

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



MINUTES
WEDNESDAY, JULY 19, 2017
Palm Springs Convention Center
Primrose B
277 N. Avenida Caballeros, Palm Springs CA 92262

4:00 P.M. CLOSED SESSION

CALL TO ORDER (Primrose B): Mayor Moon called the meeting to order at 4:06 p.m. All members of the City Council were present.

City Attorney Kotkin requested the City Council consider adding two items to the Closed Session Agenda. The information was received after the posting of the agenda.

1. **EXISTING LITIGATION, G.C. 54956.9(a)**
Tennis Club Preservation Society vs. City of Palm Springs et al
Case No. RIC 1607283, Riverside Superior Court, Riverside Division

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

ACTION:

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

- 1) Find information regarding the existing litigation case and exposure to litigation were 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 two (2) items pursuant to Cal. Gov. Code Section 54956.9(e)(3) as shown below:

1. **EXISTING LITIGATION, G.C. 54956.9(a)**
Tennis Club Preservation Society vs. City of Palm Springs et al
Case No. RIC 1607283, Riverside Superior Court, Riverside Division

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

PUBLIC COMMENT (Primrose B): None

RECESS TO CLOSED SESSION (Mesquite B): See Closed Session Agenda.
See Closed Session Agenda, Exhibit A.

The Mayor and City Council recessed to Closed Session at 4:08 p.m.

6:00 P.M. REGULAR MEETING

CALL TO ORDER: Mayor Moon called the meeting to order at 6:07 p.m.

PLEDGE OF ALLEGIANCE: Mayor Moon 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, Assistant City Manager Fuller, City Attorney Kotkin, and Interim City Clerk Hart

PRESENTATIONS: None

ACCEPTANCE OF THE AGENDA:

Mayor Pro Tem Foat requested Items 1L and 1M be removed from the Consent Calendar for discussion.

ACTION: Approve the agenda as presented with the removal of Items 1L and 1M from the Consent Calendar.

Approved unanimously (5-0-0) on a roll call vote.

REPORT OF CLOSED SESSION:

City Attorney Kotkin reported the City Council met in closed session and discussed all the items except the Evaluation of the City Manager, and no reportable action was taken.

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

Charles Diodosio, Palm Springs, addressed the Council in opposition to banning leaf blowers, Item 3A. He asked the gardeners in the audience stand and be recognized.

Mark Logan, Indio, spoke against Item 3A.

Joseph Jackson and Ray Clark, Chair and Commissioner of the Sustainability Commission, leaf blower ad hoc committee, presented their recommendations as follows: 1) eliminate gas power leaf blowers; 2) test of battery power blowers to verify effectiveness; 3) implement an exchange program; and 4) train industry professionals.

Robert Finley, Palm Springs, addressed the Council regarding Item 3A urging elimination of gas blowers.

Louis Horvath, Palm Springs, spoke against Item 3A, due to health risks.

Eddie Flores, Palm Springs, spoke against Item 3A.

Craig Kessler, Studio City, Director of the Southern California Golf Association, suggested incorporating the business community, gardeners, commercial and large commercial tracks in decisions regarding leaf blowers.

Jeff Jensen, Henderson, Nevada, Southwest Field Representative Golf Course Superintendents Association, suggested an exemption for golf courses.

Isidyo Lauariega, Cathedral City, spoke against Item 3A.

Edna Basa, Palm Springs, requested additional input to come up with a compromise with respect to Item 3A.

Tim Foutch, Palm Springs, spoke opposing Item 3A.

Rosario Avila, Cathedral City, discussed Item 3A and suggested other environment protections.

Henry Hampton suggested additional consideration prior to adoption of Item 3A.

Brian Berkson, representing Far West, provided a brief summary of Item 1L.

Tim Erkins, Palm Springs, spoke opposing Items 3A, 4B, 5A, and 5B.

Dr. Jan Alden, Palm Springs, spoke opposing Item 3A.

Rafael Ramirez spoke opposing Item 3A.

Robert Brugeman spoke opposing Item 3A and supporting Items 5A and 5B.

Wilmer Ramirez spoke opposing Item 3A.

Juan-Antonio Vega requested re-consideration of banning leaf blowers.

Eduardo Garcia, Palm Springs, spoke opposing Item 3A.

CITY COUNCIL, SUBCOMMITTEE, AND CITY MANAGER'S COMMENTS AND REPORTS:

City Manager Ready announced that Coachella Valley Mosquito and Vector Control District would be spraying for mosquitos starting July 29, for eight (8) Saturdays, and provided an update on the Rael Project.

City Attorney Kotkin stated Items 5A and 5B would not be heard.

Councilmember Kors stated the Budget and Finance Committee met and would report at the next meeting.

Councilmember Mills stated the Planned Development District Subcommittee met and would share its findings with the Planning Commission at its July 20, 2017, meeting.

Councilmember Roberts stated the Downtown Park Subcommittee met and he urged the community to attend the unveiling of the new plan for the Downtown Park on July 20, 2017, 6:00 p.m.

1. CONSENT CALENDAR:

ACTION: Approve Consent Calendar Items 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J, 1K, 1N, and 1O.

Approved unanimously (5-0-0) on a roll call vote.

1.A. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE SB 821 MISSING LINK SIDEWALKS, CP 15-23:

ACTION: Approve the plans, specifications & estimates and authorize staff to advertise and solicit bids for the SB 821 Missing Link Sidewalks, CP 15-23.

Approved as part of the Consent Calendar.

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

ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of June 1 through June 30, 2017.

Approved as part of the Consent Calendar.

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

ACTION:

1) Adopt Resolution No. 24270, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 06-17-2017 BY WARRANTS NUMBERED 419968 THROUGH 419984 TOTALING \$24,042.23, LIABILITY CHECKS NUMBERED 1092955 THROUGH 1092974 TOTALING \$80,389.12, FIVE WIRE TRANSFERS FOR \$59,187.88, AND THREE ELECTRONIC ACH DEBITS OF \$1,323,320.42 IN THE AGGREGATE AMOUNT OF \$1,486,939.65, DRAWN ON BANK OF AMERICA."

2) Adopt Resolution No. 24271, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1092975 THROUGH 1093083 IN THE AGGREGATE AMOUNT OF \$691,202.52 DRAWN ON BANK OF AMERICA."

3) Adopt Resolution No. 24272, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1093084 THROUGH 1093267 AND W062917 THROUGH W062917A IN THE AGGREGATE AMOUNT OF \$5,156,041.38, DRAWN ON BANK OF AMERICA."

4) Adopt Resolution No. 24273, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANT

NUMBERED 1093268 IN THE AGGREGATE AMOUNT OF \$363,798.04, DRAWN ON BANK OF AMERICA.”

5) Adopt Resolution No. 24274, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 07-07-2017 BY WARRANTS NUMBERED 419985 THROUGH 420006 TOTALING \$43,288.69, LIABILITY CHECKS NUMBERED 1093269 THROUGH 1093288 TOTALING \$81,391.26, FIVE WIRE TRANSFERS FOR \$67,437.29, AND THREE ELECTRONIC ACH DEBITS OF \$1,369,291.03 IN THE AGGREGATE AMOUNT OF \$1,561,408.27, DRAWN ON BANK OF AMERICA.”

6) Adopt Resolution No. 24275, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1093289 THROUGH 1093354 IN THE AGGREGATE AMOUNT OF \$710,400.31, DRAWN ON BANK OF AMERICA.”

Approved as part of the Consent Calendar.

1.D. AMEND THE EMPLOYER-EMPLOYEE RELATIONS RESOLUTION FOR THE CLASSIFICATION OF FIRE CAPTAIN:

ACTION:

1) Adopt Resolution No. 24276, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDING THE EMPLOYER-EMPLOYEE RELATIONS RESOLUTION 16438 AND AS PREVIOUSLY AMENDED BY RESOLUTION 17793 FOR THE CLASSIFICATION OF FIRE CAPTAIN.”

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

Approved as part of the Consent Calendar.

1.E. DELEGATION OF AUTHORITY TO AWARD CONSTRUCTION BIDS AND ACCEPT FAA AIRPORT IMPROVEMENT GRANT AIP 3-06-0181-055-2017 FOR THE TAXIWAY J PAVEMENT RECONSTRUCTION PROJECT (IFB 17-06), AIRFIELD LIGHTING PROJECTS (IFB 17-07), AND TICKETING REMODEL ENABLING PROJECTS (IFB 18-01):

ACTION:

1) Authorize construction contract with the lowest responsive and responsible bidder for the Taxiway J Pavement Reconstruction Project, IFB No. 17-06, subject to reporting and ratification by the City Council at the September 6, 2017, meeting. A6999.

2) Authorize construction contract with the lowest responsive and responsible bidder for the Airfield Lighting Project, IFB No. 17-07, subject to reporting and ratification by the City Council at the September 6, 2017, meeting. A7000.

3) Authorize construction contract with the lowest responsive and responsible bidder for the Ticketing Remodel Enabling Projects, IFB No. 18-01, subject to reporting and ratification by the City Council at the September 6, 2017, meeting.

4) Authorize acceptance of FAA Airport Improvement Grant AIP 3-06-0181-055-2017 for the Taxiway J Pavement Reconstruction Project,

IFB No. 17-06, Airfield Lighting Project, IFB No. 17-07, and Ticketing Remodel Enabling Projects, IFB No. 18-01, in an amount including the total cost of the awarded contracts and associated construction management services.

5) Delegate authority to the City Manager to approve and execute construction contract change orders up to a cumulative amount of 10% of the contract amounts, with all change orders reported to the City Council.

6) Authorize the City Manager to approve amendments to the FAA Airport Improvement Grant AIP 3-06-0181-055-2017 for the Taxiway J Pavement Reconstruction Project, IFB No. 17-06, Airfield Lighting Project, IFB No. 17-07, and Ticketing Remodel Enabling Projects, IFB No. 18-01, as necessary to increase the total amount of the grant to accommodate approved construction contract change orders.

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

Approved as part of the Consent Calendar.

1.F. REQUEST BY ON THE MARK FINE FOODS AND PROVISIONS, INC. FOR A RESOLUTION OF PUBLIC CONVIENCE OR NECESSITY (PCN) TO SELL BEER AND WINE (TYPE 20, OFF-PREMISES RETAIL ALCOHOLIC BEVERAGE CONTROL LICENSE) AT 777 NORTH PALM CANYON DRIVE (CASE 5.1422 PCN):

ACTION: Adopt Resolution No. 24277, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING THAT PUBLIC CONVIENCE WILL BE SERVED BY THE SALE OF BEER AND WINE FOR CONSUMPTION OFF PREMISES (TYPE 20 STATE ALCOHOLIC BEVERAGE CONTROL LICENSE) AT THE ON THE MARK FINE FOODS AND PROVISIONS SHOP LOCATED AT 777 NORTH PALM CANYON DRIVE AND WITHIN CENSUS TRACT 446.06."

Approved as part of the Consent Calendar.

1.G. SECOND READING AND ADOPTION OF ORDINANCE NO. 1928, AUTHORIZING IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM, AND APPROVING THE "DESERT CITIES ENERGY CHOICE" JOINT POWERS AGREEMENT:

ACTION: Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1928, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM, AND APPROVING THE 'DESERT CITIES ENERGY CHOICE' JOINT POWERS AGREEMENT."

Approved as part of the Consent Calendar.

1.H. SECOND READING AND ADOPTION OF ORDINANCE NO. 1929, APPROVING PLANNED DEVELOPMENT DISTRICT 381 IN LIEU OF A CHANGE OF ZONE FOR A 13.25 ACRE PARCEL LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE (CASE 5.1384 – PDD 381):

ACTION: Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1929, "AN ORDINANCE OF

THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT 381 IN LIEU OF A CHANGE OF ZONE FOR A 13.25 ACRE PARCEL LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE (CASE 5.1384 – PDD 381).”

Approved as part of the Consent Calendar.

1.I. DELEGATION OF AUTHORITY TO AWARD CONSTRUCTION BIDS FOR 2017 PAVEMENT REHABILITATION, CP 17-01:

ACTION:

- 1) Authorize the City Manager to award a construction contract to the lowest responsive and responsible bidder for the 2017 Pavement Rehabilitation Project CP 17-01, subject to reporting and ratification by the City Council at the September 6, 2017, meeting. A7002.
- 2) Delegate authority to the City Manager to approve and execute construction contract change orders up to a cumulative amount of 10% of the contract amounts, with all change orders reported to the City Council.
- 3) Authorize the City Manager to execute all necessary documents.

Approved as part of the Consent Calendar.

1.J. APPROVE A COOPERATIVE AGREEMENT WITH THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS (CVAG) FOR A FUNDING CONTRIBUTION OF \$411,000, AND AWARD A CONSTRUCTION CONTRACT TO EBS GENERAL ENGINEERING, INC., IN THE AMOUNT OF \$399,000 FOR THE NORTH PALM CANYON DRIVE AT STEVENS ROAD AND VIA LAS PALMAS CROSSWALK INSTALLATIONS, CP 16-13:

ACTION:

- 1) Approve a Cooperative Agreement for funding contribution from Coachella Valley Association of Governments Bicycle and Pedestrian Safety Program for 2017 for an amount up to \$411,000 for the North Palm Canyon Drive at Stevens Road and Via Las Palmas Crosswalk Installations, CP 16-13. A7003.
- 2) Award an Agreement to EBS General Engineering, Inc., in the amount of \$399,000 for the North Palm Canyon Drive at Stevens Road and Via Las Palmas Crosswalk Installations, CP 16-13. A7004.
- 3) Delegate authority to the City Manager to approve and execute construction contract change orders up to the cumulative amount of \$39,900.
- 4) Authorize the City Manager to execute all necessary documents.

Approved as part of the Consent Calendar.

1.K. APPOINT RUSSELL PRITCHARD AND TRACY MERRIGAN TO THE PUBLIC ARTS COMMISSION FOR TERMS ENDING JUNE 30, 2020, AS PART OF THE 2017 ANNUAL RECRUITMENT PROCESS:

ACTION: Appoint Russell Pritchard and Tracy Merrigan to the Public Arts Commission for terms ending June 30, 2020.

Approved as part of the Consent Calendar.

1.N. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of May 11, 2017, and May 9, 2017.

Approved as part of the Consent Calendar.

1.O. APPROVAL OF AMENDMENT NO. 4 TO AGREEMENT NO. A6629 WITH URS CORPORATION FOR CONSTRUCTION MANAGEMENT SERVICES ASSOCIATED WITH AIRPORT CAPITAL IMPROVEMENT PROJECTS:**ACTION:**

1) Approve Amendment No. 4 to Agreement No. A6629 with URS Corporation for construction management services in the amount of \$476,871 required for the Taxiway J Pavement Reconstruction Project, IFB No. 17-06, Airfield Lighting Project, IFB No. 17-07, and Ticketing Remodel Enabling Projects, IFB No. 18-01.

2) Delegate authority to the City Manager to approve subsequent amendments to Agreement No. A6629 with URS Corporation, not to exceed \$50,000, as may be necessary for additional scopes of work associated with construction management services for the Taxiway J Pavement Reconstruction Project, IFB No. 17-06, Airfield Lighting Project, IFB No. 17-07, and Ticketing Remodel Enabling Projects, IFB No. 18-01.

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

Approved as part of the Consent Calendar.

EXCLUDED CONSENT CALENDAR:**1.L. APPROVE TRACT MAP 36725 AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH FAR WEST INDUSTRIES:**

ACTION: Adopt Resolution No. 24278, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TRACT MAP 36725 AND AN ASSOCIATED SUBDIVISION IMPROVEMENT AGREEMENT WITH FAR WEST INDUSTRIES FOR PROPERTY LOCATED ALONG NORTH PALM CANYON DRIVE, SOUTH OF ALVARADO ROAD AND WEST OF DE ANZA ROAD, IN SECTION 3, TOWNSHIP 3 SOUTH, RANGE 4 EAST."

Approved unanimously (5-0-0) on a roll call vote.

1.M. OPPOSITION OF SENATE BILL 649 (HUESO) REGARDING WIRELESS TELECOMMUNICATIONS FACILITIES ALLOWING INSTALLATION OF SMALL CELLS WITHOUT LOCAL CONTROL:

ACTION: Approve the Opposition Letter regarding SB 649, and authorize the Mayor to execute on behalf of the City of Palm Springs.

Approved unanimously (5-0-0) on a roll call vote.

2. PUBLIC HEARINGS:**2.A. PHILIP J. PRIETO, OWNER, FOR A TENTATIVE TRACT MAP FOR THE CONSTRUCTION OF A 30-UNIT CONDOMINIUM PROJECT LOCATED AT THE NORTHWEST CORNER OF BARISTO ROAD AND HERMOSA DRIVE, ZONE HDR, SECTION 14 (CASE 37245 TTM):**

Director of Planning Services Fagg presented the staff report.

Mayor Moon opened the public hearing.

Jessica Pea, representing the applicant, stated they took the ad hoc committee and staff comments to heart and were happy with the outcome.

There being no additional speakers, Mayor Moon closed the hearing.

ACTION:

Adopt Resolution No. 24279, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 37245 CREATING ONE (1) LOT EQUALING 3.96-ACRES FOR THE PURPOSE OF A 30 UNIT CONDOMINIUM PROJECT CONSISTING OF 20 ATTACHED UNITS AND TEN (10) UNATTACHED UNITS LOCATED AT THE NORTHWEST CORNER OF BARISTO ROAD AND HERMOSA DRIVE, ZONE HDR, SECTION 14, APN 508-100-035.

Approved unanimously (5-0-0) on a roll call vote.

2.B. REQUEST TO AMEND PALM SPRINGS ZONING CODE (PSZC) SECTION 93.02.00 RELATING TO WALL HEIGHT FOR RESIDENTIAL SWIMMING POOL SAFETY ENCLOSURE FENCING (CASE 5.1421 ZTA):

Director of Planning Services Fagg presented the staff report.

Council discussion ensued.

Mayor Moon opened the public hearing. There being no speakers, Mayor Moon closed the public hearing.

ACTION:

Waive the reading of the ordinance text in its entirety, read by title only, and introduce on first reading Ordinance No. 1930, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN AMENDMENT TO SECTION 93.02.00(B) OF THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO WALL HEIGHT FOR RESIDENTIAL SWIMMING POOL SAFETY ENCLOSURES."

Approved unanimously (5-0-0) on a roll call vote.

Interim City Clerk Hart read the title of the ordinance.

At 7:24 p.m. Mayor Pro Tem Foat left the room due to a conflict of interest with respect to Item 2C.

2.C. APPROVAL OF A DEVELOPMENT AGREEMENT WITH PS COUNTRY CLUB, LLC, RELATED TO THE DEVELOPMENT OF THE SERENA PARK PROJECT, CASE 5.1327, PDD-366/MAJ, TTM36691:

Assistant City Manager Fuller presented the staff report.

Mayor Moon opened the public hearing.

Mark Allen, representing the developer, stated he was present to answer any questions.

Dan Hughett, Palm Springs, expressed concern regarding traffic impacts.

Renee Saunders echoed concerns regarding traffic and asked about traffic calming measures. She reminded the Council that it was supposed to be a golf course community.

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

Council discussion ensued.

ACTION:

Waive the reading of text in its entirety, read by title only, and introduce for first reading Ordinance No. 1931, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT WITH PS COUNTRY CLUB, LLC, RELATED TO CONVERSION OF THE PALM SPRINGS COUNTRY CLUB GOLF COURSE INTO A RESIDENTIAL SUBDIVISION OF UP TO 386 RESIDENTIAL UNITS IDENTIFIED AS THE SERENA PARK PROJECT, LOCATED NORTH OF VERONA ROAD, EAST OF SUNRISE WAY AND SOUTHWEST OF THE WHITEWATER RIVER WASH (CASE NOS. 5.1327, PD-366, ZC, GPA, DA, MAJ AND TTM 36691)."

Approved by a majority (4-0-1, noting the recusal of Mayor Pro Tem Foat) roll call vote.

Interim City Clerk Hart read the title of the ordinance.

At 7:55 p.m. Mayor Pro Tem Foat returned.

2.D. (Continued to July 26, 2017) WRIT OF MANDATE, REQUIRING ELIMINATION OF THE EVENT AREA FROM PLANNED DEVELOPMENT DISTRICT (PDD) 374, THE "750 LOFTS" PROJECT LOCATED AT 750 N. PALM CANYON DRIVE, CONFIRMING CONFORMITY WITH THE CITY'S MUNICIPAL CODE WITH REGARD TO PARKING, AND OTHERWISE AFFIRMING APPROVAL OF PDD 374, INTRODUCTION OF A RELATED ORDINANCE AFFIRMING APPROVAL OF PDD 374, AND A RELATED RESOLUTION AFFIRMING

**APPROVAL OF A MAJOR ARCHITECTURAL APPLICATION AND
CONDITIONAL USE PERMITS:**

ACTION:

- 1) Public Testimony was closed June 21, 2017, take no Public Testimony and continue to July 26, 2017.
- 2) Direct the City Clerk to post a Notice of Continuance pursuant to established procedures.

Approved unanimously (5-0-0) on a roll call vote.

At 7:57 p.m. Mayor Moon called for a recess.

At 8:09 p.m. Mayor Moon reconvened the meeting. All members were present.

3. LEGISLATIVE:

3.A. INTRODUCTION OF AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SUBSECTION (k) TO SECTION 11.74.043 AND SECTION 5.78.050, AND AMENDING SECTION 5.78.010 OF THE PALM SPRINGS MUNICIPAL CODE, REGARDING LOUD, UNUSUAL NOISES AND LANDSCAPE RELATED BUSINESSES, PROHIBITING GASOLINE POWERED LEAF BLOWERS AND ALTERNATIVELY ALSO PROHIBITING ELECTRICAL OR BATTERY POWERED LEAF BLOWERS IN THE CITY AS A PER SE NUISANCE COMMENCING ON JANUARY 1, 2019:

Assistant City Manager Fuller presented the staff report.

Council discussion ensued.

ACTION:

Waive the reading of text in its entirety, read by title only, and introduce for first reading Ordinance No. 1932, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SUBSECTION (k) TO SECTION 11.74.043 AND SECTION 5.78.050, AND AMENDING SECTION 5.78.010 OF THE PALM SPRINGS MUNICIPAL CODE, REGARDING LOUD, UNUSUAL NOISES AND LANDSCAPE RELATED BUSINESSES, PROHIBITING GASOLINE POWERED LEAF BLOWERS IN THE CITY AS A PER SE NUISANCE COMMENCING ON JANUARY 1, 2019, AND PROVIDING FOR REGULATION OF ELECTRICAL OR BATTERY POWERED LEAF BLOWERS" with one amendment as shown below:

SECTION 3. Add Section 5.78.050 to Chapter 5.78 of the Palm Springs Municipal Code, re "Landscape Related Businesses," to read:

The City Manager, shall **prohibit blowing debris onto adjacent properties or into adjacent streets, and** promote the safe and efficient use of leaf blowers while also mitigating, to the extent possible, the noise and nuisance effects of Leaf blowers. The Finance Department is hereby directed to provide a copy of this Ordinance and the leaf blower guidelines to each person obtaining a City business license for the operating of a gardening or landscape maintenance service or business

within the City.

Approved by a majority (3-2-0, Councilmember Mills and Mayor Moon NO) roll call vote.

Interim City Clerk Hart read the title of the ordinance.

3.B. INTRODUCTION OF AN ORDINANCE AMENDING THE PALM SPRINGS MUNICIPAL CODE REGARDING *MEDICAL CANNABIS RELATED BUSINESSES AND ACTIVITIES* AND ADDING *ADULT-USE CANNABIS RELATED BUSINESSES AND ACTIVITIES*:

City Attorney Kotkin presented the staff report.

Council discussion ensued.

ACTION: Waive the reading of text in its entirety, read by title only, and introduce for first reading Ordinance No. 1933, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 5.45 OF THE PALM SPRINGS MUNICIPAL CODE REGARDING *MEDICAL CANNABIS RELATED BUSINESSES AND ACTIVITIES* AND ADDING CHAPTER 5.55 OF THE PALM SPRINGS MUNICIPAL CODE REGARDING *ADULT-USE CANNABIS RELATED BUSINESSES AND ACTIVITIES*" with the following modifications:

1. Section 5.45.050, Definitions.

"Applicant" means a person twenty-one (21) ~~eighteen (18)~~ years of age or older who has submitted an application for a permit or renewal of a permit issued pursuant to this Chapter. If the applicant is an entity and not a natural person, applicant shall include all persons having a twenty (20) percent or more financial interest in the entity.

2. Section 5.45.080, Commercial Medical Cannabis Permit Application Process.

E. In all cases, the application must be complete in every material detail and shall contain, without limitation, the following documentation:

9. Written proof (i.e., California driver's license, California identification card, or certified birth certificate) that all applicants, property owners, supervisors, and employees are ~~eighteen (18)~~ twenty-one (21) years of age or older.

3. Section 5.45.090, Review of Application for Commercial Medical Cannabis Permit.

E. The City Manager shall deny any application that meets any of the following criteria:

5. Any person who is listed on the application is less than ~~eighteen (18)~~ twenty-one (21) years of age;

4. Section 5.45.085, Commercial Medical Cannabis Permit Application Priority for Current Medical Cannabis Cooperative and Collective.

Any Applicant who operated any permitted Medical Cannabis Cooperative and Collective in the City under the provisions of Chapters 5.35 shall receive priority in review, processing, and permitting over other Applicants in review and processing of Applications. ~~All such licensees shall be required to maintain their prior business entity names and structures.~~ Any successor entities must show continuity of ownership and operations with the prior entity and license holder.

5. **Section 5.45.090, Review of Application for Commercial Medical Cannabis Permit.**

C. Each commercial medical cannabis permit shall be granted ~~for a one year period and shall expire one year after the date of its issuance~~ shall automatically renew on an annual basis. At the time of each renewal, a Permittee shall have the duty to ensure that all City records generated pursuant to this Chapter and reflecting information as to the operation and ownership of that Permittee's commercial medical cannabis operation are accurate and up-to-date.

6. **Section 5.45.100, Commercial Medical Cannabis Permit Renewals.**

A. Each commercial medical cannabis permit shall automatically renew on an annual basis. On or before the date of any renewal, a Permittee shall have the duty to ensure that all City records generated pursuant to this Chapter and reflecting information as to the operation and ownership of that Permittee's commercial medical cannabis operation, are accurate and up-to-date. ~~Further, permit shall expire one year after the date of its issuance. Any permit may be renewed by the City Manager upon the submission of a renewal application by the permittee and upon determination by the City Manager that the applicant meets the standards for grant application as provided in this Chapter.~~ At the time of consideration of each annual renewal application, the City Manager shall consider Permittee compliance with ~~conditions~~ this Chapter during the prior year. ~~in the prior term.~~

7. **Added Section 5.55.075 Ineligibility for Commercial Adult-Use Cannabis Permit.**

A. Any person who the City determines or discovers to have previously engaged in any adult-use cannabis activity, or in any "commercial medical cannabis activity" as that term is defined in Chapter 5.45, without any required state or local permit, license or registration, whether within or outside the City, shall be ineligible for approval as a Permittee under this Chapter.

B. In the event that the City determines or discovers that a Permittee, prior to issuance of his/her/its Permit by the City, engaged in any adult-use cannabis activity or in any "commercial medical cannabis activity," as that term is defined in Chapter 5.45,

without any required state or local permit, license or registration, whether within or outside the City, the City shall revoke each and every City cannabis-related permit held by the Permittee in question.

8. **Section 5.55.090, Review of Application for Commercial Adult-Use Cannabis Permit.**

C. Each commercial Adult-Use Cannabis Permit shall automatically renew on an annual basis. At the time of each renewal, a Permittee shall have the duty to ensure that all City records generated pursuant to this Chapter and reflecting information as to the operation and ownership of that Permittee's commercial adult-use cannabis operation are accurate and up-to-date. ~~be granted a one-year period and shall expire one year after the date of its issuance.~~

9. **Section 5.55.100, Commercial Adult-Use Cannabis Permit Renewals.**

A. Each commercial adult-use cannabis permit shall automatically renew on an annual basis. On or before the date of any renewal, a Permittee shall have the duty to ensure that all City records generated pursuant to this Chapter and reflecting information as to the operation and ownership of that Permittee's adult-use cannabis operation are accurate and up-to-date. Further, at the time of each annual renewal, the City Manager shall consider Permittee compliance with this Chapter during the prior year. ~~Each commercial Adult Use Cannabis Permit shall expire one year after the date of its issuance. Any permit may be renewed by the City Manager upon the submission of a renewal Application by the permittee and upon determination by the City Manager that the Applicant meets the standards for grant of Application as provided in this Chapter. At the time of consideration of a renewal Application, the City Manager shall consider compliance with conditions in the prior term.~~

Approved by a majority (4-1-0, Councilmember Mills NO) roll call vote.

Interim City Clerk Hart read the title of the ordinance.

Mayor Moon stated it was past 10:00 p.m. and the tentatively scheduled adjournment time was 11:00 p.m. By consensus, the Council determined to continue with the agenda items.

3.C. INTERIM URGENCY ORDINANCE EXTENDING PRIOR INTERIM URGENCY ORDINANCES 1893, 1912 AND 1922, 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, AND SUSPENDING ENFORCEMENT OF SECTIONS 93.20.07, 93.20.08,

AND 93.20.10.C.4 OF, THE PALM SPRINGS MUNICIPAL CODE, TO NOVEMBER 10, 2017. (4/5^{THS} Vote Required):

City Attorney Kotkin presented the staff report.

Council discussion ensued.

ACTION: Waive the reading of the text in its entirety, read by title only, and adopt Ordinance No. 1934, AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING PRIOR INTERIM URGENCY ORDINANCES 1893, 1912 and 1922, 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, AND SUSPENDING ENFORCEMENT OF SECTIONS 93.20.07, 93.20.08, AND 93.20.10.C.4 OF, THE PALM SPRINGS MUNICIPAL CODE, TO NOVEMBER 10, 2017” (4/5ths Vote Required) with the following modifications:

Section 93.20.09.B.5

5. Portable ~~Open~~ Signs.

Except where another permitted outdoor display has been authorized (postcard rack, art displays, etc.), one portable open sign is allowed for (i) each tenant space in the ~~C-B-D zone~~ and (ii) with frontage on ~~North Palm Canyon Drive between Alejo Road and Racquet Club Road~~ or (iii) with frontage on ~~Indian Canyon Drive between Ramon Road and Alejo Road~~, subject to the following requirements:

Approved by a majority (4-1-0, Councilmember Mills NO) roll call vote.

Interim City Clerk Hart read the title of the ordinance.

4. UNFINISHED BUSINESS:

4.A. POTENTIAL 2017 BALLOT MEASURES AD HOC SUBCOMMITTEE: REPORT ON POTENTIAL REVENUE BALLOT INITIATIVES FOR THE NOVEMBER 2017 ELECTION: (Councilmember Kors and Mayor Pro Tem Foat)

Councilmember Kors provided a report on the ad hoc subcommittee activities and stated options would be presented to the City Council on July 26, 2017.

At 10:30 p.m. Councilmember Roberts exited due to a conflict of interest.

4.B. APPROVAL OF TRACT MAP 31095 (THE “BOULDERS” PROJECT) AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH GRIT DEVELOPMENT, LLC:

Assistant City Manager Fuller presented the staff report.

Council discussion ensued.

ACTION: Adopt Resolution No. 24280, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TRACT MAP 31095 AND AN ASSOCIATED SUBDIVISION IMPROVEMENT AGREEMENT WITH GRIT DEVELOPMENT, LLC, FOR PROPERTY LOCATED ALONG WEST VIA ESCUELA, SOUTH OF RACQUET CLUB ROAD AND NORTH OF CHINO CANYON ROAD, IN SECTION 3, TOWNSHIP 3 SOUTH, RANGE 4 EAST" with an amendment to require any extensions be brought back to the Council for consideration.

Approved by a majority (4-0-1, Councilmember Roberts RECUSAL) roll call vote.

At 10:34 p.m. Councilmember Roberts returned.

5. NEW BUSINESS:

5.A. EXTENSION OF THE HOTEL INCENTIVE PROGRAM DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF THE ORCHID TREE HOTEL, NORTHWEST CORNER OF BARISTO ROAD AND BELARDO ROAD, 284 S. CAHUILLA ROAD (DEVELOPER NEW CHURCH II, LLC) TO RUN CONCURRENT WITH AN APPROVED ENTITLEMENT, CURRENTLY SET TO EXPIRE NOVEMBER 9, 2018, CLARIFICATION REGARDING LEVEL OF ASSISTANCE TO BE PROVIDED THROUGH PROGRAM:

ACTION: NOT DISCUSSED – PULLED

5.B. EXTENSION OF THE HOTEL OPERATIONS INCENTIVE PROGRAM DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF THE VIRGIN HOTEL, LOCATED ON BLOCK B-1 OF THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN, AT THE SOUTHEAST CORNER OF BELARDO ROAD AND THE EXTENSION OF E. ANDREAS ROAD WESTWARD, UNTIL DECEMBER 31, 2019:

ACTION: NOT DISCUSSED – PULLED

PUBLIC COMMENT: (Non-Agenda Items) None

CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT:

City Manager Ready reminded the City Council of the July 20, 2017, Special Meeting for the Downtown Park and PDD process. He noted the proposed items for the July 26, 2017, Special Meeting, and recommended posting the agenda on July 21, 2017.

Councilmember Roberts requested the following:

- Status relating to the review of the mural ordinance
- Presentation of the small lot development zoning

ADJOURNMENT:

At 10:43 p.m. the City Council adjourned to an adjourned regular meeting on Thursday, July 20, 2017, at 6:00 p.m. Palm Springs Convention Center, Primrose B, 277 N. Avenida Caballeros, 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 July 19, 2017, MINUTES were approved by the City Council of the City of Palm Springs at a regular meeting held on November 15, 2017, by the following vote:

AYES: Kors, Mills, Roberts, Foat, and Moon
NOES: None
ABSENT: None
ABSTAIN: None
RECUSAL: None



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, July 19, 2017 – 4:00 p.m.

PALM SPRINGS CONVENTION CENTER
277 N. Avenida Caballeros, Primrose B
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.

EXISTING LITIGATION

G.C. 54956.9(d)(1)

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

Jeffrey Cole v. Elder Ricardo Ortiz, City of Palm Springs
Case No. PSC1503101, Riverside Superior Court, Palm Springs Division

Thomas Alan Grossman vs. City of Palm Springs et al
Case No. PSC1406472, Riverside Superior Court, Palm Springs Division

INITIATION OF LITIGATION

G.C. 54956.9(d)(4)

2 Cases

EXPOSURE TO LITIGATION

G.C. 54956.9(d)(2)

3 Cases

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

G.C. 54956.8

Property Address/Description:	1433-1455 N. Indian Canyon Drive
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	Riverside Housing Development Corporation, Jewish Family Service of San Diego, and Wayne Gottlieb
Under Negotiation:	Price and Terms of Payment (Acquisition)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR (continued) G.C. 54956.8

Property Address/Description: 4449 N. Indian Canyon Dr., APN 669-330-047
 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 (Acquisition)

Property Address/Description: 480 W. Tramview Road, APN 669-330-025
 Agency: City of Palm Springs
 City Negotiator: David H. Ready, City Manager or Designee
 Negotiating Parties: John Pavlak, Watermarke Homes
 Under Negotiation: Price and Terms of Payment (Acquisition)

PUBLIC EMPLOYEE EVALUATION G.C. 54957

Position: City Manager

CONFERENCE WITH LABOR NEGOTIATOR G.C. 54957.6

Management Association of Palm Springs
 Palm Springs Fire Safety
 Palm Springs Fire Management
 Palm Springs Police Management Association
 Palm Springs Police Officers Association
 Service Employees International Union Local 721