

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



**MINUTES**  
WEDNESDAY, MAY 3, 2017  
City Hall, Council Chamber  
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262

**4:30 p.m. CLOSED SESSION**

**CALL TO ORDER (Council Chamber):**

Mayor Moon called the meeting to order at 4:33 p.m.  
All members of the City Council were present.

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

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

1. Protect Our Neighborhoods v. City of Palm Springs  
Case No. RIC 1703102 Riverside Superior Court, Riverside Division
2. City of Palm Springs v. Luna Crest  
Case No. RIC 1404912, Riverside Superior Court, Riverside Division

**ACTION:**

By a unanimous (5-0-0) vote of the City Council the following were 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 two (2) items pursuant to Cal. Gov. Code Section 54956.9(e)(3) as shown below:

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

- a) Protect Our Neighborhoods v. City of Palm Springs  
Case No. RIC 1703102 Riverside Superior Court, Riverside Division
- b) City of Palm Springs v. Luna Crest  
Case No. RIC 1404912, Riverside Superior Court, Riverside Division

**PUBLIC COMMENT (Council Chamber):**

No one came forth to address the Mayor and City Council.

**RECESS TO CLOSED SESSION (Small Conference Room):**

See Closed Session Agenda, Exhibit A.

**ITEM NO. 1.G.**

The Mayor and City Council recessed to Closed Session in the small conference room at 4:36 p.m.

It should be noted the following item was not discussed:

*4348 Lockwood Ave., LLC, et al vs. The City of Palm Springs*  
Case No. RIC1704320, Riverside Superior Court, Riverside Division.

### **6:00 P.M. REGULAR CITY COUNCIL MEETING**

**CALL TO ORDER:** Mayor Moon called the meeting to order at 6:04 p.m.

**PLEDGE OF ALLEGIANCE:** Mayor Moon led the salute to the flag.

#### **ROLL CALL:**

**PRESENT:** Councilmember Kors, Councilmember Mills, Councilmember Roberts, Mayor Pro Tem Foat, and Mayor Moon

**ABSENT:** None

**ALSO PRESENT:** City Manager Ready, Assistant City Manager Fuller, City Attorney Holland, and Interim City Clerk Hart

#### **PRESENTATIONS:**

Mayor Moon and the City Council presented a proclamation to the employees' associations recognizing their public service.

#### **ACCEPTANCE OF THE AGENDA:**

Councilmember Kors requested removal of Items 1A and 1N from the Consent Calendar.

Mayor Pro Tem Foat stated recusal on the Minutes of April 19, 2017, due to her absence on April 19, 2017; recusal on Warrant No. 1091326, due to a conflict of interest; and requested removal of Items 1D and 1N from the Consent Calendar.

Councilmember Mills stated recusal on the Minutes of April 19, 2017, due to his absence on April 19, 2017; recusal on Item 1J due to a conflict of interest, his firm is working on a project next to this project; and requested removal of Items 1G, 1H, 1I, 1K, 1L, and 1M from the Consent Calendar.

Councilmember Roberts requested removal of Item 1N from the Consent Calendar.

**ACTION:** Approve the agenda as presented with the removal of Items 1A, 1D, 1G, 1H, 1I, 1K, 1L, 1M, and 1N from the Consent Calendar.

**Motion by Councilmember Mills, seconded by Councilmember Kors, and unanimously (5-0-0) carried on a roll call vote.**

City Manager Ready stated there will be a presentation by Tom Kirk, CVAG Executive Director, with respect to the Community Choice Aggregation, and requested moving Item 4A to follow the Consent Calendar.

**ACTION:** Approve moving Item 4A to follow the Consent Calendar.

**Motion by Councilmember Mills, seconded by Councilmember Kors, and unanimously (5-0-0) carried on a roll call vote.**

#### **REPORT OF CLOSED SESSION:**

City Attorney Holland reported that the Council authorized a settlement agreement in the case Amy Marschak v. City of Palm Springs; Erik Larson et al. The settlement agreement was approved 4-1-0, Councilmember Roberts dissenting. A6976. Additionally, City Attorney Holland reported direction was provided to staff on items on the posted Closed Session Agenda and no other reportable actions were taken.

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

Judy Deertrack, Palm Springs, expressed confusion on the process of Item 1N.

Vic Yepello, Palm Springs, spoke in support of the CV Link and the need for the link in the north end of Palm Springs.

Bob Terry, Desert Hot Springs, expressed concern with the CV Link application.

Tim Erkins, Palm Springs, recommended reconsideration by the Planning Commission and Historic Site Preservation Board of the 750 Lofts project. He suggested the CV Link be reconsidered by the voters.

John Nanos, Palm Springs, requested 750 Lofts be returned to the Planning Commission due to the proposed heights and parking.

Emily Hemphill, land use counsel for 750 Lofts LLP, discussed litigation, indicated support for removal of the event area, and requested approval of Item 1N.

Nancy Ferguson, Palm Springs, provided a historical perspective on biking in Palm Springs.

Randy Roberts, Palm Desert, spoke in opposition to the CV Link.

Jeri Barry, Palm Springs, spoke in support of the CV Link.

Robert Stone, Palm Springs, spoke in support of the CV Link.

John Martin, Palm Springs, spoke in opposition to the CV Link.

Anita Kerezman, Palm Springs, stated her concerns with respect to security, safety, and the cost of the CV Link.

Gary Lueders, Rancho Mirage, President of Friends of CV Link, spoke in support of the CV Link.

Thomas Kohn, Palm Springs, spoke in support of the CV Link.

Diana Grace, Palm Springs, expressed concern with maintenance and operation costs of the CV Link.

Lew Stewart, Palm Springs, suggested putting the CV link before the voters.

Rick Berg, Palm Springs, indicated support for the CV Link.

Mary Settle, La Quinta, spoke in support of CV Link.

John Siegel, Palm Springs, spoke in support of CV Link.

Michael Dees, Palm Springs, indicated support of the CV Link to Palm Springs but questioned the northern route.

Margaret Myers, Palm Springs, spoke in opposition to the CV Link.

Randy Goldberg, Palm Springs, spoke in opposition to the CV Link.

Paul Hinrichsen, San Rafael Neighborhood, Co-Chair for One PS Neighborhood, Palm Springs, spoke in support of the CV Link.

Robert Heinbaugh, Palm Springs, indicated support for the CV Link.

Christian Jelmsberg, Homeless Outreach, Coachella Valley, addressed the Council regarding the impact on the homeless by the CV Link.

Nancy Brown, Palm Springs, spoke in opposition to the CV Link.

Steven Sims, Go Bike USA, Palm Springs, suggested alternate routes for biking.

Mindy Reed, Palm Springs, spoke in support of additional Police presence in the Downtown area and indicated support for the CV Link.

Anna Nevenic, Palm Springs, indicated opposition to the CV Link and suggested the matter be placed on the ballot.

Joe Parker, San Diego, counsel for the lessee on Item 5B, stated he and Jennifer Jackson were available to respond to questions.

Robert Alexander, Palm Springs, spoke in support of Item 5C.

Patricia Breslin, Palm Springs, Historic Tennis Club, spoke with respect to Item 5D and suggested the entire Council review all applicants for boards and commissions.

Debby Alexander, Palm Springs, owner of Peabody's, requested police presence in the downtown area and approval of the transport officers in the budget.

Frank Tysen, Palm Springs, spoke opposing Item 1N.

Felipe Castaneda spoke opposing Item 1N.

Tony Aguilar, Palm Springs, spoke in support of Item 5C and requested the Council take action on replacement of the stars.

### **CITY COUNCIL AND CITY MANAGER'S COMMENTS AND REPORTS:**

City Manager Ready introduced the new City Engineer, Tom Garcia.

City Manager Ready introduced Tom Kirk, CVAG Executive Director, who provided a presentation on Community Choice Aggregation.

***At 7:43 p.m. Mayor Moon recessed the meeting.***

***At 8:01 p.m. Mayor Moon reconvened the meeting.***

### **CITY COUNCIL SUBCOMMITTEE REPORTS:**

None.

#### **1. CONSENT CALENDAR:**

**ACTION:** Approve Items 1B, 1C, 1E, 1F, and 1J, noting the recusal of Mayor Pro Tem Foat on Warrant No. 1091328 and the recusal of Councilmember Mills on Item 1J.

**Motion by Councilmember Mills, seconded by Mayor Pro Tem Foat, and unanimously (5-0-0) carried on a roll call vote.**

#### **1.B. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS: RECOMMENDATION:**

1) Adopt Resolution No. 24215, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 03-25-2017 BY WARRANTS NUMBERED 419883 THROUGH 419896 TOTALING \$25,015.16, LIABILITY CHECKS NUMBERED 1091290 THROUGH 1091293 TOTALING \$1,439.79, FIVE WIRE TRANSFERS FOR \$2,585.53, AND THREE ELECTRONIC ACH DEBITS OF \$1,427,045.98 IN THE AGGREGATE AMOUNT OF \$1,456,086.46, DRAWN ON BANK OF AMERICA."

2) Adopt Resolution No. 24216, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1091294 THROUGH 1091391 IN THE AGGREGATE AMOUNT OF \$3,459,955.81, DRAWN ON BANK OF AMERICA."

3) Adopt Resolution No. 24217, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1091392 THROUGH 1091536 IN THE AGGREGATE AMOUNT OF \$1,717,531.46, DRAWN ON BANK OF AMERICA."

**Approved as part of the Consent Calendar, noting the recusal of Mayor Pro Tem Foat on Warrant No. 1091326.**

**1.C. TREASURER'S INVESTMENT REPORT AS OF MARCH 31, 2017:**

**RECOMMENDATION:** Receive and File the Treasurer's Investment Report as of March 31, 2017.

**Approved as part of the Consent Calendar.**

**1.E. APPROVE AN AGREEMENT WITH R&R JANITORIAL IN THE AMOUNT OF \$373,520.88, FOR JANITORIAL SERVICES AT VARIOUS CITY FACILITIES, REQUEST FOR PROPOSALS NO. 02-17:**

**RECOMMENDATION:**

1) Award an initial three (3) year contract services agreement for janitorial services for various city facilities to R&R Janitorial, in the amount of \$373,520.88, with fixed pricing valid through June 30, 2020, with two (2) additional one-year extensions through June 30, 2022, with fixed pricing subject to an annual CPI adjustment. A6973.

2) Authorize the City Manager to approve and execute Contract Change Orders up to an additional cumulative amount of \$50,000 annually during the term of the agreement for additional / optional janitorial services in accordance with the fixed pricing identified in Schedule II – Options Pricing Sheet. **Approved as part of the Consent Calendar.**

**1.F. INITIATION OF ANNEXATION NO. 17 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES):**

**RECOMMENDATION:** Adopt Resolution No. 24218, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY INTO A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES FOR CITY OF PALM SPRINGS COMMUNITY FACILITIES DISTRICT NO. 2005-1, (PUBLIC SAFETY SERVICES), ANNEXATION NO. 17, 64 @ THE RIV, TRACT MAP NO. 37210." **Approved as part of the Consent Calendar.**

**1.J. SECOND READING AND ADOPTION OF ORDINANCE NO. 1924, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION**

**TERRITORY IDENTIFIED AS ANNEXATION NO. 16, MIRALON, TRACT MAP NO. 31848 INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES):**

**RECOMMENDATION:** Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1924, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY IDENTIFIED AS ANNEXATION NO. 16, MIRALON, TRACT MAP NO. 31848 INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)."

**Approved as part of the Consent Calendar, noting the recusal of Councilmember Mills.**

**EXCLUDED CONSENT CALENDAR:**

**1.A. APPROVAL OF MINUTES:**

Councilmember Kors requested continuing the March 15, 2017, Minutes. He requested the following changes to the April 19, 2017, and April 5, 2017, Minutes:

- April 19, 2017, Minutes, Page 8, third paragraph, support for "proposal" rather than "projects"
- April 5, 2017, Minutes, Page 7, (Page 19 of the Staff Report) third sentence up from bottom, add "and the ordinance."
- April 5, 2017, Minutes, Page 11, (Page 23 of the Staff Report) half way down, comments relating to conversion, number 4 should be three months' rent, delete "Free"; add "For relocation" and Delete number 5.

Councilmember Roberts requested the following changes to the April 19, 2017, and the March 1, 2017, Minutes:

- April 19, 2017, Minutes, Page 2, halfway down, change to "Councilmember Roberts requested adding an opportunity for the City Council to vote on this issue and give direction to our CVAG representative."
- April 19, 2017, Minutes, Page 9, middle of page, strike statement by Councilmember Roberts.
- March 1, 2017, Minutes, Page 18, (Page 52 of the Staff Report) upper third, in Councilmember Roberts statement strike "and the difficult consideration."

**ACTION:** Approve the City Council Minutes of April 19, 2017, April 5, 2017, March 1, 2017, February 27, 2017, January 19, 2017, and January 4, 2017 with amendments requested by Councilmembers Kors and Roberts and noting the recusal of Councilmember Mills and Mayor Pro Tem Foat on the Minutes of April 19, 2017.

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

**1.D. ACCEPTANCE OF GRANT FROM THE CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC) IN THE AMOUNT OF \$69,197:**

**ACTION:**

1) Approve the acceptance of a grant award from the California Board of State and Community Corrections (BSCC) in the amount of \$69,197. A6972.

2) Authorize the City Manager to execute all necessary documents.

**Motion by Councilmember Mills, seconded by Councilmember Roberts, and unanimously carried on a roll call vote.**

**1.G. ACCEPTANCE OF THE PALM SPRINGS LIBRARY SHADE STRUCTURE, CP 15-27:**

Councilmember Mills stated he pulled the item because the product was not the product that he envisioned.

**ACTION:**

1) Accept the public works improvement identified as the Palm Springs Library Shade Structure, as completed in accordance with the plans and specifications, CP 15-27. A6865.

2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Palm Springs Library Shade Structure, CP 15-27.

**Motion by Mayor Pro Tem Foat, seconded by Mayor Moon, and carried 4-1-0 (Mills NO) on a roll call vote.**

**AYES:** Councilmembers Kors, Roberts, Mayor Pro Tem Foat, and Mayor Moon

**NOES:** Councilmember Mills

**ABSENT:** None

**ABSTAIN:** None

**RECUSED:** None

**1.H. APPROVAL OF RIGHT OF WAY ACQUISITION AGREEMENTS WITH GRANITE CONSTRUCTION COMPANY FOR ASSESSORS PARCEL NUMBER (APN) 669-100-001 FOR THE INDIAN CANYON DRIVE WIDENING & BRIDGE REPLACEMENT, FEDERAL AID PROJECT NO. BRLO 5282 (017) CP 01-11:**

Councilmember Mills voiced his frustration with continual issues on the site and stated the City should not have to pay for it but he would support the item due to necessity.

**ACTION:**

- 1) Approve a Right-of-Way Agreement for acquisition of real property interest and escrow instructions with Granite Construction Company, in the amount of \$23,258, for acquisition of 1,633 square feet of right-of-way and 21,595 square feet of slope easement across the property identified as APN 669-100-001. A6974.
- 2) Approve a Temporary Construction Easement Agreement with Granite Construction Company, in the amount of \$44,960.40, for rental for a period of five (5) years, of 59,947 square feet of a portion of the property identified as APN 669-100-001. A6974.
- 3) Authorize the City Manager to execute all necessary documents, open escrow, and pay for associated escrow and title costs associated with the right-of-way acquisitions.

**Motion by Councilmember Mills, seconded by Councilmember Kors, and unanimously (5-0-0) carried on a roll call vote.**

**1.I. AUTHORIZATION OF PAYMENT TO SOUTHERN CALIFORNIA EDISON IN AN AMOUNT NOT TO EXCEED \$75,000 FOR UTILITY UPGRADES AT THE ANIMAL SHELTER ASSOCIATED WITH THE SOLAR PHOTOVOLTAIC SYSTEM:**

Councilmember Mills requested clarification.

**ACTION:** Authorize payment to Southern California Edison in an amount not to exceed \$75,000 to upgrade the existing SCE transformer serving the City's Animal Shelter.

**Motion by Councilmember Mills, seconded by Councilmember Kors, and unanimously (5-0-0) carried on a roll call vote.**

**1.K. SECOND READING AND ADOPTION OF ORDINANCE NO. 1925, AMENDING THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO THE CRITERIA AND PROCEDURES FOR THE REVIEW OF EXTENSION OF TIME (EOT) APPLICATIONS:**

Councilmember Mills suggested "use shall mean the beginning of substantial construction or beginning of use that is authorized" on Page 8. Councilmember Mills suggested "commenced" rather than "commends" in Section 4, Subsection 93.23.07(G)(4).

City Attorney Holland stated Ordinance No. 1925 may be adopted with the above mentioned administrative modifications.

**ACTION:** Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1925, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING

AMENDMENTS TO CHAPTER 94.00 OF THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO THE CRITERIA AND PROCEDURES FOR THE REVIEW OF EXTENSION OF TIME (EOT) APPLICATIONS" with the administrative modifications as follows:

- a) *Section 3, 1. The last sentence shall read, The term "use" shall mean the beginning of substantial construction or beginning of use that is authorized, which construction must thereafter be pursued diligently to completion.*
- b) *Section 4, Subsection 93.23.07(G)(4). If the time limits .... has not ~~commenced~~ commenced, or use permitted .... permit shall be considered void.*

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

**1.L. SECOND READING AND ADOPTION OF ORDINANCE NO. 1926, AMENDING THE DEFINITION OF "ESTATE HOME" IN SECTION 5.25.030 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO ESTATE HOMES AS VACATION RENTALS:**

**ACTION:** Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1926, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE DEFINITION OF "ESTATE HOME" IN SECTION 5.25.030 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO ESTATE HOMES AS VACATION RENTALS."

**Motion by Mayor Pro Tem Foat, seconded by Councilmember Kors, and approved on a roll call vote (4-0-1) noting the recusal of Councilmember Mills due to a conflict of interest.**

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

**1.M. REJECT ALL BIDS RECEIVED FOR THE POLICE DEPARTMENT REMODEL, CP 15-05:**

**ACTION:**

- 1) Reject the bids received on April 4, 2017, from Doug Wall Construction Inc., and Future DB International Inc., for the Police Department Remodel, CP 15-05.
- 2) Authorize re-bidding the Police Department Remodel, CP 15-05.

**Motion by Councilmember Mills, seconded by Mayor Pro Tem Foat, and unanimously (5-0-0) carried on a roll call vote.**

**1.N. A RESOLUTION REQUIRING ELIMINATION OF THE EVENT AREA FROM PLANNED DEVELOPMENT DISTRICT PDD-374, THE "750 LOFTS" PROJECT, CONFIRMING CONFORMITY WITH THE CITY'S MUNICIPAL CODE WITH REGARD TO PARKING, AND OTHERWISE AFFIRMING APPROVAL OF PDD-374:**

City Attorney Holland stated he would like to change staff's recommendation and explained that the Court ordered the City to revisit the parking analysis, and evaluate the concept of the event space and the effect of event parking on the project. He recommended the Council rescind Ordinance No. 1886 approving PDD-374, rescind Resolution No. 23899 approving the major architectural application for the project, and schedule the matter for a public hearing at the May 17, 2017, City Council meeting.

**ACTION:**

1) Rescind Ordinance No 1886, "AN ORDINANCE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PRELIMINARY PLANNED DEVELOPMENT DISTRICT 374 IN LIEU OF A CHANGE OF ZONE FOR A 39-ROOM HOTEL DEVELOPMENT WITH ACCESSORY USES ON A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE (CASE 5.1350 PDD 374/GPA/CUP/3.3795 MAJ)."

2) Rescind Resolution No. 23899, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A MAJOR ARCHITECTURAL APPLICATION FOR A 39-ROOM HOTEL, A CONDITIONAL USE PERMIT FOR A HIGH-RISE BUILDING, AND A CONDITIONAL USE PERMIT FOR ACCESSORY SPA, COCKTAIL LOUNGE/BAR USES, AND HOTEL UNITS WHERE MORE THAN 10% OF THE UNITS HAVE KITCHEN FACILITIES ON A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE (CASE 5.1350 PDD 374/GPA/CUP/3.3795 MAJ)."

3) Direct staff to schedule a public hearing for May 17, 2017, with respect to Case 5.1350 PDD 374/GPA/CUP/3.3795 MAJ.

**Motion by Councilmember Mills, seconded by Councilmember Kors, and unanimously carried on a roll call vote.**

**4. UNFINISHED BUSINESS:**

**4.A. DISCUSSION ON THE CV LINK AND DIRECTION ON THE DRAFT ENVIRONMENTAL IMPACT REPORT:**

Assistant City Manager Fuller provided a presentation summarizing the project.

Mayor Moon presented his alternate proposed route.

**ACTION:**

Direct Mayor Moon, as the City's representative to the CVAG Executive Committee, to cast a vote in favor of participation by the City of Palm Springs in the CV Link at the Special CVAG meeting on May 15, 2017, as outlined in the CV Link DEIR, consistent with the following:

- City will participate as outlined in the CV Link DEIR with the recommendations as follows:
- Preferred Alternative No. 3, use of a bridge over Palm Canyon near the Visitors Center, noting it will be over Highway 111, which will include CalTrans involvement and project may state the use of East side and will work towards the Bridge later.
- Stay in the wash side of the levy.
- The Bridge over the lake at the 17<sup>th</sup> hole, at the Tahquitz Creek Resort Golf Course (the pond south of Wet n' Wild, east of Gene Autry Trail).

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

**2. PUBLIC HEARINGS:****2.A. INTERIM URGENCY ORDINANCE (EXTENDING INTERIM URGENCY ORDINANCE NO. 1923) REQUIRING THE IMPOSITION OF CERTAIN TENANT RELOCATION AND PROTECTION AS A CONDITION OF APPROVAL OF DISCRETIONARY LAND USE ENTITLEMENTS BY THE CITY OF PALM SPRINGS TO APRIL 5, 2018, AND MAKING APPROPRIATE FINDINGS UNDER CEQA (4/5THS Vote Required):**

City Attorney Holland provided a summary of the ordinance.

Mayor Moon opened the public hearing, no citizens came forth to address the City Council, and Mayor Moon closed the public hearing.

Councilmember Mills requested adding "often" to Section 4, Finding B.

**ACTION:**

Waive the reading of the text in its entirety, read by title only, and adopt Interim Urgency Ordinance No. 1927, "AN INTERIM URGENCY ORDINANCE (EXTENDING INTERIM ORDINANCE NO. 1923) OF THE CITY OF PALM SPRINGS, CALIFORNIA, REQUIRING THE IMPOSITION OF CERTAIN TENANT RELOCATION AND PROTECTION AS A CONDITION OF APPROVAL OF DISCRETIONARY LAND USE ENTITLEMENTS BY THE CITY OF PALM SPRINGS TO APRIL 5, 2018, AND MAKING APPROPRIATE FINDINGS UNDER CEQA" (4/5THS Vote Required) with an amendment to Section 4. Findings. B. First Sentence to read, "*Apartments are **often** multi-family residential ... affordable housing for residents.*"

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

***Councilmember Roberts stated it is approaching 10:00 p.m., the tentatively scheduled 11:00 p.m. adjournment time, and recommended continuing Item 5E. The consensus of the City Council was to continue the meeting with Item 5E, discussion and direction on Fiscal Year 2017-18 Budget, continued to Tuesday, May 9, 2017.***

**3. LEGISLATIVE: None.**

**4. UNFINISHED BUSINESS:**

**4.A. DISCUSSION ON THE CV LINK AND DIRECTION ON THE DRAFT ENVIRONMENTAL IMPACT REPORT:**

*NOTE: This item was moved to follow the Consent Calendar.*

**5. NEW BUSINESS:**

**5.A. AIRPORT TERMINAL TICKETING WING RENOVATION SCHEMATIC DRAWINGS REVIEW:**

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

**ACTION:**

- 1) Approve acceptance of the Airport Terminal Ticketing Schematic Design.
- 2) Authorize proceeding with the Design Development phase.
- 3) Authorize proceeding with the bid on the Terminal Phase 1 Enabling Project estimated to cost approximately \$1,300,000.

**Motion by Councilmember Kors, seconded by Councilmember Mills, and unanimously (5-0-0) carried on a roll call vote.**

**5.B. APPROVAL OF AN AMENDED AND RESTATED WIRELESS COMMUNICATIONS SITE LEASE AGREEMENT WITH STC ONE, LLC FOR NON-EXCLUSIVE USE AT 3111 TAHQUITZ CANYON WAY:**

City Manager Ready provided a presentation summarizing the project.

**ACTION:**

- 1) Approve an Amended and Restated Wireless Communications Facilities Site Lease by and between STC One, LLC, for lease of tower and ground space at an existing City owned wireless communication tower located at 3111 Tahquitz Canyon Way, for a period of 15 years (inclusive of an initial term of five (5) years and two optional five (5) year extensions). A4161.

2) Approve a Memorandum of Amended and Restated Wireless Communications Facilities Site Lease, and authorize the City Clerk to record with the Riverside County Recorder's Office.

3) Authorize the City Manager to execute all necessary documents.

**Motion by Councilmember Mills, seconded by Mayor Pro Tem Foat, and unanimously (5-0-0) carried on a roll call vote.**

**5.C. CITY COUNCIL AD HOC SUBCOMMITTEE UPDATE, DISCUSSION, AND REVIEW OF THE PALM SPRINGS WALK OF STARS AGREEMENT:**

**ACTION:**

By consensus, the Council continued the item to May 17, 2017.

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

Interim City Clerk Hart presented the staff report.

**ACTION:**

1) Consider waiving the procedures in Resolution No. 18804 Section 7(b), 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(b), 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:

Administrative Appeals Board	Mills and Roberts
Airport Commission	Mills and Moon
Board of Appeals	Foat and Moon
Board of Library Trustees	Mills and Moon
Human Rights Commission	Foat and Kors
Parks and Recreation Commission	Foat and Mills
Personnel Board	Kors and Moon
Public Arts Commission	Roberts and Moon
Rent Review Commission	Foat and Mills
Sustainability Commission	Kors and Roberts
VillageFest Board	Kors and Moon

4) Direct the Interim City Clerk to continue the recruitment and accept applications for all Board and Commission positions.

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

**5.E. CONTINUED DISCUSSION AND DIRECTION ON THE FISCAL YEAR 2017-18 BUDGET:**

**ACTION:**

By consensus, the Council continued the item to the May 9, 2017, Joint Budget meeting with the Measure J Commission.

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

Colton Murrell requested the Council attend Trini Lopez' 80/80 Celebration on May 14, 2017, and contribute \$4500.

Tiffani Lo Bue, Palm Springs, requested the Council consider a backyard breeding ban of animals in the City of Palm Springs.

**COUNCILMEMBER AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT:**

Councilmember Kors requested the following upcoming items:

- 1) Discussion and direction with respect to Governmental Reform, Ethics, and Transparency;
- 2) Discussion and direction with respect to homelessness; and
- 3) Creation of an ad hoc subcommittee on communications

Mayor Pro Tem Foat inquired about tamarisk trees.

Mayor Moon thanked City Attorney Holland for his service to the City on behalf of the City Council.

**ADJOURNMENT:**

The City Council adjourned, in honor of Jim Casey, at 10:32 p.m. to a Town Hall Meeting and Study Session with Measure J Commission meeting Tuesday, May 9, 2017, at 6:00 p.m., in Smoketree A-E, Palm Springs Convention Center at 277 North Avenida Caballeros, Palm Springs.

Respectfully submitted,



KATHLEEN D. HART, MMC  
Interim City Clerk

## CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALMSPRINGS )

I, KATHLEEN D. HART, Interim City Clerk of the City of Palm Springs, California, hereby certify that the May 3, 2017, MINUTES were approved by the City Council of the City of Palm Springs at a regular meeting held on the July 5, 2017, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSAL:

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KATHLEEN D. HART, MMC  
Interim City Clerk

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



CLOSED SESSION AGENDA  
Wednesday, May 3, 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)**

1. 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
2. Amy Marschak v. City of Palm Springs; Erik Larson et al  
Case 5:17-CV-00055, United States Court, Central District of California
3. Menocal v. City of Palm Springs  
Case No. PSC160100, Riverside Superior Court, Palm Springs Division
4. Thomas Alan Grossman vs. City of Palm Springs et al  
Case No. PSC1406472, Riverside Superior Court, Palm Springs Division
5. Advocates for Better Community Development vs. City of Palm Springs  
Case No. RIC 1512884, Riverside Superior Court, Riverside Division

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

3 Case(s)

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

2 Case(s)

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

Property Address/Description:	APN 666-140-024, 63775 Dillon Road
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	Riverside County Economic Development Agency
Under Negotiation:	Price and Terms of Payment (Acquisition)