

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



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

**CALL TO ORDER:** Mayor Moon called the meeting to order at 6:01 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:** None.

**CITY MANAGER'S REPORT:**

City Manager Ready presented the City's two new Vacation Compliance Officials Boris Stark and Suzanne Severin.

**ACCEPTANCE OF THE AGENDA:**

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

Mayor Pro Tem Mills noted his business related abstention on a portion of Item 1.D. regarding the intersection of Thornhill and Ramon, and his business related abstention on Items 1.K. and 5.A.

Mayor Moon requested Item 1.A. be removed from the Consent Calendar for separate discussion.

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

**REPORT OF CLOSED SESSION:** The meeting was called to order at 5:00 p.m., and the City Attorney requested the City Council consider adding one item to the Closed Session and Agenda pursuant to Cal. Gov. Code Section 54956.9(d)(1) Existing Litigation titled Alexander M. Wernicke v. City of Palm Springs et al., Case No. INC

**ITEM NO. 1.A.**

1208381, Riverside County Superior Court, Indio Division, and stated the City received information regarding this matter after the posting of the Agenda.

**ACTION:** 1) Find the City received information after the posting of the agenda, and there is an immediate need to hear and/or take action on the Item; and 2) Add to the Closed Session Agenda pursuant to Cal. Gov. Code Section 54956.9(d)(1) one case of Existing Litigation titled Alexander M. Wernicke v. City of Palm Springs et al., Case No. INC 1208381, Riverside County Superior Court, Indio Division. **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat, and carried (4-0-1), noting the absence of Councilmember Kors.**

City Attorney Holland reported the City Council recessed into Closed Session to discuss items on the Closed Session Agenda, the City Council provided direction to City Staff and the City Attorney, otherwise no reportable actions were taken.

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

BRUCE CONNANDER, Palm Springs, commented on Item 2.K. and requested the City Council adopt a Homeowners Bill of Rights regarding Vacation Rentals.

JEREMY OGUL, Homeaway, stated the City Council does not have enough financial information and data to consider the ordinance.

ROBERT FINDLEY, Palm Springs, commented on Item 4.B., and stated his opposition to the conversion of Indian Canyon to a two-way street.

BRUCE LEHMAN, commented on Item 5.A. and requested the City Council approve the extension of the tract map.

THOMAS LA RUSSO, Palm Springs, commented on Item 5.C., noted his concerns regarding the BUZZ operating in the residential neighborhood, and requested the City Council eliminate the route on residential streets.

RON MATLIN, commented on Item 5.C., noted his concerns regarding the BUZZ operating in the residential neighborhood, and requested the City Council eliminate the route on residential streets.

RONALD IAMELE, commented on Item 5.C., noted his concerns regarding the BUZZ operating in the residential neighborhood, and requested the City Council eliminate the route on residential streets.

SAMMY RAFAEL, commented on Item 5.C., noted concerns regarding the BUZZ operating in the residential neighborhood, and requested the City Council eliminate the route on residential streets.

JAN CRONQUIST, commented on Item 5.C., noted her concerns regarding the BUZZ operating in the residential neighborhood, and requested the City Council eliminate the route on residential streets.

BILL LAMOND, commented on Item 5.C., noted his concerns regarding the BUZZ operating in the residential neighborhood, and requested the City Council eliminate the route on residential streets.

KENNETH FALCON, commented on Item 5.C., noted his concerns regarding the BUZZ operating in the residential neighborhood, and requested the City Council eliminate the route on residential streets.

PATRICIA BRESLIN, commented on Item 5.C., noted her concerns regarding the BUZZ operating in the residential neighborhood, and requested the City Council eliminate the route on residential streets.

FRANK TYSEN, commented on Item 5.C. regarding the BUZZ and requested the City facilitate a meeting with the homeowners and the restaurant owner, commented on Item 1.K. and noted the effects of vacation rentals to small hotels.

JOY BROWN MEREDITH, Palm Springs, commented on Item 4.B. and requested the City Council perform an economic study on the Indian Canyon two way conversion, and Item 5.C. in support of the BUZZ.

BRIAN YAKLICH, commented on Item 1.K. and requested the City Council place additional regulations on vacation rentals.

**1. CONSENT CALENDAR:**

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

**1.B. TREASURER'S INVESTMENT REPORT AS OF OCTOBER 31, 2016:**

**ACTION:** Receive and File the Treasurer's Investment Report as of October 31, 2016. **Approved as part of the Consent Calendar.**

**1.C. APPROVAL OF RIGHT OF WAY ACQUISITION AGREEMENTS WITH ROBERT W. MINER, JR. FOR ASSESSOR PARCEL NUMBERS (APN) 669-060-022, 669-060-026, 669-070-004, 669-093-002, AND 669-093-003 FOR THE INDIAN CANYON DRIVE WIDENING AND BRIDGE REPLACEMENT (CP 01-11) FEDERAL AID PROJECT NO. BRLO 5282 (017):**

**ACTION:** 1) Approve a Right-of-Way Agreement for Acquisition of Real Property Interest and Escrow Instructions in the amount of \$14,371 with Robert W. Miner, Jr. as Sole Successor Trustee of the Robert Wilson Miner Trust dated April 13, 1998, for acquisition of 1,886 square feet of

right-of-way across the property identified as APN 669-060-022; 2) Approve a Temporary Construction Easement Agreement in the amount of \$25,029 with Robert W. Miner, Jr. as Sole Successor Trustee of the Robert Wilson Miner Trust dated April 13, 1998, for rental for a period of five (5) years of 6,899 square feet of a portion of the property identified as APN 669-060-022; 3) Approve a Right-of-Way Agreement for Acquisition of Real Property Interest and Escrow Instructions in the amount of \$68,524 with Robert W. Miner, Jr. as Sole Successor Trustee of the Robert Wilson Miner Trust dated April 13, 1998, for acquisition of various rights-of-way across the properties identified as APN 669-060-026 and 669-070-004; 4) Approve a Temporary Construction Easement Agreement in the amount of \$29,776 with Robert W. Miner, Jr. as Sole Successor Trustee of the Robert Wilson Miner Trust dated April 13, 1998, for rental for a period of five (5) years for a 27,427 square feet portion of the properties identified as APN 669-060-026 and 669-070-004; 5) Approve a Right-of-Way Agreement for Acquisition of Real Property Interest and Escrow Instructions in the amount of \$37,264 with Robert W. Miner, Jr. Successor Trustee of the Robert Wilson Miner Trust dated April 13, 1998, for acquisition of a 16,344 square feet slope easement across the properties identified as APN 669-093-002 and 669-093-003; 6) Approve a Temporary Construction Easement Agreement in the amount of \$16,136 with Robert W. Miner, Jr. as Successor Trustee of the Robert Wilson Miner Trust dated April 13, 1998, for rental for a period of five (5) years of 14,860 square feet of a portion of the properties identified as APN 669-093-002 and 669-093-003; and 7) Authorize the City Manager to execute all necessary documents, open escrow, and pay for associated escrow and title costs associated with the right-of-way acquisitions. A6936. **Approved as part of the Consent Calendar.**

**1.D. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE ADA CURB RAMPS PROJECT (CP 16-09):**

**ACTION:** 1) Approve the plans, specifications and estimate for the ADA Curb Ramp project (CP 16-09); and 2) Authorize staff to advertise and solicit bids for the ADA Curb Ramp project (CP 16-09). **Approved as part of the Consent Calendar, noting the business related abstention of Mayor Pro Tem Mills pertaining only to the intersection of Thornhill and Ramon.**

**1.E. INITIATION OF ANNEXATION NO. 14 AND ANNEXATION NO. 15 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES):**

**ACTION:** 1) Adopt Resolution No. 24139, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY INTO A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY

OF SPECIAL TAXES FOR CITY OF PALM SPRINGS COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES) ANNEXATION NO. 14 (ICON, TRACT MAP NO. 36725);" and 2) Adopt Resolution No. 24140, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY INTO A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES FOR CITY OF PALM SPRINGS COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES) ANNEXATION NO. 15 (SUNIA, TRACT MAP NO. 37143)." **Approved as part of the Consent Calendar.**

- 1.F. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:**  
**ACTION:** 1) Adopt Resolution No. 24141, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1088567 THROUGH 1088683 IN THE AGGREGATE AMOUNT OF \$1,382,306.58, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 24142, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 11-05-2016 BY WARRANTS NUMBERED 419717 THROUGH 419730 TOTALING \$24,142.51, LIABILITY CHECKS NUMBERED 1088684 THROUGH 1088705 TOTALING \$85,121.05, FIVE WIRE TRANSFERS FOR \$58,675.66, AND THREE ELECTRONIC ACH DEBITS OF \$1,332,021.31 IN THE AGGREGATE AMOUNT OF \$1,499,960.53, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 24143, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1088706 THROUGH 1088833 IN THE AGGREGATE AMOUNT OF \$1,331,832.05, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

- 1.G. ACCEPT THE FISCAL YEAR 2016 STATE HOMELAND SECURITY PROGRAM GRANT FROM FEDERAL EMERGENCY MANAGEMENT AGENCY VIA THE CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES AND THE RIVERSIDE COUNTY EMERGENCY MANAGEMENT DEPARTMENT IN THE AMOUNT OF \$132,000 AND APPROVE THE PURCHASE OF 46 NEW TACTICAL VESTS:**  
**ACTION:** 1) Accept a grant from the California Governor's Office of Emergency Services through the Riverside County Office of Emergency Services in the amount of \$132,000; 2) Authorize the purchase of 46 new Project 7 tactical protective vests from Aardvark in the amount of \$132,369.60; and 3) Authorize the City Manager to execute all necessary documents. A6937. **Approved as part of the Consent Calendar.**

- 1.H. DEVELOPMENT PROJECT FEE REPORT FOR FISCAL YEAR 2015-16:**  
**ACTION:** Receive and file the Development Project Fee Report for Fiscal Year 2015-16. **Approved as part of the Consent Calendar.**
- 1.I. AMENDMENT TO THE CITY OF PALM SPRINGS CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974:**  
**ACTION:** Adopt Resolution No. 24144, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE CONFLICT OF INTEREST CODE ADOPTED BY RESOLUTION NO. 22841." **Approved as part of the Consent Calendar.**
- 1.J. APPROVE AN AGREEMENT WITH RICONDO & ASSOCIATES FOR AIRPORT CONSULTING SERVICES IN THE AMOUNT OF \$309,425:**  
**ACTION:** 1) Approve a professional services agreement with Ricondo & Associates for airport financial and bond consulting services in the amount of \$309,425 for a three (3) year term from January 2, 2017, through December 31, 2019, with two additional one-year options; and 2) Authorize the City Manager to execute all necessary documents. A6938. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**1.A. APPROVAL OF DEBT MANAGEMENT POLICY:**

Mayor Moon questioned if pension obligation bonds would be allowed under the policy and requested the City auditors address the City's unfunded liability for pension costs during their next presentation to the City Council.

**ACTION:** 1) [City Council] Adopt the City of Palm Springs Debt Management Policy; 2) [Successor Agency of the Palm Springs Community Redevelopment Agency] Adopt the Successor Agency of the Palm Springs Community Redevelopment Agency Debt Management Policy; and 3) [Palm Springs Financing Authority] Adopt the Palm Springs Financing Authority Debt Management Policy. **Motion by Mayor Pro Tem Mills, seconded by Councilmember Kors, and unanimously carried on a roll call vote.**

Mayor Pro Tem Mills stated he has a business related conflict of interest with respect to Item 1.K., would not participate in the discussion or the vote, and left the Council Chamber.

**1K. REINTRODUCE ORDINANCE NO. 1907 AMENDING AND RESTATING CHAPTER 5.25 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO VACATION RENTALS AND CEQA DETERMINATION:**

The City Council discussed and/or commented on the following: reintroduction of the ordinance, requested the City Attorney comment on legality of the ordinance, commented on the findings of the ordinance for ancillary use of residential property, the rational basis for limiting the number of contracts, process for the Estate house exemption, notification to neighborhoods, Permit Fees, financial interest, the number of allowable vacation rentals a person can own, the number of years for grandfathering, the number of allowable contracts, evictions, the effect on property owners who purchase property specifically for use as a vacation rental.

**ACTION:** Waive reading of the text and re-introduce by title only for first reading Ordinance No. 1907, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING CHAPTER 5.25 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO VACATION RENTALS," *amending the ordinance as follows:*

*Section 5.25.020 (a) to read:*

*(a) The primary use of single-family and multi-family dwelling units in the City of Palm Springs is the provision of permanent housing for full time and part time residents of the City who live and/or work in the City. Vacation Rentals and Homesharing are not uses specifically recognized in the City's Zoning Ordinance, nor are these uses identified as uses permitted in single-family or multi-family zones. Vacation Rentals and Homesharing are similar in character and use as hotels and other commercial short term uses and can only be permitted in single-family or multi-family zones if such uses are ancillary and secondary to the residential use of property.*

*Section 5.25.040 (b) to read:*

*(b) A Vacation Rental Registration Certificate shall not be issued to any Business Entity other than a limited liability company. A natural person, limited liability company, or personal or family trust shall not maintain any financial interest in more than one Vacation Rental. For this purpose, financial interest includes both legal and beneficial ownership as well as any arrangement that provides for receipt of any portion of the revenues generated by the Vacation Rental. An Owner shall only be issued, and can only maintain, one Vacation Rental Registration Certificate at any time. Renewals of Vacation Rental Registration Certificates issued on or after November 24, 2016 to a Business Entity (other than a limited liability company) shall terminate on March 1, 2017; a renewal of a second Vacation Rental Registration Certificate, or more, issued to an Owner shall terminate on March 1, 2017.*

*Section 5.25.070(b)(ii) to read:*

*(ii) Notwithstanding the restrictions imposed by this Subparagraph, the Owner at the time an application or renewal is submitted can designate and file with the Enforcement Official the names of up to five (5) persons who may occupy the Vacation Rental unit at no cost and without requiring the presence of the Owner*

*on the premises of the Vacation Rental. Each such occupancy shall fully comply with all other provisions of this Chapter.*

*Section 5.25.070(m)(4) to read:*

*(4) Notification that any radio receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or any machine or device for the producing or reproducing of any sound shall only be operated within a fully enclosed Vacation Rental unit and shall not be audible at the property line of the Vacation Rental;*

*Section 4 of the Ordinance to read:*

**SECTION 4.** *Any valid rental agreement for a Vacation Rental with occupancies in terms of number of guests and/or vehicles in excess of the requirements of Section 5.25.070(c) of this Ordinance, entered into between an Owner or an Agent with a renter and the renter has paid a deposit for such rental prior to November 30, 2016, shall be deemed consistent with the provisions of this Ordinance so long as such rental agreement and the Vacation Rental otherwise complies with the requirements of this Ordinance. In addition and notwithstanding any provisions to the contrary within Section 5.25.070(b)(ii), any holder of a Registration Certificate as of the effective date of this Chapter can submit a list of names as provided in Section 5.25.070(b)(ii) within thirty (30) days of such effective date.*

*Add a new Section 5 of the Ordinance to read:*

**SECTION 5.** *Notwithstanding any provision to the contrary in this Ordinance, any limitation or prohibition regarding homes that would otherwise qualify as an estate home shall not be applicable or enforceable until the thirty-first (31<sup>st</sup>) day after this Ordinance becomes effective and Contracts for such homes, fully executed prior to such date, shall be recognized as valid under this Ordinance.*

**Motion by Councilmember Roberts, seconded by Councilmember Kors, and carried 4-0-1 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.

## **2. PUBLIC HEARINGS:**

**2.A. PROPOSED ORDINANCES AMENDING THE PALM SPRINGS MUNICIPAL CODE RELATING TO MEDICAL CANNABIS REGARDING THE DEVELOPMENT STANDARDS FOR MEDICAL CANNABIS FACILITIES IN VARIOUS ZONING DISTRICTS, MEDICAL CANNABIS BUSINESSES IN THE CITY, AND INITIATION OF AN AMENDMENT TO**



**THE CITY'S ZONING CODE REGARDING LOCATIONAL REQUIREMENTS FOR MEDICAL CANNABIS DISPENSARIES IN THE CITY AND CEQA DETERMINATION:**

City Attorney Holland provided background information as outlined in the Staff Report dated December 7, 2016.

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

ROBERT VAN ROO, commented on the sunset provision for a type 10 license, delivery and distribution, and requested the City Council allow all types of activity pursuant to State law.

DAVID BELL, Palm Springs, commented on the positive financial impact, and requested property line set back being exempted from the regulations.

RICK PANTELE, stated his support for the Ordinance and noted missing pieces in the ordinance as outlined in his written testimony.

JOY BROWN MEREDITH, commented on taxation for cultivation activities, the State mandated sunset date, and requested the City Council approve flexibility on the sunset date if the State does not act timely.

FRED NOBLE, Palm Springs, commented on the taxation of cannabis cultivation.

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

The City Council discussed and/or commented on the following: taxation of medical cannabis, the State requirements for collective permits as of July 1, 2018, setbacks and the M-1 zone, allowable activities under state law.

**ACTION:** 1) Waive the reading of the text in its entirety, read by title only, and introduce on first reading Ordinance No. 1908, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 93.23.15, 92.17.2.00, AND SUBSECTION F OF SECTION 92.17.2.03 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO MEDICAL CANNABIS FACILITIES; AMENDING SECTIONS 92.15.01.C, 92.16.01.C, 92.17.01.C, 92.17.1.02, 92.17.2.00, AND 92.17.2.01.C RELATING TO MEDICAL CANNABIS MANUFACTURING AND MEDICAL CANNABIS TESTING FACILITIES IN THE C-M, M-1-P, M-1, M-2, AND E-1 ZONES OF THE CITY; AND AMENDING SECTIONS 92.14.01.A, 92.14.1.01.A, 92.15.01.A, 92.16.01.A, 92.17.01.A, AND 92.18.01.A RELATING TO MEDICAL CANNABIS DISPENSARY FACILITIES IN THE C-2, H-C, C-M, M-1-P, M-1, M-2, AND A ZONES OF THE CITY;" and 2) Waive the

reading of the text in its entirety, read by title only, and introduce on first reading Ordinance No. 1909, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 5.45 TO, AND AMENDING SECTION 5.35.100 OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO MEDICAL CANNABIS BUSINESSES IN THE CITY OF PALM SPRINGS," *amending the Ordinance as follows:*

*(i) Adding a new Section 2 to the ordinance to read:*

**SECTION 2.** *Subsection C (1) of Section 5.35.340 of the Palm Springs Municipal Code is repealed.*

*(ii) Section 5.35.100(A) to read:*

A. *The provisions of this Chapter shall apply solely to medical cannabis collectives or cooperatives permitted and approved by the City Council and commenced operations prior to October 1, 2016. Any such permitted and approved medical cannabis collective or cooperative that commenced operation prior to July 1, 2015, may at the option of the operator continue to operate pursuant to this Chapter until January 1, 2026 or such other date as may be established by the State and engage in cultivation, dispensing, manufacturing, and/or transportation and distribution activities as may be allowed under Chapter 5.45 of this Code.*

*(iii) Section 5.35.100(B) to read:*

B. *Any permitted and approved medical cannabis collective or cooperative that lawfully commenced operation after July 1, 2015, shall (1) apply for a permit or permits pursuant to Chapter 5.45 of this Code, (2) commence operations pursuant to such permit or permits, and (3) cease operations under any permit under this Chapter 5.35 prior to July 1, 2018, or such later date as the City Council may set by resolution. Upon the approval of one or more permits pursuant to Chapter 5.45 and issuance of related state licenses for cultivation or dispensing medical cannabis under state laws, all rights to continue to operate cultivation and/or dispensing as a medical cannabis collective or cooperative pursuant to this Chapter 5.35 shall cease and shall no longer be in force or effect and shall not be renewed, re-issued, or extended.*

*(iv) Add a new Section 5.45.010(D) to read:*

D. *Each medical cannabis related business or activity allowed under the provisions of this Chapter constitutes an activity or business that involves planting, cultivating, harvesting, transporting, dispensing, delivering, providing, manufacturing, compounding, converting, processing, preparing, storing, packaging, or testing any part of the marijuana plant for medical purposes and is therefore a "cannabis or marijuana collective" as defined in Section 3.35.020 of this Code and is therefore responsible for the payment of a cannabis and marijuana tax under the provisions of Chapter 3.35 of this Code.*

*(v) Change the definition of "Owner" and "Property Owner" to read:  
"Owner" means the person, firm, corporation, or partnership that owns property or is in possession thereof under a contract to purchase or under a lease, by a person or persons, firm, corporation, or partnership, individually, jointly, in common, or in any other manner whereby such property is under single or unified control. The term "Owner" does not include a lessor of real property subject to a ground lease of ten or more years where the Owner as lessor does not retain any interest or right of control in any building constructed on the real property subject to such ground lease.*

*"Property owner" means the individual or entity who is the record owner of the subject property where commercial medical cannabis activities are located or are proposed to be located. The term "Property Owner" does not include a lessor of real property subject to a ground lease of ten or more years where the Owner as lessor does not retain any interest or right of control in any building constructed on the real property subject to such ground lease.*

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

**ACTION:** Initiate and refer to the Planning Commission for hearing, review, and recommendation a zone text amendment titled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTION C OF SECTION 93.23.15 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO LOCATIONAL REQUIREMENTS FOR MEDICAL CANNABIS DISPENSARIES IN THE CITY." **Motion by Councilmember Kors, seconded by Councilmember Foat, and unanimously carried on a roll call vote.**

The City Council recessed at 8:46 p.m.  
The City Council reconvened at 9:02 p.m.

### **3. LEGISLATIVE:**

#### **3.A. PROPOSED ORDINANCE AMENDING THE PALM SPRINGS MUNICIPAL CODE TO INCORPORATE EDUCATION REQUIREMENTS ASSOCIATED WITH WATER EFFICIENT LANDSCAPING FOR LANDSCAPE RELATED BUSINESSES AS A PREREQUISITE TO OBTAINING A BUSINESS LICENSE:**

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

**ACTION:** Waive the reading of the text in its entirety, read by title only, and introduce on first reading Ordinance No. 1910, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 5.78.030 OF THE PALM SPRINGS MUNICIPAL CODE 'OVERSEEDING EDUCATION REQUIREMENT' TO INCORPORATE REQUIREMENTS FOR EDUCATION RELATED TO LANDSCAPING WATER EFFICIENCY." **Motion by Councilmember Roberts, seconded by Councilmember Kors, and unanimously carried on a roll call vote.**

**4. UNFINISHED BUSINESS:**

**4.A. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE POLICE DEPARTMENT REMODEL PROJECT (CP 15-05):**

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

**ACTION:** 1) Approve the plans, specifications, and estimate for the Police Department Remodel Project (CP 15-05); 2) Authorize staff to advertise and solicit bids for the Police Department Remodel Project (CP 15-05); and 3) Approve Amendment No. 5 in the amount of \$5,025 to the Consulting Services Agreement with Urrutia Architects for a revised total contract amount of \$198,455 for the Police Department Remodel Project (CP 15-05). A6465. **Motion by Councilmember Foat, seconded by Councilmember Roberts, and unanimously carried on a roll call vote.**

**4.B. INDIAN CANYON DRIVE TWO-WAY CONVERSION:**

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

The City Council discussed and/or commented on the following: speed reduction, the purposes for the recommendation, the time of commencing a design due to major projects, funding the design from General Fund reserve, the Engineer's cost estimate, potential effect to the businesses on Indian Canyon, potential for angled parking, impact on deliveries to the businesses on Indian Canyon, the purpose of approving the plan to have a shovel ready project, the property lines of the Tribe, other funding opportunities, potential traffic circle at the north and south ends, ensure the developer at Alejo and Indian Canyon, business merchants and the Tribe are consulted and receive their input, the need for the community and the City Council review of preliminary plans prior to final engineering drawings.

**ACTION:** 1) Approve Alternative No. 1 from the Indian Canyon Drive Two-Way Conversion Study prepared by Albert Grover & Associates (September 2013) as the Preferred Alternative for conversion of Indian Canyon Drive from one-way traffic circulation to two-way traffic circulation; and 2) Authorize the City Manager to execute an appropriate budget amendment appropriating from General Fund Balance in the amount of \$200,000 to fund the design. **Motion by Councilmember Foat, seconded by Councilmember Roberts, and carried 3-2-0 on a roll call vote.**

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

**5. NEW BUSINESS:**

Mayor Pro Tem Mills stated he has a business related conflict of interest with respect to Item 5.A., would not participate in the discussion or the vote, and left the Council Chamber.

**5.A. REQUEST FOR A ONE-YEAR TIME EXTENSION BY ARMADA REAL ESTATE GROUP, LLC FOR TENTATIVE TRACT MAP 36689 AND TENTATIVE PARCEL MAP 36767 FOR "VIBE" A RESIDENTIAL DEVELOPMENT OF 93 MULTI-FAMILY DWELLING UNITS AND 72 SINGLE FAMILY DWELLING UNITS ON INDIVIDUAL LOTS ON A 24-ACRE PARCEL LOCATED AT THE NORTHEAST CORNER OF SOUTH FARRELL DRIVE AND EAST BARISTO ROAD (CASE 5.1046 PDD 232 AMND / TTM 36689 / TPM 36767 / 3.3974 MAJ):**

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

The City Council discussed and/or commented on the following: ramifications if the map extension is not approved, provisions for City Council call-up of the Planning Commission approval of the Final PDD, and the Planning Commission work on the project.

**ACTION:** Adopt Resolution No. 24145, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A ONE-YEAR TIME EXTENSION FROM SEPTEMBER 17, 2016, TO SEPTEMBER 16, 2017, FOR TENTATIVE TRACT MAP 36689 AND TENTATIVE PARCEL MAP 36767, AS REQUESTED BY THE ARMADA REAL ESTATE GROUP, LLC FOR "VIBE"; A RESIDENTIAL DEVELOPMENT OF 93 MULTI FAMILY UNITS AND 72 SINGLE FAMILY HOMES ON INDIVIDUAL LOTS ON A 24-ACRE PARCEL LOCATED AT THE NORTHEAST CORNER OF SOUTH FARRELL DRIVE AND EAST

BARISTO ROAD, SUBJECT TO CONDITIONS (CASE 5.1046; PDD 232 AMND / 3.3974 MAJ)." **Motion by Councilmember Roberts, seconded by Councilmember Foat, and carried 4-0-1 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.

**5.B. APPROVAL OF AN INSTALLMENT SALE AGREEMENT IN THE MAXIMUM AMOUNT OF \$29,917,266 WITH THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD, AND AWARD OF A CONSTRUCTION CONTRACT TO W.M. LYLES CO. IN THE AMOUNT OF \$20,522,737 FOR THE CITY OF PALM SPRINGS WASTEWATER TREATMENT PLANT (WWTP) UPGRADE (CP 15-14):**

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

**ACTION:** 1) Adopt Resolution No. 24146, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN INSTALLMENT SALE AGREEMENT WITH THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD FOR PUBLICLY OWNED TREATMENT WORKS (POTW) CONSTRUCTION FINANCING FOR THE WWTP HEADWORKS AND CLARIFIER UPGRADE PROJECT, CLEAN WATER STATE REVOLVING FUND LOAN PROJECT NO. 8122-110 (CP 15-14) AND AUTHORIZING CERTAIN ACTIONS RELATED THERETO;" 2) Award a construction contract to W.M. Lyles Co., in the amount of \$20,522,737 for Bid Schedules A and B for the Wastewater Treatment Plant Upgrade Project (CP 15-14); 3) Delegate authority to the City Manager to approve and execute construction contract change orders up to a cumulative amount of 2.5% of the contract amount (\$513,068) with all change orders reported to the City Council; 4) Authorize a Purchase Order in the amount of \$298,524 with MWH Constructors, Inc., pursuant to the City's "on-call" agreement for wastewater engineering, construction management, and inspection services for the WWTP Upgrade Project (CP 15-14); and 5) Authorize the City Manager to execute all necessary documents. A6939. A6687. **Motion Mayor Pro Tem Mills, seconded by Mayor Moon and unanimously carried on a roll call vote.**

**5.C. APPROVE THE SECOND OF FOUR ONE-YEAR EXTENSION OPTIONS TO THE TROLLEY SERVICES OPERATOR AGREEMENT WITH MV TRANSPORTATION INC. RENEWING THE BUZZ TROLLEY SERVICE**

**FOR ONE YEAR EFFECTIVE DECEMBER 19, 2016, THROUGH DECEMBER 18, 2017:**

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

The City Council discussed and/or commented on the following: the uses of the additional marketing funds, selling ads for revenue, detailed information on BUZZ stop usage, the cost per rider, the route through the residential neighborhood, and the success of the program and marketing.

**ACTION:** 1) Extend the Buzz Trolley service for an additional one year; 2) Approve the second of four one-year extension options to the Trolley Services Operator Agreement with MV Transportation, Inc. in an amount not to exceed \$863,592 for the third year of service, effective December 19, 2016, through December 18, 2017, and 3) Authorize the City Manager or designee to execute all necessary documents. A6564.  
**Motion by Councilmember Foat, seconded by Councilmember Roberts, and unanimously carried on a roll call vote.**

**5.D. APPOINTMENT OF MAYOR PRO TEMPORE FOR THE TERM ENDING DECEMBER, 2017:**

**ACTION:** Appoint Councilmember Foat as Mayor Pro Tempore for the term ending December, 2017. **Motion Mayor Pro Tem Mills, seconded by Councilmember Roberts, and carried 4-0-1 on a roll call vote.**

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

**NOES:** None.

**ABSTAIN:** Councilmember Foat.

**PUBLIC COMMENT: (Non-Agenda Items)**

REVONE BAUWENS, Palm Springs, commented on the invocations at City Council meetings.

PHYLLIS BURGESS, Palm Springs, commented on the invocations at City Council meetings.

RONALD MATLIN, Palm Springs, commented on the discussion regarding the BUZZ in the Historic Tennis Club Neighborhood.

**UPCOMING AGENDA DEVELOPMENT:**

Councilmember Kors commented on the upcoming special meeting with the Ethics, Transparency, and Government Reform Task Force, and requested the City Manager address Code Enforcement on the start time for landscapers.

Rules on Conduct to be placed on the second meeting in January, and schedule a meeting of the Rules Subcommittee in January.

Joint Meeting with the Planning Commission in February.

**COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:**

Mayor Pro Tem Mills requested Staff address the removal of trees on Avenida Caballeros and Ramon.

Mayor Moon thanked Mayor Pro Tem Mills, noted the painting of the parking garage.

Councilmember Foat reported on the Palm Springs Dog Park, and requested Staff address the City entry signs.

**ADJOURNMENT:** The City Council adjourned at 10:50 p.m. to a Study Session and a Regular Adjourned Meeting, Wednesday, December 14, 2016, at 5:00 p.m. Council Chamber, City Hall, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The next regular City Council meeting will be Wednesday, January 4, 2017, 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 CITY COUNCIL OF THE CITY OF PALM SPRINGS THIS 4<sup>th</sup> DAY OF JANUARY, 2017.**

\_\_\_\_\_  
ROBERT MOON, MAYOR

ATTEST:

\_\_\_\_\_  
KATHLEEN D. HART, MMC  
INTERIM CITY CLERK



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



**ADJOURNED MEETING MINUTES  
WEDNESDAY, NOVEMBER 30, 2016  
CITY HALL COUNCIL CHAMBER**

**CALL TO ORDER:** Mayor Moon called the meeting to order at 5:08 p.m.

**PLEDGE OF ALLEGIANCE:** Mayor Moon 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.

**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 provided City Staff and the City Attorney direction, otherwise no reportable actions were taken.

**1. UNFINISHED BUSINESS:**

- 1.A. DISCUSSION AND INTRODUCTION OF MODIFICATIONS TO THE VACATION RENTAL ORDINANCE AND CEQA DETERMINATION, APPROVAL OF AN AMENDMENT TO THE 2016-17 ALLOCATED POSITIONS PLAN CREATING THE DEPARTMENT OF VACATION RENTAL ENFORCEMENT, APPROVAL OF A RESOLUTION MODIFYING USER FEES FOR VACATION RENTAL REGISTRATION AND ANNUAL RENEWALS, AND APPROVING AMENDMENT NO. 2 TO THE AGREEMENT WITH VACATION RENTAL COMPLIANCE:**

City Clerk Thompson provided background information as outlined in the Staff Report dated November 30, 2016.

FRANK TYSEN, commented on the effects of vacation rentals to small hotels in the City of Palm Springs.

MARINA ROSSI, commented on the effects of vacation rentals to small hotels in the City of Palm Springs.

KATHY WEREMIUK, Palm Springs, stated support for the proposed ordinance and vacation rental regulations.

JIM RUTRIDGE, commented on the effects of vacation rentals to small hotels in the City of Palm Springs, and requested the City Council limit vacation rentals.

KEVEN MILLER, commented on the effects of vacation rentals to small hotels in the City of Palm Springs, and the conversion of properties to vacation rentals.

LESLIE DUNN, commented on the effects of vacation rentals to small hotels in the City of Palm Springs, and requested the restrictions on small hotels apply to vacation rentals.

HAL KEASLER, stated his opposition to changing the rules for vacation rentals.

JIM MURPHY, stated opposition to the proposed ordinance and regulations for vacation rentals.

JEFF GODTLAND, stated opposition to the proposed regulations and requested the City Council consider a separate category for condos in other zones rather than the R-1 zone.

STEPHEN ROSE, stated the ordinance is a compromise and requested a vacation rental commission be created for oversight of the regulations.

TIM ERKINS, stated his support for a ban or a cap on vacation rentals, and commented on insurance requirements.

BRIAN YAKLICH, stated his opposition to vacation rentals, and requested the City Council consider the amendments to the occupancy and vehicle limits.

MARLA MALASPINA, commented on the current effects of vacation rentals to the neighborhoods and in opposition to vacation rentals.

MIKE ZISKIND, commented on the effects of vacation rentals to small hotels, and noted his concerns over the last minute amendments to the proposed ordinance.

HUGH GLENN, commented on the regulations pertaining to LLC's and corporations, and commented on enforcement.

NORMAN SIMON, stated vacation rentals are hotels and businesses, should not be allowed in the R-1 zone, and requested an immediate moratorium.

DAVID KRAUSS, Dallas, TX, commented on the benefits of using a noise monitoring system in vacation rentals.

FRED KING, Cupertino, commented on the proposed fines, evictions, and requested a moratorium for further study.

STEPHEN EDELSTEN, Palm Springs, stated vacation rentals should not be allowed in the R-1 zone.

ROBERT FINDLEY, commented on the fees and requested the inspection include ADA compliance, noted vacation rentals are businesses and should not be allowed in the R-1 zone.

MICHAEL VALEO, Palm Springs, stated his support for the ordinance and stated the vacation rental industry and the neighbors need to work toward a solution.

ROBIN ABRAHAMS, Palm Springs, stated enforcement should come first based on the current ordinance in place.

DIANE ROSS, Palm Springs, commented on the quality of life for residents impacted by vacation rentals, and requested the City Council consider a cap by neighborhood.

SEBASTIAN DE KLEER, Palm Springs, commented on the restrictions in the proposed ordinance to allow only one vacation rental permit.

JENNIFER COYNE, stated the proposed regulations may force her to sell her second home, which is also used as a vacation rental.

LING HWANG, stated the proposed regulations may force her to sell her second home, which is also used as a vacation rental.

NEIL WORTMAN, spoke in support of vacation rentals and the vacation rental industry.

JEREMY OGUL, Homeaway, stated the proposed regulations may constitute a ban, commented on fees and TOT collected, and requested the City Council table the item.

CHARLENE FARIS, Palm Springs, noted the effects of vacation rentals to housing that is affordable.

BRUCE CRONANER, commented on the recent series of robo calls and misinformation, and requested a homeowner bill of rights.

LISA RIDING, commented on potential fiscal impact to the City of Palm Springs.

ANGIE LENTZ, commented on health and safety of transformers.

ALDO BARONI, commented on the effects of the regulations to the business community.

TODD HOVER, commented on noise nuisance and other complaints, and requested enforcement of vacation rental regulations.

MASON FUNK, commented on the improved quality of life in neighborhoods by vacation rentals, and requested the City Council reconsider the limit of contracts.

BRIAN HARRINGTON, Palm Springs, commented on the impact of the proposed regulations for part-time residents who need to rent their home.

CHRISTOPHER HESSE, stated his opposition to the proposed regulations.

HOWARD BULLER, stated his support for the proposed regulations, support for the 28 contract limit, and requested the City Council not increase the occupancy limits.

BRADY SANDAHL, Palm Springs Chamber of Commerce, stated the Chamber does not support the proposed ordinance and regulations.

WALTER DICKINSON, recommended the City Council review the City of Santa Fe ordinance, and voiced support of the proposed ordinance.

HUGH VANCE, commented on the conflicts between the neighborhoods and the vacation rental property owners, and stated his opposition to vacation rentals.

DEAN MINERD, Palm Springs, stated the ordinance has benefits for compromise, requested enforcement, and commented on the limit of contracts.

PAUL SCHUMAKER, stated his support for the compromise ordinance but requested the City Council reconsider the number of contract limitation.

DAVID WILCOX, commented on positive impacts of vacation rentals and in opposition to the proposed regulations.

BRENDAN LENIHAN, stated the proposed regulations will limit the vacation rental industry, commented on the permit fee and the maximum number of contracts.

FRANCINE MC DOUGALL, stated her opposition to the contract limit and the limit for one property per person.

DARRYL GRACE, Vancouver, commented on the fiscal impact of the proposed regulations to the vacation rental industry.

DAVID FELTMAN, stated the vacation rental industry is being treated as outsiders with no connections to the community.

PAUL MERITT, Orange County, stated his support for the proposed regulations and commented on enforcement.

CHRIS BURK, Palm Springs, stated a compromise is needed, but the proposed ordinance, as written, is not a compromise.

DARYL TERRELL, Moreno Valley, commented on the compromise needed for the community regarding vacation rentals.

MICHAEL HUDSON, Palm Springs, stated the proposed ordinance is short-sighted and over reaching.

The City Council recessed at 6:56 p.m.  
The City Council reconvened at 7:10 p.m.

BRUCE HOBAN, Palm Springs, commented on the lack of enforcement of the current ordinance.

PAUL SOKOLOFF, commented on the financial impact of the regulations to vacation rental owners and enforcement.

ED TODESCHINI, Palm Springs, commented on the impact to his house by the seven surrounding vacation rentals.

GEORGE BRAIN, Seattle, commented on the impact of the proposed regulations on condo owners and their units that are used for vacation rentals.

CONSTANCE CLARE-NEWMAN, Palm Springs, commented on the negative impacts to her property by the adjoining vacation rental.

MARSHALL GILBERT, Rancho Mirage, commented on the demographics of vacation rental owners, and the financial impact of the regulations to vacation rental owners.

MONTE GREGES, Palm Springs, commented on the negative impact to the Vista Las Palmas neighborhood due to vacation rentals.

NATE OTTO, Palm Springs, commented on the financial impact to those in industries related to tourism.

LANNY SEESE, Palm Springs, commented on the negative impact to his property due to the adjacent vacation rentals.

CHRIS SCELFO, commented on the impacts of the new regulations to his existing vacation rental.

KATY RANZONI, Palm Springs, expressed her concern about the conduct of the hotline personnel, stated the vacation rental industry has destroyed her neighborhood.

DENNIS COSTA, Palm Springs, stated the guests staying in the vacation rentals he owns are not a problem, and commented on enforcement.

DAWN RADUE, Long Beach, stated opposition to the contract limits and false complaints with the current ordinance.

SUSAN ST. LOUIS, Palm Springs, stated the ordinance is punitive to all others and not just owners who are compliant.

JEFF DOBSON, Palm Springs, commented on TOT taxes and stated the distinction between short-term and long-term rentals.

FELICIA NEWMAN, Palm Springs, commented on the upgrades to the home she purchased and the economic impact of owner occupied homes.

BRYAN SCHOPP, Palm Springs, stated the City has not researched the complaints.

MATT BECHSTEIN, Palm Springs, stated opposition to the proposed ordinance as drafted, commented on the contract limits, proposed a summer recess, and the potential loss of vacation rentals.

STEVEN WOLFE, Palm Springs, commented on the impact of the proposed regulations on condo vacation rental owners.

EDUARDO WELTER, Los Angeles, commented on the economic benefit to his employees from his vacation rental, commented on screening, and stated he would be forced to sell his home.

JIM MADAFFER, San Diego, questioned if the meeting complied with the Brown Act.

RODOLFO CASTILLO, Palm Springs, requested the City Council consider retaining the current ordinance and enhancing enforcement.

MICHAEL SYLVESTER, commented on impact to vacation rental owners, the regulations for LLC's, and the maximum occupancy.

The City Council Subcommittee, Councilmember Roberts and Councilmember Kors, provided background information as outlined in the Staff Report dated November 30, 2016.

The City Council reviewed the proposed ordinance and its components, and discussed and/or commented on the following: ownership by a natural person or trust or LLC, one financial interest in a vacation rental, permit renewals must be executed by the owner, the number of allowable contracts per year.

The City Council recessed at 9:34 p.m.  
The City Council reconvened at 9:52 p.m.

The City Council continued deliberations on the proposed ordinance and its components including: the increase in penalties and fines, the maximum allowable guests, the estate allowance, inspections, 30 minute response time by owner, contract or contract abstract submitted to the City in advance, interior signage, HOA certification, clustering of vacation rentals, permit numbers on advertising, revocations, grandfathering, disclosure of ownership, suspension and false complaints.

**ACTION:** 1) Waive the reading of the text and introduce by title for first reading Ordinance No. 1907, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING CHAPTER 5.25 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO VACATION RENTALS," *amending the ordinance as follows:*

i) *Section 5.25.020(a) to read: The primary use of single-family and multi-family dwelling units in the City of Palm Springs is the provision of permanent housing for residents of the City who live and work in the City. Vacation Rentals and Homesharing are not uses specifically recognized in the City's Zoning Ordinance, nor are these uses identified as uses permitted in single-family or multi-family zones. Vacation Rentals and Homesharing are similar in character and use as hotels and other commercial short term uses and can only be permitted in single-family or multi-family zones if such uses are ancillary and secondary to the residential use of property.*

ii) *Section 5.25.020(b) to read: Incidents involving excessive noise, disorderly conduct, vandalism, overcrowding, traffic congestion, parking congestion, and the accumulation of refuse, require response from police, fire, paramedic, and other City services associated with this secondary, ancillary, commercial use escalates the demand for City services, create adverse impacts in the residential areas of the City, and adversely affects the City's residential neighborhoods. Vacation Rentals and Homesharing use in residential neighborhoods may have effects that can best be addressed through an appropriate city regulatory program.*

iii) *Section 5.25.020(c) to read: The purpose of this Chapter is to establish a regulatory program for Vacation Rental and Homesharing lodging, with appropriate standards that regulate vacation rental of residential property, minimize adverse effects of vacation rental uses on surrounding residential neighborhoods, ensure that vacation rentals and homesharing are ancillary and secondary uses of residential property consistent with the provisions of the City's Zoning Ordinance, preserve the character of neighborhoods in which Vacation Rental and Homesharing uses occur, and provide an administrative procedure to preserve existing visitor serving opportunities and increase and enhance public access to areas of the City and other visitor destinations.*

iv) *Section 5.25.020(e) to read: The adoption of a comprehensive code to regulate issuance of, and attach conditions to, vacation rental certificates for Vacation Rental and Homesharing lodging within single-family residential neighborhoods and the related use of residential property preserves the public health, safety, and welfare. This Chapter provides a permitting process and imposes operational requirements*



*consistent with the ancillary and secondary status of Vacation Rentals and Homesharing, for the purpose of minimizing the potential adverse impacts of transient uses on residential neighborhoods.*

v) *Definition of "Business Entity" to read: "Business Entity" means a corporation, partnership, or other legal entity that is not a natural person or a personal or family trust or a limited liability company consisting solely of natural persons.*

vi) *Definition of "Cluster or Compound" to read: "Cluster or Compound" means any two or more Vacation Rentals that operate on a unified or shared basis where residents of such Vacation Rentals have exclusive access to more than one Vacation Rental and/or the facilities of such Vacation Rentals, including by way of example, a swimming pool, tennis court, or cooking facilities.*

vii) *Definition of "Owner" to read: "Owner" means the natural person or persons who is/are the owner of record of the Property. The term "Owner" also includes a personal or family trust consisting solely of natural persons and the trustees of such trust or a limited liability company and the members of such company, insofar as the disclosure requirements pursuant to Section 5.25.085 are satisfied. The term "Owner" does not include a Business Entity.*

viii) *Section 5.25.040(b) to read: A Vacation Rental Registration Certificate shall not be issued to any Business Entity. A natural person shall only be issued, and can only maintain, one Vacation Rental Registration Certificate at any time. Renewals of Vacation Rental Registration Certificates issued on or after November 24, 2016 to a Business Entity shall terminate on March 1, 2017; a renewal of a second Vacation Rental Registration Certificate, or more, issued to a natural person shall terminate on March 1, 2017. Notwithstanding any provision to the contrary in Subsection (a) or this Subsection (b) of this Section, any natural person who has a financial interest in two or more Vacation Rentals subject to current and valid Vacation Rental Registration Certificates as of November 30, 2016, may continue to operate and maintain no more than two (2) such Vacation Rentals so long as such Vacation Rentals are operated and maintained in full compliance with this Chapter.*

ix) *Section 5.25.070(b) to provide for 32 Contracts, and for designation of five persons.*

x) *Section 5.25.070(c) to read: The Owner shall limit overnight occupancy of the Vacation Rental unit to a specific number of occupants,*

*with the maximum number of occupants as no more than two (2) persons per bedroom within each Vacation Rental unit and a maximum of no more than eight (8) persons total within the Vacation Rental unit, except that Owner may allow up to two (2) minor children, age 12 or under, to occupy the Vacation Rental in addition to the maximum number of occupants otherwise provided in this Subsection. The number of bedrooms in a Vacation Rental shall be verified by the Enforcement Official using County Assessor and/or City Building records, prior to the issuance of a certificate. The Owner shall also limit the total daytime occupancy of the Vacation Rental unit to a specific number of occupants not to exceed an amount determined by adding the total overnight occupants to a number equal to fifty percent of the overnight occupants, except the total number of daytime occupants shall not exceed twelve (12) persons. No more than one (1) automobile per bedroom shall be allowed to park on the street for each Vacation Rental unit and no more than two (2) additional automobiles may be parked in the street during daytime occupancy for daytime occupants. Advertising and/or renting one or more Vacation Rentals as part of a cluster or compound is prohibited.*

*xi) Section 5.25.070(h) modifying "rental agreement" to "written contract."*

*xii) Section 5.25.070(i) to read: The Owner, or his or her agent, shall, upon notification that the responsible person, including any occupant and/or guest of the Vacation Rental unit, has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of provisions of the Municipal Code or any state law, shall promptly respond in a timely and appropriate manner to prevent a recurrence of such conduct by those occupants or guests, and when requested by the City Enforcement Official, evict one or more of the guests. For the purpose of this Subsection and Subsection (j) below, the phrase "in a timely and appropriate manner" shall mean in-person contact within thirty (30) minutes for any call from the Enforcement Official or Hotline.*

*xiii) Add to Section 5.25.070(l) to post signage on the inside of each entry door or in a conspicuous location near each entry door.*

*xiv) Amend Section 5.25.070(t) to read: Owner shall procure, maintain, and pay premiums for commercial insurance policies that cover short term rental of property with minimum limits as may be established by the City Manager from time to time.*

*xv) Adding a new Section 4 to the ordinance to read: Any valid rental agreement for a Vacation Rental, entered into between an Owner or an Agent with a renter and the renter has paid a deposit for such rental prior*

*to November 30, 2016, shall be deemed consistent with the provisions of this Ordinance so long as such rental agreement and the Vacation Rental complies with the requirements of the Palm Springs Municipal Code in effect on November 30, 2016.*

2) Adopt Resolution No. 24137, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2016-17, ADOPTED BY RESOLUTION NO. 24033; 3) Adopt Resolution No. 24138, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MODIFYING USER FEES FOR THE VACATION RENTAL REGISTRATION AND RENEWAL FEES AND AMENDING THE COMPREHENSIVE FEE SCHEDULE ADOPTED BY RESOLUTION NO. 23854; and 4) Approve Amendment No. 2 to the Agreement with Vacation Rental Compliance extending the agreement to June 30, 2018, and modifying certain terms. A6467. **Motion Councilmember by Kors, seconded by Councilmember Roberts, and carried 3-1-1 on a roll call vote.**

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

**NOES:** Councilmember Foat.

**ABSENT:** Mayor Pro Tem Mills.

**COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:** None.

**ADJOURNMENT:** The City Council adjourned at 11:12 p.m. to the next regular meeting Wednesday, December 7, 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 CITY COUNCIL OF THE PALM SPRINGS THIS 4<sup>TH</sup> DAY OF JANUARY, 2017.**

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ROBERT MOON, MAYOR

ATTEST:

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KATHLEEN D. HART, MMC  
INTERIM CITY CLERK

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



**MEETING MINUTES  
WEDNESDAY, NOVEMBER 16, 2016  
CITY HALL COUNCIL CHAMBER**

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

**PLEDGE OF ALLEGIANCE:** Mayor Moon 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:**

City Manager Ready provided an update on events for fallen Palm Springs Police Officers Lesley Zerebny and Gil Vega, the City programs for Homeless, and the Old Las Palmas Neighborhood Organization donation for the Festival of Lights Parade.

**CITY MANAGER'S REPORT:** None.

**REPORT OF CLOSED SESSION:**

The meeting was called to order at 4:30 p.m., and City Attorney Holland requested the City Council consider adding one item to the Closed Session Agenda, pursuant to Cal. Gov. Code Section 54956.9(a) Existing Litigation titled *City of Palm Springs v. Miggy's Cantina et al.*, Case No. PSC 1600359, Riverside County Superior Court, Palm Springs Division, and stated he has received information regarding the case after the posting of the Agenda, and there is an immediate need to hear and/or take action.

**ACTION:** 1) Find the matter came to the attention of the City after the posting of the agenda and there is an immediate need to hear and/or take action; and 2) Add to the Closed Session Agenda, pursuant to Cal. Gov. Code Section 54956.9(a) one case of existing litigation *City of Palm Springs v. Miggy's Cantina et al.*, Case No. PSC 1600359, Riverside County Superior Court, Palm Springs Division. **Motion Councilmember Kors, seconded by Councilmember Roberts, and carried (4-0-1) noting the absence of Mayor Pro Tem Mills.**

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 Items 1.B and 1.D. be removed from the Consent Calendar for separate discussion.

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

Mayor Moon stated he would be voting no on Consent Calendar Item 1.D.

**ACTION:** Accept the Agenda as amended. **Motion Councilmember Roberts, seconded by Councilmember Kors, and carried 4-0-1 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)**

BILL MEYERS, Palm Desert, commented on Item 1.D. and thanked the City Council for the safety regulations for TNC drivers.

JARRYL DAVIS, Los Angeles, commented on Item 1.D. and stated UBER would not apply for a permit due to the alcohol and drug testing.

ROBERT FINDLEY, Palm Springs, commented on Item 1.D. and stated his support for the TNC ordinance, and Item 4.A., the Council Chamber upgrade project.

DAVID PAQUETTE, Palm Springs, commented on Item 1.D. and in opposition to the alcohol and drug regulations for TNC drivers.

KIRK SAFFORD, San Francisco, commented on Item 1.D. and in opposition to the alcohol and drug regulations for TNC drivers.

HARRY HAMPTON, Palm Springs, commented on Item 1.D. and in opposition to the alcohol and drug regulations for TNC drivers.

PATRICIA BRESLIN, Palm Springs, commented on Item 1.K. in support of the emergency response grant.

MARLA MALASPINA, Palm Springs, commented on Item 5.A. in support of the creation of ad hoc committee to review the Joint Powers Agreement.

STEPHEN ROSE, Palm Springs, commented on Item 5.A. in support of the creation of ad hoc committee to review the Joint Powers Agreement.

**1. CONSENT CALENDAR:**

**ACTION:** Approve Items 1.C., 1.E., 1.F., 1.G., 1.H., 1.I., 1.J., and 1.K. **Motion Councilmember Roberts, seconded by Councilmember Foat and carried 4-0-1 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Mayor Pro Tem Mills.

**1.C. SECOND READING AND ADOPTION OF ORDINANCE NO. 1903 ESTABLISHING THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS IMPROVEMENT DISTRICT:**

**ACTION:** Waive the second reading of the ordinance text in its entirety and adopt Ordinance No. 1903, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 5.83 TO THE PALM SPRINGS MUNICIPAL CODE, ESTABLISHING THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS IMPROVEMENT DISTRICT." **Approved as part of the Consent Calendar.**

**1.E. PALM SPRINGS PUBLIC LIBRARY BOARD OF TRUSTEES ANNUAL REPORT FOR FISCAL YEAR 2015-16:**

**ACTION:** Receive and file the Palm Springs Board of Library Trustees Annual Report for Fiscal Year 2015-16. **Approved as part of the Consent Calendar.**

**1.F. PALM SPRINGS INNOVATION HUB AND ACCELERATOR CAMPUS QUARTERLY REPORT:**

**ACTION:** Receive and file the first quarterly report from the Coachella Valley Economic Partnership (CVEP) for the Palm Springs Innovation Hub (iHub) for the period of July 1 to September 30, 2016. **Approved as part of the Consent Calendar.**

**1.G. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF CATHEDRAL CITY TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING JUNE 30, 2018:**

**ACTION:** Appoint Mitchell Spike, as the City of Cathedral City representative, to the Palm Springs International Airport Commission for

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

**1.H. APPOINT TWO MEMBERS OF THE CITY COUNCIL TO THE AD HOC SUBCOMMITTEE TO REVIEW THE PLANNED DEVELOPMENT DISTRICT PROCESS:**

**ACTION:** Appoint Mayor Pro Tem Mills and Mayor Moon to an ad hoc City Council Subcommittee for the review of the Planned Development District process with a sunset date of June 30, 2017. **Approved as part of the Consent Calendar.**

**1.I. PURCHASE AND INSTALLATION OF OUTFITTING EQUIPMENT FOR 11 NEW POLICE PATROL VEHICLES:**

**ACTION:** 1) In accordance with Palm Springs Municipal Code Section 7.05.040 "Brand Name Specifications", authorize the City Manager to utilize sole-source bidding with Federal Signal in the acquisition of light bars and sirens for standardization of the Police Department vehicles; 2) Award the outfitting of Police Department vehicles on an as-needed basis at fixed unit prices of \$13,413.65 for Patrol Utility Vehicles, \$7,075.10 for Admin/Undercover Vehicles, \$8,315.08 for Patrol Admin Utility Vehicles, and \$15,236.18 for K-9 Vehicles with fixed pricing valid through June 30, 2018, with two (2) additional one-year extensions through June 30, 2020, with fixed pricing subject to an annual CPI adjustment; 3) Authorize a Purchase Order in the amount of \$28,147.24 to Federal Signal Corporation for purchase of outfitting equipment (light and sirens) for 11 new Police Department Patrol Utility Vehicles; 4) Authorize a Purchase Order in the amount of \$147,550.15 with West Coast Lights & Sirens, Inc. for outfitting of 11 new Police Department Patrol Vehicles at a fixed price of \$13,413.65 each; and 5) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

**1.J. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:**

**ACTION:** 1) Adopt Resolution No. 24128, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1088146 THROUGH 1088259 TOTALING \$2,305,622.88, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 24129, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 10-08-2016 BY WARRANTS NUMBERED 419693 THROUGH 419704 TOTALING \$23,279.89, LIABILITY CHECKS NUMBERED 1088260 THROUGH 1088278 TOTALING \$84,533.63, FIVE WIRE TRANSFERS FOR \$66,940.91, AND THREE ELECTRONIC ACH DEBITS OF \$1,416,317.82 IN THE AGGREGATE AMOUNT OF \$1,591,072.25, DRAWN ON BANK OF

AMERICA;" 3) Adopt Resolution No. 24130, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1088279 THROUGH 1088288 TOTALING \$152,802.72, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 24131, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1088289 THROUGH 1088459 TOTALING \$1,591,141.87, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 24132, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 10-22-2016 BY WARRANTS NUMBERED 419705 THROUGH 419716 TOTALING \$20,212.96, LIABILITY CHECKS NUMBERED 1088460 THROUGH 1088479 TOTALING \$85,651.06, FIVE WIRE TRANSFERS FOR \$58,361.16, AND THREE ELECTRONIC ACH DEBITS OF \$1,372,791.61 IN THE AGGREGATE AMOUNT OF \$1,537,016.79, DRAWN ON BANK OF AMERICA;" and 6) Adopt Resolution No. 24133, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1088480 THROUGH 1088566 OF \$1,879,409.66, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

**1.K. ACCEPT THE FISCAL YEAR 2016-17 STATE HOMELAND SECURITY PROGRAM GRANT FROM FEDERAL EMERGENCY MANAGEMENT AGENCY VIA THE CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES AND THE RIVERSIDE COUNTY EMERGENCY MANAGEMENT DEPARTMENT IN THE AMOUNT OF \$7,067:**

**ACTION:** 1) Accept a grant from the California Governor's Office of Emergency Services through the Riverside County Office of Emergency Services in the amount of \$7,067; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**1.A APPROVAL OF MINUTES:**

**ACTION:** Approve the City Council Special Meeting Minutes of November 2, 2016, Regular Meeting Minutes of November 2, 2016, and Regular Meeting Minutes of October 19, 2016. **Motion Councilmember Kors, seconded by Councilmember Foat, and unanimously carried 4-0-1 on a roll call vote.**

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



**NOES:** None.  
**ABSENT:** Mayor Pro Tem Mills.

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

Councilmember Roberts commented on contracts for the Downtown restroom program.

**ACTION:** Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of October 1 through October 31, 2016. **Motion Councilmember Foat, seconded by Councilmember Roberts, and carried 4-0-1 on a roll call vote.**

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

**1.D. SECOND READING AND ADOPTION OF ORDINANCE NO. 1906 RELATING TO PERMITTING TRANSPORTATION NETWORK COMPANIES TO OPERATE AT THE PALM SPRINGS INTERNATIONAL AIRPORT:**

The City Council discussed and/or commented on the requirements for the TNC drivers and the public safety requirements.

**ACTION:** Waive the second reading of the ordinance text in its entirety and adopt 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." **Motion Councilmember Foat, seconded by Councilmember Roberts, and carried 3-1-1 on a roll call vote.**

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

**2. PUBLIC HEARINGS:**

**2.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:**

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated November 16, 2016.

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

**ACTION:** 1) Waive the second reading of the ordinance text in its entirety and adopt 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 second reading of the ordinance text in its entirety and adopt 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;"

and 3) Adopt Resolution No. 24134, "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." **Motion Councilmember Roberts, seconded by Councilmember Foat and carried 4-0-1 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Mayor Pro Tem Mills.

**2.B. MODERN DEVELOPMENT LLC FOR TENTATIVE TRACT MAP (TTM) 37039 FOR THE CONSTRUCTION OF AN EIGHT (8) UNIT CONDOMINIUM PROJECT LOCATED AT 155 WEST SAN RAFAEL DRIVE AND CEQA DETERMINATION:**

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated November 16, 2016.

Councilmember Roberts requested Staff clarification on solar requirements.

Councilmember Kors questioned the principles of the LLC.

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

APPLICANT, provided background information on the development and requested the City Council approve the Tentative Tract Map.

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

The City Council discussed and/or commented on the following: solar installation and the price point.

**ACTION:** Adopt Resolution No. 24135, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 37039 CREATING ONE (1) LOT EQUALING 53,200-SQUARE FEET FOR THE PURPOSE OF AN EIGHT (8) UNIT CONDOMINIUM PROJECT CONSISTING OF FOUR (4) ATTACHED CONDOMINIUM UNITS IN TWO (2) BUILDINGS ON COMMON GROUND AND APPROVING A DETERMINATION THAT THE

**ACTION IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ON PROPERTY LOCATED AT 155 WEST SAN RAFAEL ROAD, ZONE R-2, SECTION 4." Motion Councilmember Roberts, seconded by Councilmember Kors, and carried 4-0-1 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Mayor Pro Tem Mills.

**2.C. SUNIA INVESTMENTS LLC FOR TENTATIVE TRACT MAP (TTM) 37143 FOR THE CONSTRUCTION OF A 24 UNIT CONDOMINIUM PROJECT LOCATED AT 305 WEST SAN RAFAEL ROAD AND CEQA DETERMINATION:**

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated November 16, 2016.

Councilmember Roberts questioned the designer of the project and requirements for solar ready.

Councilmember Kors questioned if the project was walled and gated.

Councilmember Foat questioned the public pool and amenities.

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

LANCE O'DONNELL, Applicant, commented on the security and wind conditions in the area of the project, stated the wall is to restrain blowing sand, provided background information on the design, the walls and gates, and requested the City Council approve the project.

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

The City Council discussed and/or commented on the following: the public pedestrian access with the gates, the pool amenity, the solar plan, and the price point.

**ACTION:** Adopt Resolution No. 24136, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 37143 CREATING ONE (1) LOT EQUALING 4.05-ACRES FOR THE PURPOSE OF A 24 UNIT CONDOMINIUM PROJECT CONSISTING OF FOUR (4) ATTACHED CONDOMINIUM UNITS IN SIX (6) BUILDINGS ON COMMON GROUND,

AND APPROVING A DETERMINATION THAT THE ACTION IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ON PROPERTY LOCATED AT 305 WEST SAN RAFAEL ROAD, ZONE R-2, SECTION 4, APN 504-103-001,-106," *amending the conditions to provide the pedestrian gates remain unlocked.* **Motion Councilmember Roberts, seconded by Councilmember Kors, and carried 4-0-1 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Mayor Pro Tem Mills.

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

4.A. **APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE CITY COUNCIL CHAMBER AUDIO/VISUAL SYSTEM UPGRADE (CP 15-06):**

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated November 16, 2016.

The City Council discussed and/or commented on the following: the system in use at Riverside County Board Room, the enhanced services to the public, the funding source and restrictions, the design and color of the City Council dais, the enhancements to the broadcast studio.

**ACTION:** 1) Approve the plans, specifications, and estimate; and 2) Authorize staff to advertise and solicit bids for the City Council Chamber Audio/Visual System Upgrade (CP 15-06). **Motion Councilmember Roberts, seconded by Councilmember Kors, and carried 4-0-1 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Mayor Pro Tem Mills.

5. **NEW BUSINESS:**

5.A. **APPOINT TWO MEMBERS OF THE CITY COUNCIL TO THE AD HOC SUBCOMMITTEE TO REVIEW THE JOINT POWERS AGREEMENT**

**GOVERNING THE GREATER PALM SPRINGS CONVENTION AND VISITOR'S BUREAU:**

The City Council discussed setting a meeting with the Executive Director at the CVB, and the purpose of the ad hoc subcommittee.

**ACTION:** Appoint Councilmember Foat and Councilmember Kors to an ad hoc City Council Subcommittee to review the Greater Palm Springs Convention and Visitor's Bureau's Joint Powers Agreement with a sunset date of June 30, 2017. **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.

**PUBLIC COMMENT: (Non-Agenda Items)**

BILL MEYERS, Palm Desert, commented on the recent election and protection of rights.

MICHAEL HARRINGTON, commented on recent rallies and the protection of rights.

RICHARD MOYSE, Palm Springs, commented on the services of the CVB and how the cities work with the CVB.

McARVIE CRAWFORD, Palm Springs, commented on the Myralon project and suggested the City request the development meeting with the Desert Highland Neighborhood Organization.

**UPCOMING AGENDA DEVELOPMENT:**

Special Meeting for Vacation Rentals on November 30, 2016.

Joint Meeting with the City Council and Ethics, Transparency, and Government Reform Task Force on December 14, 2016.

Study Session on January 11, 2017, for the Downtown Park.

Joint Meeting with the City Council and Planning Commission in February.

Request the Cannabis Ordinance be on the December 7, 2016, City Council Agenda.

Discussed the scheduling of a hearing on the Sign Ordinance.

**COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:**

Councilmember Roberts provided an update on the Vacation Rental Subcommittee and the Fundraising Subcommittee.

Councilmember Foat requested Staff send a letter to the Hilton Cathedral City regarding the use of Palm Springs "brand," requested Staff review the new entry signs, and requested the City Attorney address the formation of the City Council ad hoc subcommittee for the PDD process.

**ADJOURNMENT:** The City Council adjourned at 8:20 p.m. to an Adjourned Regular Meeting, Wednesday, November 30, 2016, at 5:00 p.m. in the Council Chamber, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The next regular City Council meeting will be Wednesday, December 7, 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  
4<sup>TH</sup> DAY OF JANUARY, 2017.**

\_\_\_\_\_  
ROBERT MOON, MAYOR

ATTEST:

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KATHLEEN D. HART, MMC  
INTERIM CITY CLERK

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



**MEETING MINUTES  
WEDNESDAY, OCTOBER 26, 2016  
CITY HALL COUNCIL CHAMBER**

**CALL TO ORDER:** Mayor Moon called the meeting to order at 6:04 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.

**ACCEPTANCE OF THE AGENDA:**

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

**1. STUDY SESSION:**

Mayor Pro Tem Mills stated he has a business related conflict of interest with respect to Item 1.A., would not participate in the discussion or vote, and left the meeting at 6:08 p.m.

**1.A. DISCUSSION OF VACATION RENTAL GOALS AND OBJECTIVES, REGULATIONS, FEES AND PENALTIES, AND PALM SPRINGS MUNICIPAL CODE CHAPTER 5.25 PERTAINING TO THE REGULATION OF SHORT TERM RENTALS:**

City Clerk Thompson provided background information as outlined in the Staff Report dated October 26, 2016.

The Vacation Rental Subcommittee, Councilmember Kors and Councilmember Roberts, provided an overview of the process, the goals and objectives, regulatory alternatives, and enforcement mechanisms.

The following speakers addressed the City Council on Vacation Rental regulations.



DON VILEN, Palm Springs, expressed concerns with vacation rentals.

TIM ERKINS, Palm Springs, requested vacation rentals be prohibited in the R1 zone.

BILL STECZ, Palm Springs, requested vacation rentals be limited to full and part-time residents, and further enforcement be placed on vacation rentals.

HAL KAISER, Palm Springs, commented on vacation rentals in Deepwell.

DON SHULTZ, Palm Springs, stated his support for increased enforcement, not limitations on vacation rentals.

STEPHEN ROSE, Palm Springs, requested vacation rentals be prohibited in the R1 zone.

BRETT MITCHELL, Palm Springs, stated his support for investor owned vacation rentals.

BILL DORTCH, stated his support for vacation rentals and investor owned vacation rentals.

CHAZ STEVENS, Palm Springs, commented on noticing of meetings.

RONALD SIEGEL, Palm Springs, stated opposition to more vacation rentals.

SCOTT WHITE, Rancho Mirage, Bureau of Tourism, commented on the benefit of vacation rentals to the economy.

JIM WEBB, Palm Springs, Palm Springs Realtors, commented on property rights to rent property, and requested increased enforcement.

DAVID CROSTA, Palm Springs, stated enforcement will solve the problems.

FRANK DOUGLAS, Palm Springs, stated support for enforcement but no new restrictions.

LISA MIDDLETON, Palm Springs, ONEPS, commented on peace and quite enjoyment of residential homes.

DEAN MINERD, Palm Springs, owns two vacation rental homes and stated support for vacation rentals.

MIKE ZISKIND, Palm Springs, Protect our Neighborhoods, requested the City Council prohibit vacation rentals in R1 residential zones.

BRUCE PADILLA, Palm Springs, stated his opposition to vacation rentals in residential zones.

BRIAN YACOVICH, Palm Springs, requested the City Council prohibit vacation rentals in the R1 zones.

BOBBY GOLDSTEIN, Los Angeles, stated his support for vacation rentals.

BRADY SANDAHL, Palm Springs, Palm Springs Chamber of Commerce, requested the City Council consider pro business and employment regulations and enforcement.

ROGER CROUTHAMEL, stated his support for vacation rentals and increased enforcement.

JIM FRANKLIN, Palm Springs, Palm Springs Association of Realtors, commented on fines for violators, and stated opposition to limiting vacation rentals.

ERICH REDDER, Palm Springs, stated support for vacation rentals and increased enforcement of the renters.

ROBIN ABRAHAMS, Palm Springs, stated her support for vacation rentals.

MARK PRIOR, Palm Springs, stated opposition to vacation rentals and commented on the problems with vacation rentals in single family neighborhoods.

BONNIE RUTTAN, Palm Springs, stated opposition to vacation rentals and stated the connection to the neighborhood has been lost.

ROBERT ST. GENIS, Los Angeles, stated his support for vacation rentals.

DAVIS MEYER, Palm Springs, commented on the submission of contracts and the impact on small hotels.

MICHAEL BRACKEN, Palm Desert, stated he will be doing an economic impact analysis on vacation rentals in the Coachella Valley.

SUSAN ST. LOUIS, Palm Springs, stated her support for vacation rentals.

TIMOTHY SIGLE, Palm Springs, stated his support for vacation rentals.

CHARLENE FARIS, Palm Springs, thanked the City Council for the limitation on conversion of apartments to vacation rentals.

LOUISA DAVIS, Rancho Mirage, stated her support for vacation rentals and increased enforcement.

KELLY MCLEAN, Palm Springs, commented on the potential limitation of contracts per month or per year and in support of increased enforcement.

FRANK TYSEN, commented on the effects of vacation rentals to small hotels.

The City Council recessed at 9:17 p.m.

The City Council reconvened at 9:36 p.m.

The City Council discussed the goals and objectives of the regulatory program and came to consensus on the goals and objectives.

Initially eliminated from consideration the following regulatory changes: prohibit permits in the R-1 zone, limit the total number of permits, limit the number of permits by neighborhood, limit new permits within a certain distance from existing permitted properties, require mandatory number of days the owner to reside in the property, limit the use of a vacation rental permit to every other year, require neighborhood notification of the submission of a vacation rental permit application, but rather an annual notification and other educational materials.

Initially eliminated from consideration the following enforcement changes: text enabled telephone, knox box, require sound monitoring/noise alert devices, contracts to be signed by all occupants, front yard signage, limit use of outdoor accommodations, require all guests to be met at the property, and joint and severe liability to both guests and owners.

**ACTION:** Direct the Subcommittee and Staff to prepare an ordinance for the November 30, 2016, special City Council meeting to further discuss vacation rental regulations. **By consensus of the City Council, noting the absence of Mayor Pro Tem Mills.**

**PUBLIC COMMENT:** None.

**COUNCILMEMBER COMMENTS:** None.

**ADJOURNMENT:** The City Council adjourned at 10:53 p.m. to a special meeting to be held Thursday, October 27, 2016, for the purpose of interviewing candidates to the

Measure J Commission. 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.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS  
4<sup>TH</sup> DAY OF JANUARY, 2017.**

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ROBERT MOON, MAYOR

ATTEST:

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KATHLEEN D. HART, MMC  
INTERIM CITY CLERK