

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



**MEETING MINUTES  
WEDNESDAY, NOVEMBER 2, 2016  
CITY HALL COUNCIL CHAMBER**

**CALL TO ORDER:** Mayor Moon called the meeting to order at 6:11 p.m.

**PLEDGE OF ALLEGIANCE:** Girl Scout Troop 111, led the Pledge.

**ROLL CALL:**

**PRESENT:** Councilmember Foat, Councilmember Kors, Councilmember Roberts, and Mayor Moon.

**ABSENT:** Mayor Pro Tem Mills (excused).

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

**PRESENTATIONS:** None.

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

**REPORT OF CLOSED SESSION:**

The meeting was called to order at 4:35 p.m. and the following speakers addressed the City Council regarding Items on the Closed Session Agenda.

ANDY GIBBS, Palm Springs, commented on the acquisition of the flood control easement on the Closed Session Agenda.

JANE GARRISON, Palm Springs, commented on the acquisition of the flood control easement on the Closed Session Agenda.

The City Council recessed into 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:**

Councilmember Roberts requested Item 1.G. be removed from the Consent Calendar for separate discussion.

Councilmember Kors requested Item 1.E. be removed from the Consent Calendar for separate discussion.

Councilmember Foat requested Items 1.A. and 1.G. be removed from the Consent Calendar for separate discussion.

**ACTION:** Accept the Agenda as amended. **Motion Councilmember Foat, seconded by Councilmember Roberts and unanimously carried 4-0 on a roll call vote.**

**AYES:** Councilmember Foat, Councilmember Kors, Councilmember Roberts, and Mayor Moon.

**NOES:** None.

**ABSENT:** Mayor Pro Tem Mills.

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

RICHARD NOBLE, Palm Springs, requested the new Downtown street be named Albert Einstein Drive.

CHUCK STEINMAN, Palm Springs, commented on Item 1.E. and requested the City delay the purchase of the flood control easement.

MARK ENDRICK, Palm Springs, commented on Item 1.E. and opposed to the purchase of the flood control easement.

WILLIAM DOWNES, Palm Springs, commented on Item 1.E. and opposed to the purchase of the flood control easement.

GEORGE GUST, commented on Item 1.E. and opposed to the purchase of the flood control easement.

STEVE WILCOX, Palm Springs, commented on Item 1.E. and opposed to the purchase of the flood control easement.

JANE GARRISON, Palm Springs, commented on Item 1.E. and opposed to the purchase of the flood control easement.

CHRIS GREGORY, commented on Item 1.I. and the proposed services agreement regarding trails.

KIRK SAFFORD, San Francisco, commented on Item 3.B. and requested the City Council delete the drug testing requirement in the proposed ordinance.

DR. MARSHALL ZABLEN, commented on Item 3.B. and commented on the drug and alcohol testing regulations in the proposed regulations.

EVA BEHREND, Los Angeles, commented on Item 3.B. and requested the City Council delete the drug testing requirement in the proposed ordinance.

LORETTA TELFORD, commented on Item 3.B. and requested the City Council support the drug testing requirement in the proposed ordinance.

**1. CONSENT CALENDAR:**

**ACTION:** Approve Items 1.B., 1.C., 1.D., 1.F., 1.H., and 1.I. **Motion Councilmember Kors, seconded by Councilmember Roberts and unanimously carried 4-0 on a roll call vote.**

**AYES:** Councilmember Foat, Councilmember Kors, Councilmember Roberts, and Mayor Moon.

**NOES:** None.

**ABSENT:** Mayor Pro Tem Mills.

**1.B. TREASURER'S INVESTMENT REPORT AS OF SEPTEMBER 30, 2016:**  
**ACTION:** Receive and File the Treasurer's Investment Report as of September 30, 2016. **Approved as part of the Consent Calendar.**

**1.C. APPROVE AND AUTHORIZE SUBMITTAL OF GOVERNING BODY RESOLUTION DESIGNATING PERSONNEL TO ACT AS THE AGENT FOR THE CITY FOR THE PURPOSE OF OBTAINING FINANCIAL ASSISTANCE FROM THE FEDERAL DEPARTMENT OF HOMELAND SECURITY:**  
**ACTION:** 1) Approve the "Governing Body Resolution" to designate the City Manager, Assistant City Manager, and Fire Chief as signatory authority for federal financial assistance provided by the Department of Homeland Security; and 2) Direct the City Clerk to certify and transmit to the Riverside County Department of Emergency Management. **Approved as part of the Consent Calendar.**

**1.D. ACCEPT THE RESIGNATION OF GENO SEXTON FROM THE PERSONNEL BOARD:**  
**ACTION:** 1) Accept with regret the resignation of Geno Sexton from the Personnel Board; and 2) Direct the City Clerk to post a Notice of Vacancy for the term ending June 30, 2017. **Approved as part of the Consent Calendar.**

**1.F. APPROVAL OF MINUTES:**  
**ACTION:** Approve the City Council Minutes of October 27, 2016, September 21, 2016, and September 7, 2016. **Approved as part of the Consent Calendar.**

**1.H. APPROVE AMENDMENTS TO COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS (CVAG) REIMBURSEMENT AGREEMENTS FOR**

**INCREASED FUNDING COMMITMENTS AND EXTENSION OF TIME TRIGGERS ASSOCIATED WITH VARIOUS PROJECTS:**

**ACTION:** 1) Approve Amendment No. 2 to Agreement No. A6174, Reimbursement Agreement with the Coachella Valley Association of Governments, extending time triggers and increased funding commitments for the Vista Chino Low Water Crossing Bridge project at the Whitewater River, City Project No. 10-10, Federal-aid Project No. NBIL (513); 2) Approve Amendment No. 2 to Agreement No. A5748, Reimbursement Agreement with the Coachella Valley Association of Governments, extending the time triggers to facilitate the widening of the Ramon Road and Bridge over the Whitewater River Channel, City Project No. 08-25, Federal-aid Project No. BHLS 5282 (040); 3) Approve Amendment No. 4 to Agreement No. A4394, Reimbursement Agreement with the Coachella Valley Association of Governments, extending the time triggers to facilitate the replacement and widening of the Indian Canyon Drive over Union Pacific Railroad (UPRR), City Project No. 01-11, Federal-Aid Project No. BRLO 5282 (017); and 4) Authorize the City Manager to execute all necessary documents. A6174. A5748. A4394. **Approved as part of the Consent Calendar.**

**1.I. APPROVE A SERVICES AND WORK AGREEMENT WITH THE FRIENDS OF PALM SPRINGS MOUNTAINS IN THE AMOUNT OF \$238,000:**

**ACTION:** 1) Approve the Friends of Palm Springs Mountains Services and Work Agreement in the amount of \$238,000; and 2) Authorize the City Manager to execute the necessary documents. A6935. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**1.A. APPROVE THE STREET NAME OF DESERT INN DRIVE FOR THE STREET SEGMENT PREVIOUSLY IDENTIFIED AS "MAIN STREET" IN THE DOWNTOWN PALM SPRINGS PROJECT:**

The City Council discussed the naming of the new Downtown street.

**MOTION:** Adopt Resolution "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE STREET NAME OF 'DESERT INN DRIVE' FOR THE NEW STREET SEGMENT PREVIOUSLY IDENTIFIED AS 'MAIN STREET' IN THE DOWNTOWN PALM SPRINGS PROJECT LOCATED IMMEDIATELY NORTH OF AND PARALLEL WITH TAHQUITZ CANYON WAY BETWEEN MUSEUM DRIVE AND NORTH PALM CANYON DRIVE." **Motion Councilmember Roberts, seconded by Councilmember Kors and failed 2-2 on a roll call vote.**

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

**ACTION:** Adopt Resolution No. 24125, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE STREET NAME OF 'MUSEUM WAY' FOR THE NEW STREET SEGMENT PREVIOUSLY IDENTIFIED AS 'MAIN STREET' IN THE DOWNTOWN PALM SPRINGS PROJECT LOCATED IMMEDIATELY NORTH OF AND PARALLEL WITH TAHQUITZ CANYON WAY BETWEEN MUSEUM DRIVE AND NORTH PALM CANYON DRIVE," *amending the title and the text of the resolution to the street name of Museum Way.* **Motion Councilmember Foat, seconded by Mayor Moon and carried 3-1 on a roll call vote.**

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

City Manager Ready has a property related conflict of interest with respect to Item 1.E., did not participate in the preparation of the Staff Report or the placement on the Agenda, and left Council Chamber.

**1.E. APPROVAL OF A RIGHT OF WAY ACQUISITION AGREEMENT IN THE AMOUNT OF \$250,000 FOR THE SOUTH PALM CANYON DRIVE LOW WATER CROSSING BRIDGE REPLACEMENT AT ARENAS CANYON SOUTH (CP 06-18) FEDERAL AID PROJECT NO. BR-NBIL (502):**

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated November 2, 2016.

The City Council discussed and/or commented on the following: the date the ROW needs to be acquired to qualify for the Federal funding, the need for the drainage and protection of the community from potential flood, the EIR for the City project in 2012, any ramifications for delay until February 2017.

**ACTION:** 1) Table the item; and 2) Direct Staff to bring back on February 1, 2017 on the consent calendar. **Motion Councilmember Kors, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

City Manager Ready returned to Council Chamber.

**1.G. AUTHORIZE A PURCHASE ORDER IN THE AMOUNT OF \$228,719.10 WITH HARRIS & ASSOCIATES TO PERFORM A COMPREHENSIVE FACILITIES CONDITION ASSESSMENT OF ALL CITY BUILDINGS (CP 16-04):**

The City Council discussed potential results from the Study and the next steps, the rating process, the inclusion of the Plaza Theatre, and the timeline to receive the final report.

**ACTION:** 1) Authorize a Purchase Order in the amount of \$228,719.10 with the City's "on-call" agreement with Harris & Associates, pursuant to Agreement No. A6444, for an Evaluation of All City Facilities (CP 16-04); and 2) Authorize the City Manager to execute all necessary documents. A6444. **Motion Councilmember Roberts, seconded by Councilmember Kors and unanimously carried 4-0 on a roll call vote.**

**AYES:** Councilmember Foat, Councilmember Kors, Councilmember Roberts, and Mayor Moon.

**NOES:** None.

**ABSENT:** Mayor Pro Tem Mills.

**2. PUBLIC HEARINGS:**

**2.A. FREEHOLD COMMUNITIES, LLC (AVALON 1150), TO AMEND PRELIMINARY PLANNED DEVELOPMENT DISTRICT 290, A PREVIOUSLY-APPROVED PROJECT CONSISTING OF 1,150 RESIDENTIAL UNITS, AN 18-HOLE GOLF COURSE, A CLUBHOUSE, AND A PUBLIC PARK LOCATED ALONG THE NORTH SIDE OF SAN RAFAEL DRIVE, EAST OF NORTH INDIAN CANYON DRIVE, SOUTH OF THE WHITEWATER RIVER, AND WEST OF SUNRISE WAY AND APPROVING AN ADDENDUM TO THE PREVIOUSLY-APPROVED MITIGATED NEGATIVE DECLARATION (MND) (CASE 5.0982 PDD 290):**

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated November 2, 2016.

The City Council discussed the following: financial interest in the LLC, transient uses allowed on the property, the reduction in water usage by the elimination of the golf course, the allergenic tendency of olive trees, parking, maintenance of the open space, Planning Commission recommendations were not adopted, the gates and pedestrian access, and opportunities for affordable housing units.

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

APPLICANT, commented on the amendment to eliminate the golf course, the use of the olive orchard, the requirement for solar, and requested the City Council eliminate the installation of solar on all units.

ELLEN LOCKERT, Palm Springs, commented on greenhouse gas emissions and requested the City Council require solar installation.

MARVIN ROOS, Palm Springs, commented on the elimination of the golf course, stated there are no plans for a forty-foot mound on the property, and the use of recycled water.

PAUL HINRICHSON, Palm Springs, commented on the back yard setback, and the elevation of the lots and the community center.

STEVE ROSENBERG, Palm Springs, commented on the requirement for solar installation.

TROY BANKORD, Palm Springs, commented on the plant and tree choices.

APPLICANT REBUTTAL, commented on sustainability of the project and the amenity center.

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

The City Council discussed and/or commented on the following: the open space and the amenities that will serve the residents and the general public, impact of the olive tree grove, requested Staff address the grading plan, the improved site plan and architecture, and the pedestrian access.

**ACTION:** Adopt Resolution No. 24126, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN ADDENDUM TO THE PREVIOUSLY-APPROVED MITIGATED NEGATIVE DECLARATION (MND) AND APPROVING AMENDMENTS TO PLANNED DEVELOPMENT DISTRICT 290, A PREVIOUSLY APPROVED PROJECT CONSISTING OF 1,150 RESIDENTIAL UNITS, AN 18-HOLE GOLF COURSE, A CLUBHOUSE, AND A PUBLIC PARK LOCATED ALONG THE NORTH SIDE OF SAN RAFAEL DRIVE, EAST OF NORTH INDIAN CANYON DRIVE, SOUTH OF THE WHITEWATER RIVER, AND WEST OF SUNRISE WAY (CASE 5.0982-PDD 290)," *adding a condition to require the Planning Commission to restudy the landscape plan and water retention lakes.* **Motion Councilmember Roberts, seconded by Councilmember Kors and unanimously carried 4-0 on a roll call vote.**

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

The City Council recessed at 8:51 p.m.  
The City Council reconvened at 9:03

**2.B. PROPOSED ORDINANCE ESTABLISHING THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS IMPROVEMENT DISTRICT, PROPOSED RESOLUTION CONFIRMING THE REPORT OF THE ADVISORY BOARD AND LEVYING THE FISCAL YEAR 2016-17 ASSESSMENT, AND CONDUCT THE PROTEST PROCEEDINGS TO THE DISTRICT:**

City Clerk Thompson provided background information as outlined in the Staff Report dated November 2, 2016.

The City Council discussed the following: oversight by City Staff, and the makeup of the Advisory Board.

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

MICHAEL GREEN, Palm Springs, spoke in support of the proposed business improvement district.

ROBERT WEINBERG, Palm Springs, questioned the activities of the district.

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

City Clerk Thompson stated the results of the protest proceedings were canvassed, the fifty percent protest requirement was not received, and the City Council may proceed with the establishment of the business improvement district by introducing the proposed ordinance and adopting the resolution setting the assessment.

**ACTION:** 1) Waive reading of the text and introduce for first reading Ordinance No. 1903, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, ADDING CHAPTER 5.83 TO THE PALM SPRINGS MUNICIPAL CODE, ESTABLISHING THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS DISTRICT;" and 2) Adopt Resolution No. 24127, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF THE ADVISORY COMMITTEE AND LEVYING AN ASSESSMENT FOR

**FISCAL YEAR 2016-17 IN CONNECTION WITH THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS IMPROVEMENT DISTRICT." Motion Councilmember Roberts, seconded by Councilmember Kors and unanimously carried 4-0 on a roll call vote.**

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

Mayor Moon requested the City Council Vacation Rental Subcommittee address the proposed CVB business improvement district on short term rentals and requested this be placed on a future agenda.

**2.C. APPEAL BY SUMMIT LAND PARTNERS, LLC OF THE PLANNING COMMISSION ACTION TO DENY A PLANNED DEVELOPMENT DISTRICT APPLICATION, VESTING TENTATIVE TRACT MAP APPLICATION, AND A MAJOR ARCHITECTURAL APPLICATION FOR THE DEVELOPMENT OF A 90-LOT SINGLE-FAMILY SUBDIVISION ON A 13.28 ACRE PARCEL AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE:**

**ACTION:** 1) Table the public hearing with no public testimony at this time; 2) Continue the public hearing to January 4, 2017; and 3) Direct the City Clerk to post a Notice of Public Hearing pursuant to law. **Motion Councilmember Roberts, seconded by Councilmember Kors and unanimously carried 4-0 on a roll call vote.**

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

**3. LEGISLATIVE:**

**3.A. PROPOSED ORDINANCES ADOPTING AND AMENDING THE 2016 CALIFORNIA BUILDING STANDARDS CODE (TITLE 24) INCLUDING THE 2016 CALIFORNIA FIRE CODE, THE 2016 CALIFORNIA BUILDING CODE, THE 2016 CALIFORNIA RESIDENTIAL CODE, THE 2016 CALIFORNIA PLUMBING CODE, THE 2016 CALIFORNIA MECHANICAL CODE, THE 2016 CALIFORNIA ELECTRICAL CODE, THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 2016 CALIFORNIA ENERGY CODE, THE 2016 CALIFORNIA EXISTING BUILDING CODE, THE 2016 CALIFORNIA HISTORIC BUILDING CODE; ADOPTING AND AMENDING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE; ADOPTING THE CITY OF PALM**

**SPRINGS BUILDING ADMINISTRATIVE CODE; AND ADOPTING THE INTERNATIONAL FIRE CODE:**

City Manager Ready provided background information as outlined in the Staff Report dated November 2, 2016.

**ACTION:** 1) Waive the reading of the text and introduce for first reading Ordinance No. 1904, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING ARTICLE I OF CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, ADOPTING BY REFERENCE, TOGETHER WITH CERTAIN ADDITIONS, AMENDMENTS AND DELETIONS, THE 2016 CALIFORNIA BUILDING CODE, INCLUDING APPENDICES C, I, AND J; THE 2016 CALIFORNIA RESIDENTIAL CODE, INCLUDING APPENDIX H; THE 2016 CALIFORNIA MECHANICAL CODE; THE 2016 CALIFORNIA PLUMBING CODE, INCLUDING APPENDICES A, B, D, G, I AND K; THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE, INCLUDING ALL APPENDICES; THE 2016 CALIFORNIA EXISTING BUILDING CODE; THE 2016 CALIFORNIA HISTORIC BUILDING CODE, INCLUDING APPENDIX A; THE 2016 CALIFORNIA ELECTRICAL CODE, INCLUDING ALL APPENDICES; THE 2016 CALIFORNIA ENERGY CODE, INCLUDING ALL APPENDICES; AND THE 2016 GREEN BUILDING STANDARDS CODE, INCLUDING ALL APPENDICES; AND AMENDING AND RESTATING ARTICLE IV OF CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, ADOPTING THE CITY OF PALM SPRINGS BUILDING ADMINISTRATIVE CODE;" 2) Waive the reading of the text and introduce for first reading Ordinance No. 1905, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING ARTICLE VI OF CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, ADOPTING BY REFERENCE, TOGETHER WITH CERTAIN ADDITIONS, AMENDMENTS AND DELETIONS, THE 2016 CALIFORNIA FIRE CODE, INCLUDING APPENDIX CHAPTER 4 AND APPENDICES B, F, I, N, P AND Q, AND ADOPTING BY REFERENCE THE 2015 INTERNATIONAL FIRE CODE;" 3) Review proposed resolution "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, FINDING THAT CERTAIN LOCAL CONDITIONS REQUIRE AMENDMENTS, ADDITIONS AND DELETIONS TO THE CALIFORNIA BUILDING CODE, 2016 EDITION, THE CALIFORNIA RESIDENTIAL CODE, 2016 EDITION, AND THE CALIFORNIA ELECTRICAL CODE, 2016 EDITION AND THE CALIFORNIA FIRE CODE, 2016 EDITION;" and 4) Schedule a public hearing for November 16, 2016, to consider second reading and adoption of the Ordinances and Resolution in accordance with California Government Code Section 50022.3. **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 Moon.  
**NOES:** None.  
**ABSENT:** Mayor Pro Tem Mills.

**3.B. PROPOSED ORDINANCE RELATING TO PERMITTING TRANSPORTATION NETWORK COMPANIES TO OPERATE AT THE PALM SPRINGS INTERNATIONAL AIRPORT:**

City Manager Ready provided background information as outlined in the Staff Report dated November 2, 2016.

The City Council discussed the following: enforcement, identification of permitted vehicles, and the ability to regulate vehicles dropping off at the Airport.

**ACTION:** Waive the reading of the text and introduce for first reading Ordinance No. 1906, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 16.02.015(b) OF, AND ADDING CHAPTER 16.37 TO, THE PALM SPRINGS MUNICIPAL CODE RELATING TO PERMITTING TRANSPORTATION NETWORK COMPANIES TO OPERATE AT THE PALM SPRINGS INTERNATIONAL AIRPORT," *amending Section 16.37.010(c) to read "Each TNC Driver shall be subject to alcohol and drug testing on a similar basis as drivers of other car services, including taxis, are subjected."* and *16.37.025(a) to read "TNC Drivers shall only pick up passengers for hire at the area described as Option A (and depicted on a map on file in the Office of the City Clerk), a location immediately adjacent to vendor and contractor parking."* **Motion Councilmember Foat, seconded by Councilmember Kors and carried 3-1 on a roll call vote.**

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

**4. UNFINISHED BUSINESS:** None.

**5. NEW BUSINESS:**

**5.A. AMENDMENT NO. 1 TO AGREEMENT NO. A6773 TO THE POWER PURCHASE AGREEMENT AND PERFORMANCE GUARANTEE AGREEMENT WITH SOLARCITY CORPORATION FOR SOLAR PHOTOVOLTAIC SYSTEMS AT SUNRISE PARK (CP 15-03):**

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated November 2, 2016.

The City Council discussed the following: the amount of the reduction, any further options to move forward, any further buildings that could include solar.

**ACTION:** 1) Approve Amendment No. 1 to the Solar Power Purchase Agreement with SolarCity Corporation for solar PV systems at Sunrise Park to reduce the size of the solar PV system from 334.8 kW to 145.08 kW maintaining a power purchase price of \$0.075 per kWh fixed for the 20 year term; 2) Approve Amendment No. 1 to the Performance Guarantee Agreement with SolarCity Corporation for solar PV systems at Sunrise Park to decrease the guaranteed total power generated; and 3) Authorize the City Manager to execute all necessary documents. A6773. **Motion Councilmember Roberts, seconded by Councilmember Kors and unanimously carried 4-0 on a roll call vote.**

**AYES:** Councilmember Foat, Councilmember Kors, Councilmember Roberts, and Mayor Moon.

**NOES:** None.

**ABSENT:** Mayor Pro Tem Mills.

**PUBLIC COMMENT: (Non-Agenda Items)**

LEE WILSON, JR., Palm Springs, commented on the Fallen Hero's Project.

RICK PANTELE, commented on the Ribbon of Hope display at Desert AIDS project.

PHYLLIS BURGESS, Palm Springs, requested the City Council reinstate the invocation at City Council meetings.

**UPCOMING AGENDA DEVELOPMENT:**

Mayor Moon commented on the attempt of the Convention and Visitors Bureau to place a tourism BID on vacation rentals in the City of Palm Springs, and requested the Vacation Rental Subcommittee place an item on the next agenda for further review of the rules.

Place the appointment of Subcommittee to further study the Joint Powers Agreement with the Convention and Visitors Bureau and a recommendation from the City Council Rules of Procedure Subcommittee.

Schedule a public meeting with City Council Subcommittee for the CV Link and CVAG Staff.

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

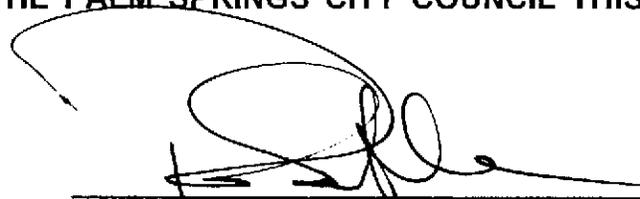
Councilmember Roberts provided an update on the Fundraising Subcommittee, Council Rules of Procedures, Vacation Rental Subcommittee and the Downtown Subcommittee, and requested weekly updates on the Council Chamber Remodel project from the Architect.

Mayor Moon requested an update on the installation of the Walk of Stars that were removed for the Downtown Project, and painting samples on the parking garage.

Councilmember Kors provided an update on the City Council Sign Subcommittee and noted the next public meeting, requested the Planning Commission develop criteria for granting extensions, and announced the upcoming Transforming the Desert forum at the Palm Springs Council Chamber.

**ADJOURNMENT:** The City Council adjourned at 11:13 p.m., to the next regular City Council meeting Wednesday, November 16, 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  
16<sup>TH</sup> DAY OF NOVEMBER, 2016.**



ROBERT MOON, MAYOR

ATTEST:



JAMES THOMPSON, CITY CLERK