

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



**MEETING MINUTES
WEDNESDAY, OCTOBER 2, 2013
CITY HALL COUNCIL CHAMBER**

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

PLEDGE OF ALLEGIANCE: Boy Scout Troop 262, 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 October, 2013 as National Planning Month in the City of Palm Springs, and thanked the Planning Staff for their service to the City.

Mayor Pro Tem Mills provided an update on the Desert Regional Hospital Stereotaxis installation and ribbon cutting.

Councilmember Foat announced the re-opening and remodel of Party Lab in Downtown Palm Springs.

Councilmember Lewin provided an update on the recent FIND Food Bank fundraiser.

Mayor Pougnet announced the Girl Scouts of America efforts to promote teen volunteerism in the City of Palm Springs.

REPORT OF CLOSED SESSION:

The meeting was called to order at 4:30 p.m. and Staff requested the City Council consider adding three items of Existing Litigation, pursuant to Cal. Gov. Code Section

54956.9(a), to the Closed Session Agenda. The City received information after the posting of the Agenda as follows:

Ledesma and Beck v. City of Palm Springs
Case No. INC 1302238, Riverside Superior Court, Indio Division

Estate of Walter v. City of Palm Springs
Case No. INC 1302398, Riverside Superior Court, Indio Division

Masi and Senatore v. City of Palm Springs
Case No. INC 1301987, Riverside Superior Court, Indio Division

ACTION: 1) Find that information was received by the City after the posting of the Agenda, and there is an immediate need to hear and/or take action; and 2) Add three items of Existing Litigation to the Closed Session Agenda pursuant to Cal. Gov. Code Section 54956.9(a) Case Nos. INC 1302238, INC 1302398, and INC 1301987, Riverside Superior Court, Indio Division. **Motion Councilmember Foat, seconded by Mayor Pro Tem Mills and unanimously carried (5-0).**

The City Council recessed into Closed Session to discuss items on the Closed Session Agenda. City Attorney Holland reported the City Council provided direction to City Staff, but no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson requested the City Council consider a motion to continue Public Hearing Item 1.A.

Councilmember Foat noted her business related abstention on Item 2.C. Warrant Nos. 1066017 and 1066164.

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

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

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

1. PUBLIC HEARINGS:

- 1.A. PRAETOR INVESTMENT, LLC, FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT 333 (PDD 333) AND TENTATIVE PARCEL MAP (TPM 35236) FOR THE DEVELOPMENT OF A 200-ROOM HOTEL, 50 RESIDENTIAL UNITS**

AND A PARKING STRUCTURE LOCATED AT THE NORTHWEST CORNER OF AVENIDA CABALLEROS AND AMADO ROAD:

ACTION: 1) Continue the Public Hearing to November 6, 2013; 2) Refer to the Planning Commission for Public Hearing; and 3) Direct the City Clerk to re-notice the City Council Public Hearing. **Motion Mayor Pro Tem Mills, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

1.B. AMENDMENT NO. 1 TO SEWER CONSTRUCTION REFUND AGREEMENT NO. A3283 FOR A 20-YEAR EXTENSION WITH MICHAEL SIRELSON:

Dave Barakian, City Engineer, provided background information as outlined in the staff report dated October 2, 2013.

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

Councilmember Lewin questioned if any of the properties are developed, stated the City carried out its duties for the 20-year period, and does not feel the agreement should be extended for another 20-years.

Councilmember Foat requested staff address if there is any cost to the City to administer this agreement, and requested the City Council consider adding an administrative fee to the agreement.

Mayor Pro Tem Mills noted the history and development of these types of reimbursement agreements, and stated the burden should be on the original developer of the sewer to pay for the entire investment.

ACTION: 1) Approve Amendment No. 1 to Sewer Construction Refund Agreement No. A3283 for a 20-year extension with Michael Sirelson; 2) Authorize the City Manager to execute all necessary documents, subject to the City recouping its costs to administer the agreement; and 3) Direct the City Clerk to record the executed Amendment with the Riverside County Recorder's Office. A3283. **Motion Mayor Pro Tem Mills, 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.

1.C. THE BUREAU OF INDIAN AFFAIRS ON BEHALF OF DIANA BOW AND LUCILLE BOW, ALLOTTEES, PROPOSING A TENTATIVE PARCEL MAP APPLICATION TO SUBDIVIDE A ROUGHLY FIVE (5) ACRE PARCEL INTO TWO CONFORMING PARCELS AND A CLASS 15

CATEGORICAL EXEMPTION (MINOR LAND DIVISIONS) PURSUANT TO CEQA FOR A PARCEL LOCATED ON THE NORTH SIDE OF ACANTO ROAD AND EAST OF LAS BRISAS WAY (CASE NO. TPM 36431):

Margo Wheeler, Director of Planning Services, provided background information as outlined in the staff report dated October 2, 2013.

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

ACTION: Adopt Resolution No. 23439, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A TENTATIVE PARCEL MAP SUBDIVIDING A ROUGHLY FIVE (5) ACRE PARCEL INTO TWO CONFORMING LOTS ON THE NORTH SIDE OF ACANTO ROAD AND EAST OF LAS BRISAS WAY, APN 512-220-006, ALLOTMENT 80C, ZONE R-1-B, CANYON SOUTH SPECIFIC PLAN, SECTION 35 (IL) (CASE TPM 36431)." **Motion Councilmember Hutcheson, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

MELINDA MARINOFF, Palm Springs, commented on the future of the Plaza Theatre.

TIMOTHY SIGLE, Palm Springs, commented on the Measure J request for the installation of a pavilion at Ruth Hardy Park.

LARRY BLOCK, West Hollywood, commented on the recent opening of Block Party in Downtown Palm Springs, and requested the City Council install a Rainbow Flag at City Hall.

JUSTIN BLAKE, Rancho Mirage, requested the City Council approve Measure J funding for the Palm Springs Auditorium project.

JOY BROWN MEREDITH, requested the City Council approve Item 5.A. regarding maintenance in the Downtown and Uptown areas, and announced the upcoming parade season in the City of Palm Springs.

DAVID MARTIN, commented on programs for adoptions and foster children, and announced the upcoming events.

COUNCILMEMBER COMMENTS:

Mayor Pougnet commented on the Plaza Theatre and its ongoing operation.

Councilmember Foat announced the upcoming Flu Clinic at the Mizell Senior Center.

CITY MANAGER'S REPORT:

City Manager Ready provided an update on the Measure "J" capital projects and the installation of bike racks in the Downtown and Uptown areas of Palm Springs.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.F., 2.H., and 2.I. **Motion Councilmember Lewin, 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 October 2, 2013, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of September 18, 2013, and September 19, 2013. **Approved as part of the Consent Calendar.**

2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:

ACTION: 1) Adopt Resolution No. 23440, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1065758 THROUGH 1065863 IN THE AGGREGATE AMOUNT OF \$1,178,902.43, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23441, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 8-31-13 BY WARRANTS NUMBERED 418293 THROUGH 418314 TOTALING \$59,120.23, LIABILITY CHECKS NUMBERED 1065864 THROUGH 1065887 TOTALING \$122,019.02, FIVE WIRE TRANSFERS FOR \$44,756.61 AND THREE ELECTRONIC ACH DEBITS OF \$1,118,526.58 IN THE AGGREGATE AMOUNT OF \$1,344,422.44, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23442, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1065888 THROUGH 1065951 IN THE AGGREGATE AMOUNT OF \$377,295.09, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 23443, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1065952 THROUGH 1066099 IN THE AGGREGATE AMOUNT OF \$1,840,573.44, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 23444, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 9-14-13 BY WARRANTS

NUMBERED 418315 THROUGH 418333 TOTALING \$35,492.19, LIABILITY CHECKS NUMBERED 1066100 THROUGH 1066123 TOTALING \$122,755.96, FIVE WIRE TRANSFERS FOR \$44,794.26 AND THREE ELECTRONIC ACH DEBITS OF \$1,104,475.91 IN THE AGGREGATE AMOUNT OF \$1,307,518.32, DRAWN ON BANK OF AMERICA;" and 6) Adopt Resolution No. 23445, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1066124 THROUGH 1066256 IN THE AGGREGATE AMOUNT OF \$4,285,870.12, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the business related abstention by Councilmember Foat on Warrant Nos. 1066017 and 1066164.**

2.D. ACCEPT THE RESIGNATION OF LYNNE BUSHORE FROM THE BOARD OF LIBRARY TRUSTEES:

ACTION: 1) Accept with regret the resignation of Lynne Bushore; 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.F. AUTHORIZE THE PURCHASE OF NATURAL GAS:

ACTION: 1) Authorize the City Manager to enter into an agreement for the purchase of natural gas for a 24-month term through November 30, 2015; and 2) Authorize the City Manager to execute all necessary documents. A6406. **Approved as part of the Consent Calendar.**

2.G. APPROVE AN APPEAL OF THE PLANNING COMMISSION'S DECISION BY DONALD SKEOCH TO OVERTURN THE DENIAL OF A CONDITIONAL USE PERMIT FOR A LIGHTED TENNIS COURT AT THE ESTANCIAS DEVELOPMENT LOCATED AT 3182 LAS BRISAS WAY (CASE 5.1285 CUP):

ACTION: Adopt Resolution No. 23446, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN APPEAL BY DONALD SKEOCH TO OVERTURN THE PLANNING COMMISSION'S DENIAL OF A CONDITIONAL USE PERMIT FOR A LIGHTED TENNIS COURT AT THE ESTANCIAS DEVELOPMENT LOCATED AT 3182 LAS BRISAS WAY (CASE 5.1285 CUP)." **Approved as part of the Consent Calendar.**

2.H. AIR SERVICE INCENTIVE PROGRAM FUNDING FOR DELTA AIR LINES AND SUN COUNTRY AIRLINES:

ACTION: 1) Approve two Air Service Incentive Program Funding agreements with Delta Air Lines for \$50,000 each, and one Air Service Incentive Program Funding agreement with Sun Country Airlines for \$50,000, in an amount not to exceed a total of \$150,000; and 2) Authorize

the City Manager to execute all necessary documents. A6407. A6408. A6409. **Approved as part of the Consent Calendar.**

2.I. ACCEPTANCE OF PUBLIC RIGHT-OF-WAY FOR A PORTION OF EL CIELO ROAD, SHOWN AS PARCEL 1 AND PARCEL 2 ON PARCEL MAP 7883, BK 25/15 (FILE R 13-10):

ACTION: Adopt Resolution No. 23447, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACCEPTING RIGHT-OF-WAY FOR A PORTION OF EL CIELO ROAD, SHOWN AS PARCEL 1 AND PARCEL 2 ON PARCEL MAP 7883, BK 25/15, WITHIN SECTION 18, T.4S., R.5E. (FILE R 13-10)." **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.E. INITIATE AN AMENDMENT TO THE PALM SPRINGS ZONING CODE REGARDING CHURCHES IN VARIOUS ZONES:

Mayor Pougnet requested City Staff include local religious establishments in the development of an ordinance.

ACTION: Initiate a Zone Text Amendment pursuant to Palm Springs Zoning Code Section 92.07.01.A.1.b regarding churches and refer to the Planning Commission. **Motion Mayor Pougnet, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

2.J. ADOPT THE CITY'S INVESTMENT POLICY GOVERNING THE INVESTMENT OF CITY FUNDS:

Councilmember Hutcheson thanked City Staff for the inclusion of social responsibility policies.

ACTION: Adopt Resolution No. 23448, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN INVESTMENT POLICY GOVERNING THE INVESTMENT OF CITY FUNDS," *amending the resolution by adding Section 2 to supersede all other adopted Investment Policies.* **Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS:

4.A. FISCAL YEAR 2013-14 MEASURE J PROJECT/PROGRAM FUNDING RECOMMENDATIONS AND CERTAIN MULTI-YEAR PROJECTS:

City Manager Ready provided background information as outlined in the staff report dated October 2, 2013.

Councilmember Foat commented on the review of the Tahquitz Creek Master Plan and requested the triangle parcel be improved and requested the Measure J Commission review the funding of the improvements.

ACTION: 1) Approve appropriations for certain projects and/or program funding for Fiscal Year 2013-14 in the amount of \$4,835,400; 2) Approve funding for two multi-year projects in the amount of \$1,291,000 for Fiscal Year 2014-15 and \$1,000,000 for Fiscal Year 2015-16; and 3) Authorize the City Manager to execute all budget transfers necessary to effectuate the City Council action on appropriations. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

5. NEW BUSINESS:

5.A. AMENDMENT NO. 1 TO THE 2013-14 ALLOCATED POSITIONS AND COMPENSATION PLAN TO REORGANIZE THE CITY'S VARIOUS MAINTENANCE DIVISIONS AND PROVIDE FOR A DIRECTOR OF MAINTENANCE AND FACILITIES:

City Manager Ready provided background information as outlined in the staff report dated October 2, 2013.

Councilmember Foat requested the Downtown Maintenance Supervisor include Uptown.

Mayor Pro Tem Mills questioned if the Parks Supervisor includes parkways, and requested the City Manager review the Downtown Administrator contract and insure the funding for all services that will be needed for the Downtown Administrator.

Mayor Pougnet noted the reorganization would provide additional time for the Public Works Department to focus on Measure J and other capital projects.

ACTION: 1) Adopt Resolution No. 23449, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2013-14, ADOPTED BY RESOLUTION 23340;" and 2) Authorize the City Manager to execute all documents necessary to effectuate this action, including creation of the new Maintenance and Facilities Department and the consolidation of Facilities, Parks Maintenance and Downtown Maintenance in the City's budget and accounting systems. **Motion Mayor Pro Tem Mills,**

seconded by Councilmember Foat and unanimously carried on a roll call vote.

5.B. APPROVE AN AGREEMENT FOR TOURISM AND MANAGEMENT SERVICES WITH SMG FOR THE MANAGEMENT OF THE PALM SPRINGS CONVENTION CENTER AND THE PALM SPRINGS BUREAU OF TOURISM, FOR A PERIOD ENDING JUNE 30, 2018:

City Manager Ready provided background information as outlined in the staff report dated October 2, 2013.

Mayor Pougnet questioned SMG Staff on the loss of the SMG contract for the City of Los Angeles.

Councilmember Hutcheson requested the City Council be provided goals prior to any meeting that the Bureau of Tourism provides update reports, and noted the concept of incentive payments be incorporated into other types of City contracts.

Councilmember Foat thanked the SMG staff, requested the City Council be notified and updated when goals are accomplished, and requested the City Council receive documentation that the job has been successfully accomplished prior to contract extensions.

Mayor Pro Tem Mills commented on the increase in TOT, increase in airport usage, and Downtown activity, and thanked the Bureau of Tourism for their service, but requested a base be installed for the sign.

Councilmember Lewin stated the facility is well maintained and is efficiently operated, and thanked SMG staff.

Mayor Pougnet requested SMG Administration provide routine updates to the City Council and other stakeholders.

ACTION: 1) Approve a five-year agreement for Tourism and Convention Center Management Services, with two five-year city-optional extensions, by and between the City of Palm Springs, a Municipal Corporation, and SMG, a Pennsylvania General Partnership; and 2) Authorize the City Manager to execute all necessary documents. A6410. **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Mayor Pougnet requested the Palm Springs Bureau of Tourism update other Managers and tourism partners in the Coachella Valley, and review a concentrated marketing effort with the Greater Palm Springs Convention and Visitors Bureau.

Councilmember Lewin requested the City review the installation of the decorative fencing during construction of the Downtown Revitalization Project.

Mayor Pro Tem Mills requested City Staff address the damaged City sculpture on the Gene Autry Trail median.

Councilmember Foat requested an update on the Carnell building and the recent fire.

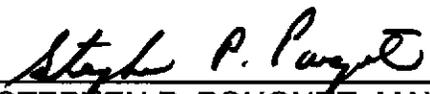
Mayor Pougnet thanked the Preservation Foundation for identifying five vacant historic properties, and stated the City Manager is working on bringing forth a discussion on the Vacant Building Ordinance.

Mayor Pro Tem Mills commented on the methods to secure vacant buildings according to Fire Code.

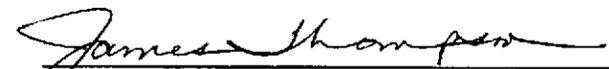
Councilmember Foat requested the Fire Chief report on the causes of the fire at the Carnell building and the recent church fire.

ADJOURNMENT: The City Council adjourned at 7:36 p.m. to Wednesday, October 16, 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 16TH DAY OF OCTOBER, 2013.


STEPHEN P. POUGNET, MAYOR

ATTEST:


JAMES THOMPSON, CITY CLERK