CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA

MEETING MINUTES
WEDNESDAY, MAY 15, 2013
CITY HALL COUNCIL CHAMBER

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:11 p.m.

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

INVOCATION: Rabbi Sally Olins, Temple Isaiah, 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 proclaimed May 15, 2013, as Purple Heart Day in the City of Palm Springs.

Mayor Pougnet provided an update on the recent AMGEN event in the City of Palm Springs, the Police Department and Fire Department Appreciation Luncheon hosted by the Palm Springs Chamber of Commerce, announced the donation of dog oxygen masks to the Fire Department, and the upcoming Palm Springs Public Library summer reading programs.

Mayor Pro Tem Mills provided an update on the recent C-Span coverage in the City of Palm Springs.

Councilmember Hutcheson and Councilmember Lewin announced the upcoming FIND Food Bank Hunger Action Month programs.

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, and reported no reportable actions were taken.

ACCEPTANCE OF THE AGENDA: Accept the Agenda as amended.

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

Mayor Pro Tem Mills requested Item 2.J. be removed from the Consent Calendar for separate discussion.

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

1. PUBLIC HEARINGS:

1.A. PLACEMENT OF DELINQUENT WASTE DISPOSAL CHARGES ON THE COUNTY TAX ROLLS AS A SPECIAL ASSESSMENT:

David Barakian, Director of Public Works, provided background information as outlined in the staff report dated May 15, 2013.

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

AYAD GHARGHOUCY, Palm Springs, stated he was a co-owner on a property on the delinquent list and he has not owned the property for over five years.

No further speakers coming forward the public hearing was closed.

ACTION: Adopt Resolution No. 23339, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING CERTAIN WASTE DISPOSAL ACCOUNTS TO BE DELINQUENT AND DIRECTING THE PLACEMENT OF THESE ACCOUNTS ON THE COUNTY PROPERTY TAX ROLLS FOR COLLECTION." **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

1.B. 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: Take no public testimony at this time and direct staff to re-notice the public hearing. **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

1.C. GRANT A 15-YEAR EXCLUSIVE FRANCHISE AGREEMENT WITH PALM SPRINGS DISPOSAL SERVICES FOR RESIDENTIAL AND

COMMERCIAL COLLECTION AND DISPOSAL OF SOLID WASTE AND FOR THE COLLECTION OF RECYCLABLE MATERIAL:
ACTION: 1) Take no public testimony at this time; 2) Continue the Public Hearing to July 3, 2013; and 3) Direct the City Clerk to post a Notice of Continued Public Hearing pursuant to law. **Motion Councilmember Lewin, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

1.D. CITY COUNCIL AND ACTING AS THE SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY AND HOUSING SUCCESSOR AGENCY ADOPTING THE FISCAL YEAR 2013-14 BUDGET, ALLOCATED POSITIONS AND COMPENSATION PLAN, APPROPRIATIONS LIMIT, AND FUND BALANCE DESIGNATION POLICY:
City Manager Ready and Geoffrey Kiehl, Director of Finance, provided background information as outlined in the staff report dated May 15, 2013.

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

Mayor Pro Tem Mills requested staff address the budget for holiday lights and banner replacement.

Councilmember Foat commented on public notification and advertising during the Downtown revitalization, including safety measures and signs.

Councilmember Hutcheson stated the Measure J Oversight Commission has been discussing notification and communication during the revitalization project.

Mayor Pougnet commented on the holiday light budget and requested the ad hoc City Council subcommittee comment.

Councilmember Lewin commented on the replacement of holiday lights.

Councilmember Foat requested staff address the recommended position changes.

Mayor Pro Tem Mills requested staff address the elimination of the RDA, the elimination of the Downtown Administrator, and stated he is not supportive of the elimination of the Downtown Administrator.

The City Council discussed the merits of retaining the Downtown Administrator during the Downtown Revitalization Project.

Councilmember Hutcheson commented on the personnel changes, and requested the City Manager review salaries for positions pending any future vacancies.

The City Council discussed the amount of staffing and the ability to add staff as the economy improves.

The City Council discussed and/or commented on Special Events funding and contributions.

ACTION: 1) Approve Special Events and Contributions for Fiscal Year 2013-14; and 2) Direct staff the carryover for Holiday Lights be split between Holiday Lights and Banners. **Motion Mayor Pro Tem Mills, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

Councilmember Foat stated she has a business position conflict of interest with respect to the Senior Center funding, would not participate in the discussion or vote, and left Council Chamber.

ACTION: Approve the Senior Center funding in the amount of $60,000 for Fiscal Year 2013-14. **Motion Mayor Pougnet, seconded by Mayor Pro Tem Mills and unanimously carried 4-0 on a roll call vote.**

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

Councilmember Foat returned to the dais.

Mayor Pougnet stated he has a business related conflict of interest with respect to the International Film Festival funding, would not participate in the discussion or the vote, and left Council Chamber. Mayor Pro Tem Mills chaired the meeting.

ACTION: Approve the International Film Festival funding in the amount of $350,000 for Fiscal Year 2013-14. **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 Pro Tem Mills.
NOES:	None.
ABSENT:	Mayor Pougnet.

Mayor Pougnet returned to the dais.

The City Council discussed the proposed elimination of the Downtown Administrator contract, and the City's projected reserve.

ACTION: 1) Approve funding for Well in the Desert in the amount of $16,000 for Fiscal Year 2013-14; 2) Direct staff to include auditing of the financial statements in the grant funding agreement; and 3) Suggest the Well in the Desert include social work in their scope of services. **Motion Mayor Pro Tem Mills, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

ACTION: Approve the funding for the waiver of City fees for the Annual Run for Ike event in the amount of $1,834 for Fiscal Year 2013-14. **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and carried 4-1 on a roll call vote.**

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

ACTION: Approve an increase in the Black History Committee funding from $8,300 to $16,600 for Fiscal Year 2013-14. **Motion Councilmember Foat, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

ACTION: Approve funding for Coyote Stageworks in the amount of $5,000 for Fiscal Year 2013-14. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and carried 4-1 on a roll call vote.**

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

ACTION: 1) Adopt Resolution No. 23340, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2013-14;" 2) Adopt Resolution No. 23341, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE BUDGET FOR FISCAL YEAR 2013-14 AND SUCH OTHER MATTERS AS REQUIRED." *amending the budget by the above motions and including a $109,000 appropriation for the Downtown Administrator;* 3) Adopt Resolution No. 23342, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING SOLELY IN ITS CAPACITY AS THE SUCCESSOR AGENCY TO THE CITY OF PALM SPRINGS

COMMUNITY REDEVELOPMENT AGENCY, AND IN ITS CAPACITY AS THE HOUSING SUCCESSOR AGENCY TO THE CITY OF PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY, APPROVING THE SUCCESSOR AGENCY AND HOUSING SUCCESSOR AGENCY BUDGETS FOR FISCAL YEAR 2013-14, AND OTHER SUCH MATTERS AS REQUIRED;" 4) Adopt Resolution No. 23343, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN APPROPRIATIONS LIMIT FOR THE FISCAL YEAR ENDING JUNE 30, 2014;" and 5) Direct the City Manager and Director of Finance and Treasurer to make the appropriate modifications to the budget and prepare the final budget document for Fiscal Year 2013-14. **Motion Councilmember Lewin, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

ELLEN LOCKERT, commented on the lack of a plastic bag ordinance in the City of Palm Springs.

TIMOTHY SIGLE, Palm Springs, commented on the lack of a plastic bag ordinance in the City of Palm Springs.

LISA VOSSLER SMITH, commented on Modernism Week in the City of Palm Springs.

GEORGE ZANDER, Palm Springs, announced upcoming events by Equality California.

NIKOHL VANDEL, Palm Springs, commented on the services provided by Well in the Desert.

JENNY MCLEAN, commented on the Palm Springs Women's Club Measure "J" request for funding for sidewalk repair.

JOHN TYMON, commented on the book titled "Blink."

COUNCILMEMBER COMMENTS:

Councilmember Foat requested staff address the development of a plastic bag ordinance, and requested staff provide an update on the two rehab facilities in the Deepwell neighborhood.

CITY MANAGER'S REPORT: City Manager Ready provided an update on Code Enforcement activities in the City of Palm Springs.

2. CONSENT CALENDAR:
ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.G., 2.H., and 2.I. **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 May 15, 2013, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:
ACTION: Approve the City Council Minutes of May 1, 2013, Special Meeting and May 1, 2013, Regular Meeting. **Approved as part of the Consent Calendar.**

2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:
ACTION: 1) Adopt Resolution No. 23344, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1063098 THROUGH 1063253 IN THE AGGREGATE AMOUNT OF $1,223,674.82, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23345, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 4-27-13 BY WARRANTS NUMBERED 418122 THROUGH 418138 TOTALING $31,250.04, LIABILITY CHECKS NUMBERED 1063254 THROUGH 1063278 TOTALING $121,049.49, FIVE WIRE TRANSFERS FOR $39,219.51 AND THREE ELECTRONIC ACH DEBITS OF $1,148,391.88 IN THE AGGREGATE AMOUNT OF $1,339,910.92, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 23346, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1063279 THROUGH 1063418 IN THE AGGREGATE AMOUNT OF $828,216.18, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF APRIL 2013:
ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of April 1, through April 30, 2013. **Approved as part of the Consent Calendar.**

2.E. SECOND READING AND ADOPTION OF ORDINANCE NO. 1820, REGARDING REGULATIONS FOR FILING OF CANDIDATE

STATEMENTS (CANDIDATE PROFILES) FOR MUNICIPAL ELECTIONS:
ACTION: Waive the reading of the full text of the ordinance and adopt Ordinance No. 1820, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 2.02.035 TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO FILING CANDIDATE PROFILES AT MUNICIPAL ELECTIONS." **Approved as part of the Consent Calendar.**

2.G. ACCEPT THE RESIGNATION OF TIM SCOTT FROM THE PARKS AND RECREATION COMMISSION:
ACTION: 1) Accept with regret the resignation of Tim Scott 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, 2014. **Approved as part of the Consent Calendar.**

2.H. TREASURER'S INVESTMENT REPORT AS OF MARCH 31, 2013:
ACTION: Receive and file the Treasurer's Investment Report as of March 31, 2013. **Approved as part of the Consent Calendar.**

2.I. UNIFORM RENTAL AND CLEANING SERVICES FOR VARIOUS DEPARTMENTS:
ACTION: 1) Approve an agreement with the incumbent Cintas Corporation for uniform rental and cleaning services for an estimated annual expenditure of $8,574, and a total amount not to exceed $24,722 for the initial three-year term in a form acceptable to the City Attorney; and 2) Authorize the City Manager to execute all necessary documents. A5615. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.F. SECOND READING AND ADOPTION OF ORDINANCE NO. 1821, AMENDING THE HOTEL OPERATIONS INCENTIVE PROGRAM:
ACTION: Waive the reading of the full text of the ordinance and adopt Ordinance No. 1821, "AN ORDINANCE OF CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 5.26.020, 5.26.030, AND SECTION 5.26.040 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE HOTEL OPERATIONS INCENTIVE PROGRAM;" *clarifying Section 5.26.040(c) to delete the words 'with 125 or more rooms' in the fist sentence.* **Motion Councilmember Foat, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

2.J. APPROVAL OF TRANSPORTATION SECURITY ADMINISTRATION GRANT FUNDING AGREEMENT FOR CHECKED BAGGAGE SYSTEMS

OPTIMIZATION AND CONTRACT AMENDMENT WITH PARSONS BRINCKERHOFF FOR DESIGN SERVICES:
Tom Nolan, Executive Director Palm Springs International Airport, provided background information as outlined in the staff report dated May 15, 2013.

ACTION: 1) Approve the Transportation Security Administration (TSA) Grant in the amount of $298,600 for an analysis and 30% design of checked baggage inspection system; 2) Approve Amendment No. 4 to Agreement No. A6256 with Parsons Brinckerhoff Inc. for checked baggage inspection system design services in the amount not to exceed $298,600 in a form acceptable to the City Attorney; and 3) Authorize the City Manager to execute all necessary documents. A6365. A6256. **Motion Mayor Pro Tem Mills, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:**

5.A. **APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR TAHQUITZ CANYON WAY SECTION 14 MEDIANS PROJECT (CP 08-20):**
Dave Barakian, City Engineer, provided background information as outlined in the staff report dated May 15, 2013.

The City Council discussed and/or commented on the following with respect to the project: the proposed art and the installation of pads, requested staff address who is acting as the lead agency, emergency vehicle access, previous amendments requested by City Council, and the impetus to fund further phases planned for the median improvement.

ACTION: Approve the plans, specifications, and working details for Tahquitz Canyon Way Section 14 Medians Project (CP 08-20) and authorize staff to advertise for bids. **Motion Councilmember Lewin, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

5.B. **APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO BID FOR THE LANDSCAPING AND IRRIGATION REPAIR AT THE FRANCES STEVENS PARK COURTYARD PROJECT (CP 13-01):**
Dave Barakian, City Engineer, provided background information as outlined in the staff report dated May 15, 2013.

The City Council discussed and/or commented on the tree selection.

No action taken and referred to staff to meet with landscape architect with respect to tree selection. **By unanimous consent of the City Council.**

5.C. AWARD CONTRACT FOR THE 2013 ANNUAL SLURRY SEAL PROJECT (CP 13-02):
Dave Barakian, City Engineer, provided background information as outlined in the staff report dated May 15, 2013.

ACTION: 1) Reject all bids as submitted; 2) Direct staff to review and revise specifications; and 3) Direct staff to rebid as soon as possible. **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Mayor Pro Tem Mills requested maintenance of the squiggles artwork in Palm Springs.

ADJOURNMENT: The City Council adjourned at 8:42 p.m. to Wednesday, June 5, 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 5TH DAY OF JUNE, 2013.

STEPHEN P. POUGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK