CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA

MEETING MINUTES
WEDNESDAY, MARCH 19, 2014
CITY HALL COUNCIL CHAMBER

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:08 p.m.

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

INVOCATION: Jeff Jowett, Inner Faith Spiritual Center, led the Invocation.

ROLL CALL:

PRESENT:	Councilmember Foat, Councilmember Lewin, Mayor Pro Tem Hutcheson, and Mayor Pougnet.
ABSENT:	Councilmember Mills.
ALSO PRESENT:	City Manager Ready, City Attorney Holland, City Clerk Thompson.

PRESENTATIONS:

Fire Chief John Allen announced Katherine Johnson as Palm Springs Firefighter of the year.

Mayor Pougnet announced the in-kind donation to the City of Palm Springs to outfit the City's Showmobile with solar panels.

Greater Palm Springs Convention and Visitors Bureau provided an update on the activities of the Bureau.

Mayor Pougnet announced the upcoming Palm Springs Woman's Club Scholarship Luncheon and Fashion Show.

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 stated the City Council approved the settlement in Existing Litigation Case No. INC 1302511 Douglas Calvin v. City of Palm Springs et al., by unanimous vote (4-0), noting absence of Councilmember Mills., and reported the City Council approved an amicus brief for Orange Citizens for Park and Recreation v.

Superior Court, City of Orange, Case No. S212800, by unanimous vote (4-0), noting absence of Councilmember Mills. A6520.

ACCEPTANCE OF THE AGENDA:

Councilmember Foat requested Item 2.N. be removed from the Consent Calendar for separate discussion, and noted her abstention on Item 2.C. Warrant Nos. 1069353 and 1069436.

Councilmember Lewin noted his abstention on Item 2.D. and Item 2.M.

Councilmember Hutcheson noted his business related abstention on Item 2.D.

City Clerk Thompson recommended the City Council table Item 2.D. to April 2, 2014.

Mayor Pougnet requested Item 2.G. be removed from the Consent Calendar for separate discussion.

ACTION: Accept the Agenda as amended. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

1. PUBLIC HEARINGS:

Councilmember Foat stated she has a business related conflict of interest with respect to the funding of the Mizell Senior Center in Item 1.A., would not participate in the discussion or the vote on that portion of the item, and left Council Chamber.

1.A. 40TH PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2014-15 ANNUAL ACTION PLAN AND CDBG BUDGET APPROVAL, AUTHORIZATION TO SUBMIT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT NO. B-14-MC-06-0561 IN THE AMOUNT OF $317,336, AND APPROVING SUBRECIPIENT AGREEMENTS:

Dale Cook, Economic Development Administrator, provided background information as outlined in the Staff Report dated March 19, 2014.

ACTION: Approve CDBG funding for the Mizell Senior Center Energy-Efficiency Kitchen Upgrades in the amount of $27,074. **Motion Councilmember Lewin, seconded by Mayor Pro Tem Hutcheson and unanimously carried 3-0 on a roll call vote.**

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

ACTION: Rescind the previous motion approving CDBG funding for the Mizell Senior Center. **Motion Councilmember Lewin, seconded by Mayor Pro Tem Hutcheson and unanimously carried 3-0 on a roll call vote.**

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

Mayor Pougnet opened the public hearing to hear testimony on the proposed subrecipient agreement with Mizell Senior Center, and no speakers coming forward the public hearing was closed.

ACTION: Approve CDBG funding for the Mizell Senior Center Energy-Efficiency Kitchen Upgrades in the amount of $27,074. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Lewin and unanimously carried 3-0 on a roll call vote.**

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

Councilmember Foat returned to the dais.

Mayor Pougnet opened the public hearing and the following speakers addressed the City Council.

ANDREA MADRIGAL, commented on the City CDBG process and requested the City Council fund the improvements at the Boys & Girls Club.

JUDY CRESSMAN, Jewish Family Services, thanked the City CDBG Committee, outlined the services offered at Jewish Family Services, and requested the City Council support and fund the program.

BRANDE ORR, Desert AIDS Project, thanked the CDBG Committee, commented on the proposed Energy-Efficiency project, and requested the City Council fund the project.

No further speakers coming forward, the public hearing was closed.

Mayor Pro Tem Hutcheson thanked the Citizens Committee, and noted the recommendations by the Committee included organizations that service the residents of the City of Palm Springs.

Councilmember Foat commented on the formal bidding requirements required of community organizations during the CDBG process.

ACTION: Adopt Resolution No. 23517, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE 2014-15 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN, APPROVING THE CDBG BUDGET FOR FISCAL YEAR 2014-15, AUTHORIZING THE SUBMITTAL OF THE PLAN AND BUDGET TO THE UNITED STATES DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (HUD), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROVAL/AGREEMENT WITH HUD (GRANT NO. B-14-MC-06-0561) IN THE AMOUNT OF $317,336 AND THE SUBRECIPIENT AGREEMENTS." A5814. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote, noting the business related abstention of Councilmember Foat on the CDBG funding and subrecipient agreement for Mizell Senior Center.**

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

Desert AIDS Project Energy-Efficiency Upgrades	$90,000	A6507
Boys & Girls Club of Palm Springs Gymnasium Interior Renovations	$69,195	A6508
Mizell Senior Center Energy-Efficiency Kitchen Upgrades	$27,074	A6509
Fair Housing Council of Riverside Fair Housing Services	$15,000	A6510
AIDS Assistance Program Food Voucher Program	$15,000	A6511

Jewish Family Service of the Desert KidFirst Healthy Life Program	$17,600	A6512
City of Palm Springs Economic Development Home Repair Program	$20,000	A6513

1.B. GERARD AND JANET BIEGEL FOR TENTATIVE TRACT MAP 36715 OF ONE (1) LOT EQUALING 35,672-SQUARE FEET FOR THE PURPOSE OF A NINE (9) UNIT CONDOMINIUM PROJECT CONSISTING OF THREE BUILDINGS ON COMMON GROUND LOCATED AT 100 NORTH CERRITOS ROAD (CASE TTM 36715): Margo Wheeler, Director of Planning Services, provided background information as outlined in the Staff Report dated March 19, 2014.

Mayor Pougnet opened the public hearing and the following speakers addressed the City Council.

ERNEST VINCENT, Representing Applicant, commented on the project, and requested the City Council defer Condition of Approval ENG 47 requiring undergrounding of the existing power lines, and requested the City Council consider approval with a binding covenant.

TED LUCIANI, requested the City Council not defer the requirement to underground the utility lines.

No further speakers coming forward, the public hearing was closed.

Mayor Pro Tem Hutcheson stated his support for the project and the requirement to underground the utility lines.

Councilmember Foat commented on the background of accepting a covenant for undergrounding, and stated her support for requiring the undergrounding of utility lines.

ACTION: Adopt Resolution No. 23518, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 36715 OF ONE (1) LOT EQUALING 35,672-SQUARE FEET FOR THE PURPOSE OF A NINE (9) UNIT CONDOMINIUM PROJECT CONSISTING OF THREE BUILDINGS ON COMMON GROUND LOCATED AT 100 NORTH CERRITOS ROAD, ZONE R-2, SECTION 13 (CASE TTM 36715)." **Motion Councilmember Lewin, seconded by Mayor Pro Tem Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

PUBLIC COMMENT:

TRAVIS ARMSTRONG, stated his support for Item 3.A. and requested the City Council support the proposed ordinance.

SUSIE DEL TORO, requested the City Council support the Hometown Hero banner program.

LEE WILSON JR, requested the City Council support the Hometown Hero banner program.

SHARON LEE KUFELDT, Palm Springs, commented on Item 3.A. and requested the City Council support the plastic bag regulations.

NIKOHL VANDEL, Palm Springs, requested the City Council approve Item 3.A. regarding plastic bag regulations, and commented on air quality.

STEVE ROSENBERG, commented on Item 3.A. and commented on the regulations on the retail establishments.

JOY BROWN MEREDITH, commented on the PSNIC Annual Picnic, comment on the farewell party for the Forever Marilyn display in Downtown, commented on Item 3.A. and requested the City Council support the ordinance.

PAUL COOK, commented on a recent public records request, served the City litigation, and commented on the litigation.

JENNY McCLEAN, commented on the recent sidewalk improvements at the Woman's Club and noted the upcoming Fashion Show and fundraising event.

KATE CASTLE, commented on Item 3.A. and requested the City Council support the plastic bag prohibition.

COUNCILMEMBER COMMENTS:

Councilmember Lewin commented on the upcoming Womsn's Club fundraiser.

Mayor Pougnet commented on the recent litigation served on the City.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:
ACTION: Approve Items 2.A., 2.B., 2.C., 2.E., 2.F., 2.H., 2.H., 2.I., 2.J., 2.K., 2.L., 2.M., and 2.O. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Lewin, Mayor Pro Tem Hutcheson, 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 March 19, 2014, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:
ACTION: Approve the City Council Minutes of March 5, 2014. **Approved as part of the Consent Calendar.**

2.C. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF FEBRUARY 2014:
ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of February 1 through February 28, 2014. **Approved as part of the Consent Calendar.**

2.E. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:
ACTION: 1) Adopt Resolution No. 23519, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1069045 THROUGH 1069224 IN THE AGGREGATE AMOUNT OF $2,730,703.65, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23520, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 02-15-14 BY WARRANTS NUMBERED 418503 THROUGH 418522 TOTALING $34,643.19, LIABILITY CHECKS NUMBERED 1069225 THROUGH 1069248 TOTALING $111,210.06, FIVE WIRE TRANSFERS FOR $47,765.11 AND THREE ELECTRONIC ACH DEBITS OF $1,122,881.59 IN THE AGGREGATE AMOUNT OF $1,316,499.95, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23521, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANT NUMBERED 1069249 IN THE AGGREGATE AMOUNT OF $50,000.00, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 23522, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1069250 THROUGH 1069465

IN THE AGGREGATE AMOUNT OF $3,238,390.79, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 23523, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1069466 THROUGH 1069608 IN THE AGGREGATE AMOUNT OF $987,408.27, DRAWN ON BANK OF AMERICA;" and 6) Adopt Resolution No. 23524, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 03-01-14 BY WARRANTS NUMBERED 418523 THROUGH 418542 TOTALING $36,266.00, LIABILITY CHECKS NUMBERED 1069609 THROUGH 1069632 TOTALING $112,248.20, FIVE WIRE TRANSFERS FOR $48,160.11 AND THREE ELECTRONIC ACH DEBITS OF $1,145,818.99 IN THE AGGREGATE AMOUNT OF $1,342,493.30, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the abstention of Councilmember Foat on Warrant Nos. 1069353 and 1069436.**

2.F. **SUMMARY RIGHT-OF-WAY VACATION OF A PORTION OF WEST PALM CANYON DRIVE AT 333 EAST PALM CANYON DRIVE (FILE R 11-14):**
ACTION: Adopt Resolution No. 23525, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUMMARILY VACATING AND ABANDONING ALL OF ITS RIGHTS, TITLE, AND INTERESTS TO A PORTION OF WEST PALM CANYON DRIVE AT 333 EAST PALM CANYON DRIVE (FILE R 11-14)". **Approved as part of the Consent Calendar.**

2.H. **ACCEPT THE RESIGNATION OF LARRY ABEL FROM THE BUSINESS IMPROVEMENT DISTRICT (BID) ADVISORY BOARD:**
ACTION: Accept the resignation of Larry Abel from the Business Improvement District (BID) Advisory Board. **Approved as part of the Consent Calendar.**

2.I. **APPOINT TWO MEMBERS OF THE CITY COUNCIL TO THE AD HOC CITY COUNCIL iHUB SUBCOMMITTEE:**
ACTION: Appoint Councilmember Lewin and Mayor Pougnet to the ad hoc City Council iHub Subcommittee. **Approved as part of the Consent Calendar.**

2.J. **PURCHASE AND INSTALLATION OF VIDEO CAMERAS FROM SYSTEMS INTEGRATION CORP. TO MONITOR THE EXTERIOR OF VARIOUS PARK RESTROOMS:**
ACTION: Approve the purchase and installation of video cameras to monitor the exterior of various park restrooms from Systems Integration

Corp. in the amount of $38,000. **Approved as part of the Consent Calendar.**

2.K. CITY OF PALM SPRINGS GENERAL PLAN HOUSING ELEMENT 2013 ANNUAL REPORT:
ACTION: Receive and file the City of Palm Springs General Plan Housing Element, 2013 Annual Report. **Approved as part of the Consent Calendar.**

2.L. AUTHORIZE THE PURCHASE OF TWO COOLING TOWERS FROM ALLISON MECHANICAL INC. IN THE AMOUNT OF $53,115.70:
ACTION: 1) Award IFB 14-07 and approve the purchase of two (2) new cooling towers from Allison Mechanical Inc., in the amount of $53,115.70; and 2) Authorize the City Manager to execute the purchase order. **Approved as part of the Consent Calendar.**

2.M. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE AND AUTHORIZATION TO BID FOR THE TRACT NO. 13257 SEWER IMPROVEMENTS (PHASE 3) (CP 13-26):
ACTION: 1) Approve the plans, specifications and working details for the Tract No. 13257 Sewer Improvements (Phase 3), and authorize the bid process (CP 13-26); and 2) Authorize funding from Measure J for Phase 3, On-Site (Private) Improvements in the amount of $132,240. **Approved as part of the Consent Calendar, noting the abstention of Councilmember Lewin.**

2.O. APPROVE PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE PALM TREE REMOVAL AND REPLACEMENT PROJECT (CP 13-09):
ACTION: 1) Approve the specifications and working details for the Palm Tree Removal and Replacement Project (CP 13-09); and 2) Authorize staff to advertise and solicit bids. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.D. SECOND READING AND ADOPTION OF ORDINANCE NO. 1848 AMENDING CHAPTER 5.25 OF THE PALM SPRINGS MUNICIPAL CODE REGARDING VACATION RENTAL REGULATIONS AND RELATED ADMINISTRATIVE CITATION PROCEDURES:
Tabled to April 2, 2014 at the request of staff.

2.G. DESIGN SERVICES BY MSA CONSULTING, INC. FOR A TEMPORARY PARKING LOT FOR THE CONVENTION CENTER:

Mayor Pougnet requested staff clarify the amount of current spaces and explain the increase in the number of parking spaces in the temporary parking lot, and requested the City Council consider reducing the number of spaces in the temporary lot.

ACTION: 1) Approve the proposal from MSA Consulting, Inc. for the design of a temporary parking lot for the Convention Center at the southeast corner of Amado Road and Avenida Caballeros, *amending the number of parking spaces in the temporary lot to 550 spaces*; 2) Approve sub-consulting work by Michael Buccino Associates and MRC Engineers; and 3) Authorize the City Manager to execute all necessary documents. A6445. **Motion Councilmember Lewin, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

2.N. APPROVE SIX INTERIOR REMODEL GRANT AGREEMENTS UNDER THE CITY'S SPECIAL ECONOMIC DEVELOPMENT FOCUS INCENTIVE AREAS:

Councilmember Foat requested the City Council defer this to the next City Council meeting.

ACTION: Table to April 2, 2014. **By consensus of the City Council, noting the absence of Councilmember Mills.**

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE ADOPTING REGULATIONS FOR THE USE OF SINGLE-USE CARRYOUT PLASTIC BAGS BY RETAIL ESTABLISHMENTS:

Michele Mician, Sustainability Manager, provided background information as outlined in the Staff Report dated March 19, 2014.

The City Council discussed and/or commented on the following: the discussion at CVAG, the minimum charge, the required forty percent post-consumer recycled content, the definition of reusable bag, and the use of pet waste bags.

ACTION: Waive the reading of the ordinance text in its entirety and introduce by title only Ordinance No. 1849, "AN ORDINANCE OF THE

CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 6.09 TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE PROHIBITION OF SINGLE-USE CARRYOUT PLASTIC BAGS BY RETAIL ESTABLISHMENTS." **Motion Councilmember Lewin, seconded by Mayor Pro Tem Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

3.B. INTERIM URGENCY ORDINANCE PROHIBITING VENDING FROM MOBILE FOOD VEHICLES IN THE CITY, SUBJECT TO CERTAIN EXCEPTIONS, FOR A PERIOD OF SIX MONTHS:
City Attorney Holland provided background information as outlined in the Staff Report dated March 19, 2014.

Councilmember Lewin requested the City Attorney address food trucks on private land.

Councilmember Foat requested the City Attorney address the effect on trucks delivering to construction sites.

ACTION: Waive the reading of the ordinance text in its entirety and read by title only and adopt Interim Urgency Ordinance No. 1850, "AN URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, PROHIBITING VENDING FROM MOBILE FOOD VEHICLES IN THE CITY, SUBJECT TO CERTAIN EXCEPTIONS, FOR A PERIOD OF SIX MONTHS." **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS: None.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Foat commented on the upcoming Mizell Senior Center fundraiser for the Meals on Wheels program.

ADJOURNMENT: The City Council adjourned at 7:59 p.m. to Wednesday, April 2, 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 5TH DAY OF APRIL, 2014.

ATTEST:

STEPHEN P. POUGNET, MAYOR

JAMES THOMPSON, CITY CLERK