CITY COUNCIL
AND AS SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY AND AS THE PALM SPRINGS FINANCING AUTHORITY

CITY OF PALM SPRINGS, CALIFORNIA

MINUTES
WEDNESDAY, FEBRUARY 15, 2017
City Hall, Council Chamber
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262

CLOSED SESSION

CALL TO ORDER (Council Chamber):

At 4:32 p.m. Mayor Moon called the meeting to order.

Douglas Holland, City Attorney, requested the City Council consider adding an item. The information was received after the posting of the agenda.

> **EXISTING LITIGATION, G.C. 54956.9(a)**
> *Dennis A. Cunningham and Andrea C. Cunningham individually, and in their capacities as Trustees of the Cunningham Family Trust Dated 12/14/2000 v. City of Palm Springs et. al.*
> Case No. PSC1606147, Riverside Superior Court, Palm Springs Division

ACTION:
By a majority vote of the City Council the following was approved: 1) Find information regarding the existing litigation was received after the posting of the Agenda and there is an immediate need to hear and/or take action. 2) Add to the Closed Session Agenda the following item pursuant to Cal. Gov. Code. Section 54956.9(e)(3):

> **EXISTING LITIGATION, G.C. 54956.9(a)**
> *Dennis A. Cunningham and Andrea C. Cunningham individually, and in their capacities as Trustees of the Cunningham Family Trust Dated 12/14/2000 v. City of Palm Springs et. al.*
> Case No. PSC1606147, Riverside Superior Court, Palm Springs Division

PUBLIC COMMENT (Council Chamber): None

RECESS TO CLOSED SESSION (Small Conference Room):
See Closed Session Agenda, attached as Exhibit A.

At 4:35 p.m. the Mayor and Councilmembers recessed to closed session.

It should be noted, property negotiations at APN 513-460-033 (Right-of-Way) with 4348 Lockwood Avenue, LLC. was not discussed.

REGULAR MEETING

CALL TO ORDER: At 6:07 p.m., Mayor Moon called meeting to order.

PLEDGE OF ALLEGIANCE: Mayor Moon led the flag salute.

ROLL CALL:
PRESENT: Councilmember Kors, Councilmember Mills, Councilmember Roberts, Mayor Pro Tem Foat , and Mayor Moon
ABSENT: None
ALSO PRESENT: City Manager Ready, City Attorney Holland, Interim City Clerk Hart

PRESENTATIONS: David Ready, City Manager, and Geoffrey Kiehl, Director of Finance and Treasurer, introduced Bryan Gruber to present the Fiscal Year 2015-16 Financial Audit by Lance Soll and Lunghard LLP, the City's independent auditors.

CITY MANAGER'S REPORT: None

REPORT OF CLOSED SESSION: Douglas Holland, City Attorney, reported the following:

- The City Council approved by a majority vote (4-1-0, Mills voting NO) a settlement with respect to *Elliott Forte v. City of Palm Springs et. al.,* Case No. PSC1404656, Riverside Superior Court, Palm Springs Division.

- The City Council provided direction on the proposed settlement with respect to *Advocates for Better Community Development v. City of Palm Springs, Case No. RIC1615018,* Riverside Superior Court, Riverside Division.

- Requested continuance of Closed Session to 9:30 a.m., Thursday, February 16, 2017, to continue discussion of EXPOSURE TO LITIGATION, G.C. 54956.9(b).

ACCEPTANCE OF THE AGENDA:

Councilmember Roberts requested pulling Consent Calendar Item 1L for separate discussion.

Councilmember Mills stated his recusal on Item 1C, Warrant 1089338, for a business related conflict of interest and Item 1H with respect to the portion relating to the intersection of Ramon and Thornhill due to a conflict of interest.

ACTION: Accept the agenda as presented with the removal of Item 1L from the Consent Calendar for discussion, and noting the recusal of Councilmember Mills with respect to Item 1C, Warrant 1089338 for a business related conflict of interest and Item 1H with respect to the portion relating to the intersection of Ramon and Thornhill due to a conflict of interest.
Motion by Councilmember Roberts, seconded by Councilmember Kors, and unanimously carried (5-0-0) on a roll call vote.

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

Ron Siegal, spoke opposing Item 3B and in support of banning gasoline powered leaf blowers and completely banning leaf blowers to eliminate the dust and particles being blown into the environment.

Brian Yaklick, spoke of his concerns relating to Item 3B.

Bruce Cronander, stated is opposition to Item 3B.

Adam Teixeira spoke requested more information relating to policies and guidelines concerning vacation rentals.

Lucio Bernal provided his comments with respect to vacation rentals.

Lisa Middleton, spoke on behalf of One PS, thanking the subcommittee, Councilmembers Kors and Roberts, for addressing the many concerns brought forth by One PS.

Judy Deertrack provided comments with respect to Items 3A and 3B.

Robert Stone provided comments with respect to Item 3B.

James Murphy provided comments with respect to Item 3A.

Stephen Rose, requested submitting Ordinance 1907 to the voters.

Michael Valeo, thanked the Council and subcommittee, Councilmembers Kors and Roberts and spoke in support of Item 3B.

Chris Bale, stated his concurrance with the majority of Michael Valeo's comments and spoke of compromise and balance.

Jerry Keller provided comments with respect to Item 3B, adding nobody likes the proposed ordinance (Item 3B) which equates to it being a perfect ordinance.

Roy Clark, a member of the Sustainability Commission, provided comments from the Sustainability Commission's recommendation with respect to phasing out gasoline

powered leaf blowers, ultimately banning them, entertaining the use of battery powered units, providing training, and desertscape, etc.

Marla Malaspina spoke opposing Item 3B.

Lisa Riding spoke in opposition to the proposed urgency ordinance, Item 3B.

Steve Rosenberg spoke against the vacation rental ordinance.

Frank Tysen, Palm Springs, spoke spoke in opposition of Item 3B. .

Jeremy Ogul, a representative from Home Away, spoke on Item 3B relating to the ordinance language and spoke of the need for clarity.

Doug Huth spoke in support of Item 5B.

Niki Vandel spoke on Items 1C, 1F, 1L, and 3B.

Jim Madaffer, Citizens for a Better Palm Springs, spoke opposing Item 3B.

1. CONSENT CALENDAR:
ACTION:
Approve Items 1A, 1B, 1C, 1D, 1E, 1F, 1G, 1H, 1I, 1J, and 1K; furthmore, noting the recusal of Councilmember Mills on Item 1C, Warrant 1089338 for a business related conflict of interest and Item 1H, due to a conflict of interest, with respect to the portion relating to the intersection of Ramon and Thornhill.
Motion by Mayor Pro Tem Foat, seconded by Councilmember Mills, and unanimously carried (5-0-0) on a roll call vote.

1.A. APPROVAL OF MINUTES:
ACTION: Approve the City Council Minutes of January 25, 2017, and January 18, 2017.
Approved as part of the Consent Calendar.

1.B. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF JANUARY 2017:
ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of January 1 through January 31, 2017.
Approved as part of the Consent Calendar.

1.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:
ACTION:
1) Adopt Resolution No. 24166, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 12-03-2016 BY WARRANTS NUMBERED 419750

THROUGH 419764 TOTALING $40,144.58, LIABILITY CHECKS NUMBERED 1089189 THROUGH 1089209 TOTALING $85,087.89, FIVE WIRE TRANSFERS FOR $82,056.87, AND THREE ELECTRONIC ACH DEBITS OF $1,747,598.30 IN THE AGGREGATE AMOUNT OF $1,954,887.64, DRAWN ON BANK OF AMERICA."

2) Adopt Resolution No. 24167, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1089210 THROUGH 1089310 IN THE AGGREGATE AMOUNT OF $898,601.90, DRAWN ON BANK OF AMERICA."
3) Adopt Resolution No. 24168, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1089311 THROUGH 1089476 IN THE AGGREGATE AMOUNT OF $2,189,266.00, DRAWN ON BANK OF AMERICA."
4) Adopt Resolution No. 24169, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 12-17-2016 BY WARRANTS NUMBERED 419765 THROUGH 419780 TOTALING $22,862.98, LIABILITY CHECKS NUMBERED 1089477 THROUGH 1089497 TOTALING $84,683.29, FIVE WIRE TRANSFERS FOR $85,312.93, AND THREE ELECTRONIC ACH DEBITS OF $1,439,738.84 IN THE AGGREGATE AMOUNT OF $1,632,598.04, DRAWN ON BANK OF AMERICA."
5) Adopt Resolution No. 24170, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1089498 THROUGH 1089650 IN THE AGGREGATE AMOUNT OF $3,081,014.68, DRAWN ON BANK OF AMERICA."
6) 6) Adopt Resolution No. 24171, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1089651 THROUGH 1089742 IN THE AGGREGATE AMOUNT OF $1,299,165.26, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

1.D. TREASURER'S INVESTMENT REPORT AS OF DECEMBER 31, 2016:
ACTION: Receive and File the Treasurer's Investment Report as of December 31, 2016.
Approved as part of the Consent Calendar, and noting the recusal of Councilmember Mills on Item 1C, Warrant 1089338 for a business related conflict of interest

1.E. 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. 24172, "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.

1.F. ACCEPTANCE OF THE JAMES O. JESSIE DESERT HIGHLAND UNITY CENTER OUTDOOR PERFORMANCE STAGE AND OUTDOOR BALL FIELD LIGHTING PROJECT, CP 14-18:
ACTION:
1) Accept the public works improvement identified as the James O. Jessie Desert Highland Unity Center Outdoor Performance Stage and Outdoor Ball Field Lighting Project as completed in accordance with the plans and specifications, CP 14-18.
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 Outdoor Performance Stage and Outdoor Ball Field Lighting Project.

Approved as part of the Consent Calendar.

1.G. PALM SPRINGS INNOVATION HUB AND ACCELERATOR CAMPUS QUARTERLY REPORT:
ACTION: Receive and file the second quarterly report from Coachella Valley Economic Partnership (CVEP) for the Palm Springs Innovation Hub (iHub) for the period of October 1 through December 31, 2016.
Approved as part of the Consent Calendar.

1.H. AWARD A CONSTRUCTION CONTRACT TO RUIZ CONCRETE & PAVING, INC. IN THE AMOUNT OF $122,452.80 FOR THE ADA CURB RAMPS PROJECT, CP 16-09:
ACTION:
1) Award a construction contract to Ruiz Concrete & Paving, Inc., in the amount of $122,452.80 for the ADA Curb Ramps Project, CP 16-09. A6951.
2) Authorize the City Manager to execute all necessary documents.

Approved as part of the Consent Calendar and noting the recusal of Councilmember Mills on Item 1H, due to a conflict of interest, with respect to the portion relating to the intersection of Ramon and Thornhill.

1.I. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR CLASS 1 HISTORIC SITE LOCATED AT 360 CABRILLO ROAD UNIT: 232-233 (RACQUET CLUB COTTAGES WEST HD-3, HSPB 88):

ACTION:

1) Approve a Mills Act Historic Property Preservation Agreement with Aaron Winer, Kimberly Pape and the Racquet Club Garden Villas Homeowners Association for 360 Cabrillo Road Units 232-233 (HSPB 88 / HD-3). A6952.
2) Authorize the City Manager to execute the Agreement.
3) Direct the City Clerk to record the Agreement.

Approved as part of the Consent Calendar.

1.J. REPORT OF EMERGENCY ROAD CLEANUP AND REPAIRS DUE TO JANUARY 2017 FLOODING PURSUANT TO PALM SPRINGS MUNICIPAL CODE SECTION 7.04.040.:

ACTION:

1) Receive and file the report on emergency road cleanup and repairs.
2) Adopt Resolution No. 24173, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2016-17, FOR EMERGENCY ROAD CLEANUP AND REPAIRS."

Approved as part of the Consent Calendar.

1.K. AUTHORIZE AN INCREASE IN THE AMOUNT OF $26,422 TO PURCHASE ORDER 17-0728 ISSUED TO WILLDAN ENGINEERING FOR THE FIRE STATION NO. 4 REHABILITATION, CP 15-25:

ACTION:

1) Authorize an increase in the amount of $26,422 to Purchase Order 17-0728 with Willdan Engineering for a revised total amount of $34,662 for the Fire Station No. 4 Rehabilitation, CP 15-25.
2) Authorize the City Manager to execute all necessary documents.

Approved as part of the Consent Calendar.

EXCLUDED CONSENT CALENDAR:

1.L. CASA VERONA, LLC, REQUEST FOR A ONE-YEAR EXTENSION OF TIME FOR TENTATIVE TRACT MAP 33282; A PREVIOUSLY APPROVED SUBDIVISION OF A 6.1-ACRE PARCEL OF 25 SINGLE-FAMILY RESIDENTIAL LOTS LOCATED ALONG THE NORTH SIDE OF EAST VERONA ROAD AND WEST OF WHITEWATER RIVER:

Councilmember Roberts requested language be included that the extension is **only** for a one-year period.

Councilmember Kors stated he concurs with Councilmember Roberts, and reiterated this is the first extension.

ACTION: Adopt Resolution No. 24174, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A ONE-YEAR EXTENSION OF TIME REQUEST FOR TENTATIVE TRACT MAP 33282; A PREVIOUSLY APPROVED 25-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION ON A 6.1-ACRE PARCEL LOCATED ALONG THE NORTH SIDE OF E. VERONA ROAD AND WEST OF THE WHITEWATER RIVER, ZONED R-1-D, SECTION 6 (CASE 5.1035 / TTM 33282)."
Motion Councilmember Mills, seconded by Mayor Pro Tem Foat, and unanimously carried (5-0-0) on a roll call vote.

2. PUBLIC HEARINGS:

2.A. PALM SPRINGS MODERN CONSTRUCTION, FOR A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT 5.1395-PDD 383 / MAJOR ARCHITECTURAL APPLICATION 3.3963 MAJ / TENTATIVE TRACT MAP 37210 FOR THE CONSTRUCTION OF A 64 UNIT CONDOMINIUM PROJECT NAMED 64@RIV LOCATED AT 2000 NORTH INDIAN CANYON DRIVE, AND IN ACCORDANCE TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ADOPTING A MITIGATED NEGATIVE DECLARATION:

Flinn Fagg, Director of Planning Services, provided background information as outlined in the staff report.

Councilmember Roberts inquired about the conditions as requested by the Planning Commission and requested additional information regarding to the Planned Development District.

Mayor Pro Tem Foat requested additional information relating to open space.

Mayor Moon opened the public hearing at 7:16 p.m. The following addressed the Mayor and Council:

Dennis Cunningham provided information relating to the project and requested approval.

Councilmember Kors inquired about solar being offered, approves the price point and design; additionally, he stated support for the project but opposes the gates.

Christopher Brodwell, representing the Riviera Gardens HOA, requested an easement between Riviera Gardens and 64@Riv, adding the Riviera Gardens HOA supports this project.

Scott Lyle spoke in support of the project.

At 7:22 p.m., no others came forth to address the Mayor and Council, and Mayor Moon closed the public hearing.

Councilmember Roberts requested additional information, provided comments on the project, and stated support.

Councilmember Mills requested additional information and clarification relating to the project.

Mayor Pro Tem Foat stated disappointment in the lack of garages, supports Mr. Cunningham's comments relating to the ficus, and inquired about carports and solar panels.

The developer stated in order to keep the price point at low-to-mid $300,000 it's not possible to include solar for each unit and garages; however, all units will be solar ready in the event the owner chooses to have solar installed at a later date.

Mayor Moon stated the Architectural Advisory Committee and Planning Commission unanimously approved this project. He supports the design layout and the gates on this project, and inquired when the project will start.

Councilmember Mills requested clarification relating to the landscape and streetscape.

ACTION:

1) Adopt Resolution No. 24175, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION FOR A PLANNED DEVELOPMENT DISTRICT, A MAJOR ARCHITECTURAL APPLICATION, AND A TENTATIVE TRACT MAP FOR A 64 UNIT CONDOMINIUM PROJECT NAMED 64@RIV LOCATED AT 2000 NORTH INDIAN CANYON DRIVE (CASES 5.1395 PDD-383/ 3.3963 MAJ / TTM 37210 / ZONE R-3)."
2) Adopt Resolution No. 24176, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT (PDD-383) AS REQUIRED BY THE GENERAL PLAN LAND USE DESIGNATION OF TOURIST RESORT COMMERCIAL

FOR A 64 UNIT CONDOMINIUM PROJECT NAMED 64@RIV LOCATED AT 2000 NORTH INDIAN CANYON DRIVE",

3) Adopt Resolution No. 24177, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A MAJOR ARCHITECTURAL APPLICATION FOR A 64 UNIT CONDOMINIUM PROJECT NAMED 64@RIV LOCATED AT 2000 NORTH INDIAN CANYON DRIVE."
4) Adopt Resolution No. 24178, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A TENTATIVE TRACT MAP (TTM 37210) FOR A 64 UNIT CONDOMINIUM PROJECT NAMED 64@RIV LOCATED AT 2000 NORTH INDIAN CANYON DRIVE."
5) Adding the following conditions:
   - Palm Springs Modern Homes as the owner/developer of 64@Riv and the Riviera Gardens Homeowners Association to grant each other easements necessary for construction, maintenance, and repair of existing masonry wall and wrought-iron fence between both properties.
   - Easements to be shown on Tentative Tract Map 37210.
   - Palm Springs Modern Homes to repair existing masonry wall separating the 64@Riv property and the Riviera Gardens property to be completed before a Certificate of Occupancy can be granted for Building #4.
   - The applicant shall be required to design and construct a bus shelter for the current bus stop location adjacent to the development on N. Indian Canyon Drive. The shelter shall incorporate materials and details similar to the design of the condominium buildings, and shall be reviewed by the Architectural Advisory Committee prior to issuance of permits for the shelter. Construction of the shelter shall be completed prior to the issuance of a Certificate of Occupancy for the first residential building of the development.

Motion by Councilmember Roberts, seconded by Mayor Moon, and unanimously carried (5-0-0) on a roll call vote.

2.B. WLA INVESTMENTS, INC. REQUESTING A CHANGE OF ZONE FOR AN EXISTING DEVELOPMENT KNOWN AS THE NORTH VILLAGE CENTER LOCATED AT 19345-19465 NORTH INDIAN CANYON DRIVE, AND IN ACCORDANCE TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) ADOPTING A NEGATIVE DECLARATION, ZONE HC, SECTION 15:

Councilmember Kors and Mayor Pro Tem Foat requested information with respect to who is the owner(s) of WLA Investments, Inc.

Flinn Fagg, Director of Planning Services, provided background information as outlined in the staff report.

At 8:07 p.m. Mayor Moon opened the public hearing.

Noel Ramos, spoke on behalf of WLA Investments, Inc., providing additional information with respect to the project, and requested approval.

At 8:09 p.m. no others came forth to address the Mayor and Council; therefore, Mayor Moon closed the public hearing.

Mayor Pro Tem Foat requested additional information.

ACTION: Waive the reading of the text in its entirety and introduce on first reading Ordinance No. 1915, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION (ND) AND APPROVING A CHANGE OF ZONE FROM HC (HIGHWAY COMMERCIAL) TO M-2 (MANUFACTURING) FOR AN EXISTING LIGHT INDUSTRIAL DEVELOPMENT LOCATED AT 19345-19465 NORTH INDIAN CANYON DRIVE, SECTION 15 (CASE 5.1401-ZC)."
Motion by Councilmember Mills, seconded by Councilmember Kors, and unanimously carried (5-0-0) on a roll call vote.

2.C. PROPOSED ORDINANCE TO AMEND THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO SEPARATION DISTANCE REQUIREMENTS FOR MEDICAL CANNABIS COOPERATIVES OR COLLECTIVES AND MEDICAL CANNABIS DISPENSARIES (CASE 5.1218-E ZTA):

Douglas Holland, City Attorney, provided background information as outlined in the staff report.

Councilmember Kors requested additional information relating to the distance.

Mayor Pro Tem Foat requested clarification.

Mayor Moon stated concurrence with Mayor Pro Tem Foat's comments and requested additional information.

Councilmember Kors inquired if this has been discussed with the Palm Springs Unified School District.

At 8:20 p.m., Mayor Moon opened the public hearing.

Robert Van Roo provided comments relating to an unlicensed dispensary/cooperative/collective.

Stephen Mueller spoke in support of this item.

Joy Meredith spoke in support of this item and provided comments relating to an unlicensed dispensary/cooperative/collective.

Steve Rosenberg provided comments on this item and voiced concerns.

At 8:27 p.m., no others came forth to address the Mayor and Council; therefore, Mayor Moon closed the public hearing.

Councilmember Kors requested additional information relating to the noticing process for Planning Commission meetings and requested additional information from the Palm Springs Unified School District before voting.

ACTION: Waive the reading of the text and introduce for first reading Ordinance No. 1916, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTION C OF SECTION 93.23.15 OF THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO LOCATIONAL REQUIREMENTS FOR MEDICAL CANNABIS DISPENSARIES IN THE CITY."
Motion by Councilmember Roberts, seconded by Mayor Pro Tem Foat, and unanimously carried (5-0-0) on a roll call vote.

At 8:36 p.m. Mayor Moon called for a recess.
At 8:47 p.m. Mayor Moon reconvened the meeting.

3. LEGISLATIVE:

At 8:48 p.m. Councilmember Mills stated he will not participate nor vote on Items 3A and 3B due to a personal property conflict of interest, and exited the Council Chamber.

3.A. ORDINANCE NO. 1907 REFERENDUM PETITION RELATING TO VACATION RENTALS:

Kathleen Hart, Interim City Clerk, provided the background information as provided in the staff report.

ACTION:
1) Receive and file the attached Certificate of Sufficiency for a petition titled "Referendum Against an Ordinance Passed by the City Council - Ordinance No. 1907."
2) Direct staff to prepare necessary documents for further consideration of the City Council.

Motion Councilmember Kors, seconded by Councilmember Roberts and unanimously carried 4-0 on a roll call vote.

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

3.B. RESCIND ORDINANCE NO. 1907, ADOPT INTERIM URGENCY ORDINANCE RELATING TO VACATION RENTALS (4/5THS VOTE REQUIRED), AND INTRODUCE AN ORDINANCE RELATING TO VACATION RENTALS:

Douglas Holland, City Attorney, provided background information as outlined in the staff report.

After discussion, the consensus of the City Council was to vote on each item separately.

ACTION: Waive the reading of the text in its entirety and adopt Ordinance No. 1917, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, RESCINDING ORDINANCE NO. 1907."
Motion by Mayor Pro Tem Foat, seconded by Councilmember Kors, and carried by a majority (3-1-1, NO-Mayor Moon, ABSENT-Mills) on a roll call vote.

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

ACTION: Waive the reading of the text and adopt Urgency Ordinance No. ____, "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING CHAPTER 5.25 OF, AND ADDING SECTION 93.23.16 TO, THE PALM SPRINGS MUNICIPAL CODE RELATING TO VACATION RENTALS (4/5ths Vote Required)."
Motion by Councilmember Roberts, seconded by Mayor Pro Tem Foat, and motion FAILED (3-1-1, NO-Mayor Moon, ABSENT-Mills) on a roll call vote.

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

ACTION: Waive the reading of the text in its entirety and introduce and refer to the Planning Commission for review and comment, Ordinance No. 1918, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING CHAPTER 5.25 OF, AND

ADDING SECTION 93.23.16 TO, THE PALM SPRINGS MUNICIPAL CODE RELATING TO VACATION RENTALS."
Motion by Councilmember Kors, seconded by Mayor Pro Tem Foat, and carried on a majority (4-0-1, ABSENT-Mills) on a roll call vote.

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

At 9:51 p.m. Councilmember Mills returned to the dais.

4. UNFINISHED BUSINESS: None

5. NEW BUSINESS:

5.A. FISCAL YEAR 2015-16 AUDIT REPORTS BY THE CITY'S INDEPENDENT AUDITORS:

David Ready, City Manager, provided background information as provided in the staff report.

ACTION: Receive and file the Fiscal Year 2015-16 Audit Reports prepared by the City's independent auditors.
Motion by Councilmember Kors, seconded by Councilmember Roberts, and unanimously carried (5-0-0) on a roll call vote.

5.B. CONSIDERATION OF REGULATIONS LIMITING THE USE OF GASOLINE POWERED LEAF BLOWERS:

David Ready, City Manager, provided background information as provided in the staff report.

Councilmember Kors commended the commission for their hard work, and requested additional information.

Councilmember Roberts requested additional information, and asked if it was possible to eliminate the usage of leaf blowers.

After City Council discussion, staff was directed to draft an ordinance consistent with the Sustainability Commission's recommendation including phasing out gas powered leaf blowers in favor of the electric leaf blowers, requiring water saving landscaping classes, and researching grant funds to help offset the costs including possible monies from the City's Recycling Fund.

5.C. ADMINISTRATIVE ANALYSIS AND CONFORMITY REPORT FOR A

PROPOSED 3.0 MEGAWATT WIND ENERGY CONVERSION SYSTEM ("WECS") ON TRIBAL TRUST LAND LOCATED SOUTHEAST OF THE INTERSECTION OF HIGHWAY 111 AND THE I-10 FREEWAY, O-5 (OPEN LAND) ZONE:

Flinn Fagg, Director of Planning Services, provided background information as outlined in the staff report.

ACTION: Adopt Resolution No. 24179, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A CONFORMITY REPORT FOR A PROPOSED 3.0 MEGAWATT WIND ENERGY CONVERSION SYSTEM ("WECS") ON TRIBAL TRUST LAND LOCATED TO THE SOUTHEAST OF THE INTERSECTION OF HIGHWAY 111 AND THE I-10 FREEWAY (CASE 5.1406)."
Motion by Councilmember Roberts, seconded by Councilmember Kors, and unanimously carried (5-0-0) on a roll call vote.

PUBLIC COMMENT: (Non-Agenda Items)

Bill McMillan requested the city become a sanctuary city.

Edward Holchauer requested the city become a sanctuary city.

Carlos Pineda requested the city become a sanctuary city.

Ruth Debra requested the city become a sanctuary city.

Patty Lasky requested the city become a sanctuary city.

Brenda Adams requested the city become a sanctuary city.

David Remington requested the city become a sanctuary city.

Chris Paddock requested the city become a sanctuary city.

Phyllis Burgess requested adding the invocation back on the agenda.

Frank Tysen provided comments on the work by the Vacation Rental ad hoc Subcommittee, Councilmembers Kors and Roberts.

Rick Pantele requested the city become a sanctuary city.

John Rivett requested the city become a sanctuary city.

Mark Matthews stated he is a resident of the Pinnacle Development, owned by Skyline Development LLC, a California limited liability corporation with the owner in Vancouver. He requested the following three (3) items be completed by the developer:
1. Completion of the roadways.
2. Completion of the sewer system, including the manholes to be at street level.
3. Placement of the monuments in accordance to the Subdivision Map Act.

COUNCILMEMBER COMMENTS, REQUESTS, REPORTS, AND UPCOMING AGENDA DEVELOPMENT:

Councilmember Kors stated since the 1980's the City and Police Department have had policies in place that citizens are not questioned about their immigration status; adding, he had previously requested an ordinance be placed on the agenda in March which will broaden the anti-discrimination practices covering many categories, including prohibiting officials from requesting information with respect to one's immigration status, religion, sexual orientation, prohibits profiling based on those categories.

Councilmember Kors requested the following be placed on the March 1, 2017, agenda, if possible:
1. Apartment Conversions. Recently an ordinance was adopted addressing the relocation expenses due to the conversion of apartments to hotels and condominiums, and would like to expand it to address all apartment conversions.
2. Discussion of the Sign Ordinance, the immediate need is to address portable signs.

Councilmember Kors commented on the portable signs on private/public properties/sidewalks on Palm Canyon. The need for enforcement to ensure ADA compliance with respect to portable signs. There are some signs placed in the middle of the sidewalk that does not allow ample space for a wheelchair to turn around.

Councilmember Mills stated the visitors center has approximately 335,000 visitors annually, and some of the space is leased to others i.e. the Monument, Tribe, and others. Requested placing on the next agenda consideration of the adjacent property for potential use by the Tram and Tribe, adding both the Tram and Tribe have made formal decisions to explore possibilities.

Councilmember Mills stated Mr. Matthews' request is viable, and requested enforcement and resolution.

Mayor Pro Tem Foat stated the CV Link ad hoc Subcommittee recently held a public meeting, and another Public Meeting will be held once the EIR Comment Period is closed.
Mayor Pro Tem Foat stated she and Councilmember Kors had another Homeless Task Force meeting and will provide a report at the next meeting.

At 11:01 p.m., Mayor Moon recessed the meeting in honor of Vyola Ortner to 9:30 a.m., Thursday, February 16, 2017, to continue discussion of EXPOSURE TO LITIGATION,

G.C. 54956.9(b) as posted on the Closed Session agenda; additionally he noted the next regular meeting will be Wednesday, March 1, 2017, at 6:00 p.m. in the Council Chamber, City Hall, preceded by Closed Session, in Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

February 16, 2017

At 9:30 a.m., Mayor Moon reconvened the Closed Session meeting in the Small Conference Room to continue discussion of EXPOSURE TO LITIGATION, G.C. 54956.9(b) as posted on the Closed Session agenda. Councilmembers Kors, Mills, Roberts, Mayor Pro Tem Foat, and Mayor Moon were present.

REPORT OF CLOSED SESSION: (Council Chamber) At 11:46 a.m., Douglas Holland, City Attorney, reported direction was provided and no reportable action was taken.

ADJOURNMENT: At 11:47 a.m., on Thursday, February 16, 2017, Mayor Moon adjourned the meeting to the next regular meeting Wednesday, March 1, 2017, at 6:00 p.m. in Council Chamber, City Hall, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

Respectfully submitted,

KATHLEEN D. HART, MMC
Interim City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) *ss.*
CITY OF PALM SPRINGS)

I, KATHLEEN D. HART, Interim City Clerk of the City of Palm Springs, California, hereby certify that the February 15, 2017, MINUTES were approved by the City Council of the City of Palm Springs at a regular meeting held on March 1, 2017, by the following vote:

AYES:	Councilmembers Kors, Mills, Roberts, Mayor Pro Tem Foat, and Mayor Moon
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSAL:	None

KATHLEEN D. HART, MMC
Interim City Clerk

Exhibit A

CITY COUNCIL

AND AS SUCCESSOR AGENCY TO THE
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF THE PALM SPRINGS

CITY OF PALM SPRINGS, CALIFORNIA

CLOSED SESSION AGENDA
Wednesday, February 15, 2017 – 4:30 p.m.

City Hall, Small Conference Room
3200 East Tahquitz Canyon Way, Palm Springs

CONFERENCE WITH LEGAL COUNSEL. The City Council finds, based on advice from the City Attorney, that discussion in open session of the following described matter(s) will prejudice the position of the City in existing and anticipated litigation.

EXISTING LITIGATION **G.C. 54956.9(a)**

Advocates for Better Community Development v. City of Palm Springs
Case No. RIC1615018, Riverside Superior Court, Riverside Division

Advocates for Better Community Development v. City of Palm Springs, Palm Springs
Case No. RIC1512884, Riverside Superior Court, Riverside Division

Elliott Forte v. City of Palm Springs et. al.
Case No. PSC1404656, Riverside Superior Court, Palm Springs Division

Amy Marschak v. City of Palm Springs; Erik Larson et al
Case 5:17-CV-00055, United States Court, Central District of California

PUBLIC EMPLOYMENT APPOINTMENT **G.C. 54957**

Position: City Attorney

CONFERENCE WITH REAL PROPERTY NEGOTIATOR **G.C. 54956.8**

Property Address/Description:	APN 669-330-029
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	Desert Community College District
Under Negotiation:	Price and Terms of Payment

Property Address/Description:	APN 513-460-033 (Right-of-Way)
Agency:	City of Palm Springs
City Negotiator:	Marcus L. Fuller, Assistant City Manager or Designee
Negotiating Parties:	4348 Lockwood Avenue, LLC
Under Negotiation:	Price and Terms of Payment (Easement)

EXPOSURE TO LITIGATION **G.C. 54956.9(b)**

4 Case(s)

INITIATION OF LITIGATION **G.C. 54956.9(c)**

3 Case(s)