CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA

MEETING MINUTES
WEDNESDAY, DECEMBER 4, 2013
CITY HALL COUNCIL CHAMBER

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:08 p.m.

PLEDGE OF ALLEGIANCE: Boy Scout Troop 262, led the Pledge.

INVOCATION: Rev. Kevin A. Johnson, Bloom in the Desert United Church of Christ, led the Invocation.

ROLL CALL:
PRESENT: Councilmember Foat, Councilmember Lewin, Councilmember Mills, Mayor Pro Tem Hutcheson, and Mayor Pougnet
ABSENT: None.
ALSO PRESENT: City Manager Ready, City Attorney Holland, City Clerk Thompson.

ADMINISTER OATH OF OFFICE TO NEWLY ELECTED COUNCILMEMBERS: City Clerk Thompson administered the Oath of Office to Councilmember Foat and Councilmember Mills upon their re-election.

PRESENTATIONS: Mayor Pougnet announced the upcoming downtown Christmas tree lighting event, the 2013 Festival of Lights Parade, and the Downtown Holiday Banner program.

Mayor Pro Tem Hutcheson announced the FIND Food Bank and the Palm Springs Hospitality Association Twelve Days of Christmas Holiday Food Drives.

Mayor Pougnet announced the upcoming ATHENA Awards and presented the PSA for the Palm Springs Animal Shelter.

Councilmember Foat announced the holiday adoption program at the Palm Springs Animal Shelter.

Mayor Pougnet announced the upcoming 2014 Mayor's Race and Wellness Festival.

Ron Willison, Palm Springs Board of Library Trustees, presented the 2012-13 Annual Library Report to the City Council.

REPORT OF CLOSED SESSION:

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 stated the City Council took no reportable actions.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson stated the applicant has withdrawn the request for Item 5.A..

Councilmember Foat requested Item 2.H. and Item 2.P. be removed from the Consent Calendar for separate discussion.

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

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

1. PUBLIC HEARINGS:

1.A. PROPOSED ORDINANCE AMENDING THE PALM SPRINGS ZONING CODE REQUIRING LAND USE PERMIT NOTIFICATION TO REPRESENTATIVES OF NEIGHBORHOOD ORGANIZATIONS AND CONCURRENT CASE PROCESSING (CASE 5.1312 ZTA):

Margo Wheeler, Director of Planning Services, provided background information as outlined in the staff report dated December 4, 2013.

Mayor Pougnet opened the Public Hearing, and the following speakers addressed the City Council:

JUDY DEERTRACK, Palm Springs, stated her support for the expansion of the public notice requirements and requested the City Council expand the notice to renters of property.

No further speakers coming forward, the Public Hearing was closed.

Councilmember Mills requested staff address the requirement for some CUP's to go to the City Council, and the amount of time it may add to a project for City Council review.

Councilmember Foat commented on the previous process of notification to the public, and commented on the benefits of notifying the neighborhood organizations.

Councilmember Lewin requested staff address the number of land use permits per year the City processes, the types of land use permits that would fall under the proposed ordinance, the process of a community objection to the permit, and requested staff address the timing of the process.

Mayor Pro Tem Hutcheson stated his support of the neighborhood notification component of the ordinance.

ACTION: 1) Waive the reading of the ordinance text in its entirety and read by title only; and 2) Introduce on first reading Ordinance No. 1834, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PARAGRAPH 2 OF SUBSECTION D OF SECTION 94.02.01 AMENDING PARAGRAPHS 1.b AND 10 OF SECTION 94.09.00 OF, THE PALM SPRINGS ZONING CODE RELATING TO PROVISION OF ELECTRONIC NOTICE TO NEIGHBORHOOD ORGANIZATIONS OF PENDING LAND USE PERMITS," amending the ordinance as follows: (i) Section 1 to read the application may be sent, at the discretion of the Director of Planning Services, and (ii) deleting Section 4 of the ordinance. **Motion Councilmember Foat, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

JOHN WEIDENHAMER, commented on the Desert Arts Festival at Frances Stevens Park.

MARCIA MARTINEAU-LOW, commented on the Desert Arts Festival at Frances Stevens Park.

LISBET SJBERG, commented on the Desert Arts Festival at Frances Stevens Park.

TOM DELEEUW, commented on Item 2.H. and requested the City Council consider the amendment to the Historic Site Preservation Ordinance.

SIDNEY ROBERTS, commented on the lack of enforcement with vacation rentals in the City of Palm Springs.

SUSAN ADRIAN, commented on the lack of enforcement with vacation rentals in the City of Palm Springs.

ELLEN LOCKART, commented on the lack of enforcement with vacation rentals in the City of Palm Springs.

UN-IDENTIFIED SPEAKER, commented on the lack of enforcement with vacation rentals in the City of Palm Springs.

VERNA NORRIS, commented on the lack of enforcement with vacation rentals in the City of Palm Springs.

JIM SEAVEY, Palm Springs, commented on the lack of enforcement with vacation rentals in the City of Palm Springs.

ELIZABETH EDWARDS HARRIS, commented on Item 2.H. and requested the City Council consider amendments to the Historic Preservation Ordinance.

TIM ELLIS, Palm Springs, commented on Item 2.N. and requested the City Council approve the agreement with PS Resorts.

STEVE ROSENBERG, stated that citations are being issued for vacation rental violations.

RICK PANTELE, commented on the Desert Arts Festival at Frances Stevens Park.

JENNY MCLEAN, commented on the upcoming Palm Springs Woman's Club Holiday Walk of the Inns.

JENI BATE, commented on the Desert Arts Festival at Frances Stevens Park.

WARREN NOCON, Colony Palms Hotel, commented on Item 2.N. and requested the City Council approve the agreement.

CURTIS BECK, commented on the Desert Arts Festival at Frances Stevens Park.

COUNCILMEMBER COMMENTS:

Councilmember Foat requested the City Manager address the enforcement of the Vacation Rental Ordinance.

Mayor Pougnet requested the City Manager address the permit for the Desert Arts Center show.

CITY MANAGER'S REPORT:

City Manager Ready provided an update on recent Code Enforcement activities, and requested Fire Chief John Allen provide an update on holiday tree safety.

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.L., 2.N., and 2.O. **Motion Councilmember Mills, seconded by Councilmember Foat 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 December 4, 2013, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:
ACTION: Approve the City Council Minutes of November 20, 2013. **Approved as part of the Consent Calendar.**

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

2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF OCTOBER 2013:
ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of October 1 through October 31, 2013. **Approved as part of the Consent Calendar.**

2.E. PALM SPRINGS BOARD OF LIBRARY TRUSTEES ANNUAL REPORT FOR FISCAL YEAR 2012-13:
ACTION: Receive and file the Palm Springs Board of Library Trustees Annual Report for Fiscal Year 2012-13. **Approved as part of the Consent Calendar.**

2.F. TRANSFER OF PASSENGER FACILITY CHARGE REVENUE FOR EARLY BOND REDEMPTION:
ACTION: Ratify the City Manager's approval of a budget amendment to transfer funds from the Airport's Passenger Facility Charge Fund Balance to The Bank of New York Mellon Trust Company to be applied to an early redemption of bonds on January 1, 2014, and July 1, 2014. **Approved as part of the Consent Calendar.**

2.G. CHANGE ORDER NO. 1 TO AGREEMENT NO. A6379 WITH PAVEMENT COATINGS COMPANY FOR THE 2012-13 ANNUAL SLURRY SEAL PROJECT (CP 13-02):
ACTION: 1) Approve Change Order No. 1 to Agreement No. A6379 in the amount of $32,042.98 with Pavement Coatings Company for the 2012-13 Annual Slurry Seal Project (CP 13-02); and 2) Authorize the City Manager to execute all necessary documents. A6379. **Approved as part of the Consent Calendar.**

2.I. AWARD THE PARKING CITATION MANAGEMENT SERVICES CONTRACT TO DATA TICKET:
ACTION: 1) Approve an agreement with Data Ticket for parking citation management services, inclusive of all base costs, required equipment and software, staffing, and variable expenses in the estimated amount of $13,160 annually plus postage for five years, with 2 one-year extensions; and 2) Authorize the City Manager to execute all necessary documents. A6457. **Approved as part of the Consent Calendar.**

2.K. AGREEMENT WITH VERIZON FOR VARIOUS CITY FACILITIES FOR TELECOMMUNICATION SERVICES FOR A THREE-YEAR PERIOD:
ACTION: 1) Waive the competitive bidding requirement pursuant to Municipal Code Section 7.04.020; 2) Approve an agreement with Verizon, as a sole source provider, for Integrated Services Digital Network, Primary Rate Interface (ISDN PRI) at various City locations for a three-year period at the rates approved by and on file with the California Public Utilities Commission in a form acceptable to the City Attorney; and 3) Authorize the City Manager to execute all necessary documents. A6359. **Approved as part of the Consent Calendar.**

2.L. AWARD CONTRACT TO EMF FIRE SOLUTIONS FOR CLEAN AGENT FIRE SUPPRESSION SYSTEM FOR AIRPORT (IFB 14-03):
ACTION: 1) Approve an agreement with EMF Fire Solutions for Clean Agent Fire Suppression equipment and its installation in the Airport's Information Technology (IT) server room in the amount of $25,512.00; and 2) Authorize the City Manager to execute all necessary documents. A6458. **Approved as part of the Consent Calendar.**

2.N. APPROVE AN AMENDMENT TO DESTINATION PALM SPRINGS AGREEMENT NO. A6187 WITH PS RESORTS, EXTENDING THE AGREEMENT FOR AN ADDITIONAL THREE YEARS:
ACTION: 1) Approve Amendment No. 1 to Agreement No. A6187 with PS Resorts; and 2) Authorize the City Manager to execute the amendment to the agreement. A6187. **Approved as part of the Consent Calendar.**

2.O. AGREEMENT FOR PLACEMENT OF ARTWORK ON PRIVATE PROPERTY AT 370 WEST SAN RAFAEL DRIVE AND GRANT OF EASEMENT WITH DAVID BELL AND REIMBURSEMENT OF PUBLIC ART FEE IN THE AMOUNT OF $4,800:
West San Rafael Drive and grant of easement between the City of Palm Springs and David E. Bell and Reimbursement of Public Art Fee in the amount of $4,800.00; and 2) Authorize the City Manager to execute all necessary documents. A6459. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.H. REQUEST FROM THE HISTORIC SITE PRESERVATION BOARD TO AMEND THE PALM SPRINGS MUNICIPAL CODE (SECTION 8.05) TO CHANGE THE AGE OF BUILDINGS ELIGIBLE FOR A SIX-MONTH STAY OF DEMOLITION FROM PRE-1945 TO PRE-1960:

Councilmember Foat requested this Item be placed on an upcoming agenda of the City Council.

Councilmember Mills requested City Staff address the six month stay and to clarify the year as requested by the HSPB, and only include the sites identified on the survey.

Councilmember Lewin requested staff address if a stay would be triggered on a remodel.

No action taken.

2.J. AMENDMENT NO. 3 TO AGREEMENT NO. A4158 WITH ANTON AIRFOOD INC. FOR EXPANDED CONCESSIONS AT AIRPORT:

Councilmember Mills requested, as the City Council liaison to the Airport that staff review the remodel to ensure it is consistent with the design of the Airport.

Councilmember Lewin questioned whether staff conducted a public RFP for the leased space.

ACTION: 1) Approve Amendment No. 3 to Agreement No. A4158 with Palm Springs Anton Airfood, Inc. (d.b.a. HMS Host); and 2) Authorize the City Manager to execute all necessary documents. A4158. **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and carried 4-1 on a roll call vote.**

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

2.M. LICENSE AGREEMENT WITH MOBILEMONEY, INC. FOR AUTOMATED TELLER MACHINE (ATM) SERVICES:

Councilmember Mills requested Staff address the proposed locations.

ACTION: 1) Approve a license agreement with MobileMoney, Inc. to provide Automated Teller Machine (ATM) Services at the Palm Springs International Airport effective January 4, 2014, through January 3, 2017, with two one-year extensions; and 2) Authorize the City Manager to execute all necessary documents. A6456. **Motion Councilmember Mills, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

2.P. AGREEMENT FOR LOAN AND PLACEMENT OF ARTWORK AT 1103 NORTH PALM CANYON DRIVE FROM THE ARCHANGEL GALLERY:

Councilmember Foat commented on the building and complimented the owner of the property.

ACTION: 1) Approve an agreement for the loan and placement of artwork at 1103 North Palm Canyon Drive from the Archangel Gallery; and 2) Authorize the City Manager to execute all necessary documents. A6460. **Motion Councilmember Foat, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS:

4.A. TAHQUITZ CANYON WAY MEDIAN LANDSCAPE IMPROVEMENTS, SUNRISE WAY TO EL CIELO ROAD:
David Barakian, City Engineer, provided background information as outlined in the staff report dated December 4, 2013.

Mayor Pougnet requested staff to clarify the City Hall parking lot is not included, and stated he has received comments that the President Kennedy bust is facing the incorrect way.

Councilmember Mills stated his support for RGA, requested the intersection of Tahquitz Canyon and El Cielo be included in the project, and stated the street needs improvement along with the median.

Mayor Pro Tem Hutcheson stated his support for the rebuilding of the median.

ACTION: 1) Reaffirm the 2012 City Council approval of conceptual landscape plans for the Tahquitz Canyon Way median from Sunrise Way to Civic Drive; 2) Direct staff to proceed with the conceptual plans for the Civic Median zone for the Tahquitz Canyon Way Median from Civic Drive to El Cielo Road; 3) Approve Measure J multi-year funding for the total project in the amount of $2.06 million over two Fiscal Years (2013-14 and 2014-15); and 4) Direct staff to solicit a proposal for the final construction design plans

and specifications for the Tahquitz Canyon Way Median Landscape Improvement Project from Sunrise Way to El Cielo Road. **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

5. NEW BUSINESS:

5.A. RESOLUTION OF PUBLIC CONVENIENCE FOR D RESORT CORPORATION IN ORDER TO SELL BEER AND WINE (TYPE 42 ALCOHOLIC BEVERAGE CONTROL LICENSE) FOR PROPERTY LOCATED AT 2249 NORTH PALM CANYON DRIVE:

Application withdrawn by the Applicant.

5.B. INDIAN CANYON DRIVE TWO-WAY TRAFFIC CONVERSION STUDY:

David Barakian, City Engineer, provided background information as outlined in the staff report dated December 4, 2013.

Councilmember Foat commented on the lack of attention to bike lanes, the lack of review of the Downtown Redevelopment Project, stated she wanted to look forward to future development and retail, the lack of planning with Andreas improvements, and how the conversion would affect retail on Indian Canyon Drive.

Councilmember Lewin stated the document was great for the City Engineer but served no purpose for the policy makers and commented the report lacked any bike lane options.

Councilmember Mills commented on the goals during the preparation of the traffic study, stated his support for Alternative No. 4, but stated the City Council would still be required to determine traffic calming methods after selecting the traffic pattern.

Mayor Pro Tem Hutcheson stated the study provides some information but does not solve the question to address retail on Indian Canyon Drive, requested the report be circulated to MainStreet and the Chamber of Commerce for study and comment, and recommended the City Council continue to look at fostering retail on Indian Canyon Drive.

Councilmember Foat commented on the Uptown and speed of traffic in Uptown and the retail that developed, and requested the City Council take no action on the report until further study is completed on the potential of Indian Canyon Drive.

Councilmember Lewin commented on the difference in environment on Indian Canyon Drive in the Downtown area in comparison to the Uptown area.

Mayor Pougnet stated the City Council has not reached consensus on the traffic patterns on Indian Canyon Drive, stated the plan lacked bike lane options, requested the City Council appoint an ad hoc subcommittee and for the City to start discussing options with Downtown and Uptown merchants to determine the long-term plan for Indian Canyon Drive.

ACTION: Appoint Mayor Pro Tem Hutcheson and Councilmember Foat to an ad hoc City Council Subcommittee on Indian Canyon Drive improvements. **By unanimous consent of the City Council.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Mills requested staff review the potential to eliminate some red lights on the top of wind mills and stated the industry is willing to work with the City.

Councilmember Foat requested an update on the Uptown crosswalk installation, and commented on the social service funding needs during the holiday season.

Councilmember Lewin commented on the Palm Springs Feral Cat program, and noted the Palm Springs@Your Service mobile application.

Mayor Pougnet requested the removal of a palm tree on the median near Rocky's Pawn Shop.

ADJOURNMENT: The City Council adjourned at 8:52 p.m. to Wednesday, December 18, 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 15TH DAY OF JANUARY, 2014.

Stephen P. Pougnet

STEPHEN P. POUGNET, MAYOR

ATTEST:

James Thompson

JAMES THOMPSON, CITY CLERK