

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



**MEETING MINUTES
WEDNESDAY, JULY 15, 2015
CITY HALL COUNCIL CHAMBER**

CALL TO ORDER: Mayor Pro Tem Lewin called the meeting to order at 6:10 p.m.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Lewin led the Pledge.

INVOCATION: Rabbi Sally Olins led the Invocation.

ROLL CALL:

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

ABSENT: Mayor Pougnet.

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

Mayor Pro Tem Lewin stated the Mayor was absent. Such absence was with permission of the City Council.

PRESENTATIONS:

Mayor Pro Tem Lewin provided an update on Cooling Centers located in the City of Palm Springs, announced the upcoming Downtown Event Space Committee meeting and the Special Olympics Torch Run.

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

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 stated the City Council did not discuss the CDI Ventures and the Palm Springs LLC real property items on the Agenda. City Attorney Holland reported the City Council provided direction to City Staff and the City Attorney, otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

Councilmember Foat requested Items 2.E., 2.I., 2.K., 2.M., and 2.U. be removed from the Consent Calendar for separate discussion.

ACTION: Accept the Agenda as amended. **Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

1. PUBLIC HEARINGS:

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

City Attorney Holland provided background information as outlined in the Staff Report dated July 15, 2015.

Mayor Pro Tem Lewin opened the public hearing, and the following speakers addressed the City Council.

MATTHEW SHAPIRO, representing Southern C's, commented on medical cannabis laws, noted the benefits of Southern C's, commented on the security plan, and requested the City Council consider Southern C's.

MICHAEL ZITOMEN, Palm Springs, representing Veda Pharm commented on the staff report regarding the condition of the application.

MITCHELL MILLS, representing PS Associated Organica, read testimonials in support of PS Associated Organica.

GARY CHERLIN, Desert Organic Solutions, commented on the application submitted by Southern C's, and noted the location would be in close proximity, requested the City Council not allow Southern C's at the proposed location.

JACK LILLARD, Palm Springs, property owner of the location proposed by PS Associated Organica, and requested the City Council grant a permit to PS Associated Organica.

STEVEN COOLEY, Palm Springs, requested the City Council award a permit to PS Associated Organica.

BILL SANDERSON, Palm Springs, requested the City Council award a permit to PS Associated Organica.

JULIE MONTANTE, PS Associated Organica, commented on the use and benefits of medical cannabis, noted the services offered by PS Associated Organica.

RICK PANTELE, commented on the process by not allowing new applications, and requested the City Council take no action and allow new applications.

JOHN BABIT, commented on the services offered by PS Associated Organica, and requested the City Council consider awarding a permit to PS Associated Organica.

ANTHONY DISICNA, Palm Springs, stated his support for PS Associated Organica.

CHARLIE KIELEY, requested the City Council award a permit to Joy Brown Meredith.

ANDREW MILKS, representing Brown Dog Farms, commented on the permitted collective operated by Brown Dog in another City, the services and products offered by Brown Dog Farms, and requested the City Council consider awarding a permit to Brown Dog Farms.

JOY BROWN MEREDITH, requested the City Council consider her application and provided background information on the development in her application.

STEVE ROSENBERG, commented on the development of rules and regulations in the City of Palm Springs, and requested the City Council open the process to new applicants.

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

Councilmember Hutcheson requested Staff address the reasoning in the Staff Report regarding Veda Pharm.

Mayor Pro Tem Lewin commented on the previous application submitted by Joy Brown Meredith.

Councilmember Foat stated she reviewed the applications and reviewed the sites, and stated her support to issue a license to PS Associated

Organica, noted the proximity to residential properties and requested the City Council consider an administrative modification.

Mayor Pro Tem Lewin commented on the application by Veda Pharm, and requested the City Council support the application by Veda Pharm.

Councilmember Mills requested the City Attorney comment on the proximity to the R-2 properties and the administrative modification process, and questioned the proximity of residential to Palm Springs Premier Care.

Councilmember Hutcheson commented on his goal to serve the greatest number of patients, commented on the applications submitted on PS Associated Organica and requested the City Council, "hold" on a second permit to allow for new applications.

ACTION: 1) Adopt Resolution No. 23852, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVE AN APPLICATION BY PALM SPRINGS ASSOCIATED ORGANICA FOR A PERMIT TO OPERATE A MEDICAL CANNABIS COLLECTIVE OR COOPERATIVE AT 400 EAST SUNNY DUNES, PALM SPRINGS, CALIFORNIA 92262 (ZONE CM)" *adding a condition of approval: i) to require the name Palm Springs Associated Organica be used and, ii) an administrative modification and findings for the operation within 250 feet of residentially-zoned properties; and 2) Direct Staff to solicit new applications for consideration for the sixth cannabis permit.* **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pougnet.

- 1.B. APPEAL BY O & M HR, LLC, OF THE HISTORIC SITE PRESERVATION BOARD ACTION TO INITIATE A STUDY FOR POSSIBLE CLASS 1 HISTORIC SITE DESIGNATION AND A STAY OF DEMOLITION FOR "THE TAHQUITZ PLAZA" BUILDINGS, LOCATED AT 600 TO 750 E. TAHQUITZ CANYON WAY, ZONE REO (CASE HSPB 97):**

Withdrawn at the request of the Appellant O & M HR, LLC.

- 1.C. CONSIDERATION OF A ZONE TEXT AMENDMENT TO AMEND THE PALM SPRINGS ZONING CODE (PSZC) CHAPTERS 92 AND 93 TO MODIFY THE SETBACK REQUIREMENTS AND AESTHETIC STANDARDS FOR NEW CARPORT STRUCTURES IN THE R-2**

(LIMITED MULTIFAMILY RESIDENTIAL) AND R-3 (MULTIPLE-FAMILY RESIDENTIAL AND HOTEL) ZONING DISTRICTS AND APPROVAL OF AN ASSOCIATED NOTICE OF EXEMPTION PURSUANT TO CEQA (CASE 5.1368 ZTA):

ACTION: 1) Table the public hearing with no public testimony at this time; 2) Continue the Public Hearing to September 16, 2015; and 3) Direct the City Clerk to post a Notice of Continued Public Hearing pursuant to law.
Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.

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

NOES: None.

ABSENT: Mayor Pougnet.

1.D. AMENDMENT TO THE DESERT PALISADES SPECIFIC PLAN TO ALLOW RESIDENT ACCESS TO TRAM WAY AND TO DESIGNATE A 5-ACRE PARCEL TO THE PLAN AREA AS PERMANENT OPEN SPACE (CASE 5.1154-A SP):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated July 15, 2015.

Councilmember Foat requested clarification be added to statements to reduce impact during construction by moving the boulders.

Mayor Pro Tem Lewin opened the public hearing, and the following speakers addressed the City Council.

MARVIN ROOS, representing Applicant, provided a progress report on the current construction of the infrastructure, commented on the discussions that have taken place with the Tramway Board, the speed study conducted at the request of the Staff at the Tram, commented on reduction of impacts by allowing the boulders to be moved to the remainder parcel, discussed the relationship to the streets in the General Plan, and requested the City Council consider the amendment.

ROBERT HARGRAVES, General Counsel for Palm Springs Aerial Tramway, provided comments on the traffic on the road, noted this is the only road to enter the Tram, noted the design needs to be safe and the Authority needs to consider the item.

JAMES WHITMORE, commented on the discussions with Tramway staff and the mitigation measures, but stated the Board has not voted on this issue.

MICHAEL McCULLOCH, stated the Board has not seen plans and has not taken any action; commented on the road conditions and current boulders.

NANCY STUART, Palm Springs, stated the Authority Board has not been approached or voted on this plan, commented on the traffic study, and expressed concerns for traffic safety.

MINDY REED, commented on the number of cyclists that currently use Tram Way Road to train for hill riding.

EMILY HEMPHILL, Applicant Rebuttal, noted the process and stated the City needs to take action on the CEQA process, and stated the Authority Board cannot take action until the City Council takes action, commented on the traffic studies, and the improvements to the pedestrian path for cyclists.

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

Councilmember Hutcheson requested the City Attorney address the CEQA process prior to the Authority Board.

Councilmember Mills noted the CEQA requirements for the City Council before being presented to the Authority Board, commented on the safety traffic conditions, the traffic study, stated his support to reduce the traffic impact to Racquet Club, questioned the Applicant on the boulders on the right-of-way, and requested the General Counsel for Board comment on the process with the Authority Board.

Councilmember Foat requested the project be presented to the Authority Board, stated she would like a plan for the construction trucks to cross Tram Way Road, requested Staff address the comments by the Little Tuscany Neighborhood Organization, commented on the boulders on the site, read a letter received by the neighborhood, and stated she would like the input from the Authority Board.

Councilmember Hutcheson stated an entrance on Tram Way would be beneficial to the surrounding neighborhood, stated he is comfortable taking action and would appreciate further input from the Authority Board.

Councilmember Mills stated the proposed amendment is the only solution to impact to the surrounding neighborhood, the City Council will consider taking action, but the City Council will see the project again.

Councilmember Foat commented on the current traffic conditions and construction conditions, further commented on the movement of boulders and requested additional information.

Mayor Pro Tem Lewin stated he is in support of removing the traffic from Racquet Club, but is not supportive of all the actions.

MOTION: Adopt Resolution "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN ADDENDUM TO THE PREVIOUSLY CERTIFIED ENVIRONMENTAL IMPACT REPORT FOR, AND AMENDING THE DESERT PALISADES SPECIFIC PLAN TO ALLOW RESIDENT ACCESS TO TRAM WAY AND TO INCORPORATE INTO THE PLAN AREA AN APPROXIMATELY 5 ACRE PARCEL OF LAND LOCATED ON THE NORTHERLY SIDE OF TRAM WAY FOR BOULDER PLACEMENT AND LANDSCAPE ENHANCEMENT TO BE DESIGNATED AS PERMANENT OPEN SPACE." **Motion Councilmember Mills, seconded by Councilmember Hutcheson and failed 2-2 on a roll call vote.**

AYES: Councilmember Hutcheson, and Councilmember Mills.

NOES: Councilmember Foat, and Mayor Pro Tem Lewin.

ABSENT: Mayor Pougnet.

ACTION: 1) Table the public hearing with no public testimony at this time; 2) Continue the Public Hearing to September 16, 2015; and 3) Direct the City Clerk to post a Notice of Continued Public Hearing pursuant to law. **Motion Mayor Pro Tem Lewin, seconded by Councilmember Foat and carried 3-1 on a roll call vote.**

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

NOES: Councilmember Mills.

ABSENT: Mayor Pougnet.

1.E. AMENDMENT TO THE SECTION 14 SPECIFIC PLAN CLARIFYING A MAXIMUM PERMITTED HEIGHT OF 24 FEET FOR THE MEDIUM DENSITY RESIDENTIAL (MR) LAND USE DESIGNATION (CASE 5.1374 SP-A):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated July 15, 2015.

Mayor Pro Tem Lewin opened the public hearing, and no speakers coming forward the public hearing was closed.

Councilmember Mills requested Staff clarify the maximum height as it applies to the R2 and the HR zoning.

ACTION: Adopt Resolution No. 23853, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING

A CATEGORICAL EXEMPTION FROM CEQA AND APPROVING AN AMENDMENT TO THE SECTION 14 SPECIFIC PLAN CLARIFYING A MAXIMUM PERMITTED HEIGHT OF 24 FEET IN THE MEDIUM DENSITY RESIDENTIAL (MR) LAND USE DESIGNATION.” **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pougnet.

1.F. APPROVAL OF THE USER FEE STUDY / COST ALLOCATION PLAN AND ASSOCIATED COMPREHENSIVE FEE SCHEDULE AND MODIFYING AND APPROVING CERTAIN USER FEES AND CHARGES:

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated July 15, 2015.

Councilmember Foat questioned the effective date of new fees.

Mayor Pro Tem Lewin opened the public hearing, and the following speakers addressed the City Council.

FRED BELL, requested that only Planning and Engineering fees be deferred not building fees, commented on construction industry in Palm Springs.

GRETCHEN GUTIRREZ, thanked the City Council for the extension in time, and stated they are supportive of the fee schedule but requested the fees be “stepped-in”.

No further speakers coming forward, the public hearing was closed. Councilmember Mills questioned the number of positions in building, noted the concerns of the building industry and the lack of staff to process the current applications.

Councilmember Hutcheson commented on the comparison of the fees to other cities, stated his support for the fee increases, and questioned the placement and explanation of fees on the City's website.

Councilmember Foat questioned the amount of revenue lost if the request to phase-in the fees was implemented.

Mayor Pro Tem Lewin stated we need additional staff to process the volume of work in the Development Services Departments.

ACTION: 1) Adopt Resolution No. 23854, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A USER FEE STUDY AND COST ALLOCATION PLAN, MODIFYING AND APPROVING CERTAIN USER FEES AND CHARGES AND ADOPTING THE COMPREHENSIVE FEE SCHEDULE FOR FISCAL YEAR 2015-16;" and 2) Direct the City Manager and Director of Finance and Treasurer to incorporate the approved user fees as part of the previously-adopted Fiscal Year 2015-16 Budget, and make other modifications thereto as may otherwise be necessary. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pougnet.

The City Council recessed at 8:51 p.m.

The City Council reconvened at 8:58 p.m.

PUBLIC COMMENT:

PATRICIA BRESLIN, commented on the success of the BUZZ and spoke against the BUZZ in the Historic Tennis Club Neighborhood.

RON MATLIN, Palm Springs, commented on the success of the BUZZ and spoke against the BUZZ in the Historic Tennis Club Neighborhood.

ANDY ROTTER, Palm Springs, commented on the cancellation of the American Heat Event.

DANNY HYSELL, Palm Springs, commented on the cancellation of the American Heat Event.

LARRY BITONTI, Palm Springs, commented on the cancellation of the American Heat Event.

ELAINA MAJIROS, Palm Springs, commented on the cancellation of the American Heat Event.

ROBERT FINDLEY, commented on Item 4.C., and requested the City Council consider demolition of the building.

EDITH MURRAY, Palm Springs, commented on inspection of her home roof by the City Building Department.

MARK WALTHOUR, Palm Springs, commented on the cancellation of the American Heat Event.

GREG LARIVIERE, Palm Springs, commented on the cancellation of the American Heat Event.

DAVID FELTMAN, Palm Springs, commented on Item 4.C., and requested the City Council consider demolition of the building.

TONY AGUILAR, Palm Springs, requested the City Council name a City street after Trini Lopez.

DARCI DANIELS-MURPHY, Palm Springs, requested the City Council name a City street after Trini Lopez.

RON DON, Palm Springs, requested the City Council name a City street after Trini Lopez.

DR. JONATHAN FREEMAN, Palm Springs, commented on Item 4.C., and requested the City Council consider demolition of the building.

NIKOHL VANDEL, Palm Springs, commented on the homeless.

NANCY STUART, Palm Springs, provided an update on the Mt. San Jacinto Winter Park Authority.

GAYLE HODGES, requested the City Council name a City street after Trini Lopez.

MICHAEL HARRINGTON, commented on the CVAG CVLink project and would like to trust in government.

SCOTT CONNELLY, commented on his use of the City customer service app., the response time for the Fire Department, and Item 4.C. the use of public funds for private property.

JOY BROWN MEREDITH, commented on the Downtown Event Center and requested a MainStreet Board member be considered to serve on the committee, commented on Item 4.C. and the use of public funds for private property, and the state of homelessness in the City of Palm Springs.

HAROLD MATZNER, commented on the Palm Springs BUZZ and the route in the Historic Tennis Club.

ACTION: Continue past the 10:00 p.m. tentative adjournment time. **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried (4-0).**

COUNCILMEMBER COMMENTS:

Mayor Pro Tem Lewin requested the City Manager comment on the American Heat Event.

Councilmember Foat commented on homelessness in the City of Palm Springs.

CITY MANAGER'S REPORT:

City Manager Ready provided an update on the Downtown Redevelopment Project.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.F., 2.G., 2.H., 2.J., 2.L., 2.N., 2.O., 2.P., 2.Q., 2.R., 2.S., 2.T., and 2.V. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pougnet.

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

ACTION: Receive and file Report on the Posting of the July 15, 2015, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of July 1, 2015. **Approved as part of the Consent Calendar.**

2.C. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF CATHEDRAL CITY TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING JUNE 30, 2018:

ACTION: Appoint John Haag, III, as the City of Cathedral City representative, to the Palm Springs International Airport Commission for the term ending June 30, 2018. **Approved as part of the Consent Calendar.**

2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF JUNE 2015:

ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of June 1 through June 30, 2015.
Approved as part of the Consent Calendar.

2.F. INITIATION OF ANNEXATIONS NO. 9 THROUGH NO. 12 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES):

ACTION: 1) Adopt Resolution No. 23855, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY INTO A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES FOR CITY OF PALM SPRINGS COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES), ANNEXATION NO. 9, VIBRANTE, TRACT MAP NO. 32736;" 2) Adopt Resolution No. 23856, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY INTO A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES FOR CITY OF PALM SPRINGS COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES), ANNEXATION NO. 10, CAMERON, TRACT MAP NO. 33575;" 3) Adopt Resolution No. 23857, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY INTO A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES FOR CITY OF PALM SPRINGS COMMUNITY FACILITIES DISTRICT NO. 2005-1, (PUBLIC SAFETY SERVICES), ANNEXATION NO. 11, PALM RIDGE, TRACT MAP NO. 36738;" and 4) Adopt Resolution No. 23858, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY INTO A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES FOR CITY OF PALM SPRINGS COMMUNITY FACILITIES DISTRICT NO. 2005-1, (PUBLIC SAFETY SERVICES), ANNEXATION NO. 12, VIA OLIVERA, TRACT MAP NO. 36737." **Approved as part of the Consent Calendar.**

2.G. INITIATION OF ANNEXATIONS NO. 1 AND NO. 2 TO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PUBLIC SAFETY SERVICES):

ACTION: 1) Adopt Resolution No. 23859, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY INTO A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES FOR CITY OF PALM SPRINGS COMMUNITY

FACILITIES DISTRICT NO. 2007-1, (PUBLIC SAFETY SERVICES), ANNEXATION NO. 1, CANYON LOFTS, TRACT MAP NO. 36815;" and 2) Adopt Resolution No. 23860, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY INTO A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES FOR CITY OF PALM SPRINGS COMMUNITY FACILITIES DISTRICT NO. 2007-1, (PUBLIC SAFETY SERVICES), ANNEXATION NO. 2, 18 @ TWIN PALMS, TRACT MAP NO. 36651." **Approved as part of the Consent Calendar.**

2.H. APPROVAL OF PARCEL MAP 36686, PROPERTY LOCATED AT 260 W. VISTA CHINO, TO BE DIVIDED INTO THREE (3) SINGLE FAMILY RESIDENTIAL PARCELS IDENTIFIED AS "KAPTUR COURT":

ACTION: Adopt Resolution No. 23861, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PARCEL MAP 36686 FOR PROPERTY LOCATED AT 260 W. VISTA CHINO, IN SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST." **Approved as part of the Consent Calendar.**

2.J. APPROVAL OF TRACT MAP 32736 AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH TAHQUITZ 41, LLC FOR PROPERTY LOCATED AT 6500 34TH AVENUE, PROJECT IDENTIFIED AS VIBRANTE:

ACTION: Adopt Resolution No. 23863, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TRACT MAP 32736 AND AN ASSOCIATED SUBDIVISION IMPROVEMENT AGREEMENT WITH TAHQUITZ 41, LLC, FOR PROPERTY LOCATED AT 6500 34TH AVENUE (PROJECT IDENTIFIED AS VIBRANTE), IN SECTION 20, TOWNSHIP 4 SOUTH, RANGE 5 EAST." A6729. **Approved as part of the Consent Calendar.**

2.L. ACCEPT AN AWARD FROM THE U.S. DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$20,031 AND APPROVE AN INTERLOCAL AGREEMENT WITH THE COUNTY OF RIVERSIDE AND OTHER PARTICIPATING CITIES FOR THE ADMINISTRATION OF THE GRANT:

ACTION: 1) Approve the acceptance of a grant award from the United States Department of Justice in the amount of \$20,031 for the 2015 Justice Assistance Grant (JAG) Program; 2) Approve an Interlocal Agreement with the County of Riverside, and various cities within Riverside County, for the County of Riverside to administer the grant on behalf of participating agencies; and 3) Authorize the City Manager to execute all necessary documents. A6244. **Approved as part of the Consent Calendar.**

- 2.N. APPROVAL AND AUTHORIZATION TO AWARD THE AIRPORT LANDSCAPE CONVERSION PROJECT (CP 15-22):**
ACTION: 1) Authorize the City Manager to award a construction contract to the lowest responsive and responsible bidder for the Airport Landscape Conversion Project, City Project No. 15-22, in an amount not to exceed the available project budget of \$1,245,000; and 2) Authorize the City Manager to execute all necessary documents. A6727. **Approved as part of the Consent Calendar.**
- 2.O. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE 2015 SLURRY SEAL (CP 15-02):**
ACTION: 1) Approve the specifications and working details for the 2015 Slurry Seal Project (CP 15-02); and 2) Authorize staff to advertise and solicit bids. **Approved as part of the Consent Calendar.**
- 2.P. AUTHORIZE THE CITY MANAGER TO EXECUTE A CONSENT TO THE SOLAR POWER PURCHASE AGREEMENT AND SITE LEASE BETWEEN THE PALM SPRINGS AIR MUSEUM AND NOBEL ENERGY SOLUTIONS:**
ACTION: Authorize the City Manager to execute a written consent on behalf of the City to the agreement between the Palm Springs Air Museum and Nobel Energy Solutions for the installation and operation of a solar power energy system for the benefit of the Air Museum. **Approved as part of the Consent Calendar.**
- 2.Q. APPROVE AN AGREEMENT WITH KRONOS INC. TO UPGRADE AND PROVIDE CLOUD HOSTING SERVICES FOR THE FIRE DEPARTMENT SCHEDULING SOFTWARE (WORKFORCE TELESTAFF):**
ACTION: 1) Approve agreement with Kronos Inc. to upgrade the fire department scheduling software Web Access Telestaff v2x to Workforce Telestaff v4 in the Kronos Cloud in an amount not to exceed \$35,316.75; and 2) Authorize the City Manager to execute all necessary documents. A6728. **Approved as part of the Consent Calendar.**
- 2.R. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE AND AUTHORIZATION TO BID FOR THE FIRE STATION NO. 2 HVAC CHILLER REPLACEMENT (CP 14-17):**
ACTION: 1) Approve the plans, specifications and estimate; and 2) Authorize staff to advertise and solicit bids for the Fire Station No. 2 HVAC Chiller Replacement (CP 14-17). **Approved as part of the Consent Calendar.**

2.S. AMENDMENT NO. 2. TO AGREEMENT NO. A5966 WITH EVA'S AT THE PALM SPRINGS INTERNATIONAL AIRPORT EXTENDING THE TERM UP TO FOUR (4) YEARS:

ACTION: 1) Approve Amendment No. 2 to Agreement No. A5966 with Eva's at the Palm Springs International Airport, extending the term three years effective September 1, 2015, to August 31, 2018, with an option for a fourth year; and 2) Authorize the City Manager to execute all necessary documents. A5966. **Approved as part of the Consent Calendar.**

2.T. PALM SPRINGS INTERNATIONAL AIRPORT DISADVANTAGED BUSINESS ENTERPRISE PROGRAM:

ACTION: 1) Approve the Palm Springs International Airport's (PSP) Disadvantaged Business Enterprise (DBE) Program, pending FAA approval; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

2.V. AUTHORIZE ANNUAL BLANKET PURCHASE ORDERS TO DESERT SECURITY FOR VACATION RENTAL RESPONSE PROGRAM AND NIGHTLY SUNRISE PARK PATROLS:

ACTION: 1) Authorize the issuance of an annual blanket purchase order to Desert Security for the Vacation Rental Response Program at the stated hourly rates; 2) Authorize the issuance of an annual blanket purchase order to Desert Security for nightly patrol service at Sunrise Park at the stated hourly rates; and 3) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.E. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH ESGIL CORPORATION FOR "ON CALL" BUILDING PLAN CHECK SERVICES AND APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH RKA CONSULTING, INC. FOR "ON CALL" BUILDING PLAN CHECK SERVICES:

Councilmember Foat requested Staff address the number of plan check providers.

ACTION: 1) Terminate Agreement No. A2683 with Esgil Corporation, effective September 13, 2015, and approve a new agreement with Esgil Corporation for "On-Call" Building Plan Review Services for an initial term through June 30, 2018, subject to two additional one year extensions approved at the discretion of the City Manager; 2) Approve Amendment No. 2 to Agreement No. A6208 with RKA Consulting Group, Inc. for "On-Call" Building Plan Review Services; and 3) Authorize the City Manager to execute all necessary

documents. A2683. A6726. A6208. **Motion Councilmember Mills, seconded by Mayor Pro Tem Lewin and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pougnet.

2.I. APPROVAL OF TRACT MAP 33575 AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH RREF II-DC CAMERON, LLC FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF SOUTH PALM CANYON DRIVE AND MESQUITE AVENUE:

Councilmember Foat commented on the alignment of the project with the Tahqutiz Creek Master Plan.

ACTION: Adopt Resolution No. 23862, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TRACT MAP 33575 AND AN ASSOCIATED SUBDIVISION IMPROVEMENT AGREEMENT WITH RREF II-DC CAMERON, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF SOUTH PALM CANYON DRIVE AND MESQUITE AVENUE, IN SECTION 23, TOWNSHIP 4 SOUTH, RANGE 4 EAST." A6730. **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pougnet.

2.K. APPROVAL OF A SEWER CONNECTION EXEMPTION FOR THE PROPERTY LOCATED 584 WEST PANGA WAY IN ACCORDANCE WITH TITLE 15 OF THE PALM SPRINGS MUNICIPAL CODE:

The City Council discussed and/or commented on the following with respect to the sewer connection: a provision to mandate a sewer hookup at a future date.

ACTION: Approve an exemption to the requirement to connect to the public sewer system for the property located at 584 West Panga Way, in accordance with Chapter 15.14.010 of the Palm Springs Municipal Code, and Resolution No. 20650. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pougnet.

2.M. CHANGE ORDER NO. 1 TO AGREEMENT NO. A6593 WITH HILLCREST CONTRACTING, INC. IN AN AMOUNT NOT TO EXCEED \$48,267.39 FOR THE VISTA CHINO AT FARRELL DRIVE STREET IMPROVEMENTS, FEDERAL PROJECT CML 5282 (037) (CP 09-11):

ACTION: 1) Approve Construction Contract Change Order No. 1 in an amount not to exceed \$48,267.39 to the Construction Contract with Hillcrest Contracting, Inc., for an increased total contract amount of \$374,880.39 for the Vista Chino at Farrell Drive Street Improvements, Federal Project No. CML 5282 (037) (CP 09-11); 2) Authorize the City Manager to approve an additional amount not to exceed \$25,000 in cumulative change orders for additional required work recommended by the City Engineer; and 3) Authorize the City Manager to execute all necessary documents. A6593. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pougnet.

2.U. APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$166,400 TO INTERWEST CONSULTING GROUP, INC., FOR BUILDING INSPECTIONS REQUIRED FOR NEW COMMERCIAL BUILDINGS LOCATED IN PARCEL MAP 36446 ("DOWNTOWN PALM SPRINGS"):

Councilmember Foat questioned the addition of City Staff to handle project inspections.

ACTION: 1) Approve a Purchase Order in the amount of \$166,400 to Interwest Consulting Group, Inc., in accordance with Agreement No. A6686, to coordinate and provide as-needed building inspections through Fiscal Year 2015-16 required for new commercial buildings being constructed within Parcel Map 36446, "Downtown Palm Springs;" and 2) Authorize the City Manager to execute all necessary documents. A6686. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pougnet.

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

4.A. CITY COUNCIL DIRECTED INDEPENDENT LEGAL AND ACCOUNTING REVIEW OF POLICY, PROCEDURES, REGULATIONS AND PRACTICES FOR THE TRANSFER AND/OR SALE OF CITY AND SUCCESSOR AGENCY OWNED REAL PROPERTY AND ECONOMIC DEVELOPMENT INCENTIVE PROGRAMS:

Michael Brabo provided information contained in his independent report dated June 30, 2015.

Mayor Pro Tem Lewin questioned the independence of the audit and the role of City Staff, questioned if the auditors had any unsolved issues on the grant provided to the Hacienda, and if the Council should have confidence with City Staff handling of grants.

Councilmember Hutcheson stated he was pleased to get the report and its findings, and stated the grants provide many benefits for the economic turnaround in the City.

Councilmember Mills commented on the process and that the report indicated the City Council policy objectives were followed.

Councilmember Foat commented on the creation of the grants and the programs, and noted the benefits to the City, and stated she was pleased with the findings that the funds were spent in accordance with Council policy.

ACTION: Receive the Certified Public Accountants report on the Economic Development Incentive Programs, from Brabo & Carlsen, LLP, Certified Public Accountants. **Motion Mayor Pro Tem Lewin, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pougnet.

4.B. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE AND AUTHORIZATION TO BID THE TAHQUITZ CREEK TRIANGLE GATEWAY (CP 14-16):

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated July 15, 2015.

Councilmember Mills questioned the future improvements on the plan by other parties.

ACTION: 1) Approve the plans, specifications and estimate; and 2) Authorize staff to advertise and solicit bids for the Tahquitz Creek Triangle Gateway (CP 14-16). **Motion Councilmember Hutcheson, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pougnet.

4.C. DEMOLITION OF THE PROPERTY LOCATED AT 999 S. PALM CANYON DRIVE (FORMERLY MAGRUDER CHEVROLET):

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated July 15, 2015.

Mayor Pro Tem Lewin stated the Staff recommended to "hold," is a prudent one, but realized the City needs some agreement with the property owner.

Councilmember Foat requested Staff address any enforcement activities and funding activities.

Councilmember Mills stated his goal to eliminate the blight, and another important goal for the taxpayers, to be able to recoup the property, and requested Staff continue to work on a method to reduce the financial burden to the City.

Councilmember Foat commented on the cost to the taxpayers without any ability for the City to recoup the costs, or finding other solutions for funding or enforcement.

ACTION: Take no action and continue the Item. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pougnet.

4.D. CITY COUNCIL SUBCOMMITTEE PROGRESS REPORT AND UPDATE ON THE DOWNTOWN PALM SPRINGS PARK:

Councilmember Mills provided a Subcommittee report on the Downtown Event Space.

The City Council discussed and/or commented on the following with respect to the project: the preliminary proposed budget, the use of the space when events are not taking place, use by the Museum and other types and sizes of events, and soliciting public comments.

No action taken.

5. NEW BUSINESS: None.

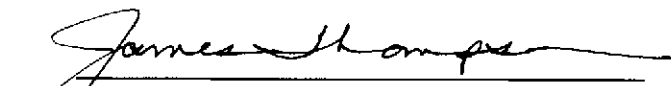
COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS: None.

ADJOURNMENT: The City Council adjourned at 10:42 P.M., *in memory of Jerry Weintraub*, to Wednesday, September 2, 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 2ND DAY OF SEPTEMBER, 2015.


STEPHEN P. POUGNET, MAYOR

ATTEST:


JAMES THOMPSON, CITY CLERK