

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



**MEETING MINUTES
WEDNESDAY, MAY 4, 2016
CITY HALL COUNCIL CHAMBER**

CALL TO ORDER: Mayor Moon called the meeting to order at 6:02 p.m.

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

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

ROLL CALL:

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

ABSENT: Councilmember Foat.

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

PRESENTATIONS:

Mayor Moon and the City Council proclaimed May 1 through 7, 2016, as Public Service Employee Recognition Week in the City of Palm Springs.

Mayor Moon announced the Joint Meeting of the City Council and the Measure J Oversight Commission, and the 2016 Mayor's State of the City Address at the Palm Springs Convention Center.

The Palm Springs Animal Shelter volunteers provided an update and opportunities for pet adoptions at the Palm Springs Animal Shelter.

REPORT OF CLOSED SESSION:

The meeting was called to order at 4:30 p.m. and the following speaker addressed the City Council on Items on the Closed Session Agenda:

MARINA ROSSI, Palm Springs, commented on an item on the Closed Session Agenda regarding the St. Baristo Project, Case No. 5.0977 PD288 TTM 31887.

NICK SABBOGH, Palm Springs, commented on an item on the Closed Session Agenda regarding the St. Baristo Project, Case No. 5.0977 PD288 TTM 31887.

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

City Attorney Holland reported the City Council continued one-item of Exposure to Litigation pertaining to Baristo or the Lugo Lofts project, the City Council provided direction to the City Attorney and City Staff, otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

Mayor Moon requested Items 2.J., 2.K., and 2.N. be removed from the Consent Calendar for separate discussion.

Councilmember Kors requested Items 2.B. and 2.F. be removed from the Consent Calendar for separate discussion.

Mayor Pro Tem Mills noted his abstention on Consent Calendar Item 2.N. and stated he is working on a project adjacent to the site.

City Clerk Thompson stated Staff is requesting the City Council consider removing Item 2.N. from the Consent Calendar for a report and update, noted Councilmember Foat requested the City Council table any discussion on Item 4.C. regarding the contract with the Rod Pacheco law firm.

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

- AYES:** Councilmember Kors, Councilmember Roberts, Mayor Pro Tem Mills, and Mayor Moon.
NOES: None.
ABSENT: Councilmember Foat.

1. PUBLIC HEARINGS:

1.A. APPROVING NUISANCE ABATEMENT PROCEEDINGS AND RESOLUTIONS FOR PUBLIC NUISANCE ABATEMENT LIENS FOR SEVEN PROPERTIES:

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated May 4, 2016. Mayor Moon opened the public hearing, and no speakers coming forward the public hearing was closed.

ACTION: 1) Adopt Resolution No. 24011, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING FOR THE PUBLIC NUISANCE ABATEMENT LIEN LOCATED AT 110 RIDGE MOUNTAIN DRIVE;" 2) Adopt Resolution No. 24012, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM

SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING FOR THE PUBLIC NUISANCE ABATEMENT LIEN LOCATED AT 670 CALLE PALO FIERRO;" 3) Adopt Resolution No. 24013, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING FOR THE PUBLIC NUISANCE ABATEMENT LIEN LOCATED AT 1073 NORTH SUNRISE WAY;" 4) Adopt Resolution No. 24014, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING FOR THE PUBLIC NUISANCE ABATEMENT LIEN LOCATED AT 441 WEST PALM VISTA;" 5) Adopt Resolution No. 24015, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING FOR THE PUBLIC NUISANCE ABATEMENT LIEN LOCATED AT 306 WEST SUNVIEW;" 6) Adopt Resolution No. 24016, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING FOR THE PUBLIC NUISANCE ABATEMENT LIEN LOCATED AT 414 SOUTH MONTE VISTA DRIVE;" 7) Adopt Resolution No. 24017, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING FOR THE PUBLIC NUISANCE ABATEMENT LIEN LOCATED AT 941 EAST ANZA DRIVE;" 8) Authorize the City Manager, or designee, to serve notice of and record a lien against subject properties if fees are not paid by the property owner. **Motion Councilmember Roberts, seconded by Mayor Pro Tem Mills and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat.

1.B. CONSIDERATION OF THE VACATION OF PORTIONS OF CALLE ENCILIA RIGHT-OF-WAY BETWEEN AMADO ROAD AND TAHQUITZ CANYON WAY, AND A PORTION OF ANDREAS ROAD RIGHT-OF-WAY BETWEEN CALLE ENCILIA AND CALLE EL SEGUNDO, IN SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST (FILE R 15-12) AND CEQA DETERMINATION:

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated May 4, 2016.

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

MARGARET PARK, Agua Caliente Band of Cahuilla Indians, presented a PowerPoint presentation and provided an overview of the need to vacate the right-of-way.

TOM DAVIS, Agua Caliente Band of Cahuilla Indians, thanked Staff for the comprehensive Staff Report, and commented on the history of the Development Agreement and environmental work.

Councilmember Roberts requested the Tribe address the planned development proposed for the site.

Mayor Pro Tem Mills commented on the 1994 land use plan and questioned any effects of waiting for the right-of-way vacation until a site and use plan is submitted.

Mayor Moon questioned further City Council input for the future development plan for the vacated streets, questioned the vacation of streets for the Downtown Revitalization Project.

Councilmember Roberts stated he does not see any significant impact to traffic or surrounding businesses, commented on the lack of a project, and questioned the applicant for access points and any effects on Tahquitz Canyon and Indian Canyon.

Councilmember Kors commented on this type of process setting a precedent for other right-of-way vacation requests.

Mayor Pro Tem Mills questioned City approval of the project on the property, the status of the DDA, commented on new setbacks, and stated he prefers to see a project site plan, and questioned if the vacation could be subject to conditions.

Councilmember Roberts questioned if a delay would be a problem with the Tribe, and commented on the connection to the Downtown Project.

Mayor Moon commented on the history of the project and commented on the benefits to the City, and stated his support to vote for the vacation in support of the City/Tribal partnership.

MOTION: Adopt Resolution "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE AND INTEREST IN PORTIONS OF THE PUBLIC RIGHT-OF-WAY DEDICATED FOR CALLE ENCILIA BETWEEN AMADO ROAD AND TAHQUITZ CANYON WAY, AND PORTIONS OF THE PUBLIC RIGHT-OF-WAY DEDICATED FOR ANDREAS ROAD BETWEEN CALLE ENCILIA AND CALLE EL SEGUNDO, IN SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST,

FILE R15-12, AND APPROVING A DETERMINATION THAT THE MITIGATED NEGATIVE DECLARATION PREVIOUSLY APPROVED AND CERTIFIED BY RESOLUTION NO. 18461 REMAINS VALID AND THAT NO FURTHER ENVIRONMENTAL REVIEW PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) IS REQUIRED.”
Motion Mayor Moon failed for a lack of a second.

ACTION: 1) Continue the Public Hearing to May 18, 2016 at the request of the Applicant; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing as required by law. **Motion Mayor Pro Tem Mills, seconded by Councilmember Roberts and carried 3-1 on a roll call vote.**

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

NOES: Mayor Moon.

ABSENT: Councilmember Foat.

1.C. GOVERNMENT CODE SECTION 53083 PUBLIC HEARING TO APPROVE AN AMENDED AND RESTATED HOTEL OPERATIONS COVENANT WITH PALM SPRINGS PROMENADE, LLC, TRANSFERRING SAID COVENANT FROM BLOCK “F” (THE SOUTHWEST CORNER OF “MAIN STREET” AND BELARDO ROAD) TO BLOCK “B-1” (THE NORTHEAST CORNER OF “MAIN STREET” AND BELARDO ROAD) OF THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN FOR THE CONSTRUCTION OF A 142-ROOM VIRGIN HOTEL IN LIEU OF A 135-ROOM AC MARRIOTT HOTEL PURSUANT TO THE CITY’S HOTEL OPERATIONS INCENTIVE PROGRAM:

Lauri Aylaian, Director of Community and Economic Development, provided background information as outlined in the Staff Report dated May 4, 2016.

Councilmember Kors questioned the effective start date for the incentive, requested Staff clarify the process and the findings, and requested the City Attorney address the proposed changes to the agreement.

Mayor Moon questioned if the agreement required a Virgin Hotel on the property for the duration of the agreement, the consequences of not approving the agreement, questioned the start date and the parking for the hotel.

Councilmember Roberts questioned if this was a one-time transfer, and requested a provision that this is a one-time transfer, that the City would not issue or grant a building permit for another hotel or another hotel permit until the Virgin Hotel is opened and operational, and has a Certificate of Occupancy.

Councilmember Kors requested amendments to the nondiscrimination clause to include Disability, Gender Identity, and Gender Expression, requested Section 7.3 titled Amendments to include any amendment shall be approved by City Council, and requested Section 7.9 and 7/12 include "first class Virgin Brand Hotel."

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

MICHAEL BRAUN, Applicant, stated he has no objections to the proposed changes as long as it stays a Virgin Hotel brand, commented on the construction costs of the development and the need for the subsidy.

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

ACTION: Approve an Amended and Restated Operations Covenant, as amended, transferring Operations Covenant A6641 recorded as DOC #2015-0000803 in the Official Records of the County of Riverside from Block F to Block B-1 of the Downtown Palm Springs Specific Plan; and 3) Authorize the City Manager to execute all documents required to effectuate the transferred covenant, subject to review and approval by the City Attorney, *amending the agreement to provide a start date of December 2017, include a provision that this is a one-time transfer, include a provision the City shall not issue or grant a building permit or another hotel incentive permit, at the site including Block K, until the Virgin Hotel is opened and operational with a Certificate of Occupancy, amend the nondiscrimination clause to include Disability, Gender Identity, and Gender Expression, amend Section 7.12 to include "first class Virgin Hotel," and require any other amendment shall be approved by the City Council . A6641. Motion Councilmember Roberts, seconded by Mayor Pro Tem Mills and unanimously carried 4-0 on a roll call vote.*

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

NOES: None.

ABSENT: Councilmember Foat.

- 1.D. APPEAL BY MICHAEL BECKMAN, OWNER OF THE TRUSS & TWINE BAR & RESTAURANT, OF THE HISTORIC SITE PRESERVATION BOARD ACTION OF MARCH 8, 2016 DENYING A CERTIFICATE OF APPROVAL FOR EXTERIOR ALTERATIONS TO THE EL PASEO BUILDING, A CLASS 1 HISTORIC SITE AND CONTRIBUTING STRUCTURE WITHIN THE LAS PALMAS BUSINESS HISTORIC**

DISTRICT; LOCATED AT 800 NORTH PALM CANYON DRIVE, ZONE C-1 (CASE 3.1198 MAA / HSPB #27):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated May 4, 2016.

Councilmember Roberts questioned the extent of the change to the building including the reduction to the opening.

Councilmember Kors questioned if the requested changes affected any portion or contributing factor of the historic designation.

Mayor Moon commented on the historic photographs of the building and questioned the finish of the new materials.

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

MICHAEL BECKMAN, Applicant, commented on the extent of the renovation and the materials.

GARY JOHNS, commented on the approval of the HSPB on Certificate of Approvals, specifically on the El Paseo building, and the effects of the remodel on the historic aspects of the building.

JONA PLOSS, read a statement by Roxann Ploss, noting the prior requests for Certificate of Approval to remodel the historic site and building.

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

The City Council discussed and/or commented on the following with respect to the appeal and the condition of the building: the prior approvals for changes to the building, future potential outdoor dining at the location, the attempt to bring the building back to the original, working within the existing opening, matching existing materials, and the small curb removal.

ACTION: Adopt Resolution No. 24018, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE APPEAL OF MICHAEL BECKMAN, REVERSING THE MARCH 8, 2016, DECISION OF THE HISTORIC SITE PRESERVATION BOARD, AND GRANTING A CERTIFICATE OF APPROVAL FOR A NEW FOLDING GLASS STOREFRONT SYSTEM AT THE TRUSS & TWINE BAR AND RESTAURANT, LOCATED AT 800 NORTH PALM CANYON DRIVE; CLASS 1 HISTORIC SITE #27, LAS PALMAS BUSINESS HISTORIC DISTRICT," *amending the Conditions of Approval to include the following: i) working within the existing opening, ii) matching the existing glass and materials, and iii) removal of the small six-inch curb.*

Motion Councilmember Roberts, seconded by Mayor Pro Tem Mills and unanimously carried 4-0 on a roll call vote.

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

NOES: None.

ABSENT: Councilmember Foat.

1.E. PROPOSED DESIGNATION OF 1164 NORTH CALLE ROLPH THE BEL VISTA RESIDENCE AS A CLASS 1 HISTORIC SITE AND NOTICE OF EXEMPTION FROM CEQA (CASE HSPB #100):

ACTION: 1) Continue the Public Hearing to May 18, 2016, at the request of the Applicant; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing as required by law. **Motion Mayor Pro Tem Mills, seconded by Councilmember Kors and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat.

PUBLIC COMMENT:

ROBERT HUNT, commented on the budget for the Palm Springs Bureau of Tourism, and requested full funding for the Bureau of Tourism.

ALLEN WORTHY, commented on civil rights in the City of Palm Springs, and retaining the City Attorney.

MARLA MALASPINA, commented on the impact of short-term vacation rentals on City of Palm Springs residents, and requested the City Council consider the recommendations by Protect our Neighborhoods.

RON deHART, commented on the Palm Springs Pride event.

STEVEN NASH, commented on the Desert X art work event.

ROBERT FINDLEY, commented on the services provided by the City Attorney and various outside legal service contracts.

DAVID FREEDMAN, commented on the services provided by the City Attorney and various outside legal service contracts.

RICHARD NOBLE, commented on his proposed rainbow crosswalks, and his proposal for Indigenous Peoples' Day, and requested the City Council support the National Equality Act.

JIM STUART, commented on Fire Department inspection fees, funding of the Palm Springs Bureau of Tourism, and the operation of bike lanes in the City of Palm Springs.

NANCY STUART, provided an update on the activities of the Palm Springs Tram and the relationship with the Palm Springs Bureau of Tourism.

ROBERT JULIAN, commented on the relationship with the Palm Springs Police Department and Rob Pacheco, and the current contract with Rob Pacheco.

ROGER TANSEY, commented on the current contract with Rob Pacheco and requested the City Council cease and desist any Brown Act Violations.

RON MATLIN, thanked the City Council and Staff and commented on the current responsiveness of the City.

PATRICIA BRESLIN, commented on the BUZZ and the route thru the historic Tennis Club neighborhood.

NATE OTTO, commented on the activities of tourism and sustainability, and requested the City Council write letters in support of sustainable activities.

JOY BROWN MEREDITH, stated her support for Item 5.B. and affordable housing activities in the City of Palm Springs.

The City Council recessed at 8:46 p.m.
The City Council reconvened at 8:56 p.m.

CITY COUNCIL SUB-COMMITTEE REPORTS AND UPDATES:

Councilmember Roberts provided an update on the Downtown Revitalization Subcommittee.

Councilmember Kors provided an update on the Sustainability City Council Subcommittee and requested an item on the May 18, 2016, Agenda regarding the Eagle Mountain Development and land for the Joshua Tree National Park considering a letter of support and a full Environmental Impact Report be performed, and provided an update on the Ethics, Transparency, and Governmental Reform Task Force, and the Business Retention City Council Subcommittee.

Mayor Moon provided an update on the Dog Park Subcommittee and the Plaza Racquet Club Subcommittee.

COUNCILMEMBER COMMENTS:

Councilmember Roberts stated he would like to be appointed to the City Council Indian Canyon Subcommittee, and requested a meeting of the Subcommittee.

Councilmember Kors requested on the May 18, 2016, Agenda a discussion on City Attorney services, a separate item regarding the legal services of Rod Pacheco, a discussion item to develop a policy on retaining, releasing and discussion regarding outside legal counsel, discussion on expanding non-smoking ordinance for outdoor restaurants and bars, temporary rules for campaign and other signs, a discussion on drafting a prevailing wage policy for when the City provides grants, a resolution on the Equality Act, and discussion on Vacation Rental regulations.

Mayor Moon requested Staff comment on the removal of the crosswalk south of the Hyatt, requested City Staff place an item on the agenda to discuss allowing alcoholic beverages on social cycles, portable restrooms, a discussion on the noise ordinance for the Downtown Revitalization Project, shopping cart ordinance, and a staff report on Fire Inspections.

Councilmember Roberts requested an update on the City Council Strategic Planning session, and the potential signal at Via Escuela and Palm Canyon.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.C., 2.D., 2.E., 2.G., 2.H., 2.I., 2.L., and 2.M.
Motion Councilmember Roberts, seconded by Mayor Pro Tem Mills and unanimously carried 4-0 on a roll call vote.

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

NOES: None.

ABSENT: Councilmember Foat.

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

ACTION: Receive and file Report on the Posting of the May 4, 2016, City Council Agenda. **Approved as part of the Consent Calendar.**

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

ACTION:1) Adopt Resolution No. 24019, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1084937 THROUGH 1085086 IN THE AGGREGATE AMOUNT OF \$2,242,598.35, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 24020, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 04-09-2016 BY WARRANTS NUMBERED 419500 THROUGH 419514 TOTALING \$20,963.17, LIABILITY CHECKS NUMBERED 1085087 THROUGH 1085105 TOTALING \$90,754.78, FIVE WIRE TRANSFERS FOR \$58,075.01, AND THREE ELECTRONIC ACH DEBITS OF \$1,219,240.66

IN THE AGGREGATE AMOUNT OF \$1,389,033.62, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 24021, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1085106 THROUGH 1085236 IN THE AGGREGATE AMOUNT OF \$1,694,903.30, DRAWN ON BANK OF AMERICA;" and 4) Adopt Resolution No. 24022, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1085237 THROUGH 1085369 IN THE AGGREGATE AMOUNT OF \$2,014,985.14, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

- 2.D. TREASURER'S INVESTMENT REPORT AS OF MARCH 31, 2016:**
ACTION: Receive and File the Treasurer's Investment Report as of March 31, 2016. **Approved as part of the Consent Calendar.**
- 2.E. PROPOSED RESOLUTION AUTHORIZING THE CITY OF PALM SPRINGS TO APPLY FOR CALRECYCLE PAYMENT PROGRAMS:**
ACTION: Adopt Resolution No. 24024, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING SUBMITTAL TO THE DEPARTMENT OF RESOURCES, RECYCLING, AND RECOVERY (CALRECYCLE) APPLICATION FOR PAYMENT PROGRAMS AND RELATED AUTHORIZATIONS." **Approved as part of the Consent Calendar.**
- 2.G. APPROVE A MILLS ACT HISTORIC SITE CONTRACT WITH VINCENT MARSH AND THE RACQUET CLUB GARDEN VILLAS HOMEOWNERS ASSOCIATION, FOR 360 CABRILLO ROAD UNIT 211-212 (HSPB #88/HD-3):**
ACTION: 1) Approve a Mills Act Historic Property Agreement with Vincent Marsh and the Racquet Club Garden Villas Homeowners Association, for 360 Cabrillo Road, Unit 211-212, a Class 1 Historic Site; 2) Authorize the City Manager to execute the Agreement; and 3) Direct the City Clerk to record the Agreement. A6849. **Approved as part of the Consent Calendar.**
- 2.H. ART MURAL APPLICATION FOR AN EXISTING MURAL ON THE COMMERCIAL BUILDING AT 2481-2483 NORTH PALM CANYON DRIVE FROM OWNER DIANE STEWART (CASE 15-003 MUR):**
ACTION: Adopt Resolution No. 24025, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN ART MURAL ON THE COMMERCIAL BUILDING LOCATED AT 2481-2483 NORTH PALM CANYON DRIVE, ZONE C-1, SECTION 3." **Approved as part of the Consent Calendar.**

2.I. APPROVE A MILLS ACT HISTORIC SITE CONTRACT WITH PATRICK OBERLY AND THE RACQUET CLUB GARDEN VILLAS HOMEOWNERS ASSOCIATION, FOR 360 CABRILLO ROAD UNIT 122 (HSPB #88/HD-3):

ACTION: 1) Approve a Mills Act Historic Property Agreement with Patrick Oberly and the Racquet Club Garden Villas Homeowners Association, for 360 Cabrillo Road, Unit 122, a Class 1 Historic Site; 2) Authorize the City Manager to execute the Agreement; and 3) Direct the City Clerk to record the Agreement. A6850. **Approved as part of the Consent Calendar.**

2.L. ACCEPTANCE OF THE VISTA CHINO AT FARRELL DRIVE STREET IMPROVEMENTS, FEDERAL AID PROJECT NUMBER CML 5282 (037) (CITY PROJECT NO. 09-11):

ACTION: 1) Accept the public works improvement identified as the Vista Chino at Farrell Drive Street Improvements, Federal Aid Project No. CML 5282 (037), City Project No. 09-11, 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 Vista Chino at Farrell Drive Street Improvements, Federal Aid Project No. CML 5282 (037), City Project No. 09-11. A6593. **Approved as part of the Consent Calendar.**

2.M. ACCEPTANCE OF THE BOGERT TRAIL BRIDGE REHABILITATION PROJECT, CITY PROJECT NO. 07-03, FEDERAL AID PROJECT NO. BHLS 5282 (026):

ACTION: Accept the public works improvement identified as the Bogert Trail Bridge Rehabilitation at Palm Canyon Wash, Federal Aid Project No. BHLS 5282 (026), City Project No. 07-03, 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 Bogert Trail Bridge Rehabilitation Project, City Project No. 07-03. A6657. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.B. APPROVAL OF MINUTES:

Councilmember Kors requested a correction to the April 20, 2016, minutes on Page 10 regarding his comments on whether the City should continue the services of Rod Pacheco.

ACTION: Approve the City Council Minutes of April 20, 2016, as amended. **Motion Councilmember Roberts, seconded by Mayor Pro Tem Mills and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Kors, Councilmember Roberts, Mayor Pro Tem Mills, and Mayor Moon.
NOES: None.
ABSENT: Councilmember Foat.

2.F. AUTHORIZATION AND CONSENT FOR ALL PROPERTIES WITHIN PALM SPRINGS TO PARTICIPATE IN THE CALIFORNIA FIRST PACE PROGRAM TO FINANCE RENEWABLE ENERGY, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND AUTHORIZING RELATED ACTIONS:

ACTION: Adopt Resolution No. 24023, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF THE CITY IN THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA) OPEN PACE PROGRAMS, AUTHORIZING THE CSCDA TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE TERRITORY OF THE CITY, AND AUTHORIZING RELATED ACTIONS." **Motion Mayor Pro Tem Mills, seconded by Councilmember Roberts and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Kors, Councilmember Roberts, Mayor Pro Tem Mills, and Mayor Moon.
NOES: None.
ABSENT: Councilmember Foat.

2.J. AUTHORIZE PURCHASE ORDER IN THE AMOUNT OF \$187,900 WITH ALBERT A. WEBB & ASSOCIATES FOR ENGINEERING DESIGN SERVICES FOR THE MEASURE J COMMUNITY HOT SPOTS PROJECTS (CITY PROJECT NO. 15-31):

ACTION: 1) Authorize a Purchase Order in the amount of \$187,900 with the City's "on-call" engineering firm, Albert A. Webb & Associates, pursuant to Agreement No. 6443, for civil and traffic engineering design services associated with the Measure J Community Hot Spots Project (City Project No. 15-31); and 2) Authorize the City Manager to execute all necessary documents. A6443. **Motion Mayor Pro Tem Mills, seconded by Mayor Moon and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Kors, Councilmember Roberts, Mayor Pro Tem Mills, and Mayor Moon.
NOES: None.
ABSENT: Councilmember Foat.

2.K. APPROVE A CONSENT TO EASEMENT AS THE HOLDER OF A PERFORMANCE DEED OF TRUST THAT BURDENS BLOCK A-1 IN THE

DOWNTOWN PALM SPRINGS PROJECT FOR A SIDEWALK IMMEDIATELY SOUTH OF THE HYATT HOTEL FOR THE BENEFIT OF THE HYATT HOTEL:
City Attorney Holland provided background information as outlined in the Staff Report dated May 4, 2016.

ACTION: Authorize the City Manager to execute the Consent To Easement on behalf of the City of Palm Springs as the beneficiary of the Performance Deed of Trust. A6144. **Motion Mayor Pro Tem Mills, seconded by Councilmember Roberts and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Kors, Councilmember Roberts, Mayor Pro Tem Mills, and Mayor Moon.
NOES: None.
ABSENT: Councilmember Foat.

Mayor Pro Tem Mills stated he has a business related conflict of interest with respect to Item 2.N., is working on a project near the property, would not participate in the discussion or the vote, and left Council Chamber.

2.N. FREEHOLD CAPITAL MANAGEMENT (FCM), LLC, REQUESTING A ONE-YEAR EXTENSION OF TIME FOR PHASE 2 (A PORTION) OF TENTATIVE TRACT MAP 31848, A PREVIOUSLY APPROVED SUBDIVISION FOR THE DEVELOPMENT OF 1,150 SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL UNITS, 18-HOLE GOLF COURSE, CLUBHOUSE, POOL, SPA, TENNIS COURTS, AND A PARK LOCATED ALONG THE NORTH SIDE OF SAN RAFAEL DRIVE, EAST OF NORTH INDIAN CANYON DRIVE, SOUTH OF THE WHITEWATER RIVER AND WEST OF SUNRISE WAY, (CASE 5.0982 PD 290 / TTM 31848):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated May 4, 2016.

The City Council discussed and/or commented on the following: the Planning Commission discussion regarding a Condition of Approval as part of the extension, questioned the environmental analysis, the construction of interior roads, and the consequences of not approving the extension.

ACTION: Adopt Resolution No. 24026, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A ONE-YEAR EXTENSION OF TIME FROM MAY 5, 2016, TO MAY 5, 2017, FOR TTM 31848, A PREVIOUSLY APPROVED SUBDIVISION OF 309 ACRES TO CONSTRUCT 1,150 SINGLE-FAMILY AND MULTI-FAMILY UNITS, GOLF COURSE, A CLUBHOUSE, POOL, SPA, TENNIS COURTS, AND A PARK LOCATED ALONG THE NORTH SIDE OF SAN RAFAEL DRIVE, EAST OF INDIAN CANYON DRIVE, SOUTH OF THE WHITEWATER RIVER AND WEST OF SUNRISE WAY; ZONE PD 290, SECTION 35." **Motion Councilmember Roberts, seconded by Councilmember Kors and unanimously carried 3-0 on a roll call vote.**

AYES: Councilmember Kors, Councilmember Roberts, and Mayor Moon.
NOES: None.
ABSENT: Councilmember Foat and Mayor Pro Tem Mills.

Mayor Pro Tem Mills returned to the dais.

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

4.A. REPORT ON THE PROPOSED SECURITY PLAN FOR THE TOWN & COUNTRY CENTER, LOCATED AT 146-174 NORTH PALM CANYON DRIVE AND 167-171 NORTH INDIAN CANYON DRIVE (HSPB #51):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated May 4, 2016.

The City Council discussed and/or commented on the following: continuing the item for more information, plan to be submitted to the Subcommittee, the status of possible upstairs tenants, and the exterior cleanup.

ACTION: Tabled for additional information. **Motion Councilmember Roberts, seconded by Mayor Pro Tem Mills and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat.

4.B. PRELIMINARY OVERVIEW OF THE FISCAL YEAR 2016-17 BUDGET:

City Manager Ready provided background information as outlined in the Staff Report dated May 4, 2016.

The City Council discussed and/or commented on the following: the discussion of a reserve policy, the preparation of a list and costs of optional programs, the full costs of programs and events, a discussion on the total amount the City Council will want to allocate for sponsorships and grants, possible options for costs to reopen Fire Station No. 5, and additional methods to curb program costs.

No action taken.

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

4.C. CONTINUED DISCUSSION ON CITY ATTORNEY SERVICES AND OUTSIDE LEGAL SERVICES CONTRACTS:

City Clerk Thompson provided background information as outlined in the Staff Report dated May 4, 2016.

The City Council discussed and/or commented on the following with respect to City Attorney services: salary comparison, hiring one in-house City Attorney and initially continue the contract with WSS,

ACTION: Table the Item to May 18, 2016. **Motion Councilmember Roberts, seconded by Mayor Pro Tem Mills and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat.

Councilmember Kors requested the City Council consider a policy adopting regulations for outside legal counsel, "Closed Session may not be held to consider qualifications or engagement of an independent contract attorney or law firm for litigation services or otherwise unless discussion in open session concerning those matters would likely prejudice the position of the city in litigation."

City Attorney Holland returned to Council Chamber.

5. NEW BUSINESS:

5.A. APPOINTMENT OF AN AD HOC CITY COUNCIL SUBCOMMITTEE REGARDING THE CITY COUNCIL RULES OF PROCEDURE AND THE CONDUCT OF CITY COUNCIL MEETINGS:

ACTION: Appoint Councilmember Roberts and Councilmember Kors to an ad hoc subcommittee to further study and make recommendations to the City Council Rules of Procedure and the conduct of City Council meetings. **Motion Mayor Pro Tem Mills, seconded by Councilmember Roberts and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat.

5.B. APPOINTMENT OF A CITY COUNCIL AD HOC SUBCOMMITTEE FOR AFFORDABLE HOUSING:

ACTION: Table to the meeting of May 18, 2015. **Motion Councilmember Roberts, seconded by Mayor Pro Tem Mills and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat.

5.C. APPROVAL OF VARIOUS ACTIONS RELATED TO THE CITY OF PALM SPRINGS WASTEWATER TREATMENT PLANT UPGRADE (CITY PROJECT NO. 15-14):

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated May 4, 2016.

The City Council discussed and/or commented on the following: the purpose of the project, the time frame a contractor must hold a bid, the status of State funding, obtaining and budgeting for an Owner's Representative, and the timeliness of the plant upgrades.

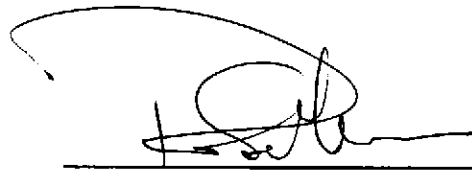
ACTION: 1) Approve Amendment No. 1 to Agreement No. 6691 with Veolia Water West Operating Services, Inc., in the amount of \$213,531 for a revised total contract amount of \$2,919,027 for professional engineering and construction management services associated with the construction phase of the City of Palm Springs Wastewater Treatment Plant Upgrade, City Project No. 15-14; 2) Approve the list of pre-qualified general contractors for the City of Palm Springs Wastewater Treatment Plant Upgrade, City Project No. 15-14, to include: a) Cushman Contracting - Goleta, CA b) C.W. Roen Construction - Danville, CA c) GSE Construction - Livermore, CA d) J.F. Shea Construction - Walnut, CA e) J.R. Filanc Construction - Escondido, CA f) Pascal & Ludwig Constructors - Ontario, CA g) PCL Construction - Corona, CA h) Shimmick Construction - Irvine, CA i) SSC Construction - Corona, CA j) Stanek Constructors - Escondido, CA k) W.M. Lyles Co. - Temecula, CA 3) Reconfirm approval of the plans, specifications, and working details for the City of Palm Springs Wastewater Treatment Plant Upgrade, City Project No. 15-14, inclusive of the design-build of new potable water and fire line system improvements, 4) Authorize staff to advertise for bids with pre-qualified contractors; and 5) Authorize the City Manager to execute all necessary documents. A6691. **Motion Mayor Pro Tem Mills, seconded by Mayor Moon and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Kors, Councilmember Roberts, Mayor Pro Tem Mills, and Mayor Moon.
NOES: None.
ABSENT: Councilmember Foat.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS: None.

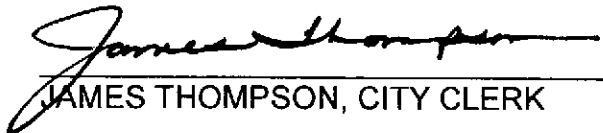
ADJOURNMENT: The City Council adjourned at 10:34 p.m. to an Adjourned Regular Meeting, Wednesday, May 11, 2016, at 6:00 p.m. Council Chamber, City Hall, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 15TH DAY OF JUNE, 2016.



ROBERT MOON, MAYOR

ATTEST:



JAMES THOMPSON, CITY CLERK