

**CITY COUNCIL
AND AS SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY
AND AS THE PALM SPRINGS FINANCING AUTHORITY**

CITY OF PALM SPRINGS, CALIFORNIA

MINUTES
WEDNESDAY, April 19, 2017
City Hall, Council Chamber
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262

CLOSED SESSION

5:00 p.m. CALL TO ORDER (Council Chamber):

Mayor Moon called the meeting to order at 5:02 p.m.

Councilmembers Kors, Roberts, and Mayor Moon were present. The absences of Councilmember Mills and Mayor Pro Tem Foat were excused.

PUBLIC COMMENT (Council Chamber): None.

RECESS TO CLOSED SESSION (Small Conference Room):

See Closed Session Agenda, Exhibit A.

At 5:03 p.m. Councilmembers Kors, Roberts, and Mayor Moon recessed to Closed Session in the Small Conference Room.

REGULAR CITY COUNCIL MEETING

6:00 p.m. CALL TO ORDER:

Mayor Moon called the meeting to order at 6:04 p.m.

PLEDGE OF ALLEGIANCE:

Mayor Moon led the salute to the flag.

ROLL CALL:

PRESENT: Councilmember Kors, Councilmember Roberts, and Mayor Moon

ABSENT: Councilmember Mills and Mayor Pro Tem Foat

ALSO PRESENT: City Manager Ready, City Attorney Holland, and Interim City Clerk Hart

PRESENTATIONS:

David Ready, City Manager, recognized Nancy Klukan, Assistant Finance Director, for her 30 years of service with the City of Palm Springs, and introduced the new Deputy City Treasurer, Thomas Hays.

ITEM NO. 1.A.

Boris Stark and Suzanne Severin, Vacation Rental Compliance Officials, presented an update on the vacation rental program.

ACCEPTANCE OF THE AGENDA:

ACTION: Approve the agenda as presented. **Motion by Councilmember Kors, seconded by Councilmember Roberts, and carried (3-0-2) on a roll call vote.**

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

REPORT OF CLOSED SESSION:

Douglas Holland, City Attorney, reported the following:

1. City Council approved a settlement agreement with Ramon Park, LLC, Case No. PSC 1602837, Riverside Superior Court, Palm Springs Division, \$6,703.22.
2. The City Council provided direction on the other items.
3. No other reportable action was taken.

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

Mike Ziskind spoke opposing 3A.

CITY COUNCIL AND CITY MANAGER'S COMMENTS AND REPORT:

Councilmember Roberts requested adding an opportunity to vote on the CV Link in the very near future. David Ready, City Manager, stated it will be added to the May 3, 2017, City Council agenda.

Councilmember Kors requested that CVAG provide a presentation on Community Choice Power at the May 3, 2017, meeting or later.

Mayor Moon stated he has concerns with respect to the fiscal impact, the operations and security of the portion of the CV Link in the City of Palm Springs. He stated his position on the project recommending the six (6) miles in the middle of the City, and does not support the portions on the north and east portion of the City. Additionally, he proposed placing the topic on the November 2017, ballot an advisory ballot measure the citizens to decide.

Councilmember Kors stated the following:

1. Desired to place the CV Link project on the May 3, 2017. agenda to enable discussion on all facets of the project and allowing the Council to take action.
2. Requested Executive Director of CVG, Tom Kirk, to attend to enable dialog.

Councilmember Roberts stated the CV Link project should be placed on the agenda to allow full discussion and inquired if action may be taken.

David Ready, City Manager, stated the City Council will have the ability to provide direction as appropriate to the Mayor staff.

CITY COUNCIL SUBCOMMITTEE REPORTS:

Mayor Moon reported he, Councilmember Mills, Dr. Ready, and staff met with the Agua Caliente Band of Cahuilla Indians relating to the Master Plan EIR and provided a summary of their meeting.

1. CONSENT CALENDAR:

ACTION: Approve the Consent Calendar as presented. **Motion by Councilmember Roberts, seconded by Councilmember Kors, and carried 3-0-2 on a roll call vote.**

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

1.A. RATIFY AND APPOINT THE NOMINATION OF THE COUNTY OF RIVERSIDE TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING JUNE 30, 2020:

ACTION: Reappoint Peter A. Freymuth, as the County of Riverside representative, to the Palm Springs International Airport Commission for the term ending June 30, 2020. **Approved as part of the Consent Calendar.**

1.B. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF MARCH 2017:

ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of March 1 through March 31, 2017. **Approved as part of the Consent Calendar.**

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

ACTION:

1) Adopt Resolution No. 24204, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1090460 THROUGH 1090571 IN THE AGGREGATE AMOUNT OF \$1,211,617.57, DRAWN ON BANK OF AMERICA."

2) Adopt Resolution No. 24205, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA,

APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1090572 THROUGH 1090669 IN THE AGGREGATE AMOUNT OF \$2,374,477.30, DRAWN ON BANK OF AMERICA."

3) Adopt Resolution No. 24206, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 02-25-2017 BY WARRANTS NUMBERED 419841 THROUGH 419857 TOTALING \$27,097.98, LIABILITY CHECKS NUMBERED 1090670 THROUGH 1090690 TOTALING \$84,136.75, FIVE WIRE TRANSFERS FOR \$57,937.17, AND THREE ELECTRONIC ACH DEBITS OF \$1,311,899.21 IN THE AGGREGATE AMOUNT OF \$1,481,071.11, DRAWN ON BANK OF AMERICA."

4) Adopt Resolution No. 24207, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1090691 THROUGH 1090836 IN THE AGGREGATE AMOUNT OF \$2,319,419.37, DRAWN ON BANK OF AMERICA."

5) Adopt Resolution No. 20208, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1090837 THROUGH 1090993 IN THE AGGREGATE AMOUNT OF \$1,162,563.05, DRAWN ON BANK OF AMERICA."

6) Adopt Resolution No. 20209, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 03-11-2017 BY WARRANTS NUMBERED 419858 THROUGH 419882 TOTALING \$45,089.46, LIABILITY CHECKS NUMBERED 1090994 THROUGH 1091014 TOTALING \$81,495.21, FIVE WIRE TRANSFERS FOR \$61,037.17, AND THREE ELECTRONIC ACH DEBITS OF \$1,286,701.60 IN THE AGGREGATE AMOUNT OF \$1,474,323.44, DRAWN ON BANK OF AMERICA."

7) Adopt Resolution No. 24210, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1091015 THROUGH 1091160 IN THE AGGREGATE AMOUNT OF \$1,684,426.03, DRAWN ON BANK OF AMERICA."

8) Adopt Resolution No. 24211, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1091161 THROUGH 1091289 IN THE AGGREGATE AMOUNT OF \$2,212,627.02, DRAWN ON BANK OF AMERICA."

Approved as part of the Consent Calendar.

- 1.D. REQUEST FOR EARLY CONSTRUCTION START TIMES MONDAY THRU FRIDAY FOR CONSTRUCTION ACTIVITIES FOR THE WASTEWATER TREATMENT PLANT UPGRADE PROJECT, CP 15-14:**

ACTION: Approve the request from WM Lyles Co., to an early start construction time of 4:00 a.m., for the Wastewater Treatment Plan Upgrade, CP 15-14, subject to continuous monitoring of noise complaints and impacts to adjacent residential properties and surrounding City facilities. **Approved as part of the Consent Calendar.**

1.E. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR CLASS 1 HISTORIC CONTRIBUTING STRUCTURE LOCATED AT 1809 SANDCLIFF ROAD, A CLASS 1 HISTORIC DISTRICT (HSPB 93/HD 5):

ACTION:

- 1) Approve a Mills Act Historic Property Agreement with James D. Benko, Paul Van Kampen, and Sandcliff Homeowners Association, for 1809 Sandcliff Road, a Class 1 Historic Site (HSPB 93/HD-5). A6966.
- 2) Authorize the City Manager to execute the Agreement.
- 3) Direct the City Clerk to record the Agreement.

Approved as part of the Consent Calendar.

1.F. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR CLASS 1 HISTORIC SITE LOCATED AT 1824 SOUTH BARONA ROAD, A CLASS 1 HISTORIC SITE (HSPB 93/HD 5):

ACTION:

- 1) Approve a Mills Act Historic Property Agreement with Quin A. Wright and Sandcliff Homeowners Association, for 1824 South Barona Road, a Class 1 Historic Site (HSPB 93/HD-5). A6967.
- 2) Authorize the City Manager to execute the Agreement.
- 3) Direct the City Clerk to record the Agreement.

Approved as part of the Consent Calendar.

1.G. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR CLASS 1 HISTORIC SITE LOCATED AT 360 CABRILLO ROAD UNITS 224-225 (RACQUET CLUB COTTAGES WEST HD-3, HSPB 88):

ACTION:

- 1) Approve a Mills Act Historic Property Preservation Agreement with Michele and Martin Yeeles and the Racquet Club Garden Villas Homeowners Association, for 360 Cabrillo Road, Units 224-225 (HSPB 88 / HD-3). A6968.
- 2) Authorize the City Manager to execute the Agreement.
- 3) Direct the City Clerk to record the Agreement.

Approved as part of the Consent Calendar.

1.H. AIRPORT TAXIWAY J PAVEMENT REHABILITATION AND ELECTRICAL SYSTEMS REPLACEMENT PROJECTS BID SOLICITATION APPROVAL AND FAA GRANT FUNDING ACCEPTANCE:

ACTION:

- 1) Approve the plans and specifications for the Palm Springs International Airport Taxiway J Pavement Rehabilitation and Electrical Systems Replacement Projects.
 - 2) Authorize the acceptance of FAA Grant AIP No. 55 in an amount of up to \$2,500,000 for the construction of both projects and the associated construction management professional services.
 - 3) Authorize the City Manager to advertise and solicit bids.
- Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR: None.

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. 16 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.

ACTION:

- 1) Adopt Resolution No. 24212, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING ANNEXATION NO. 16, MIRALON, TRACT MAP NO. 31848, 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 by Councilmember Roberts, seconded by Councilmember Kors, and carried 3-0-2 (Foat and Mills absent) on a roll call vote.

AYES: Councilmembers Kors, Roberts, and Mayor Moon

NOES: None

ABSENT: Councilmember Mills and Mayor Pro Tem Foat

Kathleen Hart, Interim City Clerk, tallied the votes, reported the results, and outlined the next step in this process would be as follows:

1. Adopt a resolution declaring the election results.
2. Introduce an ordinance authorizing the levy of special taxes identified as Annexation 16, Miralon, Tract Map 31848.

ACTION:

2) Adopt Resolution No. 24213, "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 PROCEEDINGS, AND DIRECTING THE RECORDING OF AN AMENDMENT TO NOTICE OF SPECIAL TAX LIEN FOR ANNEXATION NO. 16, MIRALON, TRACT MAP NO. 31848, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1, (PUBLIC SAFETY SERVICES).

3) Waive the reading of the ordinance text in its entirety, read by title only, and introduce on first reading Ordinance No. 1924, "AN ORDINANCE OF THE CITY COUNCIL 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. 16, MIRALON, TRACT MAP NO. 31848, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1, (PUBLIC SAFETY SERVICES).

Motion by Councilmembers Kors, seconded by Councilmember Roberts, and carried 3-0-2 on a roll call vote.

AYES: Councilmembers Kors, Roberts, and Mayor Moon

NOES: None

ABSENT: Councilmember Mills and Mayor Pro Tem Foat

2.B. PROPOSED ORDINANCE FOR A ZONE TEXT AMENDMENT RELATING TO THE CRITERIA AND PROCEDURES FOR THE REVIEW OF EXTENSION OF TIME APPLICATIONS (CASE 5.1405 ZTA):

Flinn Fagg, Director of Planning Services, provided information as noted in the Staff Report.

Councilmember Kors spoke of the following:

- 1) Requested clarification in Subsection 93.23.07(F)(1) with respect to five years.
- 2) Requested adding to the ordinance language that the City Council will be notified in writing of the Planning Commission's decision and the Planning Commission's decision would be posted on the website.
- 3) Asked for clarification, if the Planning Commission approved the changes with respect to Section 94.12.00, and if the Director of Planning Services agrees with the suggested modifications. The Director of Planning Services responded YES to both.

Councilmember Roberts requested clarification with respect to the extension of time process.

At 6:57 p.m. Mayor Moon opened the Public Hearing, no one came forth to address the City Council; therefore, at 6:57 p.m. Mayor Moon closed the Public Hearing.

Councilmember Kors noted on Page 7 of the staff report under D.1., third line down, the word should be '*they*' not '*the*'.

Councilmember Kors asked if it is possible to require a super majority of both the Planning Commission and City Council to have the ability to approve an extension of time. Further, he stated he understands there are extenuating circumstances and situations beyond their control.

Councilmember Roberts voiced his concerns with respect to the following:

1. Market conditions, the economy often affects the developments, i.e. economic downturn.
2. Understands the four-year time limit; however, has concern limiting it to four (4) years.
3. How will it be determined if an economic downturn exists?

Councilmember Kors stated support for the projects and that they return for approval, due to changes. Additionally, he spoke of the noticing requirements, currently the property owners are notified. He recommended notifying the tenants of the public hearings.

Mayor Moon stated the Planning Commission approved this 7-0.

ACTION: Waive the reading of the ordinance text in its entirety, read by title only, and introduce on first reading Ordinance No. 1925, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AMENDMENTS TO CHAPTER 94.00 OF THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO THE CRITERIA AND PROCEDURES FOR THE REVIEW OF EXTENSION OF TIME (EOT) APPLICATIONS" with the following amendments:

1. Section 94.12.00, E. Amending the last paragraph to "*The decision of the planning commission is final on the 11th day after notice of the decision is provided to the applicant and to city council and posted on the City's website, unless appealed to the City Council in the manner provided by Chapter 2.05 of the Palm Springs Municipal Code.*"
2. Subsection 93.23.07(F)(1). Changing all references from five (5) years to four (4) years.

Motion by Councilmember Kors, seconded by Councilmember Roberts, and carried 3-0-2 on a roll call vote.

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

3. LEGISLATIVE:

3.A. AMENDMENT TO THE PALM SPRINGS MUNICIPAL CODE RELATING TO THE DEFINITION OF ESTATE HOMES AS VACATION RENTALS:

Douglas Holland, City Attorney, provided the background information as outlined in the staff report.

Councilmembers Kors and Roberts provided additional information regarding estate homes and lot sizes.

Councilmember Roberts spoke of the need to simplify the process, they, the estate home renters, will be loudest by nature, will be interested in the counts, had discussed parcel size, and they higher intensity use.

ACTION: Waive the reading of the ordinance text in its entirety, read by title only, and introduce on first reading Ordinance No. 1926, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE DEFINITION OF "ESTATE HOME" IN SECTION 5.25.030 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO ESTATE HOMES AS VACATION RENTALS."

Motion by Councilmember Kors, seconded by Councilmember Roberts, and carried 3-0-2 on a roll call vote.

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

4. UNFINISHED BUSINESS: None

5. NEW BUSINESS:

5.A. PRELIMINARY OVERVIEW OF THE FISCAL YEAR 2017-18 BUDGET:

David Ready, City Manager, presented the Fiscal Year 2017-18 Budget overview.

Geoffrey Kiehl, Director of Finance and Treasurer, provided additional details.

Mayor Moon requested clarification with respect to the unfunded PERS liability.

Mayor Moon requested information with respect to the Homelessness issues.

5.B. JOINT ITEM OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS AND THE PALM SPRINGS FINANCING AUTHORITY. APPROVAL OF REFINANCING OF 2007 LEASE REVENUE REFUNDING BONDS:

David Ready, City Manager, and Suzanne Harrell, Financial Consultant, provided a summary of the staff report presented, noting refinancing will reduce costs approximately \$109,000 per year without extending the life of the loan.

ACTION:

[City Council]

Adopt Resolution No. 24214, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING SITE LEASE AGREEMENT IN CONNECTION WITH THE ISSUANCE CITY OF PALM SPRINGS FINANCING AUTHORITY LEASE REVENUE REFUNDING BONDS, 2017 SERIES A, APPROVING SALE OF SUCH BONDS AND OFFICIAL STATEMENT AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO."

[Financing Authority]

Adopt Resolution No. 42, "A RESOLUTION OF THE BOARD OF DIRECTORS OF THE PALM SPRINGS FINANCING AUTHORITY, PALM SPRINGS, CALIFORNIA, AUTHORIZING ISSUANCE OF CITY OF PALM SPRINGS FINANCING AUTHORITY LEASE REVENUE REFUNDING BONDS, 2017 SERIES A, APPROVING AND AUTHORIZING AND DIRECTING EXECUTION OF INDENTURE OF TRUST AND OTHER DOCUMENTS RELATING THERETO, AUTHORIZING SALE OF SUCH BONDS, APPROVING OFFICIAL STATEMENT AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO." **Motion by Councilmember Kors, seconded by Councilmember Roberts, and carried 3-0-2 on a roll call vote.**

AYES: Councilmembers Kors, Roberts, and Mayor Moon

NOES: None

ABSENT: Councilmember Mills and Mayor Pro Tem Foat

PUBLIC COMMENT: (Non-Agenda Items)

Sergio Garcia, Palm Springs, spoke on homelessness.

David Feltman, Palm Springs, suggested moving the Buzz stop near SteinMart to Morongo where there is a street light for safety reasons.

Thomas Kohn, Palm Springs, spoke in support of the CV Link.

Patrick Weiss, Palm Springs, spoke on an incident at Well in the Desert, stating there were two City staff members at the site taking pictures during lunch. The pictures were taken due to a Code violation. He felt pictures should not be taken without permission.

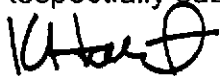
Richard Noble, Palm Springs, spoke about Earth Day.

COUNCILMEMBERS AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT:

Councilmember Kors requested placing homelessness on the May 3, 2017, agenda for discussion.

ADJOURNMENT: The City Council adjourned at 8:25 p.m. to the next regular meeting Wednesday, May 3, 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.

Respectfully submitted,



KATHLEEN D. HART, MMC
Interim City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, KATHLEEN D. HART, Interim City Clerk of the City of Palm Springs, California, hereby certify that the April 19, 2017, MINUTES were approved by the City Council of the City of Palm Springs at a regular meeting held on May 3, 2017, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- RECUSAL:

KATHLEEN D. HART, MMC
Interim City Clerk

CITY COUNCIL
AND AS SUCCESSOR AGENCY TO THE
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF THE PALM SPRINGS



CLOSED SESSION AGENDA
Wednesday, April 19, 2017 – 5:00 p.m.

City Hall, Small Conference Room
3200 East Tahquitz Canyon Way, Palm Springs

CONFERENCE WITH LEGAL COUNSEL. The City Council finds, based on advice from the City Attorney, that discussion in open session of the following described matter(s) will prejudice the position of the City in existing and anticipated litigation.

EXISTING LITIGATION **G.C. 54956.9(a)**

City of Palm Springs as Successor Agency et al. v. Ana Matosantos et al
Case No. 34-2013-80001440, Sacramento Superior Court, Sacramento Division
Case No. RIC 1513477, Riverside Superior Court, Riverside Division

Ramon Park, LLC v. City of Palm Springs
Case No. PSC 1602837, Riverside Superior Court, Palm Springs Division

EXPOSURE TO LITIGATION **G.C. 54956.9(b)**

3 Cases

INITIATION OF LITIGATION **G.C. 54956.9(c)**

3 Cases

CONFERENCE WITH REAL PROPERTY NEGOTIATOR **G.C. 54956.8**

Property Address/Description: APN 504-260-004 and 504-260-005
at the intersection of Via Olivera and Zanjero
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: 7 In Olivera LLC
Under Negotiation: Price and Terms of Payment (Sale)

**CITY COUNCIL
AND AS SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY
REDEVELOPMENT AGENCY AND AS THE PALM SPRINGS FINANCING AUTHORITY**

CITY OF PALM SPRINGS, CALIFORNIA

MINUTES
WEDNESDAY, April 5, 2017
City Hall, Council Chamber
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262

CLOSED SESSION

4:30 p.m. CALL TO ORDER (Council Chamber):

Mayor Moon called the meeting to order at 4:34 p.m. All members of the City Council were present.

Douglas Holland, City Attorney, requested the City Council consider adding three items. The information was received after the posting of the agenda.

EXISTING LITIGATION, G.C. 54956.9(a)

1. Laura Walter et al. vs City of Palm Springs et al, Case No. INC 1302398, Riverside Superior Court, Indio Division
2. Justin B. Ledesma and Kanima A. Beck vs. City of Palm Springs et al., Case No. INC 1302238, Riverside Superior Court, Indio Division
3. City of Palm Springs v. O&M HR, Nexus Development Corporation et al, Case No. PSC 1701804, Riverside Superior Court, Palm Springs Division

ACTION:

By a unanimous (5-0-0) vote of the City Council the following were approved:

- 1) Find information regarding the existing litigation was received after the posting of the Agenda and there is an immediate need to hear and/or take action.
- 2) Add to the Closed Session Agenda three (3) items pursuant to Cal. Gov. Code. Section 54956.9(e)(3) as shown below:

EXISTING LITIGATION, G.C. 54956.9(a)

1. Laura Walter et al. vs City of Palm Springs et al
Case No. INC 1302398, Riverside Superior Court, Indio Division
2. Justin B. Ledesma and Kanima A. Beck vs. City of Palm Springs et al.
Case No. INC 1302238, Riverside Superior Court, Indio Division
3. City of Palm Springs v. O&M HR, Nexus Development Corporation et al, Case No. PSC 1701804, Riverside Superior Court, Palm Springs Division

PUBLIC COMMENT (Council Chamber): None.

RECESS TO CLOSED SESSION (Small Conference Room):

See Closed Session Agenda, Exhibit A.

The Mayor and City Council recessed to Closed Session in the small conference room at 4:36 p.m.

It should be noted the following item was not discussed:

4348 Lockwood Ave., LLC, et al vs. The City of Palm Springs
Case No. RIC1704320, Riverside Superior Court, Riverside Division.

REGULAR CITY COUNCIL MEETING

6:00 p.m. CALL TO ORDER:

Mayor Moon called the meeting to order at 6:04 p.m.

PLEDGE OF ALLEGIANCE:

Palm Springs Air Force ROTC Junior Color Guard led the salute to the flag.

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, Interim City Clerk Hart

PRESENTATIONS: None.

ACCEPTANCE OF THE AGENDA:

Mayor Moon requested 1D be removed from the Consent Calendar.

Mayor Pro Tem Foat requested moving 5F to be the first New Business item.

Councilmember Roberts requested removing 1H from the Consent Calendar.

Councilmember Mills stated he will recuse from voting on 1F (working on a project adjacent to this project) and 1B (not required to recuse from participation on 1B but was the architect and will be exercising caution), and requested removing 1G from the Consent Calendar.

ACTION: Motion by Mayor Pro Tem Foat, seconded by Councilmember Roberts, and unanimously (5-0-0) carried on a roll call vote, the agenda was approved as presented with the following modifications:

1. Removing 1D, 1G, and 1H from the Consent Calendar.
2. Move 5F to be the first New Business item.

REPORT OF CLOSED SESSION:

Douglas Holland, City Attorney, reported as follows:

1. Three (3) items were added to the Closed Session Agenda, as previously noted in the Minutes.
2. The City Council did not take any reportable actions.
3. The City Council requested the following be provided to the public; the City filed a lawsuit against O&M HR LLC, Nexus Development Corporation, Richard Meaney et al in order to assert and reclaim the Prairie Schooner property as a potential violation pursuant to Government Code Section 1090.

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

Shelley Somerville spoke in support of Item 1D.

Frances Miller spoke in support of 1D.

Brenda Adams spoke in support of 1D.

Ann Leiboh spoke in support of 1D.

Carmen Ginter spoke in support of 1D.

Diane Fischer spoke in support of 1D.

Bill McMillan spoke in support of 1D.

Robert Doyle spoke in support of 1D.

Joy Silver spoke in support of 1D.

Beth Friedman spoke in support of 1D.

Lynn O'Neal spoke in support of 1D.

Carol Listenberger spoke in support of 1D.

Edward Hotzhauer thanked Councilmember Kors, Mills, Roberts, and Mayor Pro Tem Foat for supporting this item, and asked Mayor Moon to support Item 1D.

Lisa Middleton spoke in support of 1D.

Carlos Pineda spoke in support of 1D.

Ruth Debra spoke in support of 1D and

Bob Terry spoke in support of 1D.

Richard Noble spoke in support of 1D, and asked Mayor Moon to support this ordinance.

Rosie Puentes spoke in support of 1D.

Lewis Stewart spoke in support of 1D.

Joy Brown Meredith stated more information is needed from the Police Chief before she is able to form an opinion on 3A.

Christy Holstege stated she supports of 1D and does not support 3A as drafted.

Aftab Dada spoke in support of 5D.

Robert Stone spoke against 5D.

Robin Abrahams spoke in support of 5E.

Diana Grace lives at the Four Season Development and does not support 5F.

Willy Halle lives at the Four Season Development and does not support 5F.

Michael Solomon lives at the Four Season Development and does not support 5F and requested that the City Council do not let them built it on top of the levy.

Ira Rosenthal lives at the Four Season Development and does not support 5F and asked not let them built it on top of the levy.

Anita Kerezman lives at the Four Season Development and does not support 5F and do not let them built it on top of the levy.

Patricia Breslin spoke regarding 3A, the "sit and lie" ordinance should not be incorporated in the sign ordinance, and keep the "silent salesmen" (portable signs) alive.

Karen Ellis spoke in support of 1D.

CITY COUNCIL AND CITY MANAGER'S COMMENTS AND REPORTS:

David Ready, City Manager, reported the following:

1. Over half of the documents pertaining to the escrow fund on the Downtown Project have been posted to the City's website. There are hundreds of pages and staff will continue to post them to the City's website and anticipate completion in the next couple of business days.

2. An administrative policy was put in place several years ago to prohibit City travel to North Carolina; adding, Councilmember Kors asked if this was still in effect and stated this administrative policy is still in effect.
3. Announced Edward Kotkin is in the audience.

Mayor Moon commented about the annual Board and Commission and invited the public to apply.

Mayor Pro Tem Foat reported the Riverside County Transportation Commission recently approved two (2) projects, and thanked Marcus Fuller and asked him to provide the details:

1. South Palm Canyon Bridge, total cost approximately \$9 million, local funding portion will be approximately \$250,000.
2. East Palm Canyon Bridge, total cost approximately \$8-9 million, funding percentages will be same as for the South Palm Canyon Bridge.

Mayor Pro Tem Foat commented on the Desert Sun opinions article and stated the facts in the article are incorrect.

CITY COUNCIL SUBCOMMITTEE REPORTS:

Councilmember Roberts stated he and Councilmember Mills has a report regarding the Downtown Park, but will defer to later due to the fact the Downtown Project is on the agenda.

1. CONSENT CALENDAR:

ACTION: Approve Items 1A, 1B, 1C, 1E, 1F, 1I, 1J, and 1K, noting the recusal of Councilmember Mills on Items 1B and 1F.

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

1.A. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of March 22, 2017.

Approved as part of the Consent Calendar.

1.B. INDIAN CANYON DRIVE PEDESTRIAN BRIDGE REPAINTING:

ACTION: Authorize the issuance of a Purchase Order to Palm Springs Action Painting, in the amount of \$30,060 for the repainting of the Indian Canyon Drive pedestrian bridge.

Approved as part of the Consent Calendar.

1.C. TREASURER'S INVESTMENT REPORT AS OF FEBRUARY 28, 2017:

ACTION: Receive and File the Treasurer's Investment Report as of February 28, 2017. **Approved as part of the Consent Calendar.**

- 1.E. APPROVAL OF PARCEL MAP 36958:**
ACTION: Adopt Resolution No. 24199-1, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PARCEL MAP 36958 FOR PROPERTY LOCATED AT 2732 NORTH CARDILLO AVENUE, IN SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST."
Approved as part of the Consent Calendar.
- 1.F. FREEHOLD CAPITAL MANAGEMENT, LLC, REQUESTING A ONE-YEAR EXTENSION OF TIME FOR PHASE 2 OF TENTATIVE TRACT MAP 31848 FOR THE MIRALON DEVELOPMENT, A PREVIOUSLY APPROVED SUBDIVISION FOR THE DEVELOPMENT OF 1,150 RESIDENTIAL UNITS LOCATED NORTH OF SAN RAFAEL ROAD, EAST OF NORTH INDIAN CANYON DRIVE, SOUTH OF THE WHITEWATER RIVER AND WEST OF SUNRISE WAY, (CASE 5.0982-PD 290 / TTM 31848):**
ACTION: Adopt Resolution No. 24200, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A REQUEST BY FREEHOLD CAPITAL MANAGEMENT, LLC, FOR A ONE-YEAR EXTENSION OF TIME FROM MAY 5, 2017, TO MAY 5, 2018, FOR TTM 31848, A PREVIOUSLY APPROVED SUBDIVISION OF 309 ACRES TO CONSTRUCT 1,150 SINGLE-FAMILY, MULTI-FAMILY RESIDENTIAL UNITS AND AN AMENITY CENTER FACILITY LOCATED ALONG THE NORTH SIDE OF SAN RAFAEL DRIVE, EAST OF INDIAN CANYON DRIVE, SOUTH OF WHITEWATER RIVER AND WEST OF SUNRISE WAY; ZONE PD 290, SECTION 35."
Approved as part of the Consent Calendar.
- 1.J. APPROVAL OF THE FISCAL YEAR 2017-2018 CSA 152 SPECIAL ASSESSMENT RATE:**
ACTION: Adopt Resolution No. 24202, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MAKING FINDINGS AND REAFFIRMING THE ESTABLISHMENT AND SETTING OF RATES FOR COUNTY SERVICE AREA 152 FOR FISCAL YEAR 2017-2018 TO FUND THE CITY'S NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT IN ORDER TO OPERATE AND MAINTAIN THE CITY'S DRAINAGE AND FLOOD CONTROL SYSTEMS."
Approved as part of the Consent Calendar.
- 1.K. ACCEPT THE RESIGNATION OF COSIMO AIELLO FROM THE PARKS AND RECREATION COMMISSION:**
ACTION:
1) Accept with regret the resignation of Cosimo Aiello from the Parks and Recreation 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.

EXCLUDED CONSENT CALENDAR:

1.D. SECOND READING AND ADOPTION OF ORDINANCE NO. 1920, AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 2.04.100 TO, AND AMENDING SECTIONS 2.45.005, 2.45.010, AND SECTION 7.010.040 OF, THE PALM SPRINGS MUNICIPAL CODE REAFFIRMING THE CITY'S PROHIBITION OF DISCRIMINATION IN THE CITY:

Mayor Moon stated the following:

1. He never spoke opposing people being in this country illegally.
2. Spoke in support of the Police Department's policy of not asking for an individual's immigration status, which has been in effect since 1981.
3. Reiterated that he supports this ordinance, except he had concerns relating to the term "national origin" as it related to employment and contracting with respect to federal law.
4. He cannot support something that conflicts with federal law.
5. He researched the matter and discovered it does not conflict with federal laws.
6. Due to the fact there is no conflict with the federal laws, he will be supporting this ordinance.

Councilmember Kors stated he appreciates all the comments and thanked Chief Reyes and the Police Department for making this practice as policy.

Councilmember Mills asked the City Attorney if this ordinance will classify the City of Palm Springs as a sanctuary city. The City Attorney responded that this ordinance does not classify the City of Palm Springs as a sanctuary city. Councilmember Mills added many people referred to it, therefore, he pointed this out for clarification. One very important point noted in the City Attorney's Summary, "*unless otherwise authorized in Federal or State Law*", is one of the reasons he supports this ordinance.

Councilmember Kors stated it was agreed at the last meeting to change the word "authorized" to "required" in the City Attorney's Summary.

Kathleen Hart, Interim City Clerk, stated the edit will be made prior to finalizing the document for signature.

Mayor Pro Tem Foat stated legally there is no such thing as a sanctuary city. In her opinion the term "sanctuary city" is a place where people feel

safe. She reiterated her support for this ordinance, stated she is glad Mayor Moon reconsidered, and how proud she is of this City Council.

ACTION: Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1920, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 2.04.100 TO, AND AMENDING SECTIONS 2.45.005, 2.45.010, AND SECTION 7.010.040 OF, THE PALM SPRINGS MUNICIPAL CODE REAFFIRMING THE CITY'S PROHIBITION OF DISCRIMINATION IN THE CITY."

Motion by Mayor Moon, seconded by Councilmember Kors, and unanimously carried on a roll call vote.

1.G. ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR THE SOUTH PALM CANYON DRIVE BRIDGE REPLACEMENT OVER TAHQUITZ CREEK CHANNEL FEDERAL AID PROJECT NO. BRLS-5282(042), CP 12-02:

Councilmember Mills requested clarification.

ACTION: Adopt Resolution No. 24201, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AND ORDERING THE FILING OF A MITIGATED NEGATIVE DECLARATION FOR THE SOUTH PALM CANYON DRIVE BRIDGE REPLACEMENT OVER TAHQUITZ CREEK CHANNEL FEDERAL AID PROJECT NO. BRLS-5282(042), CP 12-02."

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

1.H. APPROVE A COOPERATIVE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR A FUNDING CONTRIBUTION OF \$290,000, AND APPROVE A PURCHASE ORDER IN THE AMOUNT OF \$56,336 WITH ALBERT A. WEBB ASSOCIATES FOR THE VISTA CHINO (STATE ROUTE 111) AT VIA MIRALESTE TRAFFIC SIGNAL INSTALLATION, CP 17-03:

Councilmember Roberts and Councilmember Mills requested funding clarification.

ACTION:

1) Approve a Cooperative Agreement for State Highway Operation & Protection Program (SHOPP) Minor Funds Contribution from the California Department of Transportation for an amount up to \$290,000 for the Vista Chino (State Route 111) at Via Miraleste Traffic Signal Installation, CP 17-03. A6962.

2) Approve a Purchase Order in the amount of \$56,336 with Albert A. Webb Associates for design services related to the Vista Chino (State Route 111) at Via Miraleste Traffic Signal Installation, CP 17-03. A6443.

3) Authorize the City Manager to execute all necessary documents.
Motion by Mayor Pro Tem Foat, seconded by Councilmember Roberts, and unanimously carried on a roll call vote.

2. **PUBLIC HEARINGS:** None.

3. **LEGISLATIVE:**

3.A. **INITIATE AND REFER TO THE PLANNING COMMISSION AN ORDINANCE RELATING TO THE CITY'S SIGN ORDINANCE AND EXTEND INTERIM URGENCY ORDINANCES 1893 AND 1912 IMPOSING INTERIM REGULATIONS FOR THE INSTALLATION AND MAINTENANCE OF TEMPORARY SIGNS IN THE CITY OF PALM SPRINGS TO JULY 21, 2017:**

Douglas Holland, City Attorney, provided the background information as noted in the staff report.

Councilmember Mills requested clarification and modifications in the following areas:

1. Portable signs in commercial zones.
2. Section 93.20.04, subsection 2, Sign on Public Property or Rights-of-Way.
3. Section 93.20.05, subsection C, Portable Signs.
4. Portable signs complying with ADA requirements; does not feel 48" is adequate and feels it should be at least 72" for ease of movement.
5. Portable sign designs with respect to "design criteria established by the Director of Planning Services.

Councilmember Roberts stated concerns and/or requested clarification on the following:

1. Support of A-frame signs to be in compliance with ADA requirements. Wanting the businesses to be successful.
2. The need for quality signs and the criteria be set by the Director of Planning Services or a Planning Commission subcommittee.
3. Inquired about the City's liability, and the need for the business owner to assume full responsibility.
4. Section 93.20.04, subsection 2, Sign on Public Property or Rights-of-Way.
5. Section 93.20.05, subsection B, 2, Permitted signs - Commercial and Industrial Business, Permitted signs - Secondary signs.

6. The limit of signs on glazing to the first floor of the build.
7. Portable signs and the need for permits.
8. Human signage.
9. Temporary signs for an event, size, and duration.
10. Where will political signs be addressed?

Councilmember Kors spoke of concern, requested clarification, and highlighted some key points:

1. Businesses with private patios. May they have a portable sign?
2. How will fines and multiple fines be handled?
3. Will their portable sign permit be revoked?
4. All commercial businesses throughout the City will be able to have one portable sign, and not only within the Downtown and Uptown areas.
5. Other opportunities have been provided i.e. blade signs, etc.
6. The need for permits prior to erecting signs.

Councilmember Kors asked the City Manager if it is possible to educate the business owners of the current ADA laws with respect to portable signs.

David Ready, City Manager, stated going forward staff will work with the City's business partners i.e. Main Street etc. and will start an educational program to educate prior to enforcement.

Mayor Pro Tem Foat stated there should be uniformity with respect to the signs and the ordinance should include a "tacky clause".

Mayor Moon stated all the important points have been addressed and looking forward to the comments from the Planning Commission.

Councilmember Mills stated though the ADA requires 48" sidewalk clearance, it is his hope the Planning Commission will consider more than 48" for those with disabilities.

ACTION:

- 1) Initiate and refer to the Planning Commission for review and comment, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 12.28.050, 14.16.010, 91.00.10, AND 93.20.01 THROUGH 93.20.11 OF, AND REPEALING SECTION 12.12.055 OF, THE PALM SPRINGS MUNICIPAL CODE RELATING TO THE CITY'S SIGN ORDINANCE."
- 2) Waive the reading of the text in its entirety, read by title only, and adopt Urgency Ordinance No. 1922, "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING INTERIM URGENCY ORDINANCE NOS. 1893 and 1912

OF THE CITY OF PALM SPRINGS, CALIFORNIA, IMPOSING INTERIM REGULATIONS FOR THE INSTALLATION AND MAINTENANCE OF TEMPORARY SIGNS IN THE CITY OF PALM SPRINGS SUBJECT TO CERTAIN EXCEPTIONS, AMENDING SECTION 93.20.09.B.5 OF, AND SUSPENDING ENFORCEMENT OF SECTIONS 93.20.07, 93.20.08, AND 93.20.10.C.4 OF, THE PALM SPRINGS MUNICIPAL CODE, TO JULY 21, 2017." (4/5THS Vote Required)

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

3.B. INTERIM URGENCY ORDINANCE REQUIRING THE IMPOSITION OF CERTAIN TENANT RELOCATION AND PROTECTION AS A CONDITION OF APPROVAL OF DISCRETIONARY LAND USE ENTITLEMENTS:

Douglas Holland, City Attorney, provided background information which based on recent actions with respect to the Epic Hotel.

Mayor Pro Tem Foat provided additional background information and some key points of the urgency ordinance as follows:

1. Provide 90-day notice to tenants with respect to eviction or rent increase.
2. Take into consideration the length of time of residency at the location.

Councilmember Kors provided comments relating to the conversion of apartments to hotels or condos as follows:

1. Maintaining the City's affordable housing stock.
2. Provide a 90-day notice to tenants.
3. Provide a 180-day notice to seniors and tenants with disabilities, plus free rent.
4. Three (3) months free rent plus an additional month for each year of residency beyond three (3) years.
- 5.

Councilmember Mills stated this is the first time seeing it, and the public has not had the opportunity to review and comment on this urgency ordinance. Further, he stated he is not opposed to this urgency ordinance; however, due to the fact the public has not had the opportunity to review it, the urgency ordinance is not acceptable to him. He stated he will not support this; however, he will support the urgency ordinance placed on the next agenda.

Mayor Pro Tem Foat stated this is an urgency ordinance and cited the example of the woman with children whose rent was increased over \$150 per month, and the need to stop other incidents like this from taking place.

Councilmember Roberts concurs with Councilmember Mills, and asked the City Attorney for an alternative.

Douglas Holland, City Attorney, stated rather than allow the urgency ordinance to be effective for almost a year, the City Council may make it effective for a 45-day period and return the urgency ordinance to the City Council for action, thus providing the public adequate time to review and provide comments.

It was the consensus of the City Council to have it effective to the first May meeting.

ACTION: Waive the reading of the text in its entirety, read by title only, and adopt Urgency Ordinance No. 1923, "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, REQUIRING THE IMPOSITION OF CERTAIN TENANT RELOCATION AND PROTECTION AS A CONDITION OF APPROVAL OF DISCRETIONARY LAND USE ENTITLEMENTS BY THE CITY OF PALM SPRINGS" (4/5THS Vote Required), and amending this urgency ordinance with an expiration date of on May 3, 2017. **Motion by Councilmember Roberts, seconded by Councilmember Kors, and carried 4-1-0 on a roll call vote.**

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

4. **UNFINISHED BUSINESS:** None

5. **NEW BUSINESS:**

5.F. **CITY COUNCIL AD HOC SUBCOMMITTEE REPORT ON THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS' DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE CV LINK MULTI-MODAL TRANSPORTATION PROJECT:**

Mayor Pro Tem Foat and Councilmember Mills provided background information as noted in the staff report.

Mayor Moon voiced the following concerns:

1. The cost to maintain the portion of the CV Link in Palm Springs will be over \$500,000 annually.
2. The need for additional public safety.
3. Consider placing it before the voters once the costs have been determined.

Councilmember Kors spoke in support of the project, and cited the many positive comments received from the City's residents and the majority of the project is in Palm Springs, supports Option 3 which addresses the concerns the Four Seasons residents have voiced, the opportunity to be outside and enjoy our beautiful city, adding this is a vision of the future.

Councilmember Roberts stated he understands Mayor Moons concerns, concurs with the comments made by Councilmember Kors, mentioned ways to obtain outside fund, and the need to solve some of the problems, asked the subcommittee to come up with alternatives for maintenance and funding, publicize these alternatives, and work with CVAG.

Mayor Pro Tem Foat stated her support for this project, adding some of the points raised are the very reasons for her support.

Mayor Moon stated he is not opposed to the project as a whole. He supports the Tahquitz Creek portion and not supportive of the north and east portion of the CV Link; additionally, he noted the project will not go through Rancho Mirage, and Indian Wells will be taking the project to the voters to decide.

Councilmember Mills stated this has been part of the City's Master Plan for a long time and stated his support.

No action was taken.

5.A. APPROVAL OF CITY ATTORNEY EMPLOYMENT AGREEMENT:

The Mayor and Council introduced Edward Z. Kotkin.

Mr. Kotkin provided background information on his experience, and stated he looks forward to being the in-house attorney for the City of Palm Springs.

Councilmember Kors ask Douglas Holland, City Attorney, to tell the public of Mr. Kotkin's work while he was with his firm.

Mr. Holland stated he reviewed records back to January 2010, looking for work Mr. Kotkin did for the City of Palm Springs and identified four (4) cases for the City of Palm Springs as follows:

1. One Police Department case, approximately 1.6 hours.
2. Code Enforcement Cases, approximately 4.0 hours

Mr. Holland added Mr. Kotkin did not work on or assist with the Downtown Project.

The Mayor and City Council spoke in support of Mr. Kotkin and thanked Douglas Holland, City Attorney, for his 12 plus years with the City of Palm Springs.

ACTION:

- 1) Approve Employment Agreement with Edward Z. Kotkin for position of City Attorney. A6963.
- 2) Authorize the City Manager to execute all necessary documents.
Motion by Mayor Pro Tem Foat, seconded by Councilmember Mills, and unanimously carried on a roll call vote.

5.B. AWARD A CONSTRUCTION CONTRACT TO AUDIO ASSOCIATES IN THE AMOUNT OF \$1,288,256.93 FOR THE CITY COUNCIL CHAMBER AUDIO/VISUAL SYSTEM UPGRADE, CP 15-06:

Marcus Fuller, Assistant City Manager/City Engineer, provided the background information as outline in the staff report.

ACTION:

- 1) Adopt Resolution No. 24203, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2016-17, APPROPRIATING A TOTAL OF \$1,585,591, FOR THE CITY COUNCIL CHAMBER AUDIO / VISUAL SYSTEM UPGRADE, CITY PROJECT NO. 15-06, OF WHICH \$985,591 IS FROM THE ASSIGNED PEG FEE BALANCE IN THE GENERAL FUND, AND \$600,000 IS FROM THE UNRESTRICTED GENERAL FUND RESERVES, AS AN INTERNAL LOAN TO BE REPAID FROM FUTURE PAYMENTS RECEIVED FOR PUBLIC, EDUCATIONAL AND GOVERNMENTAL (PEG) FEES."
- 2) Award to an agreement to Audio Associates in the amount of \$1,288,256.93, for the City Council Chamber Audio/Visual System Upgrade, CP 15-06. A6964.
- 3) Authorize a Purchase Order to Interwest Consulting Group, pursuant to On-Call Agreement, in the amount up to \$50,000 for construction management and inspection services for the City Council Chamber Audio/Visual System Upgrade, CP 15-06. A6686.
- 4) Authorize the temporary relocation of all scheduled City Council, Board and Commission meetings to the Convention Center or alternate available location throughout the duration of construction.
- 5) Delegate authority to the City Manager to approve and execute construction contract change orders up to the cumulative amount of \$128,826.
- 6) Authorize the City Manager to execute all necessary documents
Motion by Councilmember Roberts, seconded by Councilmember Mills, and unanimously carried on a roll call vote.

5.C. DISCUSSION OF PUBLIC PARKING OPTIONS FOR THE DREAM HOTEL LOCATED AT THE NORTHEAST CORNER OF CALLE ALVARADO AND AMADO ROAD:

David Ready, City Manager, provided a summary as outline in the staff report.

Councilmember Roberts requested additional information with respect to the amount of parking spaces available and required; additionally, suggested setting money aside for future parking needs.

Councilmember Mills requested additional information with respect to the site plan, and if it will go through all the normal approval processes.

ACTION: It was the consensus of the City Council to accept the lump sum payment from the developer in the amount of \$2,675,000 for future parking needs.

5.D. AUTHORIZE THE PAYMENT OF COSTS INCURRED IN THE CONSTRUCTION AND INSTALLATION OF PUBLIC IMPROVEMENTS IN CONJUNCTION WITH THE DEVELOPMENT OF THE DOWNTOWN PALM SPRINGS PROJECT; AUTHORIZE THE CONSTRUCTION, INSTALLATION, AND PAYMENT OF ADDITIONAL PUBLIC IMPROVEMENTS IN THE AMOUNT OF \$3,060,582.40 IN CONJUNCTION WITH THE DEVELOPMENT OF THE DOWNTOWN PALM SPRINGS PROJECT; AND CONSENT TO A SUBORDINATION OF THE CITY'S INTEREST IN THE PERFORMANCE TRUST DEED FOR BLOCK F SOLELY FOR THE BENEFIT OF A CONSTRUCTION LOAN ON BLOCK B:

Douglas Holland, City Attorney, and David Ready, City Manager, provided the summary as outlined in the staff report.

Mr. Holland highlighted the following points:

1. These are payment for public improvements, on land owned by the City.
2. The payments will only be made as work is completed.
3. The need to provide additional security for the lender on Block B, requesting the City subordinate the deed of trust for Block F, formerly identified as the block Marriott Hotel site. The lender is requesting the City subordinate this piece of property to the construction loan. City will have the priority position once the construction loan has been terminated. Additionally, the City still has priority on three (3) other sites.

Dr. Ready highlighted the following points:

1. Part of the escrow was to ensure additional checks, balances, safeguards are in place, in the form of an Owners Representative. The City has retained the services of an Owners Representative. He is on site, works for the City, and is able to verify portions of the project have been completed.
2. The Owners Representative is available for any questions.
3. The purpose of the action is to make sure the project can go forward and the City received the items.

Councilmember Kors requested confirmation that these payments are being made when the work is completed, checked, and pursuant to the public financing agreement. David Ready, City Manager, confirmed the payments are being made pursuant to the agreement.

Councilmember Kors requested clarification on the payment process of the project, and if City Council approval was required.

David Ready, City Manager, stated in the spirit of transparency, out of an abundance of caution due to the recent indictments, and at the advice of Special Counsel, with expertise in this area, going forward staff will ensure the City Council is aware of all expenditures relating to this project.

Councilmember Kors asked whether the 2014 change order was "consistent with the Specific Plan" or "specified by the Specific Plan". Mr. Holland explained that the change order was covered by the Specific Plan which generally described the kinds of improvements necessary.

Councilmember Kors requested confirmation with respect to Items 1 and 2, that the request for City Council approval is only paying bills as they were submitted for payment in accordance to the agreement. David Ready, City Manager, confirmed staff is requesting approval to only paying bills as they were submitted for payment in accordance to the agreement, adding the monies were previously allocated, and the City Council will not be allocating additional funds for the payment of these bills.

Mayor Pro Tem Foat cautioned belief in all statements made under public comment. She stated the matter was related to payment for work done on property owned by the City. She discussed the checks and balances to ensure invoices were accurate prior to payment. She expressed appreciation for the information.

Councilmember Roberts requested an update on the work under the specific payment requested. Michael Fontana, Owners Representative, explained the public escrow account for improvements that the public would own after the project was completed. He stated his role did not deal

with the buildings. He stated his role included changes after the PAF was done including the parking structure, park and street widening. He invoices were submitted to him as work was completed and he verified and made recommendations to the City for bill payment. Councilmember Roberts confirmed that the money was not issued until Mr. Fontana determined the work was completed.

City Manager Ready explained that Mr. Fontana would consult with the agent if there were questions.

Councilmember Roberts stated a full audit would be completed at the end of the project. He thanked Mr. Fontana for clarifying the checks and balances.

City Manager Ready stated Mr. Fontana confirmed that the improvement actually occurred by being onsite to verify.

ACTION:

1) Authorize the City Manager to release payments to Palm Springs Promenade, LLC, through the public improvement escrow account, for public improvements completed to the satisfaction of the City Engineer, and upon independent third-party verification of the completion of the public improvements, in accordance with the original Public Financing Agreement approved on September 7, 2011.

2) Find and reaffirm as necessary and appropriate additional public improvements consistent with the current, adopted Specific Plan and authorize payment thereof in an amount not exceed \$3,060,582.40 for such improvements upon independent third-party verification of the completion of all of such public improvements;

3) Authorize the City Manager to execute a Subordination Agreement in a form approved by the City Attorney, allowing the City's priority interest under the terms of the Performance Trust Deed to be subordinated in favor of a construction loan on Block B. A

4) Authorize the City Manager to execute all necessary documents.

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

5.E. CITY COUNCIL AD HOC SUBCOMMITTEE REPORT ON THE DOWNTOWN PALM SPRINGS PARK:

Councilmember Roberts provided summary as outlined in the staff report.

Councilmember Mills provided information on the process and the two proposed community outreach workshops:

1. First public workshop. Mr. Rios will evaluate information from the first public workshop, report back to the City Council subcommittee,

and later to the City Council as a whole during the conceptual stage.

2. A *hardline* conceptual plan will be presented at the second public workshop to receive additional input from the public.
3. Presentation of the *hardline* conceptual plan to the City Council as a whole for approval prior to the preparation of the construction documents.

Councilmember Roberts requested an estimated cost from Mr. Rios with respect to the next step after the completion of the conceptual plan.

ACTION:

1) Waive all competitive requirements of Title 7 of the Palm Springs Municipal Code finding that Rios Clementi Hale Studios has demonstrated experience and expertise of providing the required landscape design services through prior experience partnering with the City on the initial development of conceptual designs for the Downtown Palm Springs Park, and through a competitive qualifications based selection process completed by the City of Santa Monica through its Request for Proposal (RFP No. SP2422) for the Airport Park Expansion Project.

2) Approve an agreement with Rios Clementi Hale Studios, in the amount of \$38,000 for professional landscape architectural design services. A6966.

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

PUBLIC COMMENT: (Non-Agenda Items)

Kate Castle spoke in reference to the closure of the Well in the Desert, and the need for both long term and short term solutions, suggesting allowing the use of the showers at the Pavillion on a short term basis; and suggested a long term plan on a plot of land that has a concrete pad.

Carrie Allen invited the City Council and the public to the Easter Sunrise Service at the O'Donnell House, at 5 a.m. on April 16, 2017.

COUNCILMEMBER AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT:

Mayor Pro Tem Foat requested a City Council Annexations and Land Acquisitions ad hoc subcommittee meeting (subcommittee members - Councilmember Roberts and Mayor Pro Tem Foat).

Mayor Moon requested agendizing boarded and vacant building ordinance.

David Ready, City Manager, report on the placement of documents on the City's website with respect to the Downtown Project.

Mayor Moon reported the Downtown Project completion schedule has been placed on the City's website.

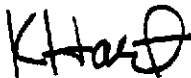
Councilmember Kors requested the following:

1. Agendizing the definition of "estate homes" for the April 19, 2017, or May 3, 2017, City Council meeting.
2. Agendizing the ethics and transparency item for May 17, 2017.

ADJOURNMENT:

The City Council adjourned at 10:41 p.m. to the next regular meeting Wednesday, April 19, 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.

Respectfully submitted,



KATHLEEN D. HART, MMC
Interim City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, KATHLEEN D. HART, Interim City Clerk of the City of Palm Springs, California, hereby certify that the April 5, 2017, MINUTES were approved by the City Council of the City of Palm Springs at a regular meeting held on the May 3, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSAL:

KATHLEEN D. HART, MMC
Interim City Clerk

CITY COUNCIL
AND AS SUCCESSOR AGENCY TO THE
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF THE PALM SPRINGS



CLOSED SESSION AGENDA
Wednesday, April 5, 2017 – 4:30 p.m.

City Hall, Small Conference Room
3200 East Tahquitz Canyon Way, Palm Springs

CONFERENCE WITH LEGAL COUNSEL. The City Council finds, based on advice from the City Attorney, that discussion in open session of the following described matter(s) will prejudice the position of the City in existing and anticipated litigation.

PUBLIC EMPLOYMENT APPOINTMENT **G.C. 54957**

Position: City Attorney

EXISTING LITIGATION **G.C. 54956.9(a)**

City of Palm Springs as Successor Agency et al. v. Ana Matosantos et al
Case No. 34-2013-80001440, Sacramento Superior Court, Sacramento Division
Case No. RIC 1513477, Riverside Superior Court, Riverside Division

Intervention911 vs. City of Palm Springs
Case No. EDCV1301117, United States District Court, Central District of California

Protect Our Neighborhoods v. City of Palm Springs, City Council of Palm Springs
Case No. RIC1703102, Riverside Superior Court, Riverside Division

4348 Lockwood Ave., LLC, et al vs. The City of Palm Springs
Case No. RIC1704320, Riverside Superior Court, Riverside Division

EXPOSURE TO LITIGATION **G.C. 54956.9(b)**

3 Cases

INITIATION OF LITIGATION **G.C. 54956.9(c)**

3 Cases

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

G.C. 54956.8

Property Address/Description: APN 666-140-024, 63775 Dillon Road
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: Riverside County Economic Development Agency
Under Negotiation: Price and Terms of Payment (Acquisition)

Property Address/Description: APN 504-260-004 and 504-260-005
at the intersection of Via Olivera and Zanjero
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: 7 In Olivera LLC
Under Negotiation: Price and Terms of Payment (Sale)

**Minutes for the March 15, 2017, City Council Meeting
to follow.**

**CITY COUNCIL
AND AS SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT
AGENCY AND AS THE PALM SPRINGS FINANCING AUTHORITY**

CITY OF PALM SPRINGS, CALIFORNIA

MINUTES
WEDNESDAY, March 1, 2017
City Hall, Council Chamber
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262

CLOSED SESSION

4:30 p.m. CALL TO ORDER (Council Chamber):

Mayor Moon called the meeting to order at 4:33 p.m.
All members of the City Council were present.

PUBLIC COMMENT (Council Chamber):

No one came forth to address the Mayor and City Council.

RECESS TO CLOSED SESSION (Small Conference Room):

See Closed Session Agenda, Exhibit A.

The Mayor and City Council recessed to Closed Session in the small conference room at 4:34 p.m.

REGULAR CITY COUNCIL MEETING

6:00 p.m. CALL TO ORDER:

Mayor Moon called the meeting to order at 6:04 p.m.

PLEDGE OF ALLEGIANCE:

Boy Scout Troop 262 led the Pledge of Allegiance.

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, Interim Chief Deputy City Clerk Berardi

Assistant City Manager/City Engineer Fuller, Planning Director Fagg

PRESENTATIONS: None.

REPORT OF CLOSED SESSION:

Douglas Holland, City Attorney, reported on the Oswit Canyon initiative measure and legal attempt to pre-empt the City's ability to move forward on the item. He discussed the effect and relationship of the measure to the Agua Caliente Indian Reservation and Sierra Club and, therefore, added language to the initiative proposed ordinance for Council action.

This additional language was added for both actions:

1. Adopt as presented by the proponents of the initiative measure, or
2. Call a special election.

Additionally, Mr. Holland read for the record the language that was added:

"In the event any provision of this Ordinance changes, amends, or modifies the land use designations or the land uses of any trust land within the Agua Caliente Indian Reservation, such provision shall not become effective until the Tribal Council of the Agua Caliente Band of Cahuilla Indians reviews and consults with the City as provided under the 1977 Land Use Contract, as amended, between the Tribe and the City." "In the event any provision of this Ordinance violates the provisions of the August 18, 1993 Stipulated Judgment entered by the Court in the case of Sierra Club, et al. v. All Persons Interested in the Matter of the Redevelopment Plan for Canyon Redevelopment Project (Riverside County Case No. 64725), such provision shall not be enforced until the Court approves such provision as provided in Sections V or VI of the Stipulated Judgment."

Mr. Holland noted the above would remain in effect whether there were changes made by the voters or the City.

Mr. Holland noted a provision in the measure, recognizing a certain level of flexibility, for a special policy area. This amends provisions adopted by the City Council Chino Cone provisions. He read the proposed:

"Development densities in the Chino Cone and Oswit Cone are one dwelling unit per forty acres (1 du/40 ac). Development applications in excess of this density may be considered with the submittal of a Specific Plan and its associated environmental documentation, which would by action, establish a general plan amendment. In all cases, development within the Chino Cone and Oswit Cone Special Policy Area must be consistent with the Environmentally Sensitive Development Areas Specific Plan Ordinance (ESA-SP) in the Palm Springs Zoning Code. The Palm Hills Special Policy Area allows residential and resort development at a maximum of 1 dwelling unit/hotel unit per acre, not to exceed a total of 1,200 units. Any development proposed in the Palm Hills area will require the preparation of a Specific Plan and a related environmental impact report."

ACCEPTANCE OF THE AGENDA:

Councilmember Mills requested removing 1K from the Consent Calendar for a separate vote.

Councilmember Kors requested removing 1A from the Consent Calendar for a separate vote.

ACTION: Approve the agenda as presented with the following modifications:
Removing 1A and 1K from the Consent Calendar.

Motion by Mayor Pro Tem Foat, seconded by Councilmember Roberts, and unanimously (5-0-0) carried on a roll call vote

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

Robert Findley voiced concerns regarding the language related to the location of cannabis facilities in 1D.

Mark Kendrick requested the Council adopt the Oswit Canyon initiative as is.

Ed Dube, representing himself and many of his part time neighbors, spoke in support of the Oswit Canyon initiative and requested the Council adopt the proposed ordinance as presented by the proponents.

David Lahti stated the Agua Caliente Band of Cahuilla Indians supported the initiative due to the fact it did not affect Tribal lands. He encouraged the Council to visit the natural land.

Charlie LaMorte spoke in support of 3A and urged the Council to not be swayed by the threat of litigation, and requested the Council vote to rezone Oswit Canyon rather than holding a special election.

Allen Worthy spoke in support of Oswit Canyon.

Jane Garrison spoke in support of the Oswit Canyon Initiative and adoption of the proposed ordinance as presented.

Andy Gibbs spoke in support of the Oswit Canyon Initiative. He discussed the visitors hiking in Oswit Canyon.

Les Barclay spoke in support of Oswit Canyon without going to a vote of the people.

Christopher Meyers agreed that the Council should vote to rezone Oswit Canyon and he encouraged the Council to represent the vision of the community.

Elise Kern, attorney representing the property owner in the Oswit Canyon area, discussed the validation judgment and indicated objection to adoption of the proposed ordinance as presented by the proponents.

Victoria Shaver requested those in support of Oswit Canyon stand. She discussed the initiative and urged the Council to rezone the property.

Steve Rosenberg discussed the potential regulatory taking of land in Oswit Canyon and suggested it be put to a vote of the people.

Judy Deertrack spoke in support of saving Oswit Canyon and voiced concerns relating to Planned Development Districts.

Max Groso indicated support of Oswit Canyon and commented on 1D requesting the distance be kept at 200 feet, as opposed to 500 feet, as recommended by the Planning Commission.

Kerry Pucket spoke in support of Oswit Canyon and retaining open space.

Randy Jespersen discussed the non-permanent residents that support Oswit Canyon and he urged the Council to rezone the property.

Mindy Reed discussed 5B and requested allowance of A-frame signs.

Kathy Weremiuk spoke on 5B and the potentially unconstitutional sign ordinance.

Aftab Dada spoke on 5C and requested the matter be tabled to allow continued negotiations.

Joy Brown Meredith spoke on behalf of Crystal Fantasy and Main Street Palm Springs regarding the sign ordinance in 5B. She requested additional time for business owners to review and comment.

Will Stiles encouraged the Council to take risks and lead by example.

Tanya Petrovna spoke in support of 3A and requested the Council adopt the proposed ordinance as presented by the proponents.

1. CONSENT CALENDAR:

Councilmember Kors requested 1D be removed from the Consent Calendar.

ACTION: Approve Items 1B, 1C, 1E, 1F, 1G 1H, 1I and 1J.

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

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

ACTION:

- 1) Adopt Resolution No. 24180, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE

PERIOD ENDED 12-31-2016 BY WARRANTS NUMBERED 419781 THROUGH 419793 TOTALING \$22,018.02, LIABILITY CHECKS NUMBERED 1089743 THROUGH 1089763 TOTALING \$84,660.64, FIVE WIRE TRANSFERS FOR \$105,222.67 AND THREE ELECTRONIC ACH DEBITS OF \$1,351,810.40 IN THE AGGREGATE AMOUNT OF \$1,563,711.73, DRAWN ON BANK OF AMERICA."

- 2) Adopt Resolution No. 24181, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1089764 THROUGH 1089771 IN THE AGGREGATE AMOUNT OF \$579,378.50, DRAWN ON BANK OF AMERICA."
- 3) Adopt Resolution No. 24182, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1089772 THROUGH 1089936 IN THE AGGREGATE AMOUNT OF \$2,457,327.90, DRAWN ON BANK OF AMERICA."
- 4) Adopt Resolution No. 24183, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 01-14-2017 BY WARRANTS NUMBERED 419794 THROUGH 419812 TOTALING \$33,579.78, LIABILITY CHECKS NUMBERED 1089937 THROUGH 1089957 TOTALING \$81,377.48, FIVE WIRE TRANSFERS FOR \$57,819.74 AND THREE ELECTRONIC ACH DEBITS OF \$1,242,460.72 IN THE AGGREGATE AMOUNT OF \$1,415,237.72, DRAWN ON BANK OF AMERICA."
- 5) Adopt Resolution No. 24184, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1089958 THROUGH 1090046 IN THE AGGREGATE AMOUNT OF \$1,541,559.56, DRAWN ON BANK OF AMERICA."
- 6) Adopt Resolution No. 24185, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1090047 THROUGH 1090176 IN THE AGGREGATE AMOUNT OF \$1,586,114.24, DRAWN ON BANK OF AMERICA."

Approved as part of the Consent Calendar.

- 1.C. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1915, ADOPTING A NEGATIVE DECLARATION (ND) AND APPROVING A CHANGE OF ZONE FROM HC (HIGHWAY COMMERCIAL) TO M-2 (MANUFACTURING) AT 19345-19465 NORTH INDIAN CANYON**

DRIVE:

ACTION: Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1915, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION (ND) AND APPROVING A CHANGE OF ZONE FROM HC (HIGHWAY COMMERCIAL) TO M-2 (MANUFACTURING) FOR AN EXISTING LIGHT INDUSTRIAL DEVELOPMENT LOCATED AT 19345-19465 NORTH INDIAN CANYON DRIVE, SECTION 15 (CASE 5.1401-ZC)."

Approved as part of the Consent Calendar.

1.E. ACCEPTANCE OF THE CALLE PALO FIERRO SEWER LINE REPLACEMENT, CP 16-14:

ACTION:

- 1) Accept the public works improvement identified as the Calle Palo Fierro Sewer Line Replacement as completed in accordance with the plans and specifications, CP 16-14.
- 2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for Calle Palo Fierro Sewer Line Replacement.

Approved as part of the Consent Calendar.

1.F. APPROVE AMENDMENT NO. 5 TO AGREEMENT NO. A5580 WITH DOKKEN ENGINEERING IN THE AMOUNT OF \$67,000 FOR POST CONSTRUCTION ENVIRONMENTAL MITIGATION SERVICES FOR THE BOGERT TRAIL BRIDGE REHABILITATION PROJECT, FEDERAL AID PROJECT NO. BHLS 5282 (026), CP 07-03:

ACTION:

- 1) Approve Amendment No. 5 to Agreement No. A5580 with Dokken Engineering in the amount of \$67,000, for a total contract amount of \$940,985, for the Bogert Trail Bridge Rehabilitation Project, Federal Aid Project No. BHLS 5282 (026), CP 07-03.
- 2) Authorize the City Manager to execute all necessary documents.

Approved as part of the Consent Calendar.

1.G. AUTHORIZE AN INCREASE IN THE AMOUNT OF \$19,780 TO PURCHASE ORDER 17-0727 ISSUED TO HARRIS & ASSOCIATES FOR THE SOUTH PALM CANYON DRIVE AT LA PLAZA SAFETY BOLLARD INSTALLATIONS, CP 15-29:

ACTION:

- 1) Authorize an increase in the amount of \$19,780 to Purchase Order 17-0727 with Harris & Associates for a revised total amount of \$35,700 for the S. Palm Canyon Drive at La Plaza Safety Bollard Installations, City Project No. 15-29. A6444.
- 2) Authorize the City Manager to execute all necessary documents.

Approved as part of the Consent Calendar.

1.H. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR CLASS 1 HISTORIC SITE LOCATED AT 360 CABRILLO ROAD UNIT 114 -115 (RACQUET CLUB COTTAGES WEST HD-3):

ACTION:

- 1) Approve a Mills Act Historic Property Preservation Agreement between the City of Palm Springs, Timothy Vogel and Nancy Vogel and the Racquet Club Garden Villas Homeowners Association, for 360 Cabrillo Road Unit 114-115 (HSPB 88 / HD-3). A6952.
- 2) Authorize the City Manager to execute the Agreement.
- 3) Direct the City Clerk to record the Agreement.

Approved as part of the Consent Calendar.

1.I. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR CLASS 1 HISTORIC SITE LOCATED AT 1746 S. PALM CANYON DRIVE (ROYAL HAWAIIAN ESTATES HD 2):

ACTION:

- 1) Approve a Mills Act Historic Property Preservation Agreement with Erin A. Nestor and Rebecca J. Denk and the Royal Hawaiian Estates Homeowners Association, for 1746 S. Palm Canyon Drive (HSPB 73 HD- 2). A6953.
- 2) Authorize the City Manager to execute the Agreement.
- 3) Direct the City Clerk to record the Agreement.

Approved as part of the Consent Calendar.

1.J. APPROVAL OF A SEWER CONNECTION EXEMPTION FOR THE PROPERTY LOCATED AT 2225 LEONARD ROAD IN ACCORDANCE WITH TITLE 15 OF THE PALM SPRINGS MUNICIPAL CODE:

ACTION: Approve an exemption to the requirement to connect to the public sewer system for the property located at 2225 Leonard Road, in accordance with Chapter 15.14.010 of the Palm Springs Municipal Code, and Resolution No. 20650 – subject to a requirement to execute a Sewer Covenant obligating connection to the public sewer when available in the future.

Approved as part of the Consent Calendar.

EXCLUDED CONSENT CALENDAR:

1.A. APPROVAL OF MINUTES:

Councilmember Kors stated he would like the Minutes to reflect he appreciates the design and relative affordability, and opposed the proposed gates on Minutes of February 15, 2017, Page 8, Public Hearing Item 2A, 64@RIV.

ACTION: Approve the City Council Minutes of February 15, 2017, February 13, 2017, and February 1, 2017, with the modification to the February 15, 2017, Minutes as noted by Councilmember Kors.

The City Council unanimously approved the City Council Minutes of February 15, 2017, February 13, 2017, and February 1, 2017, with the modification to the February 15, 2017, Minutes as noted by Councilmember Kors.

1.D. SECOND READING AND ADOPTION OF ORDINANCE NO. 1916, AMENDING THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO SEPARATION DISTANCE REQUIREMENTS FOR MEDICAL CANNABIS COOPERATIVES OR COLLECTIVES AND MEDICAL CANNABIS DISPENSARIES:

Councilmember Kors stated the Palm Springs Unified School District requested a 500 foot distance from the schools, and requested clarification with respect to additional dispensaries.

Mayor Pro Tem Foat commented on the Council's consideration of the Planning Commission's recommendation for radius requirements.

In response to Councilmember Mills, City Attorney Holland explained use of property for cannabis facilities and schools.

ACTION: Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1916, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTION C OF SECTION 93.23.15 OF THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO LOCATIONAL REQUIREMENTS FOR MEDICAL CANNABIS DISPENSARIES IN THE CITY."

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

1.K. ACCEPTANCE OF THE PALM SPRINGS ENTRY SIGNS, CITY PROJECT NO. 13-31:

ACTION:

- 1) Accept the public works improvement identified as the Palm Springs Entry Signs as completed in accordance with the plans and specifications, CP 13-31.
- 2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Palm Springs Entry Signs, CP 13-31. A6796. Approved as part of the Consent Calendar.

Councilmember Mills stated the Council was accepting construction of the signs and there may need to be consideration of future modifications to improve traffic.

Assistant City Manager/City Engineer Fuller responded to Councilmember Roberts indicating the former signs were retained.

In response to Mayor Pro Tem Foat, Assistant City Manager/City Engineer Fuller stated the boulders had been relocated.

In response to Mayor Moon, Assistant City Manager/City Engineer Fuller explained the location of the sign due to Caltrans not allowing construction in its right of way. He discussed theft of some of the LED lights.

ACTION: 1) Accept the public works improvement identified as the Palm Springs Entry Signs as completed in accordance with the plans and specifications, CP 13-31. 2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Palm Springs Entry Signs, CP 13-31. A6796.

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

2. PUBLIC HEARINGS:

2.A. APPEAL BY SUMMIT LAND PARTNERS, LLC, OF THE PLANNING COMMISSION ACTION TO DENY A PLANNED DEVELOPMENT DISTRICT APPLICATION, VESTING TENTATIVE TRACT MAP APPLICATION, AND A MAJOR ARCHITECTURAL APPLICATION FOR THE DEVELOPMENT OF A 90-LOT SINGLE-FAMILY SUBDIVISION ON A 13.28 ACRE PARCEL AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE, ZONE R-3 (CASE NO. 5.1384-PD 381/VTTM 36969/MAJ 3.3902):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the staff report dated March 1, 2017.

After brief Council discussion, the public hearing was not opened based on the fact that the matter was being returned to the Planning Commission for reconsideration.

ACTION: Take no action on the appeal and return the applications to the Planning Commission to reconsider at a public hearing and provide a resolution supporting their findings.

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

2.B. CORTEL INC. (VERIZON WIRELESS) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A FORTY-FIVE FOOT TALL MONOPALM STRUCTURE WITH ASSOCIATED EQUIPMENT SHELTER, INCLUDING A CEQA DETERMINATION OF CATEGORICAL EXEMPTION, AT THE METHODIST CHURCH OF PALM SPRINGS LOCATED AT 1555 EAST ALEJO ROAD, ZONE MBR (CASE NO. 5.1387 CUP):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the staff report dated March 1, 2017.

Mayor Pro Tem Foat requested the addition of conditions to improve the existing cell tower.

Councilmember Roberts expressed concern regarding maintenance of the monopalms. Director Fagg explained maintenance review is included in the conditional use permit. Councilmember Roberts suggested periodic review be included in the zoning ordinance.

Andrea Urbas, Applicant, discussed efforts to determine the best design solution and location.

Ahmad Smith, Verizon Wireless, expressed willingness to maintain the facility and indicated he was available to respond to questions.

Marjorie Conley Aikens spoke in support of the cell tower.

Maureen Brealey spoke in support of the cell tower.

Jim McInerney spoke in support of the cell tower.

Elizabeth Bidwell spoke in support of the cell tower.

Councilmember Mills suggested requiring three palms in varying heights and submittal of a complete landscaping plan.

ACTION: Adopt Resolution No. 24186, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT FOR THE INSTALLATION OF A FORTY-FIVE FOOT TALL MONOPALM COMMERCIAL COMMUNICATION ANTENNA STRUCTURE WITH ASSOCIATED EQUIPMENT SHELTER AT THE METHODIST CHURCH OF PALM SPRINGS LOCATED AT 1555 EAST ALEJO ROAD, ZONE MBR, SECTION 14, INCLUDING A CATEGORICAL EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA

ENVIRONMENTAL QUALITY ACT, (CASE NO. 5.1387 CUP)", as amended.

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

2.C. SUNLIGHT PEAK LLC (DBA: "EPIC HOTEL"), FOR A CONDITIONAL USE PERMIT TO ALLOW AN EIGHT (8) UNIT BOUTIQUE HOTEL TO CONTAIN KITCHENS, LOCATED AT 275 EAST TAMARISK ROAD, ZONE R-3 (CASE 5.1404 CUP):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the staff report dated March 1, 2017.

In response to Councilmember Roberts, Director Fagg explained the requirements to convert to a hotel.

Councilmember Kors expressed concern about the loss of rental apartment units and the conversion to a hotel. He asked what assistance would be provided to the existing tenants. Director Fagg discussed noticing requirements and tenant assistance payments. He discussed front desk staffing, management and housekeeping services.

In response to Mayor Pro Tem Foat, Director Fagg explained that the kitchens removed the need for a restaurant.

Mayor Moon opened the public hearing.

Kevin Stachel, applicant, discussed his experience in rehabilitation of apartment buildings.

James Cioffi addressed the Council regarding neighborhood meetings and endorsement of the project. He stated the property would be a hotel, not a vacation rental. He stated the existing property was a market rate rental apartment building.

Hal Hall stated the existing tenants were not long term tenants. He indicated support for improvements to the building.

Kathy Weremiuk, Planning Commissioner, thanked Councilmember Kors for calling the matter up and she requested guidance on the matter.

Mr. Stachel questioned the relocation service requirements.

No others came forth to address the City Council; therefore, Mayor Moon closed the public hearing.

Mayor Moon stated he was impressed by the architecture. He stated he visited two units and the rooms were small and the property was blighted. He indicated support for the proposed project.

Councilmember Roberts indicated support for the proposed boutique hotel. He suggested policy discussion regarding loss of rental properties and evictions due to conversions. In response to Councilmember Roberts, Mr. Stachel stated the tenants all had month to month leases.

Mayor Pro Tem Foat expressed concern about relocating the tenants and requested a list of lease holders. City Attorney Holland stated short term tenants were not typically eligible for relocation assistance. Mayor Pro Tem Foat indicated support for the project because property was blighted. She discussed the need to consider affordable housing options.

Councilmember Kors concurred with the other Councilmember. He suggested reviewing affordable housing and apartment conversion policies. He requested adding conditions that the property operate as a hotel.

Councilmember Mills suggested revisiting existing policies. He indicated support for the project.

ACTION: Approve Case 5.1404 with the conditions imposed by the Planning Commission, 1) Property owner to provide a 60 day notice of intent to convert apartment complex to hotel for all current building tenants with proof of notification submitted to the Planning Services Department, 2) Property owner to provide tenant assistance to occupants as stipulated in the Palm Springs Municipal Code, and the requirement by the City Council that the property shall be operated as a typical full-service hotel.

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

2.D. ADMINISTRATIVE REVIEW AND CONFORMITY REPORT FOR THE VISION AGUA CALIENTE MASTER PLAN, TO ALLOW FOR THE EXPANSION OF THE EXISTING SPA RESORT CASINO, 350 HOTEL ROOMS, MEETING ROOMS, RETAIL/CULTURAL SPACE, A SPA/FITNESS CENTER, AND A PARKING STRUCTURE ON AN 18-ACRE CONSOLIDATED SITE LOCATED AT THE NORTHEAST CORNER OF INDIAN CANYON DRIVE AND TAHQUITZ CANYON WAY, ZONE RA ("RESORT ATTRACTION"), SECTION 14 (CASE 5.1410):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the staff report dated March 1, 2017.

Mayor Moon called a recess at 8:13 p.m.
Mayor Moon reconvened the meeting reconvened at 8:21 p.m.

Margaret Parks, Director of Planning and Natural Resources, Agua Caliente Band of Cahuilla Indians, explained the government land use agreement, draft Tribal Environmental Impact Report (EIR) which was out for public review and the State Game Compact process.

Donna Florence discussed the City's authority and responsibility in reviewing the application.

Robert Stone complimented staff on the content of staff report. He expressed concern about the height of the proposed building and questioned the conclusions in the EIR.

Al Silverstein indicated opposition to the project due to the height. He urged the Council to not approve the project and discuss the project with the Tribe.

Judy Deertrack disagreed with staff's interpretation on the City's involvement in project approval. She discussed the State Game Compact and the City's opportunity for negotiation and arbitration.

Frank Tysen stated the draft EIR was faulty in its claim that the height of the building had no environmental impact. He expressed disappointment with the entrance being replaced by a four-story garage. He stated the City gave power away by giving street rights of way.

Brian Yaklich stated he was disheartened by the project due to its height, and impact to existing hotels and businesses. He stated it was necessary to reach commonalities with the Tribe.

Councilmember Roberts stated he understood the Tribe's business of gaming. He stated it was necessary to allow development of scale and harmony. He stated the proposed project was too tall and out of scale with the remainder of the City. He expressed grave concern with the lack of open space and parking. He expressed hope that the City could work with the Tribe to mitigate the issues.

Mayor Pro Tem Foat stated she shared the concerns of Councilmember Roberts. She expressed concern regarding understaffing in the Fire Department and Police Department. She stated 175 feet was too tall. She questioned whether the City could negotiate with the Tribe. She discussed the need for traffic mitigation. She stated there were too many unanswered questions. Director Fagg stated the Council was asked to review and comment on the Master Plan and the City would not be

granting entitlements. He stated the City would provide its concerns with issues in the EIR. David Ready, City Manager, recommended an ad hoc committee of staff to work with Tribal staff to discuss the City's concerns. Mayor Pro Tem Foat stated it appeared premature to be brought before the Council. City Manager Ready stated approval of the conformity report and indicated there were unaddressed issues. Mayor Pro Tem Foat suggested negotiating prior to approving the report. City Manager Ready stated staff was seeking Council direction for negotiations with the Tribe.

Mayor Moon stated the Council was providing direction to the staff for discussions with the Tribe prior to the final design. He suggested negotiating with the Tribe for two shorter hotels under 100 feet, parking plan including City needs, and public safety needs.

Councilmember Mills explained the block diagram for specific uses and immediate negative reactions. He stated the Tribe was proposing a minimum of 40% open space. He complimented staff on its analysis of impacts to the City. He discussed the complimentary relationship between the City and the Tribe. He discussed his hesitation in approving the City's abandonment of streets in the area and the need to trust the Tribe. He stated the "casino entrance" was always intended as the back door. He expressed apprehension but looked forward to site plan review. He suggested appointing an ad hoc committee to work through the City's proposed conditions and work with the Tribe.

Councilmember Roberts disagreed that the City had done all it could. He respected the Tribe but he could not have a leap of faith and approve the Conformity Report. He stated he considered the proposal a specific plan and could not support 175-foot height. He indicated support for creating an ad hoc committee.

Councilmember Kors commended staff on the staff report. He discussed the process for providing conditions and negotiations. City Manager Ready explained the 1998 agreement and process. Councilmember Kors asked for information on mitigation funds. City Manager Ready stated the new compact would be triggered once the casino was expanded.

Tom Davis, Chief Planning and Development Officer for Agua Caliente Band of Cahuilla Indians, explained the 2006 compact revision placing funds in the State general fund rather than a special distribution fund. He explained that safety services would be included in the Intergovernmental Agreement. He stated the process had worked for the original casino and parking structure.

Councilmember Mills stated the Council could approve the report voicing its concerns.

Mayor Moon explained that the Council was endorsing the recommendations made by City staff in the report. He requested adding a suggestion of two buildings rather than one. He stated the compact allowed contribution to public safety.

City Manager Ready explained the next steps.

Mayor Pro Tem Foat stated she would support the motion in order to have the opportunity to provide input.

Councilmember Kors requested information with respect to the compact that was put in place.

Councilmember Mills stated support.

Mayor Moon stated support.

ACTION:

1) Adopt Resolution No. 24187, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A CONFORMITY REPORT FOR THE VISION AGUA CALIENTE MASTER PLAN ON AN 18-ACRE CONSOLIDATED SITE LOCATED AT THE NORTHEAST CORNER OF INDIAN CANYON DRIVE AND TAHQUITZ CANYON WAY IN SECTION 14" and amending Condition No. 3, limiting the height to 100 feet, changing it from one building to two buildings with 350 hotel rooms.

2) Schedule a joint meeting with the Tribal Council pursuant to Section 5 of Agreement No. A1324 to discuss issues relative to the Vision Agua Caliente Master Plan, or as an alternative, appoint Mayor Moon and Councilmember Mills to the City Council ad hoc subcommittee, with a sunset date of December 31, 2017, to work with City staff and Tribal staff in resolving any issues related to the Master Plan.

Motion by Councilmember Mills, seconded by Mayor Moon, and unanimously carried on a roll call vote.

3. LEGISLATIVE:

3.A. PROPOSED ACTIONS REGARDING AN INITIATIVE MEASURE AMENDING THE PALM SPRINGS ZONING CODE, CANYON SOUTH SPECIFIC PLAN AND GENERAL PLAN, TO DESIGNATE OSWIT CONE AS AN AREA SUBJECT TO THE ENVIRONMENTALLY SENSITIVE AREA REGULATIONS FILED FOR CONSIDERATION OR CALLING A SPECIAL ELECTION AND OTHER MATTERS AS REQUIRED BY LAW:

City Manager Ready stated he has a conflict of interest and exited Council Chamber.

Kathleen Hart and Douglas Holland, Interim City Clerk and City Attorney respectively, provided the background information as outlined in the staff report.

Marcus Fuller, Assistant City Manager/City Engineer, provided background on the effect of the initiative on existing projects and properties.

Councilmember Roberts stated it was necessary to consider the potential of a taking. He stated the initiative allowed the developer to come back with a specific plan with higher housing density. City Attorney Holland stated the measure helped ensure that the developer exhausted all remedies.

Councilmember Kors thanked staff for their hard work. He stated he and Mayor Pro Tem Foat, the subcommittee, recommended the Council adopt the initiative.

Mayor Pro Tem Foat stated the Council was considering whether to hold a special election or not.

Councilmember Kors summarized the responses to the Subcommittee's questions of the California Department of Fish and Game.

Mayor Pro Tem Foat discussed the complicated process and stated it would be a long battle.

Mayor Moon indicated support and agreed that it was the first step in the process. He stated there was plenty of existing disturbed land to develop.

Councilmember Mills stated his support and requested the record reflect that he was voting for it because he wanted to save the City \$80,000 for a special election. He stated there were recitals in the initiative that he did not agree with and he did not support "zoning by emotion". He discussed the potential for litigation.

Mayor Pro Tem Foat reminded the community that the property was owned by someone else and she suggested raising money to buy the property.

Councilmember Kors stated the Subcommittee could assist the community with potential purchase of the property.

ACTION: Receive and File the Certificate of Sufficiency as prepared and executed by the City Clerk; and 2) Waive the reading of the text in its entirety, read by title only, and Adopt Ordinance No. 1919, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE PALM SPRINGS ZONING CODE, CANYON SOUTH SPECIFIC PLAN, AND GENERAL PLAN TO DESIGNATE OSWIT CONE AS AN AREA SUBJECT TO THE ENVIRONMENTALLY SENSITIVE AREA REGULATIONS."

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

City Manager Ready returned to the Council Chamber.

4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:**

5.A. **APPROVAL OF TIME EXTENSIONS OF SUBDIVISION IMPROVEMENT AGREEMENTS FOR VARIOUS PROJECTS:**

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the staff report.

ACTION: Adopt Resolution No. 24188, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING TIME EXTENSIONS OF VARIOUS SUBDIVISION IMPROVEMENT AGREEMENTS.

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

5.B. **COUNCIL SUBCOMMITTEE REPORT REGARDING TEMPORARY, PORTABLE SIGNS ON PUBLIC SIDEWALKS AND THE PUBLIC RIGHT OF WAY; REQUEST FOR COUNCIL DIRECTION:**

Douglas Holland, City Attorney, provided a staff report summary.

Councilmember Kors, Subcommittee Member, provided background on the subcommittee and community discussions. He stated the goal was to obtain Council direction for portable signs on public property. He stated, if allowed, the laws needed to be enforced and needed to be consistent. He discussed realtor signs, particularly open house signs. He stated the focus was on content, Americans with Disabilities Act requirements (ADA) and safety restrictions.

Councilmember Mills requested Council input on A-signs. He discussed the idea of a directory type sign where there was no other way to identify a business.

Councilmember Kors added that they were looking at other options like allowing more signs in place of A-frames. He explained the idea of sign districts.

Councilmember Mills discussed his desire to promote more directory type signs.

In response to Mayor Pro Tem Foat, Councilmember Mills discussed issues with signage in the City's right of ways and the inability to control content.

Councilmember Roberts thanked the Subcommittee for its work including consideration of Federal law and the difficult situation. He stated he was not receiving complaints and did not anticipate issues. He stated sign districts was an interesting concept but would be difficult to administer and enforce. He suggested no signs in streets or medians, and establishing material quality and size standards. He suggested allowing options where A-frames were not feasible. He stated well designed A-frames brought back the village feel.

Mayor Pro Tem Foat endorsed Councilmember Roberts' comments. She discussed enforcement of signs on Sunny Dunes impacting businesses. She agreed with controlling the look of the signs and consistency throughout the City.

Mayor Moon agreed with Councilmember Roberts.

The Council discussed businesses with low visibility and the possibility of creating clutter.

Mayor Moon agreed that district signage would be difficult to enforce. He indicated support for A-frame signs. He stated Main Street needed the signs.

Councilmember Mills stated businesses used signage as an excuse for business difficulties. He discussed businesses that paid less rent due to less visibility. City Attorney Holland confirmed that the City could dictate where signs were allowed.

Councilmember Kors stated business owner should be given one choice of signage and permits and indemnity should be required. He stated it

was necessary to enforce the City's laws and educate the business owners.

5.C. APPROVE AMENDMENT NO. 2 TO AGREEMENT NO. A6187 WITH PS RESORTS, EXTENDING THE AGREEMENT FOR AN ADDITIONAL THREE (3) YEARS.

David Ready, City Manager, requested the item be brought back to the City Council in two weeks.

ACTION: 1) To table the item for two weeks.

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

5.D. PROPOSED RESOLUTION MODIFYING THE CITY COUNCIL RULES OF PROCEDURE AND CONDUCT OF CITY COUNCIL MEETINGS:

Councilmember Kors provided an overview of the staff report.

Mayor Moon requested reintroduction of invocations. He stated he was opposed to changing Section 5.4.2 and he did not want to prevent citizens from addressing the Council.

Councilmember Kors explained that the entire Council should determine whether to limit speakers.

Mayor Pro Tem Foat indicated support for Section 5.4.2.

Mayor Moon asked if the Council could tailor speakers at the time of the item. City Attorney stated the Council could make the decision at the time of the meeting. Mayor Moon suggested making the decision on a case by case basis.

Councilmember Roberts stated the Council should have the ability to limit speakers.

Councilmember Kors suggested moving Subcommittee reports earlier in the meeting.

Councilmember Roberts requested Council input on invocations. Councilmember Kors stated invocations must be open to anyone. Councilmember Mills suggested an invocation on a monthly basis. Mayor Pro Tem Foat expressed concern about alienating religious people, but could support once per month randomly select inspirational speakers. City Attorney Holland discussed potential challenges with limiting the

group. He stated it would be most appropriate to allow non-secular, inspirational comments.

In response to Councilmember Mills, City Attorney Holland discussed Section 4.7 regarding Conflicts of Interest and indicated he would return with additional clarification. Councilmember Mills suggested striking Section 5.1. He asked if it was legal to prohibit the public from chastising staff. City Attorney Holland stated the restriction was appropriate in order to maintain decorum in the Chambers. Councilmember Mills suggested indicating motions and seconds should occur prior to discussion. In response to Councilmember Mills, City Attorney Holland explained Section 7.4 regarding Councilmembers not voting on items was guidance.

ACTION: Adopt Resolution No. 24189, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING CITY COUNCIL RULES OF PROCEDURE AND SUPERSEDING RESOLUTION NO. 24059" only amending the order of business.

5.E. MID-YEAR BUDGET REVIEW PRESENTATION FOR FY 2016-17:

ACTION: To table the item to March 15, 2017.

It was the consensus of the City Council to table this item to March 15, 2017.

PUBLIC COMMENT: (Non-Agenda Items)

Daryl Terrel discussed events of February 16 and encouraged the Council to seize the moment.

James Hayton commended staff and elected officials on their commitment to the City. He took exception to Mayor Pro Tem Foat commenting that President Trump was a Nazi.

COUNCILMEMBER COMMENTS, REQUESTS, REPORTS, AND UPCOMING AGENDA DEVELOPMENT:

Councilmember Mills spoke about cell towers and their vicinities were not being well maintained.

In response to Mayor Moon, Councilmember Kors stated vacation rentals would be discussed with the Council on March 15, 2017. City Manager Ready explained that there would be a special meeting of Planning Commission on March 15, 2017, at 1:30 p.m. and will be heard by Council that evening.

Mayor Moon requested a status update on the Cornelia White House. Councilmember Roberts stated the contractor was doing the work pro-bono and the only cost to the City

would be materials. He stated the contractor was currently reviewing the engineering and would be starting the project soon. City Manager Ready stated any costs over \$25,000 would have to be approved by the City Council.

Councilmember Roberts provided an update on the Plaza Theatre and indicated interest from HSPB on assisting. He stated he and Councilmember Mills would be meeting to discuss next steps.

In response to Councilmember Roberts, Assistant City Attorney Fuller stated he would provide an update on the Indian Canyon 2-way conversion at the next meeting.

Councilmember Kors requested a meeting be scheduled of the ad hoc Subcommittee on Affordable Housing. He requested consideration of a TNT permit for Uber/Lyft drivers.

Mayor Pro Tem Foat requested a report from the Downtown Subcommittee on the plan for the Town & Country. Councilmember Roberts stated the developer had no plans for development and the property was not for sale. City Manager Ready provided background on applicability of the vacant building ordinance on the Town & Country property. Mayor Pro Tem Foat expressed concern about blighted properties and vacant buildings. She discussed plastic signs on old hotels and the need for code enforcement. She requested scheduling the Subcommittee on annexations, an update on the County property, old fire station, and an agenda item regarding the closing of Roy's.

Councilmember Kors requested a quarterly review of the subcommittees.

ADJOURNMENT: The City Council adjourned at 11:10 p.m. to the next regular meeting Wednesday, March 15, 2017, at 6:00 p.m. Council Chamber, City Hall, preceded by Closed Session at 4:30 p.m., Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

Respectfully submitted,



CYNTHIA A. BERARDI, CMC
Interim Chief Deputy City Clerk

CITY COUNCIL
AND AS SUCCESSOR AGENCY TO THE
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF THE PALM SPRINGS



CLOSED SESSION AGENDA
Wednesday, March 1, 2017 – 4:30 p.m.

City Hall, Small Conference Room
3200 East Tahquitz Canyon Way, Palm Springs

CONFERENCE WITH LEGAL COUNSEL. The City Council finds, based on advice from the City Attorney, that discussion in open session of the following described matter(s) will prejudice the position of the City in existing and anticipated litigation.

EXISTING LITIGATION **G.C. 54956.9(a)**

Lockwood Ave LLC et al v. City of Palm Springs
Case No. RIC1703102, Riverside Superior Court, Riverside Division

EXPOSURE TO LITIGATION **G.C. 54956.9(b)**

3 Case(s).

INITIATION OF LITIGATION **G.C. 54956.9(c)**

3 Case(s).

CONFERENCE WITH REAL PROPERTY NEGOTIATOR **G.C. 54956.8**

Property Address/Description:	APN 669-330-029
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	Desert Community College District
Under Negotiation:	Price and Terms of Payment
Property Address/Description:	APN 513-460-033 (Right-of-Way)
Agency:	City of Palm Springs
City Negotiator:	Marcus L. Fuller, Assistant City Manager or Designee
Negotiating Parties:	4348 Lockwood Avenue, LLC
Under Negotiation:	Price and Terms of Payment (Easement)

**CITY COUNCIL
AND AS SUCCESSOR AGENCY TO
THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY**

CITY OF PALM SPRINGS, CALIFORNIA

**MINUTES
MONDAY, FEBRUARY 27, 2017
Palm Springs Convention Center, Oasis 3A
277 N. Avenida Caballeros, Palm Springs, CA 92262**

CLOSED SESSION

5:00 p.m. CALL TO ORDER (Oasis 3A):

Mayor Moon called the meeting to order at 5:01 p.m.
All members of the City Council were present.

PUBLIC COMMENT (Oasis 3A): None.

RECESS TO CLOSED SESSION (Smoketree C):

See Closed Session Agenda, Exhibit A.

The Mayor and City Council recessed to Closed Session in Smoketree C at 5:02 p.m.

SPECIAL STUDY SESSION MEETING

6:00 p.m. CALL TO ORDER:

Mayor Moon called the meeting to order at 6:09 p.m.

PLEDGE OF ALLEGIANCE:

Mayor Moon led the salute to the flag.

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, Special Counsel Gary Schons, Assistant City Manager/City Engineer Fuller, Finance Director Kiehl, Planning Director Fagg, and Interim City Clerk Hart

ACCEPTANCE OF THE AGENDA:

ACTION: Motion by Mayor Pro Tem Foat, seconded by Councilmember Roberts, and unanimously (5-0-0) carried on a roll call vote, the agenda was approved as presented.

REPORT OF CLOSED SESSION:

Douglas Holland, City Attorney, reported as follows:

1. The Council provided instructions in regard to Julie K. Nelson v. City of Palm Springs, State of California, Caltrans, et al, Case No. PSC1401755, Riverside Superior Court, Palm Springs Division.
2. The City Council directed the City Attorney to file an amicus brief in the case of Gavin Grim v. Gloucester County School Board by a vote of 4-1, with Councilmember Mills dissenting.

Councilmember Kors explained the amicus brief with respect to a case of a transgender teenage boy in Virginia was denied the use of the boys restroom by the school board.

DISCUSSION OF MOVING FORWARD PALM SPRINGS DEVELOPMENT PROJECTS, INCLUDING DOWNTOWN REVITALIZATION: RECOMMENDATION:

1. Receive presentation
2. Public Comments
3. Councilmember Comments and Discussio.
4. Provide direction to staff as appropriate

Mayor Moon explained the purpose and format of the meeting.

City Manager Ready provided an overview of the Downtown Revitalization and purpose of the City's partnership with the developer. He discussed the protections for the City were included in the developer agreement. He explained the project timeline and impact by litigation. He discussed efforts to ensure the public's trust and intention to make documents and information accessible to the public.

City Attorney Holland stated staff was in the process of putting together a timeline, although there was one case of pending litigation. He discussed the \$25 million deed of trust and release as projects were completed.

Emily Hemphill, attorney representing Palm Springs Promenade, indicated they were prepared to move forward and complete the project with the City. She discussed the retirement of Mr. Wessman and new management plan for the project. She stated the lenders were behind the project as long as the City was still behind the project. She stated their belief that the entitlements for the project were still in effect.

Michael Harrington expressed concern with the negative impression by the public of moving forward with the Desert Plaza project. He questioned the release of funds to Wessman entities.

Mayor Moon discussed the 14-page indictment and indicated the process must proceed until a verdict was reached.

City Attorney Holland stated the District Attorney was reviewing eight (8) different properties for potential issues and staff was working to identify possible options to be presented to the Council.

Lisa Middleton stated the Council needed to act with patience and measured resolve. She suggested weighing all legal implications before taking action. She encouraged the City to engage and rely on outside counsel and advisors with specific area of expertise. She stated the Downtown must not be left in a state of suspended animation pending the conclusion of criminal trials and appeals. She suggested the timeline for completion be provided to the public and 24-hour security for the Town and Country Center.

Michael Hyman, discussed his experience with visitors and their concern with the Downtown development. He suggested consideration of potential alternatives to reduce the scale and height of the buildings. He stated there would be no jobs when the attraction of Palm Springs was diminished.

Councilmember Roberts discussed the Council's modifications to the Downtown Specific Plan reducing the scale and height.

Allen Worthy questioned why City Attorney Holland was still at the table and he discussed the lack of disclosure.

Bill Shean discussed the lack of trust for the project and Wessman Development. He stated the scope of the project was disheartening and asked the possibility of utilizing a different developer.

City Attorney Holland stated there had been indictments but no convictions. He explained that staff was looking at alternatives to deal with all eight (8) properties that were called into question by the District Attorney.

Stephanie Austin stated visitors questioned the huge buildings in the Downtown. She urged the Council to stop the project, bring in a new developer and redesign the project. She questioned how Wessman could be awarded for the mess he created.

Mayor Pro Tem Foat reminded the community that the property was owned by John Wessman; therefore, the City could not obtain a different developer and it was moving along with the plan for Downtown. She stated the buildings would not be torn down and the City was determining its legal rights.

David Feldman, Co-Chair of the Transparency Committee, discussed the need to distinguish between standing and ad hoc committees. He urged the Council to establish the Downtown Subcommittee as a standing committee subject to the Brown Act.

Lauri Kibby indicated support for the Council in its efforts to moderate those in favor and opposed to the project. She urged the community to pull together to resolve concerns.

Julie Montante commended the new Council's efforts for transparency and follow through. She urged the people to come together.

Simon Sarkisian expressed appreciation for the Council's work and urged completion of the Downtown.

Robert Brugeman stated the buildings would not be torn down and the stores would be in operation while the trail was underway. He stated the point of the project was to bring people to the center of the City and people were excited about the amenities and retail products. He congratulated the Council for completing the Specific Plan.

Michael Braun stated retail destinations needed to create an experience. He discussed transition plans and project schedules.

Jeffrey Bernstein stated his business depended on the Downtown being completed and requested it be completed as soon as possible.

Kathy Weremink, Planning Commissioner, expressed embarrassment about the accusations in the indictment. She stated it was necessary to move forward with the approved projects. She discussed the modified Downtown Specific Plan.

Judy Deertrack discussed the Public Corruption Task Force and violations of Government Code Section 1090. She discussed her appearances on the proposed projects at which she expressed concern about the irregularities in the permits and violations of the City's policies, procedures, and General Plan.

Mitch Blumberg recommended continuing the project.

Stephen Rose recalled Stephen Philip Pougnet's statements to take on John Wessman to complete the Downtown Revitalization. He stated the City should not continue to work with the Wessman Company. He stated the indictment had to run the course and the City should call in professionals.

Robert Stone discussed his prior testimony alleging violations of Government Code Section 1090. He expressed concern about the faith and credit of the City of Palm Springs. He suggested the City hire a forensic auditor to determine whether Palm Springs Promenade LLC had the funds to complete the project, to have no communications with Michael Braun unless in writing, and to proceed slowly.

Doug Huth commended the current City Council for its actions on the project and encouraged continuation of correcting missteps.

Aftab Dada representing the hospitality and hotel associations, indicated support of the hotel and Blocks B and C. He offered to assist with completion of the project.

David Vogel Chairman of Measure J Commission, thanked the Council for the revisions. He suggested focusing on the future of the economy and tourists to the City.

David Zippel on behalf of himself and Michael Johnston, encouraged the Council to find out what prosecution of Government Code Section 1090 meant for the City. He suggested consideration of taking back the public right of way on Palm Canyon, not finishing Block B to continue the open space, try to recover the \$5.3 million paid for the parks, and utilizing an alternative developer to complete the Town and Country.

Jim Stuart urged the Council to keep moving forward.

Frank Tysen discussed the election of Mayor Moon. He questioned the need for the development due to existing vacant buildings. He expressed appreciation for the reduction of the project but stated additional reductions were necessary. He suggested waiting to complete the project and placing an advisory vote on the ballot in June.

Brian Yaklich discussed the accusations against Mr. Wessman and Mr. Braun. He suggested an impartial citizen panel to review the process.

Henry Hampton stated he was running for City Council. He discussed the need to plan for contingencies with immediate and transparent action. He discussed a similar situation in Florida. He urged the Council to assume the process as expeditiously as possible.

Michael McWhirter requested the residents applaud the police officers. He offered to pay back what Wessman owed the City or the \$350 million to turn the situation around.

Barbara Marshall discussed her interaction with visitors and their inquiries about what was going on in Downtown. She stated the City should not allow a project built on corruption to continue.

Edward Connolly discussed his experience staying in local hotels and questioned what was happening Downtown. He discussed the principle of form follows function and questioned how the project was approved.

Tal Mirza requested the Council move forward with the development as soon as possible.

Ed Dube expressed concern about the indictments and court actions and urged the Council to continue with the project.

Joy Brown Meredith urged the community to work together. She stated she would like to see the completion of the hotel and Blocks B and C. She suggested the Town and Country Center refurbishment be moved up in the process.

Mayor Pro Tem Foat stated the Town and Country was not part of the Downtown Specific Plan, the City had no input on the project, and it is a historical property.

Councilmember Roberts stated the Town and Country was preserved and protected as historic property, and it is privately owned.

Mindy Reed thanked the Council and staff for listening to the citizens. She stated the project needed to be completed due to the impacts to surrounding businesses. She suggested Marilyn Monroe be moved back to Palm Canyon Drive.

Dan Hughett discussed former Mayor Pougnet's statements regarding eminent domain which changed to gifting Mr. Wessman. He stated it was necessary to keep the village of Palm Springs in mind. He discussed removal of the sign at Indian Avenue and Desert Highland.

Jeff Nichols asked how the project would proceed rather than remain blighted. He asked if the incumbents would be running for reelection and how the new Council would create a prosperous Downtown.

Councilmember Roberts thanked the community for its comments and questions. He stated he did not want another dead project in the middle of Downtown. He stated the project might not be perfect but the goal was to get rid of the old Downtown mall. He stated he asked himself what was best for Palm Springs now, in five years, and in 20-years. He anticipated the project would be successful and needed to be completed. He discussed the review process of the project and urged the City to look forward and finish the project.

Councilmember Kors agreed that Palm Canyon needed to be completed. He stated the City had brought in additional legal counsel. He stated the City was not giving up its legal rights and remedies and was exploring all available options. He stated the City would continue to communicate opening and quickly with the residents. He expressed his appreciation for those providing input.

Mayor Pro Tem Foat concurred with Councilmember Roberts and Kors. She reiterated that the City had retained a legal expert on Government Code Section 1090. She discussed the difficult situation but stated the City was well protected. She reminded the residents that the property was not owned by the City of Palm Springs. She discussed project delays due to litigation. She expressed pride in the Council working together for the best interests of the City.

Councilmember Mills discussed the Council's commitment to the Downtown. He reminded the residents of the process to revitalize the Downtown. He discussed pending litigation, the developer building at his own risk and the City's safeguards. He stated the project would be the future of the City and he encouraged the community work together.

Mayor Moon expressed appreciation for the community input. He stated the current Council had reduced the Downtown project by 50%, saved the Town and Country Center, listened to the Planning Commission, and denied projects. He discussed the delicate balance between controlling growth and earning enough revenue. He thanked the public for attending the meeting.

ACTION: No action was taken.

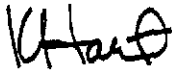
COUNCILMEMBER COMMENTS:

Mayor Moon thanked the Palm Springs Convention Center.

ADJOURNMENT:

The City Council adjourned at 8:07 p.m. to the next regular meeting Wednesday, March 1, 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.

Respectfully submitted,



KATHLEEN D. HART, MMC
Interim City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, KATHLEEN D. HART, Interim City Clerk of the City of Palm Springs, California, hereby certify that the February 27, 2017, MINUTES were approved by the City Council of the City of Palm Springs at a regular meeting held on the May 3, 2017, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- RECUSAL:

KATHLEEN D. HART, MMC
Interim City Clerk

CITY COUNCIL
AND AS SUCCESSOR AGENCY TO THE
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF THE PALM SPRINGS
CITY OF PALM SPRINGS, CALIFORNIA



CLOSED SESSION AGENDA
Wednesday, February 27, 2017 – 5:00 p.m.

Palm Springs Convention Center
Smoketree C
277 N Avenida Caballeros
Palm Springs, CA 92262

CONFERENCE WITH LEGAL COUNSEL. The City Council finds, based on advice from the City Attorney, that discussion in open session of the following described matter(s) will prejudice the position of the City in existing and anticipated litigation.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR **G.C. 54956.8**

Property Address/Description: APN 513-460-033 (Right-of-Way)
Agency: City of Palm Springs
City Negotiator: Marcus L. Fuller, Assistant City Manager or Designee
Negotiating Parties: 4348 Lockwood Avenue, LLC
Under Negotiation: Price and Terms of Payment (Easement)

EXPOSURE TO LITIGATION **G.C. 54956.9(b)**

3 Case(s)

INITIATION OF LITIGATION **G.C. 54956.9(c)**

3 Case(s)

CALL AND NOTICE OF SPECIAL MEETING MINUTES

CITY COUNCIL
CITY OF PALM SPRINGS
9:00 a.m., January 19, 2017

CALL TO ORDER (*Smoketree D*):

Mayor Moon called the meeting to order at 9:02 a.m.

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

ABSENT: None

ALSO PRESENT: City Manager Ready, and Interim City Clerk Hart

PUBLIC COMMENT (*Smoketree D*):

No one came forth to address the Mayor and City Council.

RECESS TO CLOSED SESSION (*Agua Caliente Boardroom, A/B*)

PUBLIC EMPLOYMENT APPOINTMENT

G.C. 54957

Position: City Attorney

At 9:03 a.m. the Mayor and City Council recessed to Closed Session.

At 2:18 p.m. the Mayor and City Council returned to open session.

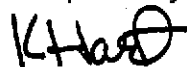
REPORT OF CLOSED SESSION (*Smoketree D*):

ACTION: David Ready, City Manager, report no reportable action was taken.

ADJOURNMENT (*Smoketree D*):

ACTION: At 2:20 p.m. the City Council adjourned to a Study Session Meeting, Wednesday, January 25, 2017, at 6:00 p.m. Council Chamber, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

Respectfully submitted,



Kathleen D. Hart, MMC
Interim City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, KATHLEEN D. HART, Interim City Clerk of the City of Palm Springs, California, hereby certify that the January 19, 2017, MINUTES were approved by the City Council of the City of Palm Springs at a regular meeting held on May 3, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSAL:

KATHLEEN D. HART, MMC
Interim City Clerk

**CITY COUNCIL
AND AS SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY
AND AS THE PALM SPRINGS FINANCING AUTHORITY**

CITY OF PALM SPRINGS, CALIFORNIA

MINUTES
WEDNESDAY, JANUARY 4, 2017
City Hall, Council Chamber
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262

**4:30 P.M. CLOSED SESSION
CALL TO ORDER (*Council Chamber*):**

Mayor Moon called the meeting to order at 4:33 p.m.
The Mayor and all Councilmembers were present.

PUBLIC COMMENT (*Council Chamber*): None.

RECESS TO CLOSED SESSION (*Small Conference Room*):

See Closed Session Agenda, Exhibit A.

At 4:34 p.m. the Mayor and City Council recessed to the Small Conference Room.

6:00 P.M. REGULAR CITY COUNCIL MEETING

CALL TO ORDER:

Mayor Moon called the meeting to order at 6:05 p.m.

PLEDGE OF ALLEGIANCE:

Mayor Moon led the salute to the flag.

ROLL CALL:

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

ABSENT: None

ALSO PRESENT: City Manager Ready, City Attorney Holland, Interim City Clerk Hart

PRESENTATIONS: None.

CITY MANAGER'S REPORT:

David Ready, City Manager, reported on the following:

1. On January 24, 2017, Riverside County will be conducting a Homeless Point-In-Time Count and are seeking volunteers. Training will be provided to volunteers and those wishing to volunteer may obtain additional information on the County of Riverside website. Councilmember Kors and Mayor Pro Tem Foat added additional information.

2. Provided an update with respect to the Andaz Project, and at the next City Council meeting an item will be on the agenda for the appointment of an ad hoc subcommittee for this project.
3. Reported the annual audit has been completed, timely filed, and available on the City's website, and the audit will be presented to the City Council in February.
4. Reported the solar project at the Wastewater Treatment Plant has been completed, and asked Marcus Fuller, Assistant City Manager/City Engineer, to provide the report.

REPORT OF CLOSED SESSION:

Douglas Holland, City Attorney, reported the the following:

1. City Council denied (4-1-0, Mills NO) with respect to the following case: *Wessman Holdings, LLC v. City of Palm Springs* Case No. PSC1606436, Riverside Superior Court, Palm Springs Division
2. Provided direction.
3. No other reportable action.

ACCEPTANCE OF THE AGENDA:

David Ready, City Manager, requested 1M be withdrawn from the agenda.

Mayor Pro Tem Foat request removal of 1N from the Consent Calendar.

ACTION: Approve the Agenda with modifications as follows: 1) withdrawal of Item 1M from the agenda, and 2) Removal of 1N from the Consent Calendar.

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

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

Joy Meredith, spoke in support of the signs.

1. CONSENT CALENDAR:

ACTION: Approved 1.A., 1B., 1C., 1D., 1E., 1F., 1G., 1H., 1I., 1J., 1K., and 1L.
Motion by Mayor Pro Tem Foat, seconded by Councilmember Roberts, and unanimously carried on a roll call vote.

1.A. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of December 7, 2016, November 30, 2016, November 16, 2016, and October 26, 2016.
Approved as part of the Consent Calendar.

1.B. TREASURER'S INVESTMENT REPORT AS OF NOVEMBER 30, 2016:

ACTION: Receive and File the Treasurer's Investment Report as of

November 30, 2016. **Approved as part of the Consent Calendar.**

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

ACTION:

- 1) Adopt Resolution No. 24148, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1088834 THROUGH 1088991 IN THE AGGREGATE AMOUNT OF \$3,987,635.73, DRAWN ON BANK OF AMERICA."
- 2) Adopt Resolution No. 24149, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1088992 THROUGH 1088994 IN THE AGGREGATE AMOUNT OF \$8,355.94, DRAWN ON BANK OF AMERICA."

Approved as part of the Consent Calendar.

1.D. RECEIVE GIFT FOR LIBRARY TRUST FUND FROM THE ALEXANDER JABLOW AND GRACE JABLOW INTER VIVOS REVOCABLE TRUST:

ACTION: Adopt Resolution No. 24150, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACCEPTING A GIFT FROM THE ALEXANDER JABLOW AND GRACE JABLOW INTER VIVOS REVOCABLE TRUST FOR THE LIBRARY TRUST FUND." **Approved as part of the Consent Calendar.**

1.E. AIR SERVICE MARKETING INCENTIVE FUNDING AWARD TO AIR CANADA:

ACTION:

- 1) Approve Air Service Incentive funding for Air Canada Rouge in an amount not to exceed \$50,000. A6916.
- 2) Authorize the City Manager to execute all necessary documents.

Approved as part of the Consent Calendar.

1.F. SECOND READING AND ADOPTION OF ORDINANCE NO. 1911 EXPANDING THE PARKS AND RECREATION COMMISSION FROM NINE TO ELEVEN MEMBERS AND AMENDING THE QUORUM REQUIREMENT FOR THE SUSTAINABILITY COMMISSION:

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

1.G. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF COACHELLA TO THE PALM SPRINGS INTERNATIONAL AIRPORT

COMMISSION FOR THE TERM ENDING DECEMBER 31, 2017:

ACTION: Appoint Bill Pattison, as the City of Coachella representative, to the Palm Springs International Airport Commission for the term ending December 31, 2017. **Approved as part of the Consent Calendar.**

1.H. APPOINTMENT TO THE BOARD OF LIBRARY TRUSTEES FOR THE TERM ENDING JUNE 30, 2019:

ACTION: Appoint George McBride to the Board of Library Trustees for the term ending June 30, 2019. **Approved as part of the Consent Calendar.**

1.I. ACCEPT THE RESIGNATION OF NANCY FERGUSON FROM THE SUSTAINABILITY COMMISSION:

ACTION:

- 1) Accept with regret the resignation of Nancy Ferguson from the Sustainability Commission.
- 2) Direct the City Clerk to post a notice of vacancy for the term ending June 30, 2018.

Approved as part of the Consent Calendar.

1.J. MILLS ACT HISTORIC SITE AGREEMENT WITH CHRISTOPHER SMITH AND THE SANDCLIFF HOMEOWNERS ASSOCIATION FOR THE PROPERTY LOCATED AT 1817 SANDCLIFF ROAD, A CLASS 1 HISTORIC SITE (HSPB 93/HD-5):

ACTION:

- 1) Approve a Mills Act Historic Property Agreement with Christopher Smith and the Sandcliff Homeowners Association for property located at 1817 Sandcliff Road, a Class 1 Historic Site (HSPB 93/HD-5).
- 2) Authorize the City Manager to execute the Agreement.
- 3) Direct the City Clerk to record the Agreement. A6917.

Approved as part of the Consent Calendar.

1.K. ACCEPTANCE OF THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES ACCOUNT (SLESA) GRANT FROM THE STATE OF CALIFORNIA, APPROVING AN EXPENDITURE PLAN AND APPROPRIATION:

ACTION:

- 1) Accept the State of California Supplemental Enforcement Services Account Grant (SLESA) and Expenditure Plan. A5765.
- 2) Direct the Director of Finance/City Treasurer to fund the appropriation.
- 3) Authorize the City Manager to execute all necessary documents.

Approved as part of the Consent Calendar.

1.L. ACCEPT THE COMMUNITY FACILITIES DISTRICT ANNUAL ACCOUNTABILITY REPORT:

ACTION:

- 1) Accept the Community Facilities District No. 2005-1 (Public Safety

- Services) and Community Facilities District No. 2007-1 (Tribal Land) Special Tax and Bond Accountability Reports for Fiscal Year 2015-16.
2) Authorize the City Manager to execute all necessary documents.
Approved as part of the Consent Calendar.

1.M. APPROVE A SPONSORSHIP FUNDING AGREEMENT IN THE AMOUNT OF \$25,000 WITH DESERT BIENNIAL FOR THE 2017 "DESERT X - EXHIBITION OF ART:"

ACTION:

This item was removed from the agenda.
No action was taken.

EXCLUDED CONSENT CALENDAR:

1.N. APPROVE PROFESSIONAL SERVICES AGREEMENT WITH MICHAEL BAKER INTERNATIONAL, INC., FOR THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) CYCLE 7 TRAFFIC SIGNAL MODIFICATIONS, CP 15-32, FEDERAL-AID PROJECT NO. HSIPL-5282 (046):

Mayor Pro Tem Foat requested additional information with respect to the funding and inquired about the possibility of adding a lit crosswalk at the intersection of Vista Chino and Via Miraleste.

Marcus Fuller reported CalTrans has completed an analysis and has authorized a traffic signal at Vista Chino and Via Miraleste, adding 50 percent will be funded by CalTrans and 50% will be funded by the City.

ACTION:

1. Approve an agreement with Michael Baker International, Inc., in the amount of \$373,683 for environmental and engineering design services for the Highway Safety Improvement Program (HSIP) Cycle 7 Traffic Signal Modifications, CP 15-32, Federal-Aid Project No. HSIPL-5282 (046). A6940.
2. Authorize the City Manager to execute all necessary documents.
Motion by Mayor Pro Tem Foat, seconded by Councilmember Mills, and unanimously carried on a roll call vote.

2. PUBLIC HEARINGS:

2.A. CLASS 1 HISTORIC DESIGNATION OF "THE TRAM WAY SHELL GAS STATION" LOCATED AT 2796 NORTH PALM CANYON DRIVE AND CEQA DETERMINATION (HSPB 99):

Flinn Fagg, Director of Planning Services, provided background information as outline in the staff report dated January 4, 2017.

Councilmember Kors requested additional information with respect to the recent Historical Resources Survey.

Mayor Moon opened the public hearing.

Barbara Marshall, a member of the Palm Springs Preservation Foundation, spoke in support of 2A.

Jade Nelson, a member of the Palm Springs Modernism Committee, spoke in support of 2A.

Sobhy Yousef, Palm Springs, owner of the gas station, provided the following:

1. Does not oppose the designation as a Class 1 Historic Site.
2. Would like the ability to modernize his property.
3. Would like the ability to make the gas station look modern.
4. Need to be able to build up his business and be competitive.

No others came forth to address the Mayor and City Council; therefore, Mayor Moon closed the public hearing.

Mayor Pro Tem Foat asked Mr. Yousef if plans have been submitted and if he has spoken to Mr. Fagg, Director of Planning Services, to inquire if his plan is compatible under the Historical Preservation designation.

Mayor Pro Tem Foat stated she is not comfortable moving forward if Mr. Yousef is not fully vetted in this application.

Mr. Fagg stated Ken Lyon, Planning staff, has discussed with Mr. Yousef what is permissible and not permissible with a Class 1 Historic Site designation, and provided additional information with respect to the applicant's application to expand the convenience store in 2015. Planning staff will be happy to work with him to achieve his goal to expand his convenience store.

Mayor Pro Tem Foat asked if Mr. Yousef will be able to achieve his goal under the Historic Site designation based on the discussion with Mr. Lyon and his plans brought forward.

Councilmember Mills requested clarification with respect to the June 1996, Planning Commission action regarding the facia, as noted on Page 2 of the staff report.

Mario Berardi, on behalf of Mr. Yousef, provided the information requested by Councilmember Mills.

ACTION:

- 1) Open the public hearing and receive public testimony.
- 2) Adopt Resolution No. 24151, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE PROPERTY LOCATED AT 2796 NORTH PALM CANYON DRIVE, "THE TRAM WAY SHELL GAS STATION," A CLASS 1 HISTORIC SITE, AND DETERMINE THE PROJECT AS EXEMPT FROM CEQA (HSPB 99) (ZONE C-1 / RGA-6 / RESORT COMBINING ZONE) (APN 504-091-001)."

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

2.B. APPEAL BY SUMMIT LAND PARTNERS, LLC OF THE PLANNING COMMISSION ACTION TO DENY A PLANNED DEVELOPMENT DISTRICT APPLICATION, VESTING TENTATIVE TRACT MAP APPLICATION, AND A MAJOR ARCHITECTURAL APPLICATION FOR THE DEVELOPMENT OF A 90-LOT SINGLE-FAMILY SUBDIVISION ON A 13.28 ACRE PARCEL AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE:

Flinn Fagg, Director of Planning Services, provided background information as outlined in the staff report dated January 4, 2017.

ACTION:

- 1) Take no public testimony at this time.
- 2) Continue the Public Hearing to February 1, 2017.
- 3) Direct the City Clerk to post a Notice of Continued Public Hearing pursuant to law.

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

3. LEGISLATIVE:

3.A. EXTENSION OF INTERIM URGENCY ORDINANCE NO. 1893 IMPOSING INTERIM REGULATIONS FOR THE INSTALLATION AND MAINTENANCE OF TEMPORARY SIGNS IN THE CITY OF PALM SPRINGS TO MAY 5, 2017: (4/5ths Vote Required)

Douglas Holland, City Attorney, provided background information as outlined in the staff report.

Councilmember Kors provided a summary of the timeline and next steps in the process.

Mayor Pro Tem Foat inquired if the Sunny Dunes area was included and the possibility of including it.

Councilmember Roberts stated he concurred with Mayor Pro Tem Foat's comments.

Councilmember Mills summarized some of the challenges in crafting this ordinance.

Councilmember Kors provided additional information with respect to the challenges the subcommittee is facing and the need to comply with a recent Supreme Court decision; therefore, they are reaching out to the stakeholders for review and input.

ACTION: Waive the reading of the text in its entirety, read by title only, and adopt Urgency Ordinance No. 1912, "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING INTERIM URGENCY ORDINANCE NO. 1893 OF THE CITY OF PALM SPRINGS, CALIFORNIA, IMPOSING INTERIM REGULATIONS FOR THE INSTALLATION AND MAINTENANCE OF TEMPORARY SIGNS IN THE CITY OF PALM SPRINGS SUBJECT TO CERTAIN EXCEPTIONS, AMENDING SECTION 93.20.09.B.5 OF, AND SUSPENDING ENFORCEMENT OF SECTIONS 93.20.07, 93.20.08, AND 93.20.10.C.4 OF, THE PALM SPRINGS MUNICIPAL CODE, TO MAY 5, 2017. (4/5ths Vote Required).

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

4. **UNFINISHED BUSINESS: None.**

5. **NEW BUSINESS:**

5.A. **APPROVE PARTIAL RELEASE OF THE PERFORMANCE DEED OF TRUST FOR BLOCK B-1 IN LIEU OF BLOCK A-1 OF THE DOWNTOWN PALM SPRINGS PROJECT:**

Douglas Holland, City Attorney, provided the background information as outlined in the staff report.

ACTION:

- 1) Rescind the City Council's action on December 14, 2016, authorizing 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.
- 2) 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 B-1. A6144.

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

5.B. APPOINT TWO MEMBERS OF THE CITY COUNCIL TO AN AD HOC SUBCOMMITTEE TO REVIEW APPLICATIONS FOR THE ADMINISTRATIVE POSITION FOR THE CITY COUNCIL:

David Ready, City Manager, reported approximately 70 applications were received during the recruitment for the Executive Administrative position to the Mayor and City Council. Due to the fact this position will primarily be providing assistance to the City Council, staff is requested the formation of an ad hoc subcommittee to participate in the reviewing process.

ACTION: Appoint Mayor Moon and Councilmember Roberts to the City Council Administrative Position ad hoc subcommittee to review applications for the administrative position for the City Council with a sunset date of March 31, 2017.

Motion by Mayor Moon, seconded by Councilmember Mills, and unanimously carried on a roll call vote.

PUBLIC COMMENT: (Non-Agenda Items)

Ron Marshall, a member of the Palm Springs Preservation Foundation, spoke of designating "historically tribal properties" as Class 1 Historic Sites.

Henry Hampton, Palm Springs, spoke relating to pedestrian safety.

Richard Noble, spoke of the humanity act, and his desire for all hotel employees to receive mandatory training for the administration of Narcan nasal spray.

UPCOMING AGENDA DEVELOPMENT:

David Ready, City Manager, provided a report on upcoming meeting items.

Councilmember Roberts stated his desire to agendize the possibility of the City of Palm Springs becoming a sanctuary City.

Councilmember Kors requested Chief Reyes report on pedestrian safety issues, reported \$3 million was allocated from Measure J funds for traffic and pedestrian safety hot spots, a committee was formed to assist with the prioritization, and their work is ongoing.

Mayor Pro Tem Foat requested a public meeting with respect to the CV Link Project, and requested CVAG to provide a presentation to the City Council's Coachella Valley

CV Link ad hoc subcommittee's public meeting (subcommittee members Councilmember Mills and Mayor Pro Tem Foat).

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS: None.

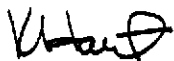
ADJOURNMENT:

The City Council adjourned to a Study Session on Wednesday, January 11, 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.

NOTE ONLY:

The January 11, 2017, Study Session was cancelled, and was rescheduled to January 25, 2017.

Respectfully submitted,



KATHLEEN D. HART, MMC
Interim City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, KATHLEEN D. HART, Interim City Clerk of the City of Palm Springs, California, hereby certify that the January 4, 2017, MINUTES were approved by the City Council of the City of Palm Springs at a regular meeting held on the May 3, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSAL:

KATHLEEN D. HART, MMC
Interim City Clerk

**CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA
AND AS SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY**



CLOSED SESSION AGENDA
Wednesday, January 4, 2017 – 4:30 P.M.

City Hall, Small Conference Room
3200 East Tahquitz Canyon Way, Palm Springs

CONFERENCE WITH LEGAL COUNSEL. The City Council finds, based on advice from the City Attorney, that discussion in open session of the following described matter(s) will prejudice the position of the City in existing and anticipated litigation.

EXISTING LITIGATION **G.C. 54956.9(d)(1)**

1. *Intervention911 v. City of Palm Springs*
Case No. ED CV 13-01117, United States District Court, Central District
2. *Wessman Holdings, LLC v. City of Palm Springs*
Case No. PSC1606436, Riverside Superior Court, Palm Springs Division
3. *Lee H. Brandenburg and Diane M. Brandenburg, Individually and as Trustees of the Brandenburg Revocable Trust v. City of Palm Springs et al.*
Case No. PSC1606147, Riverside Superior Court, Palm Springs Division
4. *Julie K. Nelson v. City of Palm Springs, State of California, Caltrans, et al*
Case No. PSC1401755, Riverside Superior Court, Palm Springs Division

EXPOSURE TO LITIGATION **G.C. 54956.9(d)(2)**

Four Case(s)

INITIATION OF LITIGATION **G.C. 54956.9(d)(4)**

Three Case(s)