



Wednesday, December 19, 2019
Minutes of the Regular Meeting of the City Council
of the City of Palm Springs

CALL TO ORDER:

A Regular Meeting of the Palm Springs City Council was called to order by Mayor Kors on Wednesday, December 19, 2019, at 6:05 p.m., in the Council Chamber, City Hall, located at 3200 E. Tahquitz Canyon Way, Palm Springs, California.

PLEDGE OF ALLEGIANCE:

Mayor Kors led the Pledge of Allegiance.

ROLL CALL:

Present: Councilmembers Lisa Middleton, Dennis Woods and Mayor Geoff Kors

Absent: Councilmember Grace Elena Garner and Mayor Pro Tem Christy Holstege

City Staff

Present: David H. Ready, City Manager; Jeffrey Ballinger, City Attorney; Marcus Fuller, Assistant City Manager; and Anthony J. Mejia, City Clerk, were present at Roll Call. Other staff members presented reports or responded to questions as indicated in the minutes.

PRESENTATIONS:

Mayor Kors and City Council presented a Proclamation to Jerry Keller declaring December 18, 2019, as “Barbara Keller Love Day” in the City of Palm Springs.

Mayor Kors and City Council presented a Proclamation to Catherine Salazar, Senior Financial Analyst, in recognition of her 28 years of service with the City.

Mayor Kors and City Council presented a Proclamation to Roxane O’Neil, Budget Audit and Revenue Supervisor, in recognition of her 25 years of service with the City.

Sustainability Manager Tallarico displayed photos and reported on the community garden dedication ceremony in memory of Michelle Mician, former Sustainability Manager.

Tom Tuckwood narrated a PowerPoint presentation regarding efforts to ensure that all residents are counted in the 2020 Census.

Mary Jo Ginther, representing the Palm Springs Bureau of Tourism, displayed videos and reported on the Uniquely Palm Springs marketing campaign.

ACCEPTANCE OF THE AGENDA:

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to remove Consent Calendar Item Nos. 1F, 1I, 1L, and 1N for separate discussion.

REPORT OF CLOSED SESSION:

The Regular Closed Session of the City Council of December 19, 2019, was called to order by Mayor Kors at 4:30 p.m., with all members present.

The meeting convened into Closed Session to discuss the following items as listed on the Regular Closed Session Meeting Agenda:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Pursuant to Government Code Section 54956.9(d)(1):

4328 Lockwood Avenue v. City of Palm Springs.

Case No. RIC 1703102, Superior Court of the State of California, County of Riverside

Robert Hildie v. City of Palm Springs.

Case No. PSC1908536, Superior Court of the State of California, County of Riverside

CONFERENCE WITH LEGAL COUNSEL – EXPOSURE TO LITIGATION, Pursuant to Government Code Section 54956.9(d)(2):

Six (6) matters that, under the existing circumstances, the City Attorney believes creates significant exposure to litigation.

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Pursuant to Government Code Section 54956.9(d)(4):

Under existing facts and circumstances, there are two (2) matters the City Council has decided or may decide to initiate litigation.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Pursuant to Government Code Section 54956.8:

Property Address/Description:	3111 East Tahquitz Canyon Way
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or designee
Negotiating Parties:	Joe Wallace, Coachella Valley Economic Partnership
Under Negotiation:	Price and Terms of Payment (Lease)

Property Address/Description:	3400 Tahquitz Canyon Way, Palm Springs (portions of airport)
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or designee
Negotiating Parties:	Chief Planning and Development Officer, Agua Caliente Band of Cahuilla Indians
Under Negotiation:	Price and Terms of Payment (Lease)
Property Address/Description:	287 S. El Cielo Road (APN 502-210-023)
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or designee
Negotiating Parties:	Coachella Valley Rescue Mission
Under Negotiation:	Price and Terms of Payment (Lease)
Property Address/Description:	3601 E. Mesquite Avenue, Palm Springs
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or designee
Negotiating Parties:	United Cerebral Palsy of the Inland Empire
Under Negotiation:	Price and Terms of Payment (Lease)

City Attorney Ballinger reported that the City Council received briefings and provided direction to staff regarding the agendaized Closed Session Items, but did not take any reportable action.

PUBLIC TESTIMONY:

Jeff Jones, speaking on Item 1F, voiced support for the all-way stop at the intersection of Belardo Road and Amado Road.

Ann Sheffer, speaking on Item 1N, requested that the City Council support the proposed murals; noted that the Public Arts Commission is taking efforts to increase engagement with public art.

Tracy Merrigan, speaking on Item 1N, voiced support for the proposed murals and discussed upcoming art projects throughout the City.

Jim Franklin, speaking on Item 3A, recommended that the City Council adopt the proposed ordinances and expressed appreciation for allowing self-certification of smoke detector inspections upon the transfer of real property.

Jeffrey Clarkson, speaking on Item 3B, voiced support for the proposed ordinance, noting that the Airport Commission unanimously supported the amendments.

CITY COUNCIL, SUBCOMMITTEE, AND CITY MANAGER'S COMMENTS AND REPORTS:

Sustainability Manager Tallarico provided an update on proposed trash cans for the Downtown.

Assistant City Manager Fuller provided an update on the Indian Canyon two-way conversion project.

Councilmember Middleton reported on her participation in the Wreath Across America event in honor of veterans; spoke on her participation in the first LGBTQ & Aging Seminar at the Convention Center; invited the community to attend the Class 1 Historic Site dedication ceremony for the American Legion building on January 3, 2020; noted that CalPERS will be seeking stakeholder input on January 22, 2020, and recommended that City representative participate in the meeting.

Mayor Kors reported on recent meetings and events held in Palm Springs; provided updates regarding Desert Community Energy and the activities of the Business Retention Standing Committee; provided status updates on the Andaz Hotel, Dream Hotel, Orchid Tree Hotel, Tova Hotel, and Virgin Hotel; requested that staff agendize quarterly updates on major projects and developments occurring throughout the City.

1. CONSENT CALENDAR:

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to approve the consent calendar, with the removal of Item Nos. 1F, 1I, 1L, and 1N for separate discussion.

A. APPROVAL OF MINUTES

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to approve the City Council Meeting Minutes of December 4, 2019.

B. APPROVAL OF PAYROLL WARRANTS, CLAIMS, AND DEMANDS

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to adopt Resolution No. 24685 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDING 11-16-2019 BY WARRANTS NUMBERED 420898 THROUGH 420910 TOTALING \$32,830.17 CLAIMS, DEMANDS AND LIABILITY CHECKS NUMBERED 1109919 THROUGH 1110207 TOTALING \$3,162,893.63, FOUR WIRE TRANSFERS FOR \$73,230.16, AND FIVE ELECTRONIC ACH DEBITS OF \$1,720,472.98 IN THE AGGREGATE AMOUNT OF \$4,989,426.94, DRAWN ON BANK OF AMERICA."

C. APPROVE THE ADDENDUM TO THE THIRD AMENDMENT AND RESTATEMENT OF THE JOINT POWERS AGREEMENT OF THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS ADMITTING THE TORRES MARTINEZ DESERT CAHUILLA INDIANS AS A MEMBER OF THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to:

1. Approve the addendum to the Third Amendment and Restatement of the Coachella Valley Association of Governments Joint Powers Agreement, establishing the Torres Martinez Desert Cahuilla Indians as formal members.
2. Authorize the Mayor and City Manager to execute all documents related to its implementation.

D. APPROVAL OF PLANS, SPECIFICATIONS, AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE HIGHWAY SAFETY IMPROVEMENT PROJECT (CYCLE 7), FEDERAL-AID PROJECT NO. HSIPL-5282 (046), CITY PROJECT NO. 15-32

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to approve the plans, specifications, and estimate; and authorize staff to advertise and solicit bids for the Highway Safety Improvement Project (Cycle 7), City Project No. 15-32.

E. APPROVAL OF PROGRAM SUPPLEMENT AGREEMENT NO. F049 WITH THE STATE OF CALIFORNIA FOR USE OF HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) FUNDS FOR THE HIGHWAY SAFETY IMPROVEMENT PROJECT (CYCLE 9), FEDERAL-AID PROJECT NO. HSIPLN-5282(049), CITY PROJECT NO. 18-05

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to adopt Resolution No. 24686 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. F049 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282F15 WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$303,500 FOR USE OF HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) FUNDS FOR THE HIGHWAY SAFETY IMPROVEMENT PROJECT (CYCLE 9), FEDERAL-AID PROJECT NO. HSIPL-5282 (049), CITY PROJECT NO. 18-05."

F. APPROVAL OF AN ALL-WAY STOP AT THE INTERSECTION OF BELARDO ROAD AND AMADO ROAD

This item was excluded from the Consent Calendar. Please refer to Page 8 of these minutes for a summary of that action.

G. REQUEST FOR APPROVAL OF MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR CLASS 1 HISTORIC SITE LOCATED AT 127 EAST TWIN PALMS DRIVE (ROYAL HAWAIIAN ESTATES HD-2)

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to:

1. Approve a Mills Act Historic Property Preservation Agreement between the City of Palm Springs, Anthony Gentilella and the Royal Hawaiian Estates Homeowners Association, for 127 East Twin Palms Drive (HSPB 73 HD-2).
2. Authorize the City Manager to execute the Agreement.
3. Direct the City Clerk to record the Agreement.

H. REQUEST FOR APPROVAL OF MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR CLASS 1 HISTORIC SITE LOCATED AT 360 CABRILLO ROAD UNIT 110 (RACQUET CLUB COTTAGES WEST HD-3)

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to:

1. Approve a Mills Act Historic Property Preservation Agreement between the City of Palm Springs, Katherine Cavallini and Shaun Cunningham and the Racquet Club Garden Villas Homeowners Association, for 360 Cabrillo Road Unit 110 (HSPB #88 / HD-3).
2. Authorize the City Manager to execute the Agreement.
3. Direct the City Clerk to record the Agreement.

I. ACCEPT RESIGNATIONS FROM THE HISTORIC SITE PRESERVATION BOARD AND HUMAN RIGHTS COMMISSION

This item was excluded from the Consent Calendar. Please refer to Page 9 of these minutes for a summary of that action.

J. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTHS OF OCTOBER AND NOVEMBER 2019

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of October 1, 2019 through November 30, 2019.

K. APPROVAL OF AMENDMENT NO. 5 IN THE AMOUNT OF \$10,000 TO PROFESSIONAL SERVICES AGREEMENT NO. A6132 WITH MICHAEL FONTANA AND ASSOCIATES FOR ON-CALL FACILITY CONSTRUCTION OWNER REPRESENTATIVE SERVICES

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to:

1. Approve Amendment No. 5 to Agreement No. A6132, increasing the contract amount by \$10,000, for a total not to exceed \$210,000, with Michael Fontana and Associates for On-Call Facility Construction Owner Representative Services.
2. Authorize the City Manager to execute all necessary documents.

L. APPROVAL OF BILLBOARD RELOCATION AND SETTLEMENT AGREEMENT WITH LAMAR CENTRAL OUTDOOR, LLC, A DELAWARE LIMITED LIABILITY CORPORATION FOR THE RAMON ROAD AND BRIDGE WIDENING PROJECT, CITY PROJECT NO. 08-25, FEDERAL AID PROJECT NO. BHLS 5282 (040); APN 677-420-023

This item was excluded from the Consent Calendar. Please refer to Page 9 of these minutes for a summary of that action.

M. CITY OF PALM SPRINGS DEVELOPMENT PROJECT FEE REPORT FOR FISCAL YEAR 2018-19

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to receive and File the City's Development Project Fee Report for Fiscal Year 2018-19.

N. REQUEST BY THE PALM SPRINGS PUBLIC ARTS COMMISSION FOR APPROVAL OF TWO ART MURALS ON THE NORTH FACADE OF THE PALM SPRINGS CULTURAL CENTER AT 2300 EAST BARISTO ROAD (CASE 19-004 MUR)

This item was excluded from the Consent Calendar. Please refer to Page 9 of these minutes for a summary of that action.

O. APPROVAL AND TRANSMITTAL OF RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE (ROPS 20-21A AND 20-21B) FOR THE PERIOD OF JULY 1, 2020 THROUGH JUNE 30, 2021, PURSUANT TO SECTION 34169(G)(1) OF CALIFORNIA HEALTH & SAFETY CODE

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to adopt Resolution No. 24690 entitled, "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 20-21 A&B) AND AN ADMINISTRATIVE EXPENSE BUDGET FOR THE PERIOD OF JULY 1, 2020, THROUGH JUNE 30, 2021, PURSUANT TO THE CALIFORNIA HEALTH & SAFETY CODE."

P. RANGE SERVICES AGREEMENT BETWEEN PALM SPRINGS POLICE DEPARTMENT AND STATE OF CALIFORNIA, DEPARTMENT OF CORRECTIONS AND REHABILITATION, 2019-2022

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to:

1. Approve a Facilities Use Agreement with the State of California - Department of Corrections and Rehabilitation to use the Palm Springs Police Department's firing range, with an estimated \$11,704 in revenue to the City, through June 30, 2022.
2. Authorize the City Manager to execute all necessary documents.

EXCLUDED CONSENT CALENDAR:

F. APPROVAL OF AN ALL-WAY STOP AT THE INTERSECTION OF BELARDO ROAD AND AMADO ROAD

Assistant City Manager Fuller presented the staff report.

Mayor Kors requested that temporary stop signs, in addition to the permanent stop sign, be setup for a short duration to assist residents while becoming acquainted to the new all-way stop.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to adopt Resolution No. 24687 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE CITY ENGINEER TO ESTABLISH AN ALL-WAY STOP CONTROLLED INTERSECTION AT BELARDO ROAD AND AMADO ROAD IN ACCORDANCE WITH SECTION 12.16.030 OF THE PALM SPRINGS MUNICIPAL CODE."

I. ACCEPT RESIGNATIONS FROM THE HISTORIC SITE PRESERVATION BOARD AND HUMAN RIGHTS COMMISSION

Mayor Kors requested that Certificates of Appreciation, signed by all Councilmembers, be issued to all outgoing Board Members and Commissioners.

MOTION BY COUNCILMEMBER WOODS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 3-0, to:

1. Accept with regret the resignation of William LaVoie from the Historic Site Preservation Board.
2. Accept with regret the resignations of Jim Gross and David Morgan from the Human Rights Commission.

L. APPROVAL OF BILLBOARD RELOCATION AND SETTLEMENT AGREEMENT WITH LAMAR CENTRAL OUTDOOR, LLC, A DELAWARE LIMITED LIABILITY CORPORATION FOR THE RAMON ROAD AND BRIDGE WIDENING PROJECT, CITY PROJECT NO. 08-25, FEDERAL AID PROJECT NO. BHLS 5282 (040); APN 677-420-023

In response to City Council inquiry, Assistant City Manager Fuller advised that no General Funds are being used in relation to this matter.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to:

1. Approve an Agreement for a Billboard Relocation and Settlement Agreement for relocation of a double-faced, outdoor advertising display structure, in the amount of \$150,000 with Lamar Central Outdoor, LLC, a Delaware Limited Liability Corporation.
2. Authorize the City Manager to execute all necessary documents.

N. REQUEST BY THE PALM SPRINGS PUBLIC ARTS COMMISSION FOR APPROVAL OF TWO ART MURALS ON THE NORTH FACADE OF THE PALM SPRINGS CULTURAL CENTER AT 2300 EAST BARISTO ROAD (CASE 19-004 MUR)

In response to City Council inquiry, Mrs. Sheffer advised that the Public Arts Commission hosted a Public Hearing on-site to discuss the proposed murals; opined that the murals will be complimentary to each other.

MOTION BY COUNCILMEMBER WOODS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 3-0, to:

1. Adopt Resolution No. 24688 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN ART MURAL ENTITLED "VISITING MIRAGE" ON THE NORTH FACADE OF THE PALM SPRINGS CULTURAL CENTER AT 2300 EAST BARISTO ROAD (CASE 19-004 MUR)."
2. Adopt Resolution No. 24689 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN ART MURAL ENTITLED "TRANSPLANT" ON THE NORTH FACADE OF THE PALM SPRINGS CULTURAL CENTER AT 2300 EAST BARISTO ROAD (CASE 19-004 MUR)."

2. PUBLIC HEARINGS:

A. APPEAL BY STEVE AGUILAR ON BEHALF OF MONTALVO ENTERPRISE, LLC, OF THE PLANNING COMMISSION ACTION TO DENY A CONDITIONAL USE PERMIT (CUP) APPLICATION TO OPERATE AN 8,740-SQUARE FOOT CANNABIS MANUFACTURING, CULTIVATION, TRANSPORTATION AND DISTRIBUTION FACILITY WITHIN FOUR UNITS OF A VACANT 13-UNIT INDUSTRIAL BUILDING LOCATED AT 1251 MONTALVO WAY, UNITS B THROUGH E, ZONED M-1-P, SECTION 07 (CASE 5.1475- CUP)

Director of Planning Services Fagg narrated a PowerPoint presentation and responded to City Council inquiries.

Mayor Kors opened the Public Hearing.

Steve Aguilar, Appellant, asserted that the Planning Commission did not fully-consider the amended odor control plan; stated that the facility will utilize State of the Art odor control equipment.

Paula Auburn, voiced opposition to the proposed facility, citing concerns related to odors; opined that the revised odor control plan should be remanded to the Planning Commission for reconsideration.

Neil Garrett, expressed opposition to the proposed project, voicing concern related to cannabis odors and close proximity to a Montessori school.

Sheeryn Asghari, spoke on her concerns related to cannabis odors, suggesting that the facility should be relocated away from residential areas.

The following individuals spoke in support of Mr. Aguilar's personal character and opined that the odor control plan is sufficient to control cannabis odors:

Erik Flexner
Ziari Aguilar
Jeff Fultz

Renee Aguilar
Zoran Hindrich

Lance Strumpf, Attorney representing Mr. Aguilar, pointed out that the City's odor control consultant advised that it is feasible that the facility can be engineered to control odors; expressed a desire for the application to proceed under the existing ordinance requirements.

Steve Aguilar, urged the City Council to work with him to address any odor concerns.

There being no others desiring to speak, Mayor Kors closed the Public Hearing.

In response to City Council inquiry, City Attorney Ballinger advised that the application will be processed under the existing ordinance, noting that violations against the City's odor regulations would be an operational citation and applicable to all cannabis facilities; noted that the new cannabis regulations will also require labor peace agreements for all cannabis facilities, as applicable.

In response to City Council inquiry, Director Fagg advised that the odor control plan submitted by the applicant tonight has not been reviewed by the Planning Commission or the City's odor control consultant; noted that the facility complies with distance requirements from protected uses.

Following discussion, MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to refer this matter to the Planning Commission for reconsideration based on the revised odor control plan.

The City Council requested that the revised odor control plan be submitted to the City's Odor Control Consultant for review and comments prior to consideration by the Planning Commission.

B. AN APPLICATION BY THE PALM SPRINGS PRESERVATION FOUNDATION ("PSPF") REQUESTING CLASS 1 HISTORIC RESOURCE DESIGNATION OF "INSPIRATION POINT" (AKA "THE PROMONTORY") LOCATED AT THE WESTERN TERMINUS OF CHINO DRIVE, CASE HSPB #115

Planning Services Director Fagg narrated a PowerPoint presentation and responded to City Council inquires.

Mayor Kors opened the Public Hearing.

Irene Block, Applicant, representing the Palm Springs Preservation Foundation, spoke in support of nomination for historic designation of the site; noted that the Foundation considered the site to be a potential historic site in 1970.

Brian Foster, property owner, advised that he intends to preserve all historic attributes which do not interfere with the potential development of the site; voiced opposition to including the platform within the historic designation, noting that he opposes any designation which would interfere or undermine the future development of the site.

Following individuals spoke in support of the Class 1 Historic Designation and requested that the site platform be included in the historic designation:

Jan Harper
Hugh Kaptur
Tom Jakway

Tempe Essell
Steve Keylon

Scott Lyle, realtor for Mr. Foster, asserted that the Historic Site Preservation Board is opposed to any hillside development at the site and overreached by recommending inclusion of the site platform.

Brad Anderson, opined that if the property owner does not support the historic designation, that it should not be imposed by the City.

Hugh Kaptur, on behalf of Irene Block, spoke on the importance of preserving the City's heritage, noting that significant structures such as the Desert Inn have been lost to new developments; suggested that the City and/or private organizations should work towards purchasing and preserving this site.

Brian Foster, property owner, advised that he supports the nomination, as he has no intention to destroy the retaining wall; noted that the portions of the retaining wall may need modifications to allow for vehicular access; spoke on the importance of preserving property owner rights.

There being no others desiring to speak, Mayor Kors closed the Public Hearing.

In response to City Council inquiry, City Attorney Ballinger stated that views are not a character defining characteristic considered by the City; opined that inclusion of the site platform could be deemed a property taking by the courts.

In response to City Council inquiry, Director Fagg advised that the site could be developed for a single family residence and would be subject to Architectural Advisory Committee and Planning Commission review; advised that the retaining wall may need modifications if the four lot subdivision at the base of the hillside were to move forward due to the need for road widening for fire protection.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to adopt Resolution No. 24691 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING "INSPIRATION POINT" (AKA "THE PROMONTORY") LOCATED AT THE WESTERN TERMINUS OF CHINO DRIVE, EXCLUDING THE PROMONTORY PLATFORM ITSELF, AS A CLASS 1 HISTORIC RESOURCE, SUBJECT TO CONDITIONS (APN'S 513-070-006 AND 505-312-007)," noting that the subject property meets criteria 1-6.

C. REQUEST BY FENTON BOOTH ON BEHALF OF GLENWOOD MANAGEMENT GROUP, LLC, FOR A PROPOSED TENTATIVE TRACT MAP 37807 (TTM 37807) FOR THE CREATION OF A ONE-LOT CONDOMINIUM MAP FOR A PREVIOUSLY APPROVED 17-UNIT APARTMENT COMPLEX LOCATED AT 2150 NORTH ZANJERO ROAD; ZONE R-2; SECTION 03 (CASE TTM 37807)

Planning Services Director Fagg narrated a PowerPoint presentation and responded to City Council inquiries.

Mayor Kors opened the Public Hearing.

Fenton Booth, Applicant, explained that the development will not support market rate apartments, noting that rents could be as high as \$3,000 per month; requested that the City Council support the continued deferral of Engineering Conditions of Approval Nos. 4-10. In response to City Council inquiry, Mr. Booth advised that the condominiums will be listed for \$399,000 up to \$650,000.

There being no others desiring to speak, Mayor Kors closed the Public Hearing.

In response to City Council inquiry, Assistant City Manager Fuller advised that staff recommends the continued deferral of Engineering Conditions of Approval Nos. 4-10; explained that the deferred conditions will be recorded on title and must be disclosed to future buyers.

Mayor Kors recommended that staff review on all deferred improvements on an annual basis.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to adopt Resolution No. 24692 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PROPOSED TENTATIVE TRACT MAP TTM 37807 FOR THE CREATION OF A ONE-LOT CONDOMINIUM MAP FOR A PREVIOUSLY APPROVED 17-UNIT APARTMENT COMPLEX LOCATED AT 2150 NORTH ZANJERO ROAD," with direction to defer Conditions of Approval Nos. 4-10 (Engineering).

D. REQUEST BY EHOFF CANYON VIEW, LLC, FOR A TWO-YEAR EXTENSION OF TIME FOR VESTING TENTATIVE TRACT MAP 36969 FOR 80 SINGLE-FAMILY RESIDENTIAL LOTS AND 27 LETTERED LOTS FOR OPEN SPACE, DRAINAGE FACILITIES AND PRIVATE STREETS ON AN UNDEVELOPED 13.25-ACRE PARCEL LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE, ZONE PDD-381 (CASE VTMM 36969)

Director of Planning Services Fagg presented the staff report.

Donald Povieno, Applicant, advised that additional time is needed due to delays related to the Riverside County Flood Control and Water Conservation District.

There being no others desiring to speak, Mayor Kors closed the Public Hearing.

In response to City Council inquiry, Director Fagg confirmed that he anticipates it could take up to two years to resolve issues with the Riverside County Flood Control and Water Conservation District.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to adopt Resolution No. 24693 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A TWENTY FOUR MONTH EXTENSION FOR VESTING TENTATIVE TRACT MAP 36969 (VTTM 36969) BY EHOFF CANYON VIEW, LLC, FOR A SUBDIVISION CONSISTING OF 80 SINGLE-FAMILY RESIDENTIAL LOTS AND 27 LETTERED LOTS FOR OPEN SPACE, DRAINAGE FACILITIES AND PRIVATE STREETS ON 13.25-ACRES OF LAND LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE."

E. CALLING AND CONDUCTING A SPECIAL ELECTION AND INTRODUCING AN ORDINANCE AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN ANNEXATION NO. 21, 22, AND 23 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to continue the Public Hearing to the City Council meeting of January 9, 2020.

3. LEGISLATIVE:

A. PROPOSED ORDINANCES ADOPTING AND AMENDING THE 2019 CALIFORNIA BUILDING STANDARDS CODE (TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS), THE 2019 CALIFORNIA FIRE CODE, THE 2019 CALIFORNIA BUILDING CODE, THE 2019 CALIFORNIA RESIDENTIAL CODE, THE 2019 CALIFORNIA PLUMBING CODE, THE 2019 CALIFORNIA MECHANICAL CODE, THE 2019 CALIFORNIA ELECTRICAL CODE, THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 2019 CALIFORNIA ENERGY CODE, THE 2019 CALIFORNIA EXISTING BUILDING CODE, THE 2019 CALIFORNIA HISTORICAL BUILDING CODE, AND ADOPTING AND AMENDING THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE

Assistant City Manager Fuller, Building Official Estrada, and Fire Chief Nalder presented the staff report.

Following discussion, MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to:

1. Introduce Ordinance No. 2008 entitled, "AN ORDINANCE OF THE CITY COUNCIL 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 2019 CALIFORNIA BUILDING CODE, INCLUDING CHAPTER 1, APPENDICES C, I, AND J; THE 2019 CALIFORNIA RESIDENTIAL CODE, INCLUDING APPENDIX H; THE 2019 CALIFORNIA MECHANICAL CODE; THE 2019 CALIFORNIA PLUMBING CODE, INCLUDING APPENDICES A, B, D, G, H, I AND K; THE 2019 CALIFORNIA EXISTING BUILDING CODE; THE 2019 CALIFORNIA HISTORICAL BUILDING CODE, INCLUDING APPENDIX A; THE 2019 CALIFORNIA ELECTRICAL CODE, INCLUDING ALL APPENDICES; THE 2019 CALIFORNIA ENERGY CODE, INCLUDING ALL APPENDICES; THE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE; AND THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE, INCLUDING ALL APPENDICES."
2. Introduce Ordinance No. 2009 entitled, "AN ORDINANCE OF THE CITY COUNCIL 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 2019 CALIFORNIA FIRE CODE, INCLUDING CERTAIN APPENDICES."

B. INTRODUCE AN ORDINANCE TO AMEND SECTION 2.16.042 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO THE AIRPORT COMMISSION'S STANDING NOISE SUBCOMMITTEE

City Manager Ready presented the staff report.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-0, to introduce Ordinance No. 2010 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 2.16.042 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO THE COMMISSION'S STANDING NOISE SUBCOMMITTEE."

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS: None.

PUBLIC COMMENT:

George Wolf, opined that property demolition permit costs should be increased to create more barriers toward demolition.

Brad Anderson, asserted that the Coachella Valley Mosquito and Vector Control District is not adequately addressing mosquitos and vector-borne diseases; opined that the City Council should oppose the District's attempts to inspect private pools within Palm Springs.

CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT:

Mayor Kors requested that the following items be agendized:

- Require that all Boards and Commissions meetings begin no sooner than 5:30 p.m.
- Modify eligibility requirements to allow non-citizens, persons working in Palm Springs, and high school students to serve on City Boards and Commissions, and ensure that eligibility regulations are consistent with the City non-discrimination requirements.
- Discussion and direction regarding One-PS.
- Mid-year budget update.
- Update on the SunLine Buzz Trolley.
- Amendment to the Agreement with PS Resorts to extend the term of the agreement.
- Discussion of options for quiet firework displays.

Councilmember Middleton requested that staff seek each Councilmember's preference for assignments on subcommittees and external organizations and agendize discussion of district-based town hall meetings.

ADJOURNMENT:

The City Council adjourned at 9:55 p.m.

Respectfully submitted,


Anthony J. Mejia, MMC
City Clerk

APPROVED BY CITY COUNCIL: 01/09/2020