

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



**MEETING MINUTES
WEDNESDAY, FEBRUARY 20, 2013
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: Father John Kavcak, Our Lady of Solitude Church, led the Invocation.

ROLL CALL:

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

ABSENT: None.

ALSO PRESENT: City Manager Ready, City Attorney Holland, City Clerk Thompson.

PRESENTATIONS:

Mayor Pougnet and the City Council presented Sgt. Troy Castillo a Certificate of Commendation for his service to the City.

Mayor Pougnet provided an update on the recent 2013 State of the City Event and the demolition of the Desert Fashion Plaza.

Mayor Pro Tem Mills and Councilmember Foat provided an update on the recent Modernism Opening events.

Councilmember Hutcheson and Councilmember Lewin announced the upcoming events for Modernism Week at the Palm Springs Convention Center.

Councilmember Lewin announced the Arts Patron of the Year awarded at the Palm Springs Fine Arts Fair.

Mayor Pougnet announced the upcoming Black History Month activities, the 2013 Mayor's Healthy City Healthy You Race, and the 75th Anniversary events.

REPORT OF CLOSED SESSION:

City Attorney Holland stated the meeting was called to order at 4:30 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 City Staff and the City Attorney, no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

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

Mayor Pro Tem Mills noted his abstention on Item 2.B. February 6, 2013, City Council minutes.

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

1. **PUBLIC HEARINGS:** None.

PUBLIC COMMENT:

SHIRLEY ANEY, Palm Springs, commented on the traffic and speed on Farrell Drive, and requested a stop sign on Farrell at Sonora.

JOHN TYMON, Palm Springs, commented on repairs at his home and City Staff.

TUBEH DURRANI, thanked the City Council for the steps they are taking to revitalize Downtown, and commented on the VillageFest Board.

TOM ADAMO, Palm Springs, commented on Item 3.A. regarding fire sprinkler requirements.

GARY VESS, Palm Springs, commented on the traffic routing on Indian Canyon Drive.

JERRY NUMAN, Palm Springs, commented on Item 3.A. regarding fire sprinkler requirements.

BOB THOMAS, Palm Springs, announced an upcoming book signing at VillageFest.

COUNCILMEMBER COMMENTS:

Councilmember Lewin requested the State of the City video be played on PSCTV Channel 17.

CITY MANAGER'S REPORT:

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

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., and 2.M. **Motion Mayor Pro Tem 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 February 20, 2013, City Council Agenda. **Approved as part of the Consent Calendar.**
- 2.B. APPROVAL OF MINUTES:**
ACTION: Approve the City Council Minutes of February 6, 2013. **Approved as part of the Consent Calendar, noting the abstention of Mayor Pro Tem Mills.**
- 2.C. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF JANUARY 2013:**
ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of January 1 through January 31, 2013. **Approved as part of the Consent Calendar.**
- 2.D. ACCEPT THE RESIGNATION OF JEFF MCLAUGHLIN FROM THE VILLAGEFEST BOARD:**
ACTION: 1) Accept with regret the resignation of Jeff McLaughlin from the VillageFest Board; 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.E. ACCEPT THE RESIGNATION OF LARRY SMITH FROM THE PERSONNEL BOARD:**
ACTION: 1) Accept with regret the resignation of Larry Smith from the Personnel 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.F. AMENDMENT NO. 2 TO THE FISCAL YEAR 2012-13 ALLOCATED POSITIONS AND COMPENSATION PLAN TO PROVIDE FOR A SENIOR CODE COMPLIANCE OFFICER:**
ACTION: 1) Adopt Resolution No. 23305, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDMENT NO. 2 TO THE FISCAL YEAR 2012-13 ALLOCATED POSITIONS AND COMPENSATION PLAN ADOPTED BY RESOLUTION NO. 23145;" and 2) Authorize the City Manager to execute all documents necessary to effectuate this action. **Approved as part of the Consent Calendar.**
- 2.G. AMENDED CITY POLICY ON DISCRIMINATION, HARASSMENT AND RETALIATION:**
ACTION: Receive and file the amended City Administrative Regulation on Discrimination, Harassment and Retaliation. **Approved as part of the Consent Calendar.**

- 2.H. AMENDMENT NO. 2 TO AGREEMENT NO. A6256 WITH PARSONS BRINCKERHOFF, INC. FOR AIRPORT PROFESSIONAL SERVICES:**
ACTION: 1) Approve Amendment No. 2 to Agreement No. A6256 with Parsons Brinckerhoff Inc. for additional services in the development of a new Airline Use and Lease Agreement, and engineering services for conceptual design development related to future improvements of the rental car facilities, in the amount of \$110,550; 2) Authorize the City Manager to execute all necessary documents; and 3) Authorize the City Manager to approve and execute change orders in an amount not to exceed 10% of the total contract amount, as required, to address changes in the project scope. A6256. **Approved as part of the Consent Calendar.**
- 2.I. AMENDING THE FISCAL YEAR 2012-13 BUDGET FOR THE CITY'S HOUSING ELEMENT UPDATE:**
ACTION: Adopt Resolution No. 23306, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING SOLELY IN ITS CAPACITY AS THE HOUSING SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY, AMENDING THE FISCAL YEAR 2012-13 BUDGET FOR THE HOUSING ELEMENT UPDATE." **Approved as part of the Consent Calendar.**
- 2.J. DESIGNATION OF CITY OFFICERS TO EXECUTE EMERGENCY DISASTER ASSURANCES AND AGREEMENT FOR THE STATE OF CALIFORNIA OFFICE OF EMERGENCY SERVICES:**
ACTION: 1) Approve the Form 130 Disaster Designees as the City Manager/Director of Emergency Services, Fire Chief, and Director of Finance and Treasury; and 2) Direct the City Clerk to certify and transmit Form Cal EMA 130 to the Office of Emergency Services. **Approved as part of the Consent Calendar.**
- 2.K. SKATE PARK OPERATIONS AND MANAGEMENT FACILITY PROJECT APPROVE AN ESTIMATED COMPREHENSIVE SKATE PARK PROJECT BUDGET, AMEND THE FISCAL YEAR 2012-13 BUDGET, AND APPROVE AMENDMENT NO. 1 TO AGREEMENT NO. A6272 WITH INTERACTIVE DESIGN CORPORATION, IN THE AMOUNT OF \$30,100:**
ACTION: 1) Approve the estimated comprehensive budget for the new Skate Park Operations and Management Facility Project in the total amount of \$750,000; 2) Adopt Resolution No. 23307, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2012-13 FOR SKATE PARK OPERATIONS AND MANAGEMENT FACILITY PROJECT;" 3) Approve Amendment No. 1 to Agreement No. A6272 with Interactive Design Corporation, in the amount of \$30,100 for a total revised agreement amount of \$54,400 for the Skate Park design of the Skate Park Operations and Management Facility; and 4) Authorize the

City Manager to execute all necessary documents. A6272. **Approved as part of the Consent Calendar.**

2.M. ZONING MAP UPDATE AND CONVERSION TO GRAPHIC INTERFACE SYSTEM (GIS) FORMAT (CASE 5.1287):

ACTION: Receive and file the zoning map update and conversion to GIS format. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.L. SCULPTURE EXHIBITION PROPOSAL SUBMITTED BY THE SCULPTURE FOUNDATION:

Mayor Pougnet and Councilmember Lewin provided background information on the Sculpture Exhibition Program.

ACTION: Direct the Public Arts Commission to review and make a recommendation to the City Council. **Motion Councilmember Lewin, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

3. LEGISLATIVE:

3.A. INTRODUCTION OF AN ORDINANCE PERTAINING TO FIRE SPRINKLER REQUIREMENTS FOR A-2 (ASSEMBLY) OCCUPANCIES, INCLUDING RESTAURANTS AND BARS:

City Manager Ready and John Allen, Fire Chief, provided background information as outlined in the staff report dated February 20, 2013.

Councilmember Foat requested staff review other City codes to ensure City codes are reasonable.

Mayor Pro Tem Mills stated his support for the proposed ordinance, and notes the enhancements to the City Code.

ACTION: 1) Waive full reading of the ordinance text and introduce by title only on first reading Ordinance No. 1817, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTION 27 OF SECTION 8.04.510 OF THE PALM SPRINGS MUNICIPAL CODE (SECTION 903.2.1.2 OF THE STATE FIRE CODE) PERTAINING TO FIRE SPRINKLER REQUIREMENTS FOR A-2 (ASSEMBLY) OCCUPANCIES, INCLUDING RESTAURANTS AND BARS;" and 2) Direct staff to schedule a public hearing on March 6, 2013, to consider the adoption of the proposed Ordinance. **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

4. UNFINISHED BUSINESS:

4.A. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR BICYCLE LANES AND MODIFYING THE NON-MOTORIZED TRANSPORTATION PLAN CHANGING THE DESIGNATION ON VIA ESCUELA FROM CLASS II TO CLASS III (CP 12-08):

Dave Barakian, City Engineer, provided background information as outlined in the staff report dated February 20, 2013.

Mayor Pro Tem Mills questioned the use of sharrows on Indian Canyon as there are not residential parking issues on Indian Canyon.

Councilmember Lewin thanked staff for the additional work and incorporating sharrows.

ACTION: 1) Approve the plans, specifications and estimate and working details for Bicycle Lanes and authorize staff to advertise for bids (CP 12-08); and 2) Direct staff to initiate an amendment to the Circulation Element of the 2007 General Plan and Appendix F Non Motorized Transportation Master Plan, adopted by Resolution No. 22077, to amend the designation on Via Escuela from a Class II to a Class III Bike Lane. **Motion Councilmember Hutcheson, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

5. NEW BUSINESS:

5.A. MID-YEAR FISCAL YEAR 2012-13 BUDGET UPDATE:

Geoffrey Kiehl, Director of Finance, provided background information as outlined in the mid-year fiscal year 2012-13 budget dated February 20, 2013.

No action taken.

5.B. APPROVE AN AGREEMENT WITH ALBERT GROVER AND ASSOCIATES FOR TWO-WAY OPERATION FEASIBILITY STUDIES FOR PALM CANYON DRIVE, INDIAN CANYON DRIVE, AND ANDREAS ROAD:

Dave Barakian, City Engineer, provided background information as outlined in the staff report dated February 20, 2013.

Councilmember Lewin noted the importance of changing Andreas Road to a two-way roadway, and recommended the City Council include only Andreas Road for the traffic study at this time and delay Palm Canyon and Indian Canyon.

Councilmember Hutcheson stated his support for studying all three streets and having a plan for the revitalization of the Downtown area.

Mayor Pro Tem Mills questioned if the City needs a study for Andreas Road as staff should bring forward recommendations to change Andreas Road to two-way, stated his support for a traffic study for Indian Canyon along with a parking study with alternatives to slow traffic on Indian Canyon, and stated he is not in favor of changing Palm Canyon to a two-way street.

Councilmember Foat questioned if Andreas Road can just be done without the study, stated her support to remove Andreas Road from the study and design and build Andreas Road as a two-way street, and stated her support for doing the study on Palm Canyon and Indian Canyon.

Mayor Pougnet stated his support to include Indian Canyon in the study, and stated he is opposed to including Palm Canyon in the study.

ACTION: 1) Approve an agreement with Albert Grover and Associates in an amount not-to-exceed \$35,000, for two-way operation feasibility studies for Indian Canyon Drive, including bike lanes, pursuant to PSMC Section 7.04.030 Special Expertise Procurement; 2) Authorize the City Manager to execute the agreement; and 3) Adopt Resolution No. 23308, "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 TWO-WAY TRAFFIC STUDY," *amending the resolution for the amount of the transfer to \$35,000.* A6325. **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

MOTION: Include Palm Canyon for inclusion in the two-way traffic study. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and failed 2-3 on a roll call vote.**

AYES: Councilmember Foat, and Councilmember Hutcheson.

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

ACTION: Direct staff to proceed to modify Andreas Road as a two-way street, and bring forward plans and estimate. **Motion Mayor Pro Tem Mills, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

5.C. APPOINT AN ALTERNATE DIRECTOR TO THE EASTERN RIVERSIDE COUNTY INTEROPERABLE COMMUNICATIONS AUTHORITY (ERICA):

ACTION: Appoint Police Chief Franz as the City of Palm Springs Alternate Director to the Eastern Riverside County Interoperable Communications Authority (ERICA). **Motion Councilmember Foat, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

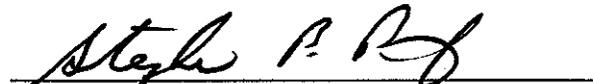
COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Mayor Pro Tem Mills requested staff review speeding traffic and the roadway at Farrell Drive near Mesquite Road, requested staff address the four dead trees in the easement along Civic Drive and the rental car lots, commented on the new four-way stop sign at Avenida Caballeros and Via Escuela and requested staff extend the installation of the temporary stop signs for enforcement and to prepare motorists for the change.

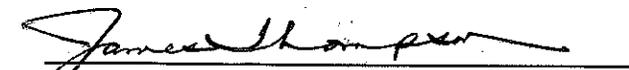
Councilmember Foat stated she is working with the ONI to bring forward a change in the PSMC pertaining to green walls.

ADJOURNMENT: The City Council adjourned at 7:52 p.m. to Wednesday, March 6, 2013, at 6:00 p.m. Council Chamber, City Hall, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 6TH DAY OF MARCH, 2013.


STEPHEN P. POUGNET, MAYOR

ATTEST:


JAMES THOMPSON, CITY CLERK