

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



MINUTES
WEDNESDAY, OCTOBER 6, 2010
Council Chamber

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:13 p.m.

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

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

ROLL CALL:

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

ABSENT: None.

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

PRESENTATIONS:

Mayor Pougnet and the City Council proclaimed October 16, 2010, as Electric Vehicle Awareness Day in the City of Palm Springs.

City Manager Ready announced the California Downtown Associations Crystal Eagle Award presented to the City for the programs in place in the Downtown and Uptown areas of the City.

Mayor Pougnet announced the recent grand opening of Torme's in Palm Springs.

Mayor Pro Tem Hutcheson provided an update on the recent Johnny Costa's ribbon cutting and opening.

Councilmember Weigel provided an update on the Carol Channing star installation on Palm Canyon Drive, and provided an update on the City's new Dog Park.

Mayor Pougnet announced the upcoming Palm Springs Parades and the Sustainability Summit.

Fire Chief Goetz provided an update on Fire Safety and Prevention Week and the Fire Safety Trailer visit to St. Theresa School.

Mary Jo Ginther announced the upcoming fall tourism campaign by the Palm Springs Bureau of Tourism.

REPORT OF CLOSED SESSION:

The meeting was called to order at 4:00 p.m. and City Attorney Holland requested the City Council consider adding an Item to the Closed Session Agenda pursuant to Cal. Gov. Code Section 54856.9(a) Conference with Legal Counsel for Existing Litigation concerning the matter of City of Palm Springs v. Parsons Construction, Case No. INC 072105, Riverside Superior Court, Indio Division.

ACTION: 1) Find that the Item 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; and 2) Add to the Closed Session Agenda one Item of Existing Litigation, G.C. Section 54856.9(a) City of Palm Springs v. Parsons Construction, Case No. INC 072105, Riverside Superior Court, Indio Division. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Weigel and unanimously carried 4-0, noting the absence of Councilmember Mills.**

City Attorney Holland stated that the City Council recessed into Closed Session to discuss Items on the Closed Session Agenda, and reported the City Council provided settlement authority for the City of Palm Springs v. Parsons Construction case.

ACCEPTANCE OF THE AGENDA:

Councilmember Mills noted his business related abstention on Consent Calendar Item 2.I.

Councilmember Foat requested Items 2.J. and 2.K. be removed from the Consent Calendar for separation.

Councilmember Foat requested the City Council add an Item to the Agenda as Item 5.D. titled "PROPOSED LAND EXCHANGE BETWEEN THE BUREAU OF LAND MANAGEMENT AND THE AGUA CALIENTE BAND OF CAHUILLA INDIANS," and stated there is an immediate need to hear and/or take action on the Item as the public comment period ends prior to the next meeting.

ACTION: 1) Find the Item 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 added item; and 2) Add the Agenda as Item 5.D., "PROPOSED LAND EXCHANGE BETWEEN THE BUREAU OF LAND MANAGEMENT AND THE AGUA CALIENTE BAND OF CAHUILLA INDIANS." **Motion Councilmember Foat, seconded by Mayor Pougnat and unanimous carried.**

Councilmember Weigel requested Item 2.K. be removed from the Consent Calendar for separate discussion.

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

1. PUBLIC HEARINGS: None.

PUBLIC COMMENT:

DEAN LOCKWOOD, Mizel Senior Center, provided an update on the project funded by the City CDBG program, and thanked the City Council for the grant opportunity.

PETE WASCHER, Palm Springs, commented on the BLM land exchange with the Agua Caliente Band of Cahuilla Indians.

CHARLES SACHS, Palm Springs, commented on the upcoming November 2, 2010, election and recent events in the City of Bell.

PAUL ABSHIRE, commented on public safety activities, and the proposed reduction in public safety salaries.

J.T. HAYES, commented on the service provided by the Palm Springs Police Department.

BARRON LANE, commented on public safety cuts in the City of Palm Springs.

CHRIS WITHAM, commented on the proposed land exchange between the Bureau of Land Management and the Agua Caliente Band of Cahuilla Indians, code enforcement activities in the Racquet Club area, and issues with Police Dispatch.

MITCH SPIKE, commented on police personnel, and a letter sent by the PSPOA to local businesses.

THOMAS COVEY, commented on Item 2.J., and requested the City Council award the contract.

COUNCILMEMBER COMMENTS:

Councilmember Foat commented on the State of California "take" of cities funds, and recommended a "yes" vote on Proposition 22.

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.H., and 2.I.
Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson 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 October 6, 2010, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council and Community Redevelopment Agency Minutes of September 8, 2010, and September 22, 2010. **Approved as part of the Consent Calendar.**

2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:

ACTION: 1) Adopt Resolution No. 22813, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIM AND DEMAND BY WARRANT NUMBERED 1044250 IN THE AGGREGATE AMOUNT OF \$57,580.22, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22814, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1044251 THROUGH 1044412 IN THE AGGREGATE AMOUNT OF \$1,486,577.33, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 22815, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 9-18-10 BY WARRANTS NUMBERED 416101 THROUGH 416131 TOTALING \$44,987.09, LIABILITY CHECKS NUMBERED 1044413 THROUGH 1044433 TOTALING \$125,523.02, FIVE WIRE TRANSFERS FOR \$53,975.70, AND THREE ELECTRONIC ACH DEBITS OF \$987,288.91, IN THE AGGREGATE AMOUNT OF \$1,211,774.72, DRAWN ON BANK OF AMERICA;" and 4) Adopt Resolution No. 22816, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1044434 THROUGH 1044545 IN THE AGGREGATE AMOUNT OF \$487,917.88, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. SIDE LETTER OF AGREEMENT TO THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE MUNICIPAL EMPLOYEE RELATIONS REPRESENTATIVE (MERR) AND THE MANAGEMENT ASSOCIATION OF PALM SPRINGS (MAPS):

ACTION: 1) Approve a Side Letter of Agreement to the July 1, 2007, to June 30, 2011, Memorandum of Understanding with the Management Association of Palm Springs; and 2) Authorize the City Manager to execute the Side Letter Agreement. A5573. **Approved as part of the Consent Calendar.**

2.E. TREASURER'S INVESTMENT REPORT AS OF AUGUST 31, 2010:

ACTION: Receive and File the Treasurer's Investment Report as of August 31, 2010. **Approved as part of the Consent Calendar.**

2.F. APPROVE AN ADMINISTRATIVE SERVICES AGREEMENT WITH RIVERSIDE COUNTY FOR COUNTY SERVICE AREA 152 NATIONAL POLLUTANT DISCHARGE ELIMINATION PROGRAM:

ACTION: 1) Terminate Agreement No. A3349 with Riverside County; 2) Approve an Agreement with Riverside County for Administrative Services for CSA 152 NPDES Program; and 3) Authorize the City Manager to execute all necessary documents. A3349. A6027. **Approved as part of the Consent Calendar.**

2.G. AIR SERVICE INCENTIVE PROGRAM AGREEMENT AND FUNDING IN THE AMOUNT OF \$100,000 TO WESTJET AIRLINES FOR NEW TORONTO SERVICE:

ACTION: 1) Approve Air Service Incentive Agreement with WestJet Airlines in an amount not to exceed \$100,000 effective February 2, 2011, through April 30, 2011; 2) Adopt Resolution No. 22817, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2010-11; and 3) Authorize the City Manager to execute all necessary documents. A6028. **Approved as part of the Consent Calendar.**

2.H. AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT NO. A5720 WITH HNTB CORPORATION FOR ENVIRONMENTAL STUDY PHASE OF AIRPORT MASTER PLAN IN THE AMOUNT OF \$666,820:

ACTION: 1) Approve Amendment No. 1 to Agreement No. A5720 with HNTB Corporation for the Environmental Phase of the Airport Master Plan in the amount of \$666,820 effective November 1, 2010, with the agreement term extended to September 21, 2012; and 2) Authorize the City Manager to execute all necessary documents. A5720. **Approved as part of the Consent Calendar.**

2.I. AMENDMENT NO. 1 TO AGREEMENT NO. A4772 WITH THE DESERT HEALTHCARE DISTRICT WITH RESPECT TO THE WELLNESS PARK:

ACTION: 1) Approve Amendment No. 1 to Lease Agreement No. A4772 with the Desert Healthcare District modifying the maintenance cost contributions of the Wellness Park; and 2) Authorize the City Manager to execute all necessary documents. A4772. **Approved as part of the Consent Calendar, noting the business related abstention of Councilmember Mills.**

EXCLUDED CONSENT CALENDAR:

2.J. AWARD CONTRACT FOR THE RAMON ROAD DRAINAGE IMPROVEMENTS AT THE BARISTO CHANNEL (CP 09-10):

Councilmember Foat commented on the dollar amount of the bids, stated her reluctance to award a contract to a firm outside the area with no local sub-

contractors, and requested the City Council schedule a study session item to review the current local preference for City projects.

ACTION: 1) Approve an agreement with Secondwind Engineering Construction, Inc., for the Ramon Road Drainage Improvement at the Baristo Channel (CP 09-10); and 2) Authorize the City Manager to execute the Agreement. A6029. **Motion Councilmember Weigel, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

2.K. SUPPORT OF SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS' BUSINESS FRIENDLY PRINCIPLES DEVELOPMENT OF A SOUTHERN CALIFORNIA ECONOMIC GROWTH STRATEGY:

Councilmember Foat stated she would like to see an item about local business as one of the principles of the Business Friendly Principles.

Councilmember Weigel stated this is a significant item, stated his support of the Business Friendly Principles, and requested staff further explain the principles for the public.

ACTION: Adopt Resolution No. 22818, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUPPORTING THE 'BUSINESS FRIENDLY PRINCIPLES' AS PART OF THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) DEVELOPMENT OF A SOUTHERN CALIFORNIA ECONOMIC GROWTH STRATEGY." **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:**

5.A. WASTEWATER TREATMENT PLANT ELECTRICAL SYSTEM UPGRADE:

David Barakian, City Engineer, provided background information as outlined in the staff report dated October 6, 2010.

Councilmember Mills requested staff provide additional detail on the fiscal impact, and the impact and reserves of the Wastewater Fund.

ACTION: Authorize Veolia to solicit bids for the Wastewater Treatment Plant Electrical System Upgrade (CP 09-03). **Motion Councilmember Weigel, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

5.B. DISCUSSION ON PROPOSITION 23 ON THE NOVEMBER 2, 2010, BALLOT WHICH SUSPENDS IMPLEMENTATION OF AIR POLLUTION CONTROL LAW (AB 32):

Councilmember Foat stated her opposition to Proposition 23 and noted the proposal is inconsistent with the City's sustainability goals, projects, and programs, and encouraged voters to vote no on Proposition 23.

ACTION: The City Council of the City of Palm Springs, California, hereby takes a position in opposition of Proposition 23 for the Election held November 2, 2010. **Motion Councilmember Foat, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

5.C. APPOINTMENT OF COMMISSIONERS TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION AS PART OF THE 2010 ANNUAL RECRUITMENT OF COMMISSIONS AND BOARDS:

ACTION: 1) Reappoint Joe Luisi to the Palm Springs International Airport Commission for the term ending June 30, 2013; 2) Appoint Richard Weiss and Robert Elsner to the Palm Springs International Airport Commission for the term ending June 30, 2013; and 2) Appoint Ben Hall to the Palm Springs International Airport Commission for the un-expired term ending June 30, 2011. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

5.D. PROPOSED LAND EXCHANGE BETWEEN THE BUREAU OF LAND MANAGEMENT AND THE AGUA CALIENTE BAND OF CAHUILLA INDIANS.

Craig Ewing, Director of Planning Services, provided background information on the proposed land swap, and outlined the City's letter to the Bureau of Land Management dated September 30, 2010.

Councilmember Foat stated the letter did not make the access to trails a requirement as a commitment for the exchange going forward, and requested the City's support be contingent upon the trails being available to the public without restriction, at no charge, or restricted hours.

Councilmember Mills stated these properties were not considered as part of the Coachella Valley MSHCP, and requested staff address the status of the conservation of the area, and stated that all the trails should be subject to the same conservation plan.

Mayor Pro Tem Hutcheson and Councilmember Weigel requested staff address the process and the responsibilities of the City.

ACTION: Direct Councilmember Foat and Councilmember Mills work with staff to prepare and send an additional comment letter to the Bureau of

Land Management consistent with the City Council discussion. **By
consensus of the City Council.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Mayor Pougnet commented on the upcoming Celebrity Golf Classic event.

The City Council recessed into Closed Session at 7:43 p.m.

REPORT OF CLOSED SESSION: City Attorney Holland stated that the City Council recessed into Closed Session to complete discussion on the Items contained on the Closed Session Agenda. No further reportable actions were taken.

ADJOURNMENT: The City Council adjourned at 8:32 p.m. to the next Regular Meeting, Wednesday, October 20, 2010, at 6:00 P.M. Council Chamber, City Hall, preceded by a 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
3RD DAY OF NOVEMBER, 2010.**

ATTEST:

STEPHEN P. POGNET, MAYOR

JAMES THOMPSON, CITY CLERK