
City Council

Meeting Agenda

Thursday, February 19, 2015

1:30 PM

City Hall Council Chambers

44-950 Eldorado Drive, Indian Wells



Welcome to a meeting of the City Council. All persons wishing to address the City Council should fill out a blue public comment form before the meeting begins and give it to the Clerk. When the Mayor has recognized you, please come forward to the podium and state your name for the record. A 3-minute time limit is customary. Please note that you may address the City Council on an agenda item at the time it is discussed, but only after being recognized by the Mayor. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection at City Hall reception, 44-950 Eldorado Drive, Indian Wells during normal business hours.

1. RECONVENE THE CITY COUNCIL, PLEDGE OF ALLEGIANCE AND ROLL CALL

MAYOR TY PEABODY
MAYOR PRO TEM DANA REED
COUNCIL MEMBER RICHARD BALOCCO
COUNCIL MEMBER DOUGLAS HANSON
COUNCIL MEMBER TED MERTENS

2. APPROVAL OF THE FINAL AGENDA

3. APPROVAL OF MEETING MINUTES

A. January 22, 2015 Special Meeting Minutes

Attachments: 01-22-15 Special Meeting Minutes

B. February 5, 2015 Special Meeting Minutes

Attachments: 02-05-15 Special Meeting Minutes

C. February 5, 2015 City Council Meeting Minutes

Attachments: 02-05-15 City Council Meeting Minutes

4. PROCLAMATIONS AND PRESENTATIONS

A. Unveiling of the 2015 Commemorative Poster for the 13th Annual Indian Wells Arts Festival

B. Proclamation Recognizing Centenarian Resident Larry Matthews

5. PUBLIC COMMENTS

All persons wishing to address the City Council should fill out a Blue Public Comment Request form in advance and hand it to the City Clerk. At the appropriate time, please come forward to the podium and state your name for the record. Speakers are limited to three minutes. Parties are encouraged to submit their comments in writing with any attachments or exhibits they wish for the Council to review, preferably 24 hours prior to the meeting. Speakers can then use their three-minutes to summarize the key points of their comments. Please note that you may address the City Council on an agenda item at the time it is discussed, but only after being recognized by the Mayor.

Under the Brown Act, the Council should not take action on or discuss matters raised during the public comment portion of the agenda which are not listed on the agenda. Council Members may refer such matters to staff for factual information or to be placed on a subsequent agenda for consideration. Notwithstanding the foregoing, Council Members and staff may briefly respond to statements made or questions posed during public comment, as long as such responses do not constitute any deliberation of the item.

A. PUBLIC COMMENTS

B. RESPONSE TO PRIOR PUBLIC COMMENTS

6. PUBLIC HEARINGS

Anyone who challenges any hearing matter in court may be limited to raising only those issues he/she or someone else raised at the Public Hearing described herein, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing.

A. Adopt Resolution Approving Tentative Parcel Map to Subdivide an Existing 1.3 Acre Lot into Two New Single-Family Lots Located at 74-675 Wren Drive within The Vintage Club, and Finding the Project Exempt from CEQA

RECOMMENDED ACTIONS:

Council OPENS the Public Hearing, takes any public testimony, CLOSES the Public Hearing; and

FINDS the project to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15315, Minor Land Divisions; and

ADOPTS Resolution Bill No. 2015-02 approving Tentative Parcel Map No. 36834 for the subdivision of an existing 1.3 acre residential parcel within The Vintage Club into two separate residential parcels for future development of two very low density single family home sites.

Attachments: Resolution Bill No. 2015-02
Proposed Tentative Parcel Map No. 36834

B. Adopt Resolution Approving Conditional Use Permit for a Private Recreational Facility at 75-400 Quail Cove Drive within The Vintage Club and Finding the Project Exempt from CEQA

RECOMMENDED ACTIONS:

Council OPENS the Public Hearing, takes any public testimony, CLOSES the Public Hearing; and

FINDS the project to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332, In-Fill Development Projects; and

ADOPTS Resolution Bill No. 2015-03 approving Conditional Use Permit No. 2014-02 to allow a private recreational facility at 75-400 Quail Cove Drive within The Vintage Country Club.

- Attachments:*** Resolution Bill No. 2015-03
Aerial Vicinity Map
Site Plan/Photos
Existing Site Photos
Landscape Plan
Landscape Plan -2
Architecture Plans
Color and Materials Exhibit

7. INTRODUCTION OF ORDINANCES

A. Introduce Ordinance Modifying Planned Sign Program for Village I Shopping Center to Allow Multi-Tenant Sign Standards for Standalone Pad Building Located at the Northeast Corner and Finding the Project Exempt from CEQA

RECOMMENDED ACTIONS:

Council FINDS the Project to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15311, Accessory Structures; and

INTRODUCES Ordinance Bill No. 2015-02 amending Chapter 17.20 of the Indian Wells Municipal Code by modifying Section 17.20.020 establishing modified sign criteria for the Village I Shopping Center for the standalone pad building located at the northeast corner of the Center.

Attachments: Ordinance Bill No. 2015-02
 Planned Sign Program Overview
 ALC Approved Wall Signs
 Planning Commission Approved Wall Signs
 Archway Signs
 Blade Signs

8. ORDINANCES FOR ADOPTION

A. Adopt Ordinance Amending Municipal Code Section 21.14.110 Pertaining to Land Uses in Planning Area 11 and Zoning Boundaries within The Vintage Club for the Golf Course Overlay and Residential-Very Low Density Zones

Attachments: Ordinance Bill No. 2015-04

B. Adopt Ordinance Amending Municipal Code Chapter 9.06 Pertaining to Noise Violations and Enforcement

Attachments: Ordinance Bill No. 2015-01

C. Adopt Ordinance Amending Municipal Code Chapter 5.20 Relating to Short-Term Residential Rentals

Attachments: Ordinance Bill No. 2015-03

9. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered to be routine and will be enacted by one vote. There will be no separate discussion of these items unless members of the City Council or audience request that specific items be removed from the Consent Calendar for separate discussion and action. If you wish to address the City Council, please fill out a Public Comment Request form in advance and hand it to the City Clerk. Please state your name for the public record. Financial matters will be indicated as budgeted or non-budgeted below.

A. Receive and File the City Treasurer’s Report for December 2014

RECOMMENDATION:

Council RECEIVES and FILES the City Treasurer's Report for the month of December 2014.

Attachments: December 2014 Treasurer's report

B. FAMD Warrants and Demands

Council APPROVES the February 19, 2015 FAMD Warrants and Demands.

Attachments: 02-19-15 FAMD Warrants and Demands

C. City Warrants and Demands

Council APPROVES the February 19, 2015 City Warrants and Demands.

Attachments: 2-19-15 City Warrants and Demand

10. GENERAL BUSINESS

A. Adopt the Commitment to Indian Wells Best Practices and Leadership Guide

Attachments: Policy provided at Council meeting notice

11. CITY MANAGER'S REPORTS/COMMENTS AND MATTERS FROM STAFF

12. COUNCIL MEMBERS' REPORTS AND COMMENTS

A. Council Member Mertens

Coachella Valley Mountains Conservancy
CVAG Public Safety
Palms Springs Desert Resorts Convention and Visitors Bureau
Finance and Legal Services Oversight Committee
Public Safety Committee

B. Council Member Hanson

Los Angeles-San Diego-San Luis Obispo Rail Corridor Agency
Riverside Local Agency Formation Commission
League of California Cities, Riverside County Division

C. Council Member Balocco

Cove Commission
CVAG Coachella Valley Conservation Commission
CVAG Energy
Indian Wells Golf Resort Advisory Committee
Indian Wells Marketing Committee
Public Safety Committee
Tee Committee

D. Mayor Pro Tem Reed

California Joint Powers Insurance Authority
Cove Commission
Jacueline Cochran Regional Airport Commission
Riverside County Transportation Commission
Coachella Valley Animal Campus
CVAG Homelessness
CVAG Transportation
Personnel Committee

E. Mayor Peabody

CVAG Executive Committee
Sunline Transit Agency
Indian Wells Community Activities Committee
Indian Wells Golf Resort Advisory Committee
Indian Wells Grants in Aid Committee
Indian Wells Marketing Committee
Finance and Legal Services Oversight Committee
Personnel Committee
Tee Committee

13. CITY ATTORNEY REPORTS AND COMMENTS

14. ADJOURNMENT

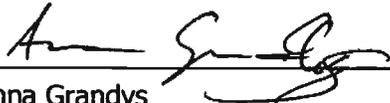
To a special meeting of the City Council to be held at 11:00 a.m. on March 5, 2015 in the City Hall Council Chambers/Executive Conference Room; and thereafter to a regularly scheduled meeting of the City Council to be held at 1:30 p.m. on March 5, 2015 in the City Hall Council Chambers.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Chief Deputy City Clerk at (760) 346-2489. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. 128 CFR 35.102.35.104 ADA Title III

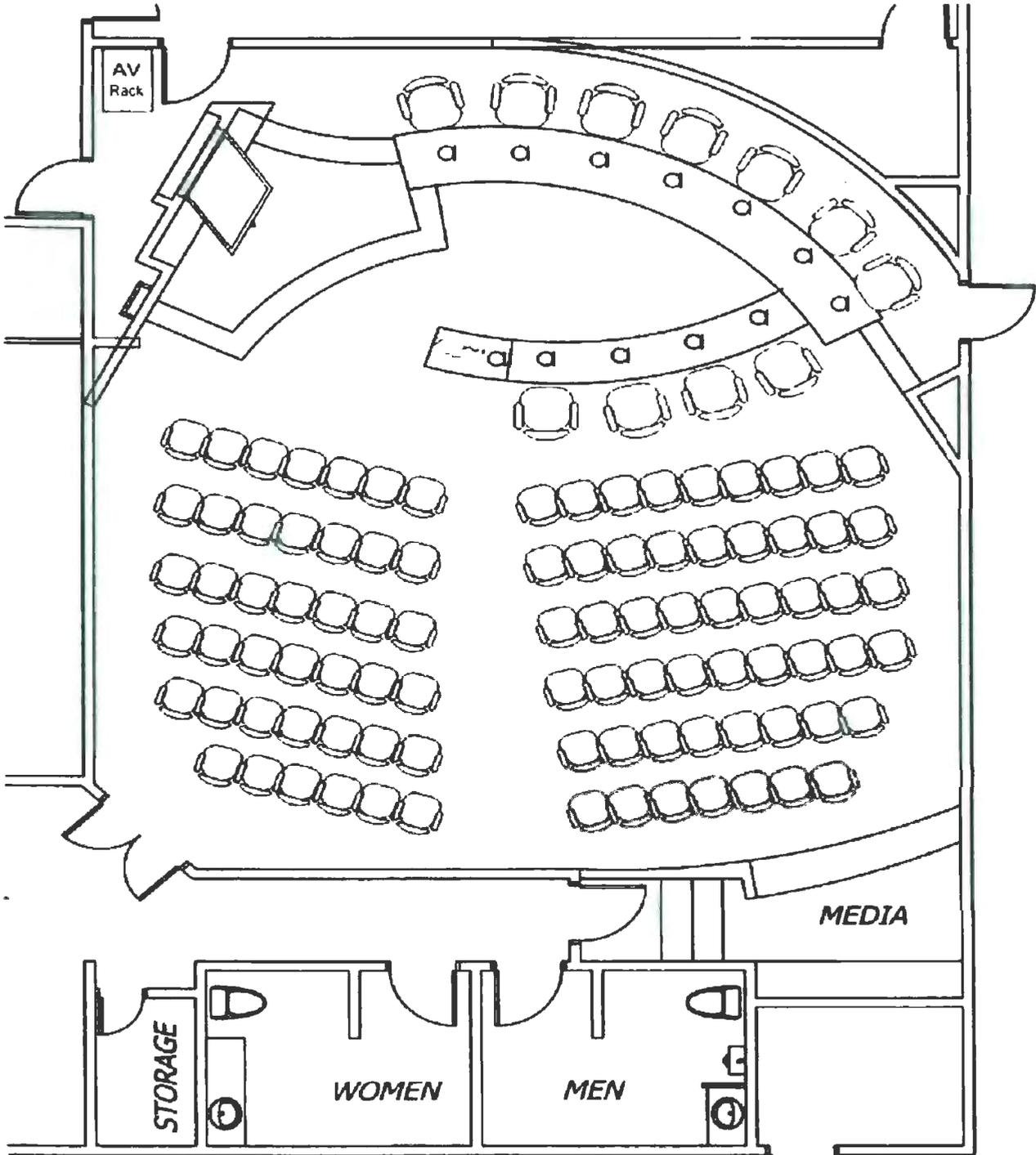
Affidavit of Posting

I, Anna Grandys, certify that on February 13, 2015, I caused to be posted a notice of a City Council Meeting to be held on February 19, 2015 at 1:30 p.m. in the City Hall Council Chambers.

Notices were posted at Indian Wells Civic Center, Village 1 [Ralph's], and Indian Wells Plaza [Indian Wells Chamber of Commerce].



Anna Grandys
Chief Deputy City Clerk



Mayor, Council Members

Having studied the many suggestions and opinions on this subject, I'm convinced this is an exercise in futility. If you make the changes suggested and you succeed to get the personal preferences added to the policy, SO WHAT. After all of the added processes and changes are adhered to, it will still only requires 3 council member votes to censure the (target) accused. When it comes to the end result nothing will have changed. With all of the efforts to make it more stringent, fair, and or equitable it still boils down to the "red shirt" scenario. Three votes!!!

Current case law makes it all to tempting for fellow colleagues to exact revenge against a peer based on petty personal disagreements. So the bottom line is, if there are three nefarious council members who wish to harm or embarrass a fellow council member they can censure him for whatever reason they conjure up. i.e. "The Red Shirt" scenario.

BY THE WAY, what is the process if a resident/voter has a complaint that a Council Member has violated the conduct policy??? To date the council has just ignored residents who charge council members with misconduct. Will you address that in today's revisions and addendums??? In closing I ask you to consider, is alleged misconduct against Council Members, and Staff, more important, of a higher priority, than misconduct directed at an IW resident/voter???

Andy Elchuck

City Council Meeting 2-19-2015

City Council Members, residents and visitors my name is Denny Booth, a resident for over 14 years.

Attendees of city council meetings very seldom hear about what is happening in our city. As city council members hardly ever report on matters involving committees on which they serve. As I only have 3 minutes to speak, I will have more to say about this subject at the next city council meeting.

For residents and visitors, I would like to report a little known success story that has happened in our city. At a city council meeting in July 2013 Steve Rosen (newly hired by Troon Management in April 2013 to be General Manager of the Indian Wells Golf Resort) proposed building the Pavillion across the wash. The council approved the one million dollar expenditure.

Five months latter the construction of the Pavillion was completed, opening for business January 2014. To date, revenue plus future bookings, as far out as the year 2018, total \$1.2 million dollars. This will produce a net profit of close to half a million dollars (50% of what the building cost). Steve and his staff are to be commended for their achievement.

To be continued,
Demosthenes James Booth

Special Council

Meeting Minutes

Thursday, January 22, 2015

11:00 AM

44-950 Eldorado Drive, Indian Wells



Welcome to a meeting of the City Council. All persons wishing to address the City Council should fill out a blue public comment form before the meeting begins and give it to the Clerk. When the Mayor has recognized you, please come forward to the podium and state your name for the record. A 3-minute time limit is customary. Please note that you may address the City Council on an agenda item at the time it is discussed, but only after being recognized by the Mayor. Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection at City Hall reception, 44-950 Eldorado Drive, Indian Wells during normal business hours.

1. CONVENE THE SPECIAL MEETING AND ROLL CALL

Mayor Peabody convened the Special Meeting of the City Council of the City of Indian Wells at 11:03 a.m. on January 22, 2015 in the Celebrity Ballroom at the Indian Wells Golf Resort.

Present: 5 - Mayor Peabody, Mayor Pro Tem Reed, Council Member Balocco, Council Member Hanson, Council Member Mertens

2. APPROVAL OF THE FINAL AGENDA

A motion was made to Approve the Agenda as Submitted. The motion carried by the following vote:

AYES: 5 - Peabody, Reed, Balocco, Hanson, Mertens

NOES: 0

3. PUBLIC COMMENTS

Public Comments were received from numerous individuals on the following: fines were useless and not a deterrent; noise enforcement is also necessary during the hours of 11:00 a.m. to 4:00 p.m.; why Council did not adopt the Penal Code for this problem; monitoring of noise should not only be at the curb in front of the house, but on the side and back of the property; and the reporting mechanism for noise complaints.

4. GENERAL BUSINESS

A. Introduce Ordinance Amending Municipal Code Chapter 9.06 Regarding Noise Violations and Enforcement

City Attorney Stephen Deitsch read proposed revisions to Ordinance Bill No. 2015-01 changing the times under Section 9.06.050 General noise regulations, it should read "between the hours of 7:00 p.m. to 7:00 a.m. except for commercially licensed businesses on non-residentially zoned property which will be subject to the restriction from 10:00 p.m. to 7:00 a.m.; and under Section 9.06.080 Violations - Penalty, at the end of the first sentence, add the language "provided that the first citation shall be a fine of \$250 and each subsequent citation shall be a fine of \$500."

Council Member Balocco stated the change from 10:00 p.m. to 7:00 p.m. is too extreme and should be either 9:00 p.m. or 10:00 p.m.

It was determined to **INTRODUCE AS AMENDED** Ordinance Bill No. 2015-01 to read as follows:

ORDINANCE BILL NO. 2015-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING CHAPTER 9.06 PERTAINING TO NOISE VIOLATIONS AND ENFORCEMENT

A motion was made by Council Member Hanson, seconded by Mayor Pro Tem Reed, that this Ordinance be Introduced For First Reading. The motion carried by the following vote:

AYES: 4 - Peabody, Reed, Hanson, Mertens

NOES: 1 - Balocco

B. Approve Recommended Code Provisions for Short-Term Vacation Rentals and Council Guidance on Ordinance Language

Council Member Doug Hanson stated he is a real estate broker and owner of rental properties within the City and asked the City Attorney if he should recuse himself from the meeting and not participate on this agenda item. City Attorney Deitsch stated Council Member Hanson has no conflict based on the facts and financial interests that were presented to City Attorney Deitsch by Council Member Hanson and therefore, Council Member Hanson could participate on this agenda item.

Public comments were received from various individuals on the following: keep the 30 day rental minimum with an exception for the BNP Paribas Tennis Tournament in March; concern over weekend rentals; the quality of life has and will continue to change the character of neighborhoods in Indian Wells; rentals could potentially cause parking problems on neighborhood streets; 3 day rentals will bring in transients and crime; weekend and 3 days rentals have been around for many years in some areas of Indian Wells; short term rentals take business away from the hotels; renters for the weekends of the Coachella Fest and Stage Coach musical concerts are different than renters for the BNP Paribas tennis tournament; 30 day renter is a more qualified person and will preserve the property values in comparison to 3 day renter; the times have changed and the City must set-up for the future not just for today; only a few owners are not supporting 30 days or longer period to rent property; homeowners associations have 30 days or more already in place and only the 1,100 Rancho Palmeras neighborhood homes out of the whole city are not in a gated community and therefore, are not restricted by their homeowners association; and owners should screen their proposed renters.

Mayor Peabody called for a 5 minute recess at 1:25 p.m. Mayor Peabody reconvened the City Council meeting.

A motion was made by Council Member Hanson, seconded by Mayor Pro Tem Reed, to DIRECT staff to bring back to Council at the February 5, 2015 an Ordinance with the 17 Recommended Code Provisions for Enforcement as outlined in the staff report. The motion carried by the following vote:

AYES: 5 - Peabody, Reed, Balocco, Hanson, Mertens
NOES: 0

A motion was made by Council Member Mertens, seconded by Mayor Pro Tem Reed, that upon issuance of a vacation rental permit neighbor notification be made by the City to residences within 200 feet of the rental property and the cost for the neighbor notification be built into the fee. Council Member Balocco stated that posting the information on the website would be sufficient and did not think it necessary to send out a mailer to the residents within 200 feet of a rental property. The motion carried by the following vote:

AYES: 4 - Peabody, Reed, Hanson, Mertens

NOES: 1 - Balocco

A motion was made by Mayor Pro Tem Reed, seconded by Council Member Balocco, that there be no age restriction in renting properties. A partial vote was taken with Noes of Council Members Hanson and Mertens and voting yes were Mayor Pro Tem Reed and Council Member Balocco. Mayor Pro Tem Reed made a superceding motion to table this item until such time as a Council Member wishes to bring this item up in the future. City Attorney Deitsch stated a superceding motion takes precedent and therefore, will be voted on first. A motion was made by Mayor Pro Tem Reed, seconded by Council Member Balocco, that this matter be tabled. The motion carried by the following vote:

AYES: 3 - Reed, Balocco, Mertens

NOES: 2 - Peabody, Hanson

A motion was made by Council Member Hanson, seconded by Mayor Pro Tem Reed, that occupancy of a rental should be limited to two persons per bedroom. Council Member Mertens asked to address how the children will be or not be counted. Council Member Hanson stated he would amend his motion to not count any children three years or younger in the occupancy count. Council Member Mertens requested that the exclusion be for children six years or younger. Council Member Hanson and Mayor Pro Tem Reed agreed to this amendment to the motion to exclude children six years or younger in the rental occupancy count. An amended motion was made by Council Member Hanson, seconded by Mayor Pro Tem Reed, that the occupancy of a rental should be limited to two persons per bedroom and that children six years or younger not be counted. The motion carried by the following vote:

AYES: 5 - Peabody, Reed, Balocco, Hanson, Mertens

NOES: 0

A motion was made by Council Member Hanson, seconded by Mayor Pro Tem Reed, to accept staff's recommendation that there be no parking on the street. Council Member Mertens requested one car per bedroom with all cars be parked either in the garage or on the driveway with no parking on the street. Council Member Hanson amended his motion to clarify that all cars be parked either in the garage or on the driveway with no parking on the street. Mayor Pro Tem Reed, agreed with the amendment to the motion. An amended motion was made by Council Member Hanson, seconded by Mayor Pro Tem Reed, to allow one car per bedroom to park on the driveway and/or in the garage and no street parking be allowed.

AYES: 5 - Peabody, Reed, Balocco, Hanson, Mertens

NOES: 0

A motion was made by Council Member Hanson, seconded by Mayor Pro Tem Reed, that

residences not within HOAs have a 30 day minimum rental by creating zoning overlays. Mayor Pro Tem Reed stated he would like to amend the motion to protect the General Fund because the City is not able to collect Transient Occupancy Tax [TOT] revenue for 30 day rentals. City Manager McKinney stated that staff will come back to Council to solve the TOT situation; possibly with a 29 day rental. A motion was made by Council Member Hanson, seconded by Mayor Pro Tem Reed, to DIRECT staff to come back to Council with wording on residences not within HOA's having a 29 day minimum rental by creating zoning overlays and to include an exception to the 29 day minimum rental during the period of the BNP Paribas Tennis Tournament.

AYES: 5 - Peabody, Reed, Balocco, Hanson, Mertens

NOES: 0

5. ADJOURNMENT

At 2:05 p.m. Mayor Peabody ADJOURNED to a regularly scheduled meeting of the City Council to be held at 1:30 p.m. on January 22, 2015 in the City Hall Council Chambers, which was recessed to the Indian Wells Golf Resort, Celebrity Ballroom by the Chief Deputy City Clerk.

Respectfully submitted,

Wade G. McKinney, City Manager/City Clerk

Special Council

Meeting Minutes

Thursday, February 5, 2015

11:00 AM

44-950 Eldorado Drive, Indian Wells



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1. CONVENE THE CITY COUNCIL, PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Peabody convened the Special Meeting of the City Council of the City of Indian Wells at 11:04 a.m. on February 5, 2015 in the City Hall Executive Conference Room.

A motion was made by Council Member Mertens, seconded by Mayor Pro Tem Reed, to Excuse Council Member Hanson from this meeting as he is a Plaintiff in Closed Session Item #4A being discussed at today's meeting. The motion carried by the following vote:

A motion was made by Council Member Mertens, seconded by Mayor Pro Tem Reed, to Approve the Excusal. The motion carried by the following vote:

AYES: 4 - Peabody, Reed, Balocco, Mertens

NOES: 0

EXCUSED: 1 - Hanson

Present: 4 - Mayor Peabody, Mayor Pro Tem Reed, Council Member Balocco, Council Member Mertens

Excused: 1 - Council Member Hanson

2. APPROVAL OF THE FINAL AGENDA

A motion was made by Council Member Mertens, seconded by Mayor Pro Tem Reed, to Approve the Minutes as Submitted. The motion carried by the following vote:

AYES: 4 - Peabody, Reed, Balocco, Mertens

NOES: 0

EXCUSED: 1 - Hanson

3. PUBLIC COMMENTS

None.

4. CLOSED SESSION

At 11:05 a.m. Mayor Peabody stated the City Council would hold a Closed Session to discuss the following agenda item.

- A. Conference with Legal Counsel Regarding Existing Litigation, Pursuant to Government Code Section 54956.9(d)(1): Douglas Hanson v. City of Indian Wells, et al., California Superior Court, Riverside County No. PSC 1405730.**

At 5:03 p.m. City Attorney Stephen Deitsch stated no action was taken which, under the Brown Act, would be required to be publicly reported.

5. ADJOURNMENT

At 12:17 p.m. Mayor Peabody ADJOURNED to a regularly scheduled meeting of the City Council to be held at 1:30 p.m. on February 5, 2015 in the City Council Council Chambers.

Respectfully submitted,

Wade G. McKinney, City Manager/City Clerk

City Council

Meeting Minutes

Thursday, February 5, 2015

1:30 PM

44-950 Eldorado Drive, Indian Wells



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1. CONVENE THE CITY COUNCIL, PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Mertens convened the City Council of the City of Indian Wells at 1:30 p.m. on February 5, 2015 in the City Hall Council Chambers.

A motion was made by Mayor Pro Tem Reed, seconded by Council Member Hanson, that Council Member Balocco be Excused for Cause. The motion carried by the following vote:

Present: 5 - Mayor Peabody, Mayor Pro Tem Reed, Council Member Balocco, Council Member Hanson, Council Member Mertens

2. APPROVAL OF THE FINAL AGENDA

A motion was made by Council Member Mertens, seconded by Mayor Pro Tem Reed, to Approve the Agenda as Submitted. The motion carried by the following vote:

AYES: 5 - Peabody, Reed, Balocco, Hanson, Mertens

NOES: 0

3. PUBLIC COMMENTS

Mr. Walter McIntyre, resident and former Mayor, spoke on the triangular adoption between the 5th Grade of the Gerald Ford Elementary School, the USS Essex and the City of Indian Wells. Principal Scott Davis stated the 5th graders look forward to visiting the ship and thanked the City for its support not only with this trip but also with the Mini Muster event. Mr. Davis also stated Gerald Ford Elementary School has the highest academic index in the Coachella Valley.

Mr. Bob Mitchell, resident, stated the purse for the BNP Paribas Tennis Tournament is \$10.4 million, and Serena Williams will return to the tournament after a 14 year absence. Mr. Mitchell also requested the City consider purchasing a \$15,000 track chair for seriously wounded war veterans.

Mr. David Ramsay, resident, remarked on Mr. Nolen's numerous public comments on the same subject, stating he has never seen this practice before. Mr. Ramsay stated Mr. Nolen has a right to speak, but his silence at this point would be golden.

Mr. Tom Pearson, resident, spoke on his efforts to raise money and awareness for Alzheimer's disease.

Ms. Linda Blank, resident, stated Modernism Week event will occur for the first time in the City of Indian Wells on February 20, 2015 from 9:30 a.m. to 12:15 p.m. with the event being sold. She stated 200 people will visit six homes in Indian Wells, with lunch at the IW Golf Resort, and then a lecture by a well-known Coachella Valley Architect, Lance O'Donnell.

Ms. Gail McQuary, resident, rephrased her prior request for information as: how much taxpayer money has been spent for any investigations or other related costs/expenses for matters such as Hamburger Gate having to do with Doug Hanson; how much time and fees is spent for the City Attorney Dietsch to respond to Doug Hanson's phone calls, etc. and in meetings in addressing Doug Hanson's needs; and if an amount can not be calculated, could there be an estimate for his time spent regarding Doug Hanson. Ms. McQuary stated Council Member Hanson should pay his own legal fees.

Mr. Dave Thornton, Executive Director of Angel View, thanked the City for the \$10,000 grant for Angel View's transportation program. He proceeded to explain the various programs and services they provide for the disabled.

Ms. Paty Salazar representing "Up with People" stated this program is sponsored by the Bergher Foundation. She asked for resident support by being a host family for the 110 people who come from throughout the world. She announced the concerts will be on March 20 and 21 at the Indio and Palm Springs High Schools.

Mr. Ian Lush and Rafel Lopez, thanked the City for their donation last November for the "111" music festival and announced "DooWop in the Desert" event will be held at The Pavillion at the Indian Wells Golf Resort on Saturday, February 14, 2015 and presented 16 tickets for the City Council.

Ms. Jacqueline Bradley, resident, remarked on the February 4 and 6 Desert Sun articles regarding the Douglas Hanson litigation, and on the email sent by Council Member Hanson on February 4, 2015 with regard to this litigation.

Mr. Nolen, resident, stated he did not plan on speaking today but since Mr. Ramsay stated a few things regarding him today, he would wait until the next council meeting to speak.

RESPONSE TO PRIOR PUBLIC COMMENTS

City Manager Wade McKinney asked for Council direction on Ms. Gail McQuary's request today. Mr. McKinney stated the City could provide the Liebert Cassidy billing to Ms. McQuary. The Council directed Mr. McKinney to provide a copy of the Liebert Cassidy documents, if it is not privileged, and see if that is sufficient for Ms. McQuary. Also if there other documents Ms. Quarry wants and can identify, the City will provide those if not privileged.

PROCLAMATION

Mayor Peabody presented a Proclamation announcing Ms. Sally Simonds as the City's recipient of Indian Wells Senior Inspiration Award for 2015. Ms. Simonds thanked her family and friends for their support in this award.

4. PUBLIC HEARINGS

A. Adopt Resolution Approving the Initial Study/Mitigated Negative Declaration, General Plan Amendment, Zoning Map Amendment and Tentative Parcel Map and Introduce Ordinance Amending Municipal Code Section 21.14.110 Pertaining to Land Uses and Zoning Boundaries Within The Vintage Club

Mayor Peabody opened the public hearing at 2:14 p.m. to hear testimony in favor of or against Ordinance Bill No. 2015-04 and Resolution Bill No. 2015-01.

Mr. Allan Levin, representing the applicant, The Vintage Club, stated the Applicant agrees with the conditions set forth by the City and is available for any questions from the City Council.

Mayor Peabody closed the public hearing at 2:16 p.m.

It was determined to APPROVE Environmental Assessment No. 2014-02 Initial Study and Mitigated Negative Declaration for General Plan Amendment No. 2014-01; Zoning Map Amendment No. 2014-01 and Tentative Parcel Map No. 36780; and

to INTRODUCE Ordinance Bill No. 2015-04 to read as follows:

ORDINANCE BILL NO. 2015-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING TITLE 21 OF THE INDIAN WELLS MUNICIPAL CODE BY AMENDING SECTION 21.14.110 PERTAINING TO LAND USES IN PLANNING AREA 11 AND ZONING BOUNDARIES WITHIN THE VINTAGE CLUB FOR THE GOLF COURSE OVERLAY AND RESIDENTIAL-VERY LOW DENSITY (RVLD) ZONES; and

to ADOPT Resolution No. 2015-01 [Resolution Bill No. 2015-01] to read as follows:

RESOLUTION NO. 2015-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, ADOPTING ENVIRONMENTAL ASSESSMENT NO. 2014-02, GENERAL PLAN AMENDMENT NO. 2014-01, AND APPROVING TENTATIVE PARCEL MAP NO. 36780 IN THE VINTAGE CLUB

A motion was made by Mayor Pro Tem Reed, seconded by Council Member Balocco, that this Resolution be Adopted. The motion carried by the following vote:

AYES: 5 - Peabody, Reed, Balocco, Hanson, Mertens

NOES: 0

5. ORDINANCES FOR INTRODUCTION

A. Introduce Ordinance Amending Municipal Code Chapter 5.20 Regarding Short-Term Vacation Rentals, Provide Further Direction to Staff on Zoning Overlay for Establishing Minimum Stay Requirements, and Any Other Issues Related to Short-Term Vacation Rentals

Mr. John Burton, resident, remarked this issue has been going on for the last two years stating approximately 1,100 homes are not in homeowners association and need the City Council to protect these home owners.

Mr. Stephen Moyer, resident, stated this problem is troubling and disruptive to many residents.

Mr. Michael Andelson, resident, stated his support in favor of 29 day minimum on short term rentals.

Mr. Brad Wald, owner of a rental property, stated in renting his property he does not make any money but it allows him to keep afloat.

Ms. Gail McQuary, resident, stated any council member who has rental properties should not be allowed to vote on this item. Council Member Hanson asked the City Attorney to respond to this statement. City Attorney Deitsch stating the public general exception applies and Council Member Hanson can participate.

Mr. Don Hanrahan, resident, stated the Council has been working on this issue for two years. He further stated just the idea of residents obtaining a business license for these rentals depicts a business rather than a residence.

Ms. Tina Godecke, resident, stated she will be disappointed if Council does not act today. She stated she has a rental property next door to her and short term rentals are not good for city or property values.

Mr. Tyler Kunkle, resident, stated he is very confused on how City got to this point and people who have rentals will loose their homes if the City enforces a 30 day rental limit.

Mr. William Dougherty, resident, stated he owns a home in a non-HOA area. He further stated he supports the noise ordinance but 7:00 p.m. is too early remarking that ownership rights are being jeopardized with a 30 day minimum rental period.

Mr. Jonathon Gold, resident, stated he has spent \$400,000 in renovations since purchasing his home in May 2010 and currently rents his home for seven day periods but can not get renters for 30 day rental period. He stated he supports the noise ordinance regardless of the number of days.

Mr. Edward Tuland, resident, stated he is an advocate of short term rentals as it relates to the Tennis Tournament.

Mr. Kent Barkouras, resident, stated he purchased his property in 2010 and rents his property and relies on that income to support that residence. He further stated he supports 7 day rentals.

Ms. Jennifer Vorster, resident, stated the ungated areas are vulnerable and not able to curb the flow of cars or determine who has access to properties. She further stated she supports a 29 day minimum.

Mr. Jon Romer, resident, stated they rent their home as a short term rental and everyone feels their property rights are being diminished.

Ms. Rhanda Hummer, resident, stated she purchased this second home to rent during the snowbird months and needs the income from the rental of this property.

Mr. Patrick Baldwin, resident, stated the City Council should support the residents who are Indian Wells voters.

Ms. Margo Langdon, resident, stated she bought a home in Indian Wells with the plan to retire in the community.

Mr. Don Hanrahan, stated POAs are different from HOAs.

The City Council CONFIRMED the moratorium would be maintained by not allowing new rental properties to register within the City of Indian Wells.

City Attorney Deitsch stated based on Council's direction today, the following changes will be made today to Ordinance Bill No. 2015-03 and the Council action would be to Introduce as Amended Ordinance Bill No. 2015-03.

Mr. Deitsch stated those changes are: Under Section 5.20.080 Transient occupancy tax, in the second sentence, before "on or before" add "the 30th day following the dates of".

In Section 5.20.090 Statement of occupancies section (d) the last sentence "The Responsible Person shall be at least thirty (30) years of age." shall be removed.

In Section 5.20.170 Administrative citation, Responsible Person: The first sentence would read, "The City may issue and the Responsible Person for, insert "each" and continue with "Short-term Vacation Rental and continue with the remaining paragraph. In the same Section, under #3 the paragraph after "Third and subsequent offenses within sixty (60) day period - \$1,000 fine." shall be removed which starts with "Upon the first offense,...".

It was determined to Introduce as Amended Ordinance Bill No. 2015-03 to read as follows:

ORDINANCE BILL NO. 2015-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING CHAPTER 5.20 (TITLE 5 BUSINESS LICENSES AND REGULATIONS) OF THE INDIAN WELLS MUNICIPAL CODE, RELATING TO SHORT-TERM RESIDENTIAL RENTALS

A motion was made by Mayor Pro Tem Reed, seconded by Council Member Mertens, that this Ordinance be Introduced For First Reading. The motion carried by the following vote:

AYES: 5 - Peabody, Reed, Balocco, Hanson, Mertens

NOES: 0

6. ORDINANCES FOR ADOPTION

A. Adopt Ordinance Amending Municipal Code Chapter 9.06 Pertaining to Noise Violations and Enforcement.

It was determined to RE-INTRODUCE Ordinance Bill No. 2015-01 as amended changing Section 2, "9.06.050 General noise regulations. (a) General Prohibition Notwithstanding any other provisions of this Chapter and in addition thereto, it is unlawful, between the hours of, removing 7:00 p.m. and inserting "10:00 p.m." and continue "to 7:00 a.m." and removing the following "(except for commercially licensed businesses on non-residentially zoned property which will be subject to this restriction from 10:00 p.m. to 7:00 a.m.)" and then continue with the rest of the paragraph starting with "for any person to make or....".

ORDINANCE BILL NO. 2015-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING MUNICIPAL CODE CHAPTER 9.06 PERTAINING TO NOISE VIOLATIONS AND ENFORCEMENT

A motion was made by Council Member Balocco, seconded by Mayor Pro Tem Reed, that this Ordinance be Re-Introduced For First Reading. The motion carried by the following vote:

AYES: 5 - Peabody, Reed, Balocco, Hanson, Mertens

NOES: 0

7. CONSENT CALENDAR

Mayor Pro Tem Reed stated he would abstain from voting on Consent Calendar Items #B and #C as his law firm has clients that are on both of these Warrant and Demands listings.

A. Approve Agreement for Public Sale of Tax Default Property to Coachella Valley Conservation Commission

It was determined to APPROVE Agreement 4398 for the Public Sale of Tax Default Assessor's Parcel Number 623-310-008 from the Riverside County Treasurer-Tax Collector to the Coachella Valley Conservation Commission (CVCC) ; and

to AUTHORIZE and DIRECT the Mayor to execute the same.

RECOMMENDED ACTIONS:

Council APPROVES Agreement 4398 for the Public Sale of Tax Default Assessor's Parcel Number 623-310-008 from the Riverside County Treasurer-Tax Collector to the Coachella Valley Conservation Commission (CVCC); and

AUTHORIZE and DIRECT the Mayor to execute same.

Approval of the Consent Agenda

A motion was made by Mayor Pro Tem Reed, seconded by Council Member Mertens, to Approve the Consent Agenda. The motion carried by the following vote:

B. FAMD Warrant and Demands.

It was determined to APPROVE the February 5, 2015 FAMD Warrant and Demands.

It was determined to Approve the February 5, 2015 FAMD Warrant and Demands.

AYES: 4 - Peabody, Balocco, Hanson, Mertens

NOES: 0

ABSTAIN: 1 - Reed

C. City Warrant and Demands.

It was determined to APPROVE the February 5, 2015 City Warrant and Demands.

It was determined to APPROVE the February 05, 2015 City Warrant and Demands.

AYES: 4 - Peabody, Balocco, Hanson, Mertens

NOES: 0

ABSTAIN: 1 - Reed

8. GENERAL BUSINESS

A. Request to Hold Council Assignments Draft on February 19, 2015 for All Seated Council Members

Council Member Hanson stated the City Attorney has advised him to recuse himself from this item and that his attorney does not agree with that advice; however he will leave the Chambers and not participate in this agenda item. Council Member Hanson left the Chambers at 4:34 p.m.

Mr. Tom Connor, resident, commended Mayor Pro Tem Reed for putting this item on the agenda, stating Council should put this issue behind them. He also stated Council Member Hanson has dropped the lawsuit against the City of Indian Wells and is in the best interest of the City.

Ms. Sheila Gill, resident, stated she is glad to see this item on the agenda and the City Council should work together for the good of the City.

A motion was made by Mayor Pro Tem Reed to hold council assignments draft on February 19, 2015 for all seated council members. The motion failed for lack of a second.

It was determined that a code of conduct policy be discussed at a study session on February 19, 2015, the policy be considered at the City Council meeting on February 19, 2015, and the Council assignment draft for all seated Council Members be held on March 5, 2015.

A motion was made by Council Member Mertens, seconded by Council Member Balocco, that this Recommendation be Approved. The motion carried by the following vote:

AYES: 4 - Peabody, Reed, Balocco, Mertens

NOES: 0

ABSTAIN: 1 - Hanson

B. Receive and File City's Financial Overview Report

Mayor Peabody called for a 5 minute recess. The Mayor reconved the meeting. Council Member Hanson returned to the Chambers at 4:42 p.m.

It was the CONSENSUS of the City Council that this report be Received and Filed.

9. SUCCESSOR AGENCY

A. Adopt Resolution Approving Recognized Obligation Payment Schedule 15-16A and Finding this Action is Exempt Under CEQA

It was determined to FIND that this action is exempt under the California Environmental Quality Act per Section 15061(e)(3) of the guidelines, Review for Exemption; and

to ADOPT Resolution SA No. 2015-01 [Resolution Bill SA No. 2015-01] to read as follows:

RESOLUTION SA NO. 2015-01

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE DISSOLVED REDEVELOPMENT AGENCY OF THE CITY OF INDIAN WELLS, CALIFORNIA, APPROVING AND ADOPTING A DRAFT OF THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177 (I)

A motion was made by Mayor Pro Tem Reed, seconded by Council Member Mertens, that this Resolution be Adopted. The motion carried by the following vote:

AYES: 5 - Peabody, Reed, Balocco, Hanson, Mertens

NOES: 0

B. Approve Assignment of Housing Assets to the City of Indian Wells Housing Authority

It was determined to APPROVE Assignment of Housing Assets to the City of Indian Wells Housing Authority.

A motion was made by Mayor Pro Tem Reed, seconded by Council Member Balocco, that this Recommendation be Approved. The motion carried by the following vote:

AYES: 5 - Peabody, Reed, Balocco, Hanson, Mertens

NOES: 0

10. CITY MANAGER'S REPORTS/COMMENTS AND MATTERS FROM STAFF

No report.

11. COUNCIL MEMBERS' REPORTS AND COMMENTS

A. Council Member Mertens

No report.

B. Council Member Hanson

Council Member Hanson made an inquiry of the City Attorney in relation to his advise today regarding Council Member Hanson having a conflict on General Business item #A. City Attorney Deitsch stated he did not provide such advise to Council Member Hanson on item General Business item #A, he did on a Closed Session item. Council Member Hanson disagreed.

Council Member Hanson made statements regarding the recent ruling of the litigation he had against the City of Indian Wells and his position on dropping of the lawsuit against the City of Indian Wells.

C. Council Member Balocco

Council Member Balocco stated he is working on a draft of the governance policy and will issue it prior to strategic planning meetings.

D. Mayor Pro Tem Reed

Mayor Pro Tem Reed stated he attended a RCTC strategic planning session wherein Measure A funds were discussed as well as the Vehicle Mileage Tax issue. Mayor Pro Tem Reed stated he has been appointed to a RCTC Ad Hoc committee to consider legislative and revenue issues. Mayor Pro Tem Reed stated Palm Desert's Council Member Jan Harnik and the new Mayor of Coachella Steve Hernandez were also appointed.

E. Mayor Peabody

Mayor Peabody stated he has written a letter to Serena Williams on behalf of the City of Indian Wells welcoming her back to the City and the BNP Paribas tennis tournament.

12. CITY ATTORNEY REPORTS AND COMMENTS

City Attorney Stephen Deitsch reported that this morning in a Special Meeting Closed Session, the City Council met and no action was taken on this item which, under the Brown Act, would be required to be publicly reported.

City Attorney Deitsch further stated after this meeting, the City Council would meet in Closed Session to discuss Closed Session Items #A, #B and #C as stated on this agenda.

13. CLOSED SESSION

Mayor Peabody stated the City Council would hold a Closed Session to discuss the following agenda items:

- A. Real Property Negotiations, Pursuant to Government Code Section 54956.8 Real Property: APN 633-240-036, Located at 45-200 Club Drive and APN 633-240-035, Located at 45-300 Club Drive. Negotiating Parties: On Behalf of City of Indian Wells: Wade G. McKinney, City Manager. Other Negotiating Party: Daniel Cosgrove.**

At 5:17 p.m. City Attorney Deitsch reported no action was taken which, under the Brown Act, would be required to be publicly reported.

- B. Conference with Legal Counsel Regarding Anticipated Litigation. Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2). Number of Potential Cases: 1.**

At 5:17 p.m. City Attorney Deitsch reported no action was taken which, under the Brown Act, would be required to be publicly reported.

- C. Conference with Legal Counsel Regarding Existing Litigation, Pursuant to Government Code Section 54956.9(d)(1): Douglas Hanson v. City of Indian Wells, et. al., California Superior Court, Riverside County, Case No. PSC 1405730.**

At 5:17 p.m. City Attorney Deitsch reported no action was taken which, under the Brown Act, would be required to be publicly reported.

14. ADJOURNMENT

Mayor Peabody ADJOURNED to a special meeting of the City Council to be held at 9:00 a.m. on February 11, 2015 at the Indian Wells Golf Resort, Celebrity Ballroom.

Respectfully submitted,

Wade G. McKinney, City Manager/City Clerk

CC/MA ACTION _____ MFG. DATE 2-19-15
APPROVED DENIED _____ REC/FILE _____ CONT. _____
OTHER _____
VOTE: YES 5 NO 0 ABSTAIN _____

Indian Wells City Council

February 19, 2015

Staff Report – Community Development

Adopt Resolution Approving Tentative Parcel Map to Subdivide an Existing 1.3 Acre Lot into Two New Single-Family Lots Located at 74-675 Wren Drive within The Vintage Club, and Finding the Project Exempt from CEQA

RECOMMENDED ACTIONS:

Council **OPENS** the Public Hearing, takes any public testimony, **CLOSES** the Public Hearing; and

FINDS the project to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15315, Minor Land Divisions; and

ADOPTS Resolution Bill No. 2015-02 approving Tentative Parcel Map No. 36834 for the subdivision of an existing 1.3 acre residential parcel within The Vintage Club into two separate residential parcels for future development of two very low density single family home sites.

DISCUSSION:

The Applicant, Elizabeth Benton, proposes to subdivide an existing residential lot into two separate single-family lots near the eastern end of Wren Drive, within The Vintage Club. The City's Land Use Map/ Zoning Map shows the subject property is currently zoned Residential Very Low Density (RVLD). The RVLD zoning does not require an amendment to the General Plan or Zoning Map to facilitate the proposed subdivision. The Planning Commission recommended approval of the project 5-0 on January 29, 2015.

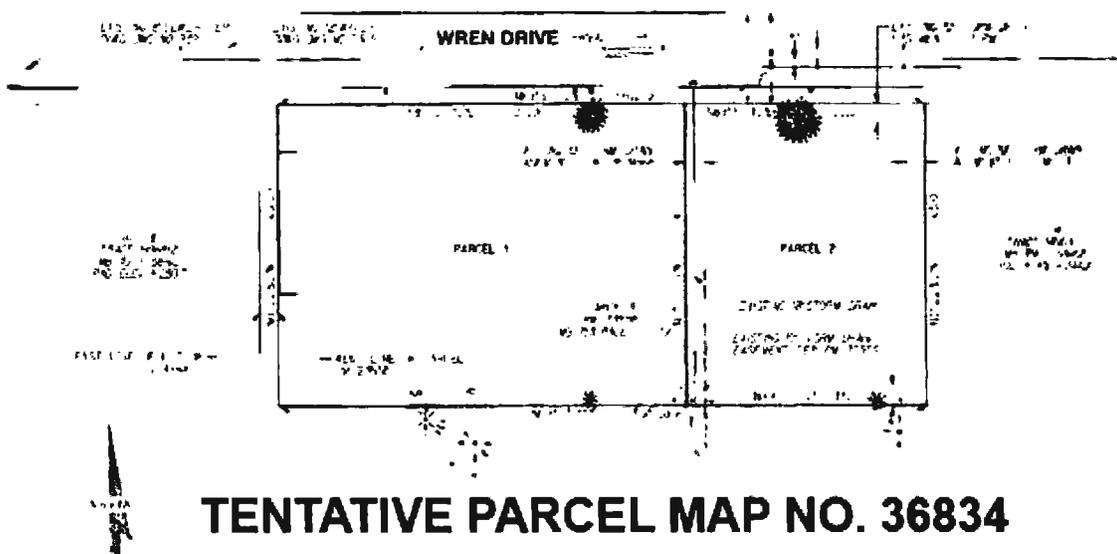
Aerial View of Property



Project Description:

The Applicant's request is to subdivide an existing 1.3 acre residential lot into two (2) new single-family residential lots consisting of .83 and .49 acres. The subject property is bound by an existing Golf Course on the south, and existing single-family homes immediately to the east and west. To the north of the site is Wren Drive. Similar to the existing single-family lot, access to the two new home sites will be from Wren Drive.

Proposed subdivision



Analysis:

The subject property was originally subdivided into three (3) separate parcels as part of the original Tract No. 14968-2 for The Vintage Club. However, the lots were subsequently merged into a larger 1.3 acre parcel through issuance of Parcel Map No. 23555 which was recorded on November 3, 1988.

There is no density conflict with approval of the subject parcel map. Over the course of The Vintage Club build-out, the density in the community has been reduced by a total of 19 lots (including the Vintage Drive and Pepperwood Drive lot creation), due to merging of residential lots to accommodate larger homes and residential amenities. The required utility infrastructure is available to serve the future home sites without the need for substantial extensions or modifications to capacity.

The new residential lots are similar in size and configuration to the surrounding lots, and meet the minimum lot size requirements (12,000 square foot minimum) for the City's RVLD Zone. Future residential development is subject to design review through the Vintage Club Architectural Review Board, which will ensure implementation of compatible architectural and landscape design.

ENVIRONMENTAL:

This Project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State and local CEQA Guidelines, and the environmental regulations of the City. The proposed lot-split will have no significant effect on the environment and qualifies as being Categorically Exempt from CEQA pursuant to Section 15315, Minor Land Divisions.

ATTACHMENTS:

1. Resolution Bill No. 2015-02
2. Proposed Tentative Parcel Map No. 36834

RESOLUTION BILL NO. 2015-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP NO. 36834 IN THE VINTAGE CLUB FOR WHICH THE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM THE PROVISIONS OF CEQA PURSUANT TO CEQA GUIDELINES SECTION 15315, MINOR LAND DIVISIONS

WHEREAS, The Vintage Club (the "Applicant") has filed an application with the City of Indian Wells (the "City") for approval of Tentative Parcel Map No. 36834 for the subdivision of an existing 1.3 acre residential parcel within The Vintage Club into two separate residential parcels for future development of two very low density single family home sites (the "Project"); and

WHEREAS, on January 29, 2015, the Planning Commission held a duly noticed public hearing on the Project in conformance with Government Code and Municipal Code sections and adopted by unanimous vote Resolution No. PC 2015-03 recommending that the City Council approve the Project; and

WHEREAS, notice of a public hearing of the City Council of the City of Indian Wells to consider the Project was given in accordance with applicable law; and

WHEREAS, on February 19, 2015, the City Council held a duly noticed public hearing on the Project; and

WHEREAS, after careful consideration of the staff report and all of the information, evidence, and testimony presented at its public hearing, the City Council finds as follows:

Tentative Parcel Map:

1. The proposed tentative parcel map complies with all the requirements of the zoning regulations, or with pending zoning requirements that have been adopted by the Council but have not yet become effective, and with any applicable general and specific plans.

FACT: The proposed tentative parcel map is consistent with The Vintage Club Master Plan and City's General Plan Land Use and Zoning designation for the site. The proposed tentative parcel map would effectively create two new residential parcels on a lot that was previously subdivided into three (3) single-family residential lots. The subdivision of the parcels as proposed by the tentative parcel map will not result in a change to the existing land use of the site or the type of residential development permitted on the site.

2. The requirements imposed upon the subdivision would not render infeasible the development of housing for all segments of the economic community and that the effect of any actions on the map considers the housing needs of the region and is balanced against the public service needs of its residents and available fiscal and environmental resources.

FACT: The proposed tentative parcel map would not render infeasible the development of housing for all segments of the community as it will facilitate the subdivision of an existing residential lot into two separate lots within The Vintage Club. The existing lot was previously subdivided into three lots prior to 1988 when the lots were merged and one single family home was constructed on the site.

3. The design of the subdivision provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

FACT: The subdivision of the parcels as proposed by a tentative parcel map will not result in a significant change to The Vintage Club Master Plan and overall development of the community. The site will continue to permit natural heating and cooling opportunities for single-family development on the site.

4. The tentative parcel map complies with all the City's local park code requirements.

FACT: The proposed tentative parcel map complies with all provisions of the Zoning Code and General Plan. The tentative parcel map proposes to subdivide one existing residential lot into two lots for the development of two single-family homes within The Vintage Club. All park requirements have previously been addressed at the time The Vintage Club was originally approved, and the subject property was subdivided into three single family lots.

5. The tentative parcel map complies with all of the requirements of Title 20, Subdivisions, of the Indian Wells Municipal Code.

FACT: The proposed tentative parcel map complies with all applicable provisions of Title 20, Subdivisions.

NOW, THEREFORE, the City Council of the City of Indian Wells **RESOLVES** as follows:

SECTION 1. The City Council **FINDS**, in accordance with the California Environmental Quality Act (CEQA), the project qualifies as a Class 3 Categorical Exemption per Section 15315, Minor Land Divisions.

SECTION 2. The City Council **ADOPTS** Resolution Bill No. 2015-02 approving Tentative Parcel Map No. 36834, subject to the Conditions of Approval listed on Exhibit "A" attached hereto and by this reference incorporated herein.

SECTION 3. This Resolution shall take effect upon adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on this 19th day of February, 2015.

**TY PEABODY
MAYOR**

CERTIFICATION FOR RESOLUTION BILL NO. 2015-02

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that the whole number of the members of the City Council is five (5); that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Indian Wells on the 19th day of February, 2015, by the following vote:

AYES:
NOES:

ATTEST:

APPROVED AS TO FORM:

**WADE G. MCKINNEY
CITY MANAGER/CITY CLERK**

**STEPHEN P. DEITSCH
CITY ATTORNEY**

ATTACHMENT "A"
Conditions of Approval
Tentative Parcel Map No. 36834
FEBRUARY 19, 2015

GENERAL:

1. The Applicant shall defend, indemnify, and hold harmless the City of Indian Wells and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Indian Wells, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City of Indian Wells concerning this project, including but not limited to any approval or condition of approval by the Planning Commission. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter.
2. In the event that any condition contained herein is determined to be invalid or legally unenforceable, then all remaining conditions shall remain in force.
3. The Project shall be developed in accordance with the approved plans, and failure to comply with any conditions of approval shall be deemed just cause for revocation of project approval by the City Council. However, the Community Development Director or designee shall have the authority to approve minor deviations in the conditions of approval, and all plans including the construction drawings, if deemed necessary by both the Applicant and the City to implement the project as approved.
4. All plans shall be coordinated for consistency.
5. The Applicant shall pay development impact fees at the established rates. Such fees may include, but not be limited to, new construction fee, park or open space fees, school fees, drainage fees, sewer fees, TUMF fee, local CVMSHCP development impact fee, building permit and plan check fees.
6. Approval of Tentative Parcel Map No. 36834 shall be used within three (3) years after final approval or it shall become null and void unless the time limit to record the parcel map is extended by the State or City Council per Municipal Code Section 20.16.111. The phrase "be used" above for the proposed Project is to mean the recordation of the subject parcel map.

7. Approval of this request shall not waive compliance with all applicable sections of the Indian Wells Municipal Code, all other applicable City ordinances, and applicable specific plans. The Applicant shall comply with all of the foregoing.
8. Construction of the subject residence shall occur between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, 8:00 a.m. and 5:00 p.m., Saturday and no construction on Sunday or national holidays per Municipal Code Section 9.06.047. The Community Development Director may grant a temporary waiver from these hours in limited circumstances where special need is demonstrated. Any such waiver request shall be made by the Applicant in advance.
9. Upon submittal of construction drawings to the Building Department for plan check review, all departmental conditions of approval for the Project shall be included on the sheet following the title sheet, or the first sheet of the plans. A site plan shall also be attached to all sets of construction drawings. This condition shall be a minimum requirement for acceptance of construction drawings for the Building plan check review.
10. The Applicant must obtain written verification from the Community Development Director, Public Works Director, Building Official and Fire Marshal, or designees, of compliance with all Conditions of Approval and Code requirements, prior to commencement of construction and occupancy of the new residence.
11. Within fifteen (15) days of final approval by the City Council, the Applicant shall submit in writing, a statement indicating that the Applicant has read and agrees to the conditions imposed herein. Approvals of land use and related applications hereunder shall become void, and any privilege, permit, or other authorization granted shall be deemed to have terminated if compliance with this condition has not been completed within the specified time limits.

ENVIRONMENTAL:

12. Pursuant to Public Resources Code Section 21089 and Fish and Game Code Section 711.4, the Applicant shall provide those fees marked [X] below in the form of a check made payable to the **Riverside County Clerk** within 5 days of City Council approval. Project approval shall not be complete until the required fee(s) is (are) paid:

- \$ 50 - "Administrative Fee" to file the Notice of Determination
- \$ 2,181.25 - "Fish & Game Filing Fee" (if applicable)

13. The Applicant is responsible for the cost of implementing required mitigation measures, including monitoring and reporting. The IS/MND prepared for this project includes a Mitigation Monitoring and Report Program. Said program identifies the reporter as an individual qualified to know whether the particular mitigation measure has been implemented.
14. The Applicant shall comply with the Mitigation Measures as set forth in the Mitigated Negative Declaration for the Project.

TENTATIVE PARCEL MAP:

15. A Final Map shall be prepared by or under the supervision of a registered civil engineer or licensed land surveyor and must be processed through the City of Indian Wells Public Works Department and approved by the City Council prior to the Map being filed with the County Recorder.
16. The Tentative Parcel Map shall be based on a field survey in conformity with the Professional Land Surveyors Act.
17. Prior to the City's approval of a Final Map, the Applicant shall furnish accurate mylars of the Final Map that have been reviewed and approved by the City Surveyor. The Final Map shall be 1" = 40' scale.
18. This Tentative Parcel Map, and any Final Map recorded thereunder, shall comply with the requirements and standards of Government Code §§ 66410 through 66499.58 (the "Subdivision Map Act"), and Title 20 of the Indian Wells Municipal Code (IWMC).
19. In accordance with Government Code 66436, prior to filing maps with the County Recorder, the Coachella Valley Water District shall be provided the opportunity to review and comment on the Map if the District or the United States Bureau of Reclamation has easements or other interests. Evidence of District review shall be provided to the Public Works Department in the form of a Subdivision Map Act and Non-Interference Clearance letter.
20. If required by the Subdivision Map Act, the District, the City of Indian Wells, or any other entity, the Final Map shall include signature(s) by authorized representative(s) of the District.

LANDSCAPING:

21. The irrigation system shall include provisions for design features that conserve water, such as controlled irrigation systems, which employ drip irrigation, soil moisture sensors, and automatic systems that minimize runoff and evaporation, the use of mulch on top of soil to improve water-holding capacity and the use of xeriscape (drought-tolerant species) for landscaping.
22. The landscape plan shall include the reintroduction of desert-adapted native and non-native plants. The use of potentially invasive plant species shall be avoided (see Table 4-113: Prohibited Invasive Ornamental Plants in the Coachella Valley Multiple Species Habitat Conservation Plan). The use of these low water-use plants would also conserve water and energy use in the built environment.
23. Detailed landscaping and irrigation plans shall be submitted for the Community Development Director approval. The plans shall be certified by a landscape architect and shall provide permanent, automatic irrigation systems, which shall be installed on all landscaped areas requiring irrigation and be in full compliance with the adopted Landscape Guidelines and Design Specifications. Final landscape, hardscape and lighting plans shall be subject to approval by the Community Development Director and Public Works Director or designees prior to their installation.
24. Above ground-mounted utility locations shall require approval by the Community Development Director. All detector check and backflow assemblies shall be located in planting areas.
25. The detector check/backflow devices shall be painted a neutral/earth tone color and any pipes extending above ground shall be finished and painted to match the device.
26. All ground-mounted utility appurtenances shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming and/or landscaping to the satisfaction of the Community Development Director.
27. All plant materials within landscaped areas shall be maintained in a viable growth condition throughout the life of this approval.
28. Landscaping shall be located so as not to interfere with sight distance from driveways or adjacent roadways.

29. All landscaping and irrigation shall be installed in accordance with plans on file with the Community Development Department, and irrigation systems fully operational. Furthermore, all landscaped areas shall be free of trash and debris.
30. The Applicant shall retain the project landscape architect to conduct a final field inspection and prepare a certificate of substantial completion, which shall be filed with the Community Development Director prior to certificate of occupancy. The certificate of completion shall specifically indicate that all plant material was installed as specified by the landscape design plan, that the irrigation system was installed as designed, and that the irrigation system is fully operational. The certificate shall also include a list of any identified installation deficiencies, or changes subject to review and approval by the Community Development Director or designee.

LIGHTING:

31. Landscape lighting shall be indirect; non-glare lights, positioned to light tree canopies, paths and walkways, or walls, as appropriate, and avoid light spillage outside of the Project area. Up-lights in turf areas shall be in light wells only. Up lights in planters must have j-boxes below grade (or screened as approved by the Community Development Department), light fixtures must be screened with landscaping.

SITE IMPROVEMENTS:

32. Evidence of the existence of separate sewer and water service laterals serving proposed Parcels 1 and 2 shall be provided to the Public Works Department prior to filing the Final Parcel Map with the County Recorder. Written certification of said existing service laterals by a Registered Civil Engineer of Licensed Land Surveyor shall be deemed to be in compliance with this requirement.
33. The conduit system(s), appurtenances, and devices for all utility services shall be installed underground in accordance with Section 16.08.030(f) of the Indian Wells Municipal Code (IWMC) unless utility purveyor requires alternative installation, and as approved by the City.
34. For installation of utilities in existing improved streets, the Applicant shall comply with trench restoration requirements maintained, or required by the City Engineer. The Applicant shall provide certified reports of all utility trench compaction for approval by the City Engineer.

35. The Applicant shall, as applicable as determined by the Community Development Director, cause no easement to be granted, or recorded, over any portion of the subject property between the date of approval of the Tentative Parcel Map and the date of recording of any Final Map, unless such easement is approved by the City Engineer.
36. Prior to issuance of a Building Permit for proposed Parcel 1 or Parcel 2, a Precise Grading Permit shall be obtained by the Applicant or subsequent owner of said parcels. Said permit may be issued after submittal, review, and approval by the City of a Precise Grading Plan. The Precise Grading Plan shall comply with Chapter 18 of the IWMC, including but not limited to indicating the design, location and construction details of all buildings, walls and fences. All perimeter and street-facing walls, including retaining walls, shall be decorative in nature and in substantial conformance to the approved conceptual landscape plans.
37. Proposed pad elevations for Parcel 1 and Parcel 2 shall substantially comply with the previously established elevations as shown on the approved Grading Plan for Tract No. 14968-2, dated November 19, 1980. Any proposed increase(s) to said pad elevations shall be processed in accordance with IWMC Chapter 21.06.090.
38. The existing underground storm drain located within the existing storm drain easement as shown on the Tentative Parcel Map, and along and adjacent to the westerly property line of proposed Parcel 2 shall be protected in place. An emergency overflow shall be established above-ground and within said existing storm drain easement.
39. The existing 10-foot wide storm drain easement(s) as shown on Parcel Map No. 23555 and this Tentative Parcel Map, and located within proposed Parcel 2 along the northerly, easterly, and southerly property lines of said proposed Parcel 2 may be vacated if sufficient engineering analysis is provided to the City.
40. A Preliminary Geotechnical Investigation and Report shall be prepared by a competent Geotechnical Engineer and submitted to and reviewed by the City prior to commencement of any precise grading activities. Said Report(s) shall be referenced on Precise Grading Plans. Said Report shall comply with the City of Indian Wells Policy Guidelines for Geotechnical & Geologic Reports for Single-Family Residential Developments (latest revision). All grading shall conform to the recommendations contained in the Preliminary Geotechnical Investigation and Report, and shall be observed by the Geotechnical Engineer of Record.

41. In accordance with the City of Indian Wells Policy Guidelines for Geotechnical & Geologic Reports for Single-Family Residential Developments (latest revision), all proposed structures shall accommodate at least 1.25 inches of differential settlement over a 50 feet distance expressed as an angular distortion of 1:480.
42. All erosion and sediment control Best Management Practices' (BMP) proposed by the Applicant shall be approved by the Public Works Director prior to any onsite or offsite grading, pursuant to this project. The approved BMP's shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.
43. Prior to construction on the site, a six foot (6') temporary chain-link fence shall be erected on any portion of the property that is exposed to public access and connected to any block walls surrounding the property. This will deter theft of and vandalism to construction materials and equipment on the property during construction. All construction fencing shall have a screen mesh so as to conceal construction activity from public view.

END OF CONDITIONS

INITIATIVE PARCEL MAP 36834

WREN PARTNERS 1, LLC

OWNER/DEVELOPER

WREN PARTNERS 1, INC
2033 SW JACKSON STREET
PORTLAND, OR 97201
(760)408-6969

CI ENGINEER

ALLAN LEVIN ASSOCIATES
76-768 BISHOP PLACE
PALM DESERT, CA 92211
(760) 345-0058

LEGAL DESCRIPTION

PARCEL 1 OF PARCEL MAP 23555, RECORDED IN BOOK 153, PAGES 38 THROUGH 39 INCLUSIVE, OF PARCEL MAPS, RECORDS OR RIVERSIDE COUNTY, STATE OF CALIFORNIA.

ASSESSOR'S PARCEL NUMBERS

625-312-024

GENERAL PLAN LAND USE DESIGNATION

EXISTING:
RESIDENTIAL - VERY LOW DENSITY
PROPOSED:
RESIDENTIAL - VERY LOW DENSITY

FLOOD ZONE DESIGNATION

ZONE X PER FIRM NO. 06065C2228G DATED AUGUST 28, 2008

SITE AREA

EXISTING PARCEL 1: 1.326 AC
PARCEL 1: 36,300 SF (0.833 AC)
PARCEL 2: 21,450 SF (0.493 AC)
TOTAL: 57,750 SF (1.326 AC)

SCHOOL DISTRICT

DESERT SANDS UNIFIED SCHOOL DISTRICT
47-950 DUNE PALMS ROAD
LA QUINTA, CA 92253
(760) 777-4200

UTILITY COMPANIES

GAS
SOUTHERN CALIFORNIA GAS CO.
75-095 MAYFAIR DRIVE
PALM DESERT, CA 92211
VINCE ALVAREZ (760) 346-8198

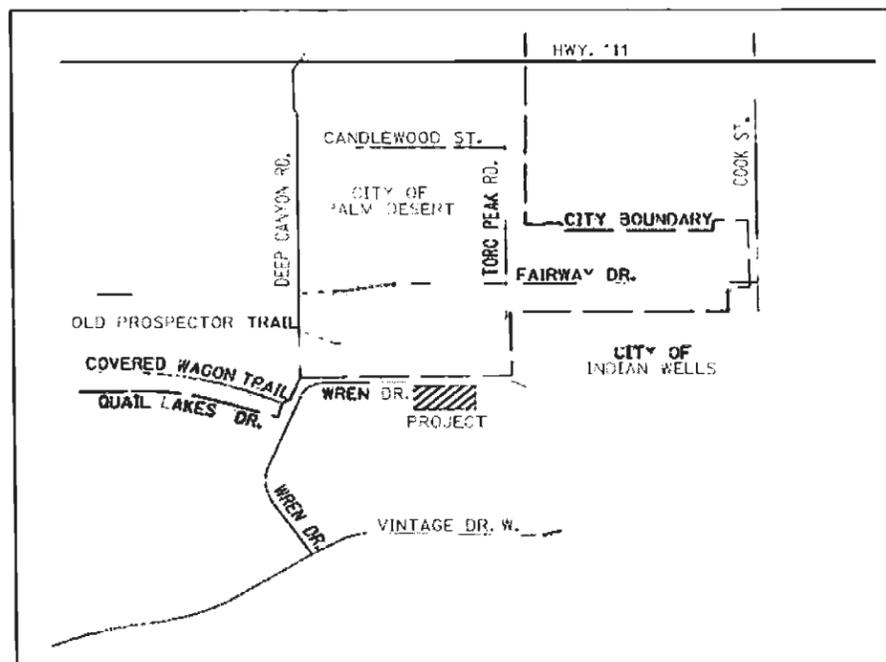
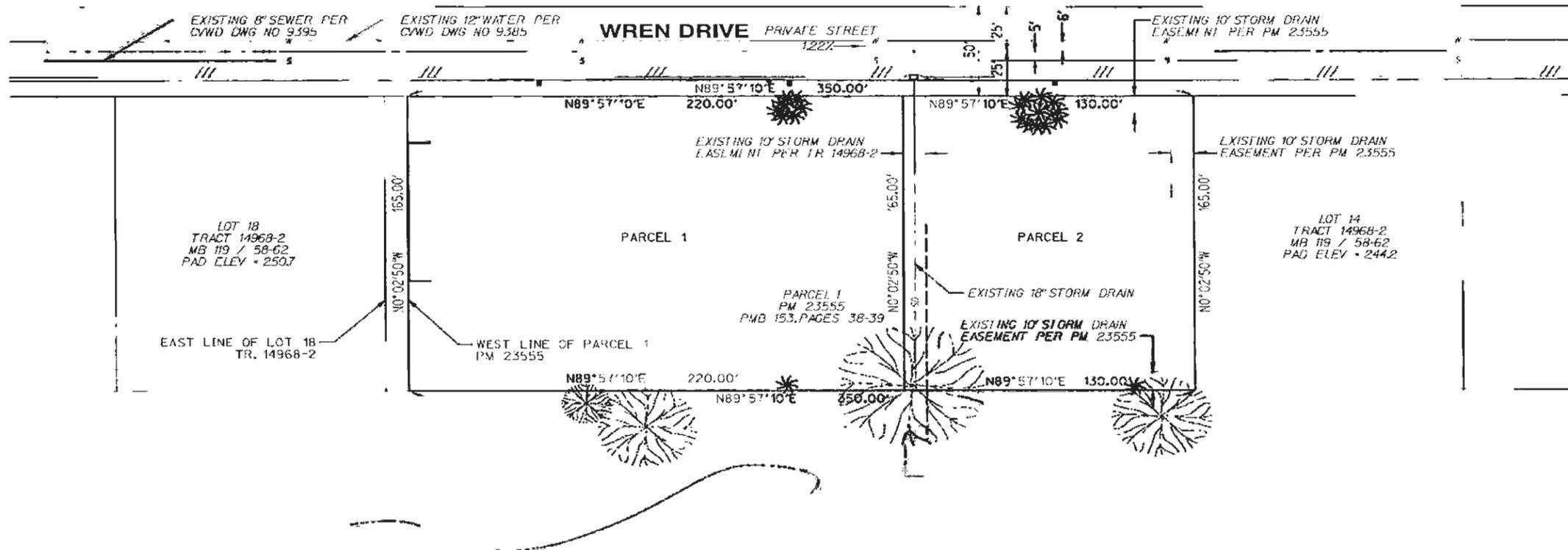
ELECTRIC
SOUTHERN CALIFORNIA EDISON CO.
36-100 CATHEDRAL CANYON DRIVE
CATHEDRAL CITY, CA 92234
JEFF GOAD (760) 202-4221

TELEPHONE
VERIZON
295 NO. SUNRISE WAY
PALM SPRINGS, CA 92262
MIKE REDDING (760) 342-1240

CABLE
TIME WARNER CABLE
83-473 AVE 45
INDIO, CA 92201
BOB LOOTS (760) 874-5540

WATER AND SEWER
COACHELLA VALLEY WATER DISTRICT
PO BOX 1058
COACHELLA, CA 92236
(760) 398-2651

FIRE PROTECTION
CITY OF INDIAN WELLS
44-950 ELDORADO DRIVE
INDIAN WELLS, CA 92210
BRUCE PELLETIER (760) 346-2489



VICINITY MAP
N.T.S.



Indian Wells City Council
Staff Report – Community Development

February 19, 2015

Adopt Resolution Approving Conditional Use Permit for a Private Recreational Facility at 75-400 Quail Cove Drive within The Vintage Club and Finding the Project Exempt from CEQA

RECOMMENDED ACTIONS:

Council **OPENS** the Public Hearing, takes any public testimony, **CLOSES** the Public Hearing; and

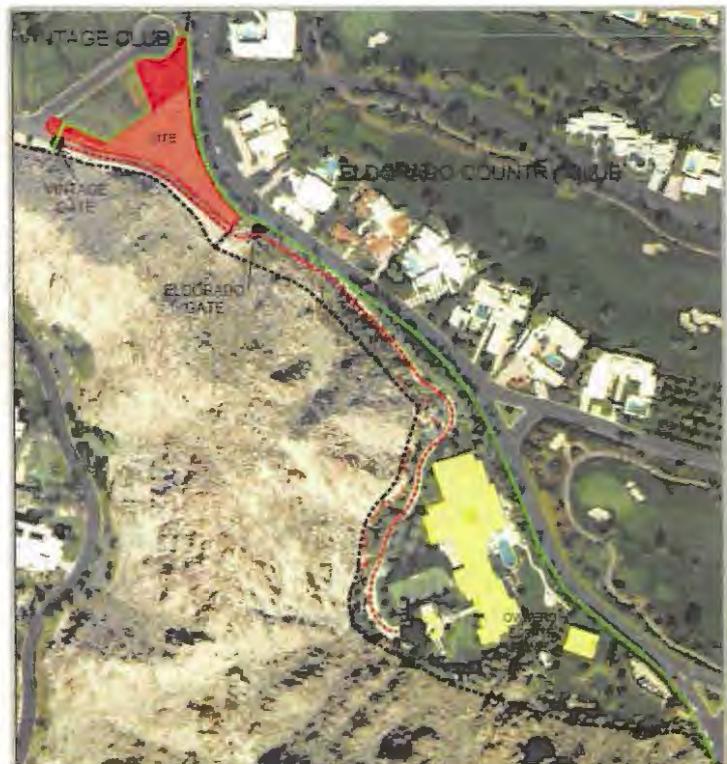
FINDS the project to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332, In-Fill Development Projects; and

ADOPTS Resolution Bill No. 2015-03 approving Conditional Use Permit No. 2014-02 to allow a private recreational facility at 75-400 Quail Cove Drive within The Vintage Country Club.

DISCUSSION:

Mr. Washington, the owner of an estate home located in the Eldorado Country Club (highlighted in yellow) is requesting to develop recreational amenities for private use on an adjacent 0.8-acre lot he owns within The Vintage Club (highlighted in red). The adjacent lot is accessible from the owner's estate by a private driveway (shown as red dashed line). The private drive also continues beyond the project site to provide gated access to Quail Cove Drive in The Vintage for emergency purposes. Both of Mr. Washington's lots are enclosed by a block wall and hedge that forms a compound. The relation of the two lots is shown on the Aerial Vicinity Map (Attachment 2).

Aerial View of Project



If these lots could be combined, the construction of the requested recreational amenities would be considered an accessory use with no further approvals needed. However, because each lot is within a different Homeowner Association (HOA), the lots are legally required to remain as individual parcels. The City's Zoning Code allows recreational facilities as a primary use on a lot in the Residential Very Low Density ("RVLD") zone with approval of a Conditional Use Permit ("CUP"). The definition of a recreational facility is general and would allow either public or private use.

Currently, the project site contains ground-level recreation improvements but no habitable structures.

Existing Recreational Amenities Site



A lot line adjustment was approved by the City in 2014 that added additional area at the northeast side of the lot where the bocce ball court and turf play field is proposed. The attached site plan shows the current site with the existing recreation improvements (Attachment 3).

The Planning Commission recommended approval of the project 5-0 on January 29, 2015 with these added conditions:

- The recreational facility can only be used for private purposes
- The conditional use permit shall expire if the recreational lot is sold separate from the estate residence
- The main residence and recreational must have common ownership
- The estate home lot and recreational lot shall be contiguous to each other prior to operation of the recreation use. Conditions of Approval No. 32 and 33 have been modified/added to address the Planning Commission's comments.

Project Description:

The Applicant proposes to build a small recreational building, to add grassed areas to be demarcated for court and field games, and to install additional landscape improvements on the 0.8 acre lot.

The recreational building includes a restroom, storage room, juice bar and open gathering space with sliding window panels for either open air or enclosed family social and recreation use (Attachment 5). The structure encloses approximately 658 square feet and is a maximum of 15-feet tall, which is within the height standards established for the RVL D Zone. The building’s architecture, style, color and materials are consistent with the owner’s estate residence. Photos of the existing building are shown on the Color and Materials Exhibit (Attachment 6). The project landscape plans identify both the existing and proposed site/landscape improvements to be installed (Attachment 4).

Proposed Landscape Plan for Recreational Amenity Site



The Applicant has contacted The Vintage HOA, Eldorado HOA, and Joe Klein, an adjacent homeowner to inform them about the project. All have supported the Project.

Analysis:

The subject property is designated Residential Very Low Density in the City's General Plan, which allows, "*Recreational facilities, including, but not limited to, tennis courts, subject to approval of a Conditional Use Permit*" (Section 21.23.030.f). Recreational facilities are defined as "tennis courts and other recreational facilities other than swimming pools, including incidental limited commercial uses commonly associated with and directly related to the primary permitted uses" (21.08.416). Since the project proposes only recreational uses, including turfed play areas, grassed play fields, a pond for fishing, a social gathering/restroom building and benches, without a main residence on the same lot, it qualifies as a primary use in the RVLZ Zone, subject to approval of a CUP.

The lot is physically separated from existing homes on the north side of Eldorado Drive by an existing 6-foot high block wall flanked by 9-foot high hedges, a 25-foot wide landscape parkway, a 25-foot wide private roadway (Eldorado Drive) and 25-foot wide front yard setback. All other land surrounding the property are either vacant hillside areas or residential lots under the applicant's ownership. Due to its location, the project site will not be directly visible from any existing residence.

Concerns that could be raised by adjoining property owners regarding the recreational facility include use characteristics, noise, and lighting. Each of these have been analyzed and are further discussed in the following paragraphs:

- Usage characteristics: All on-site activities proposed are consistent with those allowed within residential zones and are not expected to be disruptive to other residential properties in the surrounding area. Outdoor activities would occur generally from dawn to dusk. Indoor space is limited in size and activities may extend later into the evening.
- Noise: The project would generate noise similar in character and volume to that typically found on a single-family property for outdoor activities and not expected to have a negative impact to other residential properties in the surrounding area. In addition, the project is screened from adjacent residences by a 6' wall and 9' landscape screen. Further, the project is required to conform to the City of Indian Wells noise standards.

- **Lighting:** Lighting on the site will consist only of landscape lighting and shielded fixtures attached to the recreation building that reflect light downward. The goal of the lighting plan is to produce low lighting levels for safety and aesthetics only. Due to existing landscaping and the isolation of the lot, no light sources would be directly visible from adjacent residences.

ENVIRONMENTAL:

This Project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State and local CEQA Guidelines, and the environmental regulations of the City. The proposed structure will have no significant effect on the environment and qualifies as being Categorically Exempt from CEQA pursuant to Section 15332, In-fill Development Projects.

ATTACHMENTS:

1. Resolution Bill 2015-03
2. Aerial Vicinity Map
3. Site Plan/Photos
4. Landscape Plans
5. Architectural Plans
6. Color and Materials Exhibit

RESOLUTION BILL NO. 2015-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT (CUP) NO. 2014-02 FOR THE PROPOSED PRIVATE RECREATIONAL FACILITY LOCATED AT 75-400 QUAIL COVE DRIVE IN THE VINTAGE COUNTRY CLUB, FOR WHICH THE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM THE PROVISIONS OF CEQA

WHEREAS, DREH, LLC (the "Applicant") has filed an application with the City of Indian Wells (the "City") for approval of a Conditional Use Permit ("CUP") No. 2014-02 to allow a private recreational facility at 75-400 Quail Cove Drive within the gated Vintage Country Club (the "Project"); and

WHEREAS, on January 29, 2015, the Planning Commission held a duly noticed public hearing on the Project in conformance with Government Code and Municipal Code sections and adopted by unanimous vote Resolution No. PC 2015-02 recommending that the City Council approve the Project; and

WHEREAS, notice of a public hearing of the City Council of the City of Indian Wells to consider the Project was given in accordance with applicable law; and

WHEREAS, on February 19, 2015, the City Council held a duly noticed public hearing on the Project; and

WHEREAS, after careful consideration of the staff report and all of the information, evidence, and testimony presented at its public hearing, the City Council finds as follows:

Conditional Use Permit:

1. The proposed location of the conditional use is in accord with the objectives of this Zoning Code and the purpose of the General Plan and zoning land use category in which the site is located.

FACT: Recreational Facilities are listed as a permitted use in the Residential Very Low Density Zone subject to approval of a Conditional Use Permit. As a private recreational facility and with approval of this CUP, the project would be in conformity with the applicable Zoning and General Plan land use categories.

2. The proposed conditional use will not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.

FACT: The proposed CUP will be for the private recreational use of an individual residence including landscaping, turfed areas, a private lake/pond, and restroom/recreation building and storage area for maintenance equipment all contained within an existing 6-foot high block wall. The site is separated from existing residences by a block wall, landscape screen, landscape parkway and street right-of-way. As such, the CUP would not be detrimental to the public health, safety or welfare or injurious to adjacent properties.

3. The proposed conditional use will comply with each of the applicable provisions of this Zoning Code.

FACT: The proposed CUP is in compliance with the applicable provisions of the City Zoning Code including land use, building heights, and setbacks and requires no Variances.

NOW, THEREFORE, the City Council of the City of Indian Wells **RESOLVES** as follows:

SECTION 1. The City Council **FINDS**, in accordance with the California Environmental Quality Act (CEQA), the project qualifies as a Class 3 Categorical Exemption per Section 15332, In-Fill Development Projects.

SECTION 2. The City Council **ADOPTS** Resolution Bill No. 2015-03 approving Conditional Use Permit No. 2014-02 in support of the proposed Project subject to the Conditions of Approval listed on Exhibit "A" attached hereto and by this reference incorporated herein.

SECTION 3. This Resolution shall take effect upon adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on this 19th day of February, 2015.

TY PEABODY
MAYOR

CERTIFICATION FOR RESOLUTION BILL NO. 2015-03

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that the whole number of the members of the City Council is five (5); that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Indian Wells on the 19th day of February, 2015, by the following vote:

AYES:
NOES:

ATTEST:

APPROVED AS TO FORM:

WADE G. MCKINNEY
CITY MANAGER/CITY CLERK

STEPHEN P. DEITSCH
CITY ATTORNEY

ATTACHMENT "A"
Conditions of Approval

Conditional Use Permit No. 2014-02

FEBRUARY 19, 2015

GENERAL:

1. The Applicant shall defend, indemnify, and hold harmless the City of Indian Wells and its officers, employees, and agents from and against any claim, action, or proceeding against the City of Indian Wells, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City of Indian Wells concerning this project, including but not limited to any approval or condition of approval by the Planning Commission. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter.
2. In the event that any condition contained herein is determined to be invalid or legally unenforceable, then all remaining conditions shall remain in force.
3. The project shall be developed in accordance with the approved plans, and failure to comply with any conditions of approval shall be deemed just cause for revocation of project approval by the City Council. However, the Community Development Director or designee shall have the authority to approve minor deviations in the conditions of approval, and all plans including the construction drawings, if deemed necessary by both the Applicant and the City to implement the project as approved.
4. All plans shall be coordinated for consistency.
5. The Applicant shall pay development impact fees at the established rates. Such fees may include, but not be limited to, new construction fee, park or open space fees, school fees, drainage fees, sewer fees, TUMF fee, local CVMSHCP development impact fee, building permit and plan check fees.
6. This approval of Conditional Use Permit No. 2014-02 shall be used within one (1) year after final approval or it shall become null and void unless the time limit is extended by the City Council per Municipal Code Section 21.06.040(e). The phrase "be used" above for the proposed Project is to mean the application and approval of all applicable building permits.

7. Approval of this request shall not waive compliance with all applicable sections of the Indian Wells Municipal Code, all other applicable City ordinances, and applicable specific plans.
8. Construction shall occur between the hours of 7:00 am and 5:00 pm, Monday through Friday, 8:00 am and 5:00 pm, Saturday and no construction on Sunday or national holidays per Municipal Code Section 9.06.047. The Community Development Director may grant a temporary waiver from these hours in limited circumstances where special need is demonstrated. Any such waiver request shall be made by the Applicant in advance.
9. Upon submittal of construction drawings to the Building Department for plan check review, all departmental conditions of approval for the project shall be included on the sheet following the title sheet, or the first sheet of the plans. A site plan shall also be attached to all sets of construction drawings. This condition shall be a minimum requirement for acceptance of construction drawings for the Building plan check review.
10. The Applicant must obtain written verification from the Community Development Director, Public Works Director, Building Official and Fire Marshal, or designees, of compliance with all Conditions of Approval and Code requirements, prior to commencement of operations of the new entrance and driveway.
11. Within fifteen (15) days of final approval by the City Council, the Applicant shall submit in writing, a statement indicating that the Applicant has read and agrees to the conditions imposed herein. Approvals of land use and related applications hereunder shall become void, and any privilege, permit, or other authorization granted shall be deemed to have terminated if compliance with this condition has not been completed within the specified time limits.

ENVIRONMENTAL:

12. Pursuant to Public Resources Code Section 21089 and Fish and Game Code Section 711.4, the Applicant shall provide those fees marked [X] below in the form of a check made payable to the **Riverside County Clerk** within 5 days of City Council approval. Project approval shall not be complete until the required fee(s) is (are) paid:

[X] \$ 50 - "Administrative Fee" to file the Notice of Determination

SITE IMPROVEMENTS/ARCHITECTURE:

13. A precise wall plan indicating the design, location and construction details of all new walls and fences shall be submitted for review and approval by the Planning and Building Departments. All perimeter and street-facing walls, including retaining walls, shall be decorative in nature and in substantial conformance to the approved conceptual landscape plans attached to the Project Staff Report.

LANDSCAPING:

14. The irrigation system shall include provisions for design features that conserve water, such as controlled irrigation systems, which employ drip irrigation, soil moisture sensors, and automatic systems that minimize runoff and evaporation, supplemental hand watering, and the use of mulch on top of soil to improve water-holding capacity as approved by the Director of Community Development.
15. Detailed landscaping and irrigation plans shall be submitted for the Community Development Director approval. The plans shall be certified by a landscape architect and shall provide permanent, automatic irrigation systems, which shall be installed on all landscaped areas requiring irrigation and be in full compliance with the adopted Landscape Guidelines and Design Specifications. Final landscape, hardscape and lighting plans shall be subject to approval by the Community Development Director and Public Works Director or designees prior to installation of those improvements.
16. Above ground-mounted utility locations shall require approval by the Community Development Director. All detector check and backflow assemblies shall be located in planting areas.
17. The detector check/backflow devices shall be painted a neutral/earth tone color and any pipes extending above ground shall be finished and painted to match the device.
18. All ground-mounted utility appurtenances shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming and/or landscaping to the satisfaction of the Community Development Director.
19. All plant materials within landscaped areas shall be maintained in a viable growth condition throughout the life of this approval.
20. Landscaping shall be located so as not to interfere with sight distance from driveways.

21. All landscaping and irrigation shall be installed in accordance with plans on file with the Community Development Department, and irrigation systems fully operational. Furthermore, all landscaped areas shall be free of trash and debris.
22. The Applicant shall retain the project landscape architect to conduct a final field inspection and prepare a certificate of substantial completion, which shall be filed with the Community Development Director prior to certificate of occupancy. The certificate of completion shall specifically indicate that all plant material was installed as specified by the landscape design plan, that the irrigation system was installed as designed, and that the irrigation system is fully operational. The certificate shall also include a list of any identified installation deficiencies, or changes subject to review and approval by the Community Development Director or designee.

LIGHTING:

23. Prior to the issuance of building permits, the Applicant shall submit to the Community Development Director for approval, a detailed on-site lighting plan indicating the style, illumination, height and method of shielding for all permanent light fixtures proposed for the Project. The plan shall include a photometric diagram depicting illumination levels.
24. Project lighting shall, in general, be as subdued as possible, avoiding excessive light spillage outside the property boundary. Outdoor lighting shall be shielded sufficiently to not adversely impact surrounding uses, but shall provide sufficient illumination for access and security purposes. Such lighting shall not blink, flash or oscillate.
25. Landscape lighting shall be indirect; non-glare lights, positioned to light tree canopies, paths and walkways, or walls, as appropriate, and avoid light spillage outside of the Project area. Up-lights in turf areas shall be in light wells only. Up lights in planters must have j-boxes below grade (or screened as approved by the Community Development Department), light fixtures must be screened with landscaping, etc.

SITE IMPROVEMENTS

26. All private streets and driveways shall be constructed in accordance with City of Indian Wells Standard Plans unless otherwise approved by the Public Works Director. All proposed street and driveway improvements shall be shown on a Precise Grading Plan, and shall be reviewed and approved by the Public Works Director prior to issuance of a Precise Grading Permit. A Precise Grading Permit shall be obtained prior to commencement of any improvement work. All work shall be inspected by the City. All appropriate fees for review

of plans, issuance of a Precise Grading Permit, and inspection shall be submitted to the City. A Record (as-built) Precise Grading Plan shall be submitted to the City for review and approval prior to final acceptance of improvements.

27. Prior to issuance of a Precise Grading Permit, the Applicant shall submit and obtain approval of all of the following:
 - A. A Precise Grading Plan that shall be prepared by a qualified Engineer, and shall conform to the recommendations contained in a Preliminary Geotechnical Report(s).
 - B. A Fugitive Dust Control Application and Plan shall be required if grading 5,000 square feet or more.
28. All erosion and sediment control Best Management Practices (BMP's) proposed by the Applicant shall be subject to approval by the City Engineer prior to any onsite or offsite grading, pursuant to this project. The approved BMP's shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.
29. Prior to construction on the site, a six foot (6') temporary chain-link fence shall be erected on any portion of the property that is exposed to public access and connected to any block walls surrounding the property. This will deter theft of and vandalism to construction materials and equipment on the property during construction. All construction fencing shall have a screen mesh so as to conceal construction activity from public view.
30. Landscaping plans for trees, shrubs, walls, fences or other structures at or near intersections must conform to Indian Wells Municipal Code sight distance standards and Public Works public street standards for areas accessing public right-of-ways. Plans for improvements that may impact sight distance must be submitted to and approved by the City Engineer prior to the issuance of building permits or implementation of landscape improvements.
31. Where proposed, off-site improvements, including but not limited to streets, slopes, public utilities and drainage facilities, are to be constructed by the Applicant at his own expense. All necessary off-site easements or other interest in real property shall be dedicated to the City or responsible agency as required. The Applicant shall provide documentary proof satisfactory to the City that such easements or other interest in real property have been obtained prior to the approval of respective improvements. Additionally, the City may, at its sole discretion, require that the Applicant obtain, at its sole expense, a title policy insuring title for the easement or other interest in real property vested in the City of Indian Wells or other agency, or the Applicant, as applicable.

SITE USE:

32. The lot at 75-400 Quail Cove Drive shall be owned and operated as a private recreational facility by the owner of the adjacent estate residence at 47-015 West Eldorado Drive. At such time the lot is sold separately from the adjacent residence, Conditional Use Permit No. 2014-02 for the recreational facility shall be determined to be null and void and the new owner shall meet all Residential Very Low Density (RVLD) zoning, building and other applicable requirements of the Indian Wells Municipal Code **(Modified by the Planning Commission on January 29, 2015)**.
33. The Applicant shall complete the parcel merger of the main estate home parcel and the two parcels to the northwest between the estate home and the recreational facility lot prior to operation of the recreational facility use. The intent of this condition is the lot of the estate residence and the recreational facility shall be contiguous prior to the use of the recreational facility **(Added by the Planning Commission on January 29, 2015)**.

END OF CONDITIONS



PROJECT SHEET INDEX

- SITE PLAN
- RF-1.1 SITE LAYOUT
- RF-1.2 EXISTING CONDITIONS
- LANDSCAPE
- L1 TREE PLANTING PLAN
- L2 PLANTING PLAN
- L3 SITE LIGHTING
- L4 REPRESENTATIVE FAMILY RECREATION ACTIVITIES
- ARCHITECTURAL
- A-100 SHADE STRUCTURE PLAN AND ELEVATIONS

PROJECT DESCRIPTION

PRIVATE RECREATION FACILITY

ZONING

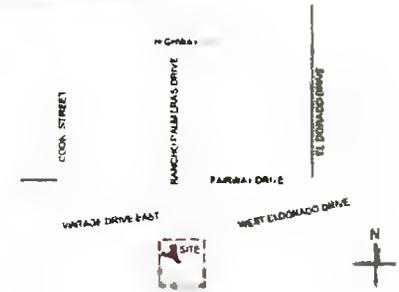
ZONING: RVLD
 APN #: 623-101-075
 USE: RECREATION

BUILDING AREAS:

INTERIOR AREA = 658 S F
 CONCRETE SLAB = 750 S F

LOT AREA = 0.86 ACRES

VICINITY MAP



- PROJECT BOUNDARY
- PRIVATE DRIVE
- PROPERTY GREEN SCREEN
- HOA BOUNDARY
- HOA PROPERTY GATES
- PROJECT SITE (RECREATION LOT)
- ESTATE HOME

13

PROJECT SHEET INDEX

- SITE PLAN**
 RF-1.1 SITE LAYOUT
 RF-1.2 EXISTING CONDITIONS
- LANDSCAPE**
 L1 TREE PLANTING PLAN
 L2 PLANTING PLAN
 L3 SITE LIGHTING
 L4 REPRESENTATIVE FAMILY RECREATION ACTIVITIES

- ARCHITECTURAL**
 A-100 SHADE STRUCTURE PLAN AND ELEVATIONS

PROJECT DESCRIPTION

PRIVATE RECREATION FACILITY

ZONING

ZONING RVL D
 APN # 623-101-075
 USE RECREATION

BUILDING AREAS:

INTERIOR AREA = 658 S F
 CONCRETE SLAB = 750 S F

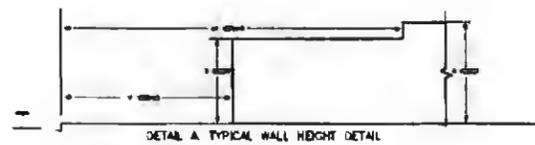
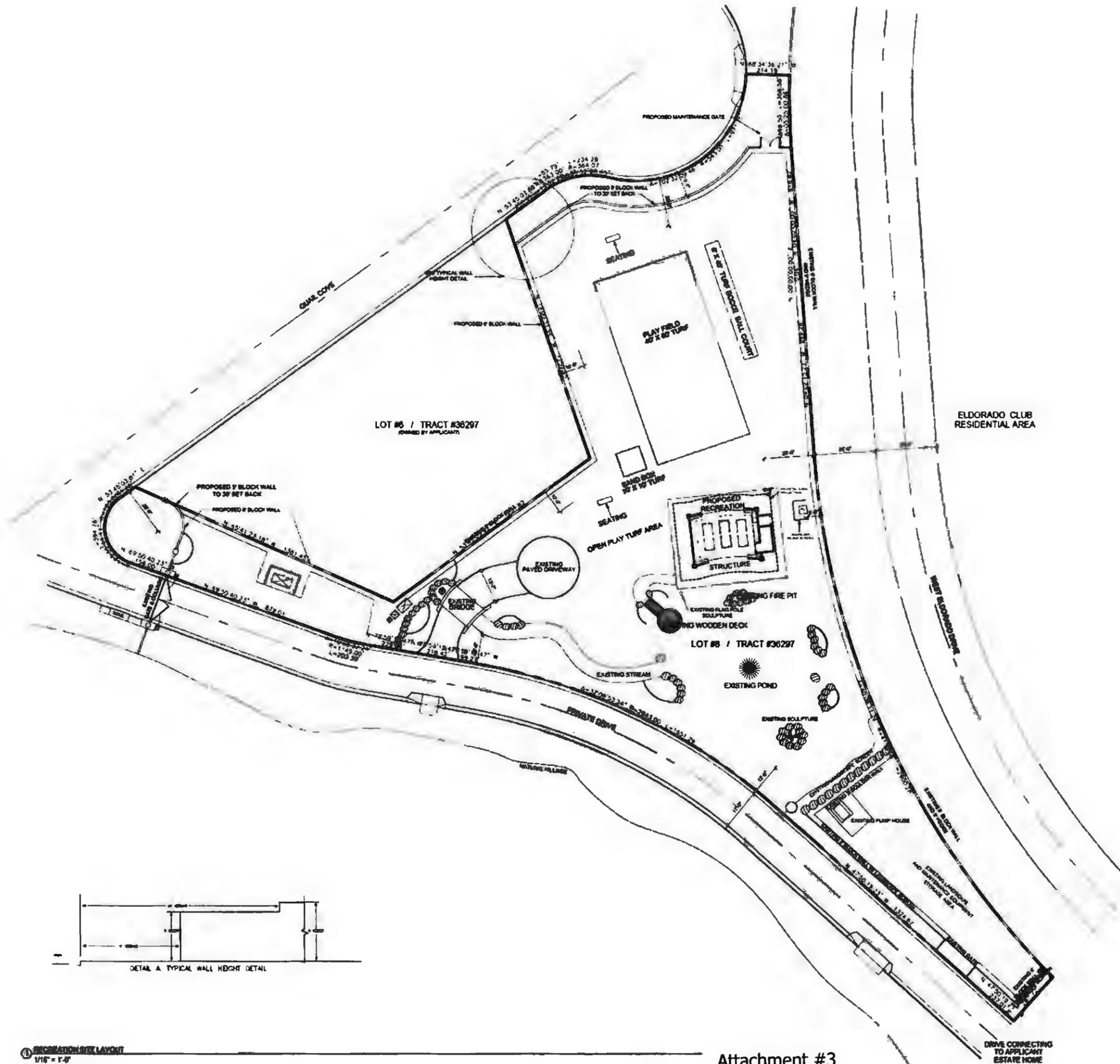
LOT AREA = 0.86 ACRES

VICINITY MAP



KEY

PROPERTY LINE



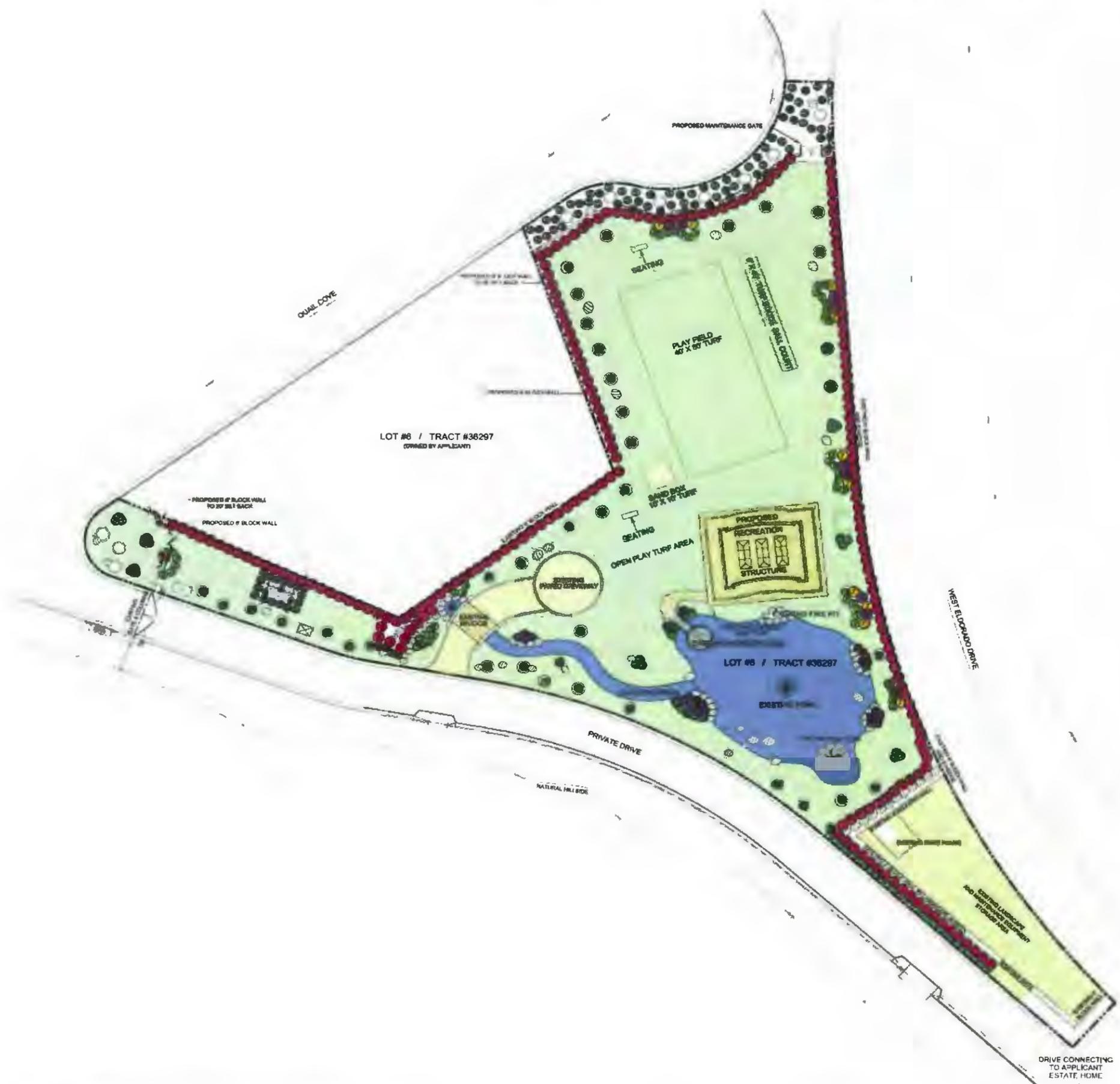


PLANT MATERIALS LEGEND:

TREES & PALMS	BOTANICAL NAME	COMMON NAME	SIZE	QUAN
	PHOENIX DACTYLIFERA	DATE PALM (DIAMOND CUT)	25" B.T.H	30
	SYAGRUS ROMANOFFIANA	QUEEN PALM	15" B.T.H	22
	CHAMBERLAIN'S HAWAIIIS	MEDITERRANEAN FAN PALM (MULTI TRUNK)	24" BOX	5
	PHOENIX ROEBELII	PLYMOUTH DATE PALM (MULTI TRUNK)	15 GAL	4
	CITRUS SPECIES	CITRUS TREE	36" BOX	35
	OLEA EUROPAEA	OLIVE TREE	48" BOX	8
	TSUJANA TOPU	TSUJI TREE	48" BOX	1

NOTE
 1. MAJORITY OF LANDSCAPING IS EXISTING. SEE SHEET RF1 2. AERIAL IMAGES FOR EXISTING LANDSCAPE IMPROVEMENTS
 2. SEE SHEET L2 FOR ACCOMPANYING SHRUB & GROUND COVER PLANTING

KEY
 PROPRIETARY LINE



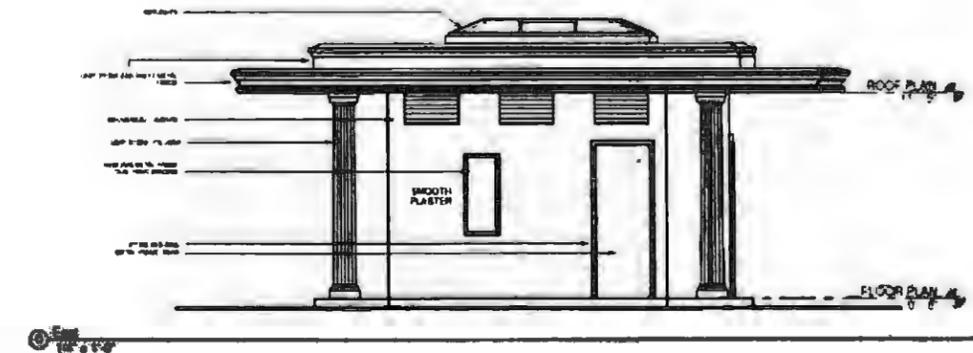
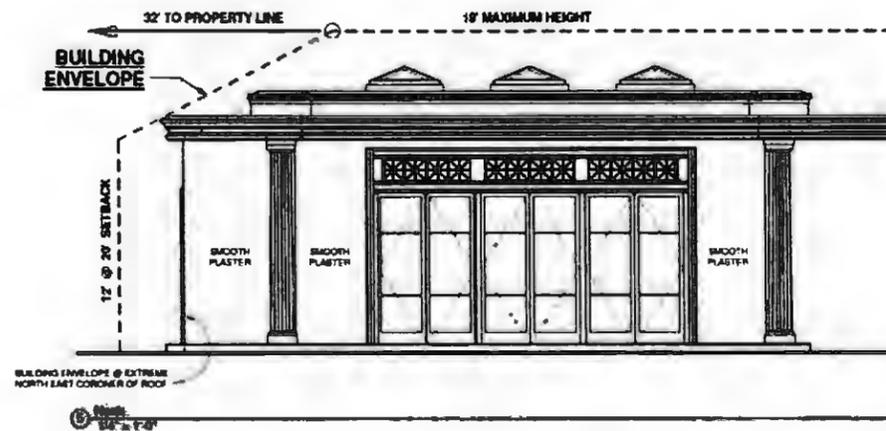
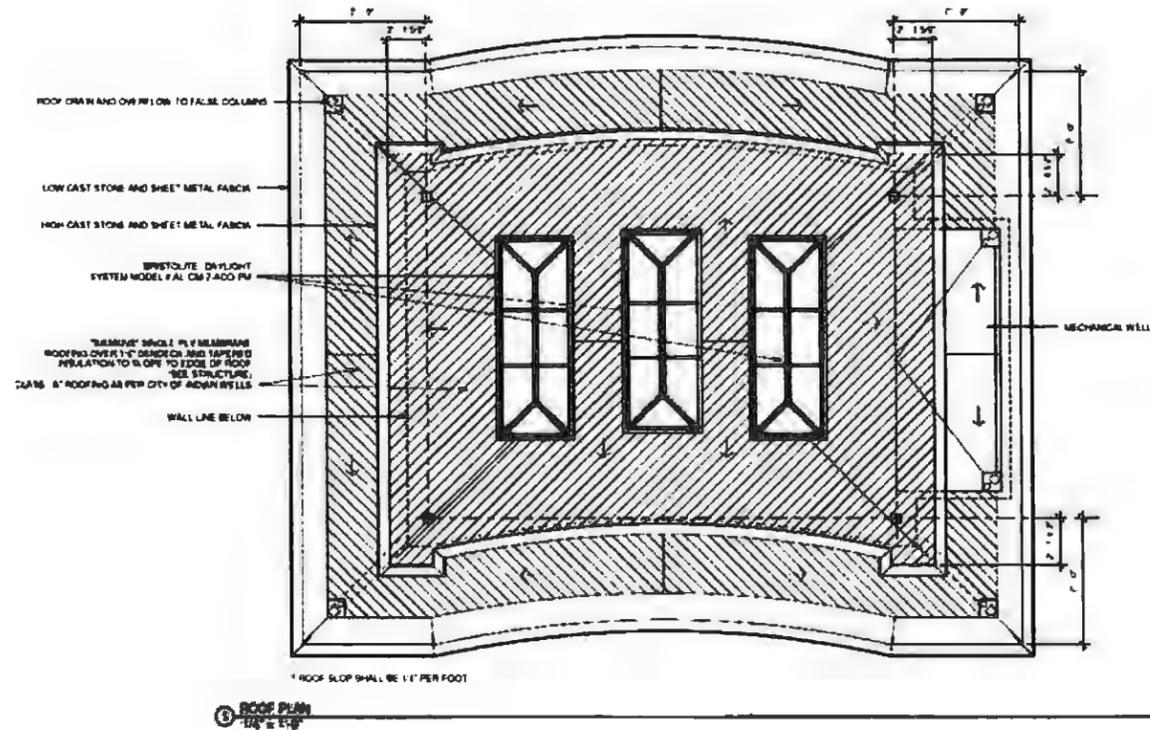
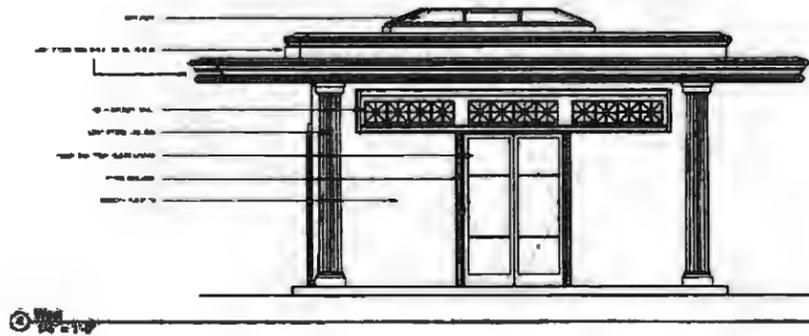
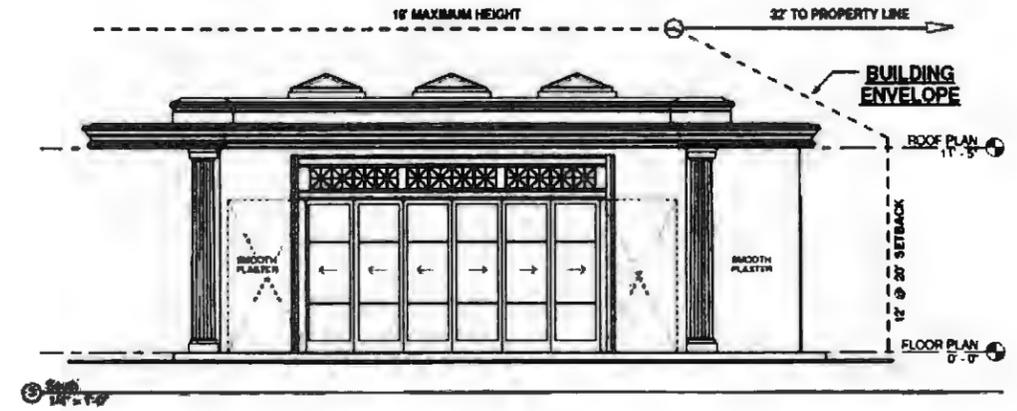
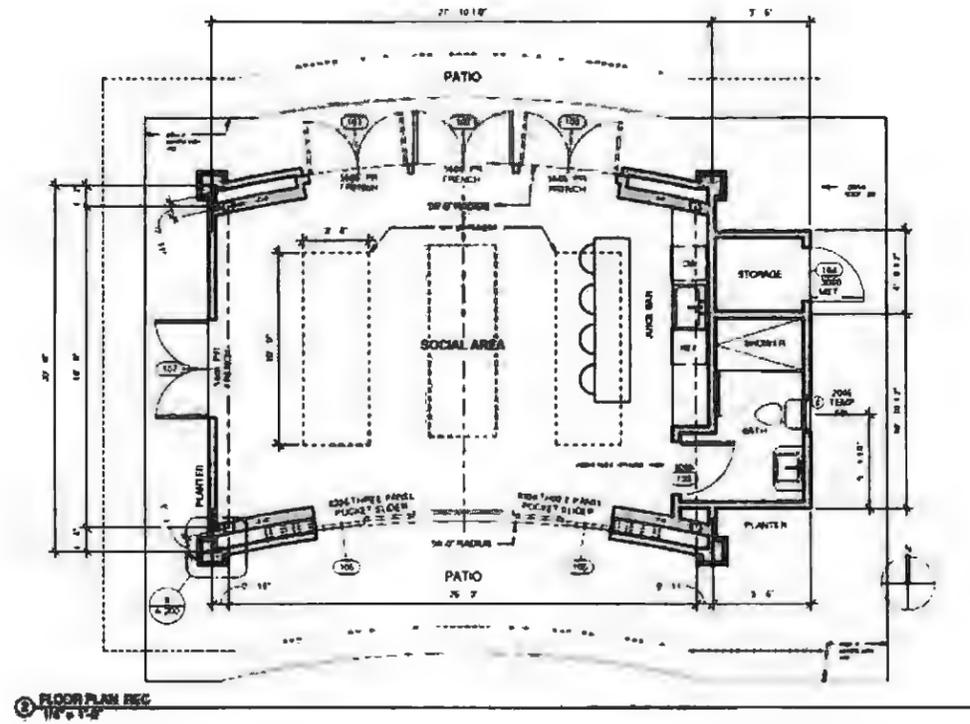
PLANT MATERIALS LEGEND:

VINES	BOTANICAL NAME	COMMON NAME	SIZE	QUAN.
	BOUGAINVILLEA "BARBARA KARST"	RED VINE BOUGAINVILLEA	5 GAL	12
	CALLIANDRA INAEQUALITERA	PINK POWDER PUFF	5 GAL	12
	TECOMA STANS "ORANGE JUBILEE"	YELLOW TRUMPET	5 GAL	7
SHRUBS	BOTANICAL NAME	COMMON NAME	SIZE	QUAN.
	FICUS NITIDA	FICUS HEDGE	15 GAL	200
	MERIVUM OLEANDER "PETITE PINK"	DWARF PINK OLEANDER	5 GAL	37
	ROSA SPECIES	ROSES (COLOR BY OWNER)	5 GAL	45
	CARISSA MACROCARPA	MATAL PLUM	5 GAL	51
	CALLISTEMON VIMINALIS "LITTLE JOHN"	DWARF BOTTLEBRUSH	5 GAL	57
	PITTOSPORUM VARIEGATA	MOCK ORANGE	5 GAL	25
	HIBISCUS ROSA SINENSIS	GOLDEN HIBISCUS	5 GAL	11
	CANNA	CANNA LILLY	5 GAL	9
	DIETES IRIDIODES	FORTNIGHT LILLY	5 GAL	65
	EQUISETUM HYEMALE	HORSETAIL BAMBOO	5 GAL	7
	TRADESCANTIA PALLIDA "PURPUREA"	PURPLE HEART	5 GAL	12
	LIGUSTRUM JAPONICA "TEXANUM"	WAX LEAF PRIVET	5 GAL	5
	LAVANDULA STOECHAS	SPANISH LAVENDER	5 GAL	5
GROUND COVERS	BOTANICAL NAME	COMMON NAME	SIZE	QUAN.
	HEDERA HELIX	ENGLISH IVY	1 GAL	3 PER TREE
TURF	BOTANICAL NAME	COMMON NAME	SIZE	QUAN.
	CYNODON DACTYLON 328	SUMMER LAWN	SOD	AS REQD
	LOLIUM MULTIFLORUM	WINTER LAWN	SOD	AS REQD

NOTE
1 SEE SHEET L1 FOR ACCOMPANYING TREE PLANTING

KEY
— PROPERTY LINE







**COLOR AND MATERIAL TO MATCH
EXISTING AS PICTURED**



3 Copy of West
5'0" x 1'0"



4 Copy of South
3'0" x 1'0"



5 Copy of North
3'0" x 1'0"



ROCK PLAN
11' 5"

CC/HA ACTION _____ MTG. DATE: 2-19-15
 APPROVED DENIED _____ REC/FILE _____ CONT. _____
 OTHER _____
 VOTE: YES 4 NO 0 ABSTAIN 1
February 19, 2015
Feabody

Indian Wells City Council
Staff Report – Community Development

Introduce Ordinance Modifying Planned Sign Program for Village I Shopping Center to Allow Multi-Tenant Sign Standards for Standalone Pad Building Located at the Northeast Corner and Finding the Project Exempt from CEQA

RECOMMENDED ACTIONS:

Council **FINDS** the Project to be exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15311, Accessory Structures; and

INTRODUCES Ordinance Bill No. 2015-02 amending Chapter 17.20 of the Indian Wells Municipal Code by modifying Section 17.20.020 establishing modified sign criteria for the Village I Shopping Center for the standalone pad building located at the northeast corner of the Center.

DISCUSSION:

Currently, the sign program for the standalone pad building at Village I Shopping Center allows signage for only one tenant. The building was formally occupied by Le St. Germain restaurant, which closed in August 2011. The Village I Shopping Center ("Applicant") has requested to modify their existing planned sign program to update the sign standards to allow for multi-tenants in the standalone pad building. There are no changes to the sign standards for the rest of the center.

Aerial of Project Site



Currently, two-thirds of the entire pad building is leased with tenant improvements underway for Bank of the West scheduled to open prior to the BNP Paribas Tennis Tournament. The Applicant is actively seeking a retail tenant to fill the remaining vacant space. Provisions for multi-tenant signage on the building will enable the Applicant to attract a quality tenant.

Analysis:

The current Village I Sign Program does not allow signs for more than one tenant (Eureka restaurant) within the standalone pad building at the northwest corner of the center (Attachment 2). The pad building is currently occupied by Eureka restaurant and will shortly include Bank of the West. The intent of the proposed sign program modification is to add additional signage for multi-tenant use of the pad building, consistent with the existing sign program design standards.

ALC Review:

The original proposed modification to the Village I Sign Program was reviewed by the ALC on January 6, 2015. The ALC's discussion focused on the number of additional wall signs proposed, the introduction of color logos into the sign program, and the allowance of two-line copy on signs.

The ALC discussion focused on whether all the signs in the center should be the same color with the exception of Ralph's and CVS, how two-line copy and colored logos are currently inconsistent with other signs in the center, and how the number of wall signs proposed added too much sign "clutter".

The ALC approved 5-0 the sign program modification subject to the following conditions:

- The number of walls signs permitted on the east side of the building shall be limited to two (2) signs at the northeast corner of the building, as shown in Attachment 3
- No color logos are allowed on any of the signs. Shades of contrasting bronze colors are permitted to provide visual contrast to the logos.

Planning Commission Review:

The Planning Commission reviewed the ALC modified sign program on January 29, 2015. The Planning Commission revised the sign program by adding a third wall sign with one line copy only on the east side of the building as originally requested by the Applicant (Attachment 4).

Standalone Pad Building Planned Sign Program:

- Wall Signs. Three (3) additional wall signs are proposed on the east side of the standalone pad building (refer to Attachment 4). The modification to the sign program requires the new signage to be bronze in color, consistent with the rest of the center, and shall be illuminated with up lights from either the landscape area or from wall mounted lights as shown in the attached modified sign program. Colored logos are not permitted; however, shades of contrasting bronze can be used in logos to provide visual contrast.
- Archway Signs. Archway signs consistent with the rest of the center are proposed on the west and south sides of the building within the existing building archways (Attachment 5). The number of archway signs is limited to one (1) per building elevation per tenant. The signs are proposed to be illuminated from gooseneck lighting mounted on the bottom of the sign, which is consistent with the other archway signs in the center. Shades of contrasting bronze can be used in logos to provide visual contrast.
- Blade Signs. Similar to the rest of the center, blade signs would be allowed under the colonnade at the entrance to each tenant space (Attachment 6). Only one (1) blade sign is permitted per building elevation per tenant. The signs will be bronze in color and the design shall be consistent with other blade signs in the center. Shades of contrasting bronze can be used in logos to provide visual contrast.

ENVIRONMENTAL:

This Project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State and local CEQA Guidelines, and the environmental regulations of the City. The proposed addition of future signs will have no significant effect on the environment and qualifies as being Categorically Exempt from CEQA pursuant to Section 15311, Accessory Structures

ATTACHMENTS:

1. Ordinance Bill No. 2015-02
2. Planned Sign Program Overview
3. ALC Approved Wall Signs
4. Planning Commission Approved Wall Signs
5. Archway Signs
6. Blade Signs

ORDINANCE BILL NO. 2015-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING CHAPTER 17.20 OF THE MUNICIPAL CODE BY MODIFYING SECTION 17.20.020 ESTABLISHING MODIFIED SIGN CRITERIA FOR THE VILLAGE I SHOPPING CENTER

The City Council of the City of Indian Wells, California, **DOES ORDAIN AS FOLLOWS:**

SECTION 1 Chapter 17.20 of the Indian Wells Municipal Code is amended by modifying Section 17.20.020 to read as follows:

“17.20.020 Village I Planned Sign Program.

The following are requirements for the Village I Planned Sign Program.

(a) Center Identification Sign(s). Up to two (2) double-sided center identification signs, one (1) per major street frontage not to exceed 10' x 10' in size, are permitted. Such sign(s) shall have a white background and be limited to the copy of the two (2) major tenants and the center name.

(b) **Freestanding Multi Tenant Pad Building:**

1. **Tenant Wall Sign(s).** Three (3) wall signs are permitted on the northeast side of the building.

a. **Maximum letter height.** Eighteen inches (18") for single line copy. Two line copy shall not to exceed a maximum of three (3') feet in height.

b. **Maximum sign length.** Fifteen feet (15')

c. **Number of Signs.** Maximum total of three (3) signs are permitted, excluding the existing Eureka restaurant signs.

d. **Logo.** Maximum logo size is not to exceed six (6') square feet.

e. **Letter depth.** Minimum of one and a half inch (1-1/2").

f. **Copy.** Matthews "Obsidian" to match center.

g. **Color.** Bronze to match center. Logos shall be in shades of contrasting bronze to provide contrast in the design.

h. **Illumination.**

i. Sign A from landscape lighting or from up-lights mounted to a 3" x 3" wireway painted to match the building.

ii. Signs B shall be from two or three up-lights as noted on the drawing specifications, mounted directly to the building. (No wireway).

2. Archway Signs. Each tenant shall be allowed one (1) archway sign per business entrance per building elevation.
 - a. Maximum sign height. Shall match existing archway signs in center.
 - b. Maximum sign length. Ten feet (10). Width of the sign may vary slightly depending on the width of the arch to achieve similar proportionality.
 - c. Logo. Logos shall be in shades of contrasting bronze to provide contrast in the design.
 - d. Letter depth. Shall match existing archway signs in center.
 - e. Copy. Matthews "Obsidian" to match center.
 - f. Color. Bronze to match center.
 - g. Illumination. Up-lights to match center and as noted on the drawing specifications.

3. Blade Signs. Each tenant shall be allowed one (1) blade sign at business entrance.
 - a. Maximum sign size. Not to exceed six (6) square feet.
 - b. Logo. Logos shall be in shades of contrasting bronze to provide contrast in the design.
 - c. Color. Bronze to match center. The tenant may have their own custom designed bracket, however all colors shall be as noted on the drawing specifications.
 - d. Location. Adjacent to store entrance.

4. Restaurant Suite (Eureka).
 - a. Walls signs. As existing and permitted under sign permit ACO-2948. Future tenants shall meet existing restaurant design standards or the sign standards as outlined above for wall signs. The Community Development Director shall have the authority to make small changes to the design and/or placement of the signs if deemed appropriate to create more aesthetically pleasing sign appearance.

(c)(1) Individual Tenant Signs for Multi-Tenant Buildings. One (1) projecting sign per tenant (23" x 14' maximum) and one (1) small wall mounted blade sign are permitted for individual tenants for a multi-tenant building. A tenant directory consisting of a wall sign located on the ground floor level shall be provided to serve as a tenant identification sign for second story tenants.

(2) CVS Pharmacy. One (1) Main Store Front Sign. Sign text which reads "CVS PHARMACY" shall be "red" color channel letters (non-illuminated) and one foot and three-quarters of an inch (1' ¾") in overall height and shall span eight feet and nine inches (8' 9") in overall length. The lettering shall be stud mounted upon a

perforated gray steel background to match the existing signs throughout. The sign shall be centrally located between the existing arches of the structure. The sign shall not exceed nine (9) square feet in overall surface area.

(d) **Decorative Banners.** Up to fourteen (14) decorative banners are permitted for the light standards located within the parking areas for Village I. The mounting brackets for the banners must be painted to match the light standards. Anytime the style or colors for the decorative banners are proposed to be changed, Architecture and Landscape Committee (ALC) and Planning Commission approval are both required. The maintenance of the banners shall be kept in accordance with Municipal Code Section 17.24.010."

SECTION 2. CEQA. This Project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State and local CEQA Guidelines, and the environmental regulations of the City. The proposed signs shall have no significant effect on the environment and qualifies as being Categorically Exempt from the California Environmental Quality ("CEQA") pursuant to Section 15311, Accessory Structures, placement of small structures accessory to existing commercial facilities, including but not limited to, on-site signs

SECTION 3. SEVERABILITY. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance, which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable. This Ordinance amends, adds to and deletes (as applicable) sections of the Indian Wells Municipal Code.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect and be in force 30 days after passage.

SECTION 5. PUBLICATION. The City Clerk is directed to publish this Ordinance within the manner and in the time prescribed by law.

PASSED APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on the 19th day of February 2015.

TY PEABODY
MAYOR

**STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF INDIAN WELLS)**

CERTIFICATION FOR ORDINANCE BILL NO. 2015-02

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance Bill No. 2015-02, having been regularly introduced at the meeting of February 19, 2015 was again introduced, the reading in full thereafter unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on March 5, 2015 and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES:
NOES:

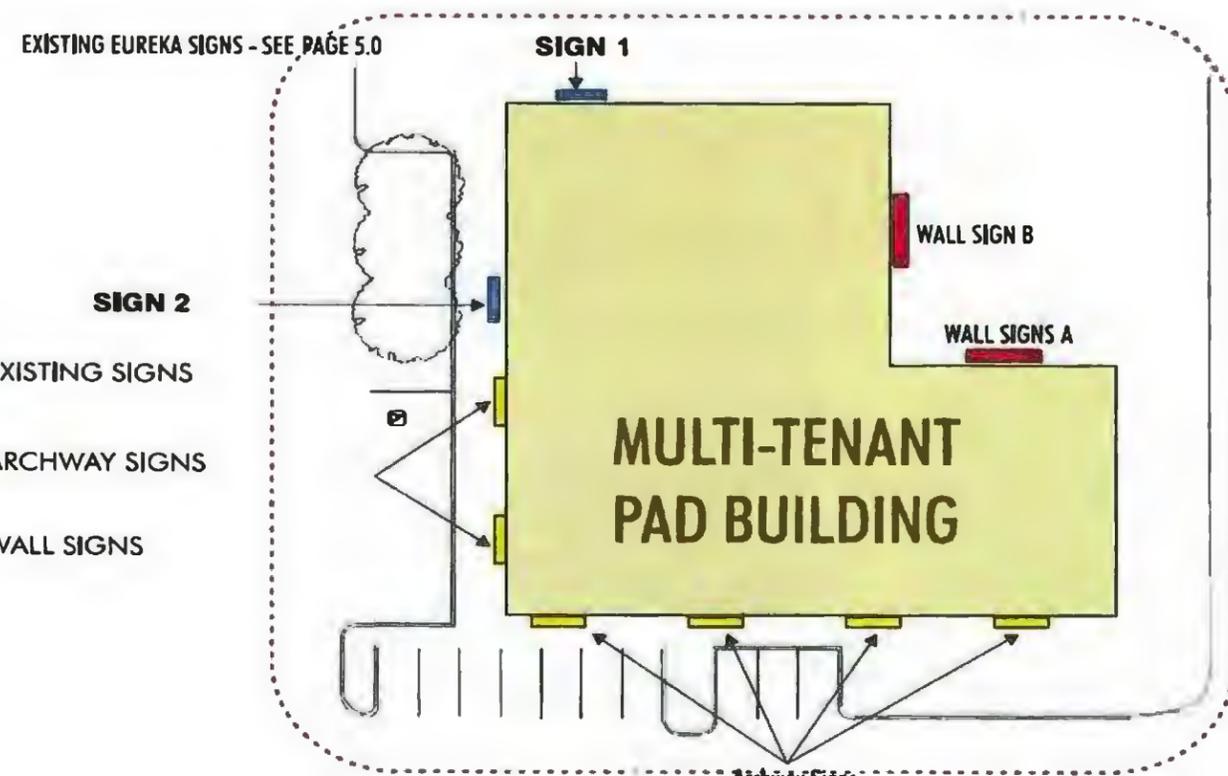
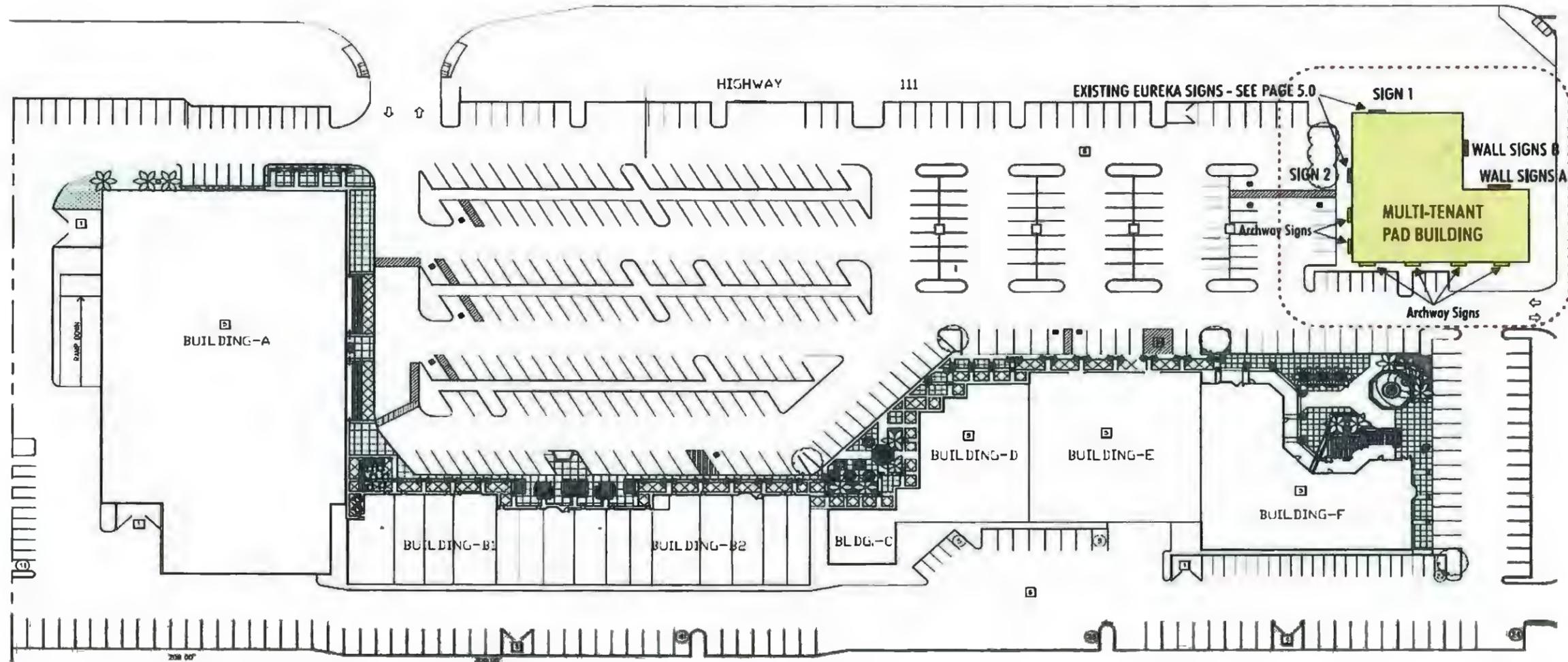
and was thereafter on said day signed by the Mayor of said City of Indian Wells.

ATTEST:

APPROVED AS TO FORM:

**WADE G. MCKINNEY
CITY MANAGER/CITY CLERK**

**STEPHEN P. DEITSCH
CITY ATTORNEY**



Note: The arch signs may vary in width depending on the distance between the columns



MAXIMUM LETTER HEIGHT = 18". OVERALL WIDTH OF SIGN NOT TO EXCEED 15'-0"
FOR TWO LINES, HEIGHT NOT TO EXCEED 3'-0". LETTER THICKNESS TO BE 1-1/2"
MAXIMUM LOGO SIZE NOT TO EXCEED SIX (6) SQUARE FEET.
ALL COPY AND LOGOS TO BE MATTHEWS "OBSIDIAN" #Mp04836 (BRONZE) - TO MATCH THE REST OF THE SIGNS IN THE PROJECT.
ILLUMINATION - FOCUS 12V UPLIGHT #DL-01 QTY: FOUR (4) MOUNTED TO FRAME AND PAINTED MATTHEWS "OBSIDIAN" #MP04836



TENANT SIGN

MAXIMUM OF FOUR UP-LIGHTS MOUNTED TO A 3" X 3" WIREWAY THAT IS PAINTED TO MATCH THE WALL



WALL SIGN C

MAXIMUM LETTER HEIGHT = 18" . OVERALL WIDTH OF SIGN NOT TO EXCEED 15'-0"

ONLY ONE LINE OF COPY WILL PERMITTED FOR SIGN "C"

ALL COPY TO BE MATTHEWS "OBSIDIAN" #Mp04836 (BRONZE) - TO MATCH THE REST OF THE SIGNS IN THE PROJECT. WITH THE EXCEPTION OF CORPORATE LOGOS WHICH CAN BE IN CORPORATE COLORS - WITH LANDLORD APPROVAL

ILLUMINATION - FOCUS 12V UPLIGHT #DL-01 QTY: FOUR (4) MOUNTED TO FRAME AND PAINTED MATTHEWS "OBSIDIAN" #MP04836

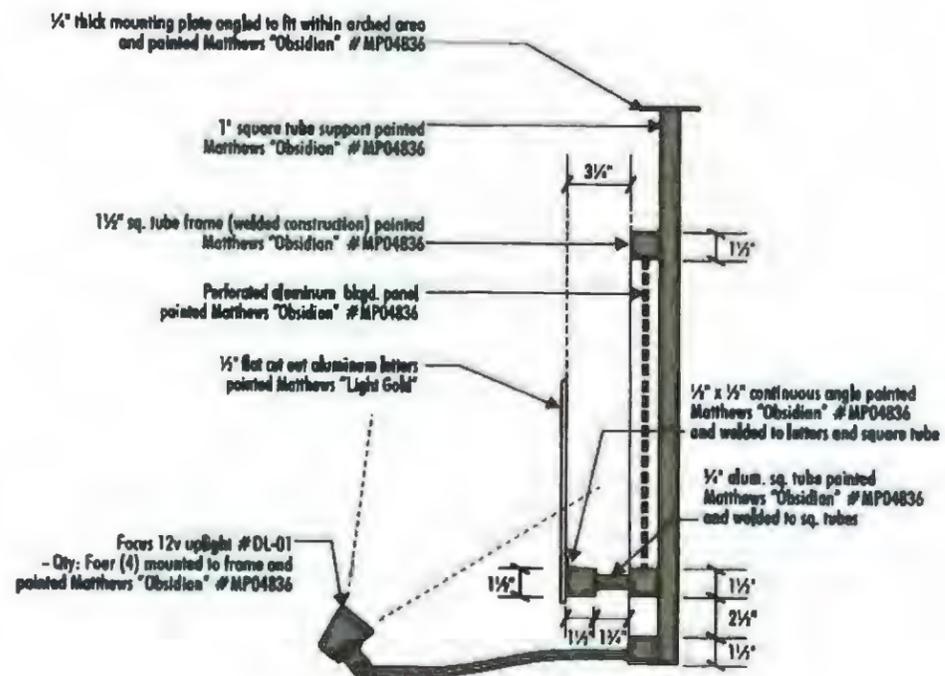


MULTI-TENANT PAD BUILDING



B ELEVATION SCALE: 1/8"=1'-0"

NOTE: QUANTITY OF ARCHWAY SIGNS TO BE DEPENDENT UPON NUMBER OF TENANTS AND LOCATIONS OF TENANT'S ENTRANCE. MAXIMUM ONE (1) ARCHWAY SIGN PER TENANT.



C ELEVATION SCALE: 1/8"=1'-0"

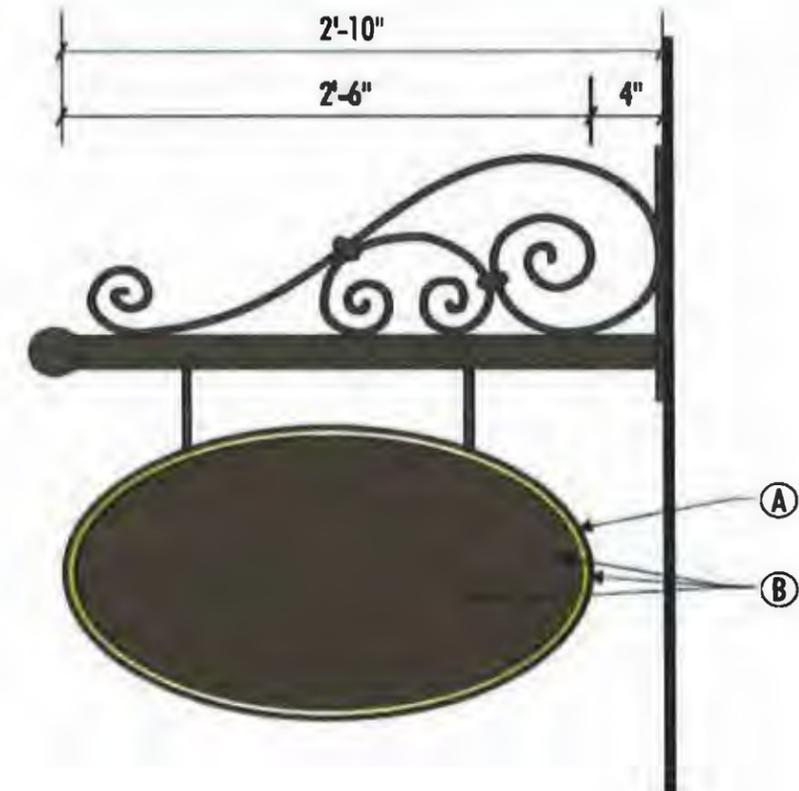
See Sheet 6.0 for details

MULTI-TENANT PAD BUILDING



SPECIFICATIONS:

- A** 1/4" THICK ALUMINUM PANEL PAINTED MATTHEWS "OBSIDIAN" #Mp04836 ON FACE AND RETURNS. ALUMINUM PANEL TO BE MOUNTED FLUSH TO 1" DEEP ALUMINUM BACKER. BACKER PANEL EDGES PAINTED MATTHEWS "OBSIDIAN" #MP04836. BACKER TO BE MOUNTED TO 3/8" THREADED ROD. MAXIMUM SIGN AREA NOT TO EXCEED SIX (6) SQUARE FEET. TENANT MY USE A CUSTOM DESIGNED BRACKET, WHICH MUST BE APPROVED BY THE LANDLORD.
- B** 1/4" THICK ALUMINUM BORDER AND COPY TO BE PAINTED MATTHEWS "PALE GREEN GOLD METALLIC" #MP21106 ON FACES AND EDGES. BORDER AND COPY TO BE MOUNTED FLUSH TO 1/4" THICK ALUMINUM BACKGROUND.



ORDINANCE BILL NO. 2015-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING TITLE 21 OF THE INDIAN WELLS MUNICIPAL CODE BY AMENDING SECTION 21.14.110 PERTAINING TO LAND USES IN PLANNING AREA 11 AND ZONING BOUNDARIES WITHIN THE VINTAGE CLUB FOR THE GOLF COURSE OVERLAY AND RESIDENTIAL-VERY LOW DENSITY (RVLD) ZONES.

WHEREAS, on December 17, 2014, the Planning Commission held a duly noticed public hearing on Zoning Map Amendment No. 2014-02 in conformance with Government Code 65854 and Indian Wells Municipal Code Sections 21.06.020(c) and 21.06.100, and adopted Resolution No. PC 2014-07 recommending that the City Council adopt an Ordinance amending the City's Zoning Code by amending the Zoning Map; and

WHEREAS, notice of a public hearing of the City Council of the City of Indian Wells to consider the Zoning Map Amendment was given in accordance with applicable law; and

WHEREAS, on February 5, 2015, the City Council held a duly noticed public hearing on the Zoning Map Amendment; and

WHEREAS, after careful consideration of the staff report, public testimony and all of the information presented at the hearing, the City Council finds as follows:

Zoning Map Amendment Findings:

1. The proposed Zoning Map Amendment is consistent with the City of Indian Wells General Plan or any amendment approved concurrently with the Zone Change.

FACT: The proposed Zoning Map Amendment is consistent with the General Plan and concurrent amendment thereto in that it would adjust the Golf Course Overlay and Residential-Very Low Density zoning boundaries and the boundaries of Planning Subarea 11 to be consistent with General Plan Amendment No. 2014-01 approved concurrently with this action.

2. The proposed Zoning Map Amendment is consistent with the intent and objectives of this Zoning Code.

FACT: The proposed Zoning Map Amendment is consistent with the intent and objectives of Municipal Code Title 21 and Chapter 21.30, as this Amendment is deemed consistent in compatibility of use and intensity with adjacent and surrounding uses and promotes the quality, image and character of the City.

3. The proposed Zoning Map Amendment is consistent with any applicable area Master Development Plan or Specific Plan.

FACT: The proposed Zoning Map Amendment is consistent with any applicable area Master Development Plan or Specific Plan in that it would adjust the zoning

boundaries to be consistent with the modified boundaries of General Plan Amendment No. 2014-01, approved concurrently with this action, and

4. The proposed Zoning Map Amendment is in the best interests of the health, safety and welfare of the community.

FACT: The proposed Zoning Map Amendment is in the best interests of the health, safety and welfare of the community as it would not adversely affect the public health, safety or welfare, or materially injure surrounding properties or improvements since it will enable development of certain property as currently proposed by a property owner. The Project will adhere to all applicable sections of the California Building Code, California Fire Code and Municipal Code thus precluding adverse impacts resulting from the proposed development. Furthermore, the Amendment and the Project are a logical extension of existing contiguous residential uses, and will preserve emergency access for local development in the event of an emergency and promote the orderly growth and development of the community which is consistent with the intent and objectives of Title 21 of the Indian Wells Municipal Zoning Code.

5. Adequate sewer and water lines, utilities, sewage treatment capacity, drainage facilities, police protection/emergency medical care, vehicular circulation and school facilities will be available to serve the area affected by the proposed Zone Change when development occurs.

FACT: Adequate utilities (sewer, water, etc.), drainage facilities, police and fire protection and vehicular circulation are available to serve the area affected by the Amendment when development occurs. No impact on school facilities will result.

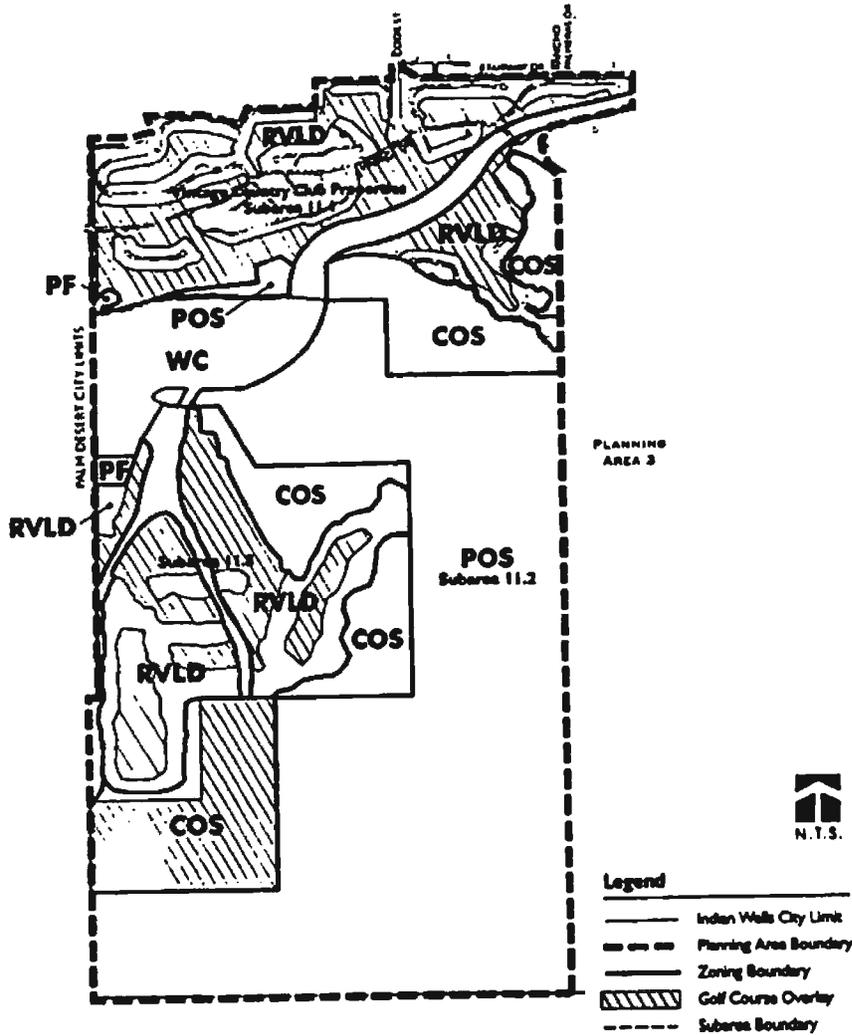
NOW, THEREFORE, the City Council of the City of Indian Wells **DOES ORDAIN AS FOLLOWS:**

SECTION 1. CEQA. The Amendment has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State and local CEQA Guidelines, and the environmental regulations of the City. The City has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to Title 14, California Code of Regulations (State CEQA Guidelines), Chapter 3, §15162 through §15164.

The City Council has reviewed the IS/MND and, consistent with the findings and recommendations of the Planning Commission, finds that the IS/MND confirms that the proposed Project and the Amendment will not result in any new significant effects or any substantial increase in the severity of previously identified significant effects and, as such, no further environmental review is required. Further, the Council readopts those mitigation measures identified in the County's original approvals that are relevant to the Project and the Amendment and as detailed specifically in the IS/MND.

SECTION 2. ZONING MAP PLANNING AREA MAP AMENDMENT. Indian Wells Municipal Code Section 21.14.110 is amended to re-designate the Project site from Golf Course Overlay to Residential-Very Low Density and to amend the Planning Area 11 land use set forth herein below.

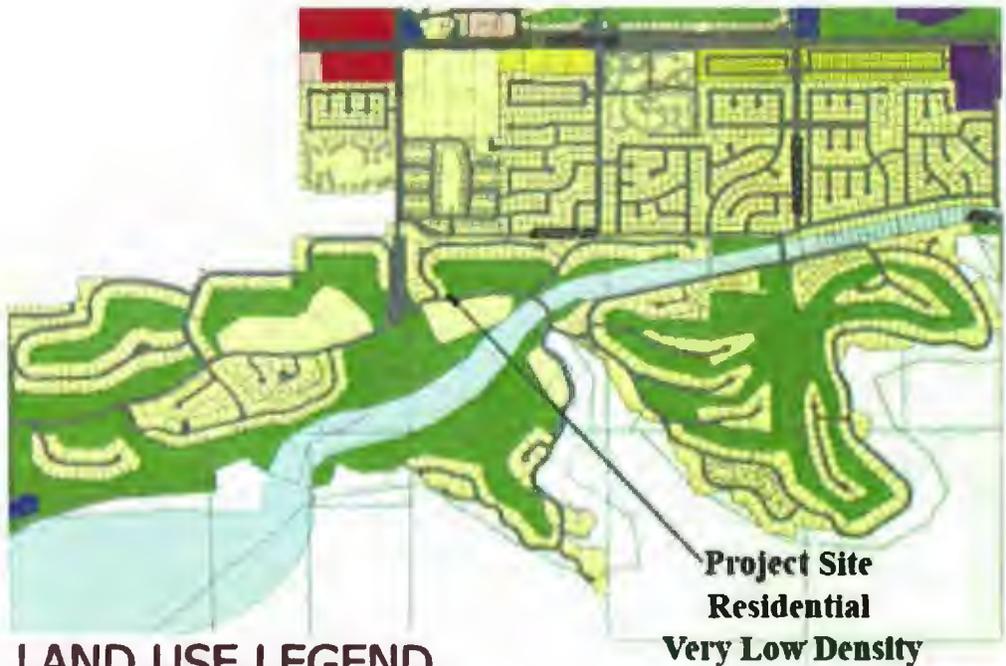
PLANNING AREA 11 (THE VINTAGE CLUB) – MAP



**PLANNING AREA 11
VINTAGE / LIVING DESERT / HIDDEN VALLEY AREA**

SECTION 3. ZONING MAP AMENDMENT. The Indian Wells Land Use and Zoning Map is amended to adjust the boundaries of the Golf Course Overlay and Residential-Very Low Density within The Vintage Club as follows:

Land Use/Zoning Exhibit (Proposed Plan)



LAND USE LEGEND

RESIDENTIAL		VERY LOW DENSITY (3.0 DU/AC)	COMMERCIAL		PROFESSIONAL OFFICE
		LOW DENSITY (4.5 DU/AC)			COMMUNITY COMMERCIAL
		MEDIUM DENSITY (7.0 DU/AC)			RESORT COMMERCIAL
		MEDIUM HIGH DENSITY (12 DU/AC)			SPORTS COMPLEX
OPEN SPACE		GOLF AND RECREATION	CIVIC		PUBLIC FACILITY
		NATURAL PRESERVE (1.0 DU/40AC)			
		PUBLIC PARK			
		WATERCOURSE			
		OPEN SPACE			

SECTION 4. SEVERABILITY. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance, which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable. This Ordinance amends, adds to and deletes (as applicable) sections of the Indian Wells Municipal Code.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect and be in force 30 days after passage.

SECTION 6. PUBLICATION. The City Clerk is directed to publish this Ordinance within the manner and in the time prescribed by law.

PASSED APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on the 19th day of February, 2015.

**TY PEABODY
MAYOR**

**STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss.
CITY OF INDIAN WELLS)**

CERTIFICATION FOR ORDINANCE BILL NO. 2015-04

I, Wade McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance Bill No. 2015-04, having been regularly introduced at the meeting of February 5, 2015, was again introduced, the reading in full thereafter unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the day of February 19, 2015, and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES:
NOES:

and was thereafter on said day signed by the Mayor of the City of Indian Wells.

ATTEST:

APPROVED AS TO FORM:

**WADE MCKINNEY
CITY MANAGER/CITY CLERK**

**STEPHEN P. DEITSCH
CITY ATTORNEY**

ORDINANCE BILL NO. 2015-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING CHAPTER 9.06 PERTAINING TO NOISE VIOLATIONS AND ENFORCEMENT

WHEREAS, excessive, unnecessary or offensive noise within the City is detrimental to the public health, safety, welfare and the peace and quiet of the inhabitants of the City; and

WHEREAS, the establishment or clarification of maximum permissible noise levels will further the public health, safety, welfare and peace and quiet of City inhabitants.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 9.06.030(a) of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.030 Sound level measurement – General.

(a) Use of Sound Level Meter. Any noise level measurements made pursuant to the provisions of this Chapter shall be performed using a sound level meter as defined in Section 9.06.020. If the sound standard applied pursuant to this chapter is not measured in decibels, then sound level measurements are not required to establish a violation of this Chapter."

SECTION 2. Section 9.06.050(a) of Chapter 9.06 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.050 General noise regulations.

(a) General Prohibition. Notwithstanding any other provisions of this Chapter and in addition thereto, it is unlawful, between the hours of 10:00 p.m. to 7:00 a.m. for any person to make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of ordinary sensibilities from any curb line, or behind the public right of way boundary, fronting the property from which the noise emanates."

SECTION 3. Section 9.06.051 is added to Chapter 9.06 of the Indian Wells Municipal Code to read in its entirety as follows:

"9.06.051 Declaration of certain acts constituting excessive noise.

The following activities are deemed to cause disturbing, excessive or offensive noises when they disturb the peace and quiet of any neighborhood or cause discomfort or annoyance to any reasonable person of ordinary sensibilities, and subject to the foregoing any of the following shall constitute prima facie evidence of a violation.

- A. Horns, signaling devices, muffler systems, car alarms, etc. intentionally or negligently initiated and unnecessary use or operation of horns, signaling devices, uncontrolled muffler noises, car alarms on vehicles of all types including motorcycles, and other equipment.
- B. The operation of any sound production or reproduction device, radio receiving set, musical instrument, drum, phonograph, television set, machine, loud speaker or sound amplifier or similar machine or device in such a manner as to be plainly audible from any curb line, or behind the public right of way boundary, fronting the property from which the noise emanates, including without limitation emanating from any building, structure or vehicle in which it is located, or from the specific place on that property on which the source is resting, or moving at any one moment.
- C. The operation of any sound amplifier which is part of or connected to any radio, stereo receiver, compact disc player, cassette tape player, audible generating device or other similar device when operated in such a manner as to be plainly audible from any curb line, or behind the public right of way boundary, fronting the property from which the noise emanates, or from the specific place on which the source is resting, or moving at any one moment, or when operated in such a manner as to cause a person to be aware of vibration at any distance from the specific place on which the source is resting, or moving at any one moment.
- D. The playing, use or operation of, or permitting to be played, used or operated, any sound production or reproduction device, radio receiving set, musical instrument, drums, phonograph, television set, loudspeaker or sound amplifiers or other machine or device for the producing or reproducing of sound."

SECTION 4. Section 9.06.075 is added to Chapter 9.06 of the Indian Wells Municipal Code to read in its entirety as follows:

"9.06.075 Duty to cooperate.

No person shall refuse to cooperate with, or obstruct, any authorized person charged with the enforcement of this Chapter when such authorized person is engaged in the performance of his/her duties."

SECTION 5. Section 9.06.080 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

"9.06.080 Violations – Penalty.

Any person violating any of the provisions of this chapter is guilty of an infraction and shall be subject to the maximum punishment set forth in State Law or applicable City Code Section 8.08.060, provided that the first citation shall be a fine of \$250 and each subsequent citation shall be a fine of \$500. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. The provisions of this Chapter shall not be construed as permitting conduct not proscribed herein and shall not affect the enforceability of any other applicable provisions of law."

SECTION 6. Severability. If any provision, clause, sentence or paragraph of this Ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 7. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after passage.

SECTION 8. Publication. The City Clerk is directed to publish this Ordinance, or a summary thereof, in the manner and in the time required by law.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting of the City Council held on 19th day of February, 2015.

**TY PEABODY
MAYOR**

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss.
CITY OF INDIAN WELLS)

CERTIFICATION FOR ORDINANCE BILL NO. 2015-01

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance Bill No. 2015-01, having been regularly introduced at the meeting of January 22, 2015, was amended and introduced at the meeting of February 5, 2015, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on this 19th day of February, 2015, and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES:
NOES:

and was thereafter on said day signed by the Mayor of the City of Indian Wells

ATTEST:

APPROVED AS TO FORM:

WADE G. MCKINNEY
CITY MANAGER/CITY CLERK

STEPHEN P. DEITSCH
CITY ATTORNEY

ORDINANCE BILL NO. 2015-08 HER _____

VOTE: YES 4 NO 1 ABSTAIN _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING CHAPTER 5.20 (TITLE 5 BUSINESS LICENSES AND REGULATIONS) OF THE INDIAN WELLS MUNICIPAL CODE, RELATING TO SHORT-TERM RESIDENTIAL RENTALS

Balocco

WHEREAS, the City of Indian Wells ("City") has the authority under Article 11, Section 5 of the California Constitution and the City Charter to make and enforce all ordinances and regulations with respect to municipal affairs; and

WHEREAS, the City has the authority to regulate land uses and businesses operating within the City; and

WHEREAS, short-term rentals of private residences within the City are business ventures subject to the City's business licensing ordinance; and

WHEREAS, the City has authorized use of private residences for short-term rentals as a business consistent with the General Plan and Zoning Code; and

WHEREAS, short-term occupancies of private residences within the City are subject to the City's transient occupancy tax; and

WHEREAS, while the moratorium set forth in Urgency Ordinance No. 678 remains in full force and effect, except as superceded by amendments to Chapter 5.20 of the Indian Wells Municipal Code specifically set forth in this Ordinance which conflict with specific provisions of Ordinance No. 678; and

WHEREAS, the City wishes to enhance and maintain the residential character of its residential zones; and

WHEREAS, the City desires and intends to amend the Indian Wells Municipal Code to tighten and clarify provisions concerning short-term residential rentals, promote accurate collection of the transient occupancy tax, and enhance and maintain the residential character of its residential zones by providing regulations for short-term residential rentals within the City.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIAN WELLS DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 5.20 of Title 5 of the Indian Wells Municipal Code is amended to read in its entirety as follows:

**"Chapter 5.20
SHORT-TERM RESIDENTIAL RENTALS**

Sections:

- 5.20.010 Violation; nuisance; applicability.**
- 5.20.020 Short-term residential rental, definitions.**
- 5.20.030 Conditions of operation.**
- 5.20.040 Business license.**
- 5.20.050 Registration.**
- 5.20.060 Personal availability.**
- 5.20.070 Notice to occupants.**
- 5.20.080 Transient occupancy tax.**
- 5.20.090 Statement of occupancies.**
- 5.20.100 Signs/Advertisement.**
- 5.20.110 Noise.**
- 5.20.120 Occupancy.**
- 5.20.130 Maintenance of residential character.**
- 5.20.140 Minimum duration of occupancy.**
- 5.20.150 Parking.**
- 5.20.160 Revocation of Short-term Vacation Rental Permit and business license.**
- 5.20.170 Administrative citation.**

5.20.010 Violation; nuisance; applicability.

It is unlawful and a violation of this Chapter, and is hereby declared a public nuisance, for any person or entity owning, renting, leasing, occupying, or having charge, control or possession of any real or improved property within the City of Indian Wells to cause, permit, maintain or allow any violation of this Chapter to exist thereon. Any violation of this Chapter is punishable as a misdemeanor and/or as otherwise permitted by this Code. Each and every violation of this Chapter that exists constitutes a separate and distinct violation as does each and every day, or portion thereof that any violation exists.

5.20.020 Short-term residential rental, definitions.

The following words and phrases, whenever used in this Chapter, shall have the meaning defined in this Section unless the context clearly requires otherwise:

"City" means the City of Indian Wells.

"Code" means the Indian Wells Municipal Code.

"Managing Agency or Agent" means a person, firm, or agency representing the Owner of the Short-term Residential Rental, or a person, firm, or agency owning or operating more than one Short-term Residential Rental.

"Owner" means any person or entity having fee-title ownership and/or appearing on the last equalized assessment roll of Riverside County showing controlling interest of the Premises.

"Owner's Authorized Agent," or "Manager," or "Managing Agency" means an individual or business entity, or their representative, appointed by an Owner to solicit applications, execute agreements, or otherwise act on Owner's behalf in the rental of property as a Short-term Residential Rental.

"Premises" means the actual single-family house or other residential dwelling unit, including all of its improved real property, which is used as a Short-term Residential Rental.

"Short-term Residential Rental" means the rental of a residential dwelling unit by the Owner thereof to another party for a continuous period of less than thirty (30) days in the aggregate, in exchange for any form of monetary or non-monetary consideration such as but not limited to trade, fee, swap or any other in lieu of cash payment.

"Local Contact Person" means the person designated by the Owner, or Owner's authorized agent, who shall be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding within forty-five (45) minutes to complaints regarding the condition, operation, or conduct of occupants of the Short-Term Residential Rental unit; and (2) taking any remedial action necessary to resolve any such complaints.

"Responsible Person" means the signatory of a short-term rental agreement for the use and occupancy of a short-term rental unit, who shall be an occupant of the subject short-term rental unit, and is legally responsible for ensuring that all occupants of the short-term rental unit, and/or their guests, comply with all applicable laws, rules and regulations pertaining to the use and occupancy of subject short-term rental unit, and who may be held liable for any violation of all applicable laws, rules and regulations set forth in this Chapter.

"Good Neighbor Brochure" means a document prepared by the City, as may be revised from time to time, that summarizes the general rules of conduct, consideration and respect pertaining to the use and occupancy of the short-term rental units.

"Transient Occupancy Tax" means the tax levied by the City in accordance with Chapter 3.12 of the Municipal Code. This tax is levied upon individuals or businesses engaged in the sale of sleeping accommodations to the public.

5.20.030 Conditions of operation.

(a) Pursuant to this Chapter and any other applicable provisions of this Code, Short-term Residential Rentals are permitted in the Very Low Density, Low Density, Medium Density, and Medium High Density residential zones of the City only if all the requirements of this Chapter are met.

(b) The requirements of this Chapter shall be met before a Short-term Residential Rental of a Premises is permitted.

5.20.040 Business license.

(a) Business License Required for Short-term Residential Rentals. The Short-term Residential Rental of any Premises in the City is deemed to be a "Business" as defined in Chapter 5.01 of this Code. It shall be unlawful for any person or entity, including without limitation the Owner of a Premises and Managing Agency or Agent, to engage in the business of Short-term Residential Rentals without first obtaining and maintaining both a valid business license from the City pursuant to Chapter 5.01 of this Code for the purpose of operating any number of Short-term Residential Rentals and an operating permit for each property to be used as a Short-term Residential Rental. The business license or copy thereof shall be prominently displayed in a visible location at the Short-term Residential Rental Premises during any periods of occupancy thereof by any person other than the Owner(s) of the Premises. At no time shall the Short-term Residential Rental be used for activities such as weddings, receptions, and large parties attended by more than the occupants of the Short Term Residential Rental without first obtaining a Temporary Use Permit from the City, pursuant to Chapter 21.06 (Temporary Uses) of this Code.

(b) Upon or promptly following the City's issuance of a business license for purpose of conducting Short-term Residential Rentals on the Owner's Premises, and promptly upon any change in the information pertaining to the Local Contact Person for the Premises, the City shall send written notification of issuance of such license to property owners within two hundred feet (200') of the Premises, whose names are shown on the property tax assessment roll. Such notice shall include the name and related information of the Local Contact Person for the Premises. The fee payable by the Owner to the City to cover the costs of such notification shall be set forth by resolution of the City Council.

(c) Penalty for Violation. Failure to obtain and maintain a business license or continuing to operate a Short-term Residential Rental business after suspension or revocation of a business license, knowingly or intentionally misrepresenting to any officer or employee of this City any material fact in procuring a business license for Short-term Residential Rentals, or failing to pay the full amount of any business license tax when due, shall be punishable in accordance with the provisions of Section 5.01.040 of this Code. An action against an Owner or any permittee of a business license for Short-term

Residential Rentals who is in violation of any of the provisions of this Section may be brought pursuant to Chapter 8.08 or Section 5.01.040 of this Code, in addition to the business license suspension and revocation proceedings described Section 5.20.090.

5.20.050 Registration.

On a written form prepared by the Community Development Director of the City, the Owner shall register with the City as the point of contact for the Short-term Residential Rental Premises and shall be responsible for all requirements of this Chapter. However, such registration is deemed satisfied if accomplished by a Managing Agency or Agent on behalf of the Owner. The Owner of the Premises shall retain primary responsibility for all requirements of this Code related to Short-term Residential Rentals, notwithstanding registration by a Managing Agency or Agent. There shall be no subleasing of any Premises for short-term rental purposes; instead, only a rental agreement executed by the Owner shall be permitted for any Premises when used for Short-term Residential Rentals. A fee may be established by resolution of the City Council to cover costs of processing the registration. Either the Owner of the Premises or a Managing Agency or Agent shall provide all of the following information to the City at the time of registration, and shall promptly upon change of any such information update such information to maintain accuracy:

- (a) Full legal name of the Owner of the Premises and if a business entity or trust, the individual who has responsibility to oversee its ownership of the Premises; and
- (b) Street and mailing addresses of the Owner of the Premises; and
- (c) Telephone number of the Owner of the Premises; and
- (d) Email address of the Owner of the Premises; and
- (e) Full legal name or business name of a Managing Agency or Agent, if any; and
- (f) Street and mailing addresses of a Managing Agency or Agent, if any; and
- (g) Telephone number of a Managing Agency or Agent, if any; and
- (h) Street and mailing addresses of the Short-term Residential Rental Premises; and
- (i) Telephone number of the Short-term Residential Rental Premises; and
- (j) List of all online websites used to advertise Premises for Short-term Vacation Rental along with all listing numbers; and
- (k) Full name and telephone number of 24 hour emergency Local Contact Person; and
- (l) Submit a Transit Occupancy Tax (TOT) registration fee as set by Resolution of the Indian Wells City Council; and
- (m) Submit a Short-term rental registration fee as set by Resolution of the Indian Wells City Council; and
- (n) Any other contact information the City may reasonably require.

During the ongoing operation of the Short-term Residential Rental, the Owner or Managing Agency or Agent shall register the name and contact information for all responsible persons (as lessees) renting their Premises, through a City run online database, along with dates of stay, no later than forty-eight (48) hours prior to occupant arrival. The City shall have the authority to conduct random inspections of Premises to ensure compliance with provisions of this Chapter.

A current business license, TOT registration and Good Neighbor Brochure shall be hung and/or placed in a conspicuous location within the Premises at all times of the Short-term Residential Rental business operation. In addition, each Responsible Person for the Premises shall be provided with a copy of the City's Good Neighbor Brochure by the Owner or Managing Agency or Agent.

The Owner or Managing Agency or Agent shall provide language in their rental agreement allowing for immediate termination of the rental contract, and immediate eviction upon any violation of the Municipal Code by any occupant. The Responsible Person shall acknowledge understanding of all Indian Wells Short-term Residential Rental rules and their liability for any fines incurred by occupants.

5.20.060 Personal availability.

(a) For each Short-term Residential Rental, a Local Contact Person shall be available by telephone on a seven (7) day per week, twenty-four (24) hour per day basis to respond to public safety calls, nuisances, or other complaints regarding the use, condition, operation, or conduct of occupants on the Premises. The Local Contact Person shall respond within 45 minutes to satisfactorily correct any alleged nuisance or violation of this Chapter by occupants occurring at the Premises. If the Local Contact Person does not respond within 45 minutes or does not satisfactorily correct the alleged nuisance or violation pertaining to the call, the Owner shall be subject to citation pursuant to Section 5.20.170 of this Code.

(b) Local Contact Person shall be physically present within the geographical limits of the City during the term of the Short-term Residential Rental or be otherwise physically available to respond by visiting the Premises in person, at the request of the City or the City's police authority, within 45 minutes of contact concerning any alleged nuisance or violation of this Chapter.

5.20.070 Notice to occupants.

The Owner or Managing Agency or Agent shall provide the Responsible Person of a Short-term Residential Rental with the following information prior to occupancy of the Premises and shall post such information in a conspicuous place within the dwelling on the Premises:

(a) The name of the Owner or Managing Agency or Agent and a telephone number at which each may be reached on a seven (7) day per week, twenty-four (24) hour per day basis; and

(b) Notification of the maximum number of overnight and daytime occupants permitted on the Premises pursuant to this Chapter; and

(c) Notification of the City's noise standards, as provided in Chapter 9.06 of this Code, as may be amended from time to time; and

(d) Notification of the parking standards of this Chapter; and

(e) A copy of this Chapter of the Indian Wells Municipal Code, as may be amended from time to time; and

(f) Notification that an occupant may be cited or fined by the City, in addition to any other remedies available at law, for violating any provisions of this Chapter; and

(g) A copy of the "Good Neighbor Brochure"; and

(h) Owner or Managing Agency or Agent shall keep on file a signed agreement acknowledging that the Responsible Person and occupants agree to the general rules summarized in the Good Neighbor Brochure and rental contract, including without limitation the immediate termination provision in the rental contract for any violation of the Municipal Code by any occupant.

5.20.080 Transient occupancy tax.

All Short-term Residential Rentals shall be subject to the City's Transient Occupancy Tax (TOT) as required by Chapter 3.12 of this Code. The Owner or Managing Agency or Agent shall remit TOT to the City, once per quarter, on or before the 30th day following the dates of March 31, June 30, September 30, and December 31 of each year, on a form prepared by the City or in a manner otherwise acceptable to the City.

5.20.090 Statement of occupancies.

The Owner or a Managing Agency or Agent shall register the name and contact information for all Responsible Persons renting their Premises, through a City run online database, along with dates of stay no later than forty-eight (48) hours prior to occupant arrival. The following information shall be provided:

- (a) Dates of any Short-term Residential Rentals of the Premises; and
- (b) Number of persons staying on the Premises during each Short-term Residential Rental; and
- (c) Nightly rates collected for each Short-term Residential Rental; and
- (d) Full name and telephone number of Responsible Person during each Short-term Residential Rental. ~~The Responsible Person shall be at least thirty (30) years of age.~~

5.20.100 Signs/Advertisement.

No sign, as that term is defined in Section 17.04.030 of this Code, shall be posted on the Premises to advertise the availability of the Short-term Residential Rental unit to the public.

All advertisement, including online advertisement, shall include the following information:

- (a) The assigned short-term rental permit number; and
- (b) The number of occupants allowed to occupy the short-term rental.

Any sign or advertisement in violation of this Chapter shall be subject to a citation pursuant to Section 5.20.170 of this Code.

5.20.110 Noise.

It shall be unlawful for any owner, occupant, renter, lessee, person present upon, or person having charge or possession of the Premises to make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area, or violates any provision of Chapter 9.06 (Noise) of this Code. For the purposes of determining whether a violation of this Section has occurred, the standards set forth in Chapter 9.06 of this Code shall apply. Fines for violation of the noise provisions in the Municipal Code, as applicable to Short-term Residential Rentals shall be those established pursuant to Section 5.20.170 of this Code.

5.20.120 Occupancy.

The maximum overnight occupancy on the Premises of the Short-term Residential Rental, from the hours of 11:00 p.m. through 6:00 a.m. on the following morning, shall not exceed two (2) persons per bedroom with an exception for children under the age of six who may additionally occupy the Premises, and no additional occupants on the Premises shall be permitted. The maximum daytime occupancy on the Premises of the Short-term Residential Rental, from the hours of 6:00 a.m. through 11:00 p.m. on the same day, shall not exceed the maximum overnight occupancy, plus an additional one (1) person per bedroom. The Owner or Managing Agency or Agent shall only advertise available occupancy up to the maximum occupancy set forth above.

5.20.130 Maintenance of residential character.

The appearance of the Premises shall not conflict with the residential character of the neighborhood, either by the use of colors, materials, lighting, landscaping, window coverings or otherwise. All applicable development, design, and landscaping standards, including but not limited to Chapter 21 of this Code, are expressly made applicable to a Premises used for Short-term Residential Rentals.

5.20.140 Minimum duration of rental.

Upon the expiration of Ordinance No. 678 or any ordinance extending all or part of the moratorium thereunder, the duration of any lease or rental of Premises as a Short-term Residential Rental shall be for a minimum of three consecutive (3) nights during which time there shall be no overlapping leases or rental of the Premises. The Owner or Managing Agency or Agent shall not advertise availability of the Premises for rent for less than the minimum number of rental nights set forth above.

5.20.150 Parking.

During the term of any Short-term Residential Rental, a maximum of one (1) vehicle per bedroom shall be permitted for the Premises, and no additional vehicles shall be permitted. All vehicles of occupants of the Short Term Residential Rental shall be parked only in an approved driveway or garage on the Premises.

5.20.160 Revocation of Short-term Vacation Rental Permit and business license.

(a) Grounds for Revocation. In addition to any other penalty authorized by law, a permit and business license for a Short-term Residential Rental may be revoked by the City if the Community Development Director finds, after notice to the licensee and opportunity to be heard, that the licensee or his or her agent or employee has violated, or failed to fulfill, the requirements of this Chapter or this Code.

The Community Development Director, or his designee, shall immediately revoke all rental permits from the Owner and Managing Agency or Agent upon five (5) violations of this Chapter pertaining to any combination of Premises owned by the Owner or managed by the Owner's Managing Agency or Agent within the City within any twelve (12) month period.

(b) Appeal from Denial or Suspension or Revocation of a Business License for Short-term Residential Rental. Any applicant for a business license for the Business of Short-term Residential Rentals whose application was denied by the Community Development Director, and any licensee whose business license for a Short-term Residential Rental is suspended or revoked by the Community Development Director, may, within ten (10) days following such decision, appeal such decision to the Planning Commission, in which event the decision of the Community Development Director shall be vacated and the Planning Commission shall determine whether to affirm, reverse, or modify the decision of the Community Development Director in accordance with the requirements for Short-term Residential Rentals set forth in this Chapter. At least fourteen (14) days prior to the Planning Commission's meeting to consider the appeal of the applicant or licensee, the Community Development Director, City Clerk, or authorized designee, shall send, by United States mail, certified, return receipt requested, written notice to the applicant or licensee of the time and place at which the Planning Commission will consider the application, suspension or revocation, and the applicant or licensee shall be provided an opportunity to be heard by the Planning Commission prior to its decision being made. Subject to any appeal of the City Council as hereinafter permitted, the decision of the Planning Commission shall be final and the City Clerk shall notify the applicant or licensee, as applicable, in writing of the decision of the Planning Commission. If the Planning Commission affirms the decision of the Community Development Director denying an application or suspending or revoking a license, the applicant or licensee shall have the right to appeal the decision of the Planning Commission to the City Council in accordance with the provisions of Section 21.06.110 of this Code, as amended from time to time. The decision of the Planning Commission shall not be vacated during the pendency of any appeal to the City Council.

5.20.170 Administrative citation.

(a) The City, or the City's police authority as that term is defined by Section 11.08.060 of this Code, may issue an administrative citation to any occupant, invitee, renter, lessee or Owner of the Premises, or Managing Agency or Agent, for a violation of any provision of this Chapter.

(b) All complaints against a Short-term Residential Rental for any violation of this Code may be handled by the City's police authority on a 24-hour basis. Any police report where the City's police authority has concluded that a violation of this Chapter has occurred, may be submitted to the City's Code Enforcement Department for review, processing and issuance of an administrative citation. Each and every day, or portion thereof, that a violation of this Chapter exists constitutes a separate and distinct violation

for which an administrative citation may be issued. Such an administrative citation shall be issued, notice given, and any appeals heard by the processes and in the manner prescribed by Sections 8.08.040 through 8.08.190 of this Code, as amended from time to time.

In addition or in the alternative, any violation of this Chapter shall constitute a misdemeanor which may be subject to the maximum punishment therefor as allowed by law.

Responsible Person:

The City may issue and the Responsible Person for each Short-term Vacation Rentals may receive an administrative citation for any violation of the short-term rental ordinance, including without limitation violation of the City's noise ordinance, as follows:

1. First offense – Warning by City's police authority;
2. Second offense within any sixty (60) day period - \$500 fine;
3. Third and subsequent offenses within sixty (60) day period - \$1,000 fine.

~~Upon the first offense, the responding City's police authority will issue and post a notice of warning on the front door. The warning will be required to remain on the front door for sixty (60) days, notifying all occupants (current and future within said 60 days) that a second offense, or subsequent offenses, automatically result in citation(s) to the Owner, and Responsible Person of the Premises at that time. It is a violation of this Chapter to remove the warning within the sixty (60) day period, and the fine applicable to any citation issued for such violation shall be \$200 or as otherwise established by resolution of the City Council.~~

Owner:

The City may issue and the Owner may receive an administrative citation for any violation of the Municipal Code, including without limitation the City's noise ordinance, by the Owner or Short Term Vacation Rental occupant as follows:

4. First offense - Warning by City's police authority;
5. Second offense within any twelve (12) month period - \$2,000 fine;
6. Third and subsequent offences within any twelve (12) month period - \$5,000 fine and revocation of the vacation rental permit for a period of twelve (12) months effective immediately;

7. Any offense occurring during any permit revocation period - \$5,000 fine."

SECTION 2. Ordinance No. 678. Ordinance No. 678, and any ordinance extending all or part of the moratorium set forth therein, shall remain in full force and effect except as superceded by amendments to Chapter 5.20 of the Code specifically set forth in this Ordinance which conflict with specific provisions of Ordinance No. 678 or any such successor ordinance.

SECTION 3. CEQA. This Ordinance does not commit the City to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

SECTION 4. SEVERABILITY. If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance, which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are hereby declared to be severable. This Ordinance amends, adds to and deletes (as applicable) sections of the Indian Wells Municipal Code.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect and be in force 30 days after passage.

SECTION 6. PUBLICATION. The City Clerk is directed to publish this Ordinance within the manner and in the time prescribed by law.

PASSED APPROVED, AND ADOPTED by the City Council of the City of Indian Wells, California, at a regular meeting held on the 19th day of February 2015.

**TY PEABODY
MAYOR**

**STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF INDIAN WELLS)**

CERTIFICATION FOR ORDINANCE BILL NO. 2015-03

I, Wade G. McKinney, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance Bill No. 2015-03, having been regularly introduced at the meeting of February 5, 2015 was again introduced, the reading in full thereafter unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on this 19th day of February, 2015 and said Ordinance was passed and adopted by the following stated vote, to wit:

AYES:
NOES:

and was thereafter on said day signed by the Mayor of said City of Indian Wells.

ATTEST:

APPROVED AS TO FORM:

**WADE G. MCKINNEY
CITY MANAGER/CITY CLERK**

**STEPHEN P. DEITSCH
CITY ATTORNEY**

CC/HA ACTION _____ MFG. DATE: 2-19-15
APPROVED DENIED _____ REC/FILE _____ CONT. _____
OTHER _____
VOTE: YES 5 NO 0 ABSTAIN _____

Indian Wells City Council

February 19, 2015

Staff Report – Finance

Receive and File the City Treasurer’s Report for December 2014

RECOMMENDATION:

Council **RECEIVES** and **FILES** the City Treasurer’s Report for the month of December 2014.

DISCUSSION:

Staff provides Council with a monthly update to the Treasurer’s Report. The Report presents the City’s cash activity and investment portfolio and provides reconciliation between investment balances and the General Ledger. Specifically, the report provides information on the types of investments, dates of maturities, costs, updated market value of securities, and rates of interest earned in the portfolio.

Related to the Treasurer’s report, the City maintains a written investment policy in compliance with legal requirements of Government Code section 53600 and governs the investments made by the City. The City invests in U.S. treasuries, federal agency securities, medium term corporate notes, municipal bonds, federally insured certificates of deposit, and overnight cash investments. Criteria for selecting investments in order of priority are: (1) safety, (2) liquidity and (3) yield.

As of December 31, 2014:

- The City’s cash and investments totaled \$42,843,924.
- The City’s portfolio earned a 1.403% rate of return.

ATTACHMENT:

1. December 2014 Treasurer’s report

The City of Indian Wells
 Summary by Type
 December 31, 2014

City of Indian Wells
 44-950 Eklorado Drive
 Indian Wells CA 92210
 (760)346-2489

Security Type	Number of Investments	Par Value	Remaining Cost	% of Portfolio	Average YTM 365	Average Days to Maturity
Bank Certificates of Deposit	19	4,750,000.00	4,750,000.00	11.08	1.511	1,095
Managed Pool Accounts - LAIF	2	6,991,831.82	6,991,831.82	16.30	0.267	1
Money Market Sweep/Checking Account	5	1,081,623.33	1,081,623.33	2.52	0.250	1
Medium Term Corporate Notes	7	7,000,000.00	7,056,210.00	16.45	2.259	630
Federal Agency Issues - Callables	16	23,000,000.00	23,006,890.00	53.65	1.520	1,559
Total and Average	49	42,823,455.15	42,886,555.15	100.00	1.403	1,062

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NET CASH & INVESTMENT SUMMARY DECEMBER, 2014

	<u>December</u> <u>2014</u>	<u>December</u> <u>2013</u>
GENERAL FUND		
101- GENERAL	\$ 3,988,518.45	\$ 2,270,846.02
TOTAL GENERAL FUND	<u>3,988,518.45</u>	<u>2,270,846.02</u>
SPECIAL REVENUE FUNDS		
202 - TRAFFIC SAFETY	0.07	0.91
203 - PUBLIC SAFETY 1/2 CENT SALES TAX	10,231.20	6,489.76
204 - MEASURE "A"	12,612.69	36,875.54
209 - F.A.M.D. #1	2,148,859.66	1,633,621.03
210 - SCAQMD (VEHICLE REG.)	963.75	1,991.15
211 - AB 3229 COPS FUNDING	0.82	0.49
214 - GAS TAX 2103 MAINTENANCE	33,340.57	24,730.48
215 - GAS TAX 2105 MAINTENANCE	9,979.40	0.02
216 - GAS TAX 2106 CONSTRUCT/MAINT	2,388.50	0.36
217 - GAS TAX 2107 MAINTENANCE	568.60	0.91
218 - GAS TAX 2107.5 ENG./ADMIN	4,515.16	8,621.63
228 - EMERG. UPGRADE SERVICES	3,027,947.74	3,062,406.42
247 - AB 939 RECYCLING FUND	222,533.39	166,562.64
248 - SOLID WASTE	208,951.26	200,714.73
251 - STREET LIGHTING DISTRICT 2000-1	4,032.22	3,324.81
253- INDIAN WELLS VILLAS OPERATIONS	971,860.31	303,672.12
254- MOUNTAIN VIEW VILLAS OPERATIONS	946,542.12	330,586.00
256- HOUSING AUTHORITY	2,683,951.74	(19,944.12)
260 - IWGR OPERATIONS	357,971.54	598,249.68
271 - ELDORADO DRIVE LLM D	78,425.20	73,916.64
272 - MONTECITO/STARDUST LLM D	(4,596.16)	(2,024.80)
273 - CASA DORADO LLM D	3,435.23	3,378.55
274 - THE COVE LLM D	3,274.98	3,244.05
275 - SH 111/IWGR (ENTRANCE) LLM D	256,482.62	263,372.69
276 - CLUB/IW LANE LLM D	47,857.48	46,053.08
277 - COLONY LLM D	21,384.32	25,183.79
278 - COLONY COV ESTATES LLM D	54,515.14	50,410.12
279 - DESERT HORIZONS LLM D	45,241.77	51,571.17
280 - MOUNTAIN GATE LLM D	61,802.19	61,941.01
281 - MOUNTAIN GATE ESTATES LLM D	35,722.59	31,480.67
282 - VILLAGIO LLM D	181,396.84	163,805.22
283 - VAIDYA LLM D	28,722.00	28,148.71
284 - CLUB, SOUTH OF 111 LLM D	8,839.06	7,724.62
285 - MONTELENA LLM D	(7,968.78)	(3,832.33)
286 - SUNDANCE LLM D	5,150.71	3,238.97
287 - PROVINCE LLM D	63,388.16	59,599.24
288 - PROVINCE DBAD	425,932.94	359,982.54
TOTAL SPECIAL REVENUE FUNDS	<u>11,956,257.03</u>	<u>7,585,098.50</u>
CAPITAL PROJECT FUNDS		
314 - PARK-IN-LIEU FEES	0.20	2,003.20
315 - CITYWIDE PUBLIC IMPROVEMENT FEE	0.26	27,452.26
316 - CAPITAL IMPROVEMENT	3,854,338.93	3,428,631.07
319 - ART IN PUBLIC PLACES	402,426.11	383,150.66
321 - HIGHWAY 111 CIRCULATION IMP FEE	0.70	9.70
TOTAL CAPITAL PROJECT FUNDS	<u>4,256,766.20</u>	<u>3,841,246.89</u>

CITY OF INDIAN WELLS
NET CASH & INVESTMENT SUMMARY DECEMBER, 2014
 PAGE 2

	<u>December</u> <u>2014</u>	<u>December</u> <u>2013</u>
REPLACEMENT FUNDS		
326 - INFRASTRUCTURE CAPITAL	7,060,363.00	6,947,201.00
327 - FF&E ROLLING STOCK CAPITAL	2,311,144.00	2,274,101.00
328 - GOLF RESORT CAPITAL	4,005,438.00	3,941,252.00
329 - HOUSING VILLAS CAPITAL	3,337,495.00	2,246,084.00
330 - FACILITIES CAPITAL	2,311,210.00	2,274,149.00
TOTAL REPLACEMENT FUNDS	19,025,650.00	17,682,787.00
SUCCESSOR AGENCY FUNDS		
453 - RDA (WHITEWATER)	205,086.92	1,067,799.64
456 - RDA OBLIGATION RETIREMENT	0.00	0.00
TOTAL SUCCESSOR AGENCY FUNDS	205,086.92	1,067,799.64
INTERNAL SERVICE FUNDS		
601 - OPEB BENEFIT FUND	1,309,534.90	475,954.66
TOTAL INTERNAL SERVICE FUNDS	1,309,534.90	475,954.66
RESERVE FUNDS		
602 - COMPENSATED ABSENCES	546,644.00	537,882.00
603 - SELF INSURANCE	10,957.00	120,532.00
TOTAL RESERVE FUNDS	557,601.00	658,414.00
TRUST & AGENCY FUNDS		
732 - SPECIAL DEPOSITS	567,968.28	1,223,203.01
760 - VISITOR COMMITTEE	197,728.38	325,165.75
TOTAL TRUST & AGENCY FUNDS	765,696.66	1,548,368.76
TOTAL ALL FUNDS	42,065,111.16	35,130,515.47
FISCAL AGENTS		
253 - INDIAN WELLS VILLAS	38,685.59	775,332.11
254 - MOUNTAIN VIEW VILLAS	177,138.09	757,665.90
260 - INDIAN WELLS GOLF RESORT	505,123.11	512,278.73
453 - UNION BANK OF CALIFORNIA TRUSTEE	784,081.50	780,709.92
TOTAL FISCAL AGENTS	1,505,028.29	2,825,986.66
TOTAL ALL FUNDS & FISCAL AGENTS	\$ 43,570,139.45	\$ 37,956,502.13

City of Indian Wells
Bank Reconciliation Report - City Held Cash
 Finance Department

MONTH: December 31, 2014

Investment #	Investment Type	Investment Description	Book Value	
Bank Checking & Sweep				
1		Pacific Western Bank - Sweep 45-301117	\$ 959,844.75	
2		Pacific Western Bank - Accts. Payable 45-523411	0.00	
3		Pacific Western Bank - Payroll 45-501752	0.00	
4		Union Bank of CA - Sweep Investment 217-0000121	120,378.58	
19		Petty Cash	1,400.00	
				1,081,623.33
Managed Pool Accounts				
21		Local Agency Investment Fund - City 98-33-385	6,991,631.82	
23		Local Agency Investment Fund - RDA 65-33-007	0.00	
				6,991,831.82
Bank Certificates of Deposit				
316		Certificate of Deposit-GE Capital Retail Bank 36161NYT9	250,000.00	
317		Certificate of Deposit-Ally Bank 02005QF65	250,000.00	
319		Certificate of Deposit-Discover Bank 254671BH2	250,000.00	
329		Certificate of Deposit-Sallie Mae	250,000.00	
330		Certificate of Deposit-SAFR National Bank	250,000.00	
336		Certificate of Deposit-Wells Fargo Bank 94986TLX3	250,000.00	
337		Certificate of Deposit-Am Ex Centurion 02587DKR8	250,000.00	
338		Certificate of Deposit-Goldman Sachs Bank 38143ASL5	250,000.00	
339		Certificate of Deposit-JP Morgan Chase 48124JSY5	250,000.00	
348		Certificate of Deposit-Citicorp Bank 17284CJG0	250,000.00	
349		Certificate of Deposit-Compass Bank 20451PBG0	250,000.00	
350		Certificate of Deposit-Am Ex Centurion 02587CAJ9	250,000.00	
351		Certificate of Deposit-Barklays Bank 06740KHK6	250,000.00	
353		Certificate of Deposit-People's United Bank 71270QGS9	250,000.00	
354		Certificate of Deposit-Capital One Bank 140420NX4	250,000.00	
355		Certificate of Deposit-State Bank of India NY, NY 856284Z	250,000.00	
358		Certificate of Deposit-BMW Bank North America	250,000.00	
360		Certificate of Deposit-Security Federal 81423LBN1	250,000.00	
361		Certificate of Deposit-First Bank of Highland 319141CQ8	250,000.00	
				4,750,000.00
Medium Term Corporate Notes				
278		Goldman Sachs Mid Term Corp Note 38141EA74	1,003,163.62	
280		Bank of America Mid Term Corp Note 06051GED	1,002,296.66	
296		Barclays Bank Corporate Note 06738JVS0	1,000,000.00	
306		General Electric Cap Corp 36962GSU4	1,000,000.00	
322		AT&T Inc. 00206RBF8	1,002,316.74	
331		JP Morgan 46625HJG6	1,001,843.07	
346		General Electric Cap Corp 36962G6W9	1,005,488.03	
				7,015,108.12
Federal Agency Issues				
323		Federal National Mortgage 3136G0PN5	2,000,000.00	
326		Federal Farm Credit 3133EA81	2,000,000.00	
332		Federal Home Loan Bank 313381YG4	2,000,000.00	
333		Federal National Mortgage Assoc 3136G1AP4	1,000,000.00	
334		Freddie Mac 3134G33S7	1,000,000.00	
335		Fannie Mae 3136GICF4	1,000,000.00	
340		Federal Home Loan Bank 313381YN9	1,000,000.00	
341		Federal Farm Credit Bank 3133EC7L2	999,285.01	
342		Federal Farm Credit Bank 3133ECDX9	998,837.22	
344		Federal Home Loan Mtg Corp 3134G43H9	2,000,000.00	
345		Federal National Mortgage Assn 313G0WN9	2,000,000.00	
347		Federal National Mortgage Assn 3136G1FL8	1,007,238.94	
352		Fannie Mae 3136G26H5	2,000,000.00	
356		Fannie Mae 3136G26U6	2,000,000.00	
357		Fannie Mae 3136G26N2	1,000,000.00	
359		Federal Home Loan Bank 3130A2VJ2	1,000,000.00	
				23,005,361.17
Total Pooled Cash and Investments				\$ 42,843,924.44
Fair Value Increase (over cost)				(113,574.79)
Outstanding items				
Outstanding Warrants/Wire Transfers			(366,927.55)	
Reconciliation Item			(9,850.30)	
Reconciliation Item			(266,285.10)	
Reconciliation Item			(24,102.45)	
Credit Card in Transit			1,926.91	
Total Outstanding Items				(665,238.49)
Reconciled Bank Balance				\$ 42,065,111.16
General Ledger Balance				\$ 42,065,111.16
				0.00

City of Indian Wells

Trustee Reconciliation Report - Cash and Investments with City Agents

Finance Department

MONTH: **December 31, 2014**

Investment #	Investment Description		
	RDA Series 2006 A Bonds	<u>\$ 6.88</u>	\$ 6.88
	RDA Series 2010 A Bonds	<u>\$ 780,695.41</u>	\$ 780,695.41
	RDA Series 2014 A Bonds	<u>\$ 3,374.97</u>	\$ 3,374.97
	Other Trustees		
13	Series 2005 Tax Allocation Refunding Bonds - Escrow Fund	4.24	
6	Indian Wells Golf Resort	505,123.11	
7	Indian Wells Villas	38,685.59	
10	Mountain View Villas	<u>\$ 177,138.09</u>	\$ 720,951.03
	Total Cash and Investments with City Agents		\$ 1,505,028.29
	Fair Value Increase (over cost)		
	Reconciled Bank Balance		\$ 1,505,028.29
	General Ledger Balance		\$ 1,505,028.29
			0.00

**The City of Indian Wells
Portfolio Management
Portfolio Summary
December 31, 2014**

City of Indian Wells
44-950 Eldorado Drive
Indian Wells CA 92210
(760)346-2489

Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM 360 Equiv.	YTM 365 Equiv.
Bank Certificates of Deposit	4,750,000.00	4,734,467.25	4,750,000.00	11.09	1,585	1,095	1.490	1.511
Managed Pool Accounts - LAIF	6,991,831.82	6,991,831.82	6,991,831.82	16.32	1	1	0.263	0.267
Money Market Sweep/Checking Account	1,081,623.33	1,081,623.33	1,081,623.33	2.52	1	1	0.246	0.250
Medium Term Corporate Notes	7,000,000.00	7,069,050.00	7,015,108.12	16.37	1,685	630	2.228	2.259
Federal Agency Issues - Callables	23,000,000.00	22,810,250.00	23,005,361.17	53.70	2,109	1,559	1.499	1.520
Investments	42,823,455.15	42,687,222.40	42,843,924.44	100.00%	1,581	1,062	1.384	1.403

Total Earnings	December 31 Month Ending
Current Year	45,405.46
Average Daily Balance	41,950,042.44
Effective Rate of Return	1.27%

The above investments are consistent with the City's investment policy and allowable under current legislation of the State of California. Investments were purchased using safety, liquidity, and yield as criteria. In addition, cash flow from revenue and maturing investments will be sufficient to cover expenditures for the next six months. All securities are "Marked-to-Market" on a monthly basis.

Kevin McCarthy, Finance Director

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120

**The City of Indian Wells
Portfolio Management
Portfolio Details - Investments
December 31, 2014**

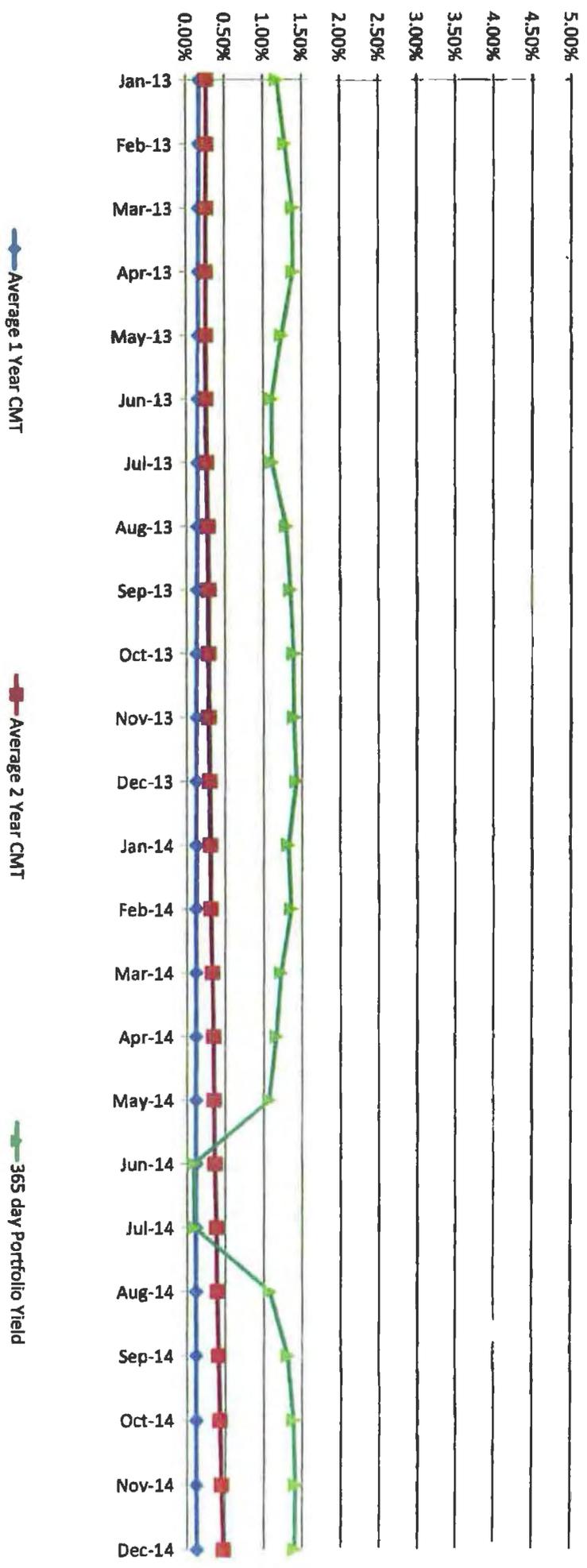
CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 360	Days to Maturity	Maturity Date
Bank Certificates of Deposit												
SYS319	319	Discover Bank		05/23/2012	250,000.00	250,712.50	250,000.00	1.050		1.036	145	05/26/2015
7865802B5	330	SAFR National Bank		08/28/2012	250,000.00	251,117.50	250,000.00	0.800		0.789	239	08/28/2015
SYS317	317	Ally Bank		05/23/2012	250,000.00	252,095.00	250,000.00	1.250		1.233	508	05/23/2016
795450NW1	329	Sallie Mae		08/15/2012	250,000.00	251,940.00	250,000.00	1.250		1.233	592	08/15/2016
38143A5L5	338	Goldman Sachs Bank		02/06/2013	250,000.00	249,327.50	250,000.00	1.050		1.036	767	02/06/2017
SYS316	316	GE Capital Retail Bank		05/25/2012	250,000.00	252,570.00	250,000.00	1.800		1.800	875	05/25/2017
17284CJG0	348	CIT BANK		07/24/2013	250,000.00	250,740.00	250,000.00	1.400		1.381	935	07/24/2017
02587DKR8	337	American Express Centurion		02/06/2013	250,000.00	250,542.50	250,000.00	1.700		1.677	944	08/02/2017
319141CQ8	361	FIRST BANK OF HIGHLAND		10/15/2014	250,000.00	247,725.00	250,000.00	1.250		1.233	1,019	10/16/2017
81423LBN1	360	SECURITY FEDERAL		10/15/2014	250,000.00	247,785.00	250,000.00	1.250		1.233	1,019	10/16/2017
94986TLX3	336	Wells Fargo Bank		01/30/2013	250,000.00	251,154.75	250,000.00	0.850		0.838	1,126	01/31/2018
48124JSY5	339	JP Morgan Chase		02/27/2013	250,000.00	245,602.50	250,000.00	1.125		1.110	1,145	02/19/2018
20451PBG0	349	Compass Bank		07/24/2013	250,000.00	251,280.00	250,000.00	1.700		1.677	1,300	07/24/2018
06740KHK6	351	Barclays Bank PLC		07/23/2014	250,000.00	247,322.50	250,000.00	2.100		2.071	1,664	07/23/2019
02587CAJ9	350	American Express Bank FSB		07/24/2014	250,000.00	247,307.50	250,000.00	2.000		1.973	1,665	07/24/2019
140420NX4	354	Capital One Bank CD		09/10/2014	250,000.00	246,760.00	250,000.00	1.900		1.874	1,713	09/10/2019
71270QGS9	353	People's United Bank CD		09/10/2014	250,000.00	246,762.50	250,000.00	1.950	AAA	1.923	1,713	09/10/2019
856284Z98	355	State Bank of India NY, NY CD		09/11/2014	250,000.00	246,987.50	250,000.00	2.150		2.121	1,714	09/11/2019
05580AAW4	358	BMW BANK NORTH AMERICA		09/26/2014	250,000.00	246,735.00	250,000.00	2.100		2.071	1,729	09/26/2019
Subtotal and Average			4,750,000.00		4,750,000.00	4,734,467.25	4,750,000.00			1.490	1,095	
Managed Pool Accounts - LAIF												
SYS21	21	LAIF - City			6,991,831.82	6,991,831.82	6,991,831.82	0.267		0.263	1	
SYS23	23	LAIF - Redevelopment			0.00	0.00	0.00	0.233		0.230	1	
Subtotal and Average			6,114,412.47		6,991,831.82	6,991,831.82	6,991,831.82			0.263	1	
Money Market Sweep/Checking Account												
SYS1	1	Pacific Western Bank			959,844.75	959,844.75	959,844.75	0.250		0.247	1	
SYS2	2	Pacific Western - Acct Payable		07/01/2013	0.00	0.00	0.00			0.000	1	
SYS3	3	Pacific Western-Payroll		07/01/2013	0.00	0.00	0.00			0.000	1	
SYS4	4	Union Bank-Checking			120,378.58	120,378.58	120,378.58	0.250		0.247	1	
SYS19	19	Petty Cash		07/01/2013	1,400.00	1,400.00	1,400.00			0.000	1	
Subtotal and Average			1,064,652.25		1,081,623.33	1,081,623.33	1,081,623.33			0.246	1	

103

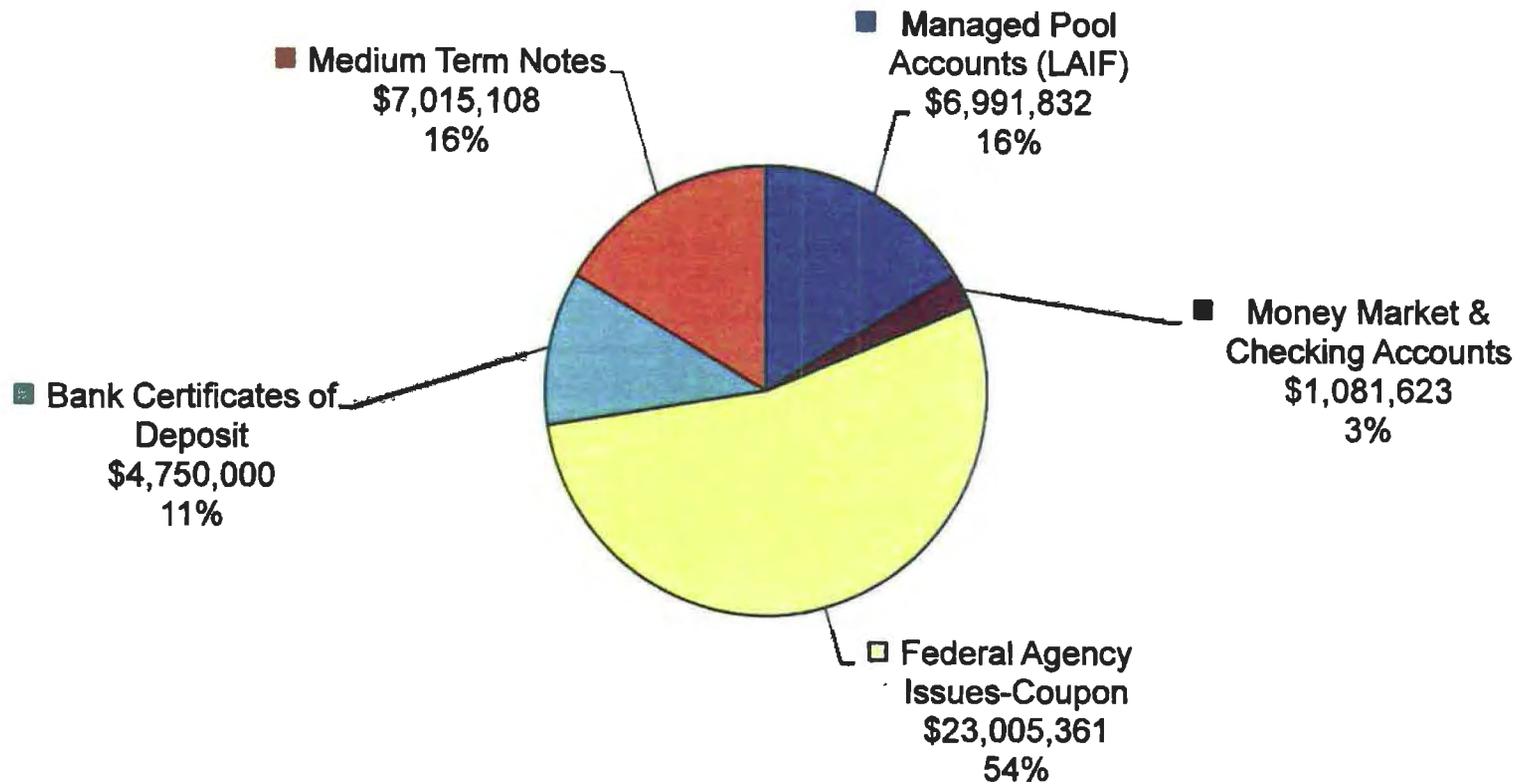
**The City of Indian Wells
Portfolio Management
Portfolio Details - Investments
December 31, 2014**

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 360	Days to Maturity	Maturity Date
Medium Term Corporate Notes												
36962G5U4	306	General Elec Cap Crp		04/18/2012	1,000,000.00	1,001,230.00	1,000,000.00	1.200		1.200	102	04/13/2015
38141EA74	278	Goldman Sachs Group Inc		02/02/2011	1,000,000.00	1,016,140.00	1,003,163.62	3.700	AA	3.072	212	08/01/2015
06051GED	280	Bank of America		02/02/2011	1,000,000.00	1,017,450.00	1,002,296.66	3.700		3.254	243	09/01/2015
06738JVS0	296	Barclays Bank PLC		10/27/2011	1,000,000.00	1,029,510.00	1,000,000.00	3.500	AA	3.452	665	10/27/2016
00206RBF8	322	AT&T INC		06/21/2012	1,000,000.00	1,003,970.00	1,002,316.74	1.600		1.479	882	06/01/2017
46625HJG6	331	J P Morgan		01/28/2013	1,000,000.00	999,220.00	1,001,843.07	1.800		1.713	1,120	01/25/2018
36962G6W9	346	General Elec. Cap Crp		05/01/2013	1,000,000.00	1,001,530.00	1,005,488.03	1.625		1.430	1,187	04/02/2018
Subtotal and Average			7,015,580.36		7,000,000.00	7,069,050.00	7,015,108.12			2.228	630	
Federal Agency Issues - Callables												
3133EAA81	326	Fed. Farm Credit Bank		07/30/2012	2,000,000.00	1,994,000.00	2,000,000.00	0.780		0.769	760	01/30/2017
3136G1AP4	333	Fed. Nat'l Mortgage Assoc		01/24/2013	1,000,000.00	992,430.00	1,000,000.00	0.700		1.094	1,117	01/22/2018
313381YG4	332	Fed. Home Loan Bank		02/20/2013	2,000,000.00	1,969,840.00	2,000,000.00	1.000		0.986	1,146	02/20/2018
3134G43H9	344	Fed. Home Loan Mtg Corp		04/30/2013	2,000,000.00	1,973,500.00	2,000,000.00	1.060		1.045	1,215	04/30/2018
3135G0WN9	345	Fed. Nat'l Mortgage Assoc		04/30/2013	2,000,000.00	1,968,880.00	2,000,000.00	1.000		0.986	1,215	04/30/2018
3134G33S7	334	Fed. Home Loan Mtg Corp		01/24/2013	1,000,000.00	984,330.00	1,000,000.00	1.000		0.986	1,292	07/16/2018
3136G1CF4	335	Fed. Nat'l Mortgage Assoc		01/30/2013	1,000,000.00	984,790.00	1,000,000.00	1.000	AAA	0.986	1,306	07/30/2018
3136G26N2	357	Fed. Home Loan Mtg Corp		09/26/2014	1,000,000.00	1,008,030.00	1,000,000.00	1.600		1.578	1,364	09/26/2018
3133EC7L2	341	Fed. Farm Credit Bank		03/22/2013	1,000,000.00	977,930.00	999,285.01	1.290		1.289	1,625	06/14/2019
3136G26H5	352	Fed. Nat'l Mortgage Assoc		09/30/2014	2,000,000.00	2,004,960.00	2,000,000.00	2.000		1.973	1,733	09/30/2019
3136G26U6	356	Fed. Nat'l Mortgage Assn (c)		10/07/2014	2,000,000.00	2,013,640.00	2,000,000.00	2.000	AAA	1.973	1,750	10/17/2019
3136G0PN5	323	Fed. Nat'l Mortgage Assoc		06/27/2012	2,000,000.00	2,002,460.00	2,000,000.00	1.250		2.219	1,821	12/27/2019
313381YN9	340	Fed. Home Loan Bank		03/21/2013	1,000,000.00	996,040.00	1,000,000.00	1.000		1.856	2,052	08/14/2020
3136G1FL8	347	Fed. Nat'l Mortgage Assoc		04/26/2013	1,000,000.00	962,640.00	1,007,238.94	1.820		1.660	2,065	08/27/2020
3133ECDX9	342	Fed. Farm Credit Bank		03/25/2013	1,000,000.00	976,210.00	998,837.22	1.840		1.835	2,226	02/04/2021
3130A2VJ2	359	Fed. Home Loan Bank		09/24/2014	1,000,000.00	1,000,570.00	1,000,000.00	1.000		3.292	3,527	08/28/2024
Subtotal and Average			23,005,397.37		23,000,000.00	22,810,250.00	23,005,361.17			1.499	1,559	
Total and Average			41,950,042.44		42,823,455.15	42,687,222.40	42,843,924.44			1.384	1,062	

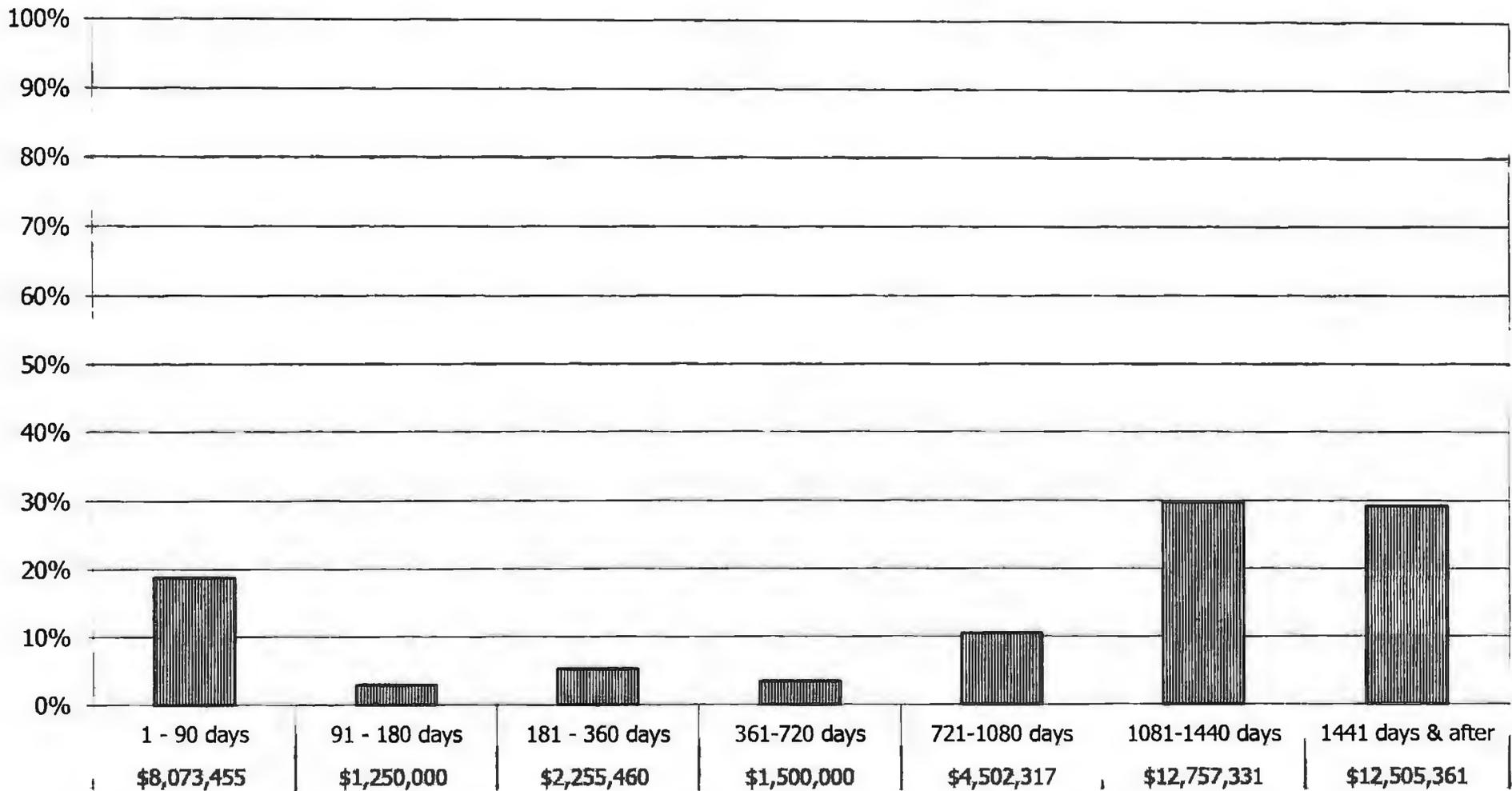
**City of Indian Wells
Yield Trend
12/31/2014**



City of Indian Wells Sector Diversification as of 12/31/2014



City of Indian Wells
Aging of Maturing Investments at 12/31/2014
\$42,873,924



**2006 A Bonds
 Portfolio Management
 Portfolio Summary
 December 31, 2014**

City of Indian Wells
 44-950 Eldorado Drive
 Indian Wells CA 92210
 (760)346-2489

Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM 360 Equiv.	YTM 365 Equiv.
Money Market Sweep/Checking Account	6.88	6.88	6.88	100.00	1	1	0.346	0.350
Investments	6.88	6.88	6.88	100.00%	1	1	0.346	0.350

Total Earnings	December 31 Month Ending
Current Year	0.01
Average Daily Balance	6.88
Effective Rate of Return	1.71%

Kevin McCarthy
 Kevin McCarthy, Agency Treasurer

1/5/15

**2006 A Bonds
Portfolio Management
Portfolio Details - Investments
December 31, 2014**

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity	Maturity Date
Money Market Sweep/Checking Account												
SYS13	13	2006A Good Faith Deposit			0.00	0.00	0.00	5.080		5.080	1	
SYS15	15	2006 A Bonds Reserve			1.00	1.00	1.00			0.000	1	
SYS14	14	2006 A Bonds Interest			3.96	3.96	3.96	0.410		0.410	1	
SYS12	12	UBC Cost Of Issuance Escrow			0.00	0.00	0.00	5.020		5.020	1	
SYS10	10	Fidelity Institutional Money M			0.00	0.00	0.00	5.360		5.360	1	
SYS17	17	Principal Account			1.92	1.92	1.92	0.410		0.410	1	
Subtotal and Average			6.88		6.88	6.88	6.88			0.350	1	
Total and Average			6.88		6.88	6.88	6.88			0.350	1	

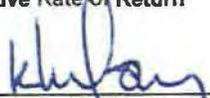
150

RDA Series 2010 A Bonds
Portfolio Management
Portfolio Summary
December 31, 2014

City of Indian Wells
44-950 Eldorado Drive
Indian Wells CA 92210
(760)346-2489

Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM 360 Equiv.	YTM 365 Equiv.
Money Market Sweep/Checking Account	780,695.41	780,695.41	780,695.41	100.00	1	1	0.000	0.000
Investments	780,695.41	780,695.41	780,695.41	100.00%	1	1	0.000	0.000

Total Earnings **December 31 Month Ending**
Current Year 0.00
Average Daily Balance **780,673.69**
Effective Rate of Return **0.00%**


Kevin McCarthy, Agency Treasurer 1/3/15

101

**RDA Series 2010 A Bonds
Portfolio Management
Portfolio Details - Investments
December 31, 2014**

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity	Maturity Date
Money Market Sweep/Checking Account												
SYS1	1	2010 A Bonds Reserve		07/01/2013	780,640.00	780,640.00	780,640.00			0.000	1	
SYS14	13	2010 A Bonds Principal		07/01/2013	54.93	54.93	54.93			0.000	1	
SYS4	4	2010 A Bonds Interest			0.48	0.48	0.48	0.530		0.530	*	
SYS7	7	Local Agency Investment Fund			0.00	0.00	0.00	0.530		0.530	;	
SYS2	2	Blackrock Provident T-Fund		07/01/2013	0.00	0.00	0.00			0.000	1	
SYS3	3	UBC Cost Of Issuance Escrow		07/01/2013	0.00	0.00	0.00			0.000	1	
Subtotal and Average			780,673.69		780,695.41	780,695.41	780,695.41			0.000	1	
Total and Average			780,673.69		780,695.41	780,695.41	780,695.41			0.000	1	

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**Series 2014 A Bonds
Portfolio Management
Portfolio Summary
December 31, 2014**

City of Indian Wells
44-950 Eldorado Drive
Indian Wells CA 92210
(760)346-2489

Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM 360 Equiv.	YTM 365 Equiv.
Money Market Sweep/Checking Account	3,374.97	3,374.97	3,374.97	100.00	1	1	0.000	0.000
Investments	3,374.97	3,374.97	3,374.97	100.00%	1	1	0.000	0.000

Total Earnings	December 31 Month Ending
Current Year	0.00
Average Daily Balance	3,374.97
Effective Rate of Return	0.00%

Kevin
Kevin McCarthy, Agency Treasurer *1/27/2015*

130

Reporting period 12/01/2014-12/31/2014

Run Date: 01/27/2015 - 09:52

No fiscal year history available

Portfolio 14A
CP
PM (PRF_PM1) 7.3.0
Report Ver 7.3.3

**Series 2014 A Bonds
Portfolio Management
Portfolio Details - Investments
December 31, 2014**

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 365	Days to Maturity	Maturity Date
Money Market Sweep/Checking Account												
SYS26	26	2014 A Bonds Principal		08/26/2014	5.88	5.88	5.88			0.000		
SYS25	25	2014 A Bonds Interest		08/26/2014	0.42	0.42	0.42			0.000		
SYS27	27	2014 Debt Service		09/08/2014	3,368.67	3,368.67	3,368.67			0.000		
SYS24	1	UBC Cost Of Issuance Escrow		05/28/2014	0.00	0.00	0.00			0.000		
		Subtotal and Average	3,374.97		3,374.97	3,374.97	3,374.97			0.000	1	
		Total and Average	3,374.97		3,374.97	3,374.97	3,374.97			0.000	1	

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**City of Indian Wells
Portfolio Management
Portfolio Summary
December 31, 2014**

City of Indian Wells
44-950 Eldorado Drive
Indian Wells CA 92210
(760)346-2489

Investments	Par Value	Market Value	Book Value	% of Portfolio	Term	Days to Maturity	YTM 360 Equiv.	YTM 365 Equiv.
Managed Trustee Accounts	4.24	4.24	4.24	0.00	1	1	1.502	1.523
Checking Accounts with Fiscal Agent	720,946.79	720,946.79	720,946.79	100.00	1	1	0.295	0.299
Investments	720,951.03	720,951.03	720,951.03	100.00%	1	1	0.295	0.299

Total Earnings **December 31 Month Ending**
Current Year 162.49
Average Daily Balance 936,430.26
Effective Rate of Return 0.20%


 Kevin McCarthy, Finance Director

1
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**City of Indian Wells
Portfolio Management
Portfolio Details - Investments
December 31, 2014**

CUSIP	Investment #	Issuer	Average Balance	Purchase Date	Par Value	Market Value	Book Value	Stated Rate	S&P	YTM 360	Days to Maturity	Maturity Date
Managed Trustee Accounts												
SYS1	1	Union Bank of California			0.00	0.00	0.00	5.110		5.040	1	
SYS11	11	Union Bank of California			1.00	1.00	1.00	5.110		5.040	1	
SYS12	12	Union Bank of California			1.84	1.84	1.84	0.420		0.414	1	
SYS13	13	Union Bank of California			1.40	1.40	1.40	0.410		0.404	1	
SYS14	14	Union Bank of California		07/01/2013	0.00	0.00	0.00	5.110		5.040	1	
SYS15	15	Union Bank of California		07/01/2013	0.00	0.00	0.00	5.110		5.040	1	
SYS16	16	Union Bank of California		07/01/2013	0.00	0.00	0.00	5.110		5.040	1	
SYS2	2	Union Bank of California			0.00	0.00	0.00	5.110		5.040	1	
SYS3	3	Union Bank of California			0.00	0.00	0.00	4.950		4.882	1	
SYS4	4	Union Bank of California			0.00	0.00	0.00	4.950		4.882	1	
SYS5	5	Union Bank of California			0.00	0.00	0.00	4.950		4.882	1	
SYS8	8	Union Bank of California			0.00	0.00	0.00	4.950		4.882	1	
Subtotal and Average			4.24		4.24	4.24	4.24			1.502	1	
Checking Accounts with Fiscal Agent												
SYS6	6	The Golf Resort at Indian Well		07/01/2013	505,123.11	505,123.11	505,123.11			0.000	1	
SYS7	7	Indian Wells Villas			38,685.59	38,685.59	38,685.59	1.000		0.986	1	
SYS10	10	Mountain View Villas			177,138.09	177,138.09	177,138.09	1.000		0.986	1	
Subtotal and Average			936,426.02		720,946.79	720,946.79	720,946.79			0.295	1	
Total and Average			936,430.26		720,951.03	720,951.03	720,951.03			0.295	1	

142

**FIRE ACCESS MAINTENANCE DISTRICT (FAMD)
02/19/2015 MEETING WARRANT LIST**

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
46710	2/3/2015		APPLICATIONS BY DESIGN, INC.		
		24004	FAMD ACCESS CONTROL SYSTEM HOSTING FOR JUL, 2014	625.00	
		24306	FAMD ACCESS CONTROL SYSTEM HOSTING FOR AUG, 2014	625.00	
		24719	FAMD ACCESS CONTROL SYSTEM HOSTING FOR SEPT, 2014	625.00	
		25072	FAMD ACCESS CONTROL SYSTEM HOSTING FOR OCT, 2014	625.00	
		25334	FAMD ACCESS CONTROL SYSTEM HOSTING FOR NOV, 2014	625.00	3,125.00
46711	2/3/2015		VERIZON CALIFORNIA		
		345-1307	FAMD MANITOU GUARDGATE PHONE SVC FOR NOV 19 TO DEC 18, 2014	561.10	
		345-1307	FAMD MANITOU GUARDGATE PHONE SVC FOR DEC 19, 2014 TO JAN 18, 2015	546.40	
		345-1307	FAMD MANITOU GUARDGATE PHONE SVC FOR OCT 19 TO NOV 18, 2014	521.93	
		345-1306	FAMD CLUB GUARDGATE PHONE SERVICE FOR DEC 16, 2014 TO JAN 15, 2015	212.87	
		345-1306	FAMD CLUB GUARDGATE PHONE SERVICE FOR JAN 16 TO FEB 15, 2015	212.87	
		345-1306	FAMD CLUB GUARDGATE PHONE SERVICE FOR OCT 16 TO NOV 15, 2014	211.71	
		345-1306	FAMD CLUB GUARDGATE PHONE SERVICE FOR NOV 16 TO DEC 15, 2014	210.50	2,477.38
46713	2/5/2015		SOUTHERN CALIFORNIA EDISON CO.		
		2-04-020-2624	FAMD 45400 MANITOU DRIVE UTILITIES FOR DEC, 2014-JAN, 2015	1,541.12	
		2-01-570-2145	FAMD 45301 CLUB DR GATE UTILITIES FOR JAN, 2015	252.03	1,793.15
46712	2/5/2015		COACHELLA VALLEY WATER DIST.		
		313223-844958	FAMD 45-065 MANITOU DR UTILITIES FOR DEC, 2014	1,619.43	
		152597-419098	FAMD 45-301 CLUB DR UTILITIES FOR DEC, 2014	92.55	
		155649-422592	FAMD 45-105 MANITOU UTILITIES FOR DEC, 2014	50.98	1,762.96
46791	2/19/2015		DESERT PROPERTIES LIGHT MAINT.		
		13421	FAMD LIGHTING INSPECTION AND MAINT FOR CLUB & MANITOU DRIVE ENTRIES FOR AUG 2014	145.90	
		13134	FAMD LED LIGHT SOCKET REPAIR AND LAMP REPLACEMENT SERVICES ON JUL 24, 2014	129.95	
		13423	(2) FAMD LAMP REPLACEMENTS LIGHT MAINTENANCE SERVICES	129.95	
		13245	FAMD LIGHTING SOCKET AND LAMP REPLACEMENT FOR AUG 15, 2014	123.89	
		13133	FAMD LIGHTING INSPECTION & MAINTENANCE SERVICES FOR JUL, 2014	112.95	
		13562	FAMD CLUB & MANITOU ENTRIES LIGHTING INSPECTION MONTHLY MAINTENANCE FOR SEPT, 14	95.00	
		13949	FAMD CLUB & MANITOU ENTRIES LIGHTING INSPECTION & MONTHLY MAINT FOR OCT, 14	95.00	
		13246	FAMD REPLACE LIGHTS IN GUARDHOUSE FOR AUG 11, 2014	93.85	
		13564	(4) FAMD LAMP REPLACEMENT & REINSTALL TREE HANGING LIGHT FIXTURE FOR SEPT 25,14	82.50	
		13470	FAMD LIGHTING GFI RESET & TESTING FOR SEPT 9, 2014	55.00	1,063.99
46714	2/5/2015		TIME WARNER CABLE		
		8448410760024111	FAMD MANITOU DRIVE INTERNET SVC FOR JAN 23-FEB 22, 2015	129.70	
		8448410760024103	FAMD CLUB DRIVE INTERNET SVC FOR JAN 23-FEB 22, 2015	129.70	259.40

**FIRE ACCESS MAINTENANCE DISTRICT (FAMD)
02/19/2015 MEETING WARRANT LIST**

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
46790	2/19/2015	8718	AMS FAMD TROUBLESHOOT CLUB GATE CAMERA & CONFIGURATION OF PRINTER SERVICE CALL	190.00	190.00
7 checks in this report					
TOTAL FAMD WARRANTS: 46710-46714 & 46790-46791					10,671.88

Note: Warrants 46710-46714 were issued prior to City Council approval.

CC/MA ACTION _____ MTG. DATE: 2-19-15
 APPROVED DENIED _____ REC/FILE _____ CONT _____
 OTHER _____
 VOTE: YES 5 NO 0 ABSTAIN _____

14-1

**CITY OF INDIAN WELLS
02/19/2015 MEETING WARRANT LIST**

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
46742	2/19/2015		DESERT HORIZONS OWNERS ASSOC.		
		2014/15-1	LLMD PASS THROUGH 1ST PAYMENT FOR FY 2014/15	200,087.97	200,087.97
46764	2/19/2015		PROVINCE HOMEOWNERS ASSOC.		
		2014/15-1	LLMD PASS THROUGH 1ST PAYMENT FOR FY 2014/15	138,680.82	138,680.82
46779	2/19/2015		SUNDANCE AT INDIAN WELLS HOA		
		2014/15-1	LLMD PASS THROUGH 1ST PAYMENT FOR FY 2014/15	24,045.77	24,045.77
46721	2/2/2015		PLATINUM PLUS FOR BUSINESS		
		1566	RESIDENT POLO EVENT DEPOSIT FOR FEB 8, 2015	4,500.00	
		1566	(60) SUNNYLANDS RESIDENT GENERAL TOUR TICKET FEE ON DEC 10, 2014	2,700.00	
		4964	(1) 13-INCH MACBOOK PRO EMPLOYEE COMPUTER PURCHASE FOR L.BURR	1,513.92	
		2000	(3) \$400 EMPLOYEE SERVICE AWARD GIFT CARDS FOR D.AMEZCUA, T.BATISTE & C.WIGGINS	1,217.85	
		5061	EFFECTIVE SUPERVISORY PRACTICES SIX-PART SERIES: WEBINAR + CD FOR D.GASSAWAY	1,148.70	
		4964	(1) MACBOOK AIR & 1-YEAR PROTECTION PLAN EMPLOYEE COMPUTER PURCHASE FOR L.BURR	1,096.38	
		1566	(10) SUNNYLANDS RESIDENT TOUR BOX LUNCHESES FOR DEC 10, 2014	509.98	
		7384	(10) WORK PANTS FOR R.BOWEN & L.BURR	461.64	
		5061	2014-15 CCMF STANDARD MEMBERSHIP FOR D.GASSAWAY ASSISTANT TO THE CITY MANAGER	400.00	
		4964	AMAZON WEB OFFSITE BACKUP SERVICES FOR DEC, 2014	386.19	
		2000	(4) \$50 & (4) \$25 EMPLOYEE TEAM BUILDING EVENT PRIZE GIFTS CARDS	300.00	
		2000	2015 LCC NEW MAYORS & COUNCIL MEMBERS ACADEMY FLIGHT EXPENSE FOR D.HANSON	285.70	
		7384	CALIFORNIA NOTARY TRAINING, LIVE SCAN FINGERPRINTING & APPLICATION PHOTO	279.00	
		1566	(5) \$250 GIFT CARDS FOR CITY WILDLIGHTS RAFFLE GIVE-AWAYS	250.00	
		2000	CITY COUNCIL LUNCH FOR DEC 18, 2014 MEETING	214.80	
		2000	2015 LCC NEW MAYORS & COUNCIL MEMBERS ACADEMY FLIGHT EXPENSE FOR R.BALOCCO	208.70	
		2000	2015 LCC NEW MAYORS & COUNCIL MEMBERS ACADEMY FLIGHT EXPENSE FOR T.PEABODY	208.70	
		2000	2015 LCC NEW MAYORS & COUNCIL MEMBERS ACADEMY FLIGHT EXPENSE FOR W.MCKINNEY	208.70	
		4964	5-YEAR .COM DOMAIN NAME RENEWAL-INDIANWELLS.COM	184.95	
		1864	MULTIYEAR BUDGETING WEBINAR REGISTRATION FOR S.LEONG ON DEC 17, 2014	149.00	
		1566	CUSTOM PHOTO PRINTS FOR FIRE STATION	147.78	
		7384	(1) 2-YEAR QUALIFIED APPLICATOR LICENSE RENEWAL FOR RYAN BOWEN	120.00	
		4964	3-YEAR STANDARD SSL DOMAIN NAME RENEWAL-INDIANWELLS.ORG	113.97	
		1566	(30) CUSTOM CITY LOGO STICKERS FOR NEW SAFETY HARD HARDS	111.00	
		2000	COUNCIL MEMBER CHANGE OVER CEREMONY REFRESHMENTS & SNACKS ON DEC 4, 2014	109.64	
		7384	(1) 10-YEAR FCC LICENSE RENEWAL FOR PUBLIC WORKS	95.00	
		4964	ADOBE CREATIVE CLOUD MONTHLY FEE FOR DEC, 2014	49.99	
		2000	(2) HOW GREAT DECISIONS GET MADE 10 EASY STEPS FOR REACHING AGREEMENTS FOR CM	34.46	
		2000	CITY COUNCIL MEETING SNACKS & ASSORTED COOKIES FOR DEC 18, 2014 MEETING	31.27	
		5493	BREAKFAST SANDWICHES FOR QTRLY COMMUNITY DEVELOPMENT MEETING ON DEC 11, 2014	27.15	
		2000	LCC NEW MAYORS/COUNCIL MEMBERS ACADEMY FLIGHT EARLY-BRID CHECK IN FEE-HANSON	25.00	
		2000	LCC NEW MAYORS/COUNCIL MEMBERS ACADEMY FLIGHT EARLY-BRID CHECK IN FEE-BALOCCO	25.00	

145

**CITY OF INDIAN WELLS
02/19/2015 MEETING WARRANT LIST**

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
		2000	LCC NEW MAYORS/COUNCIL MEMBERS ACADEMY FLIGHT EARLY-BRID CHECK IN FEE-PEABODY	25.00	
		2000	LCC NEW MAYORS/COUNCIL MEMBERS ACADEMY FLIGHT EARLY-BRID CHECK IN FEE-MCKINNEY	25.00	
		4964	(1) SAMSUNG REPLACEMENT REMOTE CONTROL FOR EMPLOYEE BREAKROOM TV	22.47	
		5493	MONTHLY FORECLOSURE COMPLETE PROPERTY PROFILE SEARCH SERVICE FOR DEC, 2014	20.00	
		2000	(1) HOW GREAT DECISIONS GET MADE-AN AUDIO COMPANION REFERENCE MATERIAL FOR CM	17.28	
		2000	(1) HOW GREAT DECISIONS GET MADE-AN AUDIO COMPANION REFERENCE MATERIAL FOR CM	17.28	
		2000	GIFT WRAPPING ACCESSORIES FOR EMPLOYEE SERVICE AWARDS	15.77	
		1864	SATELLITE PHONE SERVICE USAGE FOR NOV, 2014	12.34	
		1864	DIGITAL ACCESS OF THE DESERT SUN FOR JAN, 2015	10.00	17,279.61
46733	2/19/2015		CASA DORADO HOMEOWNERS ASSOC.		
		2014/15-1	LLMD PASS THROUGH 1ST PAYMENT FOR FY 2014/15	13,148.48	13,148.48
46739	2/19/2015		COVE AT INDIAN WELLS HOA		
		2014/15-1	LLMD PASS THROUGH 1ST PAYMENT FOR FY 2014/15	10,426.38	10,426.38
46729	2/19/2015		BURRTEC WASTE & RECYCLING		
		ABS2015Q1	RECYCLING COORDINATOR SERVICES FOR JAN-MAR 2015	8,750.00	8,750.00
46783	2/19/2015		TROON RESTAURANT HOLDINGS, LLC		
		1430701-1 0017	IWGR PAVILION INTEREST REFUND TO UNWIND INTERFUND LOAN AUDITOR FINDING	6,975.00	6,975.00
46752	2/19/2015		INDIAN WELLS PLAZA ASSOCIATION		
		2053	45-200 & 45-300 CLUB DRIVE SEMI-ANNUAL ASSOCIATION DUES FOR FY 2014/15	6,443.00	6,443.00
46774	2/19/2015		SOUTHERN CALIFORNIA EDISON CO.		
		2-10-345-9178	ELDORADO/HWY 111/COOK/FRED WARING/CIELITO/OSAGE/PALMERAS UTILITIES FOR JAN, 2015	5,653.18	
		2-32-228-7590	45-200 CLUB DR & CLUB DR STE B UTILITIES FOR JAN, 2015	240.07	
		2-10-366-7440	44-210 1/2 COOK & 76-105 1/2 FRED WARING UTILITIES FOR JAN, 2015	148.47	
		2-10-366-7580	44-950 ELDORADO, 45-826 IW LN, ELDORADO/FW & PORTOLA/VINTAGE UTILITIES FOR JAN	80.98	
		2-36-295-8456	MILES AVE & WARNER TRL UTILITIES FOR JAN, 2015	44.88	
		2-19-200-4638	74812 1/2 HWY 111 UTILITIES FOR JAN, 2015	38.46	
		2-35-530-3157	FAIRWAY DR & WILLIAMS RD STREET LIGHT UTILITIES FOR JAN, 2015	11.25	6,217.29
46736	2/19/2015		COACHELLA VALLEY ASSOC OF GOVT		
		JAN15	TUMF FEES COLLECTED FOR JAN, 2015	5,512.32	5,512.32
46726	2/19/2015		BEST, BEST & KRIEGER, L.L.P.		
		740610	75-256 DESERT PARK CODE ENFORCEMENT LEGAL SVC-CONFERENCE CALLS FOR DEC	5,275.00	5,275.00
46751	2/19/2015		INDIAN WELLS ARTS FESTIVAL		
		201537	IW ARTS FESTIVAL SPONSORSHIP FOR FY 2014/15	5,000.00	5,000.00
46780	2/19/2015		SYMPRO		
		08370	1-YR INVESTMENT SOFTWARE MAINTENANCE & SUPPLIES FOR MAR 1, 2015 TO FEB 29, 2016	4,260.00	4,260.00

**CITY OF INDIAN WELLS
02/19/2015 MEETING WARRANT LIST**

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
46732	2/19/2015		CARDIFF TRANSPORTATION		
		450770	BUS TRANSPORTATION SVCS FOR GERALD FORD ELEMENTARY TO SAN DIEGO NAVAL BASE	1,375.00	
		450769	BUS TRANSPORTATION SVCS FOR GERALD FORD ELEMENTARY TO SAN DIEGO NAVAL BASE	1,375.00	
		450767	BUS TRANSPORTATION SVCS FOR GERALD FORD ELEMENTARY TO SAN DIEGO NAVAL BASE	1,375.00	4,125.00
46737	2/19/2015		COACHELLA VALLEY WATER DIST.		
		331197-849962	LLMD S. HWY 111 @ MANITOU UTILITIES JAN, 2015	522.89	
		156361-423526	HWY 111 LANDSCAPE UTILITIES FOR JAN, 2015	230.70	
		155641-422578	44980 COOK ST UTILITIES FOR JAN, 2015	213.88	
		155761-422706	INCA DRIVE UTILITIES FOR JAN, 2015	206.04	
		281269-740542	OSAGE TRL LOT 30 UTILITIES FOR JAN, 2015	188.54	
		153215-419808	MILES AVE/WARNER TRL UTILITIES FOR JAN, 2015	161.66	
		281271-740546	45-410 COOK ST UTILITIES FOR JAN, 2015	126.52	
		317055-849582	LLMD A2 RANCHO PALMERAS DR UTILITIES FOR JAN, 2015	125.64	
		281233-740500	76625 HWY 111 UTILITIES FOR JAN, 2015	118.70	
		313547-845300	MILES AVE EAST OF WARNER TRL UTILITIES FOR JAN, 2015	109.58	
		155581-422504	COOK ST CENTER MEDIAN UTILITIES FOR JAN, 2015	101.88	
		324083-740422	SANDPIPER DR/MANITOU UTILITIES FOR JAN, 2015	100.20	
		542759-418520	SANDPIPER DR/MANITOU UTILITIES FOR JAN, 2015	80.60	
		152073-418442	44-950 ELDORADO DRIVE UTILITIES FOR JAN, 2015	62.40	
		152067-418436	44-860 ELDORADO DRIVE UTILITIES FOR JAN, 2015	60.32	
		152991-419528	HWY 111 UTILITIES FOR JAN, 2015	59.34	
		314309-846198	75420 MANSFIELD DR UTILITIES FOR JAN, 2015	53.58	
		155805-422752	HWY 111 EAST OF CLUB DR UTILITIES FOR JAN, 2015	51.48	
		314511-846428	44500 INDIAN WELLS LN UTILITIES FOR JAN, 2015	47.98	
		152071-418440	44-500 INDIAN WELLS LANE UTILITIES FOR DEC, 2014	47.98	
		152069-418438	FIRE STATION #55 UTILITIES FOR JAN, 2015	47.98	
		314329-846220	45585 ELDORADO DR UTILITIES FOR JAN, 2015	44.76	
		152175-418598	44502 ELDORADO DR UTILITIES FOR JAN, 2015	41.40	
		152599-419102	45318 INDIAN WELLS LN UTILITIES FOR JAN, 2015	39.16	
		152173-418596	ELDORADO DR SE CORNER OF OSAGE TRL UTILITIES FOR JAN, 2015	30.20	
		152575-419066	45200 CLUB DR UTILITIES FOR JAN, 2015	30.06	
		314503-846420	OSAGE TRL MEDIAN WEST OF PAWNEE UTILITIES FOR JAN, 2015	27.96	
		314499-846416	OSAGE TRL LOT 4 UTILITIES FOR JAN, 2015	25.72	
		308623-839674	INDIAN WELLS LANE MEDIANS UTILITIES FOR JAN, 2015	19.00	
		134443-394192	44010 SUPERIOR COURT UTILITIES FOR JAN, 2015	18.20	
		281261-740534	44-860 ELDORADO DR UTILITIES FOR JAN, 2015	15.00	
		281263-740536	44-950 ELDORADO DRIVE UTILITIES FOR JAN, 2015	10.00	3,019.35
46754	2/19/2015		JOE A. GONSALVES & SON		
		25004	LEGISLATIVE ADVOCACY SERVICES FOR FEB, 2015	3,000.00	3,000.00
46746	2/19/2015		GRAPHTEK INTERACTIVE		
		9423-1	NEWSLETTER DESIGN, LAYOUT & PROJECT MANAGEMENT SERVICES FOR FEB, 2015 ISSUE	2,500.00	
		9417-1	DESIGN MODERNISM WEEK FULL PAGE ADVERTISEMENT	350.00	2,850.00

**CITY OF INDIAN WELLS
02/19/2015 MEETING WARRANT LIST**

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
46786	2/19/2015	261	VACATION RENTAL COMPLIANCE,LLC VACATION RENTAL COMPLIANCE EMAILS/CALLS,MEETINGS,CITATION PREPEARATION JAN, 2015	2,400.00	2,400.00
46776	2/19/2015	15-1542	SOUTHWEST NETWORKS (60) 1-YEAR NOD32 ANTI-VIRUS SOFTWARE WITH MESSAGING SUPPORT	2,138.40	2,138.40
46757	2/19/2015	DTD 1/30/15	LUMPKIN, RUSSELL L. BUILDING INSPECTION,PLAN REVIEW,PERMIT ISSUANCE & CODE ENFORCEMENT FOR JAN 20-30	2,064.00	2,064.00
46730	2/19/2015	66681 66561	CAM STONE'S AUTOMOTIVE 2007 FORD F150 LUBE, OIL, DIAGNOSE CHECK, RELACE FUEL FILETER, PUMP & SENSOR 2004 FORD SPORTS TRAC LUBE, OIL, AIR FILTER, REPLACE FUEL PUMP & FILTER	1,192.28 756.18	1,948.46
46724	2/19/2015	917.521 917.517 917.542	B.G. STRUCTURAL ENGINEERING 74-160 DESERT BAJADA TRL PLAN CHECK SVCS-ENGINEER, ARCHITECTURE, ADMINISTRATION 44-600 INDIAN WELLS LANE PLAN CHECK SVCS-ENGINEER, ARCHITECTURE, ADMINISTRATION 42-749 VIA PRATO PLAN CHECK SVCS-ENGINEER, ARCHITECTURE, ADMINISTRATION	1,050.00 425.00 237.50	1,712.50
46735	2/19/2015	CT/15/4799	CIRCLE TAKE MEDIA, INC. VACATION RENTAL STUDY SESSION AUDIO/VISUAL EQUIPMENT RENTAL FOR JAN 22, 2015	1,710.00	1,710.00
46734	2/19/2015	SG16515 RV68147 SD86630 RW07026 RZ81286 RW67751 SD47493	CDW GOVERNMENT, INC. CRUCIAL 16GB KIT & SAMSUNG STATE DRIVE FOR COUNCIL LAPTOP UPGRADE (1) LASERJET PRO PRINTER & MEDIA TRAY/FEEDER FOR S.HAPNER BUSINESS LICENSE (1) HP 110-VOLT USER MAINTENANCE KIT FOR BUILDING DEPT PRINTER DIGITAL AUDIO CABLES AND (1) 100-PACK OF CD-R FOR TECHNOLOGY DEPT LOGITECH Z200 PC SPEAKERS FOR D.GASSAWAY ASSISTANT TO THE CITY MANAGER BLACK BOX SELF-ADHESIVE HOOK & LOOP FASTERNERS FOR TECHNOLOGY DEPT (1) 50-PACK OF VERBATIN DVD+R CDS FOR TECHNOLOGY DEPT	702.89 435.01 378.27 66.10 39.82 35.61 23.59	1,681.29
46767	2/19/2015	2015-23	QUALITY CODE PUBLISHING LLC WEB BASED MUNICIPAL CODE SVCS FOR FEB 1, 2014-JAN 31, 2015	1,674.66	1,674.66
46789	2/19/2015	39615452	WEX BANK PW VEHICLE FLEET FUEL SUPPLY FOR JAN, 2015	1,218.20	1,218.20
46768	2/19/2015	B00-012-026-1 B00-012-087-1	RA STRUCTURAL ENGINEERING 42450 VIA PRATO PLAN CHECK SERVICES FOR DEC 22-DEC 29, 2014 AND JAN 14, 2015 76007 VIA CLUB VILLA TOSCANA RETAINING WALLS PLAN CHECK SERVICES FOR JAN 16,2015	910.00 260.00	1,170.00
46778	2/19/2015	3253247804 3254457074 3253804825 3254457073 3253247803 3253247802 3253804824	STAPLES GREEN CARD STOCK, COIN ENVELOPES, PAPER SUPPLY, COFFEE CREAMER, PENS, CLIPS (1) DRY ERASE BOARD FOR IW FIRE STATION & POST IT NOTES FOR CITY HALL SUPPLY MAGNETIC GLASS MARKER BOARD & ERASER, 12X17 WALL CALENDAR, & CALENDAR REFILL (1) 7-POCKET WALL FILE FOR FINANCE DEPARTMENT (2) BOXES OF GREEN TEA WITH LEMON FOR KITCHEN/MEETING SUPPLIES (1) 6 X 7 2015 MONTHLY WALL CALENDAR FOR FINANCE DEPARTMENT CREDIT DISHWASHING LIQUID, SCRUB SPONGES, COFFEE CREAMER & BINDER CLIPS	662.84 246.69 157.77 54.23 14.98 6.47 -39.48	1,103.50

**CITY OF INDIAN WELLS
02/19/2015 MEETING WARRANT LIST**

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
46760	2/19/2015		MCKINNEY, WADE G.		
		SAN FRANCISCO	2015 LCC CITY MANAGER DEPT MEETING TRAVEL EXP REIMB FOR W.MCKINNEY ON JAN 27-30	1,060.22	1,060.22
46782	2/19/2015		TIME WARNER CABLE		
		8448410760148720	CITY HALL INTERNET SERVICES FOR FEB 6 TO MAR 5, 2015	889.00	
		8448410760152292	CITY MANAGERS OFFICE CABLE TELEVISION SERVICE FOR FEB 14 TO MAR 13, 2015	87.02	
		8448410760152292	CITY MANAGERS OFFICE CABLE TELEVISION SERVICE FOR JAN 14 TO FEB 13, 2015	82.27	1,058.29
46747	2/19/2015		GREAT AMERICA LEASING CORP.		
		16425452	CANON 4045 & 7105 COPIER LEASES FOR FEB, 2015	999.01	999.01
46758	2/19/2015		MARK CIESLIKOWSKI PHOTOGRAPHY		
		5594	ROMNEY LECTURE SERIES PHOTOGRAPHY SHOOTING FEE & DVD BURNING SVCS ON JAN 19, 15	345.60	
		5592	IW MODERNISM WEEK PHOTOGRAPHY SHOOTING FEE & DVD BURNING SVCS ON JAN 13, 2015	324.00	
		5604	TOWN HALL PHOTOGRAPHY SHOOTING FEE & DVD BURNING SVCS ON JAN 19, 2015	237.60	907.20
46761	2/19/2015		MERTENS, TED		
		SACRAMENTO	LCC NEW MAYORS & COUNCIL MEMBERS ACADEMY TRAVEL EXPENSE REIMB FOR JAN 13-17, 15	868.50	868.50
46748	2/19/2015		HANSON, DOUGLAS		
		SACRAMENTO	2015 LCC NEW MAYORS/COUNCIL MEMBERS ACADEMY TRAVEL EXPENSE REIMB ON JAN 13-15	779.39	
		MENIFEE	LCC RIVERSIDE COUNTY GENERAL MEMBERSHIP MEETING MILEAGE EXPENSE REIMB	85.10	864.49
46781	2/19/2015		TCC SALES		
		16331	PAINT AND SUPPLIES FOR IW FIRE STATION	466.52	
		13108	PAINT AND SUPPLIES FOR IW FIRE STATION	183.44	
		16152	PAINT AND SUPPLIES FOR IW FIRE STATION	131.10	
		16445	PAINT AND SUPPLIES FOR IW FIRE STATION	41.97	
		17041	BLUE PAINTERS TAPE, CAULK, WALL SAND SPONGE, 20 MINUTE MUD, PUTTY KNIFE FOR PW	30.29	
		16862	PAINT SUPPLIES FOR IW FIRE STATION	9.62	862.94
46755	2/19/2015		JOHN DEERE LANDSCAPES		
		70666218	90-120 ROTATORS & 360 DEGREE ROTATORS FOR CITY GENERAL FUND LANDSCAPE SUPPLIES	243.65	
		70526703	SOC PVC FITTINGS, PVC PIPE & RED BUSHING FOR LANDSCAPE AREA A21	213.78	
		70618288	(7) 9-VOLT BATTERJES FOR PUBLIC WORKS STOCK	121.79	
		70584995	PVC CONDUIT, MALE ADAPTERS, RED BUSHINGS, QUIK-FIX COUPLINGS FOR GENERAL FUND	117.15	
		70595211	MALE ADAPTERS, GATE VALVES, CONDUIT & PVC PIPES FOR AREA ZONE A23	104.37	
		70600143	PVC FITTINGS & SOC PVC COUPLINGS FOR CITY GENERAL FUND LANDSCAPE SUPPLIES	50.68	851.42
46738	2/19/2015		CORELOGIC INFORMATION		
		81405355	REALQUEST ONLINE REAL ESTATE DATA FOR JAN, 2015	825.00	825.00
46769	2/19/2015		REED, DANA		
		SACRAMENTO	2015 LCC NEW MAYORS & COUNCIL MEMBERS ACADEMY TRAVEL EXPENSE REIMB	817.40	817.40
46743	2/19/2015		DESERT PIPE & SUPPLY		
		0014698150	(2) URINAL CONVERSIONS & CONNECTOR FOR FIRESTATION #55	689.28	
		0014697500	MAIN LINE BREAK REPAIR SUPPLIES ON HWY 111 BETWEEN CLUB & MILES	67.42	756.70

**CITY OF INDIAN WELLS
02/19/2015 MEETING WARRANT LIST**

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
46725	2/19/2015		BALOCCO, RICHARD		
		SACRAMENTO	LCC NEW MAYORS & COUNCIL MEMBERS ACADEMY TRAVEL EXP REIMB FOR JAN 13-16, 2015	616.29	616.29
46749	2/19/2015		HIGH TECH IRRIGATION, INC.		
		390515	CITY LANDSCAPE IRRIGATION SUPPLIES FOR GENERAL FUND AREAS COOK & HWY 111	400.67	
		390696	LANDSCAPE IRRIGATION SUPPLIES SOUTH OF HWY 111 & ELDORADO DRIVE	202.98	603.65
46716	2/9/2015		LEGACY ARTISTS		
		21029	MARDI GRAS PARTY TAROT READER & PALM READER FOR FEB 17, 2015	600.00	600.00
46777	2/19/2015		SOUTHWEST PLUMBING, INC.		
		37769	IW FIRE STATION KITCHEN FAUCET & URINALS REPAIR SERVICE & SUPPLIES	526.87	526.87
46775	2/19/2015		SOUTHERN CALIFORNIA GAS CO.		
		16312760008	44950 ELDORADO DRIVE CITY HALL UTILITIES FOR DEC 31, 2014-JAN 2, 2015	273.03	
		16102760622	44900 ELDORADO DRIVE FIRE STATION UTILITIES FOR DEC 31, 2014-FEB 2, 2015	187.52	
		15892760008	44860 ELDORADO CORP YARD UTILITIES FOR DEC 31, 2014-FEB 2, 2015	44.59	505.14
46719	2/11/2015		GOVERNMENT FINANCE OFFICERS		
		APPLICATION	CAFR CERTIFICATE OF ACHIEVEMENT PROGRAM AWARD APPLICATION FEE FOR FY 13/14	505.00	505.00
46770	2/19/2015		RENOVA ENERGY CORPORATION		
		1433001-1 0004	REFUND BUILDING PERMIT B00-011-957 76227 VIA MONTELENA	450.00	450.00
46731	2/19/2015		CANON FINANCIAL SERVICES, INC		
		14564186	CW300 & SCEXPN WIDE FORMAT COPIER/SCANNER LEASE FOR FEB, 2015	447.12	447.12
46762	2/19/2015		NORTHERN-BLUETARP FINANCIAL		
		32089839	(6) GAS CANS FOR PUBLIC WORKS DEPT	434.12	434.12
46756	2/19/2015		JOSLYN COVE COMM. SENIOR CTR		
		8507	7% IW PORTION FOR JOSLYN CENTER IMPROVEMENTS ENERGY EFFICIENT EXTERIOR LIGHTING	374.50	374.50
46763	2/19/2015		PROPER SOLUTIONS		
		2339	COMMUNITY DEVELOPMENT TEMP SVCS FOR JAN 14 TO JAN 16, 2015	356.40	356.40
46744	2/19/2015		FULTON DISTRIBUTING		
		342885	FACIAL TISSUE, TOILET TISSUE, TOWELS & TAMPONS CITY JANITORIAL SUPPLIES	351.21	351.21
46787	2/19/2015		VERIZON CALIFORNIA		
		341-3179	CITY HALL FIRE/ALARM PHONE LINE SERVICE FOR JAN 25 TO FEB 24, 2015	169.23	
		346-0407	CITY HALL FAX SERVICE FOR JAN 19 TO FEB 18, 2015	115.22	284.45
46766	2/19/2015		PUBLIC RECORD		
		16623	PLANNING DEPT LEGAL NOTICE OF PUBLIC HEARING ON JAN 20, 2015	123.00	
		16622	PLANNING DEPT LEGAL NOTICE OF PUBLIC HEARING ON JAN 20, 2015	120.00	243.00

100

**CITY OF INDIAN WELLS
02/19/2015 MEETING WARRANT LIST**

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
46715	2/9/2015		AVILA, ANGELICA		
		SCHOOL REIMB	EDUCATION REIMBURSEMENT FOR SEPT 2-DEC 19, 2014	234.50	234.50
46784	2/19/2015		TROPICAL PLANT SERVICES		
		21265	INDOOR PLANT MAINTENANCE SERVICE FOR JAN, 2015	205.00	205.00
46722	2/19/2015		AIIM		
		010187553I	ANNUAL MEMBERSHIP RENEWAL FOR CHIEF DEPUTY CITY CLERK, A.GRANDYS	169.00	169.00
46753	2/19/2015		INLAND LIGHTING SUPPLIES, INC.		
		174325	(50) BOLLARD LIGHTS FOR CITY LANDSCAPE LIGHTING STOCK	135.00	135.00
46727	2/19/2015		BIO-TOX LABORATORIES		
		29729	IW POLICE DRUG TESTING SVCS FOR NOV 10-17, 2014	78.00	
		29771	IW POLICE DRUG TESTING SVCS FOR NOV 3, 2014	39.00	117.00
46765	2/19/2015		PRUDENTIAL OVERALL SUPPLY		
		20995898	CITY TOWEL, MATS & AIR FRESHENER SUPPLIES FOR JAN, 28, 2015	112.63	112.63
46740	2/19/2015		CSMFO		
		54637	2015 CSMFO ANNUAL MEMBERSHIP DUES FOR FINANCE DIRECTOR K.MCCARTHY	110.00	110.00
46773	2/19/2015		SIMPLOT PARTNERS		
		208044085	(2) PIPE WRENCHES FOR PW DEPT TOOLS	107.88	107.88
46788	2/19/2015		VERIZON WIRELESS		
		9739534233	CITY, CSO & BURGLARY SURPRESSION UNIT CELLULAR PHONES FOR DEC 26, 14-JAN 25, 15	97.74	97.74
46785	2/19/2015		UNIVERSAL LICENSING SERVICE		
		WNHE801	FCC WIDE BAND EMISSIONS REMOVAL PROCESSING FEE	95.00	95.00
46772	2/19/2015		SIMMONS, ADAM		
		1501301-1 0013	REFUND BUSINESS LICENSE #3156 RENEWAL FEE DUPLICATE PAYMENT RECEIVED	85.00	85.00
46745	2/19/2015		GONZALEZ, MIGUEL		
		1502001-1 0014	(1) 2015 CONTRACTOR BUSINESS LICENSE & STATE FEE REFUND DUE TO DUPLICATE PAYMENT	84.00	84.00
46723	2/19/2015		AMERICAN FORENSIC NURSES		
		65788	(2) PUBLIC SAFETY BLOOD DRAW TESTING SERVICE	80.00	80.00
46750	2/19/2015		IMPERIAL IRRIGATION DISTRICT		
		50579115	78560 VISTA DEL SOL #A BRIDGE LIGHTING UTILITIES FOR DEC 23, 2014-JAN 23, 2015	66.51	66.51
46759	2/19/2015		MAXIMUM SECURITY		
		93668	CITY HALL BACK ENTRANCE ACCESS CONTROL DOOR RE-PROGRAMMING SVC	65.00	65.00

151

**CITY OF LAKELAND WELLS
02/19/2015 MEETING WARRANT LIST**

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
46771	2/19/2015		RIVERSIDE CO. CLERK-RECORDER		
		DTD 12/19/14	ORDER AWARDING ABATEMENT COSTS,STAFF TIME CHARGES & ATTORNEY FEES RECORDING SVC	36.00	
		DTD 1/20/15	RELEASE OF NOTICE OF ADMINISTRATIVE PROCEEDINGS RECORDING FOR 77324 SIOUX DRIVE	23.00	59.00
46718	2/9/2015		RIVERSIDE CO. CLERK-RECORDER		
		DTD 2/5/15	NOTICE OF EXEMPTION RECOGNIZED OBLIGATION PAYMENT SCHEDULE RESO SA NO 2015-1	50.00	50.00
46717	2/9/2015		RIVERSIDE CO. CLERK-RECORDER		
		DTD 2/6/15	NOTICE OF EXEMPTION RECOGNIZED OBLIGATION PAYMENT SCHEDULE RESO OB NO 2015-1	50.00	50.00
46709	1/30/2015		UNITED WAY OF THE DESERT		
		352000006506	PAYROLL EMPLOYEE CONTRIBUTIONS FOR JAN 30, 2015	27.00	27.00
46741	2/19/2015		DESERT ELECTRIC SUPPLY		
		S2158595.001	PUBLIC WORKS DEPT WATER TRAILER ELECTRICAL WIRING PARTS	14.80	14.80
46728	2/19/2015		BIRCH COMMUNICATIONS, INC.		
		17506144	TOLL-FREE/LONG DISTANCE PHONE SERVICE FOR JAN 21-FEB 20, 2015	6.51	6.51

75 checks in this report

TOTAL CITY WARRANTS 46709, 46715-46789: 502,057.49

**CITY OF INDIAN WELLS
02/19/2015 MEETING WARRANT LIST**

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
Wires :					
1523	1/30/2015		INTERNAL REVENUE SERVICE		
		95-2489139	FWT, FICA & MEDICARE FOR JAN 30, 2015	37,226.24	37,226.24
1526	1/30/2015		CALPERS RETIREMENT SYSTEM		
		6392517834	PAYROLL CONTRIBUTIONS FOR JAN 30, 2015	8,839.49	8,839.49
1525	1/30/2015		ICMA		
			CONTRIBUTIONS 401A, 457 & ROTH IRA FOR JAN 30, 2015	7,896.67	7,896.67
1524	1/30/2015		CALIFORNIA, STATE OF		
		925-0060-2	SDI & SWT DEPOSIT FOR JAN 30 2015	7,731.83	7,731.83
2882	1/29/2015		INDIAN WELLS EMPLOYEE ASSOC.		
		2379795	PAYROLL EE DUES FOR JAN 30, 2015	210.00	210.00
TOTAL PAYROLL WIRE DISBURSEMENTS 1523-1526 & 2882:					61,904.23

CITY OF ILLINOIS DAN WELLS
02/19/2015 MEETING WARRANT LIST

CHECK #	DATE	INVOICE #	VENDOR NAME/DESCRIPTION	INVOICE AMT	CHECK TOTAL
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EFT 13716-13740	81,117.70
2885	1,390.87
Total Net Payroll 02/13/15	82,508.57

TOTAL CITY DISBURSEMENTS: 646,470.29

Note: Warrants 46709 & 46715-46721 were issued prior to City Council approval.

Note: Warrant 46630 was voided on 2/9/15 and reissued by replacement warrant 46715.

CC/HA ACTION CC/HA ACTION MTG. DATE 2-19-15
 APPROVED DENIED REC/FILE CONT.
 OTHER _____
 VOTE: YES - 3 NO 1 ABSTAIN 1
Hanson Reed

154

CO/HA ACTION _____ MFG. DATE: 2-19-15

APPROVED DENIED _____ REG/FILE _____ CONT. _____

OTHER _____

VOTE: YES 5 NO 0 ABSTAIN _____

the draft as revised by Meertens, Balocco, City Attny Deutsch & City Mgr after morning mtg.

General Business item #A

Adopt the Commitment to Indian Wells Best Practices and Leadership Guide ("Policy").

Council to provide direction to Staff at the 10:00 am Study Session on the Policy. If the Policy is revised to a final form that morning, the Policy will be brought forward for final discussion and consideration of adoption at the regular 1:30 p.m. Council meeting.

The Revised Policy will be provided to Council and residents at the 1:30 p.m. Council meeting.

Commitment to Indian Wells Best Practices and Leadership Guide

The Indian Wells City Council has adopted a *City Council Policy Manual* setting forth its mission, its vision, its values and its Council conduct rules. This Guide brings together relevant sections of the Policy Manual with standards ~~procedures~~ for Council ~~individual~~ accountability. Notwithstanding any provision herein, Council Members shall adhere to all provisions in the Council Policy Manual applicable to Council Members, as such provisions may be amended from time to time.

1.01.010 MISSION STATEMENT.

Create an unsurpassed quality of life for our residents and guests by providing superior public safety, exceptional service and outstanding amenities that will further enhance our image as a prestigious community.

1.01.020 VISION STATEMENT.

Indian Wells is a globally distinguished residential and resort community offering an extraordinary environment, activities and events and is known for its alluring and distinctive hotels, restaurants, golf, tennis and natural amenities.

Indian Wells is known ~~and respected~~ as a forward thinking, innovative and well managed community that supports the interests of its residents ~~the community and its neighboring communities~~ meeting public needs without undue intrusion into individual lives.

Indian Wells supports a unique and friendly atmosphere for its residents, guests and neighbors. ~~and recognizes its responsibility to support appropriate human services.~~

Indian Wells is dedicated to its economic and environmental sustainability.

Indian Wells accomplishes the widest range of opportunity for its residents and guests through working with others to achieve outstanding cultural, recreational and commercial activities.

Redline Version

1.01.030 VALUE STATEMENT.

The City of Indian Wells is dedicated to:

1. Fiscal accountability and responsibility.
2. Open and inclusive government.
3. Highest professional standards and ethics.
4. Exceptional customer services, ~~and civility.~~
5. Effective and efficiency without undue bureaucracy.
6. Continuous improvement in the organization and staff.
7. Team work and individual development to foster success.
8. Attraction and retention of outstanding talent in its staff and appointed officials.

2.03.070 (a) Council Roles.

The ~~whole~~ Council retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, service levels, workloads and schedules, departmental priorities, and the performance of City business. If a council member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, the council member must prevail upon the Council to do so as a matter of Council policy.

Should ~~a~~ council members become dissatisfied about a department, they should ~~always talk it over~~ address it with the City Manager, not the department head. Concerns about a department or any employee must be taken only to the City Manager; but if not addressed adequately by the City Manager (in the Council Members judgment, then by the City Council in an should review the issue in an appropriate performance review process of the City Manager.

Redline Version

2.03.070 (c) Staff Roles.

The Council recognizes the primary functions of staff as serving the community, executing Council policy and actions, and in keeping the Council informed. Staff is obligated to take guidance and direction only from the Council as a whole or from the appropriate management supervisors. Staff is directed to report to the City Manager any communication with a council member, other than social communication. Staff is also directed to report to the City Manager any attempts by individual council members to unduly direct or otherwise pressure them into making, changing, or otherwise influencing recommendations.

City staff will make every effort to respond in a timely and professional manner, as directed by the City Manager, to all requests made by individual council members for information or assistance; provided that, the request is not of a magnitude, either in terms of workload, or more than two (2) hours total staff time, or policy, which would require that it would be more appropriately assigned to staff through the direction of the whole Council. If a request by an individual council member is determined to take over two hours or more of staff time to complete, that request will be included on a Council agenda for Council discussion and direction

2.07.050 INTERACTION OF COUNCIL WITH STAFF.

Council members are to work through the City Manager or City Attorney, ~~or department heads~~ on all issues, concerns and questions. The City Manager shall not unduly restrict Council Member communication with department heads.

This is to allow the City Manager ~~department heads, with the proper education, training, experience and knowledge of the issues, laws and Council's policies~~ to coordinate a full and complete response and reduce error or misunderstanding by staff members not necessarily knowledgeable on all issues. This can provide a better overall response, allow any new issues to properly be considered and avoid unintended redirection of staff efforts.

Redline Version

2.14.020 COMMITMENT TO CIVILITY. ~~CIVIL BEHAVIOR.~~

The Council commits to ~~civil behavior by~~ maintaining a cohesive, productive working environment by:

1. Supporting the City's mission.
2. Bringing City ~~related concerns, and~~ issues ~~and conflicts~~ to the attention of the City Manager and/or whole Council as appropriate for discussion.
3. Offering alternative solution(s) when addressing a problem or issue.
- ~~4.~~ Showing respect to each other as elected officials.
- ~~4.5.~~ Showing respect toward City staff.
- ~~5-6.~~ Promoting civility during Council meetings, ~~and tolerating nothing less.~~
- ~~6-7.~~ Maintaining the confidentiality of material discussed during closed session.
Similarly, not disclosing the content or substance of confidential or privileged communications relating to City business.

~~Limiting the length of comments during Council meetings and not repeating points that have been already stated by other Council Members.~~

- ~~8.~~ Bringing any matter of criticism, disagreement or conflict with a staff member(s) to the City Manager for resolution.

Redline Version

3.06.010 OVERVIEW.

All members of the Council, including those serving as Mayor and Mayor Pro Tem, have equal votes. No Council Member has more power than any other Council Member, and all should be treated with equal respect.

Council members are expected to:

Fully participate in Council meetings and other public forums while demonstrating respect, consideration and courtesy to all. ~~others.~~

Prepare in advance of Council meetings and be familiar with issues on the agenda.

Be respectful of others s ~~people's time, stay focused~~ and act efficiently during public meetings.

Represent the City at ceremonial functions at the request of the Mayor (provided that any Council Member may attend).

Provide contact information to the Council's Executive Assistant in case an emergency or urgent situation arises while the Council Member is out of town.

Participate in scheduled activities to increase team effectiveness. ~~and review Council procedures.~~

Redline Version

3.14.010 COUNCIL CONDUCT AND RELATIONSHIP TO ELECTORS.

~~No Council Member shall act in such a manner as to call into disrepute the public image of the Council or which is discourteous to or results in the constant interruption of other members of the Council or members of the public or staff.~~ Council members are elected by all of the people to serve as representatives of all of the people. Authority and responsibility for legislative enactments are vested in the Council. California follows the Council type of government where it is the function of the representatives to do that which in their best judgments is proper. California does not follow the "Town Meeting" type of government where the people legislate. ~~Therefore, the Council has authority to limit debate on any subject and to act in good faith regardless of the viewpoints of limited minorities. The purpose of public expression is to inform the public of what the Council is doing.~~

The responsibility of making decisions is not easy nor without its problems, but it is the responsibility of Council Members to vote and decide issues, regardless of personal hesitation. ~~There will always be segments of the population dissatisfied with any decision.~~ The purpose of government is to balance legally, fairly, and without favor the limitations, restrictions, or losses that are to be placed upon the individual or several individuals against the good, the benefit, or welfare of or to a majority of the people.

The electors have delegated to the Council the right, the power, and the duty to act; the same electors have reserved to themselves the rights of 1) petition, 2) election, 3) recall, 4) referendum, 5) initiative and 6) litigation. ~~taxpayers' suits. Both the council members and electors must accept the authority or powers given by the state constitution (or reserved) to them and exercise the same accordingly and in good faith.~~

Redline Version

COUNCIL MEMBER CONFLICTS ~~PROCESS FOR CONFLICT RESOLUTION~~

Model of Excellence

City Council Members who do not sign the Model of Excellence (Appendix A) shall be ineligible for City assignment to intergovernmental, City, or outside commissions, committees, boards or Council subcommittees.

Ethics Training for Local Officials

City Council Members are required by law to attend Ethics Trains every two years. who are out of compliance with State or City mandated requirements for ethics training shall not represent the City on intergovernmental, City, or outside commissions, committees, boards or Council subcommittees, and may be subject to sanctions.

Process to File a Complaint

In the event of a conflict between two Council Members the following process will be implemented.

A complaining Council Members shall file a complaint in writing setting forth the exact violation(s) of the City Council Policy Manual with the Mayor. If the complaint is against the Mayor, then the complaint shall be filed with the Mayor Pro Tem and thereafter, if necessary, with the next most senior Council Member available.

The complaint shall include the following:

- A description of the violation.
- Policy Manual Section(s) violated.

The Mayor or, as applicable, the Mayor Pro Tem shall direct the Council Members to follow the Informal Conflict Resolution Process and if the process is unsuccessful then and only then will a formal complaint be addressed by the Council.

Redline Version

Informal Conflict Resolution Process.

It is intent of the City Council to follow a positive process for interpersonal conflict resolution:

- When one Council Member has a personal conflict/issue with another Council Member, the complaining Council Member must meet face-to-face with the Council Member being complained against, to discuss the conflict in an attempt to bring resolution to the complaint.
- The two Council Members shall not discuss the complaint with any other Council Member. To do so would be a Brown Act Violation.
- If the two Council Members cannot resolve the Conflict between themselves, they must mutually agree upon a third party who works with them to mediate the conflict. This action shall be confidential to the extent permitted by law.

Formal Conflict Resolution Process.

If the Informal Conflict Resolution Process is unsuccessful, the Mayor or, as applicable, the Mayor Pro Tem or one of the parties may bring the matter before the full City Council. Complaints may not be presented to the City Council without first using the Informal Conflict Resolution Process.

The Council will conduct an investigation using a third. The City Council will review the findings of the investigation at a public meeting, wherein the Council Member being investigated shall have an opportunity to respond. The Council Member being charged with a violation of the policies shall be afforded "Due Process" rights and shall be permitted to call witnesses and to question the accuser.

Upon conclusion of the investigation and a full hearing by the City Council and the Council by a 3/5th vote finds there is a violation(s) of the Policy Manual the Council Member being complained against may be reprimanded, formally censured, or such other sanctions as imposed by the Council.

Clean Version

Commitment to Indian Wells Best Practices and Leadership Guide

The Indian Wells City Council has adopted a *City Council Policy Manual* setting forth its mission, its vision, its values and its Council conduct rules. This Guide brings together relevant sections of the Policy Manual with standards for Council accountability. Notwithstanding any provision herein, Council Members shall adhere to all provisions in the Council Policy Manual applicable to Council Members, as such provisions may be amended from time to time.

1.01.010 MISSION STATEMENT.

Create an unsurpassed quality of life for our residents and guests by providing superior public safety, exceptional service and outstanding amenities that will further enhance our image as a prestigious community.

1.01.020 VISION STATEMENT.

Indian Wells is a globally distinguished residential and resort community offering an extraordinary environment, activities and events and is known for its alluring and distinctive hotels, restaurants, golf, tennis and natural amenities.

Indian Wells is known as a forward thinking, innovative and well managed community that supports the interests of its residents meeting public needs without undue intrusion into individual lives.

Indian Wells supports a unique and friendly atmosphere for its residents, guests and neighbors.

Indian Wells is dedicated to its economic and environmental sustainability.

Indian Wells accomplishes the widest range of opportunity for its residents and guests through working with others to achieve outstanding cultural, recreational and commercial activities.

Clean Version

1.01.030 VALUE STATEMENT.

The City of Indian Wells is dedicated to:

1. Fiscal accountability and responsibility.
2. Open and inclusive government.
3. Highest professional standards and ethics.
4. Exceptional customer services.
5. Effective and efficiency without undue bureaucracy.
6. Continuous improvement in the organization and staff.
7. Team work and individual development to foster success.
8. Attraction and retention of outstanding talent in its staff and appointed officials.

2.03.070 (a) Council Roles.

The Council retains power to accept, reject, amend, influence, or otherwise guide and direct staff actions, decisions, recommendations, service levels, workloads and schedules, departmental priorities, and the performance of City business. If a council member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, the council member must prevail upon the Council to do so as a matter of Council policy.

Should council members become dissatisfied about a department, they should address it with the City Manager, not the department head. Concerns about a department or any employee must be taken only to the City Manager; but if not addressed adequately by the City Manager then the City Council should review the issue in an appropriate performance review process of the City Manager.

Clean Version

2.03.070 (c) Staff Roles.

The Council recognizes the primary functions of staff as serving the community, executing Council policy and actions, and in keeping the Council informed. Staff is obligated to take guidance and direction only from the Council as a whole or from the appropriate management supervisors. Staff is directed to report to the City Manager any communication with a council member, other than social communication. Staff is also directed to report to the City Manager any attempts by individual council members to unduly direct or otherwise pressure them into making, changing, or otherwise influencing recommendations.

City staff will make every effort to respond in a timely and professional manner, as directed by the City Manager, to all requests made by individual council members for information or assistance; provided that, the request is not of a magnitude, either in terms of workload, or more than two (2) hours total staff time, or policy, which would require that it would be more appropriately assigned to staff through the direction of the whole Council. If a request by an individual council member is determined to take over two hours or more of staff time to complete, that request will be included on a Council agenda for Council discussion and direction

2.07.050 INTERACTION OF COUNCIL WITH STAFF.

Council members are to work through the City Manager or City Attorney on all issues, concerns and questions. The City Manager shall not unduly restrict Council Member communication with department heads.

This is to allow the City Manager to coordinate a full and complete response and reduce error or misunderstanding by staff members not necessarily knowledgeable on all issues. This can provide a better overall response, allow any new issues to properly be considered and avoid unintended redirection of staff efforts.

Clean Version

2.14.020 COMMITMENT TO CIVILITY.

The Council commits to maintaining a cohesive, productive working environment by:

1. Supporting the City's mission.
2. Bringing City issues to the attention of the Council as appropriate for discussion.
3. Offering alternative solution(s) when addressing a problem or issue.
4. Showing respect to each other as elected officials.
5. Showing respect toward City staff.
6. Promoting civility during Council meetings.
7. Maintaining the confidentiality of material discussed during closed session. Similarly, not disclosing the content or substance of confidential or privileged communications relating to City business.
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Clean Version

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Upon conclusion of the investigation and a full hearing by the City Council and the Council by a 3/5th vote finds there is a violation(s) of the Policy Manual the Council Member being complained against may be reprimanded, formally censured, or such other sanctions as imposed by the Council.

To whom it may concern.

I joined Ty Peabody to visit with Randy Nolen as we were given information that he had knowledge or was involved with Doug Hanson in the various political hit pieces distributed during the 2012 election process.

We were invited into his home to discuss the matter. He was quick to deny any involvement and the involvement of Doug Hanson. We explained that we wanted to get to bottom of this matter and find out who was involved. At no time did we accuse, intimidate or threaten the Nolen's.

After about ten minutes, we said good bye thanked them for their time and left their premises.

That's about it, in my mind I could feel the tension coming from the Nolen's and called and left a message a few days later apologizing if I had caused them any concerns.

Respectfully,

Bill Powers.

A handwritten signature in black ink, appearing to read 'Bill Powers', with a long horizontal line extending to the right.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

RANDALL FRANCIS NOLEN,
Petitioner,
vs.
EDWARD TY PEABODY,
Respondent.



REPORTER'S TRANSCRIPT OF HEARING FOR CIVIL HARASSMENT

RESTRAINING ORDERS

BEFORE HONORABLE COMMISSIONER MICKIE E. REED

November 5, 2014

APPEARANCES:

For the Petitioner:

HARDY LAW GROUP DEL HARDY
By: DEL HARDY
96 & 98 Winter Street
Reno, Nevada 89503

For the Respondent:

EDWARD TY PEABODY
In Propria Persona

Reported by:

Pamela M. Segall, CSR No. 8294

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THE COURT: How many times has he been to their house?

MR. HARDY: Once. That's enough.

THE COURT: Do you have anything else?

MR. HARDY: Other than -- your Honor, there is no harm in keeping this man away from these people. No harm is taken by

1 this man.

2 THE COURT: Harm or not, I have to follow the law. And
3 I have to follow what the law says harassment is.

4 MR. HARDY: Right.

5 THE COURT: And most of this are public statements
6 between candidates, I think, that are running for office, who
7 are basically going to public meetings. And even though it's
8 termed in your addendum "their gutter politics," that cannot be
9 the basis of a restraining order.

10 I could never tell him "You can't go out and say
11 whatever you feel about a candidate who is running for office."

12 And I would need more than one visit to the home
13 because that's not -- I don't see any violence. I don't see any
14 threats of violence. And going to his home that one time --
15 there was never any violence threatened or any allegations of
16 violence, which are what civil harassment orders are there to
17 protect, a person's personal safety.

18 I would never find that one visit to a person's home
19 where there were no threats is enough to reach the burden
20 necessary. But I will let you be heard on this; if you have
21 some law that you can state that says that this is an
22 appropriate way, I'll be happy to review that.

23 [REDACTED]

24 [REDACTED].

25 [REDACTED]

26 [REDACTED]

27 [REDACTED]

28 [REDACTED]

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DIRECT EXAMINATION

BY MR. HARDY:

Q. What happened on June 14th?

A. Um, the doorbell rang, and it was at 9:00 in the morning. And I thought -- it's Saturday morning, and I thought, well, it must be a solicitor or somebody. So I went to look if

1 I could see who it was out the window. And I saw one man in a
2 big hat and a coat out on the sidewalk. And then I went to the
3 door and I saw Mr. Peabody looking in our stained glass window,
4 and I knew it was Mr. Peabody. And I thought, well, I don't
5 know why he's here. He's here on some kind of business. So I
6 opened the door, and he asked to see Randy and I said "Okay."

7 Q. What did you see Mr. Peabody do, if anything, while he
8 was inside your house?

9 A. He immediately walked in, sat down in two chairs like
10 this, and started accusing my husband of criminal activity.

11 Q. How did you feel about that?

12 A. Well, I was in the kitchen, and I was staying there
13 because I heard -- I didn't like what I heard going on. And
14 then Randy asked me to come in so I could be a witness to what
15 was happening.

16 Q. And how did that make you feel?

17 A. Pretty angry.

18 Q. Were you afraid at all?

19 A. Um, you know, there were -- there was a temper rising
20 in the room, and it wasn't ours.

21 The other gentleman was not speaking; he just sat
22 there.

23 Q. That was Mr. Powers?

24 A. Mr. Powers.

25 Q. Okay. And Mr. Peabody was raising his voice?

26 A. He was raising his voice and holding the manila folder
27 and threatening my husband with criminal and civil --

28 Q. Did you feel threatened at all at any time during that

1 period of time?

2 A. Um, I felt uncomfortable.

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DIRECT EXAMINATION

TY PEABODY: First of all, I'll give you a letter from Mr. Powers.

THE COURT: And have you seen that, sir?

TY PEABODY: No, they have not.

THE COURT: All right.

1 TY PEABODY: While that's going on, your Honor, I'm 71
2 years old. I've never had a felony, never had a conviction,
3 don't own weapons, have worked for the U.S. Trustees Office in
4 bankruptcy for a period of time, have been bankrupt; that's
5 something they all like to talk about, but it was fully
6 disclosed when I ran for office.

7 At the time that the hit pieces came out and there were
8 six hit pieces, I said, in a public forum, as a resident, and so
9 did ten others -- and they all filed complaints with the FPPC --
10 that I would get to the bottom of who did it. Then pending the
11 outcome of the FPPC report, we would decide whether to take this
12 to the new District Attorney Hestrin or to file slander charges
13 against those that were specifically involved.

14 I'm going to give you also a letter, which they didn't
15 include, but they have a copy of, that I gave at the council
16 meeting -- the first council meeting, Mr. Nolen and his wife
17 came; they knew I wouldn't be there, and they got up and spoke
18 about me, about visiting -- Mr. Powers and I visiting their
19 house, which we did do.

20 We were invited into the house. We weren't asked to
21 leave the house. We were there, they say, 20 minutes --
22 Mr. Powers and I would say no more than ten. And what we
23 basically were there for is that we had a witness -- have a
24 witness that says that Mr. Nolen was on Mr. Hanson's campaign
25 committee and that Mr. Nolen told these people that he was part
26 of a meeting on October 22nd or 23rd when they decided to put a
27 sticker on my hit piece to go ahead and throw more in my face
28 about the bankruptcy, which had been fully disclosed prior to

1 the running and after running.

2 We left there. I have not seen Mr. and Mrs. Nolen
3 since June 14th, except they came to two council meetings. One,
4 they talked about me again in the council meeting. The other,
5 they were there to be supportive of Mr. Hanson.

6 The investigation goes on. And there is nothing in any
7 writing that I did other than say that I would fully go after,
8 under the law, to prosecute those that did this horrendous --
9 that's all I can -- and hurtful, hurtful pieces that weren't
10 true.

11 And the FPPC came out with such a report. This book
12 represents the entire thing. If you want to see it, you're
13 welcome to. Too much reading.

14 THE COURT: Well, it's not really relevant to the
15 issue.

16 TY PEABODY: I agree.

17 Just so you know, Mr. Nolen is a tenant of Mr.
18 Hanson's. He's on Mr. Hanson's campaign committee. And he gave
19 \$1,000.

20 Mr. Nolen also didn't disclose -- and if you see this
21 document, which they put in their file, they said they talked to
22 the District Attorney about someone of the financial problems,
23 how they might be dangerous.

24 Mr. Nolen forgot to put in there that he also went
25 through a bankruptcy in 2011. So it's not like -- and
26 bankruptcy is not pleasant. It's not fun.

27 And all I have ever said to everybody is that I would
28 pursue this matter along with the other people on those that

1 perpetrated this.

2 Mr. Nolen didn't print them. He didn't mail them. He
3 didn't pay for them. And that's for sure.

4 As I say, the only time I have seen Mr. and Mrs. Nolen
5 is when they came to the last two council meetings. Haven't
6 talked to them. Don't go by their house. I work out of
7 Los Angeles two to three days a week.

8 THE COURT: Hold on. Now, what is this from?

9 TY PEABODY: That came from their filing.

10 THE COURT: Okay.

11 TY PEABODY: And I just found it interesting that they
12 could say that, but they didn't tell the District Attorney,
13 whoever they saw, that they also had been through a bankruptcy.

14 Maybe I should be nervous.

15 THE COURT: Well, here's what I'm going to tell you
16 now -- is that Mr. Powers' document is not under penalty of
17 perjury; so I'm not going to consider that. And neither did I
18 consider the statement that is attributed to S.E. Ballard from
19 the D.A.'s office.

20 TY PEABODY: Even though it's attached to their
21 documents?

22 THE COURT: Well, I'll look at them, but if I see that
23 they're just hearsay statements by someone, I don't consider
24 them.

25 TY PEABODY: I have no problem.

26 THE COURT: Okay. So I try to lean on competent
27 evidence.

28 TY PEABODY: So to be honest with you, your Honor, I

1 have no reason -- understanding of why I'm here. And people
2 that have heard about it -- they just look at it as part of the
3 Hanson vindictive procedure that we're going through.

4 I just went through an FPPC with Mr. Hanson, and they
5 turned him down on that. It just seems like this is going to
6 be, for the next couple of years on the council, a period of
7 harassment. But that's okay; that's part of the deal.

8 THE COURT: But you won the election?

9 TY PEABODY: I won the election.

10 THE COURT: Well, congratulations.

11 TY PEABODY: Thank you.

12 THE COURT: I don't live in that city, so...

13 So anything else you want to tell me, sir?

14 TY PEABODY: No, ma'am.

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So there is a flyer and, supposedly, there were six fliers or "hits" of some sort, based on his testimony. But I don't know what he's been told, what he's heard, what his sources of information are. And I don't really think it's relevant to this hearing.

This hearing is what actions did he take. Did he commit an act of violence? Did he threaten violence? Or did he go on a course of conduct directed at this person that had no legitimate purpose? That is what harassment is under the statute. So that's what we're going to limit our testimony to.

MR. HARDY: Thank you, your Honor.

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THE COURT: Okay. The facts that I find in this case is that there were some kind of, I guess, city council meetings

1 for the City of Indian Wells and that there was some involvement
2 with everybody. Apparently, the Nolens have talked at a city
3 council meeting regarding Mr. Peabody. And, apparently, he's
4 made statements as well.

5 I do not find that 9:00 a.m. is an unreasonable time to
6 go to somebody else's house. I do not find that knocking on
7 their door and being invited in to see a person that they ask
8 for -- it's not like they forced themselves in, that he snuck in
9 the backyard, jumped over a wall -- those kind of things.

10 That is not the kind of behavior that would make a
11 personal reasonably frightened that he would come in. He
12 knocked on the door, asked to speak to him, was invited in. I
13 guess it didn't go so well. But I do not find that this
14 behavior or any of the facts in this case falls under a civil
15 harassment statute.

16 So I am denying the request for a restraining order
17 without prejudice.

18 Hopefully, there won't be any future problems. But if
19 there are, you can certainly come back and request it again.
20 But, for the same reasons I denied the temporary orders, I
21 denied this. This does not fall under the statute -- under the
22 definition of civil harassment.

23 So thanks, everyone, for coming, but the request is
24 denied. And I'm going to return your documents.
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Ty Peabody/Bill Powers - "IW Resident Shakedown"

On Saturday June 14th 2014 at approx 9am, I was working in my backyard when my wife, Kay informed me that Mayor Pro Tem Ty Peabody and Bill Powers were at the front door of our house and wanted to see me.

I first said hello to Peabody who mentioned that he was here with "Bill Powers" and asked them what I could do for them. Peabody said they wanted to speak with me about the four mass mailers that were sent out anonymously prior to the election.

I invited the men into our living room, offered them coffee or water (which they declined) and we sat down. I noticed that Peabody had a manila file folder in his hand and that Powers looked a considerably "uncomfortable".

Peabody began the conversation in a firm voice by stating that the candidates who had received what he referred to as "hit pieces" have been working together on the matter for a long time, but wanted to wait for the FCP findings to come out.

He said that they will soon be filing both civil and criminal lawsuits against those responsible for these mailings and that various people are going to be subpoenaed and deposed and that the legal proceedings were about to commence,

He said that they have collected "lot's of evidence, emails, post office receipts, etc." and indicated that they believe that I was involved with the mailings. He said they had evidence that I had something to do with "stickers" based on emails they have between me and Haddon Libby. He said that Libby was "singing" and that he was telling everything. (At this point, Peabody was holding up his folder and waving it as if he had the evidence with him).

I then called out to my wife, Kay who was in the kitchen (listening to the conversation) and asked her to come out and listen to what was being said. I said to both men that I thought it would be a good idea to have a fourth set of ears present, just in case there was a discrepancy as to what was being said.

I told Peabody that I would like to see the evidence since I can only recall one email that I sent Libby in response to a blanket email that he sent out to a number of people (including me) after the first anonymous mailings were sent. I said that I could recall suggesting to Libby that perhaps it was Dana Reed who sent out the mailings since he was sending out multiple professional mailers through a political PR firm and mailing house based in Orange County.

Peabody responded that he would not show me the evidence, but that "we wanted to give you a heads up warning" and that they didn't want me to be "blind sided" like they were with the mass mailings.

To: Indian Wells City Council
Re: 2012 Anonymous Mailers
From: Randy Nolen

1/22/15
Written Statement

As an addendum to my oral statement before the council today, I have prepared the following written statement regarding numerous incidents leading up to and following the June 14th 2014 uninvited visit to my home by Mayor Ty Peabody and former Indian Wells Councilman Bill Powers.

During the week of October 15th 2012, I received a phone call from Mrs. JL Mertens, the wife of Councilman Ted Mertens. She told me that she and her husband were concerned about the amount of support Mayor Peabody appeared to be generating. She was also upset by information in an anonymous email sent on October 14th by "r haller" to a number of residents. The email first disclosed Mayor Peabody's 2005 personal bankruptcy and included copies of state and federal tax liens that indicated that he owed over one million dollars in taxes. Mrs. Mertens put me on the phone with her husband, now Councilman Ted Mertens, who was also upset. He told me he was soon going to confront Mayor Peabody about these issues. A few days later, I received another phone call from Mrs. Mertens. She suggested that I send the anonymous "r haller" email out to other Indian Wells residents. I told her that it was my belief that it would not be legal to do so and suggested that if they are so concerned, that they should send out the email themselves. She responded: *"Oh, Ted could never do that"*. (Copy of "r-haller" email attached)

On October 23, 2012 – At the Chamber of Commerce Candidates Forum at the Miramonte Resort, before the program began, I was standing in the back corner of the room. Mr. Peabody, while seated at his chair on the dais, "stared me down" with an angry, threatening and intimidating look on his face for approximately 10 seconds. I had observed his anger and temper a number of times before when he spoke at council meetings as both a citizen and as a candidate. This was the first time I thought that he might have a "vendetta" against me for walking door-to-door to refute a false campaign statement that he was promoting in a flier that said that if re-elected, my candidate, would receive 2.5 million dollars in benefits after leaving office.

Also on October 23rd, 2012, before the IW Chamber Candidates Forum, I went over to the Merten's publicity table to introduce myself to Mrs. Mertens since I had not met her in person and to console her regarding her worries about Mr. Peabody. I told her that I thought she should not be concerned, that I believed that her husband would win a seat and that Mr. Peabody's bankruptcy and tax matters would soon be well known since the "r haller" email was already circulating throughout the city and had become a major issue.

After the election, I received another call from Mrs. Mertens. She said that she had heard about a campaign meeting that we had in October and wanted to know who attended the meeting. I told her that I felt it was not proper for me to tell her this and suggested that she simply call my candidate and ask him. She responded: *"Oh, I couldn't do that"*.