

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



**MEETING MINUTES  
WEDNESDAY, MAY 6, 2015  
CITY HALL COUNCIL CHAMBER**

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:04 p.m.

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

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

**ROLL CALL:**

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

**ABSENT:** Councilmember Mills.

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

**PRESENTATIONS:**

Mayor Pougnet and the City Council proclaimed Public Employee Service Appreciation Week in the City of Palm Springs.

Mayor Pougnet announced Battalion Chief David Rees as the Palm Springs Firefighter of the Year and presented a Certificate of Appreciation.

Lisa Vossler-Smith, Modernism Week, provided an update of the 2015 Palm Springs Modernism Week events.

Mayor Pougnet provided an update on the Palm Springs Fire Department 2015 Annual Fish Fry at Ruth Hardy Park.

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

## **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 reported the City Council provided direction to City Staff, otherwise no reportable actions were taken.

City Attorney Holland stated Mayor Pougnet did not participate in the Closed Session discussion on the property matter for 128 South Palm Canyon due to a business related conflict of interest.

## **ACCEPTANCE OF THE AGENDA:**

Councilmember Foat stated she has a property ownership conflict of interest and abstention with respect to Consent Calendar Item 2.M.

Mayor Pro Tem Lewin stated he has a property ownership conflict of interest and abstention with respect to Consent Calendar Item 2.N.

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

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

**NOES:** None.

**ABSENT:** Councilmember Mills.

## **1. PUBLIC HEARINGS:**

### **1.A. AMENDMENT TO THE PALM SPRINGS ZONING CODE RELATING TO ACCESSORY SECOND DWELLING UNITS (CASE 5.1341 ZTA) AND CEQA CATEGORICAL EXEMPTION:**

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated May 6, 2015.

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

Councilmember Foat requested information on the number of requests the City receives.

**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. 1875, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA,

AMENDING SECTIONS 91.00.10 AND 93.23.14, AND REPEALING SECTIONS 92.00.01.C.10, 92.01.01.D.3, 92.02.01.C.7, AND 92.03.01.C.1, OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO ACCESSORY SECOND DWELLING UNITS." **Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Mills.

**1.B. PROPOSED ORDINANCE RELATING TO THE PERMITTED LOCATIONS AND DEVELOPMENT STANDARDS OF MEDICAL CANNABIS CULTIVATION FACILITIES AND MEDICAL CANNABIS COOPERATIVES OR COLLECTIVES AND CEQA CATEGORICAL EXEMPTION:**

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated May 6, 2015.

JOY BROWN MEREDITH, stated her support for the proposed ordinance and thanked the City for allowing medical cannabis collectives.

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

Mayor Pro Tem Lewin stated he would be in support of additional permits, requested Staff address the locations that would be permitted under the ordinance, commented on the distance requirement, and requested the City Attorney address the ordinance for un-permitted collectives.

Councilmember Foat commented on the Statewide ballot initiative and the City's efforts to allow medical cannabis, and requested the City Council provide for a fifth collective.

Mayor Pougnet commented on the development of the medical cannabis permits and regulations in the City, questioned if a grow facility has the ability to sell outside of the City and any taxation issues.

**ACTION:** 1) Waive the reading of the ordinance text in its entirety and read by title only; 2) Introduce on first reading Ordinance No. 1876, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTERS 91, 92, AND 93 OF, THE PALM SPRINGS ZONING CODE RELATING TO THE PERMITTED LOCATIONS AND DEVELOPMENT STANDARDS OF MEDICAL CANNABIS CULTIVATION FACILITIES AND MEDICAL CANNABIS COOPERATIVES OR COLLECTIVES," *amending the ordinance to allow cultivation facilities in*

*the EI zone*; and 3) Direct Staff to place on the May 20, 2015, City Council Agenda, a discussion regarding the number of permits and regulatory provisions. **Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Mills.

**PUBLIC COMMENT:**

DAVID FELTMAN, Palm Springs, commented on the decay of the South Palm Canyon corridor of Palm Springs and the abandoned buildings in the area, and submitted a petition to the City Council.

JERI BARRY, Palm Springs, commented on the CV Link, and requested the City Council eliminate the CV Link section from Highway 111 to Gene Autry Trail.

BILL SANDERSON, Palm Springs, commented on Code Enforcement efforts on A-Frame signs and outdoor furniture sales, and requested the City Council expand the district for A-Frame signs.

ROBERT FINDLEY, Palm Springs, commented on the blight in South Palm Springs and specifically the abandoned Magruder building.

CHRISTINE HAMMOND, Palm Springs, provided a brief update on the Measure J Community related projects.

DONNA CHABAN, Palm Springs, commented on A-Frame open signs and outdoor displays.

DEE DEE WILSON BARTON, Palm Springs, commented on Item 2.F., and highlighted the activities of the Human Rights Commission.

JONATHAN FREEMAN, Palm Springs, commented on Item 5.A. preliminary budget and requested an increase in the budget to remove the blight in South Palm Springs.

DAWN BERN, commented on the decay of the South Palm Canyon corridor of Palm Springs and the abandoned buildings in the area.

PRUDENCE OUTRY, Palm Springs, read a statement regarding constitutional rights.

MINDY REED, commented on Item 3.A., thanked City Staff for meeting the Palm Springs restaurant operators and owners, and stated her support for the ordinance.

JOY BROWN MEREDITH, commented on Item 3.A., and stated the MainStreet Board voted to support the proposed Food Truck Ordinance, commented on the homelessness forum conducted at the Mizell Senior Center, and commented on the Downtown Maintenance and Code Enforcement Staff.

DANUTA BALLINGER, Palm Springs, commented on the decay of the South Palm Canyon corridor of Palm Springs and homelessness in the City of Palm Springs.

STEVE ROSENBERG, Palm Springs, commented on the recent passing of his partner and the excellent service by the Fire Department and the Police Department.

RICK PANTELE, announced an upcoming fundraiser to benefit the AIDS Assistance Program and the Palm Springs Animal Shelter, and donated a piece of artwork to the City of Palm Springs.

MICHAEL MCWHIRTER, Palm Springs, commented on the decay of the South Palm Canyon corridor of Palm Springs and the abandoned buildings in the area.

#### **COUNCILMEMBER COMMENTS:**

Mayor Pro Tem Lewin, requested Staff address the schedule of the Tahquitz Creek Trail triangle project.

Mayor Pougnet commented on the conditions at the Magruder building, and stated the City is seeking to demolish the building, and other blight in the area.

Councilmember Foat commented on homelessness in the City of Palm Springs and the lack of support from Riverside County.

Councilmember Hutcheson commented on Sunny Dunes and the new businesses in the area, and requested City Staff place a discussion on a future agenda to assist business owners and business development in the area.

#### **CITY MANAGER'S REPORT:**

City Manager Ready announced the completion and grand opening ceremony of the new pickleball courts at Demuth Park, and commented on DWA water regulations and the impact to the City facilities.

City Attorney Holland commented on the sale of property located at 1479 North Palm Canyon Drive, and stated City Staff will place an Item on the May 20, 2015, City Council Agenda to rescind the sale of the property.

**2. CONSENT CALENDAR:**

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

**AYES:** Councilmember Foat, Councilmember Hutcheson, Mayor Pro Tem Lewin, 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 May 6, 2015, City Council Agenda. **Approved as part of the Consent Calendar.**

**2.B. APPROVAL OF MINUTES:**

**ACTION:** Approve the City Council Minutes of April 15, 2015. **Approved as part of the Consent Calendar.**

**2.C. ACCEPT THE RESIGNATION OF ORLANDO GOTAY FROM THE SUSTAINABILITY COMMISSION:**

**ACTION:** 1) Accept with regret the resignation of Orlando Gotay from the Sustainability Commission; and 2) Direct the City Clerk to post a notice of vacancy for the unexpired term ending June 30, 2017. **Approved as part of the Consent Calendar.**

**2.D. CITY TREASURER'S INVESTMENT REPORT AS OF MARCH 31, 2015:**

**ACTION:** Receive and File the City Treasurer's Investment Report as of March 31, 2015. **Approved as part of the Consent Calendar.**

**2.E. AUTHORIZE THE ISSUANCE OF A BLANKET PURCHASE ORDER TO VALLEY MAIL DELIVERY ON AN ANNUAL BASIS:**

**ACTION:** 1) Authorize the issuance of a Blanket Purchase Order to Valley Mail Delivery for mail processing and related services, on an annual basis at the per unit prices subject to an annual CPI adjustment; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

**2.F. PALM SPRINGS HUMAN RIGHTS COMMISSION ANNUAL REPORT FOR FISCAL YEAR 2013-14:**

**ACTION:** Receive and File the Human Rights Commission Annual Report for 2013-14. **Approved as part of the Consent Calendar.**

**2.G. APPROVE THE COOPERATIVE PURCHASE, INSTALLATION AND FIVE YEAR SERVICE AGREEMENT OF VOICESHIELD EQUIPMENT**

**SATELLITE BASED PHONE SYSTEM, WITH TELEIRA RESILIENT COMMUNICATIONS:**

**ACTION:** 1) Award the purchase of the VoiceShield equipment, installation, and five year service agreement with Teleira Resilient Communications Inc., based on the Riverside County cooperative purchase RFP#HSARC-279, in the total amount of \$62,375; and 2) Authorize the City Manager to approve the purchase order and the Teleira Service Agreement. A6699. **Approved as part of the Consent Calendar.**

**2.H. APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE AGUA CALIENTE BAND OF CAHUILLA INDIANS REGARDING THE USE OF THE TRIBAL MOBILE FUEL TRAILER:**

**ACTION:** 1) Approve a five year Agreement with the Agua Caliente Band of Cahuilla Indians, to store and respond the Tribal Mobile Fuel Trailer, and refuel the Tribal Mobile Emergency Operations Center as needed; and 2) Authorize the City Manager to execute the Agreement. A6700. **Approved as part of the Consent Calendar.**

**2.I. APPROVE FAA GRANT NO. 3-06-0181-052-2015 AND AWARD CONSTRUCTION CONTRACT FOR THE PALM SPRINGS INTERNATIONAL AIRPORT TECHNOLOGY SYSTEMS REPLACEMENT AND SECURITY DOOR INSTALLATION PROJECT:**

**ACTION:** 1) Approve FAA AIP Grant No. 3-06-0181-052-2015 in the total amount of \$4,079,346; 2) Award the construction contract for the Airport Technology System and Security Door Project, to Johnson Controls Inc., the lowest responsive bidder, in the amount of \$3,934,346 in a form approved by the City Attorney; and 3) 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. A6701. A6702. **Approved as part of the Consent Calendar.**

**2.J. SUMMARY VACATION OF A PORTION OF A 10 FOOT WIDE PUBLIC UTILITY EASEMENT IN LOTS 1, 3, 6, 7, 11, 12, 17, 20, 23, 25, 26, 29, 30, & 33 LOCATED WITHIN TRACT MAP NO. 32233, RECORDED IN BOOK 441 OF MAPS, PAGE 21-26, INCLUSIVE, IN SECTION 7, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R 15-05:**

**ACTION:** Adopt Resolution No. 23809 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUMMARILY VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE AND INTEREST IN A PORTION OF A 10 FOOT WIDE PUBLIC UTILITY EASEMENT LOCATED IN LOTS 1, 3, 6, 7, 11, 12, 17, 20, 23, 25, 26, 29, 30, & 33 LOCATED WITHIN TRACT MAP NO. 32233, RECORDED IN BOOK 441 OF MAPS, PAGE 21-26, INCLUSIVE, IN SECTION 7,

**TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R 15-05." Approved as part of the Consent Calendar.**

**2.K. APPROVE A FIVE-YEAR LEASE AGREEMENT WITH XEROX FINANCIAL SERVICES AND COST PER IMAGE AND MAINTENANCE AGREEMENT WITH IMAGE SOURCE FOR TWENTY-FIVE NEW XEROX COPIERS:**

**ACTION:** 1) Approve a five-year lease agreement with Xerox Financial Services LLC via the WSCA cooperative purchasing program for 25 new Xerox copiers in the amount of \$59,935.57 per year, including taxes, with a \$1 buy-out option at end of lease.; 2) Approve a five-year cost per image and maintenance agreement with Image Source via the WSCA cooperative purchasing program at the unit prices of \$0.0049 cost per copy for black and white and \$0.049 cost per copy for color; and 3) Authorize the City Manager to execute all necessary documents. A6703. A6704. **Approved as part of the Consent Calendar.**

**2.L. APPROVAL OF PROPOSAL FOR AN AMOUNT NOT TO EXCEED \$52,920 FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES BY WILLDAN ENGINEERING, FOR THE MEASURE J FUNDED BICYCLE CORRIDORS, PHASE I PROJECT, CITY PROJECT NO. 13-32:**

**ACTION:** 1) Approve the proposal from Willdan Engineering, pursuant to On-Call Agreement No. 6688, for an amount not to exceed \$52,920 to provide construction management and inspection services for the Measure J funded Bicycle Corridors, Phase I project, City Project No. 13-32; and 2) Authorize the City Manager to execute all necessary documents. A6688. **Approved as part of the Consent Calendar.**

**2.M. REPEAL RESOLUTION NO. 23757 REGARDING THE PREVIOUS APPROVAL OF THE HISTORIC SITE CERTIFICATE OF APPROVAL AND REFER 750 LOFTS, LLC MIXED-USE HOTEL DEVELOPMENT ON A 1.13 ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE, ZONE C-1 / R-3 / PD 104 / RESORT COMBINING ZONE / LAS PALMAS BUSINESS HISTORIC DISTRICT, CEQA MITIGATED NEGATIVE DECLARATION AND REFER TO THE PLANNING COMMISSION FOR HEARING AND RECOMMENDATION TO COUNCIL (HD-1) (CASE 5.1350 PDD 374 / GPA):**

**ACTION:** 1) Repeal in its entirety Resolution No. 23757, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE APPEAL OF 750 LOFTS, LLC, AND AMENDING THE CONDITIONS OF APPROVAL IMPOSED BY THE HISTORIC SITE PRESERVATION BOARD ON THE CERTIFICATE OF APPROVAL FOR PLANNED DEVELOPMENT DISTRICT 374, A MIXED-USE PROJECT INCLUDING 38 HOTEL ROOMS, EIGHT RESIDENTIAL UNITS, AND ANCILLARY COMMERCIAL SPACE LOCATED AT 750



NORTH PALM CANYON DRIVE, ZONE C-1 / R-3 / PD 104 / RESORT COMBINING ZONE / THE LAS PALMAS BUSINESS HISTORIC DISTRICT (APN 505-303-018);” and 2) Refer the project, including all related applications to the Planning Commission for further public hearing, review, and recommendation for Council consideration. **Approved as part of the Consent Calendar, noting the abstention of Councilmember Foat.**

**2.N. AWARD A CONSTRUCTION CONTRACT TO ABOUD DIAMOND CONSTRUCTION, INC., IN THE AMOUNT OF \$414,000 FOR THE DESERT HIGHLAND UNITY CENTER GYM AIR CONDITIONING IMPROVEMENTS (CITY PROJECT NO 14-15):**

**ACTION:** 1) In accordance with Section 5101 of the California Public Contract Code, consent to relieve Sea Pac Engineering, Inc. of their low bid in the amount of \$325,100 because of a mistake made in completing the bid submitted for the Desert Highland Unity Center Gym Air Conditioning Improvements, City Project No. 14-15; 2) Cancel the Arnico Tract Sewer Improvements (Phase 4), and authorize the appropriation of \$176,615 in Measure J Capital Project Funding originally programmed for the Arnico Tract Sewer Improvements (Phase 4) for the Desert Highland Unity Center Gym Air Conditioning Improvements, City Project No. 14-15; 3) Award a construction contract to Abboud Diamond Construction, Inc., a California corporation, in the amount of \$414,000 for the Desert Highland Unity Center Gym Air Conditioning Improvements, City Project No. 14-15; and 4) Authorize the City Manager to execute all necessary documents. A6705. **Approved as part of the Consent Calendar, noting the abstention of Mayor Pro Tem Lewin.**

**2.O. APPROVE A NON-BINDING MEMORANDUM OF AGREEMENT WITH THE ALUMINAIRE HOUSE FOUNDATION FOR THE PURPOSE OF NEGOTIATING A LEASE OF CITY PROPERTY FOR USE AS THE SITE OF THE ALUMINAIRE HOUSE:**

**ACTION:** 1) Approve a non-binding Memorandum of Agreement with the Aluminaire House Foundation; and 2) Authorize the City Manager to execute the Memorandum of Agreement. A6706. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:** None.

**3. LEGISLATIVE:**

**3.A. PROPOSED ORDINANCE ADDING CHAPTER 6.15 TO THE PALM SPRINGS MUNICIPAL CODE AND REPEALING URGENCY ORDINANCE NO. 1864, RELATING TO MOBILE FOOD VENDING VEHICLES AND CEQA DETERMINATION:**

City Attorney Holland provided background information as outlined in the Staff Report dated May 6, 2015.

**ACTION:** 1) Waive reading the full text of the ordinance and introduce by title only Ordinance No. 1877, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 6.15 TO, AMENDING SUBSECTION (a) OF SECTION 12.12.055 OF, AND REPEALING SECTIONS 6.08.140 AND 12.28.100 OF, THE PALM SPRINGS MUNICIPAL CODE, AND REPEALING URGENCY ORDINANCE NO. 1864 RELATING TO MOBILE FOOD VENDING VEHICLES." **Motion Councilmember Foat, seconded by Mayor Pro Tem Lewin and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Mills.

**3.B. PROPOSED ORDINANCE AMENDING TITLE 9 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO SUBDIVISIONS AND LAND AND CONDOMINIUM CONVERSIONS AND CEQA DETERMINATION:**

City Attorney Holland provided background information as outlined in the Staff Report dated May 6, 2015.

Mayor Pro Tem Lewin commented on the recent history of a condo conversion in the City and the need for relocation assistance.

Mayor Pougnet thanked Mayor Pro Tem Lewin for his research on this topic and noted his support for the proposed ordinance.

Councilmember Hutcheson questioned who pays the relocation assistance.

**ACTION:** 1) Waive reading the full text of the ordinance and introduce by title only Ordinance No. 1878, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE TITLE OF TITLE 9 OF, AND AMENDING SECTIONS 9.61.010, 9.61.020, 9.61.030, AND 9.62.020 OF, THE PALM SPRINGS MUNICIPAL CODE RELATING TO SUBDIVISIONS OF LAND AND CONDOMINIUM CONVERSIONS." **Motion Mayor Pro Tem Lewin, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Mills.

**4. UNFINISHED BUSINESS:** None.

**5. NEW BUSINESS:**

**5.A. PRESENTATION OF THE PRELIMINARY FISCAL YEAR 2015-16 BUDGET FOR THE GENERAL FUND AND VARIOUS SPECIAL FUNDS AND FISCAL YEAR 2014-15 THIRD QUARTER FINANCIAL REVIEW:**

City Manager Ready provided background information as outlined in the Fiscal Year 2015-16 Preliminary Budget.

Mayor Pro Tem Lewin thanked the City Manager and stated he is in support of the direction the budget is heading.

Mayor Pougnet thanked the Finance Department Staff for the diligent work on the budget, and noted the previous economic challenges during the recession.

Councilmember Foat requested Staff provide additional details on business improvement areas.

No action taken.

**COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:** None.

**ADJOURNMENT:** The City Council adjourned at 8:28 p.m. to Wednesday, May 20, 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 20<sup>TH</sup> DAY OF May, 2015.**

ATTEST:

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STEPHEN P. POUGNET, MAYOR

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JAMES THOMPSON, CITY CLERK