

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



**MEETING MINUTES
WEDNESDAY, NOVEMBER 2, 2016
LARGE CONFERENCE ROOM**

CALL TO ORDER: Mayor Moon called the meeting to order at 4:05 p.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: Appoint Alaina Bixon and Michael Johnson to the Measure "J" Oversight Commission for the term ending June 30, 2019. **By unanimous consensus of the City Council (4-0), noting the absence of Mayor Pro Tem Mills.**

3. **ADJOURNMENT:** The City Council adjourned at 4:40 p.m., to the 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.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 16TH DAY OF NOVEMBER, 2016.

ROBERT MOON, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

ITEM NO. 1A

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



**MEETING MINUTES
WEDNESDAY, NOVEMBER 2, 2016
CITY HALL COUNCIL CHAMBER**

CALL TO ORDER: Mayor Moon called the meeting to order at 6:11 p.m.

PLEDGE OF ALLEGIANCE: Girl Scout Troop 111, led the Pledge.

ROLL CALL:

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

ABSENT: Mayor Pro Tem Mills (excused).

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

PRESENTATIONS: None.

CITY MANAGER'S REPORT: None.

REPORT OF CLOSED SESSION:

The meeting was called to order at 4:35 p.m. and the following speakers addressed the City Council regarding Items on the Closed Session Agenda.

ANDY GIBBS, Palm Springs, commented on the acquisition of the flood control easement on the Closed Session Agenda.

JANE GARRISON, Palm Springs, commented on the acquisition of the flood control easement on the Closed Session Agenda.

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:

Councilmember Roberts requested Item 1.G. be removed from the Consent Calendar for separate discussion.

Councilmember Kors requested Item 1.E. be removed from the Consent Calendar for separate discussion.

Councilmember Foat requested Items 1.A. and 1.G. be removed from the Consent Calendar for separate discussion.

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

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

NOES: None.

ABSENT: Mayor Pro Tem Mills.

PUBLIC TESTIMONY: (Non-Public Hearing Agenda Items ONLY)

RICHARD NOBLE, Palm Springs, requested the new Downtown street be named Albert Einstein Drive.

CHUCK STEINMAN, Palm Springs, commented on Item 1.E. and requested the City delay the purchase of the flood control easement.

MARK ENDRICK, Palm Springs, commented on Item 1.E. and opposed to the purchase of the flood control easement.

WILLIAM DOWNES, Palm Springs, commented on Item 1.E. and opposed to the purchase of the flood control easement.

GEORGE GUST, commented on Item 1.E. and opposed to the purchase of the flood control easement.

STEVE WILCOX, Palm Springs, commented on Item 1.E. and opposed to the purchase of the flood control easement.

JANE GARRISON, Palm Springs, commented on Item 1.E. and opposed to the purchase of the flood control easement.

CHRIS GREGORY, commented on Item 1.I. and the proposed services agreement regarding trails.

KIRK SAFFORD, San Francisco, commented on Item 3.B. and requested the City Council delete the drug testing requirement in the proposed ordinance.

DR. MARSHALL ZABLEN, commented on Item 3.B. and commented on the drug and alcohol testing regulations in the proposed regulations.

EVA BEHREND, Los Angeles, commented on Item 3.B. and requested the City Council delete the drug testing requirement in the proposed ordinance.

LORETTA TELFORD, commented on Item 3.B. and requested the City Council support the drug testing requirement in the proposed ordinance.

1. CONSENT CALENDAR:

ACTION: Approve Items 1.B., 1.C., 1.D., 1.F., 1.H., and 1.I. **Motion Councilmember Kors, seconded by Councilmember Roberts and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pro Tem Mills.

1.B. TREASURER'S INVESTMENT REPORT AS OF SEPTEMBER 30, 2016:

ACTION: Receive and File the Treasurer's Investment Report as of September 30, 2016. **Approved as part of the Consent Calendar.**

1.C. APPROVE AND AUTHORIZE SUBMITTAL OF GOVERNING BODY RESOLUTION DESIGNATING PERSONNEL TO ACT AS THE AGENT FOR THE CITY FOR THE PURPOSE OF OBTAINING FINANCIAL ASSISTANCE FROM THE FEDERAL DEPARTMENT OF HOMELAND SECURITY:

ACTION: 1) Approve the "Governing Body Resolution" to designate the City Manager, Assistant City Manager, and Fire Chief as signatory authority for federal financial assistance provided by the Department of Homeland Security; and 2) Direct the City Clerk to certify and transmit to the Riverside County Department of Emergency Management. **Approved as part of the Consent Calendar.**

1.D. ACCEPT THE RESIGNATION OF GENO SEXTON FROM THE PERSONNEL BOARD:

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

1.F. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of October 27, 2016, September 21, 2016, and September 7, 2016. **Approved as part of the Consent Calendar.**

1.H. APPROVE AMENDMENTS TO COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS (CVAG) REIMBURSEMENT AGREEMENTS FOR

INCREASED FUNDING COMMITMENTS AND EXTENSION OF TIME TRIGGERS ASSOCIATED WITH VARIOUS PROJECTS:

ACTION: 1) Approve Amendment No. 2 to Agreement No. A6174, Reimbursement Agreement with the Coachella Valley Association of Governments, extending time triggers and increased funding commitments for the Vista Chino Low Water Crossing Bridge project at the Whitewater River, City Project No. 10-10, Federal-aid Project No. NBIL (513); 2) Approve Amendment No. 2 to Agreement No. A5748, Reimbursement Agreement with the Coachella Valley Association of Governments, extending the time triggers to facilitate the widening of the Ramon Road and Bridge over the Whitewater River Channel, City Project No. 08-25, Federal-aid Project No. BHLS 5282 (040); 3) Approve Amendment No. 4 to Agreement No. A4394, Reimbursement Agreement with the Coachella Valley Association of Governments, extending the time triggers to facilitate the replacement and widening of the Indian Canyon Drive over Union Pacific Railroad (UPRR), City Project No. 01-11, Federal-Aid Project No. BRLO 5282 (017); and 4) Authorize the City Manager to execute all necessary documents. A6174. A5748. A4394. **Approved as part of the Consent Calendar.**

1.I. APPROVE A SERVICES AND WORK AGREEMENT WITH THE FRIENDS OF PALM SPRINGS MOUNTAINS IN THE AMOUNT OF \$238,000:

ACTION: 1) Approve the Friends of Palm Springs Mountains Services and Work Agreement in the amount of \$238,000; an 2) Authorize the City Manager to execute the necessary documents. A6935. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

1.A. APPROVE THE STREET NAME OF DESERT INN DRIVE FOR THE STREET SEGMENT PREVIOUSLY IDENTIFIED AS "MAIN STREET" IN THE DOWNTOWN PALM SPRINGS PROJECT:

The City Council discussed the naming of the new Downtown street.

MOTION: Adopt Resolution "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE STREET NAME OF 'DESERT INN DRIVE' FOR THE NEW STREET SEGMENT PREVIOUSLY IDENTIFIED AS 'MAIN STREET' IN THE DOWNTOWN PALM SPRINGS PROJECT LOCATED IMMEDIATELY NORTH OF AND PARALLEL WITH TAHQUITZ CANYON WAY BETWEEN MUSEUM DRIVE AND NORTH PALM CANYON DRIVE." **Motion Councilmember Roberts, seconded by Councilmember Kors and failed 2-2 on a roll call vote.**

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

ACTION: Adopt Resolution No. 24125, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE STREET NAME OF 'MUSEUM WAY' FOR THE NEW STREET SEGMENT PREVIOUSLY IDENTIFIED AS 'MAIN STREET' IN THE DOWNTOWN PALM SPRINGS PROJECT LOCATED IMMEDIATELY NORTH OF AND PARALLEL WITH TAHQUITZ CANYON WAY BETWEEN MUSEUM DRIVE AND NORTH PALM CANYON DRIVE," *amending the title and the text of the resolution to the street name of Museum Way.* **Motion Councilmember Foat, seconded by Mayor Moon and carried 3-1 on a roll call vote.**

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

City Manager Ready has a property related conflict of interest with respect to Item 1.E., did not participate in the preparation of the Staff Report or the placement on the Agenda, and left Council Chamber.

1.E. 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 (CP 06-18) FEDERAL AID PROJECT NO. BR-NBIL (502):

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated November 2, 2016.

The City Council discussed and/or commented on the following: the date the ROW needs to be acquired to qualify for the Federal funding, the need for the drainage and protection of the community from potential flood, the EIR for the City project in 2012, any ramifications for delay until February 2017.

ACTION: 1) Table the item; and 2) Direct Staff to bring back on February 1, 2017 on the consent calendar. **Motion Councilmember Kors, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

City Manager Ready returned to Council Chamber.

1.G. AUTHORIZE A PURCHASE ORDER IN THE AMOUNT OF \$228,719.10 WITH HARRIS & ASSOCIATES TO PERFORM A COMPREHENSIVE FACILITIES CONDITION ASSESSMENT OF ALL CITY BUILDINGS (CP 16-04):

The City Council discussed potential results from the Study and the next steps, the rating process, the inclusion of the Plaza Theatre, and the timeline to receive the final report.

ACTION: 1) Authorize a Purchase Order in the amount of \$228,719.10 with the City's "on-call" agreement with Harris & Associates, pursuant to Agreement No. A6444, for an Evaluation of All City Facilities (CP 16-04); and 2) Authorize the City Manager to execute all necessary documents. A6444. **Motion Councilmember Roberts, seconded by Councilmember Kors and unanimously carried 4-0 on a roll call vote.**

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

2. PUBLIC HEARINGS:

2.A. FREEHOLD COMMUNITIES, LLC (AVALON 1150), TO AMEND PRELIMINARY PLANNED DEVELOPMENT DISTRICT 290, A PREVIOUSLY-APPROVED PROJECT CONSISTING OF 1,150 RESIDENTIAL UNITS, AN 18-HOLE GOLF COURSE, A CLUBHOUSE, AND A PUBLIC 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 AND APPROVING AN ADDENDUM TO THE PREVIOUSLY-APPROVED MITIGATED NEGATIVE DECLARATION (MND) (CASE 5.0982 PDD 290):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated November 2, 2016.

The City Council discussed the following: financial interest in the LLC, transient uses allowed on the property, the reduction in water usage by the elimination of the golf course, the allergenic tendency of olive trees, parking, maintenance of the open space, Planning Commission recommendations were not adopted, the gates and pedestrian access, and opportunities for affordable housing units.

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

APPLICANT, commented on the amendment to eliminate the golf course, the use of the olive orchard, the requirement for solar, and requested the City Council eliminate the installation of solar on all units.

ELLEN LOCKERT, Palm Springs, commented on greenhouse gas emissions and requested the City Council require solar installation.

MARVIN ROOS, Palm Springs, commented on the elimination of the golf course, stated there are no plans for a forty-foot mound on the property, and the use of recycled water.

PAUL HINRICHSON, Palm Springs, commented on the back yard setback, and the elevation of the lots and the community center.

STEVE ROSENBERG, Palm Springs, commented on the requirement for solar installation.

TROY BANKORD, Palm Springs, commented on the plant and tree choices.

APPLICANT REBUTTAL, commented on sustainability of the project and the amenity center.

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

The City Council discussed and/or commented on the following: the open space and the amenities that will serve the residents and the general public, impact of the olive tree grove, requested Staff address the grading plan, the improved site plan and architecture, and the pedestrian access.

ACTION: Adopt Resolution No. 24126, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN ADDENDUM TO THE PREVIOUSLY-APPROVED MITIGATED NEGATIVE DECLARATION (MND) AND APPROVING AMENDMENTS TO PLANNED DEVELOPMENT DISTRICT 290, A PREVIOUSLY APPROVED PROJECT CONSISTING OF 1,150 RESIDENTIAL UNITS, AN 18-HOLE GOLF COURSE, A CLUBHOUSE, AND A PUBLIC 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-PDD 290)," *adding a condition to require the Planning Commission to restudy the landscape plan and water retention lakes.* **Motion Councilmember Roberts, seconded by Councilmember Kors and unanimously carried 4-0 on a roll call vote.**

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

The City Council recessed at 8:51 p.m.
The City Council reconvened at 9:03

2.B. PROPOSED ORDINANCE ESTABLISHING THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS IMPROVEMENT DISTRICT, PROPOSED RESOLUTION CONFIRMING THE REPORT OF THE ADVISORY BOARD AND LEVYING THE FISCAL YEAR 2016-17 ASSESSMENT, AND CONDUCT THE PROTEST PROCEEDINGS TO THE DISTRICT:

City Clerk Thompson provided background information as outlined in the Staff Report dated November 2, 2016.

The City Council discussed the following: oversight by City Staff, and the makeup of the Advisory Board.

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

MICHAEL GREEN, Palm Springs, spoke in support of the proposed business improvement district.

ROBERT WEINBERG, Palm Springs, questioned the activities of the district.

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

City Clerk Thompson stated the results of the protest proceedings were canvassed, the fifty percent protest requirement was not received, and the City Council may proceed with the establishment of the business improvement district by introducing the proposed ordinance and adopting the resolution setting the assessment.

ACTION: 1) Waive reading of the text and introduce for first reading Ordinance No. 1903, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, ADDING CHAPTER 5.83 TO THE PALM SPRINGS MUNICIPAL CODE, ESTABLISHING THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS DISTRICT;" and 2) Adopt Resolution No. 24127, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF THE ADVISORY COMMITTEE AND LEVYING AN ASSESSMENT FOR

FISCAL YEAR 2016-17 IN CONNECTION WITH THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS IMPROVEMENT DISTRICT.” Motion Councilmember Roberts, seconded by Councilmember Kors and unanimously carried 4-0 on a roll call vote.

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

NOES: None.

ABSENT: Mayor Pro Tem Mills.

Mayor Moon requested the City Council Vacation Rental Subcommittee address the proposed CVB business improvement district on short term rentals and requested this be placed on a future agenda.

2.C. APPEAL BY SUMMIT LAND PARTNERS, LLC OF THE PLANNING COMMISSION ACTION TO DENY A PLANNED DEVELOPMENT DISTRICT APPLICATION, VESTING TENTATIVE TRACT MAP APPLICATION, AND A MAJOR ARCHITECTURAL APPLICATION FOR THE DEVELOPMENT OF A 90-LOT SINGLE-FAMILY SUBDIVISION ON A 13.28 ACRE PARCEL AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE:

ACTION: 1) Table the public hearing with no public testimony at this time; 2) Continue the public hearing to January 4, 2017; and 3) Direct the City Clerk to post a Notice of Public Hearing pursuant to law. **Motion Councilmember Roberts, seconded by Councilmember Kors and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pro Tem Mills.

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCES ADOPTING AND AMENDING THE 2016 CALIFORNIA BUILDING STANDARDS CODE (TITLE 24) INCLUDING THE 2016 CALIFORNIA FIRE CODE, THE 2016 CALIFORNIA BUILDING CODE, THE 2016 CALIFORNIA RESIDENTIAL CODE, THE 2016 CALIFORNIA PLUMBING CODE, THE 2016 CALIFORNIA MECHANICAL CODE, THE 2016 CALIFORNIA ELECTRICAL CODE, THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 2016 CALIFORNIA ENERGY CODE, THE 2016 CALIFORNIA EXISTING BUILDING CODE, THE 2016 CALIFORNIA HISTORIC BUILDING CODE; ADOPTING AND AMENDING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE; ADOPTING THE CITY OF PALM

SPRINGS BUILDING ADMINISTRATIVE CODE; AND ADOPTING THE INTERNATIONAL FIRE CODE:

City Manager Ready provided background information as outlined in the Staff Report dated November 2, 2016.

ACTION: 1) Waive the reading of the text and introduce for first reading Ordinance No. 1904, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING ARTICLE I OF CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, ADOPTING BY REFERENCE, TOGETHER WITH CERTAIN ADDITIONS, AMENDMENTS AND DELETIONS, THE 2016 CALIFORNIA BUILDING CODE, INCLUDING APPENDICES C, I, AND J; THE 2016 CALIFORNIA RESIDENTIAL CODE, INCLUDING APPENDIX H; THE 2016 CALIFORNIA MECHANICAL CODE; THE 2016 CALIFORNIA PLUMBING CODE, INCLUDING APPENDICES A, B, D, G, I AND K; THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE, INCLUDING ALL APPENDICES; THE 2016 CALIFORNIA EXISTING BUILDING CODE; THE 2016 CALIFORNIA HISTORIC BUILDING CODE, INCLUDING APPENDIX A; THE 2016 CALIFORNIA ELECTRICAL CODE, INCLUDING ALL APPENDICES; THE 2016 CALIFORNIA ENERGY CODE, INCLUDING ALL APPENDICES; AND THE 2016 GREEN BUILDING STANDARDS CODE, INCLUDING ALL APPENDICES; AND AMENDING AND RESTATING ARTICLE IV OF CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, ADOPTING THE CITY OF PALM SPRINGS BUILDING ADMINISTRATIVE CODE;" 2) Waive the reading of the text and introduce for first reading Ordinance No. 1905, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING ARTICLE VI OF CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, ADOPTING BY REFERENCE, TOGETHER WITH CERTAIN ADDITIONS, AMENDMENTS AND DELETIONS, THE 2016 CALIFORNIA FIRE CODE, INCLUDING APPENDIX CHAPTER 4 AND APPENDICES B, F, I, N, P AND Q, AND ADOPTING BY REFERENCE THE 2015 INTERNATIONAL FIRE CODE;" 3) Review proposed resolution "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, FINDING THAT CERTAIN LOCAL CONDITIONS REQUIRE AMENDMENTS, ADDITIONS AND DELETIONS TO THE CALIFORNIA BUILDING CODE, 2016 EDITION, THE CALIFORNIA RESIDENTIAL CODE, 2016 EDITION, AND THE CALIFORNIA ELECTRICAL CODE, 2016 EDITION AND THE CALIFORNIA FIRE CODE, 2016 EDITION;" and 4) Schedule a public hearing for November 16, 2016, to consider second reading and adoption of the Ordinances and Resolution in accordance with California Government Code Section 50022.3. **Motion Councilmember Roberts, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pro Tem Mills.

3.B. PROPOSED ORDINANCE RELATING TO PERMITTING TRANSPORTATION NETWORK COMPANIES TO OPERATE AT THE PALM SPRINGS INTERNATIONAL AIRPORT:

City Manager Ready provided background information as outlined in the Staff Report dated November 2, 2016.

The City Council discussed the following: enforcement, identification of permitted vehicles, and the ability to regulate vehicles dropping off at the Airport.

ACTION: Waive the reading of the text and introduce for first reading Ordinance No. 1906, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 16.02.015(b) OF, AND ADDING CHAPTER 16.37 TO, THE PALM SPRINGS MUNICIPAL CODE RELATING TO PERMITTING TRANSPORTATION NETWORK COMPANIES TO OPERATE AT THE PALM SPRINGS INTERNATIONAL AIRPORT," *amending Section 16.37.010(c) to read "Each TNC Driver shall be subject to alcohol and drug testing on a similar basis as drivers of other car services, including taxis, are subjected." and 16.37.025(a) to read "TNC Drivers shall only pick up passengers for hire at the area described as Option A (and depicted on a map on file in the Office of the City Clerk), a location immediately adjacent to vendor and contractor parking."* **Motion Councilmember Foat, seconded by Councilmember Kors and carried 3-1 on a roll call vote.**

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

NOES: Mayor Moon.

ABSENT: Mayor Pro Tem Mills.

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS:

5.A. AMENDMENT NO. 1 TO AGREEMENT NO. A6773 TO THE POWER PURCHASE AGREEMENT AND PERFORMANCE GUARANTEE AGREEMENT WITH SOLARCITY CORPORATION FOR SOLAR PHOTOVOLTAIC SYSTEMS AT SUNRISE PARK (CP 15-03):

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated November 2, 2016.

The City Council discussed the following: the amount of the reduction, any further options to move forward, any further buildings that could include solar.

ACTION: 1) Approve Amendment No. 1 to the Solar Power Purchase Agreement with SolarCity Corporation for solar PV systems at Sunrise Park to reduce the size of the solar PV system from 334.8 kW to 145.08 kW maintaining a power purchase price of \$0.075 per kWh fixed for the 20 year term; 2) Approve Amendment No. 1 to the Performance Guarantee Agreement with SolarCity Corporation for solar PV systems at Sunrise Park to decrease the guaranteed total power generated; and 3) Authorize the City Manager to execute all necessary documents. A6773. **Motion Councilmember Roberts, seconded by Councilmember Kors and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pro Tem Mills.

PUBLIC COMMENT: (Non-Agenda Items)

LEE WILSON, JR., Palm Springs, commented on the Fallen Hero's Project.

RICK PANTELE, commented on the Ribbon of Hope display at Desert AIDS project.

PHYLLIS BURGESS, Palm Springs, requested the City Council reinstate the invocation at City Council meetings.

UPCOMING AGENDA DEVELOPMENT:

Mayor Moon commented on the attempt of the Convention and Visitors Bureau to place a tourism BID on vacation rentals in the City of Palm Springs, and requested the Vacation Rental Subcommittee place an item on the next agenda for further review of the rules.

Place the appointment of Subcommittee to further study the Joint Powers Agreement with the Convention and Visitors Bureau and a recommendation from the City Council Rules of Procedure Subcommittee.

Schedule a public meeting with City Council Subcommittee for the CV Link and CVAG Staff.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Roberts provided an update on the Fundraising Subcommittee, Council Rules of Procedures, Vacation Rental Subcommittee and the Downtown Subcommittee, and requested weekly updates on the Council Chamber Remodel project from the Architect.

Mayor Moon requested an update on the installation of the Walk of Stars that were removed for the Downtown Project, and painting samples on the parking garage.

Councilmember Kors provided an update on the City Council Sign Subcommittee and noted the next public meeting, requested the Planning Commission develop criteria for granting extensions, and announced the upcoming Transforming the Desert forum at the Palm Springs Council Chamber.

ADJOURNMENT: The City Council adjourned at 11:13 p.m., to the next regular City Council meeting Wednesday, November 16, 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 16TH DAY OF NOVEMBER, 2016.

ROBERT MOON, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

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



**MEETING MINUTES
WEDNESDAY, OCTOBER 19, 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.

Mayor Moon requested a moment of silence for fallen Palm Springs Police Officers Jose "Gil" Vega and Lesley Zerebny.

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 Memorial Service for fallen Palm Springs Police Officers and introduced new employee Denise Goolsby, Manager of Neighborhood Involvement.

REPORT OF CLOSED SESSION:

The meeting was called to order at 4:00 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 denied the Tort Claim filed by Jeffrey Nichols, provided direction to City Staff and the City Attorney, otherwise no reportable actions were taken.

City Clerk Thompson reported the City Council took one reportable action with regard to to the case of Public Employee Discipline/Dismissal/Release, sustained the City Manager's Findings of Fact, Conclusions and Decision, dated August 17, 2016, for the position of Lead Maintenance Worker, on a unanimous vote (5-0). City Clerk Thompson noted the City Attorney or the Assistant City Manager were not present, nor participated in the City Council deliberations, discussion, and vote.

ACCEPTANCE OF THE AGENDA:

Councilmember Foat requested Item 1.K. be removed from the Consent Calendar for separate discussion, and noted a property related abstention on Item 1.O.

Mayor Pro Tem Mills noted his abstention on Item 1.A., business related abstentions on Item 1.C. and 1.F. Warrant No. 1088133, and requested Items 1.J., 1.L., and 1.O. be removed from the Consent Calendar for separate discussion.

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 ONLY)

JAIME KOWAL, Palm Springs, commented on Item 1.C. and requested the City Council amend the ordinance.

JIM CAMPER, La Quinta, commented on Item 1.K. regarding cannabis testing, and questioned duplicate testing on edible products.

RICHARD SINGERMAN, Palm Springs, commented on transportation network companies and requested the City Council allow TNC drivers at the Palm Springs International Airport.

KIRK SAFFORD, San Francisco, commented on transportation network companies and requested the City Council allow TNC drivers at the Palm Springs International Airport.

GERALD STONE, Loma Linda, commented on transportation network companies and requested the City Council allow TNC drivers at the Palm Springs International Airport.

LAURA BISECTS, Orinda, commented on transportation network companies and requested the City Council allow TNC drivers at the Palm Springs International Airport.

JAMES HAYOSH, Palm Springs, commented on transportation network companies and requested the City Council allow TNC drivers at the Palm Springs International Airport.

YARA A. DA SILVA, Palm Springs, commented on transportation network companies and requested the City Council allow TNC drivers at the Palm Springs International Airport.

CHARLIE DYER, Cathedral City, commented on transportation network companies and requested the City Council allow TNC drivers at the Palm Springs International Airport.

JOHN MC MULLEN, Cathedral City, commented on transportation network companies and requested the City Council allow TNC drivers at the Palm Springs International Airport.

BILL MEYERS, Palm Desert, commented on transportation network companies and requested the City Council adopt regulations similar to taxi cab drivers for the TNC drivers at the Palm Springs International Airport.

PETER GREGOR, Bermuda Dunes, BILL MEYERS, Palm Desert, commented on transportation network companies and requested the City Council adopt regulations similar to taxi cab drivers for the TNC drivers at the Palm Springs International Airport.

JUAN ASCENCIO, Palm Springs, commented on transportation network companies and requested the City Council allow TNC drivers at the Palm Springs International Airport.

MARLA NESTEL, Cathedral City, commented on transportation network companies and requested the City Council allow TNC drivers at the Palm Springs International Airport.

VERN KENNER, Palm Desert, commented on transportation network companies and requested the City Council allow TNC drivers at the Palm Springs International Airport.

MUSHEG AKOPIAN, Palm Springs, commented on transportation network companies and requested the City Council allow TNC drivers at the Palm Springs International Airport.

DR. MARSHALL ZABLEN, commented on transportation network companies and requested the City Council adopt regulations similar to taxi cab drivers for the TNC drivers at the Palm Springs International Airport.

MEGAN PRICHARD, Orange County, commented on transportation network companies and requested the City Council allow TNC drivers at the Palm Springs International Airport.

KAREN KAIN, Thousand Palms, commented on transportation network companies and requested the City Council allow TNC drivers at the Palm Springs International Airport.

STEVE ROSENBERG, Palm Springs, commented on transportation network companies and requested the City Council allow TNC drivers at the Palm Springs International Airport.

MICHELLE BROCK, Palm Desert, commented on transportation network companies and requested the City Council adopt regulations similar to taxi cab drivers for the TNC drivers at the Palm Springs International Airport.

MARIE TORRERO, Van Nuys, commented on transportation network companies and requested the City Council adopt regulations similar to taxi cab drivers for the TNC drivers at the Palm Springs International Airport.

1. CONSENT CALENDAR:

ACTION: Approve Items 1.A., 1.B., 1.C., 1.D., 1.E., 1.F., 1.G., 1.H., 1.I., 1.M., and 1.N. **Motion Councilmember Roberts, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

1.A. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of October 5, 2016. **Approved as part of the Consent Calendar, noting the abstention of Mayor Pro Tem Mills.**

1.B. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF SEPTEMBER 2016:

ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of September 1 through September 30, 2016. **Approved as part of the Consent Calendar.**

1.C. SECOND READING AND ADOPTION OF ORDINANCE NO. 1902 AMENDING THE PALM SPRINGS MUNICIPAL CODE PROHIBITING THE RENTAL OF APARTMENTS AS VACATION RENTALS:

ACTION: Waive the second reading of the ordinance text in its entirety and adopt Ordinance No. 1902, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 5.25.020 AND 5.25.030 OF, AND ADDING SECTION 5.25.075 TO, THE PALM SPRINGS MUNICIPAL CODE PROHIBITING THE RENTAL OF APARTMENTS AS VACATION RENTALS." **Approved as part of the Consent Calendar, noting the business related abstention of Mayor Pro Tem Mills.**

1.D. AUTHORIZING PURCHASE AND INSTALLATION OF ONE ADDITIONAL RADIO CONSOLE FOR POLICE AND FIRE DISPATCH CENTER:

ACTION: 1) Adopt Resolution No. 24117, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2016-17 TO TRANSFER \$81,780 FOR AN ADDITIONAL RADIO CONSOLE FOR THE POLICE AND FIRE DISPATCH CENTER;" 2) Approve the sole-source purchase and installation of one (1) new Motorola MCC7500 radio console from Motorola Solutions, Inc. in an amount not to exceed \$81,780; and 3) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

1.E. ACCEPT THE RESIGNATION OF JOHN HAAG, III, FROM THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION:

ACTION: 1) Accept with regret the resignation of John Haag, III, as the City of Cathedral City representative to the Palm Springs International Airport Commission; and 2) Direct the City Clerk to post a Notice of

Vacancy for the term ending June 30, 2018. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 24118, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1087866 THROUGH 1088040 IN THE AGGREGATE AMOUNT OF \$1,822,229.42, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 24119, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 09-24-2016 BY WARRANTS NUMBERED 419682 THROUGH 419692 TOTALING \$21,290.75, LIABILITY CHECKS NUMBERED 1088041 THROUGH 1088044 TOTALING \$3,087.79, FIVE WIRE TRANSFERS FOR \$386.76, AND THREE ELECTRONIC ACH DEBITS OF \$1,341,714.20 IN THE AGGREGATE AMOUNT OF \$1,366,479.50, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 24120, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1088045 THROUGH 1088145 IN THE AGGREGATE AMOUNT OF \$775,621.56, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the abstention of Mayor Pro Tem Mills on Warrant No. 1088133.**

1.G. APPOINTMENT TO THE BOARD OF LIBRARY TRUSTEES FOR THE TERM ENDING JUNE 30, 2019:

ACTION: Appoint Ashley Dunphy to the Board of Library Trustees for the term ending June 30, 2019. **Approved as part of the Consent Calendar.**

1.H. PURCHASE 67 NEW LAPTOP COMPUTERS AND ASSOCIATED HARDWARE FROM DELL INC. IN THE AMOUNT OF \$353,253.79:

ACTION: 1) Approve the purchase of 67 new 14" Laptop computers and associated hardware from Dell Inc. utilizing the national cooperative NASPO ValuePoint Agreement No. WN03AGW in the amount of \$353,253.79; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

1.I. PURCHASE 93 TASER DEVICES AND ASSOCIATED HARDWARE FROM PROFORCE LAW ENFORCEMENT IN THE AMOUNT OF \$106,347.82:

ACTION: 1) Waive all competitive bidding requirements of the municipal code and award a sole-source purchase of 93 new Taser Model X26P devices and associated equipment to Proforce Law Enforcement in the amount of \$106,347.82; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

1.M. ACCEPTANCE OF THE FIRE STATION NO. 2 APPARATUS DOOR REPLACEMENT (CP 15-08):

ACTION: 1) Accept the public works improvement identified as Fire Station No. 2 Apparatus Door Replacement, City Project No. 15-08, 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 Fire Station No. 2 Apparatus Door Replacement, City Project No. 15-08. A6824. **Approved as part of the Consent Calendar.**

1.N. MILLS ACT HISTORIC SITE CONTRACT WITH CHRISTINE FARTHING AND THE RACQUET CLUB GARDEN VILLAS HOMEOWNERS ASSOCIATION FOR THE PROPERTY LOCATED AT 360 CABRILLO ROAD, UNIT 205-206 A CLASS 1 HISTORIC SITE (HSPB 88/HD-3):

ACTION: 1) Approve a Mills Act Historic Property Agreement with Christine Farthing and the Racquet Club Garden Villas Homeowners Association for property located at 360 Cabrillo Road Unit 205-206, a Class 1 Historic Site (HSPB 88 / HD-3); 2) Authorize the City Manager to execute the Agreement; and 3) Direct the City Clerk to record the Agreement. A6929. **Approved as part of the Consent Calendar.**

The City Council recessed at 8:33 p.m.
The City Council reconvened at 8:49 p.m.

EXCLUDED CONSENT CALENDAR:

1.K. APPROVE AMENDMENT NO. 1 TO THE AGREEMENT WITH SC LABORATORIES FOR MEDICAL CANNABIS TESTING SERVICES:

The City Council discussed and/or commented on the following: release of the results, process to reduce duplicate testing of edible products tested by the City's contractor, and testing for in-organic qualities of the cannabis if feasible.

ACTION: 1) Approve Amendment No. 1 to Agreement No. A6725 with SC Laboratories for Medical Cannabis Testing Services, amending certain terms and extending the agreement to December 31, 2017; *amending the agreement to provide an exemption for testing of products by SC Labs in the last 90-days and determine if SC Labs can test for in-organic qualities*; 2) Authorize the City Manager to execute the Amendment to the Agreement; and 3) *Direct Staff to develop regulations that provide for a collective response to the posting on the City website and requires the posting of results at the collective.* A6725. **Motion Councilmember Foat, seconded by Councilmember Kors and unanimously carried on a roll call vote.**

1.J. PROPOSED RESOLUTION AND APPROVAL OF THE SUBMISSION OF A GRANT APPLICATION FOR THE CALIFORNIA YOUTH SOCCER AND

RECREATION DEVELOPMENT PROGRAM GRANT FOR ARTIFICIAL TURF FOR THE PALM SPRINGS STADIUM:

Councilmember Mills questioned the type of product being proposed if the grant is awarded to the City, and reiterated the City Council will be reviewing plans and specifications.

ACTION: Adopt Resolution No. 24121, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE APPLICATION FOR THE CALIFORNIA YOUTH SOCCER AND RECREATION DEVELOPMENT PROGRAM GRANT." **Motion Mayor Pro Tem Mills, seconded by Councilmember Kors and unanimously carried on a roll call vote.**

1.L. AWARD A CONSTRUCTION CONTRACT TO A GOOD SIGN AND GRAPHICS COMPANY IN THE AMOUNT OF \$101,750 FOR THE PALM SPRINGS LIBRARY LED INFORMATION SIGN (CP 15-28):

ACTION: 1) Award a construction contract to A Good Sign and Graphics Company in the amount of \$101,750 for the Palm Springs Library LED Information Sign (CP 15-28); and 2) Authorize the City Manager to execute all necessary documents. A6928 **Motion Mayor Pro Tem Mills, seconded by Councilmember Kors and unanimously carried on a roll call vote.**

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

1.O. AUTHORIZE A PURCHASE ORDER IN THE AMOUNT OF \$295,450 TO ST. FRANCIS ELECTRIC, LLC, FOR REPAIRS AND INSTALLATION OF IN-GROUND LIGHTED CROSSING SYSTEMS AT VARIOUS LOCATIONS (CP 16-16):

The City Council discussed and/or commented on the following: questioned the technology, the warranty, installation required by State law, and the extra safety by installing the lights.

ACTION: 1) Authorize a Purchase Order in the amount of \$295,450 to St. Francis Electric, LLC, pursuant to the "on-call" traffic signal maintenance services contract, (A6858), to complete removal of existing and installation of new in-ground illuminated crosswalks at various existing pedestrian crosswalk locations (CP 16-16); and 2) Authorize the City Manager to execute all necessary documents. A6858. **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.

Councilmember Foat returned to the dais.

2. PUBLIC HEARINGS:

2.A. APPROVE THE PURCHASE AND SALE AGREEMENT AND ESCROW INSTRUCTIONS WITH NORTH PALM CANYON DRIVE DEVELOPMENT, LLC TO DISPOSE OF AND SELL A SUCCESSOR AGENCY-OWNED PROPERTY LOCATED AT 342-344 NORTH PALM CANYON DRIVE IN THE AMOUNT OF \$425,000 PURSUANT TO SECTION 34191.5(C) OF THE HEALTH AND SAFETY CODE:

City Manager Ready provided background information as outlined in the Staff Report dated October 19, 2016.

The City Council discussed the impact to the historic designation.

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

RICK STOKES, representing the developer, requested the City Council approve the sale of the property.

RICK PANTELE, Palm Springs, questioned any restrictions for the sale of alcohol.

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

ACTION: 1) Approve the Purchase and Sale Agreement and Escrow Instructions in the amount of \$425,000 with North Palm Canyon Drive Development, LLC for property located at 342-344 North Palm Canyon Drive pursuant to Section 34191.5(C) of the Health and Safety Code (APN 513-081-017); 2) Authorize the City Manager to submit the Agreement to the Oversight Board for approval; and 4) Authorize the City Manager to execute all documents related to the Agreement. A6930. **Motion Councilmember Foat, seconded by Councilmember Roberts and unanimously carried on a roll call vote.**

3. LEGISLATIVE:

Mayor Pro Tem Mills stated he has a business related conflict of interest with respect to Item 3.A., would not participate in the discussion or the vote, and left Council Chamber.

3.A. INITIATION OF AN AMENDMENT TO THE CITY'S ZONING CODE REGARDING MEDICAL CANNABIS DISPENSARIES, MANUFACTURING FACILITIES, CULTIVATION FACILITIES, AND TESTING FACILITIES:

City Attorney Holland provided background information as outlined in the Staff Report dated October 19, 2016.

The City Council discussed and/or commented on the following: areas to allow cultivation, the timing before the Planning Commission, and the process for issuing a permit.

ACTION: Initiate and refer to the Planning Commission for hearing, review, and recommendation a zone text amendment entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 92.15.01.C, 92.16.01.C, 92.17.01.C, 92.17.1.02, 92.17.2.0, 92.17.2.01.C, 93.23.15, AND SUBSECTION F OF SECTION 92.17.2.03 OF THE PALM SPRINGS MUNICIPAL CODE (PSMC) RELATING TO MEDICAL CANNABIS DISPENSARIES, MEDICAL CANNABIS MANUFACTURING, AND MEDICAL CANNABIS CULTIVATION FACILITIES IN THE M-1, M-2, AND E-1 ZONES OF THE CITY." **Motion Councilmember Kors, seconded by Councilmember Roberts and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pro Tem Mills.

Mayor Pro Tem Mills returned to the dais.

3.B. PROPOSED ORDINANCE RELATING TO PERMITTING TRANSPORTATION NETWORK COMPANIES TO OPERATE AT THE PALM SPRINGS INTERNATIONAL AIRPORT:

City Manager Ready and City Attorney Holland provided background information as outlined in the Staff Report dated October 19, 2016.

The City Council discussed the following: the requirements by the State, the right to regulate TNC's except for at the Airport, recent changes to State legislation, drug and alcohol testing, difference in regulations with the City of New York and Houston, the recommended pick-up and staging locations, requiring public notice on the lack of drug and alcohol testing, double standard for safety regulations,

MOTION: Waive the reading of the ordinance text in its entirety and introduce for first reading "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 16.02.015 (B) OF, AND ADDING CHAPTER 16.37 TO, THE PALM SPRINGS MUNICIPAL CODE RELATING TO PERMITTING TRANSPORTATION NETWORK COMPANIES TO OPERATE AT THE PALM SPRINGS INTERNATIONAL AIRPORT," *amending the ordinance to provide for pick-up area Option A, installation of large public notice signs that no alcohol and drug testing and*

background checks are performed on TNC drivers. Motion Councilmember Kors, seconded by Mayor Moon and failed 2-3 on a roll call vote.

AYES: Councilmember Kors and Mayor Moon.

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

ACTION: Direct Staff to prepare amendments to the ordinance that would require random drug and alcohol testing. **Motion Councilmember Foat, seconded by Councilmember Kors and carried 4-1 on a roll call vote.**

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

NOES: Mayor Moon.

4. UNFINISHED BUSINESS:

4.A. CITY COUNCIL REQUESTED DISCUSSION ON DOWNTOWN STREET NAMING AND REPORT FROM THE CITY COUNCIL SUBCOMMITTEE:

Mayor Pro Tem Mills and Councilmember Roberts recommended the street for the Downtown Project be named Desert Inn Drive.

ACTION: Direct Staff to prepare a resolution adopting the street name for the Downtown Project. **By unanimous consent of the City Council.**

4.B. ACCEPTANCE OF QUITCLAIM DEEDS TO EXTINGUISH UNDERGROUND AIR SPACE EASEMENTS, ACCEPTANCE OF AN ACCESS EASEMENT, AND GRANTING OF UNDERGROUND AIR SPACE EASEMENTS WITH PALM SPRINGS PROMENADE, LLC, ASSOCIATED WITH THE DOWNTOWN PALM SPRINGS PROJECT:

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated October 19, 2016.

ACTION: 1) Authorize the City Clerk to accept a Quitclaim Deed from Palm Springs Promenade, LLC, to relinquish to the City of Palm Springs an existing underground air space easement of 8,313 square feet within Belardo Road identified as "Lot B Air-Space"; 2) Authorize the City Clerk to accept a Quitclaim Deed from Palm Springs Promenade, LLC, to relinquish to the City of Palm Springs an existing underground air space easement of 1,364 square feet within Belardo Road identified as "Lot C Air-Space Parcel 1"; 3) Authorize the City Clerk to accept a Quitclaim Deed from Palm Springs Promenade, LLC, to relinquish to the City of Palm Springs an existing underground air space easement of 3,161 square feet within Belardo Road identified as "Lot C and D Air-Space

Parcel 2"; 4) Authorize the City Clerk to accept an Access Easement from Palm Springs Promenade, LLC, to the City of Palm Springs for vehicular and pedestrian access purposes of 3,445 square feet for access to the surface parking lot located on Tahquitz Canyon Way; 5) Authorize the City Manager to execute an Underground Air Space Easement Deed granting to Palm Springs Promenade, LLC, an underground air space easement of 4,418 square feet within Andreas Road to facilitate operation and maintenance of existing underground parking facilities extending within Blocks A and B of the Downtown Palm Springs Project; 6) Authorize the City Manager to execute an Underground Air Space Easement Deed granting to Palm Springs Promenade, LLC, an underground air space easement of 6,259 square feet to facilitate operation and maintenance of future underground parking facilities extending within Blocks F and H-2 of the Downtown Palm Springs Project; and 7) Direct the City Clerk to record all documents with the Riverside County Recorder. A6144. **Motion Mayor Pro Tem Mills, seconded by Councilmember Roberts and unanimously carried on a roll call vote.**

5. NEW BUSINESS:

5.A. AUTHORIZATION TO PURSUE CLEAN WATER STATE REVOLVING FUND LOAN FOR DEVELOPMENT AND CONSTRUCTION OF A BIOGAS-TO-ENERGY PROJECT AT THE WASTEWATER TREATMENT PLANT, CITY PROJECT NO. 15-26:

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated October 19, 2016.

ACTION: 1) Adopt Resolution No. 24122, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE REIMBURSEMENT OF FUNDS REQUESTED FROM THE STATE WATER RESOURCES CONTROL BOARD UNDER THE CLEAN WATER STATE REVOLVING FUND FOR THE CITY OF PALM SPRINGS BIOGAS-TO-ENERGY PROJECT AT THE WASTEWATER TREATMENT PLANT, CITY PROJECT NO. 15-26;" and 2) Adopt Resolution No. 24123, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO ACT ON ITS BEHALF TO SIGN, FILE AND EXECUTE A FINANCIAL ASSISTANCE APPLICATION FOR A FINANCING AGREEMENT FROM THE STATE WATER RESOURCES CONTROL BOARD UNDER THE CLEAN WATER STATE REVOLVING FUND FOR THE CITY OF PALM SPRINGS BIOGAS-TO-ENERGY PROJECT AT THE WASTEWATER TREATMENT PLANT, CITY PROJECT NO. 15-26." A6931. **Motion Councilmember Kors, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

5.B. REVIEW AND APPOINT AD HOC AND STANDING CITY COUNCIL SUBCOMMITTEES:

City Clerk Thompson provided background information as outlined in the Staff Report dated October 19, 2016.

ACTION: Appoint ad hoc and/or standing City Council Subcommittees as outlined by the City Clerk, *deleting the standing subcommittee for the BUZZ, adding a Standing Subcommittee for Cannabis and appointing Councilmember Foat and Councilmember Kors, adding an ad hoc Subcommittee to review Vacation Rental Regulations and Ordinance to be sunset on March 31, 2017 and appointing Councilmember Kors and Councilmember Roberts.* **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

5.C. REVIEW OF NORTH PALM CANYON DRIVE CORRIDOR ANALYSIS, APPROVAL OF PEDESTRIAN CROSSWALKS AT VIA LAS PALMAS AND STEVENS ROAD, AND AUTHORIZATION OF A PURCHASE ORDER IN THE AMOUNT OF \$31,130 WITH ALBERT A. WEBB & ASSOCIATES FOR ENGINEERING DESIGN SERVICES FOR THE NORTH PALM CANYON DRIVE AT STEVENS ROAD AND VIA LAS PALMAS CROSSWALK INSTALLATIONS (CP 16-13):

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated October 19, 2016.

ACTION: 1) Authorize the City Engineer to install a protected pedestrian crosswalk at the intersection of North Palm Canyon Drive and Via Las Palmas in accordance with Chapter 12.68 "Pedestrians" of the Palm Springs Municipal Code; 2) Authorize the City Engineer to install a protected pedestrian crosswalk at the intersection of North Palm Canyon Drive and Stevens Road in accordance with Chapter 12.68 "Pedestrians" of the Palm Springs Municipal Code; 3) Authorize a Purchase Order in the amount of \$31,130 with Albert A. Webb & Associates, pursuant to the City's "on-call" traffic engineering services agreement, (A6443), for traffic engineering design services for the North Palm Canyon Drive at Stevens Road and Via Las Palmas Crosswalk Installations, City Project No. 16-13; and 4) Authorize the City Manager to execute all necessary documents. A6443. **Motion Councilmember Kors, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

5.D. WELLS FARGO BANK ART MURAL APPLICATION FOR THE COMMERCIAL BANK BUILDING LOCATED AT 543 SOUTH PALM CANYON DRIVE (CASE 16-001 MUR):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated October 19, 2016.

The City Council discussed and/or commented on the following: the pedestrian oriented nature of the mural, the purpose for the mural at the location, the light fixtures, and the mounting of the mural.

ACTION: Adopt Resolution No. 24124, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN ART MURAL ON THE COMMERCIAL BUILDING AT 543 SOUTH PALM CANYON DRIVE, ZONE C-1 (CASE 16-001 MUR)."
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.

PUBLIC COMMENT: (Non-Agenda Items)

RICK PANTELE, Palm Springs, commented on funding for the Palm Springs Police Department.

STEVE ROSENBERG, Palm Springs, thanked the City Council and City Staff for the support to the public regarding the fallen officers of the Palm Springs Police Department.

PHYLLIS BURGESS, Palm Springs, commented on the protection for the Palm Springs Police Officers and requested the City Council add an invocation to the City Council meeting.

JOY BROWN MEREDITH, Palm Springs, thanked the City Council and City Staff for the support to the public regarding the fallen officers of the Palm Springs Police Department.

SID CRAIG, Palm Springs, commented on the event at Sunrise Park celebrating the installation of all-inclusive playground equipment.

UPCOMING AGENDA DEVELOPMENT:

Councilmember Foat requested the City Clerk place an ordinance on the next agenda to change the membership of the Parks and Recreation Commission.

Councilmember Roberts requested a timeline on an update to the sign ordinance.

Councilmember Foat requested a timeline for revisions to the cannabis ordinance.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Roberts provided an update on the recent Hero's in the Park Event and the restoration of the Cornelia White House.

Councilmember Kors announced the upcoming Town Hall meeting for Vacation Rental Regulations, requested a meeting of the Film Festival Subcommittee and the Rules and Procedures Subcommittee, and announced the City's score on the Human Rights Campaign.

Mayor Pro Tem Mills commented on the restoration of the Cornelia White House, requested the City Council consider postponing the Indian Canyon discussion until the first meeting in December, and requested Staff address the lack of maintenance on Tahquitz between Sunrise and Indian.

Mayor Moon commented on the recent expenditures for capital equipment at the Palm Springs Police Department.

ADJOURNMENT: The City Council adjourned at 10:13 p.m. to the Study Session, Wednesday, October 26, 2016, at 6:00 p.m. Council Chamber, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The next regular City Council meeting will be Wednesday, November 2, 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 16TH DAY OF NOVEMBER, 2016.

ROBERT MOON, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK