

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



**MEETING MINUTES  
WEDNESDAY, OCTOBER 17, 2012  
CITY HALL COUNCIL CHAMBER**

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

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

**INVOCATION:** Pastor Jerrold N. Thompson, Seventh-Day Adventist 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 proclaimed the week of October 10th through 17th as World Homeless Week in the City of Palm Springs.

Police Chief Franz introduced the new Palm Springs Police K-9 Dog "Vance."

Mayor Pougnet congratulated Betty and Al Wagner on their upcoming 55th Anniversary, and announced the upcoming PSPOA Golf Tournament.

Mayor Pougnet provided an update on the recent Chairman Richard M. Milanovich Memorial Bridge dedication and ribbon cutting event.

Councilmember Hutcheson and Councilmember Lewin provided an update on the recent Parade of Planes in the City of Palm Springs and the recent Sherman's Deli ribbon cutting.

Councilmember Mills announced the Racquet Club Estates Neighborhood Organization \$3,000 donation and check presentation to Vista Del Monte Elementary School.

Mayor Pougnet announced the upcoming Sustainability Celebration, the upcoming parades in the City of Palm Springs, and the annual Holiday Tree Lighting in Downtown Palm Springs.

**REPORT OF CLOSED SESSION:**

City Attorney Holland stated the meeting was called to order at 5:00 p.m. and the City Council recessed into Closed Session to discuss items on the posted Closed Session Agenda.

City Attorney Holland reported the City Council provided direction to the City's Labor Negotiator, otherwise no reportable actions were taken.

**ACCEPTANCE OF THE AGENDA:**

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

City Attorney Holland stated the City was provided notice from Southern California Edison (SCE) on the City's two generator interconnection and wholesale distribution agreements for the City's cogeneration plants, such notice was received today after the posting of the Agenda and there is an immediate need to hear and/or take action, and requested the City Council consider adding the approval of the two agreements, along with funding, to the Agenda as Item 5.E.

**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 to the Agenda as Item 5.E., Southern California Edison (SCE) two generator interconnection and wholesale distribution agreements and funding such agreements. **Motion Councilmember Mills, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

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

Mayor Pro Tem Foat requested Item 2.V. be removed from the Consent Calendar for separate discussion, and noted her abstention on Item 2.C. Warrant No. 1058955.

Councilmember Lewin requested Item 2.D. be removed from the Consent Calendar for separate discussion.

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

**1. PUBLIC HEARINGS:**

- 1.A. APPROVE AMENDMENT NO. 2 TO THE PROJECT FINANCING AGREEMENT NO. A6144 WITH PALM SPRINGS PROMENADE, LLC; APPROVE AN ADDENDUM TO THE MUSEUM MARKET PLAZA SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT; AND**

**CONDUCT A CONFORMITY REVIEW UNDER SECTION V OF THE MUSEUM MARKET PLAZA SPECIFIC PLAN, FOR THE IMPLEMENTATION OF A REVISED DOWNTOWN REVITALIZATION PLAN ("DOWNTOWN PALM SPRINGS"):**

City Attorney Holland provided background information as outlined in the staff report dated October 17, 2012.

Councilmember Hutcheson requested the City Attorney address any modifications for hotel financing, and such will not delay other components of the project.

Mayor Pro Tem Foat requested the City Attorney address the development of the H.1. and the H.2. areas.

Councilmember Lewin requested the City Attorney address the funding of public improvements, clarification on the road between Block B-1 and Block B, and the maintenance requirements of the private road.

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

JOHN WESSMAN, stated the project is on-schedule, thanked the City Council for their efforts, clarified the responsibilities to maintain the private road, and stated he would prefer the possible public restrooms be in the Block B portion of the project.

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

Mayor Pro Tem Foat requested clarification on the alternative to the hotel, and the responsibility for the costs of the event center.

Councilmember Hutcheson stated his support of the direction, and reiterated his concern that the financing of the hotel does not require any other type of delay of the project.

Councilmember Lewin requested clarification on the event area, the responsibilities, the use and the costs.

Mayor Pro Tem Foat requested modification of the event equipment portion of the agreement by removing the description of the equipment.

Councilmember Mills requested modification to the location of the restrooms to Block B.

Mayor Pougnet commented on the process, the schedule, and the progress to meet the contractual deadlines.

**ACTION:** Adopt Resolution No. 23238, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDMENT NO. 2 TO THE PROJECT FINANCING AGREEMENT WITH PALM SPRINGS PROMENADE, LLC; APPROVING AN ADDENDUM TO THE MUSEUM MARKET PLAZA SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT; AND IDENTIFYING THE IMPLEMENTATION OF A REVISED DOWNTOWN REVITALIZATION PLAN ("DOWNTOWN PALM SPRINGS") AS CONFORMING TO THE MUSEUM MARKET PLAZA SPECIFIC PLAN, FOR 13.2 ACRES LOCATED AT THE NORTHWEST CORNER OF TAHQUITZ CANYON WAY AND NORTH PALM CANYON DRIVE," *amending the agreement by eliminating the description of the sound equipment and the location of the public restrooms to Block B. A6144.* **Motion Mayor Pro Tem Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

**PUBLIC COMMENT:**

DR. STEVE RUZICKA, commented on issues with leased land managed by the Bureau of Indian Affairs.

DR. DOUG KUNZ, commented on Item 5.D., and requested the City Council support the agreement with the Friends of the Palm Springs Animal Shelter.

STEPHEN BOYD, commented on Item 5.D., and requested the City Council support the agreement with the Friends of the Palm Springs Animal Shelter.

ROBERT McKECHNEY, commented on Item 5.D., and requested the City Council support the agreement with the Friends of the Palm Springs Animal Shelter.

LORI KIRSHNER, commented on Item 5.D., and requested the City Council support the agreement with the Friends of the Palm Springs Animal Shelter.

TANYA McNICOL, commented on Item 5.D., and requested the City Council support the agreement with the Friends of the Palm Springs Animal Shelter.

TAMARA HEDGES, commented on Item 5.D., and requested the City Council support the agreement with the Friends of the Palm Springs Animal Shelter.

JUDY CROTTS, commented on Item 5.D., and requested the City Council support the agreement with the Friends of the Palm Springs Animal Shelter.

ALANNA PONDER, commented on Item 5.D., and requested the City Council support the agreement with the Friends of the Palm Springs Animal Shelter.

NANCY BIEDERMAN, commented on Item 5.D., and requested the City Council support the agreement with the Friends of the Palm Springs Animal Shelter.

MARTA JARA-RUEDA, commented on Item 5.D., and requested the City Council support the agreement with the Friends of the Palm Springs Animal Shelter.

JOHN TYMON, thanked the Police Chief and Animal Control staff.

**COUNCILMEMBER COMMENTS:**

Mayor Pro Tem Foat recognized the volunteers at the Friends of the Palm Springs Animal Shelter, announced the upcoming fundraiser for the Friends of the Palm Springs Animal Shelter, and the Mizell Senior Center Wii bowling challenge to the Palm Springs Police Department.

Mayor Pougnet commented on the issue of leased land managed by the Bureau of Indian Affairs.

**CITY MANAGER'S REPORT:**

City Manager Ready provided an update on the activities of Code Enforcement.

**2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.E., 2.F., 2.G., 2.H., 2.J., 2.K., 2.L., 2.M., 2.N., 2.O., 2.P., 2.Q., 2.R., 2.T., and 2.U. **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 October 17, 2012, City Council Agenda. **Approved as part of the Consent Calendar.**

**2.B. APPROVAL OF MINUTES:**

**ACTION:** Approve the City Council Minutes of October 3, 2012, and September 19, 2012. **Approved as part of the Consent Calendar.**

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

**ACTION:** 1) Adopt Resolution No. 23239, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 9-01-12 BY WARRANTS NUMBERED 417697 THROUGH 417740 TOTALING \$59,709.65, LIABILITY CHECKS NUMBERED 1058470 THROUGH 1058493 TOTALING \$125,477.05, FIVE WIRE TRANSFERS FOR \$44,468.92, AND THREE ELECTRONIC ACH DEBITS OF \$1,032,000.19, IN THE AGGREGATE AMOUNT OF \$1,261,655.81, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23240, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1058494 THROUGH

1058573 IN THE AGGREGATE AMOUNT OF \$323,508.93, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23241, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1058574 THROUGH 1058673 IN THE AGGREGATE AMOUNT OF \$3,111,387.04, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 23242, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 9-15-12 BY WARRANTS NUMBERED 417741 THROUGH 417776 TOTALING \$48,680.14, LIABILITY CHECKS NUMBERED 1058674 THROUGH 1058697 TOTALING \$125,249.74, FIVE WIRE TRANSFERS FOR \$44,393.92, AND THREE ELECTRONIC ACH DEBITS OF \$1,026,049.85, IN THE AGGREGATE AMOUNT OF \$1,244,373.65, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 23243, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1058698 THROUGH 1058824 IN THE AGGREGATE AMOUNT OF \$332,006.03, DRAWN ON BANK OF AMERICA;" and 6) Adopt Resolution No. 23244, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1058825 THROUGH 1058977 IN THE AGGREGATE AMOUNT OF \$1,181,210.27, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the abstention of Mayor Pro Tem Foat on Warrant No. 1058955.**

**2.E. APPROVING AGREEMENTS WITH CERTAIN TOW COMPANIES FOR AS-NEEDED VEHICLE TOWING AND STORAGE SERVICES FOR THE PALM SPRINGS POLICE DEPARTMENT:**

**ACTION:** Adopt Resolution No. 23245, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AGREEMENTS WITH CERTAIN TOW COMPANIES FOR AS-NEEDED VEHICLE TOWING AND STORAGE SERVICES FOR THE PALM SPRINGS POLICE DEPARTMENT." A & A Towing, A6280. Dave's Towing, A6281. Mohica Towing, A6282. Yucaipa Towing, A6283. **Approved as part of the Consent Calendar.**

**2.F. AMENDMENT TO THE CONTRACT WITH CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR A NEW 2% @ 60 FORMULA AND THREE YEAR FINAL COMPENSATION MISCELLANEOUS GROUP SECOND TIER WITHIN A NON-POOLED PLAN (SECTION 20475: DIFFERENT LEVEL OF BENEFITS PROVIDED FOR NEW EMPLOYEES):**

**ACTION:** 1) Adopt Resolution No. 23246, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO APPROVE AN AMENDMENT TO THE

CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF PALM SPRINGS;" and 2) Introduce on first reading Ordinance No. 1814, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AMENDMENT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF THE CITY OF PALM SPRINGS." A0037. **Approved as part of the Consent Calendar.**

**2.G. ACCEPT GRANT FUNDING IN THE AMOUNT OF \$70,000 FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FOR A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM:**

**ACTION:** 1) Accept \$70,000 in grant funding from the California Office of Traffic Safety for a Selective Traffic Enforcement Program to be used to enforce, educate, and bring awareness to the public; and 2) Authorize the City Manager to execute all necessary documents. A5734. **Approved as part of the Consent Calendar.**

**2.H. CHANGE ORDER NOS. 7, 8, 9 AND 10 TO AGREEMENT NO. A6129 WITH G & M CONSTRUCTION FOR THE BELARDO ROAD BRIDGE PROJECT (CP 87-49):**

**ACTION:** 1) Approve Change Order Nos. 7, 8, 9, and 10 to Agreement No. A6129 with G & M Construction in the amounts of \$29,000, (-\$58,874.30), \$26,530.31, and \$182,691.65, respectively, for a revised total contract amount of \$2,617,553.09 for the Belardo Road Bridge Project (CP 87-49); and 2) Authorize the City Manager to execute all necessary documents. A6129. **Approved as part of the Consent Calendar.**

**2.J. APPROVE AN AGREEMENT FOR VIDEO BROADCASTING AND PRODUCTION SERVICES WITH PS89 PRODUCTIONS, LLC (RFP 11-12):**

**ACTION:** 1) Approve an agreement with PS89 Productions, LLC for video broadcasting and production services for City Council meetings and other, as needed, projects and events for a three-year period; 2) Adopt Resolution No. 23247, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2012-13 FOR VIDEO BROADCASTING AND PRODUCTION SERVICES;" and 3) Authorize the City Manager to execute the agreement. A6284. **Approved as part of the Consent Calendar.**

**2.K. RATIFY THE PURCHASE OF TWO REPLACEMENT POOL HEATERS, AUTHORIZE STAFF TO AWARD INSTALLATION OF HEATERS, AND**

**ALLOCATE \$48,180 FROM THE GENERAL FUND BALANCE FOR THE COST:**

**ACTION:** 1) Ratify the purchase of two replacement pool heaters from Knorr Systems Inc. at a cost \$29,179.08; 2) Authorize staff to award installation of heaters, after bidding at an amount not to exceed \$19,000.92; 3) Adopt Resolution No. 23248, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2012-13 FOR THE REPLACEMENT OF POOL HEATERS;" and 4) Authorize the City Manager to execute all necessary documents. A6285. **Approved as part of the Consent Calendar.**

**2.L. PURCHASE OF WATER TREATMENT CHEMICALS FROM NALCO CHEMICAL FOR A THREE-YEAR PERIOD:**

**ACTION:** Approve the purchase of water treatment chemicals from Nalco Chemical for the next three (3) years, based on corporate pricing, not to exceed \$49,055 for Fiscal Year 2012-13, and guaranteed pricing not to exceed a 2.5% increase each year thereafter; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

**2.M. ACCEPT THE RESIGNATION OF RONALD CAYA FROM THE PUBLIC ARTS COMMISSION:**

**ACTION:** 1) Accept with regret the resignation of Ronald Caya from the Public Arts Commission; and 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2014. **Approved as part of the Consent Calendar.**

**2.N. APPROVE AND RATIFY THE 2012 COOPERATIVE FIRE PROTECTION AGREEMENT AND AREA OPERATION PLAN WITH THE UNITED STATES FOREST SERVICE:**

**ACTION:** 1) Approve the 2012 Cooperative Fire Protection Agreement and Area Operation Plan with the United States Forest Service; and 1) Authorize the City Manager to execute the agreement. A6286. **Approved as part of the Consent Calendar.**

**2.O. AIR SERVICE INCENTIVE PROGRAM FUNDING IN THE AMOUNT OF UP TO \$50,000 TO VIRGIN AMERICA FOR NEW YORK - PALM SPRINGS NONSTOP SERVICE:**

**ACTION:** 1) Approve Air Service Incentive funding for new nonstop flights provided by Virgin America from New York's JFK International Airport to Palm Springs International Airport (PSP) in an amount not to exceed \$50,000; and 2) Authorize City Manager to execute the necessary documents. A6287. **Approved as part of the Consent Calendar.**

- 2.P. PURCHASE OF A 35 CUBIC YARD SELF-CONTAINED PORTABLE COMPACTOR FROM CONSOLIDATED EQUIPMENT CORPORATION IN THE AMOUNT OF \$43,765.24 (RFQ 2013-02):**  
**ACTION:** 1) Approve the purchase of a 35 cubic yard self-contained portable compactor with bin, from Consolidated Equipment Corporation in the amount of \$43,765.24 (RFQ 2013-02); and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**
- 2.Q. AMENDMENT NO. 1 TO THE FISCAL YEAR 2012-13 ALLOCATED POSITIONS AND COMPENSATION PLAN FOR THE REORGANIZATION OF ADMINISTRATION:**  
**ACTION:** Adopt Resolution No. 23249, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE FISCAL YEAR 2012-13 ALLOCATED POSITIONS AND COMPENSATION PLAN ADOPTED BY RESOLUTION NO. 23145." **Approved as part of the Consent Calendar.**
- 2.R. APPROVAL OF CONTRACT WITH NBS GOVERNMENT FINANCE GROUP FOR ASSESSMENT DISTRICT, STREET LIGHTING & LANDSCAPE MAINTENANCE DISTRICT, COMMUNITY FACILITIES DISTRICT, AND COUNTY SERVICE AREA ADMINISTRATION SERVICES:**  
**ACTION:** 1) Approve an Agreement with NBS Government Finance Group, for Assessment District, Street Lighting & Landscape Maintenance District, Community Facilities District, and County Service Area administration services for a three-year term through June 30, 2015, at annual costs not to exceed \$49,000 in 2012-13, \$34,000 in 2013-14, and \$37,000 in 2014-15, with two one-year renewal options with not to exceed amounts of \$39,000 in 2015-2016 and \$41,000 in 2016-2017; and 2) Authorize the City Manager to execute all necessary documents in a form approved by the City Attorney. A6288. **Approved as part of the Consent Calendar.**
- 2.T. APPROVE A LEASE NEGOTIATED BY CENTURY GOLF WITH "EVER BANK COMMERCIAL FINANCE" FOR THE NEW GOLF CART FLEET TO SERVE THE PALM SPRINGS TAHQUITZ CREEK "LEGENDS" AND "RESORT" GOLF COURSES:**  
**ACTION:** 1) Approve a new 48-month lease of 152 EZ-GO golf carts for the Tahquitz Creek "Legends" and "Resort" golf courses as negotiated by Century Golf with "Ever Bank Commercial Finance" at a monthly cost not to exceed \$11,850; and 2) Authorize the City Manager to execute all necessary documents after review and approval by the City Attorney. A6289. **Approved as part of the Consent Calendar.**
- 2.U. AMENDMENT NO. 1 TO THE AGREEMENT WITH COACHELLA VALLEY ECONOMIC PARTNERSHIP AND APPROVE A LEASE**

**AGREEMENT WITH COACHELLA VALLEY ECONOMIC PARTNERSHIP FOR REAL PROPERTY LOCATED AT 2901 E. ALEJO ROAD TO BE USED FOR AN ACCELERATOR CAMPUS:**

**ACTION:** 1) Approve Amendment No. 1 to Agreement No. A6037 with Coachella Valley Economic Partnership adding the management of the CViHub Accelerator Campus to the CViHub Program; 2) Approve a lease agreement with Coachella Valley Economic Partnership for real property located at 2901 E. Alejo Road to be used for an Accelerator Campus; and 3) Authorize the City Manager to execute all necessary documents. A6037. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF AUGUST AND SEPTEMBER 2012:**

City Clerk Thompson stated Agreement No. 6136 should not be included in the report.

Councilmember Lewin noted his disagreement with the issuance of Purchase Order No. 13-0378 to Leon's Landscaping.

**ACTION:** Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of August 1 through September 30, 2012. **Motion Mayor Pougnet, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**2.I. TREASURER'S INVESTMENT REPORT AS OF AUGUST 31, 2012:**

Councilmember Hutcheson thanked the Finance Department staff for their inclusion of financial institutions that provide equal treatment that are consistent with the City's values, and requested the City Manager bring to the City Council policies that provide for investments with institutions and firms that have policies that have non-discrimination policies in-place and provide for equal treatment for all persons.

**ACTION:** Receive and file the Treasurer's Investment Report as of August 31, 2012. **Motion Councilmember Hutcheson, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

**2.S. INITIAL RECOMMENDATIONS FROM THE MEASURE J OVERSIGHT COMMISSION FOR FISCAL YEAR 2012-13:**

Mayor Pougnet requested Measure J Oversight Commission Chair Moon provide a brief report.

**ACTION:** 1) Receive and file the initial recommendations for Fiscal Year 2012-13 from the Measure J Oversight Commission; 2) Receive and file the Measure J Oversight Commission Ad Hoc Committee Reports; and 3) Direct staff to agendize the initial Fiscal Year 2012-13 Measure J Oversight Commission recommendations for further City Council discussion. **Motion Mayor Pougnet, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**2.V. APPROVE AN OPERATIONS COVENANT WITH PACIFICA COMPANIES, LLC FOR THE REDEVELOPMENT OF THE SPANISH INN, LOCATED AT 640 NORTH INDIAN CANYON DRIVE:**

Mayor Pro Tem Foat requested clarification on the lack of requirement of a "dollars spent per key" and the use of the word "first class" and what standard the City is requiring of the facility.

Councilmember Mills stated the City Council wanted to approve the agreement specifying the operators and the brand.

Councilmember Lewin provided information on the project.

**ACTION:** 1) Approve an Operations Covenant with Pacifica Companies, LLC for the redevelopment of the Spanish Inn located at 640 North Indian Canyon Drive, *amending the agreement to clearly identify the agreement is for the specific operator and the specific brand hotel*; and 2) Authorize the City Manager to execute all necessary documents. A6290. **Motion Councilmember Mills, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

**3. LEGISLATIVE:** None.

**4. UNFINISHED BUSINESS:**

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

No action taken.

**5. NEW BUSINESS:**

**5.A. APPROVE ACCEPTANCE OF GIFT DEED AND A LEASE AGREEMENT WITH FRIENDS OF THE PALM SPRINGS MOUNTAINS FOR A TOTAL OF APPROXIMATELY 209 ACRES IN THE SANTA**

**ROSA AND SAN JACINTO MOUNTAINS AND WHITEWATER FLOODPLAIN CONSERVATION AREAS:**

John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated October 17, 2012.

Councilmember Mills commented on the role and support of the Mountain Conservancy.

Councilmember Lewin thanked the Palm Springs Mountain Conservancy and recommended a ribbon cutting and/or ceremony.

Mayor Pougnet requested the City place the parcel on the City's website.

**ACTION:** 1) Approve an acceptance of gift deed and a lease agreement with Friends of the Palm Springs Mountains for approximately 209 acres in the Santa Rosa and San Jacinto Mountains and Whitewater Floodplain Conservation Areas (Angel Cove), subject to open space covenants by the Coachella Valley Mountains Conservancy contained in a Memorandum of Understanding and notice of unrecorded grant agreement; and 2) Authorize the City Manager to execute all documents to effectuate the Amendment. A6291. **Motion Councilmember Mills, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

**5.B. SKATE PARK IMPROVEMENTS AND MANAGEMENT FACILITY, APPROVE THE ARCHITECTURAL CONCEPT DESIGN, RATIFY NEGOTIATED COSTS FOR ENGINEERING DESIGN SERVICES PROVIDED BY ENGINEERING RESOURCES OF SOUTHERN CALIFORNIA, APPROVE PLANS, SPECIFICATIONS AND ENGINEER'S ESTIMATE AND AUTHORIZATION TO BID THE GRADING PLAN AND SITE WORK FOR PHASE ONE OF THE SKATE PARK PROJECT:**

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated October 17, 2012.

Councilmember Mills stated his support for the architectural concept and drawings.

**ACTION:** 1) Ratify the negotiated cost of \$42,660, in accordance with Agreement No. A6109, with Engineering Resources of Southern California for "on call" skate park engineering services; 2) Approve plans, specifications, and Engineer's Estimate, and authorize staff to bid the grading plan and site work necessary for the first phase of the Skate Park Project; and 3) Approve the design concept for the exterior modular finishes and landscaping, and the interior improvements as prepared by Reuel Young, Interactive Design Corp. A6109. **Motion Councilmember**

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

**5.C. INSTALLATION OF A NEW AMADO ROAD MARQUEE FOR THE PALM SPRINGS CONVENTION CENTER, LOCATED AT THE JACKIE LEE HOUSTON PLAZA, AND ALLOCATE \$63,700 FROM THE GENERAL FUND BALANCE FOR THE COST:**

James Canfield, SMG Palm Springs, Convention Center Operator, provided background information as outlined in the staff report dated October 17, 2012.

The City Council discussed and/or commented on the following with respect to the proposed sign: complementary to the design and architecture, support from the tourism community, the purpose of the proposed sign, and the placement of the sign.

**ACTION:** 1) Direct the Convention Center staff to execute an agreement with National Sign & Marketing for an amount not to exceed \$63,700 for the purchase, construction, and installation of the Amado Road Convention Center Marquee; and 2) Adopt Resolution No. 23250, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2012-13 FOR THE NEW AMADO ROAD MARQUEE FOR THE PALM SPRINGS CONVENTION CENTER, LOCATED AT THE JACKIE LEE HOUSTON PLAZA." **Motion Councilmember Mills, seconded by Mayor Pougnet and carried 4-1 on a roll call vote.**

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

**NOES:** Mayor Pro Tem Foat.

**5.D. OPERATING AGREEMENT WITH THE FRIENDS OF THE PALM SPRINGS ANIMAL SHELTER FOR THE PALM SPRINGS ANIMAL SHELTER:**

City Manager Ready and Al Smoot, Owners Representative, provided background information as outlined in the staff report dated October 17, 2012.

The City Council discussed and/or commented on the following with respect to the proposed agreement: on-going expenses to the City such as landscaping, HVAC maintenance, the remainder of the expenses will be the responsibility of Friends, contractual provisions for expansion of the facility or the number of animals, clarification of the number of hours as 35 hours, the requirement to have a person on staff with training in euthanasia, the ongoing operational costs of building the new shelter, and turning the landscape maintenance responsibilities/contract to the Friends.

**ACTION:** 1) Approve an operating agreement with the Friends of the Palm Springs Animal Shelter for the Palm Springs Animal Shelter; 2) Authorize the Finance Director to make all financial transactions (appropriations, amendments, and transfers) necessary to implement the Agreement; and 3) Appoint a member of the City Council to serve as the Liaison to the Board of Directors of the Palm Springs Animal Shelter. A6292. **Motion Councilmember Mills, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

**5.E. ADDED ITEM APPROVING AND FUNDING TWO AGREEMENTS WITH SOUTHERN CALIFORNIA EDISON REGARDING INTERCONNECTION AND WHOLESALE DISTRIBUTION SERVICE FOR THE CITY'S SUNRISE PLAZA AND MUNICIPAL COMPLEX COGENERATION PLANTS AND NECESSARY FINANCIAL TRANSACTIONS:**

City Attorney Holland provided background information on the proposed agreements with SCE for interconnection and wholesale distribution service of the City's Cogeneration facilities.

**ACTION:** 1) Approve an Agreement with Southern California Edison for Interconnection and Wholesale Distribution Service for the City's Sunrise Plaza Cogeneration Plant (SCE Agreement No. 422); 2) Approve an Agreement with Southern California Edison for Interconnection and Wholesale Distribution Service for the City's Municipal Complex Cogeneration Plant (SCE Agreement No. 420); 3) Authorize the City Manager to execute the Agreements; and 4) Authorize the City Manager to execute any financial adjustments as necessary to facilitate the administration of the agreements. A6293. A6294. **Motion Mayor Pro Tem Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

**COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:**

Councilmember Hutcheson announced the upcoming Meals on Wheels fundraiser.

Councilmember Lewin requested the City Council Subcommittee consider the road configuration as a two-way road, solar powered roof tops to assist in the electrical generation costs, and a temporary "construction wrap" on the construction fencing previewing the Downtown Revitalization project.

**ADJOURNMENT:** The City Council adjourned at 9:11 p.m. to a Joint Meeting with the Tribal Council of the Agua Caliente Band of Cahuilla Indians, Thursday, October 18, 2012, at 6:00 P.M., Palm Springs Convention Center, 277 North Avenida Caballeros, Palm Springs. The next regular meeting of the City Council will be held Wednesday, November 7, 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  
7<sup>TH</sup> DAY OF NOVEMBER, 2012.

  
STEPHEN P. POUGNET, MAYOR

ATTEST:

  
JAMES THOMPSON, CITY CLERK