CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA

MEETING MINUTES
WEDNESDAY, MARCH 20, 2013
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: Pastor Ken Stagg, Hope Community Seventh-Day Adventist Church, led the Invocation.

ROLL CALL:

PRESENT:	Councilmember Foat, Councilmember Hutcheson, Councilmember Lewin, and Mayor Pougnet.
ABSENT:	Mayor Pro Tem Mills.
ALSO PRESENT:	City Manager Ready, City Attorney Holland, City Clerk Thompson.

PRESENTATIONS:

Mayor Pougnet and the City Council presented Craig Ewing a Certificate of Commendation for his service to the City upon his retirement.

Mayor Pougnet and the City Council proclaimed April, 2013 as Hunger Action Month in the City of Palm Springs.

Mayor Pougnet and the City Council proclaimed April, 2013 as DeMolay Month in the City of Palm Springs.

Mayor Pougnet and the City Council presented the 2013 Green Citizen of the Year Award to Patty Delgado.

Mayor Pougnet provided an update on the demolition of the Desert Fashion Plaza, announced the new Segways presented to the Palm Springs Police Department, the 2013 Annual PSNIC Picnic, the Fire Department's annual Easter Egg Hunt, Tachevah event, the 2013 Mayor's Race and Wellness Festival, the 75th Anniversary event, and Modernism Week.

Councilmember Hutcheson provided an update on the Chalk Art Fest event.

Councilmember Foat announced the upcoming Moving Forward Housing event and the Meet the New Animal Shelter Director reception.

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 tentatively approved the settlement of a claim filed against the County of Riverside regarding property tax administration fees, and such agreement would be finalized and made available for public review, otherwise no reportable actions were taken. A6343.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson requested the City Council consider adding an item to the Agenda titled APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO BID FOR THE SKATE PARK OPERATIONS AND MANAGEMENT FACILITY EXTERIOR AND INTERIOR IMPROVEMENT PROJECT.

ACTION: 1) Find the Item came to the attention of the City after the posting of the Agenda and there is an immediate need to hear and/or take action on the item; and 2) Add to the Agenda as Consent Calendar Item 2.F. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO BID FOR THE SKATE PARK OPERATIONS AND MANAGEMENT FACILITY EXTERIOR AND INTERIOR IMPROVEMENT PROJECT. **Motion Councilmember Hutcheson, seconded by Councilmember Lewin and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Hutcheson, Councilmember Lewin, and Mayor Pougnet.
NOES: None.
ABSENT: Mayor Pro Tem Mills.

ACTION: Accept the Agenda as amended. **Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Hutcheson, Councilmember Lewin, and Mayor Pougnet.
NOES: None.
ABSENT: Mayor Pro Tem Mills.

1. PUBLIC HEARINGS:

1.A. APPEAL OF THE PLANNING COMMISSION DECISION BY DONALD SKEOCH TO APPROVE A CONDITIONAL USE PERMIT FOR A

LIGHTED TENNIS COURT AT THE ESTANCIAS DEVELOPMENT LOCATED AT 3182 LAS BRISAS WAY (CASE 5.1285 CUP):
ACTION: 1) Take no public testimony at this time; 2) Continue the Public Hearing to Wednesday, May 15, 2013; and 3) Direct the City Clerk to post a Notice of Continued Public Hearing pursuant to law. **Motion Councilmember Foat, seconded by Mayor Pougnet and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Hutcheson, Councilmember Lewin, and Mayor Pougnet.
NOES: None.
ABSENT: Mayor Pro Tem Mills.

Councilmember Hutcheson stated he has a property ownership conflict of interest with respect to Item 1.B., would not participate in the discussion or the vote, and left Council Chamber.

1.B. CRAIG WIRELESS APPROVAL TO INSTALL AND OPERATE COMMERCIAL COMMUNICATION ANTENNAS EXTENDING ELEVEN FEET ABOVE THE ROOF SURFACE OF AN EXISTING OFFICE BUILDING LOCATED AT 1330 NORTH INDIAN CANYON DRIVE (CASE 5.1292 CUP):
Edward Robertson, Principal Planner, provided background information as outlined in the staff report dated March 20, 2013.

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

STEVEN ROSENBERG, commented on the services provided by Craig Wireless.

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

Councilmember Foat requested staff address any concerns from the surrounding neighborhood.

ACTION: Adopt Resolution No. 23318, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO INSTALL AND OPERATE A WIRELESS COMMERCIAL COMMUNICATIONS FACILITY ON THE ROOF OF AN EXISTING OFFICE BUILDING LOCATED AT 1330 NORTH INDIAN CANYON DRIVE (CASE 5.1292)." **Motion Councilmember Lewin, seconded by Councilmember Foat and unanimously carried 3-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Lewin, and Mayor Pougnet.
NOES: None.
ABSENT: Councilmember Hutcheson and Mayor Pro Tem Mills.

Councilmember Hutcheson returned to the dais.

1.C. 39TH PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT 2013-14 ANNUAL ACTION PLAN AND CDBG BUDGET APPROVAL, AUTHORIZATION TO SUBMIT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT NO. B-13-MC-06-0561 IN THE AMOUNT OF $311,205 AND APPROVING SUBRECIPIENT AGREEMENTS:
Dale Cook, Community Development Administrator, provided background information as outlined in the staff report dated March 20, 2013.

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

STEVE ROSENBERG, commented on the funding of Downtown Revitalization.

RICHARD SMITH, provided information on the services provided by the Independent Living Partnership, TRIP Volunteer Driver Program.

BRANDE ORR, commented on the services provided by Desert AIDS Project, and the proposed funding for the Energy-Efficiency Upgrades.

JACK NEWBY, provided information and services offered by the Mizell Senior Center, and the proposed Energy-Efficiency Roof Upgrades.

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

Mayor Pougnet commented on the reduced funding for the CDBG process.

Councilmember Lewin stated he has a conflict of interest with respect to the Arnico Tract Sewer Improvement Project, would not participate in the discussion or the vote for the specific project, and left Council Chamber.

ACTION: Approve a Subrecipient Agreement with the City of Palm Springs Department of Public Works and Engineering Arnico Tract Sewer Improvements in the amount of $159,083. A6337. **Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried 3-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Hutcheson, and Mayor Pougnet.
NOES: None.
ABSENT: Councilmember Lewin and Mayor Pro Tem Mills.

Councilmember Lewin returned to the dais.

Councilmember Foat stated she had a business position conflict of interest with respect to the Mizell Senior Center Upgrade Project, would not participate in the discussion or the vote for the specific project, and left Council Chamber.

ACTION: Approve a Subrecipient Agreement with Mizell Senior Center for Energy-Efficiency Roof Upgrades in the amount of $23,200. A6339. **Motion Mayor Pougnet, seconded by Councilmember Hutcheson and unanimously carried 3-0 on a roll call vote.**

AYES: Councilmember Hutcheson, Councilmember Lewin, and Mayor Pougnet.
NOES: None.
ABSENT: Councilmember Foat and Mayor Pro Tem Mills.

Councilmember Foat returned to the dais.

Councilmember Foat requested staff provide additional information regarding the Independent Living Partnership TRIP Volunteer Driver Program.

ACTION: Approve a Subrecipient Agreement with Desert AIDS Project Energy-Efficiency Upgrades in the amount of $90,000. A6338. **Motion Councilmember Hutcheson, seconded by Councilmember Lewin and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Hutcheson, Councilmember Lewin, Mayor Pougnet.
NOES: None.
ABSENT: Mayor Pro Tem Mills.

ACTION: Approve a Subrecipient Agreement with Independent Living Partnership TRIP Volunteer Driver Program in the amount of $15,000. A6340. **Motion Councilmember Lewin, seconded by Councilmember Hutcheson and carried 3-1 on a roll call vote.**

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

ACTION: Approve a Subrecipient Agreement with Fair Housing Council of Riverside Fair Housing Services in the amount of $15,000. A6341. **Motion Councilmember Lewin, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Hutcheson, Councilmember Lewin, Mayor Pougnet.
NOES: None.
ABSENT: Mayor Pro Tem Mills.

ACTION: Approve a Subrecipient Agreement AIDS Assistance Program Food Voucher Program in the amount of $16,681. A6342. **Motion Councilmember Lewin, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Hutcheson, Councilmember Lewin, and Mayor Pougnet.
NOES: None.
ABSENT: Mayor Pro Tem Mills.

ACTION: Adopt Resolution No. 23319, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE 2013-14 COMMUNITY DEVELOPMENT BLOCK (CDBG) GRANT ANNUAL ACTION PLAN, APPROVING THE CDBG GRANT BUDGET FOR FISCAL YEAR 2013-14, AUTHORIZING THE SUBMITTAL OF THE PLAN AND BUDGET TO THE UNITED STATES DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (HUD), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROVAL/AGREEMENT WITH HUD (GRANT NO. B-13-MC-06-0561) IN THE AMOUNT OF $311,205 AND THE SUBRECIPIENT AGREEMENTS." A5814. **Motion Councilmember Foat, seconded by Councilmember Lewin and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Hutcheson, Councilmember Lewin, and Mayor Pougnet.
NOES: None.
ABSENT: Mayor Pro Tem Mills.

PUBLIC COMMENT:

FRANCES CHAFE, commented on the budget for the upcoming Parks and Recreation programming budget, and funding for the Palm Springs Warriors football program.

MARCUS BANNERMAN, commented on Item 4.A., regarding the Citywide Energy Management Project, spoke in favor of the report, and suggested the City Council consider updating the report prior to approval.

GEORGE ZANDER, Palm Springs, announced the upcoming activities for Equality California.

VIC SPADACCINI, Palm Springs, commented on the recent Palm Springs Pentathlon, and thanked the City Council for the outstanding facilities at Sunrise Park.

STEVEN QUINONEZ, commented on the recent closure of the Palm Springs Boxing Club.

RODNEY TETHAL, commented on the budget for the upcoming Parks and Recreation programming budget, and funding for the Palm Springs Warriors Football program.

CAROL NELSON, Palm Springs, commented on chemicals used for sand retention.

SID CRAIG, announced the upcoming Meet the Chief event at VillageFest.

COUNCILMEMBER COMMENTS:

Councilmember Lewin commented on the approval of the Independent Living Partnership TRIP Program, and requested staff address the use of chemicals at the Dog Park.

CITY MANAGER'S REPORT:

City Manager Ready provided an update on the City Council request for Land Acquisition information to the Measure "J" Oversight Commission.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., and 2.F. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Hutcheson, Councilmember Lewin, and Mayor Pougnet.
NOES: None.
ABSENT: Mayor Pro Tem Mills.

2.A. REPORT ON THE POSTING OF THE AGENDA:
ACTION: Receive and file Report on the Posting of the March 20, 2013, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:
ACTION: Approve the City Council Minutes of March 6, 2013. **Approved as part of the Consent Calendar.**

2.C. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF FEBRUARY 2013:
ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of February 1 through February 28, 2013. **Approved as part of the Consent Calendar.**

2.D. APPROVE AN ADVERTISING CONTRACT WITH THE DESERT SUN FOR DISPLAY AND LEGAL ADVERTISING FROM APRIL 1, 2013 THROUGH MARCH 31, 2014:
ACTION: 1) Approve an Advertising Agreement with The Desert Sun for legal and display advertising for one-year ending March 31, 2014; and 2) Authorize the City Manager to execute the Advertising Agreement. A5109. **Approved as part of the Consent Calendar.**

2.E. APPOINTMENT TO THE PERSONNEL BOARD:
ACTION: 1) Appoint James Reed to the Personnel Board for the term ending June 30, 2016. **Approved as part of the Consent Calendar.**

2.F. ADDED ITEM APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO BID FOR THE SKATE PARK OPERATIONS AND MANAGEMENT FACILITY EXTERIOR AND INTERIOR IMPROVEMENT PROJECT:
ACTION: Approve the plans and specifications and authorize staff to advertise and solicit bids for the skate park operations and management facility exterior and interior improvement project. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR: None.

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS:

4.A. CITYWIDE ENERGY MANAGEMENT PROJECT:
City Manager Ready and David Barakian, City Engineer, provided background information as outlined in the staff report dated March 20, 2013.

Councilmember Hutcheson requested staff address the overall savings as stated by the Third Party Peer Review report, and commented on the current status of the City co-gen plant.

Councilmember Foat requested staff address the updating of the report, requested staff address the scope of Downtown and Uptown lighting, and commented on the proposal to decommission the Sunrise co-gen plant.

Councilmember Lewin stated the City Council looked at all options regarding the Sunrise co-gen plant.

ACTION: 1) Concur with the Third Party's review findings; 2) Concur with the financing payback proposal from Green Campus Partners and direct staff to bring back financing documents; and 3) Direct staff to bring forward the Energy Services Contract for Council consideration at the required public hearing. **By consensus of the City Council, noting the absence of Mayor Pro Tem Mills.**

5. NEW BUSINESS: None.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Mayor Pougnet commented on the recent passing of HSPB member Patrick McGrew.

ADJOURNMENT: The City Council adjourned, in memory of Patrick McGrew, at 8:08 p.m. to Wednesday, April 3, 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 3RD DAY OF APRIL, 2013.

STEPHEN P. POUGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK