

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



**MEETING MINUTES
WEDNESDAY, JULY 1, 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 Troup 262, led the Pledge.

INVOCATION: Michale Cashe, Inner Faith Spiritual Center, 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:

Councilmember Foat provided an update on the Marriage Equality celebration in the City of Palm Springs.

Mayor Pougnet provided an update on the Buzz in the Los Angeles Pride Parade, Cooling Centers in the City of Palm Springs, the upcoming 4th of July activities, the CERT Program, and the Palm Springs Public Library website enhancements.

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 5:00 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 *Advocates for Better Community Development v. City of Palm Springs, Palm Springs Promenade, LLC, et al.* Case No. PSC 1405677, Riverside Superior Court, Palm Springs 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 *Advocates for Better Community Development v. City of Palm Springs, Palm Springs Promenade, LLC, et al.* Case No. PSC 1405677, Riverside Superior Court, Palm Springs Division. **Motion Councilmember Mills, seconded by Mayor Pro Tem Lewin and unanimously carried (5-0).**

City Attorney Holland stated the City Council recessed into Closed Session and did not discuss the property items on the Closed Session Agenda, and reported one item of Initiation of Litigation was related to vacation rental enforcement and Councilmember Hutcheson and Mayor Pro Tem Lewin did not participate in the discussion and left Closed Session.

City Attorney Holland reported the City Council provided direction to City Staff and the City Attorney, otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

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

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

Councilmember Mills noted a business related abstention on Item 2.C. Warrant No. 107882.

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:

Assistant City Manager/City Engineer Fuller owns property in one of the Assessment Districts in Item 1.A. and left Council Chamber.

1.A. ANNUAL LEVY OF ASSESSMENTS FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE ASSESSMENT DISTRICTS FOR FISCAL YEAR 2015-16:

City Clerk Thompson provided background information as outlined in the Staff Report dated July 1, 2015.

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

ACTION: Adopt Resolution No. 23847, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE ENGINEER'S REPORT AND ORDERING THE CONTINUED OPERATION AND MAINTENANCE OF IMPROVEMENTS FOR STREET LIGHTING MAINTENANCE DISTRICT NO. 3, AND PARKWAY MAINTENANCE DISTRICT NOS. 6A, 6C, 7, 8, 9, AND 10 (ZONES 1 AND 2), AND LANDSCAPE MAINTENANCE DISTRICT NO. 12, AND ORDERING THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2015-16."
Motion Councilmember Hutcheson, seconded by Councilmember Mills and unanimously carried on a roll call vote.

Assistant City Manager/City Engineer Fuller returned to Council Chamber.

1.B. CONSIDERATION OF A ZONE TEXT AMENDMENT TO AMEND THE PALM SPRINGS ZONING CODE (PSZC) CHAPTERS 92 AND 93 TO MODIFY THE SETBACK REQUIREMENTS AND AESTHETIC STANDARDS FOR NEW CARPORT STRUCTURES IN THE R-2 (LIMITED MULTIFAMILY RESIDENTIAL) AND R-3 (MULTIPLE-FAMILY RESIDENTIAL AND HOTEL) ZONING DISTRICTS AND APPROVAL OF AN ASSOCIATED NOTICE OF EXEMPTION PURSUANT TO CEQA (CASE 5.1368 ZTA):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated July 1, 2015.

Councilmember Foat requested Staff address "enclosed" as defined in the proposed ordinance and questioned carports in commercial districts.

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

RONNIE THOMPSON, Palm Springs, appreciated the efforts by Staff and City Council regarding this issue, provided background information on carports in the The Palms development, and requested the City Council adopt the proposed ordinance.

GARY KELB, Palm Springs, stated his support for covered parking in the City of Palm Springs, and requested the City Council adopt the proposed ordinance.

ROLAND CORDOBUS, Palm Springs, commented on the problems with lack of covered parking in The Palms development, and requested the City Council adopt the proposed ordinance.

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

Councilmember Hutcheson questioned if the proposed ordinance would apply to any new covered carports.

Councilmember Mills requested Staff address the shortage of covered parking in The Palms development, and commented on the drafting of ordinances for a few developments that may be problematic in other areas of the City, and discussed the requirements in the ordinance.

Mayor Pougnet suggested the City find an alternative to provide carports for the specific developments without using the proposed ordinance.

Councilmember Foat requested Staff address any developments in the City that have a lack of covered parking.

Mayor Pro Tem Lewin commented on the restrictions in the ordinance, and stated the City Council is supportive of the request from The Palms.

Councilmember Hutcheson requested Staff return with additional information on other developments that may be affected.

ACTION: 1) Continue the Public Hearing to July 15, 2015, and 2) Direct the City Clerk posted a Notice of Continued Public Hearing as required by law. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

MATI JATOVSKY, commented on Item 2.J., and thanked the City Council for adoption of the proposed resolution.

GEORGE ZANDER, Palm Springs, thanked City Staff regarding their efforts with the Marriage Equality event, and commented on homeless programs and questioned the formation of a Task Force in the City of Palm Springs.

NIKOHL VANDEL, Palm Springs, commented on a recent oil spill in California and programs for homeless.

FRANK TYSEN, commented on the proposed Event Center in the Downtown Revitalization Project.

JOY BROWN MEREDITH, commented on the temporary construction parking and traffic in the Downtown area, and commented on homeless issues in the City of Palm Springs.

COUNCILMEMBER COMMENTS:

Councilmember Foat commented on the progress of the Homeless Task Force in the City of Palm Springs.

Mayor Pougnet commented on the proposed Event Space in the Downtown Revitalization project.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

Mayor Pougnet noted his abstention on Item 2.B., the June 3, 2015 Minutes.

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.F., 2.G., 2.H., 2.I., 2.K., 2.L., 2.M., 2.N., 2.O., 2.P., and 2.Q. **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 July 1, 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, June 16, 2015, and Special Meeting Minutes of June 17, 2015. **Approved as part of the Consent Calendar, noting the abstention of Mayor Pougnet on the June 3, 2015, Minutes.**

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

ACTION: 1) Adopt Resolution No. 23848, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 05-23-2015 BY WARRANTS NUMBERED 419140 THROUGH 419156 TOTALING \$45,907.08, LIABILITY CHECKS NUMBERED 1078848 THROUGH 1078852 TOTALING \$3,751.61, FIVE WIRE TRANSFERS FOR \$386.76, AND THREE ELECTRONIC ACH DEBITS OF \$1,264,933.15, IN THE AGGREGATE AMOUNT OF \$1,314,978.60, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23849, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1078853 THROUGH 1078993 IN THE AGGREGATE AMOUNT OF \$1,038,009.42, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 23850, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANT

NUMBERED 1078994 IN THE AMOUNT OF \$250,000.00, DRAWN ON BANK OF AMERICA.” **Approved as part of the Consent Calendar, noting the abstention of Councilmember Mills on Warrant No. 107882.**

- 2.D. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF PALM DESERT TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING JUNE 30, 2018:**
ACTION: Reappoint Rolf Hoehn, as the City of Palm Desert representative, to the Palm Springs International Airport Commission for the term ending June 30, 2018. **Approved as part of the Consent Calendar.**
- 2.F. TREASURER’S INVESTMENT REPORT AS OF MAY 31, 2015:**
ACTION: Receive and File the Treasurer’s Investment Report as of May 31, 2015. **Approved as part of the Consent Calendar.**
- 2.G. ACCEPT GRANT AWARD NUMBER ARV-14-062 IN THE AMOUNT OF \$57,500 FROM THE CALIFORNIA ENERGY COMMISSION FOR THE ELECTRIC VEHICLE READINESS PLAN:**
ACTION: 1) Accept Grant Award Number ARV-14-062 from the California Energy Commission in the amount of \$57,500 for electric vehicle infrastructure and education requiring a local match of \$6,000 consisting of in-kind staff coordination; and 2) Authorize the City Manager to execute the CEC Grant Agreement, Form CEC-146. A6724. **Approved as part of the Consent Calendar.**
- 2.H. ACCEPTANCE OF THE CITY HALL AND POLICE STATION PARKING LOT REHABILITATION (CP 01-17 AND 13-34):**
ACTION: 1) Accept the public work improvement identified as the City Hall and Police Station Parking Lot Rehabilitation (CP 01-17 and 13-34); and 2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the City Hall and Police Station Parking Lot Rehabilitation (CP 01-17 and 13-34). A6636. **Approved as part of the Consent Calendar.**
- 2.I. ACCEPTANCE OF THE SUNRISE WAY AT BOYS AND GIRLS CLUB / RALPH’S DRIVEWAYS TRAFFIC SIGNAL INSTALLATION (CP 13-25):**
ACTION: 1) Accept the public work improvement identified as the Sunrise Way at Boys and Girls Club/Ralph’s Driveways Traffic Signal Installation (CP 13-25); and 2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for Sunrise Way at Boys and Girls Club / Ralph’s Driveways Traffic Signal Installation (CP 13-25). A6633. **Approved as part of the Consent Calendar.**

2.K. CONSULTING SERVICES AGREEMENT WITH EVERGREEN RECYCLING SOLUTIONS FOR TECHNICAL ASSISTANCE AND PROFESSIONAL SERVICES ON SOLID WASTE AND RECYCLING PROGRAMS:

ACTION: 1) Approve a Consulting Services Agreement with Evergreen Recycling Solutions for municipal solid waste management and recycling consulting services, in an amount not to exceed \$50,000 for one (1) year, beginning July 1, 2015, and ending on June 30, 2016; and 2) Authorize the City Manager to execute all necessary documents. A5336. **Approved as part of the Consent Calendar.**

2.L. AMENDMENT NO. 3 IN THE AMOUNT OF \$1,502,353.05 TO PROFESSIONAL SERVICES AGREEMENT WITH CNS ENGINEERS, INC., (A6190) FOR THE RAMON ROAD WIDENING (SAN LUIS REY DR. TO LANDAU BLVD.) INCLUDING THE WHITEWATER RIVER BRIDGE WIDENING, FEDERAL-AID PROJECT NO. BHLS-5282 (040) (CP 08-25):

ACTION: 1) Approve Amendment No. 3 to a Professional Services Agreement with CNS Engineers, Inc., (Agreement No. A6190) to incorporate final design phase services in the amount of \$1,502,353.05 for an increased total contract amount of \$2,662,343.36 for the Ramon Road Widening (San Luis Rey Dr. to Landau Blvd.) including the Whitewater River Bridge Widening Federal-Aid Project No. BHLS-5282 (040) (CP 08-25); and 2) Authorize the City Manager to execute all necessary documents. A6190. **Approved as part of the Consent Calendar.**

2.M. APPROVING A SIGNATURE OF 'ZERO' BALANCE PURCHASE ORDER REQUIRED FOR UPGRADE OF THE POLICE DEPARTMENT'S 9-1-1 SYSTEM:

ACTION: Authorize the issuance of a purchase order to the State 9-1-1 Emergency Communications Office and AT&T for upgrades to the Palm Springs Police Department's 9-1-1 system with a "zero" balance as all funding is provided by the State 9-1-1 Emergency Communications Office. **Approved as part of the Consent Calendar.**

2.N. APPROVE A PURCHASE ORDER IN THE AMOUNT OF \$37,960 TO WILLDAN ENGINEERING FOR PUBLIC WORKS INSPECTION AND MATERIALS TESTING SERVICES FOR PUBLIC IMPROVEMENTS ASSOCIATED WITH PARCEL MAP 36446 ("DOWNTOWN PALM SPRINGS"):

ACTION: 1) Approve a Purchase Order in the amount of \$37,960 to Willdan Engineering, in accordance with Agreement No. A6688, for construction inspection and materials testing services for public sewer, street, and storm drainage improvements associated with the new public streets to be constructed within Parcel Map 36446, "Downtown Palm

Springs;" and 2) Authorize the City Manager to execute all necessary documents. A6688. **Approved as part of the Consent Calendar.**

2.O. AMENDMENT NO. 2 IN THE AMOUNT OF \$11,760.00 TO AGREEMENT NO. A5728 WITH ADVANCED, INC. DBA PROGREEN BUILDING MAINTENANCE FOR JANITORIAL SERVICES AT VARIOUS CITY FACILITIES:

ACTION: 1) Approve Amendment No. 2 to Agreement No. A5728 with Advanced, Inc., dba PROGreen Building Maintenance, increasing the janitorial services in the amount of \$11,760.00, for an amended total amount of \$326,848.92 per year; and 2) Authorize the City Manager to execute the Amendment to the Agreement. A5728. **Approved as part of the Consent Calendar.**

2.P. AMENDMENT NO. 3 IN THE AMOUNT OF \$16,600 TO PROFESSIONAL SERVICES AGREEMENT WITH KOA CORPORATION (A6033) FOR THE VISTA CHINO AT FARRELL DRIVE STREET IMPROVEMENTS, FEDERAL PROJECT CML 5282 (037) (CP 09-11):

ACTION: 1) Approve Amendment No. 3 with KOA Corporation in the amount of \$16,600 for a revised total contract amount of \$98,600 for the Vista Chino at Farrell Drive Street Improvements, Federal Project CML 5282 (037), City Project 09-11; and 2) Authorize the City Manager to execute all necessary documents. A6033. **Approved as part of the Consent Calendar.**

2.Q. APPROVAL OF AMENDMENT NO. 14 TO THE AMENDED AND RESTATED AGREEMENT FOR WASTEWATER SERVICES (OPERATIONS AND MAINTENANCE) TO EXTEND THE TERM THROUGH DECEMBER 31, 2015:

ACTION: 1) Approve Amendment No. 14, to the 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) to extend the term through December 31, 2015; and 2) Authorize the City Manager to execute all necessary documents. A4123. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.E. APPOINT TWO MEMBERS OF THE CITY COUNCIL TO AN AD HOC CV LINK CITY COUNCIL SUBCOMMITTEE:

Mayor Pougnet commented on the progress of the CV Link and requested a Town Hall meeting for the City of Palm Springs for further education.

ACTION: Appoint Councilmember Foat and Councilmember Mills to an ad hoc CV Link City Council Subcommittee. **Motion Mayor Pougnet, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.**

2.J. PROPOSED RESOLUTION IN SUPPORT OF THE CALIFORNIA DESERT CONSERVATION AND RECREATION ACT OF 2015:

Councilmember Foat commented on the proposed resolution and stated her support.

ACTION: Adopt Resolution No. 23851, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUPPORTING WILDERNESS, WILD AND SCENIC RIVERS, NATIONAL MONUMENTS, NATIONAL PARK AND PRESERVE ADDITIONS IN THE CALIFORNIA DESERT CONSERVATION AND RECREATION ACT OF 2015." **Motion Councilmember Foat, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.**

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS:

5.A. CITY COUNCIL REQUESTED REVIEW OF THE AMERICAN HEAT PALM SPRINGS MOTORCYCLE WEEKEND 2015, AND CONSIDERATION OF THE ANNUAL EVENT PROMOTIONAL SPONSORSHIP IN THE AMOUNT OF \$26,250:

City Manager Ready stated the promoter has withdrawn the event.

Councilmember Foat commented on the event, stated her support for business owners for their agreement to postpone the event.

Mayor Pougnet his approval on the decision.

No action taken.

5.B. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE AND AUTHORIZATION TO BID THE ENTRY WAY SIGN IMPROVEMENTS (CP 13-31):

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated July 1, 2015.

Councilmember Foat questioned any potential for defacing the signs, and questioned if other signs could be enhanced with the coordinating elements.

Mayor Pro Tem Lewin thanked the designers and commented on the creation of the "arrival" entry points in the City.

Councilmember Mills commented on the exquisite design of the proposed signs, and requested the City Council allow for some minor tweaks in the plans and specifications.

ACTION: Approve the plans, specifications and estimate and authorize staff to advertise and solicit bids for the Entry Way Sign Improvements, City Project No. 13-31 allowing for minor alterations in the plans and specifications by designers as approved by the City Council Subcommittee. **Motion Mayor Pro Tem Lewin, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

5.C. DISCUSSION ON THE OPERATION OF CITY OWNED RECIRCULATING DECORATIVE WATER FEATURES PURSUANT TO DESERT WATER AGENCY REGULATIONS:

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated July 1, 2015.

The City Council discussed and/or commented on the following with respect to outdoor City fountains: the deterioration of the fountains without water circulation, the City's efforts toward reduction, and the proposed water features in the Downtown Revitalization Project.

ACTION: Direct Staff to operate the City owned recirculating fountains. **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Hutcheson requested the City Manager and Staff review the trees around the Palm Springs Swim Center and tree infestation.

Mayor Pro Tem Lewin commented on water conservation in the City of Palm Springs and by the Desert Water Agency.

Councilmember Foat requested the Landscape Designer review the growth and condition at the Palm Springs Animal Shelter.

ADJOURNMENT: The City Council adjourned, *in memory of Donald Wexler*, at 7:46 p.m. to Wednesday, July 15, 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
15TH DAY OF JULY, 2015.**

STEPHEN P. POUCKET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK