CITY COUNCIL
COMMUNITY REDEVELOPMENT AGENCY
CITY OF PALM SPRINGS, CALIFORNIA

MINUTES
WEDNESDAY, February 4, 2009
City Hall Council Chamber

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:05 p.m.

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

INVOCATION: Rev. Kevin Johnson, Bloom in the Desert Ministries, led the Invocation.

ROLL CALL:

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

PRESENTATIONS:

Mayor Pougnet and the City Council proclaimed February, 2009 as Black History Month in the City of Palm Springs.

Police Chief Dominguez presented updated crime statistics and provided an update on the activities of the Police Department. Mayor Pougnet presented an update of the recent Community events.

REPORT OF CLOSED SESSION: City Attorney Holland reported that at 4:30 p.m. the meeting was called to order and the City Council recessed into Closed Session to discuss Items on the posted Closed Session Agenda. No reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

ACTION: Accept the Agenda as presented. **Motion Councilmember Weigel, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

1. PUBLIC HEARINGS:

1.A. LA SERENA VILLAS DESIGNATION OF THE PROPERTY LOCATED AT 339 SOUTH BELARDO ROAD AN HISTORIC SITE CASE HSPB-69:

Councilmember Foat requested a status report on the landscaping issues and CUP compliance.

ACTION: 1) Continue the Public Hearing to April 15, 2009, with no public testimony at this time; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

MICHAEL McCULLOCH, commented on the proposed Campaign Finance Reform Subcommittee recommendations.

WALTER WEBB, commented on energy generation and sustainability issues.

GEORGE ZANDER, commented on the proposed Campaign Finance Reform Subcommittee recommendations.

WILL SHERNECK, requested the City Council address increased noise in the Palm Springs Colony neighborhood from the Palm Springs Airport, especially on the weekends.

BOB RICHMAN, commented on the proposed Campaign Finance Reform Subcommittee recommendations.

JAMES STUART, commented on the proposed Campaign Finance Reform Subcommittee recommendations, and the current condition and maintenance of the City parks.

COUNCILMEMBER COMMENTS: None.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., and 2.E. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

2.A. REPORT ON POSTING OF THE AGENDA:
ACTION: Receive and file Report on the Posting of the February 4, 2009, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:
ACTION: Approve the City Council Minutes of January 21, 2009. **Approved as part of the Consent Calendar.**

2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:
ACTION: 1) Adopt Resolution No. 22427, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1033075 THROUGH 1033207 IN THE AGGREGATE AMOUNT OF $664,676.65 DRAWN ON BANK OF AMERICA; 2) Adopt Resolution No. 22428, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 01-10-09 BY WARRANTS NUMBERED 414268 THROUGH 414313 TOTALING $79,550.41, LIABILITY CHECKS NUMBERED 1033208 THROUGH 1033228 TOTALING $151,707.74, FOUR WIRE TRANSFERS FOR $65,299.07 AND THREE ELECTRONIC ACH DEBITS OF $1,115,110.42 IN THE AGGREGATE AMOUNT OF $1,411,667.64 DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 22429, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1033229 THROUGH 1033419 IN THE AGGREGATE AMOUNT OF $2,856,737.05 DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. TREASURER'S INVESTMENT REPORT AS OF DECEMBER 31, 2008:
ACTION: Receive and file the Treasurer's Investment Report as of December 31, 2008. **Approved as part of the Consent Calendar.**

2.E. ACCEPT THE RESIGNATION OF THOMAS BIANCO FROM THE VILLAGEFEST BOARD:
ACTION: 1) Accept with regret the resignation of Thomas Bianco from the VillageFest Board; and 2) Direct the City Clerk to post a Notice of Vacancy. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR: None.

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE CHANGING THE NAME OF THE RESOURCE CONSERVATION COMMISSION TO THE

SUSTAINABILITY COMMISSION AND ESTABLISHING REVISED DUTIES OF THE COMMISSION:
City Manager Ready provided background information as outlined in the staff report dated February 4, 2009.

Councilmember Foat requested the Commission meetings be televised.

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. 1755, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 2.28 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO THE SUSTAINABILITY COMMISSION." **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

3.B. PROPOSED ORDINANCE AMENDING THE PROCUREMENT AND CONTRACTING PROVISIONS ESTABLISHING A LOCAL BUSINESS PREFERENCE PROGRAM:
City Attorney Holland provided background information as outlined in the staff report dated February 4, 2009.

Mayor Pro Tem Mills recommended that Section 7.09.030(4) in the Ordinance be expanded to include sub-consultants and subcontractors.

Councilmember Foat commented on the overall objectives of the Ordinance and possible retaliation toward local contractors, requested staff address if other cities in the area have implemented similar regulations, commented on the structure of the ordinance, expressed concern with trading "quality" for a local firm, and requested adding a priority for women owned and minority owned businesses.

Councilmember Hutcheson stated his support for hiring a local contractor, and stated the ordinance and the regulations will provide an ample amount of flexibility to implement such an ordinance for the benefit of the City and the local vendors.

Mayor Pro Tem Mills stated the Ordinance is clear with respect to service providers, commented on the hiring of a "front person" to meet the local preference qualifications, the possible limitations due to the number of local service providers, and the effect the ordinance may have in attracting quality contractors.

Councilmember Weigel thanked staff and stated the ordinance is a good start, and provides a very modest advantage to local vendors and service providers in the Coachella Valley.

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. 1756, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 7.01.040 AND 7.09.030 OF, AND ADDING SECTION 1.01.231 TO THE PALM SPRINGS MUNICIPAL CODE, ESTABLISHING A LOCAL BUSINESS PREFERENCE PROGRAM," *amending the second sentence in Section 7.090.030(4) to include subcontractors and subconsultants.* **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

4. UNFINISHED BUSINESS:

4.A. BUILDING INDUSTRY ASSOCIATION (BIA) REQUEST FOR THE WAIVER/DELAY OF CERTAIN DEVELOPMENT FEES:

FRED BELL, Building Industry Association outlined the requests of the Building Industry Association on behalf of the building industry for the delay of certain fees, freeze new fee proposals for 24-months, and discontinue use of automatic cost index inflator for building fees.

Tom Wilson, Assistant City Manager, provided background information and outlined the current City fee structure.

Mayor Pougnet stated his agreement to delay fees for Quimby and Public Arts Fees, stated his support to freeze new fee proposals for 12 months, and to discontinue use of the cost index inflator.

Councilmember Weigel requested Fred Bell address the savings to the building industry.

Mayor Pro Tem Mills requested BIA staff address the status of CVAG fees and the possible deferral of fees, requested staff review a possible deferral of sewer fees in addition to the Quimby Parks fees and Public Arts fees.

Councilmember Hutcheson requested staff address the fees in relation to the Downtown BID.

ACTION: 1) Direct staff to prepare an Ordinance that provides for the deferral of Public Arts and Park In Lieu fees at the time of final inspection and/or certificate of occupancy for a period of twelve (12) months, and discontinue use of automatic cost index inflators to DIF fees; and 2) Direct staff to freeze all new developer fee proposals for a period of twelve (12) months. **Motion Councilmember Foat, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

The City Council recessed at 8:03 p.m.
The Community Redevelopment Agency convened at 8:12 p.m.

RA. COMMUNITY REDEVELOPMENT AGENCY:

RA1. APPROVAL OF MINUTES:

ACTION: Approve the Community Redevelopment Agency Minutes of December 17, 2008. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

RA2. PROPOSED LANDSCAPE DESIGN AGREEMENT FOR THE JACKIE LEE HOUSTON PLAZA AND AMENDMENT TO THE FISCAL YEAR 2008-09 BUDGET:

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated February 4, 2009.

Mayor Pro Tem Mills requested staff address limits on travel, stated 5% is the usual standard for reimbursable expenses.

Mayor Pougnet requested staff address the process of limiting travel.

ACTION: 1) Approve a standard form professional services consulting agreement with Design Workshop, Inc., for landscape design services for the Palm Springs Convention Center in an amount not-to-exceed $114,770 plus reimbursable expenses not-to-exceed $9,950; 2) Direct the Finance Director to appropriate $124,720 from Unscheduled Capital Projects 812-8192-50000 to Triangle Parcel Design 812-8192-65185; and 3) Authorize the Executive Director to execute all documents as necessary. A5783. **Motion Councilmember Foat, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

Councilmember Mills stated he has a potential business related conflict of interest with respect to Item RA3., would not participate in the discussion or the vote, and left Council Chamber.

RA3. PROFESSIONAL SERVICES AGREEMENT FOR ENVIRONMENTAL REVIEW AND PLANNING SERVICES FOR THE COLLEGE OF THE DESERT WESTERN COACHELLA VALLEY CAMPUS AND AMENDMENT TO THE FISCAL YEAR 2008-09 BUDGET:

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated February 4, 2009.

ACTION: 1) Adopt Resolution No. 1372, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF $436,850 WITH TERRA NOVA PLANNING AND RESEARCH;" 2) Adopt Resolution No. 1373, A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2008-09 FOR THE COLLEGE OF THE DESERT WESTERN COACHELLA VALLEY CAMPUS PLANNING SERVICES;" and 3) Authorize the Executive Director to execute all documents as necessary. A5784. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

Councilmember Mills returned to the dais.

City Manager Ready stated he has a property ownership related conflict of interest with respect to Item RA4., did not participate in the preparation of the Item, nor its placement on the Agenda, and left Council Chamber.

RA4. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE SOUTH PALM CANYON DRIVE WIDENING PROJECT (CITY PROJECT NO. 05-03):

David Barakian, City Engineer, provided background information as outlined in the staff report dated February 4, 2009.

Mayor Pro Tem Mills requested staff address if the project includes City or State funds, and address how the project would be affected by the Local Preference Program.

Councilmember Foat requested staff address if the concrete area on Bogert Trail near South Palm Canyon Drive is included in the current public works project

Councilmember Mills requested staff review the local preference ordinance and determine if construction contracts should be included in the Local Preference Program.

ACTION: Adopt Resolution No. 1374, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZING THE BIDDING OF THE SOUTH PALM CANYON DRIVE WIDENING PROJECT (CITY PROJECT NO. 05-03)." **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

City Manager Ready returned to Council Chamber.

The Community Redevelopment Agency adjourned at 8:31 p.m., and the City Council reconvened.

5. NEW BUSINESS:

5.A. DISCUSSION AND COMMENTS ON THE PREPARATION OF THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE COUNTY OF RIVERSIDE REGIONAL DETENTION CENTER PROPOSED IN THE WHITEWATER CANYON:

City Manager Ready and Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated February 4, 2009.

Councilmember Foat requested additional criteria be included and/or addressed in the EIR and study: the current inmate population percentages housed in the Coachella Valley in relation to the number of criminals arrested in the Coachella Valley, the feasibility of increasing the size of all current locations and adding additional capacity at current locations.

Mayor Pro Tem Mills commented on inconsistencies with the CVAG letter.

ACTION: 1) Approve the City's submission of comments with respect to the Environmental Impact Report; and 2) Authorize the Mayor to execute the letter on behalf of the City Council. **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

5.B. APPROVING A TOURISM AND MANAGEMENT SERVICES AGREEMENT WITH SMG FOR THE PALM SPRINGS CONVENTION CENTER, BUREAU OF TOURISM AND VISITORS CENTER, PLAZA THEATER AND PALM CANYON THEATER:

City Manager Ready provided background information as outlined in the staff report dated February 4, 2009.

Councilmember Foat requested the City Attorney address the relation of advisory committees to the process, and commented on the lack of a City Council appointed Commission on tourism, and requested the City Council discuss the formation of a commission or board that addresses tourism.

Mayor Pro Tem Mills commented on the formation of a formal commission or board.

ACTION: 1) Approve an Agreement with SMG for the management of the Palm Springs Convention Center, the Bureau of Tourism, and additional services related to the Palm Canyon Theater and Plaza Theater; 2) Authorize the City Manager to execute the Agreement. A5785. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

5.C. CAMPAIGN FINANCE REFORM DISCUSSION AND REPORT FROM THE CITY COUNCIL SUBCOMMITTEE:

City Clerk Thompson provided background information as outlined in the staff report dated February 4, 2009.

Councilmember Hutcheson outlined the recommendations of the City Council Subcommittee and stated his support for the recommendations, the recommendations were limited and modest in scope for a first time program that would limit the amount of funds raised for City Council contests, and recommended the City Council also consider an individual contribution limit.

Councilmember Weigel stated the reasons behind the City Council Subcommittee recommendations, stated the amount of funds raised for City Council contests is over-board, stated his support for the recommendations along with providing incentives for candidates that accept voluntary expenditure limits, that the recommendations were made to expand the number of candidates running for office, not to limit such, and stated his support for further regulations on campaign signs, and soliciting input from the community.

Mayor Pougnet stated he would prefer to see a contribution limit rather than an expenditure limit, opposed to individual contributions being reported at $50, opposed to stepped up reporting requirements, outlined the difficulty with public incentives, and stated there are ample debates, and stated his support for requiring additional signatures.

Councilmember Foat stated her opposition to the additional and stepped up reporting requirements, stated she would consider a voluntary expenditure limit, but was opposed to public incentives, stated her support for requiring additional signatures for the nomination process.

Mayor Pro Tem Mills stated no regulations should be implemented until after the next City Council election, stated his support for increasing the number of signatures to be nominated, and recommended the City Council review and modify the election sign regulations.

No action taken, the City Council requested the topic of Election Signs be placed on a future study session agenda.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Foat reported on the League of Cities Conference, and requested the City Manager research the activities that cities are taking place with respect to foreclosures.

ADJOURNMENT: The City Council adjourned at 9:14 p.m. to a Study Session, Wednesday, February 11, 2009, at 6:00 P.M. in the Council Chamber, City Hall, preceded by a Closed Session at 4:00 P.M., 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 FEBRUARY, 2009.

Stephen P. Pougnet

STEPHEN P. POUGNET, MAYOR

ATTEST:

James Thompson

JAMES THOMPSON, CITY CLERK