

**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

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.

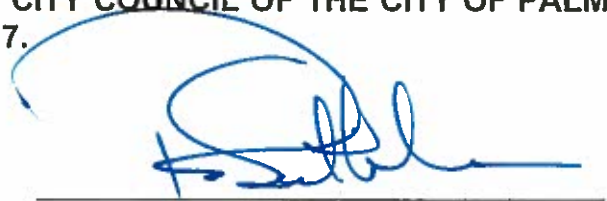
Mayor Moon thanked Mayor Pro Tem Mills, noted the painting of the parking garage.

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