

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



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

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

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

**ROLL CALL:**

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

**ABSENT:** None.

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

**PRESENTATIONS:**

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

**CITY MANAGER'S REPORT:**

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

**REPORT OF CLOSED SESSION:**

The meeting was called to order at 3:00 p.m. and the City Council recessed into Closed Session to discuss items on the posted Closed Session Agenda. City Attorney Holland reported the City Council provided direction to City Staff and the City Attorney, otherwise no reportable actions were taken.

**ACCEPTANCE OF THE AGENDA:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**1. CONSENT CALENDAR:**

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

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

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

**1.B. APPROVAL OF MINUTES:**

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

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

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

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

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

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

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

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

specifications; and 2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Ramon Road Rehabilitation (CP 14-02). A6808. **Approved as part of the Consent Calendar.**

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

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

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

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

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

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

**EXCLUDED CONSENT CALENDAR:**

Councilmember Foat and Councilmember Kors stated as the City Council delegate and alternate, they may have an income related conflict of interest with respect to Item 1.C., would not participate in the discussion or the vote, and left Council Chamber.

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

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

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



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

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

**AYES:** Councilmember Roberts.

**NOES:** Mayor Pro Tem Mills and Mayor Moon.

**ABSENT:** Councilmember Foat and Councilmember Kors.

Councilmember Foat and Councilmember Kors returned to the dais.

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

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

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

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

**2. PUBLIC HEARINGS:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FOR A 386-UNIT RESIDENTIAL DEVELOPMENT ON A 156-ACRE SITE FORMERLY KNOWN AS THE PALM SPRINGS COUNTRY CLUB GOLF COURSE, GENERALLY LOCATED NORTH OF VERONA ROAD, EAST OF SUNRISE WAY AND SOUTHWEST OF THE WHITEWATER RIVER WASH;" 2) Adopt Resolution No. 24083, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AMENDMENT TO THE 2007 PALM SPRINGS GENERAL PLAN ADOPTED BY RESOLUTION NO. 22077, MODIFYING THE LAND USE DESIGNATION FROM "OPEN SPACE – PARKS/RECREATION" TO "VERY LOW DENSITY RESIDENTIAL" ON A 126-ACRE PROJECT SITE FOR A 386-UNIT RESIDENTIAL DEVELOPMENT GENERALLY LOCATED NORTH OF VERONA ROAD, EAST OF SUNRISE WAY AND SOUTHWEST OF THE WHITEWATER RIVER WASH;" 3) Waive the reading of the ordinance text in its entirety and introduce for first reading Ordinance No. 1898, "AN ORDINANCE OF OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT (PD-366) IN LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 126-ACRE SITE FORMERLY KNOWN AS THE PALM SPRINGS COUNTRY CLUB GOLF COURSE GENERALLY LOCATED NORTH OF VERONA ROAD, EAST OF SUNRISE WAY AND SOUTHWEST OF THE WHITEWATER RIVER WASH;" 4) Adopt Resolution No. 24084, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A MAJOR ARCHITECTURAL APPLICATION FOR A 386-UNIT RESIDENTIAL DEVELOPMENT ON A 126-ACRE DEVELOPMENT PARCEL GENERALLY LOCATED NORTH OF VERONA ROAD, EAST OF SUNRISE WAY AND SOUTHWEST OF THE WHITEWATER RIVER WASH (CASE 5.1327 PD-366/MAJ)," *including all Conditions of Approval by City Staff and the Planning Commission and amending the Conditions of Approval as follows: (a) Staff to determine if the third access point at Francis Drive is to be public or emergency vehicles only and pedestrian access should be maintained, (b) prohibit gates for the development, (c) The proposed park in the retention basin shall be owned and maintained by the HOA/development with public access allowed, (d) adding a condition to require coordination/responsibility for the portion of the CVLink within the project;* 5) Adopt Resolution No. 24085, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 36691 FOR THE SUBDIVISION OF 156.18 GROSS ACRES INTO 386 RESIDENTIAL LOTS, PUBLIC AND PRIVATE STREETS, A PARK, PRESERVED OPEN SPACE, AND PRIVATE OPEN SPACE, GENERALLY LOCATED NORTH OF VERONA ROAD, EAST OF SUNRISE WAY, AND SOUTHWEST OF THE WHITEWATER RIVER

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

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

**RECONSIDERATION:**

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

Councilmember Foat and Councilmember Kors left Council Chamber.

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

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

**NOES:** None.

**ABSENT:** Councilmember Foat and Councilmember Kors.

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

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

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

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

**NOES:** None.

**ABSENT:** Councilmember Foat and Councilmember Kors.

Councilmember Foat and Councilmember Kors returned to the dais.

**3. LEGISLATIVE:**

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

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

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

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

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

**NOES:** Councilmember Foat and Mayor Pro Tem Mills.

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

Tabled to the next regular meeting.

**4. UNFINISHED BUSINESS:**

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

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

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

**5. NEW BUSINESS:**

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

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

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

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

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

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

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

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



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

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

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

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

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

**NOES:** Mayor Pro Tem Mills.

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

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

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

Tabled to the next regular meeting.

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

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

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

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

BOB RICHMOND, commented on gun control.

**UPCOMING AGENDA DEVELOPMENT:**

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

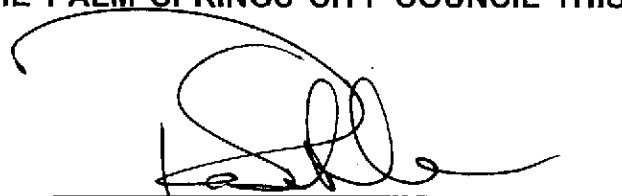
**COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS**

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

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

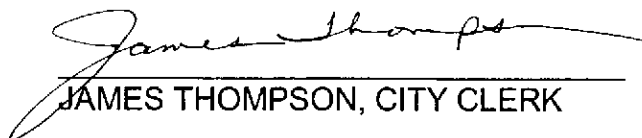
**ADJOURNMENT:** The City Council adjourned at 11:20 p.m. to the next regular meeting Wednesday, September 21, 2016, at 6:00 P.M. Council Chamber, City Hall, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

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



ROBERT MOON, MAYOR

ATTEST:



JAMES THOMPSON, CITY CLERK