CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA

MEETING MINUTES
WEDNESDAY, MARCH 4, 2015
CITY HALL COUNCIL CHAMBER

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:10 p.m.

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

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

ROLL CALL:

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

PRESENTATIONS:

Mayor Pougnet provided an update on the Welwood Murray Memorial Library Grand Opening, the City of Palm Springs Black History Parade and Town Fair, the City's turf conversion projects, Water Awareness Month activities, and announced the upcoming 2015 PSNIC Neighborhood Picnic.

Mayor Pro Tem Lewin announced the California DMV Salton Sea License Plate Program.

Councilmember Foat provided an update on animal adoptions at the Palm Springs Animal Shelter.

REPORT OF CLOSED SESSION:

The meeting was called to order at 4:30 p.m. and City Attorney Holland requested the City Council consider adding one item to the Closed Session Agenda pursuant to Cal. Gov. Code Section 54956.8 Conference with Real Property Negotiator for the property located at 342-344 North Palm Canyon Drive, and one item pursuant to Cal. Gov. Code Section 54956.9(a) Existing Litigation titled *William Sergio Rodriguez v. City of Palm Springs*, Case No. CV-12-10841 JFW (FFM), United States District Court, Central Division.

ACTION: 1) Find the items came to the attention of the City after the posting of the Agenda and there is an immediate need to hear and/or take action on the item; 2) Add to the Closed Session Agenda one Item pursuant to Cal. Gov. Code Section 54956.8 Conference with Real Property Negotiator for the property located at 342-344 North Palm Canyon Drive, City of Palm Springs Successor Agency, City Negotiator David Ready or Designee, Negotiating Party Doug Jones, for price and terms of payment for sale of the property: and 3) Add to the Closed Session Agenda one Item pursuant to Cal. Gov. Code Section 54956.9(a) Existing Litigation titled *William Sergio Rodriguez v. City of Palm Springs*, Case No. CV-12-10841 JFW (FFM), United States District Court, Central Division. **Motion Councilmember Foat, seconded by Mayor Pro Tem Lewin and unanimously carried (4-0) noting the absence of Councilmember Hutcheson.**

The City Council recessed into Closed Session to discuss items on the Closed Session Agenda. City Attorney Holland reported the City Council unanimously approved participation in an amicus brief for the United States Supreme Court Case *Deboer v. Snyder* and authorized the Mayor to execute the amicus brief, and provided direction to City Staff, otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

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

Councilmember Mills requested Item 2.H. be removed from the Consent Calendar for separate discussion, and noted his business related abstention on Item 2.J. for Tract Map 30046.

City Clerk Thompson requested the City Council remove Item 2.H. from the Consent Calendar for a Staff update and report.

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

1. PUBLIC HEARINGS:

1.A. AMENDMENT TO THE PALM SPRINGS ZONING CODE RELATING TO PERMITTED ACCESSORY AND CONDITIONALLY PERMITTED USES AND ACCESSORY APARTMENT HOUSING IN ITS ENTIRETY (CASE 5.1341 ZTA):

ACTION: 1) Table the public hearing with no public testimony at this time; 2) Continue the Public Hearing to March 18, 2015; 3) Direct the City Clerk to post a Notice of Continued Public Hearing pursuant to law. **Motion Councilmember Foat, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

LISA MIDDLETON, commented on Item 5.A. regarding the City's Street Pavement Management Plan, and requested the City Council consider the volume of traffic when selecting streets as well as condition.

MICHAEL DEJONG, commented on the military jet noise at the Palm Springs International Airport, and commented on the Prop. 65 warning provided to properties in proximity of the Airport.

COUNCILMEMBER COMMENTS: None.

CITY MANAGER'S REPORT:

City Manager Ready provided an update on the City Hall Parking Lot Improvement Project and Bogert Trail Bridge, the Ramon Academy visit to the Palm Springs Fire Department, and provided an update on water conservation.

2. CONSENT CALENDAR:
ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., 2.I., 2.K., and 2.L. **Motion Councilmember Hutcheson, 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 March 4, 2015, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:
ACTION: Approve the City Council Minutes of February 18, 2015. **Approved as part of the Consent Calendar.**

2.C. SECOND READING AND ADOPTION OF ORDINANCE NO. 1872 AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY (ANNEXATION NO. 8) (DESERT PALISADES, TRACT 35540):
ACTION: Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1872, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY (ANNEXATION NO. 8) (DESERT PALISADES, TRACT 35540)." **Approved as part of the Consent Calendar.**

2.D. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF INDIO TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING MARCH 19, 2017:
ACTION: Reappoint Jack Horner, as the City of Indio representative, to the Palm Springs International Airport Commission for the term ending March 19, 2017. **Approved as part of the Consent Calendar.**

2.E. TREASURER'S INVESTMENT REPORT AS OF JANUARY 31, 2015:
ACTION: Receive and File the Treasurer's Investment Report as of January 31, 2015. **Approved as part of the Consent Calendar.**

2.F. APPOINT A MEMBER TO THE PUBLIC ARTS COMMISSION FOR THE UNEXPIRED TERM ENDING JUNE 30, 2016:
ACTION: Appoint Ann Sheffer to the Public Arts Commission for the unexpired term ending June 30, 2016. **Approved as part of the Consent Calendar.**

2.G. ACCEPTANCE OF THE LIFT STATIONS COMMUNICATIONS UPGRADE PROJECT (CP 14-11):
ACTION: 1) Accept the public works improvement identified as the Lift Station Communications Upgrade Project as complete (CP 14-11); 2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Lift Stations Communications Upgrade Project (CP 14-11); and 3) Authorize release of retention to Veolia 32 days after recordation of the Notice of Completion, if no claims are submitted. **Approved as part of the Consent Calendar.**

2.I. APPROVAL OF PROPOSAL FOR AN AMOUNT NOT TO EXCEED $36,000 FOR DESIGN SERVICES BY MSA CONSULTING, INC. FOR THE TAHQUITZ CREEK TRIANGLE GATEWAY PROJECT (CP 14-16):
ACTION: 1) Approve the proposal from MSA Consulting, Inc. for an amount not to exceed $36,000 for engineering design services for Tahquitz Creek Triangle Gateway (CP 14-16); and 2) Authorize the City Manager to execute all necessary documents. A6445. **Approved as part of the Consent Calendar.**

2.K. APPROVE PLANS AND SPECIFICATIONS AND AUTHORIZATION TO BID THE MAIN RUNWAY REHABILITATION PROJECT:
ACTION: 1) Approve the plans and specifications for the Palm Springs International Airport Main Runway Rehabilitation Project (AIP No. 3-06-0181-053-2015); and 2) Authorize the City Manager to advertise and solicit bids. **Approved as part of the Consent Calendar.**

2.L. AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION TO THE STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES 2014 WATER-ENERGY GRANT PROGRAM:

ACTION: 1) Adopt Resolution No. 23777, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ENDORSING THE APPLICATION FOR THE 2014 WATER-ENERGY GRANT PROGRAM AND CONDITIONALLY ACCEPTING GRANT IF OFFERED, AND DESIGNATING PROJECT REPRESENTATIVE, CONTRACT MANAGER AND FISCAL AGENT;" and 2) Authorize the City Manager to execute all necessary documents associated with the 2014 Water-Energy Grant Program. A6675. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.H. AWARD A CONSTRUCTION CONTRACT TO ALL AMERICAN ASPHALT, INC. IN THE AMOUNT OF $1,320,405 FOR THE BICYCLE CORRIDORS PHASE 1 PROJECT (CP 13-32):

Councilmember Mills requested City Staff clarify the scope of the contract, requested Staff address the traffic studies and the General Plan, and provided further detail on certain sections of streets proposed with bike lanes.

ACTION: 1) Adopt Resolution No. 23775, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MAKING FINDINGS PURSUANT TO SECTION 891 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE FOR THE INSTALLATION OF GREEN BACKGROUND FOR SHARED LANE MARKINGS AND BIKE LANE MARKINGS;" 2) Award a construction contract to All American Asphalt for Bid Schedules A, B, C, and D, with the addition of Add Alternative Items No. 1 and No. 2 of the Alternative Bid Schedules A, B, C, and D, in the total contract amount of $1,320,405 for the Bicycle Corridors, Phase 1 (CP 13-32); 3) Approve Change Order No. 1 in the estimated amount of $50,000 to include Class 3 bicycle routes with green back (Type B) Sharrows and bike route signage on Mesquite Avenue (from Camino Real to Sunrise Way), and on Via Escuela (from Sunrise Way to Gene Autry Trail); 4) Authorize the City Manager to approve and execute construction contract change orders up to an additional amount of $50,000; 5) Authorize the City Manager to execute all necessary documents; and 6) Direct staff to return with further information on El Cielo from Tahquitz Canyon to Ramon. A6674. **Motion Mayor Pro Tem Lewin, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

Councilmember Mills stated he has a business related conflict of interest with respect to Item 2.J. Tract Map 30046, would not participate in the discussion or the vote, and left Council Chamber.

2.J. TIME EXTENSIONS OF SUBDIVISION IMPROVEMENT AGREEMENTS FOR VARIOUS PROJECTS:

Councilmember Foat requested Staff address the progress of the projects and why the Racquet Club is not on the list, and requested Staff review other projects in the City for their progress before further extensions.

ACTION: Adopt Resolution No. 23776, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING TIME EXTENSIONS OF VARIOUS SUBDIVISION IMPROVEMENT AGREEMENTS."
A4814, Tract Map 28966, "Preserve Estates", extended to June 18, 2016
A4955, Tract Map 30050, "Alta", extended to February 3, 2016
A5086, Tract Map 32233-1, "Escena", extended to April 2, 2016
A5087, Tract Map 32233-2, "Escena", extended to April 2, 2016
A5088, Tract Map 32233-3, "Escena", extended to April 2, 2016
A5089, Tract Map 32233-4, "Escena", extended to April 2, 2016
A5100, Tract Map 31263, "The Towers", extended to February 3, 2016
A5131, Tract Map 30046, "Monte Sereno", extended to March 18, 2016
A5155, Tract Map 31514, "Luminaire", extended to June 18, 2016
A5246, Tract Map 33561, "Palermo", extended to April 2, 2016
A5246, Tract Map 33933, "Murano", extended to May 24, 2016
A5426, Tract Map 32732, "Oceo", extended to May 20, 2016
Motion Councilmember Foat, seconded by Mayor Pro Tem Lewin and unanimously carried 4-0 on a roll call vote.

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

Councilmember Mills returned to the dais.

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS:

4.A. PALM SPRINGS, LLC, REQUEST FOR FINAL PLANNED DEVELOPMENT DISTRICT (PDD) PLAN APPROVAL FOR PDD 324 TO CONSTRUCT A MIXED-USE DEVELOPMENT CONSISTING OF A 150-ROOM HOTEL, COMMERCIAL SPACE AND PARKING STRUCTURES AT 400 NORTH PALM CANYON DRIVE (CASE 5.1091 / PD-324):
Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated March 4, 2015.

Councilmember Foat requested Staff address the encroachment shading canopy on Palm Canyon Drive.

Councilmember Mills commented on the vast improvement to the project, and commented on the responsiveness of the Applicant and the design team.

Mayor Pro Tem Lewin thanked the City Council Subcommittee for working with the Applicant on the improved project, and stated he supports the encroachment concept.

Councilmember Foat requested Staff address the potential removal of the City archway on Palm Canyon Drive.

Mayor Pougnet thanked the Applicant, commented on the history of the development of the site, and requested the Applicant address the proposed timeframe to opening.

ACTION: Adopt Resolution No. 23778, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, FINDING THE REVISED FINAL DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT DISTRICT 324 IS IN CONFORMANCE WITH THE PRELIMINARY DEVELOPMENT PLAN FOR THE CONSTRUCTION OF A 150-ROOM HOTEL, ANCILLARY COMMERCIAL USES AND PARKING STRUCTURES LOCATED AT THE SOUTHEAST CORNER OF ALEJO ROAD AND NORTH PALM CANYON DRIVE AND FINDING THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION NUMBER 2006109031 AS SUFFICIENT AND APPROPRIATE ENVIRONMENTAL DOCUMENTATION FOR THE FINAL DEVELOPMENT PLAN;" *amending the Conditions of Approval as follows: a) Final Plans for the Shade Structures to be submitted and approved by Planning Staff, b) Final Landscape Plans to be submitted and approved by Planning Staff, and c) incorporate three Planning Commission recommendations for the encroachment for additional shade structures, shade devices should include misting devices, and barrel cactus is not used in grade-level planter areas.* **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

4.B. PALM SPRINGS INTERNATIONAL AIRPORT MASTER PLAN UPDATE:

City Manager Ready and the City's Airport Master Plan Consultant provided background information as outlined in the Staff Report dated March 4, 2015.

Councilmember Foat requested clarification on the relocation of the U.S. Customs Office, the height of the proposed parking garage, the purpose of relocating the USO, and commented on the use of the Boxing Club.

Councilmember Mills requested clarification of the proposed rental car garage, the access from the rental car counter, any potential restaurant or retail uses on the Airport property, the commercial parking lot, allow an outside area or patio for use by the USO, the future design and separation

of rental car counter, and commented on the need for separation between the proposed parking garage and the existing airport.

Mayor Pro Tem Lewin commented on the improvement to the plan and the historic beauty of the City's existing airport, and commented on an outdoor space for the USO.

ACTION: 1) Accept the "Recommended Alternative for Airside, Terminal and Landside Facilities" at the Palm Springs International Airport; 2) Direct Staff to proceed with all Federal (NEPA) and California (CEQA) environmental processes for subsequent review by the City Council; and 3) Direct Staff to submit revisions to the Palm Springs International Airport Commission, the Historic Site Preservation Board, and the Planning Commission. **Motion Councilmember Mills, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

Mayor Pro Tem Lewin stated he has a property ownership related conflict of interest with respect to Item 4.C., would not participate in the discussion or the vote, and left Council Chamber.

4.C. APPROVAL OF REFINANCING OF ASSESSMENT DISTRICT DEBT AND CONSOLIDATING ASSESSMENT DISTRICTS AD 161, AD 162 AND AD 164 INTO ONE CONSOLIDATED REASSESSMENT DISTRICT NO. 2015-1:

Suzanne Harrell, City Financial Consultant, provided background information as outlined in the Staff Report dated March 4, 2015.

ACTION: 1) Adopt Resolution No. 23779, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF INTENTION TO LEVY REASSESSMENTS AND TO ISSUE REFUNDING BONDS CONSOLIDATED REASSESSMENT DISTRICT NO. 2015-1;" 2) Adopt Resolution No. 23780, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING REASSESSMENT REPORT, CONFIRMING AND ORDERING THE REASSESSMENT PURSUANT TO SUMMARY PROCEEDINGS AND DIRECTING ACTIONS WITH RESPECT THERETO CONSOLIDATED REASSESSMENT DISTRICT NO. 2015-1;" 3) Adopt Resolution No. 23781, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE ISSUANCE OF REFUNDING BONDS, APPROVING AND DIRECTING THE EXECUTION OF A FISCAL AGENT AGREEMENT AND AN ESCROW DEPOSIT AND TRUST AGREEMENT, AUTHORIZING SALE OF BONDS, AND OTHER RELATED DOCUMENTS AND ACTIONS WITH RESPECT THERETO CONSOLIDATED REASSESSMENT DISTRICT NO. 2015-1;" and 4) Authorize the City Manager to execute all necessary documents. **Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

Mayor Pro Tem Lewin returned to the dais.

5. NEW BUSINESS:

5.A. PRESENTATION OF THE 2015 PAVEMENT MANAGEMENT PROGRAM AND AUTHORIZATION TO BID:

Marcus Fuller, Assistant City Manager/City Engineer provided background information as outlined in the Staff Report dated March 4, 2015.

Mayor Pougnet commented on the highly used roads and thanked Staff for the comprehensive report.

Councilmember Mills commented on the detail in the street paving report compared to the City's prior report, and commented on the condition of some of the main arterials and potential funding.

Mayor Pro Tem Lewin requested Staff address the construction project on Indian Canyon and if it should be delayed, and commented on the additional criteria on the PCI scorning.

Councilmember Hutcheson commented on the massive size of this proposed street pavement project.

Councilmember Foat asked if Staff has been in contact with Verizon and Desert Water Agency prior to the reconstruction of any streets.

Councilmember Mills requested Staff coordinate on the installation of bike lanes.

ACTION: 1) Receive the 2015 Pavement Management Program; and 2) Approve the list of streets to include as part of the 2015 Pavement Rehabilitation Project and authorize bidding (CP 15-01). **Motion Mayor Pro Tem Lewin, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

5.B. APPROVE THE SALE AND ISSUANCE OF 2015 LOCAL MEASURE A SALES TAX BOND FINANCING IN THE AMOUNT NOT TO EXCEED $7,000,000:

Suzanne Harrell, City Financial Consultant, provided background information as outlined in the Staff Report dated March 4, 2015.

Councilmember Mills requested Staff to comment on the capacity of the City to issue bonds.

ACTION: 1) Adopt Resolution No. 23782, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE SALE OF NOT TO EXCEED $7,000,000 PRINCIPAL AMOUNT OF 2015 LOCAL MEASURE A SALES TAX REVENUE BONDS AND APPROVING RELATED DOCUMENTS AND OFFICIAL ACTIONS;" and 2) Authorize the City Manager to execute all necessary documents. **Motion Councilmember Foat, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Mills requested City Staff review the lack of maintenance at the DMV property.

Councilmember Foat requested City Staff review the pedestrian crosswalks in the Uptown area.

Mayor Pro Tem Lewin commented on the pedestrian crosswalks in the Uptown area, and requested the Tahquitz Creek area landscape be placed on a future City Council agenda.

Mayor Pougnet commented on the condition of the Rock Garden Cafe and requested Code Enforcement action, requested Staff continue to work with the Horizon Hotel for the installation of the sidewalk, empty landscaping areas for Palm Trees east of the Horizon Hotel, and requested a City Council Subcommittee meeting on Special Events.

ADJOURNMENT: The City Council adjourned, *in memory of former Rancho Mirage Mayor Scott Hines*, at 8:30 p.m. to Wednesday, March 18, 2015, 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 18TH DAY OF MARCH, 2015.

STEPHEN P. POUGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK