

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



**MEETING MINUTES
THURSDAY, OCTOBER 27, 2016
LARGE CONFERENCE ROOM**

CALL TO ORDER: Mayor Moon called the meeting to order at 8:08 a.m.

ROLL CALL:

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

ABSENT: Mayor Pro Tem Mills.

ALSO PRESENT: City Clerk Thompson.

1. **PUBLIC COMMENT:** None.

2. **INTERVIEW AND APPOINT APPLICANTS TO THE MEASURE "J" OVERSIGHT COMMISSION.**

The City Council interviewed candidates for appointment to the Measure "J" Oversight Commission.

ACTION: 1) Take no action on specific appointments; and 2) Direct the City Clerk to schedule interviews with candidates that were not available at this meeting on Wednesday, November 2, 2016 at 4:00 p.m. **By consensus of the City Council (4-0), noting the absence of Mayor Pro Tem Mills.**

3. **ADJOURNMENT:** The City Council adjourned at 9:40 a.m., to the next regular meeting, Wednesday, November 2, 2016, 6:00 p.m., in the Council Chamber, City Hall, preceded by a Closed Session in the Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs, and preceded by the continued meeting to interview Measure "J" Oversight Commission candidates at 4:00 p.m.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 2TH DAY OF NOVEMBER, 2016.

ROBERT MOON, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

ITEM NO. IF

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



**MEETING MINUTES
WEDNESDAY, SEPTEMBER 21, 2016
CITY HALL COUNCIL CHAMBER**

CALL TO ORDER: Mayor Moon called the meeting to order at 6:06 p.m.

PLEDGE OF ALLEGIANCE: Mayor Moon led the Pledge.

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: None.

CITY MANAGER'S REPORT: City Manager Ready provided an update on the Tahquitz Creek Gateway and Bike Lane Project and the City of Palm Springs Dog Park Improvement Project.

REPORT OF CLOSED SESSION:

The meeting was called to order at 4:15 p.m. and the following speakers addressed the City Council on Closed Session items:

ATHINA K. POWERS, commented on one case of Public Employee Discipline/Dismissal/Release as listed on the Closed Session Agenda.

The City Council recessed into Closed Session to discuss Items on the posted Closed Session Agenda. City Attorney Holland stated the City Attorney, the Assistant City Manager, and the Personnel Officer did not participate in the Public Employee Discipline/Dismissal/Release Item, and reported the City Council provided City Staff and the City Attorney direction, otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson stated Staff is requesting Item 1.Q. be removed from the Agenda and tabled.

Councilmember Kors requested Items 1.P. and 1.R. be removed from the Consent Calendar for separate discussion.

Councilmember Roberts requested Items 1.D., 1.E., 1.P., 1.S. be removed from the Consent Calendar for separate discussion.

Mayor Pro Tem Mills noted a business related abstention on Item 1.F. Warrant No. 1087293.

City Attorney Holland stated the City Council Subcommittee is requesting Item 3.A. be removed from the Agenda and tabled.

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

PUBLIC TESTIMONY:

ROBERT FINDLEY, Palm Springs, commented on Item 1.E., 1.P. and 5.A., spoke in support of the firearm safety ordinance, in support of the project on Item 1.P., and requested the City Council approve the purchase of equipment for the Fire Department.

CHRIS KELLY, Palm Springs, commented on Item 1.E. and stated support for the firearm safety ordinance.

HOBERT WEHIR, Palm Springs, commented on Item 1.E. and stated opposition to the firearm safety ordinance.

ROBERT WESTWOOD, Rancho Mirage, commented on Item 1.E. and stated support for the firearm safety ordinance.

CHRIS EAGER, Palm Springs, commented on Item 1.E. and stated support for the firearm safety ordinance.

DENISE JANSON EAGER, Palm Springs, commented on Item 1.E. and stated support for the firearm safety ordinance.

MICHAEL HARRINGTON, Rancho Mirage, commented on Item 1.E. and stated opposition to the firearm safety ordinance.

VAL OGBURN, Palm Springs, commented on Item 1.E. and stated opposition to the firearm safety ordinance.

PHYLLIS BURGESS, Palm Springs, commented on Item 1.E. and stated opposition to the firearm safety ordinance.

MAUREEN BREALEY, Palm Desert, commented on Item 1.E. and stated support for the firearm safety ordinance.

LORI COHEN-SANFORD, Palm Springs, commented on Item 1.E. and stated support for the firearm safety ordinance.

ROGER TANSEY, Palm Springs, commented on Item 1.E. and stated support for the firearm safety ordinance.

RICHARD NOBLE, Palm Springs, commented on Item 1.E. regarding the firearm safety ordinance, and in support of Item 1.R. for Native American Day in the City of Palm Springs.

GARY SCOTT, Palm Springs, commented on Item 1.E. and stated support for the firearm safety ordinance.

LISA MIDDLETON, Palm Springs, commented on Item 1.E. and stated support for the firearm safety ordinance.

ANDREW HIRSCH, Palm Springs, commented on Item 1.E. and stated opposition to the firearm safety ordinance.

BOB RICHMOND, Palm Springs, commented on Item 1.E. and stated opposition to the firearm safety ordinance.

DORI SMITH, Palm Desert, commented on Item 1.E. and stated support for the firearm safety ordinance.

JOY BROWN MEREDITH, Palm Springs, commented on Item 1.E. regarding the firearm safety ordinance.

JUDY DEERTRACK, Palm Springs, commented on Item 1.E. and stated support for the firearm safety ordinance.

KATHLEEN WEREMIUK, commented on Item 1.E. and stated support for the firearm safety ordinance.

1. CONSENT CALENDAR:

ACTION: Approve Items 1.A., 1.B., 1.C., 1.F., 1.G., 1.H., 1.I., 1.J., 1.K., 1.L., 1.M., 1.N., and 1.O. **Motion Councilmember Kors, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

1.A. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF AUGUST 2016:

ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of August 1 through August 31, 2016. **Approved as part of the Consent Calendar.**

1.B. CONFLICT OF INTEREST CODE 2016 BIENNIAL NOTICE PURSUANT TO THE POLITICAL REFORM ACT:

ACTION: 1) Receive and File the 2016 Local Agency Biennial Notice; and 2) Direct staff to promulgate the necessary amendments and return to the City Council in December 2016 for adoption pursuant to the Political Reform Act. **Approved as part of the Consent Calendar.**

1.C. CONSIDERATION OF THE SUMMARY VACATION OF A PUBLIC UTILITY AND SEWER EASEMENT OVER THE VACATED PORTION OF PATENCIO ROAD, BETWEEN LINDA VISTA DRIVE AND RAMON ROAD (FILE R 15-14):

ACTION: Adopt Resolution No. 24088, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUMMARILY VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE AND INTEREST IN A SEWER AND PUBLIC UTILITY EASEMENT PREVIOUSLY RESERVED WITHIN THE VACATED PORTION OF PATENCIO ROAD, BETWEEN LINDA VISTA DRIVE AND RAMON ROAD, SECTION 15, TOWNSHIP 4 SOUTH, RANGE 4 EAST, S.B.M., FILE R 15-14, AND APPROVING A DETERMINATION THAT THE ACTION IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)." **Approved as part of the Consent Calendar.**

1.F. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:

ACTION: 1) Adopt Resolution No. 24089, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 07-30-2016 BY WARRANTS NUMBERED 419627 THROUGH 419639 TOTALING \$19,402.09, LIABILITY CHECKS NUMBERED 1086978 THROUGH 1086995 TOTALING \$86,612.04, FIVE WIRE TRANSFERS FOR \$58,619.83, AND THREE ELECTRONIC ACH DEBITS OF \$1,288,506.35 IN THE AGGREGATE AMOUNT OF \$1,453,140.31, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 24090, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1086996 THROUGH 1087105 IN THE AGGREGATE AMOUNT OF \$903,580.28, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 24091, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1087106 THROUGH 1087248 IN THE AGGREGATE AMOUNT OF \$3,388,445.07, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 24092, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1087249 AND 1087250 IN THE AGGREGATE AMOUNT OF \$56,224.25, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 24093, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 08-13-2016 BY WARRANTS NUMBERED 419640 THROUGH 419652 TOTALING \$22,912.92, LIABILITY CHECKS NUMBERED 1087251 THROUGH 1087268 TOTALING \$86,219.54, FIVE WIRE TRANSFERS FOR \$58,437.07, AND THREE ELECTRONIC ACH DEBITS OF \$1,259,263.01 IN THE AGGREGATE AMOUNT OF \$1,426,832.54, DRAWN ON BANK OF AMERICA;" 6) Adopt Resolution No. 24094, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1087269 THROUGH 1087366 IN THE AGGREGATE AMOUNT OF \$2,279,155.14, DRAWN ON BANK OF AMERICA;" and 7) Adopt Resolution No. 24095, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1087367 THROUGH 1087493 IN THE AGGREGATE AMOUNT OF \$1,993,965.69, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the business related abstention of Mayor Pro Tem Mills on Warrant No. 1087293.**

1.G. AUTHORIZE A PURCHASE ORDER IN THE AMOUNT OF \$45,060 WITH HARRIS & ASSOCIATES FOR ENGINEERING DESIGN SERVICES FOR THE CALLE SANTA CRUZ AND SONORA ROAD STORM DRAIN IMPROVEMENTS PROJECT (CP 16-12):

ACTION: 1) Authorize a Purchase Order in the amount of \$45,060 with the City's "on-call" civil engineering firm, Harris & Associates, pursuant to Agreement No. A6444, for engineering design services relative to the Calle Santa Cruz and Sonora Road Storm Drain Improvements Project, City Project No. 16-12; and 2) Authorize the City Manager to execute all necessary documents. A6444. **Approved as part of the Consent Calendar.**

- 1.H. AUTHORIZATION OF PAYMENT TO SOUTHERN CALIFORNIA EDISON IN THE AMOUNT OF \$69,579.93 FOR UTILITY UPGRADES AT THE WASTEWATER TREATMENT PLANT ASSOCIATED WITH THE SOLAR PHOTOVOLTAIC SYSTEM:**
ACTION: Authorize payment to Southern California Edison in the amount of \$69,579.93 to upgrade the existing SCE transformer serving the City's Wastewater Treatment Plant. **Approved as part of the Consent Calendar.**
- 1.I. APPROVAL OF AMENDMENT NO. 4 IN THE AMOUNT OF \$367,911.49 TO PROFESSIONAL SERVICES AGREEMENT NO. A6190 WITH CNS ENGINEERS, INC. AND A COOPERATIVE AGREEMENT WITH CATHEDRAL CITY FOR THE RAMON ROAD WIDENING (FROM SAN LUIS REY DR. TO LANDAU BLVD.) INCLUDING THE WHITEWATER RIVER BRIDGE WIDENING, CITY PROJECT NO. 08-25, FEDERAL-AID PROJECT NO. BHLS-5282 (040):**
ACTION: 1) Approve Amendment No. 4 to Professional Services Agreement No. A6190 with CNS Engineers, Inc. to incorporate right-of-way services in the amount of \$367,911.49 for an increased total contract amount of \$3,030,254.85 for the Ramon Road Widening (San Luis Rey Dr. to Landau Blvd.) including the Whitewater River Bridge Widening, City Project No. 08-25, Federal-Aid Project No. BHLS-5282 (040); 2) Approve an agreement with the City of Cathedral City for funding the Local Share costs of the Preliminary Engineering, Right of Way Phase, and the Construction Phase for the Widening of the Ramon Road Bridge over the Whitewater River Channel and Associated Street Improvements; and 3) Authorize the City Manager to execute all necessary documents. A6190. A6923. **Approved as part of the Consent Calendar.**
- 1.J. ACCEPTANCE OF CONVENTION CENTER PARKING LOT PROJECT AS COMPLETED (CP 14-09):**
ACTION: 1) Accept the public works improvement identified as Convention Center Parking Lot Project (CP 14-09) 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 Convention Center Parking Lot Project (CP 14-09). A6802. **Approved as part of the Consent Calendar.**
- 1.K. ADOPTION OF A WASTEWATER FUND PLEDGED REVENUE RESOLUTION FOR A CLEAN WATER STATE REVOLVING FUND LOAN ASSOCIATED WITH THE CITY OF PALM SPRINGS WASTEWATER TREATMENT PLANT UPGRADE (CP 15-14):**
ACTION: Adopt Resolution No. 24096, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PLEDGING ITS WASTEWATER ENTERPRISE FUNDS AS PAYMENT TO THE STATE WATER RESOURCES CONTROL BOARD UNDER THE CLEAN

**WATER STATE REVOLVING FUND FOR THE CITY OF PALM SPRINGS
WASTEWATER TREATMENT PLANT UPGRADE (CP 15-14)."
Approved as part of the Consent Calendar.**

- 1.L. APPROVAL OF A THREE YEAR LEASE WITH TCF EQUIPMENT FINANCE FOR 152 E-Z-GO TXT 48 ELECTRIC GOLF CARTS NEGOTIATED BY CENTURY GOLF TO SERVE THE PALM SPRINGS TAHQUITZ CREEK "LEGENDS" AND "RESORT" GOLF COURSES:**
ACTION: 1) Approve a three year lease with TCF Equipment Finance for the equipment lease amount of \$12,999.97 per month, and a total of \$14,169.97 per month inclusive of taxes, for 152 E-Z-GO TXT 48 electric golf carts, plus documentation fee; 2) Adopt Resolution No. 24097, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE NEGOTIATION, EXECUTION AND DELIVERY OF LEASE NO. 008-0185560-100 BETWEEN THE CITY OF PALM SPRINGS AND TCF EQUIPMENT FINANCE;" and 3) Authorize the City Manager and City Clerk to execute all documents necessary for the lease subject to final approval by the City Attorney. A6924. **Approved as part of the Consent Calendar.**
- 1.M. AMENDMENT NO. 1 TO AGREEMENT NO. A6799 WITH BRUCE BOWER INVESTIGATIONS FOR BACKGROUND SERVICES:**
ACTION: 1) Approve Amendment No. 1 to Agreement No. A6799 with Bruce Bower Investigations for background services; and 2) Authorize the City Manager to execute all necessary documents. A6799. **Approved as part of the Consent Calendar.**
- 1.N. ACCEPT A FISCAL YEAR 2016 EMERGENCY MANAGEMENT PERFORMANCE GRANT FROM FEDERAL EMERGENCY MANAGEMENT AGENCY IN THE AMOUNT OF \$12,142 AND AUTHORIZE FUNDING OF THE "ESSENTIAL EMERGENCY MANAGEMENT CONCEPTS" COURSE FROM THE CALIFORNIA SPECIALIZED TRAINING INSTITUTE:**
ACTION: 1) Accept the Fiscal Year 2016 Emergency Management Performance Grant through the California Governor's Office of Emergency Services in the amount of \$12,142.00; 2) Authorize the City Manager to contract with the California Specialized Training Institute (CSTI) through the California Office of Emergency Services (CalOES) for the course delivery of the Essential Emergency Management Concepts course in an amount up to \$65,000; and 3) Authorize the City Manager to execute all necessary documents. A6925. **Approved as part of the Consent Calendar.**
- 1.O. ACCEPTANCE OF \$110,000 IN GRANT FUNDING FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FOR A SELECTIVE**

TRAFFIC ENFORCEMENT PROGRAM TO BE USED TO ENFORCE, EDUCATE, AND BRING AWARENESS TO THE PUBLIC:

ACTION: 1) Accept \$110,000 in grant funding from the California Office of Traffic Safety for a Selective Traffic Enforcement Program for Fiscal Year 2016-17; and 2) Authorize the City Manager to execute all necessary documents. A5524. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

1.D. SECOND READING AND ADOPTION OF ORDINANCE NO. 1898 APPROVING PLANNED DEVELOPMENT DISTRICT (PD-366) IN LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 126-ACRE SITE FORMERLY KNOWN AS THE PALM SPRINGS COUNTRY CLUB GOLF COURSE GENERALLY LOCATED NORTH OF VERONA ROAD, EAST OF SUNRISE WAY AND SOUTHWEST OF THE WHITEWATER RIVER WASH:

Councilmember Roberts questioned the process to bring the Ordinance forward without a development agreement.

ACTION: Waive the second reading of the ordinance text in its entirety and adopt Ordinance No. 1898, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT (PD-366) IN LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 126-ACRE SITE FORMERLY KNOWN AS THE PALM SPRINGS COUNTRY CLUB GOLF COURSE GENERALLY LOCATED NORTH OF VERONA ROAD, EAST OF SUNRISE WAY AND SOUTHWEST OF THE WHITEWATER RIVER WASH." **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

1.E. SECOND READING AND ADOPTION OF ORDINANCE NO. 1899 RELATING TO FIREARMS:

Councilmember Roberts further elaborated on firearm safety.

Councilmember Kors further elaborated on laws relating to firearm safety.

Councilmember Foat stated her support for gun control and banning automatic weapons, but stated her concerns with the proposed ordinance due to individual privacy.

Mayor Moon stated his support for the firearm safety ordinance.

ACTION: Waive the second reading of the ordinance text in its entirety and adopt Ordinance No. 1899, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 11.16 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO FIREARMS." **Motion Councilmember**

Kors, seconded by Councilmember Roberts and carried 3-2 on a roll call vote.

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

1.P. APPEAL BY DENLAR LLC OF THE PLANNING COMMISSION ACTION TO DENY AN AMENDMENT TO AN APPROVED MAJOR ARCHITECTURAL APPLICATION FOR A REDUCTION IN THE SIDE YARD SETBACK OF A NEW HILLSIDE SINGLE-FAMILY RESIDENCE LOCATED AT 2110 NORTH LEONARD ROAD, ZONE R-1-B (CASE 3.3817 MAJ AMND):

Councilmember Roberts requested Staff work on a new fee structure and the Planning Commission for violations.

Councilmember Kors and Councilmember Foat requested Staff address the amount of the fee.

The City Council discussed the amount of payment and suggested the \$10,000 fee may be too low, and other penalties.

ACTION: Adopt Resolution No. 24098, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING AN APPEAL OF THE PLANNING COMMISSION'S ACTION TO DENY AN AMENDMENT TO A MAJOR ARCHITECTURAL APPLICATION FOR THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE ON A 0.59 ACRE HILLSIDE PARCEL LOCATED AT 2110 NORTH LEONARD ROAD, ZONE R-1-B (CASE 3.3817 MAJ)." **Motion Mayor Pro Tem Mills, seconded by Councilmember Roberts and carried 3-2 on a roll call vote.**

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

1.Q. APPROVAL OF A RIGHT OF WAY ACQUISITION AGREEMENT IN THE AMOUNT OF \$250,000 FOR THE SOUTH PALM CANYON DRIVE LOW WATER CROSSING BRIDGE REPLACEMENT AT ARENAS CANYON SOUTH, CITY PROJECT NO. 06-18, FEDERAL AID PROJECT NO. BR-NBIL (502):

Removed from the Agenda at the request of Staff.

1.R. RECOGNIZING AND CELEBRATING SEPTEMBER 23, 2016, AS NATIVE AMERICAN DAY IN THE CITY OF PALM SPRINGS:

ACTION: Adopt Resolution No. 24099, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOGNIZING SEPTEMBER 23, 2016, AS NATIVE AMERICAN DAY IN THE CITY OF PALM

SPRINGS.” Motion Councilmember Roberts, seconded by Councilmember Kors and unanimously carried on a roll call vote.

1.S. AGREEMENT WITH PALM SPRINGS UNIFIED SCHOOL DISTRICT TO PROVIDE A FULL TIME POLICE OFFICER AT THE PALM SPRINGS HIGH SCHOOL CAMPUS:

Councilmember Roberts questioned why the District could not use a private or School District officer as opposed to a Police Officer.

ACTION: 1) Approve an agreement with the Palm Springs Unified School District to provide a full time police officer at the high school campus including the Ramon Academy, for one year expiring at the end of the school year; and 2) Authorize the City Manager to execute all necessary documents. A5553. **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

2. PUBLIC HEARINGS:

2.A. WOODBRIDGE PACIFIC GROUP ON BEHALF OF PALM CANYON 65, LLC. FOR A PLANNED DEVELOPMENT IN LIEU OF ZONE CHANGE, TENTATIVE TRACT MAP AND MAJOR ARCHITECTURAL APPLICATION TO CONSTRUCT A RESIDENTIAL PROJECT CONSISTING OF 56 SINGLE-FAMILY RESIDENCES AND 25 MULTI-FAMILY RESIDENTIAL CONDOMINIUMS ON A 12.38-ACRE SITE LOCATED AT 777 SOUTH PALM CANYON DRIVE, AND IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ADOPTING A MITIGATED NEGATIVE DECLARATION, ZONE C-1 & R-3 (CASE NOS. 5.1378 PD-379 ZC, 3.3876 MAJ AND TTM 36914):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated September 21, 2016.

Councilmember Foat commented on the proposal regarding rock crushing on the site, to include a condition for on-site rock crushing.

Councilmember Kors questioned the access on South Palm Canyon for pedestrian and bicycle access and a requirement for an all-gender restroom in the common area.

Mayor Moon commented on the procedure for the rock crushing.

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

TODD CUNNINGHAM, Applicant, commented on the process with the City Council ad hoc subcommittee review, commented on the gates and the process for rock crushing.

JANIE HUGHES, Palm Springs, stated her support for the development and working with the developer for an improved project, and commented on the restrictions for gates.

MARIO GONZALES, Rancho Mirage, stated his support for the development and thanked the City Council ad hoc subcommittee for an improved project, commented on the process for rock crushing and the restrictions for gates.

JUDY DEERTRACK, Palm Springs, stated the proposed development is not consistent with the policies in the General Plan.

TODD CUNNINGHAM, Rebuttal, requested the City Council approve the projects as a gated community, and further commented on the rock crushing.

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

The City Council discussed the following with respect to the project: the General Plan prohibition of gated communities, allowing on-site rock crushing, questioned the consistency with the policies in the General Plan, the thru street requirement, the potential to provide for vehicular gates that allows for pedestrian access, condition the property to refine the units on the west side of the property to be returned at final, refine the north property line landscaping specifically the sycamore tree as the dominant tree and the individual tree in the front yard to vary the streetscape, eliminate the exposed access ladder, questioned the timeline for the proposed dog park, and the size of the unit and the size of the lot that provide a more affordable price range.

ACTION: 1) Adopt Resolution No. 24100, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING CASE NOS. 5.1378 PD-379 ZC, 3.3876 MAJ AND TTM 36914 FOR A RESIDENTIAL DEVELOPMENT AND SUBDIVISION CONSISTING OF 56 SINGLE-FAMILY RESIDENTIAL DWELLINGS, 25 MULTI-FAMILY RESIDENTIAL DWELLINGS, OPEN SPACE AND PRIVATE STREETS ON A 12.38-ACRE SITE LOCATED AT 777 SOUTH PALM CANYON DRIVE;" 2) Waive the reading of the ordinance text in its entirety and introduce for first reading Ordinance No. 1900, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING PLANNED

DEVELOPMENT 379 IN LIEU OF A CHANGE OF ZONE FOR A 12.38-ACRE SITE ADDRESSED AT 777 SOUTH PALM CANYON DRIVE AND BOUND BY PALM CANYON DRIVE TO THE EAST, TAHQUITZ CREEK (WASH) TO THE NORTH, BELARDO ROAD TO THE WEST AND PRIVATE PROPERTY TO THE SOUTH," *amending the conditions of approval as follows: a) provide for a rock crushing test to be provided on site and evaluated, b) amend Section 5 of the Resolution to provide a subsection b to read, "The proposed project includes a PD in lieu of a zone change for PD-379, and seeks a specific development plan for the 12.38 acre site. There will be 81 residences with improved street access, utilities and other typical services provided to residential development. Developable lots are required to be at least 5,000 square feet in size. The PD also proposes a set of development standards." c) further refine the most western site plan/residences to address the slope to be completed at the final PD review, d) vary the sycamore as the outside dominant tree and vary the street tree to be completed at the final PD review, and e) adding a condition that prohibits gates on the perimeter.* **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.

The City Council recessed at 8:31 p.m.

The City Council reconvened at 8:43 p.m.

2.B. APPEAL BY WESSMAN HOLDINGS OF THE PLANNING COMMISSION ACTION TO DENY AN EXTENSION OF TIME REQUEST FOR THE CRESCENDO PLANNED DEVELOPMENT DISTRICT (PDD 294), A PREVIOUSLY APPROVED PROJECT CONSISTING OF A TENTATIVE TRACT MAP (TTM 31766), AND PLANNED DEVELOPMENT DISTRICT 294 FOR THE CONSTRUCTION OF 79 HOMES LOCATED AT W. RACQUET CLUB ROAD AND VISTA GRANDE AVENUE, (CASE 5.0996/PDD 294/TTM 31766):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated September 21, 2016.

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

EMILY HEMPHILL, Representing Applicant, provided background information on the City's ability pursuant to the Subdivision Map Act and the actions of terminating the PD, the timing and the amount of progress, the status of the CEQA, and the grading requirements.

ROBERT FINDLEY, Palm Springs, commented on the amount of time allowed for the development, stated enough extensions have been granted, requested the City Council uphold the decision of the Planning Commission to deny the extension of the PDD.

TIM O'BAYLEY, Palm Springs, commented on the letter submitted by the Little Tuscany Neighborhood, and requested the City Council uphold the decision of the Planning Commission to deny the extension of the PDD.

DAVID DRY, Palm Springs, requested the City Council uphold the decision of the Planning Commission to deny the extension of the PDD.

JANE GARRISON, Palm Springs, requested the City Council uphold the decision of the Planning Commission to deny the extension of the PDD.

DENISE HOETKER, Palm Springs, requested the City Council uphold the decision of the Planning Commission to deny the extension of the PDD.

JUDY DEERTRACK, Palm Springs, commented on good cause, the Subdivision Map Act requirement, and requested the City Council uphold the decision of the Planning Commission to deny the extension of the PDD.

DAN SMITH, Palm Springs, requested the City Council uphold the decision of the Planning Commission to deny the extension of the PDD.

BRAD KAIN, Palm Springs, commented on mass grading, and requested the City Council uphold the decision of the Planning Commission to deny the extension of the PDD.

MAURICE WILSON, Palm Springs, requested the City Council uphold the decision of the Planning Commission to deny the extension of the PDD.

ROBERT STONE, commented on the granting of extensions, and requested the City Council uphold the decision of the Planning Commission to deny the extension of the PDD.

DENNIS WOODS, Palm Springs, stated the reasons the project is not a good project, commented on the condition of the tract map, and requested the City Council uphold the decision of the Planning Commission to deny the extension of the PDD.

ROBERT ROTMAN, Palm Springs, requested the City Council uphold the decision of the Planning Commission to deny the extension of the PDD.

VICTORIA SNARER, Palm Springs, commented on the eco-system, suggested a new EIR be required, and requested the City Council uphold the decision of the Planning Commission to deny the extension of the PDD.

TONY HOETKER, Palm Springs, commented on the letter submitted by the Little Tuscany Neighborhood, the changes to the neighborhood, and requested the City Council uphold the decision of the Planning Commission to deny the extension of the PDD.

EMILY HEMPHILL, Applicant Rebuttal, further commented on the Subdivision Map Act.

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

The City Council discussed and/or commented on the following: requested the City Attorney provide guidance on the Subdivision Map Act, the Planned Development process, the discussion at the Planning Commission during the last extension, the impact to the surrounding neighborhood for the development, consider extension of PDD as project based, the underlying zone and standards and the staleness of the PDD.

ACTION: Adopt Resolution No. 24101, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S ACTION TO DENY AN EXTENSION OF TIME REQUEST FOR THE CRESCENDO PLANNED DEVELOPMENT DISTRICT 294 FOR THE CONSTRUCTION OF 79 SINGLE-FAMILY RESIDENTIAL HOMES ON A 42.2-ACRE PARCEL LOCATED AT WEST RACQUET CLUB ROAD AND VISTA GRANDE AVENUE (CASE 5.0996-PDD 294)." **Motion Councilmember Kors, seconded by Mayor Moon and carried 4-1 on a roll call vote.**

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

NOES: Mayor Pro Tem Mills.

2.C. CALLING AND CONDUCTING THE SPECIAL ELECTION AND INTRODUCTION OF AN ORDINANCE AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN ANNEXATION NO. 13 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES):

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated September 21, 2016.

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

EMILY HEMPHILL, stated the developer was not in support of the CFD.

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

ACTION: 1) Adopt Resolution No. 24102, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING ANNEXATION NO. 13, BOULDERS, TRACT MAP NO. 31095 AND CRESCENDO, TRACT MAP NO. 31766, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1, (PUBLIC SAFETY SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX, AND SUBMITTING THE LEVY OF A SPECIAL TAX TO QUALIFIED ELECTORS." **Motion Mayor Pro Tem Mills, seconded by Councilmember Roberts and unanimously carried on a roll call vote.**

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

Annexation No. 13. Total Eligible Votes 73. Total YES Votes 73. Total NO Votes 0.

ACTION: 1) Adopt Resolution No. 24103, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE RESULTS OF A SPECIAL ANNEXATION LANDOWNER ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDING, AND DIRECTING THE RECORDING OF AN AMENDMENT TO NOTICE OF SPECIAL TAX LIEN FOR ANNEXATION NO. 13, BOULDERS, TRACT MAP NO. 31095 AND CRESCENDO, TRACT MAP NO. 31766, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1, (PUBLIC SAFETY SERVICES); and 2) Waive the reading of the ordinance text in its entirety and read by title only, and introduce on first reading Ordinance No. 1901, "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. 13, BOULDERS, TRACT MAP NO. 31095 AND CRESCENDO, TRACT MAP NO. 31766, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1, (PUBLIC SAFETY SERVICES). **Motion Councilmember Kors, seconded by Councilmember Roberts and unanimously carried on a roll call vote.**

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE AMENDING PALM SPRINGS MUNICIPAL CODE CHAPTER 11.100, ABATEMENT OF ABANDONED SHOPPING CARTS, TO FURTHER REDUCE THE NUMBER OF SUCH CARTS

LITTERING PRIVATE PROPERTIES AND THE PUBLIC RIGHTS-OF-WAY:

Removed from the Agenda at the request of the City Council Subcommittee.

4. UNFINISHED BUSINESS:

4.A. APPROVE 15 GRANT APPLICATIONS OF UP TO \$5,000 EACH IN ACCORDANCE WITH THE FISCAL YEAR 2014-15 FACADE IMPROVEMENT PROGRAM GUIDELINES:

City Manager Ready provided background information as outlined in the Staff Report dated September 21, 2016.

ACTION: Tabled. No Action Taken. **Motion Councilmember Roberts, seconded by Councilmember Kors and unanimously carried on a roll call vote.**

5. NEW BUSINESS:

5.A. AUTHORIZE THE PURCHASE OF ONE FIRE DEPARTMENT 105' AERIAL LADDER TRUCK AND THREE FIRE ENGINES:

ACTION: 1) Approve the purchase of one new Aerial and three new Engines from Pierce Manufacturing, Inc. through the national Houston-Galveston Area Council (H-GAC) cooperative purchase agreement in the amount of \$3,388,951 which includes the applicable 9% California state sales tax of \$279,050; 2) Adopt Resolution No. 24104, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE PURCHASE OF FIRE APPARATUS AND EXECUTION OF LEASE PURCHASE AGREEMENTS WITH PNC EQUIPMENT FINANCING, LLC IN CONNECTION THEREWITH;" 3) Declare the 1999 75' aerial and two 2000 Pierce fire engines as surplus and sell at auction after delivery of the new aerial and engines following the City Procurement Ordinance; and 4) Authorize the City Manager to execute all necessary documents, subject to review and approval of the City Attorney. A6926. **Motion Councilmember Roberts, seconded by Councilmember Kors and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

PHYLLIS BURGESS, Palm Springs, commented on the lack of Invocation at City Council meetings.

CARRIE ALLAN, Palm Springs, commented on the lack of Invocation at City Council meetings.

TIM JAMES, California Grocers Association, thanked the City for tabling Item 3.A., and commented on the proposed shopping cart regulations.

UPCOMING AGENDA DEVELOPMENT:

Study Session for Vacation Rental Discussion on October 26, 2016.

Schedule Joint Meeting in December to discuss the Ethics Task Force recommendations.

Study Session for the Downtown Park Design in November, with the City Council and Stakeholder group working on the project at the Convention Center.

January 2017, Joint Meeting with the Planning Commission regarding Planned Development District process.

Place on an upcoming agenda the appointment of a City Council ad hoc subcommittee for the PDD process.

Reschedule the Joint Meeting with the Tribal Council for February 2017.

Cancel the regular City Council meeting on December 21, 2016.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Roberts provided an update on the Coachella Valley Conservancy Commission, the Downtown Park Subcommittee, the Council Chamber Upgrade Project Subcommittee, and provided an update on the City Council Office Project.

Councilmember Roberts requested the City Council Subcommittee regarding the Town and Country Center meet with the Fire Chief and the Police Chief at the Town and Country Center.

Mayor Pro Tem Mills provided an update on the Street Naming Subcommittee.

Councilmember Foat requested the Assistant City Manager/City Engineer provide an update on the City Gateway Signage Project, and provided an update of the day programs for the homeless at Roy's Service Center.

Councilmember Kors provided a report on the Homelessness Task Force, the Vacation Rental Subcommittee, the Cannabis Subcommittee, and the Fundraising Subcommittee.

Mayor Pro Tem Mills requested Staff review signage at the Palm Springs Convention Center for parking.

Councilmember Foat requested a meeting be scheduled for the Indian Canyon Subcommittee.

ADJOURNMENT: The City Council adjourned at 10:34 p.m. to a special meeting Thursday, September 22, 2016, at 9:30 a.m., Hard Rock Hotel, Second Floor Club Room, 150 South Indian Canyon Drive, Palm Springs, CA 92262.

The next regular City Council meeting will be Wednesday, October 5, 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
2ND DAY OF NOVEMBER, 2016.**

ROBERT MOON, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

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



**MEETING MINUTES
WEDNESDAY, SEPTEMBER 7, 2016
CITY HALL COUNCIL CHAMBER**

CALL TO ORDER: Mayor Moon called the meeting to order at 6:06 p.m.

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

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 provided an update on the activities of the Palm Springs Tram.

CITY MANAGER'S REPORT:

City Manager Ready provided an update on the West Elm grand opening, Blaze Pizza, and Andaz Hotel, the LUK Palm Springs media coverage, and commented on the State Controllers preliminary determination regarding the claw-back of the Convention Center debt payments.

REPORT OF CLOSED SESSION:

The meeting was called to order at 3:00 p.m. and the City Council recessed into Closed Session to discuss items on the posted 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:

Mayor Pro Tem Mills requested Items 1.C. and 1.L. be removed from the Consent Calendar for separate discussion.

Councilmember Foat noted her abstention on Consent Calendar Item 1.C.

Councilmember Kors noted his abstention on Consent Calendar Item 1.C.

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

PUBLIC TESTIMONY: (Non-Public Hearing Agenda Items)

CARRIE ALLEN, Palm Springs, commented on the posted agenda.

FATHER ANDREW GREEN, Palm Springs, commented on Item 3.A., and noted support for the proposed firearm regulations.

ROBERT FINDLEY, Palm Springs, commented on Item 3.A., and noted support for the proposed firearm regulations.

MICHAEL HARRINGTON, commented on Item 3.A., and noted opposition to the proposed firearm regulations.

BRUCE TOMINELLO, Palm Springs, commented on Item 3.A., and noted opposition to the proposed firearm regulations.

VAL OGBURN, Palm Springs, commented on Item 3.A., and noted opposition to the proposed firearm regulations.

THOMAS GILL, Palm Desert, commented on Item 3.A., and noted opposition to the proposed firearm regulations.

NANCY CARTER, Desert Hot Springs, commented on Item 3.A., and noted opposition to the proposed firearm regulations.

PHYLLIS BURGESS, Palm Springs, commented on Item 3.A., and noted opposition to the proposed firearm regulations.

KEN MILLER, Desert Hot Springs, commented on Item 3.A., and noted opposition to the proposed firearm regulations.

BEN MORAN, Indio, commented on Item 3.A., and noted opposition to the proposed firearm regulations.

ELISE RICHMOND, Palm Springs, commented on Item 3.A., and noted opposition to the proposed firearm regulations.

MICHAEL HOWARD, Palm Springs, commented on Item 3.A., and noted support for the proposed firearm regulations.

RABBI DAVID LAZAR, Palm Springs, commented on Item 3.A., and noted support for the proposed firearm regulations.

ANDREW HIRSCH, Palm Springs, commented on Item 3.A., and noted opposition to the proposed firearm regulations.

RICHARD NOBLE, Palm Springs, commented on Item 3.A., and noted opposition to the proposed firearm regulations.

BOB RICHMOND, Palm Springs, commented on Item 3.A., and noted opposition to the proposed firearm regulations.

DENISE JANSSEN EAGER, Palm Springs, commented on Item 3.A., and noted support to the proposed firearm regulations.

REV. CHUCK WILHELM, Rancho Mirage, commented on Item 3.A., and noted support for the proposed firearm regulations.

DORI SMITH, Palm Desert, commented on Item 3.A., and noted support for the proposed firearm regulations.

JIM STEWART, Palm Springs, commented on Item 3.A., and noted opposition to the proposed firearm regulations.

DOUG WABISZEWSKI, Desert Hot Springs, commented on Item 3.A., and noted opposition to the proposed firearm regulations.

LISA MIDDLETON, Palm Springs, commented on Item 3.A., and noted support for the proposed firearm regulations.

CHARLES SACHS, Palm Springs, commented on Item 3.A., and noted opposition to the proposed firearm regulations.

STEVE ROSENBERG, Palm Springs, commented on Item 3.B., and noted his opposition to the proposed shopping cart regulations.

DAVID SHAHRIARI, Palm Springs, commented on Item 4.A., and noted his support for the proposed creation of a Tourism Business Improvement District for small hotels.

DAN SMITH, Palm Springs, commented on Item 5.B., and noted support regarding the proposed traffic calming measures for Racquet Club Road.

MAURICE WILSON, Palm Springs, commented on Item 5.B., and noted support regarding the proposed traffic calming measures for Racquet Club Road.

1. CONSENT CALENDAR:

ACTION: Approve Items 1.A., 1.B., 1.D., 1.E., 1.F., 1.G., 1.H., 1.I., 1.J., 1.K., 1.M., 1.N., 1.O., 1.P., and 1.Q. **Motion Councilmember Foat, seconded by Councilmember Kors and unanimously carried on a roll call vote.**

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

ACTION: Receive and file Report on the Posting of the September 7, 2016, City Council Agenda. **Approved as part of the Consent Calendar.**

1.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of August 3, 2016, and June 23, 2016. **Approved as part of the Consent Calendar.**

1.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF JULY 2016:

ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of July 1 through July 31, 2016. **Approved as part of the Consent Calendar.**

1.E. APPROVAL OF A FREEWAY MAINTENANCE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR INTERCHANGES ON STATE HIGHWAY ROUTE 10 (INTERSTATE 10) AT INDIAN CANYON DRIVE AND GENE AUTRY TRAIL/PALM DRIVE:

ACTION: Adopt Resolution No. 24069, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A FREEWAY MAINTENANCE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE INTERCHANGES ON STATE HIGHWAY ROUTE 10 (INTERSTATE 10) AT INDIAN CANYON DRIVE AND GENE AUTRY TRAIL/PALM DRIVE, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALM SPRINGS." A6912. **Approved as part of the Consent Calendar.**

1.F. RATIFICATION AND AUTHORIZATION OF PURCHASES FOR THE 2016 AIRPORT MECHANICAL ROOM FIRE:

ACTION: 1) Ratify the actions taken by the City Manager, for the public health and safety, and agreements for emergency response and restoration with Daniel's DKI Restoration Services and Titan Power in response to the 2016 Airport Equipment Room fire; and 2) Authorize the City Manager to take other such actions as deemed appropriate and necessary for the response and restoration after the incident. **Approved as part of the Consent Calendar.**

- 1.G. AUTHORIZE AN INCREASE OF \$22,098.66 TO PURCHASE ORDER NO. 15-1066 WITH TRANE RENTAL SERVICES FOR EXTENDED RENTAL OF A 250 TON CHILLER FOR THE AIRPORT:**
ACTION: 1) Authorize an increase in the amount of \$22,098.66 to Purchase Order No. 15-1066 with Trane Rental Services for an extension of the rental term for a temporary air conditioning chiller at the Airport; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**
- 1.H. APPROVAL OF A CONTRACT CHANGE ORDER IN THE AMOUNT OF \$303,055 WITH MATICH CORPORATION FOR THE 2016 PAVEMENT REHABILITATION, AND AUTHORIZATION TO ENTER INTO A REIMBURSEMENT AGREEMENT WITH THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS, RELATED TO THE NORTH INDIAN CANYON DRIVE WIDENING PROJECT (CP 16-01):**
ACTION: 1) Authorize the City Manager to execute a Contract Change Order in the amount of \$303,055 to construction contract A6878 with Matich Corporation for the 2016 Pavement Rehabilitation to include reconstruction of North Indian Canyon Drive from 19th Avenue to 18th Avenue to be considered as Phase 1 of the North Indian Canyon Drive Widening Project (CP 16-01); 2) Authorize the City Manager to enter into a Reimbursement Agreement with the Coachella Valley Association of Governments related to the North Indian Canyon Drive Widening Project, subject to terms and conditions reflecting a credit of the \$303,055 cost for reconstruction of North Indian Canyon Drive from 19th Avenue to 18th Avenue to the City of Palm Springs' local share and as eligible Regional Measure A costs; and 3) Authorize the City Manager to execute all necessary documents. A6878. **Approved as part of the Consent Calendar.**
- 1.I. ACCEPTANCE OF FIRE STATION NO. 4 REHABILITATION (DEMOLITION & ABATEMENT) PROJECT (CP 15-25):**
ACTION: 1) Accept the public works improvement identified as Fire Station No. 4 Rehabilitation (Demolition & Abatement) as completed in accordance with the plans and specifications (CP 15-25); and 2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for Fire Station No. 4 Rehabilitation (Demolition & Abatement) (CP 15-25). A6847. **Approved as part of the Consent Calendar.**
- 1.J. ACCEPTANCE OF THE RAMON ROAD PAVEMENT REHABILITATION PROJECT FEDERAL AID PROJECT NO. STPLN-5282 (043) (CP 14-02):**
ACTION: 1) Accept the public works improvement identified as the Ramon Road Pavement Rehabilitation, (CP 14-02) Federal Aid Project No. STPLN-5282 (043), 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 Ramon Road Rehabilitation (CP 14-02). A6808. **Approved as part of the Consent Calendar.**

- 1.K. ACCEPTANCE OF THE BICYCLE CORRIDORS, PHASE 1 (CP 13-32):**
ACTION: 1) Accept the public works improvement identified as the Bicycle Corridors, Phase 1 as completed in accordance with the plans and specifications (CP 13-32); and 2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Bicycle Corridors, Phase 1 (CP 13-32). A6674 **Approved as part of the Consent Calendar.**
- 1.M. ADOPT THE CITY'S INVESTMENT POLICY GOVERNING THE INVESTMENT OF CITY FUNDS:**
ACTION: Adopt Resolution No. 24070, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN INVESTMENT POLICY GOVERNING THE INVESTMENT OF CITY FUNDS SUPERSEDING RESOLUTION NO. 23529." **Approved as part of the Consent Calendar.**
- 1.N. REQUEST FOR APPROVAL OF MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENTS FOR CLASS 1 HISTORIC SITES LOCATED AT 928 NORTH AVENIDA PALMAS (THE CARY GRANT RESIDENCE, HSPB 75), 360 CABRILLO ROAD UNIT 202 (RACQUET CLUB COTTAGES WEST, HSPB 88/HD 3), 370 WEST ARENAS ROAD (THE HIDEAWAY HOTEL, HSPB 90), AND 562 WEST ARENAS ROAD (THE ORBIT IN, HSPB 95):**
ACTION: 1) Approve a Mills Act Historic Property Preservation Agreement with Las Palomas Property Trust for the Class 1 Historic Site located at 928 N. Avenida Palmas (HSPB 75); 2) Approve a Mills Act Historic Property Preservation Agreement with Giancarlo Montanari for the Class 1 Historic Site located at 360 Cabrillo Road Unit 202 (HSPB 88/HD 3); 3) Approve a Mills Act Historic Property Preservation Agreement with Kevin Miller and Jin Suk Park for the Class 1 Historic Site located at 370 W. Arenas Road (HSPB 90); 4) Approve a Mills Act Historic Property Preservation Agreement with Kevin Miller and Jin Suk Park for the Class 1 Historic Site located at 562 W. Arenas Road (HSPB 95); 5) Authorize the City Manager to execute the agreements; and 6) Direct the City Clerk to record the Agreements. A6903. A6904. A6905. A6906. **Approved as part of the Consent Calendar.**
- 1.O. TREASURER'S INVESTMENT REPORT AS OF JULY 31, 2016:**
ACTION: Receive and File the Treasurer's Investment Report as of July 31, 2016. **Approved as part of the Consent Calendar.**

- 1.P. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:**
- ACTION:** 1) Adopt Resolution No. 24071, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 06-18-2016 BY WARRANTS NUMBERED 419579 THROUGH 419592 TOTALING \$23,874.15, LIABILITY CHECKS NUMBERED 1086263 THROUGH 1086280 TOTALING \$88,787.86, FIVE WIRE TRANSFERS FOR \$59,473.54, AND THREE ELECTRONIC ACH DEBITS OF \$1,220,717.50 IN THE AGGREGATE AMOUNT OF \$1,392,853.05, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 24072, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1086281 THROUGH 1086400 IN THE AGGREGATE AMOUNT OF \$1,784,375.33, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 24073, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1086401 THROUGH 1086403, AND W062716 IN THE AGGREGATE AMOUNT OF \$172,064.49, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 24074, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1086404 THROUGH 1086565 IN THE AGGREGATE AMOUNT OF \$1,644,141.37, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 24075, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1086566 THROUGH 1086572 IN THE AGGREGATE AMOUNT OF \$765,732.31, DRAWN ON BANK OF AMERICA;" 6) Adopt Resolution No. 24076, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 07-02-2016 BY WARRANTS NUMBERED 419593 THROUGH 419607 TOTALING \$37,048.73, LIABILITY CHECKS NUMBERED 1086573 THROUGH 1086590 TOTALING \$89,040.84, FIVE WIRE TRANSFERS FOR \$75,971.04, AND THREE ELECTRONIC ACH DEBITS OF \$1,267,085.16 IN THE AGGREGATE AMOUNT OF \$1,469,145.77, DRAWN ON BANK OF AMERICA;" 7) Adopt Resolution No. 24077, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1086591 THROUGH 1086672 IN THE AGGREGATE AMOUNT OF \$1,234,606.50, DRAWN ON BANK OF AMERICA;" 8) Adopt Resolution No. 24078, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1086673

THROUGH 1086772 IN THE AGGREGATE AMOUNT OF \$2,586,777.57, DRAWN ON BANK OF AMERICA;" 9) Adopt Resolution No. 24079, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 07-16-2016 BY WARRANTS NUMBERED 419608 THROUGH 419626 TOTALING \$43,568.12, LIABILITY CHECKS NUMBERED 1086773 THROUGH 1086790 TOTALING \$85,763.41, FIVE WIRE TRANSFERS FOR \$98,419.95, AND THREE ELECTRONIC ACH DEBITS OF \$1,724,243.21 IN THE AGGREGATE AMOUNT OF \$1,951,994.69, DRAWN ON BANK OF AMERICA;" 10) Adopt Resolution No. 24080, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1086791 THROUGH 1086857 IN THE AGGREGATE AMOUNT OF \$1,233,708.54, DRAWN ON BANK OF AMERICA;" and 11) Adopt Resolution No. 24081, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1086858 THROUGH 1086977 IN THE AGGREGATE AMOUNT OF \$3,025,781.03, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

1.Q. APPROVE AMENDMENT NO. 3 TO THE AGREEMENT WITH ADVANCED, INC. DBA PROGREEN BUILDING, INC. FOR ADDITIONAL JANITORIAL SERVICES REQUIRED FOR THE PALM SPRINGS ANIMAL SHELTER:

ACTION: 1) Approve Amendment No. 3 to Agreement No. A5728 with Advanced, Inc., dba Progreen Building, Inc., increasing the janitorial services in the amount of \$7,800.00, for an amended total amount of \$334,648.92 per year; and 2) Authorize the City Manager to execute all necessary documents. A5728. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

Councilmember Foat and Councilmember Kors stated as the City Council delegate and alternate, they may have an income 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. AMENDMENT TO SUNLINE JOINT-POWERS TRANSPORTATION AGENCY AGREEMENT:

City Clerk Thompson provided background information as outlined in the Staff Report dated September 7, 2016.

Mayor Pro Tem Mills noted his opposition to the proposed amendment to the Sunline Joint-Powers Agreement.

MOTION: Reject Amendment No. 4 to the Joint Powers Agreement. **Motion Mayor Pro Tem Mills, failed for lack of a second.**

MOTION: 1) Approve Amendment No. 4 to Agreement No. A1281 for the SunLine Joint-Powers Transportation Agreement; 2) Authorize the City Manager to execute Amendment No. 4; and 3) Adopt FPPC Form 806, authorize the City Manager to prepare and execute FPPC Form 806 Public Official Appointments, and direct the City Clerk to post on the City's website, if SunLine approves the payment of a stipend. A1281. **Motion Councilmember Roberts, seconded by Mayor Moon and failed 1-2 on a roll call vote.**

AYES: Councilmember Roberts.

NOES: Mayor Pro Tem Mills and Mayor Moon.

ABSENT: Councilmember Foat and Councilmember Kors.

Councilmember Foat and Councilmember Kors returned to the dais.

Later in the meeting the City Council reconsidered this item and approved Item 1.C. (Please see Reconsideration immediately following Public Hearings.)

1.L. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE DEMUTH PARK ADA ACCESS IMPROVEMENTS (CP 15-15):

Mayor Pro Tem Mills requested City Staff address the design of the pathway to eliminate the installation of rails and parking stops.

ACTION: 1) Approve the plans, specifications and estimate, *amending the plans for rails and parking stops, subject to review and approval by Mayor Pro Tem Mills*; and 2) Authorize staff to advertise and solicit bids for the Demuth Park ADA Access Improvements (CP 15-15). **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

2. PUBLIC HEARINGS:

2.A. CALLING AND CONDUCTING THE SPECIAL ELECTION AND INTRODUCTION OF AN ORDINANCE AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN ANNEXATION NO. 13 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES):

ACTION: 1) Table the public hearing with no public testimony at this time; 2) Continue the public hearing to September 21, 2016; and 3) Direct the City Clerk to post a Notice of Continued Public Hearing pursuant to law. **Motion Councilmember Kors, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

2.B. APPEAL BY DENLAR LLC OF THE PLANNING COMMISSION ACTION TO DENY AN AMENDMENT TO AN APPROVED MAJOR ARCHITECTURAL APPLICATION FOR A REDUCTION IN THE SIDE YARD SETBACK OF A NEW HILLSIDE SINGLE-FAMILY RESIDENCE LOCATED AT 2110 NORTH LEONARD ROAD (CASE 3.3817 MAJ):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated September 7, 2016.

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

DENNIS FREEMAN, Applicant, noted his developments in the City of Palm Springs, noted the proposed structure does not impact the neighbor's solar installation, apologized for his mistake on the building footprint, commented on his discussions with Staff regarding potential change, and noted potential changes that could be made to the project for compliance with the code.

DAVID BARON, Palm Springs, Representing Applicant, apologized for the errors during the building of the development, and commented on potential penalty or resolution.

ROBERT DOREN, Palm Springs, stated the developers actions were inappropriate and undermine the laws and zoning of the City.

DENNIS FREEMAN, Rebuttal, commented on the impact to the neighbor and indicated he reached out to the neighbor to resolve the error.

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

Councilmember Roberts questioned the process by inspectors on-site, commented on the Applicant's actions, and requested City Staff to strengthen the ordinance and to provide for greater penalties.

Mayor Pro Tem Mills commented on the reputation of the developer, noted the discussion with City Staff, the comparison of hillside development standards and flat lot standards, stated the development does not impact any neighbor, and stated the Planning Commission should have reviewed this as a stand-alone new application and its merits of the project.

Councilmember Foat requested Staff address the standards for a hillside lot, questioned if the house could be built on the lot, the approval process by Staff, commented on potential errors by City Staff, and noted a fine should be imposed and commented on potential impact to the neighbor's solar installation.

Councilmember Roberts stated this was a not a mistake, but a decision to build something different than the project approved by the Planning Commission, but stated the house should not be torn down, but a substantial fine should be paid.

Mayor Moon stated this was carelessness and a fine should be paid, stated the house should not be torn down, but a fine should be imposed if the City has the authority and the structure.

Councilmember Kors questioned the percentage of the house built, stated the house should not be torn down, and a fine should be negotiated and returned to the City Council as a condition of approval.

Mayor Pro Tem Mills reiterated the City Council should review the project as a new application, and if it meets all the qualifications, the project should be approved.

Councilmember Foat stated the City Council is not considering a new application, but rather the Planning Commission denial of the project.

Councilmember Kors questioned the options before the Planning Commission, and stated the City Council has additional options not available to the Planning Commission.

ACTION: Direct Staff to prepare a resolution to overturn the Planning Commission decision, grant the appeal, require a certification from the adjoining property owner regarding solar installation, require an Administrative Minor Modification to address structure height, and negotiate a fine as a condition of approval. **Motion Councilmember Foat, seconded by Councilmember Kors and unanimously carried on a roll call vote.**

The City Council recessed at 8:47 p.m.
The City Council reconvened at 8:57 p.m.

- 2.C. SERENA PARK – PALM SPRINGS COUNTRY CLUB, LLC, FOR A GENERAL PLAN AMENDMENT, PLANNED DEVELOPMENT DISTRICT IN LIEU OF ZONE CHANGE, MAJOR ARCHITECTURAL APPLICATION, DEVELOPMENT AGREEMENT, AND TENTATIVE TRACT MAP FOR THE REDEVELOPMENT OF THE PALM SPRINGS COUNTRY CLUB AND APPROXIMATELY 126-ACRES OF PREVIOUSLY DISTURBED LAND FOR 137 ATTACHED RESIDENCES, 292 DETACHED RESIDENCES, STREETS, PRIVATE OPEN SPACE, AND PUBLIC PARK LOCATED NORTH OF VERONA ROAD, EAST OF SUNRISE WAY, AND SOUTHWEST OF THE WHITEWATER RIVER WASH (CASE NOS. 5.1327 PD-366, ZC, DA, MAJ, AND TTM 36691):**

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated September 7, 2016.

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

ERIC TAYLOR, Applicant, addressed the park ownership, stated amenities will be included in the project, and stated they are in agreement with the changes that will be made to the project.

GARY FRIEDLE, commented on the Francis Drive access point and requested an alternative be found.

RENEE SAUNDERS, Palm Springs, stated the development is too big and dense in relation to the surrounding existing fairway homes.

JEFFREY D'AVANZO, Palm Springs, commented on the Francis Drive access point and requested an alternative be found.

DENISE JANSEN EAGER, Palm Springs, commented on the Planning Commission recommendation to use the existing entrance to the Whitewater Country Club, and the opening of the existing East Gate.

JIM RUSH, Palm Springs, commented on the dedication from Golden Sand to the City and the ownership of the park.

MARVIN ROOS, Palm Springs, requested clarification on Planning Commission Condition No. 5.

ERIC TAYLOR, Applicant Rebuttal, commented on the Whitewater Country Club gate and stated that it up to the homeowners.

The City Council discussed and/or commented on the following with respect to the project: the use and permission of Golden Sands approval, the ownership of the proposed park and park fees, the proposed park as a public benefit for the PDD, the third access point, the impact to Francis Drive if it is determined to be the third access point, pedestrian access for Francis Drive, the CVlink access and requiring the segment as a Condition of Approval, and the cleanup of the current blighted site.

ACTION: 1) Adopt Resolution No. 24082, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CERTIFYING AN ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED GENERAL PLAN AMENDMENT, A PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE, A MAJOR ARCHITECTURAL APPLICATION, AND A TENTATIVE MAP

FOR A 386-UNIT RESIDENTIAL DEVELOPMENT ON A 156-ACRE SITE FORMERLY KNOWN AS THE PALM SPRINGS COUNTRY CLUB GOLF COURSE, GENERALLY LOCATED NORTH OF VERONA ROAD, EAST OF SUNRISE WAY AND SOUTHWEST OF THE WHITEWATER RIVER WASH;" 2) Adopt Resolution No. 24083, "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 "OPEN SPACE - PARKS/RECREATION" TO "VERY LOW DENSITY RESIDENTIAL" ON A 126-ACRE PROJECT SITE FOR A 386-UNIT RESIDENTIAL DEVELOPMENT GENERALLY LOCATED NORTH OF VERONA ROAD, EAST OF SUNRISE WAY AND SOUTHWEST OF THE WHITEWATER RIVER WASH;" 3) Waive the reading of the ordinance text in its entirety and introduce for first reading Ordinance No. 1898, "AN ORDINANCE OF OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT (PD-366) IN LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 126-ACRE SITE FORMERLY KNOWN AS THE PALM SPRINGS COUNTRY CLUB GOLF COURSE GENERALLY LOCATED NORTH OF VERONA ROAD, EAST OF SUNRISE WAY AND SOUTHWEST OF THE WHITEWATER RIVER WASH;" 4) Adopt Resolution No. 24084, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A MAJOR ARCHITECTURAL APPLICATION FOR A 386-UNIT RESIDENTIAL DEVELOPMENT ON A 126-ACRE DEVELOPMENT PARCEL GENERALLY LOCATED NORTH OF VERONA ROAD, EAST OF SUNRISE WAY AND SOUTHWEST OF THE WHITEWATER RIVER WASH (CASE 5.1327 PD-366/MAJ)," *including all Conditions of Approval by City Staff and the Planning Commission and amending the Conditions of Approval as follows: (a) Staff to determine if the third access point at Francis Drive is to be public or emergency vehicles only and pedestrian access should be maintained, (b) prohibit gates for the development, (c) The proposed park in the retention basin shall be owned and maintained by the HOA/development with public access allowed, (d) adding a condition to require coordination/responsibility for the portion of the CVLink within the project;* 5) Adopt Resolution No. 24085, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 36691 FOR THE SUBDIVISION OF 156.18 GROSS ACRES INTO 386 RESIDENTIAL LOTS, PUBLIC AND PRIVATE STREETS, A PARK, PRESERVED OPEN SPACE, AND PRIVATE OPEN SPACE, GENERALLY LOCATED NORTH OF VERONA ROAD, EAST OF SUNRISE WAY, AND SOUTHWEST OF THE WHITEWATER RIVER

WASH (TTM 36691);” and 6) Defer consideration of the Development Agreement. **Motion Councilmember Roberts, seconded by Mayor Moon and unanimously carried on a roll call vote.**

Mayor Pro Tem Mills stated he supported the project but stated his opposition to the requirement for the public park in the retention basin owned and maintained by the HOA.

RECONSIDERATION:

Mayor Pro Tem Mills stated he received information regarding Item 1.C., regarding the agreement with Sunline Transit Agency, and requested the City Council reconsider the Item.

Councilmember Foat and Councilmember Kors left Council Chamber.

ACTION: Reconsider Item 1.C. regarding Amendment to the Joint Powers Agreement with Sunline. **Motion Mayor Pro Tem Mills, seconded by Mayor Moon and unanimously carried 3-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat and Councilmember Kors.

1.C. AMENDMENT TO SUNLINE JOINT-POWERS TRANSPORTATION AGENCY AGREEMENT:

Mayor Pro Tem Mills stated he received information that Sunline Board Members already receive a stipend.

ACTION: 1) Approve Amendment No. 4 to Agreement No. A1281 for the Sunline Joint-Powers Transportation Agreement; 2) Authorize the City Manager to execute Amendment No. 4; and 3) Adopt FPPC Form 806, authorize the City Manager to prepare and execute FPPC Form 806 Public Official Appointments, and direct the City Clerk to post on the City's website, if Sunline approves the payment of a stipend. A1281. **Motion Mayor Pro Tem Mills, seconded by Councilmember Roberts and unanimously carried 3-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat and Councilmember Kors.

Councilmember Foat and Councilmember Kors returned to the dais.

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE AMENDING CHAPTER 11.16 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO FIREARMS AND FIREARM SAFETY REGULATIONS:

City Attorney Holland and Councilmember Kors provided background information as outlined in the Staff Report dated September 7, 2016.

The City Council discussed and/or commented on the following with respect to the gun safety ordinance: the intended purpose of the ordinance as gun safety issues, commented on statistical information regarding children that are victims of unsecured firearms, the meaning of immediate control and possession, the amount of penalty, options for the Police Department when receiving information of lost or stolen guns, potential for government interference in private matters, legislating for responsibility, enforcement of the ordinance, and enactment of firearm laws by the State.

ACTION: 1) Waive the reading of the ordinance text in its entirety and read by title only; and 2) Introduce on first reading Ordinance No. 1899, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 11.16 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO FIREARMS," *amending the ordinance by deleting the comma in Section 11.16.045 after the word container, appending Section 11.16.050 with "or trunk," and removing the phrase "and each day or portion thereof" in Section 11.16.060(a)(2).* **Motion Councilmember Kors, seconded by Councilmember Roberts and carried 3-2 on a roll call vote.**

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

NOES: Councilmember Foat and Mayor Pro Tem Mills.

3.B. PROPOSED ORDINANCE AMENDING PALM SPRINGS MUNICIPAL CODE CHAPTER 11.100, ABATEMENT OF ABANDONED SHOPPING CARTS, TO FURTHER REDUCE THE NUMBER OF SUCH CARTS LITTERING PRIVATE PROPERTIES AND THE PUBLIC RIGHTS-OF-WAY:

Tabled to the next regular meeting.

4. UNFINISHED BUSINESS:

4.A. PROPOSED RESOLUTION INITIATING PROCEEDINGS FOR THE CREATION OF A TOURISM BUSINESS IMPROVEMENT DISTRICT FOR SMALL HOTELS:

City Manager Ready provided background information as outlined in the Staff Report dated September 7, 2016.

ACTION: 1) Adopt Resolution No. 24086, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, INITIATING PROCEEDINGS TO ESTABLISH A PALM SPRINGS SMALL HOTEL BUSINESS IMPROVEMENT DISTRICT PURSUANT TO THE PARKING AND IMPROVEMENT LAW OF 1989;" and 2) Direct Staff as to the City Council preference to the membership of small hotel TBID Advisory Board. **Motion Councilmember Foat, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

5. NEW BUSINESS:

5.A. APPROVE AN AGREEMENT WITH CATHEDRAL CITY FOR THE CONSTRUCTION AND MAINTENANCE OF THE CATHEDRAL CITY WHITEWATER BIKE TRAIL:

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated September 7, 2016.

Mayor Pro Tem Mills questioned the shade structure and landscaping, and requested the project go through the normal review and engineering process.

ACTION: 1) Approve an agreement with the City of Cathedral City associated with the Whitewater Bike Trail; and 2) Authorize the City Manager to execute all necessary documents. A6907. **Motion Councilmember Roberts, seconded by Councilmember Kors and unanimously carried on a roll call vote.**

5.B. APPROVAL OF SPEED CUSHIONS AT TWO LOCATIONS ON WEST RACQUET CLUB ROAD:

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated September 7, 2016.

The City Council discussed the following: questioned if the speed cushions will hold-up to the heavy construction trucks and the potential to install other traffic calming devices such as a traffic circle.

ACTION: Authorize the installation of rubberized speed cushions at two locations on W. Racquet Club Road as requested and approved by the Little Tuscany Neighborhood in accordance with the City of Palm Springs Traffic Calming Program at a cost not to exceed \$30,000. **Motion**

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

5.C. PROPOSED MODIFICATIONS TO THE FESTIVAL OF LIGHTS PARADE ENTRY FEES AND AMENDING THE COMPREHENSIVE FEE SCHEDULE:

City Clerk Thompson provided background information as outlined in the Staff Report dated September 7, 2016.

ACTION: Adopt Resolution No. 24087, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MODIFYING USER FEES FOR THE FESTIVAL OF LIGHTS PARADE ENTRY FEES AND AMENDING THE COMPREHENSIVE FEE SCHEDULE ADOPTED BY RESOLUTION NO. 23854," *amending the fee for local businesses to \$150 and adding a provision to provide the City Manager, or designee, discretion to reduce the fee to as low as \$25.00 for a nonprofit for minors marching entry fee based on ability to pay.* **Motion Councilmember Roberts, seconded by Councilmember Kors and carried 4-1 on a roll call vote.**

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

NOES: Mayor Pro Tem Mills.

5.D. APPOINT TWO MEMBERS OF THE CITY COUNCIL TO THE CITY COUNCIL DOWNTOWN PUBLIC RESTROOMS, SOLID WASTE, AND WELWOOD AD HOC SUBCOMMITTEES:

ACTION: 1) Appoint Mayor Moon as a City Council liaison for the Downtown Public Restroom program; 2) Appoint Mayor Moon and Mayor Pro Tem Mills to a City Council ad hoc subcommittee for the Welwood outdoor landscaping project; 3) Appoint Councilmember Kors and Councilmember Roberts to a City Council standing subcommittee for Solid Waste. **Motion Mayor Pro Tem Mills, seconded by Mayor Moon and unanimously carried on a roll call vote.**

5.E. APPROVE 15 GRANT APPLICATIONS OF UP TO \$5,000 EACH IN ACCORDANCE WITH THE FISCAL YEAR 2014-15 FACADE IMPROVEMENT PROGRAM GUIDELINES:

Tabled to the next regular meeting.

PUBLIC COMMENT: (Non-Agenda Items)

PHYLLIS BURGESS, Palm Springs, requested the City Council consider adding the Invocation at City Council meetings.

TIMOTHY SIGLE, Palm Springs, requested the City Council reconsider marketing tools for small businesses such as A-Frame signs.

CARRIE ALLAN, Palm Springs, requested the City Council consider adding the Invocation at City Council meetings.

BOB RICHMOND, commented on gun control.

UPCOMING AGENDA DEVELOPMENT:

The City Council discussed the upcoming Special and Joint meeting requests.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS

Councilmember Roberts provided updates for the City Council Plaza Theatre Subcommittee, and the Vacation Rental Subcommittee, the City Council Office Subcommittee, the Fundraising Subcommittee, and the Street Naming Subcommittee.

Councilmember Kors requested information on Vacation Rentals on the first meeting in October and to place a resolution of support of Native American Day on an upcoming agenda.

ADJOURNMENT: The City Council adjourned at 11:20 p.m. to the next regular meeting Wednesday, September 21, 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 2ND DAY OF NOVEMBER, 2016.

ROBERT MOON, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK