

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



**MEETING MINUTES
WEDNESDAY, JANUARY 21, 2015
CITY HALL COUNCIL CHAMBER**

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

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

INVOCATION: Rev Amanda Burr, United Methodist Church, led the Invocation.

ROLL CALL:

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

ABSENT: None.

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

PRESENTATIONS:

Queen Scheherazade and her Court announced the upcoming 2015 Date Festival and Riverside County Fair.

Mayor Pougnet provided an update on the 2015 Mayor's Race and Wellness Festival, and announced the 2015 Mayor's State of the City address.

Mayor Pro Tem Lewin provided details on the California DMV Salton Sea License Plate program.

Councilmember Foat provided an update on adoptions at the Palm Springs Animal Shelter.

Bryan Gruber, Lance Soll and Lunghard LLP, the City's independent auditors, presented the results of the Fiscal Year 2013-14 audit.

REPORT OF CLOSED SESSION:

The meeting was called to order at 4:30 p.m. and the City Attorney requested the City Council add one Item to the Closed Session Agenda, pursuant to Cal. Gov. Code

Section 54956.9(a) Existing Litigation titled *People for Proper Planning v. City of Palm Springs, Case No. PSC1301691, Riverside Superior Court, Palm Springs Division*, and stated additional material regarding the case was received after the posting of the agenda.

ACTION: 1) Find the matter 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; and 2) Add to the Closed Session Agenda, pursuant to Cal. Gov. Code Section 54956.9(a) one case of existing litigation titled *People for Proper Planning v. City of Palm Springs, Case No. PSC1301691, Riverside Superior Court, Palm Springs Division*. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried (5-0).**

The City Council recessed into Closed Session to discuss Items on the Closed Session Agenda. City Attorney Holland stated the City Council provided direction to the City Attorney and City Staff, otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

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

Councilmember Mills noted a business related abstention on Item 2.C. Warrant No. 1075493.

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

1. **PUBLIC HEARINGS:** None.

PUBLIC COMMENT:

MARK LANE, Action Park Alliance, provided an update on the events at the Palm Springs Skatepark.

THOMAS DOYLE, commented on the Palm Springs BUZZ trolley and the benefit to the community and tourism.

JOY BROWN MEREDITH, stated her support for Item 3.C. and 4.A., regarding medical cannabis and the Palm Springs BUZZ.

SID CRAIG, commented on the recent decision of the Parks and Recreation Commission for the conversion of a tennis court to a pickleball court in Demuth Park.

COUNCILMEMBER COMMENTS: None.

CITY MANAGER'S REPORT: City Manager Ready provided an update on Code Enforcement.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.G., 2.H., 2.I., 2.J., 2.K., 2.L., 2.M., and 2.N. **Motion Councilmember Mills, seconded by Councilmember Hutcheson 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 January 21, 2015, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of January 7, 2015. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 23748, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 12-06-14 BY WARRANTS NUMBERED 418927 THROUGH 418944 TOTALING \$39,620.43 LIABILITY CHECKS NUMBERED 1075428 THROUGH 1075449 TOTALING \$108,192.10, FIVE WIRE TRANSFERS FOR \$80,253.44, AND THREE ELECTRONIC ACH DEBITS OF \$1,444,332.44 IN THE AGGREGATE AMOUNT OF \$1,672,398.41, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23749, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1075450 THROUGH 1075651 IN THE AGGREGATE AMOUNT OF \$2,300,346.20, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23750, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1075652 THROUGH 1075746 IN THE AGGREGATE AMOUNT OF \$2,927,635.93, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 23751, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 12-20-14 BY WARRANTS NUMBERED 418945 THROUGH 418962 TOTALING \$29,168.86 LIABILITY CHECKS NUMBERED 1075747 THROUGH 1075768 TOTALING \$107,585.50, FIVE WIRE TRANSFERS FOR \$73,100.26, AND THREE ELECTRONIC ACH DEBITS OF \$1,444,332.44 IN THE AGGREGATE AMOUNT OF \$1,388,409.83, DRAWN ON BANK OF AMERICA;" and 5) Adopt Resolution No. 23752, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT

OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1075769 THROUGH 1075951 IN THE AGGREGATE AMOUNT OF \$2,751,028.41, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the business related abstention of Councilmember Mills on Warrant No. 1075493.**

2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF DECEMBER 2014:

ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of December 1 through December 31, 2014. **Approved as part of the Consent Calendar.**

2.E. SECOND READING AND ADOPTION OF ORDINANCE NO. 1869 APPROVING A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT (PDD) 370 IN LIEU OF A CHANGE OF ZONE FOR A PROPOSED COMMUNITY COMPRISED OF 46 TWO-STORY DETACHED RESIDENTIAL UNITS, PRIVATE STREETS, AND OPEN SPACE ON A ROUGHLY 5.23 ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO ROAD:

ACTION: Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1869, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT (PDD) 370 IN LIEU OF A CHANGE OF ZONE FOR A PROPOSED COMMUNITY COMPRISED OF 46 TWO-STORY DETACHED RESIDENTIAL UNITS, PRIVATE STREETS, AND OPEN SPACE ON A ROUGHLY 5.23 ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALVARADO ROAD (APN'S 504-074-001, 002 AND 008) (CASE 5.1340 CUP PDD 370/3.3742 MAJ/TTM 36725)." **Approved as part of the Consent Calendar.**

2.G. APPOINTMENT OF AN AD HOC CITY COUNCIL SUBCOMMITTEE FOR WASTE WATER TREATMENT PLANT IMPROVEMENTS:

ACTION: Appoint Councilmember Mills and Mayor Pro Tem Lewin to an ad hoc subcommittee for Waste Water Treatment Plant improvements. **Approved as part of the Consent Calendar.**

2.H. APPROVE AN AGREEMENT WITH DL CONSULTING FOR A NEW CONTENT MANAGEMENT SYSTEM FOR THE LIBRARY'S ACCESSING THE PAST LOCAL HISTORY DIGITIZATION PROJECT, INCLUSIVE OF ANNUAL STORAGE, LICENSE, AND MAINTENANCE FOR FIVE (5) YEARS:

ACTION: 1) Approve an agreement with DL Consulting in the amount of \$45,750 for a new cloud-based content management system inclusive of the initial set-up, training, annual storage, license, and maintenance fees

for five (5) years; and 2) Authorize the City Manager to execute all necessary documents. A6654. **Approved as part of the Consent Calendar.**

2.I. AMENDMENT NO. 3 TO AGREEMENT NO. A1281 THE JOINT POWERS AGREEMENT FOR SUNLINE TRANSIT AGENCY TO DELETE THE "WEIGHTED VOTING" PROVISIONS:

ACTION: 1) Approve Amendment No. 3 to Agreement No. A1281 the Sunline Joint Powers Agreement with the County of Riverside and the cities of the Coachella Valley; and 2) Authorize the City Manager to execute Amendment No. 3 to Agreement No. A1281 on behalf of the City of Palm Springs. A1281. **Approved as part of the Consent Calendar.**

2.J. PURCHASE AND INSTALLATION OF NEW CCTV VIDEO RECORDING SYSTEM FOR POLICE DEPARTMENT INTERVIEW ROOMS FROM COM-SEC INC. IN THE AMOUNT OF \$25,945.02:

ACTION: 1) Approve the purchase and installation of the PDS ISR interview room audio/video recording system for a total cost of \$25,945.02 from Com-Sec Inc., inclusive of all equipment, material, labor, taxes, and delivery; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

2.K. FISCAL YEAR 2013-14 AUDIT REPORTS BY THE CITY'S INDEPENDENT AUDITORS:

ACTION: Receive and file the Fiscal Year 2013-14 Audit Reports prepared by the City's independent auditors. **Approved as part of the Consent Calendar.**

2.L. EXTENSION OF VEOLIA WEST OPERATING SERVICES, INC. WASTEWATER SERVICES (OPERATIONS AND MAINTENANCE) CONTRACT TO JUNE 30, 2015:

ACTION: 1) Approve Amendment No. 13 to Amended and Restated Agreement No. A4123 with Veolia West Operating Services, Inc., (formerly Veolia Water North America-West, LLC) for Wastewater Services (Operations and Maintenance); and 2) Authorize the City Manager to execute all necessary documents. A4123. **Approved as part of the Consent Calendar.**

2.M. APPROVE USE OF SURPLUS FUNDING IN CERTAIN ASSESSMENT DISTRICTS TO REDEEM BONDS:

ACTION: 1) Adopt Resolution No. 23753, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING SURPLUS IN IMPROVEMENT FUND RELATING TO OUTSTANDING ASSESSMENT BONDS FOR ASSESSMENT DISTRICT NO. 161 (MOUNTAIN GATE) AND ORDERING THE DISPOSITION THEREOF;" 2) Adopt Resolution No. 23754, "A RESOLUTION OF THE

CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING SURPLUS IN IMPROVEMENT FUND RELATING TO OUTSTANDING ASSESSMENT BONDS FOR ASSESSMENT DISTRICT NO. 162 (THE VILLAS IN OLD PALM SPRINGS AND 48 @ BARISTO) AND ORDERING THE DISPOSITION THEREOF;" 3) Adopt Resolution No. 23755, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING SURPLUS IN IMPROVEMENT FUND RELATING TO OUTSTANDING ASSESSMENT BONDS FOR ASSESSMENT DISTRICT NO. 164 (MOUNTAIN GATE II) AND ORDERING THE DISPOSITION THEREOF;" 4) Adopt Resolution No. 23756, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADJUSTING THE BUDGET FOR FISCAL YEAR 2014-2015;" and 5) Authorize the Finance Director to transfer funds and to notify the fiscal agent to redeem bonds. **Approved as part of the Consent Calendar.**

2.N. LICENSE AGREEMENT WITH PALM SPRINGS HISTORICAL SOCIETY, INC. FOR THE USE OF A PORTION OF THE WELWOOD MURRAY MEMORIAL LIBRARY FOR A FIVE YEAR PERIOD:

ACTION: 1) Approve a License Agreement with The Palm Springs Historical Society, Inc., a California 501 (c)(3) Public Benefit Corporation, for the use of a portion of the Welwood Murray Memorial Library at 100 South Palm Canyon Drive; and 2) Authorize the City Manager to execute all necessary documents. A6655. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.F. APPOINTMENT OF AN AD HOC CITY COUNCIL SUBCOMMITTEE FOR HOMELESSNESS:

ACTION: Appoint Councilmember Foat and Mayor Pougnet to an ad hoc subcommittee for Homelessness. **Motion Councilmember Mills, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.**

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE TO AMEND THE PALM SPRINGS MUNICIPAL CODE RELATING TO BID PROTESTS:

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated January 21, 2015.

Councilmember Foat questioned the impetus for the code modifications for bid protests.

Mayor Pro Tem Lewin commented on the practice and policy of the City awarding public works contracts to the lowest responsible bidder.

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. 1870, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 7.08.030 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO BID PROTESTS." **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

3.B. PROPOSED ORDINANCE AMENDING AND RESTATING CHAPTER 5.34 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO MESSAGE ESTABLISHMENTS:

City Attorney Holland provided background information as outlined in the Staff Report dated January 21, 2015.

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. 1871, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING CHAPTER 5.34 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO MESSAGE ESTABLISHMENTS." **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

3.C. INITIATION OF AMENDMENTS TO THE PALM SPRINGS ZONING CODE REGARDING CULTIVATION OF MARIJUANA IN THE CITY AND TO ALLOW MEDICAL CANNABIS WITHIN COMMERCIAL AND/OR OFFICE ZONES IN THE CITY:

Mayor Pougnet provided background information on the discussion of the City Council Subcommittee regarding medical cannabis, and commented on the process for permitting the prior medical cannabis collectives.

Councilmember Foat commented on impact to patients and medical cannabis users, and the objectives for the growing of medical cannabis.

Councilmember Mills requested a review and analysis be provided for the past history of illegal operations.

Mayor Pro Tem Lewin commented on the access to patients, ease of access, sufficient operators to reduce the cost to patients, and the benefits for well regulated grow facilities.

Councilmember Hutcheson stated his support for other Councilmember comments, and the cultivation and regulation of medical cannabis.

Councilmember Foat stated the land use operations will be forwarded to the Planning Commission, and requested the Commission review the many restrictions in proximity to other types of establishments.

ACTION: Initiate Zone Text Amendments pursuant to Section 97.07.01.A.1.6 of the Palm Springs Zoning Code for the cultivation of marijuana within the City and medical cannabis cooperatives or collectives within the commercial and/or office zones in the City and refer these amendment concepts to the Planning Commission for hearing, review, and recommendation. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.**

4. UNFINISHED BUSINESS:

4.A. UPDATE ON THE PALM SPRINGS BUZZ TROLLEY SERVICE PILOT PROGRAM:

Josh Morgerman, Symblaze, provided an update on the Palm Springs BUZZ.

Councilmember Hutcheson commented on the successful launch of the BUZZ, requested the expansion of days to include the Coachella Weekend and other special events in the Coachella Valley.

Councilmember Foat questioned the current operational hours and the availability of information to make further decisions, and operational changes for summer months.

Mayor Pro Tem Lewin commented on the successful launch and the remarks from outside tourism publications.

Mayor Pougnet commented on the successful roll-out of the program and the public's positive reception.

No action taken.

4.B. CITY WIDE SOLAR REQUEST FOR PROPOSAL UPDATE:

Al Smoot, Special Projects Coordinator, provided background information as outlined in the Staff Report dated January 21, 2015.

Councilmember Foat commented on the participation of local firms in the process, the potential for smaller vendors to bid on a portion of the projects, if the City will consider some projects with the system owned by the City, and some as third party providers.

Councilmember Mills questioned if each applicant would be required to respond with both approaches, and the process and scoring systems for local preference.

Mayor Pro Tem Lewin commented on the process and the local preference, noted the benefits to the City utilizing solar, and the opportunity to select more than one vendor.

No action taken.

5. NEW BUSINESS:

5.A. AWARD A CONSTRUCTION CONTRACT TO AEGIS ITS, INC. IN THE AMOUNT OF \$2,078,080.40, AND APPROVE AMENDMENT NO. 1 IN THE AMOUNT OF \$276,738 TO AGREEMENT NO. A5985 WITH RBF CONSULTING FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE TRAFFIC MANAGEMENT CENTER AND CITYWIDE TRAFFIC SIGNAL INTERCONNECT/SYNCHRONIZATION PROJECT [FEDERAL AID PROJECT NO. CML 5282 (031) (CP 08-04)]:

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated January 21, 2015.

Councilmember Foat commented on the status of the CVAG regional synchronization project, requested clarification on the Engineer's Estimate and the actual construction cost, and the components of the traffic center.

Councilmember Mills commented on the Engineer's Estimate, and questioned if the pedestrian crossings are interconnected with the traffic signal synchronization.

ACTION: 1) Award a construction contract to Aegis ITS, Inc. in the amount of \$2,078,080.40 for the Traffic Management Center and Citywide Traffic Signal Interconnect Project, Federal Aid Project No. CML 5282 (031) (CP 08-04); 2) Approve and authorize the City Manager to approve and execute construction contract change orders up to a cumulative amount of 5% of the contract amount (\$103,940); 3) Approve Amendment No. 1 to Agreement No. A5985 with RBF Consulting in the amount of \$276,738, for a total contract amount of \$524,259, for the Traffic Management Center and Citywide Traffic Signal Interconnect Project, [Federal Aid Project No. CML 5282 (031) (CP 08-04)]; and 4) Authorize the City Manager to execute all necessary documents. A6656. A5985. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Mayor Pro Tem Lewin requested photos be taken of the installation of the Municipal Co-Generation plant, requested opportunities and awards for further water conservation, and requested the City Manager address enforcement.

Mayor Pougnet requested Staff address Commissioner Orientation and recent comments from the AAC, the pre-judging of the projects by AAC members, and requested the City Attorney remind the AAC of their responsibilities.

ADJOURNMENT: The City Council adjourned at 7:55 p.m. to Wednesday, February 4, 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
4TH DAY OF FEBRUARY, 2015.**


STEPHEN P. POUGNET, MAYOR

ATTEST:


JAMES THOMPSON, CITY CLERK