



Wednesday, January 3, 2018
Minutes of the Regular Meeting of the City Council

CALL TO ORDER

A Regular Meeting of the Palm Springs City Council was called to order by Mayor Moon on Wednesday, January 3, 2018, at 6:15 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, Geoff Kors, Lisa Middleton; Mayor Pro Tem J.R. Roberts; and Mayor Robert Moon.

Absent: None.

City Staff

Present: David H. Ready, City Manager; Marcus Fuller, Assistant City Manager; Edward Z. Kotkin, City Attorney; 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 HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to accept the agenda as published, with the removal of Item Nos. 1B, 1C, 1D, 1E, 1K, and 1M from the Consent Calendar for separate discussion.

REPORT OF CLOSED SESSION

The Regular Closed Session of the City Council of January 3, 2018, was called to order by Mayor Moon at 4:00 p.m., with all members present.

The meeting convened into Closed Session to discuss the following items as listed on the Regular Closed Session Meeting Agenda:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Pursuant to Government Code Section 54956.9(d)(1):

Wessman Holdings, LLC v. City of Palm Springs
Case No. PSC1606436, Riverside Superior Court, Palm Springs Division

Lockwood Ave LLC et al v. City of Palm Springs
Case No. RIC1703102, Riverside Superior Court, Riverside Division

City of Palm Springs v. O & M HR, LLC, et al.
Case Number PSC 1701804, Riverside Superior Court, Palm Springs Division

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Pursuant to Government Code Section 54956.9(d)(2):

Number of Anticipated Cases: 4

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Pursuant to Government Code Section 54956.9(d)(4):

Number of Cases: 3

PUBLIC EMPLOYEE PERFORMANCE EVALUATION, Pursuant to Government Code Section 54957(b)(1):

Title: City Attorney

CONFERENCE WITH REAL PROPERTY NEGOTIATORS, Pursuant to Government Code Section 54956.8

Property Address/Description: 1901 E. Baristo Road, APN 502-200-001, -002
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: Andrew Starke, Palm Springs Power Baseball Club
Under Negotiation: Price and Terms of Payment (Lease)

Property Address/Description: 1479 North Palm Canyon Drive
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: The Boureston & Sudweeks Company, and Yokang Zhou
Under Negotiation: Price and Terms of Payment (Sale)

Property Address/Description: 3130 North Indian Canyon Drive
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: KUD Development, and CHOC (Community Housing Opportunities Corporation)
Under Negotiation: Price and Terms of Payment (Sale)

City Attorney Kotkin 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

David Freedman, member of the Sustainability Commission, speaking on Item No. 5E, spoke in support of the proposed policy, noting that requiring solar panels on new residential developments will help further the goals stated in the General Plan and Sustainability Plan.

Gretchen Gutierrez, representing the Desert Valleys Builders Association, speaking on Item No. 5E, asserted that the staff report underestimates the costs for residential solar panels; stated that it will take 11 years to recuperate the initial investment in solar panels; opined that the proposed policy will cause an increase for new construction homes.

Kim Floyd, Conservation Chair of the local Sierra Club, speaking on Item No. 5E, spoke on the importance of mitigating climate change impacts, voicing support for the proposed policy.

Ellen Lockert, speaking on Item No. 5E, spoke on the impacts of climate change, including recent severe flooding, wildfires, and hurricanes; voiced support for the proposed policy, stressing the importance of reducing reliance on fossil fuels and generating renewable energy.

Revone Bauwens, speaking on Item No. 5E, reported on the financial and environmental benefits of making her home solar-powered; urged the City Council to support the proposed policy.

Kathy Weremiuk, Chair of the Planning Commission, spoke in support of Item Nos. 3A, 4A, 4B, and 5E; suggested that the City Council prioritize an update to the City's General Plan and Zoning Code; recommended that the solar policy exceptions list include "rent-restricted affordable rental housing" instead of "low-income housing."

Cathy Brant, speaking on Item No. 1A, commended the hard work of Jeannie Kays, Director of Library Services, and the Library Department staff; opined that the Library needs additional librarians, noting that current staffing is at ten librarians.

Mark Kendrick, Speaking on Item No. 4B, opined that Planned Development Districts (PDD) should not be allowed in Environmentally Sensitive Areas (ESA).

Jane Garrison, representing the Committee to Save Oswit Canyon, speaking on Item No. 4B, expressed support for clarifying the PDD and Specific Plan process; recommended that the City Council prohibit any PDD or Specific Plan from increasing density on ESA; suggested that the City review its canyons and hillsides to determine if new ESA are needed.

Kathie Lehner, speaking on Item No. 5E, addressed the threat of climate change and the need for leaders to take action to decrease dependence on fossil fuels and increase reliance on renewable energy.

Joy Silver, speaking on Item No. 5E, expressed support for the proposed policy, pointing out that the policy may spur job growth in the renewable energy industry.

Marvin Roos, speaking on Item 4B, voiced support for the modifications to the PDD process, noting that past PDD projects resulted in a decrease in overall density.

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

Councilmember Kors reported on the recent meetings and accomplishments of the various local tourism organizations.

Councilmember Middleton noted that the Riverside County Transportation Commission authorized the refinancing of existing bonds, resulting in substantial savings that may be used for new transportation projects.

Mayor Moon requested that the City Attorney advise whether the City Council may interview candidates for Boards and Commissions in Closed Session.

City Manager Ready announced that Janice Lopez received the California On-Location Film Award for Public Employee of the Year.

1. CONSENT CALENDAR

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to approve the Consent Calendar Item Nos. 1A, 1F, 1G-IJ, 1L; with Item Nos. 1B-1E, 1K, and 1M pulled for separate discussion.

A. PALM SPRINGS BOARD OF LIBRARY TRUSTEES ANNUAL REPORT FOR FISCAL YEAR 2016-17

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to receive and file the Palm Springs Board of Library Trustees Annual Report for Fiscal Year 2016-17.

B. PURCHASE OF PUBLIC-USE COMPUTERS FOR LIBRARY

This item was excluded from the Consent Calendar. Please refer to Page 7 of these minutes for a summary of that action.

C. ACCEPTANCE OF PUBLIC IMPROVEMENTS AND AUTHORIZATION TO RELEASE SUBDIVISION IMPROVEMENT SECURITIES FOR THE "DESERT PALISADES" DEVELOPMENT, TRACT MAP 35540

This item was excluded from the Consent Calendar. Please refer to Page 7 of these minutes for a summary of that action.

D. AMENDMENT NO. 1 TO CONSULTANT SERVICES AGREEMENT NO. A5679 WITH DATA TICKET, INC., DBA REVENUE EXPERTS, IN THE AMOUNT OF \$21,600 FOR SERVICES RELATED TO ADMINISTRATIVE CITATION PROCESSING AND COLLECTION SERVICES

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

E. RENEWAL OF AGREEMENT NO. A5724 WITH THE USO, GREATER LOS ANGELES AREA, INC. FOR A NON-EXCLUSIVE OPERATING AND LEASE FOR SPACE AT PALM SPRINGS INTERNATIONAL AIRPORT

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

F. ACCEPT FISCAL YEAR 2017-18 EMERGENCY MANAGEMENT PERFORMANCE GRANT FROM FEDERAL EMERGENCY MANAGEMENT AGENCY VIA THE CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES AND THE RIVERSIDE COUNTY EMERGENCY MANAGEMENT DEPARTMENT IN THE AMOUNT OF \$13,519 AND FUNDING OF A COURSE FROM THE CALIFORNIA SPECIALIZED TRAINING INSTITUTE

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

1. Accept the FY 2017-18 Emergency Management Performance Grant through the California Governor's Office of Emergency Services in the amount of \$13,519, A6925.
2. Authorize the City Manager to contract with the California Specialized Training Institute (CSTI) through the California Office of Emergency Services (CalOES) for the course delivery of the Essential EOC Action Planning course in an amount up to \$13,519.
3. Authorize the City Manager to execute all necessary documents.

G. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR 1840 SOUTH BARONA ROAD, A CLASS 1 HISTORIC SITE, HSPB 93/HD-5

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

1. Approve a Mills Act Historic Property Agreement with Kenneth Cassady and Sandcliff Homeowners Association, for 1840 South Barona Road, a Class 1 Historic Site, HSPB 93/HD-5, A7070.
2. Authorize the City Manager to execute the Agreement.
3. Direct the City Clerk to record the Agreement.

H. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS

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

1. Adopt Resolution No. 24344 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 11-18-2017 BY WARRANTS NUMBERED 420135 THROUGH 420148 TOTALING \$25,867.08 LIABILITY CHECKS NUMBERED 1095828 THROUGH 1095847 TOTALING \$79,219.63, FIVE WIRE TRANSFERS FOR \$65,199.22, AND THREE ELECTRONIC ACH DEBITS OF \$1,525,794.74 IN THE AGGREGATE AMOUNT OF \$1,696,080.67, DRAWN ON BANK OF AMERICA."
2. Adopt Resolution No. 24345 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1095848 THROUGH 1095997 IN THE AGGREGATE AMOUNT OF \$1,979,327.37 DRAWN ON BANK OF AMERICA."
3. Adopt Resolution No. 24346 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1095998 THROUGH 1096086 IN THE AGGREGATE AMOUNT OF \$1,420,256.75 DRAWN ON BANK OF AMERICA."

I. ADMINISTRATIVE APPEALS BOARD HEARING DECISIONS

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to receive and file the Administrative Appeals Board decisions from the December 4, 2017 hearings.

J. APPOINTMENTS TO THE MEASURE "J" OVERSIGHT COMMISSION FOR THE UNEXPIRED TERMS ENDING JUNE 30, 2020, AND AUTHORIZING A COMMISSIONER TO SERVE CONCURRENTLY ON MORE THAN ONE BOARD OR COMMISSION

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

1. Allow a waiver of the requirements of Section 6 of Resolution No. 14547 to authorize Sid Craig to serve concurrently on more than one board or commission until his vacancy is filled on the Parks and Recreation Commission and direct the City Clerk to post a notice of vacancy and schedule interviews for appointment.
2. Appoint Sid Craig and David Gray to the Measure "J" Oversight Commission for the unexpired terms ending June 30, 2020.

K. APPOINTMENTS TO THE PLANNING COMMISSION FOR THE UNEXPIRED TERMS ENDING JUNE 30, 2019, AND JUNE 30, 2020

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

L. APPOINTMENT TO THE SUSTAINABILITY COMMISSION FOR THE UNEXPIRED TERM ENDING JUNE 30, 2018

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to appoint Jessica Spry to the Sustainability Commission for the unexpired term ending June 30, 2018.

M. APPROVAL OF CITY COUNCIL MINUTES

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

EXCLUDED CONSENT CALENDAR**B. PURCHASE OF PUBLIC-USE COMPUTERS FOR LIBRARY**

Councilmember Kors pointed out that the Library will soon have 26 new computers available for free public-use.

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

1. Approve the purchase of twenty six (26) new Dell OptiPlex 7450 AIO in the amount of \$29,939.82 inclusive of all applicable taxes and fees utilizing the NASPO ValuePoint national cooperative purchase contract from Dell.
2. Authorize the City Manager to execute all necessary documents.

C. ACCEPTANCE OF PUBLIC IMPROVEMENTS AND AUTHORIZATION TO RELEASE SUBDIVISION IMPROVEMENT SECURITIES FOR THE "DESERT PALISADES" DEVELOPMENT, TRACT MAP 35540

In response to City Council inquiry, Assistant City Manager Fuller suggested that the City Council could modify the resolution to release the subject securities, with the exception of \$50,000 subject to the installation of the interpretative plaques at the trailheads; advised that City staff has reviewed the pavement condition on Racquet Club Road and determined that repairs, needed due to the undergrounding of utilities, were completed in accordance with City standards; noted that Southern California Edison caused excess excavation spoils to be placed on the north-side of Racquet Club Road and the developer was required to remove the spoils and stabilize the site, noting that historic street photos shows that the rock berm existed along Racquet Club Road; reported that the event house has been sold by the developer, noting that the Conditions, Covenants, and Restrictions (CCRs) prohibit short-term rentals within the development.

Planning Services Director Fagg advised that City staff will re-inspect the trail providing access to Tramway Road to ensure that it complies with the approved landscape plans, prior to releasing the subject securities.

MOTION BY COUNCILMEMBER HOLSTEGE , SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, to adopt Resolution No. 24343 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING ACCEPTANCE OF THE SUBDIVISION IMPROVEMENTS ASSOCIATED WITH TRACT MAP 35540 AND AUTHORIZING RELEASE OF SECURITIES REQUIRED BY THE SUBDIVISION IMPROVEMENT AGREEMENT WITH PINNACLE VIEW, LLC, FOR PROPERTY LOCATED AT THE WESTERLY TERMINUS OF RACQUET CLUB ROAD, IN SECTION 4, TOWNSHIP 4 SOUTH, RANGE 4 EAST," with direction to obtain a separate cash security for the installation of interpretive plaques at trailheads.

D. AMENDMENT NO. 1 TO CONSULTANT SERVICES AGREEMENT NO. A5679 WITH DATA TICKET, INC., DBA REVENUE EXPERTS, IN THE AMOUNT OF \$21,600 FOR SERVICES RELATED TO ADMINISTRATIVE CITATION PROCESSING AND COLLECTION SERVICES

The City Council directed the City Attorney to ensure that the executed agreement contains the appropriate verbiage related to non-discrimination and equal benefits.

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

1. Approve Amendment No. 1 to Consultant Services Agreement No. A5679 with Data Ticket, Inc., dba Revenue Experts, in the amount of \$21,600 for an increased total not to exceed contract amount of \$39,600 for administrative citation processing and collection services, subject to City Attorney approval of the final agreement.
2. Authorize the City Manager to execute all necessary documents.

E. RENEWAL OF AGREEMENT NO. A5361 WITH THE USO, GREATER LOS ANGELES AREA, INC. FOR A NON-EXCLUSIVE OPERATING AND LEASE FOR SPACE AT PALM SPRINGS INTERNATIONAL AIRPORT

The City Council directed the City Attorney to ensure that the executed agreement contains the appropriate verbiage related to non-discrimination and equal benefits.

Mayor Moon noted that the USO is a volunteer-based organization, receives no direct monetary contributions from the City, and provides services which benefits our soldiers and their families; requested that the City Council consider waiving the utility costs for the USO.

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

1. Approve a Lease Agreement Renewal with the USO – Greater Los Angeles Area, Inc., effective November 1, 2017, to October 31, 2021, under a fixed, one-year agreement with three, one-year options at the lease rate of \$1 per annum, A5361; as modified to provide for the waiver of \$5,000 for the annual utility costs.
2. Authorize the City Manager to execute all necessary documents.

K. APPOINTMENTS TO THE PLANNING COMMISSION FOR THE UNEXPIRED TERMS ENDING JUNE 30, 2019, AND JUNE 30, 2020

Councilmember Middleton requested that City staff seek an opinion from the Fair Political Practices Commission regarding a potential conflict of interest related to the relationship between Dennis Woods, being considered for the Planning Commission, and a member of the Architectural Advisory Committee; noted that the Planning Commission is the appeal body for the decisions of the Architectural Advisory Committee.

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to appoint Peter Moruzzi to the Planning Commission for the unexpired terms ending June 30, 2020.

M. APPROVAL OF CITY COUNCIL MINUTES

Councilmember Kors requested that City staff ensure that the actions reflected for Item 4B are consistent with the verbiage contained in Ordinance No. 1943.

MOTION BY COUNCILMEMBER KORS, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, to table the City Council Minutes of December 6, 2017.

2. PUBLIC HEARINGS

A. CALLING AND CONDUCTING A SPECIAL ELECTION AND INTRODUCING AN ORDINANCE AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN ANNEXATION NO. 18 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)

City Clerk Mejia presented the staff report.

Mayor Moon opened and closed the Public Hearing, there being no one desiring to speak on this item.

City Clerk Mejia conducted the consolidated election, noting that the property owner voted in favor of the annexation.

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

1. Adopt Resolution No. 24347 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING ANNEXATION NO. 18, ENCLAVE AT BARISTO, TRACT MAP NO. 37245, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1, (PUBLIC SAFETY SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX, AND SUBMITTING THE LEVY OF A SPECIAL TAX TO QUALIFIED ELECTORS."
2. Adopt Resolution No. 24348 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE RESULTS OF A SPECIAL ANNEXATION LANDOWNER ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING THE RECORDING OF AN AMENDMENT TO NOTICE OF SPECIAL TAX LIEN FOR ANNEXATION NO. 18, ENCLAVE AT BARISTO, TRACT MAP NO. 37245, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1, (PUBLIC SAFETY SERVICES).
3. Introduce Ordinance No. 1947 entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY IDENTIFIED AS ANNEXATION NO. 18, ENCLAVE AT BARISTO, TRACT MAP NO. 37245, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1, (PUBLIC SAFETY SERVICES).

3. LEGISLATIVE

A. PROPOSED ORDINANCE AMENDING AND SUPERSEDING CHAPTER 5.81 RELATING TO ART MURALS ON PRIVATE PROPERTY

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

City Manager Ready noted that the Public Arts Commission unanimously voted to support the proposed ordinance and that Chair Sheffer supports removing the provision related to a minimum length of time art murals must be maintained.

Councilmember Middleton recommended that art mural applications be approved by the Public Arts Commission, subject to appeal to the City Council.

In response to City Council inquiry, City Attorney Kotkin advised that property owners will be responsible for the administrative penalty associated with violating these regulations.

The City Council requested that City staff provide information regarding the proposed regulations on the City's website and send notification to local business associations.

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

1. Introduce Ordinance No. 1948 entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND SUPERSEDING CHAPTER 5.81 OF THE PALM SPRINGS MUNICIPAL CODE REGARDING THE REGULATION OF ORIGINAL ART MURALS," with the following modifications:
 - a. Standardize all references to "City Council consideration" and "City Council authorization."
 - b. Add clarifying verbiage to the Purpose section indicating that art murals may be approved for short-term specific events as well as long-term art murals and eliminate sections related to specific time limitations for art murals.
 - c. Modify Section 5.81.070(a), Nuisance, to read as follows "Any mural created and installed without City approval or not maintained pursuant to this Chapter is and shall be deemed 'graffiti'..."
 - d. Modify Section 5.81.070(b), Administrative Penalty, to indicate that applicants may submit a mural application rather than remove an unpermitted mural, but will remain subject to administrative penalties.
2. Direct City staff to place art mural applications on the City Council Consent Agenda, upon approval by the Public Arts Commission.
3. Adopt Resolution No. 24349 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MODIFYING USER FEES FOR ART MURAL APPLICATIONS AND AMENDING THE COMPREHENSIVE FEE SCHEDULE ADOPTED BY RESOLUTION NO. 23854."

B. PROPOSED ORDINANCE AMENDING AND SUPERSEDING CHAPTER 8.80 OF, ADDING SECTION 11.72.162 TO, AND AMENDING SECTIONS 11.72.170, 11.72.197 AND 11.72.245 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO VACANT BUILDINGS AS BUILDING CODE VIOLATIONS AND/OR PUBLIC NUISANCES, AND PROVIDING FOR THE ABATEMENT OF BLIGHTED PROPERTY

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

In response to City Council inquiry, City Attorney Kotkin advised that the proposed ordinance eliminates consideration of economic hardships, noting the likelihood that a property owner in financial hardship would reside within their residence and would therefore not be subject to these regulations.

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

1. Introduce Ordinance No. 1949 entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND SUPERSEDING CHAPTER 8.80 OF, ADDING SECTION 11.72.162 TO, AND AMENDING SECTIONS 11.72.170, 11.72.197 AND 11.72.245 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO VACANT BUILDINGS AS BUILDING CODE VIOLATIONS AND/OR PUBLIC NUISANCES, AND PROVIDING FOR THE ABATEMENT OF BLIGHTED PROPERTY," with the following modifications:
 - a. Modify applicable provisions to indicate that these regulations shall apply to vacant residential structures, excluding condominium units.
 - b. Revise the definition of "Downtown/Uptown" to extend south to Mesquite Avenue and apply the provisions applicable to the "Downtown/Uptown" to all primary commercial corridors.
 - c. Modify Sections 8.80.160 and 8.80.170 to refer to business days rather than calendar days.
2. Adopt Resolution No. 24350 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MODIFYING USER FEES FOR ANNUAL VACANT COMMERCIAL BUILDING MONITORING AND AMENDING THE COMPREHENSIVE FEE SCHEDULE ADOPTED BY RESOLUTION NO. 23854."
3. Direct City staff to evaluate and recommend a reduced vacant residential building monitoring administrative fee.

MEETING RECESSED AND RECONVENED

The City Council recessed at 8:35 p.m. and reconvened at 8:45 p.m., with all members present.

4. UNFINISHED BUSINESS

A. APPROVAL OF PROFESSIONAL SERVICES AGREEMENT WITH RIOS CLEMENTI HALE STUDIOS TO PROCEED WITH SCHEMATIC DESIGN, DESIGN DEVELOPMENT, CONSTRUCTION DOCUMENTS, BIDDING SERVICES, CONSTRUCTION ADMINISTRATION, AND WARRANTY PHASE SERVICES ASSOCIATED WITH THE DOWNTOWN PARK, CP 15-07

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

In response to City Council inquiries, Nate Cormier, Principal Landscape Architect with Rios Clementi Hale Studios, addressed the constraints of the proposed timeline for completing the Downtown Park, noting that the timeframe for the City's review process is likely the only area that could be reduced; pointed out that the proposed fee schedule complies with industry standards, noting that his firm has made diligent efforts to reduce their fees as well as the subcontractors fees.

The City Council directed the City Attorney to ensure that the executed agreement contains the appropriate verbiage related to non-discrimination and equal benefits.

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

- a. Cancel Professional Services Agreement with Urrutia A.I.A. and Associates, Inc., dba Urrutia Architects, in the original amount of \$396,575, A6720.
- b. Cancel Professional Services Agreement with MSA Consulting, Inc., in the original amount of \$170,700, A6721.
- c. Cancel Professional Services Agreement with RGA Landscape Architects, Inc., in the original amount of \$86,800, A6722.
- d. Cancel Professional Services Agreement with MRC Engineering, Inc., in the original amount of \$30,000, A6723.
- e. Approve Agreement No. A7071 with Rios Clementi Hale Studios in the amount of \$924,260 for professional landscape architectural and related design services including the Schematic Design, Design Development, Construction Documents/Permitting, Bidding, Construction Observation, and Warranty Phases for the Downtown Park, CP 15-07, subject to City Attorney approval of the final agreement.
- f. Expand the Ad-Hoc Downtown Park Subcommittee for Major Architectural Review to include:
 - a. Architectural Advisory Committee (2)
 - b. Measure J Commission (2)
 - c. Parks and Recreation Commission (2)
 - d. Planning Commission (2)
 - e. Public Arts Commission (1)
- g. Authorize the City Manager to execute all necessary documents.

B. REVIEW OF THE RECOMMENDATIONS OF THE AD HOC PDD COMMITTEE REGARDING CHANGES TO THE PLANNED DEVELOPMENT DISTRICT PROCESS AND PROPOSED IMPLEMENTATION WORK PLAN

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

Councilmember Middleton requested that the Planning Commission consider the definition of "Public Benefit" and whether it should solely be considered affordable housing set-aside from the overall project or a contribution to an affordable housing fund.

The City Council spoke on the importance of updating the General Plan and Zoning Code and provided direction to City staff to seek cost estimates and to begin exploring funding options for the City Council's consideration. It was noted that it may be more affordable and desirable to begin updating the Zoning Code in the near future.

In response to City Council inquiry, Kathy Weremiuk, Chair of the Planning Commission, conveyed support for allowing a small lot development exemption for affordable housing developments.

The City Council directed City staff to clarify where appropriate that clustering of housing in environmentally sensitive areas is intended to preserve open space and should not result in an increase in density than otherwise would be permitted by the underlying zoning.

5. NEW BUSINESS

A. APPROVAL OF A FIVE-YEAR LEASE WITH TCF EQUIPMENT FINANCE FOR NEW REPLACEMENT MAINTENANCE EQUIPMENT FOR THE TAHQUITZ CREEK GOLF COURSE IN AN AMOUNT NOT TO EXCEED \$1,015,000

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

Mayor Moon recommended utilizing the insurance proceeds from the March 2017 wind storm event (\$329,336) and applying said funds towards removal of tamarisk trees at the Tahquitz Creek Golf Course.

City Manager Ready advised that a short-term loan from the General Fund to the Golf Fund will be needed, pending final approval of the insurance claim for the damaged golf equipment.

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

1. In accordance with Palm Springs Municipal Code Section 7.04.030, "Special Expertise Procurement," approve the purchase of 30 various items of equipment for the Tahquitz Creek Golf Course through TCF Equipment Finance, a division of TCF National Bank, through Master Equipment Lease Purchase Agreement No. 185560L, for a lease-to-own purchase cost of \$1,014,725.14, A7072.
2. Adopt Resolution No. 24351 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE NEGOTIATION, EXECUTION, AND DELIVERY OF MASTER EQUIPMENT LEASE PURCHASE AGREEMENT NO. 185560L DATED DECEMBER 22, 2017, AND SCHEDULE NO. 008-0185560-300 THERETO, TOGETHER WITH THE RELATED ESCROW AGREEMENT, IF ANY (THE "LEASE") IN PRINCIPAL AMOUNT NOT TO EXCEED \$1,014,725.14, BETWEEN CITY OF PALM SPRINGS, AND TCF EQUIPMENT FINANCE, A DIVISION OF TCF NATIONAL BANK; AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH."
3. Authorize the City Manager to execute all necessary documents.
4. Authorize an inter-fund cash transfer from the General Fund to the Golf Fund in the amount of \$329,336.

B. COOPERATIVE AGREEMENT WITH THE COUNTY OF RIVERSIDE, RIVERSIDE UNIVERSITY HEALTH SYSTEM-BEHAVIORAL HEALTH FOR HOMELESS OUTREACH SERVICES

Economic Development Director Virata presented the staff report.

In response to City Council inquiry, Director Virata advised that the City will need to discuss the scope of work for a case manager and employment specialist for submittal to community service providers.

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

1. Approve a Cooperative Agreement with the County of Riverside, Riverside University Health System-Behavioral Health for Homeless Outreach Services, in the amount of \$330,000 annually, A7073.
2. Authorize the City Manager or designee to execute all necessary documents.

C. AMENDMENT NO. 1 TO THE ALLOCATED POSITIONS AND COMPENSATION PLAN – ADDING FOUR POLICE OFFICERS, TWO COMMUNITY SERVICE OFFICERS, SIX FIRE FIGHTER/PARAMEDICS, AND ONE ACCOUNTANT

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

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

1. Adopt Resolution No. 24352 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2017-2018, ADOPTED BY RESOLUTION 24237.”
2. Authorize the City Manager to execute all necessary documents.

D. ADOPTION OF A WASTEWATER FUND PLEDGED REVENUE RESOLUTION FOR A CLEAN WATER STATE REVOLVING FUND LOAN ASSOCIATED WITH THE CONSTRUCTION OF A BIOGAS-TO-ENERGY PROJECT AT THE WASTEWATER TREATMENT PLANT, CP 15-26

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

Mayor Moon requested that the staff report for project approval include an analysis on the efficiency of the technology and an estimated cost of operations and maintenance over the lifecycle of the project.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, to adopt Resolution No. 24353 entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PLEDGING ITS WASTEWATER ENTERPRISE FUNDS AS PAYMENT TO THE STATE WATER RESOURCES CONTROL BOARD UNDER THE CLEAN WATER STATE REVOLVING FUND FOR CONSTRUCTION OF A BIOGAS-TO-ENERGY PROJECT AT THE WASTEWATER TREATMENT PLANT, CP 15-26.

E. DISCUSSION REGARDING A PROPOSED POLICY TO ALLOW THE REQUIREMENT FOR SOLAR PHOTOVOLTAIC SYSTEMS AS PART OF DISCRETIONARY APPROVALS FOR NEW RESIDENTIAL DEVELOPMENT

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

Councilmember Kors recommended modifying the policy to eliminate the exemption for low-income housing developments, and instead reflect that low-income housing

developments should receive a waiver if installing a solar photovoltaic system would negatively impact the financial viability of the project.

Councilmember Middleton conveyed a desire for the policy to reflect that it is the City Council's preference that solar photovoltaic systems be installed on all new residential developments unless the applicant can demonstrate a need to reduce or eliminate the requirement, subject to appeal to the Planning Commission and City Council.

Mayor Pro Tem Roberts and Councilmember Holstege expressed support for the policy and associated modifications, noting their desire to ensure that the Planning Commission has the discretion to waive the requirements, when appropriate.

Following discussion, MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to adopt Resolution No. 24354 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING A POLICY FOR THE PROVISION OF SOLAR PHOTOVOLTAIC SYSTEMS AS PART OF DISCRETIONARY APPROVALS FOR NEW RESIDENTIAL DEVELOPMENT," with the following modifications:

- a. Paragraph 1 of the City Council Policy Statement for Solar Photovoltaic Systems for New Residential Development, shall read as follows "In order to achieve the City's goals for energy efficiency and greenhouse gas reduction, pursuant to the City of Palm Springs General Plan and adopted Sustainability Plan, solar photovoltaic systems ~~may be required~~ shall be given preference to requiring as part of the discretionary review process for new residential development in accordance with the provisions listed below."
- b. The policy be modified to reflect that the Planning Commission has discretion to waive installation of photovoltaic systems if doing so would negatively impact the viability of a low-income housing project.
- c. Addition of the following verbiage "The applicant is responsible for demonstrating the need to reduce the required wattage, or to eliminate the requirement. The applicant may appeal such a determination by the Director of Planning Services to the Planning Commission in accordance with the relevant provisions of the Zoning Code and a determination by the Planning Commission may be appealed to the City Council in accordance with Chapter 2.05 of the Palm Springs Municipal Code."

PUBLIC COMMENT

Shawn Nicholson requested that the City Council support Senate Bill 330 to authorize cities and counties to waive or reduce all building permit fees for improvements to a home of a veteran with a qualifying disability that are made to accommodate that disability.

Mayor Pro Tem Roberts left the Council Chamber at 10:24 p.m.

Thomas Worthy stated that he did not attack someone for their sexual orientation at the City Council meeting of December 13, 2017; stated that his intent is to attack Councilmember Kors

and Mayor Pro Tem Roberts for hypocrisy and this "LGBT"; continued to escalate his yelling and use of profanity in an unintelligible manner.

Les Young requested that the City Council reconsider its decision regarding a potential Government Code Section 1090 claim as it relates to the Virgin Hotel.

Mayor Pro Tem Roberts returned to the Council Chamber at 10:27 p.m.

CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT

Mayor Moon requested that the City enhance its public noticing regarding available parking at the new parking structure in the Downtown area; encouraged residents to participate in the Martin Luther King Jr. Day celebration at the Church of St. Paul in the Desert on January 14, 2018.

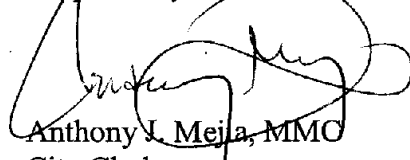
Councilmember Kors encouraged residents to volunteer for the point-in-time homeless count scheduled for January 23, 2018.

Councilmember Middleton noted that City staff is aware of Senate Bill 330 and will bring forward a recommendation at a future City Council meeting.

ADJOURNMENT

At 10:30 p.m., the City Council adjourned to an Adjourned Regular Meeting of the City Council to be held on January 24, 2018 at 6:00 p.m. in the Council Chamber, City Hall, located at 3200 East Tahquitz Canyon Way, Palm Springs, California.

Respectfully submitted,



Anthony J. Mejia, MMC
City Clerk