

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



**MEETING MINUTES  
WEDNESDAY, MARCH 5, 2014  
CITY HALL COUNCIL CHAMBER**

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:05 p.m.

**PLEDGE OF ALLEGIANCE:** Boy Scout Troop 262, led the Pledge.

**INVOCATION:** Pastor Jerrold Thompson, Hope Community Seventh-Day Adventist Church, led the Invocation.

**ROLL CALL:**

**PRESENT:** Councilmember Foat, Councilmember Lewin, Councilmember Mills, Mayor Pro Tem Hutcheson, and Mayor Pougnet.

**ABSENT:** None.

**ALSO PRESENT:** City Manager Ready, City Attorney Holland, City Clerk Thompson.

**PRESENTATIONS:**

Mayor Pougnet announced Barbara McQueen, as the 2014 Palm Springs Senior Inspiration Award winner.

Mayor Pougnet provided an update on the 2014 Palm Springs Black History Parade.

Mayor Pro Tem Hutcheson provided an update on the 4th Annual Palm Springs Chalk Festival.

Mayor Pougnet announced the upcoming Palm Springs Woman's Club Scholarship Luncheon and Fashion Show.

Palm Springs Disposal Service provided an update on the transition to the automated once-per week collection program.

**REPORT OF CLOSED SESSION:**

The meeting was called to order at 4:30 p.m., and the City Council recessed into Closed Session to discuss items on the posted Closed Session Agenda. City Attorney Holland reported the City Council provided direction to staff, otherwise no reportable actions were taken.

## **ACCEPTANCE OF THE AGENDA:**

City Attorney Holland requested the City Council consider adding one item to the Consent Calendar as Item 2.M., approving an amendment to the Purchase and Sale Agreement with CDI Ventures, LLC, amending the name of the contracting party from CDI Ventures, LLC to Praetor Investments, LLC, modify the completion dates specifically to include the start of construction not to begin until September 1, 2014, and no later than October 15, 2014, building permits are required to be obtained prior to the demolition of the site, along with other miscellaneous provisions, and stated the terms of the amendment were analyzed late Tuesday, after the posting of the Agenda, and there is an immediate need to approve the amendment.

**ACTION:** 1) Find the amendment to the Purchase and Sale Agreement was completed after the posting of the Agenda, and there is an immediate need to hear and/or take action on the Item; and 2) Add the Approval of an Amendment to the Agreement with CDI Ventures as Item 2.M. to the Consent Calendar. A6329. **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

Mayor Pougnet noted his business relationship related abstention on Consent Calendar Item 2.E.

Councilmember Mills requested Items 2.D. and 2.K. be removed from the Consent Calendar for separate discussion and vote.

Councilmember Foat requested Item 2.I. be removed from the Consent Calendar for separate discussion.

**ACTION:** Accept the Agenda as amended. Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Lewin and unanimously carried on a roll call vote.

### **1. PUBLIC HEARINGS:**

#### **1.A. DOS PALMAS DEVELOPMENT LLC FOR TENTATIVE PARCEL MAP 36693 TO SUBDIVIDE ONE LARGE PARCEL INTO TWO LOTS RESULTING IN A 10,070-SQUARE FOOT LOT AND A REMAINDER LOT APPROXIMATELY 58,831-SQUARE FEET AT THE CORNER OF EAST SUNNY DUNES ROAD AND SOUTH SUNRISE WAY (CASE TPM 36693):**

Margo Wheeler, Director of Planning Services, provided background information as outlined in the Staff Report dated March 5, 2014.

Councilmember Foat requested the Planning Commission Minutes be included with the staff report, and requested staff address the undergrounding of utilities.

Mayor Pougnet opened the public hearing and the following speakers addressed the City Council.

JOHN HARMON, Palm Springs, stated the Development is a positive development for the neighborhood, and requested the City Council approve the project.

No further speakers coming forward the public hearing was closed.

Councilmember Mills requested staff address the access on Sunrise, and requested the City Council consider adding an Engineering Condition regarding the access on Sunrise.

Councilmember Foat stated due to the difficult lot, she does not believe it could be used for commercial purposes, and requested staff address the zoning of the property.

Councilmember Lewin requested staff address the frontage on Sunrise for the remainder parcel.

Councilmember Mills stated the access would have to be from the rear and coming out on Sunny Dunes with the building in the front on the lot.

Mayor Pro Tem Hutcheson suggested the City Council consider continuing the Public Hearing, for Staff to further review and inform the applicant to be present to address the City Council concerns.

**ACTION:** 1) Continue the Public Hearing to April 2, 2014; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing as required by law. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**PUBLIC COMMENT:**

EUGENE PRIETO, Palm Springs, requested the City Council consider renaming some City streets after fallen war heroes.

ELAINE CLERMONT, commented on a teacher at Saint Theresa School.

CHERYL HOUK, Palm Springs, commented on the noise caused by military jets at the Palm Springs International Airport.

JEROME CARLSON, Palm Springs, commented on urban beekeeping and requested the City Council allow urban beekeeping.

SUSIE DEL TORO, requested the City Council consider a new project called Freedom Flags for Veterans.

LEE WILSON JR., requested the City Council consider street names after war heroes, and consider a new project called Freedom Flags for Veterans.

TOM STANSBURY, Palm Springs, commented on Item 3.A., regarding vacation rental property in the City of Palm Springs.

JOHN TYMON, commented on the issuance of marriage licenses at City Hall and requested the City Council move the services to the County building across the street from City Hall.

JOHN WILLIAMS, commented on the services at the Mizell Senior Center including the Meals on Wheels program.

LISA MIDDLETON, commented on Item 3.A. and requested the City Council support the amendments to the vacation rental ordinance.

JOY BROWN MEREDITH, commented on Item 2.D. regarding cannabis regulations, Item 2.F. regarding sit and lie regulations, Item 5.B. regarding the regulation of plastic bags, and thanked City staff for their service during the recent storms.

STEVE ROSENBERG, commented on the notifications of street closures during recent storms, and on Item 5.B. regarding the regulation of plastic bags.

**COUNCILMEMBER COMMENTS:** None.

**CITY MANAGER'S REPORT:**

City Manager Ready provided an update on Code Enforcement activities in the City of Palm Springs, noted the recent achievement of Margo Wheeler, Director of Planning Services, as recognized by the AICP as a Fellowship achievement award winner, and announced the new Downtown Maintenance Supervisor.

**2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.E., 2.F., 2.G., 2.H., 2.J., 2.L., and added Item 2.M. **Motion Councilmember Foat, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

**2.A. REPORT ON THE POSTING OF THE AGENDA:**

**ACTION:** Receive and file Report on the Posting of the March 5, 2014, City Council Agenda. **Approved as part of the Consent Calendar.**

- 2.B. APPROVAL OF MINUTES:**  
**ACTION:** Approve the City Council Minutes of February 19, 2014.  
**Approved as part of the Consent Calendar.**
- 2.C. ACCEPT THE RESIGNATION OF PAUL MCCREESH FROM THE SUSTAINABILITY COMMISSION:**  
**ACTION:** 1) Accept with regret the resignation of Paul McCreesh; and 2) Direct the City Clerk to post a notice of vacancy for the unexpired term ending June 30, 2014. **Approved as part of the Consent Calendar.**
- 2.E. SECOND READING AND ADOPTION OF ORDINANCE NO. 1846 APPROVING PLANNED DEVELOPMENT DISTRICT PDD 365 IN LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 6.37 ACRE PARCEL ON THE WEST SIDE OF SOUTH BELARDO ROAD, APPROXIMATELY 500 FEET SOUTH OF THE MORONGO ROAD INTERSECTION:**  
**ACTION:** Waive the reading of the full text of the ordinance and adopt by title only Ordinance No. 1846, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT PDD 365 IN LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 6.37 ACRE PARCEL ON THE WEST SIDE OF SOUTH BELARDO ROAD, APPROXIMATELY 500 FEET SOUTH OF THE MORONGO ROAD INTERSECTION." **Approved as part of the Consent Calendar,** noting the business relationship abstention by Mayor Pougnet.
- 2.F. SECOND READING AND ADOPTION OF ORDINANCE NO. 1847 AMENDING THE PALM SPRINGS MUNICIPAL CODE PERTAINING TO SITTING OR LYING ON SIDEWALKS IN DOWNTOWN PALM SPRINGS:**  
**ACTION:** Waive the reading of the full text of the ordinance and adopt by title only Ordinance No. 1847, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 12.12.050 OF, AND ADDING SECTION 12.12.055 TO, THE PALM SPRINGS MUNICIPAL CODE, PERTAINING TO SITTING OR LYING ON SIDEWALKS IN DOWNTOWN PALM SPRINGS." **Approved as part of the Consent Calendar.**
- 2.G. TREASURER'S INVESTMENT REPORT AS OF JANUARY 31, 2014:**  
**ACTION:** Receive and file the Treasurer's Investment Report as of January 31, 2014. **Approved as part of the Consent Calendar.**
- 2.H. RESOLUTION OF PUBLIC CONVENIENCE OR NECESSITY (PCN) TO SELL BEER, WINE, AND DISTILLED SPIRITS AT A PROPOSED COCKTAIL LOUNGE LOCATED AT 212 AND 216 SOUTH INDIAN**

**CANYON DRIVE BY CULLEN 111 INVESTMENTS, LLC  
(CASE 5.1305-PCN):**

**ACTION:** Adopt Resolution No. 23516, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER, WINE AND DISTILLED SPIRITS (TYPE 48 STATE ALCOHOLIC BEVERAGE CONTROL LICENSE) FOR THE PROPERTY LOCATED AT 212 AND 216 SOUTH INDIAN CANYON DRIVE, WITHIN CENSUS TRACT 9414.00."

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

**2.J. AWARD THE OUTFITTING OF POLICE VEHICLES TO WEST COAST LIGHTS & SIRENS, INC.:**

**ACTION:** 1) Award the outfitting of police vehicles via a purchase order on a Unit Price Basis of \$12,047.13 for Patrol Sedan Vehicles; \$14,530.83 for Patrol SUVs; \$6,962.45 for Police Admin/Undercover Sedan Vehicles; and \$15,812.50 for K-9 SUVs (a total purchase price of \$159,537.59 for the current 14 vehicles on-hand), valid through June 30, 2015, on an as-needed basis, to West Coast Lights & Sirens, Inc., inclusive of all applicable taxes and delivery; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

**2.L. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE 2013-14 ANNUAL SLURRY SEAL PROJECT (CP 14-03):**

**ACTION:** Approve the specifications and working details for the 2013-14 Annual Slurry Seal Project (CP 14-03), and authorize staff to advertise and solicit bids. **Approved as part of the Consent Calendar.**

**2.M. ADDED ITEM AMENDMENT TO THE PURCHASE AND SALE AGREEMENT WITH CDI VENTURES, LLC:**

**ACTION:** 1) Approve an Amendment to the Purchase and Sale Agreement with CDI Ventures, LLC, amending the name of the contracting party from CDI Ventures, LLC to Praetor Investments, LLC, modifying the completion dates specifically to include the start of construction not to begin until September 1, 2014 and no later than October 15, 2014, building permits are required to be obtained prior to the demolition of the site, amending other miscellaneous provisions; 2) Authorize the City Manager to execute the amendment subject to final review and approval by the City Attorney. A6329. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.D. SECOND READING AND ADOPTION OF ORDINANCE NO. 1845 AMENDING SECTION 1.01.110, PARAGRAPH A.20 OF SECTION 92.15.01, PARAGRAPH A.6 OF SECTION 92.10.01, PARAGRAPH A.5 OF SECTION 92.17.1.01, AND**

**SECTION 93.23.15 OF, AND ADDING CHAPTER 5.35 AND SECTIONS 3.35.080, 3.35.090, 3.35.100, 3.35.110, AND 3.35.120 TO, AND REPEALING SECTION 6.08.150 OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO REGULATIONS FOR MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES IN THE CITY:**

Councilmember Mills stated he was in support of the proposed regulations, but not of the fourth permit.

**ACTION:** Waive the reading of the full text of the ordinance and adopt by title only Ordinance No. 1845, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 1.01.110, PARAGRAPH A.20 OF SECTION 92.15.01, PARAGRAPH A.6 OF SECTION 92.10.01, PARAGRAPH A.5 OF SECTION 92.17.1.01, AND SECTION 93.23.15 OF, AND ADDING CHAPTER 5.35 AND SECTIONS 3.35.080, 3.35.090, 3.35.100, 3.35.110, AND 3.35.120 TO, AND REPEALING SECTION 6.08.150 OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO REGULATIONS FOR MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES IN THE CITY." **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and carried 4-1 on a roll call vote.**

**AYES:** Councilmember Foat, Councilmember Lewin, Mayor Pro Tem Hutcheson, and Mayor Pougnet.  
**NOES:** Councilmember Mills.

**2.I. AUTHORIZATION TO PARTICIPATE IN THE RIVERSIDE COUNTY MORTGAGE CERTIFICATE CREDIT (MCC) PROGRAM:**

Councilmember Foat requested commented on the merits of the program, requested staff address the advertising of the program, and recommended a presentation to PSNIC.

**ACTION:** Adopt Resolution No. 23514, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING PARTICIPATION IN THE RIVERSIDE COUNTY MORTGAGE CERTIFICATE CREDIT (MCC) PROGRAM." **Motion Councilmember Mills, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

**2.K. APPROVAL OF A CONFORMITY REPORT FOR THE 18 @ TWIN PALMS PROJECT ON TRIBAL TRUST LAND OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS AT THE SOUTHWEST CORNER OF SOUTH CAMINO REAL AND TWIN PALMS (CASE 5.1323 MISC):**

Councilmember Mills commented on the recommendations by the AAC, commented on the number of garage doors along the street in the Twin Palms area, the lack of landscaping, the lack of guest parking, and the lack of sun control.

Mayor Pro Tem Hutcheson stated the neighborhood is in need of the project and recommended the Council consider the recommendations by Councilmember Mills.

Councilmember Foat requested staff address the approval process of the City Council on the Conformity Report, and suggested the City Council not approve the report.

Councilmember Lewin recommended improved landscaping and sun control.

**ACTION:** Adopt Resolution No. 23515, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A CONFORMITY REPORT ON THE PROPOSED 18 @ TWIN PALMS PROJECT, LOCATED ON TRIBAL TRUST LAND OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS, ON THE SOUTHWEST CORNER OF SOUTH CAMINO REAL AND TWIN PALMS; DIRECTING STAFF TO TRANSMIT SAID REPORT TO THE TRIBAL COUNCIL OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS; AND WAIVING THE JOINT MEETING BETWEEN THE CITY COUNCIL AND TRIBAL COUNCIL (CASE 5.1323 MISC)," *requesting the Tribal Council consider modifying the project for the number of garage doors along the street, the lack of guest parking, the lack of sun control, and consider landscaping improvements including trees.* **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and carried 4-1 on a roll call vote.**

**AYES:** Councilmember Lewin, Councilmember Mills, Mayor Pro Tem Hutcheson, and Mayor Pougnet.

**NOES:** Councilmember Foat.

### 3. LEGISLATIVE:

City Attorney Holland stated that Mayor Pro Tem Hutcheson and Councilmember Lewin have a conflict or an appearance of a conflict of interest with Item 3.A., would not participate in the discussion and the vote, and both left Council Chamber.

#### 3.A. PROPOSED ORDINANCE AMENDING CHAPTER 5.25 OF THE PALM SPRINGS MUNICIPAL CODE REGARDING VACATION RENTAL REGULATIONS AND RELATED ADMINISTRATIVE CITATION PROCEDURES:

City Manager Ready provided background information as outlined in the Staff Report dated March 5, 2014.

Councilmember Mills stated the City Council subcommittee received valuable input at all the meetings they attended.



Councilmember Foat commented on the initial vacation rental ordinance and stated the ordinance needed modifications, and requested staff address the potential for an urgency ordinance,

Mayor Pougnet requested the City Council add a requirement that each vacation rental property have a smart controller timer for landscaping.

Councilmember Foat requested staff address the definition of a bedroom, allowing four occupants for a one-bedroom property, and the remedy for untimely registering.

**ACTION:** 1) Waive the reading of the ordinance text in its entirety and introduce by title only Ordinance No. 1848, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING CHAPTER 5.25 OF, AND AMENDING SECTION 1.06.030 OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO VACATION RENTALS;" 2) Adopt Resolution No. 23517, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, INCREASING THE FEES AND CHARGES FOR VACATION RENTALS, AND MODIFYING THE COMPREHENSIVE FEE SCHEDULE ADOPTED BY RESOLUTION NO. 21578 AS AMENDED;" and 3) Direct staff to place a review on the vacation rental regulations on the City Council agenda for November 19, 2014. **Motion Councilmember Mills, seconded by Mayor Pougnet and unanimously carried 3-0 on a roll call vote.**

**AYES:** Councilmember Foat, Councilmember Mills, and Mayor Pougnet.  
**NOES:** None.  
**ABSENT:** Councilmember Lewin and Mayor Pro Tem Hutcheson.

Mayor Pro Tem Hutcheson and Councilmember Lewin returned to the dais.

**4. UNFINISHED BUSINESS:** None.

**5. NEW BUSINESS:**

**5.A. MID-YEAR FISCAL YEAR 2013-14 BUDGET UPDATE:**

City Manager Ready provided background information as outlined in the Fiscal Year Budget update dated March 5, 2014.

No action taken.

**5.B. DISCUSS THE REGULATION OF SINGLE-USE CARRYOUT PLASTIC BAGS BY RETAIL ESTABLISHMENTS:**

Mayor Pougnet provided background information as outlined in the Staff Report dated March 5, 2014.

Mayor Pro Tem Hutcheson commented on the leadership of the City of Palm Springs in the area of sustainability.

Councilmember Lewin noted the efforts of Kate Castle and the actions by the other CVAG cities, and recommended allowing paper bags.

Councilmember Foat requested the Sustainability Commission make this a priority item that returns to the City Council.

**ACTION:** Direct the Sustainability Commission review the model ordinance and public comment and make recommendations to the City Council. **By unanimous consent of the City Council.**

#### **COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:**

Councilmember Lewin commented on headless Palm Trees specifically at the Biltmore.

Mayor Pougnet requested staff address the speeding conditions on Ramon Road, requested the City Manager address the military jet noise, requested the City Manager address the conditions at the MacMagruder site, and requested the City Council consider appointing an ad hoc subcommittee for the iHub and requested the City Clerk place on the next City Council agenda.

Councilmember Foat requested staff address urban beekeeping in the City, and requested staff reach out to the request for war hero banners.

Councilmember Mills commented on the request to change street names and suggested they submit the names to the Engineering Department for potential naming of new streets.

Mayor Pougnet commented on marriages at City Hall.

**ADJOURNMENT:** The City Council adjourned at 8:08 P.M. to Wednesday, March 19, 2014, 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.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 19<sup>TH</sup> DAY OF MARCH, 2014.**

ATTEST:

  
STEPHEN P. POGNET, MAYOR

  
JAMES THOMPSON, CITY CLERK