

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



**MEETING MINUTES
WEDNESDAY, JUNE 3, 2015
CITY HALL COUNCIL CHAMBER**

CALL TO ORDER: Mayor Pro Tem Lewin called the meeting to order at 6:15 p.m.

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

INVOCATION: Michale Cashe, Inner Faith Spiritual Center, led the Invocation.

ROLL CALL:

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

ABSENT: Mayor Pougnet.

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

PRESENTATIONS: Mayor Pro Tem Lewin provided an update on the Palm Springs Chamber Awards and the Palm Springs Fire Department 2015 Annual Fish Fry.

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 City Attorney Holland requested the City Council add one item to the Closed Agenda, pursuant to Cal. Gov. Code. Section 54956.9(b) one case of Exposure to Litigation, and stated the City received a threat of litigation after the posting of the Agenda.

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 on the Item; and 2) Add to the Closed Session Agenda one case of Exposure to Litigation, pursuant to Cal. Gov. Code Section 54956.9(b). **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried (4-0) noting the absence of Mayor Pougnet.**

The City Council recessed into Closed Session to discuss items on the Closed Session Agenda.

City Attorney Holland stated the City Council did not discuss the property matter related to 128 South Palm Canyon. City Attorney Holland reported the City Council authorized

the payment of \$7,800 to Villas De Las Flores for the Tort Claim, City Claim No. 12-0348, provided direction to City Staff and the City Attorney otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

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

City Clerk Thompson stated City Staff has requested Items 2.O. and 5.A. be withdrawn from the Agenda.

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

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

NOES: None.

ABSENT: Mayor Pougnet.

1. PUBLIC HEARINGS:

1.A. PUBLIC HEARING ON THE FISCAL YEAR 2015-16 BUDGET, ALLOCATED POSITIONS AND COMPENSATION PLAN, SUCCESSOR AGENCY ADMINISTRATIVE BUDGET, HOUSING SUCCESSOR AGENCY BUDGET, APPROPRIATIONS LIMIT, AND PRESENTATION OF THE USER FEE STUDY / COST ALLOCATION PLAN, AND COMPREHENSIVE FEE SCHEDULE:

Geoffrey Kiehl, Director of Finance, provided background information as outlined in the Staff Report dated June 3, 2015.

Mayor Pro Tem Lewin opened the public hearing, and the following speakers addressed the City Council.

DEBORAH McGARREY, commented on the proposed fees for encroachments for Southern California Gas Company.

DINO ZONIC and JEFFREY GILSON, requested grant funding for the proposed Palm Springs Orchestra.

Councilmember Foat requested Staff address the recommended positions to be added to the Allocated Positions and Compensation Schedule, the Appropriation Summary by Fund Type, stated the Planning Department is understaffed for current work load and recommended the addition of a Principal Planner.

Mayor Pro Tem Lewin requested the City Manager follow-up with the Gas Company, submit fund balance information to the City Council, and provide additional detail on potential positions that could be added including a Principle Planner.

Councilmember Foat requested the City Council consider additional funding for the Palm Springs Animal Shelter.

Councilmember Mills commented on the proposed fees and requested City Staff explain the basis of the increased fees.

ACTION: 1) Continue the Public Hearing and the adoption of the Budget and the Allocated Positions and Compensation Plan to the June 17, 2015, City Council Meeting; 2) Direct the City Clerk to post a Notice of Continued Public Hearing; and 3) Receive the User Fee Study and Cost Allocation Plan, the draft Comprehensive Fee Schedule, and conduct a Public Hearing at the June 17, 2015, City Council meeting. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pougnet.

PUBLIC COMMENT:

ALLEN WORTHY, commented on recent claims filed with the City and the Palm Springs Police Department.

CRAIG SCOTT, Palm Springs, commented on Item 3.A. regarding Medical Cannabis cultivation, and requested the City Council consider allowing cultivation outdoors.

KAY BUTLER, Palm Springs, commented on tennis programs for youth and requested the City Council consider a contribution of \$5,000 for equipment.

ROBERT FINDLEY, Palm Springs, questioned what the City is doing for public safety and beautification of South Palm Springs, requested the City Council demolish the Magruder Chevrolet building.

JONATHAN FREEMAN, Palm Springs, requested the City Council demolish the Magruder Chevrolet building.

PAUL MERRITT, commented on a recent incident with the Palm Springs Police Department.

NIKOHL VANDEL, Palm Springs, commented on development, homeless, and tax breaks.

RICK PANTELE, commented on Item 3.B. regarding Medical Cannabis, and requested the closure of illegal collectives and mobile collectives.

ROBERT VAN ROO, commented on Item 3.B. regarding Medical Cannabis, stated Palm Springs Safe Access is now open for business, commented on the services, requested the City Council consider the economic benefits as a result of additional collectives.

DIANE BLASDEL, commented on Item 3.A., regarding medical cannabis, stated they are opposed to the number of permits, and stated support for cultivation.

JIM CAMPER, commented on Item 3.A., regarding medical cannabis, stated the new opportunities for locations are unfair to the existing permitted collectives, requested the City Council not approve two new permits.

TOM EVANSON, requested the City Council demolish the Magruder Chevrolet building.

JOY BROWN MEREDITH, requested the City Council consider funding public restrooms in the Downtown area, and provided an update on the activities of MainStreet.

WESLEY ROSS, commented on Item 5.A., and stated it is unfair for the City to bear the full cost to benefit the property owners.

ANDREW MILKS, commented on Item 3.A., regarding medical cannabis, requested Brown Dog Farms be considered for a new permit.

STEVE ROSENBERG, commented on Item 5.C. and the demolition of the former Magruder Chevrolet site.

COUNCILMEMBER COMMENTS:

Councilmember Foat commented on the recent CVAG meeting regarding CVLink, and requested the City Council consider forming a City Council Subcommittee regarding CVLink.

Councilmember Mills requested a map be included with formation of assessment districts.

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., 2.I., 2.L., 2.M., 2.N., 2.P., and 2.Q. **Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pougnet.

2.A. REPORT ON THE POSTING OF THE AGENDA:

ACTION: Receive and file Report on the Posting of the June 3, 2015, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of May 20, 2015. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 23826, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 04-25-2015 BY WARRANTS NUMBERED 419107 THROUGH 419123 TOTALING \$29,775.04 LIABILITY CHECKS NUMBERED 1078241 THROUGH 1078261 TOTALING \$106,969.54, FIVE WIRE TRANSFERS FOR \$55,729.56, AND THREE ELECTRONIC ACH DEBITS OF \$1,282,040.19 IN THE AGGREGATE AMOUNT OF \$1,474,514.33, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23827, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1078262 THROUGH 1078389 IN THE AGGREGATE AMOUNT OF \$1,280,220.12, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 23828, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1078390 THROUGH 1078578 IN THE AGGREGATE AMOUNT OF \$2,560,927.96, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF APRIL 2015:

ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of April 1 through April 30, 2015. **Approved as part of the Consent Calendar.**

2.E. ACCEPT THE RESIGNATION OF KEVIN TOWNER FROM THE MEASURE J COMMISSION:

ACTION: 1) Accept the resignation of Kevin Towner from the Measure J Commission; and 2) Direct the City Clerk to post a notice of vacancy for the unexpired term ending June 30, 2015. **Approved as part of the Consent Calendar.**

2.F. PROPOSED RESOLUTIONS CALLING THE NOVEMBER 3, 2015, GENERAL MUNICIPAL ELECTION, ORDERING SERVICES, AND ADOPTING REGULATIONS FOR CANDIDATE STATEMENTS:

ACTION: 1) Adopt Resolution No. 23829, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2015, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA AND CITY CHARTER;" 2) Adopt Resolution No. 23830, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2015;" and 3) Adopt Resolution No. 23831, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES STATEMENTS/PROFILES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS/PROFILES SUBMITTED TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2015." **Approved as part of the Consent Calendar.**

2.G. CITY TREASURER'S INVESTMENT REPORT AS OF APRIL 30, 2015:

ACTION: Receive and File the City Treasurer's Investment Report as of April 30, 2015. **Approved as part of the Consent Calendar.**

2.H. DONATION OF TWO (2) HURST JL-150 CUTTERS, ONE (1) X-TRACTOR CUTTER, ONE (1) MAVERICK COMBI, AND TWO (2) HYDRAULIC POWER UNITS TO THE COLLEGE OF THE DESERT REGIONAL PUBLIC SAFETY FIRE ACADEMY:

ACTION: 1) Waive the Public Auction requirement in Section 7.07.020 (3) of the Palm Springs Municipal Code for Disposition of Surplus Property and authorize the donation of two (2) JL-150 cutters, one (1) X-tractor cutter, one (1) Maverick Combi, and two (2) power units to the Public Safety Academy at College of the Desert; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

- 2.I. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF INDIAN WELLS TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING JUNE 30, 2017:**
ACTION: Appoint Robert Berriman, as the City of Indian Wells representative, to the Palm Springs International Airport Commission for the term ending June 30, 2017. **Approved as part of the Consent Calendar.**
- 2.L. ACCEPT FROM THE AGUA CALIENTE BAND OF CAHUILLA INDIANS A GRANT IN THE AMOUNT OF \$25,000 AND AUTHORIZE THE PURCHASE OF A LASER SCANNING SYSTEM FOR THE PALM SPRINGS POLICE DEPARTMENT:**
ACTION: 1) Accept a grant from the Agua Caliente Band of Cahuilla Indians in the amount of \$25,000; 2) Authorize the purchase of a Focus3D X130 Laser Scanning System, including applicable sales tax, licensing, software, training and accessories, utilizing Federal GSA Schedule 66, #GS24F0044M, cooperative purchase pricing, from FARO Technologies Inc. in an amount not to exceed \$76,913.19; and 3) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**
- 2.M. NATHAN AND GINA OTTO ART MURAL APPLICATION FOR AN EXISTING ART MURAL ON THE COMMERCIAL BUILDING AT 810 NORTH FARRELL DRIVE (CASE 15-001 MUR):**
ACTION: Adopt Resolution No. 23832, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE NO. 15-001-MUR FOR AN ART MURAL ON THE COMMERCIAL BUILDING AT 810 N. FARRELL DRIVE, ZONE M-1-P." **Approved as part of the Consent Calendar.**
- 2.N. AMENDMENT NO. 5 TO AGREEMENT NO. A5862 FOR LOSS CONTROL AND REGULATORY SERVICES WITH KEENAN & ASSOCIATES:**
ACTION: 1) Approve Amendment No. 5 to consulting services agreement for Loss Control and Regulatory Services with Keenan & Associates, in the amount of \$65,000; and 2) Authorize the City Manager to execute all necessary documents. A5862 **Approved as part of the Consent Calendar.**
- 2.P. APPROVE ANNUAL INSURANCE POLICY RENEWALS FOR THE CITY'S INSURANCE PORTFOLIO FOR FISCAL YEAR 2015-16:**
ACTION: Adopt Resolution No. 23833, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING KEENAN & ASSOCIATES AS THE CITY'S BROKER OF RECORD, TO PURCHASE PROPERTY LIABILITY, EXCESS EARTHQUAKE/FLOOD LIABILITY (DIFFERENCE IN CONDITION), EXCESS LIABILITY, EXCESS WORKERS COMPENSATION, AIRPORT

OWNERS AND OPERATORS LIABILITY, VILLAGEFEST LIABILITY, MULTI MEDIA LIABILITY, AIRCRAFT HULL LIABILITY, CRIME/FIDELITY LIABILITY, AND CYBER LIABILITY INSURANCE POLICIES FROM VARIOUS CARRIERS FOR POLICY YEAR 2015-2016, EFFECTIVE JULY 1, 2015." **Approved as part of the Consent Calendar.**

2.Q. ANNUAL LEVY OF ASSESSMENTS FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS, FISCAL YEAR 2015-16:

ACTION: 1) Adopt Resolution No. 23834, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE PREPARATION OF AND GIVING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT REGARDING STREET LIGHTING MAINTENANCE DISTRICT NO. 3, AND PARKWAY MAINTENANCE DISTRICTS NOS. 6A, 6C, 7, 8, 9, AND 10 (ZONES 1 AND 2), AND LANDSCAPE MAINTENANCE DISTRICT NO. 12, TO ESTABLISH ANNUAL ASSESSMENTS AND THE LEVY AND COLLECTION RELATED THERETO FOR FISCAL YEAR 2015-16;" and 2) Adopt Resolution No. 23835, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON JULY 1, 2015, REGARDING STREET LIGHTING MAINTENANCE DISTRICT NO. 3, AND PARKWAY MAINTENANCE DISTRICTS NOS. 6A, 6C, 7, 8, 9, AND 10 (ZONES 1 AND 2), AND LANDSCAPE MAINTENANCE DISTRICT NO. 12, AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2015-16." **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.J. APPROVE RESOLUTIONS OF INTENTION AND PROPOSED BOUNDARY MAPS TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES) ANNEXATION NO. 9, ANNEXATION NO. 10, ANNEXATION NO. 11, AND ANNEXATION NO. 12:

The City Council approved Item 2.J. as part of the Consent Calendar and Staff requested they rescind that action and table the Item.

ACTION: Rescind the approval of Item 2.J. adopting Resolutions of Intention and proposed boundary maps to Annex Territory to Community Facilities District. **Motion Mayor Pro Tem Lewin, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.**

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

2.K. APPROVE RESOLUTIONS OF INTENTION AND PROPOSED BOUNDARY MAPS TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PUBLIC SAFETY SERVICES) ANNEXATION NO. 1 AND ANNEXATION NO. 2:

City Clerk Thompson requested the City Council table Item 2.K.

ACTION: Table the item. **By unanimous consent of the City Council (4-0), noting the absence of Mayor Pougnet.**

2.O. APPROVE EASEMENT AGREEMENT AND COVENANT WITH VILLAS DE LAS FLORES ASSOCIATION FOR THE MAINTENANCE OF CITY TREES ADJACENT TO VILLAS DE LAS FLORES CONDOMINIUM DEVELOPMENT:

Withdrawn from the Agenda at the request of Staff.

The City Council recessed at 7:51 .m.

The City Council reconvened at 7:55 p.m.

3. LEGISLATIVE:

3.A. AN ORDINANCE AMENDING SECTIONS 5.35.110 AND 5.35.120 OF, AND ADDING SUBSECTION C TO SECTION 5.35.340 OF, THE PALM SPRINGS MUNICIPAL CODE RELATING TO MEDICAL CANNABIS CULTIVATION AND INCREASING THE NUMBER OF PERMITTED MEDICAL CANNABIS COOPERATIVES OR COLLECTIVES FROM FOUR (4) TO SIX (6):

City Attorney Holland provided background information as outlined in the Staff Report dated June 3, 2015.

Councilmember Foat requested Staff address if the ordinance applies to permitted facilities in other cities and home grown medical cannabis.

Councilmember Hutcheson requested City Staff clarify if the City Council is required to use the existing list, stated his preference is to limit two permits to the existing applicants, and stated his support for two additional permits.

Councilmember Mills requested the City Council Subcommittee address the recommendation for two additional permits, stated he would not support the ordinance, requested the Subcommittee address outdoor cultivation, commented on the number of collectives needed to supply the City of Palm Springs.

Councilmember Foat commented on the public comments regarding the effects that two additional permits will have on the four permits issued, and stated her support for limiting consideration to applicants in the last process.

Mayor Pro Tem Lewin requested City Staff explain Section 5.35.040(C)(1), requested Staff affirm cultivation is limited to Palm Springs collectives, and questioned enforcement.

Councilmember Mills commented on the business licensing process for medical cannabis.

ACTION: 1) Waive the reading of the ordinance text in its entirety and introduce Ordinance No. 1879, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 5.35.110 AND 5.35.120 OF, AND ADDING SUBSECTION C TO SECTION 5.35.340 OF, THE PALM SPRINGS MUNICIPAL CODE RELATING TO MEDICAL CANNABIS CULTIVATION AND INCREASING THE NUMBER OF PERMITTED MEDICAL CANNABIS COOPERATIVES OR COLLECTIVES FROM FOUR (4) TO SIX (6);" *amending the second sentence of Section 5.35.340(c)(1) to read "Nothing in this Section shall prohibit two or more permitted MCCFs from operating or maintain such MCCF, "and Section 5.35.340(c)(2) to read "one hundred percent (100%) of all cannabis or marijuana cultivated at MCCF shall be distributed solely to one or more MCCFs permitted pursuant to the provisions of this Chapter;* and 2) Direct Staff regarding the City Council preference to limit consideration to the applicants in the last process. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and carried 3-1 on a roll call vote.**

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

NOES: Councilmember Mills.

ABSENT: Mayor Pougnet.

4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:**

5.A. **CITY HALL LANDSCAPE CONVERSION PROJECT (CP 15-04):**

Tabled at the request of Staff.

5.B. **CITY COUNCIL DIRECTED DISCUSSION FOR REVIEW OF POLICY, PROCEDURES, REGULATIONS, AND PRACTICES FOR THE TRANSFER AND/OR SALE OF CITY AND SUCCESSOR AGENCY OWNED REAL PROPERTY, AND ESTABLISHED AND APPROVED ECONOMIC DEVELOPMENT INCENTIVE PROGRAMS:**

City Manager Ready provided background information as outlined in a PowerPoint presentation regarding RDA real property and incentive programs.

ACTION: Authorize the City Manager to enter into and execute a professional services agreement with the law firm of Kane, Ballmer and Berkman, of Los Angeles, California, to review the Property Disposition Plan and Redevelopment property transactions. A6715. **Motion Mayor Pro Tem Lewin, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pougnet.

ACTION: Authorize the City Manager to enter into and execute a professional services agreement with an appropriate accounting and auditing firm to audit the Incentive Grant Programs. A6712. **Motion Mayor Pro Tem Lewin, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pougnet.

5.C. DISCUSSION ON POTENTIAL COSTS AND ALTERNATIVES FOR THE DEMOLITION OF THE FORMER MAC MAGRUDER CHEVROLET SITE LOCATED AT 999 SOUTH PALM CANYON DRIVE (ASSESSOR'S PARCEL NUMBER 513-250-014):

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated June 3, 2015.

Mayor Pro Tem Lewin requested Staff address the difficulties with this property.

Councilmember Hutcheson requested Staff comment on the Security provided by the City, and the demands of the property owner.

Councilmember Mills requested the City Attorney address any possibility of the City placing a lien on the property, other legal actions the City could take, other reports and costs needed for demolition, questioned if the City could condition any future lessee for the costs.

Councilmember Foat requested Staff address the dust control issues that may arise if the pad is removed, and questioned if the City has talked directly to the Tribe.

Mayor Pro Tem Lewin commented on the differences between the Tribe and the allottees, stated his support for going out to bid and further dialog with the Tribe.

Councilmember Mills commented on the stabilization of the distributed soil when completed, and recommended the allottee will allow the City to repair any soil stabilization if necessary.

ACTION: Direct Staff to proceed with bidding of the demolition at an estimated cost of \$300,000 with the approval of the City Council pursuant to Section 7.03.040(2)(a) of the Palm Springs Municipal Code, requiring the City Council approval and authorization to bid; and 2) Adopt Resolution No. 23836, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2014-15 TO PROVIDE INITIAL FUNDING FOR THE DEMOLITION OF MAGRUDER CHEVROLET BUILDING (CITY PROJECT NO. 15-19). **Motion Councilmember Foat, seconded by Mayor Pro Tem Lewin and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pougnet.

5.D. APPOINTMENT OF VARIOUS COMMISSIONERS AND BOARD MEMBERS AS PART OF THE 2015 ANNUAL RECRUITMENT PROCESS:

ACTION: 1) Reappoint Dee Dee Barton to the Human Rights Commission for the term ending June 30, 2018; 2) Appoint Eduardo Carriazo and Denise Chappell to the Human Rights Commission for the term ending June 30, 2018; 3) Appoint Thomas Yanni to the Public Arts Commission for the term ending June 30, 2018; 4) Reappoint Joseph Jackson and Michael Birnberg to the Sustainability Commission for the term ending June 30, 2018; 5) Appoint Nancy Ferguson to the Sustainability Commission for the term ending June 30, 2018; 6) Appoint David Freedman to the Sustainability Commission for the term ending June 30, 2017; 7) Reappoint Claire Zimmer and Michael Ziskind to the VillageFest Board for the term ending June 30, 2018; 8) Reappoint Glen Perry to the Administrative Appeals Board for the term ending June 30, 2018; and 9) Appoint William Johnson to the Board of Appeals with no term limits. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Mills requested Staff address the landscape for the Solar project at North Indian near the UPRR.

Councilmember Foat requested the landscape architect review the condition of the landscape at the Palm Springs Animal Shelter.

ADJOURNMENT: The City Council adjourned at 9:58 p.m. to Thursday, June 4, 2015, at 9:00 a.m. West Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS
1ST DAY OF JULY, 2015.**

ATTEST:

STEPHEN P. POUCKET, MAYOR

JAMES THOMPSON, CITY CLERK

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



**SPECIAL MEETING MINUTES
TUESDAY, JUNE 16, 2015
CITY HALL WEST CONFERENCE ROOM**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 5:07 p.m.

ROLL CALL:

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

ABSENT: None.

ALSO PRESENT: City Clerk Thompson.

PUBLIC COMMENT: None.

INTERVIEW AND APPOINT APPLICANTS TO THE PLANNING COMMISSION AS PART OF THE 2015 ANNUAL RECRUITMENT:

The City Council interviewed applicants for appointment to the Planning Commission.

ACTION: 1) Reappoint Lyndon Calerdine and Kathleen Weremiuk to the Planning Commission for the term ending June 30, 2018; and 2) Appoint Douglas Donenfeld to the Planning Commission for the term ending June 30, 2018. **Motion Councilmember Foat, seconded by Mayor Pro Tem Lewin, and unanimously carried (5-0).**

ADJOURNMENT: The City Council adjourned at 6:50 p.m. to the Regular Meeting on Wednesday, June 17, 2015, at 6:00 P.M. Council Chamber, 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 1ST DAY OF JULY, 2015.

STEPHEN P. POGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

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



**MEETING MINUTES
WEDNESDAY, JUNE 17, 2015
CITY HALL COUNCIL CHAMBER**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:11 p.m.

PLEDGE OF ALLEGIANCE: Councilmember Mills led the Pledge.

INVOCATION: Pastor Schezarone Carter, New Bethel Church of God in Christ, 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:

Mayor Pougnet provided an update on the Downtown Revitalization Project, the Buzz at Los Angeles Pride, Cooling Centers in the City of Palm Springs, requested Harold Matzner provide an update on the Palm Springs International Film Festival, and requested Josh Morgerman provide an update on the Buzz.

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 City Attorney Holland requested the City Council consider adding one item to the Closed Session Agenda, pursuant to Cal. Gov. Code Section 54956.9(a) Existing Litigation titled *City of Palm Springs as Successor Agency et al. v Ana Matosantos et al.*, Case No. 34-2013-80001440, Sacramento Superior Court, Sacramento Division, and stated he has received information regarding the case after the posting of the Agenda, and there is an immediate need to hear and/or take action.

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 *City of Palm Springs as Successor Agency et al. v Ana Matosantos et al.*, Case No. 34-2013-80001440, Sacramento Superior Court, Sacramento Division. **Motion Councilmember Foat, seconded by Mayor Pro Tem Lewin 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 did not discuss the two property items on the Closed Session Agenda, and reported the City Council provided direction to Staff and the City Attorney, otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson requested the City Council consider adding an Item to the Consent Calendar as Item 2.S. titled *APPROVAL OF TRACT MAP 36723 AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH ALTA VERDE HOMES, LLC*, and stated the City received information regarding the imposed taxes after the posting of the agenda and there is an immediate need to hear and/or take action on the item as to not impose undue delay of the project.

Councilmember Mills stated he has a business related conflict of interest with respect to the proposed Item being considered, would not participate in the discussion and/or vote, stated if the Item is added to the Consent Calendar his business related absence/abstention, and left Council Chamber.

ACTION: 1) Find information regarding the Item was received 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 Consent Calendar as Item 2.S. one item titled *APPROVAL OF TRACT MAP 36723 AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH ALTA VERDE HOMES, LLC*. **Motion Mayor Pougnet, 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.

Councilmember Mills returned to the dais.

Councilmember Foat requested Items 2.F., 2.H., and 2.Q. be removed from the Consent Calendar for separate discussion.

Councilmember Hutcheson requested Items 2.H., and 2.O. be removed from the Consent Calendar for separate discussion.

Councilmember Mills requested Items 2.M. be removed from the Consent Calendar for separate vote.

Mayor Pougnet noted his abstention on Item 2.B. for meeting minutes.

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

1. PUBLIC HEARINGS:

1.A. PUBLIC HEARING ON THE ADOPTION OF THE FISCAL YEAR 2015-16 BUDGET, ALLOCATED POSITIONS AND COMPENSATION PLAN, SUCCESSOR AGENCY ADMINISTRATIVE BUDGET, HOUSING SUCCESSOR AGENCY BUDGET, APPROPRIATIONS LIMIT, AND COMPREHENSIVE FEE SCHEDULE:

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

MARVIN ROOS, commented on the Comprehensive Fee Schedule and stated the documents should be designed in a way that is public friendly.

ERICA HARNIK and CLINT LORIMORE commented on the Comprehensive Fee Schedule and requested the City Council take no action on fees.

DEBORAH McCARREY, Palm Springs, Southern California Gas Co., commented on the Comprehensive Fee Schedule, and requested City Staff provide information to assist public utilities to pay the correct fee.

FRED BELL, commented on the Comprehensive Fee Schedule, and stated the materials are not easily comprehensible in the current format.

JOY BROWN MEREDITH, requested additional time for the citizens to review the budget in future years.

GRETCHEN GUTIERREZ, commented on the Comprehensive Fee schedule, and requested the City Council not take action on fees.

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

Mayor Pougnet requested City Staff address the timing and process for an increase in fees, and requested Staff address the amount of time the public had to review the fees.

Councilmember Foat commented on the preparation of the budget and the process, and recommend the City Council postpone action on the fee schedule.

Councilmember Hutcheson questioned the discretion of the City Council to set fees.

Councilmember Mills stated his support for the adoption of the fee schedule until further review by the industry, commented on the preparation of the Comprehensive Fee Schedule document, and requested Staff address discounted fees for multiple applications.

Mayor Pro Tem Lewin stated his support to move forward with fees, but review with the industry, and any amendments that may need addressing before the fees go into effect.

Mayor Pougnet requested Staff address if the City fees would be comparable to other Coachella Valley cities.

Councilmember Mills commented on the last time the City raised fees.

Councilmember Foat requested the City Manager provide additional information on positions, and stated her support for the Planning position.

Councilmember Mills commented on the long range planning position and stated his support for a consultant, and stated his support for an additional Code Enforcement Officer.

Councilmember Hutcheson stated his support for long range planning consultant, the Code Enforcement Officer and the Police Department Records Clerk, but delay new positions until later in the fiscal year.

Mayor Pro Tem Lewin questioned the increases in Staff as a result of the fees increases, and stated his support for delaying new positions for 90-days.

Councilmember Foat requested Staff address the current Planning Department staffing levels.

The City Council discussed funding of sponsorships and contributions.

Mayor Pougnet stated he has a business related conflict of interest with respect to funding the Palm Springs International Film Festival, would not participate in the discussion or the vote, and left Council Chamber.

ACTION: Fund the Palm Springs International Film Festival in the amount of \$350,000 for Fiscal Year 2015-16. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pougnet.

Mayor Pougnet returned to the dais.

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

ACTION: Fund the Mizell Senior Center in the amount of \$60,000 for Fiscal Year 2015-16. **Motion Mayor Pro Tem Lewin, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat.

Councilmember Foat returned to the dais.

ACTION: 1) Fund the Boys and Girls Club in the amount of \$10,000; 2) Fund Black History Month events in the amount of \$16,600; 3) Fund the 4th of July Event in the amount of \$30,000; 4) Fund the Festival of Lights Parade in the amount of \$30,000; 5) Fund the Palm Springs High School Homecoming Parade in the amount of \$3,000; 6) Fund the Veteran's Day Parade in the amount \$15,000; and 7) Fund the Mayor's Race and Wellness Festival in the amount of \$50,000. **Motion Mayor Pro Tem Lewin, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote, noting the abstention of Councilmember Mills on the Boys and Girls Club funding.**

ACTION: Fund the Well in the Desert in the amount of \$24,000 for Fiscal Year 2015-16. **Motion Mayor Pro Tem Lewin, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

The City Council discussed the funding of Bike Weekend, and determined to continue the discussion of funding until additional information from Staff

was received regarding the recent events concerning similar events in other cities.

ACTION: Fund Modernism Week in the amount of \$35,000 for Fiscal Year 2015-16. **Motion Mayor Pougnet, seconded by Mayor Pro Tem Lewin and carried 4-1 on a roll call vote.**

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

NOES: Councilmember Hutcheson.

ACTION: Fund Opera in the Park in the amount of \$6,000 for Fiscal Year 2015-16. **Motion Councilmember Mills, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.**

ACTION: Fund the Palm Springs Pride Parade and Festival in the amount of \$50,000 for Fiscal Year 2015-16. **Motion Mayor Pougnet, seconded by Councilmember Foat and carried 3-2 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Mills, and Mayor Pougnet.

NOES: Councilmember Hutcheson and Mayor Pro Tem Lewin.

ACTION: Fund the Tour de Palm Springs in the amount of \$25,000 for Fiscal Year 2015-16. **Motion Councilmember Mills, seconded by Mayor Pougnet and carried 4-1 on a roll call vote.**

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

NOES: Councilmember Hutcheson.

ACTION: 1) Fund the Arthur Lyons Film Noir Festival in the amount of \$5,000; 2) Fund Cinema Diverse in the amount of \$5,000; 3) Fund the American Documentary Film Festival in the amount of \$5,000; 4) Fund the Run for Ike event in the amount of \$3,000; 5) Fund Coyote Stageworks in the amount of \$5,000; 6) Fund the LGBT Center Fundraiser Gala in the amount of \$5,000; 7) Fund the Shelter from the Storm Gala in the amount of \$5,000; 8) Fund the AIDS Assistance Under the Stars in the amount of \$5,000; 9) Fund the Desert AIDS Steve Chase Gala in the amount of \$5,000; 10) Fund the Agua Caliente Canyons Event in the amount of \$5,000; and 11) Fund the Well in the Desert Christmas Dinner in the amount of \$3,500. **Motion Mayor Pro Tem Lewin, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

ACTION: Fund Holiday Decor activities in the amount of \$25,000 for Fiscal Year 2015-16. **Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

ACTION: Fund the Agua Caliente Band of Cahuilla Indians, Richard Milanovich Hike for Human Rights Event, in the amount of \$5,000 for Fiscal Year 2015-16. **Motion Mayor Pougnet, seconded by Mayor Pro Tem Lewin and carried 4-1 on a roll call vote.**

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

NOES: Councilmember Hutcheson.

ACTION: Fund the Santa Paws, Race for Guide Dogs of the Desert Event (request to waive fees) in the amount of \$2,900 for Fiscal Year 2015-16. **Motion Councilmember Mills, seconded by Councilmember Foat and carried 4-1 on a roll call vote.**

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

NOES: Mayor Pro Tem Lewin.

Mayor Pougnet stated he has a business related conflict of interest with respect to funding the Palm Springs International Film Festival Red Carpet Run, would not participate in the discussion or the vote and left Council Chamber.

ACTION: Fund the Palm Springs International Film Festival Red Carpet Run Event in the amount of \$3,500 for Fiscal Year 2015-16. **Motion Councilmember Foat, seconded by Councilmember Mills and carried 3-1 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Mills, and Mayor Pro Tem Lewin.

NOES: Councilmember Hutcheson.

ABSENT: Mayor Pougnet.

Mayor Pougnet returned to the dais.

MOTION: 1) Fund the Friends of the Palm Springs Animal Shelter Overnight Staffing Program in the amount of \$91,000; and 2) Direct Staff to return with a contract services agreement. **Motion Councilmember Foat, seconded by Mayor Pougnet and failed 2-3 on a roll call vote.**

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

ACTION: 1) Adopt Resolution No. 23837, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2015-16," and authorize the City Manager to commence recruitment of the additional positions; 2) Adopt Resolution No. 23838, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE BUDGET FOR FISCAL YEAR 2015-16 AND SUCH OTHER MATTERS AS REQUIRED;" 3) Adopt Resolution No. 23839, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING SOLELY IN ITS CAPACITY AS THE SUCCESSOR AGENCY TO THE CITY OF PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY, AND IN ITS CAPACITY AS THE HOUSING SUCCESSOR AGENCY TO THE CITY OF PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY, APPROVING THE SUCCESSOR AGENCY AND HOUSING SUCCESSOR AGENCY BUDGETS FOR FISCAL YEAR 2015-16, AND OTHER SUCH MATTERS AS REQUIRED;" 4) Adopt Resolution No. 23840, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN APPROPRIATIONS LIMIT FOR THE FISCAL YEAR ENDING JUNE 30, 2016;" 5) Continue the Public Hearing for adoption of the Comprehensive Fee Schedule to the July 15, 2015, City Council meeting and direct the City Clerk to post a Notice of Continued Public Hearing as required by law; and 6) Direct the City Manager and Director of Finance and Treasurer to make the appropriate modifications to the Budget and prepare the final budget document for Fiscal Year 2015-16. **Motion Councilmember Foat, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

MATT ROBINSON, Palm Springs, requested the City Council consider ad sales and A-Frame signs.

WESLEY ROSS, commented on potential ramifications if the City pays for the demolition of the Magruder building and services at the Palm Springs Animal Shelter.

TOM ADAMO, Palm Springs, stated the lack of public restrooms in Downtown Palm Springs, and requested the Event Center include public restrooms.

DR. SHAYDA AHKAMI, commented on services at the Palm Springs Animal Shelter.

SETH SHTEIR, commented on Item 2.H. and requested the City Council endorse the California Desert Conservation and Recreation Act.

DON BENWAY, commented on the service provided by Sunline and the Plaza Theatre.

ELIZABETH ARMSTRONG, commented on the proposed Downtown Event Space.

HAROLD MATZNER, commented on the proposed Downtown Event Space.

MATI JATOUSKY, commented on Item 2.H. and requested the City Council endorse the California Desert Conservation and Recreation Act.

STEVE ROSENBERG, commented on Item 2.O., regarding the tree inventory report, and commented on the proposed Downtown Event Space.

GARY JOHNS, commented on the proposed Downtown Event Space.

RICK PANTELE, commented on medical cannabis and the issuance of two additional permits.

GEORGE ZANDER, Palm Springs, commented on the activities of Equality California.

JOY BROWN MEREDITH, commented on the lack of restrooms in the Downtown area, lack of cooling centers in the City of Palm Springs, and the proposed Downtown Event Space.

COUNCILMEMBER COMMENTS:

Councilmember Foat commented on no-kill shelters, the issuance of cannabis permits, and homeless issues.

Mayor Pougnet commented on the Downtown Revitalization project.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.G., 2.I., 2.J., 2.K., 2.L., 2.N., 2.P., 2.R., and added item 2.S. **Motion Councilmember Hutcheson, seconded by Councilmember Foat 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 June 17, 2015, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of June 3, 2015, Special Meeting, and June 4, 2015, Special Meeting. **Approved as part of the Consent Calendar, noting the abstention of Mayor Pougnet.**

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

ACTION: 1) Adopt Resolution No. 23841, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 05-09-2015 BY WARRANTS NUMBERED 419124 THROUGH 419139 TOTALING \$28,409.90, LIABILITY CHECKS NUMBERED 1078579 THROUGH 1078599 TOTALING \$106,274.20, FIVE WIRE TRANSFERS FOR \$55,985.81, AND THREE ELECTRONIC ACH DEBITS OF \$1,122,824.15 IN THE AGGREGATE AMOUNT OF \$1,313,494.06, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23842, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1078600 THROUGH 1078680 IN THE AGGREGATE AMOUNT OF \$1,070,458.32, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 23843, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1078681 THROUGH 1078847 IN THE AGGREGATE AMOUNT OF \$2,893,837.13, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF MAY 2015:

ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of May 1 through May 31, 2015. **Approved as part of the Consent Calendar.**

2.E. ACCEPT THE RESIGNATION OF PENNIE FEEHAN FROM THE BOARD OF APPEALS:

ACTION: 1) Accept with regret the resignation of Pennie Feehan from the Board of Appeals; and 2) Direct the City Clerk to post a notice of vacancy. **Approved as part of the Consent Calendar.**

2.G. APPROVE AN AGREEMENT WITH FIRE RECOVERY USA TO PROVIDE THIRD PARTY BILLING SERVICES FOR FIRE DEPARTMENT INSPECTION FEES LISTED IN THE CITY'S COMPREHENSIVE FEE SCHEDULE:

ACTION: 1) Approve an agreement with Fire Recovery USA for five (5) years to conduct fire department billing services for specific fire department fees approved in the July 1, 2015, Master Fee Schedule, on a per transaction flat rate; and 2) Authorize the City Manager to execute all

necessary documents. A6717. **Approved as part of the Consent Calendar.**

2.I. REAFFIRM THE CITY'S INVESTMENT POLICY GOVERNING THE INVESTMENT OF CITY FUNDS:

ACTION: Reaffirm the City's Investment Policy governing the investment of City funds, as adopted by Resolution No. 23539, dated May 7, 2014. **Approved as part of the Consent Calendar.**

2.J. PALM SPRINGS UNIFIED SCHOOL DISTRICT ANNUAL REPORT FOR THE MEASURE J PALM SPRINGS HIGH SCHOOL AUDITORIUM/THEATER EQUIPMENT REPLACEMENT PROJECT AND AUTHORIZE PAYMENT OF FISCAL YEAR 2014-15 PROJECT FUNDING:

ACTION: 1) Receive and file the PSUSD's Measure J Palm Springs High School Auditorium/Theater Equipment Replacement Annual Report, dated June 2015; and 2) Authorize the release of Fiscal Year 2014-15 funding in the amount of \$291,000. A6432. **Approved as part of the Consent Calendar.**

2.K. RENEW A FACILITIES USE AGREEMENT WITH THE STATE OF CALIFORNIA, DEPARTMENT OF CORRECTIONS, TO USE THE PALM SPRINGS POLICE DEPARTMENT'S FIREARM RANGE:

ACTION: 1) Approve a Facilities Use Agreement with the State of California, Department of Corrections, to use the Palm Springs Police Department's Firearm Range, in the amount of \$9,960, revenue to the City, from July 1, 2015, through June 30, 2017, in a form approved by the City Attorney; and 2) Authorize the City Manager to execute all necessary documents. A6199. **Approved as part of the Consent Calendar.**

2.L. ACCEPTANCE OF \$64,000 IN GRANT FUNDING FROM THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) FOR AN ALCOHOL ENFORCEMENT AND AWARENESS PROJECT TO BE USED TO ENFORCE, EDUCATE, AND BRING AWARENESS TO THE PUBLIC:

ACTION: 1) Adopt Resolution No. 23844, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACCEPTING A GRANT FROM THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL IN THE AMOUNT OF \$64,000 FOR ALCOHOL ENFORCEMENT;" and 2) Authorize the City Manager to execute all necessary documents. A6126. **Approved as part of the Consent Calendar.**

- 2.N. AMENDMENT NO. 3 TO AGREEMENT NO. A5960 WITH LANCE, SOLL & LUNGHARD LLP TO ADD SERVICES FOR GASB 68 FOR THE FISCAL YEAR 2014-15 AUDIT:**
ACTION: 1) Approve Amendment No. 3 to Agreement No. A5960 with Lance, Soll, and Lunghard, LLP in the amount \$12,000 for the Fiscal Year 2014-15 Financial Audit to add additional services required pursuant to GASB 68, in a form approved by the City Attorney; and 2) Authorize the City Manager to execute all necessary documents. A5960. **Approved as part of the Consent Calendar.**
- 2.P. AMENDMENT NO. 2 TO AGREEMENT NO. A6557 WITH DESERT SECURITY SERVICES FOR UNARMED SECURITY SERVICES AT CITY-OWNED FACILITIES:**
ACTION: 1) Approve Amendment No. 2 to Agreement No. A6557 with Desert Security Services, Inc. for Unarmed Security Services at City-owned facilities, to expand the ability to increase or decrease security services based on need insofar as budgeted in the fiscal year budget; and 2) Authorize the City Manager to execute all necessary documents. A6557. **Approved as part of the Consent Calendar.**
- 2.R. APPROVAL OF AN AB 2766/MSRC LOCAL GOVERNMENT MATCH PROGRAM CONTRACT NO. ML14011, AS AMENDED, IN THE AMOUNT OF \$158,000 WITH SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT FOR INSTALLATION OF BICYCLE RACKS AND IMPLEMENTATION OF A BICYCLE OUTREACH AND EDUCATION PROGRAM:**
ACTION: 1) Ratify approval of an AB2766/MSRC Local Government Match Program Contract No. ML14011 with South Coast Air Quality Management District, as amended, in the amount of \$158,000 (\$79,000 AQMD Grant / \$79,000 Local Funding) for installation of bicycle racks and implementation of a bicycle outreach and education program; 2) Ratify expenditure of local matching funds in the amount of \$79,000 from previously budgeted funds appropriated in the Sustainability Fund (Fund 138); and 3) Authorize the City Manager to execute all necessary documents. A6718. **Approved as part of the Consent Calendar.**
- 2.S. ADDED ITEM APPROVAL OF TRACT MAP 36723 LOCATED AT 1000 BOGERT TRAIL AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH ALTA VERDE HOMES, LLC:**
ACTION: Adopt Resolution No. 23845, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TRACT MAP 36723 AND AN ASSOCIATED SUBDIVISION IMPROVEMENT AGREEMENT WITH ALTA VERDE HOMES, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, FOR PROPERTY LOCATED AT 1000 BOGERT TRAIL, SECTION 35, TOWNSHIP 4

SOUTH, RANGE 4 EAST." A6719. Approved as part of the Consent Calendar, noting the absence/abstention of Councilmember Mills.

The City Council recessed at 9:23 p.m.
The City Council reconvened at 9:28 p.m.

EXCLUDED CONSENT CALENDAR:

- 2.F. PROFESSIONAL SERVICES AGREEMENT WITH ESGIL CORPORATION FOR "ON CALL" BUILDING PLAN CHECK SERVICES AND APPROVAL OF AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH RKA CONSULTING, INC. FOR "ON CALL" BUILDING PLAN CHECK SERVICES:**

Withdrawn from the Agenda.

- 2.H. CALIFORNIA DESERT CONSERVATION AND RECREATION ACT 2015 (U.S. SENATE BILL 414):**

Councilmember Foat commented on the importance of the Item and requested a resolution to endorse the legislation at the next meeting.

ACTION: Direct Staff to place a resolution to endorse on the July 1, 2015, agenda. **By unanimous consent of the City Council. (5-0).**

- 2.M. SECOND READING AND ADOPTION OF ORDINANCE NO. 1879 RELATING TO MEDICAL CANNABIS CULTIVATION AND INCREASING THE NUMBER OF PERMITTED MEDICAL CANNABIS COOPERATIVES OR COLLECTIVES FROM FOUR (4) TO SIX (6):**

Mayor Pougnet questioned opening the applications to new establishments.

ACTION: Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1879, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 5.35.110 AND 5.35.120 OF, AND ADDING SUBSECTION C TO SECTION 5.35.340 OF, THE PALM SPRINGS MUNICIPAL CODE RELATING TO MEDICAL CANNABIS CULTIVATION AND INCREASING THE NUMBER OF PERMITTED MEDICAL CANNABIS COOPERATIVES OR COLLECTIVES FROM FOUR (4) TO SIX (6)." **Motion Councilmember Foat, seconded by Councilmember Hutcheson and carried 3-2 on a roll call vote.**

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

NOES: Councilmember Mills and Mayor Pougnet.

2.O. CITY OF PALM SPRINGS TREE INVENTORY AND URBAN FOREST MANAGEMENT REPORT:

Councilmember Hutcheson requested an action plan on the report be returned to the City Council.

Councilmember Mills questioned some of the statements in the report that discusses immediate threat to the City.

ACTION: Receive and file. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.**

2.Q. APPROVE ACTIONS RELATED TO THE SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT MAP NO. 31848-1 (AVALON):

The City Council discussed the processes of calling the bonds and adding a maintenance requirement.

ACTION: 1) Rescind approval of the First Amendment to a Subdivision Improvement Agreement for Tract Map 31848-1 ("Avalon"), A5393, between LV Palm Springs Village, LLC, and the City of Palm Springs, approved February 18, 2015; 2) Approve a First Amendment to the Subdivision Improvement Agreement for Tract Map 31848-1 ("Avalon"), A5393, between LV Palm Springs Village, LLC, and the City of Palm Springs, *amending the agreement to require routine and proper maintenance of the improvements installed*; and 3) Authorize the City Manager to execute all necessary documents. A5393. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS:

5.A. CITY COUNCIL DISCUSSION REGARDING THE PUBLIC UTILITY COMMISSION'S PENDING RESIDENTIAL RATE REFORMS APPLICABLE TO INVESTOR OWNED UTILITIES, INCLUDING SOUTHERN CALIFORNIA EDISON:

City Manager Ready provided background information.

ACTION: Authorize the submission of a letter to the Public Utility Commission opposing the proposed residential rate reforms. **By unanimous consent of the City Council (5-0).**

ACTION: Continue past the tentative 10:00 p.m. adjournment time. **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried (5-0).**

5.B. APPROVAL OF THE CONCEPTUAL DESIGN FOR THE EVENT CENTER WITHIN BLOCK E OF THE DOWNTOWN REVITALIZATION PLAN ("DOWNTOWN PALM SPRINGS"), AND AUTHORIZATION TO PROCEED WITH DESIGN DEVELOPMENT, PREPARATION OF CONSTRUCTION DOCUMENTS, BIDDING SERVICES, AND CONSTRUCTION ADMINISTRATION (CP 15-07):

City Manager Ready and Marcus Fuller, Assistant City Manager, provided background information as outlined in the Staff Report dated June 17, 2015.

The City Council Subcommittee provided further information on the process, the completion schedule, the ad hoc committee, stated public hearings will be conducted for the design, the need to continue progress on the site, and recommended the Subcommittee be further defined as follows: two-members from the AAC, two-members from the Planning Commission, two-members from the City Council Subcommittee (Pouget/Mills), two-members from the Art Museum and one-member from the Public Arts Commission.

The City Council discussed and/or commented on the following with respect to the project: substantial agreement this was a good starting point, that many public hearings will be scheduled throughout the process, the incorporation of public art, fencing or non-fencing the site, providing shade at the site, the view corridor to the Museum, progress with obtaining a Marilyn sculpture, the qualification of the firms selected, approval of the contract, the terms of the contracts including the phasing provisions, the make-up of the Subcommittee, and providing routine updates at City Council meetings.

ACTION: 1) Approve the conceptual design for the Event Center space located in Block E of the Downtown Revitalization Plan ("Downtown Palm Springs"); 2) Approve a Professional Services Agreement with the City's "On-Call" Architect, Urrutia A.I.A. and Associates, Inc., dba Urrutia Architects, in the amount of \$396,575 for architectural design services for the Downtown Event Center, City Project No. 15-07; 3) Approve a Professional Services Agreement with the City's "On-Call" Civil Engineer, MSA Consulting, Inc., in the amount of \$170,700 for civil engineering design services for the Downtown Event Center, City Project No. 15-07; 4) In accordance with Section 7.04.030 of the Palm Springs Municipal Code, determine that RGA Landscape Architects, Inc., and MRC Engineering, Inc., due to their experience demonstrated in prior contracts with the City, are uniquely qualified to provide landscape architectural

design services and electrical engineering design services for the Downtown Event Center, City Project No. 15-07; 5) Approve a Professional Services Agreement with RGA Landscape Architects, Inc., in the amount of \$86,800 for landscape architectural design services for the Downtown Event Center, City Project No. 15-07; 6) Approve a Professional Services Agreement with MRC Engineering, Inc., in the amount of \$30,000 for electrical engineering design services for the Downtown Event Center, City Project No. 15-07; 7) Request an Ad-Hoc Committee consisting of two-members from the Architectural Advisory Committee, two-members from the Planning Commission, two-members from the Palm Springs Art Museum, one-member from the Public Arts Commission, and the City Council Sub-Committee (Pougnnet/Mills) to participate as an Architectural Review Committee for the Downtown Event Center, City Project No. 15-07; and 8) Authorize the City Manager to execute all necessary documents. A6720. A6721. A6722. A6723. **Motion Councilmember Mills, seconded by Mayor Pougnnet and carried 4-1 on a roll call vote.**

AYES: Councilmember Hutcheson, Councilmember Mills, Mayor Pro Tem Lewin, and Mayor Pougnnet.

NOES: Councilmember Foat.

5.C. PROPOSED RESOLUTION ACTING SOLELY IN ITS CAPACITY AS HOUSING SUCCESSOR AGENCY, APPROVING REPAYMENTS TO THE GENERAL FUND TOWARD A LOAN MADE BY THE CITY OF PALM SPRINGS IN THE AMOUNT OF \$1,500,000:

City Manager Ready and City Attorney Holland provided background information as outlined in the Staff Report dated June 17, 2015.

ACTION: Adopt Resolution No. 23846, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING SOLELY IN ITS CAPACITY AS HOUSING SUCCESSOR AGENCY, APPROVING REPAYMENTS TOWARD A LOAN MADE BY THE CITY OF PALM SPRINGS IN THE AMOUNT OF \$1,500,000." **Motion Councilmember Hutcheson, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

5.D. APPOINTMENT OF VARIOUS COMMISSIONERS AND BOARD MEMBERS AS PART OF THE 2015 ANNUAL RECRUITMENT PROCESS:

ACTION: 1) Reappoint Brian Wachs and Bruce Bushore to the Palm Springs International Airport Commission for the term ending June 30, 2018; 2) Appoint Allison Jones and W. Henry Hampton to the Palm Springs International Airport Commission for the term ending June 30, 2018; 3) Reappoint Linda Futterer and Ron Willison to the Board of Library Trustees for the term ending June 30, 2018; 4) Reappoint

Nancy Stuart and Jerry Ogburn to the Mt. San Jacinto Winter Park Authority for the term ending September 19, 2019; 5) Appoint Mara Gladstone to the Public Arts Commission for the term ending June 30, 2018; 6) Reappoint Dave Darrin, Carol Davis and Jeff Conwell to the Parks and Recreation Commission for the term ending June 30, 2018; and 7) Appoint Alison Elsner to the Parks and Recreation Commission for the term ending June 30, 2017. **Motion Mayor Pro Tem Lewin, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Lewin commented on the passing of the budget, and thanked all the Commissioners and Boardmembers for all the volunteer service they provide to the City Council and the citizens of the City of Palm Springs.

Mayor Pougnet commented on the scheduling of the 2016 Mayor's Race and Wellness Festival.

ADJOURNMENT: The City Council adjourned at 11:00 p.m. to Wednesday, July 1, 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 1ST DAY OF JULY, 2015.

STEPHEN P. POUGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK