

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



**MEETING MINUTES
WEDNESDAY, SEPTEMBER 17, 2014
CITY HALL COUNCIL CHAMBER**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:12 p.m.

PLEDGE OF ALLEGIANCE: Palm Spring Air Force ROTC Junior Color Guard, led the Pledge.

INVOCATION: Rev. Kevin Johnson, Bloom in the Desert, United Church of Christ, 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 and the City Council presented retiring Palm Springs Police Officer Nancy Carr a Certificate of Recognition for service to the City.

Councilmember Lewin provided an update on the recent 2014 Palm Springs Splash House event.

Mayor Pougnet announced the upcoming Richard Milanovich Hike for Human Rights.

Mayor Pougnet and Councilmember Lewin announced the upcoming Rock Out to Knock Out Hunger event benefitting FIND Food Bank.

REPORT OF CLOSED SESSION:

The meeting was called to order at 4:00 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 the City Attorney and Staff, and the City Council authorized the approval of settlement approach in regard to the Intervention911 v. City of Palm Springs litigation, Mayor Pro Tem Hutcheson did not participate in the discussion of that item or the approval, and the documents will be available for public review upon execution.

ACCEPTANCE OF THE AGENDA:

Councilmember Mills requested Item 2.L. be removed from the Consent Calendar for separate discussion and noted his abstention on Item 2.M.

Mayor Pro Tem Hutcheson noted his abstention on Consent Calendar Item 2.E. due to a property ownership conflict of interest.

Councilmember Foat noted her abstention on Consent Calendar Item 2.E. due to a property ownership conflict of interest.

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. KEITH ZIMMERMAN FOR A TENTATIVE PARCEL MAP TO SUBDIVIDE A 0.62-ACRE LOT INTO THREE (3) RESIDENTIAL LOTS LOCATED ADJACENT TO ORANGE AVENUE, SOUTH OF SUNNY DUNES ROAD AND NORTH OF MESQUITE AVENUE (CASE TPM 36562):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated September 17, 2014.

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

MARLENE BAILEY, Applicant, provided background information on the developer, stated the parcel map is conforming to the zoning requirements, commented on the Planning Commission hearing, commented on the amenities of the proposed development, and requested the City Council approve the parcel map.

No further speakers coming forward, the public hearing was closed.

Councilmember Mills requested the City Engineer address the southern end of the parcel and a condition to maintain landscaping.

Councilmember Foat requested the Planning Director clarify the discussion at the Planning Commission regarding metering.

Councilmember Lewin requested staff pay attention to the design of the rear wall and landscaping.

ACTION: 1) Direct the Planning Department to file with Riverside County a Notice of Exemption (NOE) from the California Environmental Quality Act (CEQA); and 2) Adopt Resolution No. 23658, "A RESOLUTION OF

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A TENTATIVE PARCEL MAP TO SUBDIVIDE A ROUGHLY 26,722-SQUARE FOOT PARCEL INTO THREE RESIDENTIAL PARCELS LOCATED AT THE SOUTHERLY TERMINUS OF ORANGE AVENUE, NORTH OF MESQUITE AVENUE, ZONE R-1-D;" and 3) Direct Staff ensure a comprehensive landscaping and fencing plan are submitted and conformed as part of the approval process. **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

1.B. REVIEW AND EVALUATION OF APPLICATIONS AND AWARD A FOURTH PERMIT FOR A MEDICAL CANNABIS COOPERATIVE OR COLLECTIVE AND CEQA EXEMPTION AND DETERMINATION:

City Attorney provided background information as outlined in the Staff Report dated September 17, 2014.

Councilmember Mills stated he was not present during the public hearing, but he did review all the public testimony both written and verbal.

Councilmember Lewin questioned if the City Council Subcommittee evaluated the applications.

Councilmember Foat commented on the overall medical cannabis ordinance and business regulations, stated she reviewed the applications for the services offered to the community.

Mayor Pougnet stated Palm Springs is the only City in the Coachella Valley that allows medical cannabis collectives, and commented on the development of the ordinance and the business regulations.

Mayor Pro Tem Hutcheson commented on the mindset of the citizens of California and the use of cannabis, the uses of cannabis for medical conditions, questioned if four permits are the correct number, commented on his priorities while reviewing the application, and stated his first selection would be Palm Springs Safe Access.

Councilmember Lewin commented on the process and the closure of un-permitted facilities, stated his first choice would be Palm Springs Safe Access, and requested the City Council consider permitting another two establishments such as Palm Springs Natural Healing and P.S. Organica.

Councilmember Mills commented on the selection of the first medical cannabis collectives and noted the difference in the quality of the applications, stated his first selection for the permit would be Palm Springs Safe Access, and stated he would not be in support of granting further permits.

Councilmember Foat commented on the products and services being delivered by the proposed collectives, questioned the number of permits that are allowed and stated the prices are kept high by the lack of choices, commented the priorities that influenced her selection, and stated her first choice was for Palm Springs Organica.

Mayor Pougnet commented on his priorities for selection, and stated his first selection would be Palm Springs Safe Access, and the discussion for allowing additional permits should be referred to the City Council Subcommittee.

ACTION: 1) Public testimony was closed September 3, 2014; and 2) Adopt Resolution No. 23659, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AWARDED A MEDICAL CANNABIS COOPERATIVE/COLLECTIVE PERMIT TO PALM SPRINGS SAFE ACCESS OPERATED BY ROBERT VAN ROO, LOCATED AT 1247 SOUTH GENE AUTRY TRAIL;" and 3) Request the City Council Subcommittee review the ordinance and the other applications. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

Councilmember Mills stated he has a business related conflict of interest with respect to Item 1.C., would not participate in the discussion or the vote, and left Council Chamber.

- 1.C. FAMILY DEVELOPMENT, LLC, FOR THE ESTABLISHMENT OF A PLANNED DEVELOPMENT DISTRICT (PDD) IN LIEU OF CHANGE OF ZONE FOR A RESIDENTIAL GATED DEVELOPMENT OF 72 SINGLE FAMILY UNITS ON INDIVIDUAL LOTS AND 114 MULTI-FAMILY UNITS IN 19, 6-UNIT BUILDINGS ON FOUR LOTS LOCATED ON A ROUGHLY 24-ACRE PARCEL AT THE SOUTHEAST CORNER OF EAST TAHQUITZ CANYON WAY AND SOUTH FARRELL DRIVE, ADOPTING A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE GUIDELINES OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) (CASE 5.1046 PDD 232 AMND / TPM 36767 / TTM 36689):**
Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated September 17, 2014.

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

VINCENT BARBATO, Applicant, commented on the history of the development and the site and the input and process with the community, requested the City Council consider relief from the Conditions of Approval

that requires 28 foot wide streets and approve the project allowing 24 foot wide streets.

RICHARD PASS, commented on the surrounding neighbors at Sun Dial, and stated the community is supportive of the JUL project.

ARNOLD KASSOY, Palm Springs, stated he is pleased that the property is being developed, requested the City Council ensure the code requirement is met for the space between the residences, requested the developer be required to build the wall first, and commented on several other aspects of the proposed development.

OWEN KIELEY, Palm Springs, requested the City Council provides conditions for the protection of the surrounding neighborhoods, and commented on the traffic and street requirements on Baristo.

VINCENT BARBATO, Rebuttal, commented on the spacing difference between the units, stated the wall will be built first, and stated his support for no parking on Baristo.

No further speakers coming forward, the public hearing was closed.

Councilmember Foat commented on the conditions of approval, the requirements for the distance between the units, the number of units per acre, the lot coverage, the inward facing aspects of the units and the effect on the community, lack of playgrounds, lack of common areas or walking areas, and the project is too dense, too walled in, and too inward facing, requested staff address the middle walking corridor and the vehicular entryway, and commented on street requirement.

Councilmember Lewin commented on the standard conditions, stated this is a hard parcel to develop, commented on the amenities, parking on Baristo, and stated his support for the project, requested the City Council consider in the future to require pool covers, and commented on the street width.

Mayor Pro Tem Hutcheson commented on the type of product, requested Staff address Condition PLN 25, the community walking path and bike path, commented on the surrounding community participation, requested the City Engineer address the traffic circulation, the requirement for no parking on Baristo, stated his support for the project, noted he would prefer additional space around the multi-family units, and in support of the 24 foot wide streets.

Mayor Pougnet commented on the history of the project with the AAC and the Planning Commission, commented on the density, commented on the balance of units, and requested the Fire Chief address the street width.

Councilmember Foat requested the Director of Planning outline the sustainability conditions and the rejection of the public benefit for the installation of the Welcome Sign at the Airport, and stated this project is not in the style of Palm Springs.

Councilmember Lewin commented on the bike path, and requested the City Engineer address the bike path and the lack of vehicular access on Farrell Drive.

Mayor Pro Tem Hutcheson requested the City Council consider approval with more space around pools, re-study multi-family units, require 24 foot wide streets and adding back the bike path.

Councilmember Lewin stated his support of Mayor Pro Tem Hutcheson's recommendations, questioned the vehicular access on Farrell, and requested City Staff review the speed limit on Baristo to determine if the limit may be reduced to reflect residential.

ACTION: 1) Adopt Resolution No. 23660, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE MITIGATED NEGATIVE DECLARATION AS AN ADEQUATE EVALUATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) OF THE ENVIRONMENTAL IMPACTS OF THE PROPOSED PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE, THE TENTATIVE PARCEL MAP, AND THE TENTATIVE TRACT MAP UNDER CEQA AND APPROVING TENTATIVE PARCEL MAP 36767 AND TENTATIVE TRACT MAP 36689, PROPOSING A DEVELOPMENT OF 72 SINGLE FAMILY RESIDENTIAL UNITS ON INDIVIDUAL LOTS, 114 MULTI FAMILY UNITS IN 19 SIX-UNIT BUILDINGS ON FOUR LOTS, WITH PRIVATE STREETS OFF-STREET PARKING AND OPEN SPACE ON A ROUGHLY 24-ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF EAST TAHQUITZ CANYON WAY AND SOUTH FARRELL DRIVE (CASE 5.1046 PDD 232 AMND / TPM 36767 / TTM 36689)," *amending the Conditions of Approval to re-study the mulit-family units and the space around community swimming pools, require twenty-four (24) foot wide streets, and adding back the proposed bike path*; 2) Waive the reading of the ordinance text in its entirety and read by title only; and 4) Introduce on first reading Ordinance No. 1860, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PRELIMINARY PLANNED DEVELOPMENT DISTRICT PDD 232 AMND IN LIEU OF A CHANGE OF ZONE FOR A RESIDENTIAL GATED DEVELOPMENT OF 72 SINGLE

FAMILY UNITS ON INDIVIDUAL LOTS AND 114 MULTI-FAMILY UNITS IN 19 6-UNIT BUILDINGS ON FOUR LOTS LOCATED ON A ROUGHLY 24-ACRE PARCEL AT THE SOUTHEAST CORNER OF TAHQUITZ CANYON WAY AND FARRELL DRIVE (CASE 5.1046 PDD 232 AMND / TPM 36767 / TTM 36689)." **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Lewin and carried 3-1 on a roll call vote.**

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

NOES: Councilmember Foat.

ABSENT: Councilmember Mills.

Councilmember Mills returned to the dais.

1.D. PROPOSED ORDINANCE AMENDING SECTION 93.20.09.B.5. OF THE PALM SPRINGS ZONING CODE EXPANDING THE BOUNDARIES OF AREAS WHERE PORTABLE OPEN SIGNS ARE ALLOWED TO THE EAST SIDE OF INDIAN CANYON DRIVE FROM RAMON ROAD TO ALEJO ROAD (CASE 5.1202 ZTA):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated September 17, 2014.

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

WILLIAM FREYER, Palm Springs, requested the City Council extend the boundaries further north on Palm Canyon Drive.

JOY BROWN MEREDITH, stated her support for extending the boundaries to Indian Canyon, and commented on the permitting process.

No further speakers coming forward, the public hearing was closed.

Councilmember Foat commented on the business activity in the Uptown Design District, and stated her support to extend the boundaries on North Palm Canyon to Racquet Club.

Councilmember Mills and Councilmember Lewin commented on the proposal to the extension of the boundary on North Palm Canyon to Racquet Club.

ACTION: 1) Waive the reading of the ordinance text in its entirety and read by title only; and 2) Introduce on first reading Ordinance No. 1861, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 93.20.09 OF THE PALM SPRINGS ZONING

CODE RELATING TO PORTABLE OPEN SIGNS AND EXPANDING THE BOUNDARIES WHERE SUCH SIGNS ARE ALLOWED;" amending the Ordinance to extend the boundaries on North Palm Canyon to Racquet Club. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Foat and carried 3-2 on a roll call vote.**

AYES: Councilmember Foat, Mayor Pro Tem Hutcheson, and Mayor Pougnet.

NOES: Councilmember Lewin and Councilmember Mills.

PUBLIC COMMENT:

HOBERT C. WEHIR, Palm Springs, commented on the state of educational facilities and programs, additives to food, and current politics.

DENNIS O'DELL, commented on the use of drugs in the City of Palm Springs and permitted cannabis collectives.

JUDY DEERTRACK, Palm Springs, commented on Item 4.B. and stated the lack of public hearings since 2012, and the purchase of Block E.

FRANK TYSEN, commented on Item 4.B., stated the Item should be a public hearing, lack of information on the agenda, and the suspension of the noise ordinance.

HAROLD MEYERMAN, commented on Item 4.B., and requested the City Council approve the amendment to the PFA, and provided an update on the activities of the Art Museum.

ROBERT MOON, Palm Springs, commented on Item 4.B., stated his support for the purchase of Block E and the expanding of parking facilities.

TOM ADAMO, Palm Springs, commented on Item 4.B., stated his support for the amendment to the PFA and the event space for special events.

RICHARD CLIFFORD, Palm Springs, commented on Item 4.B., and stated his support for additional parking.

MARK ANDERSON, read a letter from Scott White, CVB, in support of Item 4.B. and the event space.

MARIA MAJIROS, Palm Springs, commented on the proposed Fallen Hero Banner Program.

LEE WILSON JR, commented on the proposed Fallen Hero Banner Program.

MEUSSA CRONIN, commented on the Downtown Revitalization Project.

AFTAB DADA, commented on Item 4.B., and requested the City Council approve the purchase of the event space and additional parking.

JOY BROWN MEREDITH, commented on the purchase of property on the Chino Cone, the Holiday Banner Program, commented on Item 4.B., and requested the City Council approve the purchase of the event space.

EMILY SURFACE, commented on Item 4.B., and stated her support for the purchase of the event space.

WILLIAM FREYER, Palm Springs, commented on the speed limit on the north end of Palm Canyon.

DENNIS BOOS, commented on the Downtown Revitalization Project, and the state of Downtown Palm Springs.

KRISTIN BLOOMER, commented on Item 4.B., and stated her support for the event space and additional parking.

COUNCILMEMBER COMMENTS:

Councilmember Lewin requested the City Manager further communicate to residents the Vacation Rental Regulations and Hotline.

CITY MANAGER'S REPORT: City Manager Ready presented a video featuring Measure J funded projects.

2. CONSENT CALENDAR:

Councilmember Mills stated his questions were addressed on Item 2.L. and requested it be returned to the Consent Calendar for approval.

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., 2.H., 2.I., 2.J., 2.K., 2.L., 2.M., 2.N., and 2.O. **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson 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 September 17, 2014, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. ACQUISITION OF RIGHT-OF-WAY FOR THE SOUTH PALM CANYON DRAINAGE IMPROVEMENT PROJECT (FEDERAL AID PROJECT NO. BR-NBIL 502) (CP 06-18):

ACTION: Adopt Resolution No. 23661, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA,

AUTHORIZING THE CITY MANAGER TO APPROVE THE ACQUISITION OF RIGHT-OF-WAY FOR THE SOUTH PALM CANYON DRAINAGE IMPROVEMENT PROJECT (FEDERAL AID PROJECT NO. BR-NBIL 502) (CP 06-18)." **Approved as part of the Consent Calendar.**

2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:

ACTION: 1) Adopt Resolution No. 23662, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 8-02-14 BY WARRANTS NUMBERED 418751 THROUGH 418770 TOTALING \$34,209.43, LIABILITY CHECKS NUMBERED 1072844 THROUGH 1072865 TOTALING \$106,765.03, FIVE WIRE TRANSFERS FOR \$46,512.77, AND THREE ELECTRONIC ACH DEBITS OF \$1,112,555.04 IN THE AGGREGATE AMOUNT OF \$1,300,042.27, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23663, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1072866 THROUGH 1072997 IN THE AGGREGATE AMOUNT OF \$669,496.34, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23664, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1072998 THROUGH 1073175 IN THE AGGREGATE AMOUNT OF \$1,375,589.46, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 23665, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 8-16-14 BY WARRANTS NUMBERED 418771 THROUGH 418790 TOTALING \$38,707.14, LIABILITY CHECKS NUMBERED 1073176 THROUGH 1073197 TOTALING \$107,373.47, FIVE WIRE TRANSFERS FOR \$47,503.35, AND THREE ELECTRONIC ACH DEBITS OF \$1,286,318.02 IN THE AGGREGATE AMOUNT OF \$1,479,901.98, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 23666, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1073198 THROUGH 1073335 IN THE AGGREGATE AMOUNT OF \$1,700,681.32, DRAWN ON BANK OF AMERICA;" and 6) Adopt Resolution No. 23667, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1073336 THROUGH 1073451 IN THE AGGREGATE AMOUNT OF \$880,049.75, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF AUGUST 2014:

ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of August 1 through August 31, 2014.
Approved as part of the Consent Calendar.

- 2.E. SECOND READING AND ADOPTION OF ORDINANCE NO. 1855, AMENDING SUBSECTION 94.02.01.C. OF THE PALM SPRINGS MUNICIPAL CODE, BY ADDING CHANGES IN USE OF EXISTING BUILDINGS ALONG PALM CANYON AND INDIAN CANYON DRIVES NOT WITHIN THE "D" DOWNTOWN PARKING COMBINING ZONE AS USES SUBJECT TO LAND USE PERMITS AND FOR WHICH CERTAIN PARKING REQUIREMENTS MAY BE WAIVED:**

ACTION: 1) Waive the reading of the ordinance text in its entirety and read by title only; and 2) Adopt Ordinance No. 1855, "AN ORDINANCE OF CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTION 94.02.01.C. OF THE PALM SPRINGS MUNICIPAL CODE, BY ADDING CHANGES IN USE OF EXISTING BUILDINGS ALONG PALM CANYON AND INDIAN CANYON DRIVES NOT WITHIN THE "D" DOWNTOWN PARKING COMBINING ZONE AS USES SUBJECT TO LAND USE PERMITS AND FOR WHICH CERTAIN PARKING REQUIREMENTS MAY BE WAIVED." **Approved as part of the Consent Calendar, noting the abstention of Mayor Pro Tem Hutcheson and Councilmember Foat.**

- 2.F. SECOND READING AND ADOPTION OF ORDINANCE NO. 1856 AMENDING IN ITS ENTIRETY SECTION 93.21.00 OF THE PALM SPRINGS ZONING CODE RELATING TO THE OUTDOOR LIGHTING STANDARDS (CASE 5.1344 ZTA):**

ACTION: 1) Waive the reading of the ordinance text in its entirety and read by title only; and 2) Adopt Ordinance No. 1856, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING IN ITS ENTIRETY SECTION 93.21.00 OF THE PALM SPRINGS ZONING CODE, RELATING TO THE OUTDOOR LIGHTING STANDARDS." **Approved as part of the Consent Calendar.**

- 2.G. SECOND READING AND ADOPTION OF ORDINANCE NOS. 1858 AND 1859, RELATING TO WATER EFFICIENT LANDSCAPING, WATER CONSERVATION AND WATER WASTE PREVENTION AND CEQA EXEMPTION DETERMINATION:**

ACTION: 1) Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1858, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 11.06 TO, AND AMENDING SECTIONS 14.24.020, 14.24.030 AND 14.24.060 OF, THE PALM SPRINGS MUNICIPAL CODE, REGARDING WATER CONSERVATION AND WATER WASTE PREVENTION;" and 2) Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1859, "AN ORDINANCE OF THE CITY OF PALM SPRINGS,

CALIFORNIA, AMENDING AND RESTATING CHAPTER 8.60 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO WATER EFFICIENT LANDSCAPING REGULATIONS AND REQUIREMENTS." **Approved as part of the Consent Calendar.**

2.H. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF COACHELLA TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING DECEMBER 31, 2014:

ACTION: Reappoint David Garcia, as the City of Coachella representative, to the Palm Springs International Airport Commission for the term ending December 31, 2014. **Approved as part of the Consent Calendar.**

2.I. CONFLICT OF INTEREST CODE 2014 BIENNIAL NOTICE PURSUANT TO THE POLITICAL REFORM ACT:

ACTION: 1) Receive and File the 2014 Local Agency Biennial Notice; and 2) Direct Staff to promulgate the necessary amendments and return to the City Council in December for adoption pursuant to the Political Reform Act. **Approved as part of the Consent Calendar.**

2.J. APPROVAL OF A MUNICIPAL STORMWATER IMPLEMENTATION AND COST-SHARING AGREEMENT:

ACTION: 1) Terminate Agreement No. A5624, approved March 5, 2008; 2) Approve a Municipal Stormwater Implementation and Cost-Sharing Agreement with Riverside County Flood Control and Water Conservation District, the County of Riverside, the Coachella Valley Water District, and the Cities of Banning, Cathedral City, Coachella, Desert Hot Springs, Indian Wells, Indio, La Quinta, Palm Desert, Palm Springs and Rancho Mirage concerning certain compliance and financial responsibilities in connection with requirements relating to stormwater as established under the federal Clean Water Act, 33 U.S.C. § 1342(p) ("CWA") and California law, including the National Pollutant Discharge Elimination System ("NPDES") Municipal Separate Storm Sewer System ("MS4") Permit issued by the California Regional Water Quality Control Board Colorado River Basin Region pursuant to Order No. R7-2013-0011 (the "2013 PERMIT"); and 3) Authorize the City Manager to execute all necessary documents. A6605. **Approved as part of the Consent Calendar.**

2.K. ACCEPTANCE OF THE FISCAL YEAR 2014 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) IN THE AMOUNT OF \$22,951 FROM THE U.S. DEPARTMENT OF JUSTICE:

ACTION: 1) Accept the Fiscal Year 2014 Edward Byrne Memorial Justice Assistance Grant; 2) Direct the Director of Finance/City Treasurer to fund the Appropriation; and 3) Authorize the City Manager to execute all necessary documents to effectuate the acceptance of the grant. A5982. **Approved as part of the Consent Calendar.**

2.L. CERRITOS FIELD INFIELD REPLACEMENT AND LIGHT POLE RELOCATION APPROVAL OF PLANS AND SPECIFICATIONS, AUTHORIZATION TO AWARD THE AGREEMENT, AND APPROVE A BUDGET AMENDMENT FOR THE USE OF QUIMBY FUNDS:

ACTION: 1) Approve Plans, Specifications and Estimate for the Cerritos Field 2014-15 Capital Improvement Project; 2) Authorize Staff to advertise and solicit bids; 3) Authorize the City Manager to award the contract to the lowest responsive, responsible bidder, insofar as the bid does not exceed \$225,000; and 4) Adopt Resolution No. 23668, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2014-15 FOR THE CERRITOS FIELD 2014-15 CAPITAL IMPROVEMENT PROJECT." A6606. **Approved as part of the Consent Calendar.**

2.M. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of September 3, 2014. **Approved as part of the Consent Calendar, noting the abstention of Councilmember Mills.**

2.N. APPROVE RECOGNIZED OBLIGATIONS PAYMENT SCHEDULES (ROPS 14-15B) FOR THE PERIOD OF JANUARY 1, 2015, THROUGH JUNE 30, 2015, PURSUANT TO SECTION 34169(g)(1) OF THE CALIFORNIA HEALTH & SAFETY CODE:

ACTION: Adopt Resolution No. 23669, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING SOLELY IN ITS CAPACITY AS SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATIONS PAYMENT SCHEDULES (ROPS 14-15B) FOR THE PERIOD OF JANUARY 1, 2015, THROUGH JUNE 30, 2015, PURSUANT TO SECTION 34169(g)(1) OF THE CALIFORNIA HEALTH & SAFETY CODE." **Approved as part of the Consent Calendar.**

2.O. CONSENT TO WAIVER OF CONFLICT OF INTEREST BY SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS TO RETAIN BRENT HAWKINS, ESQ:

ACTION: 1) Approve the waiver of conflict of interest and authorize the City Attorney to execute the waiver for Brent Hawkins and his current firm, Best, Best and Krieger LLP, to represent the Successor Agency to the Former Redevelopment Agency of the City of Palm Springs in matters relating to the State of California Department of Finance ("DOF") regarding certain items listed on the Successor Agency's ROPS; and 2) Authorize the City Attorney to execute the waiver on behalf of the Successor Agency. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR: None.

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS:

4.A. PRESENTATION OF TRAFFIC SIMULATIONS FOR THE PROPOSED TRAFFIC SIGNAL ON SUNRISE WAY AT THE BOYS AND GIRLS CLUB AND RALPHS SHOPPING CENTER DRIVEWAY:

Dave Barakian, City Engineer, provided background information as outlined in the Staff Report dated September 17, 2014.

Councilmember Lewin requested the Traffic Consultant address pedestrian crossing.

Councilmember Foat requested the Traffic Consultant address the use of the talking crosswalk, and the use of only crosswalks rather than a signal.

Councilmember Mills commented on the activation of the signal, and requested the Traffic Consultant address the timing of the cycle at the proposed signal, and delay at the current Sunrise and Ramon signal.

Mayor Pro Tem Hutcheson reiterated the proposal and the proposed timing of both signals and the installation of a crosswalk, and improved vehicular and pedestrian safety.

ACTION: Direct staff to return to City Council for approval of the plans, specifications and estimate. **By unanimous consent (5-0) of the City Council.**

4.B. APPROVE AMENDMENT NO. 4 TO THE PROJECT FINANCING AGREEMENT WITH PALM SPRINGS PROMENADE, LLC TO PROVIDE FOR VARIOUS CHANGES TO THE SITE PLAN, ADJUSTMENTS TO THE PERFORMANCE SCHEDULE AND DEVELOPER OBLIGATIONS, AND THE PERMANENT ACQUISITION BY THE CITY OF THE EVENT AREA SPACE FOR THE REDEVELOPMENT OF CERTAIN REAL PROPERTY AT 123 NORTH PALM CANYON DRIVE, AND APPROVE AN EASEMENT FOR THE BENEFIT OF BLOCK A FOR AN ELEVATOR AND FOUR PARKING SPACES:

City Attorney Holland provided background information as outlined in the Staff Report dated September 17, 2014.

Councilmember Lewin requested the City Attorney address the requirement for public hearing to acquire property, clarified the provisions of the noise easement, and the proposed purchase of the event space.

Mayor Pougnet commented on the public process for the project, and the public participation and opportunity to comment.

ACTION: 1) Adopt Resolution No. 23670, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDMENT NO. 4 TO THE PROJECT FINANCING AGREEMENT BETWEEN THE CITY AND PALM SPRINGS PROMENADE, LLC; AND FINDING NO ADDITIONAL ENVIRONMENTAL REVIEW IS REQUIRED;" 2) Approve an Easement for the benefit of Block B for an elevator and four parking spaces; and 3) Authorize the City Manager to execute all documents to effectuate the Amendment. A6144. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

4.C. TAHQUITZ CANYON WAY MEDIAN LANDSCAPING:

Dave Barakian, City Engineer, provided background information as outlined in the Staff Report dated September 17, 2014.

Councilmember Mills commented on the median landscape plans and stated the plans were consistent with the City Council Subcommittee concerns.

Mayor Pro Tem Hutcheson commented on the sustainability features of the landscape plan.

Councilmember Foat commented on the maintenance requirements for the proposed landscape plan, and requested clarification on the removal of palm trees and inclusion of platforms for public art.

Councilmember Lewin stated his support for the modifications to the landscaping plan.

ACTION: Direct Staff to proceed with the Tahquitz Canyon Median Way Plan. **By unanimous consent (5-0) of the City Council.**

ACTION: Continue past the 10:00 p.m. tentative adjournment time. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Lewin and unanimously carried (5-0).**

4.D. MEASURE J PROJECTS UPDATE:

ACTION: Table to October 1, 2014. **By unanimous consent (5-0) of the City Council.**

5. NEW BUSINESS:

5.A. PRESENTATION OF ENTRY WAY SIGN DESIGN:

Al Smoot, Special Projects Coordinator, provided background information as outlined in the Staff Report dated September 17, 2014.

Councilmember Lewin stated his support for the proposed signage.

Councilmember Foat stated her support for the project and requested the City Manager address the lack of entry way signage on Dinah Shore, and stated replacement is needed for the sign on Indian Canyon.

Councilmember Mills stated his support for the project, commented on the design elements, and stated the footings should not go into the boulders.

ACTION: Direct Staff to proceed with the Entry Way Signage Project. **By unanimous consent (5-0) of the City Council.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:


Mayor Pougnet commented on water conservation efforts of the City and the residents, requested Staff address the installation of a sidewalk at the Alpine Garden Hotel during the renovation, and commented on the proposal to bring the Albert Frey Aluminaire House to the City of Pam Springs.

ADJOURNMENT: The City Council adjourned at 10:21 p.m. to Wednesday, October 1, 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 1ST DAY OF OCTOBER, 2014.


STEPHEN P. POUGNET, MAYOR

ATTEST:


JAMES THOMPSON, CITY CLERK