

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



**MEETING MINUTES
WEDNESDAY, APRIL 6, 2016
CITY HALL COUNCIL CHAMBER**

CALL TO ORDER: Mayor Moon called the meeting to order at 6:15 p.m.

PLEDGE OF ALLEGIANCE: Mayor Moon led the Pledge.

INVOCATION: Dr. Sharon Stroud, Inner Faith Spiritual Center, led the Invocation.

ROLL CALL:

PRESENT: Councilmember Foat, Councilmember Kors, Councilmember Roberts, Mayor Pro Tem Mills, and Mayor Moon.

ABSENT: None.

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

PRESENTATIONS:

Mayor Moon and the City Council proclaimed April, 2016 as Historic Preservation Month in the City of Palm Springs.

Mayor Moon announced and provided an update on the 2016 Green Citizen of the Year award, the George Zander Walk of Stars installation, the Palm Springs Police Department Dispatcher awards, the NCLR Garden Party, the VillageFest 25th Anniversary, OnePS Annual Picnic, the 2016 Run for Ike, and the Public Arts Education Program.

Mayor Moon announced the upcoming Town Hall Budget meetings, the availability of Fiscal Year 2016-17 Sponsorship and Program Funding Application, the Palm Springs Woman's Club Luncheon and Fashion Show, and the Palm Springs Police and Fire Department Appreciation Luncheon.

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

REPORT OF CLOSED SESSION:

The meeting was called to order at 5:00 p.m. and City Attorney Holland requested the City Council consider adding two items to the Closed Session Agenda as follows: 1) pursuant to Cal. Gov. Code Section 54956.9(e)(3) Liability Claim received by Lee Brandenburg on April 5, 2016, City Claim No. 16-0541; and 2) pursuant to Cal. Gov.

Code Section 54956.9(d)(1) Existing Litigation, Advocates for Better Community Development v. City of Palm Springs, Case No. PSC 1405677, Riverside County Superior Court, Palm Springs Division; and noted the Claim was filed with the City Clerk and information was received regarding the litigation after the posting of the agenda, and there is an immediate need to hear and/or take action on the Items.

ACTION: 1) Find the Claim and information regarding the Existing Litigation was filed and received after the posting of the Agenda and there is an immediate need to hear and/or take action on the Claim; and 2) Add to the Closed Session Agenda one Item pursuant to Cal. Gov. Code. Section 54956.9(e)(3) Liability Claim received by Lee Brandenburg on April 5, 2016, City Claim No. 16-0541; 3) Add to the Closed Session Agenda one Item pursuant to Cal. Gov. Code Section 54956.9(d)(1) Existing Litigation, Advocates for Better Community Development v. City of Palm Springs, Case No. PSC 1405677, Riverside County Superior Court, Palm Springs Division. **Motion Councilmember Roberts, seconded by Mayor Pro Tem Mills and unanimously carried (5-0).**

The City Council recessed into Closed Session to discuss items on the Closed Session Agenda.

City Attorney Holland reported the City Council provided direction to City Staff and the City Attorney, otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

Councilmember Kors requested Item 2.B. be removed from the Consent Calendar for separate discussion.

Councilmember Roberts requested Item 2.B. be removed from the Consent Calendar for separate discussion.

Councilmember Foat noted a business related abstention on Item 2.H. Warrant No. 1083971, and requested Item 2.L. be removed from the Consent Calendar for separate discussion.

Mayor Pro Tem Mills noted his abstention on Item 2.B. for the Minutes of March 16, 2016, noted a business related abstention on Item 2.I. Warrant No. 1084230 and Warrant No. 1084400.

Mayor Moon noted his abstention on Item 2.H. Warrant No. 1084169, and his property related abstention for Item 2.N.

Councilmember Roberts noted his abstention on Item 2.H. Warrant No. 1084170.

City Clerk Thompson requested Item 2.M. be removed from the Consent Calendar for an update and Staff Report.

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

1. PUBLIC HEARINGS:

1.A. ROBERT HERSCU OF SOUTH PALM CANYON, LLC, APPEALING THE DECEMBER 9, 2015, DECISION OF THE PLANNING COMMISSION TO DENY A REQUEST FOR A ONE-YEAR EXTENSION OF TIME FOR A PREVIOUSLY APPROVED MIXED-USE PLANNED DEVELOPMENT DISTRICT CONSISTING OF 125 CONDOMINIUM UNITS AND APPROXIMATELY 39,000-SQUARE FEET OF COMMERCIAL RETAIL SPACE ON A 2.67-ACRE SITE LOCATED AT 440-490 SOUTH PALM CANYON DRIVE (PDD 311):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated April 6, 2016.

Councilmember Foat questioned if the City had received an update from the Applicant.

The City Council discussed and/or commented on the following with respect to the hearing and the continued public hearing: the continuance of the hearing, the closure of public testimony, the City Council intent and purpose for continuing the public hearing, the lack of an update provided by the Applicant, the height of the project, the lack of progress on the project, the viability of the project, and the amount of time since approval of the project.

ACTION: Adopt Resolution No. 23991, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION DECISION TO DENY A REQUEST FOR A ONE-YEAR EXTENSION OF TIME FOR A PREVIOUSLY APPROVED MIXED-USE PLANNED DEVELOPMENT DISTRICT CONSISTING OF 125 CONDOMINIUM UNITS AND APPROXIMATELY 39,000-SQUARE FEET OF COMMERCIAL RETAIL SPACE ON A 2.67-ACRE SITE LOCATED AT 440-490 SOUTH PALM CANYON DRIVE, ZONE CBD (PDD 311)." **Motion Councilmember Foat, seconded by Councilmember Roberts and carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Kors, Councilmember Roberts, and Mayor Moon.

NOES: None.

ABSTAIN: Mayor Pro Tem Mills.

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

Mayor Pro Tem Mills stated he is on the Board of Directors for the Boys and Girls Club and would abstain from that portion of the discussion/vote regarding the funding and agreement of the Boys and Girls Club.

1.B. 42nd PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2016-17 ANNUAL ACTION PLAN AND CDBG BUDGET APPROVAL, AUTHORIZATION TO SUBMIT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT NO. B-16-MC-06-05610 IN THE AMOUNT OF \$387,462, AND APPROVING SUBRECIPIENT AGREEMENTS:

Dale Cook, Community Development Administrator, provided background information as outlined in the Staff Report dated April 6, 2016.

Councilmember Kors questioned the reasons for the projects that were not recommended, requested the City Attorney address conflict of interest with respect to the committee members, the lack of funding for City projects, the lack of representation on the committee from the disabled community, and the use of the word "citizens" in the name of the committee.

Mayor Moon commented on the number of applications, and the makeup of the committee with respect to any conflict of interest.

Councilmember Roberts commented on the process of the selection of the committee members and any potential conflict of interest, and requested Staff address if the City Council could delay any action.

Councilmember Kors compared the projects to the goals and objectives including services for the disabled community.

Mayor Moon requested the City Council consider referring the process to the Ethics Task Force.

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

MAUREEN FORMAN, Jewish Family Services, outlined the programs and the need for the programs by Jewish Family Service, and requested the City Council consider approval of the funding.

BRANDE ORR, Desert AIDS Project, outlined the Phase II emergency preparedness generator, the need for the capital improvement request, and requested the City Council approve the funding.

LEE MC CLELLAN, Jewish Family Services of San Diego, commented on the request for the capital improvement project for the Nightengale Manor Center, and requested the City Council consider the grant funding.

ANDREA MADRIGAL, Boys and Girls Club of Palm Springs, commented on the programs offered by the Boys and Girls Club, the purpose of the capital improvement project, and requested the City Council approve the grant funding.

TERRY TATUM, Boys and Girls Club of Palm Springs, commented on the programs offered by the Boys and Girls Club, the purpose of the capital improvement project, and requested the City Council approve the grant funding.

JACK NEWBY, Mizell Senior Center, commented on the capital improvement project proposed for Mizell Senior Center, the need for the project, and requested the City Council approve the grant funding.

BELINDA MARQUEZ, Catholic Charities, commented on the programs offered by Catholic Charities, the need for the programs, and requested the City Council approve the public service grant funds.

JESSICA MEZA, Catholic Charities, commented on the programs offered by Catholic Charities, the need for the programs, and requested the City Council approve the public service grant funds.

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

Councilmember Kors requested Staff address the breakdown and allocation of the funding, commented on the funding and the correlation to the funding recommendations, and requested Staff address the effect of changes in funding for curb ramps.

Councilmember Roberts stated his support for approval subject to future amendment if needed.

Mayor Moon requested the City Council consider an ad hoc committee to review the process and the procedures for next years process, and requested the City Council be informed of the Advisory Committee public hearing.

Mayor Pro Tem Mills commented on the process, and the community need for all the applications received.

ACTION: Adopt Resolution No. 23992, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE 2015-2019 CONSOLIDATED PLAN STRATEGIC GOALS AND THE 2016-2017 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN, APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET FOR FISCAL

YEAR 2016-2017, AUTHORIZING THE SUBMITTAL OF THE PLANS AND BUDGET TO THE UNITED STATES DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (HUD), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROVAL/AGREEMENT (GRANT NO. B-16-MC-06-05610) WITH HUD IN THE AMOUNT OF \$387,462 AND TO EXECUTE ALL SUBRECIPIENT AGREEMENTS." A5814.

Boys & Girls Club of Palm Springs A6508
Gymnasium Interior Renovation \$47,650

Mizell Senior Center A6392
Energy-Saving Patio Enclosure \$47,650

Refuge Community Development Corporation A6836
Refuge House \$80,000

Desert AIDS Project A6507
Emergency Preparedness Generator \$47,651

Jewish Family Services of San Diego A6255-1
Nightengale Manor Expansion \$58,900

Fair Housing Council of Riverside, Inc. A6510
Fair Housing Services \$30,000

DIGICOM Film Festival A6837
Help for Your Family \$21,000

Catholic Charities San Bernardino & Riverside Counties A6838
In-Home Casework \$15,000

Jewish Family Services of the Desert A6512
Senior Care Emergency Assistance \$15,000

Motion Councilmember Roberts, seconded by Councilmember Kors and unanimously carried 4-0 on a roll call vote, noting the abstention of Mayor Pro Tem Mills on the funding approval for the Boys and Girls Club of Palm Springs Gym Revitalization funding.

AYES: Councilmember Kors, Councilmember Roberts, Mayor Pro Tem Mills, and Mayor Moon.

NOES: None.

ABSENT: Councilmember Foat.

ABSTAIN: Mayor Pro Tem Mills on Boys and Girls Club.

Councilmember Foat returned to the dais.

1.C. APPEAL BY DAN DORADO OF THE PLANNING COMMISSION DECISION TO DENY A LAND USE PERMIT FOR TEMPORARY AUTOMOBILE SALES IN AN EXISTING RETAIL PARKING LOT (WALMART) AT 5601 EAST RAMON ROAD (CASE LUP 16-016):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated April 6, 2016.

Councilmember Roberts questioned the process of approving Land Use Permit, and the reason the permit was forwarded to the Planning Commission.

Councilmember Kors questioned the deliberations at the Planning Commission.

The City Council requested the City Attorney address the ambiguity of the code, allowing an event at this site, but not citywide, and if direction could be given to clarify the code.

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

DAN DORADO, Applicant, commented on similar events in the Coachella Valley, outlined the activities of the event, and his planning attorney commented on the code provisions for land use permits.

ALLEN WORTHY, requested the City Council approve the permit.

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

Councilmember Roberts questioned the Applicants experience with promotion of these types of events, stated his support to overturn the Planning Commission decision.

Mayor Pro Tem Mills requested the Applicant address the preparation of the site, ancillary advertising on the site, and commented on previous approval for this type of events for RV sales, and commented on the difference between the CUP and the LUP.

Councilmember Foat commented on the taxation, the business license, and reiterated her request that the approval is for only the specific location.

Mayor Moon stated his support for the Land Use Permit and requested clarification of the code.

ACTION: Overturn the decision of the Planning Commission, and Approve a Land Use Permit to allow temporary Automobile Sales in an existing

retail parking lot at 5601 EAST Ramon Road, ZONE M-1. **Motion Councilmember Roberts, seconded by Councilmember Foat and carried 4-1 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Kors, Councilmember Roberts, and Mayor Moon.
NOES: Mayor Pro Tem Mills.

PUBLIC COMMENT:

VIC YEPELLO, commented on Item 5.F. regarding the Road Diet traffic striping on Murray Canyon, and requested the City Council support the modifications.

SAMMY RAFAEL, commented on Item 4.B., consideration of the Museum Market Plaza Specific Plan.

JUDITH DINGLE, commented on Item 4.B., consideration of the Museum Market Plaza Specific Plan.

PAMELA STEELE, commented on the closure and potential relocations of the Plaza Racquet Club.

KURT HAGGSTROM, commented on the closure and potential relocations of the Plaza Racquet Club.

SAM HOLSTROP, commented on the closure and potential relocations of the Plaza Racquet Club.

DICK DERBY, commented on the closure and potential relocations of the Plaza Racquet Club.

GORDON MEHUS, commented on the closure and potential relocations of the Plaza Racquet Club.

PATTY SERVICE DELGADO, commented on the closure and potential relocations of the Plaza Racquet Club.

STEFFEN NYE, commented on the closure and potential relocations of the Plaza Racquet Club.

BRIAN WACHS, commented on the closure and potential relocations of the Plaza Racquet Club.

DARIYL PONICSAN, commented on the use of gas powered leaf blowers.

RICHARD NOBLE, commented on the Equality Act and requested the City Council support a Resolution in support of the Equality Act.

ELLEN LOCKERT, Palm Springs, commented on climate change and greenhouse gases.

JUDY DEERTRACK, commented on the City hiring of attorney Rod Pacheco to advise the City Council.

THOMI CLINTON, commented on Item 5.D. regarding gender neutral restrooms.

CANDICE MARIE SWEET, commented on Item 5.D. regarding gender neutral restrooms.

ALLEN WORTHY, commented on his claims against the City.

JIM HAMILTON, commented on the closure and potential relocations of the Plaza Racquet Club.

SHELLEY SOMERVILLE, commented on Item 5.D. regarding gender neutral restrooms, and outlined other services needed by transgendered.

ROBERT STONE, commented on the City hiring of attorney Rod Pacheco to advise the City Council.

ROGER TANSEY, commented on the City hiring of attorney Rod Pacheco to advise the City Council.

EMILY HEMPHILL, commented on Item 4.B., regarding the Museum Market Plaza Specific Plan and commented on the City's conditions.

MINDY REED, commented on Item 5.F., and requested the City Council approve the bike lanes on Murray Canyon.

JOHN McCOY, Palm Springs, commented on Item 5.F., and requested the City Council not approve the traffic striping on Murray Canyon.

JOY BROWN MEREDITH, commented on the recent VillageFest Board meeting, and recognized the Special Events staff.

BARBARA BEATY, commented on the City hiring of attorney Rod Pacheco to advise the City Council.

ROBERT BRUGEMAN, Palm Springs, commented on Item 4.B., stated his support for the City Council Subcommittee recommendations on the Museum Market Plaza Specific Plan, and in support of Item 5.F. regarding bike lanes on Murray Canyon.

DAVID FREEDMAN, Indian Canyons Neighborhood Organization, commented on Item 5.F., and stated the Neighborhood Organization is in support of the bike lanes on Murray Canyon.

The City Council recessed at 9:47 p.m.
The City Council reconvened at 9:58 p.m.

CITY COUNCIL SUB-COMMITTEE REPORTS AND UPDATES:

Mayor Moon and Mayor Pro Tem Mills provided an update on the City Council Subcommittee for the Plaza Racquet Club.

Councilmember Roberts provided an update on the Downtown Development Subcommittee.

Councilmember Kors provided an update on the Ethics, Transparency, and Government Reform Task Force, commented on City Council Standing Committees and requested the City Attorney and City Staff review ad hoc and standing subcommittees.

COUNCILMEMBER COMMENTS:

Councilmember Foat requested the City Attorney address Closed Session meetings, and commented on the retention of Rod Pacheco.

Councilmember Kors questioned and commented on the retention of Rod Pacheco.

Councilmember Roberts commented on the retention of Rod Pacheco, requested the City Manager provide a community update on the law enforcement raid at City Hall, and requested City Staff review the procedures for the conduct of City Council meetings.

Mayor Moon requested the City Manager investigate costs for portable restrooms for the Downtown area, commented on Mayor-City Manager form of government, and requested a Special Closed Session meeting for three personnel meeting items: 1) the retention of Rod Pacheco, discussion of retention of the City Attorney, and potential transition of City Manager.

Councilmember Kors requested Staff address the recruitment of Commission and Boards, and requested an update on the temporary sign ordinance.

Councilmember Foat requested an update on gas leaf blowers, requested the Sustainability Commission revisit the use of gas leaf blowers, and questioned City Staff on the Green for Life Program.

Councilmember Kors requested a joint meeting with the City Council and the Sustainability Commission.

CITY MANAGER'S REPORT:

City Manager Ready commented on the retention of Rod Pacheco.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.C., 2.D., 2.E., 2.F., 2.G., 2.H., 2.I., 2.J., 2.K., 2.N., 2.O., and 2.P. **Motion Councilmember Roberts, seconded by Councilmember Kors 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 April 6, 2016, City Council Agenda. **Approved as part of the Consent Calendar.**

2.C. ORDINANCE AMENDING CHAPTER 8.60 OF THE PALM SPRINGS MUNICIPAL CODE (PSMC) RELATING TO WATER EFFICIENT LANDSCAPE REGULATIONS:

ACTION: Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1890, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 8.60 OF THE PALM SPRINGS MUNICIPAL CODE (PSMC) RELATING TO WATER EFFICIENT LANDSCAPE REGULATIONS." **Approved as part of the Consent Calendar.**

2.D. ACCEPT THE RESIGNATION OF DEE DEE WILSON BARTON FROM THE HUMAN RIGHTS COMMISSION:

ACTION: 1) Accept with regret the resignation of Dee Dee Wilson Barton from the Human Rights Commission; and 2) Direct the City Clerk to post a Notice of Vacancy for the term ending June 30, 2018. **Approved as part of the Consent Calendar.**

2.E. REALLOCATE JUDICIAL RESOURCES TO ENSURE EQUAL ACCESS TO JUSTICE FOR ALL CALIFORNIANS:

ACTION: Adopt Resolution No. 23994, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, URGING THE GOVERNOR, LEGISLATURE, AND JUDICIAL COUNCIL TO WORK TOGETHER TO REALLOCATE JUDICIAL RESOURCES TO ENSURE EQUAL ACCESS TO JUSTICE FOR ALL CALIFORNIANS." **Approved as part of the Consent Calendar.**

2.F. ACCEPT THE RESIGNATION OF MARK POLISCHAK FROM THE SUSTAINABILITY COMMISSION:

ACTION: 1) Accept with regret the resignation of Mark Polischak from the Sustainability Commission; and 2) Direct the City Clerk to post a Notice of Vacancy for the term ending June 30, 2017. **Approved as part of the Consent Calendar.**

- 2.G. TREASURER'S INVESTMENT REPORT AS OF FEBRUARY 29, 2016:**
ACTION: Receive and File the Treasurer's Investment Report as of February 29, 2016. **Approved as part of the Consent Calendar.**
- 2.H. APPROVAL OF CLAIMS AND DEMANDS:**
ACTION: Adopt Resolution No. 23995, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1083971, 1084169, AND 1084170 IN THE AGGREGATE AMOUNT OF \$6,092.38, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the abstention of Councilmember Foat on Warrant No. 1083971, the abstention of Councilmember Roberts on Warrant No. 1084170, and the abstention of Mayor Moon on Warrant No. 1084169.**
- 2.I. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:**
ACTION: 1) Adopt Resolution No. 23996, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 02-27-2016 BY WARRANTS NUMBERED 419465 THROUGH 419477 TOTALING \$21,502.71, LIABILITY CHECKS NUMBERED 1084193 THROUGH 1084211 TOTALING \$90,923.31, FIVE WIRE TRANSFERS FOR \$57,225.01, AND THREE ELECTRONIC ACH DEBITS OF \$1,236,771.92 IN THE AGGREGATE AMOUNT OF \$1,406,422.95, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23997, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1084212 THROUGH 1084377 IN THE AGGREGATE AMOUNT OF \$2,600,171.13, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23998, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIM AND DEMAND BY WARRANT NUMBERED 1084378 IN THE AMOUNT OF \$2,260.25, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 23999, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1084379 THROUGH 1084491 IN THE AGGREGATE AMOUNT OF \$1,515,055.36, DRAWN ON BANK OF AMERICA;" and 5) Adopt Resolution No. 24000, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 03-12-2016 BY WARRANTS NUMBERED 419478 THROUGH 419487 TOTALING \$17,310.16, LIABILITY CHECKS NUMBERED 1084492 THROUGH 1084510 TOTALING \$91,236.73, FIVE WIRE TRANSFERS FOR \$57,675.01, AND THREE ELECTRONIC ACH DEBITS OF \$1,211,879.89 IN THE

AGGREGATE AMOUNT OF \$1,378,101.79, DRAWN ON BANK OF AMERICA.”

Approved as part of the Consent Calendar, noting the abstention of Mayor Pro Tem Mills on Warrant No. 1084230 and Warrant No. 1084400.

2.J. ACCEPTANCE OF AIRPORT TSA SECURITY DOOR PROJECT (CP 15-24):

ACTION: 1) Accept the public works improvement identified as Airport TSA Security Door Project (CP 15-24) as completed in accordance with the plans and specifications; and 2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Airport TSA Security Door Project (CP 15-24). A6801. **Approved as part of the Consent Calendar.**

2.K. APPROVAL OF RIGHT OF WAY ACQUISITION AGREEMENTS FOR THE SOUTH PALM CANYON DRIVE LOW WATER CROSSING BRIDGE REPLACEMENT AT ARENAS CANYON SOUTH (CP 06-18) FEDERAL AID PROJECT NO. BR-NBIL (502):

ACTION: 1) Approve a Right-of-Way Agreement for Acquisition of Flood Control and Drainage Easement in the amount of Zero Dollars (\$0) with 4348 Lockwood Avenue, LLC as to an undivided twenty-six percent (26%) interest, Michael L. Cole and Janet K. Cole, husband and wife as joint tenants, as to an undivided four percent (4%) interest, and Jogesh Kumar Vashisht and Sunita Kumar Vashisht, Trustees for the Vashisht Family Revocable Trust dated May 2, 2001, and Restated May 4, 2010, as to an undivided seventy percent (70%) interest, all as tenants in common; 2) Approve a Temporary Construction Easement Agreement in the amount of \$29,000 with 4348 Lockwood Avenue, LLC as to an undivided twenty-six percent (26%) interest, Michael L. Cole and Janet K. Cole, husband and wife as joint tenants, as to an undivided four percent (4%) interest, and Jogesh Kumar Vashisht and Sunita Kumar Vashisht, Trustees for the Vashisht Family Revocable Trust dated May 2, 2001, and Restated May 4, 2010, as to an undivided seventy percent (70%) interest, all as tenants in common; 3) Approve an Assignment of Easement Agreement in the amount of Zero Dollars (\$0) with 4348 Lockwood Avenue, LLC as to an undivided twenty-six percent (26%) interest, Michael L. Cole and Janet K. Cole, husband and wife as joint tenants, as to an undivided four percent (4%) interest, and Jogesh Kumar Vashisht and Sunita Kumar Vashisht, Trustees for the Vashisht Family Revocable Trust Dated May 2, 2001, and Restated May 4, 2010, as to an undivided seventy percent (70%) interest, all as tenants in common; and 4) Authorize the Assistant City Manager to execute all necessary documents, open escrow, and pay for associated escrow and title costs associated with the right-of-way acquisitions. A6839. A6840. A6841. **Approved as part of the Consent Calendar.**

2.N. MILLS ACT HISTORIC SITE CONTRACT FOR THE PROPERTY LOCATED AT 1197 ABRIGO ROAD (THE THEODORE AND CLAIR MORSE RESIDENCE) CLASS 1 HISTORIC SITE (HSPB 94):

ACTION: 1) Approve a Mills Act Historic Property Agreement with Joan and Gary Gand, owners of "The Theodore and Clair Morse Residence" located at 1197 Abrigo Road, a Class 1 Historic Site (HSPB 94); 2) Authorize the City Manager to execute the Agreement; and 3) Direct the City Clerk to record the Agreement. A6842. **Approved as part of the Consent Calendar, noting the property related abstention of Mayor Moon.**

2.O. MILLS ACT HISTORIC SITE CONTRACT FOR THE PROPERTY LOCATED AT 175 SOUTH CAHUILLA ROAD (CASA CODY INN) CLASS 1 HISTORIC SITE (HSPB 59):

ACTION: 1) Approve a Mills Act Historic Property Agreement with Frank Tysen and Therese Hayes, owners of "Casa Cody Inn" located at 175 South Cahuilla Road, a Class 1 Historic Site (HSPB 59); 2) Authorize the City Manager to execute the Agreement; and 3) Direct the City Clerk to record the Agreement. A6843. **Approved as part of the Consent Calendar.**

2.P. APPOINT THE MAYOR TO THE CITY'S INVESTMENT COMMITTEE:

ACTION: Appoint the Mayor to the City's Investment Committee in accordance with Section 17.0 of the City of Palm Springs Investment Policy adopted by Resolution No. 23539. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.B. APPROVAL OF MINUTES:

Councilmember Kors requested the minutes of February 3, 2016, be amended to include on Page 2, the City Attorney stated he did not have a legal conflict of interest on the discussion in Closed Session regarding the Plaza Racquet Club School District property, that he chose to abstain from the discussion to avoid an appearance of a conflict, but there was no legal conflict of interest.

Councilmember Roberts requested the minutes of February 3, 2016 be amended on Page 7 to include in public comments of Robert Stone to insert the word "not" be bookend with a hotel.

ACTION: Approve the City Council Minutes of February 3, 2016, as amended, and the City Council Minutes of March 16, 2016. **Motion Councilmember Roberts, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote, noting the abstention of Councilmember Kors and Mayor Pro Tem Mills on the March 16, 2016 minutes.**

2.L. REASSIGNMENT TO THE HISTORIC PLAZA THEATER CITY COUNCIL AD HOC SUBCOMMITTEE:

Councilmember Foat requested Mayor Pro Tem Mills remain on the City Council Subcommittee.

Mayor Pro Tem Mills commented on the history of the theatre, and stated he would remain on the Subcommittee if the City Council so desired.

No action taken.

2.M. AUTHORIZE THE PURCHASE OF 20 NEW REPLACEMENT VEHICLES AND EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$1,000,000:

City Manager Ready provided background information as outlined in the Staff Report dated April 6, 2016.

ACTION: 1) Authorize the purchase of 1 new Ford or Chevrolet 15 passenger van (CNG) for the Parks & Recreation Department to replace Unit 070602; 2) Authorize the purchase of 1 new Chevrolet Volt (Hybrid) vehicle for the Building & Safety Department to replace Unit 090702; 3) Authorize the purchase of 3 new Ford F-150 trucks, or equivalent sport utility vehicle model, (conventional gasoline [non-CNG] vehicles), including required outfitting, for the Fire Department to replace Units 1P5101, 1P5206, and 1P5306; 4) Authorize the purchase of 2 new Chevrolet CNG trucks for the Public Works & Engineering Department (Engineering Division) to replace Units 320103 and 320605; 5) Authorize the purchase of 2 new battery powered arrow boards for the Public Works & Engineering Department (Street Maintenance Division) to replace Units 3T1691 and 3T1791; 6) Authorize the purchase of 2 new Chevrolet CNG trucks for the Public Works & Engineering Department (Street Maintenance Division) to replace Units 301099 and 306501; 7) Authorize the purchase of 1 new Ford F-550 CNG dump truck for the Public Works & Engineering Department (Street Maintenance Division) to replace Unit 306601; 8) Authorize the purchase of 1 new Chevrolet CNG truck for the Facilities & Maintenance Department to replace Unit 500196; 9) Authorize the purchase of 2 new pressure washers (conventional gasoline/diesel powered) for the Facilities & Maintenance Department to replace Units 504005 and 504110; 10) Authorize the purchase of 2 new Kawasaki Mule all-purpose utility vehicles (conventional gasoline/diesel powered) for the Airport to replace Units 800908 and 801308; 11) Authorize the purchase of 1 new paint striping machine (conventional gasoline/diesel powered) for the Airport to replace Unit 803207; 12) Authorize the purchase of 1 new Ford or Chevrolet 15 passenger van (CNG) for the Public Works & Engineering Department (Fleet Maintenance Division) to replace existing van, Unit 990103; 13) Authorize the purchase of 1 new Chevrolet CNG truck for the Public Works & Engineering Department (Fleet Maintenance Division) to replace Unit 990103; 14) Authorize staff to conduct the appropriate bid processes, or utilize cooperative purchase contracts if available, in accordance with Procurement procedures; and Authorize the City Manager to execute all necessary documents, including Purchase Orders for the new replacement vehicles and equipment, in a total cumulative

amount not to exceed \$1,000,000. **Motion Councilmember Roberts, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

City Attorney Holland stated he has a business related conflict of interest with respect to Item 4.A., would not participate in the discussion, and left Council Chamber.

4.A. CONTINUED CITY COUNCIL DISCUSSION ON CITY ATTORNEY SERVICES:

The City Council discussed and/or commented on the following with respect to in-house v. contract legal counsel: the cost differences, the use of specialty attorneys at Woodruff, Spradlin & Smart, the need for an in-house attorney to oversee the use of outside legal firms, the history of in-house legal counsel, the cost and on-going cost of PERS benefits for in-house city attorney and staff, the inclusion of costs for police and fire services, the range of talent when using a contract city attorney, the billing rate of Woodruff, Spradlin & Smart v. what the City may have to pay with other firms, responsibility of hiring the attorney and the support staff, the duties of an in-house attorney and getting involved in the day to day activities and administration, the amount of time, putting out an RFP and seeking an in-house city attorney, requested Staff gather any additional information for the City Council to discuss at a future meeting.

ACTION: Calendar further discussion at a future meeting. **By consensus of the City Council.**

City Attorney Holland returned to Council Chamber.

4.B. CONSIDERATION OF AN AMENDMENT TO THE MUSEUM MARKET PLAZA SPECIFIC PLAN:

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated April 6, 2016.

Councilmember Roberts and Mayor Pro Tem Mills provided background information on the City Council Subcommittee recommendations for further amendments to the Specific Plan and other alternatives, along with the process going forward with individual building approvals.

The City Council discussed the proposed amendments to the specific plan as recommended by the City Council Subcommittee.

ACTION: 1) Waive the reading of the ordinance text in its entirety and reintroduce for first reading Ordinance No. 1889, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE MUSEUM MARKET PLAZA SPECIFIC PLAN, AND REDESIGNATING IT AS THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN," as recommended by the City Council Subcommittee further amending modulation along Main Street from 19 feet up to 34 feet stepping up to the Kimpton; and 2) Reaffirm Resolution No. 23977, as the modifications to the Amendment to the Museum Market Plaza Specific Plan will not result in a new significant impact not previously analyzed in Addendum No. 2 to the previously-certified Environmental Impact Report. **Motion Mayor Pro Tem Mills, seconded by Councilmember Roberts and unanimously carried on a roll call vote.**

5. NEW BUSINESS:

5.A. APPOINT TWO MEMBERS OF THE CITY COUNCIL TO THE CITY COUNCIL MEDICAL CANNABIS AD HOC SUBCOMMITTEE:

ACTION: Appoint Councilmember Foat and Councilmember Kors to the City Council Medical Cannabis Ad Hoc Subcommittee. **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

5.B. APPOINT TWO MEMBERS OF THE CITY COUNCIL TO THE CITY COUNCIL TRAILS AD HOC SUBCOMMITTEE:

ACTION: Appoint Councilmember Roberts and Councilmember Kors to the City Council Trails Ad Hoc Subcommittee. **Motion Councilmember Roberts, seconded by Councilmember Kors and unanimously carried on a roll call vote.**

5.C. APPROVAL OF A CONFORMITY REPORT FOR A PROPOSED PARKING STRUCTURE ON TRIBAL TRUST LAND CONSISTING OF A FOUR-LEVEL 850-SPACE PARKING STRUCTURE ON A 2.8 ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF CALLE ENCILIA AND AMADO ROAD, (CASE 5.1390):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated April 6, 2016.

The City Council discussed and commented on the conformity report and the parking structure.

ACTION: Adopt Resolution No. 23993, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A CONFORMITY REPORT FOR A PROPOSED PARKING STRUCTURE ON TRIBAL TRUST LAND AT THE SOUTHEAST CORNER OF CALLE ENCILIA AND AMADO ROAD, DIRECTING STAFF TO TRANSMIT SAID REPORT TO THE TRIBAL COUNCIL OF THE

AGUA CALIENTE BAND OF CAHUILLA INDIANS, AND WAIVING THE JOINT MEETING BETWEEN THE CITY COUNCIL AND TRIBAL COUNCIL, ZONE RA (RESORT ATTRACTION), SECTION 14 SPECIFIC PLAN (CASE 5.1390)." **Motion Councilmember Foat, seconded by Councilmember Kors and unanimously carried on a roll call vote.**

5.D. DISCUSSION ON REQUIREMENTS FOR GENDER NEUTRAL RESTROOMS:

Councilmember Kors provided background information on the development of gender neutral restrooms.

ACTION: Continue to April 20, 2016. **Motion Councilmember Roberts, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

5.E. SELECTION OF PROPOSER WITH WHOM TO NEGOTIATE A PURCHASE AND SALE AGREEMENT FOR THE SALE OF THE PROPERTY TO REDEVELOP THE SUCCESSOR AGENCY-OWNED PROPERTY AT 342-344 NORTH PALM CANYON DRIVE (APN 513-081-017):

Lauri Aylaian, Director of Community and Economic Development, provided background information as outlined in the Staff Report dated April 6, 2016.

ACTION: 1) Select Atelier Zinque as the top-ranked respondent received in response to a Request for Proposals (RFP) to purchase the Successor Agency-owned property at 342-344 North Palm Canyon Drive (Cork n Bottle) and; and 2) Direct staff to negotiate a purchase and sale agreement for disposition of the Successor Agency-owned property at 342-344 North Palm Canyon Drive. A6844. **Motion Councilmember Foat, seconded by Councilmember Roberts and unanimously carried on a roll call vote.**

City Clerk Thompson stated City Manager Ready has a property related conflict of interest with respect to Item 5.F., did not participate in the staff report or the placement on the agenda, would not participate in the discussion, and left Council Chamber.

5.F. APPROVE TRAFFIC STRIPING TO IMPLEMENT A "ROAD DIET" CONVERSION ON MURRAY CANYON DRIVE AS PART OF THE 2015 CITYWIDE ANNUAL SLURRY SEAL (CP 15-02):

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated April 6, 2016.

ACTION: Approve the implementation of a "road diet" on Murray Canyon Drive between S. Palm Canyon Drive and Toledo Avenue, to convert the

existing 4-lane roadway to a 2-lane divided roadway with parking and buffered bicycle lanes, as part of the 2015 Citywide Annual Slurry Seal (CP 15-02). **Motion Mayor Pro Tem Mills, seconded by Councilmember Kors and unanimously carried on a roll call vote.**

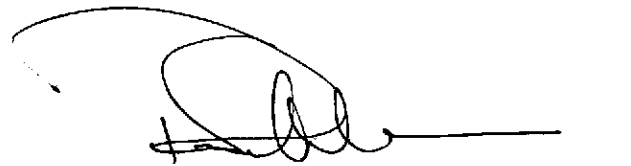
City Manager Ready returned to Council Chamber.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Mayor Moon suggested ad hoc subcommittee to review naming of streets in the Downtown Revitalization Project and other street naming requests, or if it could become part of the Downtown Revitalization subcommittee.

ADJOURNMENT: The City Council adjourned at 12:41 a.m. on Thursday, April 7, 2016, to the next regular meeting Wednesday, April 20, 2016, 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 15TH DAY OF JUNE, 2016.



ROBERT MOON, MAYOR

ATTEST:



JAMES THOMPSON, CITY CLERK