

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



**MEETING MINUTES
WEDNESDAY, SEPTEMBER 18, 2013
CITY HALL COUNCIL CHAMBER**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:09 p.m.

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

INVOCATION: Pastor David Sanger, Our Savior's Community 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 proclaimed September, 2013, as Alzheimer's Awareness Month in the City of Palm Springs.

Mayor Pougnet announced the Heal Cities Campaign, the 50th Anniversary of the Palm Springs Aerial Tramway, and the Arrive Hotel groundbreaking.

Palm Springs High School, Spirit of the Sands Marching Band recognized the City of Palm Springs for the City's support of the band in the Presidential Inaugural Parade.

Councilmember Lewin announced the Monroe Hotel ribbon cutting, and the FIND Food Bank Fundraiser.

Councilmember Foat announced the opportunities for the Friends of the Palm Springs Animal Shelter.

Mayor Pougnet announced the recent City's sustainability awards, the 2014 Mayor's Race and Wellness Festival and provided an update on the City's electric vehicle charging stations.

Mayor Pougnet commented on the recent fire in the Community Church of Palm Springs, and requested the City Manager review the Vacant Building Ordinance.

REPORT OF CLOSED SESSION:

The meeting was called to order at 4:30 p.m., and the City Attorney requested the City Council add items to the Closed Session Agenda, pursuant to Cal. Gov. Code Section 54856.9(a) Existing Litigation titled, *Bond Safeguard Insurance v. Lee H. Brandenburg, City of Palm Springs et al.*, Case No. CV-12-4285-HRL, United States District Court, San Jose, and *North First Street Properties v. City of Palm Springs et al.*, Case No. INC 1300421, Riverside County Superior Court, as the City received information regarding the case after the posting of the Agenda.

ACTION: 1) Find the Item came to the attention to 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 Closed Session Agenda one item of Existing Litigation titled, *Bond Safeguard Insurance v. Lee H. Brandenburg, City of Palm Springs et al.*, Case No. CV-12-4285-HRL, United States District Court, San Jose and *North First Street Properties v. City of Palm Springs et al.*, Case No. INC 1300421, Riverside County Superior Court. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried (5-0).**

City Attorney Holland stated the City Council recessed into Closed Session to discuss items on the Closed Session Agenda, and reported the City Council, by unanimous (5-0) vote, authorized the City Manager to execute a settlement agreement for the Existing Litigation, *Thomas and Leslie Davis v. City of Palm Springs et al.* A6402.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson requested the City Council hear Item 5.A. immediately following the Consent Calendar.

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

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

Councilmember Lewin requested Item 2.J. and 2.O. be removed from the Consent Calendar for separate discussion.

Councilmember Foat requested Item 2.H., 2.J., and 2.L. 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. 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):

Margo Wheeler, Director of Planning Services, provided background information as outlined in the Staff Report dated September 18, 2013.

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

DONALD SKEOCH, Applicant, provided the background and history of the purchase of the property, the process with the HOA, the Planning Commission process, compared the Zoning Code requirements to the project specifications, the neighborhood support of the project, and requested the City Council approve the project.

JESSICA NORTE, stated the tennis court lighting as proposed is not appropriate for the neighborhood, and stated the HOA Board did not approve the project.

DONALD SKEOCH, Applicant Rebuttal, commented on the owners in support of the project.

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

Councilmember Lewin commented on the possibility of noise from tennis courts, and the potential quality of life issues with night time tennis courts.

Councilmember Hutcheson commented on the use of lights for other amenities in the City of Palm Springs, stated his support of the request, and commented on noise with a 25 foot set-back.

Mayor Pro Tem Mills requested staff clarify the number of lights on the tennis courts to be three LED fixtures on each side, the wall between the property, commented on the set-back, the history of development of the City ordinance, stated the tennis court would be better sunken three feet, have a solid wall, and requested revisions to the landscape plan.

Councilmember Foat requested the Applicant address sinking of the court, and requested the City Council consider a 9:00 p.m. curfew time.

Mayor Pougnet commented on the sinking of tennis courts, and requested the City Council consider sinking the tennis courts, and requested the applicant clarify his statements regarding renting of the property.

Councilmember Hutcheson stated his support for sunken tennis courts with a 10:00 p.m. curfew.

Councilmember Mills stated a minimum of three feet sunken is recommended, a ten foot masonry wall, and berming of the landscaping.

ACTION: Direct staff to prepare a resolution with findings overturning the Planning Commission decision and approving the Conditional Use Permit for lighted tennis court, including conditions of approval to provide: (i) maximum of three LED lights on each side, (ii) court to be sunken three feet with ten foot masonry wall, (iii) berming the landscaping, (iv) 10:00 p.m. curfew for use of the court, and (v) prohibiting the use of the property as a vacation rental property. **Motion Councilmember Hutcheson, seconded by Mayor Pougnet and carried 4-1 on a roll call vote.**

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

NOES: Councilmember Lewin.

PUBLIC COMMENT:

TIMOTHY SIGLE, Palm Springs, commented on the positive improvements in the City and the Downtown area.

KAREN CORNETT, Palm Springs Unified School District (PSUSD) Board of Education, thanked the Measure J Commission and the City Council for funding the replacement of the sound and lighting equipment at the Palm Springs High School Auditorium.

JIM BOKE TOMLIN, commented on the Marilyn Monroe artwork and the development of Downtown Palm Springs.

JOY BROWN MEREDITH, commented on the activities and events in Downtown Palm Springs during the summer season, and thanked City Staff for their participation with Downtown merchants.

COUNCILMEMBER COMMENTS: None.

CITY MANAGER'S REPORT:

City Manager Ready provided an Employee Spotlight video featuring Jim Zicaro, Director of Building and Code Compliance, and Margo Wheeler, Director of Planning Services.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., 2.I., 2.K., 2.M., 2.N., and 2.P. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem 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 18, 2013, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Regular Meeting Minutes of September 4, 2013, July 3, 2013, and Special Meeting Minutes of July 3, 2013. **Approved as part of the Consent Calendar.**

2.C. ACCEPT THE RESIGNATION OF LEE GLENN FROM THE HISTORIC SITE PRESERVATION BOARD:

ACTION: 1) Accept with regret the resignation of Lee Glenn from the Historic Site Preservation Board; and 2) Direct the City Clerk to post a notice of vacancy for the unexpired term ending June 30, 2015. **Approved as part of the Consent Calendar.**

2.D. SECOND READING AND ADOPTION OF ORDINANCE NO. 1829, AMENDING PALM SPRINGS MUNICIPAL AND ZONING CODES RELATING TO PUBLIC HEARING NOTIFICATION AND NOTICING SIGNAGE:

ACTION: Waive the reading of the full text of the ordinance and adopt Ordinance No. 1829, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PALM SPRINGS MUNICIPAL CODE SECTIONS 8.05, 14.20, AND ZONING CODE SECTIONS 93.23 AND 94.02 THROUGH 94.08, INCLUSIVE, AND ADDING SECTION 94.09 TO THE PALM SPRINGS ZONING CODE RELATING TO PUBLIC HEARING NOTIFICATION AND NOTICING SIGNAGE." **Approved as part of the Consent Calendar.**

2.E. ACCEPTANCE OF \$41,425 IN GRANT FUNDING FROM THE UNIVERSITY OF CALIFORNIA, BERKELEY, SAFE TRANSPORTATION RESEARCH AND EDUCATION CENTER (SAFETREC) FOR A SOBRIETY CHECKPOINT PROGRAM TO BE USED TO ENFORCE, EDUCATE, AND BRING AWARENESS TO THE PUBLIC:

ACTION: 1) Accept \$41,425 in grant funding from the University of California, Berkeley, Safe Transportation Research and Education Center, for a sobriety checkpoint program; and 2) Authorize the City Manager to execute all necessary documents. A6045. **Approved as part of the Consent Calendar.**

- 2.F. AUTHORIZE THE RENTAL OF A BOILER FROM MANLEY BOILER FOR USE AT THE AIRPORT IN AN AMOUNT NOT TO EXCEED \$26,500:**
ACTION: 1) Authorize the issuance of a purchase order to Manley Boiler for the rental of a hot water boiler for the airport for Fiscal Year 2013-14 in an amount not to exceed \$26,500; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**
- 2.G. ACCEPT A FISCAL YEAR 2013-14 ACCESSING THE PAST GRANT FROM FEDERAL LIBRARY SERVICES AND TECHNOLOGY ACT (LSTA) FUNDS IN THE AMOUNT OF \$60,000:**
ACTION: 1) Accept the Fiscal Year 2013-14 Accessing the Past Grant from the California State Library in the amount of \$60,000.00; 2) Authorize Procurement to conduct the bid process in accordance with the requirements of the Grant for the digitization of The Desert Sun Newspaper from 1938 through 1968; and 3) Authorize the City Manager to execute all necessary documents, including the purchase order. **Approved as part of the Consent Calendar.**
- 2.I. AUTHORIZE THE COOPERATIVE PURCHASE OF A NEW MOBILE BREATHING SUPPORT/REHABILITATION/LIGHTING UNIT AT A COST OF \$332,903.44:**
ACTION: 1) Approve the cooperative purchase of a new 2013 mobile breathing support/rehabilitation/lighting unit from Pierce Manufacturing pursuant to Palm Springs Municipal Code Section 7.09.010 in the amount of \$332,903.44; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**
- 2.K. AGREEMENT RENEWAL WITH THE DRUG ENFORCEMENT AGENCY TO PARTICIPATE IN THE PALM SPRINGS NARCOTICS TASK FORCE:**
ACTION: 1) Approve the agreement renewal with the Drug Enforcement Agency for participation in the Palm Springs Narcotics Task Force for a five-year period, through September 30, 2018; and 2) Authorize the City Manager to execute all necessary documents. A5711. **Approved as part of the Consent Calendar.**
- 2.M. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE RUTH HARDY PARK PARKING LOT REPAIRS PROJECT (CP 13-08):**
ACTION: 1) Approve the Plans, Specifications, and Estimates for the Ruth Hardy Park Parking Lot Repairs Project (CP 13-08); and 2) Authorize staff to advertise and solicit bids. **Approved as part of the Consent Calendar.**
- 2.N. APPROVAL AND TRANSMITTAL OF RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE (ROPS 13-14B) FOR THE PERIOD OF**

JANUARY 1, 2014, THROUGH JUNE 30, 2014, PURSUANT TO SECTION 34169(g)(1) OF CALIFORNIA HEALTH AND SAFETY CODE:
ACTION: Adopt Resolution No. 23435, "A RESOLUTION OF CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING SOLELY IN ITS CAPACITY AS SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY APPROVING THE RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE (ROPS 13-14B) FOR THE PERIOD OF JANUARY 1, 2014, THROUGH JUNE 30, 2014, PURSUANT TO SECTION 34169(g)(1) OF CALIFORNIA HEALTH AND SAFETY CODE." **Approved as part of the Consent Calendar.**

2.P. APPROVE LEASE NO. GS-09B-03168 WITH THE UNITED STATES GOVERNMENT DEPARTMENT OF GENERAL SERVICES ADMINISTRATION FOR THE LEASE OF CERTAIN SPACE AT THE PALM SPRINGS INTERNATIONAL AIRPORT FOR THE TRANSPORTATION SECURITY ADMINISTRATION:

ACTION: 1) Approve Lease No. GS-09B-03168 with the United States Government, Department of General Services, for the Transportation Security Administration use of 6,653 square feet at the Palm Springs International Airport for ten years in the amount of \$345,146.46 per year for the first five years, and \$382,578.40 per year for years six through ten; and 2) Authorize the City Manager to execute all necessary documents, subject to final review and approval of the lease by the City Attorney. **A5666. Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.H. APPROVE THE 2012 CITY OF PALM SPRINGS LOCAL HAZARD MITIGATION PLAN (LHMP) ANNEX TO THE RIVERSIDE COUNTY OPERATIONAL AREA MULTI-JURISDICTIONAL LOCAL HAZARD MITIGATION PLAN:

John Allen, Fire Chief, provided background information as outlined in the Staff Report dated September 18, 2013.

Councilmember Foat commented on emergency planning for non-profit agencies or other organizations in the City of Palm Springs and requested Staff recognized such in emergency planning.

ACTION: Adopt Resolution No. 23434, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE 2012 RIVERSIDE COUNTY OPERATIONAL AREA MULTI-JURISDICTIONAL LOCAL HAZARD MITIGATION PLAN." **Motion Councilmember Foat, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

2.J. AGREEMENT WITH SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD) FOR REIMBURSEMENT OF FUNDS FOR THE

SENTINAL POWER PLANT, PALM SPRINGS SOLAR VOLTAIC PROJECTS, IN THE AMOUNT OF \$1,175,225:

David Barakian, City Engineer, provided background information as outlined in the staff report dated September 18, 2013.

Councilmember Hutcheson commented on the City's ability to secure grant funds.

Mayor Pro Tem Mills requested staff address the design and the process of issuing the RFP's and dealing with the Historic Sites.

Councilmember Lewin commented on the proposed installation at the Train Station and the Desert Highland Unity Center and the use of shaded parking.

Councilmember Foat requested staff address the scope of the project planned at the Visitors Center.

ACTION: 1) Approve the reimbursement agreement with SCAQMD for the Sentinal Power Plant, Palm Springs Solar Voltaic Projects to be located at the Palm Springs Visitors Center, Fire Station No. 3, the Train Station, and the James O. Jessie Desert Highland Unity Center in the amount of \$1,175,225, subject to review and approval of the City Attorney; and 2) Authorize the City Manager to execute all necessary documents. A6400. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

2.L. AUTHORIZATION TO PURCHASE DECORATIVE DOWNTOWN LIGHT POLES AND FIXTURES FROM PACIFIC LIGHTING IN THE AMOUNT OF \$136,690.36:

Mayor Pro Tem Mills requested the City Council waive the requirements in the Code.

Councilmember Foat requested staff address the replacement of stubs for the lighting in the Uptown District.

ACTION: 1) Waive the formal bid requirements of Chapter 7.03 of the Palm Springs Municipal Code; 2) Authorize the purchase of decorative downtown light poles and fixtures from Pacific Lighting in the amount of \$136,690.36; and 3) Authorize the City Manager to execute all necessary documents. **Motion Councilmember Lewin, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

2.O. DECLARATION OF A LOCAL EMERGENCY DUE TO SEVERE MONSOONAL WEATHER FLOW FROM AUGUST 25 THROUGH SEPTEMBER 10, 2013, RATIFYING THE ACTIONS OF THE DIRECTOR

OF EMERGENCY SERVICES AND REQUESTING STATE CONCURRENCE:

Councilmember Lewin requested City Staff address the costs to repair the streets due to the storms, the likelihood of further storm damage, requested the City Manager report on the costs of Araby Drive and resident complaints at the end of the storm season.

ACTION: 1) Adopt Resolution No. 23436, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY AND RATIFYING THE ACTIONS OF THE DIRECTOR OF EMERGENCY SERVICES, PURSUANT TO PALM SPRINGS MUNICIPAL CODE CHAPTER 2.20, RELATING TO THE MONSOONAL WEATHER PATTERN FROM APPROXIMATELY AUGUST 25 THROUGH SEPTEMBER 10, 2013;" and 2) Adopt Resolution No. 23437, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REQUESTING STATE DIRECTOR, CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES' CONCURRENCE IN LOCAL EMERGENCIES." **Motion Councilmember Lewin, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

The City Council heard Item 5.A. out of order, immediately following the Consent Calendar.

5.A. RESOLUTION OF PUBLIC CONVENIENCE FOR THE COPA ROOM INCORPORATED, IN ORDER TO SELL BEER, WINE, AND DISTILLED SPIRITS AT THE COPA ROOM NIGHTCLUB LOCATED AT 244 EAST AMADO ROAD (CASE 5.1289 PNC):

Margo Wheeler, Director of Planning Services, provided background information as outlined in the Staff Report dated September 18, 2013.

ACTION: Adopt Resolution No. 23438, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER, WINE, AND DISTILLED SPIRITS (ABC TYPE 48 LICENSE) FOR THE PROPERTY LOCATED AT 244 EAST AMADO ROAD." **Motion Councilmember Foat, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

4.A. CITY CAPITAL PROJECT PROGRESS REPORT AND UPDATE:

City Manager Ready provided a PowerPoint presentation regarding capital project updates.

Mayor Pougnet requested the City Manager update the community on Measure J funded projects at every opportunity, including the City newsletter, and the installation of signs at project sites.

Mayor Pro Tem Mills commented on the lack of funding for capital projects, and thanked the citizens of Palm Springs for Measure J.

Councilmember Foat requested staff address the street resurfacing, the installation of bike lanes, and the installation of crosswalks with pop-outs.

ACTION: Receive and file. **Motion Councilmember Lewin, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

5. NEW BUSINESS:

5.B. CITYWIDE PHOTOVOLTAICS (PV) PROJECT:

Allen Smoot, Special Projects Coordinator, provided background information as outlined in the Staff Report dated September 18, 2013.

Mayor Pro Tem Mills requested staff address splitting acres and potential sites, and commented on the structures installed by PSUSD.

Councilmember Lewin commented on the use of airport property for solar panels, thanked City staff for the development of the program, stated his support toward the direction, questioned the amount of the fee, and requested staff to address a power purchase agreement or the City purchase the equipment.

Councilmember Hutcheson stated his support for the approach of City Staff.

ACTION: 1) Direct staff to develop a Request For Proposal (RFP) document to seek third party investors offering a Power Purchase Agreement (PPA) approach to financing PV; 2) Direct staff to work with the City Attorney's office to develop the City's own PPA document; 3) Direct staff to combine the Animal Shelter PV Project with the proposed Citywide PV RFP process; 4) Approve an agreement with Newcomb/Anderson/McCormick, an energy engineering firm, to conduct a feasibility study evaluating the possibility of a citywide PV project for City facilities, in an amount not to exceed \$49,000, subject to review and approval by the City Attorney; and 5) Authorize the City Manager to execute all necessary documents. A6401. **Motion Councilmember Hutcheson, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

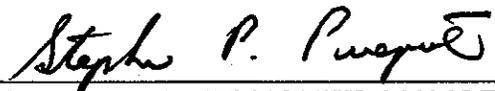
Councilmember Lewin requested staff report on the progress of Andreas Road to a two-way street, requested staff address the maintenance of Vista Chino and making a request of Caltrans to repave, requested staff address a two-line left turn lane on Gene Autry onto Vista Chino, requested staff address the traffic flow and design at Vista Chino and Palm Canyon, commented on the use of Smart Meters irrigation timers, the Tahquitz Canyon Median Project, and restoring watersheds in Palm Springs such as Tahquitz Creek.

Mayor Pro Tem Mills commented on the City's vacant building ordinance and stated Code Enforcement may need to be proactive in the management of vacant buildings.

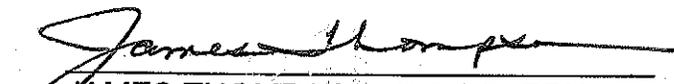
Mayor Pougnet thanked staff for addressing the Arnico Tract sewer issue, stated the City has some obligation to connect the sewer, and requested the City Manager develop a plan for the installation of sewers in the Arnico Tract.

ADJOURNMENT: The City Council adjourned, in memory of twelve individuals that lost their life at the Washington shipyard, at 9:04 p.m. to a Joint Meeting with the Agua Caliente Band of Cahuilla Indians Tribal Council, Thursday, September 19, 2013, at 6:00 p.m., Canyon Conference Room, Spa Hotel and Resort, 100 North Indian Canyon Drive, Palm Springs.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 2ND DAY OF OCTOBER, 2013.


STEPHEN P. POUGNET, MAYOR

ATTEST:


JAMES THOMPSON, CITY CLERK