

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



**MEETING MINUTES  
WEDNESDAY, FEBRUARY 5, 2014  
CITY HALL COUNCIL CHAMBER**

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:06 p.m.

**PLEDGE OF ALLEGIANCE:** Boy Scout Troop 262, led the Pledge.

**INVOCATION:** Pastor David Sanger, Our Savior's Community Church, led the Invocation.

**ROLL CALL:**

**PRESENT:** Councilmember Foat, Councilmember Lewin, Councilmember Mills, Mayor Pro Tem Hutcheson, and Mayor Pougnet.

**ABSENT:** None.

**ALSO PRESENT:** City Manager Ready, City Attorney Holland, City Clerk Thompson.

**PRESENTATIONS:**

Mayor Pougnet and the City Council presented a Certificate of Recognition to Carol Channing in celebration of her 93rd birthday and her service to the City of Palm Springs.

Mayor Pougnet provided an update on the ground-breaking event for the Downtown Revitalization Project.

Councilmember Mills announced the upcoming Black History Month events.

Mayor Pougnet announced the upcoming 2014 Palm Springs Modernism Week events.

Lance, Soll, and Lunghard LLP, the City's independent auditors, presented the Fiscal Year 2012-13 Audit to the City Council.

**REPORT OF CLOSED SESSION:**

The meeting was called to order at 4:30 p.m., and City Attorney Holland requested the City Council consider adding one item to the Closed Session Agenda, pursuant to Cal. Gov. Code Section 54956.9(a) Existing Litigation titled *Advocates for Better Community Development v. City of Palm Springs et al.*, Riverside Superior Court Case No. RIC 1302004, and stated he has received information regarding the case after the posting of the Agenda, and there is an immediate need to hear and/or take action.

**ACTION:** 1) Find the matter came to the attention of the City after the posting of the agenda and there is an immediate need to hear and/or take action; and 2) Add to the Closed Session Agenda, pursuant to Cal. Gov. Code Section 54956.9(a) one case of existing litigation titled *Advocates for Better Community Development v. City of Palm Springs et al.*, Riverside Superior Court Case No. RIC 1302004. **Motion Councilmember Mills, seconded by Councilmember Lewin and unanimously carried (5-0).**

City Attorney Holland stated the City Council recessed to Closed Session to discuss items on the Closed Session Agenda, and reported the City Council provided direction to Staff, no reportable actions were taken.

#### **ACCEPTANCE OF THE AGENDA:**

Councilmember Mills noted his abstention on Item 2.C., Warrant No. 1068296, and requested Item 2.K. be removed from the Consent Calendar for separate discussion.

Mayor Pro Tem Hutcheson requested Item 2.I. be removed from the Consent Calendar for separate discussion.

Councilmember Foat requested Item 2.M. and Item 2.N. be removed from the Consent Calendar for separate discussion, and noted her abstention on Item 2.C., Warrant No. 1068294.

**ACTION:** Accept the Agenda as amended. **Motion Councilmember Lewin, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

#### **1. PUBLIC HEARINGS:**

##### **1.A. AT&T MOBILITY ON BEHALF OF SHARON DEAN FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY CONSISTING OF A FORTY-EIGHT FOOT TALL MONOPOLE DESIGNED AS A PALM TREE AND A VARIANCE TO EXCEED THE MAXIMUM ANTENNA HEIGHT PERMITTED FROM 15' TO 48' LOCATED AT 4185 EAST PALM CANYON (CASE 5.1295 CUP / 6.528 VAR):**

Margo Wheeler, Director of Planning Services, provided background information as outlined in the staff report dated February 5, 2014.

Mayor Pougnet opened the public hearing, and the following speaker addressed the City Council.

ROB SEAREY, representing AT&T, outlined the information submitted to the City Council, and stated AT&T is trying to close a gap in service, and

noted the deficit of service in the proposed area, commented on the installation process, and requested the City Council support the Variance.

No further speakers coming forward, the public hearing was closed.

Councilmember Mills requested the City Council consider screening as opposed to bollards, including clustering of five Palm Trees as requested by AAC, and a landscaped screening wall.

Councilmember Foat requested clarification regarding the clustering of Palm Trees.

**ACTION:** Adopt Resolution No. 23497, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO INSTALL AND OPERATE A WIRELESS COMMERCIAL COMMUNICATIONS FACILITY ON THE ROOF OF AN EXISTING BUILDING LOCATED AT 4185 EAST PALM CANYON (CASE 5.1295/6.528 VAR)," *amending the Conditions of Approval as follows: a) require a screened wall (as opposed to bollards), b) require a clustering of five palm trees within the footprint area of the building as recommended by the AAC, and c) require additional screening on the North, West, and East which may be a combination of wall and landscaping with wall being at least six feet high with a hedge.* **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

Mayor Pougnet stated he had a business related conflict of interest with respect to Item 1.B., would not participate in the discussion or the vote, and left Council Chamber. Mayor Pro Tem Hutcheson conducted this portion of the meeting.

**1.B. JUDY DEERTRACK APPEALING THE PLANNING COMMISSION DECISION TO UPHOLD THE PLANNING DIRECTOR'S DECISION TO CONDITIONALLY APPROVE A LAND USE PERMIT FOR OUTDOOR ENTERTAINMENT / MUSICIANS AS ACCESSORY TO A RESTAURANT LOCATED AT 1555 SOUTH PALM CANYON DRIVE (CASE LUP 13-067):**

Margo Wheeler, Director of Planning Services, provided background information as outlined in the staff report dated February 5, 2014.

Councilmember Foat requested Staff address comments made in a letter that the Appellant did not have an opportunity to address the Commission.

Councilmember Lewin commented on the scope of the decision before the City Council.

Mayor Pro Tem Hutcheson opened the public hearing, and the following speakers addressed the City Council.

KATHERINE JENSON, Representing Applicant, commented on the procedure before the Planning Commission, noted her materials submitted regarding the sound system, noted the restrictions placed on the outdoor entertainment, noted the revocation procedures in the conditions, commented on the policy of an "accessory use," the proximity of the Appellant to the proposed project, commented on the existing facility and the zoning of the property, and requested the City Council approve the request.

JUDY DEERTRACK, Palm Springs, commented on her experience to get to the City Council, commented on the process and lack of process and requested the City Council review the policies for Land Use Permits, commented on the property and the nature of the businesses as "neighborhood serving," commented on the lack of public hearings for Land Use Permits, and commented on the permit being an "accessory use."

TOM ADAMO, Palm Springs, spoke in support of the Hacienda Cantina, commented on the communication between the Applicant and Appellant, and commented on the City's approach in dealing with other noise nuisances in the City.

SIMON HOUSMAN, representing Happy Traveler, noted the specifics related to the Happy Traveler, commented on the enforcement of the noise ordinance.

GERALD NOONAN, read and submitted a group of letters from businesses and residents adjacent to the project who are in support of the project.

BEAR ZELLER, stated the project will bring jobs to the area and spoke in support of the project.

MARY JANE WOODRUFF, stated support of the project, and requested the City Council support the business community in the area.

MATT NAYLOR, commented on the proximity to his residence, noted the issues of homeless at the project site, commented on the noise level due to the proposed sound, and requested the City Council support the project.

SEAN DURANT, stated his support for the project, and noted the City history as a destination "hot spot."

HAROLD MATZNER, commented on the history of the property, the economic viability of the project, noted the success of outdoor music at Spencer's Restaurant, and requested the City approve the project.

AFTAB DADA, stated his support of the project, commented on the recent actions of the City for tourism, and read a letter from PS Resorts in support of the project.

MINDY REED, thanked the City Council for their support for growth and new businesses in the Downtown area, commented on the noise level, and spoke in support of the project.

STEVE ROSENBERG, commented on City's response to noise complaints, and requested the City Council support the project.

NICK VITHAL, Palm Springs, commented on the problem due to the vacant property, commented on noise, and requested the City Council support the project and the development in the area.

BOB BOGARD, Palm Springs, spoke in support of the Hacienda Cantina, stated the City is attracting people to the area, noted the success of the Splash House event, and the target demographic.

KRISTIN BLOOMER, stated her support of the project, noted the complementary nature to surrounding businesses, and stated the City enforces the noise ordinances.

BARBARA BERAN, stated her support for the Hacienda Cantina, noted the current energy in Palm Springs, and the current vacant development.

JOY BROWN MEREDITH, stated her support of the Planning Directors' decision to approve the Land Use Permit, noted the project will connect Palm Springs, and the nature of "accessory use" for a restaurant.

TYLER MCLEAN, stated his support for the project, and noted the great things happening in Palm Springs.

DANIEL CLARY, Palm Springs, noted his proximity to the location, stated his main concern with the project is the noise from outdoor music, and commented on traffic accidents in the area.

MELISSA CRONIN, commented on the importance of hospitality jobs in the City of Palm Springs, and stated her support for the project.

BOB LEWIS, commented on the demographic changes in the City of Palm Springs, and stated his support for the project.

ANDREW STARKE, stated his support for the Hacienda Cantina, commented on the ability of the operator, and commented on the growth of Palm Springs.

KATHERINE JENSON, Rebuttal, commented on the original PDD and the neighborhood use, commented on the outdoor use of entertainment that must be compliant with the noise ordinance.

JUDY DEERTRACK, Rebuttal, stated the PDD was started as neighborhood commercial and now the City has upgraded this property to commercial for tourism uses, and requested the City Council follow the process.

No further speakers coming forward, the public hearing was closed.

Councilmember Foat commented on the process and procedures, the determination of to the business person trying to open this establishment, the conditions imposed on the project, commented on the development and exciting projects on South Palm Canyon.

Councilmember Lewin commented on the perceived fear, stated the Applicant played by the rules to get this project approved, commented on the very strict noise limitations and other conditions, and anticipates the businesses in the area prosper as a result of the project.

Councilmember Mills stated the City has done everything as required by State law, City and other codes, stated the process was followed, stated his biggest concern was noise, commented on the sound system being installed, and stated if there is a violation it will be the City's job to enforce the violation, and commented on the noise ordinance.

Mayor Pro Tem Hutcheson noted the size of the restaurant and stated it is not a neighborhood cafe, noted the current neighborhood nuisance by the vacant building, commented on job creation, and the Appellant's comments to support businesses and the process.

**ACTION:** Adopt Resolution No. 23498, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE DECISION OF THE PLANNING COMMISSION APPROVING A LAND USE PERMIT FOR OUTDOOR ENTERTAINMENT AND MUSICIANS AS ACCESSORY TO A RESTAURANT LOCATED AT 1555 SOUTH PALM CANYON DRIVE, AND DENYING THE APPEAL BY JUDY DEERTRACK, ZONE PD-131/I.L (CASE LUP 13-067)." **Motion**

**Councilmember Foat, seconded by Councilmember Lewin and unanimously carried 4-0 on a roll call vote.**

**AYES:** Councilmember Foat, Councilmember Lewin,  
Councilmember Mills, and Mayor Pro Tem Hutcheson.  
**NOES:** None.  
**ABSENT:** Mayor Pougnet.

The City Council recessed at 8:08 p.m.  
The City Council reconvened at 8:15 p.m.

**PUBLIC COMMENT:**

LISA MIDDLETON, commented on the Vacation Rental Ordinance and the process with PSNIC, stated her support of the Staff Report, stated enforcement needs to be improved and enforcement needs to be faster, commented on two problem areas Deepwell and Twin Palms, the PSNIC process and the PSNIC approval process.

HOWARD BULLER, Morongo Valley, commented on vacation rentals and stated the City needs stronger enforcement, and requested the City eliminate the Courtesy Citations, and review occupancy limits.

TOM STANSBURY, Palm Springs, thanked City staff and the City Council Subcommittee for listening to the concerns of Protect Deepwell, and looked forward to including a review in six months.

LARRY FECHTER, Palm Springs, commented on the Vacation Rental Ordinance and encouraged the proposed regulations to clean-up the violations.

NANCY STUART, Palm Springs, commented on the activities of the Palm Springs Aerial Tramway, and the current comments regarding parking fees.

REGINA PEARSON, Palm Springs, commented on the Vacation Rental Ordinance, noted the proliferation of vacation rentals in the Mesa area, and requested the City Council address density limits and allowing two additional persons beyond the number of bedrooms.

ELLEN LOCKART, commented on the Vacation Rental Ordinance, thanked the City Council Subcommittee, and requested the City Council limit the number of vacation rentals in the City of Palm Springs.

RUDI POLAK, Palm Springs, commented on the Vacation Rental Ordinance, noted his operational requirements as a vacation rental owner, requested the City Council allow two numbers for local contact person, requested the City Council keep the Courtesy Notices and streamline the notification system.

JAKE TAYLOR, commented on the Vacation Rental Ordinance, the demographics of people who are using vacation rentals, stated his support for beefing up the ordinance and noise limitations and requested a definition of amplified music.

DON GONZLES, Palm Springs, commented on Event House Permits and requested the City Council review Event House Permits.

GARY JOHNS, commented on the upcoming 2014 Modernism Week events.

CODY SANFORD, commented on the Vacation Rental Ordinance, stated his support for the proposed changes to the Vacation Rental Ordinance, noted the number of noise violations for vacation rentals, and commented on the benefits of vacation rental property.

MICHAEL McLEAN, commented on the Vacation Rental ordinance, noted the support of the vacation rental operators regarding the proposed regulations, and commented on the recommendations.

STEVE ROSENBERG, commented on the Vacation Rental Ordinance, stated the fee should be applied equally, and enforcement should be a focus.

#### **COUNCILMEMBER COMMENTS:**

Councilmember Lewin commented on the current drought conditions in the state and requested the City Manager draft a City and Community drought plan.

Mayor Pougnet commented on the drought conditions and requested the City Council consider an ad hoc Subcommittee to study and address this issue.

Mayor Pro Tem Hutcheson requested the City Manager provide an update on Riverside County regulations pertaining to food trucks, and requested a homeless ordinance for the Downtown area.

Mayor Pougnet thanked the City Council for their work, and commented on the Downtown Project.

Councilmember Foat commented on the settlement agreement between the City and ABCD.

**CITY MANAGER'S REPORT:** None.

#### **2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., 2.H., 2.J., 2.L., and 2.O. **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

**2.A. REPORT ON THE POSTING OF THE AGENDA:**

**ACTION:** Receive and file Report on the Posting of the February 5, 2014, City Council Agenda. **Approved as part of the Consent Calendar.**

**2.B. FISCAL YEAR 2012-13 AUDIT BY THE CITY'S INDEPENDENT AUDITORS:**

**ACTION:** Receive and file the Fiscal Year 2012-13 Audit. **Approved as part of the Consent Calendar.**

**2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:**

**ACTION:** 1) Adopt Resolution No. 23499, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 12-21-13 BY WARRANTS NUMBERED 418434 THROUGH 418450 TOTALING \$37,583.44, LIABILITY CHECKS NUMBERED 1068198 THROUGH 1068221 TOTALING \$117,144.30, FIVE WIRE TRANSFERS FOR \$53,719.67 AND THREE ELECTRONIC ACH DEBITS OF \$1,247,341.71 IN THE AGGREGATE AMOUNT OF \$1,455,789.12, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23500, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1068222 THROUGH 1068306 IN THE AGGREGATE AMOUNT OF \$2,778,094.06, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23501, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 01-04-14 BY WARRANTS NUMBERED 418451 THROUGH 418467 TOTALING \$32,801.94, LIABILITY CHECKS NUMBERED 1068307 THROUGH 1068330 TOTALING \$115,295.63, FIVE WIRE TRANSFERS FOR \$50,574.19 AND THREE ELECTRONIC ACH DEBITS OF \$1,153,218.77 IN THE AGGREGATE AMOUNT OF \$1,351,890.53, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 23502, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1068331 THROUGH 1068436 IN THE AGGREGATE AMOUNT OF \$1,030,000.02, DRAWN ON BANK OF AMERICA;" and 5) Adopt Resolution No. 23503, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1068437 THROUGH 1068595 IN THE AGGREGATE AMOUNT OF \$1,609,045.61, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the abstentions of Councilmember Mills on Warrant No. 1068296 and Councilmember Foat on Warrant No. 1068294.**

**2.D. SECOND READING AND ADOPTION OF ORDINANCE NO. 1839 AMENDING PARAGRAPHS B.4, C.2, C.6, C.8, AND C.9 OF SECTION 93.21.00 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE INCLUSION OF LED (LIGHT-EMITTING DIODE) LIGHTING AS A PERMITTED LIGHTING FIXTURE TYPE ALLOWED IN THE CITY'S OUTDOOR LIGHTING STANDARDS:**

**ACTION:** Waive the reading of the full text of the ordinance and adopt Ordinance No. 1839, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PARAGRAPHS B.4, C.2, C.6, C.8, AND C.9 OF SECTION 93.21.00 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE INCLUSION OF LED (LIGHT-EMITTING DIODE) LIGHTING AS A PERMITTED LIGHTING FIXTURE TYPE ALLOWED IN THE CITY'S OUTDOOR LIGHTING STANDARDS." **Approved as part of the Consent Calendar.**

**2.E. SECOND READING AND ADOPTION OF ORDINANCE NO. 1840 AMENDMENT TO THE PALM SPRINGS ZONING CODE TO ESTABLISH AN EXEMPTION FOR CLASS 1 HISTORIC STRUCTURES FROM PARKING REQUIREMENTS FOR NEW USES:**

**ACTION:** Waive the reading of the full text of the ordinance and adopt Ordinance No. 1840, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PARAGRAPH 3 OF SUBSECTION B OF SECTION 93.06.00 OF THE PALM SPRINGS ZONING CODE ESTABLISHING AN EXEMPTION FOR CLASS 1 HISTORIC STRUCTURES FROM PARKING REQUIREMENTS FOR NEW USES UNDER THE ZONING CODE." **Approved as part of the Consent Calendar.**

**2.F. SECOND READING AND ADOPTION OF ORDINANCE NO. 1841 AMENDMENTS TO THE PALM SPRINGS ZONING CODE REGARDING RELIGIOUS INSTITUTIONS:**

**ACTION:** Waive the reading of the full text of the ordinance and adopt Ordinance No. 1841, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTION B OF SECTION 91.00.10, SUBSECTION C OF SECTION 92.08.01, SUBSECTIONS A AND D OF SECTION 92.09.01, SUBSECTION C OF SECTION 92.10.01, SUBSECTION A OF SECTION 92.11.01, SUBSECTION A OF SECTION 92.12.01, SUBSECTION A OF SECTION 92.14.01, SUBSECTION A OF SECTION 92.15.01, PARAGRAPH 1 OF SUBSECTION C OF SECTION 92.13.01, AND PARAGRAPH 1 OF SUBSECTION A OF SECTION 94.01.01, OF THE PALM SPRINGS MUNICIPAL CODE, ADOPTING A DEFINITION FOR "RELIGIOUS INSTITUTIONS" AND ESTABLISHING RELIGIOUS INSTITUTIONS AS A USE PERMITTED AS A MATTER OF RIGHT, CONDITIONAL USE PERMIT, OR LAND USE PERMIT IN SPECIFIED ZONES, REQUIRING A CONDITIONAL USE PERMIT FOR ALL ASSEMBLY USES IN THE CBD ZONE, AND AUTHORIZING

INITIATION OF ZONING CODE AMENDMENTS BY THE DIRECTOR OF PLANNING SERVICES." **Approved as part of the Consent Calendar.**

**2.G. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF DECEMBER 2013:**

**ACTION:** Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of December 1 through December 31, 2013. **Approved as part of the Consent Calendar.**

**2.H. RATIFICATION OF THE ANNUAL ADJUSTMENT OF THE ACCESS LINE RATE APPROVED BY THE VOTERS BY MEASURE "G" PURSUANT TO PALM SPRINGS MUNICIPAL CODE § 3.39.050:**

**ACTION:** Adopt Resolution No. 23504, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, RATIFYING THE ANNUAL ADJUSTMENT OF THE ACCESS LINE RATE PURSUANT TO PALM SPRINGS MUNICIPAL CODE § 3.39.050 APPROVED BY THE VOTERS BY MEASURE G." **Approved as part of the Consent Calendar.**

**2.J. RENEW AN AGREEMENT WITH PYRANET LLC FOR THE BILLING AND RECONCILIATION OF ALARM PERMITS, RENEWALS, FALSE ALARMS, AND CONTINUANCE OF THE ALARM DIVERSION PROGRAM:**

**ACTION:** 1) Approve an agreement with Pyranet, LLC, dba PalmSpringsAlarm.com and alarmschoolonline.com (PSA) to perform the billing and reconciliation of alarm permits, renewals, false alarm billings, and continue the On-Line Alarm Diversion Program for three years; and 2) Authorize the City Manager to execute all necessary documents. A5409. **Approved as part of the Consent Calendar.**

**2.L. TREASURER'S INVESTMENT REPORT AS OF DECEMBER 31, 2013:**

**ACTION:** Receive and file the Treasurer's Investment Report as of December 31, 2013. **Approved as part of the Consent Calendar.**

**2.O. APPROVE AN AGREEMENT WITH CAPITAL ACCOUNTING PARTNERS, LLC TO PROVIDE STUDIES TO CALCULATE THE COST OF USER FEES AND PREPARE AN INDIRECT COST ALLOCATION PLAN:**

**ACTION:** 1) Approve an agreement with Capital Accounting Partners, LLC to prepare a User Fee Study and Indirect Cost Allocation Plan for the City's various departments in an amount not to exceed \$52,330; 2) Adopt Resolution No. 23506, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2013-14 FOR A USER FEE STUDY AND COST ALLOCATION PLAN;" and 3) Authorize the City Manager to

execute all necessary documents. A6491. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.I. TIME EXTENSIONS OF SUBDIVISION IMPROVEMENT AGREEMENTS FOR VARIOUS PROJECTS:**

Mayor Pro Tem Hutcheson commented on the current state of economic development in the City and stated that with the improved economic environment in the City not as many development extensions would be required in the future.

Councilmember Foat requested the location of the properties be included on the list in future staff reports.

**ACTION:** Adopt Resolution No. 23505, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING TIME EXTENSIONS OF VARIOUS SUBDIVISION IMPROVEMENT AGREEMENTS." **Motion Councilmember Lewin, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

A6192 Tract Map 28308 "AE3 at Sunny Dunes", extend to January 17, 2015.  
A4814 Tract Map 28966 "Preserve Estates", extend to June 18, 2015.  
A4955 Tract Map 30050 "Alta", extend to February 3, 2015.  
A5086 Tract Map 32233-1 Escena", extend to April 2, 2015.  
A5087 Tract Map 32233-2 Escena", extend to April 2, 2015.  
A5088 Tract Map 32233-3 Escena", extend to April 2, 2015.  
A5089 Tract Map 32233-4 Escena", extend to April 2, 2015.  
A5100 Tract Map 31263 "The Towers", extend to February 3, 2015.  
A5105 Tract Map 32160 "Enclave", extend to February 18, 2015.  
A5131 Tract Map 30046 "Monte Sereno", extend to March 18, 2015.  
A5155 Tract Map 31514 "Luminaire", extend to June 18, 2015.  
A5246 Tract Map 33561 "Palermo", extend to April 2, 2015.  
A5324 Tract Map 33933 "Murano", extend to May 24, 2015.  
A5393 Tract Map 31848-1 "Avalon", extend to May 4, 2015.  
A5426 Tract Map 32732 "Oceo", extend to May 20, 2015.  
A5436 Tract Map 33161 "Vista San Jacinto", extend to August 9, 2015.

**2.K. ADMINISTRATIVE ANALYSIS OF RESIDENTIAL PROJECT ON TRIBAL TRUST LAND CONSISTING OF EIGHTEEN SINGLE FAMILY RESIDENCES ON ROUGHLY 2.3 ACRES OF VACANT LAND LOCATED AT THE SOUTHWEST CORNER OF TWIN PALMS AND SOUTH CAMINO REAL (CASE 5.1323 MISC.):**

Councilmember Mills requested Staff address the process with administrative review by the AAC.

**ACTION:** Receive and file the 18 @ Twin Palms Administrative Analysis. **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

**2.M. AIR SERVICE INCENTIVE PROGRAM FUNDING AWARD TO AMERICAN AIRLINES:**

Councilmember Foat requested Staff address the age of the airplanes and noise caused by the planes used by American Airlines.

**ACTION:** 1) Approve air service incentive funding for American Airlines in an amount not to exceed \$30,000; and 2) Authorize City Manager to execute all necessary documents. A6490. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**2.N. TERMINATION OF A DEVELOPMENT AGREEMENT AND DISPOSITION AND DEVELOPMENT AGREEMENT WITH WYNDHAM VACATION INC., FORMERLY FAIRFIELD RESORTS, INC. FOR THE STAR CANYON RESORT PROJECT:**

Councilmember Foat requested Staff address the current problems at the former auto dealership site.

**ACTION:** 1) Approve the termination of the Development Agreement and Disposition and Development Agreement with Wyndham Vacation Inc., formerly Fairfield Resorts, Inc. and 2) Authorize the City Manager to execute all necessary documents, and authorize the City Clerk to record appropriate documents. DA A4823. DDA A0428C. **Motion Councilmember Lewin, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

**3. LEGISLATIVE:**

**3.A. PROPOSED ORDINANCE AMENDING PALM SPRINGS MUNICIPAL CODE SECTION 8.05.125, TO CHANGE FROM PRE-1945 TO PRE-1969, THE AGE OF BUILDINGS ELIGIBLE FOR UP TO A SIX MONTH STAY OF DEMOLITION:**

Margo Wheeler, Director of Planning Services, provided background information as outlined in the staff report dated February 5, 2014.

The City Council discussed and/or commented on exempting current buildings and sites from the proposed ordinance that already have been approved by a PDD, Specific Plan, and/or Development Agreement, and any legal issues relating to the current agreements with developers.

**ACTION:** Waive the reading of the ordinance text in its entirety and read by title only and introduce on first reading Ordinance No. 1844, "AN

ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 8.05.125 OF, AND ADDING SUBSECTION (c) TO SECTION 8.05.020 OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO CLASS 3 HISTORIC STRUCTURES/SITES." **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and carried 4-1 on a roll call vote.**

**AYES:** Councilmember Foat, Councilmember Lewin, Mayor Pro Tem Hutcheson, and Mayor Pougnet.  
**NOES:** Councilmember Mills.

**4. UNFINISHED BUSINESS:** None

**5. NEW BUSINESS:**

Councilmember Lewin stated he had a potential perception of conflict of interest with respect to Item 5.A., would not participate in the discussion or the vote, and left Council Chamber.

Mayor Pro Tem Hutcheson stated he had a business related conflict of interest with respect to Item 5.A, would not participate in the discussion or the vote, and left Council Chamber.

**5.A. VACATION RENTAL REGULATIONS AND APPROVAL OF AN AGREEMENT WITH VACATION RENTAL COMPLIANCE:**

City Manager Ready provided background information as outlined in the staff report dated February 5, 2014.

The City Council discussed and/or commented on the following with respect to vacation rental regulations: shorten the time to respond to a first hotline call within a 72-hour period to 15 minutes, along with requiring a face-to-face meeting for the second hotline call within 72-hours, requiring the face-to-face meeting on the first hotline call when the property has been identified as a problem property, the need to define a problem property and defining how to get off the problem property list, requested only one fee for all types of properties for \$200, the code needs to contain a definition of a bedroom that must have a built-in closet, and window, and must be walled or physically closing the room off, better definition and explanation of amplified music, the increased compliance by Vacation Rental Compliance, requiring a review of the ordinance changes and compliance in six months, and allowing for a back-up number for owners for hotline calls, and simplify the verbiage to communicate all applicable rules to vacation rental guests.

**ACTION:** 1) Direct staff to prepare an ordinance to amend vacation rental regulations; 2) Direct staff to prepare amendments to the Comprehensive

Fee Schedule for vacation rental registration and renewal; 3) Waive the requirements of PSMC Section 7.04.050 and approve Amendment No. 1 to Agreement No. A6467 with Vacation Rental Compliance for a three-year term at the stated hourly rates; and 4) Authorize the City Manager to execute all necessary documents. A6467. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried 3-0 on a roll call vote.**

**AYES:** Councilmember Foat, Councilmember Mills, and Mayor Pougnet.

**NOES:** None.

**ABSENT:** Councilmember Lewin and Mayor Pro Tem Hutcheson.

Mayor Pro Tem Hutcheson and Councilmember Lewin returned to the dais.

**COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:**

Councilmember Mills requested staff address event houses, and code enforcement at the Springs Shopping Center for landscape issues.

**ADJOURNMENT:** The City Council adjourned at 10:00 p.m. to Wednesday, February 19, 2014, 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.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 19<sup>TH</sup> DAY OF FEBRUARY, 2014.**

  
STEPHEN P. POUGNET, MAYOR

ATTEST:

  
JAMES THOMPSON, CITY CLERK