

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



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

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

PLEDGE OF ALLEGIANCE: Mayor Moon led the Pledge.

ROLL CALL:

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

ABSENT: None.

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

PRESENTATIONS: None.

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

REPORT OF CLOSED SESSION:

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

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

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

ACCEPTANCE OF THE AGENDA:

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

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

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

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

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

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

PUBLIC TESTIMONY:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. CONSENT CALENDAR:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EXCLUDED CONSENT CALENDAR:

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

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

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

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

Councilmember Roberts further elaborated on firearm safety.

Councilmember Kors further elaborated on laws relating to firearm safety.

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

Mayor Moon stated his support for the firearm safety ordinance.

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

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

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

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

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

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

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

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

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

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

Removed from the Agenda at the request of Staff.

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

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

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

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

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

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

2. PUBLIC HEARINGS:

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

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

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

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

Mayor Moon commented on the procedure for the rock crushing.

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

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

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

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

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

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

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

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

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

DEVELOPMENT 379 IN LIEU OF A CHANGE OF ZONE FOR A 12.38-ACRE SITE ADDRESSED AT 777 SOUTH PALM CANYON DRIVE AND BOUND BY PALM CANYON DRIVE TO THE EAST, TAHQUITZ CREEK (WASH) TO THE NORTH, BELARDO ROAD TO THE WEST AND PRIVATE PROPERTY TO THE SOUTH," *amending the conditions of approval as follows: a) provide for a rock crushing test to be provided on site and evaluated, b) amend Section 5 of the Resolution to provide a subsection b to read, "The proposed project includes a PD in lieu of a zone change for PD-379, and seeks a specific development plan for the 12.38 acre site. There will be 81 residences with improved street access, utilities and other typical services provided to residential development. Developable lots are required to be at least 5,000 square feet in size. The PD also proposes a set of development standards."* c) further refine the most western site plan/residences to address the slope to be completed at the final PD review, d) vary the sycamore as the outside dominant tree and vary the street tree to be completed at the final PD review, and e) adding a condition that prohibits gates on the perimeter. **Motion Councilmember Roberts, seconded by Councilmember Foat and carried 4-1 on a roll call vote.**

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

NOES: Mayor Pro Tem Mills.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOES: Mayor Pro Tem Mills.

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

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

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

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

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

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

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

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

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

3. LEGISLATIVE:

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

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

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

4. UNFINISHED BUSINESS:

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

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

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

5. NEW BUSINESS:

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

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

PUBLIC COMMENT:

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

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

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

UPCOMING AGENDA DEVELOPMENT:

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

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

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

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

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

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

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

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

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

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

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

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

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

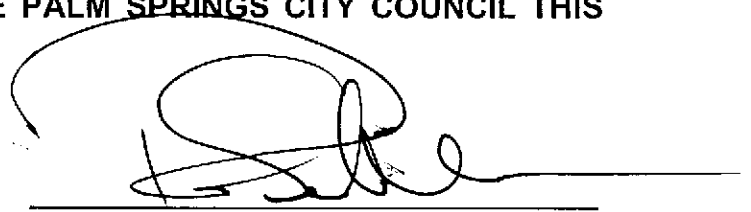
Mayor Pro Tem Mills requested Staff review signage at the Palm Springs Convention Center for parking.

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

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

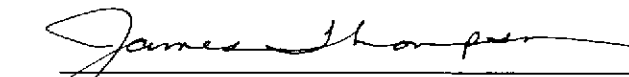
The next regular City Council meeting will be Wednesday, October 5, 2016, at 6:00 p.m. Council Chamber, City Hall, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

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



ROBERT MOON, MAYOR

ATTEST:



JAMES THOMPSON, CITY CLERK