote.

1.N. REPEALING AND SETTING ASIDE APPROVAL OF RESOLUTION NO. 23415 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, RELATING TO AN AMENDMENT TO THE 2007 PALM SPRINGS GENERAL PLAN MODIFYING THE GENERAL PLAN'S TREATMENT OF RESIDENTIAL LAND USE DENSITIES:

ACTION: Adopt Resolution No. 24195, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, RESCINDING AND OTHERWISE SETTING ASIDE APPROVAL OF RESOLUTION NO. 23415 RELATING TO AN AMENDMENT TO THE 2007 PALM SPRINGS GENERAL PLAN REVISING RESIDENTIAL LAND USE CATEGORIES BY ELIMINATING CLOSED RANGES."

Motion by Councilmember Mills, seconded by Councilmember Kors, and unanimously carried on a roll call vote.

2. PUBLIC HEARING:

Mayor Pro Tem Foat left the dais as she has a conflict on Item 2A.

2.A. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2017--2018 ANNUAL ACTION PLAN AND CDBG BUDGET ADOPTION; AND AUTHORIZATION FOR SUBMISSION TO THE UNITED STATES DEPARTMENT OF HOUSING & URBAN DEVELOPMENT, FOR THE FISCAL YEAR 2017--2018 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, 43rd PROGRAM YEAR; AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL SUBRECIPIENT AGREEMENTS:

Dale Cook, Community Development Administrator, provided a staff report on Item 2A.

Councilmember Mills questioned the specific locations on Item 4 so he may determine if he has a conflict, after which he stated he has a potential conflict near the Sunrise Way and Ramon Road location.

Councilmember Mills left the dais due to a potential conflict of interest near the Sunrise Way and Ramon Road location.

Mayor Moon opened the public hearing.

Jack Newby, Director of Development for Mizell Senior Center, thanked staff and Council. He discussed the proposal as the second phase of the proposal funded last year.

Chris O'Hanlon, Founder and Executive Director of Senior Advocates of the Desert, listed services offered and challenges faced by the organization in assisting Coachella Valley seniors.

Brandee Orr, Desert Aids Project, thanked the City Council for prior assistance with phase 2 of the project and requested assistance with phase 3. She discussed the services offered by Desert Aids Project.

No others came forth to address the City Council; therefore, Mayor Moon closed the public hearing.

ACTION:

Adopt Resolution No. 24196, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE 2017-2018 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN; APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET FOR FISCAL YEAR 2017-2018; AUTHORIZING THE SUBMITTAL OF THE PLAN AND BUDGET TO THE UNITED STATES DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (HUD); AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROVAL/AGREEMENT (GRANT # B-17-MC-06-0561) WITH HUD - IN THE AMOUNT OF \$387,462 AND TO EXECUTE ALL SUBRECIPIENT AGREEMENTS."

Desert AIDS Project – Emergency Preparedness Generator	A6507 \$77,000
Mizell Senior Center – Energy-Saving Patio Enclosure	A6392 \$52,350
City of Palm Springs Department of Public Works & Engineering – Citywide ADA Curb Ramp and Sidewalk	 \$88,983
City of Palm Springs Department of Public Works & Engineering – Main Library Sidewalk	 \$34,000
Fair Housing Council of Riverside, Inc. – Fair Housing Services	A6510 \$42,637
Senior Advocates of the Desert – Senior Emergency Assistance	A6667 \$15,000

Motion by Councilmember Roberts, seconded by Mayor Moon, and carried 3-0-2 (Foat and Mills absent) on a roll call vote.

- AYES: Councilmember Kors, Councilmember Roberts, and Mayor Moon
- NOES: None
- ABSENT: Councilmember Mills and Mayor Pro Tem Foat

Mayor Pro Tem Foat and Councilmember Mills returned to the dais.

2.B. CLASS 1 HISTORIC DESIGNATION FOR “THE ALBERT FREY BEL VISTA HOME,” LOCATED AT 1520 EAST TACHEVAH DRIVE AND CEQA DETERMINATION, HSPB 105 (ZONE R-1-C):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the staff report dated March 15, 2017.

Mayor Moon opened the public hearing.

Todd Hays, applicant, provided background on the property indicating it was the only tract in the City by Albert Frey. He requested the Council approve the designation.

No others came forth to address the City Council; therefore, Mayor Moon closed the public hearing.

Mayor Moon stated he visited the property and indicated support for the application.

ACTION:

Adopt Resolution No. 24197, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE RESIDENCE AT 1520 EAST TACHEVAH DRIVE (APN 507-124-008), "THE ALBERT FREY BEL VISTA HOME," A CLASS 1 HISTORIC SITE, AND DETERMINE THE PROJECT AS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), HSPB 105 (ZONE R-1-C)."

Motion by Councilmember Roberts, seconded by Councilmember Kors, and unanimously carried on a roll call vote.

2.C. SECOND READING AND ADOPTION OF ORDINANCE NO. 1918 AMENDING AND RESTATING OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO VACATION RENTALS:

Councilmember Mills stated he had a conflict due to his wife's property ownership and left the Council Chamber.

Flinn Fagg, Director of Planning Services, provided background information as outlined in the staff report dated March 15, 2017, and noted the Planning Commission's concerns and recommendations.

Mayor Moon opened the public hearing.

Marla Malaspina, representing Protect Our Neighborhoods (PON), spoke on behalf of Linda Buchanan, indicating she was selling her home due to the impact from vacation rentals and indicating opposition to short term rentals (STR). She requested all STRs be treated like commercial business, impact on neighboring homes assessed and pass all business requirements.

Mike Siskan read Ted Luciani's written comments in opposition to STRs.

David Feltman discussed the Planning Commission's thoughtful deliberation over STRs. He encouraged the Council to allow the existing process to work.

Bruce Mink spoke in support of vacation rentals and the proposed ordinance.

Michael Valeo, Altamira Vacation Rentals, indicated support for the ordinance.

Thomas Salinas, Oranj Palm Vacation Homes, spoke in support of the ordinance.

Rodolfo Castillo, Turn Key Rentals, spoke in support of vacation rentals.

Frank Tysen, Board of SHOPS, discouraged adoption of the new ordinance until PON and SHOPS could provide input.

Steve Rose asked for clarification on the five additional people allowed and whether those were included in the 36 contracts.

No others came forth to address the City Council; therefore, Mayor Moon closed the public hearing.

ACTION:

- 1) Waive the second reading of the ordinance text in its entirety and read by title only.
- 2) Adopt Ordinance No. 1918, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING CHAPTER 5.25 OF, AND ADDING SECTION 93.23.16 TO, THE PALM SPRINGS MUNICIPAL CODE RELATING TO VACATION RENTALS."

Motion by Councilmember Kors, seconded by Mayor Pro Tem Foat, and carried 3-1-1 (Moon NO and Mills ABSENT) on a roll call vote.

AYES: Councilmember Kors, Councilmember Roberts, and Mayor Pro Tem Foat
NOES: Mayor Moon
ABSENT: Councilmember Mills

Councilmember Mills returned to the dais.

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE AMENDING THE PALM SPRINGS MUNICIPAL CODE (PSMC) REAFFIRMING THE CITY'S PROHIBITION OF DISCRIMINATION IN THE CITY:

City Attorney Holland requested pulling the item to allow consideration of the Police Department's concern.

ACTION: Take no action and place item on a future City Council agenda.

Motion by Councilmember Mills, seconded by Councilmember Roberts, and unanimously (5-0-0) carried on a roll call vote.

Mayor Moon called for a ten (10) minute recess.

Mayor Moon reconvened the meeting.

ACTION: Placing 3.A. back on the March 15, 2017, agenda for action.

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

City Attorney Holland summarized the report and requested the addition of "age" to the list of discriminate classes, other minor modifications and the addition to Section 5 to read "The provisions of Section 1.01.140 shall not apply."

ACTION: Waive the reading of the ordinance text in its entirety, read by title only, and introduce for first reading Ordinance No. 1920, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 2.04.100 TO, AND AMENDING SECTIONS 2.45.005, 2.45.010, AND SECTION 7.01.040 OF, THE PALM SPRINGS MUNICIPAL CODE REAFFIRMING THE CITY'S PROHIBITION OF DISCRIMINATION IN THE CITY" *amended as follows:*

- a. *City Attorney's Summary, the word "age" shall be added to the list of protected classes, and the third sentence adding "or required" after the word authorized: "This Ordinance also includes unless otherwise authorized "or required" under Federal or State Law."*
- b. **SECTION 1. (b):** *The word "age" shall be added to the list of protected classes.*
- c. **SECTION 1. (c)** *The word "age" shall be added to the list of protected classes and the words "or required" shall be added after the word authorized: "The City and its employees, otherwise authorized "or required" under Federal or State Law."*
- d. **SECTION 1. (d):** *The word "age" shall be added to the list of protected classes.*
- e. **SECTION 5.** *The following sentence shall be added as the last sentence in this section, "The provisions of Section 1.01.140 shall not apply."*

Motion by Councilmember Kors, seconded by Councilmember Roberts, and carried 4-1-0 (Moon NO) on a roll call vote.

AYES: Councilmember Kors, Councilmember Mills, Councilmember Roberts, and Mayor Pro Tem Foat

NOES: Mayor Moon

4. UNFINISHED BUSINESS:

4.A. APPROVE AMENDMENT NO. 2 TO AGREEMENT NO. A6187 WITH PS RESORTS, EXTENDING THE AGREEMENT FOR AN ADDITIONAL THREE YEARS:

City Manager Ready provided the background information as outlined in the staff report.

ACTION:

1) Approve Amendment No. 2 to Agreement No. A6187 with PS Resorts for a three year term commencing December 1, 2016, through November 30, 2019.

2) Authorize the City Manager to execute all necessary documents.

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

4.B. APPROVAL OF AMENDMENT NO. 3 TO AGREEMENT NO. A6132 WITH MICHAEL FONTANA AND ASSOCIATES IN THE AMOUNT OF \$50,000 FOR ON-CALL FACILITY CONSTRUCTION OWNER REPRESENTATIVE SERVICES:

Councilmember Mills recused himself due to a business related conflict and he left the Chamber.

City Manager Ready provided the background information as outlined in the staff report.

ACTION:

1) Approve Amendment No. 3 to Agreement No. A6132 increasing the contract amount by \$50,000, for a total not to exceed \$175,000, with Michael Fontana and Associates for On-Call Facility Construction Owner Representative Services.

2) Authorize the City Manager to execute all necessary documents.

Motion by Mayor Pro Tem Foat, seconded by Councilmember Kors, and carried 4-0-1 (Mills ABSENT) on a roll call vote.

AYES: Councilmember Kors, Councilmember Roberts, Mayor Pro Tem Foat, and Mayor Moon

NOES: None

ABSENT: Councilmember Mills

Councilmember Mills returned to the dais.

5. NEW BUSINESS:**5.A. MID-YEAR BUDGET REVIEW PRESENTATION FOR FY 2016-17:**

Geoffrey Kiehl, Director of Finance and Treasurer, presented the mid-year budget review.

No action was taken.

5.B. APPROVAL OF A PUBLIC HIGHWAY OVERPASS CROSSING AGREEMENT WITH THE UNION PACIFIC RAILROAD (UPRR) COMPANY FOR THE INDIAN CANYON DRIVE WIDENING & BRIDGE

REPLACEMENT, CP 01-11, FEDERAL AID PROJECT NO. BRLO 5282 (017), UPRR FOLDER NO. 2816-73:

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the staff report.

ACTION:

- 1) Adopt Resolution No. 24198, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PUBLIC HIGHWAY OVERPASS AGREEMENT WITH THE UNION PACIFIC RAILROAD COMPANY FOR THE INDIAN CANYON DRIVE WIDENING AND BRIDGE REPLACEMENT, CP 01-11, FEDERAL AID PROJECT NO. BRLO 5282 (017), UPRR FOLDER NO. 2816-73.
- 2) Approve a Public Highway Overpass Crossing Agreement with Union Pacific Railroad Company in the amount of \$72,600 for slope, footing, and temporary construction easements and the right to construct, reconstruct, maintain, and repair improvements associated with APN 669-070-007 and APN 669-100-006. A6956.
- 3) Authorize reimbursements to Union Pacific Railroad Company for an estimated amount of \$850,000 for work associated with the Project as per the Public Highway Overpass Crossing Agreement.
- 4) Authorize the City Manager to execute all necessary documents.

Motion by Councilmember Roberts, seconded by Councilmember Mills, and unanimously (5-0-0) carried on a roll call vote.

5.C. PURCHASE OF INTERNET FIREWALL SYSTEMS AND SECURITY EQUIPMENT:

Arron Brown, Director of Information Technology, provided background information as outlined in the staff report.

ACTION:

- 1) Approve the purchase of the Fortinet internet firewall systems and security equipment from CDW-G utilizing the National IPA Technology Solutions Cooperative Contract No. 130733 in the amount of \$29,989.
- 2) Authorize the City Manager to execute all necessary documents.

Motion by Mayor Pro Tem Foat, seconded by Councilmember Mills, and unanimously carried on a roll call vote.

Councilmember Mills recused himself due to a conflict of interest from Items 5D and 5E and left the Chamber.

5.D. INITIATION OF ANNEXATION NO. 16 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES):

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the staff report.

ACTION: Adopt Resolution No. 24199 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY INTO A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES FOR CITY OF PALM SPRINGS COMMUNITY FACILITIES DISTRICT NO. 2005-1, (PUBLIC SAFETY SERVICES), ANNEXATION NO. 16, MIRALON, TRACT MAP NO. 31848."

Motion by Councilmember Roberts, seconded by Councilmember Kors, and carried 4-0-1 (Mills ABSENT) on a roll call vote.

AYES: Councilmember Kors, Councilmember Roberts, Mayor Pro Tem Foat, and Mayor Moon

NOES: None

ABSENT: Councilmember Mills

5.E. DISCUSSION OF SCIP PUBLIC FINANCING FOR RESIDENTIAL DEVELOPMENTS:

City Manager Ready provided the background information as outlined in the staff report.

After City Council discussion and direction, City Manager Ready summarized the Council's direction to come back with a policy for residential SCIP use based on benefit to the City.

No action was taken.

Councilmember Mills returned to the dais.

5.F. APPROVAL OF AN AGREEMENT WITH GARY SCHONS TO PROVIDE SUPPLEMENTAL LEGAL SERVICES FOR THE CITY:

Douglas Holland, City Attorney, provided the background information as outlined in the staff report.

ACTION:

1) Approve an Agreement with the law firm of Best, Best and Krieger to provide legal services for the City in an amount not to exceed \$100,000. A6957.

2) Authorize the City Manager to execute all necessary documents.

Motion by Councilmember Mills, seconded by Councilmember Kors, and unanimously carried on a roll call vote.

PUBLIC COMMENT: (Non-Agenda Items)

Steven Keylon, Palm Springs Preservation Foundation, urged the Council to initiate eminent domain on the Town & Country Center.

Barbara Marshall, Preservation Foundation, discussed the events offered during Modernism Week. She presented *Architecture 100*, highlighting developments in Palm Springs, and discussed locations where the public could obtain a copy.

Richard Noble addressed the Council regarding the Orlando Pulse Nightclub shooting and requested the City send a floral display on the one year anniversary. He announced the March for Science on April 22, 2017, and requested the City offer an in-kind donation for use of the stage at Sunrise Park.

Patrick Weiss thanked the Subcommittee for their work on the Homeless Task Force. He discussed the CORE program and transportation for participants to Indio via a bus pass. He encouraged affordable housing.

Steven Price, PSPF, urged initiation of eminent domain of the Town & Country Center.

Michael Stearns, Executive Director of Coachella Valley Spin Inc., commended City employees involved in the Tour de Palm Springs event.

Marla Malaspina discussed PON's work on the vacation rental ordinance.

COUNCILMEMBER AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT:

Councilmember Kors asked when Ethics, Transparency Subcommittee report would be on the agenda.

Councilmember Roberts announced the live interview on the Downtown project on March 22, 2017, 6:30 and 7:00 p.m. on KMIR.

Mayor Moon questioned whether eminent domain could be used on the Town & Country Center. City Attorney Holland stated the City could only use eminent domain to acquire property for a public use.

Mayor Pro Tem Foat discussed complaints regarding air traffic and requested City Manager Ready provide information. She discussed the Planning Commission meeting minutes and requested responses to questions be provided. She questioned the ridership on BUZZ and suggested additional advertising.

Councilmember Mills requested the Council allow him to serve as the official liaison to the Visitor's Center Re-Visioning Committee.

Councilmember Roberts discussed confusion over use of eminent domain and efforts to preserve the Town & Country Center.

Mayor Pro Tem Foat encouraged residents to purchase the Town & Country Center.

Councilmember Kors asked about advertising on BUZZ to off-set costs.

ADJOURNMENT:

The City Council adjourned at 10:29 p.m. to the next regular meeting Wednesday, April 5, 2017, at 6:00 p.m. Council Chamber, City Hall, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

Respectfully submitted,

CYNTHIA A. BERARDI, CMC
Interim Chief Deputy City Clerk

CERTIFICATION

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

I, CYNTHIA A. BERARDI, Interim Chief Deputy City Clerk of the City of Palm Springs, California, hereby certify that the March 15, 2017, MINUTES were approved by the City Council of the City of Palm Springs at a regular meeting held on the June 21, 2017, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- RECUSAL:

CYNTHIA A. BERARDI, CMC
Interim Chief Deputy City Clerk

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



CLOSED SESSION AGENDA
Wednesday, March 15, 2017 – 3:30 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.

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

Position: City Attorney

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

People for Proper Planning v. City of Palm Springs
Case No. PSC 1301691, Riverside Superior Court, Palm Springs Division

EXPOSURE TO LITIGATION **G.C. 54956.9(b)**

3 Cases

INITIATION OF LITIGATION **G.C. 54956.9(c)**

3 Cases

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

Property Address/Description: APN 669-330-029
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: Desert Community College District
Under Negotiation: Price and Terms of Payment

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)