CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA

MEETING MINUTES
WEDNESDAY, MAY 16, 2012
CITY HALL COUNCIL CHAMBER

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:08 p.m.

PLEDGE OF ALLEGIANCE: Palm Springs Air Force ROTC Junior Color Guard, led the Pledge.

INVOCATION: Rev. Dr. Amanda Burr, United Methodist Church, 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 the family of Tribal Chairman Richard Milanovich a Resolution naming the Belardo Road Bridge "The Chairman Richard M. Milanovich Memorial Bridge."

Mayor Pougnet and the City Council proclaimed May 16, 2012, as Hank Plante Day in the City of Palm Springs and recognized Mr. Plante for his excellence in journalism.

Mayor Pougnet and the City Council proclaimed May 16, 2012, as Marcus Fuller Day in the City of Palm Springs and recognized Mr. Fuller for his service to the City of Palm Springs.

Mayor Pougnet and the City Council presented a Certificate of Recognition to Dr. Cunnah, Desert Regional Medical Center, for their service to the community and the recent Eureka Award presented to Desert Regional Medical Center.

Mayor Pougnet announced the upcoming Forever Marilyn artwork installation in the Downtown area of Palm Springs.

CVAG presented the City Council an update on the CVAG Green for Life program and activities.

Mayor Pougnet announced the upcoming Police and Fire Departments' Appreciation Luncheon.

Fire Captain Ron Beverly announced the upcoming Annual Fire Department Fish Fry.

REPORT OF CLOSED SESSION: City Attorney Holland stated the meeting was called to order at 4:00 p.m., and the City Council recessed into Closed Session to discuss items contained on the posted Closed Session Agenda. The City Council provided direction to the Labor Negotiator, otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

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

Councilmember Mills noted his business related abstention on Consent Calendar Item 2.B., his property ownership abstention on Consent Calendar Item 2.G., and requested Items 2.I. and 2.J. be removed from the Consent Calendar for separate discussion.

Mayor Pro Tem Foat noted her employment related abstention on Item 2.F. Warrant Nos. 1055917 and 1055918, and requested Item 2.F. be removed from the Consent Calendar for separate discussion.

Councilmember Lewin noted his abstention on Consent Calendar Item 2.B.

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

1. PUBLIC HEARINGS:

1.A. ZONE TEXT AMENDMENT RELATING TO OFF-SITE ADVERTISING (BILLBOARDS) (CASE 5.1272):

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated May 16, 2012.

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

WILLIAM HOUCK, Lamar Advertising, commented on the recent relocation of billboards, and requested the City Council support the zoning regulations for billboards regarding digital displays.

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

Councilmember Mills commented on the relocation program, stated the City has worked hard since 1970 to eliminate billboards, the impact of billboards on the panoramic views, residents, and tourism, and stated his support for the digital technology.

Mayor Pro Tem Foat requested Lamar Advertising explain how digital billboards will reduce the number of billboards in the City, and requested staff address if the ordinance could be amended that provides a reduction in billboards if the City Council allows digital billboards.

Councilmember Lewin commented on the use of digital billboards in the Coachella Valley and on safety concerns to drivers.

Mayor Pougnet stated his support for the use of digital billboards.

MOTION: Uphold the Planning Commission's recommendation with respect to off-site advertising that provides no change to the current regulations. **Motion Councilmember Lewin failed for lack of a second.**

Councilmember Mills noted his support for digital billboards, stated the ordinance does not provide for Planning Commission review, requested Lamar Advertising address copy changes on the digital billboards and modifications to copy changes to reflect community standards.

Mayor Pro Tem Foat requested Lamar Advertising comment on allowing digital billboards but providing for a net reduction in billboards in the City of Palm Springs, and requested Lamar address the cost of digital billboards to advertisers.

MOTION: Direct staff to draft an ordinance for further review by the Planning Commission, that approves the installation of digital billboards, that results in a new reduction of billboards in the City of Palm Springs. **Motion Mayor Pro Tem Foat failed for lack of a second.**

Councilmember Hutcheson requested staff address the difference between a digital sign compared to a digital billboard.

ACTION: Direct staff to draft an ordinance that allows replacement of existing billboards on I10 corridor with digital type billboards restricting the rotation which cannot be less than 30 seconds. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and carried 4-1 on a roll call vote.**

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

1.B. PLACEMENT OF DELINQUENT WASTE DISPOSAL CHARGES ON THE COUNTY TAX ROLLS AS A SPECIAL ASSESSMENT:
David Barakian, City Engineer, provided background information as outlined in the staff report dated May 16, 2012.

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

Councilmember Lewin requested staff address the requirements for an individual property to suspend trash service in the City of Palm Springs.

ACTION: Adopt Resolution No. 23135, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING CERTAIN WASTE DISPOSAL ACCOUNTS TO BE DELINQUENT AND DIRECTING THE PLACEMENT OF THESE ACCOUNTS ON THE COUNTY PROPERTY TAX ROLLS FOR COLLECTION." **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

JASON BRUECKS, requested the City Council consider funding the Palm Springs Cultural Center.

MICHAEL GREEN, requested the City Council consider funding the Palm Springs Cultural Center.

MARVIN SCHURGIN, Palm Desert, commented on Item 2.B., and requested the City Council adopt a resolution in support of Proposition 29.

LARRY ABEL, commented on the retail incubator in Uptown Design District, the Business Improvement District, and the opening of a new production and event company.

ERROL FRANKLIN, commented on SunLine services.

CADE MORROW, commented on Item 5.D. and noted the impact of Event Houses and the Presley Event House.

TRACY CONRAD, requested the City Council consider funding the Palm Springs Cultural Center.

RIC SUPPLE, requested the City Council consider funding the Palm Springs Cultural Center.

TEDDY GROUYA, requested the City Council consider funding the Palm Springs Cultural Center.

PETER McGUGAN, Palm Springs, requested the City Council consider funding the Palm Springs Cultural Center.

RAY BENNING, commented on Item 2.H., and requested the City Council support the vacation of the golf course easement.

BOB HELBLING, Palm Springs, commented on the Forever Marilyn installation, Proposition 29, and Item 5.D. regarding term permits for event houses.

STEVE ROSENBERG, Palm Springs, commented on Proposition 29.

ALEX YOUSSEF, commented on the problems with homelessness.

COUNCILMEMBER COMMENTS:

Mayor Pro Tem Foat provided an update on the operations at Roy's Desert Resource Center.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:
ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.G., 2.H., 2.K., 2.L., 2.M., 2.N., and 2.O. **Motion Councilmember Hutcheson, seconded by Councilmember Lewin 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 May 16, 2012, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. SUPPORT OF STATE BALLOT MEASURE PROPOSITION 29, THE CALIFORNIA CANCER RESEARCH ACT:
ACTION: 1) Adopt Resolution No. 23136, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUPPORTING PROPOSITION 29, THE CALIFORNIA CANCER RESEARCH ACT." **Approved as part of the Consent Calendar, noting the abstention of Councilmember Lewin and Councilmember Mills.**

2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:
ACTION: 1) Adopt Resolution No. 23137, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 4-14-12 BY WARRANTS NUMBERED 417365 THROUGH 417390 TOTALING $47,973.89, LIABILITY CHECKS NUMBERED 1055688 THROUGH 1055712 TOTALING $125,263.84, FIVE WIRE TRANSFERS FOR $42,681.80, AND THREE ELECTRONIC ACH DEBITS OF $1,086,468.68, IN THE AGGREGATE AMOUNT OF $1,302,388.21, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23138, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1055713 THROUGH

1055862 IN THE AGGREGATE AMOUNT OF $779,209.75, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23139, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1055863 THROUGH 1055967 IN THE AGGREGATE AMOUNT OF $1,353,476.51 DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 23140, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 4-28-12 BY WARRANTS NUMBERED 417391 THROUGH 417415 TOTALING $43,288.93, LIABILITY CHECKS NUMBERED 1055968 THROUGH 1055991 TOTALING $124,889.39, FIVE WIRE TRANSFERS FOR $41,827.64, AND THREE ELECTRONIC ACH DEBITS OF $1,149,364.78, IN THE AGGREGATE AMOUNT OF $1,359,370.74, DRAWN ON BANK OF AMERICA;" and 5) Adopt Resolution No. 23141, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1055992 THROUGH 1056106 IN THE AGGREGATE AMOUNT OF $1,192,829.33, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the abstention of Mayor Pro Tem Foat on Warrant Nos. 1055917 and 1055918.**

2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTHS OF MARCH AND APRIL 2012:
ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of March 1 through April 30, 2012. **Approved as part of the Consent Calendar.**

2.E. SECOND READING AND ADOPTION OF ORDINANCE NO. 1807, INCREASING THE NUMBER OF MEMBERS ON THE MEASURE "J" OVERSIGHT COMMISSION TO NINE MEMBERS AND TWO ALTERNATE MEMBERS:
ACTION: Waive further reading and adopt Ordinance No. 1807, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 2.59.010 AND 2.59.020 OF THE PALM SPRINGS MUNICIPAL CODE, INCREASING THE NUMBER OF MEMBERS ON THE MEASURE "J" OVERSIGHT COMMISSION TO NINE AND TWO ALTERNATE MEMBERS." **Approved as part of the Consent Calendar.**

2.G. AMENDING RESOLUTION NO. 22228 TO AUTHORIZE AN EXTENSION OF TIME TO SATISFY CONDITIONS RELATED TO THE RIGHT-OF-WAY VACATION OF AVENIDA EVELITA (FILE R-07-039):
ACTION: Adopt Resolution No. 23142, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 6 OF RESOLUTION NO. 22228 ADOPTED MAY 21, 2008,

RELATED TO THE VACATION AND ABANDONMENT OF A PORTION OF PUBLIC RIGHT-OF-WAY DEDICATED FOR AVENIDA EVELITA BETWEEN RAMON ROAD AND CALLE DE RICARDO, AND PORTIONS OF PUBLIC UTILITY EASEMENTS ON LOTS 5 AND 6 OF VISTA DEL CIELO, AND PORTIONS OF PUBLIC UTILITY EASEMENTS ON LOTS 1 AND 6 OF VISTA DEL CIELO NO. 3, IN SECTION 19, TOWNSHIP 4 SOUTH, RANGE 5 EAST (FILE R-07-039)." **Approved as part of the Consent Calendar, noting the abstention of Councilmember Mills.**

2.H. SUMMARY VACATION OF A 20 FOOT WIDE EASEMENT FOR GOLF COURSE PURPOSES WITHIN TRACT NO. 2808 (FILE R 11-15):
ACTION: Adopt Resolution No. 23143, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUMMARILY VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE AND INTEREST OF A 20 FOOT WIDE EASEMENT FOR GOLF COURSE PURPOSES WITHIN TRACT NO. 2808, IN SECTION 29, TOWNSHIP 4 SOUTH, RANGE 5 EAST (FILE R 11-15)." **Approved as part of the Consent Calendar.**

2.K. APPROVAL OF MINUTES:
ACTION: Approve the City Council Minutes of May 2, 2012, April 18, 2012, and April 11, 2012. **Approved as part of the Consent Calendar.**

2.L. SUPPORT FEDERAL EARTHQUAKE INSURANCE AFFORDABILITY ACT AND AUTHORIZE DELIVERY OF A LETTER IN SUPPORT:
ACTION: Authorize the Mayor to execute and deliver a letter to appropriate representatives in Congress supporting passage of the Earthquake Insurance Affordability Act. **Approved as part of the Consent Calendar.**

2.M. AMENDMENT NO. 1 TO AGREEMENT NO. A6185 WITH NEWCOMB ANDERSON MCCORMICK, FOR THIRD PARTY PEER REVIEW OF THE CITYWIDE ENERGY MANAGEMENT PROJECT:
ACTION: 1) Approve Amendment No. 1 to Agreement No. A6185 with Newcomb Anderson McCormick, in the amount of $26,200 for a total revised contract amount of $51,200 for the Third Party Peer Review of Energy Conservation Measures (CP 09-05); and 2) Authorize the City Manager to execute all necessary documents. A6185. **Approved as part of the Consent Calendar.**

2.N. NAMING THE BELARDO ROAD BRIDGE THE CHAIRMAN RICHARD M. MILANOVICH MEMORIAL BRIDGE:
ACTION: Adopt Resolution No. 23144, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, NAMING THE BELARDO BRIDGE, "THE CHAIRMAN RICHARD M. MILANOVICH MEMORIAL BRIDGE." **Approved as part of the Consent Calendar.**

2.O. ACCEPT THE UNITED STATES DEPARTMENT OF JUSTICE ASSISTANCE GRANT (JAG) PROGRAM 2012 IN THE AMOUNT OF $24,111:

ACTION: 1) Approve the acceptance of a grant award from the United States Department of Justice in the amount of $24,111; 2); and 3) Authorize the City Manager to execute all necessary documents. A6244. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.F. UPDATE ON THE COACHELLA VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT'S LABORATORY EXPANSION PROJECT:

Mayor Pougnet requested the City Manager report to the City Council on bylaw changes to the district.

ACTION: Receive and file update from Sharon Lock, President of the Coachella Valley Mosquito and Vector Control District. **By consensus of the City Council.**

2.I. PURCHASE OF A GENERAC MODEL 5D050 DIESEL GENERATOR FROM BRUDVIK INC. IN THE AMOUNT OF $25,845 FOR FIRE STATION NO. 441:

Councilmember Mills requested staff address the above ground tank and the enclosure, and stated the building is an historical building in the City of Palm Springs and if HSPB has been included.

ACTION: Defer the purchase and return to the City Council with further detail on the placement and enclosure considering the historic site designation. **By consensus of the City Council.**

2.J. AGREEMENT WITH MATICH CORPORATION IN THE AMOUNT OF $1,516,000 FOR THE 2011-12 ANNUAL ASPHALT OVERLAY (CP 11-06):

Councilmember Mills noted his property related abstention on the Ramon Road portion of the agreement.

ACTION: 1) Approve an agreement with Matich Corporation for the Alternative Bid Schedule in the amount of $1,516,000 for the 2011-12 Annual Asphalt Overlay (CP 11-06): and 2) Authorize the City Manager to execute all necessary documents. A6243. **Motion Mayor Pro Tem Foat, seconded by Councilmember Lewin and unanimously carried on a roll call vote, noting the abstention of Councilmember Mills on the Ramon Road portion of the Agreement.**

3. LEGISLATIVE:

3.A. INITIATION AND INTRODUCTION FOR FIRST READING OF AN ORDINANCE FOR A ZONE TEXT AMENDMENT FOR THE CIVIC CENTER DISTRICT ZONE AND INITIATION AND INTRODUCTION FOR FIRST READING OF AN ORDINANCE FOR A CHANGE OF ZONE DESIGNATION FOR SEVERAL CITY-OWNED PARCELS FROM THE CURRENT ZONING TO THE CIVIC CENTER DISTRICT / CIVIC USES ZONE:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated May 16, 2012.

ACTION: 1) Initiate, waive the reading of the full text of the ordinance, and introduce on first reading Ordinance No. 1808, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 92.23.00, 92.23.01, AND 92.23.02 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO AMENDMENTS TO THE CIVIC CENTER DISTRICT ZONE;" and 2) Initiate, waive the reading of the full text of the ordinance, and introduce on first reading Ordinance No. 1809, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE ZONING MAP TO CHANGE THE ZONING DESIGNATION OF (NUMBER) PARCELS FROM VARIOUS CURRENT ZONING DESIGNATIONS TO CIVIC CENTER DISTRICT (CIVIC USES) ZONE, CASE NO. 5.1281 CZ (CHANGE OF ZONE)." **Motion Mayor Pro Tem Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

4. UNFINISHED BUSINESS:

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

Mayor Pougnet and Councilmember Mills provided a verbal update on the Museum Market Plaza Project.

No action taken.

5. NEW BUSINESS:

5.A. PRESENTATION BY THE BUREAU OF TOURISM ON THE FISCAL YEAR 2012-13 TOURISM BUDGET:

Mary Jo Ginther, Palm Springs Bureau of Tourism, presented a PowerPoint presentation on the preliminary fiscal year 2012-13 Tourism Budget.

No action taken.

5.B. DISCUSSION OF THE PRELIMINARY FISCAL YEAR 2012-13 BUDGET:
City Manager Ready, and Geoffrey Kiehl, Director of Finance, presented an overview of the preliminary fiscal year 2012-13 budget.

No action taken.

5.C. APPOINTMENT OF A CITY COUNCIL AD HOC SUBCOMMITTEE FOR CITY OF PALM SPRINGS 75TH ANNIVERSARY CELEBRATION:
No action taken to appoint a City Council ad hoc subcommittee.

5.D. UPDATE AND REVIEW OF PALM SPRINGS MUNICIPAL CODE CHAPTER 5.75 PERTAINING TO EVENT HOUSES:
Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated May 16, 2012.

The City Council discussed and/or commented on the following with respect to the Event House regulations: eliminate the term permits, require an individual permit, events over 25-guests require a parking plan, penalties for violation of the ordinance, maximum number of events per year, including the event house operators in the discussion, amplified music prohibited, easier for people to know their rights, and easier to report violations.

ACTION: Direct staff to prepare an ordinance to modify Chapter 5.75 of the Palm Springs Municipal Code regarding Event Houses. **By consensus of the City Council.**

5.E. INITIAL APPOINTMENTS TO THE MEASURE J OVERSIGHT COMMISSION:
ACTION: 1) Appoint Christine Hammond, Mark Marshall, Kevin Towner, David Vogel, and John Williams to the Measure "J" Oversight Commission for the term ending June 30, 2015; 2) Appoint Aftab Dada, Kristin Bloomer, Leo Cohen, and Robert Moon to the Measure "J" Oversight Commission for the term ending June 30, 2014; 3) Appoint Liz Glass as an Alternate to the Measure "J" Oversight Commission for the term ending June 30, 2015; and 4) Appoint Curt Watts as an Alternate to the Measure "J" Oversight Commission for the term ending June 30, 2014. **Motion Councilmember Mills, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Lewin commented on AB109 State Prison Realignment, recommended staff review obtaining a grant writer for public safety grants, and commented on local hiring as a requirement for Measure "J."

Councilmember Mills commented on local preference programs, and requested city staff address illegal dumping near the end of Dunn Road on a City owned parcel, and review if clean up grants can be obtained.

Mayor Pougnet requested staff address the two dead palm trees near the Quality Inn in the City easement.

Mayor Pro Tem Foat requested an update on the status of the proposed convenience store at the Sun Center property.

ADJOURNMENT: The City Council adjourned in memory of Dianne Marantz, at 9:30 to Wednesday, June 6, 2012, 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 6TH DAY OF JUNE, 2012.

Stephen P. Pougnet

STEPHEN P. POUGNET, MAYOR

ATTEST:

James Thompson

JAMES THOMPSON, CITY CLERK