

**CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA**



**MEETING MINUTES
WEDNESDAY, JUNE 20, 2012
CITY HALL COUNCIL CHAMBER**

CALL TO ORDER: Mayor Pougnet called the Joint Meeting of the City Council and the Measure "J" Oversight Commission to order at 6:05.

ROLL CALL:

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

COMMISSIONERS: Bloomer, Cohen, Dada, Glass, Hammond, Marshall, Moon, Towner, Vogel, Watts, and Williams.

ABSENT: None.

ALSO PRESENT: City Manager Ready and City Clerk Thompson.

PUBLIC COMMENT: None.

1. JOINT MEETING WITH THE MEASURE "J" OVERSIGHT COMMISSION:

1.A. DISCUSSION AND DIRECTION WITH RESPECT TO COMMISSION GOALS AND OBJECTIVES, OVERSIGHT RESPONSIBILITIES AND AUDIT, PROCEDURES, PROTOCOLS, AND COMMUNITY INPUT:

The City Council and Members of the Measure "J" Oversight Commission discussed and/or commented on the following: the ballot measure question, use of funds, use of bonding to finance immediate projects, the possible use of signage to designate projects funded with Measure "J" funds, walking the streets of Downtown and Uptown Palm Springs to ascertain the needs of the Community, use of subcommittees, going out and creating opportunities, prioritizing opportunities, quality of life issues, thinking big, partial funding of projects from Measure "J" funds, the use of small mini-grants, the administrative oversight functions of the Oversight Commission, mini-grants to the 33 neighborhood organizations, the transformation of Indian Canyon as a street of commerce in the City, the urgency of timely developing the process, communication with residents, the built-in opportunity to communicate and outreach with the neighborhood organizations, use of Measure "J" funding to maintain City owned properties acquired as part of the Downtown Revitalization Project, other funds available to supplement projects the Commission is considering, reviewing other cities projects such as pocket parks, bike sharing, etc., and the City Council support and staff access available to the Commission.

The City Council recessed at 6:52 p.m. and the Measure "J" Oversight Commission adjourned.

The City Council reconvened at 7:03 p.m., in Council Chamber.

CALL TO ORDER: Mayor Pougnet called the regular meeting to order at 7:03 p.m.

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.

PLEDGE OF ALLEGIANCE: Councilmember Lewin led the Pledge.

INVOCATION: Pastor David Sanger, Our Savior's Community Church, led the Invocation.

PRESENTATIONS: Mayor Pougnet and the City Council presented Fire Captain Cameron Robbins a Certificate of Appreciation upon his retirement.

Mayor Pougnet and the City Council presented Palm Springs High School Football Coach Steve Fabian a Certificate of Appreciation upon his retirement.

Mayor Pougnet and the City Council presented Palm Springs High School Assistant Principle Joe Aguanno a Certificate of Appreciation upon his retirement.

Mayor Pougnet and the City Council presented Palm Springs High School Student John Paolo Sioson, Student Liaison to the Palm Springs Human Rights Commission a Certificate of Appreciation upon his graduation.

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 on the posted Closed Session Agenda. No reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson requested the City Council consider adding an Item to the Agenda titled *Proposed Resolution Acting Solely in its Capacity as Successor Agency to the Palm Springs Community Redevelopment Agency Authorizing the Investment, Deposit, and Withdrawal of City of Palm Springs Successor Agency Monies in the Local Agency Investment Fund*, and reported this item came to attention of the City after the posting of the Agenda, and due to the fiscal year end there is an immediate need to hear and/or take action on the Item.

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 the Item titled *Proposed Resolution Acting Solely in its Capacity as Successor*

Agency to the Palm Springs Community Redevelopment Agency Authorizing the Investment, Deposit, and Withdrawal of City of Palm Springs Successor Agency Monies in the Local Agency Investment Fund to the Agenda as Consent Calendar Item 2.K.
Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.

City Clerk Thompson stated staff is requesting the removal of Item 2.G. from the Consent Calendar for a report and update, and requests Item 4.B. be withdrawn from the Agenda with no 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:** None.

PUBLIC COMMENT:

MONICA LOPEZ, requested the City Council approve Item 2.E., regarding the Fair Housing Council services.

DARLENE HONEYCUTT, commented on baseball equipment at the Parks and Recreation Department and the lack of equipment to practice.

ALEXANDRA MAZMANIAN, commented on the proposed Araby Bridge.

JULIE RUPP, commented on the proposed Araby Bridge.

CHRIS WITHAM, Palm Springs, commented on crime in the North Palm Springs area.

MOYA HENDERSON, commented on the proposed Araby Bridge.

PHYLLIS BURGESS, Palm Springs, commented on Sustainability programs.

SUE VALENTINO, Palm Springs, commented on the proposed Araby Bridge.

MARY ALCHIEN, commented on the proposed Araby Bridge.

GREG HOUGH, Palm Springs, commented on the proposed Araby Bridge.

MARK HOCKLING, commented on the proposed Araby Bridge.

HEIDI McKEE, Palm Springs, commented on the proposed Araby Bridge.

SID CRAIG, Palm Springs, announced the upcoming Palm Springs International Short Film Festival.

MICHAEL STERN, commented on the Downtown Revitalization Project and the selection of the architect.

WILLIE HOLLAND, commented on the history of Section 14 and abatement of his property.

COUNCILMEMBER COMMENTS: None.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

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

2.A. REPORT ON THE POSTING OF THE AGENDA:

ACTION: Receive and file the Report on the Posting of the June 20, 2012, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of June 6, 2012. **Approved as part of the Consent Calendar.**

2.C. DESIGNATION OF A VOTING DELEGATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE SEPTEMBER 5-7, 2012:

ACTION: Appoint Mayor Pro Tem Foat as the City of Palm Springs Voting Delegate, and David Ready, City Manager, as the Palm Springs Alternate Voting Delegate, for the 2012 League of California Cities Annual Business Meeting, September 5-7, 2012. **Approved as part of the Consent Calendar.**

2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF MAY 2012:

ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of May 1 through May 31, 2012. **Approved as part of the Consent Calendar.**

2.E. AGREEMENTS WITH THE FAIR HOUSING COUNCIL OF RIVERSIDE COUNTY, INC. FOR FAIR HOUSING SERVICES IN THE AMOUNT OF \$39,922 FOR FISCAL YEAR 2011-12 AND \$24,440 FOR FISCAL YEAR 2012-13:

ACTION: 1) Approve agreements with the Fair Housing Council of Riverside County, Inc. for fair housing services through education, training/technical assistance and enforcement in the amounts of \$39,922 for Fiscal Year 2011-12 and \$24,440 for Fiscal Year 2012-13, respectively, in the City's capacity as the Housing Successor Agency of the Community Redevelopment Agency; and 2) Authorize the City

Manager to execute all necessary documents. A6247. A6248. **Approved as part of the Consent Calendar.**

2.F. REQUEST FOR PROPOSALS/QUALIFICATIONS FOR THE ROTATIONAL TOW PROGRAM:

ACTION: 1) Adopt Resolution No. 23173, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE REQUEST FOR PROPOSALS/QUALIFICATIONS FOR THE ROTATIONAL TOW PROGRAM AND AUTHORIZE STAFF TO ADVERTISE AND SOLICIT RESPONSES;" and 2) Approve an extension of the existing tow services agreements with A & A Towing, Dave's Towing, and Mohica Towing to October 31, 2012, and authorize the City Manager to execute the necessary documents in a form approved by the City Attorney. A5403. A5404. A5405. **Approved as part of the Consent Calendar.**

2.H. AMENDMENT NO. 3 TO AGREEMENT NO. A5741 WITH CGPM MANAGERS, LLC FOR THE MANAGEMENT AND OPERATION OF THE CITY-OWNED LEGENDS AND RESORT GOLF COURSES EXTENDING THE MANAGEMENT AGREEMENT FOR A PERIOD OF FIVE YEARS, BEGINNING JULY 1, 2012 THROUGH JUNE 30, 2017:

ACTION: 1) Approve Amendment No. 3 to Agreement No. A5741 with CGPM Managers, LLC for five years beginning July 1, 2012, for the operation of City owned golf courses, at the original fee of \$225,000 per year and with no other changes to the terms of the Management Agreement; and 2) Authorize the City Manager to execute all necessary documents. A5741. **Approved as part of the Consent Calendar.**

2.I. AWARD OF IFB 12-15 FOR PALM TREE TRIMMING AT VARIOUS LOCATIONS:

ACTION: 1) Award a contract for Bid (IFB) 12-15, Palm Tree Trimming at various locations in the City of Palm Springs to Jimmie's Tree Service, of Long Beach, CA based on unit prices per tree for a projected cost of \$49,453.00; and 2) Authorize the City Manager to execute all necessary documents. A6249. **Approved as part of the Consent Calendar.**

2.J. MAINTENANCE AND REPAIR OF EQUIPMENT AT THE COGENERATION PLANT FOR FISCAL YEAR 2012-13:

ACTION: 1) Authorize issuance of a purchase order for the as-needed purchase of Caterpillar repair parts for the maintenance and repair of equipment at the cogeneration plant from Johnson Power Systems in an amount not to exceed \$150,000; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

2.K. ADDED ITEM ACTING SOLELY IN ITS CAPACITY AS SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT

AGENCY PROPOSED RESOLUTION DESIGNATING OFFICERS AUTHORIZED TO INVEST, DEPOSIT AND WITHDRAWAL OF FUNDS IN THE LOCAL AGENCY INVESTMENT FUND (LAIF):

ACTION: Adopt Resolution No. 23175, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING SOLELY IN ITS CAPACITY AS SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY AUTHORIZING THE INVESTMENT, DEPOSIT, AND WITHDRAWAL OF CITY OF PALM SPRINGS SUCCESSOR AGENCY MONIES IN THE LOCAL AGENCY INVESTMENT FUND." **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.G. ANNUAL INSURANCE POLICY RENEWALS FOR THE CITY'S INSURANCE PORTFOLIO FOR FISCAL YEAR 2012-13:

City Manager Ready provided an update on modifications to the City's insurance portfolio from previous years including the self-retention.

ACTION: Adopt Resolution No. 23174 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING KEENAN & ASSOCIATES AS THE CITY'S BROKER OF RECORD, TO PURCHASE PROPERTY LIABILITY, EXCESS EARTHQUAKE/FLOOD LIABILITY (DIFFERENCE IN CONDITION), EXCESS LIABILITY, EXCESS WORKERS COMPENSATION, AIRPORT OWNERS AND OPERATORS LIABILITY, VILLAGEFEST LIABILITY, MULTI MEDIA LIABILITY, AIRCRAFT HULL LIABILITY, AND CRIME/FIDELITY LIABILITY INSURANCE POLICIES FROM VARIOUS CARRIERS FOR POLICY YEAR 2012-13, EFFECTIVE JULY 1, 2012." **Motion Mayor Pougnet, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE AMENDING THE PALM SPRINGS MUNICIPAL CODE RELATING TO SOLICITATION WITHIN THE PUBLIC RIGHT-OF-WAY:

Police Chief Alberto Franz provided background information as outlined in the Staff Report dated June 20, 2012.

ACTION: Waive the reading of the full text of the ordinance, and introduce on first reading Ordinance No. 1810, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 5.48.010 AND ADDING SECTION 5.48.065 TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO SOLICITATION WITHIN THE PUBLIC RIGHT-OF-WAY." **Motion Mayor Pro Tem Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

4. UNFINISHED BUSINESS:

4.A. APPROVE VARIOUS DOCUMENTS REQUIRED PURSUANT TO THE PROJECT FINANCING AGREEMENT BETWEEN THE CITY AND PALM SPRINGS PROMENADE, LLC, FOR THE IMPLEMENTATION OF THE DOWNTOWN REVITALIZATION PLAN:

City Attorney Holland provided background information as outlined in the Staff Report dated June 20, 2012.

ACTION: 1) Approve grant deed, easement, independent fund control agreements for public and private improvements, and public and private escrow agreements, for the implementation of the downtown revitalization plan and project financing agreement; and 2) Authorize the City Manager and the City Attorney to execute such documents and any related documents reasonably necessary or convenient for the implementation of such documents. A6144. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

4.B. ARABY DRIVE BRIDGE AT PALM CANYON WASH:

Item withdrawn from the Agenda with no discussion.

5. NEW BUSINESS:

5.A. APPOINTMENT OF VARIOUS COMMISSIONERS AND BOARD MEMBERS AS PART OF THE 2012 ANNUAL RECRUITMENT PROCESS:

City Clerk Thompson provided background information as outlined in the Memorandum dated June 19, 2012.

ACTION: 1) Appoint Steve Rosenberg to the Administrative Appeals Board for the term ending June 30, 2015; 2) Reappoint Charles Conine and Clinton Moore to the Airport Commission for the term ending June 30, 2015; 3) Appoint Brian Wachs and Bruce Bushore to the Airport Commission for the term ending June 30, 2015; 4) Reappoint Les Zendle and Dee Dee Wilson-Barton to the Human Rights Commission for the term ending June 30, 2015; 5) Appoint Ron Willison and Marc Modrow to the Library Board for the term ending June 30, 2015; 6) Reappoint Nancy Ferguson to the Parks and Recreation Commission for the term ending June 30, 2015; 7) Appoint Victor Yepello to the Parks and Recreation Commission for the term ending June 30, 2015; 8) Reappoint Patrick Sheehan to the Public Arts Commission for the term ending June 30, 2015; 9) Appoint Festus West and Anne Rowe to the Public Arts Commission for the term ending June 30, 2015; 10) Reappoint Brett Klein, Keith Wisot and Staci Schafer to the Sustainability Commission for the term ending June 30, 2015; 11) Appoint Thom Bettinger to the Sustainability Commission for the term ending June 30, 2013; and 12)

Appoint Michael Ziskind to the VillageFest Board for the term ending June 30, 2015. **Motion Councilmember Mills, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Lewin requested the City Attorney review ordinances for the regulation and enforcement of un-permitted medical cannabis facilities operating in the City.

Mayor Pro Tem Foat requested staff assess equipment at City parks for baseball, and track and field.

Mayor Pougnet commented on commercial solicitation vehicles parked on public streets, lack of maintenance of palm trees, commented on bike usage in the City, requested staff review immediate measures for bike safety and traffic lanes, and congratulated new Chairman of the Tribal Council Jeff Grubbe.

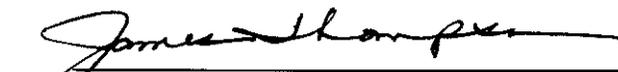
Mayor Pro Tem Foat requested staff address adding additional power washing of streets and sidewalks in the Uptown area of Palm Springs.

ADJOURNMENT: The City Council adjourned at 8:24 p.m. to Wednesday, July 11, 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 11TH DAY OF JUL, 2012.


STEPHEN P. POUGNET, MAYOR

ATTEST:


JAMES THOMPSON, CITY CLERK