

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



**MEETING MINUTES
WEDNESDAY, APRIL 16, 2014
CITY HALL COUNCIL CHAMBER**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:12 p.m.

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

INVOCATION: Pastor Mike Coppersmith, Our Savior's Community Church, 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.

PRESENTATIONS:

Police Chief Franz presented Officer Christopher Duthaler with a "10851 Award" for his work in the recovery of stolen vehicles.

Jeannie Kays, Director of Library Services, announced the new Palm Springs Public Library App.

Mayor Pougnet announced the upcoming Palm Springs Bike Month, the Palm Springs Firemen's Association Easter Egg Hunt, and the 2014 Palm Springs Tachevah event.

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 reported the City Council provided direction to staff, otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

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

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

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

1. PUBLIC HEARINGS:

1.A. APPROVE TWO HOTEL OPERATIONS COVENANT AGREEMENTS WITH THE WALTER FAMILY PARTNERSHIP (HILTON PALM SPRINGS) AND TWO BLACK FLATCOATS, INC. (SPARROWS HOTEL) PURSUANT TO THE CITY'S HOTEL OPERATIONS INCENTIVE PROGRAM:

City Manager Ready provided background information as outlined in the Staff Report dated April 16, 2014.

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

ACTION: 1) Approve a Hotel Operations Covenant Agreement with Walter Family Partnership (Hilton Palm Springs) located at 400 East Tahquitz Canyon Way; 2) Approve a Hotel Operations Covenant Agreement with Two Black Flatcoats, Inc. (Sparrows Hotel) located at 1330 East Palm Canyon Drive; and 3) Authorize the City Manager to execute all necessary documents. A6514. A6515. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

MARTIN GREENWOOD, commented on Item 3.A. regarding maintenance on golf courses and requested the City Council approve the proposed ordinance.

NANCY LOGAN, commented on the proposed closure of the Palm Springs office of the Southern California Gas Company.

JERRY GONZALES, commented on the proposed closure of the Palm Springs office of the Southern California Gas Company.

JOHN FITZPATRICK, commented on Item 3.A. regarding maintenance on golf courses and requested the City Council approve the proposed ordinance.

KELLY AMMA, commented on the application process for a medical cannabis permit.

JOHN WIRTANER, commented on cost of trash service with PSDS.

DAVID LINTZ, commented on Item 3.A. regarding maintenance on golf courses and requested the City Council approve the proposed ordinance.

NIKOHL VANDEL, commented on the recent Downtown/Uptown ordinance adopted.

PAT WALTERS, commented on Item 3.A. regarding maintenance on golf courses and requested the City Council approve the proposed ordinance.

RICHARD MEDINA, commented on the proposed closure of the Palm Springs office of the Southern California Gas Company.

KATHY WEREMIUK, commented on Item 3.A. regarding maintenance on golf courses and requested the City Council approve the proposed ordinance.

LISA MIDDLETON, commented on Item 5.B. regarding the street overlay and reconstruction project.

STEVE ROSENBERG, commented on the relocation of the College of the Desert Western Campus and the development of infrastructure.

COUNCILMEMBER COMMENTS:

Mayor Pougnet requested the City Manager follow-up on the proposed closure of the Southern California Gas Company office in the City of Palm Springs, and commented on the status of the current litigation with ABCD.

Mayor Pro Tem Hutcheson commented on the proposed closure of the Southern California Gas Company in the City of Palm Springs.

Councilmember Foat commented on the proposed closure of the Southern California Gas Company in the City of Palm Springs.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.H., 2.I., 2.J., and 2.K. Motion Councilmember Foat, seconded by Councilmember 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 April 16, 2014, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of April 2, 2014. **Approved as part of the Consent Calendar.**

- 2.C. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF INDIO TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION:**
ACTION: Reappoint Jack Horner, as the City of Indio representative, to the Palm Springs International Airport Commission for the term ending March 19, 2015. **Approved as part of the Consent Calendar.**
- 2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF MARCH 2014:**
ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of March 1 through March 31, 2014. **Approved as part of the Consent Calendar.**
- 2.E. AMENDMENT NO. 1 TO AGREEMENT NO. A6465 WITH URRUTIA A.I.A. AND ASSOCIATES, INC. FOR DESIGN SERVICES FOR THE POLICE DEPARTMENT REMODEL PROJECT:**
ACTION: 1) Approve Amendment No. 1 to Agreement No. A6465 with Urrutia A.I.A. and Associates Inc. adding architectural and engineering design services for the remodel of the officers locker room/restrooms to the Police Department Remodel Project in the amount of \$24,800 for a total project design cost of \$104,500; and 2) Authorize the City Manager to execute all necessary documents. A6465. **Approved as part of the Consent Calendar.**
- 2.F. ACCEPT FAA GRANT NO. 3-06-0818-051-2014 FOR AIRPORT PROJECTS, AMEND FISCAL YEAR 2013-14 BUDGET, AWARD PROFESSIONAL SERVICES CONTRACT FOR THE DESIGN OF RUNWAY 13/31 PAVEMENT REHABILITATION AND DESIGN OF TERMINAL SYSTEMS IMPROVEMENTS:**
ACTION: 1) Approve acceptance of Federal Aviation Administration (FAA) AIP Grant in an amount not to exceed \$5,500,000 for the design and bid of main runway rehabilitation and design, bid, and construction of terminal system improvements; 2) Adopt Resolution No. 23528, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR THE FISCAL YEAR 2013-14;" 3) Approve Amendment No. 5 to Agreement No. A6256 with Parsons Brinckerhoff, Inc. for the design and bid services on the runway rehabilitation and terminal system improvements in the amount not to exceed \$1,552,745.45; and 4) Authorize the City Manager to execute all necessary documents including up to ten percent (10%) additional change order work as required to address changes in the scope of the project. A6516. A6256. **Approved as part of the Consent Calendar.**
- 2.H. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:**
ACTION: 1) Adopt Resolution No. 23530, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1069633 THROUGH 1069790, IN THE AGGREGATE

AMOUNT OF \$1,789,104.30, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23531, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 3-15-14 BY WARRANTS NUMBERED 418543 THROUGH 418561 TOTALING \$34,393.17, LIABILITY CHECKS NUMBERED 1069791 THROUGH 1069814 TOTALING \$112,112.24, FIVE WIRE TRANSFERS FOR \$48,625.90, AND THREE ELECTRONIC ACH DEBITS OF \$1,099,717.93 IN THE AGGREGATE AMOUNT OF \$1,294,849.24, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23532, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1069815 THROUGH 1069971, IN THE AGGREGATE AMOUNT OF \$770,896.47, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 23533, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1069972 THROUGH 1070088 IN THE AGGREGATE AMOUNT OF \$1,978,068.56, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 23534, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 3-29-14 BY WARRANTS NUMBERED 418562 THROUGH 418580 TOTALING \$35,736.73, LIABILITY CHECKS NUMBERED 1070089 THROUGH 1070112 TOTALING \$111,284.73, FIVE WIRE TRANSFERS FOR \$72,075.90, AND THREE ELECTRONIC ACH DEBITS OF \$1,126,775.99 IN THE AGGREGATE AMOUNT OF \$1,345,873.35, DRAWN ON BANK OF AMERICA;" and 6) Adopt Resolution No. 23535, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1070113 THROUGH 1070289 IN THE AGGREGATE AMOUNT OF \$2,037,103.18, DRAWN ON BANK OF AMERICA."
Approved as part of the Consent Calendar.

- 2.I. APPROVAL OF TRACT MAP 32233 AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH CDCG ESCENA LLC AND BEAZER HOMES HOLDINGS CORP. FOR A 72-LOT SINGLE FAMILY RESIDENTIAL UNIT TRACT MAP LOCATED ON 14.374 ACRES ON THE NORTHEAST SIDE OF PASSAGE STREET:**
ACTION: 1) Adopt Resolution No. 23536, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TRACT MAP 32233 FOR PROPERTY LOCATED ON THE NORTHEAST SIDE OF PASSAGE STREET, IN SECTION 7, TOWNSHIP 4 SOUTH, RANGE 5 EAST, AND APPROVING A SUBDIVISION IMPROVEMENT AGREEMENT WITH CDCG ESCENA LLC AND BEAZER HOMES HOLDINGS CORP;" and 2) Authorize the City Manager

to execute all necessary documents. A6517. **Approved as part of the Consent Calendar.**

2.J. AUTHORIZE MEASURE J FUNDING OF THE MAINTENANCE OF TRASH RECEPTACLES AND DOG STATIONS AT FIVE CITY TRAILHEADS:

ACTION: Authorize Measure J funds for the annual maintenance of trash receptacles and dog stations installed at five City trailheads. **Approved as part of the Consent Calendar.**

2.K. APPROVE THE DONATION OF TWO POLICE DEPARTMENT FORD CROWN VICTORIA VEHICLES TO COLLEGE OF THE DESERT PUBLIC SAFETY ACADEMY:

ACTION: 1) Waive the Public Auction requirement in Section 7.07.020 (3) of the Municipal Code for Disposition of Surplus Property and authorize the donation of Ford Crown Victoria equipment number 203006-2006, and Ford Crown Victoria equipment number 208807-2007; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.G. SPECIAL CHANGE ORDER AND CONTRACTING AUTHORITY FOR THE DOWNTOWN REVITALIZATION PROJECT:

The City Council discussed limiting the authority for a specific period of time such as two-years, and requested the City Manager provide periodic updates and reporting to the City Council.

ACTION: Adopt Resolution No. 23529, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, GRANTING THE CITY MANAGER LIMITED SPECIAL CHANGE ORDER AND CONTRACTING AUTHORITY TO ENSURE THE TIMELY AND/OR SAFE COMPLETION OF THE DOWNTOWN REVITALIZATION PROJECT," *amending the Resolution to add a Section 4 to read "This resolution shall expire in two-years from the date of adoption and shall no longer be in force or effect, unless otherwise extended by the City Council."* Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Lewin and unanimously carried on a roll call vote.

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE AMENDING SECTION 11.74.041 OF, AND REPEALING EXCEPTION (5) OF SECTION 8.04.220 OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO HOURS OF OPERATION OF REGULAR MOWING OR GROOMING OF GOLF COURSES, GRASS

TENNIS COURTS, GRASS CROQUET COURTS, AND LAWN BOWLING AREAS:

City Attorney Holland provided background information as outlined in the Staff Report dated April 16, 2014.

ACTION: Waive the reading of the ordinance text in its entirety and read by title only and introduce Ordinance No. 1851, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 11.74.041 OF, AND REPEALING EXCEPTION (5) OF SECTION 8.04.220 OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO HOURS OF OPERATION OF REGULAR MOWING OR GROOMING OF GOLF COURSES, GRASS TENNIS COURTS, GRASS CROQUET COURTS, AND LAWN BOWLING AREAS," *amending Section 11.74.041(4) to read "Non-emergency exterior hardscape and landscape activities, including . . ."* **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:**

5.A. AWARD CONTRACT TO ABOUD DIAMOND CONSTRUCTION, INC. FOR THE WELWOOD MURRAY MEMORIAL LIBRARY REMODEL PROJECT IN THE AMOUNT OF \$1,100,000 (CP 13-03):

Al Smoot, Special Projects Coordinator, provided background information as outlined in the Staff Report dated April 16, 2014.

The City Council discussed and/or commented on the following with respect to the project: the projected completion date of the remodel project, the addition and cost of the sprinkler system, the contractors local hires, the quality of the project, and requested staff plan an appropriate ground-breaking event and signage.

ACTION: 1) Approve and award the contract for the Welwood Murray Memorial Library Remodel Project (CP 13-03) to Abboud Diamond Construction, Inc., in the amount of \$1,100,000; 2) Authorize the Director of Finance & Treasurer to transfer funds from Measure J Unscheduled Reserves to cover Welwood Murray Memorial Library remodel project shortfall; 3) Grant Special Change Order Authority to the Special Projects Coordinator, up to the total amount of 5% of the awarded construction contract amount subject to regular reporting to and consultation with the City Manager; and 4) Adopt Resolution No. 23537, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AWARDED A CONTRACT FOR THE WELWOOD MURRAY MEMORIAL LIBRARY REMODEL PROJECT AND FINDING THE WORK TO BE PERFORMED WILL DIRECTLY CONTRIBUTE TO THE LIBRARY USE OF THE WELWOOD MURRAY MEMORIAL LIBRARY." A6518. **Motion**

Councilmember Mills, seconded by Councilmember Lewin and unanimously carried on a roll call vote.

5.B. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE 2014 ANNUAL ASPHALT OVERLAY AND RECONSTRUCTION PROJECT (CP 14-04):

City Manager Ready and Dave Barakian, City Engineer, provided background information as outlined in the Staff Report dated April 16, 2014.

ACTION: 1) Approve the Plans, Specifications, and working details for the 2014 Annual Overlay and Reconstruction Project and authorize staff to advertise and solicit bids (CP 14-04); and 2) Approve additional Measure J funds in the amount of \$300,000 for street improvements at Via Las Palmas (from Vista Vespero to Via Monte Vista), Sonora Drive (from S. Palm Canyon Drive to Calle Palo Fierro), and San Rafael Drive (from Virginia Street to North Indian Canyon Drive) as recommended by the Palm Springs Neighborhood Involvement Committee (PSNIC). **Motion Councilmember Mills, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

5.C. TRANSMITTAL OF THE FISCAL YEAR 2014-15 BUDGET FOR GENERAL FUND AND GOLF FUND AND CONTINUED DISCUSSION OF A MULTI-YEAR STRATEGIC ACTION PLAN FOR CITY CAPITAL IMPROVEMENTS AND QUALITY OF LIFE ENHANCEMENTS RELATED TO MEASURE J FUNDING:

Geoffrey Kiehl, Director of Finance, provided background information as outlined in the Staff Report dated April 16, 2014.

The City Council discussed and/or commented on the following with respect to the budget: the cost of new positions and does the cost include benefits, requested City Staff review the amount of \$1.9 million in unallocated projects and reserves, and commented on the success of the economic incentive programs.

No action taken.

5.D. APPOINTMENT OF CITY COUNCIL SUBCOMMITTEES TO SCREEN COMMISSION AND BOARD APPLICATIONS, TO DETERMINE QUALIFIED APPLICANTS AS PART OF THE 2014 ANNUAL RECRUITMENT OF CITY BOARDS AND COMMISSIONS:

ACTION: 1) Waive the procedures in Resolution No. 18804 Section 7(b), for the 2014 Annual Recruitment process, to allow for the City Council as a whole, to participate in the screening and interview of applicants for the Historic Site Preservation Board, Measure "J" Oversight Commission, and the Planning Commission; 2) Waive the procedures in Resolution No.

18804 Section 7(b), for the 2014 Annual Recruitment process that provides for the Mayor to select and participate in all subcommittees; and 3) Appoint two-member ad hoc City Council Subcommittees to screen and interview applicants for the following Commission and Boards:

Administrative Appeals Board	Mayor Pougnet and Councilmember Foat
Airport Commission	Mayor Pougnet and Councilmember Mills
Board of Appeals	Mayor Pougnet and Councilmember Foat
Board of Library Trustees	Mayor Pougnet and Councilmember Lewin
Human Rights Commission	Councilmember Mills and Councilmember Lewin
Parks & Recreation Commission	Councilmember Foat and Councilmember Mills
Personnel Board	Mayor Pougnet and Mayor Pro Tem Hutcheson
Public Arts Commission	Mayor Pro Tem Hutcheson and Councilmember Lewin
Rent Review Commission	Councilmember Foat and Councilmember Mills
Sustainability Commission	Mayor Pro Tem Hutcheson and Councilmember Lewin
VillageFest Board	Mayor Pro Tem Hutcheson and Councilmember Lewin

Motion Councilmember Lewin, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.

5.E. APPOINT TWO MEMBERS OF THE CITY COUNCIL TO THE AD HOC CITY COUNCIL PUBLIC SAFETY FACILITY SUBCOMMITTEE:

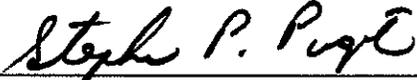
ACTION: Appoint Councilmember Lewin and Councilmember Mills to the ad hoc City Council Public Safety Facility Subcommittee. **By unanimous consent of the City Council.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Foat commented on the programs at Roy's Desert Resource Center.

ADJOURNMENT: The City Council adjourned at 7:37 p.m. to Wednesday, May 7, 2014, 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 7TH DAY OF MAY, 2014.


STEPHEN P. POUGNET, MAYOR

ATTEST:


JAMES THOMPSON, CITY CLERK