

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



**MEETING MINUTES  
WEDNESDAY, SEPTEMBER 2, 2015  
CITY HALL COUNCIL CHAMBER**

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:10 p.m.

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

**INVOCATION:** Reverend Amanda Burr, United Methodist Church, 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, City Attorney Holland, City Clerk Thompson.

**PRESENTATIONS:**

Mayor Pougnet read a statement of recent events regarding Incentive Programs and the sale of RDA properties.

Mayor Pougnet and Police Chief Franz announced that Officer Mathew Steed received the lifesaving medal.

Councilmember Foat announced the grand opening ribbon cutting at 849 Restaurant in the City of Palm Springs.

Mayor Pougnet provided an update on the City's Transient Occupancy Tax and the progress of the Kimpton Hotel construction.

Mayor Pougnet announced JetBlue will be providing air service to Palm Springs International Airport.

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 Mayor Pougnet did not participate in one matter regarding Initiation of Litigation, and Councilmember Hutcheson did not participate in the discussion regarding the Intervention911 Litigation.

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:**

Mayor Pougnet abstained on Item 2.B. the approval of the July 15, 2015 Minutes.

Councilmember Mills noted a business related abstention on Item 2.C. Warrant Nos. 1079451, 1079593, 1079710 and requested items 2.Q., 2.S., 2.V. and 2.W. be removed from the Consent Calendar.

Mayor Pro Tem Lewin requested items 2.W. and 2.X. be removed from the Consent Calendar.

Councilmember Foat noted a business related abstention on Item 2.C. Warrant Nos. 1079817 and 1080070, and requested items 2.V. and 2.Y. be removed from the Consent Calendar.

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

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

#### **1.A. DEBBIE GORDON APPEALING THE JUNE 24, 2015, DECISION OF THE PLANNING COMMISSION TO GRANT A VARIANCE APPLICATION AND APPROVE MAJOR ARCHITECTURAL REQUEST BY GANDO PROPERTIES FOR THE CONSTRUCTION OF AN APPROXIMATE 96,445 SQ. FT. OFFICE SPACE, WAREHOUSE, AND SELF STORAGE FACILITY ON AN APPROXIMATELY 4.5-ACRE PARCEL AT THE SOUTHEAST CORNER OF GENE AUTRY TRAIL AND TACHEVAH DRIVE:**

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated September 2, 2015, and recommended the City Council open the public hearing and take testimony, but continue the public hearing to September 16, 2015, to perfect noticing.

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

DAVID GANDOLFO, Applicant, commented on the letter of appeal and stated there is a need in the City for additional public storage.

**ACTION:** 1) Continue the Public Hearing to September 16, 2015; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing and Notice the Appellant. **Motion Councilmember Mills, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.**

**1.B. PALM SPRINGS MODERN COMMITTEE APPEALING THE JUNE 10, 2015, DECISION OF THE PLANNING COMMISSION TO APPROVE A CONDITIONAL USE PERMIT TO EXPAND AND MODIFY FLOOR SPACE AT AN EXISTING GAS STATION LOCATED AT 2796 NORTH PALM CANYON DRIVE (CASE 5.0712 CUP):**

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated September 2, 2015.

Councilmember Foat questioned if the Planning Commission received the recommendations from the Historic Site Preservation Board.

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

CHRIS MENRAD, Appellant, commented on the removal of a portion of the building is being removed, and stated the Planning Commission did not receive all the recommendations of the HSPB.

GERGIS YOUSEF, Applicant, commented on the condition and stated the proposed work is being done to the interior of the building with minimal exterior work.

GARY JOHNS, stated he attended both the HSPB and the Planning Commission meeting, the information from the HSPB was not received by the Planning Commission, and requested the project go to the AAC as well.

STEVEN PRICE, commented on the history of the property and the architect, and requested the City Council uphold the appeal.

ROBERT IMBER, commented on the significance of the Cody designed gas station, and stated the Planning Commission did not receive the information from the HSPB.

STAN POLLAKUSKY, designed the project and commented on the removal of an interior wall, stated the modifications are very minor, and requested the City Council approve the project.

JIM CARVELL, requested the City Council allow the project to provide an opportunity for the business to continue.

Applicant Rebuttal commented on the business model and the need to allow for a convenience store to make the business viable.

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

Councilmember Mills requested City Staff clarify if the plans included an addition and the removal of the interior wall, stated the structure is historic, recommended the City Council review the previous conditions for the CUP that have not been implemented regarding screening, permit for satellite dish, and the screening of the mechanical equipment, recommend the City enforce the conditions of the CUP, stated he is not supportive of the addition, but he supports the interior modifications, and stated he would be supportive of returning the Item to the Planning Commission, recommended the Planning Commission also review the signage.

Councilmember Hutcheson commented on the amount of ancillary business needed to operate, stated the City should find a balance to preserve the building while providing an opportunity for the owner to operate a viable business, and stated support for the removal of the interior wall.

Councilmember Foat commented on the historic nature, expressed her concern with the information to the Planning Commission and stated her support for returning to the Planning Commission.

Mayor Pro Tem Lewin requested staff clarify if the modifications were part of the Cody design, and expressed concerns for the business owner to have a viable business.

**ACTION:** 1) Uphold the Appeal; and 2) Return the item to the Planning Commission for expedited review. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

- 1.C. CROWN CASTLE (T-MOBILE WIRELESS) FOR AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT ELIMINATING IMPOSED TIME LIMITS, APPROVING THE ADDITION OF THREE NEW PANEL ANTENNAS, AND APPROVING A CEQA CATEGORICAL EXEMPTION**

**FOR AN EXISTING CELL TOWER MONOPOLE LOCATED AT 490 EAST SUNNY DUNES ROAD, ZONE C-M (CASE 5.0719 CUP):**

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated September 2, 2015.

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

MARISA KEBECK, stated the City needs a tower at the North end.

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

Mayor Pro Tem Lewin requested Staff address the previous five-year requirement.

**ACTION:** Adopt Resolution No. 23864, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT ELIMINATING IMPOSED TIME LIMITS, APPROVING THE ADDITION OF THREE NEW PANEL ANTENNAS, AND APPROVING A CEQA CATEGORICAL EXEMPTION FOR AN EXISTING CELL TOWER MONOPOLE AT 490 EAST SUNNY DUNES ROAD, ZONE C-M (CASE NO. 5.0719 CUP)." **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

The City Council heard Items 1.D. and 1.E. concurrently as one public hearing.

**1.D. CALLING AND CONDUCTING THE SPECIAL ELECTION, AND INTRODUCTION OF AN ORDINANCE AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN ANNEXATION NOS. 9 THROUGH NO. 12 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES):**

Marcus Fuller, Assistant City Manager, City Engineer, provided background information as outlined in the Staff Report dated September 2, 2015.

Mayor Pougnet opened the public hearing, and no speakers coming forward the public hearing was closed.

**ACTION:** 1) Adopt Resolution No. 23865, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING ANNEXATION NO. 9, VIBRANTE, TRACT MAP NO. 32736, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX, AND SUBMITTING THE LEVY OF SPECIAL TAX TO QUALIFIED

ELECTORS;" 2) Adopt Resolution No. 23866, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING ANNEXATION NO. 10, CAMERON, TRACT MAP NO. 33575, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX, AND SUBMITTING THE LEVY OF SPECIAL TAX TO QUALIFIED ELECTORS;" 3) Adopt Resolution No. 23867, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING ANNEXATION NO. 11, PALM RIDGE, TRACT MAP NO. 36738, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX, AND SUBMITTING THE LEVY OF SPECIAL TAX TO QUALIFIED ELECTORS;" 4) Adopt Resolution No. 23868, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING ANNEXATION NO. 12, VIA OLIVERA, TRACT MAP NO. 36737, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX, AND SUBMITTING THE LEVY OF SPECIAL TAX TO QUALIFIED ELECTORS." **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

City Clerk Thompson stated a special landowner election was conducted, and the results were as follows:

Annexation No. 9. Total Eligible Votes 8. Total YES Votes 8. Total NO Votes 0  
Annexation No. 10. Total Eligible Votes 12. Total YES Votes 12. Total NO Votes 0.  
Annexation No. 11. Total Eligible Votes 20. Total YES Votes 20. Total NO Votes 0.  
Annexation No. 12. Total Eligible Votes 1. Total YES Votes 1. Total NO Votes 0.

**ACTION:** 5) Adopt Resolution No. 23869, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE RESULTS OF A SPECIAL ANNEXATION LANDOWNER ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING THE RECORDING OF AN AMENDMENT TO NOTICE OF SPECIAL TAX LIEN FOR ANNEXATION NO. 9, VIBRANTE, TRACT MAP NO. 32736, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES);" 6) Adopt Resolution No. 23870, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE RESULTS OF A SPECIAL ANNEXATION LANDOWNER ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING THE RECORDING OF AN AMENDMENT TO NOTICE OF SPECIAL TAX LIEN FOR ANNEXATION NO. 10, CAMERON, TRACT MAP NO. 33575, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES);" 7) Adopt Resolution No. 23871, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS,

CALIFORNIA, DECLARING THE RESULTS OF A SPECIAL ANNEXATION LANDOWNER ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING THE RECORDING OF AN AMENDMENT TO NOTICE OF SPECIAL TAX LIEN FOR ANNEXATION NO. 11, PALM RIDGE, TRACT MAP NO. 36738, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES);” 8) Adopt Resolution No. 23872, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE RESULTS OF A SPECIAL ANNEXATION LANDOWNER ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING THE RECORDING OF AN AMENDMENT TO NOTICE OF SPECIAL TAX LIEN FOR ANNEXATION NO. 12, VIA OLIVERA, TRACT MAP NO. 36737, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES); 9) Waive the reading of the ordinance text in its entirety and read by title only, Ordinance No. 1880, “AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY IDENTIFIED AS ANNEXATION NO. 9, VIBRANTE, TRACT MAP NO. 32736, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES);” 10) Waive the reading of the ordinance text in its entirety and read by title only, Ordinance No. 1881, “AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY IDENTIFIED AS ANNEXATION NO. 10, CAMERON, TRACT MAP NO. 33575, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES);” 11) Waive the reading of the ordinance text in its entirety and read by title only, Ordinance No. 1882, “AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY IDENTIFIED AS ANNEXATION NO. 11, PALM RIDGE, TRACT MAP NO. 36738, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES);” and 12) Waive the reading of the ordinance text in its entirety and read by title only, Ordinance No. 1883, “AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY IDENTIFIED AS ANNEXATION NO. 12, VIA OLIVERA, TRACT MAP NO. 36737, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES).” **Motion Mayor Pro Tem Lewin, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

**1.E. CALLING AND CONDUCTING THE SPECIAL ELECTION, AND INTRODUCTION OF AN ORDINANCE AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN ANNEXATIONS NO. 1 AND NO. 2 TO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PUBLIC SAFETY SERVICES)**

**ACTION:** Take no action on Annexation No. 1; and 2) Adopt Resolution No. 23873, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING ANNEXATION NO. 2, 18 @ TWIN PALMS, TRACT MAP NO. 36651, INTO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PUBLIC SAFETY SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX, AND SUBMITTING THE LEVY OF SPECIAL TAX TO QUALIFIED ELECTORS." **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

City Clerk Thompson stated a special landowner election was conducted, and the results were as follows:

Annexation No. 2. Total Eligible Votes 3. Total YES Votes 3. Total NO Votes 0.

**ACTION:** 1) Adopt Resolution No. 23874, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE RESULTS OF A SPECIAL ANNEXATION LANDOWNER ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING THE RECORDING OF AN AMENDMENT TO NOTICE OF SPECIAL TAX LIEN FOR ANNEXATION NO. 2, 18 @ TWIN PALMS, TRACT MAP NO. 36651, INTO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PUBLIC SAFETY SERVICES);" and 2) Waive the reading of the ordinance text in its entirety and read by title only, Ordinance No. 1884, "AN ORDINANCE OF CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY IDENTIFIED AS ANNEXATION NO. 2, 18 @ TWIN PALMS, TRACT MAP NO. 36651, INTO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PUBLIC SAFETY SERVICES)." **Motion Mayor Pro Tem Lewin, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

**PUBLIC COMMENT:**

LISA MIDDLETON, commented on the recent events at Palm Springs City Hall and thanked City staff.

MICHAEL HARRINGTON, commented on recent events at City Hall and recommended a high standard of conduct for City Officials and Staff.



RONALD S. LEVEY, M.D., requested the City Council repeal the current tobacco ordinance to increase the age to 21 to purchase tobacco products.

ROBERT MOON, commented on Item 5.B., noted the changes to the project including the addition of a third hotel, requested a model of the project, requested a town hall, and a comprehensive financial accounting of City funds.

WESLEY ROSS, commented on the newly formed committee to address homelessness in the City of Palm Springs.

BOB WEINSTEIN, stated he is running for Mayor and stated his concern regarding the image of the City based on the recent events and allegations.

DAN ROBBINS, commented on allowing an additional permit for medical cannabis in the City.

JOHN STROBEL, stated his concerns have been previously addressed.

NIKOHL VANDEL, Palm Springs, commented on the condition of the water.

DELMAR AITKEN, M.D., commented on the benefits of medical cannabis.

CHEREE AITKEN, Palm Springs, commented on medical cannabis.

JAMES KAO, commented on medical cannabis and requested he be considered for a medical cannabis permit.

PAT NIXON, commented on medical cannabis and requested he be considered for a medical cannabis permit.

DARYL TERRELL, Moreno Valley, commented on recent activities at City Hall.

KATE CASTLE, commented on recent activities at City Hall.

MARK MARSHALL, Palm Springs, commented on recent activities at City Hall.

JIM KING, commented on Item 2.CC. regarding the proposed name change of Crossley Road and Golf Club Drive to Lawrence Crossley Road.

NOE PENA, commented on medical cannabis.

DAVID BARON, commented on successes of the current City Council and the recent activities at City Hall.

GINO DELIO, commented on medical cannabis.

SUZANNE SEVERIN, commented on Item 2.CC. regarding the proposed name change of Crossley Road and Golf Club Drive to Lawrence Crossley Road.

JOY BROWN MEREDITH, commented on the current success of the City, the recent events at City Hall, commented on Item 5.B. and the potential addition of a third hotel.

KRISTIN BLOOMER, commented on the current success of the City and the recent events at City Hall.

MICHAEL GAMEZ, commented on medical cannabis.

SHIRI HARRIS, commented on medical cannabis.

STEVE ROSENBERG, commented on the recent activities at City Hall.

DAVID DEADER, commented on medical cannabis.

LIANI JOHNSON, commented on medical cannabis.

AFTAB DADA, commented on the recent increase in Transient Occupancy Taxes and the recent activities at City Hall.

TONI RINGLEIN, commented on a new ruling by HUD regarding zoning ordinances.

IAN ARMSTRONG, commented on medical cannabis.

TRAE DANIEL, Palm Springs, commented on Item 2.CC. regarding the proposed name change of Crossley Road and Golf Club Drive to Lawrence Crossley Road.

JESSE DANNER, commented on the location of construction equipment at the Downtown Revitalization Project, the street reconstruction and undergrounding utility poles.

JUDITH EAGAN, commented on medical cannabis.

RON MATLIN, Palm Springs, commented on the BUZZ operating in a residential neighborhood.

BILL COOK, commented on Item 2.CC. regarding the proposed name change of Crossley Road and Golf Club Drive to Lawrence Crossley Road.

GEORGE ZANDER, Palm Springs, commented on the implementation of the Homelessness Task Force.

STEVE NICHOLS, commented on Item 2.Y. and access to trails and the Chino Canyon Preserve.

PETE DANGERMOND, Sacramento, commented on Item 2.Y. and access to trails and the Chino Canyon Preserve.

TOM ADAMO, Palm Springs, commented on the success of the City Council and homeless youths in the City of Palm Springs.

#### **COUNCILMEMBER COMMENTS:**

Mayor Pro Tem Lewin thanked the citizens of the City of Palm Springs for taking the time to speak at the City Council meeting.

Councilmember Foat commented on recent events in City Hall and the positive reaction by the residents of the City of Palm Springs, and requested City Staff draft an ordinance prohibiting the sale of animals.

**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., 2.K., 2.L., 2.M., 2.N., 2.O., 2.P., 2.R., 2.T., 2.U., 2.Z., 2.AA., 2.BB., 2.CC., 2.DD.  
**Motion Councilmember Hutcheson, seconded by Mayor Pro Tem 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 September 2, 2015, City Council Agenda. **Approved as part of the Consent Calendar.**

#### **2.B. APPROVAL OF MINUTES:**

**ACTION:** Approve the City Council Minutes of July 15, 2015. **Approved as part of the Consent Calendar, noting the abstention of Mayor Pougnet.**

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

**ACTION:** 1) Adopt Resolution No. 23875, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1078995 THROUGH 1079114 IN THE AGGREGATE AMOUNT OF \$1,198,783.43, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23876, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 06-06-2015 BY WARRANTS NUMBERED 419157 THROUGH 419171 TOTALING \$29,506.68, LIABILITY CHECKS NUMBERED 1079115 THROUGH 1079135 TOTALING \$108,689.51, FIVE WIRE TRANSFERS FOR

\$56,635.81, AND THREE ELECTRONIC ACH DEBITS OF \$1,161,167.87 IN THE AGGREGATE AMOUNT OF \$1,355,999.87, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23877, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1079136 THROUGH 1079282 IN THE AGGREGATE AMOUNT OF \$1,680,514.20, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 23878, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1079283 THROUGH 1079415 IN THE AGGREGATE AMOUNT OF \$1,382,764.11, DRAWN ON BANK OF AMERICA.;" 5) Adopt Resolution No. 23879, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 06-20-2015 BY WARRANTS NUMBERED 419172 THROUGH 419185 TOTALING \$28,695.80, LIABILITY CHECKS NUMBERED 1079416 THROUGH 1079436 TOTALING \$106,982.70, FIVE WIRE TRANSFERS FOR \$60,743.51, AND THREE ELECTRONIC ACH DEBITS OF \$1,187,961.68 IN THE AGGREGATE AMOUNT OF \$1,384,383.69, DRAWN ON BANK OF AMERICA;" 6) Adopt Resolution No. 23880, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1079437 THROUGH 1079577 IN THE AGGREGATE AMOUNT OF \$1,516,520.65, DRAWN ON BANK OF AMERICA;" 7) Adopt Resolution No. 23881, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1079578 THROUGH 1079643 IN THE AGGREGATE AMOUNT OF \$742,883.00, DRAWN ON BANK OF AMERICA;" 8) Adopt Resolution No. 23882, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 07-04-2015 BY WARRANTS NUMBERED 419186 THROUGH 419199 TOTALING \$26,005.01, LIABILITY CHECKS NUMBERED 1079644 THROUGH 1079664 TOTALING \$105,322.97, FIVE WIRE TRANSFERS FOR \$64,031.01, AND THREE ELECTRONIC ACH DEBITS OF \$1,247,887.39 IN THE AGGREGATE AMOUNT OF \$1,443,246.38, DRAWN ON BANK OF AMERICA;" 9) Adopt Resolution No. 23883, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1079665 THROUGH 1079849 IN THE AGGREGATE AMOUNT OF \$2,907,362.18, DRAWN ON BANK OF AMERICA;" 10) Adopt Resolution No. 23884, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS

NUMBERED 1079850 THROUGH 1079986 IN THE AGGREGATE AMOUNT OF \$2,123,026.48, DRAWN ON BANK OF AMERICA;" 11) Adopt Resolution No. 23885, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 07-18-2015 BY WARRANTS NUMBERED 419200 THROUGH 419216 TOTALING \$38,223.33, LIABILITY CHECKS NUMBERED 1079987 THROUGH 1080006 TOTALING \$105,272.67, FIVE WIRE TRANSFERS FOR \$88,368.06, AND THREE ELECTRONIC ACH DEBITS OF \$1,487,459.47 IN THE AGGREGATE AMOUNT OF \$1,719,323.53, DRAWN ON BANK OF AMERICA;" and 12) Adopt Resolution No. 23886, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1080007 THROUGH 1080084 IN THE AGGREGATE AMOUNT OF \$1,287,669.53, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the business related abstention/absence of Councilmember Mills on Warrant Nos. 1079451, 1079593, and 1079710 and the business related abstention/absence of Councilmember Foat on Warrant Nos. 1079817 and 1080070.**

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

**ACTION:** Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of July 1 through July 31, 2015. **Approved as part of the Consent Calendar.**

**2.E. ADOPT RESOLUTIONS AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS WITH THE CALIFORNIA STATE BOARD OF EQUALIZATION PURSUANT TO AB 1717 TO ENSURE COLLECTION OF THE CITY'S UTILITY USERS TAX AND 911 EMERGENCY ACCESS LINE TAX ON PREPAID WIRELESS SERVICE:**

**ACTION:** 1) Adopt Resolution No. 23887, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE STATE BOARD OF EQUALIZATION FOR IMPLEMENTATION OF THE LOCAL PREPAID MOBILE TELEPHONE SERVICES COLLECTION ACT;" 2) Adopt Resolution No. 23888, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE EXAMINATION OF PREPAID MOBILE TELEPHONE SERVICES SURCHARGE AND LOCAL CHARGE RECORDS;" and 3) Authorize the City Manager and City Attorney to execute all necessary documents. A6740. **Approved as part of the Consent Calendar.**

- 2.F. AGREEMENT WITH PALM SPRINGS UNIFIED SCHOOL DISTRICT TO PROVIDE A FULL TIME POLICE OFFICER AT THE PALM SPRINGS HIGH SCHOOL CAMPUS:**  
**ACTION:** 1) Approve an agreement with the Palm Springs Unified School District to provide a full time police officer at the high school campus including the Ramon Academy, for one year expiring at the end of the school year; and 2) Authorize the City Manager to execute all necessary documents. A5553. **Approved as part of the Consent Calendar.**
- 2.G. ACCEPTANCE OF \$151,422 IN GRANT FUNDING FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FOR A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM TO BE USED TO ENFORCE, EDUCATE, AND BRING AWARENESS TO THE PUBLIC:**  
**ACTION:** 1) Accept \$151,422 in grant funding from the California Office of Traffic Safety for a Selective Traffic Enforcement Program for 2015-16; and 2) Authorize the City Manager to execute all necessary documents. A5734. **Approved as part of the Consent Calendar.**
- 2.H. APPROVE RENEWAL OF LETTER OF CREDIT FOR THE 2002 CERTIFICATES OF PARTICIPATION ISSUED TO FINANCE THE DOWNTOWN PARKING STRUCTURE:**  
**ACTION:** 1) Approve Amendment No. 1 to Reimbursement Agreement for the 2002 Certificates of Participation issued for the Downtown Parking Structure; 2) Approve the Fee Agreement with MUFJ Union Bank; and 3) Authorize the City Manager to execute all necessary documents. A6741. **Approved as part of the Consent Calendar.**
- 2.I. AGREEMENT WITH HCI ENVIRONMENTAL AND ENGINEERING FOR THE COLLECTION, TRANSPORTATION, AND DISPOSAL OF WASTE MATERIALS:**  
**ACTION:** 1) Approve a fixed unit price Agreement with HCI Environmental and Engineering for the proper collection, transportation, disposal and/or destruction of waste materials at the Airport, Fleet Operations, and Facilities Maintenance divisions for an initial term of three (3) years with two (2) one year options that are subject to a CPI cost increase; and 3) Authorize the City Manager to execute all necessary documents. A6742. **Approved as part of the Consent Calendar.**
- 2.J. TREASURER'S INVESTMENT REPORT AS OF JULY 31, 2015:**  
**ACTION:** Receive and File the Treasurer's Investment Report as of July 31, 2015. **Approved as part of the Consent Calendar.**

- 2.K. ACCEPT THE RESIGNATION OF MICHAEL BIRNBERG FROM THE SUSTAINABILITY COMMISSION:**  
**ACTION:** Accept with regret the resignation of Michael Birnberg; and 2) Direct the City Clerk to post a notice of vacancy for the unexpired term ending June 30, 2018. **Approved as part of the Consent Calendar.**
- 2.L. ACCEPT THE DECISION OF SHARON LOCK NOT TO SEEK REAPPOINTMENT AS THE CITY'S REPRESENTATIVE TO THE MOSQUITO AND VECTOR CONTROL DISTRICT:**  
**ACTION:** 1) Accept with regret the decision of Sharon Lock not to seek reappointment as the City's representative to the Mosquito and Vector Control District for a term commencing January 1, 2016; and 2) Direct the City Clerk to solicit applicants for the two year term which will commence on January 1, 2016. **Approved as part of the Consent Calendar.**
- 2.M. ACCEPTANCE OF THE PALM SPRINGS UNIFIED SCHOOL DISTRICT'S DESIGNATION OF A NON-VOTING MEMBER OF THE PARKS AND RECREATION COMMISSION WITH NO TERM ENDING:**  
**ACTION:** Receive and file the Palm Springs Unified School District's selection of Ellen Goodman as a non-voting member of the Parks and Recreation Commission with no term ending date. **Approved as part of the Consent Calendar.**
- 2.N. APPROVAL OF FINAL TRACT MAP 36738 AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH PALM RIDGE HOUSING, LLC LOCATED AT 665 WEST RAMON ROAD:**  
**ACTION:** 1) Adopt Resolution No. 23889, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING FINAL TRACT MAP 36738 AND AN ASSOCIATED SUBDIVISION IMPROVEMENT AGREEMENT WITH PALM RIDGE HOUSING, LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR PROPERTY LOCATED AT 665 WEST RAMON ROAD, IN SECTION 22, TOWNSHIP 4 SOUTH, RANGE 4 EAST." A6743. **Approved as part of the Consent Calendar.**
- 2.O. AUTHORIZE A PURCHASE ORDER IN THE AMOUNT OF \$127,900 WITH MSA CONSULTING TO PROCEED WITH THE ENGINEERING DESIGN PHASE OF THE SAN RAFAEL DRIVE WIDENING PROJECT (CP 15-17):**  
**ACTION:** 1 ) Authorize the issuance of a Purchase Order in the amount of \$127,900 with the City's "on-call" civil engineering firm, MSA Consulting, pursuant to Agreement No. A6445, to initiate the civil engineering design phase for the San Rafael Drive Widening Project (CP 15-17); and 2) Authorize the City Manager to execute all necessary documents. A6445. **Approved as part of the Consent Calendar.**

- 2.P. PROPOSED RESOLUTION AUTHORIZING THE CITY OF PALM SPRINGS TO APPLY FOR CALRECYCLE GRANTS FOR A FIVE YEAR PERIOD:**  
**ACTION:** Adopt Resolution No. 23890, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUPPORTING AND AUTHORIZING SUBMITTAL OF APPLICATIONS FOR ALL CALRECYCLE GRANTS FOR WHICH THE CITY OF PALM SPRINGS IS ELIGIBLE AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE ALL SUCH APPLICATIONS AND AGREEMENTS." **Approved as part of the Consent Calendar.**
- 2.R. ACCEPT THE RESIGNATION OF CLAIRE ZIMMER FROM THE VILLAGEFEST BOARD:**  
**ACTION:** 1) Accept with regret the resignation of Claire Zimmer from the Villagemfest Board; and 2) Direct the City Clerk to post a notice of vacancy for the unexpired term ending June 30, 2018. **Approved as part of the Consent Calendar.**
- 2.T. ACCEPTANCE OF THE TRICKLING ARM REPLACEMENT PROJECT AT THE WASTEWATER TREATMENT PLANT (CP 14-12):**  
**ACTION:** 1) Accept the public works improvement identified as the Trickling Filters Arm Replacement Project as completed (CP14-12); and 2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Trickling Filters Arm Replacement Project (CP 14-12). **Approved as part of the Consent Calendar.**
- 2.U. AUTHORIZE APPROVAL OF A NON-BINDING LETTER OF INTEREST WITH VEOLIA NORTH AMERICA FOR DEVELOPMENT OF A BIOGAS-TO-ENERGY PROJECT AT THE WASTEWATER TREATMENT PLANT:**  
**ACTION:** 1) Authorize approval of a non-binding Letter of Interest with Veolia North America in the development of a biogas-to-energy project located at the City's Wastewater Treatment Plant; and 2) Authorize the City Manager to execute all necessary documents. A4123. **Approved as part of the Consent Calendar.**
- 2.Z. AS THE CITY COUNCIL AND SUCCESSOR AGENCY, APPROVAL OF AN AGREEMENT REGARDING EXPENDITURE OF EXCESS BOND PROCEEDS BETWEEN THE PALM SPRINGS SUCCESSOR AGENCY AND THE CITY OF PALM SPRINGS:**  
**ACTION:** 1) Successor Agency. Adopt Resolution No. 23892, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING SOLELY IN ITS CAPACITY AS THE SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY, APPROVING A BOND EXPENDITURE



AGREEMENT BETWEEN THE SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF PALM SPRINGS;" and 2) City Council. Adopt Resolution No. 23893, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A BOND EXPENDITURE AGREEMENT BETWEEN THE SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY AND THE CITY OF PALM SPRINGS." A6747. **Approved as part of the Consent Calendar.**

**2.AA. AS THE SUCCESSOR AGENCY, APPROVAL AND TRANSMITTAL OF RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE (ROPS 15-16B) FOR THE PERIOD OF JANUARY 1, 2016, THROUGH JUNE 30, 2016, PURSUANT TO SECTION 34169(G)(1) OF CALIFORNIA HEALTH AND SAFETY CODE:**

**ACTION:** Adopt Resolution No. 23894, "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 SCHEDULE (ROPS 15-16B) FOR THE PERIOD OF JANUARY 1, 2016, THROUGH JUNE 30, 2016, PURSUANT TO SECTION 34169(g)(1) OF CALIFORNIA HEALTH AND SAFETY CODE." **Approved as part of the Consent Calendar.**

**2.BB. PROPOSED RESOLUTION APPROVING THE APPLICATION FOR STATE OF CALIFORNIA DEPARTMENT OF PARKS AND RECREATION GRANT FUNDING FOR THE TAHQUITZ CREEK MASTER PLAN:**

**ACTION:** Adopt Resolution No. 23895, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE APPLICATION FOR THE STATE DEPARTMENT OF PARKS AND RECREATION RECREATIONAL TRAILS PROGRAM FOR THE TAHQUITZ CREEK MASTER PLAN." **Approved as part of the Consent Calendar.**

**2.CC. REPORT ON THE PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A STREET NAME CHANGE APPLICATION FROM CROSSLEY ROAD AND GOLF CLUB DRIVE TO LAWRENCE CROSSLEY ROAD BETWEEN EAST RAMON ROAD AND EAST PALM CANYON DRIVE (CASE 5.1376 SNC):**

**ACTION:** 1) Receive and file the report on the Planning Commission's recommendation for approval on a street name change of Crossley Road and Golf Club Drive to Lawrence Crossley Road (from Ramon Road to East Palm Canyon Drive), (Case No. 5.1376 SNC). **Approved as part of the Consent Calendar.**

**2.DD. APPROVE AN INTERIOR REMODEL GRANT AGREEMENT WITH WILLIAM J. SANDERSON FOR PROPERTY LOCATED AT 650 E. SUNNY DUNES IN THE AMOUNT OF \$25,000:**

**ACTION:** 1) Approve an interior remodel agreement with William J. Sanderson for property located at 650 E. Sunny Dunes in the amount of \$25,000; and 2) Authorize the City Manager to execute all necessary documents. A6748. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.Q. APPROVAL OF FACADE IMPROVEMENT GRANT AGREEMENTS WITH ELENA BULATOVA FINE ART, LLC IN THE AMOUNT OF \$4,232 FOR THE PROPERTY LOCATED AT 232 N. PALM CANYON DRIVE, AND WITH DANIEL VILLANUEVA, JR. IN THE AMOUNT OF \$5,000 FOR THE PROPERTY LOCATED AT 145 N. GENE AUTRY TRAIL:**

Councilmember Mills requested a verification or a condition of approval that the sign and its lighting have been approved and brought up to current standards.

**ACTION:** 1) Approve a Facade Grant Agreement with Elena Bulatova Fine Art, LLC for the property located at 232 North Palm Canyon in the amount of \$4,232 *conditioning the grant to ensure the sign and lighting meet the current code requirements*; 2) Approve a Facade Grant Agreement with Daniel Villanueva, Jr. for the property located at 145 N. Gene Autry Trail in the amount of \$5,000; and 3) Authorize the City Manager to execute all necessary documents. A6744. A6745. **Motion Councilmember Hutcheson, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**2.S. AMENDMENT NO. 3 TO AGREEMENT NO. A5580 WITH DOKKEN ENGINEERING FOR ADDITIONAL CONSTRUCTION SUPPORT SERVICES IN THE AMOUNT OF \$120,000 FOR THE BOGERT TRAIL BRIDGE REHABILITATION PROJECT:**

Councilmember Mills commented on the scope of services and questioned whether the services were included in the original contract.

**ACTION:** 1) Approve Amendment No. 3 to Agreement No. A5580 with Dokken Engineering, in the amount of \$120,000, for a total contract amount of \$838,985 for the Bogert Trail Bridge Rehabilitation Project, Federal Aid Project BHLS 5282 (026) (CP 07-03); an 2) Authorize the City Manager to execute all necessary documents. A5580. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**2.V. REJECT ALL BIDS RECEIVED FOR THE PALM CANYON DRIVE ELECTRICAL SYSTEM REPLACEMENT (CP 14-20), AND PALM CANYON DRIVE IRRIGATION SYSTEM IMPROVEMENTS (CP 14-21):**

Councilmember Mills questioned if the City could receive a significant decrease in cost with the value engineering.

Councilmember Foat requested Staff address the delay due to having to rebid and commented on the current conditions of the infrastructure.

**ACTION:** 1) Reject the bids received on June 25, 2015, from ACS Engineering, Inc., Golden Valley Construction and Fata Construction & Development for the Palm Canyon Drive Electrical System Replacement Project (CP 14-20), and Palm Canyon Drive Irrigation System Improvements Project (CP 14-21); and 2) Authorize re-bidding the Palm Canyon Drive Electrical System Replacement Project (CP 14-20), and Palm Canyon Drive Irrigation System Improvements Project (CP 14-21). **Motion Councilmember Mills, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.**

**2.W. AWARD A CONSTRUCTION CONTRACT TO GOLDEN VALLEY CONSTRUCTION, FOR THE FIRE STATION NO. 2, 911 MEMORIAL IMPROVEMENTS, IN THE AMOUNT OF \$32,826 (CP 15-13):**

Mayor Pro Tem Lewin commented on the funds raised to proceed with this project, and recommended the City fund the project.

Councilmember Mills requested design drawings.

**ACTION:** 1) Award a construction contract to Golden Valley Construction in the amount of \$32,826 for the Base Bid Schedule only, for the Fire Station No. 2, 911 Memorial Improvements (CP 15-13); 2) Authorize the use and transfer of funds to the capital improvement project and award Additive Bid No. 1 and the Art Piece/Sculpture Fabrication in an amount not to exceed \$40,000; 3) Subject to Councilmember Mills reviewing the design of the project; and 4) Authorize the City Manager to execute all necessary documents. A6746. **Motion Mayor Pro Tem Lewin, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

**2.X. PROPOSED RESOLUTION IN SUPPORT OF ASSEMBLY BILL 150 THAT MAKES BUYING OR RECEIVING A STOLEN FIREARM VALUED AT \$950 OR LESS A FELONY:**

Mayor Pro Tem Lewin commented on the positive discussion regarding this bill at CVAG meetings.

**ACTION:** Adopt Resolution No. 23891, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, IN SUPPORT OF AB150 (MELENDEZ AND GRAY) THAT WOULD MAKE BUYING OR RECEIVING A STOLEN FIREARM VALUED AT \$950 OR LESS A FELONY." **Motion Mayor Pro Tem Lewin, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**2.Y. ACCEPT DRAFT PUBLIC ACCESS PLANNING REPORT FOR THE CHINO CANYON PRESERVE AND AUTHORIZE THE FRIENDS OF THE PALM SPRINGS MOUNTAINS TO SUBMIT THE REPORT AND PROPOSED TRAILS TO HABITAT AGENCIES FOR ENDORSEMENT AND SUPPORT FOR AMENDMENT OF THE COACHELLA VALLEY MULTI-SPECIES HABITAT CONSERVATION PLAN:**

Councilmember Foat commented on the success of the Friends of the Palm Springs Mountains, and the history of the proposed development on the Chino Cone.

Councilmember Mills stated after the property is acquired the City and the Tribe partner in fundraising for the construction of the trails.

**ACTION:** Accept the Public Access Planning Report and authorize the Friends of the Palm Springs Mountains to (1) submit the report to the Coachella Valley Mountains Conservancy, Wildlife Conservation Board/California Department of Fish and Wildlife, and the United States Fish and Wildlife Service for endorsement and support of the Public Access Planning Report as a conceptual trails plan for the Chino Cone and (2) commence application for amendments to the Coachella Valley Multi-Species Habitat Conservation Plan Trails Plan to accommodate trails identified in the Report. **Motion Councilmember Foat, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.**

**3. LEGISLATIVE:**

**3.A. PROPOSED ORDINANCE PROVIDING FOR AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65850.5:**

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated September 2, 2015.

**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. 1885, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 8.100 TO TITLE 8 OF THE PALM SPRINGS

MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS." **Motion Councilmember Foat, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.**

4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:**

5.A. **REPORT ON THE FINAL SELECTION OF SOLAR FIRMS, AUTHORIZATION TO PROCEED WITH FINAL CONTRACT NEGOTIATIONS, AND APPROVAL OF AMENDMENT NO. 3 TO CONSULTING SERVICES AGREEMENT NO. A6401 WITH NEWCOMB/ANDERSON/MCCORMICK, INC. FOR THE CITYWIDE SOLAR PROJECT IN THE AMOUNT OF \$30,625 (CP 15-03):**

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated September 2, 2015.

**ACTION:** 1) Authorize staff to proceed with final contract negotiations with SunEdison and SolarCity for design-build services for solar photovoltaic systems at various City facilities; 2) Approve Amendment No. 3 to Agreement No. A6401, increasing the contract amount by \$30,625, for a total amount not to exceed \$176,563, with Newcomb/Anderson/McCormick, Inc., for contract negotiation and coordination services; and 3) Authorize the City Manager to execute all necessary documents. A6401. **Motion Councilmember Mills, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.**

5.B. **INITIATE AN AMENDMENT TO THE MUSEUM MARKET PLAZA SPECIFIC PLAN AND APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$111,410 TO TERRA NOVA PLANNING & RESEARCH, INC., FOR ENVIRONMENTAL ASSESSMENT (CEQA) SERVICES (CASE NO. 5.1204):**

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated September 2, 2015.

Councilmember Foat commented on the cost allocation for the fees, and stated the majority of the fees are for the City's property and event space, and stated this is not the approval of a third hotel.

Mayor Pougnet commented on the evolution of the project and the reduction in the size of the Kimpton Hotel.

Mayor Pro Tem Lewin clarified the City is only studying potential impacts and not approving a third hotel.

**ACTION:** 1) Direct staff to initiate a formal amendment to the Museum Market Plaza Specific Plan; 2) Approve a Purchase Order in the amount of \$111,410 to Terra Nova Planning & Research, Inc., in accordance with Agreement No. A6559, to provide environmental assessment (CEQA) services associated with the Downtown Revitalization Plan (“Downtown Palm Springs”); and 3) Authorize the City Manager to execute all necessary documents. A6559. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

**5.C. APPROVE CLASS 2 BIKE LANES AND ELIMINATE ALL ON-STREET PARKING ON EL CIELO ROAD, BETWEEN RAMON ROAD AND TAHQUITZ CANYON WAY FOR THE BICYCLE CORRIDORS, PHASE 1 (CP 13-32):**

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated September 2, 2015.

Councilmember Mills requested Staff address green boxes and the double-hatch stripping.

Councilmember Foat commented on the jury parking for the court building and the potential for additional jury parking.

Mayor Pro Tem Lewin thanked City Staff for the creative approach.

**ACTION:** Approve Class 2 bike lanes and eliminate on-street parking on El Cielo Road, between Ramon Road and Tahquitz Canyon Way for the Bicycle Corridors, Phase 1 (CP 13-32). **Motion Mayor Pro Tem Lewin, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

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

Councilmember Mills requested Staff address the lack of landscaping in the tree wells in the Springs Project, and the landscape at the Solar Project at Granite before the City provides final approval on the project.

Mayor Pro Tem Lewin requested Staff address the enforcement of unlicensed medical cannabis collectives.

Councilmember Foat provided an update on the homelessness committee in the City of Palm Springs.

**ADJOURNMENT:** The City Council adjourned at 10:08 P.M. to Wednesday, September 16, 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  
7<sup>TH</sup> DAY OF OCTOBER, 2015.**

\_\_\_\_\_  
STEPHEN P. POUCKET, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK

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



**MEETING MINUTES  
WEDNESDAY, SEPTEMBER 16, 2015  
CITY HALL COUNCIL CHAMBER**

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

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

**INVOCATION:** David Sanger, Our Savior's Community Center, led the Invocation.

**ROLL CALL:**

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

**ABSENT:** Councilmember Hutcheson.

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

**PRESENTATIONS:**

Mayor Pougnet and the City Council proclaimed September 23, 2015, as Fall Prevention Awareness Day in the City of Palm Springs.

Mayor Pougnet introduced J. Kevin Nalder as the new Fire Chief, and City Clerk Thompson administered the oath of office.

Mayor Pougnet and Police Chief Franz announced the recent promotions in the Palm Springs Police Department.

Mayor Pougnet provided an update on the Downtown Kimpton Hotel construction, the VotePalmSprings.com website, and announced the upcoming Airport Master Plan public meetings.

Mayor Pougnet and Jeannie Kays, Director of Library Services, provided an update on the Accessing the Past project and the receipt of additional grant funds.

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 Mayor Pougnet did not participate in one Item of Initiation of Litigation, and stated the City Council will recess into Closed Session after the Regular Meeting. 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 Item 2.J. be removed from the Consent Calendar for separate discussion, and stated she has a property ownership conflict of interest with respect to Item 1.C., and would not participate in the discussion or the vote.

City Clerk Thompson stated Staff is requesting that Item 5.C. be withdrawn from the agenda and tabled.

**ACTION:** Accept the Agenda as amended. **Motion Mayor Pro Tem Lewin, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.**

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

## **1. PUBLIC HEARINGS:**

### **1.A. DEBBIE GORDON APPEALING THE JUNE 24, 2015, DECISION OF THE PLANNING COMMISSION TO GRANT A VARIANCE APPLICATION AND APPROVE MAJOR ARCHITECTURAL APPLICATION BY GANDO PROPERTIES FOR THE CONSTRUCTION OF AN APPROXIMATE 96,445 SQ. FT. OFFICE SPACE, WAREHOUSE, AND SELF STORAGE FACILITY ON AN APPROXIMATE 4.5-ACRE PARCEL AT THE SOUTHEAST CORNER OF GENE AUTRY TRAIL AND TACHEVAH DRIVE:**

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated September 16, 2015.

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

LJ EDGECOMB, Newport Beach, commented on the elimination of the required set-back adjacent to the Escena project, and the conflict with property development standards as proposed.

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

Councilmember Mills requested Staff address the required set-back on Gene Autry and screening, landscaping, lack of trash areas designated on the plan and buffering.

**ACTION:** Adopt Resolution No. 23896, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION DECISION TO GRANT A VARIANCE REQUEST FOR REQUIRED REAR AND SIDE YARD SETBACK REDUCTIONS AND APPROVAL OF A MAJOR ARCHITECTURAL APPLICATION FOR THE CONSTRUCTION OF AN APPROXIMATE 96,445 SQ. FT. OFFICE SPACE, WAREHOUSE, AND SELF STORAGE FACILITY ON AN APPROXIMATE 4.5-ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF GENE AUTRY TRAIL AND TACHEVAH DRIVE (CASE 3.3830-MAJ AND 6.542-VAR)," *amending the Conditions of Approval to provide additional landscaping, buffering, screening of the retention area, and addressing location, screening and operation of trash areas.* **Motion Mayor Pro Tem Lewin, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Hutcheson.

**1.B. TWIN PALMS NEIGHBORHOOD ORGANIZATION REQUESTING A STREET NAME CHANGE OF ARQUILLA ROAD SOUTH OF EAST PALM CANYON DRIVE AND NORTH OF EAST TWIN PALMS DRIVE TO WILLIAM KRISSEL WAY AND APPROVING A CEQA CATEGORICAL EXEMPTION (CASE 5.1380 SNC):**

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated September 16, 2015.

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

ERIC CHIEL, Chair Twin Palms Neighborhood Organization, provided background information on William Krisel, and requested the City Council approve the street name change.

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

Councilmember Mills requested Staff address the history and background of the current street name.

**ACTION:** Adopt Resolution No. 23897, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A REQUEST TO CHANGE THE STREET NAME OF ARQUILLA ROAD SOUTH OF EAST PALM CANYON DRIVE AND NORTH OF EAST TWIN PALMS DRIVE TO WILLIAM KRISSEL WAY AND APPROVING A CEQA CATEGORICAL EXEMPTION." **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Hutcheson.

Councilmember Foat stated she has a property ownership 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. 750 LOFTS, LLC, FOR THE DEVELOPMENT OF A 39-UNIT HOTEL WITH ACCESSORY USES ON A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE AND ADOPTING A MITIGATED NEGATIVE DECLARATION UNDER CEQA, ZONE C-1/R-3/PDD 104/RESORT COMBINING ZONE/LAS PALMAS BUSINESS HISTORIC DISTRICT HD-1 (CASE 5.1350 PDD 374/GPA/CUP/3.3795 MAJ):**

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated September 16, 2015.

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

JIM CIOFFI, Representing Applicant, outlined the features of the development, and introduced the development team who provided in detail the proposed development, and requested relief from Planning Conditions Nos. 20 and 26.

DOUG JONES, spoke in support of the project, commented on the beautiful design and construction.

CLAIRE BEST HAWLEY, requested the City Council consider the long term ramifications on the spot zoning of allowing a high-rise hotel on the site.

JORDAN HAWLEY, commented on the positive aspects of Palm Springs and stated the project is not consistent with the City as a premier destination.

PATRICK HARBINSON, appreciated the effort the Developer has done to address the concerns of the community, but spoke in opposition to the project.

ROBERT FEY, stated the property is functionally obsolete, stated the project will attract tourists worldwide.

FRANK TYSEN, stated they are fighting with the City and Developers working together and trying to accommodate the Developer, spoke in opposition to the project, and strongly against the zoning modification to the Central Business District.

SERGIO ESPERICUETA, Cathedral City, read comments by the Planning Commission, commented on the lack of parking, the height of the building, and spoke in opposition to the project.

JIM STUART, stated the project will be good for business in the Community, and commented on the variety of the types of buildings in the business district.

NIKOHL VANDEL, Palm Springs, commented on the Environmental Impact Report.

EMILY HEMPHILL, Applicant Rebuttal, commented on the use of variance and the use of Planned Development District as allowed in the Zoning Code, commented on the parking in the area, the use of a mitigated negative declaration rather than an EIR, and the length of time of review by City officials and commissions.

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

Councilmember Mills commented on the use of a PD, stated the zoning changed only for this project, noted this is a preliminary PD that will be further reviewed, stated he was in support of including Condition No. PLN 20 and requested the City Council consider the replacing "may" with "shall" and PLN 26, commented on Condition No. PLN 8 and the lack of detail on the plans, Condition No. PLN 21 should be revised to submit a study on how trash will be accommodated in the project, commented on Condition No. 28 and the requirement for shading devices and requested a shading study shall be submitted with the final PD, noted that Condition No. ENG 22 was duplicative with Condition No. ENG 28, and requested

the City Council consider including another condition that prohibits the conversion of units to condominiums.

Mayor Pro Tem Lewin complimented the Architect and the Developer, stated it is a creative and wonderful project, and the project was amended as comments were received by the community.

**ACTION:** 1) Adopt Resolution No. 23898, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR A PROPOSED GENERAL PLAN AMENDMENT, PRELIMINARY PLANNED DEVELOPMENT IN LIEU OF A CHANGE OF ZONE, A CONDITIONAL USE PERMIT, AND A MAJOR ARCHITECTURAL APPLICATION FOR A 39-ROOM HOTEL WITH ACCESSORY SPA, RESTAURANT AND COCKTAIL LOUNGE/BAR USES ON A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE (CASE 5.1350 PDD 374/GPA/CUP/3.3795 MAJ);" 2) Adopt Resolution No. 23899, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A MAJOR ARCHITECTURAL APPLICATION FOR A 39-ROOM HOTEL, A CONDITIONAL USE PERMIT FOR A HIGH-RISE BUILDING, AND A CONDITIONAL USE PERMIT FOR ACCESSORY SPA, COCKTAIL LOUNGE/BAR USES, AND HOTEL UNITS WHERE MORE THAN 10% OF THE UNITS HAVE KITCHEN FACILITIES ON A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE (CASE 5.1350 PDD 374/GPA/CUP/3.3795 MAJ);" 3) Adopt Resolution No. 23900, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AMENDMENT TO THE 2007 PALM SPRINGS GENERAL PLAN ADOPTED BY RESOLUTION NO. 22077, MODIFYING THE LAND USE DESIGNATION FROM "NCC" (NEIGHBORHOOD COMMUNITY COMMERCIAL) TO "CBD" (CENTRAL BUSINESS DISTRICT) FOR A 39-ROOM HOTEL DEVELOPMENT WITH ACCESSORY USES ON A 1.13 ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE;" and 4) Waive the reading of the ordinance text in its entirety and introduce Ordinance No. 1886, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PRELIMINARY PLANNED DEVELOPMENT DISTRICT 374 IN LIEU OF A CHANGE OF ZONE FOR A 39-ROOM HOTEL DEVELOPMENT WITH ACCESSORY USES ON A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE (CASE 5.1350 PDD 374/GPA/CUP/3.3795 MAJ)" *amending the Conditions of Approval as follows: (i) retain Condition No. PLN 20 to delete the outdoor drapes, (ii) require the submission of Plans to screen the mechanical equipment and approved at the time of final, (iii) Condition No. 21 to provide a detail study on how the trash will function to be approved at the time of final, (iv) Condition No. PLN 28 to provide a study for shading to be approved at*

*the time of final and prohibit reflective glazing, (v) add a condition that prohibits the conversion for condo purposes, and (vi) eliminate Condition No. PLN 26. Motion Councilmember Mills, seconded by Mayor Pro Tem Lewin and unanimously carried 3-0 on a roll call vote.*

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

Councilmember Foat returned to the dais.

Councilmember Mills stated to avoid the appearance of a business related conflict of interest, he would not participate in the discussion or vote on Item 1.D., and left Council Chamber.

**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 September 16, 2015.

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

MARVIN ROOS, representing Applicant, provided a status report of the project, requested the City Council approve the amendment and the use of Tram Way to remove boulders and to place the boulders on the remainder parcel to reduce impact and trips to the surrounding neighborhood.

BRADLEY KAIN, stated the project has been a construction site for the last year, commented on the other projects and the stress to the neighborhood due to the projects, and requested the construction trucks be moved to Tram Way and requested the City Council approve the access.

SCOTT BRIDGEMAN, stated there is a lack of communication, and requested the City Council approve the amendment to move construction trucks to Tram Way.

NANCY STUART, Palm Springs, stated the Winter Park Authority Board voted 5-0 to deny an access easement onto Tram Way, and commented on the placement of boulders.

MIKE McCULLOCH, stated the Tram Board approved emergency access, and no residential access on Tram Way, and the EIR should be re-evaluated for the moving of the boulders rather than re-placement, and requested the City Council deny the request.

EMILY HEMPHILL, Applicant Rebuttal, commented on the letter submitted by Department of Fish and Wildlife, and noted the reasons for the addendum, and stated an EIR is not required.

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

Councilmember Foat requested Staff address the zoning on the remainder parcel, and requested the developer address the moving of the boulders across Tram Way.

Mayor Pro Tem Lewin stated he is not in support of the amendment and the Developer could use Tram Way to remove the boulders, and stated he is not in support of the acceptance of land due to future liability issues.

Mayor Pougnet stated the project is a good project, the goal would be to eliminate the trucks on Racquet Club, commented on the position and perspective from the Winter Park Authority Board, stated his support to eliminate resident access, commented on the lack of a plan for boulder placement, and stated the neighborhood cannot be subject to 3,500 trips from trucks moving boulders on Racquet Club.

**ACTION:** Withdraw the Specific Plan Amendment from further consideration and eliminate the resident access to Tram Way and the placement of boulders on the 5-acre parcel; and 2) Direct Staff to forward the request to the Mt. San Jacinto Winter Park Authority Board to allow the removal of boulders using the right-of-way on Tram Way. **Motion Councilmember Foat, seconded by Mayor Pro Tem Lewin and unanimously carried 3-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Hutcheson and Councilmember Mills.

Councilmember Mills return to the dais.

**1.E. 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; and 2) Withdraw Case 5.1368 ZTA. **Motion Mayor Pro Tem Lewin, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Hutcheson.

**PUBLIC COMMENT:**

BOB KURKJIAN, commented on the USO located in the Palm Springs International Airport.

SAM DUREAS, commented on Item 3.A., and requested the City Council consider the prohibition on the sale of dogs and cats.

MICHAEL HARRINGTON, commented on recent conflicts of interest and lack of transparency.

SERGIO ESPERICUETA, Cathedral City, commented on the lack of sidewalks in the Dream Homes community.

DR. LORI KIRSHNER, commented on Item 3.A., and requested the City Council consider the prohibition on the sale of dogs and cats.

ALICIA BAILEY, commented on Item 3.A., and requested the City Council consider the prohibition on the sale of dogs and cats.

BILL RUTTAN, commented on Item 3.A., and requested the City Council consider the prohibition on the sale of dogs and cats.

STEPHEN BOYD, commented on Item 3.A., and requested the City Council consider the prohibition on the sale of dogs and cats.

KATIE BURD, commented on Item 3.A., and requested the City Council consider the prohibition on the sale of dogs and cats.

BRANDON TUCKER, commented on medical cannabis and unpermitted collectives.

GERALD GAMANCHE, commented on medical cannabis and stated his support for the Desert Water Collective.



SHELLIE JOHNSON, commented on medical cannabis and stated his support for the Desert Water Collective.

NICOLE BURKE, commented on medical cannabis and stated his support for the Desert Water Collective.

IAN ARMSTRONG, commented on medical cannabis and regulations.

ISAIAH COATNEY, commented on medical cannabis and regulations.

STEVEN COOLEY, Palm Springs, commented on medical cannabis and regulations.

WILLIAM HAND, thanked the City Council and City Staff.

PAULA WALTERS, commented on Item 3.A., and requested the City Council consider the prohibition on the sale of dogs and cats.

JUDITH BRUNO, commented on Item 3.A., and requested the City Council consider the prohibition on the sale of dogs and cats.

DR. SHAYDA AH-KAMI, commented on Item 3.A., and requested the City Council consider the prohibition on the sale of dogs and cats.

NEERAJA LOCKART, commented on Item 3.A., and requested the City Council consider the prohibition on the sale of dogs and cats.

RON MATLIN, Palm Springs, commented on the Buzz Trolley operating in a residential neighborhood.

PATRICIA BRESLIN, commented on the Buzz Trolley operating in a residential neighborhood.

PATTY SHENKER, commented on Item 3.A., and requested the City Council consider the prohibition on the sale of dogs and cats.

TANYA PETROVNA, commented on Item 3.A., and requested the City Council consider the prohibition on the sale of dogs and cats.

RICK PANTELE, commented on the attitudes toward the City of Palm Springs and City Officials.

**COUNCILMEMBER COMMENTS:**

Mayor Pougnet commented on medical cannabis regulations.

Councilmember Foat commented on the incorrect reporting of grants by local media, her filed Form 700, and medical cannabis.

The City Council recessed at 9:54 p.m.  
The City Council reconvened at 10:00 p.m.

**ACTION:** Continue past the 10:00 p.m. tentative adjourned time. **Motion Mayor Pro Tem Lewin, seconded by Councilmember Mills and unanimously carried (4-0) noting the absence of Councilmember Hutcheson.**

#### **CITY MANAGER'S REPORT:**

City Manager Ready provided an update on the numerous street repairs throughout the City.

#### **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.K., and 2.L. **Motion Mayor Pro Tem Lewin, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Hutcheson.

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

**ACTION:** Receive and file Report on the Posting of the September 16, 2015, City Council Agenda. **Approved as part of the Consent Calendar.**

#### **2.B. APPOINT A MEMBER TO THE ADMINISTRATIVE APPEALS BOARD FOR THE TERM ENDING JUNE 30, 2018:**

**ACTION:** Appoint Jerry Howard to the Administrative Appeals Board for the term ending June 30, 2018. **Approved as part of the Consent Calendar.**

#### **2.C. SECOND READING AND ADOPTION OF ORDINANCE NOS. 1880, 1881, 1882, AND 1883, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORIES:**

**ACTION:** 1) Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1880, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY IDENTIFIED AS ANNEXATION NO. 9, VIBRANTE, TRACT MAP NO. 32736, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES);"

- 2) Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1881, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY IDENTIFIED AS ANNEXATION NO. 10, CAMERON, TRACT MAP NO. 33575, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES);"
- 3) Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1882, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY IDENTIFIED AS ANNEXATION NO. 11, PALM RIDGE, TRACT MAP NO. 36738, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES);" and
- 4) Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1883, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY IDENTIFIED AS ANNEXATION NO. 12, VIA OLIVERA, TRACT MAP NO. 36737, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)."
- Approved as part of the Consent Calendar.**

**2.D. SECOND READING AND ADOPTION OF ORDINANCE NO. 1884 AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY:**

**ACTION:** Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1884, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY IDENTIFIED AS ANNEXATION NO. 2, 18 @ TWIN PALMS, TRACT MAP NO. 36651, INTO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PUBLIC SAFETY SERVICES)."

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

**2.E. TREASURER'S INVESTMENT REPORT AS OF JUNE 30, 2015:**

**ACTION:** Receive and File the Treasurer's Investment Report as of June 30, 2015. **Approved as part of the Consent Calendar.**

**2.F. PURCHASE ONE (1) X-SERIES ADVANCED LIFE SUPPORT (ACLS) MONITOR/DEFIBRILLATOR, WARRANTY AND RELATED EQUIPMENT FROM ZOLL MEDICAL CORPORATION:**

**ACTION:** 1) Purchase one (1) new ZOLL X-Series advanced life support (ACLS) Manual Monitor/Defibrillator, related equipment and One (1)-year EMS warranty utilizing Riverside contract discount pricing in the amount of

\$25,694.41 from ZOLL Medical Corporation; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

**2.G. AGREEMENT WITH AON FIRE PROTECTION ENGINEERING CORPORATION FOR ON-CALL FIRE PROTECTION ENGINEER DESIGN SERVICES:**

**ACTION:** 1) Approve an agreement with Aon Fire Protection Engineering Corporation, for on-call fire protection engineer design services for an initial term of three years, subject to two additional one year extensions approved at the discretion of the City Manager; and 2) Authorize the City Manager to execute all necessary documents. A6750. **Approved as part of the Consent Calendar.**

**2.H. REQUEST BY DEAD OR ALIVE LLC ON BEHALF OF FELIPE CASTANEDA FOR A RESOLUTION OF PUBLIC CONVENIENCE OR NECESSITY (PCN) TO SELL BEER AND WINE (TYPE 42 ALCOHOLIC BEVERAGE CONTROL LICENSE) AT A PROPOSED BEER AND WINE LOUNGE LOCATED AT 150 EAST PALM CANYON DRIVE (CASE 5.1381 PCN):**

**ACTION:** Adopt Resolution No. 23901, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER AND WINE (TYPE 42 STATE ALCOHOLIC BEVERAGE CONTROL LICENSE) FOR THE PROPERTY AT 150 EAST PALM CANYON DRIVE, WITHIN CENSUS TRACT 0448.05 (CASE 5.1381 PCN)." **Approved as part of the Consent Calendar.**

**2.I. ACCEPT A FISCAL YEAR 2016 ACCESSING THE PAST GRANT FROM FEDERAL LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA) FUNDS IN THE AMOUNT OF \$54,000 AND AUTHORIZE THE DIGITIZATION OF THE DESERT SUN NEWSPAPER MICROFILM:**

**ACTION:** 1) Accept the Fiscal Year 2016 Accessing the Past Grant from the California State Library in the amount of \$54,000; 2) Approve the issuance of a purchase order to University of California-Regents in the amount of \$40,000 for digitization of "The Desert Sun" newspaper microfilm; and 3) Authorize the City Manager to execute all necessary documents, including the purchase order. **Approved as part of the Consent Calendar.**

**2.K. APPROVE A CONTRACT SERVICES AGREEMENT FOR CLAIMS ADJUSTMENT AND ADMINISTRATIVE SERVICES WITH CARL WARREN & COMPANY THROUGH JUNE 30, 2018:**

**ACTION:** 1) Approve an agreement with Carl Warren & Company, for claims adjustment and administrative services through June 30, 2018; and

2) Authorize the City Manager to execute the Agreement. A5322.  
**Approved as part of the Consent Calendar.**

**2.L. AMENDMENT NO. 1 TO THE LEASE AGREEMENT WITH THE AGUA CALIENTE CULTURAL MUSEUM FOR THE USE OF CITY OWNED PROPERTY AT 219 SOUTH PALM CANYON DRIVE FOR THE PURPOSE OF CULTURAL EXHIBITS AND EDUCATION:**

**ACTION:** 1) Approve Amendment No. 1 to Agreement No. A5961 with Agua Caliente Cultural Museum in the amount of \$680 per month, for non-exclusive use of the City owned property at 219 South Palm Canyon Drive for the purpose of promoting cultural education, for three (3) years and an option to extend for two years at the mutual consent of both parties; and 2) Authorize the City Manager to execute all the necessary documents, subject to review and approval of the City Attorney. A5961. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.J. AUTHORIZE THE PURCHASE OF A NEW REPLACEMENT VEHICLE FOR THE POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$70,000:**

Councilmember Foat commented on prisoner transport for the Police Department.

Councilmember Mills stated his support for the vehicle, but requested a CNG vehicle.

Mayor Pro Tem Lewin stated this is a matter of public safety and is in support of the purchase.

**ACTION:** 1) Authorize the purchase of one new jail transport van (conventional gasoline [non-CNG] vehicle) to replace Unit #209098 (1998 Ford E-350 CNG Van) in an amount not to exceed \$70,000; and 2) Authorize staff to conduct the appropriate bid processes, or utilize cooperative purchase contracts if available, in accordance with Procurement procedures; and 3) Authorize the City Manager to execute all necessary documents, including a Purchase Order for the new van, in an amount not to exceed \$70,000. **Motion Councilmember Foat, seconded by Mayor Pro Tem Lewin and carried 3-1 on a roll call vote.**

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

**NOES:** Councilmember Mills.

**ABSENT:** Councilmember Hutcheson.

**3. LEGISLATIVE:**

**3.A. URGENCY ORDINANCE AND A NON-URGENCY ORDINANCE OF THE ADDING SECTION 10.24.021 TO THE PALM SPRINGS MUNICIPAL CODE, PROHIBITING THE RETAIL SALE OF DOGS AND CATS WITHIN THE CITY OF PALM SPRINGS AND CEQA EXEMPTION :**

City Attorney Holland provided background information as outlined in the Staff Report dated September 16, 2015.

**ACTION:** 1) Waive the reading of the ordinance text in its entirety and read by title only and adopt Ordinance No. 1887, "AN URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 10.24.021 TO THE PALM SPRINGS MUNICIPAL CODE, PROHIBITING THE RETAIL SALE OF DOGS AND CATS WITHIN THE CITY OF PALM SPRINGS, SUBJECT TO CERTAIN EXCEPTIONS;" and 2) Introduce on first reading Ordinance No. 1888, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 10.24.021 TO THE PALM SPRINGS MUNICIPAL CODE, PROHIBITING THE RETAIL SALE OF DOGS AND CATS WITHIN THE CITY OF PALM SPRINGS, SUBJECT TO CERTAIN EXCEPTIONS." **Motion Councilmember Foat, seconded by Mayor Pro Tem Lewin and unanimously carried 4-0 on a roll call vote.**

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

**4. UNFINISHED BUSINESS:**

**4.A. DEFERRAL OF ANNUAL TURF OVER-SEEDING AND CONSIDERATION OF A DROUGHT RESPONSE PLAN AT CITY PARKS:**

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated September 16, 2015.

Councilmember Foat commented on parks near major streets, and the use of areas that were converted to non-turf.

Mayor Pro Tem Lewin commented on the state of trees in the City Parks, and spoke in support of taking actions to save trees.

Councilmember Mills questioned if the summer grass needs watering during the winter and recommends the City seek an expert in turf, stated

his support for the over seeding policy with the exception of the need to over seed the practice field.

**ACTION:** 1) Authorize the deferral of rye-grass over-seeding at: Baristo Park, City Hall/Civic Center Campus, Dog Park, Desert Highland Park, Ruth Hardy Park, Sunrise Park (with the exception of Palm Springs Stadium baseball field), and Victoria Park; 2) Authorize rye-grass over-seeding at: Demuth Park (irrigated with reclaimed water), the Palm Springs Stadium baseball field at Sunrise Park and practice field, and Village Green; 3) Approve a \$30,000 appropriation from General Fund balance to commence Phase 1 modifications to existing irrigation systems; and 4) Authorize the City Council Subcommittee and City Staff to present alternative plans to DWA to oversee and water the Airport or portions of the Airport and Frances Stevens Park. **Motion Mayor Pro Tem Lewin, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Hutcheson.

## 5. NEW BUSINESS:

### 5.A. APPROVE AN AIR SERVICE INCENTIVE PROGRAM FUNDING AWARD TO JETBLUE AIRWAYS:

Tom Nolan, Director of Aviation, provided background information as outlined in the Staff Report dated September 16, 2015.

**ACTION:** 1) Approve Air Service Incentive funding for JetBlue Airways in an amount not to exceed \$50,000; and 2) Authorize City Manager to execute all necessary documents, subject to review and approval by the City Attorney. A6751. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Hutcheson.

### 5.B. APPROVE AN AIR SERVICE INCENTIVE PROGRAM FUNDING AWARD TO WESTJET AIRLINES:

**ACTION:** 1) Approve Air Service Incentive funding for WestJet Airlines in an amount not to exceed \$60,000; and 2) Authorize City Manager to execute all necessary documents, subject to review and approval by the

City Attorney. A6752. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Hutcheson.

**5.C. AS SUCCESSOR AGENCY APPROVING THE SALE OF THE HISTORIC PLAZA THEATRE TO THE CITY OF PALM SPRINGS IN THE AMOUNT OF \$1.00, AND AS THE CITY COUNCIL APPROVING THE LEASE OF THE PLAZA THEATRE TO THE PALM SPRINGS INTERNATIONAL FILM FESTIVAL LOCATED AT 128 SOUTH PALM CANYON DRIVE:**

Withdrawn from the Agenda.

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

Councilmember Mills requested City Staff investigate and start proceedings on the historical status of the Historic Tennis Center on Baristo.

The City Council recessed at 10:51 p.m. to Closed Session.

The City Council reconvened at 11:16 p.m.

**REPORT OF CLOSED SESSION:**

City Attorney Holland stated the City Council recessed into Closed Session to continue discussion on Items on the posted Closed Session Agenda, and stated Councilmember Mills was not present and did not participate in one item of Exposure to Litigation and the Tort claim of Flavio Semas. City Attorney Holland reported the City Council provided the City Attorney with direction, otherwise no reportable actions were taken.

**ADJOURNMENT:** The City Council adjourned at 11:17 p.m. to Wednesday, October 7, 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 7<sup>TH</sup> DAY OF OCTOBER, 2015.**

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STEPHEN P. POGNET, MAYOR

ATTEST:

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JAMES THOMPSON, CITY CLERK