

**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, Interim City Clerk Hart, Assistant City Manager/City  
Engineer Fuller, and 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:**

- 1) 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. 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)