CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA

MEETING MINUTES
WEDNESDAY, SEPTEMBER 19, 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: Sharon Stroud, Inner Faith Spiritual Center, 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 September 16 through September 22, 2012, as Air Force Week in the City of Palm Springs, and recognized the Palm Springs Air Force ROTC Junior Color Guard for their recent "Distinguished Unit with Merit" award.

Police Chief Franz administered the Oath of Office to new Palm Springs Police Officers.

Mayor Pougnet introduced the new Assistant City Engineer.

Mayor Pougnet provided an update on the COD West Valley Campus.

Michele Mician announced the upcoming Palm Springs Sustainability Summit.

Mayor Pougnet announced the upcoming ribbon cutting of the Richard M. Milanovich Memorial Bridge and dedication.

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.

City Attorney Holland reported the City Council authorized settlement for two items: Wind Energy Partnership v. NextEra Energy Resources, LLC et al. (Case No. INC 1108424, Riverside Superior Court, Indio Division) and Manuel Becerra-Perez Claim (City Claim No. 09-0214) and such settlements will be made public when fully executed and on file with the City Clerk, otherwise no reportable actions were taken. A6276. A6277.

ACCEPTANCE OF THE AGENDA:

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

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

Councilmember Mills requested Item 2.K. be removed from the Consent Calendar for separate vote.

Councilmember Lewin requested Item 2.J. 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. APPROVE THE SALE OF THE CITY OWNED REAL PROPERTY, THE FORMER ANIMAL SHELTER SITE LOCATED AT 4810 CAMINO PAROCELA, (APN 690-101-032 AND 690-101-033) TO MICHAEL S. HOFFMAN IN THE AMOUNT OF $140,000:

John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated September 19, 2012.

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

JOHN STILES, recommended the City Council approve the sale of the property and stated the purchase price is above the appraised value.

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

ACTION: 1) Approve an Agreement for the sale of certain City owned real property located at 4810 Camino Parocela (APN 690-101-032 and 690-101-033) to Michael S. Hoffman, as trustee of the Michael S. Hoffman Living Trust, U/A dated August 4, 1994, in the amount of $140,000; and

2) Authorize the City Manager to execute all documents related to the sale of the real property. A6273. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

MATTHEW HERNANDEZ, commented on the recent closure of medical cannabis operators in the City of Palm Springs.

JOY MEREDITH, commented on the possible elimination of the food court at VillageFest, and stated no notice was provided to the Downtown businesses.

COUNCILMEMBER COMMENTS:

Mayor Pro Tem Foat provided an update on the activities at Roy's Resource Center serving the homeless in the Coachella Valley.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:
ACTION: Approve Items 2.A., 2.B., 2.C., 2.E., 2.F., 2.G., 2.H., and 2.L. **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 19, 2012, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:
ACTION: Approve the City Council Minutes of September 5, 2012. **Approved as part of the Consent Calendar.**

2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:
ACTION: 1) Adopt Resolution No. 23229, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 8-18-12 BY WARRANTS NUMBERED 417657 THROUGH 417696 TOTALING $54,420.59, LIABILITY CHECKS NUMBERED 1058145 THROUGH 1058168 TOTALING $123,975.05, FIVE WIRE TRANSFERS FOR $44,118.92, AND THREE ELECTRONIC ACH DEBITS OF $1,026,275.53, IN THE AGGREGATE AMOUNT OF $1,248,790.09, DRAWN ON BANK OF AMERICA;" and 2) Adopt Resolution No. 23230, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1058169

THROUGH 1058373 IN THE AGGREGATE AMOUNT OF $2,699,989.20, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23231, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1058374 THROUGH 1058469 IN THE AGGREGATE AMOUNT OF $1,675,563.31, DRAWN ON BANK OF AMERICA. **Approved as part of the Consent Calendar.**

2.E. AMENDING PROVISIONS OF RESOLUTION 19967, ELIMINATING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR NEW EMPLOYEES OF THE SERVICE EMPLOYEES INTERNATIONAL LOCAL 721 (GENERAL UNIT), MANAGEMENT ASSOCIATION OF PALM SPRINGS (MAPS), EXECUTIVE MANAGEMENT, AND OPTIONAL MEMBERS (CITY COUNCIL) IN THE MISCELLANEOUS GROUP FOR THE PUBLIC EMPLOYEES RETIREMENT SYSTEM:
ACTION: Adopt Resolution No. 23233, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) AND AMENDING RESOLUTION NO. 19967." **Approved as part of the Consent Calendar.**

2.F. ACCEPT THE RESIGNATION OF MARC MODROW FROM THE LIBRARY BOARD OF TRUSTEES:
ACTION: 1) Accept with regret the resignation of Mark Modrow from the Library Board of Trustees; and 2) Direct the City Clerk to post a Notice of Vacancy. **Approved as part of the Consent Calendar.**

2.G. APPOINTMENT TO THE ADMINISTRATIVE APPEALS BOARD FOR THE UNEXPIRED TERM ENDING JUNE 30, 2014:
ACTION: Appoint Stephanie Arrache to the Administrative Appeals Board for the unexpired term ending June 30, 2014. **Approved as part of the Consent Calendar.**

2.H. APPROVING A POLICY FOR THE USE OF CITY COUNCIL iPADS:
ACTION: Adopt Resolution No. 23234, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN iPAD POLICY FOR MEMBERS OF THE CITY COUNCIL." **Approved as part of the Consent Calendar.**

2.L. APPOINTMENTS TO THE PARKS AND RECREATION COMMISSION FOR THE UNEXPIRED TERM ENDING JUNE 30, 2013, AND JUNE 30, 2015:
ACTION: 1) Appoint Dave Darrin to the Parks and Recreation Commission for the unexpired term ending June 30, 2015; and 2) Appoint

Scott Segal to the Parks and Recreation Commission for the unexpired term ending June 30, 2013. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.D. APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 721 REPRESENTING THE GENERAL UNIT FOR THE PERIOD JULY 1, 2012 TO JUNE 30, 2014:

Mayor Pougnet stated he will not support the approval of the contract, stated he is not in support of the 3% raise until January 1, 2014, and commented on the conduct of the labor representative for the General Unit.

ACTION: 1) Adopt Resolution No. 23232, "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 SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 721 REPRESENTING THE GENERAL UNIT, 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. A5440. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and carried 4-1 on a roll call vote.**

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

2.I. APPROVING TWO AIR SERVICE INCENTIVE PROGRAMS FOR ALLEGIANT AIRLINES IN THE AMOUNT OF $100,000:

Councilmember Hutcheson requested clarification on the amount of the total funding for the two programs.

ACTION: 1) Approve Air Service Incentive funding for two new nonstop flights provided by Allegiant Airlines for the Eugene, Oregon Airport and the Oakland International Airport in an amount not to exceed $50,000 for each route, and a total amount not to exceed $100,000; 2) Adopt Resolution No. 23235, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2012-13 TO PROVIDE FUNDING FOR THE AIR INCENTIVE PROGRAM;" and 3) Authorize the City Manager to execute all the necessary documents. A6274. A6275. **Motion Councilmember Mills, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

2.J. APPROVE THE 2012 CITY OF PALM SPRINGS EMERGENCY OPERATIONS PLAN (EOP):

The City Council discussed the state of emergency preparedness of the City and the community based organizations, and thanked the various Departments for their support and participation in the development of the emergency plan.

ACTION: Adopt Resolution No. 23236, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE 2012 EMERGENCY OPERATION PLAN FOR THE CITY OF PALM SPRINGS." **Motion Councilmember Mills, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

2.K. SECOND READING AND ADOPTION OF ORDINANCE NO. 1813, RELATING TO DIRECTOR REFERRAL OF MINOR PERMITS TO THE PLANNING COMMISSION (CASE 5.1273 ZTA):
ACTION: Waive further reading and adopt 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." **Motion Mayor Pro Tem Foat, seconded by Councilmember Lewin and carried 4-1 on a roll call vote.**

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

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS:

4.A. DISCUSSION OF BIKE LANE INSTALLATION AND IMPROVEMENTS RELATED TO THE NON-MOTORIZED TRANSPORTATION PLAN:
David Barakian, City Engineer, provided background information as outlined in the staff report dated September 19, 2012.

Mayor Pro Tem Foat requested clarification of the current status of bike lanes at the Belardo Bridge and Ramon Road, and requested staff study bike lanes as part of the development of the Museum Market Plaza projects.

Councilmember Lewin stated his support for the recommendations of the City Engineer, and requested the City Council also support the addition of a Class II Bike Lane north on Sunny Dunes to extend the existing Class I Bike Lane in the area.

Mayor Pro Tem Foat requested clarification on the bike lane on Sunrise that ends at Vista Chino and requested the bike lane be included on the map.

No action taken.

4.B. COACHELLA VALLEY iHUB AND CVEP UPDATE AND DISCUSSION ON THE DEVELOPMENT OF PHASE TWO OF THE INCUBATOR:
John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated September 19, 2012.

Mayor Pro Tem Foat requested clarification on the financial commitments of other Coachella Valley cities for the Accelerator Park, requested if the City of Palm Springs provides a majority of the funding the City should be recognized as such, and requested iHub staff clarify the cost and responsibility for improvements for individual entities entering the Accelerator Park.

Councilmember Hutcheson commented on the goals of the City's participation, and request iHub staff address the return on the City's current investment and future targets and objectives.

Councilmember Lewin requested iHub staff clarify the location of the proposed property, and commented on the weakness of opportunities in the Coachella Valley for business development.

Mayor Pougnet commented on the requested funding, requested the City Council allow the Mayor to discuss other cities funding and commitments with other Mayors in the Coachella Valley to provide clarification of some of the other cities intentions.

No action taken.

5. NEW BUSINESS:

5.A. ADOPTION OF THE GREEN FOR LIFE VOLUNTARY GREEN BUILDING PROGRAM:
Michele Mician, Sustainability Manager, provided background information as outlined in the staff report dated September 19, 2012.

Councilmember Lewin stated his support for the development of the educational cards.

Councilmember Mills requested clarification on the program from the City's Architectural Advisory Committee.

ACTION: Adopt Resolution No. 23237, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE GREEN FOR LIFE VOLUNTARY GREEN BUILDING PROGRAM." **Motion Councilmember Mills, 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 to the October 19, 2012, City Council Meeting. **By consensus of the City Council.**

5.C. PRESENTATION OF THE BUXTON TOURISM DEMOGRAPHIC STUDY:
John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated September 19, 2012.

Councilmember Hutcheson commented on the usefulness of the research for targeting where the City spends outreach and retention funds for the future, and suggested the data be made widely available to the businesses in the City.

Councilmember Mills requested clarification of the credit card data used, commented on the detail of the study that supports the Museum Market Plaza, and commented on the previous metrics of the prior Buxton Study.

Mayor Pougnet commented on the potential for marketing campaigns, and commented on the dissemination and distribution of the data to further development and business interest in the City.

No action taken.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Lewin commented on the current status of Andres Road as a one-way street, and stated it would be a good time to look to at changes during the Downtown development, and requested the extension of holiday lights on the North end of the City.

Councilmember Foat requested the City Manager review the VillageFest Board decision to remove the Food Court.

Councilmember Hutcheson requested the City Manager expedite the holiday light decision, and requested the Mayor provide an update on the Downtown development.

Councilmember Mills requested a review of the make-up of the VillageFest Board perhaps to include a merchant.

Mayor Pougnet provided an update on the Downtown development project, and commented on the recent discussion of wind power on Twitter.

Mayor Pro Tem Foat requested the City advertise the next meeting to discuss the Downtown development, requested no public comment until after the presentation by Wessman Development, and suggested an open house with the development on display prior to the meeting.

City Manager Ready provided an update on the removal of dead palm trees.

ADJOURNMENT: The City Council adjourned at 8:43 p.m. to Wednesday, October 3, 2012, at 6:00 p.m., Palm Springs Convention Center, 277 North Avenida Caballeros, Palm Springs, preceded by Closed Session.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 17TH DAY OF OCTOBER, 2012.

STEPHEN P. POUGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK