



**Wednesday, April 4, 2018**  
**Minutes of the Regular Meeting of the City Council and as Successor Agency to the  
Community Redevelopment Agency of the City of Palm Springs**

**CALL TO ORDER**

A Regular Meeting of the Palm Springs City Council was called to order by Mayor Moon on Wednesday, April 4, 2018, at 6:05 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; Edward Z. Kotkin, City Attorney; Marcus Fuller, Assistant City Manager; and Anthony J. Mejia, City Clerk, were present at Roll Call. Other staff members presented reports or responded to questions as indicated in the minutes.

**PRESENTATIONS**

**Martin Luther King Remembrance**

Alfonso Murray, Member of the MLK Commemoration Committee and Black History Month Committee, remembered Dr. Martin Luther King, Jr. on the 50<sup>th</sup> Anniversary of his assassination.

**ACCEPTANCE OF THE AGENDA**

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, to accept the agenda, with the removal of Item Nos. 1B, 1H, 1I, 1J, 1L, 1M and 1N for separate discussion.

**REPORT OF CLOSED SESSION**

The Regular Closed Session of the City Council of April 4, 2018, was called to order by Mayor Moon at 3:00 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):

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

EXPOSURE TO LITIGATION, Pursuant to Government Code Section 54956.9(d)(2)

Number of Cases: 9

INITIATION OF LITIGATION, Pursuant to Government Code Section 54956.9(d)(4)

Number of Cases: 8

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

Title: City Attorney

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

Property Address/Description: 1433-1455 North Indian Canyon Drive, APN 505-184-019, 020, 027  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: County of Riverside  
Under Negotiation: Price and Terms of Payment (Acquisition)

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: 67260 Ramon Road, Ste. A, 677-430-040  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: Saul H. and Florence Green  
Under Negotiation: Right-of-Way Acquisition – Fair Market Value

Property Address/Description: 677-431-046  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: Ramon Road Investors (Lakeview Villas HOA)  
Under Negotiation: Right-of-Way Acquisition – Fair Market Value

Property Address/Description: 677-447-010; 677-447-011  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: Henry L. and Gloria Arroyo  
Under Negotiation: Right-of-Way Acquisition – Fair Market Value

Property Address/Description: 67430 Sarah Street, 677-444-009  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: Jerry H. Dirnberger, The Jerry H. Dirnberger Living Trust  
Under Negotiation: Right-of-Way Acquisition – Fair Market Value

Property Address/Description: 677-444-010  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: Luis A. Avila Paz and Maria Avila  
Under Negotiation: Right-of-Way Acquisition – Fair Market Value

Property Address/Description: 677-444-011  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: Joseph Michael Dirnberger and Victoria M. Peterson  
Under Negotiation: Right-of-Way Acquisition – Fair Market Value

Property Address/Description: 677-444-014  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: Jerry H. Dirnberger, The Jerry H. Dirnberger Living Trust  
Under Negotiation: Right-of-Way Acquisition – Fair Market Value

Property Address/Description: 67470 Ramon Road, 677-444-013  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: Luis A. Avila and Rosaria Avila  
Under Negotiation: Right-of-Way Acquisition – Fair Market Value

Property Address/Description: 67510 Ramon Road, 677-420-022  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: 7-11 Development Company  
Under Negotiation: Right-of-Way Acquisition – Fair Market Value

Property Address/Description: 67650 Ramon Road, 677-420-015, 012  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: WCP DSSH Holdings 3  
Under Negotiation: Right-of-Way Acquisition – Fair Market Value

Property Address/Description: 677-420-016  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: Clifford and Sandy Bochner  
Under Negotiation: Right-of-Way Acquisition – Fair Market Value

Property Address/Description: 677-420-024  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: Desert Water Agency  
Under Negotiation: Right-of-Way Acquisition – Fair Market Value

Property Address/Description: 677-420-023  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: Warrior Equities Golf  
Under Negotiation: Right-of-Way Acquisition – Fair Market Value

Property Address/Description: 68010 Ramon Road, 678-210-012  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: Marwan Jizrawi  
Under Negotiation: Right-of-Way Acquisition – Fair Market Value

Property Address/Description: 680-170-014, 053  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: Bureau of Indian Affairs  
Under Negotiation: Right-of-Way Acquisition – Fair Market Value

Property Address/Description: 680-190-036  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: Ramon Tower Business Park  
Under Negotiation: Right-of-Way Acquisition – Fair Market Value

Property Address/Description: 68075 Ramon Road, 680-190-031  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: Eighteen Sac Self Storage Corp. (U-Haul)  
Under Negotiation: Right-of-Way Acquisition – Fair Market Value

CONFERENCE WITH LABOR NEGOTIATOR, Pursuant to Government Code Section 54957.6:

Agency Designated  
Representatives: City Manager David Ready and Attorney Peter Brown

Employee Organizations: Management Association of Palm Springs  
Palm Springs Fire Safety  
Palm Springs Fire Management  
Palm Springs Police Management Association  
Palm Springs Police Officers Association  
Service Employees International Union Local 721

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; noted that one matter of exposure to litigation related to a letter received from the Law Firm of Shankman and Hughs, dated February 21, 2018, related to the California Voting Rights Act; noted that certain items listed on the Closed Session Agenda were not discussed, due to time constraints.

**PUBLIC TESTIMONY**

Peter Moruzi, spoke on Item 1H; noted that the agreement for the Cameron Project is set to expire, voicing support for the proposed contract extension.

Victor Yepello, member of the Active Transportation Committee, speaking on Item 5A, expressed support for the proposed bicycle lanes, citing improvements to pedestrian and bicyclists' safety; urged the City Council to move forward with bicycle lanes on La Verne Way.

Grant Wilson, member of the Sustainability Commission, speaking on Item 5A, spoke on the importance of improving pedestrian and bicyclist safety, voicing support for dedicated bicycle lanes; conveyed support for bicycle lanes on La Verne Way.

David Freedman, member of the Sustainability Commission, speaking on Item 5A; noted his comments are personal and not on behalf of the Commission; referenced previous City Council decision to designate Lavern Way as a minor mobility corridor; addressed the projected level of service and traffic congestion, and indicated support for the La Verne Way road diet.

Nancy Ferguson speaking on Item 5A; noted the Active Transportation Committee has been working with City staff towards the goal of completing a network of streets where pedestrians, cyclists, golf cart drivers, and motor vehicles may coexist; opined that La Verne Way is an integral part of the network and urged City Council to include Lavern Way in the program.

Daryl Terrell, speaking on Item 5D; spoke on the importance of public art for future generations, expressing support for the restoration of the Plaza Theater.

Thomas Kohn speaking on Item 5A; spoke on his experience as a cyclist in the Coachella Valley; expressed support for a road diet on La Verne Way, citing enhanced pedestrian and bicyclist safety improvements.

John McCoy speaking on Item 5A; voiced opposition to installing bicycle lanes on La Verne Way, pointing out that cyclists will be placed along a high-speed traffic area; suggested that the City continue to study alternative solutions.

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

Mayor Moon noted that it is the City's 80<sup>th</sup> anniversary since incorporation; questioned and received clarification that the Downtown restrooms are in the final stages of negotiation related to maintenance and security responsibilities; questioned and received clarification that the Town and Country color pallet will be presented to the Historic Site Preservation Board in the coming weeks; questioned and received clarification that additional analysis is needed regarding the feasibility of installing the Aluminaire House in the downtown.

Councilmember Middleton thanked the Miralon Development for working with the neighboring residents to offer employment opportunities; noted that the Coachella Valley Association of Governments (CVAG) Transportation Committee voted to retain the Transportation Uniform Mitigation Fee (TUMF) exemptions for low income housing projects.

Councilmember Kors noted that PS Resorts has agreed to subsidize the rent for the Palm Springs Power Baseball; expressed gratitude to Mr. Harold Matzner his willingness to fund a new scoreboard at the baseball stadium; requested that the City Council agendize consideration of supporting the Sustainability Commission's request that the City pledge to protect the Monarch Butterfly; announced and encouraged community attendance at the Homeless Task Force, Economic Development and Business Retention Subcommittee, and Budget Town Hall meetings; reported on the activities of the City Council Ad Hoc Subcommittee on the California Voting Rights Act.

At the request of Councilmember Kors, Mayor Moon appointed Councilmember Kors and Mayor Pro Tem Roberts to a City Council Ad Hoc Subcommittee on the Cannabis Ordinance.

Mayor Pro Tem Roberts provided an update regarding the removal of Tamarisk trees at the Tahquitz Creek Golf Course and recent subcommittee meetings related to the Downtown Park and Downtown Project; invited the community to attend the second Town Hall meeting with Councilmember Kors and himself; suggested that the Buzz Trolley be re-routed to accommodate the American Documentary Film Festival.

In response to City Council inquiry, City Manager Ready advised that staff is canvassing the Crossley Neighborhood to obtain the waiver agreements so that the City can proceed with removal of the Tamarisk trees.

Councilmember Holstege requested that the City Council agenda presentation of the Downtown Park design; recommended that staff explore the feasibility of creating a temporary park/grass area at the future Downtown Park site; encouraged local organizations to apply for the City's Grants and Sponsorship funds; suggested that staff explore the feasibility of retaining a consultant to advise on diversity and inclusivity initiatives.

## **1. CONSENT CALENDAR**

**MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to approve the consent calendar, with the removal of Item No. 1B, 1H, 1I, 1J, 1L, 1M and 1N for separate discussion.**

### **A. COACHELLA VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT 2017 ANNUAL REPORT:**

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to receive and file the Coachella Valley Mosquito and Vector Control District 2017 Annual Report.

### **B. ADMINISTRATIVE APPEALS BOARD HEARING DECISIONS:**

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

### **C. ACCEPT THE RESIGNATION OF FRANK URRUTIA FROM THE BOARD OF APPEALS:**

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

1. Accept with regret the resignation of Frank Urrutia from the Board of Appeals effective April 1, 2018.
2. Direct the City Clerk to post a notice of vacancy with no term ending.

### **D. APPOINTMENTS TO THE HUMAN RIGHTS COMMISSION FOR THE UNEXPIRED TERMS ENDING JUNE 30, 2018, AND JUNE 30, 2019:**

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER HOLSTEGE, CARRIED 5-0, to appoint Terrie Andrade and Ryan Miccio to the Human Rights Commission for the unexpired terms ending June 30, 2018, and June 30, 2019, respectively.

**E. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR A CLASS 1 HISTORIC SITE LOCATED AT 1792 SOUTH ARABY DRIVE, HSPB 103/HD-6:**

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

1. Approve a Mills Act Historic Property Agreement with Linda Pillo and Susan Keating and Park Imperial South Homeowners Association, for 1792 South Araby Drive, a Class 1 Historic Site, HSPB 103/HD-6. A7121.
2. Authorize the City Manager to execute the Agreement.
3. Direct the City Clerk to record the Agreement.

**F. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR A CLASS 1 HISTORIC SITE LOCATED AT 1611 SOUTH CALLE PALO FIERRO UNIT 3, HSPB 102:**

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

1. Approve a Mills Act Historic Property Agreement with Jonathan Carpenter and Desert Star Homeowners Association, for 1611 South Calle Palo Fierro Unit 3, a Class 1 Historic Site, HSPB 102. A7122.
2. Authorize the City Manager to execute the Agreement.
3. Direct the City Clerk to record the Agreement.

**G. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR A CLASS 1 HISTORIC SITE LOCATED AT 1611 SOUTH CALLE PALO FIERRO UNIT 5, HSPB 102:**

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

1. Approve a Councilmember Mills Act Historic Property Agreement with Robert Pallas and Desert Star Homeowners Association, for 1611 South Calle Palo Fierro Unit 5, a Class 1 Historic Site, HSPB 102. A7123.
2. Authorize the City Manager to execute the Agreement.
3. Direct the City Clerk to record the Agreement.



**H. AMENDMENT NO. 1 TO THE SUBDIVISION IMPROVEMENT AGREEMENT WITH RREF II-DC CAMERON, LLC ASSOCIATED WITH TRACT MAP NO. 33575, THE "CAMERON" PROJECT:**

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

**I. APPROVAL OF TIME EXTENSIONS OF SUBDIVISION IMPROVEMENT AGREEMENTS FOR VARIOUS PROJECTS:**

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

**J. CONSIDERATION OF THE 2018 CITY COUNCIL/SUCCESSOR AGENCY MEETING SCHEDULE:**

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

**K. ACCEPTANCE OF \$6,661.90 IN GRANT FUNDING FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, FOR THE PURCHASE OF BULLETPROOF VESTS:**

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

1. Accept a grant award of \$6,661.90 from the U.S. Department of Justice, Bureau of Justice Assistance, for the purchase of bulletproof vests for select Police Department personnel.
2. Authorize the City Manager to execute all necessary documents.

**L. APPROVAL OF AMENDMENT NO. 1 TO AGREEMENT NO. A6973 FOR AN ANNUAL INCREASE OF \$35,491.40 WITH R & R JANITORIAL SERVICES, AN INDIVIDUAL COMPANY, FOR JANITORIAL SERVICES AT VARIOUS CITY FACILITIES:**

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

**M. APPROVAL OF THE MULTI-AGENCY PARTICIPATING AGREEMENT FOR THE COACHELLA VALLEY REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM:**

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

**N. APPROVAL OF MINUTES:**

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

**EXCLUDED CONSENT CALENDAR****B. ADMINISTRATIVE APPEALS BOARD HEARING DECISIONS:**

The City Council expressed a desire to have more information regarding the rationale for the Administrative Appeals Board decisions. The City Council agreed that the minutes of the meeting should be included with the corresponding staff report.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, to receive and file the Administrative Appeals Board decisions from the January 19, 2018, February 8, 2018, and March 19, 2018, hearings.

**H. AMENDMENT NO. 1 TO THE SUBDIVISION IMPROVEMENT AGREEMENT WITH RREF II-DC CAMERON, LLC ASSOCIATED WITH TRACT MAP NO. 33575, THE "CAMERON" PROJECT:**

In response to City Council inquiries, Assistant City Manager Fuller advised that the adjacent neighborhood will have an opportunity to comment on the interim landscape plan; suggested that the City Council condition its approval based on the applicant conducting at least one neighborhood community meeting prior to submitting its landscape plan with the City; summarized the landscape and street improvements which will be implemented as part of the project.

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

1. Approve the First Amendment to the Subdivision Improvement Agreement for Tract Map 33575 ("Cameron") with RREF II-DC Cameron, LLC, a California limited liability company, in a final form approved by the City Attorney, with a Condition that the Applicant must conduct one neighborhood community meeting. A6730.
2. Authorize the City Manager to execute all necessary documents.

**I. APPROVAL OF TIME EXTENSIONS OF SUBDIVISION IMPROVEMENT AGREEMENTS FOR VARIOUS PROJECTS:**

Mayor Pro Tem Roberts expressed concern regarding the extension of subdivision improvement agreements unless there is good cause. During the course of discussion, the City Council agreed to direct staff to return to City Council with additional information regarding each project such as the number of previous extensions and justification for the proposed extension.

Following discussion, this item was administratively withdrawn from the agenda.

**J. CONSIDERATION OF THE 2018 CITY COUNCIL/SUCCESSOR AGENCY MEETING SCHEDULE:**

Mayor Pro Tem Roberts suggested holding one City Council meeting in June, one in July and one in August, noting it would help with vacation planning and would potentially give staff breathing room to spread out the agenda for those months.

In response to inquiry, Mayor Pro Tem Roberts advised that the City Council Chamber remodel was based on schedule availability and estimated it will take two months to complete; recommended that the remodel be scheduled during the August recess.

Councilmember Middleton suggested considering Mayor Pro Tem Roberts' proposal for the 2019 City Council meeting schedule.

MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 5-0, to adopt Resolution No. 24398 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE CANCELLATION AND RESCHEDULING OF CERTAIN CITY COUNCIL MEETINGS AND ESTABLISHING THE RESCHEDULED MEETINGS AS REGULAR MEETINGS OF THE CITY COUNCIL."

**L. APPROVAL OF AMENDMENT NO. 1 TO AGREEMENT NO. A6973 FOR AN ANNUAL INCREASE OF \$35,491.40 WITH R & R JANITORIAL SERVICES, AN INDIVIDUAL COMPANY, FOR JANITORIAL SERVICES AT VARIOUS CITY FACILITIES:**

Councilmember Middleton expressed concern that salary levels are not stated in the contract and requested assurance that employees receive a living wage; suggested an ordinance requiring all contractors to pay a living wage to their non-executive employees.

In response to City Council inquiry, Assistant City Manager Fuller discussed the need for janitorial service in the vacation rental compliance office and noted the contract requires State prevailing wages.

Mayor Moon recommended that a City Council Ad Hoc Subcommittee be established to examine the definition of a "living wage," impacts on future contracts, and budgetary implications. Mayor Moon appointed Councilmembers Middleton and Holstege to a City Council Ad Hoc Subcommittee regarding a living wage.

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

1. Approve Amendment No. 1 to Agreement No. A6973, with R & R Janitorial for \$35,491.40 annual increase for Janitorial Services.
2. Authorize the City Manager to execute all necessary documents.

**M. APPROVAL OF THE MULTI-AGENCY PARTICIPATING AGREEMENT FOR THE COACHELLA VALLEY REGIONAL TRAFFIC SIGNAL SYNCHRONIZATION PROGRAM:**

In response to City Council inquiry, City Engineer Garcia advised that the Coachella Valley Association of Governments (CVAG) will provide funding for corridor signal improvements and will tie signals into the Regional Signal Management Center; explained that non-participating cities will not be synchronized with the Regional Corridor System; stated that non-participating cities expressed concern related to a lack of local control as the reason for not participating; noted that lack of participation by the City of Rancho Mirage will result in more funding for participating cities.

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


1. Approve a Multi-Agency Participating Agreement for the Coachella Valley Regional Traffic Signal Synchronization Program by and between the Coachella Valley Association of Governments, and the cities of Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs, Rancho Mirage, and Riverside County. A7124.
2. Authorize the City Manager to execute all necessary documents.

**N. APPROVAL OF MINUTES:**

MOTION BY COUNCILMEMBER KORS, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, to approve the City Council Meeting Minutes of February 7, 2018, and February 21, 2018, as amended.

**2. PUBLIC HEARINGS:** None.

**3. LEGISLATIVE**

**A. PROPOSED 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** 

Assistant City Manager Fuller presented the staff report.

In response to City Council inquiry, City Manager Ready and Planning Services Director Fagg advised that property owners will be required to establish landscape plans and that the Code Enforcement Division would monitor and ensure compliance. Mayor Pro Tem Roberts recommended that the City establish standards related to landscape maintenance.

Councilmember Kors noted that property owners adjacent to blighted properties are concerned with property values, noting that the loss of mature trees cannot easily be replaced.

In response to City Council inquiry, City Attorney Kotkin noted that the Agua Caliente Band of Cahuilla Indians raised objections to specific provisions of the ordinance which has been incorporated; pointed out that the City and Tribe will conduct a joint session and update its Land Use Agreement in the near future.

MOTION BY COUNCILMEMBER KORS, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, to adopt Ordinance No. 1949 "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."

**B. ADOPTION OF AN INTERIM URGENCY ORDINANCE (EXTENDING INTERIM ORDINANCE NO. 1927) OF THE CITY OF PALM SPRINGS, CALIFORNIA, REQUIRING THE IMPOSITION OF CERTAIN TENANT RELOCATION AND PROTECTION AS A CONDITION OF APPROVAL OF DISCRETIONARY LAND USE ENTITLEMENTS BY THE CITY OF PALM SPRINGS TO APRIL 5, 2019, AND MAKING APPROPRIATE FINDINGS UNDER CEQA**

City Attorney Kotkin presented the staff report.

Councilmembers Kors and Holstege requested that this matter return to City Council in six months with an update on a comprehensive regulatory program to protect tenants of multi-family properties from conversions.

Following discussion, MOTION BY COUNCILMEMBER KORS, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, to adopt Ordinance No. 1954 entitled "AN INTERIM URGENCY ORDINANCE (EXTENDING INTERIM ORDINANCE NO. 1927) OF THE CITY OF PALM SPRINGS, CALIFORNIA, REQUIRING THE IMPOSITION OF CERTAIN TENANT RELOCATION AND PROTECTION AS A CONDITION OF APPROVAL OF DISCRETIONARY LAND USE ENTITLEMENTS BY THE CITY OF PALM SPRINGS TO APRIL 5, 2019, AND MAKING APPROPRIATE FINDINGS UNDER CEQA," as amended.

City Attorney Kotkin reported the emergency ordinance will be effective, immediately.

**C. INTRODUCTION OF AN ORDINANCE AND ADOPTION OF AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PALM SPRINGS MUNICIPAL CODE SECTIONS 2.50.030, 2.50.040, 2.50.060, 2.50.080, AND 2.50.090, MODIFYING PROVISIONS RELATED TO THE ADMINISTRATIVE APPEALS BOARD**

City Attorney Kotkin presented the staff report.

During the course of discussion, the City Council voiced concern related to appeals proceeding when only a quorum of members are present; opined that tie votes should not result in a automatic denial of the appeal.

In response to City Council inquiry, City Attorney Kotkin explained that appeals are allowed to proceed with less than a full Board attendance because appellants often have their own reasons for proceeding with the appeal and that the City does not want to prejudice appellants with a time urgency; suggested that an alternate member could attend all Board meetings in the event that a regular Board Member is absent or must recuse themselves; advised against having a citation overturned when decisions result in tie votes; confirmed that all decisions by the Administrative Appeals Board are final and not subject to appeal or call up to the City Council.

Councilmember Middleton expressed concern that requiring an alternate to attend meetings with a possibility that they will not participate, could result in the City's volunteers resigning their position.

Councilmembers Holstege and Middleton recommended that in situations of a tie vote, a fifth Board Member would review all pertinent records of the proceeding and the full Board would render its decision at a subsequent meeting; requested that staff return to City Council on the practical experience of this recommendation after six months.

In response to City Council inquiry, City Attorney Kotkin advised that decisions rendered by the Board are appealable to the Superior Court; summarized the rationale for allowing additional time to schedule the appeals, noting that citations should not automatically be overturned because a majority of Board Members are not available to convene for a meeting.

In response to Councilmember Holstege's suggestion, the City Council voiced opposition to allowing appellants to subsequently appeal the Board's decision to the City Council. City Manager Ready pointed out that appellants must exhaust all administrative remedies before they may proceed to the Superior Court, noting that if the City Council may call up decisions made by the Board, it would further delay appellants until the City Council receives and files the Board's actions.

In response to Mayor Pro Tem Roberts, City Manager Ready advised that the City Council could consider alternative methods of resolving these appeals such as empaneling a judicial panel or administrative hearing officer.

The City Council requested that staff return in six months with an evaluation of the number of cases upheld and overturned and allowing the City Council to call up cases in extenuating circumstances.

City Attorney Kotkin advised an urgency ordinance is no longer appropriate, given the nature of the amendments.

City Attorney Kotkin noted that the City Council has directed the following: 1) an alternate member shall be present at all Board meetings; 2) appellants may proceed with only four members present at their discretion; and 3) tie votes will require a fifth Board Member, selected at lottery, to review the proceedings and the Board will render its decision at a subsequent meeting.

**MOTION BY COUNCILMEMBER KORS, SECOND BY MAYOR PRO TEM ROBERTS, CARRIED 5-0, to introduce Ordinance No. 1955 entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PALM SPRINGS MUNICIPAL CODE SECTIONS 2.50.030, 2.50.040, 2.50.060, 2.50.080, AND 2.50.090, MODIFYING PROVISIONS RELATED TO THE ADMINISTRATIVE APPEALS BOARD," as amended.**

#### **MEETING RECESSED AND RECONVENED**

The City Council recessed at 9:10 p.m. and reconvened at 9:24 p.m., with all members present.

#### **4. UNFINISHED BUSINESS**

None.

#### **5. NEW BUSINESS**

##### **A. AWARD A CONSTRUCTION CONTRACT TO SUPERIOR PAVEMENT MARKINGS, INC. FOR THE CLASS II AND CLASS III BICYCLE LANES, FEDERAL-AID PROJECT NO. CML-5282 (044), CP 14-14:**

City Engineer Garcia presented the staff report. In response to City Council inquiry, Mr. Garcia advised that the neighborhood previously requested traffic-calming measures to be installed on La Verne Way, noting that the proponents decided to wait until an outcome is reached regarding bicycle lanes being installed on La Verne Way.

Mayor Moon noted that residents on La Verne Way are concerned with backing up from their driveway and many residents have paved their front yards to be able to safely turn around and exit.

Mayor Pro Tem Roberts reported five surrounding neighborhoods have indicated they do not want bicycle lanes on La Verne Way; agreed with the need for traffic-calming measures and suggested not installing bicycle lanes, but to move forward with implementing traffic-calming measures.

In response to inquiry by Councilmember Middleton, City Engineer Garcia advised that State law limits the City's ability to reduce posted speeds limits; explained that installation of traffic-calming measures may reduce overall traffic speed enabling the City to further reduce posted speed limits upon completion of a new traffic study. Police Chief Reyes urged residents to report speeding so that the Police Department can increase traffic enforcement in designated areas.

Councilmember Middleton commented on a recent fatality in Rancho Mirage, noting that the cyclist was in a bicycle lane; spoke in support of bicycle paths separated by some type of barrier; urged the City to work with the cycling community to develop new ways of improving bicyclists' safety.

Councilmember Holstege pointed out that the road diet on Farrell Drive has successfully resulted in reduced vehicular speeds; spoke on the need for increased traffic enforcement on La Verne Way.

Mayor Pro Tem Roberts voiced opposition to the road diet and bicycle lanes on La Verne Way, citing that the majority of surrounding neighborhoods oppose it; expressed support for traffic-calming measures on La Verne Way.

**MOTION BY COUNCILMEMBER HOLSTEGE, SECOND BY COUNCILMEMBER KORS, CARRIED 4-1 (MAYOR PRO TEM ROBERTS VOTING NO), to:**

1. Appropriate an additional amount of \$155,814 from unexpended "carry over" capital funds from FY 2016/17 in Account 261-1395-50000.
2. Award a construction contract to Superior Pavement Markings, Inc., a California corporation, for Bid Schedules A, B, C, D, and E in the amount of \$596,482.05 for the Class II and Class III Bicycle Lanes Project, CP 14-14. A7125.
3. Authorize the City Manager to approve and execute construction contract change orders up to a cumulative amount of \$59,650 (10% of construction contract).
4. Authorize the City Manager to execute all necessary documents.

**B. AWARD A CONSTRUCTION CONTRACT TO ARCHICO DESIGN BUILD INC. IN THE AMOUNT OF \$3,975,000 FOR THE FIRE STATION NO. 4 REMODEL AND EXPANSION, CP 15-25:**

City Engineer Garcia presented the staff report. In response to City Council inquiry, Mr. Garcia advised that the construction period will be approximately 18 months; assured that staff will ensure that the contractor will provide technical equipment in accordance with the bid specifications.



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

1. Appropriate an additional amount of \$600,000 from available budget in the Measure J Capital Fund contingency in Account 260-4500-50000, and appropriate \$1,400,000 from unexpended "carry over" capital funds from Fiscal Year 2016-17 in Account 261-1395-50000.
  2. Award a construction contract to Archico Design Build, Inc., a California corporation, in the amount of \$3,975,000 for the Fire Station No. 4 Remodel and Expansion, CP 15-25. A7126.
  3. Authorize the City Manager to approve and execute construction contract change orders up to a cumulative amount of \$397,500 (10% of construction contract).
  4. Authorize a Purchase Order to Willdan Engineering, pursuant to On-Call Agreement No. A6688, in the amount of \$178,890 for construction management and inspection services for the Fire Station No. 4 Remodel and Expansion, CP 15-25.
  5. Authorize the City Manager or his designee to conduct the appropriate bid processes, or utilize cooperative purchase contracts if available, in accordance with Procurement procedures, including Purchase Orders for acquisition of fixtures, furnishings and equipment for Fire Station No. 4 in a total cumulative amount not to exceed \$50,000.
  6. Authorize the City Manager to execute all necessary documents.
- C. AWARD A CONSTRUCTION CONTRACT TO TRI-STAR CONTRACTING II, INC. IN THE AMOUNT OF \$1,838,900.50 FOR THE MEASURE J COMMUNITY PROJECTS-SIDEWALK GAP CLOSURE IMPROVEMENTS, CP 15-31**

Councilmember Middleton recused herself due to a potential conflict of interest due to the proximity of her residence and left the Council Chamber at 9:59 p.m.

City Engineer Garcia presented the staff report.

Mayor Moon noted that the bid is valid for 90 days and suggested that the Measure J Oversight Commission review the appropriateness of utilizing Measure J fund, prior to City Council action.

MOTION BY MAYOR MOON, SECOND BY COUNCILMEMBER KORS, CARRIED 4-0 (COUNCILMEMBER MIDDLETON RECUSED), to table the matter pending review by the Measure J Committee.

Councilmember Middleton returned to the Council Chamber at 10:02 p.m.

**D. AUTHORIZE A PURCHASE ORDER IN THE AMOUNT OF \$96,840 WITH M. ARTHUR GENSLER & ASSOCIATES, INC. FOR PRELIMINARY ARCHITECTURAL DESIGN SERVICES ASSOCIATED WITH THE PLAZA THEATER**

Assistant City Manager Fuller presented the staff report.

Mayor Moon and Mayor Pro Tem Roberts noted that the Plaza Theater is in better structural condition than expected; pointed out that the building will continue to deteriorate without intervention; noted that the City can only retain ownership if it remains as a theater use.

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

1. Authorize a Purchase Order in the amount of \$96,840 with the City's "on-call" architectural firm, M. Arthur Gensler & Associates, Inc., a California corporation, pursuant to Agreement No. A6782, for preliminary architectural design services related to the City's Plaza Theater.
2. Authorize the City Manager to execute all necessary documents.

**E. PRELIMINARY OVERVIEW OF THE FISCAL YEAR 2018-19 BUDGET**

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

Councilmember Kors questioned and received clarification that the pension liability includes the airport employees; noted that the City will be designating \$6.5 million in reserves without any cuts to programs or services.

Mayor Pro Tem Roberts spoke on the importance of moving forward with the two-way conversion of Indian Canyon Drive; expressed concern with reducing the undesignated General Fund reserve balance.

Mayor Moon questioned and received clarification that the additional \$1 million for street projects is in addition to funds provide by Measure J, Measure A, and the Gas Tax; spoke on the importance of addressing the City deferred maintenance, noting that the infrastructure forecast estimates over \$290 million in repairs, including enterprise funds, over the next 20 years; requested that staff prepare a report which separates the General Fund infrastructure projects from enterprise projects.

Councilmember Middleton noted that the designated pension liability reserves could be reallocated in the event of a crisis, pointing out that the City has a strong overall reserve; pointed out that residents and businesses are seeking improved response and turnaround times from the Planning and Building and Safety Departments and that the City needs to evaluate increasing staffing in those areas.

Councilmember Holstege expressed concerns about decreased reserves; agreed the City should look at Measure J priorities and encouraged considering saving as much as possible into reserves in preparation of an economic downturn.

Councilmember Kors pointed out that a 10-20% reserve is ideal, noting that the City needs to concurrently save to address the pension liability.

City Manager Ready noted there will be a joint meeting between the City Council and Measure J Oversight Commission; announced that a Budget Town Hall will be held on April 24, 2018.

**F. REACTIVATE THE CITY COUNCIL AD HOC SUBCOMMITTEE REGARDING THE CITY COUNCIL RULES OF PROCEDURE AND CONDUCT OF CITY COUNCIL MEETINGS:**

Mayor Pro Tem Roberts reported he and Councilmember Kors had previously served on the City Council Ad Hoc Subcommittee on Rules and Procedures, noting that this could be an opportunity for the new Councilmembers to provide input.

Mayor Moon expressed an interest in serving on the subcommittee, noting his role as the presiding officer.

Councilmembers Holstege and Middleton opined that the subcommittee should expand its scope beyond the conduct of the City Council meetings, noting that they both have an interest in serving on the subcommittee.

Following discussion, Mayor Moon appointed Councilmembers Holstege and Middleton to a City Council Ad Hoc Subcommittee on Council Code of Conduct; appointed Mayor Pro Tem Roberts and Mayor Moon to an Ad Hoc Subcommittee on Council Policies and Procedures.

**PUBLIC COMMENT**

Daryl Terell, Moreno Valley, discussed the activism and beliefs of Dr. Martin Luther King, Jr.

Ruth Debra commended the youth on the March For Our Lives and expressed disappointed in the Mayor for not attending and not signing the Proclamation; called for Mayor Moon's resignation.

Mayor Moon called for a point of personal privilege. Mayor Moon stated that he attended the Courageous Resistance Rally and signed up as a Mayor against illegal guns and against LGBTQ discrimination; explained that he declined to sign the proclamation due to it being a political issue; pointed out that the proclamation was drafted and coordinated by Mr. Richard Noble.

Councilmember Middleton stated Mr. Richard Noble requested Mayor Moon to sign the Proclamation on Tuesday, providing the Mayor with three days to consult with the remainder of the City Council. She opined Mayor Moon made a mistake by not signing the Proclamation and a mistake in not consulting with the City Council.

Mayor Moon took umbrage with Councilmember Middleton for not correcting the misstatement made at the rally.

Sid Craig requested that the City repair the broken lights on the Plaza Theater signage.

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

Councilmember Kors requested a second reading on the Administrative Appeals Board on the next agenda and asked staff to send out notices to encourage residents to apply.

City Attorney Kotkin updated his Closed Session report indicating that the Council, at its last meeting, had determined to engage a real estate broker to list the Cork and Bottle Property at 342 N. Palm Canyon; noted that City Manager Ready recused himself regarding the Lockwood litigation matter.

Mayor Pro Tem Roberts requested that the City create its own Proclamation for the March of Our Lives and present it to the leadership of the event.

### **ADJOURNMENT**

At 11:09 p.m., the City Council adjourned, in memory of Jim Houston and Dr. Martin Luther King, Jr., to the next regular meeting Wednesday, April 18, 2018, 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,

  
Anthony J. Mejia, MMC  
City Clerk