

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



**MINUTES**  
**WEDNESDAY, JUNE 7, 2017**  
Palm Springs Convention Center, Primrose B  
277 N. Avenida Caballeros, Palm Springs, CA 92262

**5:00 P.M. CLOSED SESSION**

**CALL TO ORDER (Primrose B):**

Mayor Moon called the meeting to order at 5:00 p.m.

Councilmember Kors, Councilmember Roberts, Mayor Pro Tem Foat, and Mayor Moon were present, and noting the absence of Councilmember Mills.

**PUBLIC COMMENT (Primrose B):**

No one came forth to address the Mayor and City Council.

**RECESS TO CLOSED SESSION (Mesquite B):**

See Closed Session Agenda, Exhibit A.

The Mayor and City Council recessed to Closed Session in Mesquite B at 5:01 p.m.

**6:00 P.M. REGULAR CITY COUNCIL MEETING**

**CALL TO ORDER:** Mayor Moon called the meeting to order at 6:14 p.m.

**PLEDGE OF ALLEGIANCE:** Mayor Moon led the salute to the flag.

**ROLL CALL:**

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

**ABSENT:** Councilmember Mills

**ALSO PRESENT:** City Manager Ready, Assistant City Manager Fuller, City Attorney Kotkin, and Interim City Clerk Hart

**PRESENTATIONS:** None.

**ACCEPTANCE OF THE AGENDA:**

**ACTION:** Approve the agenda as presented.

**Approved by a majority (4-0-1, Councilmember Mills absent) roll call vote.**

#### **REPORT OF CLOSED SESSION:**

City Attorney Kotkin reported that direction was provided to staff on items on the posted Closed Session Agenda and no other reportable actions were taken.

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

Michael Green, Small Hotel Tourism Business Improvement District (T-BID), addressed the Council regarding Item 1.D.

Robert Findley indicated support for the ordinance in Item D.1.

Roxanne Ploss discussed Item D.1. and urged the Council to ban gas leaf blowers.

Judy Deertrack addressed the Council regarding Item D.2., indicating opposition to the length and location of public comments.

Robert Stone discussed Item D.2. and suggested disclosure requirements of LLCs and financing for large projects.

Tony Marchese addressed the Council regarding Item 5.A.

#### **CITY COUNCIL AND CITY MANAGER'S COMMENTS AND REPORTS:**

City Manager Ready announced that the City of Palm Springs had secured the 2019 Neighborhood USA Conference. He thanked the neighborhood organizations, and introduced Eric Chiel to provide the detailed information.

Mayor Pro Tem Foat discussed the recent CVAG meeting regarding homelessness and the three-city agreement for shared services to be administered by CVAG with assistance from the County. She discussed the CVAG Transportation Committee 2017 CVAG Bike and Pedestrian Safety Program grants and commended Assistant City Manager Fuller and his staff for receipt of five (5) of the 11 grants. Assistant City Manager Fuller stated the City would receive \$6.1 million.

#### **CITY COUNCIL SUBCOMMITTEE REPORTS:**

Councilmember Roberts discussed the Cornelia White House project and free services provided by Dave Johnson. He reported on replacement and remodeling of Downtown landscaping and furniture and the proposed model corner.

#### **1. CONSENT CALENDAR:**

**ACTION:** Approve Consent Calendar Items 1.A. through 1.U.

**Approved by a majority (4-0-1, Councilmember Mills absent) roll call vote.**

**1.A. APPROVE ENROLLMENT IN COUNTY OF RIVERSIDE MASTER MICROSOFT ENTERPRISE AGREEMENT FOR LICENSE OF MICROSOFT SOFTWARE:**

**ACTION:**

- 1) Enter into an agreement with Microsoft for the Enterprise License Agreement via the Riverside EA. A6985.
- 2) Award a Purchase Order to Insight Public Sector Inc. who was awarded as the lowest responsible bidder by the County of Riverside, in an amount not to exceed \$73,313.76 for the first year of the Microsoft Enterprise Agreement, and authorize staff to issue annual purchase orders to renew the enterprise agreement each fiscal year with any applicable "true-up" adjustments thereafter if funded during the budget process.
- 3) Authorize the City Manager to execute all necessary documents.

**Approved as part of the Consent Calendar.**

**1.B. AMENDMENT NO. 5 IN THE AMOUNT OF \$84,616.73 TO PROFESSIONAL SERVICES AGREEMENT NO. A6190 WITH CNS ENGINEERS, INC., FOR THE RAMON ROAD WIDENING FROM SAN LUIS REY DR. TO LANDAU BLVD. INCLUDING THE WHITEWATER RIVER BRIDGE WIDENING, FEDERAL-AID PROJECT NO. BHLS-5282 (040) CP 08-25:**

**ACTION:**

- 1) Approve Amendment No. 5 to the Professional Services Agreement No. A6190 with CNS Engineers, Inc., to incorporate additional engineering design services in the amount of \$84,616.73 for an increased total contract amount of \$3,114,871.58 for the Ramon Road Widening from San Luis Rey Dr. to Landau Blvd., including the Whitewater River Bridge Widening, Federal-Aid Project No. BHLS-5282 (040), CP 08-25.
- 2) Authorize the City Manager to execute all necessary documents.

**Approved as part of the Consent Calendar.**

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

**ACTION:**

- 1) Adopt Resolution No. 24224, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1091709 THROUGH 1091798 IN THE AGGREGATE AMOUNT OF \$2,886,056.31, DRAWN ON BANK OF AMERICA."
- 2) Adopt Resolution No. 24225, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 04-22-2017 BY WARRANTS NUMBERED 419910 THROUGH 419927 TOTALING \$32,834.05, LIABILITY CHECKS NUMBERED 1091799 THROUGH 1091819 TOTALING \$82,599.22, FIVE WIRE

TRANSFERS FOR \$57,809.08, AND THREE ELECTRONIC ACH DEBITS OF \$1,436,311.02 IN THE AGGREGATE AMOUNT OF \$1,609,553.37, DRAWN ON BANK OF AMERICA."

3) Adopt Resolution No. 24226, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1091820 THROUGH 1091956 IN THE AGGREGATE AMOUNT OF \$1,776,412.37, DRAWN ON BANK OF AMERICA."

4) Adopt Resolution No. 24227, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1091957 THROUGH 1092102 IN THE AGGREGATE AMOUNT OF \$3,180,384.71, DRAWN ON BANK OF AMERICA."

5) Adopt Resolution No. 24228, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 05-06-2017 BY WARRANTS NUMBERED 419928 THROUGH 419941 TOTALING \$28,682.34 LIABILITY CHECKS NUMBERED 1092103 THROUGH 1092123 TOTALING \$83,166.58, FIVE WIRE TRANSFERS FOR \$57,871.58, AND THREE ELECTRONIC ACH DEBITS OF \$1,432,060.78 IN THE AGGREGATE AMOUNT OF \$1,601,781.28, DRAWN ON BANK OF AMERICA."

6) Adopt Resolution No. 24229, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1092124 THROUGH 1092289 IN THE AGGREGATE AMOUNT OF \$1,648,587.95, DRAWN ON BANK OF AMERICA."

**Approved as part of the Consent Calendar.**

**1.D. PROPOSED RESOLUTION DECLARING THE CITY'S INTENTION TO LEVY ASSESSMENTS FUNDING THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS IMPROVEMENT DISTRICT AND SETTING A TIME AND PLACE FOR THE PUBLIC HEARING:**

**ACTION:**

1) Adopt Resolution No. 24230, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE CITY'S INTENTION TO RENEW THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS IMPROVEMENT DISTRICT TO LEVY ASSESSMENTS WITHIN THE DISTRICT AND SETTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO."

2) Direct the City Clerk to give notice as required by law.

**Approved as part of the Consent Calendar.**

**1.E. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF INDIAN WELLS TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING JUNE 30, 2019:**

**ACTION:** Reappoint Robert Berriman, as the City of Indian Wells representative, to the Palm Springs International Airport Commission for the term ending June 30, 2019.

**Approved as part of the Consent Calendar.**

**1.F. RESIGNATION OF GLEN PERRY FROM THE ADMINISTRATIVE APPEALS BOARD FOR THE TERM ENDING JUNE 30, 2018:**

**ACTION:**

1) Accept with regret the resignation of Glen Perry from the Administrative Appeals Board.

2) Direct the City Clerk to post a notice of vacancy for the term ending June 30, 2018.

**Approved as part of the Consent Calendar.**

**1.G. RESIGNATION OF DAVID WILLIAMS FROM THE ADMINISTRATIVE APPEALS BOARD FOR THE TERM ENDING JUNE 30, 2017:**

**ACTION:**

1) Accept with regret the resignation of David Williams from the Administrative Appeals Board.

2) Direct the City Clerk to post a notice of vacancy for the term ending June 30, 2017.

**Approved as part of the Consent Calendar.**

**1.H. ACCEPT GRANT FUNDING IN THE AMOUNT OF \$17,010.99 FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE FOR THE PURCHASE OF BULLETPROOF VESTS:**

**ACTION:**

1) Accept the 2015 grant award in the amount of \$3,515.08 and the 2016 grant award in the amount of \$13,495.91, for a total of \$17,010.99, from the United States Department of Justice (DOJ), Bureau of Justice Assistance (BJA) for the purchase of bulletproof vests.

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

**Approved as part of the Consent Calendar.**

**1.I. REJECT ALL BIDS RECEIVED FOR THE AIRPORT CARPET CLEANING SERVICES IFB NO. 17-02:**

**ACTION:** Reject the bid received on April 18, 2017, from Sierra Aviation Group for Airport Carpet Cleaning services IFB No.17-02 and authorize airport staff to perform the services until further notice with no re-bid at this time.

**Approved as part of the Consent Calendar.**

**1.J. REQUEST BY ELEVATED EXPERIENCES LLC FOR A RESOLUTION OF PUBLIC CONVIENENCE OR NECESSITY (PCN) TO SELL BEER (TYPE 40 ALCOHOLIC BEVERAGE CONTROL LICENSE) AT THE**

**EXISTING CAFÉ/COFFEE SHOP LOCATED AT THE AERIAL TRAM VALLEY STATION, 1 TRAM WAY (CASE 5.1412 PCN):**

**ACTION:** Adopt Resolution No. 24231, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING THE PUBLIC CONVENIENCE WILL BE SERVED BY THE SALE OF BEER FOR CONSUMPTION ON OR OFF PREMISES (TYPE 40 STATE ALCOHOLIC BEVERAGE CONTROL LICENSE) AT A CAFÉ/COFFEE SHOP LOCATED WITHIN THE AERIAL TRAMWAY VALLEY STATION, 1 TRAM WAY AND WITHIN CENSUS TRACT 9405."

**Approved as part of the Consent Calendar.**

**1.K. APPROVAL OF FACILITY USE AGREEMENT FOR THE DEMUTH COMMUNITY CENTER WITH BLOOM IN THE DESERT MINISTRIES:**

**ACTION:**

1) Approve Facility Use Agreement with Bloom in the Desert Ministries for use of the Demuth Community Center for a period of three (3) years, with two (2), one-year optional extensions, commencing July 1, 2017. A6015.

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

**Approved as part of the Consent Calendar.**

**1.L. AWARD PURCHASE OF MOBILE DATA TERMINALS:**

**ACTION:**

1) Approve the purchase of ten (10) MDT's and related installation hardware from Broadcast Microwave Services / Data 911 Products, in the amount of \$68,028.62 inclusive of all applicable taxes and shipping, utilizing GSA Contract No. GS35F0259U. A special one-time package discount of \$2,500.00 is included in the price.

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

**Approved as part of the Consent Calendar.**

**1.M. ANNUAL LEVY OF ASSESSMENTS FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS, FISCAL YEAR 2017-18:**

**ACTION:**

1) Adopt Resolution No. 24232, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE PREPARATION OF AND GIVING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT REGARDING STREET LIGHTING MAINTENANCE DISTRICT NO. 3, AND PARKWAY MAINTENANCE DISTRICT NOS. 6A, 6C, 7, 8, 9, AND 10 (ZONES 1 AND 2), AND LANDSCAPE MAINTENANCE DISTRICT NO. 12, TO ESTABLISH ANNUAL ASSESSMENTS AND THE LEVY AND COLLECTION RELATED THERETO FOR FISCAL YEAR 2017-18."

2) Adopt Resolution No. 24233, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA,

DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON JULY 5, 2017, REGARDING STREET LIGHTING MAINTENANCE DISTRICT NO. 3, AND PARKWAY MAINTENANCE DISTRICTS NO. 6A, 6C, 7, 8, 9, AND 10 (ZONES 1 AND 2), AND LANDSCAPE MAINTENANCE DISTRICT NO. 12, AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2017-18."

**Approved as part of the Consent Calendar.**

**1.N. WAIVER OF FEES FOR A CONDITIONAL USE PERMIT APPLICATION (CASE 5.1419 CUP):**

**ACTION:** Approve the waiver of application fees associated with a Conditional Use Permit filed by Well in the Desert (Case 5.1419 CUP).

**Approved as part of the Consent Calendar.**

**1.O. ACCEPTANCE OF THE REPAIRS AND INSTALLATION OF IN-GROUND LIGHTED CROSSING SYSTEMS AT VARIOUS LOCATIONS, CP 16-16:**

**ACTION:**

1) Accept the public works improvement identified as the Repairs and Installation of In-Ground Lighted Crossing Systems as completed in accordance with the work order, CP 16-16. A6858.

2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Repairs and Installation of In-Ground Lighted Crossing Systems, CP 16-16.

**Approved as part of the Consent Calendar.**

**1.P. APPROVE AMENDMENTS TO COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS (CVAG) REIMBURSEMENT AGREEMENTS FOR INCREASED FUNDING COMMITMENTS AND ESTABLISH TIME TRIGGERS ASSOCIATED WITH VARIOUS PHASES OF CITY PROJECTS:**

**ACTION:**

1) Approve Amendment No. 1 to Agreement No. A6530, a Reimbursement Agreement with the Coachella Valley Association of Governments, increasing funding to the Preliminary Engineering (PE) phase, includes funding commitments for the remaining phases (Right of Way and Construction) and establish associated time triggers for the South Palm Canyon Drive Bridge Replacement over Tahquitz Creek, Federal-Aid Project No. BRLS 5282(042) CP 12-02.

2) Approve Amendment No. 1 to Agreement No. A6531, a Reimbursement Agreement with the Coachella Valley Association of Governments, increasing funding to the Preliminary Engineering (PE) phase, includes funding commitments for the remaining phases (Right of Way and Construction) and establish associated time triggers for the East



Palm Canyon Drive Bridge Rehabilitation over Palm Canyon Wash, Federal-Aid Project No. BRLS 5282(041) CP 12-04.

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

**Approved as part of the Consent Calendar.**

- 1.Q. APPROVAL OF PROGRAM SUPPLEMENT AGREEMENT NOS. F045 AND F046, WITH THE STATE OF CALIFORNIA FOR USE OF HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) FUNDS FOR TRAFFIC SIGNAL MODIFICATIONS, FEDERAL-AID PROJECT NO. HSIPLN-5282(047) AND INSTALLATION OF A FLASHING BEACON, FEDERAL-AID PROJECT NO. HSIPL-5282(048), CP 16-18:**

**ACTION:** Adopt Resolution No. 24234, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NOS. F045 AND F046 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282F15 WITH THE STATE OF CALIFORNIA, IN THE AMOUNTS OF \$479,700 AND \$66,200, RESPECTIVELY, FOR USE OF HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) FUNDS FOR TRAFFIC SIGNAL MODIFICATIONS, FEDERAL-AID PROJECT NO. HSIPLN-5282(047) AND FOR INSTALLATION OF A FLASHING BEACON, FEDERAL-AID PROJECT NO. HSIPL-5282(048) AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENTS ON BEHALF OF THE CITY OF PALM SPRINGS, CP 16-18." A6986.

**Approved as part of the Consent Calendar.**

- 1.R. AUTHORIZE APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$55,500 TO INTERWEST CONSULTING GROUP, INC., FOR BUILDING INSPECTIONS REQUIRED FOR NEW COMMERCIAL BUILDINGS LOCATED IN THE DOWNTOWN PALM SPRINGS DEVELOPMENT PROJECT:**

**ACTION:**

1) Approve a Purchase Order in the amount of \$55,500 to Interwest Consulting Group, Inc., in accordance with Agreement No. A6686, to coordinate and provide as-needed building inspections through Fiscal Year 2017-18 required for new commercial buildings being constructed within the Downtown Palm Springs development project.

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

**Approved as part of the Consent Calendar.**

- 1.S. ACCEPTANCE OF \$38,628 IN GRANT FUNDING FROM THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) FOR AN ALCOHOL ENFORCEMENT AND AWARENESS PROJECT TO BE USED TO ENFORCE, EDUCATE, AND BRING AWARENESS TO THE PUBLIC:**

**ACTION:**



1) Adopt Resolution No. 24235, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACCEPTING A GRANT FROM THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL IN THE AMOUNT OF \$38,628 FOR ALCOHOL ENFORCEMENT."

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

**Approved as part of the Consent Calendar.**

**1.T. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE PALM SPRINGS ROOF REPAIR AND REPLACEMENT PROJECT, CP 16-05:**

**ACTION:**

1) Approve the plans, specifications, and estimate.

2) Authorize staff to advertise and solicit bids for the Palm Springs Roof Repair and Replacement Project, CP 16-05.

**Approved as part of the Consent Calendar.**

**1.U. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE PALM SPRINGS SWIM CENTER REPLASTER AND POOL REPAIR PROJECT, CP 16-06:**

**ACTION:**

1) Approve the plans, specifications, and estimate.

2) Authorize staff to advertise and solicit bids for the Palm Springs Swim Center Replaster and Pool Repair Project, CP 16-06.

**Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR: None.**

**DEFERRED ITEMS FROM A PREVIOUS MEETING:**

**D.1. INTRODUCTION OF AN ORDINANCE ADDING TO AND AMENDING THE PALM SPRINGS MUNICIPAL CODE, REGARDING LOUD, UNUSUAL NOISES AND LANDSCAPE RELATED BUSINESSES, PROHIBITING GASOLINE POWERED LEAF BLOWERS IN THE CITY AS A PER SE NUISANCE COMMENCING ON JANUARY 1, 2019, AND PROVIDING FOR REGULATION OF ELECTRICAL OR BATTERY POWERED LEAF BLOWERS:**

City Attorney Kotkin presented the staff report.

**ACTION:** Direct Staff to return the item with an alternative to banning all leaf blowers including language regarding use of leaf blowers on streets and hours of use.

**Approved by a majority (4-0-1, Councilmember Mills absent) roll call vote.**

**D.2. REPORT BY AD HOC CITY COUNCIL SUBCOMMITTEE ON ETHICS, TRANSPARENCY AND GOVERNMENT REFORM: (Councilmember Kors and Mayor Moon)**

City Attorney Kotkin presented the staff report.

City Council discussion ensued.

**ACTION:** The City Council discussed each of the 31 recommendations suggested by the Ethics, Transparency, and Government Reform Subcommittee and, by consensus, received and filed the report and directed staff to commence implementation of all of the recommendations.

**2. PUBLIC HEARINGS:**

**2.A. SELENE PALM SPRINGS, LLC, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED FINAL PLANNED DEVELOPMENT DISTRICT 333 (PDD 333) AND TENTATIVE TRACT MAP 35236 FOR THE DEVELOPMENT OF A 171-ROOM HOTEL, 34 RESIDENTIAL UNITS, AND ASSOCIATED PARKING LOCATED AT THE NORTHWEST CORNER OF AVENIDA CABALLEROS AND AMADO ROAD, (CASE NOS. 5.1132-PDD 333 AMND & TTM 35236):**

Planning Director Fagg presented the staff report including a video presentation outlining the project.  
Mayor Moon opened the public hearing.

Lauri Kibby, applicant, explained the design and modifications to address Planning concerns.

David Powell stated the shift of the building created new issues. He thanked the developer for offering new windows and the green wall to mitigate noise. He expressed concern with construction noise. He stated the mitigated negative declaration was flawed and he wanted to ensure the residents were not negatively impacted.

Mark Marshall indicated support for the project and urged Council approval.

Ms. Kibby discussed the large expense to move the hotel and impact on the number of units. She discussed sound mitigation, underground parking, and replacement of window for adjacent residents.

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

**ACTION:**

Adopt Resolution No. 24236, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A SUBSEQUENT MITIGATED NEGATIVE DECLARATION AND THEREBY APPROVING A PROPOSED AMENDMENT TO PLANNED DEVELOPMENT DISTRICT 333 AND TENTATIVE TRACT MAP 35236, AS PROPOSED BY SELENE PALM SPRINGS, LLC, TO DEVELOP A 171-ROOM HOTEL, 34 RESIDENTIAL UNITS, AND ASSOCIATED PARKING ON 7.8 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF AVENIDA CABALLEROS AND AMADO ROAD."

**Approved by a majority (4-0-1, Councilmember Mills absent) roll call vote.**

**2.B. CALLING AND CONDUCTING A SPECIAL ELECTION AND INTRODUCING AN ORDINANCE AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN ANNEXATION NO. 17 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES):**

Mayor Moon opened the public hearing and adjourned the matter to September 6, 2017.

**ACTION:**

- 1) Continue the public hearing to September 6, 2017.
- 2) Direct the City Clerk to post a notice of continuance.

**Approved by a majority (4-0-1, Councilmember Mills absent) roll call vote.**

**2.C. 750 LOFTS DEVELOPMENT, PLANNED DEVELOPMENT DISTRICT 374, GENERAL PLAN AMENDMENT/CONDITIONAL USE PERMIT, MAJOR ARCHITECTURAL APPLICATION 3.3795, CASE 5.1350, LOCATED AT 750 NORTH PALM CANYON DRIVE:**

Mayor Moon opened the public hearing and adjourned the matter to June 21, 2017.

**ACTION:**

- 1) Continue the public hearing to June 21, 2017, at 6:00 p.m.
- 2) Direct the City Clerk to post a notice of continuance.

**Approved by a majority (4-0-1, Councilmember Mills absent) roll call vote.**

**2.D. PUBLIC HEARING AND ADOPTION OF THE FISCAL YEAR 2017-18 BUDGET, ALLOCATED POSITIONS AND COMPENSATION PLAN, SUCCESSOR AGENCY ADMINISTRATIVE BUDGET, HOUSING SUCCESSOR AGENCY BUDGET, APPROPRIATIONS LIMIT, AND INVESTMENT POLICY:**

City Manager Ready presented the staff report.

Mayor Moon opened the public hearing.

Joe Cook spoke of the need for additional police officers in the Downtown Area and urged the Council to come on a ride-along in order to make an educated decision.

Gretchen Gutierrez, CEO of Desert Valley Builders Association, addressed the Council regarding the comprehensive fee schedule and late notification.

Aftab Dada, General Manager of the Hilton, recommended reducing the hours of operation of the Buzz Trolley.

Jeff Kelsheimer, President of Palm Springs Professional Fire Fighters, indicated support for the Fire Chief's budget requests.

Josh Morgerman presented data on ridership of the Buzz Trolley, routes, marketing, and revenue opportunities.

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

***At 8:51 p.m. Mayor Moon recessed the meeting.***

***At 9:05 p.m. Mayor Moon reconvened the meeting.***

**ACTION:** Approve the recommended budget with the following conditions:

- Council agrees to commit to finding \$6.5 million towards unfunded pension liability, half from General Fund Reserve to a newly created PERS fund and commit to finding another \$3.25 million by October 31, 2017, through cuts and/or revenue.
- Remove 5% increase from Vacation Rentals Permit Fees since they were just established.

1) Adopt Resolution No. 24237, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2017-18."

2) Adopt Resolution No. 24238, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE BUDGET FOR FISCAL YEAR 2017-18 AND OTHER SUCH MATTERS AS REQUIRED."

3) Adopt Resolution No. 24239, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING

SOLELY IN ITS CAPACITY AS THE SUCCESSOR AGENCY TO THE CITY OF PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY, AND IN ITS CAPACITY AS THE HOUSING SUCCESSOR AGENCY TO THE CITY OF PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY, APPROVING THE SUCCESSOR AGENCY AND HOUSING SUCCESSOR AGENCY BUDGETS FOR FISCAL YEAR 2017-18, AND OTHER SUCH MATTERS AS REQUIRED."

4) Adopt Resolution No. 24240, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN APPROPRIATIONS LIMIT FOR THE FISCAL YEAR ENDING JUNE 30, 2018."

5) Adopt Resolution No. 24241, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN INVESTMENT POLICY GOVERNING THE INVESTMENT OF CITY FUNDS AND SUPERCEEDING RESOLUTION NO. 24070."

6) Direct the City Manager and Director of Finance and Treasurer to make the appropriate modifications to the Fiscal Year 2017-18 Budget and prepare the final budget document.

**Approved by a majority (4-0-1, Councilmember Mills absent) roll call vote.**

***Councilmember Roberts stated it was past 10:00 p.m. and the tentatively scheduled adjournment time is 11:00 p.m., and recommended proceeding through the agenda. The consensus of the City Council was to proceed with the agenda.***

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:**

**5.A. TRIO RESTAURANT, FOR AN ART MURAL APPLICATION ON A COMMERCIAL RESTAURANT BUILDING LOCATED AT 707 NORTH PALM CANYON DRIVE (CASE 17-001 MUR):**

Planning Director Fagg presented the staff report.

In response to Councilmember Roberts, Planning Director Fagg stated the \$1,500 permit fee was paid after the mural was installed. Councilmember Roberts suggested staff bring back an ordinance shortening the process and adding a penalty for those applicants that come through the process backwards.

**ACTION:** Adopt Resolution No. 24242, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN ART MURAL ON THE COMMERCIAL RESTAURANT BUILDING AT 707 NORTH PALM CANYON DRIVE."

**Approved by a majority (4-0-1, Councilmember Mills absent) roll call vote.**

**5.B. APPROVAL OF A LEASE AGREEMENT WITH RIVERSIDE COUNTY FOR PROPERTY LOCATED AT 63775 DILLON ROAD:**

City Manager Ready presented the staff report.

**ACTION:**

1) Approve a Revenue Lease Agreement with the County of Riverside for use of the property located at 63775 Dillon Road identified by Assessor's Parcel Number 666-140-024, through June 30, 2020. A6987.

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

**Approved by a majority (4-0-1, Councilmember Mills absent) roll call vote.**

**5.C. APPROVE ANNUAL INSURANCE POLICY RENEWALS FOR THE CITY'S INSURANCE PORTFOLIO FOR FISCAL YEAR 2017-18:**

City Manager Ready presented the staff report.

City Attorney Kotkin explained that the JPA had not adopted any resolutions or taken any actions. He stated the City could pull out of the JPA and did not limit the Council's discretion.

City Manager Ready suggested insurance as a possible area for budget reduction.

**ACTION:**

1) Adopt Resolution No. 24243, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING KEENAN & ASSOCIATES AS THE CITY'S BROKER OF RECORD, TO PURCHASE PROPERTY LIABILITY, EXCESS EARTHQUAKE/FLOOD LIABILITY (DIFFERENCE IN CONDITION), EXCESS LIABILITY, EXCESS WORKERS COMPENSATION, AIRPORT OWNERS AND OPERATORS LIABILITY, VILLAGEFEST LIABILITY, MULTI MEDIA LIABILITY, AIRCRAFT HULL LIABILITY, CRIME/FIDELITY LIABILITY, AND CYBER LIABILITY INSURANCE POLICIES FROM VARIOUS CARRIERS FOR POLICY YEAR 2017-18, EFFECTIVE JULY 1, 2017."

2) Adopt Resolution No. 24244, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS MEMBERSHIP IN THE MUNICIPAL INSURANCE COOPERATIVE JOINT POWERS AUTHORITY AND INSTRUCTING ITS DULY AUTHORIZED AGENT TO EXECUTE ON BEHALF OF THE CITY THE ATTACHED JOINT POWERS AGREEMENT AND APPOINTS THE



CITY MANAGER, DAVID READY, AS ITS OFFICIAL REPRESENTATIVE TO THE MUNICIPAL INSURANCE COOPERATIVE JPA."

**Approved by a majority (4-0-1, Councilmember Mills absent) roll call vote.**

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

Dean Maggioni announced that a grant had been awarded to fund the pickle ball program and upcoming pickle ball BBQ at Desert Highlands. He stated the Travel Channel would be showing the filming of pickle ball on September 26, 2017.

Henry Hampton commended staff for obtaining pedestrian safety grant money awarded by CVAG.

**COUNCILMEMBER AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT:**

Councilmember Kors requested the following be added to upcoming items:

- 1) Discussion of City Manger's review in Closed Session;
- 2) Creation of an ad hoc committee on homelessness related funding; and
- 3) Consideration of a letter to honor the goals of the Paris Climate Treaty.

Mayor Moon appointed Councilmember Kors and Mayor Pro Tem Foat to the Homelessness Funding Ad Hoc Committee.

City Attorney Kotkin discussed the anticipated ballot measure on cannabis uses.

**ADJOURNMENT:**

The City Council adjourned, in honor of William Krisel, at 11:07 p.m. to the next regular meeting Wednesday, June 21, 2017, at 6:00 p.m., preceded by Closed Session at the Palm Springs Convention Center, Primrose B, at 277 North Avenida Caballeros, Palm Springs.

Respectfully submitted,



KATHLEEN D. HART, MMC  
Interim City Clerk

**CERTIFICATION**

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

I, KATHLEEN D. HART, Interim City Clerk of the City of Palm Springs, California, hereby certify that the June 7, 2017, MINUTES were approved by the City Council of the City of Palm Springs at an adjourned regular meeting held on the October 4, 2017, by the following vote:

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

  
\_\_\_\_\_  
KATHLEEN D. HART, MMC  
Interim City Clerk

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



**CLOSED SESSION AGENDA**  
**Wednesday, June 7, 2017 – 5:00 p.m.**

**PALM SPRINGS CONVENTION CENTER**  
**277 N. Avenida Caballeros, Primrose B**  
**Palm Springs, CA 92262**

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

**EXISTING LITIGATION**

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

*Intervention911 vs. City of Palm Springs*

Case No. EDCV1301117, United States District Court, Central District of California

*Thomas Alan Grossman vs. City of Palm Springs et al*

Case No. PSC1406472, Riverside Superior Court, Palm Springs Division

**INITIATION OF LITIGATION**

**G.C. 54956.9(d)(4)**

One Case

