

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



**MINUTES
WEDNESDAY, DECEMBER 14, 2016
CITY HALL COUNCIL CHAMBER**

CALL TO ORDER: Mayor Moon called the meeting to order at 5:06 p.m.

PLEDGE OF ALLEGIANCE: Mayor Moon led the Pledge.

ROLL CALL:

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

ABSENT: None.

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

PRESENTATIONS: The Mayor and City Council presented City Clerk Thompson with a proclamation and thanked him for his many years of outstanding service.

CITY MANAGER'S REPORT: None.

REPORT OF CLOSED SESSION:

The meeting was called to order at 3:45 p.m. and City Attorney Holland requested the City Council consider adding one item, *City of Palm Springs v. Kenneth Irwin Jr.*, Case No. PSC1606276, Riverside Superior Court, Palm Springs Division, to the Closed Session Agenda. The information was received after the posting of the agenda.

ACTION:

The City Council unanimously (5-0-0) approved 1) Finding information regarding Existing Litigation was filed and received after the posting of the Agenda and there is an immediate need to hear and/or take action; and 2) Added to the Closed Session Agenda one item, *City of Palm Springs v. Kenneth Irwin Jr.*, Case No. PSC1606276, Riverside Superior Court, Palm Springs Division, pursuant to Cal. Gov. Code. Section 54956.9(e)(3), to the Closed Session Agenda.

The City Council recessed to Closed Session at 3:49 p.m. to discuss items on the Closed Session Agenda.

City Attorney Holland provided an update on the Robo Lights case (*City of Palm Springs v. Kenneth Irwin Jr.*), and re-affirmed the City has received documentation evidencing

the installation of certain items at the property is not dangerous or hazardous, and does not pose a threat to life safety. There are still complaints on this property; however, they are code violations and enforcements will continue. Additionally, the City Council provided direction to staff and there was no reportable action.

Councilmember Kors and Mayor Moon provided an update on the recruitment of the in-house City Attorney.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson requested the City Council consider adding one item to the Adjourned Regular Meeting agenda, pursuant to Cal. Gov. Code Section 54954.2(b) DELEGATE AUTHORITY TO THE CITY MANAGER TO MAKE DECISIONS RELATING TO DISABILITY RETIREMENT OF LOCAL SAFETY MEMBERS and stated information was received by the City after the posting the Agenda, and there is an immediate need to hear and/or take action.

ACTION:

The City Council unanimously (5-0-0) approved on a roll call vote 1) Findings that the information was received after the posting of the Agenda and there is an immediate need to hear and/or take action on the Item; and 2) Added one Consent Calendar item, Item 1.F., DELEGATE AUTHORITY TO THE CITY MANAGER TO MAKE DECISIONS RELATING TO DISABILITY RETIREMENT OF LOCAL SAFETY MEMBERS to the Adjourned Regular Meeting Agenda, pursuant to Cal. Gov. Code Section 54954.2(b).

Councilmember Mills state he will abstain on Item 1.A. due to a property ownership conflict, and Item 1.B. due to a business conflict.

ACTION:

The City Council unanimously (5-0-0) approved the agenda as presented with the addition of Item 1.F.

PUBLIC TESTIMONY:

PHYLLIS BURGESS, spoke on the City Council meeting procedures.

SS. STUDY SESSION

SS1. CITY COUNCIL DISCUSSION AND DIRECTION ON THE PROPOSALS AND ACTIONS OF THE ETHICS, TRANSPARENCY AND GOVERNMENTAL REFORM TASK FORCE CREATED BY THE CITY COUNCIL SUBCOMMITTEE (MAYOR MOON AND COUNCILMEMBER KORS):

Received Reports from the Chairs of the Ethics, Transparency and Governmental Reform Task Force Working Committees.

Wallace Skok, Ethics Subcommittee, provided a report as outlined in the final proposal.

David Freedman, Transparency Subcommittee, provided a report as outlined in the final proposal.

Tobias Wolff, Election Reform Subcommittee, provided a report as outlined in the final proposal.

Christopher Heritage, Campaign Finances Subcommittee, provided a report as outlined in the final proposal.

Shon Tomlin, Communications Subcommittee, provided a report as outlined in the final proposal.

Jack Delaney, Grants Subcommittee, provided a report as outlined in the final proposal.

Lisa Middleton, Diversity/Inclusiveness Subcommittee, provided a report as outlined in the final proposal.

Councilmember Kors, provided a report on Orientation and Training, as outlined in the final proposal.

PUBLIC TESTIMONY: (Agenda Items ONLY)

PAUL MERRITT, stated his concerns regarding the CEQA determination as it relates to Ordinance No. 1907.

MARLA MALASPINA, spoke relating to vacation rentals and the complaints received, and expressed opposition to certain aspects of the ordinance.

ERICK REDDER, Palm Springs, spoke regarding vacation rental permitting.

PHYLLIS BURGESS, spoke regarding vacation rentals relating to good behavior rewards.

DAVID BELL, Palm Springs, spoke relating to the cannabis cultivation and requested the setback be modified.

STEPHEN MUELLER, Palm Springs, spoke regarding Prop 64 and cannabis.

RICK PANTELLE, spoke relating to medical cannabis.

RONALD IAMELE, Palm Springs, spoke regarding the BUZZ operating in residential neighborhoods.

1. CONSENT CALENDAR:

ACTION:

Approve Consent Calendar Items 1.A., 1.B., 1.C., 1.D., 1.E., and 1.F.

On motion by Councilmember Roberts, seconded by Mayor Pro Tem Foat, and carried unanimously (5-0-0) on a roll call vote Consent Calendar Items 1.A., 1.B., 1.C., 1.D., 1.E., and 1.F. were approved, noting the abstentions of Councilmember Mills on Items 1.A. due to a property ownership conflict and 1.B. due to a business conflict.

1.A. SECOND READING AND ADOPTION OF ORDINANCE NO. 1907 AMENDING AND RESTATING CHAPTER 5.25 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO VACATION RENTALS AND CEQA DETERMINATION:

ACTION: Waive the second reading of the ordinance text in its entirety and adopt 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." **Approved as part of the Consent Calendar and noting the abstention of Councilmember Mills.**

1.B. SECOND READING AND ADOPTION OF ORDINANCE NOS. 1908 AND 1909 AMENDING THE PALM SPRINGS MUNICIPAL CODE RELATING TO MEDICAL CANNABIS REGARDING THE DEVELOPMENT STANDARDS FOR MEDICAL CANNABIS FACILITIES IN VARIOUS ZONING DISTRICTS, AND MEDICAL CANNABIS BUSINESSES IN THE CITY:

ACTION:

1) Waive the second reading of the ordinance text in its entirety and adopt 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."

2) Waive the second reading of the ordinance text in its entirety and adopt 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." **Approved as part of the Consent Calendar and noting the abstention of Councilmember Mills.**

- 1.C. SECOND READING AND ADOPTION OF ORDINANCE NO. 1910 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:**

ACTION: Waive the second reading of the ordinance text in its entirety and adopt 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." **Approved as part of the Consent Calendar.**

- 1.D. ACCEPT THE RESIGNATION OF JOSHUA EDMUNDSON FROM THE PUBLIC ARTS COMMISSION:**

ACTION:

- 1) Accept with regret the resignation of Joshua Edmundson from the Public Arts Commission.
- 2) Direct the City Clerk to post a notice of vacancy for the term ending June 30, 2017.

Approved as part of the Consent Calendar.

- 1.E. ACCEPT THE RESIGNATION OF SUZANNE SEVERIN FROM THE HUMAN RIGHTS COMMISSION:**

ACTION:

- 1) Accept with regret the resignation of Suzanne Severin from the Human Rights Commission.
- 2) Direct the City Clerk to post a notice of vacancy for the term ending June 30, 2017.

Approved as part of the Consent Calendar.

- 1.F. DELEGATE AUTHORITY TO THE CITY MANAGER TO MAKE DECISIONS RELATING TO DISABILITY RETIREMENT OF LOCAL SAFETY MEMBERS:**

ACTION:

- 1) Adopt Resolution No. 24147, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DELEGATING THE CITY MANAGER AUTHORITY TO MAKE CERTAIN DETERMINATIONS, CERTIFICATIONS, APPLICATIONS AND REQUESTS

RELATING TO DISABILITY RETIREMENT OF LOCAL SAFETY MEMBERS." A0037.

2) Authorize the Mayor to sign the resolution.

Approved as part of the Consent Calendar.

EXCLUDED CONSENT CALENDAR: None.

2. PUBLIC HEARINGS: None.

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE EXPANDING THE PARKS AND RECREATION COMMISSION FROM NINE TO ELEVEN MEMBERS, APPOINT TWO MEMBERS TO THE COMMISSION, AND AMENDING THE QUORUM REQUIREMENT FOR THE SUSTAINABILITY COMMISSION:

ACTION:

1) Waive the reading of the text and introduce by title for first reading Ordinance No. 1911, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 2.18.010, AND SECTION 2.28.020(b) OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO BOARDS AND COMMISSIONS.

2) Appoint Ellen Goodman to the Parks and Recreation Commission for the term ending June 30, 2019, and appoint Mark Acker to the Parks and Recreation Commission for the term ending June 30, 2018, upon the effective date of Ordinance No. 1911.

On motion by Mayor Pro Tem Foat, seconded by Councilmember Kors, and carried unanimously (5-0-0) on a roll call vote.

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS:

5.A. APPROVAL OF A PARTIAL RELEASE OF THE PERFORMANCE DEED OF TRUST FOR BLOCK A-1, BLOCK B, AND BLOCK C OF THE DOWNTOWN PALM SPRINGS PROJECT:

ACTION: Authorize the City Manager to execute a Substitution of Trustee and Deed of Partial Reconveyance by and between the City of Palm Springs (Beneficiary) and Palm Springs Promenade, LLC, (Trustor) for Block A-1, Block B, and Block C. A6144.

On motion by Councilmember Mills, seconded by Mayor Pro Tem Foat, and carried unanimously (5-0-0) on a roll call vote.

5.B. APPOINTMENT OF A CITY COUNCIL STANDING SUBCOMMITTEE FOR THE BUZZ TROLLEY:

ACTION: Appoint Mayor Moon and Councilmember Mills to a BUZZ Trolley City Council Standing Subcommittee.
On motion by Councilmember Roberts, seconded by Councilmember Kors, and carried unanimously (5-0-0) on a roll call vote.

PUBLIC COMMENT: (Non-Agenda Items)

Phyllis Burgess, spoke requesting the invocation be considered at the City Council meetings.

UPCOMING AGENDA DEVELOPMENT:

City Manager Ready noted the City Council will be holding a Study Session relating to the Downtown Park at 6:00 p.m. on January 11, 2017, and a joint meeting with the Planning Commission on February 8, 2017.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Mayor Pro Tem Foat questioned the material received from Ms. Malaspina regarding vacation rentals, and requested staff to review the statistics provided in her report.

Councilmember Mills thanked the Planning Department, specifically, Glenn Mlaker, Associate Planner, for his prompt response to his inquiry relating to the landscaping at Palm Springs Village, and requested staff to review the landscaping at the Extended Stay on East Tahquitz Canyon Way between Sunrise and Hermosa which does not appear to be maintained.

Councilmember Roberts commented on the maintenance of the trees and landscaping surrounding the new downtown revitalization.

Mayor Pro Tem Foat commented about the Dog Park, and inquired about the College of the Desert adhoc Subcommittee.

Councilmember Kors provided an update on the Sign Ordinance Subcommittee meetings and requested an update on the Walk of the Stars.

ADJOURNMENT: The City Council adjourned at 9:17 p.m. to the next regular meeting, 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 PALM SPRINGS CITY COUNCIL THIS
18TH DAY OF JANUARY, 2017.**

ATTEST:



KATHLEEN D. HART, MMC
Interim City Clerk



ROBERT MOON
Mayor