

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



**MEETING MINUTES
WEDNESDAY, DECEMBER 16, 2015
CITY HALL COUNCIL CHAMBER**

CALL TO ORDER: Mayor Moon called the meeting to order at 6:06 p.m.

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

INVOCATION: Reverend 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:

Mayor Moon announced the Palm Springs Police Department 911 texting system, and provided an update on the 2015 Downtown Holiday Tree Lighting, the Festival of Lights Parade, Squats for Tots event, the Tram Holiday Tree Lighting, the 911 Memorial Dedication at Palm Springs Fire Department Administration, and the JFK Bust Sculpture Rededication at the Palm Springs International Airport.

Mayor Pro Tem Mills provided an update on the Palm Springs Police Officers Association Golf Tournament.

Councilmember Foat announced National Homeless Persons Memorial Day on December 21, 2015.

Mayor Moon announced the upcoming 2016 Palm Springs International Film Festival.

Councilmember Foat provided an update on pets for adoption by the Friends of the Palm Springs Animal Shelter.

REPORT OF CLOSED SESSION:

The meeting was called to order at 4:30 p.m. and 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 Kors requested the City Council table public hearing Item 1.B. to January 6, 2016.

Mayor Pro Tem Mills noted his abstention on Item 2.C. Warrant No. 1082255, as he is a member of the organization, and noted his business related abstention on Item 2.R. as his firm has a project within 500 feet.

Councilmember Foat requested Item 2.R. be removed from the Consent Calendar for separate discussion.

Councilmember Roberts commented on the continuance of public hearing Item 1.B.

City Manager Ready requested the City Council remove Item 2.Q. from the Consent Calendar and that it be heard under new business, and amend the recommendation and motion for Item 2.M. to delete the appropriation and approve the plans and specifications.

ACTION: 1) Continue the public hearing Item 1.B. to January 6, 2016; a 2) Direct the City Clerk to post a Notice of Continued Public Hearing pursuant to law; and 3) Accept the Agenda as amended. **Motion Councilmember Kors, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

1. PUBLIC HEARINGS:

1.A. REVIEW AND EVALUATION OF APPLICATIONS AND AWARD A SIXTH PERMIT FOR A MEDICAL CANNABIS COOPERATIVE OR COLLECTIVE AND CEQA EXEMPTION DETERMINATION:

City Attorney Holland provided background information as outlined in the Staff Report dated December 16, 2015.

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

MICHAEL ABSHER and RICK REMINGTON, Earth Research Labs, commented on the merits of Earth Research Labs.

CHARLES KIELEY, P.S. Patients Collective, outlined the merits of P.S. Patients Collective.

RUBEN HARUTYUNYAN and UNNAMED SPEAKER, Desert Water Coop, outlined the merits of the Desert Water Coop.

BRETT ROPER, Southern C's, outlined the merits of Southern C's.

JOY BROWN MEREDITH, Joy of Life Wellness Center, outlined the merits of Joy of Life Wellness Center.

MATT ROBINSON, Palm Springs, stated his support of Joy of Life Wellness Center.

ROBERT BELL, Palm Springs, stated his support of Joy of Life Wellness Center.

PATRICK HARRINGTON, stated his support of Joy of Life Wellness Center.

RICHARD JENKINS, Palm Springs, stated his opposition to P.S. Patients Collective due to the location and proximity to the dance studio.

NIKOHL VANDEL, Palm Springs, commented on the process.

JOSH JONES, stated his support for Desert Water Coop.

STEPHANIE JENKINS, Palm Springs, SAJ Dance Productions, commented on the application from P.S. Patients Collective and the proximity to the dance studio.

ROBERT VAN ROO, Palm Springs Safe Access, stated his support for additional locations and opening the zoning, commented on testing results, and stated his support for Southern C's and Joy of Life Wellness Center.

CHARLIE KIELEY, P.S. Patients Collective, outlined the merits of P.S. Patients Collective.

MARK MORAN, stated his support for P.S. Patients Collective, and requested the City Council consider additional permits.

PATRICIA ROGERS, stated her support for Desert Water Coop.

LESTER DOUGLAS, Palm Springs, stated his support for Desert Water Coop.

ANNEMARIE BALDONADO, stated her support for Desert Water Coop.

SLY GARCIA, stated his support for Desert Water Coop.

RON WILLIAMS, requested the City Council consider Desert Water Coop.

MIKE MCFARLAND, stated his support for Desert Water Coop.

VIRGIL MCFARLAND, stated his support for Desert Water Coop.

MICHAEL ESTLER, stated his support for Desert Water Coop.

KIM RENEE HARTLESS, spoke in support of Desert Water Coop.

GERALD GAMACHE, Palm Springs, stated his support for Desert Water Coop.

TIFFANY HALL, stated her support for the Desert Water Coop.

BECCA WESTOM, stated her support for the Desert Water Coop.

JP FAUSTO, stated his support for the Desert Water Coop.

PATRICIA SALAZAR, stated her support for the Desert Water Coop.

JERROLD LYONS, stated his support for the Desert Water Coop.

MARK LAWS, stated his support for Desert Water Coop.

JASMINE LIRA, stated her support for Desert Water Coop.

IAN ARMSTRONG, spoke in support of Desert Water Coop.

KIRSTEN CUNNINGHAM, stated her support for Desert Water Coop.

MICHAEL STEWARD, Palm Springs, stated his support for P.S. Patients Collective.

GRANT HANDZLIK, stated his support for Desert Water Coop.

MICHELLE FLOWERS, stated her support for Desert Water Coop.

DAJA FOUNTAIN, stated her support for Desert Water Collective.

KATE BRYAN, stated her support for Desert Water Coop.

KOBI GHAZ, stated his support for Desert Water Coop.

MARK ST. JOHN, stated his support for Desert Water Coop.

GINA GIULIANI, stated her support for the Joy of Life Wellness Center.

GARY CHERLIN, commented on the location of Southern C's in proximity to Desert Organic Solutions, and stated they are only interested in cultivating.

SHELLI JOHNSON, stated her support for Desert Water Coop.

DENISE RODRIGUEZ BOWMAN, commented on the location of P.S. Patients Collective and the proximity to SAJ Dance Studio, and requested the City Council not approve a permit at that location.

KURT HANDSHUH, stated his support for Joy of Life Wellness Center.

JENNIFER EVERETT, stated her support for Desert Water Coop.

COREY TRAVIS, stated his support for Joy of Life Wellness Center.

JOHN BERKICH, stated his support for the Joy of Life Wellness Center, and noted the conditions that exist for the City Council to make findings for an Administrative Modification.

RICK PANTELE, stated the best location for patients is P.S. Patients Collective and requested the City Council issue a permit to P.S. Patients Collective.

FRANCISCO CUORAS, stated his support for Desert Water Coop.

ZACHARY JAVIER HERNANDEZ, stated his support for Desert Water Coop.

CHARLES LAMONTE, stated his support for P.S. Patients Collective.

HAROLD MATZNER, stated his support for Joy of Life Wellness Center.

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

Councilmember Foat commented on the selection process.

Councilmember Roberts commented on the zoning restrictions, and stated the collectives should be treated like pharmacies under the zoning code, commented on the merits of the applications, stated his concerns regarding a location near a dance studio, and noted his preference for P.S. Patients Collective and Joy of Life Wellness Center.

Councilmember Kors requested the City Attorney address the current State law, and the use of the areas for the expansion of recreational cannabis.

Councilmember Foat commented on the three applications as Staff has identified to best meet the requirements, and stated her support for P.S. Patients Collective.

Mayor Moon commented on the location of Desert Water Coop, the business operations of medical cannabis and potential longevity, and stated his support for Joy of Life Wellness Center.

Mayor Pro Tem Mills commented on the illegal operations at Desert Water Coop, the location of Joy of Life Wellness Center site and the intent of the ordinance with the Administrative Modification, the underlying zoning and intended zoning of the P.S. Patients Collective, and stated the merits of the location on Oasis Road.

Councilmember Kors commented on the three applications as outlined by Staff, both Joy of Life Wellness Center and P.S. Patients Collective could serve the community, and noted his preference for the location on Oasis Road.

Councilmember Roberts commented on the unpermitted operations by Desert Water Coop, and outlined the merits of P.S. Patients Collective, and requested P.S. Patients Collective representative address the public benefit and concerns with the dance studio.

Mayor Moon commented on the merits of Joy of Life Wellness Center and requested the applicant address her background for cultivation and managing a collective, and commented on the qualifications of Joy Meredith and her compassion and dedication to the community.

Councilmember Roberts recommended the City Council award the permit to P.S. Patients Collective with an additional condition to work closely with Staff for a solution on separation between the dance studio and no consumption on site.

MOTION: Adopt Resolution awarding a permit it P.S. Patients Collective.
Motion Councilmember Roberts, seconded by Councilmember Foat and failed 2-3 on a roll call vote.

AYES: Councilmember Foat and Councilmember Roberts.

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

ACTION: Adopt Resolution No. 23938, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN APPLICATION BY JOY OF LIFE WELLNESS CENTER FOR A PERMIT TO OPERATE A MEDICAL CANNABIS COLLECTIVE OR COOPERATIVE AT 142 OASIS ROAD, CALIFORNIA, 92262 (ZONE M1)," amending the resolution for the Administrative Modification. **Motion Mayor Moon, seconded by Mayor Pro Tem Mills and carried 3-2 on a roll call vote.**

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

NOES: Councilmember Foat and Councilmember Roberts.

The City Council recessed at 9:18 p.m.

The City Council reconvened at 9:30 p.m.

1.B. CONSIDERATION OF AN AMENDMENT TO THE MUSEUM MARKET PLAZA SPECIFIC PLAN AND ADDENDUM NO. 2 TO THE FINAL ENVIRONMENTAL IMPACT REPORT (CASE NO. 5.1204 SP A-1):

The public hearing was continued to January 13, 2016. See motion under Councilmember Comments.

PUBLIC COMMENT:

THOMAS WORTHY, commented on his demands and claims against the City.

TRAVIS ARMSTRONG, commented on Item 2.R. and requested if the surrounding neighborhood organization could be informed, the recruitment of commissions and board, and the condition of the dog park.

JANICE SMITH, commented on the Downtown Revitalization Project and the height of buildings.

DONNA CHABAN, Palm Springs, commented on the height limit at the Downtown Revitalization project, and vacation rental regulations.

TONY AGUILAR, Palm Springs, commented on the growth of Palm Springs, and requested the City Council consider naming a street after Trini Lopez.

MARK WALTHOUR, commented on Item 2.M. and the performing venue at the Desert Highland Unity Center and requested the stage be enclosed.

SHELLEY HAMILTON, commented on the Plaza Racquet Club.

ROBERT STONE, commented on the Downtown Revitalization Project.

ROBERT VAN ROO, commented on the creation of a City Council subcommittee for medical cannabis.

FRANK TYSEN, commented on the Specific Plan amendment.

LUCIE ARNAZ LUCKINBILL, commented on the Downtown Revitalization Project and Downtown height limits.

STEVE ROSENBERG, commented on the Downtown Revitalization Project.

STEPHANIE AUSTIN, commented on the Downtown Revitalization Project.

PAMELA STEELE, commented on the Plaza Racquet Club.

HAROLD MATZNER, commented on the Plaza Racquet Club.

LAURENCE LUCKINBILL, commented on the Downtown Revitalization Project and height limits in Downtown.

ACTION: Continue past the 10:00 p.m. tentative adjournment time. **Motion Councilmember Foat, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS:

Mayor Pro Tem Mills requested City Staff review and prioritize the Parks and Recreation Commission review of the tennis courts that could be lost at the Plaza Racquet Club and potential to add courts to Ruth Hardy Park.

Councilmember Roberts commented on Strategic Planning, and recommended the City Council provide some firms to the City Manager for selection.

Mayor Moon commented on the use of study sessions, and the City Council discussed a Study Session for Museum Market Plaza Specific Plan.

ACTION: Reconsider continuing public hearing Item 1.B. to an adjourned regular meeting for Wednesday, January 13, 2016, and 2) Direct Staff to schedule Study Session to discuss the Museum Market Plaza Specific Plan on Wednesday, January 6, 2016. **Motion Councilmember Foat, seconded by Mayor Moon and unanimously carried on a roll call vote.**

Councilmember Kors requested the City Manager place on a future agenda for the second meeting in February an ordinance updating discrimination laws.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., 2.H., 2.I., 2.J., 2.K., 2.L., 2.M., 2.N., 2.O., and 2.P. **Motion Mayor Pro Tem Mills, 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 December 16, 2015, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of December 2, 2015. **Approved as part of the Consent Calendar.**

2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:

ACTION: 1) Adopt Resolution No. 23939, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1081408 THROUGH 1081588 IN THE AGGREGATE AMOUNT OF \$2,068,434.95, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23940, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 10-10-2015 BY WARRANTS NUMBERED 419307 THROUGH 419324 TOTALING \$24,345.12, LIABILITY CHECKS NUMBERED 1081589 THROUGH 1081607 TOTALING \$101,996.65, FIVE WIRE TRANSFERS FOR \$58,440.46, AND THREE ELECTRONIC ACH DEBITS OF \$1,157,373.44 IN THE AGGREGATE AMOUNT OF \$1,342,155.67, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23941, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1081608 THROUGH 1081703 IN THE AGGREGATE AMOUNT OF \$688,983.54, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 23942, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1081704 THROUGH 1081853 IN THE AGGREGATE AMOUNT OF \$4,579,232.83, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 23943, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 10-24-2015 BY WARRANTS NUMBERED 419325 THROUGH 419337 TOTALING \$20,400.54, LIABILITY CHECKS NUMBERED 1081854 THROUGH 1081856 TOTALING \$1,784.07, FIVE WIRE TRANSFERS FOR \$386.76, AND THREE ELECTRONIC ACH DEBITS OF \$1,338,398.19 IN THE AGGREGATE AMOUNT OF \$1,360,969.56, DRAWN ON BANK OF

AMERICA;" 6) Adopt Resolution No. 23944, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1081857 THROUGH 1082017 TOTALING \$1,222,067.88 AND ONE WIRE TRANSFER FOR \$182,946.86 IN THE AGGREGATE AMOUNT OF \$1,405,014.74, DRAWN ON BANK OF AMERICA;" 7) Adopt Resolution No. 23945, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1082018 THROUGH 1082122 IN THE AGGREGATE AMOUNT OF \$1,579,750.92, DRAWN ON BANK OF AMERICA;" 8) Adopt Resolution No. 23946, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 11-07-2015 BY WARRANTS NUMBERED 419338 THROUGH 419352 TOTALING \$22,259.74, LIABILITY CHECKS NUMBERED 1082123 THROUGH 1082141 TOTALING \$91,795.58, FIVE WIRE TRANSFERS FOR \$58,770.46, AND THREE ELECTRONIC ACH DEBITS OF \$1,229,354.39 IN THE AGGREGATE AMOUNT OF \$1,402,180.17, DRAWN ON BANK OF AMERICA;" 9) Adopt Resolution No. 23947, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1082142 THROUGH 1082221 IN THE AGGREGATE AMOUNT OF \$2,835,287.47, DRAWN ON BANK OF AMERICA;" and 10) Adopt Resolution No. 23948, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1082222 THROUGH 1082385 IN THE AGGREGATE AMOUNT OF \$3,858,028.67, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the abstention of Mayor Pro Tem Mills on Warrant No. 1082255.**

2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTHS OF OCTOBER AND NOVEMBER 2015:

ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of October 1 to November 30, 2015. **Approved as part of the Consent Calendar.**

2.E. TREASURER'S INVESTMENT REPORT AS OF OCTOBER 31, 2015:

ACTION: Receive and File the Treasurer's Investment Report as of October 31, 2015. **Approved as part of the Consent Calendar.**

- 2.F. DECLARE A VACANCY ON THE PLANNING COMMISSION FOR THE UNEXPIRED TERM ENDING JUNE 30, 2017, AS J.R. ROBERTS WAS ELECTED TO THE CITY COUNCIL:**
ACTION: 1) Declare a vacancy on the Planning Commission; and 2) Direct the City Clerk to post a notice of vacancy for the unexpired term ending June 30, 2017. **Approved as part of the Consent Calendar.**
- 2.G. APPROVE FACILITY USE AGREEMENT WITH SUN COMMUNITY FEDERAL CREDIT UNION FOR OFFICE SPACE AT THE CITY CORPORATION YARD LOCATED AT 425 NORTH CIVIC DRIVE:**
ACTION: 1) Approve a Facility Use Agreement in a form acceptable to the City Attorney with Sun Community Federal Credit Union, ("SCFCU"), for lease of office space at the City Corporation Yard located at 425 North Civic Drive; and 2) Authorize the City Manager or his designee to execute the agreement. A6807. **Approved as part of the Consent Calendar.**
- 2.H. ACCEPTANCE OF THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES ACCOUNT (SLESA) GRANT FROM THE STATE OF CALIFORNIA FOR \$100,000, APPROVE AN EXPENDITURE PLAN AND APPROPRIATION:**
ACTION: 1) Accept the State of California Supplemental Law Enforcement Services Account (SLESA) Grant and Expenditure Plan in the amount of \$100,000; 2) Direct the Director of Finance/City Treasurer to fund the Appropriation; and 3) Authorize the City Manager to execute any documents to effectuate the acceptance of the grant. A5765. **Approved as part of the Consent Calendar.**
- 2.I. AUTHORIZE AN INCREASE IN THE AMOUNT OF \$14,935 TO PURCHASE ORDER 15-1259 ISSUED TO HARRIS & ASSOCIATES FOR THE DEMUTH PARK ADA ACCESS IMPROVEMENTS (CP 15-15):**
ACTION: 1) Authorize an increase in the amount of \$14,935 to Purchase Order 15-1259 with Harris & Associates for revised total amount of \$39,860 for the Demuth Park ADA Access Improvements (CP 15-15); and 2) Authorize the City Manager to execute all necessary documents. A6444. **Approved as part of the Consent Calendar.**
- 2.J. ACCEPT THE FISCAL YEAR 2015-16 STATE HOMELAND SECURITY PROGRAM GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY VIA THE CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES AND THE RIVERSIDE COUNTY OFFICE OF EMERGENCY SERVICES IN THE AMOUNT OF \$7,511:**
ACTION: 1) Accept a grant from the California Governor's Office of Emergency Services through the Riverside County Office of Emergency Services in the amount of \$7,511; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

- 2.K. ACCEPT THE FISCAL YEAR 2015-16 EMERGENCY MANAGEMENT PERFORMANCE GRANT FROM FEDERAL EMERGENCY MANAGEMENT AGENCY VIA THE CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES AND THE RIVERSIDE COUNTY EMERGENCY MANAGEMENT DEPARTMENT IN THE AMOUNT OF \$13,637 AND AUTHORIZE THE PURCHASE OF A SATELLITE INTERNET SYSTEM FOR THE MOBILE COMMAND POST:**
ACTION: 1) Accept the Fiscal Year 2015-16 Emergency Management Performance Grant through the California Governor's Office of Emergency Services in the amount of \$13,637; 2) Authorize the purchase of a satellite internet dish system in an amount not to exceed \$45,000 through a competitive bid process; and 3) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**
- 2.L. ACCEPT THE RESIGNATION OF VICTOR YEPELLO FROM THE SUSTAINABILITY COMMISSION:**
ACTION: 1) Accept with regret the resignation of Victor Yepello; and 2) Direct the City Clerk to post a notice of vacancy for the unexpired term ending June 30, 2016. **Approved as part of the Consent Calendar.**
- 2.M. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE JAMES O. JESSIE DESERT HIGHLAND UNITY CENTER OUTDOOR PERFORMANCE STAGE AND OUTDOOR BALL FIELD LIGHTING PROJECT (CP 14-18):**
ACTION: 1) Approve the plans, specifications and estimate; and 2) Authorize staff to advertise and solicit bids for the James O. Jessie Desert Highland Unity Center Outdoor Performance Stage and Outdoor Ball Field Lighting Project (CP 14-18). **Approved as part of the Consent Calendar.**
- 2.N. ACCEPTANCE OF FIRE STATION NO. 2, 911 MEMORIAL IMPROVEMENTS PROJECT (CP 15-13):**
ACTION: 1) Accept the public works improvement identified as Fire Station No. 2, 911 Memorial Improvements (CP 15-13) as completed; and 2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for Fire Station No. 2, 911 Memorial Improvements (CP 15-13). A6746. **Approved as part of the Consent Calendar.**
- 2.O. AWARD A CONSTRUCTION CONTRACT TO MATICH CORPORATION IN THE AMOUNT OF \$754,385 FOR THE RAMON ROAD PAVEMENT REHABILITATION PROJECT (CP 14-02) FEDERAL AID PROJECT NO. STPLN-5282 (043):**
ACTION: 1) Reject the lowest bid received from R-JS General Construction as non-responsive; 2) Waive any informality (non-responsiveness), and award a construction contract to Matich Corporation

in the amount of \$754,385 for the Ramon Road Pavement Rehabilitation Project (CP No. 14-02) Federal Aid Project No. STPLN-5282 (043); 3) Authorize the City Manager to approve and execute construction contract change orders up to an additional amount of \$75,000; and 4) Authorize the City Manager to execute all necessary documents. A6808. **Approved as part of the Consent Calendar.**

2.P. APPROVE THE PURCHASE OF A PORTABLE GROUND POWER UNIT FOR PASSENGER LOADING GATES:

ACTION: 1) Approve the purchase and delivery of one new portable Ground Power Unit (GPU) from Graybar Electric in the amount of \$36,826.39; and 2) Authorize the City Manager to execute all necessary documents, including the Purchase Order. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

Mayor Pro Tem Mills stated he has a business related conflict of interest with respect to Item 2.R, would not participate in the discussion or the vote, and left Council Chamber.

2.R. APPROVE THE SECOND AMENDMENT TO AND ASSIGNMENT AND ASSUMPTION OF A SUBDIVISION IMPROVEMENT AGREEMENT (A5393) BETWEEN LV PALM SPRINGS VILLAGE, LLC, (ASSIGNOR), AVALON LAND HOLDINGS, LLC, (ASSIGNEE), AND THE CITY OF PALM SPRINGS REGARDING TRACT MAP NO. 31848-1 (AVALON), NORTH INDIAN CANYON DRIVE AND SUNRISE PARKWAY:

Councilmember Foat requested City Staff keep the neighborhood organization updated, and further explain if this is a viable sale.

ACTION: 1) Approve a Second Amendment to and Assignment and Assumption of Subdivision Improvement Agreement for Tract Map 31848-1 ("Avalon"), between LV Palm Springs Village, LLC, as Assignor, Avalon Land Holdings, LLC, as Assignee, and the City of Palm Springs; and 2) Authorize the City Manager to execute all necessary documents. A5393. **Motion Councilmember Foat, 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 Pro Tem Mills returned to the dais.

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS:

2.Q. AMENDMENT NO. 3 TO AGREEMENT NO. A3613 WITH THE PALM SPRINGS AIR MUSEUM TO ACCOMMODATE IMPROVEMENTS AND EXPANSION:

City Manager Ready provided background information as outlined in the Staff Report dated December 16, 2015.

ACTION: 1) Approve Amendment No. 3 to the Palm Springs Air Museum Lease Agreement No. A3613 with rental credits, not to exceed \$205,000, for road and aircraft apron leasehold improvements, a boundary easement to accommodate the improvements, and concession fee abatement for a new restaurant; and 2) Authorize the City Manager to execute all necessary documents. A3613. **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

5. NEW BUSINESS:

5.A. REVIEW AND APPOINT CITY COUNCIL SUBCOMMITTEES AND CITY COUNCIL LIAISONS TO OUTSIDE ORGANIZATIONS AND CITY COMMISSIONS AND BOARDS:

City Clerk Thompson provided background information as outlined in the Staff Report dated December 16, 2015.

ACTION: 1) Adopt FPPC Form 806, authorize the City Manager to prepare and execute FPPC Form 806 Public Official Appointments, and direct the City Clerk to post on the City's website as required; and 2) Appoint the City Council Subcommittees and Liaisons to Outside Organizations and City Council Liaisons to certain City Commissions and Boards as follows. **By unanimous consent (5-0) of the City Council.**

External Organizations and Liaisons (Designee and Alternate):

CVAG Executive Committee
Mayor Moon and Mayor Pro Tem Mills.

CVAG Energy and Environment
Councilmember Kors and Councilmember Roberts.

CVAG Homelessness Committee
Councilmember Foat and Councilmember Kors.

CVAG Public Safety Committee
Mayor Moon and Councilmember Roberts.

CVAG Transportation Committee
Councilmember Foat and Councilmember Kors.

Coachella Valley Conservation Commission
Mayor Pro Tem Mills and Councilmember Kors.

Coachella Valley Mountains Conservancy Board
Mayor Pro Tem Mills and Councilmember Roberts.

Main Street/Uptown Business Associations
Mayor Moon and Councilmember Kors.

Palm Springs Chamber of Commerce
Councilmember Kors and Mayor Moon.

Greater Palm Springs Convention and Visitors Bureau
Mayor Moon and Mayor Pro Tem Mills.

Riverside County Community Action Commission
Mayor Moon and Dale Cook.

Riverside County Transportation Commission
Councilmember Foat and Councilmember Kors.

Sunline Transit Agency
Councilmember Foat and Councilmember Kors.

Easter Riverside County Interoperability Regional Authority (ERICA)
Mayor Moon and City Manager Ready.

Riverside County Airport Land Use Commission
Councilmember Roberts and no alternate.

Friends of the Palm Springs Animal Shelter
Councilmember Foat and no alternate.

City Council Standing Subcommittees:

Finance and Budget
Mayor Moon and Councilmember Kors.

Indian Canyon Improvements
Councilmember Foat and Councilmember Roberts.

Walk of Stars
Mayor Moon and Councilmember Roberts.

Non-motorized Transportation Plan (Bike Lanes)
Councilmember Kors and Councilmember Roberts.

Coachella Valley CV Link
Councilmember Foat and Mayor Pro Tem Mills.

Homelessness
Councilmember Kors and Councilmember Foat.

IHub/CVEP
Mayor Moon and Councilmember Roberts.

Water Conservation
Mayor Moon and Councilmember Roberts.

Vacation Rentals
Councilmember Foat and Mayor Pro Tem Mills.

BUZZ Trolley
Councilmember Foat and Mayor Pro Tem Mills.

Measure J Oversight Commission
Councilmember Kors and Mayor Pro Tem Mills.

Library Remodel/Expansion
Mayor Moon and Mayor Pro Tem Mills.

Sustainability
Councilmember Kors and Mayor Moon.

College of the Desert
Mayor Moon and Councilmember Foat.

Special Events
Mayor Moon and Councilmember Roberts.

Business Retention
Councilmember Foat and Councilmember Kors.

City Council Ad Hoc Subcommittees:

2016 Strategic Planning
Councilmember Foat and Councilmember Roberts.

Governmental Reform, Ethics and Transparency
Mayor Moon and Councilmember Kors.

Sign Ordinance Revision

Mayor Pro Tem Mills and Councilmember Foat.

City Hall Landscape

Mayor Pro Tem Mills and Councilmember Roberts.

Tahquitz Median Landscape

Mayor Pro Tem Mills and Councilmember Roberts.

Vacant Building and Lot Regulations

Mayor Moon and Mayor Pro Tem Mills.

Historic Site Preservation Code Review

Councilmember Roberts and Mayor Pro Tem Mills.

Holiday Lighting

Mayor Moon and Mayor Pro Tem Mills.

Downtown Museum Market Plaza Project

Mayor Pro Tem Mills and Councilmember Roberts.

Liaisons to City Commissions, Boards and Committees:

Office of Neighborhood Involvement

Councilmember Foat.

Airport Commission

Mayor Pro Tem Mills.

5.B. APPOINTMENT OF CITY COUNCIL SUBCOMMITTEES TO SCREEN COMMISSION AND BOARD APPLICATIONS, TO DETERMINE QUALIFIED APPLICANTS TO FILL VACANCIES ON CITY BOARDS AND COMMISSIONS:

ACTION: 1) Waive the procedures in Resolution No. 18804 Section 7, to allow for the City Council as a whole, to participate in the screening and interview of applicants for the Historic Site Preservation Board, Measure "J" Oversight Commission and the Planning Commission; 2) Waive the procedures in Resolution No. 18804 Section 7 that provides for the Mayor to select and participate in all subcommittees; 3) Appoint two-member ad hoc City Council Subcommittees to screen and interview applicants for the following Commissions and Boards and apply the list to the 2016 annual recruitment; and 4) Direct Staff to invite the Commission/Board Chair to the interviews except for those Commissions/Boards the City Council interviews as a whole. **By unanimous consent (5-0) of the City Council.**

Administrative Appeals Board
Mayor Pro Tem Mills and Councilmember Roberts.

Airport Commission
Mayor Pro Tem Mills and Mayor Moon.

Board of Appeals
Councilmember Foat and Mayor Moon.

Board of Library Trustees
Mayor Pro Tem Mills and Mayor Moon.

CV Mosquito & Vector Control District
Mayor Pro Tem Mills and Mayor Moon.

Human Rights Commission
Councilmember Foat and Councilmember Kors.

Parks and Recreation Commission
Mayor Pro Tem Mills and Councilmember Foat.

Personnel Board
Mayor Moon and Councilmember Roberts.

Public Arts Commission
Mayor Moon and Councilmember Roberts.

Rent Review Commission
Mayor Pro Tem Mills and Councilmember Foat.

Sustainability Commission
Councilmember Kors and Councilmember Roberts.

VillageFest Board
Mayor Moon and Councilmember Kors.

Historic Site Preservation Board
City Council as a whole.

Measure "J" Oversight Commission
City Council as a whole.

Planning Commission
City Council as a whole.

5.C. REQUEST BY AHMAD DIAB FOR A RESOLUTION OF PUBLIC CONVENIENCE OR NECESSITY (PCN) TO SELL BEER, WINE, AND DISTILLED SPIRITS (TYPE 21 ALCOHOLIC BEVERAGE CONTROL LICENSE) AT AN EXISTING GAS STATION LOCATED AT 3600 EAST RAMON ROAD (CASE 5.0789 PCN):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated December 16, 2015.

ACTION: Adopt Resolution No. 23949, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER, WINE, AND DISTILLED SPIRITS (TYPE 21 STATE ALCOHOLIC BEVERAGE CONTROL LICENSE) FOR THE PROPERTY LOCATED AT 3600 EAST RAMON ROAD, WITHIN CENSUS TRACT 9412.00." **Motion Councilmember Roberts, seconded by Councilmember Foat and carried 4-1 on a roll call vote.**

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

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Kors requested the City Council adjourn the meeting in memory of George Zander.

Councilmember Foat inquired as to how the City will communicate the closure of the Tennis Club, discussed the current status, and directed the City Manager place this Item on a future agenda for further discussion.

ACTION: 1) Reconsider Item 5.A. and add one additional ad hoc City Council subcommittee to address the Plaza Racquet Club and appoint Mayor Pro Tem Mills and Mayor Moon to the ad hoc subcommittee; and 2) Direct Staff to place this Item on the February 3, 2016, Agenda for discussion. **Motion Councilmember Foat, seconded by Mayor Pro Tem Mills and unanimously carried (5-0) on a roll call vote.**

ADJOURNMENT: The City Council adjourned, *in memory of George Zander*, at 11:51 p.m. to Wednesday, January 6, 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
13TH DAY OF JANUARY, 2016.**

ROBERT MOON, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

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



**MEETING MINUTES
WEDNESDAY, JANUARY 6, 2016
PALM SPRINGS CONVENTION CENTER PRIMROSE ROOM**

CALL TO ORDER: Mayor Moon called the meeting to order at 5:15 p.m.

PLEDGE OF ALLEGIANCE: Mayor Moon led the Pledge.

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.

REPORT OF CLOSED SESSION:

The meeting was called to order at 3:30 p.m., and City Clerk Thompson stated the City had received information after the posting of the agenda and requested the City Council consider adding one item to the Closed Session Agenda pursuant to Cal. Gov. Code Section 54956.8 Conference with Real Property Negotiator, for the property located at 441 S. Calle Encilia, Palm Springs.

ACTION: 1) Find the Item came to the attention of the City after the posting of the Agenda and there is an immediate need to hear and/or take action on the Item; and 2) Add to the Closed Session Agenda one Item pursuant Cal. Gov. Code Section 54956.8 Conference with Real Property Negotiator, for the property located at 441 S. Calle Encilia, Palm Springs, APN 508-094-015, Owner Bureau of Indian Affairs, Negotiating Party Martin Massiello, Chief Operating Officer, for the price and terms of payment for purchase and/or lease. **Motion Councilmember Foat, seconded by Councilmember Roberts and unanimously carried (5-0) on a roll call vote.**

City Attorney Holland stated the City Council recessed into Closed Session to discuss items on the Closed Session Agenda, and reported the City Council authorized the City Attorney to file litigation against Miggy's Cantina to recover grant funds, provided direction to City Staff and the City Attorney, otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

ACTION: Accept the Agenda as presented. **Motion Councilmember Foat, seconded by Councilmember Roberts and unanimously carried (5-0) on a roll call vote.**

1. STUDY SESSION:

1.A. MUSEUM MARKET PLAZA SPECIFIC PLAN AMENDMENT ("DOWNTOWN PALM SPRINGS SPECIFIC PLAN") AND FINAL EIR ADDENDUM NO. 2:

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated January 6, 2016.

Councilmember Kors requested Staff address the approved entitlement process and explain why some entitlements were approved by the Planning Commission and some entitlements were approved by the City Council, and requested City Staff note entitled buildings on the model.

Councilmember Roberts requested Staff address the parking structure and if the parking study addressed the Palm Springs Art Museum use of the parking structure.

Councilmember Foat requested Staff address the use of the results of the new traffic study.

The City Council reviewed the plan -- page by page -- and discussed and/or commented on the following: change in the name, the process to establish the maximum number of hotel rooms and the 450 hotel room limit, the reference to allow a potential roadway to Indian Canyon Drive, the calculation for the size of the project pursuant to the parcel map, the vacation of public right-of-way on Palm Canyon Drive and Tahquitz Canyon Way, the parking and loading zones on Palm Canyon, the requirements or triggers that would require a new EIR, the inclusion of Blocks A, B and B-1 on page II-2 line 278 as under construction and/or the underground parking lot on Blocks B and B-1, no mention of bike paths in the Specific Plan and the inclusion of bike paths in the General Plan, explaining bike paths in the Specific Plan, the bike parking areas and the number of bike parking spaces, defining and adding the link for the east-west path to the Convention Center and modifying the verbiage on page II-4, line 338, limit the number of hotels rather than limit the number of hotel rooms, include and/or regulate the type of ownership of the residential units and the inclusion of affordable housing and limit short-term rentals, the deletion of view corridors on page II-10, require City Council approval for non-permitted uses, require auction house or consignment store by CUP, require Similar Uses as approved by the City Council, distance between buildings on Market Street, the height limit in the public park area to remain flexible until a plan is before the City Council, define voided airspace in upper floors with height in feet rather than the number of stories, better define or reword "voids" as "relief from the vertical plain," Development Standards all require final approval by the City Council, the step-back requirement from the property line and if the buildings on Block A meet the requirements, the removal of building mass

in the document, allowing the transfer of square footage from one block to another, keep references to 15% for transfer of square footage, requested Staff fully articulate the parking for the project, City ability to restrict parking, green building standards and energy efficiency, the description of the flagship building on page III-33, public art fees and requirements, the specificity of parking on Indian Canyon Drive, the removal of sidewalks and the reduction in street width, the addition of data lines to infrastructure, requiring City Council approval for the demolition and/or adaptive reuse for the Town and Country Center, and the independent study that is required.

Councilmember Roberts commented on specific areas for the City Council to consider during the public hearing: recommended the City Council adopt the Planning Commission recommendations, the need for additional discussion for parking, the reduction of height and setbacks in those areas that are not entitled, the balance between hotel and residential use, and the lack of a residential component as a part of the project.

The City Council recessed at 8:17 p.m.
The City Council reconvened at 8:31 p.m.

PUBLIC COMMENT:

ROBERT FINDLEY, commented on the hotel use and the height of the building.

TRAE DANIEL, commented on the number of proposed hotels and urbanization.

LAURENCE LUCKINBILL, stated the plan is ordinary and commented on the number of proposed hotel rooms, requested the City Council amend the plan.

LIZ ARMSTRONG, Palm Springs Art Museum, stated the Museum has been working with the City and the Developer on visibility of the Museum and the Downtown Park.

CHUCK STEINMAN, Palm Springs, commented on the mountain views, and the need for wider sidewalks and lower hotels.

ALLEN WORTHY, Palm Springs, stated the Town and County Center should not be torn down.

PAUL ZAK, stated the City Council is asking the correct questions and is providing encouragement, and stated the buildings should not be like Orange County.

JUDY DEERTRACK, commented on the former Mayor's employment with developers and the Palm Springs International Film Festival.

ROBIN ABRAHAMS, Palm Springs, expressed her concerns with the Museum Market Plaza Specific Plan and the Downtown Urban Design Guidelines.

ROBERT BRUGEMAN, Palm Springs, stated hotels in the Downtown area will assist the retailers and more people are needed Downtown, and requested the City Council approve the Park Hotel.

KELLY McLEAN, stated her support for the Downtown project, and stated her support for the height and the urban density.

RON MARSHALL, commented on the Town and County Center and requested Blocks K and K-1 be removed from the Specific Plan and be a Class 1 Historic Site.

CHRIS MENRAD, stated his support for the revisions that eliminate the roadway in Block K, and the extra provisions for the Town and County Center, and for the Historic review of the Town and Country Center.

STEVEN SIMMS, Palm Springs, commented on the lack of bike lanes in the proposed development and the Specific Plan.

JEFF PLUTH, Palm Springs, commented on the lack of a feasibility study and the need for additional hotel rooms.

BARBARA MARSHALL, commented on the loss of public trust and accountability, stated the City Council must restore the public trust, and requested the City Council Subcommittee members be changed.

BOB HELBLING, commented on the free public parking and outlined the history of the development and the City Council participation, and requested the public take a more civil tone.

MINDY REED, thanked the City Council for their support of the Downtown, commented on the lack of parking, and the lack of views, support of bike lanes, the changing of the name and the street name change.

ADAM ALCANTAR, stated the businesses need to be able to continue to work and the surrounding businesses be made aware of the utility outages and other items that impact the surrounding businesses.

LANCE O'DONNELL, stated the Specific Plan is a tool, and what is lacking are the tools for appropriate steps, and for the City to hire an urban planner.

JOY BROWN MEREDITH, commented on the Urban Design Guidelines, the height of the site and thanked the City Council for reviewing the changes.

FRANK TYSEN, commented on the number of hotel rooms and vacation rentals, the format of the meeting and the timing for public comment, and stated we need additional public workshops.

JIM KINGSMAN, commented on the density of the project and urbanization.

DENISE HOETKER, stated the project is mediocre and stated the project can be improved.

COUNCILMEMBER COMMENTS:

Councilmember Kors thanked Staff and the public who shared their views and participated.

Councilmember Foat stated the City Council accomplished a lot, requested Staff prepare a detailed analysis of what is publicly funded along with the funds spent by Wessman Development, stated her concern with a third hotel, and concern with Block A.

Councilmember Mills commented on the Downtown Urban Design Guidelines, commented on the City Council choices at the beginning of the project, the unanimous consent of the City Council throughout the project, commented on the drastic changes at the site, and the free public parking.

Councilmember Roberts stated the Study Session was very helpful, and the City Council has the opportunity to improve the project.

Mayor Moon thanked the Convention Center and City Staff for the accommodations, the importance of the Study Session, commented on parking and narrow streets, the cost for ongoing maintenance, and impact to Fire and Police Department.

Councilmember Foat requested City Staff prepare additional financial analysis regarding the project, including potential revenue projections.

ADJOURNMENT: The City Council adjourned at 9:59 p.m. to an Adjourned Regular Meeting, Wednesday, January 13, 2016, at 6:00 p.m. in the Council Chamber, City Hall, preceded by Closed Session in the Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 13TH DAY OF JANUARY, 2016.

ROBERT MOON, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK