



Wednesday, December 6, 2017
Minutes of the Regular Meeting of the City Council

CALL TO ORDER

A Regular Meeting of the Palm Springs City Council was called to order by Mayor Moon on Wednesday, December 6, 2017, at 4:00 p.m., in the Council Chamber, City Hall, located at 3200 East Tahquitz Canyon Way, Palm Springs, California.

ROLL CALL

Present: Councilmembers Geoff Kors, Chris Mills, and J.R. Roberts; Mayor Pro Tem Ginny Foat; and Mayor Robert Moon.

Absent: None.

City Staff

Present: David H. Ready, City Manager; Marcus Fuller, Assistant City Manager; Edward Z. Kotkin, City Attorney; Anthony J. Mejia, City Clerk; and Kathleen D. Hart, Interim City Clerk were present at Roll Call. Other staff members presented reports or responded to questions as indicated in the minutes.

ACCEPTANCE OF THE AGENDA

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER MILLS, CARRIED 5-0, to accept the agenda as published.

REPORT OF CLOSED SESSION

Mayor Moon noted that the Closed Session of December 6, 2017, was cancelled and therefore, there were no reportable actions on the following agendized Closed Session items:

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Pursuant to Government Code Section 54956.9(d)(4):

Number of Cases: 1

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Pursuant to Government Code Section 54956.9(d)(2):

Number of Anticipated Cases: 1

PUBLIC TESTIMONY

Susan Brantley, voiced support for allowing on-site consumption of marijuana at businesses and restaurants which do not sell marijuana; asserted that complex regulations will negatively impact tourists' ability to consume marijuana.

Lanny Swerdlow, suggested that the City Council modify Ordinance No. 1943 to allow for licensed marijuana dispensaries to operate an area for on-site consumption of marijuana products, allow for on-site consumption permits at restaurants which do not sell alcohol or marijuana, and patrons be allowed to leave with unused or unopened marijuana products.

Michael Fine, questioned when the City anticipates to issue new permits for adult-use marijuana dispensaries, noting that he was first to submit and complete his application.

Joy Brown Meredith, voiced support for Ordinance No. 1941 related to signs, noting that the new ordinance is the culmination of compromise and hard work; stated that she trusts the City Council will make the right decision as it relates to Ordinance No. 1943.

Rick Pantelle, suggested that the City Council should remove any zoning restrictions which limit the number of Cannabis Lounges in a particular area; spoke on the importance of achieving a balance between business owners, patients, recreational users, and tourists.

4. UNFINISHED BUSINESS

A. SECOND READING AND ADOPTION OF ORDINANCE NO. 1941 AMENDING AND RESTATING THE CITY'S SIGN ORDINANCE AND REPEALING THE CITY'S "SIT AND LIE" ORDINANCE

City Attorney Kotkin presented the staff report and responded to City Council inquiries; read proposed amendments to the Ordinance related to the definition of "Frontage" and verbiage modifications to 93.20.05(C)(1) and 93.20.06(D)(1) to state that signs shall comply with the Administrative Design Guidelines adopted by the Director of Planning Services and the City shall maintain the guidelines as a public record.

During the ensuing discussion, the City Council discussed whether it is necessary to require that portable signs be professionally printed, noting that restaurants and retailers may desire to use chalk board signs to display menu changes and sales; whether temporary signs for date specific events should be allowed in the public right-of-way under certain conditions; whether to allow for a one-year grace period for previously approved portable signs.

MOTION BY COUNCILMEMBER MILLS, SECOND BY COUNCILMEMBER KORS, CARRIED 3-2 (COUNCILMEMBERS MILLS AND ROBERTS VOTING NO), to:

1. Adopt Ordinance No. 1941 entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING THE CITY'S SIGN ORDINANCE, SECTIONS 93.20.01 THROUGH 93.20.12, RELATED SECTIONS 12.28.050, 14.16.010, AND 91.00.10, AND REPEALING THE CITY'S 'SIT AND LIE' ORDINANCE, SECTION 12.12.055, PALM SPRINGS MUNICIPAL CODE," with the following modifications:

(Council action continued on next page)

Section 93.20.03, Definitions, shall read as follows: “‘Frontage’ means the boundary-facing portion of a parcel of property that abuts a public street, highway, or approved private street. In the case of any parcel that does not have ‘frontage’ in accordance with this definition, the portion of the parcel in question facing a parking lot, plaza or pedestrian mall, shall be deemed ‘frontage.’”

- a. Section 93.20.05(C)(1) and 93.20.06(D)(1), Design Standards, shall read as follows: “Guidelines: The sign shall comply with administrative design guidelines adopted by the Director of Planning Services. The City shall maintain the guidelines as a public record. Attachments: No lighting, balloons, or other attachments are allowed.”
- b. A new Section shall be added which states that any portable sign that is the subject of a valid permit issued by the City shall remain permitted for a one-year period.

Councilmember Mills noted for the record that he opposes allowing signs in the public right-of-way and voted to oppose the ordinance.

Councilmember Roberts noted for the record that he opposes codifying provisions which prohibit activities that routinely occur and will continue to occur despite enactment of the subject Ordinance.

B. SECOND READING AND ADOPTION OF ORDINANCE NO. 1943 AMENDING THE PALM SPRINGS ZONING CODE RELATIVE TO ZONING REQUIREMENTS AND DEVELOPMENT STANDARDS FOR COMMERCIAL MEDICAL AND ADULT-USE CANNABIS FACILITIES

City Attorney Kotkin presented the staff report, noting that a redline ordinance has been provided on the dais, and responded to City Council inquiries.

In response to City Council inquiry, Planning Services Director Fagg advised that staff will make applicants aware of the process associated with the discretionary permits if the City Council desires to modify the Separation Distances and Concentration of Use provision to allow for discretionary consideration.

In response to City Council inquiry, City Attorney Kotkin advised that the City Council may include exceptions to the Separation Distances and Concentration of Use provision for facilities that are under a single ownership and operating with a single street address, those with a pending application as of the enactment of the subject Ordinance, and for businesses located in specific zoning areas.

The City Council discussed whether cannabis use facilities should be subject to architectural review by the Architectural Advisory Committee and City Council; whether Cannabis Lounge Facility patrons should be allowed to leave with unopened or unused cannabis.

Following discussion, MOTION BY MAYOR PRO TEM FOAT, SECOND BY COUNCILMEMBER KORS, CARRIED 4-1 (COUNCILMEMBER MILLS VOTING NO), to adopt Ordinance No. 1943 entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTERS 91, 92, AND 93 OF THE PALM SPRINGS ZONING CODE RELATIVE TO ZONING REQUIREMENTS AND DEVELOPMENT STANDARDS FOR COMMERCIAL MEDICAL AND ADULT-USE CANNABIS FACILITIES," based on the subcommittee's redline ordinance, with the following modifications:

- a. Section 93.23.15(c) shall read in its entirety as follows: "Separation Distances and Concentrations of Use. No Medical Cannabis Facilities or Adult Use Cannabis Facilities shall be established, developed or operated except in accordance with the following principles. All distances shall be measured in a straight line, without regard to intervening structures, from the nearest property line of the property on which the Cannabis Facility is, or will be located, and to the nearest property line of those uses described in this Subsection. These principles are not absolute; the City Council will exercise discretion in their application to individual cases, *via* modifications considered and granted by the Council, on a case-by-case basis, pursuant to Section 94.06.01.B.
 1. Cannabis Facilities shall be separated by a minimum five hundred foot (500') distance, unless modified by the City Council as described above.
 2. To prevent an over-intensive presence of cannabis uses in a particular area, there shall not be three (3) or more Cannabis Facilities within any measured distance of three thousand feet (3,000'), unless modified by the City Council as described above.
 3. Notwithstanding any other verbiage in this Subsection 93.23.15(c), unless modified by the City Council as described above, there shall be no mandatory separation distance between:
 - a. Medical Cannabis Facilities or Adult Use Cannabis Facilities in any of the following zones:
 - i. C-M, commercial manufacturing;
 - ii. M-1-P, planned research and development park zone;
 - iii. M-1 service/manufacturing zone;
 - iv. M-2 [manufacturing zone], E/I [energy industrial zone].
 - b. Medical Cannabis Facilities or Adult Use Cannabis Facilities that are operated by a Permittee under Chapter 5.35, 5.45 or 5.55, or are the subject of a pending entitlement application filed by a Permittee and subject to review by the City as of January 5, 2018.
 - c. Medical Cannabis Facilities or Adult Use Cannabis Facilities that are under a single ownership and operating with a single street address.

(Council action continued on next page)

4. Notwithstanding any other verbiage in this Subsection 93.23.15(c), unless modified by the City Council as described above, a minimum six hundred foot (600') separation distance shall be required between any Medical Cannabis Facility or Adult Use Cannabis Facility and any
 - a. School,
 - b. public playground,
 - c. public park,
 - d. day care/child care center, or
 - e. youth center.”
- b. Section 93.25.15(F)(3) shall read as follows: “Architectural Review. All Cannabis Lounge Facilities, Medical Cannabis Dispensaries, and Adult Use Cannabis Dispensaries shall be subject to architectural review by the City Council upon a recommendation by the Architectural Advisory Committee. The Architectural Advisory Committee and City Council shall apply the criteria reflected in Section 94.04.00(D).”
- c. Section 93.25.15(F)(5)(c) shall be modified to allow for Cannabis Lounge Facility patrons to leave with unopened or unused cannabis and cannabis products provided that the Operator has transferred the product into a container that complies with state law.

MEETING RECESSED

The City Council recessed at 5:33 p.m. and reconvened at 6:05 p.m., with all members present.

CALL TO ORDER

A Regular Meeting of the Palm Springs City Council was called to order by Mayor Moon on Wednesday, December 6, 2017, at 6:05 p.m., in the Council Chamber, City Hall, located at 3200 East Tahquitz Canyon Way, Palm Springs, California.

PLEDGE OF ALLEGIANCE

Members of the Boy Scouts Troop 262 led the Pledge of Allegiance.

PRESENTATIONS

Mayor Moon presented a Proclamation to Kathleen D. Hart, Interim City Clerk, recognizing her outstanding service to the people of Palm Springs and wishing her happiness and prosperity in her retirement years.

PUBLIC TESTIMONY

Robert Van Roo, speaking on behalf of the Medical Cannabis Collectives Cooperative, presented Mayor Pro Tem Foat with a token of appreciation for her continuing support of the cannabis collectives and support of Proposition 215.

Daryl Terrell, congratulated Councilmembers-Elect Holstege and Middleton on their election; expressed appreciation to Mayor Pro Tem Foat for her welcoming nature and Councilmember Mills for his statesmanship;

Steve Rosenberg, expressed appreciation to Mayor Pro Tem Foat and Councilmember Mills for their service to the community; spoke on the importance of looking towards the future as the City Council transitions with the election of Christy Holstege and Lisa Middleton.

Eric Chiel, speaking on behalf of ONE-PS, expressed gratitude to Mayor Pro Tem Foat and Councilmember Mills for their efforts to establish ONE-PS.

Bill Ruttan, speaking on behalf of the Palm Springs Animal Shelter Board of Directors, thanked Mayor Pro Tem Foat for her efforts to establish the new animal shelter, noting that she has served many years as the City's liaison to the Board of Directors.

Rick Pantelle, voiced gratitude to Councilmember Mills and Mayor Pro Tem Foat for their service on the City Council.

Dawn Mills, wife of Chris Mills, spoke on the integrity and wisdom that Councilmember Mills brought to the City Council and expressed her gratitude to the Members of City Council, staff, and community for their support.

SPECIAL CITY COUNCIL ITEMS

A. APPROVAL OF MINUTES

At the request of staff, the City Council removed from the agenda the Minutes of the City Council Meetings of July 26, 2017, and the Adjourned Regular Meeting of November 29, 2017.

MOTION BY COUNCILMEMBER KORS, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 5-0, to approve the Minutes of the City Council Meetings of July 6, 2017, July 20, 2017, September 6, 2017, September 26, 2017, October 4, 2017, October 18, 2017, November 1, 2017, November 15, 2017, and the Special Closed Session of November 29, 2017.

B. PROPOSED RESOLUTION DECLARING THE RESULTS OF THE NOVEMBER 7, 2017, REGULAR MUNICIPAL ELECTION

Interim City Clerk Hart presented the staff report.

MOTION BY COUNCILMEMBER MILLS, SECOND BY COUNCILMEMBER ROBERTS, CARRIED 5-0, to adopt Resolution No. 24334 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECITING THE FACT OF THE REGULAR MUNICIPAL ELECTION HELD ON NOVEMBER 7, 2017, DECLARING THE RESULTS AND SUCH OTHER MATTERS AS ARE PROVIDED BY LAW."

C. OUTGOING COUNCILMEMBER COMMENTS

City Manager Ready displayed videos depicting Measure J and its associated projects as well as commemorating the legacies of outgoing Councilmembers Ginny Foat and Chris Mills.

Mayor Pro Tem Foat and Councilmember Mills provided their comments as outgoing Councilmembers.

D. ADMINISTER OATH OF OFFICE TO NEWLY ELECTED PUBLIC OFFICIALS

City Clerk Mejia administered the Oath of Office to Councilmember-Elect Lisa Middleton and Councilmember Christy Gilbert Holstege.

Councilmember Middleton and Councilmember Holstege were seated at the dais.

MEETING RECESSED AND RECONVENED

The City Council recessed at 7:05 p.m. and reconvened at 7:15 p.m.

ROLL CALL

Present: Councilmembers Christy Holstege, Geoff Kors, Lisa Middleton, and J.R. Roberts; and Mayor Robert Moon.

Absent: None.

E. INCOMING COUNCILMEMBER COMMENTS

Councilmember Middleton and Councilmember Holstege provided their comments as newly elected Members of the City Council.

F. APPOINTMENT OF THE MAYOR PRO TEM

Councilmember Kors nominated Councilmember Roberts to serve as Mayor Pro Tem.

MOTION BY COUNCILMEMBER KORS, SECOND BY MAYOR MOON, CARRIED 5-0, to appoint Councilmember Roberts as Mayor Pro Tem for the term ending December 2018.

G. DISCUSS, REVIEW, APPOINT AND/OR REAPPOINT CITY COUNCIL SUBCOMMITTEES AND OTHER APPOINTMENTS

City Manager Ready presented the staff report.

In response to City Council inquiry, City Attorney Kotkin requested that individual Councilmembers forward their list of priority appointments to his attention and he will assist the Ad Hoc Subcommittee on City Council Rules and Procedures in developing a draft list of appointments for presentation at the City Council Meeting on December 13, 2017,

The City Council agreed that the alternate should attend any external organization meetings which may occur through December 13, 2017.

PUBLIC COMMENT

Victor Galich, advised that he owns a vacant parcel and that no one has permission to trespass onto his property.

Thomas Allen Worthy, asserted that letters sent by the City contain misinformation and threatened to sue the City for liable.

Steve Rosenberg, encouraged Members of the City Council to seek input and advice from the former Councilmembers and the community.

CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT

Mayor Moon and Mayor Pro Tem Roberts spoke on the need to conduct interviews and make appointments to the Planning Commission, Parks and Recreation Commission, and Sustainability Commission.

Mayor Pro Tem Roberts requested that the Sustainability Commission consider a ban on polystyrene food service products and to forward a recommendation to the City Council.

Councilmember Kors requested an agenda item to discuss the Sustainability Commission's construction and demolition debris recycling ordinance as well as the policy on solar photovoltaic systems for new residential developments.

Councilmember Holstege requested an agenda item to discuss Uber/Lyft at the Airport.

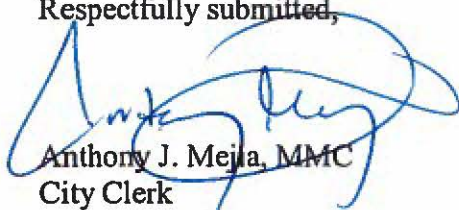
City Manager Ready advised that the sponsorships and grants for community organizations, renewal of the Palm Springs International Film Festival agreement, and appointments to City Council subcommittees and external organizations will be on the agenda for December 13, 2017.

In response to City Council inquiry, City Manager Ready advised that staff will meet with Mayor Pro Tem Roberts regarding the remodel of the Council Chamber dais.

ADJOURNMENT

At 8:10 p.m., the City Council adjourned in memory of Michele Mician, former City of Palm Springs Sustainability Manager, to an Adjourned Regular Meeting of the City Council to be held on December 13, 2017 at 6:00 p.m. in the Council Chamber, City Hall, located at 3200 East Tahquitz Canyon Way, Palm Springs, California.

Respectfully submitted,



Anthony J. Mejia, MMC
City Clerk