CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA

MEETING MINUTES
WEDNESDAY, JANUARY 13, 2016
CITY HALL COUNCIL CHAMBER

CALL TO ORDER: Mayor Moon called the meeting to order at 6:09 p.m.

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

INVOCATION: Rev Amanda Burr, United Methodist Church, led the Invocation.

ROLL CALL:

PRESENT:	Councilmember Foat, Councilmember Kors, Councilmember Roberts, Mayor Pro Tem Mills, and Mayor Moon.
ABSENT:	None.
ALSO PRESENT:	City Manager Ready, City Attorney Holland, City Clerk Thompson.

PRESENTATIONS:

Mayor Moon provided an update of the 2016 Palm Springs International Film Festival Gala and Events.

Mayor Moon announced the upcoming Jet Blue inaugural flight to Palm Springs International Airport, the 2016 Mayor's Race and Wellness Festival, and the BUZZ 1st Anniversary celebration.

REPORT OF CLOSED SESSION:

The meeting was called to order at 4:30 p.m. and the City Council recessed to Closed Session to discuss items on the posted Closed Session Agenda.

City Attorney Holland reported the City Council provided direction to City Staff and the City Attorney, otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

Mayor Pro Tem Mills noted his abstention on Consent Calendar Item 2.X. as he is the City's representative to the Coachella Valley Conservation Commission.

Councilmember Kors requested Items 2.B., 2.G., 2.K., 2.L., 2.M., 2.N., and 2.O. be removed from the Consent Calendar for separate discussion.

Councilmember Foat noted a business related abstention on Item 2.C. Warrant No. 1082568, and requested Item 2.I. be removed from the Consent Calendar for separate discussion.

Mayor Moon stated he has a property related conflict of interest with respect to Item 1.A., would not participate in the discussion or the vote, and left Council Chamber.

Mayor Pro Tem Mills conducted this portion of the meeting.

ACTION: Accept the Agenda as amended. **By unanimous consent of the City Council (4-0) noting the absence of Mayor Moon.**

1. PUBLIC HEARINGS:

1.A. CLASS 1 HISTORIC DESIGNATION FOR "THE THEODORE AND CLAIRE MORSE RESIDENCE" LOCATED AT 1197 ABRIGO ROAD AND CEQA DETERMINATION (HSPB 94):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated January 13, 2016.

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

RON MARSHALL, commented on the history of the project and requested the City Council support the designation.

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

ACTION: Adopt Resolution No. 23950, "A RESOLUTION OF THE CITY COUNCIL OF PALM SPRINGS, CALIFORNIA, DESIGNATING 1197 ABRIGO ROAD "THE THEODORE & CLAIRE MORSE RESIDENCE" AS A CLASS 1 HISTORIC SITE, AND DETERMINE THE PROJECT AS EXEMPT FROM CEQA AS A CLASS 31 CATEGORICAL EXEMPTION (HSPB 94)." **Motion Councilmember Roberts, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Kors, Councilmember Roberts, and Mayor Pro Tem Mills.
NOES: None.
ABSENT: Mayor Moon.

Mayor Moon returned to the dais.

1.B. CLASS 1 HISTORIC DESIGNATION FOR "THE VILLAGE MANOR" (CURRENTLY "THE ORBIT IN") LOCATED AT 562 WEST ARENAS ROAD AND CEQA DETERMINATION (HSPB 95):
Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated January 13, 2016.

Mayor Moon opened the public hearing, and the following speakers addressed the City Council.

KEVIN MILLER, APPLICANT, stated his support for the historic designation, and commented on the renovations and the services of the Orbit In.

BARBARA MARSHALL, commented on the nomination of the property, and requested the City Council support the nomination.

BOB HELBLING, stated his support for the nomination of the Orbit In.

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

Mayor Pro Tem Mills commented on other structures by Herbert Burns in the City of Palm Springs.

ACTION: Adopt Resolution No. 23951, "A RESOLUTION OF THE CITY COUNCIL OF PALM SPRINGS, CALIFORNIA, "THE VILLAGE MANOR" (aka "ORBIT IN") AS A CLASS 1 HISTORIC SITE, AND DETERMINE THE PROJECT EXEMPT FROM CEQA AS A CLASS 31 CATEGORICAL EXEMPTION (HSPB 95)." **Motion Councilmember Foat, seconded by Councilmember Kors and unanimously carried on a roll call vote.**

1.C. CONSIDERATION OF AN AMENDMENT TO THE MUSEUM MARKET PLAZA SPECIFIC PLAN AND ADDENDUM NO. 2 TO THE FINAL ENVIRONMENTAL IMPACT REPORT (CASE NO. 5.1204 SP A-1):
Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated January 13, 2016.

Councilmember Kors requested Staff address the calculation of TOT.

Councilmember Foat questioned if the City has any studies that may address hotel occupancy from opening a new hotel and if it affects occupancy at other existing hotels.

Councilmember Roberts questioned if the Planning Commission took action on the project at their meeting today.

Mayor Moon opened the public hearing, and the following speakers addressed the City Council.

AFTAB DADA, commented on the proposed AC Hotel and the Marriott and potential effects to other hotels, and stated he would rather see the Park Hotel be approved at the project, and the AC Hotel be delayed.

ROBERT STONE, questioned the reason for a revised Specific Plan, commented on the reduction of open space, lack of view corridors, stated the TOT Incentive Program should be eliminated, requested the City disclose completion deadlines and consider taking back the Grant Deed.

JEB BONNER, commented on effects of the development to the Palm Springs Art Museum and stated the City should commit to 50 parking spaces in the parking garage.

TIM ANCTIL, commented on the proposed hotel and requested the City Council consider the approval of the Park Hotel.

SHARON BELL, commented on the proposed hotel and would like the project completed.

JOEY ENGLISH, commented on the Developer and stated her support for the Developer and his decisions for the future of Palm Springs.

JUDY DEERTRACK, stated the City Council is violating the law regarding the entitlement projects and the specific plan, the lack of land use permits for the project except for the hotels, and the conformity review process.

DENISE DUBARRY HAY stated her support for the Wessman Development and the vision for the project.

KELLY McLEAN, stated her support for the project and noted the information submitted by 30 residents of the City, commented on the economic impact to the City, and requested the City Council not delay the project.

BARBARA MARSHALL, commented on the requested changes to the building by West Elm, and requested the City Council suspend further entitlements.

CURT WATTS, cautioned the City Council on potential impacts of stopping the momentum of the project.

LAURENCE LUCKINGBILL, read the City Vision Statement and commented on the project.

RON MARSHALL commented on the submission of the Town and Country Center to the HSPB, and commented on the issues with Block K.

BOB HELBLING, commented on the lack of first class hotels in the Downtown area, the economic impact to the City, and requested the City Council look at the quality of hotels.

JIM WANLESS, thanked the City Council for the Study Session regarding the Specific Plan, requested the City Council support the project and not condition the project which would impede the project.

MINDY REED, stated her support of the project and commented on the concerns with lack of parking, changing the project which eliminated the views, lack of bike lanes, and stated the project should not be delayed.

JERRY KELLER, commented on the economic viability of Palm Springs into the future, stated the City needs this type of project, and the City needs high quality brand hotels.

JOHN WESSMAN, commented on the height of the building, the proposed setbacks and view corridors, and stated he has met his requirements under the agreement, stated he will not develop residential and he will "kill" the 90,000 square foot building.

SAM SPINELLO, stated his support for the redevelopment of the site and the history of the Developer's successful projects in the City of Palm Springs.

VINCENT BUCCI, stated his support for the Virgin Hotel and the condition of the project site.

FRANK TYSEN, commented on the dropping of the election and the payment of $50,000, and stated people would vote the project down, commented on the Hotel Incentive Program, and requested the City Council not rush the project and obtain outside legal and planning advice.

EMILY HEMPHILL, commented on the timelines and the litigation, stated the issue before the City Council is land use issues, and commented on the lack of hotel stock for large conventions.

GARY JOHNS, requested the City Council not bend for a particular hotelier when hoteliers come and go.

HAROLD MATZNER, commented on the prior Desert Fashion Plaza and the support of the community to increase taxes to support the Downtown Revitalization Project.

ALLEN WORTHY, commented on the activities between Frank Tysen and John Wessman at the Planning Commission.

OCTAVIO FERNANDEZ, commented on the success of the Developer.

DAVID ZIPPEL, commented on the lack of parking.

SUZANNE DUBARRY, commented on the current quality of stores Downtown and the amenities in Palm Springs such as hotels and the Palm Springs Art Museum, and the view corridors for the Museum.

ROBERT FINDLEY, stated his support for the new open process of the City, and the current statements of the Developer to withdraw if he does not get his way.

RICHARD NOBLE, commented on the proposed tenants of the buildings and the architecture.

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

The City Council recessed at 8:10 p.m.
The City Council reconvened at 8:17 p.m.

The City Council discussed and/or commented on the requests for Changes or Discussion as outlined in Attachment 8 in the Staff Report dated January 13, 2016.

ACTION: 1) Direct Staff to incorporate further modifications and policy revisions to the Specific Plan approval documents; 2) Continue the public hearing to February 3, 2016; and 3) Direct the City Clerk to post a notice of continuance pursuant to law. **Motion Councilmember Foat, seconded by Councilmember Kors and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

ALLEN WORTHY, commented on a recent incident with the Palm Springs Police Department and his claim against the City.

RICHARD NOBLE, requested the City Council consider a Rainbow Crosswalk Program on Arenas in Downtown Palm Springs.

CURT WATTS, commented on Item 2.I., and the visibility issues with mounding and the use of tall grass in the Tahquitz Canyon median.

STEVE ROSENBERG, commented on the Downtown Redevelopment Project.

KATHLEEN WERMACK, commented on Item 5.B. and requested the City Council consider the property to provide homeless services.

COUNCILMEMBER COMMENTS:
Councilmember Mills commented on the potential of building new tennis courts at Ruth Hardy Park.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:
ACTION: Approve Items 2.A., 2.C., 2.D., 2.E., 2.F., 2.H., 2.J., 2.P., 2.Q., 2.R., 2.S., 2.T., 2.U., 2.V., 2.W., 2.X., and 2.Y. **Motion Mayor Pro Tem Mills, seconded by Councilmember Kors 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 January 13, 2016, City Council Agenda. **Approved as part of the Consent Calendar.**

2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:
ACTION: 1) Adopt Resolution No. 23952, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1082386 THROUGH 1082398 IN THE AGGREGATE AMOUNT OF $214,158.62, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23953, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 11-21-2015 BY WARRANTS NUMBERED 419353 THROUGH 419372 TOTALING $27,188.41, LIABILITY CHECKS NUMBERED 1082399 THROUGH 1082417 TOTALING $91,099.08, FIVE WIRE TRANSFERS FOR $58,920.46, AND THREE ELECTRONIC ACH DEBITS OF $1,241,527.06 IN THE AGGREGATE AMOUNT OF $1,418,735.01, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23954, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1082418 THROUGH 1082602 IN THE AGGREGATE AMOUNT OF $2,358,148.09, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 23955, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 12-05-2015 BY

WARRANTS NUMBERED 419373 THROUGH 419385 TOTALING $26,370.34, LIABILITY CHECKS NUMBERED 1082603 THROUGH 1082621 TOTALING $90,660.89, FIVE WIRE TRANSFERS FOR $102,803.20, AND THREE ELECTRONIC ACH DEBITS OF $1,631,815.44 IN THE AGGREGATE AMOUNT OF $1,851,649.87, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 23956, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1082622 THROUGH 1082753 IN THE AGGREGATE AMOUNT OF $1,972,393.69, DRAWN ON BANK OF AMERICA;" 6) Adopt Resolution No. 23957, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1082754 THROUGH 1082899 IN THE AGGREGATE AMOUNT OF $2,103,805.80, DRAWN ON BANK OF AMERICA;" 7) Adopt Resolution No. 23958, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 12-19-2015 BY WARRANTS NUMBERED 419386 THROUGH 419404 TOTALING $29,632.34, LIABILITY CHECKS NUMBERED 1082900 THROUGH 1082918 TOTALING $90,770.08, FIVE WIRE TRANSFERS FOR $57,477.63, AND THREE ELECTRONIC ACH DEBITS OF $1,367,482.75 IN THE AGGREGATE AMOUNT OF $1,545,362.80, DRAWN ON BANK OF AMERICA;" and 8) Adopt Resolution No. 23959, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1082919 THROUGH 1082985 IN THE AGGREGATE AMOUNT OF $1,236,948.68, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the abstention of Councilmember Foat on Warrant No. 1082568.**

2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF DECEMBER 2015:
ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of December 1-31, 2015. **Approved as part of the Consent Calendar.**

2.E. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF DESERT HOT SPRINGS TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING DECEMBER 31, 2017:
ACTION: Appoint Yvonne Parks, as the City of Desert Hot Springs representative, to the Palm Springs International Airport Commission for the term ending December 31, 2017. **Approved as part of the Consent Calendar.**

2.F. SUNLINE TRANSIT AGENCY BUS STOP IMPROVEMENT PROGRAM, PHASE 6:
ACTION: Receive and file. **Approved as part of the Consent Calendar.**

2.H. FACILITY USE AGREEMENT WITH CATHEDRAL CITY FIRE DEPARTMENT FOR THE USE OF SPACE AT EDOM HILL LOCATED AT 70200 EDOM HILL ROAD, SITE F, DESERT HOT SPRINGS, CALIFORNIA, WITH FIVE YEAR EXTENSIONS:
ACTION: 1) Approve the facility use agreement with Cathedral City Fire Department for space at Edom Hill located at 70200 Edom Hill Road through September 30, 2020, at the rate of $250 per rack per month; 2) Allow for renewal in five-year extensions with an increase of 10% in the monthly fee with each renewal; and 3) Authorize the City Manager to execute all necessary documents. A6816. **Approved as part of the Consent Calendar.**

2.J. APPROVAL OF AB 2766 / MSRC LOCAL GOVERNMENT MATCH PROGRAM CONTRACT NO. ML16005 IN THE AMOUNT OF $80,000 WITH THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT FOR BICYCLE INFRASTRUCTURE AND IMPLEMENTATION OF A BICYCLE OUTREACH PROGRAM:
ACTION: 1) Approve AB 2766 / MSRC Local Government Match Program Contract No. ML16005 with South Coast Air Quality Management District, in the amount of $80,000 ($60,000 AQMD Grant / $20,000 Local Funding) for installation of bicycle racks and implementation of a bicycle outreach and education program; and 2) Authorize the City Manager to execute all necessary documents. A6817. **Approved as part of the Consent Calendar.**

2.P. MILLS ACT HISTORIC SITE CONTRACT FOR THE PROPERTY LOCATED AT 235 EAST TWIN PALMS DRIVE (HSPB 73 / HD-2 ROYAL HAWAIIAN ESTATES):
ACTION: 1) Approve a Mills Act Historic Property Agreement with Robert P. Schaffer and Alan L. Pass, and the Royal Hawaiian Homeowners Association, for property located at 235 East Twin Palms Drive, a Class 1 Historic Site (HSPB 73 / HD-2); 2) Authorize the City Manager to execute the Agreement; and 3) Direct the City Clerk to record the Agreement. A6822. **Approved as part of the Consent Calendar.**

2.Q. MILLS ACT HISTORIC SITE CONTRACT FOR THE PROPERTY LOCATED AT 360 CABRILLO ROAD UNIT 107 (HSPB 88 / HD-3, RACQUET CLUB COTTAGES WEST):
ACTION: 1) Approve a Mills Act Historic Property Agreement with Gerald Soubeyran and the Racquet Club Garden Villas Homeowners Association, for 360 Cabrillo Road Unit 107, a Class 1 Historic Site (HSPB 88 / HD-3); 2) Authorize the City Manager to execute the Agreement; and 3) Direct the

City Clerk to record the Agreement. A6823. **Approved as part of the Consent Calendar.**

2.R. **DEVELOPMENT PROJECT FEE REPORT FOR FISCAL YEAR 2014-15:**
ACTION: Receive and file the Development Project Fee Report for Fiscal Year 2014-15, pursuant to Cal. Government Code Section 66000. **Approved as part of the Consent Calendar.**

2.S. **APPROVE DISPOSITION OF THE SUCCESSOR AGENCY-OWNED PROPERTY LOCATED AT 342-344 NORTH PALM CANYON DRIVE AND COMMENCE THE PROCESS TO SOLICIT PROPOSALS FROM INTERESTED BUYERS WITH A GOAL TOWARDS MAXIMIZING VALUE WHILE DEVELOPING THE PROPERTY TO ITS HIGHEST AND BEST USE:**
ACTION: 1) Direct staff to initiate the RFP process for disposition of the property; and 2) Authorize the City Manager to execute all documents related to the RFP process. **Approved as part of the Consent Calendar.**

2.T. **TREASURER'S INVESTMENT REPORT AS OF NOVEMBER 30, 2015:**
ACTION: Receive and File the Treasurer's Investment Report as of November 30, 2015. **Approved as part of the Consent Calendar.**

2.U. **AUTHORIZE AN INCREASE IN THE AMOUNT OF $24,850 TO PURCHASE ORDER 15-1320 ISSUED TO ALBERT A. WEBB ASSOCIATES FOR THE GENE AUTRY TRAIL AT VISTA CHINO IMPROVEMENTS, FEDERAL AID PROJECT NO. CML 5282 (045), CITY PROJECT NO. 14-13:**
ACTION: 1) Authorize an increase in the amount of $24,850 to Purchase Order 15-1320 with Albert A. Webb Associates for revised total amount of $86,450 for the Gene Autry Trail at Vista Chino Improvements, Federal Aid Project No. CML 5282 (045), City Project No. 14-13; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

2.V. **AMENDMENT NO. 2 IN THE AMOUNT OF $21,000 TO THE CONSULTING SERVICES AGREEMENT WITH INTERACTIVE DESIGN CORPORATION FOR THE JAMES O. JESSIE DESERT HIGHLAND UNITY CENTER OUTDOOR PERFORMANCE STAGE AND OUTDOOR BALL FIELD LIGHTING PROJECT (CP 14-18):**
ACTION: 1) Approve Amendment No. 2 in the amount of $21,000 to the Consulting Services Agreement No. A6697 with Interactive Design Corporation for revised total contract amount of $45,900 for the James O. Jessie Desert Highland Unity Center Outdoor Performance Stage and Outdoor Ball Field Lighting Project (CP 14-18); and 2) Authorize the City Manager to execute all necessary documents. A6697. **Approved as part of the Consent Calendar.**

2.W. AWARD A CONSTRUCTION CONTRACT TO PRECISION GARAGE DOORS AND GATES, INC. IN THE AMOUNT OF $40,725 FOR THE FIRE STATION NO. 2 APPARATUS DOOR REPLACEMENT (CP 15-08):

ACTION: 1) Award a construction contract to Precision Garage Doors and Gates, Inc., a California corporation, in the amount of $40,725 for the Fire Station No. 2 Apparatus Door Replacement, City Project No. 15-08; and 2) Authorize the City Manager to execute all necessary documents. A6824. **Approved as part of the Consent Calendar.**

2.X. AUTHORIZE PAYMENT TO COACHELLA VALLEY CONSERVATION COMMISSION (CVCC) IN LIEU FEE PROGRAM (ILFP) IN THE AMOUNT OF $78,487.50 RELATED TO THE RAMON ROAD WIDENING (SAN LUIS REY DR. TO LANDAU BLVD.) INCLUDING THE WHITEWATER RIVER BRIDGE WIDENING, CITY PROJECT NO. 08-25, FEDERAL-AID PROJECT NO. BHLS-5282 (040):

ACTION: 1) Authorize Payment to the Coachella Valley Conservation Commission In Lieu Fee Program ("CVCC-ILFP") in the amount of $78,487.50 for 0.35 acres of compensatory mitigation associated with the Ramon Road Widening (San Luis Rey Dr. to Landau Blvd.) including the Whitewater River Bridge Widening, City Project No. 08-25, Federal-Aid Project No. BHLS -5282 (040); and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar. noting the abstention of Mayor Pro Tem Mills.**

2.Y. APPROVAL AND TRANSMITTAL OF RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE (ROPS 16-17A AND 16-17B) FOR THE PERIOD OF JULY 1, 2016, THROUGH JUNE 30, 2017, PURSUANT TO CALIFORNIA HEALTH & SAFETY CODE SECTION 34169(G)(1):

ACTION: Adopt Resolution No. 23960, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING SOLELY IN ITS CAPACITY AS SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY, APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 16-17) FOR THE PERIOD OF JULY 1, 2016, THROUGH JUNE 30, 2017, PURSUANT TO THE CALIFORNIA HEALTH & SAFETY CODE SECTION 34169(G)(1)." **Approved as part of the Consent Calendar.**

ACTION: Continue past the 10:00 p.m. tentative adjournment time. **Motion Councilmember Foat, seconded by Councilmember Kors and carried (4-1) noting the no vote of Mayor Pro Tem Mills.**

EXCLUDED CONSENT CALENDAR:

2.B. APPROVAL OF MINUTES:

Councilmember Kors requested a correction to the December 16, 2015, Minutes correcting "discrimination" to "non-discrimination."

ACTION: Approve the City Council Minutes of December 16, 2015, as corrected, and the Minutes of January 6, 2016. **Motion Mayor Pro Tem Mills, seconded by Councilmember Kors and unanimously carried on a roll call vote.**

2.G. FACILITY USE AGREEMENT WITH PALM SPRINGS UNIFIED SCHOOL DISTRICT FOR THE USE OF SPACE AT EDOM HILL LOCATED AT 70200 EDOM HILL ROAD, SITE F, DESERT HOT SPRINGS, CALIFORNIA WITH FIVE YEAR EXTENSIONS:

Councilmember Kors stated his husband is a member of the Board of the Palm Springs Unified School District, and stated he discussed with the City Attorney that based on the circumstances, a legal conflict of interest does not exist and he does not need to recuse himself from the discussion or vote. The City Attorney stated Councilmember Kors did not have a conflict of interest.

ACTION: 1) Approve the facility use agreement with Palm Springs Unified School District for space at Edom Hill located at 70200 Edom Hill Road through June 30, 2020, at the rate of $250 per month per rack; 2) Allow for renewal in five year extensions with an increase of 10% in the monthly fee with each renewal; and 3) Authorize the City Manager to execute all necessary documents. A6815. **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

2.I. ACCEPTANCE OF THE TAHQUITZ CANYON WAY LANDSCAPING PHASE 2 (CP 13-33):

Councilmember Foat requested a report from the City Council Subcommittee, and the City Council discussed if they should accept the project as complete with the design and visibility issues.

ACTION: 1) Accept the public works improvement identified as the Tahquitz Canyon Way Landscaping Phase 2 (CP 13-33) as completed in accordance with the plans and specifications; and 2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Tahquitz Canyon Way Landscaping Phase 2 (CP 13-33). A6648. **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

2.K. ACCEPTANCE OF JAMES O. JESSIE DESERT HIGHLAND UNITY CENTER GYM AIR CONDITIONING IMPROVEMENTS PROJECT (CP 14-15):
ACTION: 1) Accept the public works improvement identified as James O. Jessie Desert Highland Unity Center Gym Air Conditioning Improvements Project (CP 14-15) as completed in accordance with the plans and specifications; and 2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the James O. Jessie Desert Highland Unity Center Gym Air Conditioning Improvements Project (CP 14-15). A6705. **Motion Mayor Pro Tem Mills, seconded by Councilmember Kors and unanimously carried on a roll call vote.**

Councilmember Kors stated he lives more than 500 feet from the properties for Items 2.L., 2.M., 2.N., and 2.O, and the City Council discussed changes to the FPPC regulations regarding property related conflict of interest. The City Attorney stated Councilmember Kors did not have a conflict of interest.

ACTION: Approve Items 2.L., 2.M., 2.N., and 2.O. **Motion Mayor Pro Tem Mills, seconded by Councilmember Roberts and carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Roberts, Mayor Pro Tem Mills, and Mayor Moon.
NOES: None.
ABSTAIN: Councilmember Kors.

2.L. MILLS ACT HISTORIC SITE CONTRACT FOR THE PROPERTY LOCATED AT 223 STEVENS ROAD (HSPB 91 / HD-4 "POMPEII DE LAS PALMAS HISTORIC DISTRICT"):
1) Approve a Mills Act Historic Property Agreement with Mary Jeanne Herringer and the Pompeii de las Palmas Homeowners Association, for 223 West Stevens Road, a contributing property in the Pompeii de las Palmas Historic District (HSPB 91 / HD-4); 2) Authorize the City Manager to execute the Agreement; and 3) Direct the City Clerk to record the Agreement. A6818. **Approved (4-0) as part of above motion, noting the abstention of Councilmember Kors.**

2.M. MILLS ACT HISTORIC SITE CONTRACT FOR THE PROPERTY LOCATED AT 225 STEVENS ROAD (HSPB 91 / HD-4 "POMPEII DE LAS PALMAS HISTORIC DISTRICT"):
ACTION: 1) Approve a Mills Act Historic Property Agreement with Steven M. Fusco and the Pompeii de las Palmas Homeowners Association, for 225 West Stevens Road, a contributing property in the Pompeii de las Palmas Historic District (HSPB 91 / HD-4); 2) Authorize the City Manager to execute the Agreement; and 3) Direct the City Clerk to record the Agreement. A6819. **Approved (4-0) as part of above motion, noting the abstention of Councilmember Kors.**

2.N. MILLS ACT HISTORIC SITE CONTRACT FOR THE PROPERTY LOCATED AT 229 STEVENS ROAD (HSPB 91 / HD-4 "POMPEII DE LAS PALMAS HISTORIC DISTRICT"):
ACTION: 1) Approve a Mills Act Historic Property Agreement with Cathy Geddes and the Pompeii de las Palmas Homeowners Association for 229 West Stevens Road, a contributing property in the Pompeii de las Palmas Historic District (HSPB 91 / HD-4); 2) Authorize the City Manager to execute the Agreement; and 3) Direct the City Clerk to record the Agreement. A6820. **Approved (4-0) as part of above motion, noting the abstention of Councilmember Kors.**

2.O. MILLS ACT HISTORIC SITE CONTRACT FOR THE PROPERTY LOCATED AT 231 WEST STEVENS ROAD (HSPB 91 / HD-4 "POMPEII DE LAS PALMAS HISTORIC DISTRICT"):
ACTION: 1) Approve a Mills Act Historic Property Agreement with Robert Stone and the Pompeii de las Palmas Homeowners Association, for 231 West Stevens Road, a contributing property in the Pompeii de las Palmas Historic District (HSPB 91 / HD-4); 2) Authorize the City Manager to execute the Agreement; and 3) Direct the City Clerk to record the Agreement. A6821. **Approved (4-0) as part of above motion, noting the abstention of Councilmember Kors.**

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS:

5.A. ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR THE VISTA CHINO LOW-WATER CROSSING BRIDGE REPLACEMENT AT WHITEWATER RIVER PROJECT, CITY PROJECT NO. 10-10, FEDERAL AID PROJECT NO. NBIL (513):
Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated January 13, 2016.

Councilmember Kors commented on the thoughtful and complete analysis for the mitigation measures.

Mayor Pro Tem Mills questioned if the City would be required to acquire any additional right-of-way in the Whitewater River basin.

ACTION: Adopt Resolution No. 23961, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AND ORDERING THE FILING OF A MITIGATED NEGATIVE DECLARATION FOR THE VISTA CHINO LOW-WATER CROSSING

BRIDGE REPLACEMENT AT WHITEWATER RIVER PROJECT, CITY PROJECT NO. 10-10, FEDERAL AID PROJECT NO. NBIL (513)." **Motion Councilmember Kors, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

5.B. POTENTIAL ACQUISITION OF BUILDING LOCATED AT 441 S. CALLE ENCILIA FOR USE BY ENTITIES PROVIDING SERVICES TO HOMELESS INDIVIDUALS AND FAMILIES:

Lauri Aylaian, Director of Community and Economic Development, provided background information as outlined in the Staff Report dated January 13, 2016.

Mayor Moon questioned the intended use for administrative offices or for direct services to homeless.

Councilmember Kors stated his support to continue the process for the proposed property.

Councilmember Roberts requested Staff address the need for an appropriation.

Councilmember Foat commented on the current status and work by the Homeless Task Force, and the benefits of the proposed location.

Mayor Pro Tem Mills requested the City Councilmember Subcommittee address the services that are proposed, and if the services are overlapping with Roy's Desert Resource Center.

ACTION: 1) Direct staff to initiate investigation, concept development, and full cost estimates for acquisition, renovation, and maintenance of the subject property; 2) Authorize the City Manager or his designee to enter into negotiations to acquire the subject property, and 3) Direct Staff to return to the City Council for approval prior to execution of the Purchase and Sale Agreement. **Motion Councilmember Roberts, seconded by Councilmember Kors and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Foat requested the City Council create an ad hoc subcommittee for the Dog Park.

Mayor Pro Tem Mills commented on the Downtown Revitalization Project, and noted the personal comments toward the City Council members during public comments.

Councilmember Kors requested all the documents related to the Downtown Project be put on a specific part of the website, and requested the City Council create an ad hoc subcommittee for the Palm Springs International Film Festival.

Councilmember Roberts commented on the Planning Commission direction for the prior approval of Block A in the Downtown Revitalization Project.

Mayor Moon requested the City Manager address capital improvements at City Hall during the budget process, and the white curb at City Hall.

ADJOURNMENT: The City Council adjourned at 11:57 p.m. to Wednesday, February 3, 2016, 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. The City Council will conduct a Special Meeting on Friday, January 29, 2016, to consider candidates for the Measure J Commission and Planning Commission. The City Council will conduct a Special Meeting on Tuesday, February 2, 2016, for Team Building.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 3RD DAY OF FEBRUARY, 2016.

ROBERT MOON, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK