

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



**MEETING MINUTES
WEDNESDAY, OCTOBER 7, 2015
CITY HALL COUNCIL CHAMBER**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:06 p.m.

PLEDGE OF ALLEGIANCE: Girl Scout Troop 1744, led the Pledge.

INVOCATION: Michale Cashe, Inner Faith Spiritual Center, led the Invocation.

ROLL CALL:

PRESENT: Councilmember Foat, Councilmember Hutcheson, Mayor Pro Tem Lewin, and Mayor Pougnet.

ABSENT: Councilmember Mills.

ALSO PRESENT: City Manager Ready, City Attorney Holland, City Clerk Thompson.

ACCEPTANCE OF THE AGENDA:

Councilmember Foat noted a property related conflict of interest on Item 2.F. and stated she would not participate in the discussion or the vote, and requested Items 2.H., 2.Q., and 2.AA. be removed from the Consent Calendar for separate discussion.

Councilmember Hutcheson noted his abstention on Item 2.B., Approval of the City Council Minutes for September 16, 2015.

ACTION: Accept the Agenda as amended. **Motion Councilmember Hutcheson, seconded by Councilmember Foat 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.

PRESENTATIONS:

Mayor Pougnet announced the City's election website VotePalmSprings.com.

Scott White, Greater Palm Springs Convention and Visitors Bureau, provided the City Council an update on the activities of the CVB.

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 54956.9(b)(3)(B) Liability Claim filed by Flavio Semas on February 24, 2015, City Claim No. 15-0478, and stated information was received by the City after the posting the Agenda, and there is an immediate need to hear and/or take action on the Claim.

ACTION: 1) Find that information was received after the posting of the Agenda and there is an immediate need to hear and/or take action on the Item ; and 2) Add one Item to the Closed Session Agenda, pursuant to Cal. Gov. Code Section 54956.9(b)(3)(B) Liability Claim filed by Flavio Semas on February 24, 2015, City Claim No. 15-0478. **Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried (4-0), noting the absence of Councilmember Mills.**

City Attorney Holland stated the City Council recessed into Closed Session to discuss items on the Closed Session Agenda, and stated the Mayor did not participate in one matter of Initiation of Litigation and the real property located at 128 South Palm Canyon, Councilmember Lewin and Mayor Pro Tem Hutcheson did not participate in one matter of Initiation of Litigation, and the City Council provided direction to City Staff and the City Attorney, otherwise no reportable actions were taken.

1. PUBLIC HEARINGS:

1.A. SEWER CONSTRUCTION REFUND AGREEMENT WITH CHRISTOPHER MEYERS FOR A PUBLIC SEWER LINE EXTENSION IN CANTINA WAY:

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated October 7, 2015.

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

ACTION: 1) Approve the Sewer Construction Refund Agreement with Christopher Meyers for a public sewer line extension in Cantina Way; and 2) Direct the City Clerk to record the Sewer Construction Refund Agreement with the Riverside County Recorder. A6765. **Motion Mayor**

Pro Tem Lewin, seconded by Councilmember Hutcheson 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.

PUBLIC COMMENT:

TRAVIS ARMSTRONG, commented on the installation of recycling containers in City parks.

ALLEN WORTHY, commented on the City Council voting and contacting City Hall.

ANDREI DOROSHIN, commented on Invisible Sea, Inc. organization and proposal to save the Salton Sea.

DEAN MANGIONE, Palm Springs, requested the City Council pull from the Consent Calendar Item 2.D. regarding permits for small residential rooftop solar.

TONY AGUILAR, Palm Springs, commented on the Greater Palm Springs Golf Classic, and requested the City Council name a street after Trini Lopez.

BOB ALEXANDER, requested the City Council name a street after Trini Lopez.

FRANK TYSEN, requested the City Council name a street after Trini Lopez.

PETE PENTA, requested the City Council name a street after Trini Lopez.

MIKE SCHAEFER, requested the City Council consider financial awards to reward voters who participate in the election.

DARYL TERRELL, Moreno Valley, encouraged City residents to continue to have hope to address current events.

DONNA CHABAN DELMAS, requested the City Council consider an application by Joy Brown Meredith for medical cannabis.

BARBARA MARSHALL, commented on La Serena Villas Historic Designation and the current restoration efforts.

NANCY STUART, Palm Springs, provided an update on the activities of the Mount San Jacinto Winter Park Authority Tramway Board.

DR. JONATHAN FREEMAN, Palm Springs, requested the City Council consider action on the vacant Magruder property.

ELAY GOODMAR, commented on Dmitri Navroska operating in Palm Springs.

JOHN TYMON, commented on the removal of his vehicle from his driveway.

RICHARD FINN, requested the City Council consider a proclamation for one day of peace and create a day of peace in the City of Palm Springs.

GARY JOHNS, Chair Historic Site Preservation Board, and commented on the condition of the Cornella White House.

IAN ARMSTRONG, commented on cannabis products and the application process.

COUNCILMEMBER COMMENTS:

Mayor Pro Tem Lewin requested the City address the Code Enforcement activities on the vacant Magruder property, and requested City Staff review solar glare.

Councilmember Foat provided an update on the Palm Springs Homeless Task Force.

Mayor Pougnet commented on the capital improvements and Development in South 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.G., 2.I., 2.J., 2.K., 2.L., 2.M., 2.N., 2.O., 2.P., 2.R., 2.S., 2.T., 2.U., 2.V., 2.W., 2.X., 2.Y., and 2.Z.
Motion Mayor Pro Tem Lewin, seconded by Councilmember Hutcheson 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.

2.A. REPORT ON THE POSTING OF THE AGENDA:

ACTION: Receive and file Report on the Posting of the October 7, 2015, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of September 2, 2015, and September 16, 2015. **Approved as part of the Consent Calendar,**

noting the abstention of Councilmember Hutcheson on the Minutes of September 16, 2015.

2.C. ACCEPT THE RESIGNATION OF ROBERT MOON FROM THE MEASURE J OVERSIGHT COMMISSION:

ACTION: 1) Accept with regret the resignation of Robert Moon from the Measure J Oversight Commission; and 2) Direct the City Clerk to post a notice of vacancy for the unexpired term ending June 30, 2017. **Approved as part of the Consent Calendar.**

2.D. SECOND READING AND ADOPTION OF ORDINANCE NO. 1885 PROVIDING FOR AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65850.5:

ACTION: Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1885, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 8.100 TO TITLE 8 OF THE PALM SPRINGS MUNICIPAL CODE TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS." **Approved as part of the Consent Calendar.**

2.E. SECOND READING AND ADOPTION OF ORDINANCE NO. 1888 ADDING SECTION 10.24.021 TO THE PALM SPRINGS MUNICIPAL CODE, PROHIBITING THE RETAIL SALE OF DOGS AND CATS WITHIN THE CITY OF PALM SPRINGS AND CEQA EXEMPTION:

ACTION: Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1888, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 10.24.021 TO THE PALM SPRINGS MUNICIPAL CODE, PROHIBITING THE RETAIL SALE OF DOGS AND CATS WITHIN THE CITY OF PALM SPRINGS, SUBJECT TO CERTAIN EXCEPTIONS." **Approved as part of the Consent Calendar.**

2.F. SECOND READING AND ADOPTION OF ORDINANCE NO. 1886 APPROVING PRELIMINARY PLANNED DEVELOPMENT DISTRICT 374 IN LIEU OF A CHANGE OF ZONE FOR A 39-ROOM HOTEL DEVELOPMENT WITH ACCESSORY USES ON A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE:

ACTION: Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1886, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PRELIMINARY PLANNED DEVELOPMENT DISTRICT 374 IN LIEU OF A CHANGE OF ZONE FOR A 39-ROOM HOTEL DEVELOPMENT WITH ACCESSORY USES ON A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE

(CASE 5.1350 PDD 374/GPA/CUP/3.3795 MAJ).” **Approved as part of the Consent Calendar, noting the property related abstention/absence of Councilmember Foat.**

- 2.G. TREASURER’S INVESTMENT REPORT AS OF AUGUST 31, 2015:**
ACTION: Receive and File the Treasurer’s Investment Report as of August 31, 2015. **Approved as part of the Consent Calendar.**
- 2.I. PROPOSED RESOLUTION APPOINTING AN INTERIM RETIRED ANNUITANT TO THE VACANT POSITION OF DIRECTOR OF MAINTENANCE AND FACILITIES PURSUANT TO GOVERNMENT CODE SECTION 21221(H) EFFECTIVE AUGUST 10, 2015:**
ACTION: 1) Adopt Resolution No. 23902, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPOINTING AN INTERIM RETIRED ANNUITANT TO THE VACANT POSITION OF DIRECTOR OF MAINTENANCE AND FACILITIES FOR THE CITY OF PALM SPRINGS PURSUANT TO GOVERNMENT CODE SECTION 21221(H) EFFECTIVE AUGUST 10, 2015;” and 2) Authorize the City Manager to execute any documents necessary to effectuate the above actions. **Approved as part of the Consent Calendar.**
- 2.J. AUTHORIZE THE CITY MANAGER TO PURCHASE NATURAL GAS FOR A PERIOD OF 24 MONTHS THROUGH NOVEMBER 30, 2017:**
ACTION: 1) Authorize the City Manager to enter into purchase agreements for natural gas from the wholesale commodity market for a term not to exceed 24 months through November 30, 2017; and 2) Authorize the City Manager to execute all necessary documents. A6634. **Approved as part of the Consent Calendar.**
- 2.K. REJECT THE BID RECEIVED FOR THE AIRPORT LANDSCAPE CONVERSION PROJECT (CP 15-22):**
ACTION: 1) Reject the bid received on July 30, 2015, from KASA Construction, Inc. for the Airport Landscape Conversion Project (CP 15-22); 2) Suspend the Airport Landscape Conversion Project (CP 15-22); and 3) Authorize re-bidding at the time revised construction drawings and specifications are made available. **Approved as part of the Consent Calendar.**
- 2.L. ACCEPTANCE OF FIRE STATION NO. 442 EMERGENCY GENERATOR INSTALLATION (CP 13-29):**
ACTION: 1) Accept the public works improvement identified as Fire Station 442 Emergency Generator Installation Project as completed (CP 13-29); and 2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for Fire Station 442 Emergency Generator Installation (CP 13-29). A6766. **Approved as part of the Consent Calendar.**

2.M. CHANGE ORDER NO. 2 IN THE AMOUNT OF \$26,669.76 WITH GOLDEN VALLEY CONSTRUCTION FOR A TOTAL CONTRACT AMOUNT OF \$188,734.10, AND ACCEPTANCE OF THE ANDREAS ROAD TWO-WAY CONVERSION (CP 13-27):

ACTION: 1) Approve Change Order No. 2 in the amount of \$26,669.75 with Golden Valley Construction for a final contract amount of \$188,734.10 for the Andreas Road Two-Way Conversion (CP 13-27); 2) Accept the public work of improvement identified as the Andreas Road Two-Way Conversion as completed (CP 13-27); and 3) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Andreas Road Two-Way Conversion (CP 13-27). A6578. **Approved as part of the Consent Calendar.**

2.N. APPROVAL OF A SEWER CONNECTION EXEMPTION FOR THE PROPERTY LOCATED 2425 TUSCAN ROAD IN ACCORDANCE WITH TITLE 15 OF THE PALM SPRINGS MUNICIPAL CODE:

ACTION: Approve an exemption to the requirement to connect to the public sewer system for the property located at 2425 Tuscan Road, in accordance with Chapter 15.14.010 of the Palm Springs Municipal Code, and Resolution No. 20650 subject to a requirement to execute a Sewer Covenant obligating connection to the public sewer when available in the future. **Approved as part of the Consent Calendar.**

2.O. APPROVAL OF AN ENCROACHMENT LICENSE TO DEAD OR ALIVE LLC, FOR CERTAIN PRIVATE IMPROVEMENTS LOCATED AT 150 E. PALM CANYON DRIVE, ENGINEERING FILE ENCROACHMENT LICENSE (EL) 15-01:

ACTION: 1) Approve an Encroachment License with Dead or Alive, LLC for installation of an overhead light fixture on an existing building overhang, with existing lighting, and a wrought iron fence located in the public right-of-way located at 150 E. Palm Canyon Drive; and 2) Authorize the City Manager to execute all necessary documents. A6767. **Approved as part of the Consent Calendar.**

2.P. APPROVE THE USE OF SPECIFIED LIBRARY NAMES TO THE FRIENDS OF THE PALM SPRINGS LIBRARY AND THE PALM SPRINGS PUBLIC LIBRARY FOUNDATION FOR FUNDRAISING PURPOSES:

ACTION: Authorize the Friends of the Palm Springs Library and the Palm Springs Public Library Foundation the non-exclusive use of specific names "Palm Springs Public Library, Palm Springs Library, and Welwood Murray Memorial Library," to enter into fundraising licensing agreements under certain limited terms: a) to use the terms in a manner that reflects favorably to the City and the Library, b) any agreement shall be no more than three (3) years, c) ability to terminate the agreement for convenience

after 60-day notice, d) agreements shall be for the non-exclusive use of the name, and e) all agreements shall be subject to review and approval by the City Attorney. **Approved as part of the Consent Calendar.**

2.R. ACCEPT THE RESIGNATION OF JEFF CONWELL FROM THE PARKS AND RECREATION COMMISSION:

ACTION: 1) Accept the resignation of Jeff Conwell from the Parks and Recreation Commission; and 2) Direct the City Clerk to post a notice of vacancy for the unexpired term ending June 30, 2018. **Approved as part of the Consent Calendar.**

2.S. AUTHORIZATION TO APPLY FOR PROPOSITION 1 GRANT FUNDS THROUGH THE COACHELLA VALLEY MOUNTAINS CONSERVANCY:

ACTION: Adopt Resolution No. 23903, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUPPORTING AND AUTHORIZING SUBMITTAL OF APPLICATIONS FOR GRANT FUNDS FROM THE COACHELLA VALLEY MOUNTAINS CONSERVANCY PROPOSITION 1 PROGRAM, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE ALL SUCH APPLICATIONS AND AGREEMENTS." **Approved as part of the Consent Calendar.**

2.T. AMENDMENT NO. 2 TO LEASE AGREEMENT NO. A5917 WITH THE AGUA CALIENTE BAND OF CAHUILLA INDIANS FOR COUNTER USE AT THE VISITOR CENTER LOCATED AT 2901 NORTH PALM CANYON DRIVE FOR THE PURPOSE OF PROMOTING TOURISM:

ACTION: 1) Approve Amendment No. 2 to Lease Agreement A5917 with the Agua Caliente Band of Cahuilla Indians for non-exclusive use of the City owned Visitor Center at 2901 North Palm Canyon Drive for the purpose of promoting tourism; and 2) Authorize the City Manager or his designee to execute all the necessary documents. A5917. **Approved as part of the Consent Calendar.**

2.U. MEMORANDUM OF UNDERSTANDING WITH THE GREATER PALM SPRINGS CONVENTION & VISITORS BUREAU FOR COOPERATIVE AIR SERVICE DEVELOPMENT COST SHARING:

ACTION: 1) Approve Air Service Memorandum of Understanding with Greater Palm Springs Convention & Visitors Bureau in an amount not to exceed \$50,000; and 2) Authorize the City Manager to execute all necessary documents. A6768. **Approved as part of the Consent Calendar.**

2.V. ACCEPTANCE OF THE PAVEMENT OVERLAY AND RECONSTRUCTION PROJECT (CP 14-04):

ACTION: 1) Accept the public work of improvement identified as the Pavement Reconstruction and Overlay Project as completed (CP 14-04);

and 2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Pavement Reconstruction and Overlay Project (CP 14-04). A6565. **Approved as part of the Consent Calendar.**

2.W. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE RAMON ROAD PAVEMENT REHABILITATION (CP 14-02) FEDERAL AID PROJECT NO. STPLN-5282 (043):

ACTION: 1) Approve the plans, specifications and estimate; and 2) Authorize staff to advertise and solicit bids for the Ramon Road Pavement Rehabilitation (CP 14-02). **Approved as part of the Consent Calendar.**

2.X. AWARD A CONSTRUCTION CONTRACT TO CCS CONTRACTORS INC. IN THE AMOUNT OF \$157,500 FOR THE FIRE STATION NO. 2 CHILLER REPLACEMENT PROJECT (CP 14-17):

ACTION: 1) Award a construction contract to CCS Contractors, Inc. for the Fire Station No. 2 Chiller Replacement Project in the amount of \$157,500 (CP 14-17); and 2) Authorize the City Manager to execute all necessary documents. A6769. **Approved as part of the Consent Calendar.**

2.Y. AWARD A CONSTRUCTION CONTRACT TO HOT LINE CONSTRUCTION, INC. IN THE AMOUNT OF \$219,800 FOR THE DEMUTH PARK AND RUTH HARDY PARK SECURITY PATH LIGHTING IMPROVEMENTS (CP 14-19):

ACTION: 1) Award a construction contract to Hot Line Construction, Inc. in the amount of \$219,800 for Bid Schedules A, B and C for the Demuth Park and Ruth Hardy Park Security Path Lighting Improvements Project (CP 14-19); and 2) Authorize the City Manager to execute all necessary documents. A6770. **Approved as part of the Consent Calendar.**

2.Z. PROPOSED RESOLUTION TEMPORARILY SETTING THE RATE ON THE 911 EMERGENCY ACCESS LINE TAX ON PREPAID WIRELESS SERVICE AND CONVERTING THE RATE TO A PERCENTAGE PURSUANT TO AB 1717 TO ENSURE COLLECTION OF THE CITY'S 911 EMERGENCY ACCESS LINE TAX ON PREPAID WIRELESS SERVICE:

ACTION: 1) Adopt Resolution No. 23904, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, TEMPORARILY REDUCING THE 911 ACCESS LINE TAX ON PREPAID WIRELESS SERVICES FROM \$1.21 TO \$0.86 FROM JANUARY 1, 2016, TO JANUARY 1, 2020;" and 2) Authorize the City Manager and City Attorney to execute all necessary documents. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.H. COACHELLA VALLEY ECONOMIC PARTNERSHIP (CVEP) ANNUAL REPORT FOR THE PERIOD OF JULY 1, 2014, THROUGH JUNE 30, 2015:

Councilmember Foat commented on the lack of public knowledge regarding the iHub and the Palm Springs Accelerator Campus.

ACTION: Receive and file the CVEP Annual Report, for the period of July 1, 2014, through June 30, 2015. **Motion Councilmember Foat, seconded by Councilmember Hutcheson 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.

2.Q. ACCEPT THE RESIGNATION OF ALISON ELSNER FROM THE PARKS AND RECREATION COMMISSION:

Councilmember Foat thanked Alison Elsner for her community service, and commented on the joint efforts with the Sustainability Commission and the Parks and Recreation Commission for water conservation.

ACTION: 1) Accept with regret the resignation of Alison Elsner from the Parks and Recreation Commission; and 2) Direct the City Clerk to post a notice of vacancy for the unexpired term ending June 30, 2017. **Motion Councilmember Foat, seconded by Councilmember Hutcheson 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.

2.AA. AWARD A CONSTRUCTION CONTRACT TO GOLDEN VISTA CONSTRUCTION INC. DBA GOLDEN VALLEY CONSTRUCTION, IN THE AMOUNT OF \$346,141 FOR THE TAHQUITZ CREEK TRIANGLE GATEWAY (CP 14-16):

Councilmember Foat requested the reactivation of the Tahquitz Creek Subcommittee.

ACTION: 1) Award a construction contract to Golden Vista Construction, Inc. dba Golden Valley Construction, in the amount of \$346,141 for the Tahquitz Creek Triangle Gateway (CP 14-16); and 2) Authorize the City Manager to execute all necessary documents. A6771. **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.

2.BB. CONSTRUCTION CONTRACT FOR THE PALM SPRINGS ENTRY SIGNS (CP 13-31):

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated October 7, 2015.

ACTION: 1) Reject all bids for the Palm Springs Entry Signs (CP 13-31); and 2) Authorize Staff to advertise and solicit new bids for the project. **By unanimous consent of the City Council (4-0), noting the absence of Councilmember Mills.**

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS:

Mayor Pougnet stated to avoid the appearance of a conflict of interest he would not participate in the discussion or vote with respect to Item 4.A., and left Council Chamber.

Mayor Pro Tem Lewin conducted this portion of the meeting.

4.A. CITY COUNCIL DIRECTED INDEPENDENT LEGAL REVIEW OF POLICY, PROCEDURES, REGULATIONS AND PRACTICES FOR THE TRANSFER AND/OR SALE OF CITY AND SUCCESSOR AGENCY OWNED REAL PROPERTY AND THE LONG TERM PROPERTY MANAGEMENT PLAN:

Dan Carigg, League of California Cities, provided an update on the status of the Dissolution Act.

Murray Kane, Kane, Ballmer & Berkman, provided background information as outlined in his Independent Legal Review of the City's actions on the Transfer/Sale of Successor Agency property and the Long Term Property Management Plan.

City Manager Ready provided a Staff response to the Independent Legal Review, and provided proposed steps going forward.

ACTION: Receive the Independent legal review report, from Kane, Ballmer and Berkman, on the former Redevelopment Agency property transactions and the long term property management plan as approved by the Successor Agency, the Oversight Board and the California Department of Finance. **By unanimous consent of the City Council (3-0), noting the absence of Mayor Pougnet and Councilmember Mills.**

The City Council recessed at 8:59 p.m.

The City Council reconvened at 9:08 p.m., and the Mayor returned to the dais.

4.B. APPROVAL OF VARIOUS AGREEMENTS WITH SOLARCITY CORPORATION FOR SOLAR PHOTOVOLTAIC SYSTEMS AT THE WASTEWATER TREATMENT PLANT AND SUNRISE PARK, AND APPROVAL OF A CEQA CATEGORICAL EXEMPTION, AS PART OF THE CITYWIDE SOLAR PROJECT (CP 15-03):

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated October 7, 2015.

Mayor Pro Tem Lewin commented on the scope of the project.

ACTION: 1) Adopt Resolution No. 23905, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MAKING FINDINGS AND AUTHORIZING THE CITY MANAGER TO ENTER INTO CERTAIN INFRASTRUCTURE FINANCING AGREEMENTS AND ASSOCIATED CONTRACTS WITH SOLARCITY CORPORATION PURSUANT TO GOVERNMENT CODE 5956, ET SEQ., FOR THE COMPLETE DESIGN, CONSTRUCTION, OPERATION AND MAINTENANCE OF SOLAR PHOTOVOLTAIC SYSTEMS AT THE WASTEWATER TREATMENT PLANT AND AT SUNRISE PARK, AND APPROVING AND ORDERING THE FILING OF A CEQA NOTICE OF EXEMPTION;" 2) Approve Amendment No. 4 to Agreement No. A6401 increasing the contract amount by \$69,650 for a total not to exceed amount of \$246,213 with Newcomb/Anderson/McCormick, Inc., for contract negotiation and coordination services; and 3) Authorize the City Manager to execute all necessary documents. A6772. A6773. A6401. **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.

5. NEW BUSINESS:

5.A. PROPOSED RESOLUTION APPROVING AN AMENDED AND RESTATED JOINT POWERS AGREEMENT FOR THE GREATER PALM SPRINGS CONVENTION AND VISITORS BUREAU:

City Manager Ready provided background information as outlined in the Staff Report dated October 7, 2015.

ACTION: 1) Adopt Resolution No. 23906, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE GREATER PALM SPRINGS CONVENTION AND VISITORS BUREAU AMENDED AND RESTATED JOINT POWERS AGREEMENT;" and 2) Authorize the City Manager to execute all necessary documents. A2660. **Motion Mayor Pro Tem Lewin, seconded by Councilmember Hutcheson 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.

5.B. PALM SPRINGS AIR MUSEUM LEASE AMENDMENT FOR EXPANSION:

City Manager Ready provided background information as outlined in the Staff Report dated October 7, 2015.

Mayor Pougnet stated the Museum has been an attraction and offers educational programs and recommends the City moves forward.

ACTION: Direct Staff to proceed with further negotiations with the Palm Springs Air Museum and return to the City Council. **By unanimous consent of the City Council (4-0) noting the absence of Councilmember Mills.**

5.C. APPROVE SIDE LETTERS OF AGREEMENT WITH THE PALM SPRINGS FIRE MANAGEMENT ASSOCIATION AND THE FIRE SAFETY ASSOCIATION MODIFYING THE FIRE SUPPRESSION SHIFT SCHEDULE ON A TRIAL BASIS:

City Manager Ready provided background information as outlined in the Staff Report dated October 7, 2015.

ACTION: 1) Approve Side Letters of Agreement with the Palm Springs Fire Management Association and the Palm Springs Fire Safety

Association modifying the fire suppression shift schedule to a "48/96" schedule for a 384 day trial period to be in compliance with Fair Labor Standards Act; and 2) Authorize the City Manager to execute all necessary documents. A5428. A5364. **Motion Councilmember Foat, seconded by Mayor Pougnet 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.

5.D. AWARD A CONSTRUCTION CONTRACT TO INTERMOUNTAIN SLURRY SEAL COMPANY IN THE AMOUNT OF \$1,760,067, APPROVE AN ADDITIONAL LIST OF STREETS AND AUTHORIZE A CONSTRUCTION CONTRACT CHANGE ORDER NOT TO EXCEED \$540,000, AND AUTHORIZE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$100,862 TO WILLDAN ENGINEERING FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE 2015 CITYWIDE ANNUAL SLURRY SEAL (CP 15-02):

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated October 7, 2015.

Mayor Pro Tem Lewin commented on the number additional streets and the breadth of streets in all neighborhoods.

ACTION: 1) Award a construction contract to Intermountain Slurry Seal, Inc. in the amount of \$1,760,067 for the 2015 Citywide Annual Slurry Seal (CP 15-02); 2) Approve the list of recommended additional streets to include in the 2015 Citywide Annual Slurry Seal (CP 15-02), and authorize the City Manager to approve a Construction Contract Change Order in an amount not to exceed \$540,000; 3) Authorize a Purchase Order to Willdan Engineering, pursuant to On-Call Agreement No. A6688, in the amount of \$100,862 for construction management and inspection services for the 2015 Citywide Annual Slurry Seal (CP 15-02; 4); Adopt Resolution No. 23907, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2015-16;" and 5) Authorize the City Manager to execute all necessary documents. A6774. A6688. **Motion Mayor Pro Tem Lewin, seconded by Councilmember Foat 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.

5.E. FACADE GRANT AGREEMENT WITH MARIANNE HUNZINGER FOR A PROPERTY LOCATED AT 236 NORTH PALM CANYON DRIVE IN THE AMOUNT OF \$1,269.00:

City Clerk Thompson provided background information as outlined in the Staff Report dated October 7, 2015.

Councilmember Foat requested Staff address the use of neon signage.

Mayor Pro Tem Lewin noted the change in the process for the public awareness of scope of grants.

ACTION: 1) Approve a Facade Grant Agreement with Marianne Hunzinger for property located at 236 North Palm Canyon Drive in the amount of \$1,269.00; and 2) Authorize the City Manager to execute all documents related to the Facade Grant Agreement. A6775. **Motion Councilmember Hutcheson, 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.

5.F. FACADE GRANT AGREEMENT WITH TAREEF TALALA FOR A PROPERTY LOCATED AT 266 SOUTH PALM CANYON DRIVE IN THE AMOUNT OF \$5,000:

ACTION: 1) Approve a Facade Grant Agreement in the amount of \$5,000.00 with Tareef Talala for property located at 266 South Palm Canyon Drive; and 2) Authorize the City Manager to execute all documents related to the Facade Grant Agreement. A6776. **Motion Councilmember Hutcheson, 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 Foat stated she has a business related conflict of interest with respect to Item 5.G., would not participate in the discussion or the vote, and left Council Chamber.

5.G. APPROVAL OF TEMPORARY OFFICE SPACE AT MIZELL SENIOR CENTER PURSUANT TO THE TERMS OF THE 1988 LEASE AGREEMENT:

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated October 7, 2015.

ACTION: 1) Approve the request to locate a temporary 10' x 24' office trailer on the senior center property through June 2017; and 2) Direct staff to issue a Land Use Permit for the temporary office trailer, subject to conditions. **Motion Mayor Pro Tem Lewin, seconded by Councilmember Hutcheson and unanimously carried 3-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat and Councilmember Mills.

Councilmember Foat returned to the dais.

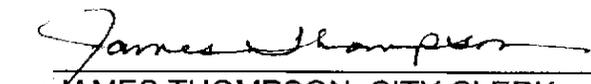
COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS: None.

ADJOURNMENT: The City Council adjourned at 9:38 p.m. to Wednesday, October 21, 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 21ST DAY OF OCTOBER, 2015.


STEPHEN P. POUGNET, MAYOR

ATTEST:


JAMES THOMPSON, CITY CLERK