CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA

MEETING MINUTES
WEDNESDAY, JUNE 6, 2012
CITY HALL COUNCIL CHAMBER

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:14 p.m.

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

INVOCATION: Rev. Kevin A. Johnson, Bloom in the Desert Ministries, led the Invocation.

ROLL CALL:

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

PRESENTATIONS: Mayor Pougnet and the City Council presented a Certificate of Appreciation to Palm Springs Rodeo Queen Jesse Reeske.

Mayor Pro Tem Foat announced the discount pet adoption fees at the Palm Springs Animal Shelter.

Mayor Pougnet announced the unveiling of the *Forever Marilyn* artwork in Downtown Palm Springs, the first Measure "J" Oversight Commission meeting, the Police and Fire Department Appreciation Luncheon, and the upcoming July 4th Power Baseball and Fireworks show.

REPORT OF CLOSED SESSION: The meeting was called to order at 4:00 p.m., and the following speakers addressed the City Council pertaining to matters on the posted Closed Session Agenda.

ELAINE CLERMONT, commented on an Item of potential litigation concerning the power plant being built and the hazards to the community with respect to potential claims against the State of California.

City Attorney Holland requested the City Council add an Item to the Closed Session Agenda pursuant to G.C. Section 54956.9(a) Existing Litigation titled Court of Appeal (2nd Dist.) in Pack v. Superior Court, District Court of Appeals, Case No. B228781, and

noted this 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.

ACTION: 1) Make the finding that 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 one item of Existing Litigation to the Closed Session Agenda, pursuant to G.C. Code Section 54956.9(a) titled *Court of Appeal (2nd Dist.) in Pack v. Superior Court, District Court of Appeals*, Case No. B228781. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried (5-0).**

City Attorney Holland stated the City Council recessed into Closed Session to discuss items on the Closed Session Agenda. City Attorney Holland reported the City Council provided direction to the City Labor Negotiator, provided direction to the City Property Negotiator with respect to the property located adjacent to 572 North Indian Canyon Drive, otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

City Attorney Holland requested the City Council remove Item 2.Q. 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 HEARINGS:

1.A. CITY COUNCIL AND ACTING AS THE SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY AND HOUSING SUCCESSOR AGENCY ADOPTING THE FISCAL YEAR 2012-13 BUDGET, ALLOCATED POSITIONS AND COMPENSATION PLAN, APPROPRIATIONS LIMIT, AND FUND BALANCE DESIGNATION POLICY:

City Manager Ready and Geoffrey Kiehl, Director of Finance, provided background as outlined in the Fiscal Year 2012-13 Budget.

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

The City Council discussed and/or commented on the following with respect to the Fiscal Year 2012-13 Budget: landscaping costs at the Palm Springs Animal Shelter, body armor replacement for public safety employees, inmate transportation costs to ease burden of police officers to remain on duty, potential of AB 109 on prison and funding for a grant writer for public safety, accounting and impacts to the Finance Department for Measure "J" funding, staffing at the Palm Springs Animal Shelter and

the use of temporary employees, and the mechanism to transfer from Measure "J" fund to the Debt Service Fund.

The City Council discussed and/or commented on the following with respect to Special Events and Contributions: elimination of the Marine Band Concert, September 11th Memorial Event and the Magic of Christmas, increasing Palm Springs Pride Celebration to $20,000 or $25,000,, Modernism Week to $25,000, adding the three Cultural Center festivals at $5,000 each, and increasing the Opera in the Park to $6,000.

ACTION: Approve the Fiscal Year 2012-13 Special Events and Contributions amending: (i) eliminate the funding for the Marine Band Concert ($10,000); (ii) eliminate the funding for the September 11th Memorial Event ($7,000); (iii) eliminate the funding for the Magic of Christmas ($15,000); (iv) increase the funding for the Palm Springs Pride Celebration to $20,000; (v) increase the funding for Modernism Week to $25,000; (vi) increase the funding for Opera in the Park to $6,000 and (vii) add funding for the Palm Springs Cultural Center events, the Arthur Lyons Film Festival, the Cinema Diverse, and the American Documentary Film Festival in the amount of $5,000 each. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

Mayor Pougnet stated he has a conflict of Interest with respect to the discussion of funding the Palm Springs International Film Festival, would not participate in the discussion or the vote, and left Council Chamber. Mayor Pro Tem Foat conducted this portion of the meeting.

The City Council discussed and/or commented on the following with respect to the International Film Festival: return on investment and the income generated to the City.

ACTION: Approve the Special Event funding for the Palm Springs International Film Festival in the amount of $350,000. **Motion Councilmember Mills, seconded by Councilmember Lewin and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Hutcheson, Councilmember Lewin, Councilmember Mills, and Mayor Pro Tem Foat.
NOES: None.
ABSENT: Mayor Pougnet.

Mayor Pougnet returned to the dais. Mayor Pro Tem Foat stated she has a business related conflict of interest with respect to the funding of the Mizell Senior Center, would not participate in the discussion or the vote, and left Council Chamber.

The City Council discussed and/or commented on the following with respect to the Senior Center contribution: the aging population and the funding required for the programs, the amount of funding has stayed static for a number of years, and increasing the contribution to $60,000.

ACTION: Approve the Special Event funding for the Mizell Senior Center in the amount of $60,000. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Hutcheson, Councilmember Lewin, Councilmember Mills, and Mayor Pougnet.
NOES: None.
ABSENT: Mayor Pro Tem Foat.

Mayor Pro Tem Foat returned to the dais.

ACTION: 1) Adopt Resolution No. 23145, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2012-13, EXTENDING THE REDUCTION IN COMPENSATION OF THE MAYOR AND COUNCILMEMBERS, AND EXTENDING THE REDUCTION IN SALARIES AND SCHEDULES FOR THE EXECUTIVE MANAGEMENT GROUP;" 2) Adopt Resolution No. 23146, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE BUDGET FOR FISCAL YEAR 2012-13 AND SUCH OTHER MATTERS AS REQUIRED;" 3) Adopt Resolution No. 23147, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING SOLELY IN ITS CAPACITY AS THE SUCCESSOR AGENCY TO THE CITY OF PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY, AND ACTING SOLELY IN ITS CAPACITY AS THE HOUSING SUCCESSOR AGENCY TO THE CITY OF PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY, APPROVING THE SUCCESSOR AGENCY AND HOUSING SUCCESSOR AGENCY BUDGETS FOR FISCAL YEAR 2012-13, AND OTHER SUCH MATTERS AS REQUIRED;" 4) Adopt Resolution No. 23148, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN APPROPRIATIONS LIMIT FOR THE FISCAL YEAR ENDING JUNE 30, 2012;" and 5) Direct the City Manager and Director of Finance and Treasurer to make the appropriate modifications to the Budget and prepare the final budget document for Fiscal Year 2012-13. **Motion Mayor Pro Tem Foat, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

1.B. APPEAL OF THE PLANNING COMMISSION DECISION BY BEST SIGNS REPRESENTING LUNDIN DEVELOPMENT TO CONDITIONALLY APPROVE THE DESIGN OF THE REVISED MONUMENT SIGNS AT THE RALPHS CVS PHARMACY CENTER LOCATED AT 425 SOUTH SUNRISE WAY SIGN PROGRAM AMENDMENT APPEAL (CASE SP 06-084):
Craig Ewing, Director of Planning Services, provided background as outlined in the staff report dated June 6, 2012.

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

JESSE CROSS, Best Signs, Applicant, requested the City Council remove the size restrictions, the logo restriction, and the restrictions on the businesses that could be included on the sign and requested the City Council provide relief for conditions 1, 2 7, and 9.

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

Councilmember Mills commented on a specific percentage reduction and stated it is not workable, the exposure for businesses without street frontage, in support of allowing the logo as long as it fits in the allotted space, and requested the City Council also consider the elimination of Condition No. 9, and requested language be added to Condition No. 5 regarding the supports.

Councilmember Hutcheson stated his disappointment with the AAC and the Planning Commission with respect to Condition No. 1 as the sign meets the criteria pursuant to the City Council discussion and prior approval.

Mayor Pro Tem Foat requested the Applicant address the exposure to all businesses, the listing of businesses on the sign to provide exposure to all businesses, and stated her concern about the height of the sign.

Councilmember Lewin stated this sign is a vast improvement and the extra height allows for a better sign, and stated the owner should dictate who is placed on the sign.

ACTION: Adopt Resolution No. 23149, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PORTIONS OF THE APPEAL BY BEST SIGNS, INC. TO ALLOW REDESIGNED MONUMENT SIGNS UNDER THE APPROVED SIGN PROGRAM AMENDMENT FOR THE RALPHS CVS PHARMACY CENTER LOCATED AT 425 SOUTH SUNRISE WAY;" *amending the Resolution by deleting Condition No. 2, Condition No. 7, and Condition*

No. 9, and amending Condition No. 5 to provide that the vertical supports are not to the top of the sign. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and carried 4-1 on a roll call vote.**

AYES: Councilmember Hutcheson, Councilmember Lewin, Councilmember Mills, and Mayor Pougnet.
NOES: Mayor Pro Tem Foat.

PUBLIC COMMENT:

HAROLD BAUMEA, Palm Springs, commented on traffic and speeding on Via Escuela and stated this is too much traffic for a twenty-five foot street.

GENE WILLIAMS, Palm Springs, commented on Item 5.A. regarding the proposed Araby Drive bridge at Palm Canyon.

ANDREW STARKE, commented on Item 5.C. regarding the use of the Palm Springs Stadium for the Desert World Cup.

HAROLD ALLRED, Palm Springs, commented on Item 5.A. regarding the proposed Araby Drive bridge at Palm Canyon.

RAY LUKE, Palm Springs, commented on Item 5.A. regarding the proposed Araby Drive bridge at Palm Canyon.

DAVID VALENTINO, Palm Springs, commented on Item 5.A. regarding the proposed Araby Drive bridge at Palm Canyon.

SUE VALENTINO, Palm Springs, commented on Item 5.A. regarding the proposed Araby Drive bridge at Palm Canyon.

HEIDI McKEE-McLEND, Palm Springs, commented on Item 5.A. regarding the proposed Araby Drive bridge at Palm Canyon.

ADELE NORTON, commented on Item 5.A. regarding the proposed Araby Drive bridge at Palm Canyon.

MARY ALCHIAN, Palm Springs, commented on Item 5.A. regarding the proposed Araby Drive bridge at Palm Canyon.

THERESA HOYT, Palm Springs, commented on Item 5.A. regarding the proposed Araby Drive bridge at Palm Canyon.

AUDITH LUKE, commented on Item 5.A. regarding the proposed Araby Drive bridge at Palm Canyon.

MARY HENDERSON, commented on Item 5.A. regarding the proposed Araby Drive bridge at Palm Canyon.

MAGGIE STANTON, commented on Item 5.A. regarding the proposed Araby Drive bridge at Palm Canyon.

PHYLLIS BURGESS, Palm Springs, commented on the Palm Springs Certified Farmers Market and the Cultural Center.

CHARLES BURT, Palm Springs, commented on Item 5.A. regarding the proposed Araby Drive bridge at Palm Canyon.

PAUL LINDER, Palm Springs, commented on Item 5.A. regarding the proposed Araby Drive bridge at Palm Canyon.

MARK HOCKING, Palm Springs, commented on Item 5.A. regarding the proposed Araby Drive bridge at Palm Canyon.

JULIE RUPP, commented on Item 5.A. regarding the proposed Araby Drive bridge at Palm Canyon.

MICHAEL RODRIQUES, Borrego Springs, commented on the Salton Sea State Recreation Area.

CONNIE BROOKS, Borrego Springs, commented on the Salton Sea State Recreation Area.

KENNETH GARETT, Palm Springs, commented on Item 5.A. regarding the proposed Araby Drive bridge at Palm Canyon.

JOY MEREDITH, Palm Springs, commented on the Forever Marilyn installation, and Item 2.N. regarding the hours of two-hour parking in the Downtown and Uptown areas.

KITTY KIELEY HAYES, commented on Item 5.A. regarding the proposed Araby Drive bridge at Palm Canyon.

KATHLEEN POLLACK, read a statement by Donna Chaban commented on Item 5.A. regarding the proposed Araby Drive bridge at Palm Canyon.

COUNCILMEMBER COMMENTS:

Mayor Pougnet commented on a recent letter sent to the City regarding the *Forever Marilyn* installation.

CITY MANAGER'S REPORT: City Attorney Holland requested the City Council recess into a brief Closed Session prior to the adjournment to further discuss one item on the posted Closed Session Agenda.

2. CONSENT CALENDAR:
ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., 2.H., 2.I., 2.J., 2.K., 2.L., 2.M., 2.N., 2.O., 2.P., and 2.R. **Motion Councilmember Mills, seconded by Councilmember Hutcheson 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 June 6, 2012, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:
ACTION: Approve the City Council Minutes of May 16, 2012. **Approved as part of the Consent Calendar.**

2.C. APPROVAL OF CLAIMS AND DEMANDS:
ACTION: Adopt Resolution No. 23150, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1056107 THROUGH 1056242 IN THE AGGREGATE AMOUNT OF $2,265,895.50 DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. 2012 BIENNIAL NOTICE FOR CITY STAFF TO REVIEW THE CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT:
ACTION: Adopt Resolution No. 23151, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REQUIRING CITY STAFF TO REVIEW THE CONFLICT OF INTEREST CODE AND SUBMIT THE 2012 BIENNIAL NOTICE AS REQUIRED UNDER THE POLITICAL REFORM ACT." **Approved as part of the Consent Calendar.**

2.E. NOTICE OF INTENT FOR THE ANNUAL LEVY OF ASSESSMENTS FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS FOR FISCAL YEAR 2012-13:
ACTION: 1) Adopt Resolution No. 23152, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING STREET LIGHTING MAINTENANCE DISTRICT NO. 3 ("CROSSLEY TRACT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2012-13;" 2) Adopt Resolution No. 23153, "A RESOLUTION OF THE

CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON STREET LIGHTING MAINTENANCE DISTRICT NO. 3 ("CROSSLEY TRACT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2012-13;" 3) Adopt Resolution No. 23154, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 6A ("FAIRPORT DEVELOPMENT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2012-13;" 4) Adopt Resolution No. 23155, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 6A ("FAIRPORT DEVELOPMENT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2012-13;" 5) Adopt Resolution No. 23156, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 6C ("PARK SONORA TRACT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2012-13;" 6) Adopt Resolution No. 23157, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 6C ("PARK SONORA TRACT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2012-13;" 7) Adopt Resolution No. 23158, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 7 ("SUNRISE NORTE TRACT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2012-13;" 8) Adopt Resolution No. 23159, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 7 ("SUNRISE NORTE TRACT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2012-13;" 9) Adopt Resolution No. 23160, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 8 ("VINTAGE PALMS TRACT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2012-13;" 10) Adopt Resolution No. 23161, "A RESOLUTION OF THE

CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 8 ("VINTAGE PALMS TRACT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2012-13;" 11) Adopt Resolution No. 23162, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 9 ("FLORA VISTA"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2012-13;" 12) Adopt Resolution No. 23163, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 9 ("FLORA VISTA"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2012-13;" 13) Adopt Resolution No. 23164, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORTS REGARDING PARKWAY MAINTENANCE DISTRICT NO. 10, ZONE 1 AND ZONE 2, ("MOUNTAIN GATE"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2012-13;" 14) Adopt Resolution No. 23165, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 10, ZONE 1 AND ZONE 2, ("MOUNTAIN GATE"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2012-13," 15) Adopt Resolution No. 23166, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING LANDSCAPE MAINTENANCE DISTRICT NO. 12 ("SMOKE TREE COMMONS"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2012-13;" 16) Adopt Resolution No. 23167, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON LANDSCAPE MAINTENANCE DISTRICT NO. 12 ("SMOKE TREE COMMONS"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2012-13." **Approved as part of the Consent Calendar.**

2.F. TREASURER'S INVESTMENT REPORT AS OF APRIL 30, 2012:
ACTION: Receive and file the Treasurer's Investment Report as of April 30, 2012. **Approved as part of the Consent Calendar.**

2.G. PROPOSED ANNUAL FIVE YEAR MEASURE "A" PLAN FOR FISCAL YEAR 2012-13 THROUGH 2016-17:
ACTION: Receive and file the Proposed Annual Five Year Measure "A" Plan for Fiscal Year 2012-13 through 2016-17. **Approved as part of the Consent Calendar.**

2.H. PURCHASE OF A GENERAC MODEL 5D050 DIESEL GENERATOR FROM BRUDVIK INC. FOR FIRE STATION NO. 441 IN THE AMOUNT OF $25,845:
ACTION: 1) Approve the purchase of a new GENERAC Model 5D050 50 kW 80 amp generator with 300 gallon fuel tank from Brudvik Inc. in an amount not to exceed $25,845; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

2.I. APPROVAL OF PARCEL MAP 36387 FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF FARRELL DRIVE AND BARISTO ROAD:
ACTION: 1) Adopt Resolution No. 23168, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PARCEL MAP 36387 FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF FARRELL DRIVE AND BARISTO ROAD, IN SECTION 13, TOWNSHIP 4 SOUTH, RANGE 4 EAST;" and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

2.J. PURCHASE AND INSTALLATION OF A NEW BEIJER ELECTRONICS AIRFIELD LIGHTING CONTROL SYSTEM FROM RURAL ELECTRIC INC. IN THE AMOUNT OF $56,840.85:
ACTION: 1) Approve a purchase order contract with Rural Electric Inc. in the amount of $56,840.85 to furnish and install a new Beijer Electronics airfield lighting control system in the new Federal Aviation Administration (FAA) control tower as a sole-source acquisition to comply with the specifications required by the FAA; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

2.K. RESOLUTION SUPPORTING THE CREATION OF PROGRAMS AND REGULATIONS TO STOP ILLEGAL FORECLOSURES AND WRONGFUL EVICTIONS:
ACTION: Adopt Resolution No. 23169, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, IN SUPPORT OF THE CREATION OF PROGRAMS AND REGULATIONS TO STOP ILLEGAL FORECLOSURES AND WRONGFUL EVICTIONS." **Approved as part of the Consent Calendar.**

2.L. ACCEPT THE RESIGNATION OF LEO COHEN FROM THE HISTORIC SITE PRESERVATION BOARD:
ACTION: 1) Accept with regret the resignation of Leo Cohen from the Historic Site Preservation Board; and 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2013. **Approved as part of the Consent Calendar.**

2.M. PROPOSAL TO SECURE FUNDING FOR EMISSION REDUCTION PROJECTS, AB 1318 MITIGATION FEES FUND:
ACTION: Receive and file. **Approved as part of the Consent Calendar.**

2.N. EXTEND SUSPENSION OF TWO-HOUR TIME LIMITS ON PORTIONS OF INDIAN CANYON DRIVE AND BELARDO ROAD FROM ALEJO ROAD TO RAMON ROAD AND DOWNTOWN CITY-OWNED PARKING LOTS AND PARKING STRUCTURE UNTIL JUNE 30, 2013, AND CHANGE THE HOURS OF ENFORCEMENT FOR ALL OTHER TIME LIMITED PARKING AREAS PATROLLED FROM BETWEEN 10:00 AM AND 6:00 PM TO BETWEEN 12 NOON AND 8:00 PM:
ACTION: Adopt Resolution No. 23170, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING SUSPENSION OF TWO-HOUR TIME LIMITS ON PORTIONS OF INDIAN CANYON DRIVE AND BELARDO ROAD FROM ALEJO ROAD TO RAMON ROAD AND DOWNTOWN CITY-OWNED PARKING LOTS AND PARKING STRUCTURE UNTIL JUNE 30, 2013, AND CHANGE THE HOURS OF ENFORCEMENT FOR ALL OTHER TIME LIMITED PARKING AREAS PATROLLED FROM BETWEEN 10:00 AM AND 6:00 PM TO BETWEEN 12:00 PM AND 8:00 PM." **Approved as part of the Consent Calendar.**

2.O. CONTRACT SERVICE AGREEMENT WITH SYSTEMS INTEGRATION CORPORATION FOR SECURITY ACCESS CONTROL SYSTEMS (SACS) MAINTENANCE FOR THREE YEARS NOT TO EXCEED $93,000 ANNUALLY WITH TWO ONE-YEAR OPTIONS:
ACTION: 1) Approve a contract service agreement with Systems Integration Corporation to provide labor and materials for SACS annual maintenance for three years with two one-year options not to exceed $93,000 per annum, subject to a CPI unit cost adjustment annually; and 2) Authorize the City Manager to execute all necessary documents. A6245. **Approved as part of the Consent Calendar.**

2.P. CITY COUNCIL AS SUCCESSOR AGENCY TO AUTHORIZE THE ADOPTION OF AMENDMENTS TO THE RECOGNIZED OBLIGATION PAYMENT SCHEDULES FOR THE PERIOD OF JANUARY 1, 2012, THROUGH JUNE 30, 2012, AND JULY 1, 2012, THROUGH

DECEMBER 31, 2012, IN THE FORM OF AMENDED RECOGNIZED OBLIGATION PAYMENT SCHEDULES (ROPS):
ACTION: 1) Adopt Resolution No. 23171, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING SOLELY IN ITS CAPACITY AS THE SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY AUTHORIZING THE ADOPTION OF AMENDMENTS TO THE RECOGNIZED OBLIGATION PAYMENT SCHEDULES FOR THE PERIODS OF JANUARY 1, 2012, THROUGH JUNE 30, 2012, AND JULY 1, 2012, THROUGH DECEMBER 31, 2012, IN THE FORM OF AMENDED RECOGNIZED OBLIGATION PAYMENT SCHEDULES (ROPS);" and 2) Direct the Clerk of the Successor Agency to cause the transmission of the Amended ROPS to the Riverside County Auditor-Controller, the State Controller's Office, and the State Department of Finance, or alternatively to provide notice to those entities together with the address of the City's website and the posting of the ROPS to the City's website. **Approved as part of the Consent Calendar.**

2.R. ACCEPTANCE OF OPERATIONS COVENANTS FROM RBD HOTEL PALM SPRINGS LLC AS OPERATOR OF THE HYATT HOTEL, RIVIERA REINCARNATE LLC AS OPERATOR OF THE RIVIERA HOTEL, AND SYDELL PALM SPRINGS LLC AS OPERATOR OF THE SAGUARO HOTEL; PURSUANT TO THE CITY'S HOTEL OPERATIONS INCENTIVE PROGRAM:
ACTION: 1) Accept the Operations Covenants between the City and RBD Hotel Palm Springs LLC, Riviera Reincarnate LLC, and Sydell Palm Springs LLC in conjunction with the City's Hotel Operations Incentive Program; and 2) Authorize the City Manager to execute all necessary documents. A6227. A6236. A6239. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR: Item 2.Q. was discussed prior to adjournment.

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS:

4.A. UPDATE FROM THE CITY'S REPRESENTATIVE TO THE COACHELLA VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT AND DISCUSSION ON MODIFICATIONS TO THE DISTRICT'S BYLAWS:
Sharon Lock, Palm Springs Representative to the Coachella Valley Mosquito and Vector Control District, provided background information on H.R. 872, the Laboratory Expansion Project, and District Bylaw modifications.

ACTION: 1) Receive and File. **By consensus of the City Council.**

4.B. PROGRESS REPORT AND UPDATE FROM THE CITY COUNCIL DOWNTOWN REVITALIZATION PROJECT AD HOC SUBCOMMITTEE:

Mayor Pougnet and Councilmember Mills provided a verbal update with respect to the Downtown Revitalization Project.

5. NEW BUSINESS:

5.A. ARABY DRIVE BRIDGE AT PALM CANYON WASH:
David Barakian, City Engineer, provided background information as outlined in the staff report dated June 6, 2012.

The City Council discussed and/or commented on the following with respect to the proposed low water crossing bridge at the Palm Canyon Wash: status of starting the process, the process and approval needed with the EIR process, the City responsibility for safety for the residents that have requested the bridge, any alternative route for the placement of the bridge, the deadline to make a decision to approve the State Supplemental Agreement, ensure a way to preserve the currently existing vegetation, the misinformation put out to the Community, the responsibility of the City for future disaster repairs, postpone this item until the next City Council meeting and meet with the residents to seek alternatives, daily traffic statistics provided on the application and would it have resulted in a different result from Caltrans, the Fire Department response plan, the alignment criteria and the specific bridge type, the nature of the preliminary design, the liability to the City by not installing the bridge, the alternatives during the environmental process to review all other alternatives, the residents response to potential inaccuracies on the application, the concerns of the residents in the minority,

ACTION: 1) Continue discussion to the next regular meeting; and 2) Appoint Mayor Pro Tem Foat and Councilmember Mills to a City Council ad hoc Subcommittee for the Araby Bridge. **Motion Councilmember Hutcheson, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

The City Council recessed at 9:38 p.m. The City Council reconvened at 9:46 p.m.

5.B. OFFICE OF SUSTAINABILITY UPDATE:
Michele Mician, Sustainability Manager, provided background as outlined in the staff report dated June 6, 2012.

The City Council discussed and/or commented on the following with respect to sustainability goals: gas leaf blowers and banning of plastic bags.

ACTION: Receive and file. **By consensus of the City Council.**

ACTION: Continue past the 10:00 p.m. tentative adjournment time. **Motion Councilmember Mills, seconded by Mayor Pro Tem Foat and unanimously carried.**

5.C. DISCUSSION OF THE CITY OF PALM SPRINGS HOSTING THE UNITED STATES 2013 DESERT WORLD CUP FOR THE OLYMPIC SPORT OF MODERN PENTATHLON AT THE CITY'S SWIM CENTER, PAVILION, AND STADIUM FROM FEBRUARY 15 THROUGH FEBRUARY 26, 2013:
Tom Wilson, Assistant City Manager, provided background as outlined in the staff report dated June 6, 2012.

ACTION: 1) Host the 2013 World Cup Pentathlon; and 2) Waive use fees for the Palm Springs Stadium and Cerritos Field, the Palm Springs Pavilion and the Palm Springs Swim Center. **Motion Councilmember Lewin, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Lewin requested staff review unlicensed cannabis facilities in the City of Palm Springs, and recommended a report to create some administrative penalties, required a City decal and a requirement to post a license, and printing the license number in any print ads.

Councilmember Mills requested adding photos to the City website.

Mayor Pro Tem Foat requested the City Engineer review the traffic issues on Via Escuela.

The City Council recessed into Closed Session at 10:20 p.m., to further discuss one item on the posted Closed Session Agenda.

The City Council reconvened at 10:42 p.m.

REPORT OF CLOSED SESSION: City Attorney Holland stated the City Council recessed into Closed Session to discuss one item on the posted Closed Session Agenda, and reported the City Council authorized the sale of an easement located adjacent to 572 North Indian Canyon Drive, to Pacifica Colony Palms, LLC, requested the City Council vote on Item 2.Q., and stated the easement documents will be on file in the Office of the City Clerk when fully executed.

2.Q. APPROVING AN EASEMENT FOR PARKING PURPOSES TO PACIFICA COLONY PALMS:
ACTION: 1) Adopt Resolution No. 23172, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, GRANTING AN EASEMENT FOR PARKING PURPOSES ALONG GRANVIA VALMONTE AND VIA CHICA TO THE COLONY PALMS HOTEL;" and 2) Authorize the City Manager to execute all necessary documents. A6246. **By unanimous consent of the City Council.**

ADJOURNMENT: The City Council adjourned at 10:44 p.m., to Wednesday, June 20, 2012 at 6:00 P.M. Council Chamber, City Hall, for a Joint Meeting with the Measure "J" Oversight Commission, followed by the Regular Meeting at 7:00 p.m., 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 20TH DAY OF JUNE, 2012.

STEPHEN P. POUGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK