

**CITY COUNCIL
COMMUNITY REDEVELOPMENT AGENCY
CITY OF PALM SPRINGS, CALIFORNIA**



MINUTES
WEDNESDAY, JANUARY 6, 2010
Council Chamber

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:09 p.m.

PLEDGE OF ALLEGIANCE: Boy Scout Troop 262, led the Pledge.

INVOCATION: Rev. Dr. Michael Kearney, Palm Springs Center for Spiritual Living, led the Invocation.

ROLL CALL:

PRESENT: Councilmember Mills, Councilmember Weigel, Mayor Pro Tem Hutcheson, and Mayor Pougnet.

ABSENT: Councilmember Foat.

ALSO PRESENT: City Manager Ready, City Attorney Holland, City Clerk Thompson.

PRESENTATIONS:

Mayor Pougnet announced the donation fund set-up to assist the family of the recent Palm Springs fire victims.

David Barakian, City Engineer, provided an update on the Vista Chino and other Roadway Improvements due to the recent rain storm.

Mayor Pougnet announced the activities at the Wexler Weekend event.

The Date Festival Queen and her Court announced the upcoming activities for the 2010 Date Festival and Riverside County Fair.

Michele Mician, Sustainability Manager, provided an update on Sustainability activities.

Mayor Pougnet provided a recap of the recent Jackie Lee Houston Plaza ribbon cutting and the 2010 Palm Springs International Film Festival.

Councilmember Mills provided an update on Census 2010.

REPORT OF CLOSED SESSION: City Attorney Holland reported that at 4:30 p.m. the meeting was called to order, and the City Council recessed into Closed Session to discuss Items on the posted Closed Session Agenda. The City Council provided direction to the City Attorney on the Martin v. Palm Springs litigation; otherwise, no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

Mayor Pro Tem Hutcheson requested Items 2.D. and 2.J. be removed from the Consent Calendar for separate discussion.

Councilmember Mills requested Items 2.H. and 2.I. be removed from the Consent Calendar for separate discussion.

ACTION: Accept the Agenda as amended. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Mills, Councilmember Weigel, Mayor Pro Tem Hutcheson, and Mayor Pougnet.

NOES: None.

ABSENT: Councilmember Foat.

1. PUBLIC HEARINGS: None.

PUBLIC COMMENT:

LARRY FECHTER, Palm Springs, Sustainability Commission, announced the upcoming "Look Thru a Lens" event.

PAT SCHLICHT, Southern Sun Construction, commented on Item 2.D. and questioned why Southern Sun Construction was not selected to be placed on the bid list.

SID CRAIG, Palm Springs, provided an update on the "Ask the Chief" program at VillageFest with the Police Advisory Committee, the Human Rights Commission Annual Human Rights Awards event, and the Palm Springs International Film Festival.

DEBORAH MCGARRY, Southern California Gas Co., announced her new position as the Public Affairs Manager in Palm Springs.

JIM STUART, Palm Springs, noted deferred and lack of maintenance at Ruth Hardy Park, traffic issues and the lack of timed signals, thanks City Manager Ready and staff for their efforts with business attraction in the City.

SHEILA GRATTAN, Palm Springs, stated her support for the new Palm Springs Animal Shelter and thanked Esther Peterson for her work toward the new Shelter and the care of animals at the Shelter.

COUNCILMEMBER COMMENTS:

Mayor Pougnet requested the City Attorney address the bid list for the Animal Shelter.

Councilmember Weigel noted the dates of the upcoming Human Rights Award Ceremony.

Councilmember Mills requested the City Manager review and report on the replacement of trees lost in the recent wind storms.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.E., 2.F., 2.G., 2.K., 2.L., 2.M., and 2.N. **Motion Councilmember Mills, seconded by Councilmember Weigel and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Mills, Councilmember Weigel, Mayor Pro Tem Hutcheson, and Mayor Pougnet.

NOES: None.

ABSENT: Councilmember Foat.

2.A. REPORT ON POSTING OF THE AGENDA:

ACTION: Receive and file Report on the Posting of the January 6, 2010, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council/Community Redevelopment Agency Minutes of December 16, 2009. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 22639, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1039272 THROUGH 1039416 IN THE AGGREGATE AMOUNT OF \$2,450,653.04, DRAWN ON BANK OF AMERICA;" and 2) Adopt Resolution No. 22640, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1039417 THROUGH 1039523 IN THE AGGREGATE AMOUNT OF

\$800,390.65, DRAWN ON BANK OF AMERICA." Approved as part of the Consent Calendar.

- 2.E. TREASURER'S INVESTMENT REPORT AS OF NOVEMBER 30, 2009:**
ACTION: Receive and File the Treasurer's Investment Report as of November 30, 2009. **Approved as part of the Consent Calendar.**
- 2.F. APPROVAL OF AN ENCROACHMENT LICENSE TO LOWE'S HIW, INC., FOR A PRIVATE STORM DRAIN LINE IN CAMINO PAROCOLA:**
ACTION: 1) Approve an Encroachment License with Lowe's HIW, Inc., for operation and maintenance of a private storm drain line in Camino Parocela at San Luis Rey Drive; and 2) Authorize the City Manager to execute all necessary documents. A5932. **Approved as part of the Consent Calendar.**
- 2.G. AMENDMENT NO. 1 TO AGREEMENT NO. A4780 WITH DOKKEN ENGINEERING FOR THE BELARDO ROAD BRIDGE & ROADWAY WIDENING (CP 87-49):**
ACTION: 1) Approve Amendment No. 1 to Agreement No. A4780 with Dokken Engineering, in the amount of \$103,640 for a total revised contract amount of \$428,640 for the Belardo Road Bridge and Roadway Widening (CP 87-49); and 2) Authorize the City Manager to execute all necessary documents. A4780. **Approved as part of the Consent Calendar.**
- 2.K. MEMORANDUM OF UNDERSTANDING WITH PALM SPRINGS FIRE MANAGEMENT ASSOCIATION FOR THE PERIOD JULY 1, 2009, THROUGH JUNE 30, 2011, AND RELATED AMENDMENT TO THE ALLOCATED POSITIONS AND COMPENSATION PLAN:**
ACTION: 1) Adopt Resolution No. 22641, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING RELATIVE TO WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR EMPLOYEES IN THE PALM SPRINGS FIRE MANAGEMENT ASSOCIATION (PSFMA), FOR THE PERIOD JULY 1, 2009, THROUGH JUNE 30, 2011, SUBJECT TO UNIT'S RATIFICATION AND EXECUTING THE MEMORANDUM OF UNDERSTANDING;" and 2) Adopt Resolution No. 22642, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDMENT NO. 3 TO THE ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2009-10, ADOPTED BY RESOLUTION 22530;" and 3) Authorize the City Manager to execute the Memorandum of Understanding. A5428. **Approved as part of the Consent Calendar.**

2.L. AMENDMENT NO. 3 TO AGREEMENT NO. A5859 WITH MSW CONSULTANTS FOR SOLID WASTE CONTRACT MANAGEMENT SERVICES:

ACTION: 1) Approve Amendment No. 3 to Agreement No. A5859 with MSW Consultants for solid waste contract management services, in an additional amount not to exceed \$30,000 for one additional year, ending December 31 2010, total agreement amount shall not exceed \$52,320; and 2) Authorize the City Manager to execute all necessary documents. A5859. **Approved as part of the Consent Calendar.**

2.M. ACCEPT THE RESIGNATION OF JILL BEEDE FROM THE VILLAGEFEST BOARD:

ACTION: 1) Accept with regret the resignation of Jill Beede; 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2011. **Approved as part of the Consent Calendar.**

2.N. COMMUNITY REDEVELOPMENT AGENCY APPROVAL OF CONVENTION CENTER EAST LOT SPECIAL EVENTS FACILITY IMPROVEMENTS:

ACTION: 1) Authorize staff to work with the utility companies for installation of water and power to the facility; 2) Approve a Change Order with Doug Wall Construction, in an amount not to exceed \$85,000, for the installation of a 14,000 sq ft concrete pad; and 3) Authorize staff to proceed with informal bidding for the installation of street improvements (i.e. drive approach and sidewalk), along Avenida Caballeros and Amado Road frontages. A5897. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.D. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE AND AUTHORIZATION TO BID FOR THE PALM SPRINGS ANIMAL CARE FACILITY, APPROVE THE LIST OF PRE-QUALIFIED GENERAL CONTRACTORS, AND DEFERRAL OF CERTAIN CONDITIONS OF APPROVAL, CP 07-24:

The City Council discussed and/or commented on the following with respect to the project: the gap in funding, and consequences on the gap in funding if the bids are not under the estimate, the status and possible removal of the "cut out" columns during architectural review, and the solar components of the project.

ACTION: 1) Approve the plans, specifications, and estimate for the Palm Springs Animal Care Facility, CP 07-24 amending the specifications to delete the "cut outs" on the steel columns; 2) Authorize staff to advertise and solicit bids; 3) Approve the list of pre-qualified general contractors for bidding the project; and 4) Defer Engineering Condition of Approval Item 24, Planning Commission (Case No. 3.3369-MAJ), to underground utilities on Mesquite Avenue until a future

assessment district is formed. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Hutcheson and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Mills, Councilmember Weigel, Mayor Pro Tem Hutcheson, and Mayor Pougnet.

NOES: None.

ABSENT: Councilmember Foat.

2.H. RATIFICATION OF EMERGENCY REPAIRS TO VISTA CHINO:

The City Council discussed and/or commented on the following with respect to the emergency repairs: any responsibility and potential claims against the Coachella Valley Water District.

ACTION: 1) Confirm the City Manager's declaration of a public emergency and threat to public health, welfare, and safety related to flooding on Vista Chino through the Whitewater River on December 13, 2009; 2) Ratify the City Manager's authorization of a purchase order issued to Dateland Construction, Co., in the amount of \$178,351, for emergency repairs to Vista Chino through the Whitewater River; and 3) Approve an agreement with Dateland Construction Co., in the amount of \$178,351 for the emergency storm cleanup, asphalt repair, and replacement on Vista Chino through the Whitewater River Crossing; and 4) Authorize the City Manager to execute all necessary documents. A5933. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Weigel and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Mills, Councilmember Weigel, Mayor Pro Tem Hutcheson, and Mayor Pougnet.

NOES: None.

ABSENT: Councilmember Foat.

2.I. PALM SPRINGS STADIUM RE-ROOFING PROJECT (CP 08-23):

The City Council discussed and/or commented on the following with respect to the project: any potential loss of funds and the applicability of the public contract code, the possibility of awarding the contract to the second low bidder, and recommendations on how to get a roof on the stadium as fast as possible.

ACTION: 1) Terminate Agreement No. A5846 in the amount of \$27,900.00 with Anemos Enterprises, Inc., for the Palm Springs Stadium Re-Roofing Project (CP 08-23); and 2) Authorize re-bidding. A5846. **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Mills, Councilmember Weigel, Mayor Pro Tem Hutcheson, and Mayor Pougnet.

NOES: None.

ABSENT: Councilmember Foat.

2.J. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE FISCAL YEAR 2009-10 ANNUAL SLURRY SEAL (CP 09-13):

Councilmember Hutcheson requested the City Manager during the upcoming budget preparation to prepare for discussion and recommendations to dedicate local funding toward street repairs.

ACTION: Approve the specifications and working details for the Fiscal Year 2009-10 Annual Slurry Seal (CP 09-13) and authorize staff to advertise and solicit bids. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Weigel and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Mills, Councilmember Weigel, Mayor Pro Tem Hutcheson, and Mayor Pougnet.

NOES: None.

ABSENT: Councilmember Foat.

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS:

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

ACTION: 1) Delete the Review Sustainable Community Document Subcommittee; 2) Delete the Walk of Stars Subcommittee; 3) Delete the Regulation of Taxi Cab Subcommittee; 4) Delete the Chief of Police Transition Subcommittee; 5) Delete the Liaisons to the Bob Hope Classic Charity Evaluation Committee; and 6) Appoint Councilmember Foat and Councilmember Mills to the Campaign Finance Reform Subcommittee. **By consensus of the City Council.**

5.B. APPOINT ONE MEMBER TO THE HUMAN RIGHTS COMMISSION:

ACTION: Appoint Greg Rodriguez to the Human Rights Commission for the unexpired term ending June 30, 2011. **Motion Councilmember Mills, seconded by Mayor Pougnet and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Mills, Councilmember Weigel, Mayor Pro Tem Hutcheson, and Mayor Pougnet.

NOES: None.

ABSENT: Councilmember Foat.

5.C. MUSEUM MARKET PLAZA/SPECIFIC PLAN MONTHLY UPDATE:

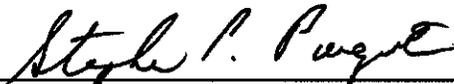
Thomas Wilson, Assistant City Manager, provided a verbal report on the progress on the Museum Market Plaza/Specific Plan and development update.

No action taken.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS: None.

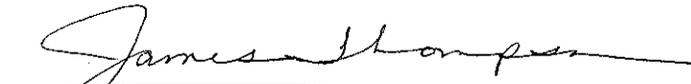
ADJOURNMENT: The City Council adjourned at 7:13 p.m. to a Study Session, Wednesday, January 13, 2010, at 6:00 P.M. Council Chamber, City Hall, preceded by a Closed Session at 4:30 P.M., Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 20TH DAY OF JANUARY, 2010.



STEPHEN P. POUGNET, MAYOR

ATTEST:



JAMES THOMPSON, CITY CLERK