

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



SPECIAL MEETING MINUTES
WEDNESDAY, MAY 1, 2013
LARGE CONFERENCE ROOM

CALL TO ORDER: Mayor Pro Tem Mills called the special meeting to order at 3:42 p.m.

ROLL CALL:

PRESENT: Councilmember Foat, Councilmember Hutcheson, Councilmember Lewin, Mayor Pro Tem Mills, and Mayor Pougnet (arrived at 3:44 p.m.).

ABSENT: None.

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

PUBLIC COMMENT: None.

INTERVIEW APPLICANTS FOR THE HISTORIC SITE PRESERVATION BOARD:

The City Council interviewed candidates for appointment to the Historic Site Preservation Board.

ACTION: 1) Appoint Dick Burkett to the Historic Site Preservation Board for the unexpired term ending June 30, 2014; 2) Appoint Gary Johns to the Historic Site Preservation Board for the unexpired term ending June 30, 2015; 4) Appoint James Williamson to the Historic Site Preservation Board for the term ending June 30, 2016; and 5) Reappoint Roxann Ploss to the Historic Site Preservation Board for the term ending June 30, 2016. **By unanimous consent of the City Council (5-0).**

ADJOURNMENT: The City Council adjourned at 4:40 p.m. to the Regular City Council meeting, Wednesday, May 1, 2013, at 6:00 p.m. Council Chamber, City Hall, preceded by Closed Session at 5:00 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
15TH DAY OF MAY, 2013.**

STEPHEN P. POGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

ITEM NO. 2B

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



**MEETING MINUTES
WEDNESDAY, MAY 1, 2013
CITY HALL COUNCIL CHAMBER**

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

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

INVOCATION: Pastor David Sanger, Our Savior's Community Church, led the Invocation.

ROLL CALL:

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

ABSENT: None.

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

PRESENTATIONS:

Mayor Pougnet and the City Council proclaimed May, 2013 as Bike Month in the City of Palm Springs.

Mayor Pougnet provided an update on the recent Tachevah Concert, the 2013 Mayor's Race and Wellness Festival, the 75th Anniversary of the City of Palm Springs, and announced the upcoming Palm Springs Chamber of Commerce Police and Fire Appreciation Luncheon.

REPORT OF CLOSED SESSION:

City Attorney Holland stated the meeting was called to order at 5:00 p.m. and the City Council recessed into Closed Session to discuss items on the posted Closed Session Agenda, and reported the City Council authorized the City Attorney to settle the liability claim City of Palm Springs filed against Ryan Padilla, and the settlement agreement will be on file in the office of the City Clerk when fully executed. A6363.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson requested Item 2.G. be withdrawn from the Agenda.

Councilmember Lewin requested Item 2.E. be removed from the Consent Calendar for separate discussion.

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

1. PUBLIC HEARINGS:

1.A. CRAIG WIRELESS FOR A CONDITIONAL USE PERMIT TO INSTALL AND OPERATE COMMERCIAL COMMUNICATION ANTENNAS EXTENDING 15 FEET ABOVE THE ROOF SURFACE OF AN EXISTING BUILDING LOCATED AT 401 RADIO ROAD (CASE 5.1291 CUP):

David Newell, Associate Planner, provided background information as outlined in the staff report dated May 1, 2013.

Mayor Pro Tem Mills requested staff address the location of the equipment cabinet.

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

Councilmember Foat requested staff address any public input or comments.

Mayor Pro Tem Mills commented on the location of the equipment cabinet and the design, and requested the City Council consider some kind of screening.

ACTION: Adopt Resolution No. 23332 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT, TO INSTALL AND OPERATE A WIRELESS COMMERCIAL COMMUNICATIONS FACILITY ON THE ROOF OF AN EXISTING BUILDING LOCATED AT 401 RADIO ROAD;" *amending the Conditions of Approval to provide for screening around the equipment cabinet as approved by the Planning Department (CASE NO. 5.1291).* **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

1.B. GRANT A 15-YEAR EXCLUSIVE FRANCHISE AGREEMENT WITH PALM SPRINGS DISPOSAL SERVICES FOR RESIDENTIAL AND COMMERCIAL COLLECTION AND DISPOSAL OF SOLID WASTE AND FOR THE COLLECTION OF RECYCLABLE MATERIAL:

ACTION: 1) Take no public testimony at this time; 2) Continue the Public Hearing to May 15, 2013; and 3) Direct the City Clerk to post a Notice of

Continued Public Hearing pursuant to law. **Motion Councilmember Foat, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

1.C. AMEND THE ALLOCATION OF PUBLIC ARTS FEES ON SOLAR GENERATING FACILITIES:

ACTION: 1) Take no public testimony at this time and direct staff to re-notice the public hearing; and 2) Appoint Mayor Pro Tem Mills and Councilmember Lewin to an ad hoc City Council Subcommittee for solar generating facilities. **Motion Councilmember Foat, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

DAVID E. BELL, Palm Springs, commented on tow-operator agreements, and stated the fees do not meet the requirements of the California Vehicle Code.

NANCY FERGUSON, Palm Springs, commented on Item 2.D. regarding the removal of the crosswalk at Gene Autry Trail at Seven Lakes Drive, and thanked the City for the Mayor's Race and Wellness Festival.

JACKIE KRAMER, commented on Item 2.D. regarding the removal of the crosswalk on Gene Autry Trail at Seven Lakes Drive.

STEVE ROSENBERG, commented on Item 2.I regarding telephone contracts.

LANCE CALDWELL, commented on Item 2.D. regarding the removal of the crosswalk on Gene Autry Trail at Seven Lakes Drive.

SID CRAIG, commented on Item 2.D. regarding the removal of the crosswalk on Gene Autry Trail at Seven Lakes Drive.

COUNCILMEMBER COMMENTS: None.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

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

ACTION: Approve Items 2.A., 2.B., 2.C., 2.F., 2.H., 2.I., 2.J. and 2.K. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Mills 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 May 1, 2013, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of April 17, 2013. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 23334, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1062544 THROUGH 1062664 IN THE AGGREGATE AMOUNT OF \$1,698,286.16, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23335, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 3-30-13 BY WARRANTS NUMBERED 418083 THROUGH 418102 TOTALING \$34,716.85, LIABILITY CHECKS NUMBERED 1062665 THROUGH 1062689 TOTALING \$119,711.01, FIVE WIRE TRANSFERS FOR \$39,806.10 AND THREE ELECTRONIC ACH DEBITS OF \$1,051,300.46 IN THE AGGREGATE AMOUNT OF \$1,245,534.42, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23336, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1062690 THROUGH 1062848 IN THE AGGREGATE AMOUNT OF \$1,682,443.50, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 23337, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1062849 THROUGH 1062978 IN THE AGGREGATE AMOUNT OF \$1,526,074.33, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 23338, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 4-13-13 BY WARRANTS NUMBERED 418103 THROUGH 418121 TOTALING \$70,400.53, LIABILITY CHECKS NUMBERED 1062979 THROUGH 1063003 TOTALING \$121,014.43, FIVE WIRE TRANSFERS FOR \$67,298.38 AND THREE ELECTRONIC ACH DEBITS OF \$1,048,945.04 IN THE AGGREGATE AMOUNT OF \$1,307,658.38, DRAWN ON BANK OF AMERICA;" and 6) Adopt Resolution No. 23339, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1063004 THROUGH 1063097, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.F. AUTHORIZE THE CITY MANAGER TO AWARD THE CONSTRUCTION CONTRACT FOR THE SKATE PARK MANAGEMENT FACILITY TENANT AND FACADE IMPROVEMENT (CP 13-14):

ACTION: 1) Authorize City Manager to award the construction contract for the Skate Park Management of the Facility Tenant and Facade Improvements to the lowest responsive and responsible bidder at an amount not to exceed \$375,000; and 2) Authorize the City Manager to execute all necessary documents. A6356. **Approved as part of the Consent Calendar.**

2.H. AWARD CONTRACT TO CHRISP COMPANY FOR THE BICYCLE LANES CONSTRUCTION PROJECT IN THE AMOUNT OF \$57,745.60 (CP 12-08):

ACTION: 1) Approve an agreement with Chrisp Company, for the Bicycle Lanes construction in the amount of \$57,745.60 (CP 12-08); 2) Authorize staff to negotiate with the contractor to extend project limits on Avenida Caballeros south to Baristo with a total change order cost not to exceed \$20,000; and 3) Authorize the City Manager to execute all necessary documents. A6358. **Approved as part of the Consent Calendar.**

2.I. AGREEMENTS WITH VERIZON FOR VARIOUS CITY FACILITIES AND THE AIRPORT FOR TELECOMMUNICATION SERVICES FOR A THREE-YEAR PERIOD:

ACTION: 1) Waive the competitive bidding requirement pursuant to Municipal Code Section 7.04.020; 2) Approve two agreements with Verizon, as a sole source provider, for basic telephone dial tone services at various city facilities and Integrated Services Digital Network, Primary Rate Interface, (ISDN PRI) at the airport, for a three-year period at the rates approved by and on file with the California Public Utilities Commission in a form acceptable to the City Attorney; and 3) Authorize the City Manger to execute all necessary documents. A6359. **Approved as part of the Consent Calendar.**

2.J. ACCEPT FAA GRANT NO. 3-06-0818-050-2013 FOR THE AIRPORT TERMINAL APRON AND TAXIWAY "G" REHABILITATION PROJECT, AWARD CONTRACT FOR TERMINAL APRON PAVEMENT CONSTRUCTION, AND APPROVE AMENDMENT TO CONSTRUCTION MANAGEMENT SERVICES AGREEMENT WITH PARSONS BRINCKERHOFF INC.:

ACTION: 1) Approve FAA AIP Grant Acceptance amount of \$11,374,363.50 for construction and construction management services for the Airport Terminal Apron and Taxiway "G" Rehabilitation Project; 2) Award the construction contract for the Airport Terminal Apron and Taxiway "G" Rehabilitation Project AIP 3-06-0818-050-2013 in the amount of \$10,838,638.00 to the lowest responsive bidder, Granite Construction

Company, in a from approved by the City Attorney; 3) Approve Amendment No. 3 to Agreement No. A6256 with Parsons Brinckerhoff Inc. for Airport Professional Consulting for construction management services on the Terminal Apron and Taxiway "G" Apron Rehabilitation Project in the amount not to exceed \$535,725.50; and 4) Authorize the City Manager to execute all necessary documents including up to ten percent (10%) additional change order work as required to address changes in the project scope. A6360. A6361. A6256. **Approved as part of the Consent Calendar.**

2.K. ACCEPT THE RESIGNATION OF GREG RODRIGUEZ FROM THE HUMAN RIGHTS COMMISSION:

ACTION: 1) Accept with regret the resignation of Greg Rodriguez from the Human Rights Commission; and 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2014. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.D. REMOVAL OF AN EXISTING CROSSWALK ON THE WEST SIDE ALONG GENE AUTRY TRAIL (HIGHWAY 111) AT SEVEN LAKES DRIVE:

David Barakian, City Engineer, provided background information as outlined in the staff report dated May 1, 2013.

The City Council discussed and/or commented on the following with respect to the intersection: the location of the large wall and what is behind the wall, the landscaping that may hinder the view, the proposed changes by Caltrans, other requests and suggestions from the City to Caltrans, the length of time for Caltrans to take action, requested the City Engineer meet further with homeowners, and requested the City Manager provide periodic updates to the City Council.

ACTION: Approve the removal of an existing crosswalk on the west side along Gene Autry Trail (Highway 111) at Seven Lakes Drive. **Motion Mayor Pro Tem Mills, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

2.E. MEMORANDUM OF UNDERSTANDING WITH RIVERSIDE COUNTY PROBATION DEPARTMENT AND POST-RELEASE ACCOUNTABILITY AND COMPLIANCE TEAM TO FOCUS ON "HIGH RISK" AND "AT-LARGE" OFFENDERS:

ACTION: Receive and file the Memorandum of Understanding with the Riverside County Probation Department and Post-Release Accountability and Compliance Team. A6354. **Motion Councilmember Lewin, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

2.G. AWARD CONTRACT FOR THE 2013 ANNUAL SLURRY SEAL PROJECT (CP 13-02):

Withdrawn from the Agenda.

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE REGARDING REGULATIONS FOR FILING OF CANDIDATE STATEMENTS (CANDIDATE PROFILES) FOR MUNICIPAL ELECTIONS:

Councilmember Hutcheson questioned if candidates would have the ability to edit statements after they were filed.

City Clerk Thompson provided background information as outlined in the staff report dated May 1, 2013.

ACTION: 1) Waive the reading of the ordinance text in its entirety and introduce by title only; and 2) Introduce on first reading Ordinance No. 1820, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 2.02.035 TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO FILING CANDIDATE PROFILES AT MUNICIPAL ELECTIONS." **Motion Mayor Pougnet, seconded by Councilmember Hutcheson and carried 4-0 on a roll call vote.**

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

NOES: None.

ABSTAIN: Councilmember Lewin.

3.B. PROPOSED ORDINANCE AMENDING THE HOTEL OPERATIONS INCENTIVE PROGRAM:

John Raymond, provided background information as outlined in the staff report dated May 1, 2013.

Councilmember Foat requested staff address the definition of minimum standards, and the number of rooms to qualify for the program

Councilmember Lewin questioned staff on the number of small hotels participating in the program, and requested the City Council provide incentives for ten years for small hotels.

Mayor Pro Tem Mills requested staff clarify the maximum amount allowable under the proposed ordinance, and the purpose of assisting with the financing gap for new hotels.

Councilmember Lewin questioned if the City needs additional hotels near the Palm Springs Convention Center, and requested staff outline other economic benefits from the new development.

ACTION: 1) Waive the reading of the ordinance text in its entirety and introduce by title only; and 2) Introduce on first reading Ordinance No. 1821, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 5.26.020, 5.26.030 AND 5.26.040 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO THE HOTEL OPERATIONS INCENTIVE PROGRAM" *amending the Ordinance as follows: a) definition of "Comfort hotel" to provide "appropriate" standards; b) definition of "Hotel" to provide "four" or more guest rooms; c) providing Comfort New Hotel an incentive for "ten" years; and d) providing that all Existing Hotels have identical incentive programs for ten years or twenty-five million dollars.* **Motion Councilmember Foat, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

4. UNFINISHED BUSINESS:

4.A. PRESENTATION AND DISCUSSION OF THE DRAFT FISCAL YEAR 2013-14 BUDGET:

ACTION: Direct the City Clerk to Notice the Fiscal Year 2013-14 Budget Public Hearing for the regular meeting of May 15, 2013, pursuant to City Charter Section 902. **Motion Mayor Pro Tem Mills, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

5. NEW BUSINESS:

5.A. DESIGNATION OF A VOTING DELEGATE AND ALTERNATE FOR THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS, 2013 GENERAL ASSEMBLY TO BE HELD MAY 2 TO MAY 3, 2013:

ACTION: 1) Appoint Councilmember Foat as a Voting Delegate; and 2) Appoint Councilmember Lewin as the Alternate Voting Delegate for the Southern California Association of Governments. **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

5.B. LICENSE AGREEMENT WITH THE PALM SPRINGS WALK OF STARS AND APPOINT A CITY REPRESENTATIVE TO SERVE ON THE WALK OF STARS SELECTION COMMITTEE:

City Manager Ready provided background information as outlined in the staff report dated May 1, 2013.

Councilmember Lewin requested the City Council consider a moratorium on the installation of stars in the Downtown revitalization area.

Councilmember Foat questioned if the City has requested from the Walk of Stars a copy of their Form 990, and requested the City Manager request a copy of Form 990 for the last three years.

Mayor Pro Tem Mills noted his support for a moratorium on the installation of stars in the revitalization area of Downtown, and commented on the relocation of stars due to the Downtown Revitalization construction.

ACTION: 1) Approve a renewal of the License Agreement with the Palm Springs Walk of Stars, *amending the agreement to provide an interim moratorium of the installation of stars in the area of the Downtown Revitalization construction project and requires the submission of Form 990 for the prior three years*; 2) Appoint City Manager David Ready to serve on the Walk of Stars Selection Committee; and 3) Authorize the City Manager to execute all necessary documents. A4981. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Mills.**

COUNCILMEMBER REPORTS, REQUESTS, AND COMMENTS:

Mayor Pro Tem Mills requested staff address the lack of maintenance of the pedestrian bridge on Indian Avenue.

Councilmember Foat requested an update on the installation of the crosswalks on North Palm Canyon.

ADJOURNMENT: The City Council adjourned at 8:14 p.m. to Wednesday, May 15, 2013, 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 15TH DAY OF MAY, 2013.

STEPHEN P. POUQUET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK