

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



**MINUTES
WEDNESDAY, JULY 5, 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 4:02 p.m. All members were present.

PUBLIC COMMENT (*Primrose B*): No one came forth to address the Mayor and City Council.

RECESS TO CLOSED SESSION (*Mesquite B*): At 4:03 p.m., the Mayor and City Council recessed to Closed Session. *See Closed Session Agenda, Exhibit A.*

6:00 P.M. REGULAR MEETING

CALL TO ORDER: Mayor Moon called the meeting to order at 6:12 p.m.

PLEDGE OF ALLEGIANCE: Mayor Moon led the salute to the flag.

ROLL CALL:

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

ABSENT: None

ALSO PRESENT: City Manager Ready, Assistant City Manager Fuller, City Attorney Kotkin, and Interim City Clerk Hart

PRESENTATIONS: None

ACCEPTANCE OF THE AGENDA:

Councilmember Roberts requested removal of Items 1C and 1E from the Consent Calendar, and noted his recusal on Item 1F.

Mayor Pro Tem Foat requested removal of Items 1F, 1H, and 1J from the Consent Calendar.

Councilmember Mills requested removal of Item 1K from the Consent Calendar.

ACTION: Approve the agenda as presented with the removal of Items 1C, 1E, 1F, 1H, 1J, and 1K from the Consent Calendar.

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

REPORT OF CLOSED SESSION:

City Attorney Kotkin announced that the City Council discussed all items on the agenda, with no reportable actions taken.

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

Robert Stone addressed the City Council regarding Item 1F.

Judy Deertrack spoke on the City Council's prior action on the 750 Loft project and questioned the action to reactivate the permits in Item D1.

Michael Johnston recommended postponing approval of Item 1F.

Rick Pantele spoke on Item 4C and urged closure of the illegal businesses.

Nickie Mc Laughlin, Friends of Palm Springs Mountains, expressed concern regarding Item 1F and requested the item be continued to July 19, 2017.

Stephanie Austin spoke on Item D1, 750 Lofts project.

Frank Tysen spoke opposing Item D1.

Emily Hemphill, attorney for 750 Lofts project, stated all the issues raised regarding Item D1 had already been litigated and urged the City Council to approve the project eliminating the event area.

Mike Ziskind, Co-Chair of Protect our Neighborhoods, spoke opposing Item D1 and suggested the matter be referred to the Planning Commission.

Sara Frith spoke opposing Item D1.

Tim Erkins spoke opposing Item D1, and suggested carefully reviewing Item 4A.

James Cioffi, architect for 750 Lofts, implored the City Council to approve the project with the elimination of the event space.

Andy Carpiac spoke in support of Item D1.

Michael Beckman spoke in support of Item D1.

Alan Siebuhr spoke in support of Item 3A.

David Freedman spoke in support of the proposed ordinance, Item 3A.

Lisa Middleton spoke in support of Item 3A.

Felipe Castaneda spoke opposing Item D1.

Robert VanRoo, Palm Springs Safe Access, spoke on Item 4C urging careful consideration of taxes.

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

Councilmember Kors provided an update from the Homelessness Subcommittee announcing that the Desert Healthcare District approved over \$2 million in funding for homelessness issues.

Mayor Pro Tem Foat stated Roy's had closed and would become a 90-bed health facility. She stated the Executive Committee of CVAG approved a triage center for the homeless based on contributions from each of the cities.

1. CONSENT CALENDAR:

ACTION: Approve Items 1A, 1B, 1D, 1G, 1I, 1L, and 1M.

Approved unanimously (5-0-0) on a roll call vote, noting Councilmember Roberts' recusal on Item 1F.

1.A. AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT NO. A6690 WITH ANDERSONPENNA, INC., IN THE AMOUNT OF \$35,470 FOR ASSISTANCE WITH THE REIMBURSEMENT PROCESS FOR STATE REVOLVING FUND AND GREEN PROJECT RESERVE FOR THE WASTEWATER TREATMENT PLANT UPGRADE, CP 15-14:

ACTION:

1) Approve Amendment No. 2 to the Professional Services Agreement No. A6690 with AndersonPenna, Inc. in the amount of \$35,470 for an increased total contract amount of \$88,690 for the Wastewater Treatment Plant Upgrade, CP 15-14.

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

Approved as part of the Consent Calendar.

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

ACTION:

1) Adopt Resolution No. 24260, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 06-03-2017 BY WARRANTS NUMBERED 419956 THROUGH 419967 TOTALING \$18,710.42, LIABILITY CHECKS NUMBERED 1092683 THROUGH 1092702 TOTALING \$81,429.77, FIVE WIRE TRANSFERS FOR \$58,472.88, AND THREE ELECTRONIC ACH DEBITS OF \$1,363,738.89 IN THE AGGREGATE AMOUNT OF \$1,522,351.96, DRAWN ON BANK OF AMERICA."

2) Adopt Resolution No. 24261, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1092703 THROUGH 1092801 IN THE AGGREGATE AMOUNT OF \$1,529,332.83, DRAWN ON BANK OF AMERICA."

3) Adopt Resolution No. 24262, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1092802 THROUGH 1092954 IN THE AGGREGATE AMOUNT OF \$1,712,089.68, DRAWN ON BANK OF AMERICA."

Approved as part of the Consent Calendar.

1.D. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR CLASS 1 HISTORIC SITE LOCATED AT 1838 SOUTH BARONA ROAD, A CLASS 1 HISTORIC SITE (HSPB 93/HD-5):

ACTION:

1) Approve a Mills Act Historic Property Agreement with William L. Wilson and Karen L. Wilson and Sandcliff Homeowners Association, for 1838 South Barona Road, a Class 1 Historic Site (HSPB 93/HD-5). A6992.

2) Authorize the City Manager to execute the Agreement.

3) Direct the City Clerk to record the Agreement.

Approved as part of the Consent Calendar.

1.G. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of May 3, 2017.

Approved as part of the Consent Calendar.

1.I. APPOINTMENT OF VARIOUS COMMISSIONERS AND BOARD MEMBERS AS PART OF THE 2017 ANNUAL RECRUITMENT PROCESS:

ACTION:

1) Appoint Oliver Cleary to the Administrative Appeals Board for a term from July 1, 2017, to June 30, 2020.

2) Re-appoint Dorothy Watson and appoint Juliette Montante to the VillageFest Board for terms from July 1, 2017, to June 30, 2020.

Approved as part of the Consent Calendar.

1.L. AUTHORIZE A PURCHASE ORDER IN THE AMOUNT OF \$63,460 WITH ALBERT A. WEBB & ASSOCIATES FOR ENGINEERING DESIGN SERVICES FOR THE NORTH PALM CANYON DRIVE (STATE ROUTE 111) AT VIA ESCUELA TRAFFIC SIGNAL INSTALLATION, CP 17-05:

ACTION:

1) Approve a Purchase Order in the amount of \$63,460 with the City's "on-call" engineering firm, Albert A. Webb & Associates, pursuant to Agreement No. A6443, for civil and traffic engineering design services associated with the N. Palm Canyon Drive (State Route 111) and

Via Escuela Traffic Signal Installation, CP 17-05.

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

Approved as part of the Consent Calendar.

1.M. AUTHORIZATION TO PARTICIPATE IN THE YGRENE STATEWIDE PACE PROGRAM:

ACTION:

1) Adopt Resolution No. 24263, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF THE CITY IN THE GOLDEN STATE FINANCE AUTHORITY COMMUNITY FACILITIES DISTRICT TO FINANCE RENEWABLE ENERGY IMPROVEMENTS, ENERGY EFFICIENCY AND WATER CONSERVATION IMPROVEMENTS, SEISMIC IMPROVEMENTS, AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING ASSOCIATE MEMBERSHIP IN THE JOINT EXERCISE OF POWERS AUTHORITY RELATED THERETO."

2) Adopt Resolution No. 24264, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF THE CITY IN THE GOLDEN STATE FINANCE AUTHORITY ASSESSMENT DISTRICT TO FINANCE RENEWABLE ENERGY GENERATION, ENERGY AND WATER EFFICIENCY IMPROVEMENTS, SEISMIC IMPROVEMENTS, AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING ASSOCIATE MEMBERSHIP IN THE JOINT EXERCISE OF POWERS AUTHORITY RELATED THERETO."

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

Approved as part of the Consent Calendar.

EXCLUDED CONSENT CALENDAR:

1.C. REPORT OF EMERGENCY REPLACEMENT OF AIR CONDITIONING AND COMPRESSOR UNIT FOR THE CITY HALL SERVER ROOM PURSUANT TO PALM SPRINGS MUNICIPAL CODE SECTION 7.04.040:

City Manager Ready provided the staff report.

ACTION: Receive and file.

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

1.E. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR CLASS 1 HISTORIC SITE LOCATED AT 360 CABRILLO ROAD UNIT 127 (RACQUET CLUB COTTAGES WEST, HSPB 88/HD-3):

Councilmember Roberts requested photographs be included of the properties in question.

ACTION:

- 1) Approve a Mills Act Historic Property Preservation Agreement with Dr. Kenneth J. Pearson and Sara F. Pearson and the Racquet Club Garden Villas Homeowners Association, for 360 Cabrillo Road Unit 127 (HSPB 88/HD-3). A6993.
 - 2) Authorize the City Manager to execute the Agreement.
 - 3) Direct the City Clerk to record the Agreement.
- Approved unanimously (5-0-0) on a roll call vote.**

1.F. APPROVAL OF TRACT MAP 31095 (THE "BOULDERS" PROJECT) AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH GRIT DEVELOPMENT, LLC:

Mayor Pro Tem Foat stated several members of the neighborhood had requested the item be postponed to give the neighborhood an opportunity to determine options. She requested continuing the item for at least one month.

Council discussion ensued.

ACTION:

Table the item until July 19, 2017.

Approved on a majority (3-0-1-1) roll call vote, with Councilmember Mills dissenting and Councilmember Roberts recused.

1.H. ENGAGEMENT OF SPECIAL LEGAL COUNSEL, BIRD LAW GROUP AND COLANTUONO, HIGHSMITH & WHATLEY:

ACTION:

- 1) Ratify Agreement No. A6988 with Bird Law Group, for specialized legal services arising from and related to cannabis and the City's implementation of Chapters 5.35 and 5.45 of the Palm Springs Municipal Code, in a total amount not to exceed twenty-five thousand dollars (\$25,000.00).
 - 2) Approve an Agreement with Colantuono, Highsmith & Whatley, for specialized legal services arising from and related to certain specialized areas of municipal legal practice, including without limitation exactions, cannabis, and election matters, in a total amount not to exceed twenty-five thousand dollars (\$25,000.00), in a form substantially similar to that published with this staff report, subject to minor modification, within the reasonable discretion of the City Attorney. A6994.
 - 3) Authorize the City Manager to execute all necessary documents
- Approved unanimously (5-0-0) on a roll call vote.**

1.J. ACCEPT THE RESIGNATION OF MARK ACKER FROM THE PARKS AND RECREATION COMMISSION:

Council discussion ensued.

ACTION:

Continue the matter.

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

1.K. AUTHORIZE THE PURCHASE OF 11 NEW VEHICLES AND EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$550,000:

Councilmember Mills requested additional information.

ACTION:

1) Authorize the purchase of 1 new Ford F250 for the Police Department.

2) Authorize the purchase of 1 new Ford Edge for the Police Department.

3) Authorize the purchase of 4 new Ford F150 (CNG/alternative fuel equivalent) or similar for the Building & Safety Department to replace Units 090502, 090602, 090802, 090901.

4) Authorize the purchase of 5 new Ford F150 (CNG/alternative fuel equivalent) or similar for the Facilities & Maintenance Department to replace Units 060301, 060400, 061200, 066201 and 061000.

5) Authorize staff to conduct the appropriate bid processes, or utilize cooperative purchase contracts if available, in accordance with Procurement procedures and authorize the City Manager to execute all necessary documents, including Purchase Orders for the new replacement vehicles and equipment, in a total cumulative amount not to exceed \$550,000.

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

DEFERRED ITEMS FROM A PREVIOUS MEETING:

D.1. A PROPOSED RESOLUTION COMPLYING WITH 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:

City Attorney Kotkin presented the staff report.

ACTION:

- 1) Direct staff to continue item to the July 19, 2017 meeting with a resolution stating findings consistent with the Council's discussion.
- 2) Refer the matter to the Architectural Advisory Committee and the Planning Commission to reconsider height, density and setbacks, to facilitate the finalization for the return of the writ of mandate indicating that the parking and event space issues will be addressed during reconsideration of the project.

Approved by a majority (4-1-0) roll call vote, with Councilmember Mills dissenting.

At 8:10 p.m. Mayor Moon recessed the meeting.

At 8:22 p.m. Mayor Moon reconvened the meeting, and all members were present.

2. PUBLIC HEARINGS:

2.A. APPEAL BY SUMMIT LAND PARTNERS, LLC (APPLICANT), ON BEHALF OF EHOV CANYON VIEW (PROPERTY OWNER), OF THE PLANNING COMMISSION ACTION TO DENY A GENERAL PLAN AMENDMENT, PLANNED DEVELOPMENT DISTRICT, MAJOR ARCHITECTURAL APPLICATION, AND VESTING TENTATIVE TRACT MAP FOR AN 80-LOT SINGLE-FAMILY SUBDIVISION ON A 13.25 ACRE PARCEL AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE, ZONE R-3 (CASE 5.1384 – PDD 381 GPA/3.3902 MAJ/VTTM 36969):

Director of Planning Services Fagg presented the staff report.

Mayor Moon opened the public hearing.

Tim Unger, applicant, presented the project to the City Council, requested relief from Conditions 8, 9, and 63 regarding undergrounding, and requested the City Council approve the appeal and the project.

Cathy Wolff spoke in support of the proposed project and discouraged the requirement for a median.

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

Council discussion ensued.

ACTION:

Approve the appeal and adopt the following resolutions and ordinance in support of the project:

- 1) Adopt Resolution No. 24265, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR A PROPOSED GENERAL PLAN AMENDMENT, A PLANNED

DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE, A MAJOR ARCHITECTURAL APPLICATION, AND A VESTING TENTATIVE TRACT MAP FOR AN 80-LOT SINGLE-FAMILY DEVELOPMENT ON A 13.25 ACRE PARCEL LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE."

- 2) Adopt Resolution No. 24266, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AMENDMENT TO THE 2007 PALM SPRINGS GENERAL PLAN ADOPTED BY RESOLUTION NO. 22077, MODIFYING THE LAND USE DESIGNATION FROM "MIXED-USE/MULTI-USE" TO "MEDIUM DENSITY RESIDENTIAL" ON A 13.25 ACRE PROJECT SITE FOR AN 80-LOT SINGLE-FAMILY DEVELOPMENT LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE (CASE 5.1384 GPA)."
- 3) Waive the reading of the ordinance text in its entirety, read by title only, and introduce for first reading 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 – PD 381)."
- 4) Adopt Resolution No. 24267, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A MAJOR ARCHITECTURAL APPLICATION FOR AN 80-LOT SINGLE-FAMILY DEVELOPMENT ON A 13.25 ACRE PARCEL LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE (CASE 3.3902 MAJ)."
- 5) Adopt Resolution No. 24268, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING VESTING TENTATIVE TRACT MAP 36969 FOR THE SUBDIVISION OF 14.83 GROSS ACRES INTO 80 RESIDENTIAL LOTS, PRIVATE STREETS, AND COMMON SPACE ON THE PARCEL LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE (CASE VTTM 36969)."
- 6) Approve the Conditions of Approval with modifications and additions as follows:
 - PLN 1. Vehicular Gates. Vehicular gates shall not be permitted pursuant to General Plan policy CD 14.6. (Added)
 - PLN 2. Pedestrian Connectivity. Provide additional pedestrian connection(s) to the public sidewalks at the perimeter of the site where feasible. (Added)
 - PLN 20. Building Separation. There shall be a minimum of 15 feet of separation between the second floors of a building to an adjacent second floor of a building. (Modified)

PLN 21. Touching Canopy of Trees. The developer shall plant/install touching canopy of trees surrounding the development allowing walkability. (Added)

PLN 23. Minimum 30-Day Rental. The CC&R's shall restrict short-term rental to a minimum of thirty (30) days. (Added)

PLN 24. Wall Articulation. The applicant shall add articulations to the walls along East Palm Canyon Drive subject to the review of an ad hoc subcommittee of Councilmembers Chris Mills and JR Roberts. (Added)

ENG 1. The City Council approves deferral of off-site improvement items (identified as "**Deferred**") at this time due to lack of full improvements in the immediate area. The owner shall execute a street improvement covenant agreeing to construct all required street improvements upon the request of the City of Palm Springs City Engineer at such time as deemed necessary. The covenant shall be executed and notarized by the property owner(s) prior to approval of the Grading Plan or issuance of grading or building permits. A current title report; or a copy of a current tax bill and a copy of a vesting grant deed shall be provided to verify current property ownership. A covenant preparation fee in effect at the time that the covenant is submitted shall be paid by the applicant prior to issuance of any grading or building permits. (ENG 9, 10, 12, 13, 14, 15, 64, 78, and 79 deferred.) (Added)

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

2.B. APPEAL BY NEXUS DEVELOPMENT CORPORATION OF THE PLANNING COMMISSION ACTION TO DENY A PLANNED DEVELOPMENT DISTRICT APPLICATION, TENTATIVE TRACT MAP APPLICATION, AND A MAJOR ARCHITECTURAL APPLICATION FOR A TWO PHASE DEVELOPMENT CONSISTING OF (1) REPURPOSING CLASS 1 HISTORIC BUILDINGS ON 3.1-ACRES AT 600-750 E. TAHQUITZ CANYON WAY AND TWO (2) 48 ATTACHED RESIDENTIAL UNITS ON 5.6 ACRES LOCATED AT THE SOUTHEAST CORNER OF NORTH CALLE EL SEGUNDO AND EAST ANDREAS ROAD (CASE NOS. 5.1399 PDD-385, 3.3983 MAJ AND TTM 36876)

Director of Planning Services Fagg presented the staff report.

Mayor Moon opened the public hearing.

Corry Alder, President of Nexus Development, discussed time and money invested and modifications based on public and Planning Commission input. He requested the City Council approve the project.

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

Council discussion ensued.

ACTION:

Adopt Resolution No. 24270, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, **UPHOLDING THE PLANNING COMMISSION DENIAL** OF CASE 5.1399 PDD-385, 3.3983 MAJ AND TTM 36876; A PLANNED DEVELOPMENT DISTRICT, MAJOR ARCHITECTURAL APPLICATION AND TENTATIVE TRACT MAP FOR A TWO PHASE DEVELOPMENT CONSISTING OF (1) REPURPOSING CLASS 1 HISTORIC BUILDINGS ON 3.1-ACRES AT THE NORTHEAST CORNER OF NORTH CALLE EL SEGUNDO AND EAST TAHQUITZ CANYON WAY AND TWO (2) 48 ATTACHED RESIDENTIAL UNITS ON 5.6-ACRES LOCATED AT THE SOUTHEAST CORNER OF NORTH CALLE EL SEGUNDO AND EAST ANDREAS ROAD."

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

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 hear Items 2C and 3A.

At 10:24 p.m., Assistant City Manager Fuller left the meeting due to a conflict of interest on Item 2C.

2.C. ANNUAL LEVY OF ASSESSMENTS FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS, FISCAL YEAR 2017-18:

ACTION:

Director of Public Works Garcia provided the background information as noted in the staff report.

Mayor Moon opened the public hearing and no one came forth to address the Mayor and City Council; therefore, Mayor Moon closed the public hearing.

ACTION:

Adopt Resolution No. 24269 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE ENGINEER'S REPORT AND ORDERING THE CONTINUED OPERATION AND MAINTENANCE OF IMPROVEMENTS FOR STREET LIGHTING MAINTENANCE DISTRICT NO. 3, AND PARKWAY MAINTENANCE DISTRICTS NO. 6A, 6C, 7, 8, 9, AND 10 (ZONES 1 AND 2), AND LANDSCAPE MAINTENANCE DISTRICT NO. 12, AND ORDERING THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2017-18."

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

Assistant City Manager Fuller returned at 10:27 p.m.

3. LEGISLATIVE:**3.A. A PROPOSED ORDINANCE AUTHORIZING IMPLEMENTATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM, AND APPROVING THE "DESERT CITIES ENERGY CHOICE" JOINT POWERS AGREEMENT:**

City Attorney Kotkin presented the staff report.

Council discussion ensued.

ACTION: Waive the reading of the ordinance text in its entirety, read by title only, and introduce for first reading 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 unanimously (5-0-0) on a roll call vote.

Interim City Clerk Hart read the ordinance title.

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 the report.

Council discussion ensued.

ACTION:

By consensus, the Council directed staff to bring back all ballot measure options and work with the subcommittee to work on hiring a consultant.

**4.B. BUDGET AND FINANCE STANDING SUBCOMMITTEE:
CONTINUED DISCUSSION ON EXPENDITURE REDUCTIONS AND RISING PERS RETIREMENT COSTS: (Councilmember Kors and Mayor Moon)**

ACTION: Deferred.

**4.C. CANNABIS STANDING SUBCOMMITTEE:
CONTINUED DISCUSSION AS IT RELATES TO NEW STATE LAWS REGARDING ADULT RECREATIONAL AND MEDICAL CANNABIS:
(Councilmember Kors and Mayor Pro Tem Foat)
(See staff report by City Attorney under Item 4.A.)**

Mayor Pro Tem Foat provided the report.

Council discussion ensued.

ACTION: By consensus, the Council directed staff to bring back a proposed ordinance as it relates to the new state laws regarding adult use of medical cannabis.

5. NEW BUSINESS:

5.A. REVIEW, APPOINT, AND/OR REAPPOINT CITY COUNCIL SUBCOMMITTEES AND OTHER APPOINTMENTS:

ACTION: By consensus this item was continued to July 6, 2017.

PUBLIC COMMENT: (Non-Agenda Items)

Nicole Ochoa, Renovate America and HERO PACE program, provided an update and shared enhancements made to the program.

Sid Craig, Parks and Recreation Chair, questioned the process of appointment and the need to change the meeting time.

Willie Holland, Jr. discussed his efforts to obtain a medical marijuana license from the City and requested the City approve his license.

CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT: None.

ADJOURNMENT: At 11:19 p.m., the City Council adjourned to an Adjourned Regular Meeting on Thursday, July 6, 2017, at 4:00 p.m., at the Palm Springs Convention Center, Primrose C and 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 5, 2017, MINUTES were approved by the City Council of the City of Palm Springs at a regular meeting held on November 1, 2017, by the following vote:

AYES: Foat, Kors, Mills, Roberts, 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 5, 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(a)

City of Palm Springs v. Kenneth Irwin Jr.
Case No. PSC1606276, Riverside Superior Court, Palm Springs Division

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

2 Cases

CONFERENCE WITH REAL PROPERTY NEGOTIATOR G.C. 54956.8

Property Address/Description:	285 N. Indian Canyon Dr., APN 513-091-003
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	Successor Agency of the Redevelopment
Agency	
Under Negotiation:	Price and Terms of Payment (Acquisition)

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)

CONFERENCE WITH LABOR NEGOTIATOR G.C. 54957.6

Palm Springs Fire Safety
Palm Springs Fire Management

PUBLIC EMPLOYEE EVALUATION G.C. 54957

Position: City Manager

