CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA

MEETING MINUTES
WEDNESDAY, OCTOBER 5, 2011
CITY COUNCIL CHAMBER

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:02 p.m.

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

INVOCATION: Rev. Judy Doyle, Religious Minister, led the Invocation.

ROLL CALL:

PRESENT:	Councilmember Foat, Councilmember Hutcheson, Councilmember Mills, Mayor Pro Tem Weigel, and Mayor Pougnet.
ABSENT:	None.
ALSO PRESENT:	City Manager Ready, City Attorney Holland, City Clerk Thompson.

PRESENTATIONS:

Mayor Pougnet and the City Council proclaimed October, 2011 as National Arts and Humanities Month in the City of Palm Springs.

Mayor Pro Tem Weigel provided an update on the new Palm Springs iHub Grand Opening.

Councilmember Foat announced the Grand Opening of the new Palm Springs Animal Shelter, and the moving of the animals to the new shelter.

Michele Mician, Sustainability Manager, announced the upcoming Sustainability Celebration in the City of Palm Springs.

Mayor Pougnet announced the 2011 ATHENA Honorees, and provided an update on the Measure "J" website PSMeasureJ.com.

REPORT OF CLOSED SESSION:

The meeting was called to order at 4:30 p.m. and City Attorney Holland requested the City Council consider adding an Item to the Closed Session Agenda pursuant to Cal. Gov. Code Section 54957 Conference with the Police Chief for Threat to Public Buildings and/or Public Facilities.

ACTION: 1) Find the Item came to the attention of the City after the posting of the Agenda and there is an immediate need to hear and/or take action on the Item; and 2) Add to the Closed Session Agenda one Item of Threat to Public Buildings and/or Public Facilities G.C. Section 54957, Conference with the Palm Springs Police Chief. **Motion Councilmember Mills, seconded by Mayor Pro Tem Weigel and unanimously carried 4-0, noting the absence of Councilmember Foat.**

City Attorney Holland reported the City Council recessed into Closed Session to discuss items on the Closed Session Agenda. No reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

Mayor Pougnet requested Item 2.E. be removed from the Consent Calendar for separate discussion.

Councilmember Hutcheson requested Item 2.G. be removed from the Consent Calendar for separate discussion.

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

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

1. PUBLIC MEETING AND PUBLIC HEARINGS:

1.A. UPDATE FROM THE PALM SPRINGS DESERT RESORT COMMUNITIES CONVENTION AND VISITORS AUTHORITY:
Scott White, Palm Springs Desert Resort Communities Convention and Visitors Authority, provided an update on the activities of the CVA.

Councilmember Hutcheson requested CVA staff address the URL for the website, and noted the reduced costs the City pays to the CVA.

ACTION: Receive and file update. **Motion Mayor Pro Tem Weigel, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

1.B. BRANDENBURG FAMILY ASSOCIATES REQUESTING APPROVAL TO ELIMINATE LOT LINES AND REVERT APPROXIMATELY 24.4 ACRES OF VACANT LAND TO ONE PARCEL PROPERTY LOCATED AT THE NORTHEAST CORNER OF FARRELL DRIVE AND BARISTO ROAD (TENTATIVE PARCEL MAP 36387):
Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated October 5, 2011.

Mayor Pougnet opened the public hearing, and no other speakers coming forward the public hearing was closed.

Councilmember Foat requested staff address the reasons why the City should take such action at this time.

ACTION: Adopt Resolution No. 23030, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE REVERSION OF AN APPROXIMATELY 24.4 ACRES OF VACANT LAND TO ACREAGE LOCATED AT THE NORTHEAST CORNER OF FARRELL DRIVE AND BARISTO ROAD (TENTATIVE PARCEL MAP 36387)." **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

1.C. ZONE TEXT AMENDMENT TO CONSOLIDATE CONDITIONS FOR SPECIFIC USES WITHIN A SINGLE CODE SECTION (CASE 5.1224):
Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated October 5, 2011.

Mayor Pougnet opened the public hearing, and no other speakers coming forward the public hearing was closed.

ACTION: Waive reading and introduce by title only for first reading Ordinance No. 1799, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING ZONING CODE SECTION 93.23.00 CONDITIONS FOR SPECIFIC USES AND CONSOLIDATING VARIOUS SUBSECTIONS OF THE PALM SPRINGS ZONING CODE RELATING TO CONDITIONS FOR SPECIFIC USES INTO SECTION 93.23.00." **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

1.D. GENERAL PLAN AMENDMENT TO INCORPORATE THE COACHELLA VALLEY NON-MOTORIZED TRANSPORTATION MASTER PLAN INTO THE 2007 CITY OF PALM SPRINGS GENERAL PLAN ADOPTED BY RESOLUTION NO. 22077 (CASE 5.1258):
Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated October 5, 2011.

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

BRETT KLEIN, Sustainability Commission Chair, stated the Commission unanimously approved the Non-Motorized Master Plan, and requested the

City Council approve the General Plan Amendment incorporating the Non-Motorized Master Plan.

LeGRAND VELEZ, Palm Springs, Community Valley Trails Alliance, requested the City Council support the Non-Motorized Transportation Master Plan.

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

Councilmember Hutcheson expressed his support for the Plan, thanked the Sustainability Commission, and commented on bike use in the City of Palm Springs and throughout the Coachella Valley.

Councilmember Foat thanked the Sustainability Commission for the many hours of work to bring forth this plan, and commented on the connectivity of bike paths in the City of Palm Springs.

Councilmember Mills stated his support for the previous comments, and noted the potential to implement the improvements via grants and other funding.

Mayor Pro Tem Weigel thanked the Sustainability Commission for their work on the Plan, noted the document is a living document which needs continued and on-going updating.

Mayor Pougnet commented on the process through CVAG, and noted the wide streets and street grid in Palm Springs are conducive for non-motorized transportation.

ACTION: Adopt Resolution No. 23031, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AMENDMENT TO THE 2007 PALM SPRINGS GENERAL PLAN ADOPTED BY RESOLUTION NO. 22077, TO INCORPORATE THE COACHELLA VALLEY NON-MOTORIZED TRANSPORTATION MASTER PLAN (CASE 5.1258 GPA)." **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

RICHARD BYFORD, Palm Springs, announced the upcoming Sustainability Celebration in the City of Palm Springs.

JAMES WALLACE, Palm Springs, commented on a recent problem with Code Enforcement and the enforcement of a noise ordinance.

PHYLLIS CLAIRE BURGESS, Palm Springs, stated her opposition to Measure "J" on the November 8, 2011, General Municipal Election and commented on the upcoming Palm Springs Hospitality Candidate Forum.

RENO FONTANA, Palm Springs, thanked the City Council for the new Palm Springs Animal Shelter, and requested the City Council review the Event House Ordinance.

BRIDGETTE SULLENGER, Palm Springs, commented on financing conditions and process in the City of Palm Springs, and requested further education of the citizens.

PAUL LEWIN, thanked the City Council for adopting the Non-Motorized Transportation Plan.

DON COOK, Palm Springs, commented on Item 4.B., spoke in opposition to Measure "J" on the November 8, 2011, General Municipal Election, and commented on the Palm Springs Museum activities on Measure "J."

JOE FOSTER, Palm Springs, commented on the local service to the Palm Springs Train Station, requested the City Council consider weekly street sweeping, the booking of local prisoners in Banning, and personal problems with his Police Dept. record.

WAYNE GOTTLIEB, commented on Item 4.B., the funding by Measure "J," and noted deficiencies with the proposed legislation.

BOB HELBLING, Palm Springs, stated his support for Measure "J" on the November 8, 2011, General Municipal Election, and the formation of an Oversight Commission.

DIANE C. BLASDEL, commented on illegal medical cannabis shops in the City of Palm Springs and requested the City take aggressive action to take these illegal shops down.

ROXANN PLOSS, Palm Springs, thanked April Hildner for her work on the bike path programs in the City, requested the City Council consider amendments to the Event House Ordinance, and commented on Item 4.A. and the information campaign by the City.

JIM CAMPER, thanked the City Council for the new animal shelter, and commented on illegal medical cannabis collectives in the City.

STACY HOCHANADEL, stated they have temporarily had to close Cannahelp, and commented on the illegal collectives operating in the City.

BILL FERRA, Palm Springs, stated his opposition to Measure "J" on the November 8, 2011, General Municipal Election, and requested the City Council respond if they serve full or part-time.

JOHN TYMON, stated his opposition to Measure "J" at the November 8, 2011, General Municipal Election, and noted problems at a recent candidate's forum.

COUNCILMEMBER COMMENTS:

Mayor Pougnet requested the City Attorney address illegal medical cannabis collectives, and commented on the complaints by Bill Ferra.

Councilmember Foat requested the City Manager address the bus service and services at the Palm Springs Train Service.

Mayor Pro Tem Weigel requested staff address the noise complaint by James Wallace.

CITY MANAGER'S REPORT: City Manager Ready provided an update on the Palm Springs Downtown Public Restroom Program, and the Downtown and Uptown Banner Program.

2. CONSENT CALENDAR:
ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.F., 2.H., 2.I., and 2.K. **Motion Mayor Pro Tem Weigel, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

2.A. REPORT ON THE POSTING OF THE AGENDA:
ACTION: Receive and file Report on the Posting of the October 5, 2011, 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 September 21, 2011. **Approved as part of the Consent Calendar.**

2.C. AMENDMENT NO. 5 TO AGREEMENT NO. A4318 WITH DOKKEN ENGINEERING FOR THE INDIAN CANYON DRIVE / INTERSTATE 10 INTERCHANGE (CP 00-14):
ACTION: 1) Approve Amendment No. 5 to Agreement No. A4318 with Dokken Engineering for the Indian Canyon Drive / Interstate 10 Interchange Project in the amount of $38,880 for a revised total contract amount of $1,831,362 (CP 00-14); and 2) Authorize the City Manager to execute all necessary documents. A4318. **Approved as part of the Consent Calendar.**

2.D. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1795, AN AMENDMENT TO THE PALM SPRINGS ZONING CODE RELATING TO BARBER POLES (CASE 5.1270 ZTA):
ACTION: Waive further reading and adopt Ordinance No. 1795, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA,

AMENDING SECTION 93.20.00 OF THE PALM SPRINGS ZONING CODE RELATING TO BARBER POLES." **Approved as part of the Consent Calendar.**

2.F. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1798, TO PRESERVE THE ABILITY TO CONTINUE THE EXISTENCE OF THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY:
ACTION: Waive further reading and adopt Ordinance No. 1798, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING IT WILL COMPLY WITH THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN ORDER TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS." **Approved as part of the Consent Calendar.**

2.H. AUTHORIZE THE PURCHASE OF ELEVEN (11) MOTOROLA MOBILE RADIOS FOR POLICE PATROL AND UNDERCOVER VEHICLES:
ACTION: 1) Authorize the sole source purchase of eleven (11) Motorola mobile radios for the Eastern Riverside County Interoperable Communication Authority (ERICA) system for Police patrol and undercover vehicles from Motorola Solutions, Inc. in the amount of $59,911.55 inclusive of all applicable taxes and shipping; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

2.I. ACCEPT GRANT FUNDING IN THE AMOUNT OF $29,279 FROM THE UNITED STATES BUREAU OF JUSTICE ASSISTANCE AND AUTHORIZE THE PURCHASE OF 16 LAPTOP COMPUTERS AND ACCESSORIES:
ACTION: 1) Accept $29,279 in grant funding from the United States Bureau of Justice Assistance agreement; 2) Authorize the purchase of sixteen (16) Dell Latitude E6420 XFR Ruggedized laptop notebook computers with corresponding Dell Mobile Docking Stations and Multimode Combo antennas from Dell Corporation via the Western States Contracting Alliance Cooperative Purchase Agreement WN99ABZ in the amount of $76,079.97; and 3) Authorize the City Manager to execute all necessary documents. A6161. **Approved as part of the Consent Calendar.**

2.K. AMENDMENT NO. 1 TO OPERATING AND LEASE AGREEMENT NO. A5996 WITH SIGNATURE FLIGHT SUPPORT CORPORATION FOR

HANGAR RENTALS AT THE PALM SPRINGS INTERNATIONAL AIRPORT:
ACTION: 1) Approve Amendment No. 1 to Operating and Lease Agreement No. A5996 with Signature Flight Support Corporation for hangar rentals at the Palm Springs International Airport effective November 1, 2011; and 2) Authorize the City Manager to execute all necessary documents. A5996. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.E. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1796, RELATING TO THE ESTABLISHMENT OF THE MEASURE "J" OVERSIGHT COMMISSION:

The City Council discussed the addition of an application or other process by which the citizens could request funding for Measure "J" projects.

ACTION: Reintroduce for first reading Ordinance No. 1796, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 2.29 TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE ESTABLISHMENT OF THE MEASURE "J" OVERSIGHT COMMISSION," *amending subsection (a) of section 2.29.050 to read "Programs and projects proposed to be funded in whole or in part by Measure "J" revenues and priorities;" adding subsection (f) to section 2.29.050 to read "Implement a CDBG or other reasonable application review processes, to review proposed expenditures of Measure "J" revenues and make recommendations to the City Council."* **Motion Councilmember Hutcheson, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

2.G. OUTFITTING OF POLICE VEHICLES ON AN AS-NEEDED BASIS BY WOODCREST VEHICLE CENTER:
ACTION: 1) Award the outfitting of police vehicles via a purchase order at a per unit price of $7,425.64 for Police Patrol Vehicles, $4,171.15 for Police Admin/Undercover Vehicles, and $9,388.19 for Police K-9 Vehicles for a total purchase price of $91,857.66, valid through June 30, 2012, on an as-needed basis, to Woodcrest Vehicle Center, of Riverside, California, inclusive of all applicable taxes and delivery; and 2) Authorize the City Manager to execute all necessary documents. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Weigel and unanimously carried on a roll call vote.**

2.J. APPOINTMENT TO THE COACHELLA VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT BOARD OF TRUSTEES:

The City Council recognized Sharon Lock for her service to the City and noted her accomplishments on the Board.

ACTION: Reappoint Sharon Lock to the Coachella Valley Mosquito and Vector Control District Board of Trustees for the term ending December 31, 2015. **Motion Mayor Pougnet, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS:

4.A. PROPOSED RESOLUTION IN SUPPORT OF MEASURE "J" A LOCAL REVENUE MEASURE, FOR THE NOVEMBER 8, 2011, GENERAL MUNICIPAL ELECTION:
City Manager Ready provided background information on the proposed resolution.

The City Council discussed the provisions of Section 2 of the proposed resolution.

ACTION: Adopt Resolution No. 23032, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, IN SUPPORT OF MEASURE "J" A LOCAL REVENUE MEASURE, FOR THE NOVEMBER 8, 2011, GENERAL MUNICIPAL ELECTION," *amending the resolution by striking Section 2.* **Motion Mayor Pro Tem Weigel, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

5. NEW BUSINESS:

5.A. APPOINT A MEMBER OF THE CITY COUNCIL TO SERVE ON THE COMMUNITY ACTION PARTNERSHIP OF RIVERSIDE COUNTY COMMUNITY ACTION COMMISSION:
ACTION: Appoint Councilmember Ginny Foat to serve on the Community Action Partnership of Riverside County Community Action Commission. **Motion Mayor Pougnet, seconded by Councilmember Mills and carried 4-0 on a roll call vote.**

AYES: Councilmember Hutcheson, Councilmember Mills, Mayor Pro Tem Weigel, and Mayor Pougnet.
NOES: None.
ABSTAIN: Councilmember Foat.

5.B. DISCUSSION REGARDING THE TEMPORARY REDUCTION OF IN-LIEU PARKING FEES IN THE CENTRAL BUSINESS ZONE AS A

MEANS TO PROVIDE ADDITIONAL ECONOMIC DEVELOPMENT INCENTIVES:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated October 5, 2011.

Councilmember Foat requested staff address the funding and uses of the in-lieu parking fee, and recommended the City provide a period of time to waive the in-lieu parking fee, and look at other requirements such as lease of parking or the use of valet parking, recommended the City Council reduce or put the fee on hold for a certain period of time, until such time as staff can work on a program.

Councilmember Mills commented on the development of the current fee structure, commented on the risk factors associated with waiving the fee, stated he is not in support of waiving the fee, and recommended the City Council look at allowing financing or reducing the in-lieu fee, and noted several options if the City could provide free parking in the Downtown area.

Councilmember Hutcheson stated a large fee reduction may be appropriate while the City studies the issue.

Mayor Pro Tem Weigel stated the process for a reduction or waiver has to be a fair process, and recommended the City Council reduce or postpone the fee until further study of the parking issues.

Councilmember Foat stated she is not supportive of eliminating the fee, but requested deferral until other solutions are created, and commented on different programs to that end.

Councilmember Mills commented on various elements with respect to calculating the fee.

ACTION: Direct staff to return to the City Council with program options. **By consensus of the City Council.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Hutcheson announced the upcoming Palm Springs AIDS Walk.

Councilmember Foat announced the upcoming Health Expo at Mizell Senior Center and the opportunity for no cost flu shots.

Mayor Pougnet commented on activities throughout the City for International Walk-to-Work/School Day.

ADJOURNMENT: The City Council adjourned at 9:02 p.m. to Wednesday, October 19, 2011, at 6:00 p.m. Council Chamber, City Hall, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 19TH DAY OF OCTOBER, 2011.

STEPHEN P. POUGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK