

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



**MEETING MINUTES
WEDNESDAY, SEPTEMBER 5, 2012
CITY HALL COUNCIL CHAMBER**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:10 p.m.

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

INVOCATION: Father John Kavcak, Our Lady of Solitude 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:

City Manager Ready introduced Jeannie Kays, Director of Library Services.

PS Resorts provided an update on the successful events at the Marilyn Forever installation.

Dale Cook, Community and Economic Development Administrator, provided an update on the recent NCDA Conference held in Palm Springs.

Mayor Pougnet announced the recent filming of the Liberace Movie in the City of Palm Springs.

Councilmember Lewin announced the upcoming one-year anniversary of LULU Palm Springs and the recent Kim and Jim Day in the City of Palm Springs.

Mayor Pro Tem Foat provided an update on the City's participation in the San Diego Gay Pride Parade.

Mayor Pougnet announced the upcoming Milanovich Bridge dedication.

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 the evaluation of the City Manager and the City Attorney.

City Attorney Holland stated the City Council recessed into Closed Session at 4:00 p.m. to discuss items on the posted Closed Session Agenda.

City Attorney Holland stated the City Council provided direction to staff with respect to labor negotiations and real property, no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

Mayor Pro Tem Foat noted her business related abstention on Item 2.C. Warrant Nos. 1057181, 1057182, and 1057898, and requested Items 2.P., 2.R., and 2.V. be removed from the Consent Calendar for separate discussion.

Councilmember Mills noted his business related abstention on Item 2.C. Warrant Nos. 1057247, 1057249, and 1057250.

Councilmember Lewin and Mayor Pougnet requested Item 2.U. 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 HEARINGS:

1.A. ZONE TEXT AMENDMENT RELATED DIRECTOR REFERRALS FOR LAND USE PERMITS, MINOR ARCHITECTURAL APPROVALS AND ADMINISTRATIVE MINOR MODIFICATIONS (CASE 5.1273):

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated September 5, 2012.

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

Councilmember Mills commented on the purpose of the ordinance to expedite the process for small projects and the process through the Planning Department, and requested the City allow for the applicant to appeal a decision.

Mayor Pro Tem Foat noted decisions that the Planning Director made that should have had public comment, stated her support for the proposed ordinance.

Councilmember Lewin questioned if the proposed ordinance would undermine the current process with the Planning Director.

Councilmember Hutcheson suggested the City Manager be mindful of the discussion, and stated his support for the proposed ordinance.

Councilmember Lewin suggested a one-year sunset provision on the ordinance for review by the City Council.

Councilmember Lewin questioned if a fee was imposed on the applicant if appealed to the Planning Commission.

ACTION: Waive the reading of the ordinance text in its entirety and read by title only, and introduce on first reading Ordinance No. 1813, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 94.02.01D.3, 94.06.01.B.2 AND 94.04.00.E.2.A OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO DIRECTOR REFERRAL OF MINOR PERMITS TO THE PLANNING COMMISSION," amending the ordinance to provide the referral to the Planning Commission must be at the next regular meeting but no later than 30-days from the date of submission. **Motion Mayor Pro Tem Foat, seconded by Councilmember Hutcheson and carried 4-1 on a roll call vote.**

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

NOES: Councilmember Mills.

1B. RIGHT-OF-WAY VACATION OF A PORTION OF EAST PALM CANYON AT 1901 EAST PALM CANYON DRIVE COCO'S RESTAURANT (FILE R-12-07):

David Barakian, City Engineer, provided background information as outlined in the staff report dated September 5, 2012.

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

Councilmember Mills commented on the submission of a landscape plan, and recommended the landscape be required to transition with the adjoining property and easement.

ACTION: Adopt Resolution No. 23211, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE, AND INTEREST IN A PORTION OF RIGHT-OF-WAY AT 1901 EAST PALM CANYON DRIVE (FILE R-12-07);" adding a condition of approval that requires the landscape be required to transition and be integrated with the adjoining properties and easement. **Motion Councilmember Mills, seconded by**

Councilmember Hutcheson and unanimously carried on a roll call vote.

PUBLIC COMMENT:

FATHER JOHN CONNOR, commented on the relocation of Latino Books y Mas from the Desert Fashion Plaza.

JUSTIN MARTIN, Palm Desert, commented on the relocation of Latino Books y Mas from the Desert Fashion Plaza.

JI LEE LACY, commented on the relocation of Latino Books y Mas from the Desert Fashion Plaza.

ALEX GOMEZ, commented on the relocation of Latino Books y Mas from the Desert Fashion Plaza.

BOB BLINKINSOP, Palm Springs, commented on the relocation of Latino Books y Mas from the Desert Fashion Plaza.

MOLLY THORPE, requested the City Council waive fees for a new Santa Paws 5K Event on Saturday, December 22, 2012.

NACHO LIBRO, commented on the relocation of Latino Books y Mas from the Desert Fashion Plaza.

CIRIA SILVA, commented on the relocation of Latino Books y Mas from the Desert Fashion Plaza.

PATRICIA RUSHING, Palm Springs, commented on the relocation of Latino Books y Mas from the Desert Fashion Plaza.

ROBERT LACY, Palm Springs, commented on the relocation of Latino Books y Mas from the Desert Fashion Plaza.

RON MARSHALL, commented on Consent Calendar Item 2.Q. and stated his support of the Mills Act Agreement.

BOB THOMAS, Palm Springs, commented on the opportunity provided to him to serve on the VillageFest Board, upcoming events at VillageFest, and commented on signs in the Downtown area of Palm Springs.

AMY RAEI, Palm Springs, commented on the relocation of Ignition Cafe from the Desert Fashion Plaza.

DAVID THORNE, San Diego, commented on Item 5.C. and requested the City Council support the Hotel Incentive Agreement to the Spanish Inn for a 10-year period.

JULIE WARNER, Cathedral City, Palm Springs, commented on the relocation of Latino Books y Mas from the Desert Fashion Plaza.

JAMES KORTAN, commented on providing a "vest" to the Police Department service dog and expressed concerns with the Police Department.

TOM SWANN, Rancho Mirage, commented on the activities of the Occupy Coachella Valley organization and the Citizens United Supreme Court case.

NANCY GUTIERREZ, commented on the activities of the Occupy Coachella Valley organization and the Citizens United Supreme Court case.

LORRAINE SALAS, Palm Desert, commented on the activities of the Occupy Coachella Valley organization and the Citizens United Supreme Court case.

FRANCES MILLER, Rancho Mirage, commented on the activities of the Occupy Coachella Valley organization and the Citizens United Supreme Court case.

CAROLYN KRAUSE, La Quinta, commented on the activities of the Occupy Coachella Valley organization and the Citizens United Supreme Court case.

TRACY TURNER, Palm Springs, commented on the activities of the Occupy Coachella Valley organization and the Citizens United Supreme Court case.

CAROL BOULDIN, commented on the activities of the Occupy Coachella Valley organization and the Citizens United Supreme Court case.

CURT EALY, commented on the relocation of Latino Books y Mas from the Desert Fashion Plaza.

JOE FOSTER, Palm Springs, commented on the lack of bus service to the train station, the lack of street sweeping, and his recent arrest and the filing of a complaint due to his arrest.

JOY MEREDITH, Palm Springs, commented on the relocation of businesses from the Desert Fashion Plaza, stated her appreciation for the street work in the Downtown area, and stated her support for the activities of PS Resorts.

COUNCILMEMBER COMMENTS:

Mayor Pougnet requested the City Attorney address the comments made by Joe Foster, and commented on the relocation of businesses from the Desert Fashion Plaza.

Mayor Pro Tem Foat commented on the relocation of businesses from the Desert Fashion Plaza.

Councilmember Lewin commented on the relocation of businesses from the Desert Fashion Plaza.

CITY MANAGER'S REPORT: City Manager Ready provided an update on the recent Code Enforcement activities, and requested the City Engineer provide an update on the City's flood insurance rating.

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.Q., 2.S., 2.T., 2.X., 2.Y., 2.Z. and 2.AA. **Motion Councilmember Hutcheson, seconded by Councilmember Mills 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 September 5, 2012, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of July 11, 2012. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 23212, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 6-23-12 BY WARRANTS NUMBERED 417499 THROUGH 417534 TOTALING \$51,679.20, LIABILITY CHECKS NUMBERED 1057109 THROUGH 1057112 TOTALING \$2,329.16, ONE WIRE TRANSFER FOR \$1,223.38, AND THREE ELECTRONIC ACH DEBITS OF \$1,164,673.49, IN THE AGGREGATE AMOUNT OF \$1,219,905.23, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23213, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1057113 THROUGH 1057291 IN THE AGGREGATE AMOUNT OF \$2,402,373.99, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23214, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1057292 THROUGH 1057355 IN THE AGGREGATE AMOUNT OF \$706,101.95, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 23215, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 7-07-12 BY WARRANTS NUMBERED 417535 THROUGH 417576 TOTALING \$58,894.51, LIABILITY CHECKS NUMBERED 1057356 THROUGH 1057379 TOTALING \$124,732.76, FIVE WIRE TRANSFERS FOR

\$85,216.95, AND THREE ELECTRONIC ACH DEBITS OF \$1,125,676.50, IN THE AGGREGATE AMOUNT OF \$1,394,520.72, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 23216, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1057380 THROUGH 1057481 IN THE AGGREGATE AMOUNT OF \$1,859,492.96, DRAWN ON BANK OF AMERICA;" 6) Adopt Resolution No. 23217, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1057482 THROUGH 1057636 IN THE AGGREGATE AMOUNT OF \$1,127,150.13, DRAWN ON BANK OF AMERICA;" 7) Adopt Resolution No. 23218, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 7-21-12 BY WARRANTS NUMBERED 417577 THROUGH 417615 TOTALING \$70,632.65, LIABILITY CHECKS NUMBERED 1057637 THROUGH 1057660 TOTALING \$125,343.90, FIVE WIRE TRANSFERS FOR \$76,943.10, AND THREE ELECTRONIC ACH DEBITS OF \$1,342,501.34, IN THE AGGREGATE AMOUNT OF \$1,615,420.99, DRAWN ON BANK OF AMERICA;" 8) Adopt Resolution No. 23219, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1057661 THROUGH 1057777 IN THE AGGREGATE AMOUNT OF \$834,721.89, DRAWN ON BANK OF AMERICA;" 9) Adopt Resolution No. 23220, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1057778 THROUGH 1057927 IN THE AGGREGATE AMOUNT OF \$2,282,513.22, DRAWN ON BANK OF AMERICA;" 10) Adopt Resolution No. 23221, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 8-04-12 BY WARRANTS NUMBERED 417616 THROUGH 417656 TOTALING \$52,201.77, LIABILITY CHECKS NUMBERED 1057928 THROUGH 1057951 TOTALING \$123,561.81, FIVE WIRE TRANSFERS FOR \$45,066.95, AND THREE ELECTRONIC ACH DEBITS OF \$1,047,800.68, IN THE AGGREGATE AMOUNT OF \$1,268,631.21, DRAWN ON BANK OF AMERICA;" 11) Adopt Resolution No. 23222, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1057952 THROUGH 1058013 IN THE AGGREGATE AMOUNT OF \$1,029,746.65, DRAWN ON BANK OF AMERICA;" and 12) Adopt Resolution No. 23223, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1058014 THROUGH 1058144 IN THE AGGREGATE AMOUNT OF

\$1,611,896.17, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the business related abstention of Mayor Pro Tem Foat on Warrant Nos. 1057181, 1057182, and 1057898; and the business related abstention of Councilmember Mills on Warrant Nos. 1057247, 1057249, and 1057250.**

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

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

2.E. SECOND READING AND ADOPTION OF ORDINANCE NO. 1811, AMENDING THE PALM SPRINGS MUNICIPAL CODE RELATING TO ENFORCEMENT OF THE CITY'S MEDICAL CANNABIS REGULATORY ORDINANCE:

ACTION: Waive further reading and adopt Ordinance No. 1811, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 3.52.030 AND SUBSECTIONS K AND L OF SECTION 93.23.15 OF, AND ADDING SUBSECTION K TO SECTION 93.23.15 OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO ENFORCEMENT OF THE CITY'S MEDICAL CANNABIS REGULATORY ORDINANCE." **Approved as part of the Consent Calendar.**

2.F. CONFLICT OF INTEREST CODE 2012 BIENNIAL NOTICE PURSUANT TO THE POLITICAL REFORM ACT:

ACTION: 1) Receive and File the 2012 Local Agency Biennial Notice; and 2) Direct staff to promulgate the necessary amendments and return to the City Council in December for adoption pursuant to the Political Reform Act. **Approved as part of the Consent Calendar.**

2.G. AMENDMENT NO. 5 TO AGREEMENT NO. A5322 WITH CARL WARREN & COMPANY EXTENDING THE CONTRACT SERVICES AGREEMENT TO JUNE 30, 2015, FOR CLAIMS ADJUSTMENT AND ADMINISTRATIVE SERVICE:

ACTION: 1) Approve Amendment No. 5 to Agreement No. A5322 with Carl Warren & Company extending the Agreement to June 30, 2015; and 2) Authorize the City Manager to execute Amendment No. 5 to the Agreement. A5322. **Approved as part of the Consent Calendar.**

2.H. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF CATHEDRAL CITY TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING June 30, 2015:

ACTION: Reappoint Samuel Medrano, as the City of Cathedral City representative, to the Palm Springs International Airport Commission for the term ending June 30, 2015. **Approved as part of the Consent Calendar.**

- 2.I. DECLARE A VACANCY ON THE SUSTAINABILITY COMMISSION FOR THE UNEXPIRED TERM ENDING JUNE 30, 2015:**
ACTION: 1) Declare the office held by Keith Wisot on the Sustainability Commission vacant; and 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2015. **Approved as part of the Consent Calendar.**
- 2.J. ACCEPT THE RESIGNATION OF STEVEN SIMS FROM THE PARKS AND RECREATION COMMISSION:**
ACTION: 1) Accept with regret the resignation of Steven Sims from the Parks and Recreation Commission; 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.K. DECLARE A VACANCY ON THE BOARD OF APPEALS:**
ACTION: 1) Declare the office held by Norm Brown on the Board of Appeals vacant; and 2) Direct the City Clerk to post a Notice of Vacancy. **Approved as part of the Consent Calendar.**
- 2.L. APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE MANAGEMENT ASSOCIATION OF PALM SPRINGS:**
ACTION: 1) Adopt Resolution No. 23224, "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 MANAGEMENT ASSOCIATION OF PALM SPRINGS, FOR THE PERIOD JULY 1, 2012, THROUGH JUNE 30, 2014, SUBJECT TO UNIT'S RATIFICATION AND EXECUTING THE MEMORANDUM OF UNDERSTANDING;" and 2) Authorize the City Manager to execute the Memorandum of Understanding in a form acceptable to the City Attorney. A5573. **Approved as part of the Consent Calendar.**
- 2.M. TREASURER'S INVESTMENT REPORT AS OF JUNE 30, 2012, AND JULY 31, 2012:**
ACTION: 1) Receive and file the Treasurer's Investment Report as of June 30, 2012; and 2) Receive and file the Treasurer's Investment Report as of July 31, 2012. **Approved as part of the Consent Calendar.**
- 2.N. ADOPTION OF FAIR POLITICAL PRACTICES COMMISSION FORM 806 RELATING TO COMPENSATED CITY COUNCIL APPOINTMENTS PURSUANT TO THE CAL. CODE OF REGULATIONS ' 18705.5:**
ACTION: Adopt FPPC Form 806 Agency Report of Public Official Appointments dated August 1, 2012. **Approved as part of the Consent Calendar.**

- 2.O. AUTHORIZE THE USE OF MEASURE "J" FUNDS FOR EXPENSES RELATED TO THE IMPLEMENTATION, ADMINISTRATION, AND AUDIT OF THE MEASURE "J" ADD-ON SALES TAX AND WITH THE DOWNTOWN REVITALIZATION PROJECT:**
ACTION: Authorize the City Manager to execute all appropriate budget and expenditure transfers related to the implementation, administration, and audit costs to the Measure "J" Fund. **Approved as part of the Consent Calendar.**
- 2.Q. APPROVING A MILLS ACT HISTORIC SITE AGREEMENT WITH DOUGLAS K. MACBETH, L. STANLEY DEEN, AND ROYAL HAWAIIAN HOMEOWNERS ASSOCIATION FOR PROPERTY LOCATED AT 275 TWIN PALMS DRIVE (HSPB 73, HISTORIC DISTRICT NO. 2):**
ACTION: 1) Approve a Mills Act Historic Property Preservation Agreement with the Royal Hawaiian Estates Homeowners Association, Douglas K. MacBeth, and L. Stanley Deen; 2) Authorize the City Manager to execute all necessary documents; and 3) Direct the City Clerk to record the agreement. A6270. **Approved as part of the Consent Calendar.**
- 2.S. ACCEPT THE RESIGNATION OF ROBERT SILVERMAN FROM THE VILLAGEFEST BOARD:**
ACTION: 1) Accept with regret the resignation of Robert Silverman from the Villagefest 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.T. MEASURE "J" OVERSIGHT AUDITORS MARYANOV, MADSEN, GORDON & CAMPBELL:**
ACTION: Receive and file. **Approved as part of the Consent Calendar.**
- 2.W. APPROVE AIRPORT BAGGAGE CONVEYOR SYSTEM MODIFICATIONS AND UPGRADES:**
ACTION: 1) Approve a purchase order to Matira Industrial Inc., in an amount not to exceed \$43,220.00, to relocate and modify the airport baggage handling conveyor belt; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**
- 2.X. APPROVE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH PARSONS BRINCKERHOFF, INC. FOR CIVIL ENGINEERING AND DESIGN SERVICES AT THE AIRPORT:**
ACTION: 1) Approve Amendment No. 1 to Agreement No. A6256 with Parsons Brinckerhoff, Inc., in an amount not to exceed \$853,534.27 for bid phase design services for FAA AIP Project No. 3-06-0181-049-2012 terminal apron and taxiway G pavement rehabilitation, thermoplastics airfield markings construction management and on-call professional services projects; and 2) Authorize the City Manager to execute all

necessary documents, and approve change orders up to ten percent (10%) of the total project amount. A6256. **Approved as part of the Consent Calendar.**

2.Y. APPROVAL OF CONTRACT CHANGE ORDER NO. 22 FOR THE INDIAN CANYON DRIVE WIDENING (CITY PROJECT 01-25):

ACTION: 1) Approve Change Order No. 22 to Agreement No. A6108 with Griffith Company, in the amount of \$188,511.94, for a revised total amount of \$3,258,526.94 for the Indian Canyon Drive Widening (City Project No. 01-25); 2) Authorize the City Manager to execute all necessary documents. A6108. **Approved as part of the Consent Calendar.**

2.Z. APPROVE AN AGREEMENT FOR THE PURCHASE OF REAL PROPERTY AND ESCROW INSTRUCTIONS FROM THE CHINO CIENEGA FOUNDATION, AND STEPHEN C. NICHOLS & SARAH J. BENSON, TRUSTEES OF THE BENSON-NICHOLS TRUST OF 2003 FOR CERTAIN REAL PROPERTY CONSISTING OF APPROXIMATELY 2.78 ACRES, LOCATED AT THE NORTHWEST CORNER OF TRAMWAY ROAD AND NORTH PALM CANYON DRIVE, AT 2901 NORTH PALM CANYON DRIVE, (APN 504-040-001-8), IN THE AMOUNT OF \$690,000:

ACTION: 1) Approve an Agreement and Escrow Instructions for the purchase of real property located at 2901 North Palm Canyon Drive (APN 504-040-001-8), in the amount of \$690,000 from Chino Cienega Foundation and the Stephen C. Nichols & Sarah J. Benson, Trustees of the Benson-Nichols Trust of 2003; 2) Adopt Resolution No. 23226, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2012-13 FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 2901 NORTH PALM CANYON DRIVE." A6271. **Approved as part of the Consent Calendar.**

2.AA. PROPOSED RESOLUTION SETTING A PUBLIC HEARING AND NOTICE FOR THE SALE OF CITY OWNED REAL PROPERTY LOCATED AT 4810 CAMINO PAROCOLA (APN 690-101-032 AND 601-101-033) TO MICHAEL S. HOFFMAN IN THE AMOUNT OF \$140,000:

ACTION: Adopt Resolution No. 23227, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SETTING A PUBLIC HEARING AND NOTICE THEREOF, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 37421, FOR THE SALE OF PROPERTY LOCATED AT 4810 CAMINO PAROCOLA." **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.P. AGREEMENT WITH GRANITE CONSTRUCTION CO., INC. FOR THE INDIAN CANYON DRIVE INTERIM WIDENING PROJECT UNION PACIFIC RAILROAD BRIDGE TO GARNET AVENUE (CP 01-11A):

Councilmember Lewin requested staff address the background of the project and clarify the increase in project costs and funding.

ACTION: 1) Approve an agreement with Granite Construction Co. Inc., for the Indian Canyon Drive Interim Widening Project (Union Pacific Railroad Bridge to Garnet Ave.) in the amount of \$449,999.00 (CP 01-11A); and 2) Authorize the City Manager to execute all necessary documents. A6269. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

2.R. AUTHORIZE THE PURCHASE OF 26 NEW REPLACEMENT VEHICLES, 9 OF WHICH ARE HYBRIDS OR ALTERNATIVE FUEL VEHICLES, FOR USE BY VARIOUS DEPARTMENTS NOT TO EXCEED \$1,471,000:

Mayor Pro Tem Foat thanked staff for the inclusion of hybrid vehicles, and questioned if additional vehicles could be replaced by hybrid.

ACTION: 1) Approve the purchase of 2 new replacement vehicles for use by the Wastewater Treatment Plant in an amount not to exceed \$365,000; 2) Approve the purchase of 2 new alternative fuel or hybrid vehicles for use by the Airport in an amount not to exceed \$190,000; 3) Approve the purchase of 22 new replacement vehicles (7 are hybrid vehicles) for use by various City Departments in an amount not to exceed \$916,000; 4) Authorize staff to conduct the appropriate bid processes, or utilize cooperative purchase contracts if available, in accordance with Procurement procedures and authorize the City Manager to execute all necessary documents, including all purchase orders for the approved list of vehicles, to expedite the acquisition process; and 5) Adopt Resolution No. 23225, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2012-13 FOR VEHICLE REPLACEMENT." **Motion Councilmember Mills, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

2.U. VERIFICATION FROM THE STATE OF CALIFORNIA, DEPARTMENT OF WATER RESOURCES, OF THE CITY'S FULL COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM:

ACTION: Receive and file. **Motion Mayor Pougnet, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

2.V. APPROVE AN AMENDMENT TO THE ARCHITECTURAL SERVICES AGREEMENT WITH URRUTIA A.I.A AND ASSOCIATES FOR AIRPORT PROJECTS:

Mayor Pro Tem Foat requested staff address the inclusion of the Airport Commission in the staff report from the Airport, requested the minutes of the Commission be included, and requested staff address the condition of the parking lot due to the removal of landscaping.

Councilmember Lewin commented on the lack of clarity in the staff report, and requested additional information on the project.

Councilmember Mills stated the purpose of the item is to hire the architect to provide the information the City Council is requesting, and stated the proposed contract is the starting point.

Councilmember Hutcheson stated his support for the contract, and requested better information in the staff report.

ACTION: 1) Approve Amendment No. 1 to Agreement No. A6262 with Urrutia A.I.A and Associates for design, bid, permitting, and construction phase services in the amount not to exceed \$210,975.00 for various Airport Projects; and 2) Authorize the City Manager to execute all necessary documents, and approve change orders up to ten percent (10%) over the total project amount. A6262. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and carried 3-2 on a roll call vote.**

AYES: Councilmember Hutcheson, Councilmember Mills, and Mayor Pougnet.

NOES: Councilmember Lewin and Mayor Pro Tem Foat.

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS:

4.A. APPROVE AMENDMENT NO. 1 TO THE REIMBURSEMENT AGREEMENT WITH WESSMAN HOLDINGS, LLC FOR ADDITIONAL PURSUIT COSTS FOR THE REDEVELOPMENT OF REAL PROPERTY LOCATED AT 123 NORTH PALM CANYON DRIVE:

John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated September 5, 2012.

ACTION: 1) Approve Amendment No. 1 to Agreement No. A6085, with Wessman Holdings, LLC, for an additional amount of \$30,119.10, and revised contract amount of \$230,119.10; and 2) Authorize the City Manager to execute the Amendment to the Agreement. A6085. **Motion**

Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.

5. NEW BUSINESS:

- 5.A. REQUEST TO AMEND TRACT MAP 28308 BY DOS PALMAS DEVELOPMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, BY WAIVER OF CONDITION OF APPROVAL TO UNDERGROUND EXISTING OVERHEAD UTILITY LINES ON THE 1.6 ACRE SITE LOCATED ON THE NORTH SIDE OF SUNNY DUNES ROAD BETWEEN CALLE AMIGOS AND S. SUNRISE WAY:**

David Barakian, City Engineer, provided background information as outlined in the staff report dated September 5, 2012.

Councilmember Mills suggested the request to go through the trailer park is correct, and reduce the size of lots to allow for the guy wire to be located on the property.

ACTION: 1) Deny the request by Dos Palmas Development, LLC, to waive Condition No. 24 for Tract Map 28308; and 2) Approve the undergrounding of utilities on the tract map site in accordance with the City Engineer's specifications. **Motion Mayor Pro Tem Foat, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

- 5.B. APPOINT THE CITY COUNCIL'S REPRESENTATIVE TO THE EXECUTIVE COMMITTEE OF THE RIVERSIDE COUNTY DIVISION OF THE LEAGUE OF CALIFORNIA CITIES:**

ACTION: Table Item to September 19, 2012. **By consensus of the City Council.**

- 5.C. AUTHORIZE NEGOTIATION OF HOTEL INCENTIVE ASSISTANCE AGREEMENTS FOR TWO SPECIFIC HOTEL PROJECTS WITH THE DOUBLETREE HOTEL AND THE SPANISH INN - MARRIOTT AUTOGRAPH COLLECTION HOTEL:**

John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated September 5, 2012.

Mayor Pougnet stated his support for the staff recommendation and outlined the success of the program.

Mayor Pro Tem Foat requested staff address the criteria to participate in the proposed agreements, and expressed concerns with the lack of guidelines.

Councilmember Lewin stated his support of the two projects, and requested staff address alternatives to the case by case approval of agreements.

Councilmember Hutcheson stated his support for the case by case agreements, stated his support of the two proposed agreements, and recommended the development of criteria as we go forward.

Councilmember Mills stated his support for providing flexibility in the drafting of basic guidelines that can be adaptable to any needs or future needs of the City, and questioned if the contracts would be operator specific.

ACTION: Direct staff to prepare Hotel Incentive Program Agreements with the Doubletree Hotel and the Spanish Inn - Marriott Autograph Collection Hotel for approval by the City Council. **Motion Mayor Pougnet, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Mayor Pro Tem Foat commented on Item 2.O. and requested the City Manager provide brief background information.

Councilmember Lewin requested City staff address dead street trees, consider expanding the Downtown/Uptown Christmas display to Racquet Club, and requested additional information on the local bus service to the Greyhound station.

Councilmember Mills requested the City Clerk keep the speaker's name on the touch screen units during the speaker comments.

Mayor Pro Tem Foat commented on the condition of street trees.

Mayor Pougnet commented on the recent service to Cathedral City, requested the Finance Director provide first quarter sales tax data.

ADJOURNMENT: The City Council adjourned at 9:17 p.m. to Wednesday, September 19, 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 19TH DAY OF SEPTEMBER, 2012.


STEPHEN P. POUGNET, MAYOR

ATTEST:


JAMES THOMPSON, CITY CLERK