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# City Council Meeting Agenda

Wednesday, October 12, 2016

1:00 PM

City Hall Council Chamber



The Indian Wells City Council and Housing Authority welcomes and encourages participation at meetings. The joint body requests speakers present their remarks in a respectful manner, within the 3 minute time limit, and focus on issues which directly affect the City/Housing Authority or which are within the subject jurisdiction of the City or Housing Authority. Please fill out a blue Speaker Request form and give it to the City Clerk, preferably before the start of the meeting.

Any public records, relating to an open session agenda item, that is distributed within 72 hours of 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 DANA REED  
MAYOR PRO TEM RICHARD BALOCCO  
COUNCIL MEMBER DOUGLAS HANSON  
COUNCIL MEMBER TED MERTENS  
COUNCIL MEMBER TY PEABODY

## **2. APPROVAL OF THE FINAL AGENDA**

## **3. PUBLIC COMMENTS**

The Council requests speakers present their remarks in a respectful manner, within the 3 minutes time limit, and focus on issues which directly affect the City or which are within the subject jurisdiction of the City. The Mayor will call upon the members of the public to address the Council. When you're called please come forward to the podium, and state your name for the record.

The Brown Act, with certain exceptions, does not permit the Council to discuss or take action on issues not listed on the agenda. The Council may respond briefly to statements made or questions posed, request clarification, or refer the item to Staff.

A. PUBLIC COMMENTS

B. RESPONSE TO PRIOR PUBLIC COMMENTS

## **4. CONSENT CALENDAR**

All matters listed under Consent Calendar are considered to be routine and will be passed by one vote. There will be no discussion of these items unless a Council Member or a member of the public requests specific item(s) be discussed separately. Item(s) removed from the Consent Calendar will be heard immediately after approval of the remaining consent items. Public comments are limited to 3 minutes per speaker, please state your name for the record.

- A. [RES-178-16](#) **Expand Property Assessed Clean Energy Program (PACE) to Include the California Municipal Finance Authority, and Finding the Project Exempt from CEQA**

**RECOMMENDED ACTIONS:**

Council **FINDS** the action to be statutorily exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Govt. Code 65584 Section 15282, regional housing needs determinations made by a council of governments, or a city; and

**ADOPTS** Resolution consenting to the inclusion of properties within the City's jurisdiction in the California Municipal Finance Authority (CMFA) Open PACE Programs; authorizing the CMFA to accept applications from property owners, conduct contractual assessment proceedings and levy contractual assessments within the City's jurisdiction; and authorizing related actions thereto, including executing the Joint Exercise of Powers Agreement to join CMFA.

**Attachments:** [Resolution](#)  
[Agreement](#)

- B. [ORD-125-16](#) **Banning and Regulating All Marijuana Uses in the City to the Extent Allowed Under Existing State Law and as Called for Under AUMA**

**RECOMMENDED ACTION:**

Council **ADOPTS** Ordinance to be read by title only and further reading waived, amending Section 21.90.020 of the Municipal Code regulating all marijuana uses in the City to the extent allowed under existing State law and as called for under the Adult Use of Marijuana Act (AUMA).

**Attachments:** [Ordinance](#)

C. [1524-16](#) **Award Contract for Highway 111 Bridge at Deep Canyon Channel Slope Repair**

**RECOMMENDED ACTIONS:**

Council **AWARDS** construction contract for slope repair between Highway 111 at Deep Canyon Channel bridge and the adjacent pedestrian bridge in the amount of \$61,340 to United Brothers; and

**AUTHORIZES** and **DIRECTS** the City Manager to execute same; and

**AUTHORIZES** a 10% project contingency of \$6,134; and

**APPROVES** a requisition for \$67,474 to United Brothers for same.

**Attachments:** [Location Map](#)

D. [1526-16](#) **Award Contract for Whitewater River Drop Structure Restoration**

**RECOMMENDED ACTIONS:**

Council **AWARDS** construction contract for the restoration of the Whitewater River drop structure east of Eldorado Drive Bridge to Jacobsson Engineering Construction in the amount of \$63,550; and

**AUTHORIZES** and **DIRECTS** the City Manager to execute same; and

**AUTHORIZES** a 10% project contingency of \$6,350; and

**AUTHORIZES** a supplemental appropriation in the amount of \$69,900 from the Capital Improvement Fund to the Whitewater River Drop Structure Restoration project; and

**APPROVES** a requisition for \$69,900 to Jacobsson Engineering Construction for same.

**Attachments:** [Location Map](#)

E. [1536-16](#) **Recruitment Schedule for City's Representative to the Coachella Valley Mosquito and Vector Control Board**

**RECOMMENDED ACTION:**

Council **APPROVES** the recruitment schedule for City's representative to the Coachella Valley Mosquito and Vector Control Board.

**F. [1540-16](#)                      May 19, 2016 Special Joint Meeting Minutes**

**RECOMMENDED ACTION:**

Council **APPROVES** the May 19, 2016 Special Joint Meeting Minutes

***Attachments:***    [05-19-16 Minutes](#)

**G. [1533-16](#)                      May 19, 2016 City Council Meeting Minutes**

**RECOMMENDED ACTION:**

Council **APPROVES** the May 19, 2016 City Council Meeting Minutes

***Attachments:***    [05-19-16 Minutes](#)

**H. [1531-16](#)                      June 29, 2016 Special Council Meeting Minutes**

**RECOMMENDED ACTION:**

Council **APPROVES** the June 29, 2016 Special Council Meeting Minutes

***Attachments:***    [06-29-16 Minutes](#)

**I. [1532-16](#)                      July 19, 2016 Special Council Meeting Minutes**

**RECOMMENDED ACTION:**

Council **APPROVES** the July 19, 2016 Special Council Meeting Minutes

***Attachments:***    [07-19-16 Minutes](#)

**J. [1527-16](#)                      FAMD Warrants and Demands**

**RECOMMENDED ACTION:**

Council **APPROVES** the October 6, 2016 FAMD Warrants and Demands.

***Attachments:***    [10-06-16 FAMD Warrants](#)

**K. [1528-16](#) City Warrants and Demands****RECOMMENDED ACTION:**

Council **APPROVES** the October 6, 2016 City Warrants and Demands.

**Attachments:** [10-06-16 City Warrants](#)

**5. GENERAL BUSINESS**

The Mayor will call upon the members of the public to address the Council regarding the agenda item being considered. After the public has provided comment, the item is closed to further comment and brought to the Council for discussion and action. Public comments are limited to 3 minutes per speaker, please state your name for the record.

**A. [ORD-126-16](#) Adopting by Reference 2016 Edition of California Building Standards Code and Other Uniform Codes; and Setting a Public Hearing for Same****RECOMMENDED ACTIONS:**

Council **INTRODUCES** Ordinance amending Chapters 16.12, 16.16, 16.20, 16.24, 16.30, 16.32, 16.33, 16.35 and 16.38 of the Municipal Code; adopting by reference the 2016 Edition of the California Building Standards Code (California Code of Regulations, Title 24); together with certain additions, insertions, deletions and changes thereto; and adopting by reference the 2015 Uniform Swimming Pool, Spa & Hot Tub Code and the 2015 International Property Maintenance Code; and

**SETTING** a public hearing for November 17, 2016 to take testimony and consider adopting the Ordinance.

**Attachments:** [Ordinance](#)

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

The City Manager or Department Heads may make brief announcements, informal comments, or brief the Council on items of interest.

**7. COUNCIL MEMBERS' REPORTS AND COMMENTS**

On their own initiative, Council Members may make a brief announcement or a brief report on their own activities. Council Members may ask a question for clarification, make a referral to staff, or take action to have staff place a matter of business on a future agenda. The Council may take action on items listed on the Agenda.

A. [1534-16](#) **Co-Host Seminar for Coachella Valley Elected Officials  
on Salton Sea Restoration - Mertens**

**RECOMMENDED ACTIONS:**

Council **CONSIDERS** co-hosting a seminar for Coachella Valley elected officials in conjunction with the Salton Sea Action Committee and the Salton Sea Authority held in December 2016 or January 2017; and

establish a budget for the event and **APPROPRIATES** said amount.

**A. Council Member Peabody**

Coachella Valley Animal Campus  
Sunline Transit Agency  
Indian Wells Community Activities Committee  
Indian Wells Grants in Aid Committee

**B. Council Member Mertens**

Cove Communities Services Commission  
CVAG Public Safety  
Indian Wells Golf Resort Advisory Committee  
Indian Wells Finance and Legal Services Oversight Committee  
Indian Wells Public Safety Committee  
Tee Committee

**C. Council Member Hanson**

California Joint Powers Insurance Authority  
Riverside Local Agency Formation Commission  
CVAG Transportation  
Indian Wells Golf Resort Advisory Committee  
Indian Wells Marketing Committee  
Indian Wells Finance and Legal Services Oversight Committee  
Tee Committee

## D. Mayor Pro Tem Balocco

Coachella Valley Mountains Conservancy  
Coachella Valley Economic Partnership  
Cove Communities Services Commission  
CVAG Coachella Valley Conservation Commission  
CVAG Energy  
Greater Palm Springs Convention and Visitors Bureau  
Indian Wells Personnel Committee  
Indian Wells Public Safety Committee

## E. Mayor Reed

Jacqueline Cochran Regional Airport Commission  
Riverside County Transportation Commission  
Southern California Association of Governments  
CVAG Executive Committee  
CVAG Homelessness  
Indian Wells Marketing Committee  
Indian Wells Personnel Committee

## 8. CITY ATTORNEY REPORTS AND COMMENTS

### 9. CLOSED SESSION

Once the closed session has ended, the City Attorney or presiding officer will make any announcement required by the Brown Act relative to reportable actions taken during the closed session.

- A. [1541-16](#) **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.**

## 10. ADJOURNMENT

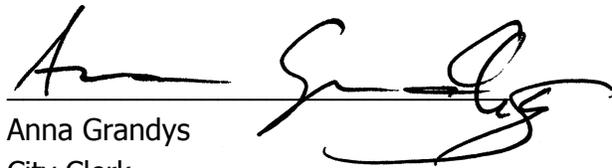
To a special joint meeting of the City Council and Housing Authority to be held at 3:00 p.m. on October 12, 2016 in the Indian Wells Golf Resort Celebrity Ballroom.

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

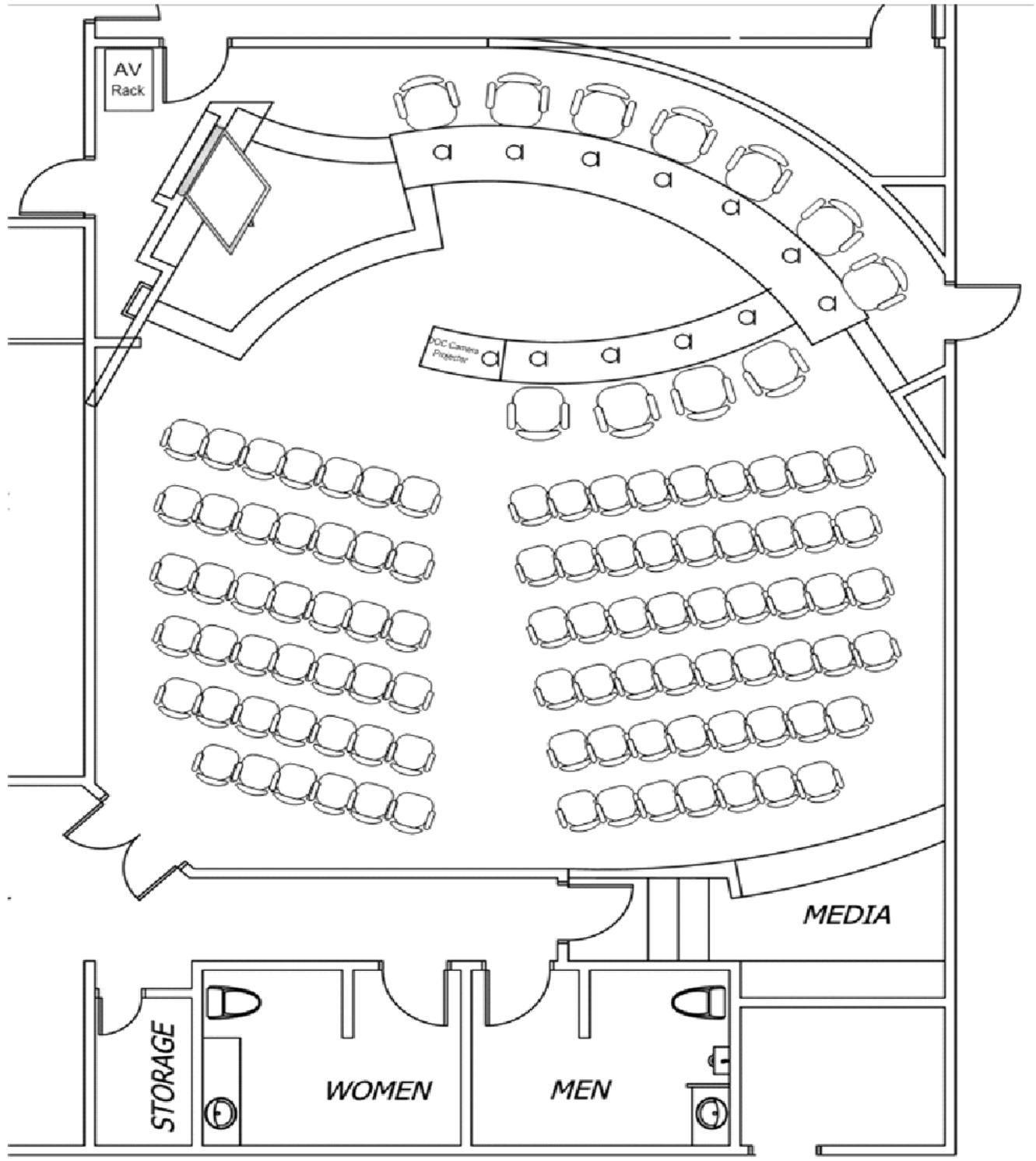
Affidavit of Posting

I, Anna Grandys, certify that on October 7, 2016, I caused to be posted a notice of a City Council Meeting to be held on October 12, 2016 at 1:00 p.m. in the City Hall Council Chamber.

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

A handwritten signature in black ink, appearing to read 'Anna Grandys', is written over a horizontal line. The signature is stylized and cursive.

Anna Grandys  
City Clerk





10/12/2016

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File #: RES-178-16 Item #: A.

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## ***Indian Wells City Council*** ***Staff Report - Community Development***

### **Expand Property Assessed Clean Energy Program (PACE) to Include the California Municipal Finance Authority, and Finding the Project Exempt from CEQA**

#### **RECOMMENDED ACTIONS:**

Council **FINDS** the action to be statutorily exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Govt. Code 65584 Section 15282, regional housing needs determinations made by a council of governments, or a city; and

**ADOPTS** Resolution consenting to the inclusion of properties within the City's jurisdiction in the California Municipal Finance Authority (CMFA) Open PACE Programs; authorizing the CMFA to accept applications from property owners, conduct contractual assessment proceedings and levy contractual assessments within the City's jurisdiction; and authorizing related actions thereto, including executing the Joint Exercise of Powers Agreement to join CMFA.

#### **DISCUSSION:**

The City authorized YGRENE, HERO, Figtree, and CaliforniaFIRST as PACE vendors within the City. California Municipal Finance Authority (CMFA) requested to provide their PACE financing services to the City's property and business owners. The CMFA financing program provides an additional competitive financing option to City property and business owners interested in upgrading their properties with clean energy improvements.

#### Analysis:

Since the PACE program was established in the City in 2013, fifty (50) property owners have taken advantage of the special financing options, for a total financed amount of \$1,930,168 "clean energy" improvements. Similar to the City's existing PACE vendor programs, the CMFA program would be available for eligible improvements to both residential and commercial properties.

While the core service provided by these vendors are similar, each vendor has a different approach that make their business model more or less beneficial to different property owners and businesses, by offering different financing rates and repayment options. Property owners who choose to obtain such financing will repay it through a special tax on their property tax bills over a set period of time. Typically, the time period is a 15 to 20 year term with little or no upfront cost to the property owner.

To allow this additional PACE financing vendor, the City must adopt the attached Resolution (Attachment 1) and execute the Joint Exercise of Powers Agreement (Attachment 2) to add the City as an Associate Member. The resolution expressly provides the city will not be responsible for the conduct of any assessment proceedings, the levy of assessments, any required remedial action in the case of delinquencies in assessment payments, or the issuance, sale or administration of any bonds issued in connection with CMFA Open PACE Program.

### **FISCAL IMPACT:**

There is no cost to the City to allow CMFA to operate as a PACE provider. Similar to the currently approved four financing programs, all costs are borne by the property owners seeking funding for individual projects on their property.

### **ENVIRONMENTAL IMPACT:**

The proposed action is not considered a Project under the California Environmental Quality Act (CEQA) and is statutorily exempt pursuant to Govt. Code 65584 Section 15282, regional housing needs determinations made by a council of governments, or a city.

### **ATTACHMENTS:**

1. Resolution
2. Agreement

**RESOLUTION NO. 2016-\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, APPROVING, AUTHORIZING, AND DIRECTING EXECUTION OF A JOINT EXERCISE OF POWERS AGREEMENT RELATING TO THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY; CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF THE CITY IN THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY OPEN PACE PROGRAMS; AUTHORIZING THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE TERRITORY OF THE CITY; AND AUTHORIZING RELATED ACTIONS**

**WHEREAS**, the California Municipal Finance Authority (the "Authority") is a joint exercise of powers authority, the members of which include numerous cities and counties in the State of California (the "Members"), formed pursuant to a Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the "Agreement") for the purpose of promoting economic, cultural and community development and in order to exercise any powers common to its Members, including the issuance of bonds, notes or other evidences of indebtedness; and

**WHEREAS**, the Authority offers Property Assessed Clean Energy (PACE) programs, which it has designated CMFA Open PACE, consisting of CMFA Open PACE programs each administered by a separate program administrator (collectively with any successors, assigns, replacements or additions, the CMFA "Programs"), to allow the financing or refinancing of renewable energy, energy efficiency, water efficiency and seismic strengthening improvements, electric vehicle charging infrastructure and such other improvements, infrastructure or other work as may be authorized by law from time to time (collectively, the "Improvements") through the levy of contractual assessments pursuant to Chapter 29 of Division 7 of the Streets & Highways Code ("Chapter 29") within counties and cities throughout the State of California that consent to the inclusion of properties within their respective territories in the Programs and the issuance of bonds from time to time; and

**WHEREAS**, the program administrators currently active in administering CMFA Programs are Energy Efficient Equity, LLC, BlueFlame PACE Services LLC and Structured Finance Associates, LLC and the Authority will notify the City of Indian Wells in advance of any additions or changes; and

**WHEREAS**, City of Indian Wells (the "City") is a member of the Coachella Valley Association of Governments ("CVAG"), also a joint powers authority ("JPA"); and

**WHEREAS**, the City and other CVAG member jurisdictions have previously entered into an Implementation Agreement authorizing CVAG to implement, manage and administer

Regional PACE Programs within the jurisdictional boundaries of the CVAG member jurisdictions; and

**WHEREAS**, CVAG proposes to enter into one or more Administration Agreements with program administrators currently active in the CMFA Programs to provide Regional PACE Programs; and

**WHEREAS**, Chapter 29 provides that assessments may be levied under its provisions only with the free and willing consent of the owner or owners of each lot or parcel on which an assessment is levied at the time the assessment is levied; and

**WHEREAS**, the City of Indian Wells ("City") has determined that it is in the public interest and for the public benefit that the City become a Member of the Authority so that property owners within the City's territory may participate in any Regional PACE programs implemented by CVAG pursuant to any Administration Agreements by and between CVAG and CMFA Program administrators; and

**WHEREAS**, said participation by the City shall facilitate the promotion of economic, cultural and community development activities in the City, including the financing of projects therefor by the Authority; and

**WHEREAS**, there is now before this City Council the form of the Agreement for becoming a Member of the Authority; and

**WHEREAS**, the Agreement has been filed with the City, and the members of the City Council, with the assistance of its staff, have reviewed said document; and

**WHEREAS**, the City desires to allow the owners of property ("Participating Property Owners") within its territory to participate in any of the Regional PACE Programs for which CVAG has entered into an Administration Agreement with a CMFA program administrator and to allow the Authority to conduct assessment proceedings under Chapter 29 within its territory for any such Regional PACE Programs and to issue bonds to finance or refinance Improvements consistent with the terms of the CVAG Administration Agreements for the Regional PACE Programs; and

**WHEREAS**, the territory within which said assessments may be levied for the Regional PACE Programs shall include all of the territory within the City's official boundaries; and

**WHEREAS**, the Authority will conduct all assessment proceedings under Chapter 29 for the Regional PACE Programs and issue any bonds issued in connection with Regional PACE Programs; and

**WHEREAS**, the City will not be responsible for the conduct of any assessment proceedings; the levy of assessments; any required remedial action in the case of delinquencies

in such assessment payments; or the issuance, sale, administration repayment or guarantee of any bonds issued in connection with the Programs; and

**WHEREAS**, the proposed action is not considered a Project under the California Environmental Quality Act (CEQA) and is statutorily exempt pursuant to Govt. Code 65584 Section 15282, regional housing needs determinations made by a council of governments, or a city.

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

**SECTION 1.** This City Council hereby **FINDS** and declares that properties in the territory of the City will benefit from the availability of the Regional PACE Programs within the territory of the City and, pursuant thereto, the conduct of special assessment proceedings by the Authority pursuant to Chapter 29 and the issuance of bonds to finance or refinance Improvements.

**SECTION 2.** The City Council **ADOPTS** Resolution No. 2016-\_\_ expanding the City's PACE Program to include CMFA as a qualified PACE Program provider within the territory of the City, and approving amendments to certain Joint Powers Agreements related thereto.

**SECTION 3.** In connection with the Programs, the City hereby consents to the conduct of special assessment proceedings by the Authority pursuant to Chapter 29, and subject to the scope of the Regional PACE Program as defined in the Administration Agreements, on any property within the territory of the City and the issuance of bonds to finance or refinance improvements; provided, that

- (1) The Participating Property Owners, who shall be the legal owners of such property, execute a contract pursuant to Chapter 29 and comply with other applicable provisions of California law in order to accomplish the valid levy of assessments; and
- (2) The City of Indian Wells will not be responsible for the conduct of any assessment proceedings; the levy of assessments; any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration, repayment or guarantee of any bonds issued in connection with the Programs.

**SECTION 4.** The appropriate officials and staff of the City are hereby authorized and directed to make applications for the Regional PACE Programs available to all property owners who wish to finance or refinance Improvements; provided, that the Authority shall be responsible for providing such applications and related materials at its own expense. The following staff persons, together with any other staff persons chosen by the City Manager of the City from time to time, are hereby designated as the contact persons for the Authority in connection with the Programs: Community Development Director.

**SECTION 5.** The appropriate officials and staff of the City are hereby authorized and directed to execute and deliver such certificates, requisitions, agreements and related documents as are reasonably required by the Authority to implement the Regional PACE Programs.

**SECTION 6.** The City Council hereby finds that adoption of this Resolution is not a “project” under the California Environmental Quality Act, and is statutorily exempt pursuant to Govt. Code 65584 Section 15282, regional housing needs determinations made by a council of governments, or a City.

**SECTION 7.** This Resolution shall take effect immediately upon its adoption. The City Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Financial Advisor of the Authority at: California Municipal Finance Authority, 2111 Palomar Airport Road, Suite 320, Carlsbad, California 92011, Attn: Travis Cooper.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Indian Wells, California, at a continued regular meeting held on this 12<sup>th</sup> day of October, 2016.

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**DANA W. REED**  
**MAYOR**

**CERTIFICATION FOR RESOLUTION NO. 2016-\_\_**

I, Anna Grandys, 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 continued regular meeting of the City Council of the City of Indian Wells on the 12<sup>th</sup> day of October, 2016, by the following vote:

AYES:  
NOES:

**ATTEST:**

**APPROVED AS TO FORM:**

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**ANNA GRADYS  
CITY CLERK**

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**STEPHEN P. DEITSCH  
CITY ATTORNEY**

**JOINT EXERCISE OF POWERS AGREEMENT  
RELATING TO THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY**

THIS AGREEMENT, dated as of January 1, 2004, among the parties executing this Agreement (all such parties, except those which have withdrawn as provided herein, are referred to as the “Members” and those parties initially executing this Agreement are referred to as the “Initial Members”):

**WITNESSETH**

WHEREAS, pursuant to Title 1, Division 7, Chapter 5 of the California Government Code (in effect as of the date hereof and as the same may from time to time be amended or supplemented, the “Joint Exercise of Powers Act”), two or more public agencies may by agreement jointly exercise any power common to the contracting parties; and

WHEREAS, each of the Members is a “public agency” as that term is defined in Section 6500 of the Joint Exercise of Powers Act; and

WHEREAS, each of the Members is empowered by law to promote economic, cultural and community development, including, without limitation, the promotion of opportunities for the creation or retention of employment, the stimulation of economic activity, the increase of the tax base, and the promotion of opportunities for education, cultural improvement and public health, safety and general welfare; and

WHEREAS, each of the Members may accomplish the purposes and objectives described in the preceding preamble by various means, including through making grants, loans or providing other financial assistance to governmental and nonprofit organizations; and

WHEREAS, each Member is also empowered by law to acquire and dispose of real property for a public purpose; and

WHEREAS, the Joint Exercise of Powers Act authorizes the Members to create a joint exercise of powers entity with the authority to exercise any powers common to the Members, as specified in this Agreement and to exercise the additional powers granted to it in the Joint Exercise of Powers Act and any other applicable provisions of the laws of the State of California; and

WHEREAS, a public entity established pursuant to the Joint Exercise of Powers Act is empowered to issue or execute bonds, notes, commercial paper or any other evidences of indebtedness, including leases or installment sale agreements or certificates of participation therein (herein “Bonds”), and to otherwise undertake financing programs under the Joint Exercise of Powers Act or other applicable provisions of the laws of the State of California to accomplish its public purposes; and

WHEREAS, the Members have determined to specifically authorize a public entity authorized pursuant to the Joint Exercise of Powers Act to issue Bonds pursuant to the Joint Exercise of Powers Act or other applicable provisions of the laws of the State of California; and

WHEREAS, it is the desire of the Members to use a public entity established pursuant to the Joint Exercise of Powers Act to undertake the financing and/or refinancing of projects of any nature, including, but not limited to, capital or working capital projects, insurance, liability or retirement programs or facilitating Members use of existing or new financial instruments and mechanisms; and

WHEREAS, it is further the intention of the Members that the projects undertaken will result in significant public benefits to the inhabitants of the jurisdictions of the Members; and

WHEREAS, by this Agreement, each Member desires to create and establish the “California Municipal Finance Authority” for the purposes set forth herein and to exercise the powers provided herein;

NOW, THEREFORE, the Members, for and in consideration of the mutual promises and agreements herein contained, do agree as follows:

**Section 1. Purpose.**

This Agreement is made pursuant to the provisions of the Joint Exercise of Powers Act. The purpose of this Agreement is to establish a public entity for the joint exercise of powers common to the Members and for the exercise of additional powers given to a joint powers entity under the Joint Powers Act or any other applicable law, including, but not limited to, the issuance of Bonds for any purpose or activity permitted under the Joint Exercise of Powers Act or any other applicable law. Such purpose will be accomplished and said power exercised in the manner hereinafter set forth.

**Section 2. Term.**

This Agreement shall become effective in accordance with Section 17 as of the date hereof and shall continue in full force and effect until such time as it is terminated in writing by all the Members; provided, however, that this Agreement shall not terminate or be terminated until all Bonds issued or caused to be issued by the Authority (defined below) shall no longer be outstanding under the terms of the indenture, trust agreement or other instrument pursuant to which such Bonds are issued, or unless a successor to the Authority assumes all of the Authority’s debts, liabilities and obligations.

**Section 3. Authority.**

A. CREATION AND POWERS OF AUTHORITY.

Pursuant to the Joint Exercise of Powers Act, there is hereby created a public entity to be known as the “California Municipal Finance Authority” (the “Authority”), and said

Authority shall be a public entity separate and apart from the Members. Its debts, liabilities and obligations do not constitute debts, liabilities or obligations of any Members.

**B. BOARD.**

The Authority shall be administered by the Board of Directors (the “Board,” or the “Directors” and each a “Director”) of the California Foundation for Stronger Communities, a nonprofit public benefit corporation organized under the laws of the State of California (the “Foundation”), with each such Director serving in his or her individual capacity as a Director of the Board. The Board shall be the administering agency of this Agreement and, as such, shall be vested with the powers set forth herein, and shall administer this Agreement in accordance with the purposes and functions provided herein. The number of Directors, the appointment of Directors, alternates and successors, their respective terms of office, and all other provisions relating to the qualification and office of the Directors shall be as provided in the Articles and Bylaws of the Foundation, or by resolution of the Board adopted in accordance with the Bylaws of the Foundation.

All references in this Agreement to any Director shall be deemed to refer to and include the applicable alternate Director, if any, when so acting in place of a regularly appointed Director.

Directors may receive reasonable compensation for serving as such, and shall be entitled to reimbursement for any expenses actually incurred in connection with serving as a Director, if the Board shall determine that such expenses shall be reimbursed and there are unencumbered funds available for such purpose.

The Foundation may be removed as administering agent hereunder and replaced at any time by amendment of this Agreement approved as provided in Section 16; provided that a successor administering agent of this Agreement has been appointed and accepted its duties and responsibilities under this Agreement.

**C. OFFICERS; DUTIES; OFFICIAL BONDS.**

The officers of the Authority shall be the Chair, Vice-Chair, Secretary and Treasurer (defined below). The Board, in its capacity as administering agent of this Agreement, shall elect a Chair, a Vice-Chair, and a Secretary of the Authority from among Directors to serve until such officer is re-elected or a successor to such office is elected by the Board. The Board shall appoint one or more of its officers or employees to serve as treasurer, auditor, and controller of the Authority (the “Treasurer”) pursuant to Section 6505.6 of the Joint Exercise of Powers Act to serve until such officer is re-elected or a successor to such office is elected by the Board.

Subject to the applicable provisions of any resolution, indenture, trust agreement or other instrument or proceeding authorizing or securing Bonds (each such resolution, indenture, trust agreement, instrument and proceeding being herein referred to as an “Indenture”) providing for a trustee or other fiscal agent, and except as may otherwise be specified by resolution of the Board, the Treasurer is designated as the depository of the

Authority to have custody of all money of the Authority, from whatever source derived and shall have the powers, duties and responsibilities specified in Sections 6505, 6505.5 and 6509.5 of the Joint Exercise of Powers Act.

The Treasurer of the Authority is designated as the public officer or person who has charge of, handles, or has access to any property of the Authority, and such officer shall file an official bond with the Secretary of the Authority in the amount specified by resolution of the Board but in no event less than \$1,000.

The Board shall have the power to appoint such other officers and employees as it may deem necessary and to retain independent counsel, consultants and accountants.

The Board shall have the power, by resolution, to the extent permitted by the Joint Exercise of Power Act or any other applicable law, to delegate any of its functions to one or more of the Directors or officers, employees or agents of the Authority and to cause any of said Directors, officers, employees or agents to take any actions and execute any documents or instruments for and in the name and on behalf of the Board or the Authority.

D. MEETINGS OF THE BOARD.

(1) Ralph M. Brown Act.

All meetings of the Board, including, without limitation, regular, adjourned regular, special, and adjourned special meetings shall be called, noticed, held and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with Section 54950 of the Government Code of the State of California), or any successor legislation hereinafter enacted (the "Brown Act").

(2) Regular Meetings.

The Board shall provide for its regular meetings; provided, however, it shall hold at least one regular meeting each year. The date, hour and place of the holding of the regular meetings shall be fixed by resolution of the Board. To the extent permitted by the Brown Act, such meetings may be held by telephone conference.

(3) Special Meetings.

Special meetings of the Board may be called in accordance with the provisions of Section 54956 of the Government Code of the State of California. To the extent permitted by the Brown Act, such meetings may be held by telephone conference.

(4) Minutes.

The Secretary of the Authority shall cause to be kept minutes of the regular, adjourned regular, special, and adjourned special meetings of the Board and shall, as soon as possible after each meeting, cause a copy of the minutes to be forwarded to each Director.

(5) Quorum.

A majority of the Board shall constitute a quorum for the transaction of business. No action may be taken by the Board except upon the affirmative vote of a majority of the Directors constituting a quorum, except that less than a quorum may adjourn a meeting to another time and place.

E. RULES AND REGULATIONS.

The Authority may adopt, from time to time, by resolution of the Board such rules and regulations for the conduct of its meetings and affairs as may be required.

**Section 4. Powers.**

The Authority shall have the power, in its own name, to exercise the common powers of the Members and to exercise all additional powers given to a joint powers entity under any of the laws of the State of California, including, but not limited to, the Joint Exercise of Powers Act, for any purpose authorized under this Agreement. Such powers shall include the common powers specified in this Agreement and may be exercised in the manner and according to the method provided in this Agreement. The Authority is hereby authorized to do all acts necessary for the exercise of such power, including, but not limited to, any of all of the following: to make and enter into contracts; to employ agents and employees; to acquire, construct, provide for maintenance and operation of, or maintain and operate, any buildings, works or improvements; to acquire, hold or dispose of property wherever located; to incur debts, liabilities or obligations; to receive gifts, contributions and donations of property, funds, services, and other forms of assistance from person, firms, corporations and any governmental entity; to sue and be sued in its own name; to make grants, loans or provide other financial assistance to governmental and nonprofit organizations (e.g., the Members or the Foundation) to accomplish any of its purposes; and generally to do any and all things necessary or convenient to accomplish its purposes.

Without limiting the generality of the foregoing, the Authority may issue or cause to be issued Bonds, and pledge any property or revenues as security to the extent permitted under the Joint Exercise of Powers Act, or any other applicable provision of law; provided, however, the Authority shall not issue Bonds with respect to any project located in the jurisdiction of one or more Members unless the governing body of any such Member, or its duly authorized representative, shall approve, conditionally or unconditionally, the project, including the issuance of Bonds therefor. Such approval may be evidenced by resolution, certificate, order, report or such other means of written approval of such project as may be selected by the Member (or its authorized representative) whose approval is required. No such approval shall be required in

connection with Bonds that refund Bonds previously issued by the Authority and approved by the governing board of a Member.

The manner in which the Authority shall exercise its powers and perform its duties is and shall be subject to the restrictions upon the manner in which a California general law city could exercise such powers and perform such duties. The manner in which the Authority shall exercise its powers and perform its duties shall not be subject to any restrictions applicable to the manner in which any other public agency could exercise such powers or perform such duties, whether such agency is a party to this Agreement or not.

**Section 5. Fiscal Year.**

For the purposes of this Agreement, the term “Fiscal Year” shall mean the fiscal year as established from time to time by resolution of the Board, being, at the date of this Agreement, the period from July 1 to and including the following June 30, except for the first Fiscal Year which shall be the period from the date of this Agreement to June 30, 2004.

**Section 6. Disposition of Assets.**

At the end of the term hereof or upon the earlier termination of this Agreement as set forth in Section 2, after payment of all expenses and liabilities of the Authority, all property of the Authority both real and personal shall automatically vest in the Members in the manner and amount determined by the Board in its sole discretion and shall thereafter remain the sole property of the Members; provided, however, that any surplus money on hand shall be returned in proportion to the contributions made by the Members.

**Section 7. Bonds.**

From time to time the Authority shall issue Bonds, in one or more series, for the purpose of exercising its powers and raising the funds necessary to carry out its purposes under this Agreement.

The services of bond counsel, financing consultants and other consultants and advisors working on the projects and/or their financing shall be used by the Authority. The expenses of the Board shall be paid from the proceeds of the Bonds or any other unencumbered funds of the Authority available for such purpose.

**Section 8. Bonds Only Limited and Special Obligations of Authority.**

The Bonds, together with the interest and premium, if any, thereon, shall not be deemed to constitute a debt of any Member or pledge of the faith and credit of the Members or the Authority. The Bonds shall be only special obligations of the Authority, and the Authority shall under no circumstances be obligated to pay the Bonds except from revenues and other funds pledged therefor. Neither the Members nor the Authority shall be obligated to pay the principal of, premium, if any, or interest on the Bonds, or other costs incidental thereto, except from the revenues and funds pledged therefor, and neither the faith and credit nor the taxing power of the Members nor the faith and credit of the Authority shall be pledged to the payment of the principal

of, premium, if any, or interest on the Bonds nor shall the Members or the Authority in any manner be obligated to make any appropriation for such payment.

No covenant or agreement contained in any Bond or related document shall be deemed to be a covenant or agreement of any Director, or any officer, employee or agent of the Authority in his or her individual capacity and neither the Board of the Authority nor any Director or officer thereof executing the Bonds shall be liable personally on any Bond or be subject to any personal liability or accountability by reason of the issuance of any Bonds.

### **Section 9. Accounts and Reports.**

All funds of the Authority shall be strictly accounted for. The Authority shall establish and maintain such funds and accounts as may be required by good accounting practice and by any provision of any Indenture (to the extent such duties are not assigned to a trustee of Bonds). The books and records of the Authority shall be open to inspection at all reasonable times by each Member.

The Treasurer of the Authority shall cause an independent audit to be made of the books of accounts and financial records of the Authority by a certified public accountant or public accountant in compliance with the provisions of Section 6505 of the Joint Exercise of Powers Act. In each case the minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code of the State of California and shall conform to generally accepted auditing standards. When such an audit of accounts and records is made by a certified public accountant or public accountant, a report thereof shall be filed as a public record with each Member and also with the county auditor of each county in which a Member is located; provided, however, that to the extent permitted by law, the Authority may, instead of filing such report with each Member and such county auditor, elect to post such report as a public record electronically on a website designated by the Authority. Such report if made shall be filed within 12 months of the end of the Fiscal Year or Years under examination.

The Treasurer is hereby directed to report in writing on the first day of July, October, January, and April of each year to the Board and the Members which report shall describe the amount of money held by the Treasurer for the Authority, the amount of receipts since the last such report, and the amount paid out since the last such report (which may exclude amounts held by a trustee or other fiduciary in connection with any Bonds to the extent that such trustee or other fiduciary provided regular reports covering such amounts.)

Any costs of the audit, including contracts with, or employment of, certified public accountants or public accountants in making an audit pursuant to this Section, shall be borne by the Authority and shall be a charge against any unencumbered funds of the Authority available for that purpose.

In any Fiscal Year the Board may, by resolution adopted by unanimous vote, replace the annual special audit with an audit covering a two-year period.

**Section 10. Funds.**

Subject to the applicable provisions of any Indenture, which may provide for a trustee or other fiduciary to receive, have custody of and disburse Authority funds, the Treasurer of the Authority shall receive, have the custody of and disburse Authority funds pursuant to the accounting procedures developed under Sections 3.C and 9, and shall make the disbursements required by this Agreement or otherwise necessary to carry out any of the provisions of purposes of this Agreement.

**Section 11. Notices.**

Notices and other communications hereunder to the Members shall be sufficient if delivered to the clerk of the governing body of each Member; provided, however, that to the extent permitted by law, the Authority may, provide notices and other communications and postings electronically (including, without limitation, through email or by posting to a website).

**Section 12. Additional Members/Withdrawal of Members.**

Qualifying public agencies may be added as parties to this Agreement and become Members upon: (1) the filing by such public agency with the Authority of an executed counterpart of this Agreement, together with a copy of the resolution of the governing body of such public agency approving this Agreement and the execution and delivery hereof; and (2) adoption of a resolution of the Board approving the addition of such public agency as a Member. Upon satisfaction of such conditions, the Board shall file such executed counterpart of this Agreement as an amendment hereto, effective upon such filing.

A Member may withdraw from this Agreement upon written notice to the Board; provided, however, that no such withdrawal shall result in the dissolution of the Authority so long as any Bonds remain outstanding. Any such withdrawal shall be effective only upon receipt of the notice of withdrawal by the Board which shall acknowledge receipt of such notice of withdrawal in writing and shall file such notice as an amendment to this Agreement effective upon such filing.

**Section 13. Indemnification.**

To the full extent permitted by law, the Board may authorize indemnification by the Authority of any person who is or was a Director or an officer, employee of other agent of the Authority, and who was or is a party or is threatened to be made a party to a proceeding by reason of the fact that such person is or was such a Director or an officer, employee or other agent of the Authority, against expenses, including attorneys fees, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding, if such person acted in good faith in a manner such person reasonably believed to be in the best interests of the Authority and, in the case of a criminal proceeding, had no reasonable cause to believe the conduct of such person was unlawful and, in the case of an action by or in the right of the Authority, acted with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

**Section 14. Contributions and Advances.**

Contributions or advances of public funds and of the use of personnel, equipment or property may be made to the Authority by the Members for any of the purposes of this Agreement. Payment of public funds may be made to defray the cost of any such contribution or advance. Any such advance may be made subject to repayment, and in such case shall be repaid, in the manner agreed upon by the Authority and the Member making such advance at the time of such advance. It is mutually understood and agreed to that no Member has any obligation to make advances or contributions to the Authority to provide for the costs and expenses of administration of the Authority, even though any Member may do so. The Members understand and agree that a portion of the funds of the Authority that otherwise may be allocated or distributed to the Members may instead be used to make grants, loans or provide other financial assistance to governmental units and nonprofit organizations (e.g., the Foundation) to accomplish any of the governmental unit's or nonprofit organization's purposes.

**Section 15. Immunities.**

All of the privileges and immunities from liabilities, exemptions from laws, ordinances and rules, and other benefits which apply to the activity of officers, agents or employees of Members when performing their respective functions within the territorial limits of their respective public agencies, shall apply to the same degree and extent to the Directors, officers, employees, agents or other representatives of the Authority while engaged in the performance of any of their functions or duties under the provisions of this Agreement.

**Section 16. Amendments.**

Except as provided in Section 12 above, this Agreement shall not be amended, modified, or altered, unless the negative consent of each of the Members is obtained. To obtain the negative consent of each of the Members, the following negative consent procedure shall be followed: (a) the Authority shall provide each Member with a notice at least sixty (60) days prior to the date such proposed amendment is to become effective explaining the nature of such proposed amendment and this negative consent procedure; (b) the Authority shall provide each Member who did not respond a reminder notice with a notice at least thirty (30) days prior to the date such proposed amendment is to become effective; and (c) if no Member objects to the proposed amendment in writing within sixty (60) days after the initial notice, the proposed amendment shall become effective with respect to all Members.

**Section 17. Effectiveness.**

This Agreement shall become effective and be in full force and effect and a legal, valid and binding obligation of each of the Members on the date that the Board shall have received from two of the Initial Members an executed counterpart of this Agreement, together with a certified copy of a resolution of the governing body of each such Initial Member approving this Agreement and the execution and delivery hereof.

**Section 18. Partial Invalidity.**

If any one or more of the terms, provisions, promises, covenants or conditions of this Agreement shall to any extent be adjudged invalid, unenforceable, void or voidable for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants and conditions of this Agreement shall not be affected thereby, and shall be valid and enforceable to the fullest extent permitted by law.

**Section 19. Successors.**

This Agreement shall be binding upon and shall inure to the benefit of the successors of the parties hereto. Except to the extent expressly provided herein, no Member may assign any right or obligation hereunder without the consent of the other Members.

**Section 20. Miscellaneous.**

This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

The section headings herein are for convenience only and are not to be construed as modifying or governing the language in the section referred to.

Wherever in this Agreement any consent or approval is required, the same shall not be unreasonably withheld.

This Agreement shall be governed under the laws of the State of California.

This Agreement is the complete and exclusive statement of the agreement among the Members, which supercedes and merges all prior proposals, understandings, and other agreements, whether oral, written, or implied in conduct, between and among the Members relating to the subject matter of this Agreement.

IN WITNESS WHEREOF, the City of Indian Wells has caused this Agreement to be executed and attested by its duly authorized representatives as of the \_\_\_\_ day of \_\_\_\_\_, 2016.

Member:

CITY OF INDIAN WELLS

By \_\_\_\_\_  
Name:  
Title:

ATTEST:

\_\_\_\_\_  
Clerk



# City of Indian Wells

44-950 Eldorado Drive,  
Indian Wells

10/12/2016

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File #: ORD-125-16 Item #: B.

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## **Banning and Regulating All Marijuana Uses in the City to the Extent Allowed Under Existing State Law and as Called for Under AUMA**

### **RECOMMENDED ACTION:**

Council **ADOPTS** Ordinance to be read by title only and further reading waived, amending Section 21.90.020 of the Municipal Code regulating all marijuana uses in the City to the extent allowed under existing State law and as called for under the Adult Use of Marijuana Act (AUMA).

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING SECTION 21.90.020 OF THE INDIAN WELLS MUNICIPAL CODE TO REGULATE THE PERSONAL, MEDICAL, AND COMMERCIAL USE OF MARIJUANA**

**WHEREAS**, the City of Indian Wells, California (the "City") is a municipal corporation, duly organized under the constitution and laws of the State of California; and

**WHEREAS**, California Government Code section 65800 et seq. authorizes the adoption and administration of zoning laws, ordinances, rules and regulations by cities as a means of implementing the General Plan; and

**WHEREAS**, the City passed Ordinance No. 694 on January 7, 2016; and

**WHEREAS**, the City desires to continue to ban all marijuana dispensaries, cultivation, and delivery service land uses within City Limits to the extent allowed by California law. Ordinance No. \_\_\_\_ updates the Zoning Code to effectuate that aim; and

**WHEREAS**, on June 28, 2016, the Secretary of State certified Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act ("AUMA"), for the November 8, 2016 ballot; and

**WHEREAS**, the AUMA would become law if a majority of the electorate votes "Yes" on the proposition; and

**WHEREAS**, the AUMA would regulate, among other items, the use of marijuana for personal and commercial purposes, including the recreational use of marijuana by adults over 21 years of age; and

**WHEREAS**, to regulate personal use of marijuana the AUMA would add Section 11362.1 to the Health and Safety Code, which makes it "lawful under state and local law" for persons 21 years of age or older to "possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older without any compensation whatsoever" up to 28.5 grams of marijuana in the form of concentrated cannabis or not more than eight grams of marijuana in the form of concentrated cannabis contained in marijuana products; and

**WHEREAS**, the AUMA would make it lawful for those individuals to "possess, plant, cultivate, harvest, dry, or process not more than six living marijuana plants and possess the marijuana produced by the plants; and

**WHEREAS**, the AUMA would make it lawful for those individuals to smoke or ingest marijuana or marijuana products; and

**WHEREAS**, should the AUMA pass, many of its provisions would take effect on November 9, 2016; and

**WHEREAS**, to regulate commercial use of marijuana, the AUMA would add Division 10 (Marijuana) to the Business & Professions Code, which grants state agencies “the exclusive authority to create, issue, renew, discipline, suspend, or revoke” licenses for businesses including the transportation, storage, distribution, sale, cultivation, manufacturing, and testing of marijuana; and

**WHEREAS**, the AUMA provides that the above state agencies shall promulgate rules and regulations and shall begin issuing licenses under Division 10 by January 1, 2018; and

**WHEREAS**, the AUMA states that a local jurisdiction shall not prevent transportation of marijuana or marijuana products on public roads by a licensee transporting marijuana or marijuana products in compliance with Division 10; and

**WHEREAS**, the AUMA would authorize cities to “reasonably regulate” without completely prohibiting cultivation of marijuana inside a private residence or inside an “accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure”; and

**WHEREAS**, the AUMA would authorize cities to completely prohibit outdoor cultivation on the grounds of a private residence, up to and until a “determination by the California Attorney General that nonmedical use of marijuana is lawful in the State of California under federal law”; and

**WHEREAS**, the AUMA would authorize cities to completely prohibit the establishment or operation of any marijuana business licensed under Division 10 within its jurisdiction, including marijuana dispensaries, marijuana retailers, and marijuana delivery services; and

**WHEREAS**, absent appropriate local regulation authorized by the AUMA, state regulations will control; and

**WHEREAS**, the “Medical Marijuana Regulation and Safety Act” (“MMRSA”), which took effect January 1, 2016, regulates use of marijuana for medical purposes; and

**WHEREAS**, the MMRSA contains a provision which provides that the State shall become the sole authority for regulation under certain parts of the Act unless local governments pass their own regulations; and

**WHEREAS**, in May 2013, the California Supreme Court held in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.*, 56 Cal. 4th 729 (2013) that cities have the authority to regulate or ban outright medical marijuana land uses; and

**WHEREAS**, the California Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

**WHEREAS**, under the Federal Controlled Substances Act, the use, possession, and cultivation of marijuana are unlawful and subject to federal prosecution without regard to a claimed medical need; and

**WHEREAS**, the indoor cultivation of marijuana has potential adverse effects to the health and safety of the occupants; including structural damage to the building due to increased moisture and excessive mold growth which can occur and can pose a risk of fire and electrocution; additionally, the use of pesticides and fertilizers can lead to chemical contamination within the structure; and

**WHEREAS**, based on the experiences of other cities, these negative effects on the public health, safety, and welfare are likely to occur, and continue to occur, in the City due to the establishment and operation of marijuana cultivation, processing, and distribution uses; and

**WHEREAS**, the subject Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not a project as defined in Section 15378, and the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA; and

**WHEREAS**, this Ordinance would amend Section 21.90.020 to clarify the substantive objectives of the Municipal Code regarding the City's regulation of marijuana within its City limits and to preemptively address some proposed changes to California law in the event AUMA passes on November 8, 2016.

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

**SECTION 1. Incorporation of Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**SECTION 2.** Section 21.90.020 of the Indian Wells Municipal Code is hereby amended to read in its entirety as follows:

**"21.90.020 Marijuana uses.**

(a) Purpose. The purpose of this Section is to regulate personal, medical, and commercial marijuana uses. Nothing in this Section shall preempt or make inapplicable any provision of state or federal law.

(b) Definitions. For purposes of this section, the following definitions shall apply:

- (1) "Commercial marijuana activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, distribution, delivery or sale of marijuana and marijuana products.
- (2) "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.
- (3) "Delivery" means the commercial transfer of marijuana or marijuana products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under California law, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.
- (4) "Distribution" means the procurement, sale, and transport of marijuana and marijuana products between entities for commercial use purposes.
- (5) "Licensee" means the holder of any state issued license related to marijuana activities, including but not limited to licenses issued under Division 10 of the Business & Professions Code.
- (6) "Manufacture" means to compound, blend, extract, infuse, or otherwise make or prepare a marijuana product.
- (7) "Marijuana" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include:

- (i) Industrial hemp, as defined in Section 11018.5 of the California Health & Safety Code; or
  - (ii) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.
- (8) "Marijuana accessories" means any equipment, products or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, smoking, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana or marijuana products into the human body.
  - (9) "Marijuana products" means marijuana that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing marijuana or concentrated cannabis and other ingredients.
  - (10) "Person" includes any individual, firm, co-partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.
  - (11) "Private residence" means a house, an apartment unit, a mobile home, or other similar dwelling.
  - (12) "Sale" includes any transaction whereby, for any consideration, title to marijuana is transferred from one person to another, and includes the delivery of marijuana or marijuana products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of marijuana or marijuana products by a licensee to the licensee from whom such marijuana or marijuana product was purchased.
  - (13) Any term defined in this Section also means the very term as defined in the California Business & Professions Code or the California Health & Safety Code, unless otherwise specified.

(c) Personal Use.

(1) For purposes of this subsection, personal recreational use, possession, purchase, transport, or dissemination of marijuana shall be considered unlawful in all areas of the City to the extent it is unlawful under California law.

(2) Outdoor Cultivation. A person may not plant, cultivate, harvest, dry, or process marijuana plants outdoors in any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.

(3) Indoor Cultivation.

(i) A person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, or inside any other enclosed structure within any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.

(ii) To the extent a complete prohibition on indoor cultivation is not permitted under California law, a person may not plant, cultivate, harvest, dry, or process marijuana plants inside a private residence, or inside an accessory structure to a private residence located upon the grounds of a private residence, unless the person is issued an indoor cultivation permit by the Planning Division. A person may not plant, cultivate, harvest, dry, or process marijuana plants inside any enclosed structure within any zoning district of the City which is not either a private residence or an accessory structure to a private residence located upon the grounds of a private residence.

(iii) The Planning Division will issue application and processing guidelines for the indoor cultivation permit. No indoor cultivation permit shall be issued prior to the release of these guidelines, and no permit shall be granted which has not complied fully with the application and processing requirements.

(d) Medical Use.

- (1) Cultivation of medical marijuana pursuant to Section 11362.77 of the California Health & Safety Code is subject to the cultivation requirements laid out in subsection (c) of this Section.
- (2) The establishment or operation of any medical marijuana collective, cooperative, dispensary, delivery service, operator, establishment, or provider shall be considered a prohibited use in all zoning districts of the City. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment of any collective, cooperative, dispensary, delivery service, operator, establishment, or provider in any zoning district, and no person shall otherwise establish such businesses or operations in any zoning district.

(e) Commercial Use.

- (1) The establishment or operation of any business of commercial marijuana activity is prohibited. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be approved or issued for the establishment or operation of any such business or operation. Such prohibited businesses or operations may include, but are not limited to:
  - (i) The transportation, delivery, storage, distribution, or sale of marijuana, marijuana products, or marijuana accessories;
  - (ii) The cultivation of marijuana;
  - (iii) The manufacturing or testing of marijuana, marijuana products, or marijuana accessories; or
  - (iv) Any other business licensed by the state or other government entity under Division 10 of the California Business & Professions Code, as it may be amended from time to time.
- (f) Penalty for Violation. No person, whether as principal, agent, employee or otherwise, shall violate, cause the violation of, or otherwise fail to comply with any of the requirements of this section. Every act prohibited or declared unlawful, and every failure to perform an act made mandatory by this section, shall be a misdemeanor or an infraction, at the discretion of the City Attorney or the District Attorney. In addition to the penalties

provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this section is declared a public nuisance and may be abated as provided in Chapter 1.16 and/or under state law.”

**SECTION 3. CEQA.** This Ordinance is not a project within the meaning of Section 15378 of the State of California Environmental Quality Act (“CEQA”) Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly. The City Council further finds, under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is nonetheless exempt from the requirements of CEQA in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of San Bernardino in accordance with CEQA Guidelines.

**SECTION 5. CUSTODIAN OF RECORDS.** The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk’s office located at 44950 Eldorado Drive, Indian Wells, CA 92210. The custodian of these records is the City Clerk.

**SECTION 6. SEVERABILITY.** If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council and the people of the City of Indian Wells hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective thirty (30) days following its adoption.

**SECTION 8. PUBLICATION.** The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of Indian Wells.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Indian Wells, California, at an adjourned regular meeting of the City Council held on the 12<sup>th</sup> day of October, 2016, by the following vote:

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**DANA W. REED**  
**MAYOR**

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

**CERTIFICATION FOR ORDINANCE NO. \_\_\_\_**

I, Anna Grandys, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance No. \_\_\_\_, having been regularly introduced at the meeting of September 15, 2016 was again introduced, the reading in full thereafter unanimously waived, and duly passed and adopted at an adjourned regular meeting of the City Council held on this 12<sup>th</sup> day of October, 2016 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:**

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**ANNA GRANDYS**  
**CITY CLERK**

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**STEPHEN P. DEITSCH**  
**CITY ATTORNEY**



10/12/2016

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File #: 1524-16 Item #: C.

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## ***Indian Wells City Council*** ***Staff Report - Public Works***

### **Award Contract for Highway 111 Bridge at Deep Canyon Channel Slope Repair**

#### **RECOMMENDED ACTIONS:**

Council **AWARDS** construction contract for slope repair between Highway 111 at Deep Canyon Channel bridge and the adjacent pedestrian bridge in the amount of \$61,340 to United Brothers; and

**AUTHORIZES** and **DIRECTS** the City Manager to execute same; and

**AUTHORIZES** a 10% project contingency of \$6,134; and

**APPROVES** a requisition for \$67,474 to United Brothers for same.

#### **DISCUSSION:**

The slope in between the Highway 111 bridge and pedestrian bridge over the Deep Canyon Channel is damaged from erosion. Left unrepaired, additional erosion will threaten the stability of both bridges. The City commissioned a geotechnical investigation and slope evaluation report to analyze the soil conditions and to provide recommendations for repair of the damaged slope. The recommended repair work includes over excavation and re-compaction of the native soil, drainage improvements, and a riprap rock covering on the finished slope.

The City issued a Request for Proposals (RFP) to seven contractors for the repair work. The following two proposals were received:

|                                    |          |
|------------------------------------|----------|
| United Brothers                    | \$61,340 |
| Jacobsson Engineering Construction | \$65,925 |

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**File #:** 1524-16 **Item #:** C.

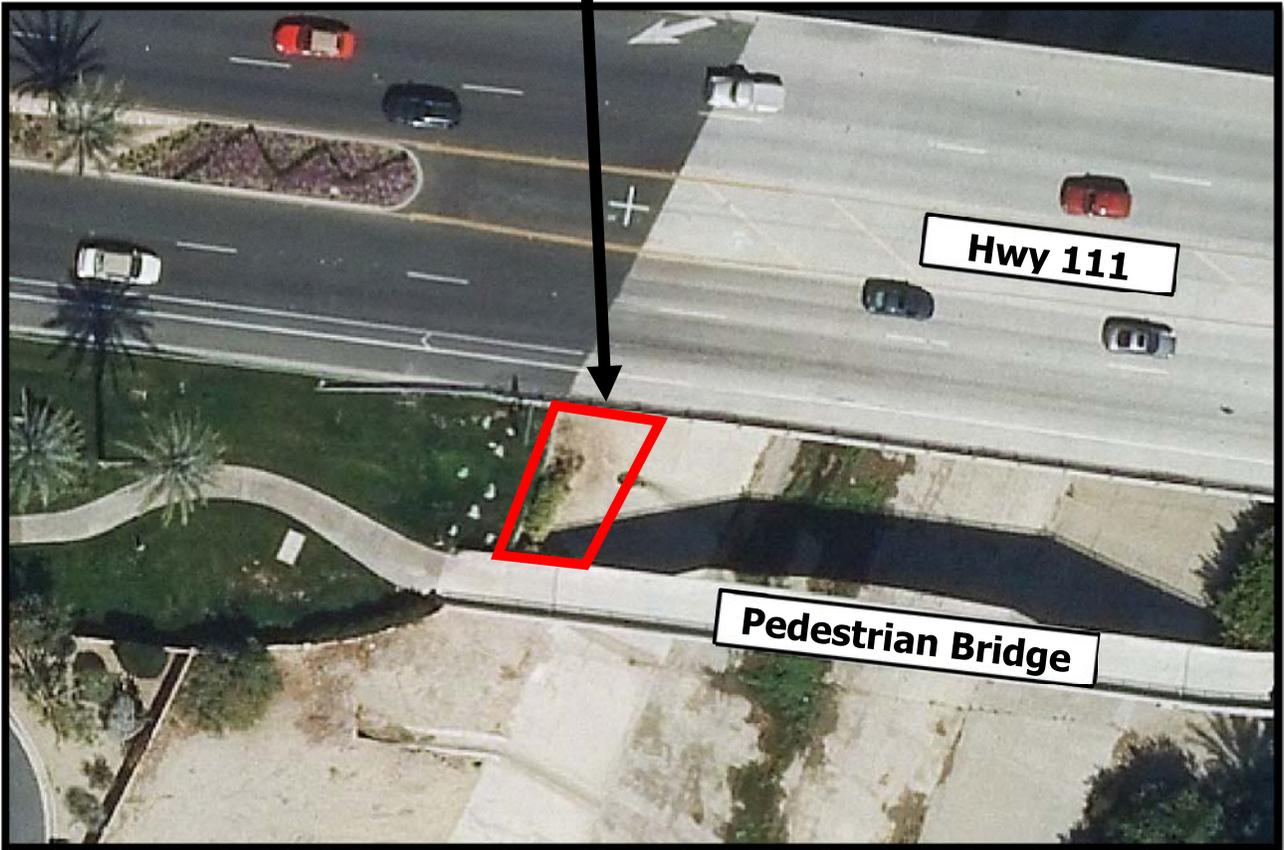
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**FISCAL IMPACT:**

Funds are budgeted in the City's Capital Improvement Schedule for Fiscal Year 2016-17 for the pedestrian bridge slope repair.

**ATTACHMENT:**

1. Location Map



**EXHIBIT "A" - LOCATION MAP**

**HIGHWAY 111 PEDESTRIAN BRIDGE SLOPE REPAIR**



10/12/2016

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File #: 1526-16 Item #: D.

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## ***Indian Wells City Council*** ***Staff Report - Public Works***

### **Award Contract for Whitewater River Drop Structure Restoration**

#### **RECOMMENDED ACTIONS:**

Council **AWARDS** construction contract for the restoration of the Whitewater River drop structure east of Eldorado Drive Bridge to Jacobsson Engineering Construction in the amount of \$63,550; and

**AUTHORIZES** and **DIRECTS** the City Manager to execute same; and

**AUTHORIZES** a 10% project contingency of \$6,350; and

**AUTHORIZES** a supplemental appropriation in the amount of \$69,900 from the Capital Improvement Fund to the Whitewater River Drop Structure Restoration project; and

**APPROVES** a requisition for \$69,900 to Jacobsson Engineering Construction for same.

#### **DISCUSSION:**

The City cleared trees at Whitewater River drop structure located east of the Eldorado Bridge this summer at the request of Coachella Valley Water District. After the overgrowth was cleared, Staff noticed the concrete channel below the drop structure requires repair for the water and silt to drain properly. The water and silt being deposited into the basin is promoting regrowth of trees and plants in the basin. Without clearing and repair work, the overgrowth will once again obstruct storm drainage flows and the concrete channel will continue to deteriorate.

The City issued Request for Proposals (RFP) to seven contractors for repair work. The following two proposals were received:

|                                    |           |
|------------------------------------|-----------|
| Jacobsson Engineering Construction | \$ 63,550 |
| United Brothers                    | \$139,852 |

| <b>Whitewater River Drop Structure Restoration Bid Comparison</b> |  |               |  |                                      |
|---|--|---------------|--|--------------------------------------|
| <b>Item</b>   | <b>Description</b>                           | <b>Qty.</b>   | <b>Jacobsson Eng. Extended Cost \$</b> | <b>United Bros. Extended Cost \$</b> |
| 1   | Mobilization                                 | 1 LS          | 5,000                                  | 25,000                               |
| 2   | Clearing and Grubbing                        | 50,000 SF (F) | 17,500                                 | 50,000                               |
| 3   | Earthwork                                    | 1 LS          | 10,500                                 | 34,982                               |
| 4   | Re-Construct Trapezoidal Channel Per Section | 170 LF        | 16,150                                 | 15,310.00                            |
| 5   | Re-Construct Trapezoidal Channel Per Section | 160 LF        | 14,400                                 | 14,560.00                            |
| <b>TOTAL BID AMOUNT:</b>  |  |               | <b>\$63,550</b>                        | <b>\$139,852</b>                     |

Staff verified the bid amount with Jacobsson. Two other contractors expressed interest in the project; however, they were only interested in one portion of the work and the RFP required all components of the scope of work.

**FISCAL IMPACT:**

This maintenance project requires a supplemental appropriation of \$69,900 from the Capital Improvement fund.

**ATTACHMENT:**

1. Location Map



**EXHIBIT "A" - LOCATION MAP**  
**WHITEWATER RIVER DROP STRUCTURE RESTORATION**



10/12/2016

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File #: 1536-16 Item #: E.

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## ***Indian Wells City Council*** ***Staff Report - City Clerk***

### **Recruitment Schedule for City's Representative to the Coachella Valley Mosquito and Vector Control Board**

#### **RECOMMENDED ACTION:**

Council **APPROVES** the recruitment schedule for City's representative to the Coachella Valley Mosquito and Vector Control Board.

#### **DISCUSSION:**

The City's current representative to the Coachella Valley Mosquito and Vector Control Board has confirmed he will not pursue reappointment. The Council needs to appoint a resident who is interested in public health as the City's representative for a two-year term commencing January 2, 2017 through January 1, 2019.

Staff is proposing the following schedule:

- 1) Advertisement of the vacancy in the Desert Sun on October 20 and 27, 2016;
- 2) Mail letters and applications to residents who have expressed interest in serving (mailed the week of October 17, 2016);
- 3) Main page notice and link to application and committee description on City's website.

All received applications will be distributed to Council on Friday, December 9, 2016 and make the appointment at the December 15, 2016 City Council meeting.



# City of Indian Wells

44-950 Eldorado Drive,  
Indian Wells

10/12/2016

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File #: 1540-16 Item #: F.

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## May 19, 2016 Special Joint Meeting Minutes

### RECOMMENDED ACTION:

Council **APPROVES** the May 19, 2016 Special Joint Meeting Minutes

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# Special Joint Meeting Minutes

Thursday, May 19, 2016

11:00 AM

City Hall Executive Conference Room



The Indian Wells City Council welcomes and encourages participation at meetings. The Council requests speakers present their remarks in a respectful manner, within the 3 minute time limit, and focus on issues which directly affect the City or which are within the subject jurisdiction of the City. Please fill out a blue Speaker Request form and give it to the City Clerk, preferably before the start of the meeting.

Any public records, relating to an open session agenda item, that is distributed within 72 hours of the meeting is available for public inspection at City Hall reception, 44-950 Eldorado Drive, Indian Wells during normal business hours.

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

Mayor Reed convened the Special Meeting of the City Council of the City of Indian Wells at 11:01 a.m. on May 19, 2016 in the City Hall Executive Conference Room.

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

Absent: 1 - Council Member Peabody

**2. APPROVAL OF THE FINAL AGENDA**

Mayor Reed stated the Housing Authority Closed Session item was pulled from the agenda and consideration. It was determined to Approve the Agenda as Amended. The motion carried by the following vote:

AYES: 4- Reed, Balocco, Hanson, Mertens

NOES: 0

ABSENT: 1- Peabody

**3. PUBLIC COMMENTS**

None.

**4. GENERAL BUSINESS**

**A. Interview of and Discussion About Applicants for Annual Committee Appointments**

A motion was made by Council Member Balocco seconded by Mayor Reed to continue interviews as the Council was unable to interview all candidates at the May 11, 2016 Special Meeting. The following candidates were interviewed for the 2016 annual City commissions, committees and boards appointments: Jon Romer, John Emerson, Roger Hiddleston, Ralph Laks, Kimberlee Chiarelli, Alfredo Sandoval, Jennifer Merkel, and Sid McClue.

Annual appointments to the various City commissions, committees and boards are agendized for the regular City Council meeting on May 19, 2016 at 1:30 p.m. in the Council Chamber.

The motion carried by the following vote:

AYES: 4- Reed, Balocco, Hanson, Mertens

NOES: 0

ABSENT: 1- Peabody

**CONVENE A MEETING OF THE JOINT CITY COUNCIL AND HOUSING AUTHORITY**

**5. HOUSING AUTHORITY CLOSED SESSION**

The Housing Authority Closed Session of the City of Indian Wells be pulled from the Agenda and consideration.

**A. 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.**

**RECESS THE HOUSING AUTHORITY MEETING  
RECONVENE THE CITY COUNCIL MEETING**

## 6. CITY COUNCIL CLOSED SESSION

At 12:08 p.m., Mayor Reed convened the Closed Session of the City Council of the City of Indian Wells on May 19, 2016, in the City Hall Executive Conference Room.

- A. **Conference with Legal Counsel Regarding Existing Litigation, Pursuant to Government Code Section 54956.9(d)(1): Beal et al. v. City of Indian Wells, et al., California Superior Court, Riverside County, Case No. RIC 1515398.**

City Attorney Stephen Deitsch reported the City Council met in Closed Session to consider Item #6A on the posted agenda relating to pending litigation. There was no action taken which, under the Brown Act, would be required to be publicly reported.

## 7. ADJOURNMENT

At 12:16 p.m., Mayor Reed ADJOURNED the Special Joint meeting to a regularly scheduled meeting of the City Council to be held at 1:30 p.m. on May 19, 2016 in the City Hall Council Chamber.

Respectfully Submitted,

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Anna Grandys, CMC  
City Clerk



# City of Indian Wells

44-950 Eldorado Drive,  
Indian Wells

10/12/2016

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File #: 1533-16 Item #: G.

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## May 19, 2016 City Council Meeting Minutes

### RECOMMENDED ACTION:

Council **APPROVES** the May 19, 2016 City Council Meeting Minutes

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# City Council Meeting Minutes

Thursday, May 19, 2016  
1:30 PM

City Hall Council Chamber

Unofficial



The Indian Wells City Council and Housing Authority welcomes and encourages participation at meetings. The joint body requests speakers present their remarks in a respectful manner, within the 3 minute time limit, and focus on issues which directly affect the City/Housing Authority or which are within the subject jurisdiction of the City or Housing Authority. Please fill out a blue Speaker Request form and give it to the City Clerk, preferably before the start of the meeting.

Any public records, relating to an open session agenda item, that is distributed within 72 hours of the meeting is available for public inspection at City Hall reception, 44-950 Eldorado Drive, Indian Wells during normal business hours.

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

Mayor Reed convened the City Council of the City of Indian Wells at 1:30 p.m. on May 19, 2016 in the City Hall Council Chamber.

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

## 2. APPROVAL OF THE FINAL AGENDA

Mayor Reed requested item 9A be moved to next Council meeting. Council Member Hanson requested staff to bring back findings as to the benefits the City is getting from the contribution to CVEP.

A motion was made by Mayor Pro Tem Balocco, seconded by Council Member Hanson, to approve the Agenda as Amended. The motion carried by the following vote:

AYES: 4 - Reed, Hanson, Mertens, Peabody

NOES: 1 - Balocco

## 3. PUBLIC COMMENTS

Mayor Reed addressed the closing of Ralphs grocery store. Mr. Randy Nolen, resident, commented on the 2012 campaign mailer. Council Member Mertens responded to Mr. Nolen comments. Mr. Ward Fredericks, resident, spoke on the City's strategic plan and investment policy, requested the City to investigate getting better return rate. Mr. Walter Jenkins, resident, requested the City have a meeting with Ralphs. Ms. Constance Bennett and Ms. Sue Kirkish, residents, spoke on the continuous dust conditions at the Indian Wells Villas. Council requested City Manager to investigate the dust issue and report back. Mr. Joe Bagnara, Cathedral City resident, requested City act to delay CVWD rate increase. Ms. Virginia Tillmanashofer, Dr. Lori Horlacher, Ms. Wendy Lynwood, Palm Desert residents, spoke in opposition to the CVWD rate increase. Council Member Hanson commented on Mr. Curtis Watkins attempt to agendaize a presentation on the CVWD rate increase and requested Mr. Curtis be allowed 5 minutes. Mr. Curtis requested 9 minutes for his presentation, Council agreed. Mr. Curtis Watkins, resident, spoke on CVWD rate increase. Mr. Joe Wallace, CEO of CVEP, thanked Council for its consideration, spoke on the 4 national iHUB awards, CVEP 5 million budget, and the 2% positive cash flow on projects.

## 4. PROCLAMATIONS AND PRESENTATIONS

### A. Presentation by Coachella Valley Water District on Proposed Changes to Water Rates and Rate Structure

Mr. Jim Barret, General Manager of CVWD, presented a powerpoint on the proposed water rate increase. Mayor Reed asked if Council would allow Mr. Curtis to speak for 2 additional minutes, Council agreed. Mr. Curtis Watkins, spoke in response to Mr. Barret presentation and stated Hinkley, California is the most toxic area, has 9,300 plus parts with no medical issues on chromium and water.

**5. CONSENT CALENDAR**

Council Member Hanson requested Item #5D be pulled for discussion. Mayor Reed stated he would abstain himself from voting on Consent Calendar Items #5J through #5M, as his law firm has two clients who are payees listed as vendors. Mayor Pro Tem Balocco stated he would abstain from item #5B as he resides in the district.

**A. Indian Wells Street Lighting District No. 2000-1 Levy for Fiscal Year 2016-17**

It was determined to **ADOPT** Resolution No. 2016-05 to read as follows:

RESOLUTION NO. 2016-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS AND DECLARING ITS INTENTION TO LEVY ANNUAL ASSESSMENTS FOR THE INDIAN WELLS STREET LIGHTING DISTRICT NO. 2000-1 FOR FISCAL YEAR 2016/17 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE; and

**SCHEDULE** a noticed Public Hearing on June 16, 2016 at 1:30 p.m. to hear public testimony on the proposed levy; and

**ADOPT** Resolution No. 2016-06 to read as follows:

RESOLUTION NO. 2016-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, PRELIMINARILY APPROVING THE ANNUAL LEVY REPORT FOR THE INDIAN WELLS STREET LIGHTING DISTRICT NO. 2000-1 FOR FISCAL YEAR 2016-17

This Resolution was Adopted.

**C. Indian Wells Drainage Maintenance Benefit Assessment District No. 1 Levy for Fiscal Year 2016-17**

It was determined to **ADOPT** Resolution No. 2016-09 to read as follows:

RESOLUTION NO. 2016-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2016-17 FOR THE CITY OF INDIAN WELLS DRAINAGE MAINTENANCE BENEFIT ASSESSMENT DISTRICT NO. 1, PURSUANT TO THE BENEFIT ASSESSMENT ACT OF 1982; and

**SCHEDULE** a noticed Public Hearing on June 16, 2016 at 1:30 p.m. to hear public testimony on the proposed levy; and

**ADOPT** Resolution No. 2016-10 to read as follows:

RESOLUTION NO. 2016-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, PRELIMINARILY APPROVING OF THE ENGINEER’S REPORT REGARDING THE CITY OF INDIAN WELLS DRAINAGE MAINTENANCE BENEFIT ASSESSMENT DISTRICT NO. 1, AND THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2016-17 PURSUANT TO THE PROVISIONS OF THE BENEFIT ASSESSMENT ACT OF 1982; and

**ADOPT** Resolution No. 2016-11 to read as follows:

RESOLUTION NO. 2016-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE CITY OF INDIAN WELLS DRAINAGE MAINTENANCE BENEFIT ASSESSMENT DISTRICT NO. 1 FOR FISCAL YEAR 2016-17 PURSUANT TO THE BENEFIT ASSESSMENT ACT OF 1982

This Resolution was Adopted.

**E. City’s Appropriations Limitation for Fiscal Year 2016-17**

It was determined to **ADOPT** Resolution No. 2016-12 to read as follows:

RESOLUTION NO. 2016-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, APPROVING AND ADOPTING THE ANNUAL APPROPRIATION LIMIT FOR THE FISCAL YEAR ENDING JUNE 30, 2017

This Recommendation was Adopted.

**I. City Treasurer’s Report for March 2016**

It was determined to **APPROVE** and **FILE** the City's Treasurer's Report for March 2016.

This Recommendation was Approved.

**F. January 17, 2016 Strategic Planning Meeting Minutes**

It was determined to **APPROVE** the January 17, 2016 City Council Meeting Minutes.

The Minutes were Approved as Submitted.

**G. March 3, 2016 City Council Meeting Minutes**

It was determined to **APPROVE** the March 3, 2016 City Council Meeting Minutes.

The Minutes were Approved as Submitted.

**H. March 3, 2016 Special Council Meeting Minutes**

It was determined to **APPROVE** the March 3, 2016 Special Council Meeting Minutes.

The Minutes were Approved as Submitted.

**Approval of the Consent Agenda**

A motion was made by Council Member Peabody, seconded by Mayor Pro Tem Balocco to Approved the Consent Agenda as Sumbmitted.The motion carried by the following vote:

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

NOES: 0

**B. Landscape and Lighting District No. 91-1 Levy for Fiscal Year 2016-17**

It was determined to **ADOPT** Resolution No. 2016-07 to read as follows:

RESOLUTION NO. 2016-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS AND DECLARING ITS INTENTION TO LEVY ANNUAL ASSESSMENTS FOR THE INDIAN WELLS LANDSCAPE AND LIGHTING DISTRICT NO. 91-1 FOR FISCAL YEAR 2016/17 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE; and

**SCHEDULE** a noticed Public Hearing on June 16, 2016 at 1:30 p.m. to hear public testimony on the proposed levy; and

**ADOPT** Resolution No. 2016-08 to read as follows:

RESOLUTION NO. 2016-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, PRELIMINARILY APPROVING THE ANNUAL LEVY REPORT FOR THE INDIAN WELLS LANDSCAPE AND LIGHTING DISTRICT NO. 91-1 FOR FISCAL YEAR 2016/17

A motion was made by Council Member Peabody, seconded by Council Member Hanson, that this Resolution be Approved. The motion carried by the following vote:

AYES: 4 - Reed, Hanson, Mertens, Peabody

NOES: 0

ABSTAIN: 1 - Balocco

**D. Annual Adoption of City's Investment Policy**

Council Member Hanson requested staff to report the issues previously discussed by Dr. Fredericks relating to LAIF Investment policy, costs, and returns to the City. Finance Director, Kevin McCarthy stated the City has modified the investment policy to provide additional levels of oversight of the state pull. Mr. McCarthy stated the LAIF balance does fluctuate every year, LAIF is used for short-term funding and short-term funding for annual ROPS payment for tax allocation bonds. Mr. Hanson requested the City revise the policy to increase the investment returns. Mr. McCarthy stated he would not recommend any changes to the policy.

It was determined to **ADOPT** the City's Investment Policy.

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

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

NOES: 0

**J. FAMD Warrants and Demands**

It was determined to **APPROVE** the May 5, 2016 FAMD Warrants and Demands.

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

AYES: 4 - Balocco, Hanson, Mertens, Peabody

NOES: 0

ABSTAIN: 1 - Reed

**K. FAMD Warrants and Demands**

It was determined to **APPROVE** the May 19, 2016 FAMD Warrants and Demands.

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

AYES: 4 - Balocco, Hanson, Mertens, Peabody

NOES: 0

ABSTAIN: 1 - Reed

**I. City Warrants and Demands**

It was determined to **APPROVE** the May 5, 2016 City Warrants and Demands.

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

AYES: 4 - Balocco, Hanson, Mertens, Peabody

NOES: 0

ABSTAIN: 1 - Reed

**M. City Warrants and Demands**

It was determined to **APPROVE** the May 19, 2016 City Warrants and Demands.

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

AYES: 4 - Balocco, Hanson, Mertens, Peabody

NOES: 0

ABSTAIN: 1 - Reed

**6. PUBLIC HEARINGS**

**A. Fire Access Maintenance District No. 1 Levy for Fiscal Year 2016-17**

Mayor Reed opened the public hearing at 3:05 p.m. to hear testimony in favor of or against Resolution No. 2016-13 hearing none, Mayor Reed closed the public hearing.

It was determined to **ADOPT** Resolution No. 2016-13 to read as follows:

RESOLUTION NO. 2016-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, ORDERING THE LEVY AND COLLECTION OF A SPECIAL TAX FOR THE CITY OF INDIAN WELLS FIRE ACCESS MAINTENANCE DISTRICT NO. 1; and

**ORDERED** the Fire Access Maintenance District No. 1 levy on the Fiscal Year 2016-17 Riverside County tax roll.

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

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

NOES: 0

**B. Special Fire Tax Standby and Availability Charges Levy for Fiscal Year 2016-17**

Mayor Reed opened the public hearing at 3:07 p.m. to hear testimony in favor of or against Resolution No. 2016-14 hearing none, Mayor Reed closed the public hearing.

It was determined to **ADOPT** Resolution No. 2016-14 to read as follows:

RESOLUTIN NO. 2016-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR THE CITY OF INDIAN WELLS FIRE TAX STANDBY AND AVAILABILITY CHARGES PURSUANT TO CITY ORDINANCE NO. 170; and

**ORDERED** the Special Fire Tax levy to be placed on the Fiscal Year 2016/17 Riverside County tax roll.

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

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

NOES: 0

**7. GENERAL BUSINESS**

Unofficial

**A. Appointments to City Commissions, Committees and Boards**

City Clerk Anna Grandys stated there are nine (9) vacancies on six City Commissions, Committees, and one Board. The term for each of these vacancies will be for two year period commencing on July 1, 2016 and ending on June 30, 2018, except for one (1) Planning Commission appointment which is for the remainder of term ending June 30, 2017.

Ms. Grandys stated there was one vacancy for the position to the Joslyn Senior Center. There was one applicant for this position Karen Wendt.

It was determined to **APPOINT** Karen Wendt as the Indian Wells representative to the Joslyn Senior Center.

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

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

NOES: 0

Ms. Grandys stated there were two vacancies to the Planning Commission, one position with a one-year term and one for a two-year term. The applicants were as follows: John Emerson, Steven Delateur, Harry Kaladjian, Ralph Laks, Sid McClue, and Eileen Pinkerton. The results were as follows:

For the two-year term:

Mayor Reed - Steven Delateur  
Mayor Pro Tem Balocco - Harry Kaladjian  
Council Member Hanson - John Emerson  
Council Member Mertens - Harry Kaladjian  
Council Member Peabody - Harry Kaladjian

Ms. Grandys announced that Harry Kaladjian was appointed to the Planning Commission for two-year term commencing July 1, 2016 and ending June 30, 2018.

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

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

NOES: 0

For the one-year term:

Mayor Reed - Steven Delateur  
Mayor Pro Tem Balocco - Steven Delateur  
Council Member Hanson - John Emerson

Council Member Mertens - Steven Delateur  
Council Member Peabody - Steven Delateur

Ms. Grandys announced that Steven Delateur was appointed to the Planning Commission for one-year term commencing July 1, 2016 and ending June 30, 2017.

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

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

NOES: 0

Ms. Grandys stated there were two vacancies to the ALC Committee, both for a two-year term. The applicants were as follows: Jeff Burke, Sharon Burns, Kimberlee Chiarelli, Carina De Los Reyes, Debbie Narz, Dennis Pindiak, and Eileen Pinkerton. The results were as follows:

Mayor Reed - Sharon Burns, Eileen Pinkerton  
Mayor Pro Tem Balocco - Sharon Burns, Eileen Pinkerton  
Council Member Hanson - Jeff Burke, Sharon Burns  
Council Member Mertens - Sharon Burns, Eileen Pinkerton  
Council Member Peabody - Sharon Burns, Eileen Pinkerton

Ms. Grandys announced that Sharon Burns and Eileen Pinkerton were appointed to the ALC Committee for two-year term commencing July 1, 2016 and ending June 30, 2018.

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

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

NOES: 0

Ms. Grandys stated there were two vacancies to the Golf Advisory Committee, both for a two-year term. The applicants were as follows: Jeff Burke, Donna Griffith Gordon Harris, Roger Hiddleston, Gary Morlock, Rocky Randall, and Jon Romer. The results were as follows:

Mayor Reed - Donna Griffith, Roger Hiddleston  
Mayor Pro Tem Balocco - Donna Griffith, Jon Romer  
Council Member Hanson - Roger Hiddleston, Rocky Randall  
Council Member Mertens - Donna Griffith, Jon Romer  
Council Member Peabody - Donna Griffith, Jon Romer

Ms. Grandys announced that Donna Griffith and John Romer were appointed to the Golf Advisory Committee for two-year term commencing July 1, 2016 and ending June 30, 2018.

A motion was made by Council Member Peabody, seconded by Council Member Mertens, that this

recommendation be Approved. The motion carried by the following vote:

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

NOES: 0

Ms. Grandys stated there was one vacancy to the Community Activities Committee for a two-year term. The applicants were as follows: Shari Brown, Carina De Los Reyes, Linda Goddard, Jennifer Merkel, and Gary Morlock. The results were as follows:

Mayor Reed - Shari Brown

Mayor Pro Tem Balocco - Linda Goddard

Council Member Hanson - Shari Brown

Council Member Mertens - Linda Goddard

Council Member Peabody - Linda Goddard

Ms. Grandys announced that Linda Goddard was appointed to the Community Activities Committee for two-year term and Ms. Rocky Randall was re-appointed to the Community Activities Committee commencing July 1, 2016 and ending June 30, 2018.

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

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

NOES: 0

Ms. Grandys stated there was one vacancy to the Grants-In-Aid Committee for a two-year term. The applicants were as follows: Kimberlee Chiarelli and Alfredo Sandoval. The results were as follows:

Mayor Reed - Alfredo Sandoval

Mayor Pro Tem Balocco - Alfredo Sandoval

Council Member Hanson - Alfredo Sandoval

Council Member Mertens - Linda Goddard

Council Member Peabody - Linda Goddard

Ms. Grandys announced that Alfredo Sandoval was appointed to the Grants-In-Aid Committee for two-year term commencing July 1, 2016 and ending June 30, 2018.

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

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

NOES: 0

This Recommendation was Approved.

**B. Cove Commission Recommended Project to Refurbish and Relocate a Generator to the Joslyn Senior Center**

It was determined to **DENY** supplemental appropriation of \$12,600 for the City's share of the Cove Communities Services Commission project to refurbish and relocate a generator to the Joslyn Senior Center.

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

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

NOES: 0

**C. Two-Year Fire Services Agreement with Riverside County/CalFire**

It was determined to **APPROVE** two-year Cooperative Agreement with Riverside County/CalFire to provide fire protection, fire prevention, rescue and medical emergency services for the City of Indian Wells from July 1, 2016 through June 30, 2018; and

**AUTHORIZE** and **DIRECT** the City Manager to execute the Cooperative Agreement.

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

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

NOES: 0

**D. Calling for November 8, 2016 Regular Municipal Election**

It was determined to **ADOPT** Resolution No. 2016-15 to read as follows:

RESOLUTION NO. 2016-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A REGULAR MUNICIPAL ELECTION TO BE HELD CONCURRENTLY WITH THE STATEWIDE GENERAL ELECTION ON TUESDAY, NOVEMBER 8, 2016, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE LAWS OF THE STATE OF CALIFORNIA, ADOPTING REGULATIONS PERTAINING TO MATERIALS SUBMITTED TO THE ELECTORATE AND COSTS THEREOF; REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE TO CONSOLIDATE SAID REGUALR MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE; AND REQUESTING SAID BOARD OF SUPERVISORS TO PERMIT THE COUNTY REGISTRAR OF VOTERS TO RENDER CERTAIN SERVICES RELATED TO THE CONSOLIDATED MUNICIPAL ELECTION

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

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

NOES: 0

**E. CV Link Ballot Measure**

Ms. Emily Nelson, resident with a doctorate in environmental science, spoke in support efforts to improve air quality and CV Link project, she asked the Council to make the decision rather than go to the voters. Ms. Erica Felci, CVAG Governmental Project Manager, spoke on the CVB report identifying eleven areas of outdoor adventures and the opportunity for the valley.

It was determined to **ADOPT** Resolution No. 2016-16 to read as follows:

RESOLUTION NO. 2016-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF INDIAN WELLS AN ORDINANCE REQUIRING VOTER APPROVAL PRIOR TO THE CITY APPROVING THE DEVELOPMENT OR INSTALLATION OF ALL OR ANY PORTION OF THE "CV LINK" PROJECT WITHIN THE CITY OF INDIAN WELLS, AT THE REGULAR MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION TO BE HELD NOVEMBER 8, 2016

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

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

NOES: 0

## **8. CITY MANAGER'S REPORTS/COMMENTS AND MATTERS FROM STAFF**

City Manager Wade McKinney reported on the short term rentals complaints during the weekend of Coachella Valley Music Festival. Mr. McKinney also reported on the one day Kawasaki event.

## **9. COUNCIL MEMBERS' REPORTS AND COMMENTS**

### **A. Council Member Peabody**

Council Member Peabody responded to a resident email pertaining to Council and the City Manager.

### **B. Council Member Mertens**

Council Member Mertens reported on CVAG Public Safety ongoing discussion regarding recreational marijuana and impacts on public safety. Mr. Mertens also reported the Finance Committee selected new auditors.

### **C. Council Member Hanson**

Council Member Hanson reported the Finance Committee selected new auditors and have begun the audit process. Mayor Reed requested a report from the auditors to include the process and procedures of the City to avoid any concerns brought to light in Beaumont situation. Mr. Hanson stated they would request a report from the auditors and present to Council. Mr. McCarthy stated the auditors would report back in December.

### **D. Mayor Pro Tem Balocco**

Mayor Pro Tem Balocco reported the Coachella Valley Mountains Conservancy successful tour of properties. Mr. Balocco Coachella Valley Conservation Commissions discussion on tortoise and big horn sheep. Mr. Balocco suggested the Greater Palm Springs Convention and Visitors Bureau do a presentation for the City. Mr. Balocco further reported on the Public Safety upcoming meeting.

### **E. Mayor Reed**

Mayor Reed reported the Riverside County Transportation Commission 2016-17 budget will be adopted at next meeting. Mr. Reed reported he attended general assembly of Southern California Association of Governments the CVAG Executive Committee's visit to the new correctional facility in Indio.

## **10. CITY ATTORNEY REPORTS AND COMMENTS**

City Attorney Stephen Deitsch reported the City Council held a 11:00 a.m. closed session Special Meeting to consider items #6A regarding pending litigation and there was no action taken which, under the Brown Act, would be required to be publicly reported.

## ADJOURNMENT

At 4:06 p.m. Mayor Reed ADJOURNED the City Council meeting to a regularly scheduled meeting of the City Council to be held at 1:30 p.m. on June 16, 2016 in the City Hall Council Chamber.

Respectfully Submitted,

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Anna Grandys, CMC  
City Clerk

This council meeting may be viewed on the City's website at <http://www.cityofindianwells.org/cityhall/citycouncil/viewmeetings.asp> and the complete agenda packets are available on the City's website at <http://www.cityofindianwells.org/cityhall/cagaends.asp>



# City of Indian Wells

44-950 Eldorado Drive,  
Indian Wells

10/12/2016

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File #: 1531-16 Item #: H.

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## June 29, 2016 Special Council Meeting Minutes

### RECOMMENDED ACTION:

Council **APPROVES** the June 29, 2016 Special Council Meeting Minutes

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# Special Council Meeting Minutes

Wednesday, June 29, 2016  
1:30 PM

City Hall Council Chamber



The Indian Wells City Council welcomes and encourages participation at City Council meetings. The Council requests speakers present their remarks in a respectful manner, within the 3 minute time limit, and focus on issues which directly affect the City or which are within the subject jurisdiction of the City. Please fill out a blue Speaker Request form and give it to the City Clerk, preferably before the start of the meeting.

Any public records, relating to an open session agenda item, that is distributed within 72 hours of the meeting is available for public inspection at City Hall reception, 44-950 Eldorado Drive, Indian Wells during normal business hours.

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

Mayor Reed convened the Special Meeting of the City Council of the City of Indian Wells at 1:30 p.m. on June 29, 2016 in the City Hall Council Chamber.

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

**2. APPROVAL OF THE FINAL AGENDA**

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

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

NOES: 0

**3. PROCLAMATIONS AND PRESENTATIONS**

**A. Presentation of K-9 Tactical Ballistic Vest Donated by Resident Dona Peri**

Lt. Evan Peterson presented and recognized Indian Wells Resident Ms. Dona Peri for her donation of Tactical Ballistic Vest for K-9 dog.

**B. IW Open Check Book Presentation**

Finance Director Kevin McCarthy presented the new IW Open Check Book website feature that will provide financial transactions and vendor payments. The program will be updated weekly.

**4. PUBLIC COMMENTS**

Mr. Randy Nolen, resident, commented on the 2012 campaign mailers. Mr. Larry Bonafide, resident, invited the City to attend a presentation by Chad Mayes on July 15, 2016 at 1:00 p.m. in the City Council Chamber where a Proclamation from California State Assembly will be presented to Larry Matthews the oldest living male in United States. Mr. Bonafide requested Council Member Hanson to advise his decision to run after two consecutive term limits and the effect of FPPC ongoing investigations.

**RESPONSES TO COMMENTS:**

Council Member Peabody commented on the two year of comments by Mr. Randy Nolen regarding the 2012 campaign mailers.

**5. CONSENT CALENDAR**

Mayor Reed stated he would recuse from voting on Items #5C, #5E, AND #5F, as his law firm has clients who are listed as payees. Council Member Hanson disclosed Burrtec was one of his campaign contributors. Mayor Pro Tem Balocco requested staff to provide a year end report for short-term rental collection and expenses.

**A. 2006-2010 Local Hazard Mitigation Plan Update**

It was determined to **ADOPT** Resolution No. 2016-26 to read as follows:

RESOLUTION NO. 2016-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, ADOPTING LOCAL HAZARD MITIGATION PLAN ANNEX TO THE RIVERSIDE COUNTY OPERATIONAL AREA MULTI-JURISDICTIONAL LOCAL HAZARD MITIGATION PLAN AS REQUIRED BY THE FEDERAL DISASTER MMITIGATION AND COST REDUCTION ACT OF 2000

This Resolution was Adopted.

**B. Lunch Time Closure of City Hall During Summer**

It was determined to **APPROVE** closure of City Hall from 12:00 p.m. to 1:00 p.m. for the months of July, August, and September.

This Recommendation was Approved.

**D. City Treasurer’s Report for May 2016**

It was determined to **RECEIVE** and **FILE** the City Treasurer's Report for May 2016.

This Recommendation was Approved.

**Approval of the Consent Agenda**

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

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

**C. Fiscal Year 2016-17 Requisitions [Budgeted]**

Council Member Hanson stated he would abstain from Best Best & Krieger requisitions.

It was determined to **APPROVE** Fiscal Year 2016-17 requisitions.

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

AYES: 4 - Balocco, Hanson, Mertens, Peabody  
NOES: 0  
RECUSED: 1 - Reed

**E. FAMD Warrants and Demands**

It was determined to **APPROVE** the June 29, 2016 FAMD Warrants and Demands.

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

AYES: 4 - Balocco, Hanson, Mertens, Peabody

NOES: 0

RECUSED: 1 - Reed

**F. City Warrants and Demands**

It was determined to **APPROVE** the June 29, 2016 City Warrants and Demands.

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

AYES: 4 - Balocco, Hanson, Mertens, Peabody

NOES: 0

RECUSED: 1 - Reed

**6. GENERAL BUSINESS****A. Request for Sponsorship of Desert Sands Unified School District's 50th Anniversary Exhibition**

Ms. Mary Karry, Public Information Officer and consultant for DSUSD education foundation, introduced Ms. Rebecca Rizzo, board member of the education foundation. Ms. Karry stated a scheduled community event to be held in November at the Coachella Valley Museum from 1- 4 p.m and requested the city to sponsor the exhibition. Ms. Karry further stated a showcasing history of DSUSD to be held between November to June and are making same request to neighboring cities.

It was determined to **APPROVE** \$2,500 funding to Desert Sands Educational Foundation sponsorship of the exhibition on the history of Desert Sands Unified School District and **DIRECT** Staff to **APPROPRIATE** awarded funds.

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

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

NOES: 0

**B. Final Parcel Map 36408 (IW Professional Center/The Nest)**

Council Member Hanson disclosed Calberty Interest donated to his campaign. Mr. Benjamin Egan, Engineer Consultant, stated the projected completion and recording would take in 30 to 45 days.

It was determined to **ADOPT** Resolution No. 2016-27 to read as follows:

RESOLUTION NO. 2016-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, APPROVING FINAL PARCEL MAP NO. 36408, AND FINDING SUCH MAP IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED TENTATIVE PARCEL MAP NO. 36408; and

**AUTHORIZE** and **DIRECT** the City Clerk, the City Engineer/Public Works Director, and the Acting City Surveyor to execute Final Parcel Map No. 36408; and

**APPROVE** Reciprocal Easement Agreement; and

**AUTHORIZE** and **DIRECT** the City Manager to execute same.

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

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

NOES: 0

**C. City’s Operating and Capital Budgets for Fiscal Years 2015-2017**

Mr. Mike Avila, Executive Director of Chamber of Commerce, outlined the contract terms met by the Indian Wells Chamber. Mr. Andy Elchuck, resident, suggested cutting of non-essential operational funding such as Indian Wells Chamber of Commerce, CVEP, and DSUSD. Mayor Pro Tem Balocco requested city attorney to clarify if Desert Arc's existing IW Chamber membership would be conflict of interest. Mr. Deitsch stated there is no conflict of interest since there is no direct financial. Council Member Peabody spoke in opposition to the rent offset of the IW Chamber. Council interest suggested Mr. Avila explore joining the Coachella Valley Chamber.

A motion was made by Council Member Peabody to APPROVE \$15,000 in funding and \$1 annual rent, the motion failed for lack of a second.

A motion was made by Council Member Hanson to APPROVE \$1 annual rent, the motion failed for lack of a second.

A motion was made by Council Member Mertens to APPROVE \$1 annual rent, paused then Mr. Mertens withdrew his motion.

A motion was made by Council Member Hanson, seconded by Council Member Peabody to **APPROVE** \$1 annual rent and to return in September with detailed report as to Chambers contributions to TOT and the services provided to the City.

Mayor Reed made a substitute motion, seconded by Council Member Peabody to fund the Chamber in the amount of \$12,000 for Fiscal Year 2016-17, include the \$1 annual rent and for Mr. Avila to return in December with a presentation to ask for the remaining funds for the IW Chamber. The motion carried by the following vote:

AYES: 3- Reed, Balocco, Peabdy

NOES- 2- Mertens, Hanson

It was determined to **ADOPT AS AMENDED** the City's Operating and Capital Budgets for Fiscal Years 2015-2017; and

**APPROVE** additional funding to Desert Town Hall of \$4,325 and turn signal at Highway 111 and Eldorado Capital Project of \$250,000.

**APPROVE** supplemental appropriations totaling \$328,559 as detailed in report.

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

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

NOES: 0

**D. Fiscal Years 2015-17 City Goals Update**

Council Member Hanson expressed concern over the removal of Palm Trees on Indian Wells Lane. City Manager Wade McKinney stated the City and resorts are in the process in formulating a plan to improving Indian Wells Lane.

It was determined to **RECEIVE** and **FILE** the Fiscal Years 2015-17 City Goals update.

A motion was made that this Recommendation be Approved. The motion carried by the following vote:

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

NOES: 0

**E. Designate Authors for CV Link Measure Argument**

It was determined to **DESIGNATE** Council Member Mertens and Council Member Peabody to write argument on ballot measure in favor of CV Link. Mayor Reed stated he would write the argument against the CV Link measure.

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

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

NOES: 0

**F. Voting Delegate to Annual League Conference in Long Beach**

It was determined to **DESIGNATE** Council Member Doug Hanson as the City's voting delegate to the Annual League Conference, and Mayor Reed and Council Member Mertens as the alternate.

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

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

NOES: 0

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

City Manager Wade McKinney provided an update on the Ralphs shopping center. City Clerk Anna Grandys provided an update of the Council candidate nomination period, the deadlines for voter registration, and the new Registrar of Voters 30-day canvas period for the November 11, 2016 election. Ms. Grandys stated the swearing in of council members is scheduled for the December 15, 2016 Council Meeting.

**8. COUNCIL MEMBERS' REPORTS AND COMMENTS**

**A. Council Member Peabody**

Council Member Peabody thanked Warren Morelion for his service to the city. Mr. Peabody also gave his condolences to new Chair of CVAG Executive Committee.

**B. Council Member Mertens**

Council Member Mertens thanked Warren Morelion for his services to the City. Mr. Mertens reported on his attendance and sessions presented at the League Executive Meetings in Monterey.

**C. Council Member Hanson**

Council Member Hanson reported the Sunline Transient Agency appointed Ty Peabody as Vice Chair and Kristy Brinkman as Chair. Mr. Hanson reported the LAFCO new law regarding fire contracts and the existing JPA agreement protects the city from going through LAFCO process. Mr. Hanson reported the Golf Advisory committee discussion of allocated resources and funds.

**D. Mayor Pro Tem Balocco**

Mayor Pro Tem Balocco reported on his attendance to the League conference sessions in Monterey. Mr. Balocco and Mr. Hanson thanked Warren Morelion for his services to the city.

**E. Mayor Reed**

Mayor Reed reported the RCTC current lawsuit over truck passing lanes on highway 60. Mr. Reed reported on his opposition vote at the CVAG executive meeting relating to use of Measure A funds. Mr. Reed also reported the CVAG Homeless Committee scheduled a workshop on July 20, 2016.

**9. CITY ATTORNEY REPORTS AND COMMENTS**

At 3:06 p.m. City Attorney Stephen Deitsch stated the Housing Authority and City Council conducted a Joint Special Meeting this morning at 9:30 a.m., the Housing Authority closed session Item #4A was discussed and there was no reportable action taken under the Brown Act, as required to be publicly reported. Mr. Deitsch reported the City Council conducted a closed session to consider item #5A-C and there was no reportable action taken under the Brown Act. Mr. Deitsch stated there was no need to meet further in Closed Session after this meeting.

## 10. ADJOURNMENT

At 3:09 p.m., Mayor Reed ADJOURNED the City Council meeting to a regularly scheduled meeting of the City Council to be held at 1:30 p.m. on September 15, 2016 in the City Hall Council Chamber.

Respectfully Submitted,

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Anna Grandys, CMC  
City Clerk

This council meeting may be viewed on the City's website at <http://www.cityofindianwells.org/cityhall/citycouncil/viewmeetings.asp> and the complete agenda packets are available on the City's website at <http://www.cityofindianwells.org/cityhall/cagaends.asp>

Unofficial



# City of Indian Wells

44-950 Eldorado Drive,  
Indian Wells

10/12/2016

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File #: 1532-16 Item #: I.

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## July 19, 2016 Special Council Meeting Minutes

### RECOMMENDED ACTION:

Council **APPROVES** the July 19, 2016 Special Council Meeting Minutes

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# Special Council

## Meeting Minutes

Tuesday, July 19, 2016  
4:30 PM

City Hall Executive Conference Room

Unofficial



The Indian Wells City Council welcomes and encourages participation at City Council meetings. The Council requests speakers present their remarks in a respectful manner, within the 3 minute time limit, and focus on issues which directly affect the City or which are within the subject jurisdiction of the City. Please fill out a blue Speaker Request form and give it to the City Clerk, preferably before the start of the meeting.

Any public records, relating to an open session agenda item, that is distributed within 72 hours of the meeting is available for public inspection at City Hall reception, 44-950 Eldorado Drive, Indian Wells during normal business hours.

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

Mayor Reed convened the Special Meeting of the City Council of the City of Indian Wells at 4:30 p.m. on July 19, 2016, in the City Hall Executive Conference Room.

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

**2. APPROVAL OF THE FINAL AGENDA**

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

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

NOES: 0

**3. PUBLIC COMMENTS**

None.

**4. CLOSED SESSION**

At 4:32 p.m., Mayor Reed convened the Closed Session of the City Council of the City of Indian Wells on July 19, 2016 in the Executive Conference Room.

- A. Conference with Legal Counsel Regarding Existing Litigation, Pursuant to Government Code Section 54956.9(d)(1): Douglas A. Lawellin and Steven D. Rohlin vs. City of Indian Wells, et al., U.S. District Court, Central District of California, Case No. CV 13-00731 MMM (SPx) and City of Indian Wells vs. Douglas A. Lawellin, et al, Riverside County Superior Court, INC Case No. INC 1201700.**

City Attorney Stephen Deitsch reported the Council met in Closed Session to consider Item #4A, there was no action taken which, under the Brown Act, would be required to be publicly reported.

## 5. ADJOURNMENT

At 4:54 p.m., Mayor Reed ADJOURNED the City Council meeting to a regularly scheduled meeting of the City Council to be held at 1:30 p.m. on September 15, 2016 in the City Hall Council Chamber.

Respectfully Submitted,

---

Anna Grandys, CMC  
City Clerk

This council meeting may be viewed on the City's website at <http://www.cityofindianwells.org/cityhall/citycouncil/viewmeetings.asp> and the complete agenda packets are available on the City's website at <http://www.cityofindianwells.org/cityhall/cagaends.asp>



# City of Indian Wells

44-950 Eldorado Drive,  
Indian Wells

10/12/2016

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File #: 1527-16 Item #: J.

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## FAMD Warrants and Demands

### RECOMMENDED ACTION:

Council **APPROVES** the October 6, 2016 FAMD Warrants and Demands.

**FIRE ACCESS MAINTENANCE DISTRICT (FAMD)  
10/06/2016 MEETING WARRANT LIST**

| <b>CHECK #</b> | <b>DATE</b> | <b>INVOICE #</b> | <b>VENDOR NAME/DESCRIPTION</b>                   | <b>INVOICE AMT</b> | <b>CHECK TOTAL</b> |
|----------------|-------------|------------------|--|--------------------|--------------------|
| 50194          | 10/6/2016   |                  | UNIVERSAL PROTECTION SERVICE                     |                    |                    |
|                |             | 2216541          | 7/29-8/25/16 FAMD SECURITY SERVICES              | 55,166.23          |                    |
|                | 10/6/2016   |                  | UNIVERSAL PROTECTION SERVICE                     |                    |                    |
|                |             | 2188443          | 7/16 FAMD SECURITY SERVICES FUEL                 | 746.54             |                    |
|                |             | 2218988          | 8/16 FAMD SECURITY SERVICES FUEL                 | 677.86             | <b>56,590.63</b>   |
| 50185          | 10/6/2016   |                  | DESERT RESORT MANAGEMENT INC.                    |                    |                    |
|                |             | DRM028798        | 9/16 FAMD MANAGEMENT SERVICES                    | 5,942.00           |                    |
|                |             | DRM027143        | 7/16 FAMD MANAGEMENT SERVICES                    | 5,942.00           |                    |
|                |             | DRM028060        | 8/16 FAMD MANAGEMENT SERVICES                    | 5,942.00           | <b>17,826.00</b>   |
| 50187          | 10/6/2016   |                  | M & M SWEEPING, INC.                             |                    |                    |
|                |             | 41545            | 9/16 FAMD STREET SWEEPING SERVICES               | 5,380.00           | <b>5,380.00</b>    |
| 50184          | 10/6/2016   |                  | CONSERVE LANDCARE                                |                    |                    |
|                |             | 13901            | 7/16 FAMD LANDSCAPE MAINTENANCE                  | 1,840.00           |                    |
|                |             | 14159            | 8/16 FAMD LANDSCAPE MAINTENANCE                  | 1,840.00           |                    |
|                |             | 14402            | 8/16/16 FAMD EXTRA LANDSCAPE MAINTENANCE         | 435.00             |                    |
|                |             | 14303            | 8/2/16 FAMD EXTRA LANDSCAPE MAINTENANCE          | 275.00             |                    |
|                |             | 14400            | 8/23/16 FAMD EXTRA LANDSCAPE MAINTENANCE         | 120.00             |                    |
|                |             | 14401            | 8/18/16 FAMD EXTRA LANDSCAPE MAINTENANCE         | 65.00              | <b>4,575.00</b>    |
| 50191          | 10/6/2016   |                  | STAPLES  |                    |                    |
|                |             | 1645551711       | 9/16 FAMD OFFICE SUPPLIES                        | 765.34             | <b>765.34</b>      |
| 50189          | 10/6/2016   |                  | SOUTHERN CALIFORNIA EDISON CO.                   |                    |                    |
|                |             | 2-04-020-2624    | 9/16 FAMD UTILITIES                              | 435.68             |                    |
|                |             | 2-01-570-2145    | 9/16 FAMD UTILITIES                              | 259.47             | <b>695.15</b>      |
| 50182          | 10/6/2016   |                  | APPLICATIONS BY DESIGN, INC.                     |                    |                    |
|                |             | 33183            | 9/16 FAMD ACCESS CONTROL SYSTEM HOSTING          | 625.00             | <b>625.00</b>      |
| 50186          | 10/6/2016   |                  | FRONTIER   |                    |                    |
|                |             | 345-1307         | 9/16 FAMD LANDLINE PHONE SERVICES                | 549.13             | <b>549.13</b>      |
| 50193          | 10/6/2016   |                  | TIME WARNER CABLE                                |                    |                    |
|                |             | 844841076002411  | 9/16 FAMD MANITOU DR GATEHOUSE INTERNET SERVICES | 251.23             | <b>82</b>          |
|                |             | 844841076002410  | 9/16 FAMD CLUB DR GATEHOUSE INTERNET SERVICES    | 251.23             | <b>502.46</b>      |

**FIRE ACCESS MAINTENANCE DISTRICT (FAMD)  
10/06/2016 MEETING WARRANT LIST**

| <b>CHECK #</b> | <b>DATE</b> | <b>INVOICE #</b> | <b>VENDOR NAME/DESCRIPTION</b>                | <b>INVOICE AMT</b> | <b>CHECK TOTAL</b> |
|----------------|-------------|------------------|---|--------------------|--------------------|
| 50188          | 10/6/2016   |                  | SHARK POOLS, INC.                             |                    |                    |
|                |             | 16241002         | 10/16 FAMD MANITOU DRIVE FOUNTAIN MAINTENANCE | 225.00             |                    |
|                |             | 16241001         | 10/16 FAMD CLUB DRIVE FOUNTAIN MAINTENANCE    | 185.00             | <b>410.00</b>      |
| 50192          | 10/6/2016   |                  | THREE PHASE ELECTRIC, INC                     |                    |                    |
|                |             | 7645             | 8/25/16 FAMD LIGHTING AND ELECTRICAL REPAIR   | 149.50             |                    |
|                |             | 7205             | 8/16 FAMD LIGHTING AND ELECTRICAL SERVICES    | 130.90             |                    |
|                |             | 7358             | 8/4/16 FAMD LIGHTING AND ELECTRICAL REPAIR    | 92.90              | <b>373.30</b>      |
| 50183          | 10/6/2016   |                  | ASSOCIA ONCALL CALFORNIA, INC.                |                    |                    |
|                |             | 80714            | 7/7/16 FAMD MAINTENANCE SERVICES              | 147.64             | <b>147.64</b>      |
| 50181          | 10/6/2016   |                  | AMS   |                    |                    |
|                |             | 13646            | 9/16 FAMD SECURITY GATE REPAIR SERVICES       | 135.00             | <b>135.00</b>      |
| 50190          | 10/6/2016   |                  | SPARKLETTS DRINKING WATER                     |                    |                    |
|                |             | 14583030090116   | 9/16 FAMD GATEHOUSE DRINKING WATER            | 126.48             | <b>126.48</b>      |

14 checks in this report

**TOTAL FAMD WARRANTS: 50181-50194      88,701.13**



# City of Indian Wells

44-950 Eldorado Drive,  
Indian Wells

10/12/2016

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File #: 1528-16 Item #: K.

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## City Warrants and Demands

### RECOMMENDED ACTION:

Council **APPROVES** the October 6, 2016 City Warrants and Demands.

**CITY OF INDIAN WELLS**  
**10/06/2016 MEETING WARRANT LIST**

| CHECK # | DATE      | INVOICE #     | VENDOR NAME/DESCRIPTION                           | INVOICE AMT | CHECK TOTAL       |
|---------|-----------|---------------|---|-------------|-------------------|
| 50283   | 10/6/2016 |               | VINTAGE ASSOCIATES                                |             |                   |
|         |           | SI-175889     | 7/16 CITYWIDE LANDSCAPE MAINTENANCE SERVICES      | 47,909.17   |                   |
|         | 10/6/2016 |               | VINTAGE ASSOCIATES                                |             |                   |
|         |           | SI-176874     | 9/16 CITYWIDE LANDSCAPE MAINTENANCE SERVICES      | 47,909.17   |                   |
|         |           | SI-176897     | 9/16 TEMP LANDSCAPE MAINTENANCE LABORER & VEHICLE | 4,800.00    |                   |
|         |           | SI-175890     | 7/16 TEMP LANDSCAPE MAINTENANCE LABORER & VEHICLE | 4,800.00    |                   |
|         |           | SI-176840     | 8/16 EXTRA LANDSCAPE SERVICE                      | 500.00      | <b>105,918.34</b> |
| 50231   | 10/6/2016 |               | GREATER PALM SPRINGS                              |             |                   |
|         |           | 0013350-IN    | 10/16-12/16 TOT FUNDING CONTRIBUTION              | 54,687.00   | <b>54,687.00</b>  |
| 50260   | 10/6/2016 |               | RA STRUCTURAL ENGINEERING                         |             |                   |
|         |           | B00-012-890-1 | 7/16 PLAN CHECK SERVICES                          | 5,460.00    |                   |
|         |           | B00-013-239-1 | 7/16 PLAN CHECK SERVICES                          | 5,330.00    |                   |
|         |           | B00-013-101-1 | 7/16 PLAN CHECK SERVICES                          | 5,330.00    |                   |
|         |           | B00-012-987-1 | 8/16 PLAN CHECK SERVICES                          | 4,875.00    |                   |
|         |           | B00-013-325-1 | 7/16 PLAN CHECK SERVICES                          | 3,640.00    |                   |
|         |           | B00-013-407-1 | 7/16 PLAN CHECK SERVICES                          | 3,380.00    |                   |
|         |           | B00-013-302-1 | 7/16 PLAN CHECK SERVICES                          | 3,250.00    |                   |
|         |           | B00-013-327-1 | 6/16 PLAN CHECK SERVICES                          | 2,405.00    |                   |
|         |           | B00-013-532-1 | 9/16 PLAN CHECK SERVICES                          | 2,210.00    |                   |
|         |           | B00-013-372-1 | 7/16 PLAN CHECK SERVICES                          | 2,080.00    |                   |
|         |           | B00-013-373-1 | 7/16 PLAN CHECK SERVICES                          | 1,820.00    |                   |
|         |           | B00-013-523-1 | 9/16 PLAN CHECK SERVICES                          | 1,755.00    |                   |
|         |           | B00-013-407-2 | 8/16 PLAN CHECK SERVICES                          | 1,560.00    |                   |
|         |           | B00-013-325-2 | 8/16 PLAN CHECK SERVICES                          | 1,560.00    |                   |
|         |           | B00-013-253-1 | 7/16 PLAN CHECK SERVICES                          | 1,300.00    |                   |
|         |           | B00-013-371-1 | 6/16 PLAN CHECK SERVICES                          | 910.00      |                   |
|         |           | B00-013-266-1 | 6/16 PLAN CHECK SERVICES                          | 780.00      |                   |
|         |           | B00-013-528-1 | 9/16 PLAN CHECK SERVICES                          | 715.00      |                   |
|         |           | B00-013-135-1 | 4/16 PLAN CHECK SERVICES                          | 520.00      |                   |
|         |           | B00-013-421-1 | 7/16 PLAN CHECK SERVICES                          | 520.00      |                   |
|         |           | B00-013-443-1 | 7/16 PLAN CHECK SERVICES                          | 520.00      |                   |
|         |           | B00-013-502-1 | 8/16 PLAN CHECK SERVICES                          | 455.00      |                   |
|         |           | B00-013-135-2 | 8/16 PLAN CHECK SERVICES                          | 390.00      |                   |
|         |           | B00-013-369-1 | 12/15 PLAN CHECK SERVICES                         | 195.00      |                   |
|         |           | IW-M116       | 6/16-9/16 PLAN CHECK SERVICE MILEAGE REIMB        | 121.20      | <b>51,081.20</b>  |
| 50200   | 10/6/2016 |               | BEST, BEST & KRIEGER, L.L.P.                      |             |                   |
|         |           | 778790        | 8/16 GENERAL RETAINER LEGAL SERVICES              | 20,797.00   |                   |
|         |           | 778791        | 8/16 CODE ENFORCEMENT LEGAL SERVICES              | 1,219.50    |                   |
|         |           | 778796        | 8/16 CODE ENFORCEMENT LEGAL SERVICES              | 401.40      |                   |
|         |           | 778797        | 8/16 CODE ENFORCEMENT LEGAL SERVICES              | 336.23      | <b>85</b>         |

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|         |           | 778799        | 8/16 CODE ENFORCEMENT LEGAL SERVICES       | 107.00      |                  |
|         |           | 778795        | 8/16 CODE ENFORCEMENT LEGAL SERVICES       | 102.00      |                  |
|         |           | 778798        | 8/16 CODE ENFORCEMENT LEGAL SERVICES       | 44.60       | <b>23,007.73</b> |
| 50265   | 10/6/2016 |               | RIVERSIDE COUNTY EDA AVIATION              |             |                  |
|         |           | 303175        | 7/16 AIRPORT AUTHORITY MEMBERSHIP          | 12,500.00   | <b>12,500.00</b> |
| 50218   | 10/6/2016 |               | DESERT SANDS UNIFIED SCHOOL                |             |                  |
|         |           | SCHOOL GRANT  | 9/16 2016/17 EDUCATIONAL GRANT-GERALD FORD | 10,000.00   | <b>10,000.00</b> |
| 50273   | 10/6/2016 |               | SOUTHERN CALIFORNIA EDISON CO.             |             |                  |
|         |           | 2-10-345-9178 | 9/16 UTILITIES                             | 8,315.40    |                  |
|         |           | 2-32-228-7590 | 9/16 UTILITIES                             | 489.24      |                  |
|         |           | 2-26-379-6526 | 9/16 UTILITIES                             | 176.70      |                  |
|         |           | 2-30-405-2939 | 9/16 UTILITIES                             | 125.75      |                  |
|         |           | 2-28-811-9811 | 9/16 UTILITIES                             | 68.35       |                  |
|         |           | 2-28-811-8466 | 9/16 UTILITIES                             | 51.07       |                  |
|         |           | 2-31-473-5101 | 9/16 UTILITIES                             | 48.66       |                  |
|         |           | 2-30-405-3051 | 9/16 UTILITIES                             | 44.34       |                  |
|         |           | 2-19-255-7163 | 9/16 UTILITIES                             | 43.06       |                  |
|         |           | 2-19-200-4638 | 9/16 UTILITIES                             | 39.41       | <b>9,401.98</b>  |
| 50275   | 10/6/2016 |               | SUNDANCE AT INDIAN WELLS HOA               |             |                  |
|         |           | RESERVES      | 10/16 LLMD PASS THROUGH RESERVE FUNDS      | 9,059.41    | <b>9,059.41</b>  |
| 50241   | 10/6/2016 |               | LOCALE LIFESTYLE MAGAZINE, LLC             |             |                  |
|         |           | 16-OC4-168    | 9/16 FY 2016/17 MAGAZINE ADVERTISING       | 6,000.00    | <b>6,000.00</b>  |
| 50236   | 10/6/2016 |               | INDIAN WELLS GOLF RESORT                   |             |                  |
|         |           | 2016 08 RD    | 8/16 GOLF RESORT RESIDENT DISCOUNTS        | 5,509.11    | <b>5,509.11</b>  |
| 50206   | 10/6/2016 |               | CNS ENGINEERS, INC.                        |             |                  |
|         |           | 14016-5       | 8/16 ENGINEERING DESIGN SERVICES           | 5,002.58    | <b>5,002.58</b>  |
| 50197   | 10/6/2016 |               | ASLAN, SAM                                 |             |                  |
|         |           | IW120         | 8/16 PALM TREE EVALUATION SERVICE          | 4,020.00    |                  |
|         |           | IW120         | 8/16 PALM TREE EVALUATION SERVICE          | 880.00      | <b>4,900.00</b>  |
| 50269   | 10/6/2016 |               | SECO SYS WATER CONTROL                     |             |                  |
|         |           | 289           | 8/16 HWY 111 WATER USAGE TRACKING PROGRAM  | 4,694.83    | <b>4,694.83</b>  |
| 50268   | 10/6/2016 |               | SAM'S FENCE COMPANY                        |             |                  |
|         |           | 15885         | 8/16 HAZARDOUS MATERIALS ENCLOSURE         | 4,190.00    | <b>4,190.00</b>  |
| 50285   | 10/6/2016 |               | WILLDAN FINANCIAL SERVICES                 |             |                  |
|         |           | 010-31998     | 8/16 ARBITRAGE REBATE SERVICES             | 2,000.00    |                  |
|         |           | 010-32131     | 9/16 ARBITRAGE REBATE SERVICES             | 1,350.00    |                  |

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|         |           | 010-32127     | 9/16 ARBITRAGE REBATE SERVICES                           | 750.00      | <b>4,100.00</b> |
| 50229   | 10/6/2016 |               | GRAPHTEK INTERACTIVE                                     |             |                 |
|         |           | 10777-3       | 9/16 NEWSLETTER DESIGN SERVICES                          | 2,000.00    |                 |
|         |           | 10786-1       | 9/16 GRAPHIC DESIGN SERVICES                             | 1,250.00    |                 |
|         |           | 10777-2       | 9/16 NEWSLETTER DESIGN SERVICES                          | 500.00      | <b>3,750.00</b> |
| 50270   | 10/6/2016 |               | SHARK POOLS, INC.  |             |                 |
|         |           | 16201005      | 10/16 IW LANE EAST SIDE OF HWY 111 FOUNTAINS MAINTENANC  | 1,120.00    |                 |
|         |           | 16201004      | 10/16 IW LANE WEST SIDE OF HWY 111 FOUNTAINS MAINTENANCE | 1,120.00    |                 |
|         |           | 16201003      | 10/16 WALK OF HONOR FOUNTAIN MAINTENANCE                 | 720.00      |                 |
|         |           | 16201001      | 10/16 CITY HALL ENTRY FOUNTAIN MAINTENANCE               | 360.00      |                 |
|         |           | 16201002      | 10/16 CITY FLAGPOLE FOUNTAIN MAINTENANCE                 | 360.00      | <b>3,680.00</b> |
| 50205   | 10/6/2016 |               | CLEANSTREET  |             |                 |
|         |           | 83401         | 8/16 CITYWIDE STREET SWEEPING SERVICES                   | 3,681.17    |                 |
|         |           | 83523         | 7/16 CREDIT CITYWIDE STREET SWEEPING SERVICES            | -21.26      | <b>3,659.91</b> |
| 50254   | 10/6/2016 |               | PERFECT IMAGES JANITORIAL                                |             |                 |
|         |           | 92720         | 8/16 JANITORIAL MAINTENANCE SERVICES                     | 3,495.00    | <b>3,495.00</b> |
| 50281   | 10/6/2016 |               | VACATION RENTAL COMPLIANCE,LLC                           |             |                 |
|         |           | 394           | 8/16 VACATION RENTAL COMPLIANCE SERVICES                 | 2,340.00    |                 |
|         |           | 400           | 9/16 VACATION RENTAL COMPLIANCE SERVICES                 | 780.00      | <b>3,120.00</b> |
| 50177   | 9/23/2016 |               | DELTA DENTAL   |             |                 |
|         |           | BE001821471   | 10/16 DENTAL INSURANCE PREMIUMS                          | 3,046.08    | <b>3,046.08</b> |
| 50238   | 10/6/2016 |               | JOE A. GONSALVES & SON                                   |             |                 |
|         |           | 155122        | 10/16 LEGISLATIVE ADVOCACY SERVICES                      | 3,000.00    | <b>3,000.00</b> |
| 50172   | 9/22/2016 |               | SOUTHERN CALIFORNIA EDISON CO.                           |             |                 |
|         |           | 2-01-570-2186 | 9/16 UTILITIES   | 1,943.48    |                 |
|         |           | 2-10-366-7580 | 8/16 UTILITIES   | 136.66      |                 |
|         |           | 2-10-366-7440 | 8/16 UTILITIES   | 105.51      |                 |
|         |           | 2-26-446-8521 | 9/16 UTILITIES   | 87.18       |                 |
|         |           | 2-33-975-8682 | 9/16 UTILITIES   | 79.60       |                 |
|         |           | 2-28-811-8524 | 9/16 UTILITIES   | 77.37       |                 |
|         |           | 2-02-275-6597 | 9/16 UTILITIES   | 73.33       |                 |
|         |           | 2-28-811-8029 | 9/16 UTILITIES   | 71.64       |                 |
|         |           | 2-04-013-0916 | 9/16 UTILITIES   | 66.35       |                 |
|         |           | 2-26-702-6078 | 9/16 UTILITIES   | 51.72       |                 |
|         |           | 2-28-811-8276 | 9/16 UTILITIES   | 51.00       |                 |
|         |           | 2-28-811-8425 | 9/16 UTILITIES   | 46.12       |                 |
|         |           | 2-36-295-8456 | 8/16 UTILITIES   | 41.90       |                 |
|         |           | 2-28-811-8367 | 9/16 UTILITIES   | 41.24       |                 |
|         |           | 2-35-253-2683 | 9/16 UTILITIES   | 30.63       |                 |
|         |           | 2-01-570-2202 | 9/16 UTILITIES   | 16.55       |                 |

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| 50228   | 10/6/2016 | 2-35-530-3157 | 8/16 UTILITIES  | 10.50       | <b>2,930.78</b> |
|         |           | 79788         | GRANICUS<br>10/16-12/16 COUNCIL MEETINGS WEB STREAMING & SOFTWARE LICENSING | 2,697.00    | <b>2,697.00</b> |
| 50244   | 10/6/2016 | INV03434      | MANAGEMENT PARTNERS<br>6/16 CITY MANAGER PERFORMANCE EVALUATION SERVICES    | 2,500.00    | <b>2,500.00</b> |
| 50261   | 10/6/2016 | 1708          | RBI TRAFFIC, INC.<br>9/16 PROTECTED LEFT TURN STUDY                         | 2,500.00    | <b>2,500.00</b> |
| 50212   | 10/6/2016 | 3016          | CRAIL COMMUNICATIONS<br>10/16 NEWSLETTER CONTENT                            | 2,435.00    | <b>2,435.00</b> |
| 50255   | 10/6/2016 | 161655        | PRINTING PLACE<br>9/16 NEWSLETTER PRINTING SERVICES                         | 2,360.00    | <b>2,360.00</b> |
| 50234   | 10/6/2016 | 32986         | HIGH TECH MAILING SERVICES<br>9/16 NEWSLETTER MAILING SERVICES              | 2,310.07    | <b>2,310.07</b> |
| 50280   | 10/6/2016 | 999048        | UNION BANK OF CALIFORNIA<br>6/16-8/16 INVESTMENTS ADMINISTRATION FEES       | 2,288.00    | <b>2,288.00</b> |
| 50253   | 10/6/2016 | 14441         | PEARSON ARCHITECTS, INC.<br>9/16 ARCHITECTURAL DESIGN SERVICES-FIRE STATION | 2,183.10    | <b>2,183.10</b> |
| 50248   | 10/6/2016 | 0000043039    | MUNISERVICES, LLC<br>9/16 CAFR REPORTS                                      | 2,150.00    | <b>2,150.00</b> |
| 50262   | 10/6/2016 | 31753         | REGAL PLASTIC SUPPLY CO.<br>9/16 CITY PARKWAYS MAINTENANCE SUPPLIES         | 1,976.63    | <b>1,976.63</b> |
| 50179   | 9/23/2016 | 4015595       | UNION SECURITY INSURANCE CO.<br>10/16 SHORT/LONG TERM DISABILITY INSURANCE  | 1,916.29    | <b>1,916.29</b> |
| 50284   | 10/6/2016 | 002-17055     | WILLDAN ASSOCIATES<br>8/16 ON-CALL BUILDING INSPECTION SERVICES             | 1,852.50    | <b>1,852.50</b> |
| 50199   | 10/6/2016 | 917.686       | B.G. STRUCTURAL ENGINEERING<br>9/16 PLAN CHECK SERVICES                     | 562.50      |                 |
|         |           | 917.690       | 9/16 PLAN CHECK SERVICES  | 375.00      |                 |
|         |           | 917.684       | 9/16 PLAN CHECK SERVICES  | 337.50      |                 |
|         |           | 917.693       | 9/16 PLAN CHECK SERVICES  | 300.00      |                 |
|         |           |               |   |             | <b>1,575.00</b> |

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| 50243   | 10/6/2016 | N6120121    | MAILFINANCE, INC. DBA HASLER<br>10/16-1/17 MAIL MACHINE RENTAL                   | 1,502.71    | <b>1,502.71</b>               |
| 50274   | 10/6/2016 |             | STAPLES  |             |                               |
|         |           | 3313196291  | 8/16 OFFICE SUPPLIES   | 332.74      |                               |
|         |           | 3313196290  | 8/16 OFFICE SUPPLIES   | 297.00      |                               |
|         |           | 3311534309  | 8/16 OFFICE SUPPLIES   | 286.16      |                               |
|         |           | 3314131107  | 9/16 OFFICE SUPPLIES   | 141.61      |                               |
|         |           | 3315248454  | 9/16 OFFICE SUPPLIES   | 141.11      |                               |
|         |           | 3310166415  | 7/16 OFFICE SUPPLIES   | 88.19       |                               |
|         |           | 3314131106  | 9/16 KITCHEN/MEETING SUPPLIES  | 53.19       | <b>1,340.00</b>               |
| 50207   | 10/6/2016 | CV 16221-16 | COACHELLA VALLEY ASSOC OF GOVT<br>4/16-6/16 SCAQMD FUNDS (AB2766)                | 1,066.25    | <b>1,066.25</b>               |
| 50164   | 9/16/2016 |             | INDIAN WELLS, CITY OF  |             |                               |
|         |           | PETTY CASH  | 7/16 CUT AND BEND COPPER PIECES FOR RECEPTION DESK                               | 160.00      |                               |
|         |           | PETTY CASH  | 9/7/16 JUL-SEPT EMPLOYEE BREAKFAST SUPPLIES                                      | 151.33      |                               |
|         |           | PETTY CASH  | 7/16 LEAGUE RIVERSIDE COUNTY DIVISION MEETING TRAVEL EXPENSE                     | 93.64       |                               |
|         |           | PETTY CASH  | 8/16 NEW TRAILER JACK FOR WATER TANK TRAILER                                     | 75.55       |                               |
|         |           | PETTY CASH  | 7/16 (5) GIFT CARDS FOR EMPLOYEES  | 75.00       |                               |
|         |           | PETTY CASH  | 9/8/16 LUNCH MEETRING WITH R.BALOCCO, D.REED, T.CONNOR AND W.MCKINNEY            | 59.12       |                               |
|         |           | PETTY CASH  | 8/3/16 CONTRACT RIVERSIDE COUNTY SHERIFF MEETING TRAVEL EXPENSE REIMB            | 51.52       |                               |
|         |           | PETTY CASH  | 9/12/16 BREAKFAST MEETING-D.HANSON, J.BENOIT & W.MCKINNEY                        | 48.87       |                               |
|         |           | PETTY CASH  | 7/16 FRAMES FOR COMMUNITY DEVELOPMENT DEPT                                       | 48.57       |                               |
|         |           | PETTY CASH  | 7/16 EMPLOYEE LUNCHEON SUPPLIES  | 44.66       |                               |
|         |           | PETTY CASH  | 6/16 TECHNICAL TRAINING FOR CLERKS SERIES 400 TRAINING EXPENSE REIMB             | 44.19       |                               |
|         |           | PETTY CASH  | 8/2/16 FUEL SUPPLY-F150 LANDSCAPING TRUCK PW DEPT                                | 40.00       |                               |
|         |           | PETTY CASH  | 7/21/16 MUNICIPAL MANAGEMENT ASSOC OF SO CAL (MMASC) TRAINING TRAVEL EXPENSE REI | 29.59       |                               |
|         |           | PETTY CASH  | 9/8/16 BREAKFAST MEETING WITH D.HANSON, T.KIRK, & W.MCKINNEY                     | 28.08       |                               |
|         |           | PETTY CASH  | 7/16 (1) PAIR OF CARGO PANTS-B.PELLETIER   | 27.53       |                               |
|         |           | PETTY CASH  | 7/16 EMPLOYEE LUNCHEON SUPPLIES  | 23.98       |                               |
|         |           | PETTY CASH  | 8/16 (1) REPLACEMENT HOT WATER ELECTRIC KETTLE                                   | 21.59       |                               |
|         |           | PETTY CASH  | 7/18/16 ROTARY CLUB OF INDIAN WELLS MEETING DUES-W.MCKINNEY                      | 20.00       |                               |
|         |           | PETTY CASH  | 8/30/16 STENCILING SUPPLIES-PW DEPT  | 8.62        | <b>1,051.84</b>               |
| 50169   | 9/22/2016 | 19395361    | GREAT AMERICA FINANCIAL SVCS<br>10/16 CANON COPIER LEASE SERVICES                | 999.00      | <b>999.00</b>                 |
| 50245   | 10/6/2016 | 10068       | MARTIN SWEEPING<br>8/16 CITYWIDE STORM DRAIN FACILITIES MAINTENANCE              | 962.70      | <b>962.70</b>                 |
| 50175   | 9/22/2016 | 46711889    | WEX BANK<br>8/16 CITY FLEET VEHICLES FUEL SUPPLY                                 | 911.98      | <b>89</b><br><del>11.98</del> |

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| 50216   | 10/6/2016 |              | DESERT ELECTRIC SUPPLY                             |             |               |
|         |           | S2339100.001 | 9/16 CITY PARKWAYS LANDSCAPE LIGHTING SUPPLIES     | 397.63      |               |
|         |           | S2334334.001 | 8/16 TOOL SUPPLY                                   | 163.62      |               |
|         |           | S2333822.001 | 8/16 MAINTENANCE SUPPLIES                          | 146.89      |               |
|         |           | S2336181.001 | 8/16 LIGHTING SUPPLIES                             | 124.47      |               |
|         |           | S2333843.001 | 8/16 CITY PARKWAYS LANDSCAPE LIGHTING SPPLIES      | 76.72       |               |
|         |           | S2340610.001 | 9/16 MAINTENANCE SUPPLIES                          | 46.52       |               |
|         |           | S2339099.001 | 9/16 TOOL SUPPLY                                   | 38.78       |               |
|         |           | S2340946.001 | 9/16 TOOL SUPPLY                                   | 14.67       |               |
|         |           | S2333822.002 | 8/16 CREDIT MAINTENANCE SUPPLIES                   | -107.46     | <b>901.84</b> |
| 50219   | 10/6/2016 |              | DESERT SUN PUBLISHING CO                           |             |               |
|         |           | DS0340807    | 10/16-09/17 (2) PAPER SUBSCRIPTION                 | 866.04      | <b>866.04</b> |
| 50210   | 10/6/2016 |              | CORELOGIC INFORMATION                              |             |               |
|         |           | 81719089     | 8/16 REALQUEST ONLINE REAL ESTATE DATA             | 825.00      | <b>825.00</b> |
| 50263   | 10/6/2016 |              | RIVERSIDE COUNTY                                   |             |               |
|         |           | IN0268678    | 10/16 ANNUAL HAZARDOUS MATERIALS MANAGEMENT PERMIT | 798.00      | <b>798.00</b> |
| 50237   | 10/6/2016 |              | INNOVATIVE DOCUMENT SOLUTIONS                      |             |               |
|         |           | 172698       | 8/16 CANON COPIER MAINTENANCE SERVICES             | 621.19      |               |
|         |           | 172697       | 8/16 CANON COPIER MAINTENANCE SERVICES             | 172.59      | <b>793.78</b> |
| 50220   | 10/6/2016 |              | DESERT SUN PUBLISHING CO.                          |             |               |
|         |           | 0005698559   | 8/16 LEGAL NOTICES                                 | 778.00      | <b>778.00</b> |
| 50272   | 10/6/2016 |              | SITEONE LANDSCAPE SUPPLY, LLC                      |             |               |
|         |           | 77608643     | 9/16 LANDSCAPE IRRIGATION SUPPLIES                 | 259.94      |               |
|         |           | 77622965     | 9/16 LANDSCAPE IRRIGATION SUPPLIES                 | 216.45      |               |
|         |           | 77440056     | 8/16 LANDSCAPE IRRIGATION SUPPLIES                 | 73.13       |               |
|         |           | 77458936     | 8/16 MAINTENANCE SUPPLIES-FIRE STATION             | 53.62       |               |
|         |           | 77362095     | 8/16 MAINTENANCE SUPPLIES                          | 53.52       |               |
|         |           | 77600702     | 9/16 LANDSCAPE IRRIGATION SUPPLIES                 | 43.61       |               |
|         |           | 77464533     | 9/16 MAINTENANCE SUPPLIES-FIRE STATION             | 9.39        | <b>709.66</b> |
| 50271   | 10/6/2016 |              | SIMPLOT PARTNERS                                   |             |               |
|         |           | 208065167    | 8/16 MAINTENANCE SUPPLIES                          | 283.51      |               |
|         |           | 208065868    | 9/16 MAINTENANCE SUPPLIES                          | 244.86      |               |
|         |           | 208066077    | 9/16 MAINTENANCE SUPPLIES-FIRE STATION             | 90.92       |               |
|         |           | 208066392    | 9/16 MAINTENANCE SUPPLIES                          | 45.38       |               |
|         |           | 208065131    | 8/16 MAINTENANCE SUPPLIES                          | 33.92       |               |
|         |           | 208065079    | 8/16 MAINTENANCE SUPPLIES                          | 10.88       | <b>709.47</b> |
| 50202   | 10/6/2016 |              | CAM STONE'S AUTOMOTIVE                             |             |               |
|         |           | 74079        | 9/16 CITY FLEET VEHICLE MAINTENANCE                | 156.66      |               |
|         |           | 74070        | 9/16 CITY FLEET VEHICLE MAINTENANCE                | 115.51      | <b>90</b>     |

**CITY OF INDIAN WELLS  
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| CHECK # | DATE      | INVOICE #     | VENDOR NAME/DESCRIPTION                            | INVOICE AMT | CHECK TOTAL   |
|---------|-----------|---------------|--|-------------|---------------|
|         |           | 74062         | 9/16 CITY FLEET VEHICLE MAINTENANCE                | 99.31       |               |
|         |           | 74097         | 9/16 CITY FLEET VEHICLE MAINTENANCE                | 99.31       |               |
|         |           | 73950         | 9/16 CITY FLEET VEHICLE MAINTENANCE                | 81.42       |               |
|         |           | 74093         | 9/16 CITY FLEET VEHICLE MAINTENANCE                | 52.13       |               |
|         |           | 74065         | 9/16 CITY FLEET VEHICLE MAINTENANCE                | 50.75       |               |
|         |           | 74068         | 9/16 CITY FLEET VEHICLE MAINTENANCE                | 50.75       | <b>705.84</b> |
| 50208   | 10/6/2016 |               | COMMUNITY CONNECT                                  |             |               |
|         |           | 16-17 #1      | 8/16 FY 2016/17 211 INFORMATION & REFERRAL SERVICE | 671.00      | <b>671.00</b> |
| 50232   | 10/6/2016 |               | GREEN DESERT NURSERY                               |             |               |
|         |           | 71394         | 9/16 LANDSCAPE SUPPLIES                            | 653.40      | <b>653.40</b> |
| 50247   | 10/6/2016 |               | MCKINNEY, WADE G.                                  |             |               |
|         |           | REIMB         | 2/17 LCC CITY MANAGERS MEETING REGISTRATION REIMB  | 650.00      | <b>650.00</b> |
| 50230   | 10/6/2016 |               | GREAT AMERICA FINANCIAL SVCS                       |             |               |
|         |           | 19428611      | 10/16 CANON COPIER LEASE SERVICES                  | 626.84      | <b>626.84</b> |
| 50258   | 10/6/2016 |               | PRUDENTIAL OVERALL SUPPLY                          |             |               |
|         |           | 22305852      | 9/14/16 FACILITY SERVICES                          | 123.44      |               |
|         |           | 22298779      | 8/31/16 FACILITY SERVICES                          | 123.43      |               |
|         |           | 22312892      | 9/28/16 FACILITY SERVICES                          | 123.43      |               |
|         |           | 22302406      | 9/7/16 CITY FACILITY SERVICES                      | 115.55      |               |
|         |           | 22309353      | 9/21/16 FACILITY SERVICES                          | 115.55      | <b>601.40</b> |
| 50167   | 9/22/2016 |               | COACHELLA VALLEY WATER DIST.                       |             |               |
|         |           | 317055-849582 | 8/16 UTILITIES                                     | 483.14      |               |
|         |           | 331197-849962 | 8/16 UTILITIES                                     | 63.04       |               |
|         |           | 152071-418440 | 9/16 UTILITIES                                     | 30.32       |               |
|         |           | 314511-846428 | 9/16 UTILITIES                                     | 23.07       | <b>599.57</b> |
| 50249   | 10/6/2016 |               | NATIONAL NEIGHBORHOOD WATCH                        |             |               |
|         |           | 1608629       | 9/16 MAINTENANCE SUPPLIES                          | 551.16      | <b>551.16</b> |
| 50173   | 9/22/2016 |               | TELEPACIFIC COMMUNICATIONS                         |             |               |
|         |           | 82553068-0    | 9/16 CITY HALL PHONE SERVICE                       | 516.86      | <b>516.86</b> |
| 50235   | 10/6/2016 |               | HOME DEPOT   |             |               |
|         |           | 4970727       | 9/16 MAINTENANCE SUPPLIES                          | 210.23      |               |
|         |           | 8013629       | 9/16 TOOLS SUPPLY                                  | 160.86      |               |
|         |           | 8094113       | 9/16 TOOLS SUPPLY                                  | 64.70       |               |
|         |           | 8971109       | 9/16 MAINTENANCE SUPPLIES                          | 16.59       | <b>452.38</b> |
| 50204   | 10/6/2016 |               | CDW GOVERNMENT, INC.                               |             |               |
|         |           | FKK1062       | 9/16 COMPUTER HARDWARE PURCHASE                    | 339.57      | <b>91</b>     |
|         |           | FDJ5805       | 8/16 COMPUTER HARDWARE PURCHASE                    | 106.55      | <b>446.12</b> |

**CITY OF INDIAN WELLS**  
**10/06/2016 MEETING WARRANT LIST**

| <b>CHECK #</b> | <b>DATE</b> | <b>INVOICE #</b>     | <b>VENDOR NAME/DESCRIPTION</b>   | <b>INVOICE AMT</b> | <b>CHECK TOTAL</b>   |
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| 50211          | 10/6/2016   | AN0000000842         | COUNTY OF RIVERSIDE<br>8/16 ANIMAL SHELTER MAINTENANCE SERVICES                              | 428.77             | <b>428.77</b>        |
| 50176          | 9/23/2016   | 5478680              | ASSURANT EMPLOYEE BENEFITS<br>10/16 LIFE INSURANCE/AD&D PREMIUMS                             | 400.80             | <b>400.80</b>        |
| 50276          | 10/6/2016   | 16184                | SUNSET ELECTRICAL A/V<br>9/16 AUDIO VISUAL EQUIPMENT   | 390.26             | <b>390.26</b>        |
| 50233          | 10/6/2016   | RIVERSIDE            | HAPNER, SONIA<br>9/16 TECHNICAL TRAINING FOR CLERKS TRAVEL EXPENSE REIMB                     | 386.76             | <b>386.76</b>        |
| 50195          | 10/6/2016   | 37677                | ABLEGOV, INC.<br>8/16 SERVER/SOFTWARE LICENSE OPERATING SERVICES                             | 381.50             | <b>381.50</b>        |
| 50209          | 10/6/2016   | 925417               | CONTRACTOR STATE LICENSE BOARD<br>12/1/16-11/30/17 LANDSCAPE CONTRACTOR LICENSE RENEWAL      | 360.00             | <b>360.00</b>        |
| 50257          | 10/6/2016   | 5233                 | PROPER SOLUTIONS<br>9/22-9/23/16 CITY STAFF TEMP SERVICES                                    | 319.68             | <b>319.68</b>        |
| 50214          | 10/6/2016   | ONTARIO              | DEGROOT, CRAIG<br>10/16 2016 CTI EDUCATION WEEK TRAVEL ADVANCE                               | 300.00             | <b>300.00</b>        |
| 50224          | 10/6/2016   | 341-3179<br>346-0407 | FRONTIER<br>9/16 CITY HALL FIRE/ALARM PHONE LINE SERVICES<br>9/16 CITY HALL FAX LINE SERVICE | 167.58<br>108.66   | <b>276.24</b>        |
| 50165          | 9/22/2016   | 16486904             | CANON FINANCIAL SERVICES, INC<br>10/16 WIDE FORMAT PRINTER & SCANNER LEASE                   | 270.79             | <b>270.79</b>        |
| 50223          | 10/6/2016   | 593500               | FIRST CHOICE SERVICES<br>9/16 CITY HALL COFFEE SUPPLY  | 244.60             | <b>244.60</b>        |
| 50162          | 9/12/2016   | 00370351-360         | EMPLOYMENT DEVELOPMENT DEPT<br>9/9/16 PAYROLL GARNISHMENT                                    | 239.98             | <b>239.98</b>        |
| 50256          | 10/6/2016   | SWINV453835          | PRIORITY NEOPOST<br>9/16 OFFICE SUPPLIES   | 230.02             | <b>230.02</b>        |
| 50267          | 10/6/2016   | RIVERSIDE            | ROJO, NORMA L.<br>10/23-10/26/16 CALPERS EDUCATIONAL FORUM TRAVEL ADVANCE                    | 225.00             | <b>225.00</b>        |
| 50213          | 10/6/2016   | RIVERSIDE            | DALLOSTA, AMY<br>10/23-10/26/16 CALPERS EDUCATIONAL FORUM TRAVEL ADVANCE                     | 225.00             | <b>92<br/>225.00</b> |

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|----------------|-------------|--|---|--|--------------------|
| 50278          | 10/6/2016   | 71183203   | TIFCO INDUSTRIES<br>8/16 MAINTENANCE SUPPLIES   | 209.06   | <b>209.06</b>      |
| 50279          | 10/6/2016   | 01383487   | TROON RESTAURANT HOLDINGS, LLC<br>8/29/16 LUNCH MEETING   | 177.20   | <b>177.20</b>      |
| 50266          | 10/6/2016   | SH0000028963   | RIVERSIDE COUNTY SHERIFF DEPT.<br>8/16 VEHICLE TOW SERVICE REIMB.   | 170.00   | <b>170.00</b>      |
| 50222          | 10/6/2016   | 103461<br>103462<br>103463   | FERNANDO'S BUST-A-BUG<br>9/16 PEST CONTROL SERVICES-CIVIC CENTER<br>9/16 PEST CONTROL SERVICES-FIRE STATION<br>9/16 PEST CONTROL SERVICES-WALK OF HONOR   | 96.00<br>50.00<br>20.00                                    | <b>166.00</b>      |
| 50251          | 10/6/2016   | 202479<br>202448<br>202710<br>202508<br>202464<br>202551<br>202377 | PALM DESERT ACE HARDWARE<br>9/16 TOOL SUPPLY<br>9/16 TOOL SUPPLY<br>9/16 MAINTENANCE SUPPLIES<br>9/16 MAINTENANCE SUPPLIES<br>9/16 MAINTENANCE SUPPLIES<br>9/16 MAINTENANCE SUPPLIES<br>9/16 MAINTENANCE SUPPLIES | 52.66<br>38.94<br>25.34<br>17.38<br>12.95<br>11.39<br>5.14 | <b>163.80</b>      |
| 50277          | 10/6/2016   | 82571134-0   | TELEPACIFIC COMMUNICATIONS<br>9/16 E.O.C. EMERGENCY PHONE SERVICE   | 160.39   | <b>160.39</b>      |
| 50226          | 10/6/2016   | 0154003  | GOVERNMENT FINANCE OFFICERS<br>10/16 2016/17 GFOA MEMBERSHIP RENEWAL-K.MCCARTHY   | 160.00   | <b>160.00</b>      |
| 50178          | 9/23/2016   | OCTOBER 2016<br>OCTOBER 2016                                       | NATIONAL INSURANCE MARKETING<br>9/9/16 PAYROLL EMPLOYEE DEDUCTION LIFE INSURANCE<br>9/23/16 PAYROLL EMPLOYEE DEDUCTION LIFE INSURANCE   | 77.49<br>77.49   | <b>154.98</b>      |
| 50166          | 9/22/2016   | 988727589  | CANON SOLUTIONS AMERICA, INC.<br>8/16 WIDE FORMAT COPIER/SCANNER MAINTENANCE  | 152.00   | <b>152.00</b>      |
| 50227          | 10/6/2016   | RIVERSIDE<br>RIVERSIDE   | GRANDYS, ANNA<br>9/14/16 GRANICUS USER GROUP MEETING MILEAGE REIMB<br>9/15/16 TTC S.HAPNER GRADUATION MILEAGE REIMB   | 76.14<br>72.90   | <b>149.04</b>      |
| 50259          | 10/6/2016   | 19259  | PUBLIC RECORD<br>8/16/16 LEGAL NOTICES-PLANNING DEPT  | 141.00   | <b>141.00</b>      |
| 50250          | 10/6/2016   | 36193700   | NORTHERN-BLUETARP FINANCIAL<br>9/16 UNIFORM SUPPLY  | 127.48   | <b>127.48</b>      |

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**CITY OF INDIAN WELLS  
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|----------------|-------------|------------------|--|--------------------|---------------------|
| 50196          | 10/6/2016   | 161000106101     | AROUND-THE-CLOCK<br>9/16 AFTER HOURS PHONE ANSWERING SERVICE                   | 115.95             | <b>115.95</b>       |
| 50174          | 9/22/2016   | 8448410760152292 | TIME WARNER CABLE<br>9/16 CITY HALL CABLE TV SERVICES                          | 88.60              | <b>88.60</b>        |
| 50203          | 10/6/2016   | 264858           | CAMERON NURSERY & TURF PRODUCT<br>9/16 LANDSCAPE SUPPLIES-FIRE STATION         | 86.67              | <b>86.67</b>        |
| 50201          | 10/6/2016   | 44-BS 405166     | BURRTEC WASTE & RECYCLING<br>9/16 ONSITE STORAGE BOX RENTAL                    | 80.00              | <b>80.00</b>        |
| 50215          | 10/6/2016   | 165447           | DESERT AIR CONDITIONING, INC.<br>8/16 AIR CONDITIONING SERVICE CALL            | 80.00              | <b>80.00</b>        |
| 50239          | 10/6/2016   | 3                | LEAGUE OF CALIFORNIA CITIES<br>10/7/16 LCC ANNUAL CONFERENCE BREAKFAST MEETING | 75.00              | <b>75.00</b>        |
| 50168          | 9/22/2016   | 200-1815         | FRONTIER<br>9/16 TRAFFIC SIGNAL CONTROL PHONE SERVICE                          | 55.86              | <b>55.86</b>        |
| 50221          | 10/6/2016   | CAPAM48452       | FASTENAL COMPANY<br>9/16 MAINTENANCE SUPPLIES                                  | 54.55              | <b>54.55</b>        |
| 50225          | 10/6/2016   | 653531           | GOLD COAST METALS & SUPPLIES<br>9/16 MAINTENANCE SUPPLIES                      | 53.98              | <b>53.98</b>        |
| 50170          | 9/22/2016   | 50579115         | IMPERIAL IRRIGATION DISTRICT<br>9/16 UTILITIES                                 | 45.86              | <b>45.86</b>        |
| 50246          | 10/6/2016   | 108537           | MAXIMUM SECURITY<br>9/16 SECURITY ALARM SERVICE CALL                           | 45.00              | <b>45.00</b>        |
| 50252          | 10/6/2016   | 1142             | PAUL BLATT ENTERPRISES, INC.<br>9/16 MAINTENANCE SUPPLIES                      | 45.00              | <b>45.00</b>        |
| 50217          | 10/6/2016   | 0015127130       | DESERT PIPE & SUPPLY<br>9/16 MAINTENANCE SUPPLIES                              | 40.23              | <b>40.23</b>        |
| 50264          | 10/6/2016   | JUL16            | RIVERSIDE COUNTY AUDITOR/<br>7/16 CITATIONS PAYABLE COLLECTIONS                | 37.50              | <b>37.50</b>        |
| 50198          | 10/6/2016   | 287243904839     | AT&T MOBILITY<br>8/17 SIM CARD DATA CONNECTION SERVICES                        | 25.53              | <b>94<br/>25.53</b> |

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| 50163          | 9/12/2016   | 352000006506     | UNITED WAY OF THE DESERT<br>9/9/16 PAYROLL EMPLOYEE CONTRIBUTIONS     | 25.00              | <b>25.00</b>       |
| 50180          | 9/23/2016   | 352000006506     | UNITED WAY OF THE DESERT<br>9/23/16 PAYROLL EMPLOYEE CONTRIBUTIONS    | 25.00              | <b>25.00</b>       |
| 50240          | 10/6/2016   | 1931             | LEAGUE OF CALIFORNIA CITIES<br>9/16/16 RCD MEDIA TRAINING-N.SAMUELSON | 25.00              | <b>25.00</b>       |
| 50282          | 10/6/2016   | 9771743815       | VERIZON WIRELESS<br>8/16 MOTOR OFFICER TICKET WRITER CELLULAR SERVICE | 22.22              | <b>22.22</b>       |
| 50171          | 9/22/2016   | 627757319-178    | NEXTEL COMMUNICATIONS<br>8/16 CELLULAR COMMUNICATION SERVICES         | 20.79              | <b>20.79</b>       |
| 50242          | 10/6/2016   | BB00034933       | LOCK SHOP, INC., THE<br>9/16 MAINTENANCE SUPPLIES                     | 4.75               | <b>4.75</b>        |

110 checks in this report

**TOTAL CITY WARRANTS 50162-50180 and 50195-50285: 393,831.22**

**CITY OF INDIAN WELLS  
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| <b>Wires :</b> |             |                  |  |                    |                     |
| 60             | 9/28/2016   |                  | CALPERS RETIREMENT SYSTEM  |                    |                     |
|                |             | 6392517834       | 9/16 UNFUNDED ACTUARIAL LIABILITY LUMP SUM PAYMENT               | 1,171,521.00       | <b>1,171,521.00</b> |
| 58             | 9/20/2016   |                  | INDIAN WELLS GOLF RESORT   |                    |                     |
|                |             | 2016 08 SD       | 9/16 WIND STORM DAMAGE REIMBURSEMENT                             | 161,406.50         | <b>161,406.50</b>   |
| 57             | 9/20/2016   |                  | INDIAN WELLS GOLF RESORT   |                    |                     |
|                |             | 2016-17          | 9/16 2016/17 WHITEWATER RIVER CHANNEL MAINTENANCE REIMB          | 132,690.60         | <b>132,690.60</b>   |
| 1725           | 9/26/2016   |                  | CALIFORNIA PUBLIC EMPLOYEES                                      |                    |                     |
|                |             | 100000014834445  | 10/16 MEDICAL INSURANCE PREMIUMS                                 | 66,457.22          | <b>66,457.22</b>    |
| 1720           | 9/9/2016    |                  | INTERNAL REVENUE SERVICE   |                    |                     |
|                |             | 95-2489139       | 9/9/16 PAYROLL-FWT, FICA & MEDICARE                              | 39,482.78          | <b>39,482.78</b>    |
| 1724           | 9/23/2016   |                  | INTERNAL REVENUE SERVICE   |                    |                     |
|                |             | 95-2489139       | 9/23/16 PAYROLL-FWT, FICA & MEDICARE                             | 30,433.57          | <b>30,433.57</b>    |
| 1721           | 9/13/2016   |                  | CALPERS RETIREMENT SYSTEM  |                    |                     |
|                |             | 6392517834       | 9/9/16 PAYROLL CONTRIBUTIONS                                     | 23,065.45          | <b>23,065.45</b>    |
| 1726           | 9/26/2016   |                  | CALPERS RETIREMENT SYSTEM  |                    |                     |
|                |             | 6392517834       | 9/23/16 PAYROLL CONTRIBUTIONS                                    | 21,828.10          | <b>21,828.10</b>    |
| 1719           | 9/9/2016    |                  | ICMA   |                    |                     |
|                |             |                  | CONTRIBUTIONS 9/9/16 PAYROLL-401A, 457 & ROTH IRA CONTRIBUTIONS  | 8,742.87           | <b>8,742.87</b>     |
| 1722           | 9/9/2016    |                  | CALIFORNIA, STATE OF   |                    |                     |
|                |             | 925-0060-2       | 9/9/16 PAYROLL-SDI & SWT DEPOSIT                                 | 8,515.34           | <b>8,515.34</b>     |
| 1723           | 9/22/2016   |                  | ICMA   |                    |                     |
|                |             |                  | CONTRIBUTIONS 9/23/16 PAYROLL-401A, 457 & ROTH IRA CONTRIBUTIONS | 8,291.54           | <b>8,291.54</b>     |

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10/06/2016 MEETING WARRANT LIST**

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| 1727           | 9/23/2016   |                  | CALIFORNIA, STATE OF                    |                    |                    |
|                |             | 925-0060-2       | 9/23/16 PAYROLL-SDI & SWT DEPOSIT       | 6,469.56           | <b>6,469.56</b>    |
| 59             | 9/26/2016   |                  | CALPERS RETIREMENT SYSTEM               |                    |                    |
|                |             | 100000014810910  | 8/16 2016/17 GASB 68 REPORT FEE         | 1,300.00           | <b>1,300.00</b>    |
| 1728           | 9/23/2016   |                  | VISION SERVICE PLAN - (CA)              |                    |                    |
|                |             | 121858900001     | 10/16 VISION INSURANCE PREMIUMS         | 769.77             | <b>769.77</b>      |
| 2959           | 9/22/2016   |                  | INDIAN WELLS EMPLOYEE ASSOC.            |                    |                    |
|                |             | 2379795          | 9/23/16 PAYROLL IW EMPLOYEE ASSOCIATION | 196.00             | <b>196.00</b>      |
| 2955           | 9/8/2016    |                  | INDIAN WELLS EMPLOYEE ASSOC.            |                    |                    |
|                |             | 2379795          | 9/9/16 PAYROLL IW EMPLOYEE ASSOCIATION  | 196.00             | <b>196.00</b>      |
| 56             | 9/23/2016   |                  | CALIFORNIA STATE DISBURSEMENT           |                    |                    |
|                |             | 200000001834517  | 9/23/16 PAYROLL GARNISHMENT             | 138.46             | <b>138.46</b>      |

**TOTAL WIRE DISBURSEMENTS 56-60 and 1719-1728 and 2955 and 2959: 1,681,504.76**

**CITY OF INDIAN WELLS  
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|  |                 |           |
|--|-----------------|-----------|
|  | EFT 15069-15096 | 75,215.99 |
|--|-----------------|-----------|

|  |                                   |                  |
|--|-----------------------------------|------------------|
|  | <b>Total Net Payroll 09/23/16</b> | <b>75,215.99</b> |
|--|-----------------------------------|------------------|

**TOTAL CITY DISBURSEMENTS: 2,150,551.97**

Note: All warrants were issued prior to the regular scheduled City Council meeting.



10/12/2016

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File #: ORD-126-16 Item #: A.

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## ***Indian Wells City Council*** ***Staff Report - Community Development***

### **Adopting by Reference 2016 Edition of California Building Standards Code and Other Uniform Codes; and Setting a Public Hearing for Same**

#### **RECOMMENDED ACTIONS:**

Council **INTRODUCES** Ordinance amending Chapters 16.12, 16.16, 16.20, 16.24, 16.30, 16.32, 16.33, 16.35 and 16.38 of the Municipal Code; adopting by reference the 2016 Edition of the California Building Standards Code (California Code of Regulations, Title 24); together with certain additions, insertions, deletions and changes thereto; and adopting by reference the 2015 Uniform Swimming Pool, Spa & Hot Tub Code and the 2015 International Property Maintenance Code; and

**SETTING** a public hearing for November 17, 2016 to take testimony and consider adopting the Ordinance.

#### **DISCUSSION:**

##### Background:

The State of California Building Standards Commission has adopted the 2016 triennial edition of the California Code of Regulations, Title 24, which is also known as the California Building Standards Code (the "Code"). The Code includes various code sections pertaining to different aspects of building regulations, such as building, plumbing, mechanical, and electrical.

State law mandates all California jurisdictions enforce the 2016 Code effective January 1, 2017, for all new building construction. Although jurisdictions may choose to do so, these codes do not have to be locally adopted to be in effect. State law also permits local jurisdictions to make modifications, referred to as "local amendments", that may be more, but in no event less, stringent than those requirements adopted by the State. To incorporate local amendments, jurisdictions must adopt the corresponding Code and the local amendments, as well as make findings that the local amendments respond to local needs, such as climatic, geologic, or topographical conditions. The City has adopted local amendments during each of the prior triennial Code adoption cycles. The City last adopted local amendments in 2013 during the previous Code adoption cycle for the 2013 Codes. Local amendments must be re-adopted during each Code adoption cycle.

Issues/Analysis:

The 2016 edition of the California Building Standards Code contains twelve (12) separate parts (also known as "Codes"). Table 1 below lists each of the twelve Codes and the corresponding chapters that include local City amendments. Not all Codes require local amendments that need to be adopted by the City, as they are largely administrative State regulations or are otherwise not directly applicable to the City. In addition, Table 2 lists two additional chapters outside of the Code Staff is recommending the City adopt as local amendments.

**Table 1 -- California Building Standards Code**

| Part | California Code  | IWMC Chapter with local amendments |
|------|--|------------------------------------|
| 1    | California Building Standards Administrative Code            | -                                  |
| 2    | California Building Code                                     | 16.12                              |
| 2.5  | California Residential Building Code                         | 16.38                              |
| 3    | California Electrical Code                                   | 16.24                              |
| 4    | California Mechanical Code                                   | 16.16                              |
| 5    | California Plumbing Code                                     | 16.20                              |
| 6    | California Energy Code                                       | -                                  |
| 7    | (No longer in Title 24. See Title 8, CCR)                    | -                                  |
| 8    | California Historical Building Code                          | -                                  |
| 9    | California Fire Code   | 16.32                              |
| 10   | California Existing Building Code                            | -                                  |
| 11   | California Green Building Standards Code ( <i>CALGreen</i> ) | 16.35                              |
| 12   | California Reference Standards Code                          | -                                  |

**Table 2 - Non-California Building Standards Code**

| Part | Code  | IWMC Chapter with local amendments |
|------|---|------------------------------------|
| -    | Uniform Swimming Pool, Spa and Hot Tub Code | 16.30                              |
| -    | International Property Maintenance Code     | 16.33                              |

Summary of Building Code Changes:

For 2016, the majority of code updates are highly technical in nature and focus on clarifications in application of various sections. For example, the new code increases the spectral response acceleration parameters for determining seismic design forces, modifies masonry standards for **100**

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compression strengths, and revises the industry standard for excess flow actuated automatic gas shutoff valves.

One change relating to the plumbing code reduces the maximum water flow rates for metering faucets to comply with Governor's Executive Order B-29-15. These changes officially codify efforts to reduce water consumption in response to statewide draught efforts.

Summary of Local Amendments:

Staff recommends two modifications to local amendments:

1. Indian Wells has historically allowed for installation of roofing materials that do not meet Class A fire retardancy so long as the modifications are for partial re-roofing of less than 25% of the roof. Staff recommends removing this local amendment and requiring all re-roofing projects do so with Class A roofing materials only.
2. Fire Code.

**ATTACHMENT:**

1. Ordinance

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, AMENDING CHAPTERS 16.12, 16.16, 16.20, 16.24, 16.30, 16.32, 16.33, 16.35 AND 16.38 OF THE INDIAN WELLS MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24); INCLUDING THE 2016 CALIFORNIA BUILDING CODE (INCORPORATING AND AMENDING THE 2015 INTERNATIONAL BUILDING CODE); THE 2016 CALIFORNIA RESIDENTIAL CODE (INCORPORATING AND AMENDING THE 2015 INTERNATIONAL RESIDENTIAL CODE); THE 2016 CALIFORNIA ELECTRICAL CODE (INCORPORATING AND AMENDING THE 2014 NATIONAL ELECTRICAL CODE); THE 2016 CALIFORNIA MECHANICAL CODE (INCORPORATING AND AMENDING THE 2015 UNIFORM MECHANICAL CODE); THE 2016 CALIFORNIA PLUMBING CODE (INCORPORATING AND AMENDING THE 2015 UNIFORM PLUMBING CODE); THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE; AND THE 2016 CALIFORNIA FIRE CODE (INCORPORATING AND AMENDING THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE); TOGETHER WITH CERTAIN ADDITIONS, INSERTIONS, DELETIONS AND CHANGES THERETO; AND ADOPTING BY REFERENCE THE 2015 UNIFORM SWIMMING POOL, SPA & HOT TUB CODE AND THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE**

**WHEREAS**, pursuant to Government Code Section 50022.1 *et seq.* the City may adopt by reference the California Building Standards Code, 2016 Edition as provided in Title 24 of the California Code of Regulations, and other codes, including, without limitation, the 2015 Uniform Swimming Pool, Spa & Hot Tub Code and the 2015 International Property Maintenance Code; and

**WHEREAS**, the California Building Standards Commission ("Commission") recently adopted the 2016 Edition of the California Building Standards Code; and

**WHEREAS**, California Health and Safety Code Section 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological or topographical conditions; and

**WHEREAS**, the City of Indian Wells desires to adopt the California Building Standards Code; including the California Building Code, 2016 Edition, which incorporates and amends the International Building Code and Appendices, 2015 Edition; the California Residential Code, 2016 Edition, which incorporates and amends the International Residential Code and Appendices, 2015 Edition; the California Electrical Code, 2016 Edition, which incorporates and amends the National Electrical Code and Appendices, 2014 Edition; the

California Mechanical Code, 2016 Edition, which incorporates and amends the Uniform Mechanical Code and Appendices, 2015 Edition; the California Plumbing Code, 2016 Edition, which incorporates and amends the Uniform Plumbing Code and Appendices, 2015 Edition; the California Green Building Standards Code, 2016 Edition; and the California Fire Code, 2016 Edition, which incorporates and amends the International Fire Code and Appendices, 2015 Edition (collectively, the "Codes"); together with the necessary amendments to assure the Codes are tailored to the particular safety needs of the City as required by its unique climatic, geological and topographical conditions; and

**WHEREAS**, the Building Official has recommended that changes and modifications be made to the Codes, and has advised that certain changes and modifications to said Codes are reasonably necessary due to local conditions within the City of Indian Wells, and have further advised that the remainder of the said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the Code, or are reasonably necessary to safeguard life and property within the City of Indian Wells; and

**WHEREAS**, the Building Official has also recommended that changes and modifications be made to the Codes, which are necessary for administrative clarification and to establish administrative standards for the effective enforcement of the building standards of the City of Indian Wells and do not modify a building standard pursuant to California Health & Safety Code Section 17958, 17958.7, and/or 18941.5; and

**WHEREAS**, the City Council conducted first reading of this ordinance on October 12, 2016; and

**WHEREAS**, notice of a public hearing on this ordinance was published in the October 18, 2016 on October 25, 2016; and

**WHEREAS**, the City Council held a public hearing on November 17, 2016, as required by law, at which time the Council determined that the adoption of the Codes and amendments thereto are in the best interest of the City and are based on the findings required by law; and

**WHEREAS**, at least one copy of each of the Codes adopted by reference by this ordinance were available for public inspection at the office of the City Clerk fifteen (15) days preceding the public hearing pursuant to Government Code Section 50022.6.

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

**Section 1. Authority.** The City Council enacts this Ordinance under the authority granted to the City as follows:

A. California Government Code Section 50022.1 et seq. authorizes the City to adopt by reference the California Building Standards Code and authorizes the City to adopt other codes by reference;

B. California Health & Safety Code Section 17958.7 and 18941.5 authorize the City to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological or topographical conditions

**Section 2. Findings.** To the extent that changes and modifications to the 2016 California Building Standards Code in this ordinance are deemed more restrictive than the standards contained in the 2016 California Building Standards Code thus requiring that findings be made pertaining to local climatic, geological, or topographical conditions to justify such modifications, the City Council hereby finds and determines as follows:

1. Extreme surface temperatures common in the lower desert areas, one hundred sixty (160) degrees Fahrenheit plus, deteriorates and dries out buildings' materials and our high winds create extreme fire conditions which are detrimental to the general public.

(Applicable to Amendments to Building Code Sections 907.2.8 thru 907.2.10 and 1505.1 and Fire Code Sections 903.1, 903.2, 907.1, 5608.1, and B105.1.

2. Notwithstanding the provisions of the 2016 California Electrical Code, the use of aluminum and copper-clad aluminum conductors, feeder conductors, branch circuit conductors, taps and service entrance cable is expressly prohibited, except where aluminum wiring sizes 1/10 and larger are used for main feed to sub-panels and are enclosed in a raceway. The coefficient of expansion of aluminum has created untold problems whereby outside ambient temperatures in sunlight reach one hundred sixty (160) degrees Fahrenheit. When load is applied, which generates additional heat, failure occurs and creates motor burnout, fires, electrical shock and hazards detrimental to the general public.

(Applicable to Amendments to Electrical Code Sections 230.1 and 310.106B)

**Section 3.** Chapter 16.12, of the Indian Wells Municipal Code, is amended and restated in its entirety to read as follows:

## **"Chapter 16.12**

### **California Building Code**

#### **Sections:**

|                  |   |
|------------------|---|
| <b>16.12.000</b> | <b>Adoption by reference.</b>   |
| <b>16.12.010</b> | <b>Amendment to Section 113—Board of Appeals.</b>   |
| <b>16.12.020</b> | <b>Amendment to Section 105.5—Permits—Expiration.</b>   |
| <b>16.12.030</b> | <b>Amendment to Section 109.2—Fees—Schedule of permit fees.</b>   |
| <b>16.12.040</b> | <b>Addition to Section 110.1—Inspections—General.</b>   |
| <b>16.12.050</b> | <b>Amendment to Section 1505.1—Fire Classification—General—Deleting combustible roofing materials from the list of permissible roofing materials for roofing a new structure except for re-roofs.</b> |
| <b>16.12.055</b> | <b>Reserved.</b>  |
| <b>16.12.070</b> | <b>Amendment to Sections 907.2.8—Group R-1; 907.2.9—Group R-2 and R-2.1; and 907.2.10—Group R-4.</b>  |

#### **16.12.000 Adoption by reference.**

A. The California Building Code, 2016 Edition, Volumes 1 and 2, which incorporates and amends the International Building Code, 2015 Edition published by the International Code Council, including Chapter 1 and Appendices, based on the International Building Code, with changes, additions, and deletions set forth in this chapter, are adopted by reference as the building code of the City.

B. At least one copy of said codes are on file in the office of the Building Official and shall at all times be maintained by the Building Official for use and examination by the public.

#### **16.12.010 Amendment to Section 113—Board of Appeals.**

Section 113 of the California Building Code is amended to read as follows:

113.1 General. The City Council shall hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code. The City Council shall render all decision and findings in writing to the appellant with a duplicate copy to the Building Official.

113.2 Limitations and Authority. The City Council shall have no authority relative to interpretation of the administrative provisions of this Code nor shall the City Council be empowered to waive requirements of this Code.

113.3 Procedure for Filing an Appeal. Any person desiring a review of a decision by the Building Official may file a request with the City Council for a hearing, upon the forms

provided by the Board within ten (10) days after the date of said decision. The effect of the decision to be reviewed is suspended until the termination of the hearing.

113.4 Hearing. The City Council shall fix the time and place of the hearing which shall be at a meeting of the City Council held not less than five (5) nor more than fifteen (15) working days after the date of filing of the request for hearing. The City Council shall give written notice of the time and place of the hearing to the applicant and the Building Official. Witnesses may be sworn and examined and evidence produced by the interested parties who shall appear in person only. The Board shall keep a record of the proceedings of each hearing.

113.5 Recommendation of the Board. The City Council shall make written findings and conclusions of its recommendations to the Building Official within five (5) days after the close of the hearing. The affirmative vote of not less than three (3) members shall constitute the recommendation of the Council.

**16.12.020 Amendment to Section 105.5—Permits—Expiration.**

Section 105.5 of the California Building Code is amended to read as follows:

Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days, or if the building or work authorized by such permit is not completed within two (2) calendar years from the issuance date of the permit.

Before such work can be recommenced, a new permit, or a renewed permit as specified below, shall be first obtained. No permit shall be renewed more than once.

For permits where work has not commenced, a renewed permit may be obtained provided that: (1) no changes have been made or will be required in the original plans and specifications for such work; (2) the expiration has not exceeded two (2) years from the original issuance date; and (3) a fee equal to one half the amount required for a new permit is paid.

For permits where work had commenced and was subsequently suspended or abandoned, a renewed permit may be obtained provided that: (1) No changes have been made or will be required in the original plans and specifications for such work; (2) the expiration has not exceeded two (2) years from the original issuance date; and (3) a fee equal to one half the amount required for a new permit is paid, except that where construction has progressed and has been approved to the point whereby only a final inspection is required, a fee equal to one quarter the amount required for a new permit shall be paid.

For permits where construction activities have exceeded two (2) years beyond the issuance date or any extension thereof, a renewed permit is required. The renewed permit shall not be issued unless the permittee signs an agreement committing to complete the building, or at a minimum to complete all exterior work including but not limited to painting and landscaping, within a reasonable period of time as determined by the Building Official. The permittee shall post a completion bond in the estimated amount of the work remaining to be done.

Any permittee holding an unexpired permit may apply for an extension of the time within which work under that permit may be continued when, for good and satisfactory reasons, he was unable to complete the work within the time required by this Section. The Building Official may extend the time for completion by the permittee for a period not exceeding six (6) calendar months upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented completion of the construction the work. No permit shall be extended more than once. The Building Official may require the permittee to sign an agreement committing to complete the work within a reasonable period of time as determined by the Building Official and to post a completion bond in the estimated amount of the work remaining to be done.

If the permittee fails to complete the work of construction within the time required, the permittee is subject to a civil penalty in addition to any other legal or equitable remedy available to the City. The Building Official is authorized to abate any unsafe condition or nuisance created by such incomplete work. The amount of the civil penalty shall not exceed fifty dollars (\$50.00) per day for the first sixty (60) days, seventy-five dollars (\$75.00) per day for the next sixty (60) days, and one hundred dollars (\$100.00) per day thereafter. In setting the amount of the civil penalty, the following factors shall be considered: 1) whether the delay was beyond the control of the permittee, 2) any other justifiable reason for the delay, 3) the degree to which the construction site reduces property values, 4) the appearance of the construction site, 5) the estimated cost of the remaining work and the overall project cost, 6) any other reasonable factor that bears on the appropriateness of the amount of the civil penalty. Any permittee may appeal the imposition of a civil penalty to the City Council. The Council shall hold a public hearing and determine whether there is a justifiable reason for all or a part of the delay and whether the amount of the civil fine is reasonable.

**16.12.030 Amendment to Section 109.2—Fees—Schedule of permit fees.**

Section 109.2 of the California Building Code is amended to read as follows:

The fee for each permit shall be as set forth by fee resolution of the City Council.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems, and any other permanent equipment.

**16.12.040 Addition to Section 110.1—Inspections—General.**

The following sentence is added to Section 110.1 of the California Building Code to read as follows:

Survey stakes shall be provided prior to first inspection, and maintained so they are clearly visible until after the Certificate of Occupancy has been issued, except for repair or remodeling work which does not relate to setback requirements.

**16.12.050 Amendment to Section 1505.1—Fire Classification—General—Deleting combustible roofing materials from the list of permissible roofing materials for roofing a new structure except for re-roofs.**

Section 1505.1 is amended to read as follows:

Section 1505.1 The roof covering on any new residential structure regulated by this Code shall be a Class A roof covering as specified in Section 1505.2. All roof coverings on new structures shall be Class A roof covering as specified in Section 1505.2. The Class A roof covering shall comply with the test standard for determining fire retardancy of roof covering materials and comply with the Indian Wells Building Code.

(a) The roof-covering assembly includes the roof deck, interlayment, insulation, and the Class A covering.

(b) Re-roofing an Existing Structure. All re-roofings of existing structures, including partial re-roofings, shall be Class A fire retardant roof coverings that conform to California Building Code, 2016 Edition for Class A roof coverings.

**16.12.055 Reserved.**

**16.12.070 Amendment to Sections 907.2.8—Group R-1; 907.2.9—Group R-2 and R-2.1; and 907.2.10—Group R-4.**

The following is added to Section 907.2.8 of the California Building Code to read as follows:

When a permit is required for an addition, alteration or repair to a Group R-1 Occupancy or when one or more sleeping rooms are added or created in existing Group R-1 Occupancies, smoke detectors shall be installed in accordance with this Section.

EXCEPTION: Repairs to the exterior surfaces of a Group R-1 Occupancy are exempt from the requirement of this Section."

The following is added to Section 907.2.9 of the California Building Code to read as follows:

When a permit is required for an addition, alteration or repair to a Group R-2 or R-2.1 Occupancy or when one or more sleeping rooms are added or created in existing Group R-2 or R-2.1 Occupancies, smoke detectors shall be installed in accordance with this Section.

EXCEPTION: Repairs to the exterior surfaces of a Group R-2 or R-2.1 Occupancy are exempt from the requirement of this Section.

The following is added to Section 907.2.10 of the California Building Code to read as follows:

When a permit is required for an addition, alteration or repair to a Group R-4 Occupancy or when one or more sleeping rooms are added or created in existing Group R-4 Occupancies, smoke detectors shall be installed in accordance with this Section.

EXCEPTION: Repairs to the exterior surfaces of a Group R-4 Occupancy are exempt from the requirement of this Section."

**Section 4.** Chapter 16.16 of the Indian Wells Municipal Code is amended and restated in its entirety to read as follows:

### **"Chapter 16.16**

#### **California Mechanical Code**

##### **Sections:**

|                  |  |
|------------------|--|
| <b>16.16.000</b> | <b>Adoption by reference.</b>          |
| <b>16.16.010</b> | <b>Section 104.5—Fees—Permit Fees.</b> |

##### **16.16.000 Adoption by reference.**

A. The California Mechanical Code, 2016 Edition, which incorporates and amends the Uniform Mechanical Code, 2015 Edition, published by the International Association of Plumbing and Mechanical Officials, including Chapter 1 and Appendices, with changes, additions, and deletions set forth in this chapter, are adopted by reference as the mechanical code of the City.

B. At least one copy of said mechanical code has been deposited in the office of the Building Official and shall at all times be maintained by the Building Official for use and examination by the public.

##### **16.16.010 Section 104.5—Fees—Permit Fees.**

Section 104.5 of the California Mechanical Code is amended to read as follows:

The fee for each permit shall be as set forth by fee resolution of the City Council."

**Section 5.** Chapter 16.20 of the Indian Wells Municipal Code is amended and restated in its entirety to read as follows:

**“Chapter 16.20**

**California Plumbing Code**

**Sections:**

|                  |                               |
|------------------|-------------------------------|
| <b>16.20.000</b> | <b>Adoption by reference.</b> |
| <b>16.20.010</b> | <b>Section 104.5—Fees.</b>    |

**16.20.000 Adoption by reference.**

A. The California Plumbing Code, 2016 Edition and Appendices, which incorporates and amends the Uniform Plumbing Code, 2015 Edition, published by the International Association of Plumbing and Mechanical Officials, including Chapter 1, with changes, additions, and deletions set forth in this chapter, are adopted by reference as the plumbing code of the City.

B. At least one copy of said plumbing code has been deposited in the office of the Building Official and shall at all times be maintained by the Building Official for use and examination by the public.

**16.20.010 Section 104.5—Fees.**

Section 104.5 of the California Plumbing Code is amended to read as follows:

The fee for each permit shall be as set forth by fee resolution of the City Council.”

**Section 6.** Chapter 16.24 of the Indian Wells Municipal Code is amended and restated in its entirety to read as follows:

**“Chapter 16.24**

**California Electrical Code**

**Sections:**

|                  |   |
|------------------|---|
| <b>16.24.000</b> | <b>Adoption by reference.</b>   |
| <b>16.24.010</b> | <b>Amendment to Article 310.106(B)—Conductors—Conductor Material.</b> |
| <b>16.24.020</b> | <b>Addition to Article 230.1—Services—Scope.</b>                      |
| <b>16.24.030</b> | <b>Reserved.</b>  |

**16.24.000 Adoption by reference.**

A. The California Electrical Code, 2016 Edition & Appendices, which incorporates and amends the National Electrical Code, 2014 Edition, published by the National Fire Protection Association, including Article 89, with changes, additions, and deletions set forth in this chapter, are adopted by reference as the electrical code of the City.

B. At least one copy of said electrical code has been deposited in the office of the Building Official and shall at all times be maintained by the Building Official for use and examination by the public.

**16.24.010 Amendment to Section 310.106(B)—Conductors—Conductor Material.**

The following shall be added to Section 310.106(B) of the California Electrical Code:

Aluminum conductor limitations. No aluminum wiring shall be used. Exception: Aluminum wiring in sizes 1/0 and larger may be used for main feed to sub-panels only and shall be enclosed in a raceway.

**16.24.020 Addition to Section 230.1—Services—Scope.**

The following shall be added to Section 230.1 of the California Electric Code:

Utility lines, including but not limited to electric communications, street lighting and cable television, shall be placed underground on all new buildings. When additions, remodeling or repairs exceeds fifty percent (50%) of fair market value of existing buildings, all overhead service entrances shall be placed underground. In every case where electric meter service panel is changed or altered, service entrance wiring shall be placed underground. Utilities, for the purpose of this Section shall include appurtenances and associated equipment such as, but not limited to, surface mounted transformers, pedestal mounted terminal boxes, meter cabinets and ducting.

**16.24.030 Reserved.**

**Section 7.** Chapter 16.30 of the Indian Wells Municipal Code is hereby amended and restated in its entirety to read as follows:

**“Chapter 16.30**

**Uniform Swimming Pool, Spa and Hot Tub Code**

**Sections:**

**16.30.000 Adoption by reference**

**16.30.000 Adoption by reference.**

A. The Uniform Swimming Pool, Spa and Hot Tub Code, 2015 Edition, published by the International Association of Plumbing and Mechanical Officials is adopted by reference by the City.

B. At least one copy of said code will be deposited in the office of the Building Official and shall at all times be maintained by the Building Official for use and examination by the public.”

**Section 8.** Chapter 16.32 of the Indian Wells Municipal Code is amended and restated in its entirety to read as follows:

**“Chapter 16.32**

**California Fire Code**

**Sections:**

|                  |  |
|------------------|--|
| <b>16.32.000</b> | <b>Adoption by reference.</b>                  |
| <b>16.32.005</b> | <b>Express Findings.</b>                       |
| <b>16.32.010</b> | <b>General Authority and Responsibilities.</b> |
| <b>16.32.020</b> | <b>Definitions.</b>                            |
| <b>16.32.030</b> | <b>Amendments and Additions.</b>               |
| <b>16.32.040</b> | <b>Nonconforming Storage Containers.</b>       |
| <b>16.32.050</b> | <b>Appeals.</b>                                |
| <b>16.32.060</b> | <b>Outdoor Fire Prohibited.</b>                |
| <b>16.32.070</b> | <b>Violations—Penalties.</b>                   |

**16.32.000 Adoption by reference.**

A. Except as stated in this Section or as amended below in Chapter 16.32.030 of this Ordinance, all of the provisions and appendices of the 2016 California Fire Code, inclusive of all of the inclusions and exclusions set for in each chapter’s matrix, are hereby adopted and shall apply to the City of Indian Wells. In addition, the following provisions that are excluded in the 2016 California Fire Code are hereby adopted - Chapter 1, Division II of the California Fire Code is hereby adopted, except that Section 103.2 and 108.3 are not adopted, and Chapters 3, 25, and Sections 403.12, 503, 510.2, and 1103.2 are adopted.

B. At least one copy of said fire code has been deposited in the office of the Building Official and shall at all times be maintained by the Building Official for use and examination by the public.

**16.32.005 Express Findings.**

The Fire Department hereby finds that the proposed amendments to the Fire Code are reasonable and necessary because of local climatic, geological and topographical conditions within the City of Indian Wells. This finding is supported and based upon the following

express findings which address each of these conditions and present the local situation which make the proposed amendments necessary.

1. The climate weather patterns within the City of Indian Wells include frequent periods of drought or low humidity adding to the fire danger. Fire season can be year-round in this region.
2. During the summer months the dry winds and existing vegetation mix to create a hazardous fuel condition which has resulted in large loss in vegetation and structure fires. Summer temperatures exceeding one hundred twenty degrees (120°), and severe "Santa Ana" winds frequently occur and can move a fire quickly throughout areas of the City. Multiple shifting wind patterns throughout the canyon areas add to the difficulty in suppressing fires.
3. Because of weather patterns, the City of Indian Wells has experienced a need for water conservation. Due to the storage capacities and consumption, and a limited amount of rainfall (drought conditions), future water allocation is not fully dependable. While sound management of the water resources is possible, demands and possible critical depletions on an already stressed water supply can most assuredly be predicted.
4. Features located throughout the City of Indian Wells are major roadways, highways, freeways and flood control channels which create barriers and slow response times. Other unique factors which create barriers and slow response times are the multiple canyons located within the large country clubs.
5. The City of Indian Wells has within its boundaries active seismic hazards. Seismic activity within the District occurs yearly and a fire potential exists with these active faults. Existing structures and planned new development are at serious risk from an earthquake. This risk includes fire, collapse and the disruption of water supply for firefighting purposes. Areas can also become isolated as a result of bridge, overpass and road damage and debris.
6. Structures in close proximity to each other pose an exposure problem which may cause a fire to spread from one structure to another as well as to the wildland area.
7. For practical and cost reasons, many new structures are built of wood construction. Many existing structures also have shake roofs. The potential for a conflagration exists due to the design and density of current structures.
8. Electrical supply and telephone communication failures due to high winds as well as other reasons. Water supply pumps and early notification cannot always be counted on.

9. Narrow and winding streets with little circulation and streets designed as storm drains impede emergency vehicle access and evacuation routes.

California Health and Safety Code Section 17958.7 requires that the modification or change be expressly marked and identified as to which each finding refers. Therefore, the City Council finds that the following table sets forth the 2013 California Fire Code sections that have been modified and the associated local climatic, geological and/or topographical conditions described above supporting the modification.

| <b>Code Section</b> | <b>Expressed Findings</b> |
|---------------------|---------------------------|
| 104.3.2             | Administrative            |
| 104.5               | Administrative            |
| 104.12              | Administrative            |
| 109.4               | Administrative            |
| 202                 | Administrative            |
| 308.1.6.3           | 1, 2, 3, 6, 7             |
| <b>Code Section</b> | <b>Expressed Findings</b> |
| 404.2               | Administrative            |
| 503.1.1             | 1-9                       |
| 503.2.2             | 1-9                       |
| 503.7               | 1-9                       |
| 504.1               | 1-9                       |
| 507.5.5             | 1-9                       |
| 507.5.7             | 1-9                       |
| 507.5.8             | 1-9                       |
| 508.1               | 1-9                       |
| 606.10.1.2          | 4, 5, 9                   |
| 903.2               | 1-9                       |
| 903.3.5.3           | Administrative, 1-9       |
| 3204.2.1            | Administrative, 1-9       |
| 4904.3              | Administrative            |
| 5001.1              | Administrative            |
| 5608.1              | Administrative            |
| B105.2              | Administrative, 1-9       |
| C102.1              | Administrative, 1-9       |
| App. Ch. D          | Administrative            |
| App. Ch. I          | Administrative            |
| App. Ch. J          | Administrative            |
| App. Ch. K          | Administrative            |
| 16.32.030           | Administrative            |
| 16.32.040           | Administrative            |
| 16.32.050           | Administrative            |

|           |                |
|-----------|----------------|
| 16.32.060 | Administrative |
|-----------|----------------|

**16.32.010 General Authority and Responsibilities.**

- A. Section 103.2 of the California Fire Code is not adopted.
- B. A new Section 104.3.2 is added to Section 104.3 of the California Fire Code to read as follows:

**104.3.2. Authority of the Fire Chief and Fire Department**

- 1. The Fire Chief is authorized and directed to enforce all applicable State fire laws and provisions of this ordinance and to perform such duties as directed by the City Council.
  - 2. The Fire Chief is authorized to administer, interpret and enforce this ordinance. Under the Fire Chief’s direction, the Riverside County Fire Department is authorized to enforce ordinances of City of Indian Wells pertaining to the following:
    - a. The prevention of fires.
    - b. The suppression or extinguishment of dangerous or hazardous fires.
    - c. The storage, use and handling of hazardous materials.
    - d. The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment.
    - e. The maintenance and regulation of fire escapes.
    - f. The maintenance of fire protection and the elimination of fire hazards on land, in buildings, structures and other property, including those under construction.
    - g. The maintenance of means of egress.
    - h. The investigation of the cause, origin and circumstances of fire and unauthorized releases of hazardous materials.
  - 3. The following persons are hereby authorized to interpret and enforce the provisions of this ordinance and to make arrests and issue citations as authorized by law:
    - a. The Unit Chief, Peace Officers and Public Officers of the California Department of Forestry and Fire Protection.
    - b. The Fire Chief and Designee(s), Peace Officers and Public Officers of the Riverside County Fire Department.
    - c. The Police Chief and any Police Officer of any city served by the Riverside County Fire Department.
    - d. Officers of the California Highway Patrol.
    - e. Code Officers of the City of Indian Wells.
    - f. Peace Officers of the California Department of Parks and Recreation.
    - g. The law enforcement officer of the Federal Bureau of Land Management.
- C. A new Section 104.12 is added to Section 104 of the California Fire Code to read as follows:

**104.12 Authority of the Fire Chief.** Except upon National Forest Land, the Fire Chief is authorized to determine and announce the closure of any hazardous fire area or portion thereof. Any closure by the Fire Chief for a period of more than fifteen (15) calendar days must be approved by the Board of Supervisors and/or City Council (as applicable) within fifteen (15) calendar days of the Fire Chief's original order of closure. Upon such closure, no person shall go in or be upon any hazardous fire area, except upon the public roadways and inhabited areas. During such closure, the Fire Chief shall erect and maintain at all entrances to the closed area sufficient signs giving notice of closure. This section shall not prohibit residents or owners of private property within any closed area, or their invitees, from going in or being upon their lands. This section shall not apply to any entry, in the course of duty, by a peace officer, duly authorized public officer or fire department personnel.

D. Section 109.4 of the California Fire Code is not adopted.

**16.32.020 Definitions.**

A. Section 202 of the California Fire Code is amended to add the following definitions:

**CALIFORNIA FIRE CODE.** The 2016 Fire Code part of the California Building Standards Code, also known as California Code of Regulations, Title 24, Part 9.

**CALIFORNIA RESIDENTIAL CODE.** California Code of Regulations, Title 24, Part 2.5.

**CORPORATION COUNSEL.** Wherever the term "corporation counsel" is used in the California Fire Code, it means the attorney of the City.

**FIRE PROTECTION ENGINEER.** A professional engineer with the education and experience to understand the engineering problems related to safeguarding life and property from fire and fire-related hazards, to identify, evaluate, correct or prevent present or potential fire and fire related panic hazards in buildings, groups of buildings, or communities, and to recommend the arrangement and use of fire resistant building materials and fire detection and extinguishing systems, devices, and apparatus in order to protect life and property.

**HAZARDOUS FIRE AREA.** Private or public land not designated as state or local fire hazard severity zone (FHSZ) which is covered with grass, grain, brush or forest and situated in a location that makes suppression difficult resulting in great damage. Such areas are designated on Hazard Fire Area maps filed with the office of the Fire Chief.

**JURISDICTION.** Whenever the word "jurisdiction" is used in the California Fire Code, it means the City.

**SKY LANTERN.** An airborne lantern typically made of paper, Mylar, or other lightweight material with a wood, plastic, or metal frame containing a candle, fuel cell, or other heat source that provides buoyancy.

B. Section 202 of the California Fire Code is amended to revise the following definition:

FIRE CHIEF. The Fire Chief of Riverside County or the Fire Chief's designee.

### **16.32.030 AMENDMENTS AND ADDITIONS.**

A. Section 503 of the California Fire Code is adopted in its entirety with the following amendments:

#### **503 FIRE APPARATUS ACCESS ROADS.**

1. Section 503.3 of the California Fire Code is deleted in its entirety and replaced with the following:

##### **503.3 MARKING.**

Fire apparatus access roads, where required, shall be identified by curbs painted red on both the top and face along the entire length of the fire apparatus access road. Where no curbs exist or a rolled curb is installed, a six (6) inch wide red strip shall be applied the full length of the fire apparatus access road or approved posted signs shall be installed in accordance with the Riverside County Fire Department Standards.

Exception: On school grounds this requirement shall be implemented as approved by the fire code official.

1. A new Section 503.7 is added to Section 503 of the California Fire Code to read as follows:

##### **503.7 LOADING AREAS AND PASSENGER DROP-OFF AREAS.**

On private properties, where fire apparatus access roads are utilized for loading or unloading or utilized for passenger drop-off or pick-up, an additional eight (8) feet of width shall be added to the minimum required width for the fire apparatus access road.

##### **507.5.5 CLEAR SPACE AROUND HYDRANTS.**

A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants, Fire Department connections, exterior fire protection system control valves, or any other exterior fire protection system component that may require immediate access, except as otherwise required or approved.

B. New Sections 507.5.7 and 507.5.8 are added to Section 507 of the California Fire Code to read as follows:

##### **507.5.7 FIRE HYDRANT SIZE AND OUTLETS.**

Fire hydrant size and outlets shall be required as determined by the fire code official.

1. Residential Standard—one (1) four (4) inch outlet, and one (1) two and one half (2 1/2) inch outlet.
2. Super Hydrant Standard—one (1) four (4) inch outlet, and two (2) two and one half (2 1/2) inch outlets.
3. Super Hydrant Enhanced—two (2) four (4) inch outlets, and one (1) two and one half (2 1/2) inch outlet.

#### **507.5.8 FIRE HYDRANT STREET MARKER.**

Fire hydrant locations shall be visually indicated in accordance with Riverside County Fire Department Std. 06-11. Any hydrant marker damaged or removed during the course of street construction or repair shall be immediately replaced by the contractor, developer, or person responsible for the removal or damage.

C. Section 508.1 of the California Fire Code is amended as follows:

#### **508.1 GENERAL.**

Where required by other sections of this code and in all buildings classified as high-rise buildings by the California Building Code, and buildings greater than 300,000 square feet in area, and Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of the department vehicle access, a fire command center for fire department operations shall be provided and shall comply with Sections 508.1 through 508.1.7.

D. Section 508.1.3 of the California Fire Code is amended to add the following Exception as follows:

**Exception:** When solely required due to building area greater than 300,000 square feet, the fire command center shall be a minimum of 100 square feet (30.48 m<sup>2</sup>) with a minimum dimension of 10 (3.048 m).

E. Section 508.1.6 of the California Fire Code is amended to add the following Exception as follows:

**Exception:** When solely required due to building area greater than 300,000 square feet, the fire command center shall comply with NFPA 72 and contains 5, 8, 10, 12, 13, & 14. All other features shall be provided only when the building contains the respective system/functionality.

F. Section 606.10.1.2 of the California Fire Code is amended to read as follows:

#### **606.10.1.2 MANUAL OPERATION.**

When required by the fire code official, automatic crossover valves shall be capable of manual operation. The manual valves shall be located in an approved location immediately outside of the machinery room, in a secure metal box or equivalent and marked as Emergency Controls.

G. Section 903.2 of the California Fire Code is deleted in its entirety and replaced with the following:

**903.2 AUTOMATIC SPRINKLER SYSTEMS.**

An approved automatic fire sprinkler system shall be installed in every building hereafter constructed for Group A, B, E, F, H, I, M, R, S and U (Fire Code definition) occupancies where the gross floor area is 3,000 square feet or more, regardless of stories. Fire resistive walls shall not be considered for reducing the gross floor area of the building for the purpose of this Code section. The floor area shall be calculated by the building footprint, including all areas which are normally fire sprinklered per NFPA 13. The floor area of additional stories shall be added in for a cumulative total. All buildings over two (2) stories in height or exceeding thirty (30) feet in height shall install automatic fire sprinklers.

One- and two-family dwellings shall have an automatic fire sprinkler system regardless of square footage in accordance with the California Residential Code. Fire sprinkler systems shall be installed in mobile homes, manufactured homes and multifamily manufactured homes with two dwelling units in accordance with Title 25 of the California Code of Regulations.

H. A new Section 903.3.5.3 is added to Section 903.3.5 of the California Fire Code to read as follows:

**903.3.5.3 HYDRAULICALLY CALCULATED SYSTEMS.**

The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.

I. A new Section 3204.2.1 is added to Section 3204.2 of the California Fire Code to read as follows:

**3204.2.1 MINIMUM REQUIREMENTS FOR CLIENT LEASED OR OCCUPANT OWNED WAREHOUSES.**

Designs of an automatic sprinkler system for client leased or occupant owned buildings containing high pile storage shall be based on the requirements of NFPA 13. The responsible fire protection engineer shall perform a survey of the building to determine commodity classification, storage configuration, building height and other information related to the development of an appropriate sprinkler system design. The fire protection engineer shall also make reasonable efforts to meet with the building owner or operator to understand seasonal or customer related fluctuations to the stored commodities, storage height, and configuration. The sprinkler design shall be based on the most demanding requirements determined through the onsite survey and discussion with the building owner or operator. The technical report shall describe the basis for determining the commodity and sprinkler design selection, how the commodities will be isolated or separated, and include referenced design selection, how the commodities will be isolated or separated, and include referenced design document(s), including NFPA 13 or the current applicable factory mutual data sheets.

If a specific fire test is used as the basis of design, a copy of the fire test report shall be provided at the time of plan review.

J. A new Section 4904.3 is added to Section 4904 of the California Fire Code to read as follows:

**4904.3 FIRE HAZARD SEVERITY ZONES.**

In accordance with Government Code Sections 51175 through 51189, Very High Fire Hazard Severity Zones are designated as shown on a map titled Very High Fire Hazard Severity Zones, dated December 24, 2009 and retained on file at the office of the Fire Chief and supersedes other maps previously adopted by Riverside County designating high fire hazard areas.

K. The following shall be added to Section 5001.1 of the California Fire Code:

**5001.1 ABOVEGROUND STORAGE OF FLAMMABLE/COMBUSTIBLE LIQUIDS OR GASES.**

No person shall install, keep, maintain, or fill any aboveground tank for the purpose of storing flammable/combustible liquids or gases, as regulated in Chapter 57 – Flammable and Combustible Liquids, Chapter 58 – Flammable Gases and Flammable Cryogenic Fluids, and Chapter 61 Liquefied Petroleum Gases, nor shall the filling of the tank be permitted without approval by the Fire Marshal and a valid storage permit from the City. This Section does not apply to emergency back-up generators utilizing fuel tank systems of five hundred (500) gallons or less located within any Public Owned/Controlled Lands (PF & PP) or Resort Commercial (CR) land use zones. All flammable/combustible liquids or gases storage tanks shall be installed in locations approved by the Fire Marshal, the Director of Building and Safety, and the County Health Department. Flammable/combustible liquids or gases may be stored in aboveground tanks at governmental facilities, emergency power plants and any golf course maintenance area located within a Commercial Resort (CR), Public Owned/Controlled Lands (PF & PP), Public/Private Golf Course (PPGC), Country Club Open Space (COS), and Public Owned Open Space (POS) land use zone or any agricultural operations. All locations must be approved by the Fire Marshal and Director of Building and Safety, provided that said flammable/combustible liquids or gases are to be used only as motor fuel operations and only so long as said liquids/gases are stored in approved, aboveground tanks limited to two thousand (2,000) gallon liquid capacity, and there is no threat of fire which may endanger life, safety, or threaten nearby improvements. All storage tanks shall be screened so as to preclude viewing of same from adjacent residences, public rights-of-way and golf courses (public or private). At no time shall aboveground storage tanks be installed in Residential Very Low Density (RVLD), Residential Low Density (RLD), Residential Medium Density (RMD), Residential Medium High Density (RMHD), Office Professional (OP), Commercial General (CG), Watercourse (WC) and Natural Preserve (NPR) Zones. All aboveground tanks shall meet the requirements of the current adopted editions of the California Fire Code, and the California Building Standards Codes set forth in Health and Safety Code Section 17922, as revised by City Ordinance, the City Fire Marshal, and shall

also meet or exceed the California State Fire Marshal's Office regulations as they pertain to such installation(s). An annual inspection/ permit fee of one hundred dollars (\$100.00) shall be paid to maintain, fill, or operate tank systems.

L. Section 5608.1 of the California Fire Code is hereby deleted and replaced as follows:

**5608.1 AMENDMENT TO SECTION 5608.1—FIREWORKS DISPLAY—GENERAL**

The sale, offering for sale, discharge, storage, use or handling within the City of Indian Wells fireworks of any kind, nature or description, including those classified and registered as "safe and sane" by the State Fireworks Law, and any other devices defined as fireworks in the Health and Safety Code of the State of California, Section 12500 et seq. or under 19 Cal. Code of Regs. § 979, et seq. is prohibited.

**Exception:** The use of fireworks for display is allowed as set forth in 19 Cal. Code of Regs. 979, et seq.

In all other respects, the sale, offering for sale, discharge, storage, use or handling within the City of fireworks, including those classified and registered as "safe and sane" by the State of Fireworks Law, is prohibited."

M. The appendices to the California Fire Code are adopted in their entirety except as to the following:

**APPENDIX B.**

1. Table B105.2 of the California Fire Code is amended as follows:

TABLE B105.2  
 REQUIRED FIRE-FLOW FOR BUILDINGS OTHER THAN ONE- AND  
 TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES

| AUTOMATIC SPRINKLER SYSTEM (Design Standard)  | MINIMUM FIRE-FLOW (gallons per minute) | FLOW DURATION (hours)                                |
|---|--|--|
| No automatic sprinkler system                 | Value in Table B105.1(2)               | Duration in Table B105.1(2)                          |
| Section 903.3.1.1 of the California Fire Code | 50% of the value in Table B105.1(2)a   | Duration in Table B105.1(2) at the reduced flow rate |
| Section 903.3.1.2 of the California Fire Code | 50% of the value in Table B105.1(2)b   | Duration in Table B105.1(2) at the reduced flow rate |

For SI: 1 gallon per minute = 3.785 L/m.

a. The reduced fire-flow shall be not less than 1,000 gallons per minute.

- b. The reduced fire-flow shall be not less than 1,500 gallons per minute.

### **APPENDIX C.**

1. Section C103.1 of the California Fire Code is deleted in its entirety and replaced with the following:

1. C103.1 Hydrant spacing. Fire apparatus access roads and public streets providing required access to buildings in accordance with Section 503 of the International Fire Code shall be provided with one or more fire hydrants, as determined by Section C102.1. Where more than one fire hydrant is required, the distance between required fire hydrants shall be in accordance with Sections C103.2 and C103.3. Fire hydrants shall be provided at street intersections

#### **16.32.040 Nonconforming storage containers.**

Should any aboveground storage system be in violation or non-compliance with this Chapter, a stop use order shall be given. The City may seek criminal or other enforcement penalties as permitted by law. Each day a system is in violation shall be deemed a separate offense. Storage systems taken out of service for less than one year shall be rendered safe by gas-freeing as approved by the Fire Marshal. Storage systems that are to be abandoned, by being taken out of service for more than a year, shall be rendered safe by gas-freeing and removed.

#### **16.32.050 Appeals.**

Whenever the Fire Code Official disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Code adopted by Section 16.32.000 do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief to the City Council within thirty (30) days from the date of the decision appealed.

#### **16.32.060 Outdoor fires prohibited.**

A. It is unlawful to burn any material, structure, matter, or thing in an outdoor fire or incinerator or by similar means unless within an approved and controlled area by the City Building and Safety Division, the Fire Marshall, and the Planning Division (for example, fire places, barbeques and fire pits). No other types of outdoor open fires are permitted unless approved as part of a project's Conditional Use Permit. Person violating this Section shall be subject to the penalties described in Section 16.32.060.

B. Any outdoor fire appliance is required to have a listing for product safety from a certified testing company, such as Underwriters Laboratories (UL) for the following, but not limited to, appliances: barbeque, fire place or fire pit. The applicant can submit a field test

report as to the safety of the subject appliance to the City to prove the appliance meets safety rating qualifications.

**16.32.070 Violations—Penalties.**

Any person who violates any of the provisions of the code adopted by Section 16.32.000 or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed Statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed herein, is severally for each and every such violation and noncompliance respectively guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

**Section 9.** Chapter 16.33 of the Indian Wells Municipal Code is amended to read in full as follows:

**“Chapter 16.33**

**International Property Maintenance Code**

**Sections:**

**16.33.000 Adoption by reference.**

**16.33.000 Adoption by reference.**

A. The International Property Maintenance Code, 2015 Edition, published by the International Code Council is adopted by reference by the City.

B. At least one copy of said code will be deposited in the office of the Building Official and shall at all times be maintained by the Building Official for use and examination by the public.”

**Section 10.** Chapter 16.35 of the Indian Wells Municipal Code is amended to read in full as follows:

**"Chapter 16.35**

**California Green Building Standards Code**

**Sections:**

**16.35.000 Adoption by reference**

**16.35.000 Adoption by reference.**

A. The California Green Building Standards Code, 2016 Edition & Appendices, with changes, additions, and deletions set forth in this chapter, are adopted by reference as the green building standards code of the City.

B. At least one copy of said green building standards code has been deposited in the office of the Building Official and shall at all times be maintained by the Building Official for use and examination by the public."

**Section 11.** Chapter 16.38 of the Indian Wells Municipal Code is amended to read in full as follows:

**"Chapter 16.38**

**California Residential Code**

**Sections:**

**16.38.000 Adoption by reference**

**16.38.000 Adoption by reference.**

A. The California Residential Code, 2016 Edition & Appendices, which incorporates and amends the International Residential Code and Appendices, 2015 Edition, published by the International Code Council, with changes, additions, and deletions set forth in this chapter, are adopted by reference as the residential code of the City.

B. At least one copy of said residential code has been deposited in the office of the Building Official and shall at all times be maintained by the Building Official for use and examination by the public."

**Section 12. Transmittal.** The Building Official shall transmit a copy of this Ordinance to the California Building Standards Commission, pursuant to Health and Safety Code Section 17958.7.

**Section 13. Recession.** All former ordinances or parts conflicting or inconsistent with the provisions of this Ordinance or of the codes adopted by this Ordinance and any other ordinance in conflict herewith are hereby repealed.

**Section 14. CEQA.** The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, since it adopts updated building and safety standards, which the City had previously adopted in substantial form. Thus, the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines. Staff is directed to file a Notice of Exemption with the County Clerk's Office within five (5) working days of the approval of this Ordinance.

**Section 15. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

**Section 16. Certification/Summary.** The Mayor shall sign this ordinance and the City Clerk shall certify to the passage and adoption of it. The City Clerk shall cause a summary of this Ordinance to be published as provided by California Government Code § 36933 (c)(1); a summary of this Ordinance shall be published in a newspaper of general circulation, printed, published, and circulated in the City of Indian Wells and a certified copy of the full text of this Ordinance shall be posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of the Ordinance, the City Clerk shall post in her office a full copy of this ordinance and cause a summary of this ordinance, together with the names of those voting for or against, to be published in a newspaper of general circulation, printed, published, and circulated in the City of Indian Wells.

**Section 17. Effective Date.** This Ordinance shall take effect upon the later of thirty (30) days following its adoption by the City Council or January 1, 2017.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Indian Wells, California, at a regular meeting held on this 17th day of November, 2016.

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**DANA W. REED**  
**MAYOR**

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

**CERTIFICATION FOR ORDINANCE NO. \_\_\_\_\_**

I, Anna Grandys, City Clerk of the City Council of the City of Indian Wells, California, **DO HEREBY CERTIFY** that Ordinance No. \_\_\_\_\_, having been regularly introduced at the meeting of October 12, 2016, 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 17<sup>th</sup> day of November, 2016, 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:**

\_\_\_\_\_  
**ANNA GRANDYS**  
**CITY CLERK**

\_\_\_\_\_  
**STEPHEN P. DEITSCH**  
**CITY ATTORNEY**



10/12/2016

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File #: 1534-16 Item #: A.

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## ***Indian Wells City Council*** ***Council Member Report***

### **Co-Host Seminar for Coachella Valley Elected Officials on Salton Sea Restoration - Mertens**

#### **RECOMMENDED ACTIONS:**

Council **CONSIDERS** co-hosting a seminar for Coachella Valley elected officials in conjunction with the Salton Sea Action Committee and the Salton Sea Authority held in December 2016 or January 2017; and

establish a budget for the event and **APPROPRIATES** said amount.

#### **DISCUSSION:**

Council Member Ted Mertens requests the Council discuss the opportunity to co-host a seminar to fully brief elected officials on the status of the Salton Sea restoration, actions being considered, and what local jurisdictions collectively can do to move the agenda forward. The seminar is scheduled to be held in December 2016 or January 2017.



# City of Indian Wells

44-950 Eldorado Drive,  
Indian Wells

10/12/2016

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File #: 1541-16 Item #: A.

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**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.**