

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



**MEETING MINUTES
WEDNESDAY, JANUARY 7, 2015
CITY HALL COUNCIL CHAMBER**

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

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

INVOCATION: Michale Cashe, Inner Faith Spiritual Center, led the Invocation.

ROLL CALL:

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

ABSENT: None.

ALSO PRESENT: City Manager Ready, Assistant City Manager/City Engineer Fuller, City Attorney Holland, City Clerk Thompson.

PRESENTATIONS:

Mayor Pougnet provided an update on the Palm Springs BUZZ, the 2015 Palm Springs International Film Festival, and the 2015 Sustainability Awards.

Mayor Pougnet announced the upcoming 2015 Mayor's Race and Wellness Festival.

Councilmember Foat provided an update on pet adoptions at the Palm Springs Animal Shelter.

REPORT OF CLOSED SESSION:

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

ACCEPTANCE OF THE AGENDA:

Mayor Pougnet noted his abstention on Consent Calendar Item 2.D.

Mayor Pro Tem Lewin requested Item 2.K. be removed from the Consent Calendar for separate discussion.

Councilmember Mills noted his abstention on Consent Calendar Item 2.C.

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

1. PUBLIC HEARINGS:

1.A. VIA OLIVERA, LLC, TENTATIVE TRACT MAP (TTM) 36737 FOR A FIVE (5) LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION, PRELIMINARY PLANNED DEVELOPMENT DISTRICT (PDD) 373, AND A MAJOR ARCHITECTURAL APPLICATION AT 199 WEST VIA OLIVERA AND CEQA NOTICE OF EXEMPTION (CASE 5.1348/TTM 36737/PDD 373/3.3730 MAJ):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated January 7, 2015.

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

GORDON STEIN, Applicant, requested the City Council approve the project.

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

Councilmember Hutcheson requested the Applicant provide information regarding notification to buyers concerning the potential adjacent multi-family development.

Councilmember Mills commented on the number of units proposed for the development, requested Staff address the Planning Commission Architectural Advisory Committee Review Guidelines, the required PDD CUP findings, requested Staff address the location of the A/C equipment, location of trash containers, the cedar door materials, requested the Planning Commission review elevation of walls including stepping, and suggested the addition of overhangs over windows.

Mayor Pro Tem Lewin stated the project was well-designed and stated his approval of the project.

ACTION: Adopt Resolution No. 23741, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PRELIMINARY PLANNED DEVELOPMENT DISTRICT 373, MAJOR ARCHITECTURAL APPLICATION 3.3730 MAJ, AND TENTATIVE TRACT MAP 36737 FOR A FIVE (5) LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION AND CEQA NOTICE OF EXEMPTION AT 199 WEST VIA OLIVERA, ZONE R-2, SECTION 3 (CASE 5.1348/TTM

36737/PDD 373/3.3730 MAJ)." Motion Councilmember Foat, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.

- 1.B. **WEST COAST HOUSING PARTNERS FOR APPROVAL OF A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE, A CONDITIONAL USE PERMIT FOR CONDOMINIUM USES IN THE RESORT COMBINING ZONE, A MAJOR ARCHITECTURAL APPLICATION, AND A TENTATIVE TRACT MAP FOR CONDOMINIUM PURPOSES FOR DEVELOPMENT OF 46 TWO-STORY DETACHED RESIDENTIAL UNITS ON ROUGHLY 5.23 ACRES AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO ROAD AND ADOPTING A MITIGATED NEGATIVE DECLARATION UNDER CEQA (CASE 5.1340 CUP PDD 370/3.3742 MAJ/TTM 36725) (ZONE C-1/RGA-6/RESORT COMBINING ZONE) (APN'S 504-074-001, 002 AND 008):**

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated January 7, 2015, and noted the public benefits of the project as follows: the creation of a public plaza, an interior plaza and bocce ball court, and public sidewalk and street improvements.

Mayor Pro Tem Lewin requested Staff address the distance between units, the entrances to the gated community, and the use of the recreation area.

Mayor Pougnet questioned the use of pavers for the interior streets.

Councilmember Foat questioned if the streets are private, the condition for the entry gates, and an individual pool for each unit.

Councilmember Mills questioned if the project was a PD in-lieu of a change of zone and not a CUP.

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

STEVE HESTER, Applicant, commented on the development, requested the City Council approve the project, and introduced the project architect who provided background statistics on the allowed uses.

MARVIN ROOS, outlined requested modifications to the Conditions of Approval as submitted in his written document.

GARY LEE SMITH, requested the City Council approve the development as recommended by the Applicant.

PAUL POPE, requested the City Council approve the development as recommended by the Applicant.

PROJECT ARCHITECT, Rebuttal, commented on the rendering of the end units.

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

Mayor Pro Tem Lewin requested the Applicant address the unit parking for each unit, commented on the emergency access on the streets, commented on the gated community, the bike station, questioned the maintenance of the bike station, and commented on the lack of landscaping outside of the development on Alvarado and De Anza.

Councilmember Mills commented on the preparation of the Staff Report, requested clarification of the proposed art wall, the staggering of units, the use of pavers, stated his support for the 24 foot streets, commented on the requested amendments to the Conditions of Approval, questioned the options for the live/work units, commented on the overhang over glass, and suggested the Planning Commission review full elevation of side street walls and stepping, and the location of pool equipment and HVAC equipment.

Councilmember Foat commented on the preparation of the Staff Report, commented on the separation between buildings, the street width, commented on the requested modifications to the Conditions of Approval, commented on the requirement for open gates, and stated her support for the project.

Councilmember Hutcheson stated his support of the project as proposed, commented on the separation between buildings, and commented on the deletion of certain Planning Commission recommendations to the Conditions of Approval.

Mayor Pougnet stated his support for the project, and commented on the separation between units.

ACTION: 1) Adopt Resolution No. 23742, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION UNDER CEQA AND APPROVING TENTATIVE TRACT MAP (TTM) 36725 (CASE 5.1340 CUP PDD 370/3.3742 MAJ/TTM 36725);" *amending the Conditions of Approval as follows: a) Delete Conditions PLN17, PLN18, ENG20, FID4, PLN19, PLN20; b) amend Condition PLN 26 to review final architectural design by the Planning Commission for the following items only: overhangs and shading, review full elevations of street walls, placement of HVAC and*

*pool equipment, landscaping on Alvarado and De Anza, staggering of certain units in the development, carve out of certain walls and incorporate certain unit walls into the exterior wall; and c) amend Condition PLN23 to require solar with the ability to generate ¼ of the expected annual energy use for each unit, and 2) Waive the reading of the ordinance text in its entirety, read by title only, and introduce on first reading Ordinance No. 1869, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT (PDD) 370 IN LIEU OF A CHANGE OF ZONE FOR A PROPOSED COMMUNITY COMPRISED OF 46 TWO-STORY DETACHED RESIDENTIAL UNITS, PRIVATE STREETS, AND OPEN SPACE ON A ROUGHLY 5.23 ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO ROAD (APN'S 504-074-001, 002 AND 008) (CASE 5.1340 CUP PDD 370/3.3742 MAJ/TTM 36725)" amending the findings of the ordinance consistent with the approval of the project as conditioned. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.***

PUBLIC COMMENT:

EMILY HEMPHILL, commented on Item 2.K. and the condition regarding grading, and commented on the proposed amendment to the EIR.

GEORGE ZANDER, Palm Springs, commented on the Federal Blood Ban, requested City facilities not be used for blood drives.

DR. JONATHAN FREEMAN, Palm Springs, commented on the new website for Tahquitz River Estates neighborhood and vacation rental regulations.

BILL SANDERSON, Palm Springs, commented on Townie Bagels.

MARVIN ROOS, commented on Item 2.K., the grading at the Desert Palisades project, and the impacts to the surrounding residents.

ED FREEMAN, commented on Item 2.K., the grading at the Desert Palisades project and requested the City Council approve the addendum to the EIR.

ROBERT ROTMAN, Palm Springs, commented on Item 2.K., read a portion of the letter from the Little Tuscany Neighborhood Organization, and requested the City Council take no action on approving an addendum to the EIR.

DENNIS WOODS, Palm Springs, commented on Item 2.K., the actions by the Developer at Desert Palisades, and requested the City Council deny the addendum to the EIR.

MICHELE EDELSTEIN, commented on Item 2.K., and the mitigation restriction for the grading activities in the EIR.

COUNCILMEMBER COMMENTS: None.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., 2.H., 2.I., 2.J., and 2.L. **Motion Mayor Pro Tem Lewin, seconded by Councilmember Foat 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 January 7, 2015, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of December 17, 2014. **Approved as part of the Consent Calendar.**

2.C. SECOND READING AND ADOPTION OF ORDINANCE NO. 1865 AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY (ANNEXATION NO. 5):

ACTION: Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1865, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY (ANNEXATION NO. 5)." **Approved as part of the Consent Calendar, noting the abstention of Councilmember Mills.**

2.D. SECOND READING AND ADOPTION OF ORDINANCE NO. 1866 AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY (ANNEXATION NO. 6):

ACTION: Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1866, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY (ANNEXATION NO. 6)." **Approved as part of the Consent Calendar, noting the abstention of Mayor Pougnet.**

2.E. SECOND READING AND ADOPTION OF ORDINANCE NO. 1867 AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY

FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY (ANNEXATION NO. 7):

ACTION: Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1867, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY (ANNEXATION NO. 7)." **Approved as part of the Consent Calendar.**

2.F. SECOND READING AND ADOPTION OF ORDINANCE NO. 1868 TO AMEND THE PALM SPRINGS ZONING CODE RELATING TO EMERGENCY SHELTERS IN THE M-2 (MANUFACTURING) DISTRICT AND CEQA NOTICE OF EXEMPTION (CASE 5.1332-ZTA):

ACTION: Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1868, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PALM SPRINGS ZONING CODE SECTION 92.17.1.01 RELATING TO EMERGENCY SHELTERS." **Approved as part of the Consent Calendar.**

2.G. RESOLUTION OF INTENTION AND PROPOSED BOUNDARY MAP TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES) ANNEXATION NO. 8:

ACTION: 1) Adopt Resolution No. 23743, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO AUTHORIZE THE ANNEXATION OF TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES) AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN ANNEXATION NO. 8;" and 2) Set the public hearing for 6:00 p.m. on February 18, 2015, for public comment and for the filing of written protest by any property owner regarding the annexation of territory to Community Facilities District 2005-1, the levy of a special tax for public safety services, and a special landowner election. **Approved as part of the Consent Calendar.**

2.H. TREASURER'S INVESTMENT REPORT AS OF NOVEMBER 30, 2014:

ACTION: Receive and File the Treasurer's Investment Report as of November 30, 2014. **Approved as part of the Consent Calendar.**

2.I. APPROVE A TEN-YEAR MAINTENANCE SERVICE AGREEMENT WITH WESTERN ENERGY SYSTEMS FOR THE COGENERATION PLANT ENGINE/GENERATOR:

ACTION: 1) Approve a ten-year maintenance service agreement with Western Energy Systems for the cogeneration plant engine/generator in a form approved by the City Attorney; and 2) Authorize the City Manager to execute all necessary documents. A6652. **Approved as part of the Consent Calendar.**

- 2.J. APPROVE CHANGE ORDER NO. 6 TO AGREEMENT NO. A6375 WITH OPTERRA ENERGY SERVICES, INC. ADDING A FIBER OPTIC ENERGY MANAGEMENT COMPUTER COMMUNICATIONS SYSTEM FOR THE MUNICIPAL COMPLEX IN THE AMOUNT OF \$97,008:**
ACTION: 1) Approve Change Order No. 6 to Agreement No. A6375 with Opterra Energy Services, Inc. adding a fiber optic energy management computer communications system for the municipal complex in the amount of \$97,008; and 2) Authorize the City Manager to execute all necessary documents. A6375. **Approved as part of the Consent Calendar.**
- 2.L. DEVELOPMENT PROJECT FEE REPORT FOR FISCAL YEAR 2013-14:**
ACTION: 1) Receive and file the Development Project Fee Report for Fiscal Year 2013-14; and 2) Adopt Resolution No. 23745, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MAKING CERTAIN FINDINGS AND ACKNOWLEDGING RECEIPT OF THE FISCAL YEAR 2013-14 DEVELOPMENT FEE REPORT REQUIRED BY GOVERNMENT CODE SECTION 66000." **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

- 2.K. THE DESERT PALISADES SPECIFIC PLAN ADOPTING AN ADDENDUM TO A PREVIOUSLY CERTIFIED ENVIRONMENTAL IMPACT REPORT (EIR) RELATED TO DEVELOPMENT OF A 117-ACRE SITE IN PLANNING AREA 4 OF THE ENVIRONMENTALLY SENSITIVE AREA - SPECIFIC PLAN ZONE (ESA-SP) (CHINO CONE) AT THE WESTERN TERMINUS OF WEST RACQUET CLUB ROAD:**

Marcus Fuller, Assistant City Manager/City Engineer, provided background information on the grading activities and the lack of a traffic control plan.

City Attorney Holland explained the process for the addendum of the EIR.

Mayor Pro Tem Lewin commented on the traffic impact to Racquet Club, and stated his concerns with approving an addendum that may affect the Big Horn Sheep.

Councilmember Mills requested the project biologist address the impact to the Big Horn Sheep.

Councilmember Foat commented on the impact to the neighborhood, the impact from the street sweeper, requested the Developer address why they did not stop grading on December 30, commented on the construction start time, requested Staff meeting with the Neighborhood and the Developer, and questioned if the sand trucks will stop until the Tramway Road option is available.

Councilmember Hutcheson commented on the offer to stop the trucks moving sand, Staff mediation, and the required biologist on site.

Councilmember Foat requested an open line of communication between the neighborhood organization and Staff.

ACTION: Adopt Resolution No. 23744, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN ADDENDUM TO THE PREVIOUSLY CERTIFIED ENVIRONMENTAL IMPACT REPORT FOR THE DESERT PALISADES SPECIFIC PLAN (DPSP), IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES, SECTION 4, TOWNSHIP 4, RANGE 4 (IL) (CASE 5.1154 SP)." **Motion Councilmember Mills, seconded by Mayor Pougnet and carried 4-1 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Hutcheson, Councilmember Mills, and Mayor Pougnet.

NOES: Mayor Pro Tem Lewin.

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

4.A. **AMENDMENT TO THE CITY'S SPECIAL ECONOMIC DEVELOPMENT FOCUS INCENTIVE AREAS PROGRAM GUIDELINES AND AMEND THE FISCAL YEAR 2014-15 BUDGET TO APPROPRIATE FUNDS FOR THE AGREEMENT:**

John Raymond, Director of Community and Economic Development, provided background information as outlined in the Staff Report dated January 7, 2015.

Councilmember Foat commented on the request for \$250,000 that could be used up by only one business, and discussed the process for award.

Mayor Pro Tem Lewin stated he preferred the uniformity of the previous program.

ACTION: 1) Adopt Resolution No. 23746, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR THE 2014-15 FISCAL YEAR TO PROVIDE \$300,000 FOR THE INCENTIVE GRANT AGREEMENT;" 2) Adopt Resolution No. 23747, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE GUIDELINES FOR THE SPECIAL ECONOMIC DEVELOPMENT FOCUS INCENTIVE PROGRAM AREAS;" and 3) Authorize the City Manager to execute all documents related to the Special Economic Development Focus Incentive Areas Program. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.**

5. NEW BUSINESS: None.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Mills requested Staff address the placement of the real estate directional sign at City Hall.

Mayor Pro Tem Lewin commented on the condition of the City Hall Parking lot, and the Salton Sea license plate program.

Councilmember Foat requested ridership information for the Palm Springs BUZZ, requested signage be improved, and stated additional marketing information is needed.


Mayor Pougnet requested the City Manager urgently create a homeless committee.

ADJOURNMENT: The City Council adjourned at 9:15 p.m. to Wednesday, January 21, 2015, 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 21ST DAY OF JANUARY, 2015.


STEPHEN P. POGNET, MAYOR

ATTEST:


JAMES THOMPSON, CITY CLERK