CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA

MEETING MINUTES
WEDNESDAY, MAY 18, 2016
CITY HALL COUNCIL CHAMBER

CALL TO ORDER: Mayor Moon called the meeting to order at 6:08 p.m.

PLEDGE OF ALLEGIANCE: Palm Springs Air Force ROTC Junior Color Guard, led the Pledge.

INVOCATION: Rev. Kevin Johnson, Bloom of the Desert United Church of Christ, 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:

Councilmember Foat provided an update on animal adoption opportunities at the Palm Springs Animal Shelter.

REPORT OF CLOSED SESSION:

The meeting was called to order at 4:30 p.m. and the following speaker addressed the City Council on Closed Session Agenda Items.

NICK SABBAGH, Palm Springs, commented on the implications regarding the St. Baristo Development.

The City Council recessed into Closed Session to discuss items on the posted Closed Session Agenda. City Attorney Holland reported the City Council directed the City Attorney to pursue the legal cost on the Eloy Jacobo v. City of Palm Springs litigation, provided direction to the City Attorney and City Staff, otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

Councilmember Roberts requested Items 2.B. and 2.C. be removed from the Consent Calendar for separate discussion.

Mayor Pro Tem Mills noted a business related abstention on Consent Calendar Item 2.E.

Councilmember Kors requested Item 2.H. be removed from the Consent Calendar for separate discussion.

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

1. PUBLIC HEARINGS:

1.A. CONSIDERATION OF THE VACATION OF PORTIONS OF CALLE ENCILIA RIGHT-OF-WAY BETWEEN AMADO ROAD AND TAHQUITZ CANYON WAY, AND A PORTION OF ANDREAS ROAD RIGHT-OF-WAY BETWEEN CALLE ENCILIA AND CALLE EL SEGUNDO, IN SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST AND CEQA DETERMINATION (FILE R 15-12):

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated May 18, 2016.

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

TOM DAVIS, stated the Tribal Staff presented a completed presentation at the last meeting and would answer any questions from the City Council.

AFTAB DADA, representing Hilton Palm Springs, read a statement contained in the letter submitted by Attorney Dave Baron.

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

The City Council discussed and/or commented on the following with respect to the vacation: pedestrian connection to Amado, access from Indian Canyon which may be a two-way street, the City Council participation with respect to the project when a plan is completed, the purpose of vacating the right-of-way to increase the size of the project, the two requirements that need to be met to approve the vacation.

ACTION: Adopt Resolution No. 24027, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE AND INTEREST IN PORTIONS OF THE PUBLIC RIGHT-OF-WAY DEDICATED FOR CALLE ENCILIA BETWEEN AMADO ROAD AND TAHQUITZ CANYON WAY, AND PORTIONS OF THE PUBLIC RIGHT-OF-WAY DEDICATED FOR ANDREAS ROAD BETWEEN CALLE ENCILIA AND CALLE EL SEGUNDO, IN SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST, FILE R15-12, AND APPROVING A DETERMINATION THAT THE MITIGATED NEGATIVE DECLARATION PREVIOUSLY APPROVED AND CERTIFIED BY RESOLUTION NO. 18461 REMAINS VALID AND THAT NO FURTHER ENVIRONMENTAL REVIEW PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) IS REQUIRED." **Motion Councilmember Foat, seconded by Mayor Moon and unanimously carried on a roll call vote.**

1.B. APPLICATION BY TODD HAYS FOR A PROPOSED DESIGNATION OF 1164 NORTH CALLE ROLPH *THE BEL VISTA RESIDENCE* AS A CLASS 1 HISTORIC SITE AND NOTICE OF EXEMPTION FROM CEQA (CASE HSPB 100):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated May 18, 2016.

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

TODD HAYS, Applicant, provided background and history regarding the site, and requested the City Council approve the historic designation.

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

ACTION: Adopt Resolution No. 24028, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE RESIDENCE AT 1164 NORTH CALLE ROLPH *THE BEL VISTA RESIDENCE* A CLASS 1 HISTORIC SITE, ZONE R-1-C, APN 507-124-012 (CASE HSPB 100)." **Motion Councilmember Roberts, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

1.C. PUBLIC HEARING IN ACCORDANCE WITH STREETS AND HIGHWAYS CODE SECTION 100.22 TO CONSIDER APPROVAL OF A FREEWAY AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF

TRANSPORTATION FOR STATE HIGHWAY ROUTE 10 (INTERSTATE 10) FROM DIABLO ROAD TO INDIAN CANYON DRIVE:
Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated May 18, 2016.

Mayor Moon opened the public hearing, and no speakers coming forward the public hearing was closed.

ACTION: Adopt Resolution No. 24029, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A FREEWAY AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR STATE HIGHWAY ROUTE 10 (INTERSTATE 10), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALM SPRINGS." **Motion Councilmember Foat, seconded by Councilmember Roberts and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

JEANNE WAHLER, commented on Item 5.B., and requested the City Council consider Alternative C for the Eagle Canyon Project.

GEORGE GUST, commented on Item 5.B. and urged the City Council to support the Resolution.

PATRICIA ROBLES, commented on Item 5.B. and requested the City Council support the property be returned to Joshua Tree National Park.

BILL MEYERS, commented on UBER regulations at the Palm Springs International Airport.

ARLENE SANFORD, commented on Item 5.E. regarding smoking within outside patios at restaurants and bars, and requested the City Council consider adopting an ordinance prohibiting smoking.

BARBARA FAIRCHILD, commented on Item 5.A., and requested the City Council adopt an ordinance prohibiting smoking within outside patios at restaurants and bars.

SUSAN CHRETON-HILL, commented on Item 5.A., and requested the City Council adopt an ordinance prohibiting smoking within outside patios at restaurants and bars.

LISA MIDDLETON, requested the City Council consider funding further street repairs as part of adopting the City budget, and make a seven-year commitment for City streets.

ALLEN WORTHY, commented on Item 4.B. and requested the City Council consider an in-house City Attorney.

ROBERT FINDLEY, requested the City Council consider adding a layman's public statement to the agenda to assist in public.

JULIE SAMUELSON, commented on Item 5.B., and requested the City Council consider the Resolution in support of the withdrawal of Eagle Mountain from the Joshua Tree National Park.

MATT ROBINSON, commented on Item 3.B. and requested the City Council amend the ordinance to provide for mobile advertising.

TRAE DANIEL, commented on Item 4.B. and requested the City Council consider the maintenance of the Chino Cone a high priority.

COREY TRAVIS, commented on Item 3.A. and requested the City Council support the ordinance to add operating hours for medical cannabis collectives.

TERRY TAPP, commented on UBER operating at the Palm Springs International Airport.

NIKOHL VANDEL, Palm Springs, commented on the Palm Springs Police Department.

SETH SHIEIR, commented on Item 5.B. and requested the City Council adopt the Resolution and a letter of support for additional environment studies.

LEE WILSON, JR., commented on the Palm Springs Fallen Heroes project.

STEVE LOWE, commented on Item 5.B., stated Eagle Mountain Energy is in support of the donation of the land and explained the benefits of the project.

ERIC CHIEL, requested the City Council consider additional street repairs for the small neighborhood streets including Twin Palms.

KATHLEEN COHN, requested the City Council consider additional street repairs for the small neighborhood streets including the Sonora Sunrise neighborhood.

CHRISTINE HAMMOND, requested the City Council consider additional street repairs for the small neighborhood streets including the Sonora Sunrise neighborhood.

JOE JACKSON, requested the City Council consider additional street repairs for the small neighborhood streets, and commented on Item 2.H. regarding the Sustainability Master Plan.

PATRICIA BRESLIN, commented on the Buzz operations in the Historic Tennis Club Neighborhood, and requested the Buzz be re-routed out of the neighborhood.

LANI MILLER, commented on Item 5.B. and requested the City Council support the resolution to return the Eagle Mountain land to the Joshua Tree National Park.

RICHARD PENNINGTON, commented on Item 5.B. and requested the City Council support the resolution to return the Eagle Mountain land to the Joshua Tree National Park.

JONO HILDNER, commented on Item 5.B. and requested the City Council support the resolution to return the Eagle Mountain land to the Joshua Tree National Park.

JOY BROWN MEREDITH, commented on Item 3.B. regarding the temporary sign ordinance and requested the City Council consider Alternative B, and stated her support for Item 3.A. regarding medical cannabis hours.

CITY COUNCIL SUB-COMMITTEE REPORTS AND UPDATES:

Mayor Moon provided an update on the Plaza Racquet Club City Council Subcommittee.

Councilmember Kors provided an update on the City Council Rules of Procedure meeting, and requested a discussion item be placed on the next agenda.

Councilmember Foat requested a temporary suspension of her appointment to the Sign and Vacation Rental Subcommittees, and provided an update on the Buzz subcommittee.

Councilmember Roberts stated he will participate in the Vacation Rental City Council Subcommittee.

Mayor Moon provided an update on the Dog Park City Council Subcommittee.

Councilmember Kors stated he will sit on the City Council Sign Committee, and requested a review of City Council Subcommittees at the next meeting.

COUNCILMEMBER COMMENTS:

Councilmember Roberts requested a meeting be scheduled for the Indian Canyon City Council Subcommittee, and requested the report be distributed to the Subcommittee members.

Councilmember Kors requested three ordinances regarding public restrooms, non-discrimination provisions and the Equality Act, be placed on the June 15, 2016 agenda, and requested Staff address the Sun Edison contract due to the bankruptcy.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:
ACTION: Approve Items 2.A., 2.D., 2.E., 2.F., and 2.G. **Motion Councilmember Foat, seconded by Councilmember Roberts 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 May 18, 2016, City Council Agenda. **Approved as part of the Consent Calendar.**

2.D. APPROVAL OF RIGHT OF WAY ACQUISITION AGREEMENTS FOR ASSESSORS PARCEL NUMBER (APN) 669-070-003, FOR THE INDIAN CANYON DRIVE WIDENING & BRIDGE REPLACEMENT FEDERAL AID PROJECT NO. BRLO 5282 (017) (CP 01-11):
ACTION: 1) Approve a Right-of-Way Agreement for Acquisition of Real Property Interest and Escrow Instructions, in the amount of $21,184 with Mary Sheila Comeau, Anita Comeau and Michele Comeau, as Trustees of the J. Laurent Leger Comeau and Mary Sheila Comeau Revocable Living Trust dated March 13, 1990 – Survivor's Trust, as to an undivided 1/3 interest; Mark E. Fredenburg and Elizabeth J. Fredenburg, Trustees of the Fredenburg Revocable Living Trust dated September 30, 1993, as to an undivided 1/3 interest; and Heather Jacques Brown and Stephen G. Brown, Trustees of the Heather Jacques Brown and Stephen G. Brown Revocable Living Trust dated January 10, 1995, as to an undivided 1/3 interest; 2) Approve a Temporary Construction Easement Agreement, in the amount of $8,416 with Mary Sheila Comeau, Anita Comeau and Michele Comeau, as Trustees of the J. Laurent Leger Comeau and Mary Sheila Comeau Revocable Living Trust dated March 13, 1990 – Survivor's Trust, as to an undivided 1/3 interest; Mark E. Fredenburg and Elizabeth J. Fredenburg, Trustees of the Fredenburg Revocable Living Trust dated September 30, 1993, as to an undivided 1/3 interest; and Heather Jacques Brown and Stephen G. Brown, Trustees of the Heather Jacques Brown and Stephen G. Brown Revocable Living Trust dated January 10, 1995, as to an undivided 1/3 interest; and 3) Authorize the City Manager to execute all necessary documents, open escrow, and pay for associated escrow and title costs associated with the right-of-way acquisitions. A6853. A6854. **Approved as part of the Consent Calendar.**

2.E. APPROVAL OF LOT LINE ADJUSTMENT NO. 16-03 ACCEPTING THE ADDITION OF A PORTION OF LAND TO BE INCLUDED AS PART OF CITY OWNED PROPERTY IDENTIFIED AS LOT "R" OF TRACT MAP 30046 (APN 512-330-023):
ACTION: 1) Approve Lot Line Adjustment No. 16-03, adjusting the boundary between Lot 2 of Tract Map 30046 owned by Alta Verde Sereno,

LLC, and Lot R of Tract Map 30046 owned by the City of Palm Springs, whereby Lot R will increase in size by 235 square feet; 2) Authorize the City Engineer to approve Lot Line Adjustment No. 16-03; and 3) Authorize the City Clerk to attach a Certificate of Acceptance for the additional real property being transferred from Alta Verde Sereno, LLC to the City of Palm Springs via Lot Line Adjustment No. 16-03. **Approved as part of the Consent Calendar, noting the business related absence/abstention of Mayor Pro Tem Mills.**

2.F. AGREEMENT WITH TRANSCEND TECHNOLOGIES GROUP TO PROVIDE ELECTRONIC BENEFITS ADMINISTRATION SERVICES:
ACTION: 1) Approve an agreement with Transcend Technologies Group to provide electronic benefits administration services for three years; and 2) Authorize the City Manager to execute all necessary documents. A6855. **Approved as part of the Consent Calendar.**

2.G. AWARD A CONTRACT SERVICES AGREEMENT TO UNIVAR USA, INC. IN THE AMOUNT OF $60,012 FOR SWIMMING POOL CHEMICALS AT THE PALM SPRINGS SWIM CENTER:
ACTION: 1) Award a contract to Univar USA Inc. for the delivery of Hydrochloric Acid 15% at $2.39 per gallon and Sodium Hypochlorite 12.5% at $1.68 per gallon on an as-needed basis for an amount not to exceed $60,012 annually; and 2) Authorize the City Manager to execute all necessary documents. A6856. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.B. APPROVE AMENDMENT NO. 1 TO CONSULTING SERVICES AGREEMENT NO. A5336 WITH EVERGREEN RECYCLING SOLUTIONS FOR TECHNICAL ASSISTANCE AND PROFESSIONAL SERVICES ON SOLID WASTE AND RECYCLING ISSUES:

The City Council discussed the scope of services and the customer service liaison between Evergreen and PSDS, and website and other outreach enhancements.

ACTION: 1) Approve Amendment No. 1 to Agreement No. A5336 with Evergreen Recycling Solutions for municipal solid waste management and recycling consulting services, in an amount not to exceed $100,000 for two years, beginning July 1, 2016, and ending on June 30, 2018; and 2) Authorize the City Manager to execute all necessary documents. A5336. **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

2.C. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF APRIL 2016:

The City Council discussed and/or commented on the following: including on the report the reason and who initiated the change orders to contracts.

ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of April 1 through April 30, 2016. **Motion Councilmember Kors, seconded by Councilmember Roberts and unanimously carried on a roll call vote.**

2.H. SUSTAINABILITY MASTER PLAN:

The City Council announced the change in date for the Joint Meeting with the Sustainability Commission.

ACTION: Receive the Master Plan for Sustainability in preparation for the Joint Meeting with the Sustainability Commission on Thursday, June 23, 2016. **Motion Councilmember Kors, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE RELATING TO HOURS OF OPERATION AND MEDICAL CANNABIS CULTIVATION FACILITIES FOR PERMITTED MEDICAL CANNABIS COLLECTIVES AND COOPERATIVES:

City Attorney Holland provided background information as outlined in the Staff Report dated May 18, 2016.

The City Council discussed and/or commented on the following: develop a practice for Subcommittee members to review ordinances in advance, size restrictions on cultivation, the allowable number of grow facilities, and requested the City Attorney prepare a report detailing changes and modifications to City permits under the new State law, and the prohibition of sales at the grow facility.

ACTION: Waive the reading of the ordinance text in its entirety and introduce for first reading Ordinance No. 1892, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 5.35.210.D.2, 5.35.340.C.1, AND CHAPTER 3.35 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO HOURS OF OPERATION AND MEDICAL CANNABIS CULTIVATION FACILITIES FOR PERMITTED MEDICAL CANNABIS COLLECTIVES AND

COOPERATIVES." **Motion Councilmember Foat, seconded by Councilmember Roberts and carried 4-1 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Kors, Councilmember Roberts, and Mayor Pro Tem Mills.
NOES: Mayor Moon.

The City Council recessed at 8:35 p.m.
The City Council reconvened at 8:45 p.m.

3.B. PROPOSED INTERIM URGENCY ORDINANCE IMPOSING INTERIM REGULATIONS FOR THE INSTALLATION AND MAINTENANCE OF TEMPORARY SIGNS:

City Attorney Holland provided background information as outlined in the Staff Report dated May 18, 2016.

The City Council discussed and/or considered the following: including code references in the Staff Report, content neutral sign ordinance that meets recent court decisions, placement of signs on vacant land, enforcement of signs within the right-of-way, signs on vehicles, regulations for multifamily property, expanding the boundaries on Indian Canyon Drive, regulations regarding for-sale signs, the importance of stakeholder involvement, consistency of findings with the sit and lay ordinance and the portable sign ordinance, the benefits of A-frame signs to businesses, the inclusion of Sunny Dunes, the regulations for the taxi-cab industry, the reliance on the Supreme Court minority comments/opinion, and the purpose of the message substitution provisions.

MOTION: Waive the reading of the ordinance text in its entirety and adopt "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, IMPOSING INTERIM REGULATIONS FOR THE INSTALLATION AND MAINTENANCE OF TEMPORARY SIGNS IN THE CITY OF PALM SPRINGS, SUBJECT TO CERTAIN EXCEPTIONS, AND SUSPENDING ENFORCEMENT OF SECTIONS 93.20.07, 93.20.08, 93.20.09.B.5, AND 93.20.10.C.4 OF THE PALM SPRINGS MUNICIPAL CODE, FOR A PERIOD OF NINE MONTHS," (Alternative A) amending the ordinance. **Motion Councilmember Kors, seconded by Mayor Pro Tem Mills and failed 2-3 on a roll call vote.**

AYES: Councilmember Kors and Mayor Pro Tem Mills.
NOES: Councilmember Foat, Councilmember Roberts, and Mayor Moon.

ACTION: Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1893, "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, 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 OF, AND SUSPENDING ENFORCEMENT OF SECTIONS 93.20.07, 93.20.08, AND 93.20.10.C.4 OF THE PALM SPRINGS MUNICIPAL CODE, FOR A PERIOD OF NINE MONTHS," (Alternative B) *amending the first sentence of Finding C to read "Several community interests are invested in significant aspects of the City's sign ordinance."* **Motion Councilmember Foat, seconded by Mayor Moon and unanimously carried on a roll call vote.**

3.C. PROPOSED ORDINANCE AMENDING THE TEMPORARY SUSPENSION OF REGULATORY ORDINANCES:
Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated May 18, 2016.

The City Council discussed and/or commented on the following: the placement of the item on the Agenda, internal administration and policy, the purpose of the ordinance, the decisions of Staff regarding the suspension of ordinances, the time limitations to provide the flexibility, and retaining the current process for City Manager approval.

No action taken.

ACTION: Continue past the 10:00 p.m. tentative adjournment time. **Motion Councilmember Kors, seconded by Councilmember Foat and unanimously carried.**

4. UNFINISHED BUSINESS:

4.A. CONTINUED DISCUSSION AND DIRECTION ON THE FISCAL YEAR 2016-17 BUDGET AND RESERVE POLICY:
City Manager Ready provided background information and new information submitted as it relates to the Fiscal Year 2016-17 Budget.

Discussion was held regarding Special Events.

No action taken.

City Attorney Holland stated he may have a business related conflict of interest with respect to Item 4.B., would not participate in the discussion or the vote, and left Council Chamber.

4.B. CONTINUED DISCUSSION ON CITY ATTORNEY SERVICES:

The City Council continued discussion on city attorney services via contract or an in-house city attorney.

ACTION: Direct City Staff to prepare an Amendment to the Allocated Positions and Compensation Plan to provide for an in-house City Attorney and Administrative support for the position. **Motion Councilmember Kors, seconded by Councilmember Roberts and unanimously carried on a roll call vote.**

City Attorney Holland returned to Council Chamber.

4.C. DISCUSSION REGARDING THE LEGAL SERVICE AGREEMENT WITH THEODORA ORINGHER PC AND OTHER OUTSIDE LEGAL SERVICES CONTRACTS:

The City Council discussed potentially initiating a policy for the discussion of outside attorney services in Closed Session.

ACTION: Terminate the contract with Theodora Oringher PC effective May 31, 2016. **Motion Councilmember Kors, seconded by Mayor Moon and carried 4-1 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Kors, Councilmember Roberts, and Mayor Moon.
NOES: Mayor Pro Tem Mills.

ACTION: Direct Staff to prepare a policy for the retention of outside legal counsel for adoption by the City Council. **By consent of the City Council.**

5. NEW BUSINESS:

5.A. APPOINTMENT OF CITY COUNCIL AD HOC SUBCOMMITTEES FOR AFFORDABLE HOUSING, CITY HALL OFFICE SPACE PLANNING, AND FUND RAISING:

ACTION: 1) Appoint Councilmember Foat and Councilmember Kors to an ad hoc City Council Subcommittee for Affordable Housing; 2) Appoint Councilmember Roberts and Mayor Pro Tem Mills to an ad hoc City Council Subcommittee for City Hall Office Space Planning; and 3) Appoint Councilmember Roberts and Councilmember Kors to an ad hoc City Council Subcommittee for Fund Raising. **Motion Councilmember Foat, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

5.B. CONSIDERATION OF A CITY COUNCIL PUBLIC COMMENT LETTER IN RESPONSE TO THE ENVIRONMENTAL ASSESSMENT PREPARED FOR THE EAGLE MOUNTAIN BOUNDARY STUDY INCLUDING POSSIBLE WITHDRAWAL FOR JOSHUA TREE NATIONAL PARK:
ACTION: 1) Adopt of Resolution No. 24030, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, URGING THE RETURN OF THE MAXIMUM AMOUNT OF THE BUREAU OF LAND MANAGEMENT'S EAGLE MOUNTAIN LANDS BACK TO JOSHUA TREE NATIONAL PARK AND A FULL ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR THE EAGLE CREST PUMPED STORAGE PROJECT'S TRANSMISSION LINE SO THAT LAND USE MANAGERS AND DECISION MAKERS CAN FULLY UNDERSTAND THE POTENTIAL ADVERSE IMPACT OF THIS PROJECT ON GROUNDWATER, SPECIES, AND THE ECOLOGICAL INTEGRITY OF JOSHUA TREE NATIONAL PARK;" and 2) Approve the submission of a public comment letter of support to the National Parks Service endorsing Preferred Alternative C for the transfer of Eagle Mountain land from the U.S. Bureau of Land Management to the National Park Service, and requesting that the U.S. Bureau of Land Management conduct a full and comprehensive Environmental Impact Statement for construction of off-site electrical transmission lines associated with the Eagle Mountain Pumped Storage Hydroelectric Project. **Motion Councilmember Roberts, seconded by Councilmember Foat and carried 4-0 on a roll call vote.**

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

Mayor Pro Tem Mills noted he abstained on Item 5.B. as he did not have enough information on the Item, including information from the permittee.

5.C. APPROVAL OF A SUBORDINATION AGREEMENT WITH THE CALIFORNIA HOUSING FINANCE AGENCY IN CONNECTION WITH THEIR LOAN TO PALOS VERDES VILLAS, A MULTI-FAMILY HOUSING DEVELOPMENT:
Lauri Aylaian, Director of Community and Economic Development, provided background information as outlined in the Staff Report dated May 18, 2016.

ACTION: Adopt Resolution No. 24031, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A SUBORDINATION AGREEMENT WITH COURTYARD PARTNERS - PALM SPRINGS, L.P. AND THE CALIFORNIA HOUSING FINANCE AGENCY TO FACILITATE A LOAN MODIFICATION AND

REFINANCE OF PALOS VERDES VILLAS, A 98-UNIT RESIDENTIAL APARTMENT COMPLEX." **Motion Mayor Pro Tem Mills, seconded by Councilmember Roberts and unanimously carried on a roll call vote.**

5.D. APPROVAL OF AMENDMENT NO. 2 IN THE AMOUNT OF $206,500 TO CONSULTING SERVICES AGREEMENT NO. A6757 WITH INTERACTIVE DESIGN CORPORATION FOR THE FIRE STATION NO. 4 REHABILITATION PROJECT (CP 15-25):

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated May 18, 2016.

The City Council discussed and/or commented on the following: the fee structure for the Amendment, the scope of services and selection of design architect, the review process, including the Fire Department in the design process, limiting the amendment to include Phase 3 and returning to City Council for further approval and estimates.

ACTION: 1) Approve the concept of expanding Fire Station No. 4 by approximately 1,200 square feet to address separation of sleeping quarters, decontamination areas, and general ADA compliance issues, as part of the Fire Station No. 4 Rehabilitation (CP 15-25) with final design review of the expansion subject to the City's Major Architectural Review process; 2) Approve Amendment No. 2 to Agreement No. A6757 in the amount of $42,500 for a total amount of $86,300 with Interactive Design Corporation for the Fire Station No. 4 Rehabilitation (CP 15-25) limited through Phase 3 only; 3) Authorize the City Manager to execute all necessary documents; and 4) Return to the City Council for further amendments, report of findings and construction estimate. A6757. **Motion Mayor Pro Tem Mills, seconded by Councilmember Roberts and unanimously carried on a roll call vote.**

5.E. DISCUSSION ON SMOKING REGULATIONS FOR COMMERCIAL OUTDOOR PATIOS SUCH AS RESTAURANTS AND BARS AND OTHER PUBLIC PLACES:

Councilmember Kors explained the scope of the requested amendments to the code regarding smoking regulations on outdoor patios for restaurants and bars.

ACTION: Direct Councilmember Kors to work with the City Attorney to update the smoking regulations. **By consensus of the City Council.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Roberts requested Staff Reports include funding sources, including percentage fund source for each item.

Councilmember Foat commented on correspondence and requested updated Development Reports be distributed monthly to the City Council.

Mayor Pro Tem Mills requested landscape maintenance on Gene Autry Trail at the Escena Development.

ADJOURNMENT: The City Council adjourned at 11:43 p.m. to the next regular meeting Wednesday, June 1, 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.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 1st DAY OF JUNE, 2016.

ROBERT MOON, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK