



**Wednesday, September 5, 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, September 5, 2018, at 6:06 p.m., in the Council Chamber, City Hall, located at 3200 E. Tahquitz Canyon Way, Palm Springs, California.

**PLEDGE OF ALLEGIANCE**

Boy Scouts Troop 262 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:** 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**

Kristii MacEwen, of Path of Life Ministries, narrated a PowerPoint presentation entitled "Path of Life Ministries/Housing First" summarizing the successes achieved during the first year of operating the Housing First initiative.

Fire Chief Nalder invited the community to attend a 9/11 Memorial Ceremony on Tuesday, September 11, 2018 at the Fire Department Headquarters.

**ACCEPTANCE OF THE AGENDA**

**MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to remove Consent Calendar Item Nos. 1G, IK, and IN for separate discussion.**

**REPORT OF CLOSED SESSION**

The Regular Closed Session of the City Council of September 5, 2018, was called to order by Mayor Moon at 3:00 p.m., with all members present.

Ken Agee, introduced himself and summarized his experience and qualifications; advised that he is interested in purchasing the Sunset Palms Apartments located at 1433 and 1455 North Indian Canyon Drive.

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):

*4348 Lockwood Ave LLC et al v. City of Palm Springs  
Case No. RIC1703102, Riverside Superior Court, Riverside Division*

*City of Palm Springs v. Leonard M. Lewis et al  
Case No. PSC1804139, 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: 8

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

Number of Cases: 12

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

Title: Building Official

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

Property Address/Description: 980 E. Tahquitz Canyon Way, APN 508-056-010  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: Palm Springs Unified School District, Sandra Lyon, Superintendent  
Under Negotiation: Price and Terms of Payment (Lease)

Property Address/Description: 4449 N. Indian Canyon Dr., APN 669-330-047  
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 (Acquisition)

Property Address/Description: 1433 and 1455 North Indian Canyon Drive  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: Ken Agee  
Under Negotiation: Terms of Payment (Substitution of Trustor)

- Property Address/Description: Underground Public Parking Garage located  
APN 513-560-079
- Agency: City of Palm Springs
- City Negotiator: David H. Ready, City Manager or Designee
- Negotiating Parties: Tesla, Inc., a Delaware corporation
- Under Negotiation: Price and Terms (Lease)
- 
- Property Address/Description: Angel Cove, APNs 669-230-005, 669-290-007,  
669-290-008, 669-290-009, 669-290-010,  
669-290-012, 669-310-002 and 669-310-003
- Agency: City of Palm Springs
- City Negotiator: David H. Ready, City Manager or Designee
- Negotiating Parties: Coachella Valley Mountains Conservancy
- Under Negotiation: Price and Terms (Purchase)
- 
- Property Address/Description: Vineyard Parking Lot, APNs 513-153-029,  
513-153-015, 513-153-016, Northeast  
Corner of Belardo Rd. and Baristo Rd.
- Agency: City of Palm Springs
- City Negotiator: David H. Ready, City Manager or Designee
- Negotiating Parties: New Church II, LLC, a Nevada limited liability company
- Under Negotiation: Price and Terms (Lease)
- 
- Property Address/Description: Baristo Parking Structure, APNs 513-154-044,  
513-154-045, 513-154-046, 513-154-047,  
513-154-048, 275 S. Indian Canyon Dr.
- Agency: City of Palm Springs
- City Negotiator: David H. Ready, City Manager or Designee
- Negotiating Parties: New Church II, LLC, a Nevada limited liability co
- Under Negotiation: Price and Terms (Lease)
- 
- Property Address/Description: Plaza Mercado Parking Lot, APNs 513-143-017,  
Northeast Corner of Belardo Rd. and Arenas Rd.
- Agency: City of Palm Springs
- City Negotiator: David H. Ready, City Manager or Designee
- Negotiating Parties: New Church II, LLC, a Nevada limited liability co
- Under Negotiation: Price and Terms (Lease)

City Attorney Kotkin reported that the City Council received briefings and provided direction to staff regarding the agenda items, but did not take any reportable action; noted that certain items listed on the Closed Session Agenda were not discussed due to time constraints; announced that Mayor Moon recused himself and left the Closed Session during discussion of City of Palm Springs v. Leonard M. Lewis et al.

**PUBLIC TESTIMONY**

Steven Price, Palm Springs Preservation Foundation Board Member, speaking on Item 3B, expressed support for the moratorium on demolition of historic structures.

Dick Burkett, speaking on Item 3B, voiced support for the enactment of the urgency ordinance preventing the demolition of historic structures; noted that numerous Class 3 historic properties have been lost due to demolition; noted that the Historic Site Preservation Board will develop a comprehensive list of recommendations for the City Council's consideration.

Daryl Terrell, speaking on Item 5A, spoke on the importance of maintaining local control and supporting the League of California Cities; recommended that the City Council develop a Legislative Platform.

Barbara Betty, speaking on Item 1K, pointed out that the District Attorney has refused to investigate the allegations related to the Mayor and a surveillance camera; questioned whether the investigation will produce any actionable results; opined that taxpayer dollars could be better utilized for the community.

Robin Abrahams, Speaking on Item 5A, voiced concern related to bicycle and pedestrian safety due to the Indian Canyon Drive two-way conversion not including dedicated bicycle lanes; opined that bicycle lanes would encourage more non-motorized transportation in the Downtown.

Judy Deertrack, Speaking on Item 1K, asserted that the City Council is attempting to attack the Mayor regarding the mistake of installing a surveillance camera; opined that the Mayor did not have intent to harm anyone and questioned the purpose of an investigation.

Joy Brown Meredith, Spoke regarding Item 1I and 4A, noted that the City will have a new tree trimming contract and the new contractor will soon address the palm trees which need trimming; voiced support for the Indian Canyon two-way conversion, noting that no parking spots will be eliminated as a result of the project.

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

Mayor Pro Tem Roberts reported on the Council Chamber renovation, expressing gratitude to Information Technology Director Brown for leading the construction project.

Councilmember Middleton commended Mayor Pro Tem Roberts and staff for their work in designing and completing the Council Chamber renovation; reported on the various community engagement meetings to inform the community about the districting process; noted that the California Voting Rights Act (CVRA) Community Working Group will present its recommendations to the City Council at a study session on September 27, 2018.

Mayor Moon noted that the Palm Springs Chamber of Commerce will host the State of City on September 6, 2018, noting that residents may attend for free or watch live online or on PSTV; spoke on the success of the Council Chamber renovation.

Councilmember Holstege noted that the pace of work is rapid and that the Council Meeting recess during August allow staff to address the workload; advised that the Sustainability Commission has a working group exploring a disposable plastic straw ordinance; spoke on the success of the backpack giveaway at the James O. Jessie Unity Center and the Stuff the Bearcat event to support the Well in the Desert.

## 1. CONSENT CALENDAR

MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to approve the Consent Calendar with Item Nos. 1G, 1K, and 1N pulled for separate discussion.

### **A. ACCEPTANCE OF \$100,000 IN GRANT FUNDING FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FOR A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM TO BE USED TO ENFORCE, EDUCATE, AND BRING AWARENESS TO THE PUBLIC**

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

1. Accept \$100,000 in grant funding from the California Office of Traffic Safety for a Selective Traffic Enforcement Program. A7009.
2. Authorize the City Manager to execute all necessary documents.

### **B. ACCEPTANCE OF THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES ACCOUNT (SLESA) GRANT FROM THE STATE OF CALIFORNIA, APPROVING AN EXPENDITURE PLAN AND APPROPRIATION**

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

1. Accept the State of California Supplemental Enforcement Services Account Grant (SLESA) and Expenditure Plan. A5765.
2. Direct the Director of Finance/City Treasurer to fund the Appropriation.
3. Authorize the City Manager to execute all necessary documents.

### **C. ACCEPT THE RESIGNATION OF LINDA FUTTERER FROM THE BOARD OF LIBRARY TRUSTEES**

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

1. Accept with regret the resignation of Linda Futterer from the Board of Library Trustees.
2. Direct the City Clerk to post a notice of vacancy for the term ending December 31, 2018.

**D. ADMINISTRATIVE APPEALS BOARD HEARING DECISIONS**

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to receive and file the Administrative Appeals Board decisions from the July 18, 2018, hearings.

**E. ACCEPT THE RESIGNATION OF JOHN KEARNS FROM THE ADMINISTRATIVE APPEALS BOARD**

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

1. Accept with regret the resignation of John Kearns from the Administrative Appeals Board.
2. Direct the City Clerk to post a notice of vacancy for the term ending June 30, 2019.

**F. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR A CLASS 1 HISTORIC SITE LOCATED AT 1778 SOUTH ARABY DRIVE, HSPB 103/HD-6**

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

1. Approve a Mills Act Historic Property Agreement with Terrence W. Villines and Eric I. Hammerlund and Park Imperial South Homeowners Association, for 1778 S Araby Drive, a Class 1 Historic Site, HSPB 103/HD-6. A7201.
2. Authorize the City Manager to execute the agreement.
3. Direct the City Clerk to record the agreement.

**G. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE KEYLESS ENTRY SYSTEM (PHASE 1), CP 14-23**

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

**H. ACCEPTANCE OF THE 2017 ADA CURB RAMPS & LIBRARY SIDEWALK, CP 17-11**

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

1. Accept the public works improvement identified for 2017 ADA Curb Ramps & Library Sidewalk as completed in accordance with the plans and specifications, CP 17-11. A7078.

*(City Council action continued on next page)*

2. Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the 2017 ADA Curb Ramps & Library Sidewalk, CP 17-11.

**I. AWARD A CONTRACT SERVICES AGREEMENT FOR INVITATION FOR BID 18-08(R) FOR CITYWIDE TREE TRIMMING SERVICES TO WEST COAST ARBORISTS, INC**

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

1. Award a Contract Services Agreement for Citywide Tree Trimming Services to West Coast Arborists, Inc., a California Corporation, pursuant to Invitation For Bids No. 18-08(R), for an initial term of three years, with two optional one year extensions. A7202.
2. Authorize the City Manager to issue Purchase Orders in an amount not to exceed \$500,000 on an annual basis throughout the term of the agreement for tree trimming services.
3. Authorize the City Manager to execute all necessary documents.

**J. APPROVAL OF PROGRAM SUPPLEMENTAL AGREEMENT NO. 048-F WITH THE STATE OF CALIFORNIA FOR USE OF CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FEDERAL FUNDS, AND AWARD OF A CONSTRUCTION CONTRACT TO LC PAVING AND SEALING, INC., A CALIFORNIA CORPORATION, IN THE AMOUNT OF \$399,437 FOR THE GENE AUTRY TRAIL AT VISTA CHINO DUAL LEFT TURN LANES, CP 14-13, FEDERAL-AID PROJECT NO. CMLN-5282 (045)**

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

1. Adopt Resolution No. 24474 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 048-F TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECT NO. 08-5282F15 WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$246,000 FOR USE OF CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FEDERAL-AID FUNDS FOR THE GENE AUTRY TRAIL AT VISTA CHINO DUAL LEFT TURN LANES, CP 14-13, FEDERAL-AID PROJECT NO. CMLN-5282 (045)."
2. Award a construction contract to LC Paving and Sealing, Inc., a California corporation, in the amount of \$399,437 for the Gene Autry Trail at Vista Chino Dual Left Turn lanes, Federal-Aid Project No. CMLN-5282(045), CP 14-13. A7203.
3. Delegate authority to the City Manager to approve and execute construction contract change orders up to \$50,000 with all change orders reported to the City Council.
4. Authorize the City Manager to execute all necessary documents.

**K. APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH MEYERS NAVE RIBACK SILVER & WILSON**

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

**L. DESIGNEE TO THE COUNTY OF RIVERSIDE COMMUNITY ACTION COMMISSION:**

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to appoint the Economic Development Director to serve as the "designee" to the City's Representative to the County of Riverside Community Action Commission.

**M. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS**

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

1. Adopt Resolution No. 24475 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 06-02-2018 BY WARRANTS NUMBERED 420331, 420333 THROUGH 420347, 420349 THROUGH 420350 TOTALING \$29,476.88, LIABILITY CHECKS NUMBERED 1099475 THROUGH 1099494 TOTALING \$76,706.84, FOUR WIRE TRANSFERS FOR \$60,227.24, AND NINE ELECTRONIC ACH DEBITS OF \$1,387,992.68 IN THE AGGREGATE AMOUNT OF \$1,554,403.64, DRAWN ON BANK OF AMERICA."
2. Adopt Resolution No. 24476 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1099495 THROUGH 1099619 IN THE AGGREGATE AMOUNT OF \$700,468.40, DRAWN ON BANK OF AMERICA."
3. Adopt Resolution No. 24477 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1099620 THROUGH 1099737 IN THE AGGREGATE AMOUNT OF \$2,895,770.65, DRAWN ON BANK OF AMERICA."
5. Adopt Resolution No. 24478 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 06-16-2018 BY WARRANTS NUMBERED 420348, 420351 THROUGH 420367 TOTALING \$41,449.49, LIABILITY CHECKS NUMBERED 1099738 THROUGH 1099757 TOTALING \$77,400.00, FOUR WIRE TRANSFERS FOR \$61,052.24, AND SEVEN ELECTRONIC ACH DEBITS OF \$1,423,102.65 IN THE AGGREGATE AMOUNT OF \$1,603,004.38, DRAWN ON BANK OF AMERICA."

*(City Council action continued on next page)*



5. Adopt Resolution No. 24479 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1099758 THROUGH 1099903 IN THE AGGREGATE AMOUNT OF \$1,908,533.84, DRAWN ON BANK OF AMERICA."
6. Adopt Resolution No. 24480 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1099904 THROUGH 1100030 IN THE AGGREGATE AMOUNT OF \$1,284,027.61, DRAWN ON BANK OF AMERICA."
7. Adopt Resolution No. 24481 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 06-30-2018 BY WARRANTS NUMBERED 420368 - 420382, AND 1100153 TOTALING \$26,732.93, LIABILITY CHECKS NUMBERED 1100031 THROUGH 1100043, 1100045 THROUGH 1100050 AND 1100154 TOTALING \$76,894.89, FOUR WIRE TRANSFERS FOR \$61,322.24, AND FIVE ELECTRONIC ACH DEBITS OF \$1,426,363.21 IN THE AGGREGATE AMOUNT OF \$1,591,313.27, DRAWN ON BANK OF AMERICA."

**N. APPROVE AMENDMENT NO. 9 TO CONSULTING SERVICES AGREEMENT FOR LOSS CONTROL AND REGULATORY SERVICES WITH KEENAN & ASSOCIATES**

This item was excluded from the Consent Calendar. Please refer to Page 11 of these minutes for a summary of that action.

**O. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF JULY 2018**

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of July 1 through July 31, 2018.

**P. APPROVE A CONTRACT AMENDMENT WITH Ph.D. ECONOMIC DEVELOPMENT CONSULTING, LLC, FOR FINANCIAL REVIEW AND MANAGEMENT CONSULTING SERVICES**

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to approve Amendment No. 1 to Agreement No. A7167 with Ph.D. Economic Development Consulting, LLC, in an amount not to exceed \$45,000, for a total contract amount of \$70,000 for financial review and management consulting services.

**EXCLUDED CONSENT CALENDAR****G. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE KEYLESS ENTRY SYSTEM (PHASE 1), CP 14-23**

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

Councilmember Holstege noted that approval of this item will allow staff to solicit bids for the project; advised that it is her preference that staff present a list of projects which will utilize Measure J funds for a comprehensive review.

**MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to approve the plans, specifications and estimate, and authorize staff to advertise and solicit bids for the Keyless Entry System (Phase 1), CP 14-23.**

**K. APPROVAL OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH MEYERS NAVE RIBACK SILVER & WILSON**

Mayor Moon announced that he has a conflict of interest and recused himself from deliberations on Item 1K; left the Council Chamber at 7:01 p.m.

Mayor Pro Tem Roberts commended Mayor Moon for previously voting to support the investigation, advising that he will support moving forward.

David Freedman summarized his methods for determining an appropriate law firm to conduct the investigation. In response to City Council inquiry, Mr. Freedman reported on the qualifications of Meyers Nave Riback Silver & Wilson related to municipal investigations and agreed to provide oversight related to the attorney's billing.

Councilmember Holstege noted that the investigation may help protect the City against an employment lawsuit and protect against liability.

**MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 4-0 (WITH MAYOR MOON RECUSED), to:**

1. Approve Amendment No. 1 to Professional Services Agreement No. A7177 with Meyers Nave Riback Silver & Wilson for specialized municipal legal services, in the amount of \$60,000.00 for a total maximum contract amount not to exceed \$85,000.
2. Authorize the Assistant City Manager to execute all necessary documents.

Mayor Moon returned to the dais at 7:20 p.m.

**N. APPROVE AMENDMENT NO. 9 TO CONSULTING SERVICES AGREEMENT FOR LOSS CONTROL AND REGULATORY SERVICES WITH KEENAN & ASSOCIATES**

Councilmember Kors noted that the non-discrimination provision needs to be added to the subject contract.

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

1. Approve Amendment No. 9 to consulting services agreement for Loss Control and Regulatory Services with Keenan & Associates, in the amount of \$69,888. A5862, as amended to include the non-discrimination provision.
2. Authorize the City Manager to execute all necessary documents.

**2. PUBLIC HEARINGS:**

**A. CALLING AND CONDUCTING A SPECIAL ELECTION AND INTRODUCING AN ORDINANCE AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN ANNEXATION NO. 19 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)**

City Clerk Mejia presented the staff report and conducted the special election, noting that the single ballot indicated support for Annexation No. 19 for Tract Map No. 35236.

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

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

1. Adopt Resolution No. 24482 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING ANNEXATION NO. 19, DREAM HOTEL, TRACT MAP NO. 35236, 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. 24482 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. 19, DREAM HOTEL, TRACT MAP NO. 35236, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1, (PUBLIC SAFETY SERVICES).

3. Introduce Ordinance No. 1959 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. 19, DREAM HOTEL, TRACT MAP NO. 35236, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1, (PUBLIC SAFETY SERVICES). City Clerk Mejia read the ordinance by title.

**B. A REQUEST BY FREEHOLD COMMUNITIES, LLC (AVALON 1150), FOR A PRELIMINARY PLANNED DEVELOPMENT DISTRICT AND MAJOR ARCHITECTURAL APPLICATION FOR THE DEVELOPMENT OF A 153-UNIT CONDOMINIUM COMPLEX ON A 16.1 ACRE UNDEVELOPED PARCEL IN PLANNING AREA 5 OF PHASE 1 WITHIN THE MIRALON PROJECT, LOCATED AT 801 SUNRISE PARKWAY, ZONE PDD 290 (CASE NOS. 5.0982 - PD 290 & 3.4075-MAJ)**

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

In response to City Council inquiries, Bradley Shuckhart, of Freehold Communities, advised that the price point of the duplex residences is mid-\$300,000; summarized the benefits of the olive tree groves, noting that several varieties of olive trees will be planted.

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

Mayor Pro Tem Roberts voiced support for the project, noting that the greenbelts will make a livable space for residents.

Councilmember Holstege recommended that the City consider biodiversity and the planting of a variety of crops in future development projects.

**MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, to adopt Resolution No. 24484 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PRELIMINARY PLANNED DEVELOPMENT DISTRICT (PDD 290) AND MAJOR ARCHITECTURAL APPROVAL, FOR THE DEVELOPMENT OF A 153-UNIT CONDOMINIUM COMPLEX ON A 16.1-ACRE PARCEL IN PLANNING AREA 5 OF PHASE 1 WITHIN THE MIRALON DEVELOPMENT LOCATED AT 801 SUNRISE WAY, (CASE NOS. 5.0982-PDD 290 & 3.4075-MAJ)".**

**C. 2018 CVAG TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) NEXUS STUDY, TUMF INCREASE, AND AN ORDINANCE REPEALING AND REPLACING CHAPTER 8.90 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO THE TRANSPORTATION UNIFORM MITIGATION FEE**

Assistant City Manager Fuller presented the staff report.

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

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

1. Adopt Resolution No. 24485 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE TRANSPORTATION UNIFORM MITIGATION FEE (TUMF) 2018 FEE SCHEDULE UPDATE NEXUS STUDY, THE UPDATED TUMF HANDBOOK, AND INCREASING THE TRANSPORTATION UNIFORM MITIGATION FEE APPLICABLE TO ALL DEVELOPMENTS IN THE CITY OF PALM SPRINGS."
2. Introduce Ordinance No. 1960 entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, REPEALING AND REPLACING CHAPTER 8.90 (TRANSPORTATION UNIFORM MITIGATION FEES) OF THE PALM SPRINGS MUNICIPAL CODE." City Clerk Mejia read the ordinance by title.

**3. LEGISLATIVE:**

**A. INTRODUCTION OF AN ORDINANCE TO REAUTHORIZE THE COLLECTION OF A FEE TO SUPPORT PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ("PEG") CHANNEL FACILITIES WITHIN THE CITY, AND ALSO ADOPTION OF AN IDENTICAL INTERIM URGENCY ORDINANCE**

City Attorney Kotkin presented the staff report and responded to City Council inquiries.

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

1. Introduce Ordinance No. 1961 entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, REAUTHORIZING THE PUBLIC, EDUCATIONAL, AND GOVERNMENTAL FEE ON STATE VIDEO FRANCHISEES OPERATING WITHIN THE CITY OF PALM SPRINGS." City Clerk Mejia read the ordinance by title.
2. Adopt Ordinance No. 1962 entitled "AN URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, REAUTHORIZING THE PUBLIC, EDUCATIONAL, AND GOVERNMENTAL FEE ON STATE VIDEO FRANCHISEES OPERATING WITHIN THE CITY OF PALM SPRINGS." City Clerk Mejia read the ordinance by title.

**B. AN INTERIM URGENCY ORDINANCE ADOPTING A TEMPORARY MORATORIUM ON DEMOLITION OR SUBSTANTIAL ALTERATION OF STRUCTURES BUILT BEFORE 1969 (CLASS 3 HISTORIC STRUCTURES) TO ALLOW FOR CONSIDERATION OF APPROPRIATE AMENDMENTS TO THE GENERAL PLAN OR MUNICIPAL CODE IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 65858**

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

Mayor Moon noted that it is not the City's intent to preserve every home constructed prior to 1969, pointing out that older homes should be reviewed by the Historic Site Preservation Board prior to demolition or major alterations to ensure that the home does not have significant historic value.

Councilmember Middleton agreed that property owners should be allowed to rehabilitate or reconstruct a residence which was poorly constructed or maintained.

In response to Council inquiries, Director Fagg advised that the City Attorney will make a final determination if a home should be allowed to be demolished or have major alterations due to health or safety concerns while a final ordinance is being crafted; advised that the Historic Site Preservation Board will review the proposed ordinance and that staff will return to City Council in October 2018.

MOTION BY COUNCILMEMBER KORS, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, to adopt Ordinance No. 1963 entitled "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A TEMPORARY MORATORIUM ON DEMOLITION OR SUBSTANTIAL ALTERATION OF STRUCTURES BUILT BEFORE 1969 (CLASS 3 HISTORIC STRUCTURES) TO ALLOW FOR CONSIDERATION OF APPROPRIATE AMENDMENTS TO THE GENERAL PLAN OR MUNICIPAL CODE IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 65858." City Clerk Mejia read the ordinance by title.

**4. UNFINISHED BUSINESS:**

**A. RATIFICATION OF THE CITY MANAGER'S AWARD OF A CONSTRUCTION CONTRACT TO ELEC NOR BELCO ELECTRIC, INC., A CALIFORNIA CORPORATION, IN THE AMOUNT OF \$4,464,857 FOR THE INDIAN CANYON DRIVE TWO-WAY CONVERSION AND PEDESTRIAN AND BICYCLE SAFETY ENHANCEMENTS, CP 17-08**

Assistant City Manager Fuller presented the staff report.

Mayor Pro Tem Roberts noted that there are alternate bicycle paths into Downtown which are safer than a Class 2 bicycle lane on Indian Canyon Way; expressed support for the City to identify funding for landscape improvements along Indian Canyon Way in the future.

Mayor Moon commended Assistant City Manager and staff for obtaining two grants from the Coachella Valley Association of Governments to help fund the project.

Councilmember Holstege and Mayor Pro Tem Roberts agreed to serve on an Ad Hoc Subcommittee to provide design assistance for the rainbow crosswalks on Arenas Road. Councilmember Kors requested that the Subcommittee communicate with the newly formed Arenas Business Association regarding the rainbow crosswalks.

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

1. Ratify the City Manager's approval of a construction contract to Elecnor Belco Electric, Inc., a California corporation, in the amount of \$4,464,857 for the Indian Canyon Drive Two-Way Conversion and Pedestrian and Bicycle Safety Enhancements, CP 17-08. A7204.
2. Authorize the City Manager to approve and execute construction contract change orders up to a cumulative amount of \$446,485 (10% of the construction contract).
3. Authorize the City Manager to execute all necessary documents.

**5. NEW BUSINESS:**

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

City Clerk Mejia presented the staff report.

**MOTION BY MAYOR PRO TEM ROBERTS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to provide direction to the City of Palm Springs delegate, or alternate delegate, to support the resolutions being considered at the upcoming League of California Cities' Annual Business Meeting being held during the League's Annual Conference in Long Beach, California.**

**PUBLIC COMMENT**

William Tracy spoke on the incident in which a man attacked pedestrians in the Downtown area with pepper spray; questioned whether the Police Department followed proper protocols in responding to the incident.

Brad Anderson voiced concern that the Coachella Valley Mosquito and Vector Control District is not taking necessary steps to prevent the spread of aedes aegypti mosquitos.

Les Young invited the community to attend the 2<sup>nd</sup> Annual National Night Out event hosted by the Palm Springs Police Department; spoke on the success of the Stuff the Bearcat event, noting that residents and visitors provided donations.

**CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT**

Police Chief Reyes advised that the pepper spray incident was actually bear repellent and it was an attempted robbery which occurred on August 9, 2018; noted that Police Officers immediately responded to the scene and apprehended the suspect and that the District Attorney will pursue all changes submitted by the Police Department.

Councilmember Middleton requested that staff begin exploring model programs and ordinances related to bicycle and scooter sharing.

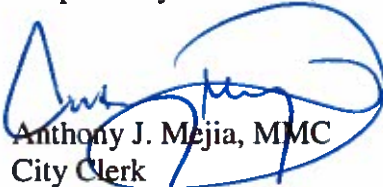
Councilmember Holstege and Councilmember Middleton agreed to serve on an Ad Hoc Subcommittee related to Bicycle and Scooter Sharing Programs.

Councilmember Holstege requested that the City Council agendaize consideration of declaring a shelter emergency at the City Council meeting of September 20, 2018.

**ADJOURNMENT**

At 8:47 p.m., the City Council adjourned to an Adjourned Regular Meeting of the City Council to be held on September 20, 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