

**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David Ready, City Manager, requested 1M be withdrawn from the agenda.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: Councilmembers Kors, Mills, Roberts, Mayor Pro Tem Foat, and Mayor Moon
NOES: None
ABSENT: None
ABSTAIN: None
RECUSAL: None



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)