

**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City Clerk Thompson stated Staff is requesting that Item 5.C. be withdrawn from the agenda and tabled.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 7TH DAY OF OCTOBER, 2015.


STEPHEN P. POUGNET, MAYOR

ATTEST:


JAMES THOMPSON, CITY CLERK