

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



**MEETING MINUTES
WEDNESDAY, MAY 20, 2015
CITY HALL COUNCIL CHAMBER**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:10 p.m.

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

INVOCATION: Rev. Kevin Johnson, Bloom of the Desert United Church of 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 Louis Vuitton event held in the City of Palm Springs and the Palm Springs Fire Department 2015 Annual Fish Fry event.

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 *Eloy Jacobo v. City of Palm Springs*, Case No. INC 1302171, Riverside Superior Court Case, Indio 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 *Eloy Jacobo v. City of Palm Springs*, Case No. INC 1302171,

Riverside Superior Court Case, Indio Division. **Motion Mayor Pro Tem Lewin, seconded by Mayor Pougnet and unanimously carried (5-0).**

City Attorney Holland stated the City Council did not discuss property items on the Closed Session Agenda regarding Kibby and Wessman, stated Mayor Pougnet did not participate in the Item for 128 North Palm Canyon as a potential conflict of interest, and reported the City Council provided City Staff and the City Attorney direction, otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

Councilmember Foat noted a business related abstention on Item 2.N.

Mayor Pro Tem Lewin requested Item 2.Q. be removed from the Consent Calendar for separate discussion.

Councilmember Mills noted his abstention on Item 2.B., as he was not present at the meeting, noted a business related abstention on Item 2.C. Warrant No. 1077854, and requested Items 2.E., 2.H., 2.K., and 2.N. be removed from the Consent Calendar for separate discussion.

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

1. PUBLIC HEARINGS:

1.A. PROPOSED RESOLUTION TO PLACE DELINQUENT WASTE DISPOSAL CHARGES ON THE RIVERSIDE COUNTY TAX ROLLS FOR COLLECTION:

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated May 20, 2015.

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

ACTION: Adopt Resolution No. 23810, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING CERTAIN WASTE DISPOSAL ACCOUNTS TO BE DELINQUENT AND DIRECTING THE PLACEMENT OF THESE ACCOUNTS ON THE COUNTY PROPERTY TAX ROLLS FOR COLLECTION." **Motion Councilmember Mills, seconded by Mayor Pro Tem Lewin and unanimously carried on a roll call vote.**

1.B. PROPOSED RESOLUTIONS CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING, APPROVING AND ORDERING

THE FILING OF NUISANCE ABATEMENT LIENS ON THE RIVERSIDE COUNTY TAX ROLLS:

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated May 20, 2015.

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

ACTION: 1) Adopt Resolution No. 23811, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING FOR THE PUBLIC NUISANCE ABATEMENT LIEN LOCATED AT 1080 EAST SIERRA WAY;" 2) Adopt Resolution No. 23812, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING FOR THE PUBLIC NUISANCE ABATEMENT LIEN LOCATED AT 941 EAST ANZA DRIVE;" 3) Adopt Resolution No. 23813, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING FOR THE PUBLIC NUISANCE ABATEMENT LIEN LOCATED AT 941 EAST ANZA DRIVE;" 4) Adopt Resolution No. 23814, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING FOR THE PUBLIC NUISANCE ABATEMENT LIEN LOCATED AT 941 ANZA DRIVE;" 5) Adopt Resolution No. 23815, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING FOR THE PUBLIC NUISANCE ABATEMENT LIEN LOCATED AT 332 WEST SUNVIEW AVENUE;" 6) Adopt Resolution No. 23816, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING FOR THE PUBLIC NUISANCE ABATEMENT LIEN LOCATED AT 414 SOUTH MONTE VISTA DRIVE;" and 7) Adopt Resolution No. 23817, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING FOR THE PUBLIC NUISANCE ABATEMENT LIEN LOCATED AT 414 SOUTH MONTE VISTA DRIVE." **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

- 1.C. SPECTRUM SERVICES (VERIZON WIRELESS) CONDITIONAL USE PERMIT TO CONSTRUCT A FIFTY-FIVE FOOT TALL MONOPALM WITH ASSOCIATED EQUIPMENT SHELTER, CEQA DETERMINATION OF CATEGORICAL EXEMPTION AS NEW CONSTRUCTION OF**

SMALL STRUCTURES, AND VARIANCE TO EXCEED THE MAXIMUM ANTENNA HEIGHT PERMITTED, AT A DESERT WATER AGENCY SITE ON SAN JOAQUIN DRIVE, ZONE M-1-P (CASE NOS. 5.1315 CUP AND 6.531 VAR):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated May 20, 2015.

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

UNNAMED APPLICANT, requested the City Council approve the project as recommended by the Planning Commission.

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

Councilmember Mills commented on the DWA requirements for landscaping, stated the purpose of the landscaping is to blend with the monopole, and stated if DWA will not allow landscaping it is not a good site for a cell tower.

Councilmember Foat inquired if a monopole would be more appropriate at the site.

Mayor Pro Tem Lewin questioned the landscaping requirements on the specific site by DWA.

ACTION: Adopt Resolution No. 23818, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT CASE 5.1315 CUP TO CONSTRUCT A FIFTY-FIVE FOOT TALL MONOPOLE, WITH ASSOCIATED EQUIPMENT SHELTER, AND CASE 6.531 A VARIANCE TO EXCEED THE MAXIMUM ANTENNA HEIGHT PERMITTED, LOCATED AT A DESERT WATER AGENCY SITE ON SAN JOAQUIN DRIVE, ZONE M-1-P SECTION 18;" *amending the CUP to require a monopole. Motion Councilmember Foat, seconded by Mayor Pougnet and carried 4-1 on a roll call vote.*

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

NOES: Mayor Pro Tem Lewin.

PUBLIC COMMENT:

ORLANDO GOTAY, Palm Springs, commented on the current affairs at City Hall and a recent public records request.

ALLEN WORTHLEY, commented on his personal issues with the Palm Springs Police Department.

PAUL TANSEY, commented on the prior Warm Sand events, and recent events at City Hall regarding conflict of interest.

CURT WATTS, Palm Springs, commented on Item 5.B. regarding street paving, and requested the collector streets be considered based on their pavement rating system.

CHRISTINE MARTIN, commented on Item 2.E. regarding medical cannabis cultivation facilities.

BARBARA BEATY, commented on Item 4.A. regarding the purchase and sale of 1479 North Palm Canyon Drive, and recent conflict of interest issues.

SID CRAIG, commented on the recent opening of the pickleball courts at Demuth Park, and requested the City Council consider funding a Park Ranger program at the City Parks.

JEFFREY BERNSTEIN, commented on his small businesses in Palm Springs, and noted the lack of financial support for small businesses.

STEVE ROSENBERG, commented on recent events at City Hall regarding conflict of interest.

RICK PANTELE, commented on Item 2.E. regarding medical cannabis cultivation and requested the City Council reconsider the requirement of 1,000 feet from Palm Canyon, and requested the City Council close the illegal operators.

ROBERT STONE, commented on Item 4.A. regarding the purchase and sale of 1479 North Palm Canyon Drive, and recent conflict of interest issues.

ROBERT MOON, Palm Springs, commented on Item 4.A. regarding the purchase and sale of 1479 North Palm Canyon Drive, and recent conflict of interest issues.

JOY BROWN MEREDITH, thanked the City Council and City Staff for their service, commented on Item 2.E. and 4.B. regarding Medical Cannabis Collectives, and commented on the Bureau of Tourism budget.

TRAVIS ARMSTRONG, requested the City Council refer the Art Mural to the Human Rights Commission for content.

JUDY DEERTRACK, Palm Springs, read a statement by Robert Stone.

COUNCILMEMBER COMMENTS:

Mayor Pougnet and Councilmember Foat requested the City Attorney address Cal. G.C. Section 1090.

Councilmember Foat commented on Cal. Gov. Code Section 1090 conflicts and her employment with Mizell Senior Center.

Mayor Pougnet commented on his recent activities regarding conflict of interest, the Downtown project and other development projects.

Mayor Pougnet stated he may have a conflict of interest with Mayor Pro Tem Lewin's comments and left Council Chamber. Mayor Pro Tem Lewin conducted this portion of the meeting.

Mayor Pro Tem Lewin commented on recent activities and his comments regarding a review of the City's economic incentive programs, and requested the City Council hire a forensic auditor and independent legal counsel to review the City's economic incentive programs.

Councilmember Foat commented on the recent activities regarding conflict of interest and explained the process of City Council decisions, and requested a Citizens Blue Ribbon Committee to review the economic incentive programs, and requested an item be placed on the next City Council agenda to discuss a process.

Councilmember Hutcheson commented on the recent successful programs, requested the City Manager place this information on the City's website, and stated his support for a Citizen's Blue Ribbon Committee.

Councilmember Mills commented on the recent conflict of interest statements, and stated the City Council follows the rules.

The City Council recessed at 7:51 p.m.

The City Council reconvened at 7:56 p.m., and the Mayor returned to the dais.

CITY MANAGER'S REPORT:

City Manager Ready provided an update on the Magruder building and the Rock Garden Cafe.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.F., 2.G., 2.I., 2.J., 2.L., 2.M., 2.O., 2.P., and 2.R. **Motion Councilmember Hutcheson, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

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

ACTION: Receive and file Report on the Posting of the May 20, 2015, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of May 6, 2015. **Approved as part of the Consent Calendar, noting the abstention/absence of Councilmember Mills.**

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

ACTION: 1) Adopt Resolution No. 23819, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1077737 THROUGH 1077830 IN THE AGGREGATE AMOUNT OF \$1,141,338.00, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23820, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1077831 THROUGH 1077968 IN THE AGGREGATE AMOUNT OF \$1,296,313.22, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23821, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 04-11-2015 BY WARRANTS NUMBERED 419088 THROUGH 419106 TOTALING \$31,461.76 LIABILITY CHECKS NUMBERED 1077969 THROUGH 1077989 TOTALING \$105,997.00, FIVE WIRE TRANSFERS FOR \$55,573.31, AND THREE ELECTRONIC ACH DEBITS OF \$1,150,287.03 IN THE AGGREGATE AMOUNT OF \$1,343,319.10, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 23822, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1077990 THROUGH 1078107 IN THE AGGREGATE AMOUNT OF \$567,156.80, DRAWN ON BANK OF AMERICA;" and 5) Adopt Resolution No. 23823, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1078108 THROUGH 1078240 IN THE AGGREGATE AMOUNT OF \$2,216,954.39, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the business related abstention of Councilmember Mills on Warrant No. 1077854.**

2.D. SECOND READING AND ADOPTION OF ORDINANCE NO. 1875 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:

ACTION: Waive the reading of the ordinance text in its entirety and adopt 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." **Approved as part of the Consent Calendar.**

2.F. SECOND READING AND ADOPTION OF ORDINANCE NO. 1877 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:

ACTION: Waive reading of the full text in its entirety and adopt 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." **Approved as part of the Consent Calendar.**

2.G. SECOND READING AND ADOPTION OF ORDINANCE NO. 1878 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 AND CEQA EXEMPTION:

ACTION: Waive reading of the full text in its entirety and adopt 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." **Approved as part of the Consent Calendar.**

2.I. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE AND AUTHORIZATION TO BID FOR THE PALM CANYON DRIVE ELECTRICAL SYSTEM REPLACEMENT (CITY PROJECT NO. 14-20) AND THE PALM CANYON DRIVE IRRIGATION SYSTEM IMPROVEMENTS (CITY PROJECT NO. 14-21):

ACTION: 1) Approve the plans, specifications and estimate for the Palm Canyon Drive Electrical System Replacement (City Project No. 14-20); 2) Approve the plans specifications and estimate for the Palm Canyon Drive Irrigation System Improvements (City Project No. 14-21); and 3) Authorize Staff to advertise and solicit bids. **Approved as part of the Consent Calendar.**

- 2.J. APPROVE A PURCHASE ORDER INCREASE WITH ASBURY ENVIRONMENTAL SERVICES IN THE AMOUNT OF \$13,281.39 FOR ADDITIONAL DISPOSAL AND TRANSPORTATION OF HAZARDOUS WASTE MATERIALS:**
ACTION: 1) Authorize a purchase order increase in the amount of \$13,281.39, for a total amount not to exceed \$35,421.39, to Asbury Environmental Services, for the disposal and transportation of hazardous waste materials; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**
- 2.L. APPROVAL OF A CASH DEPOSIT AGREEMENT RELATED TO SUBDIVISION IMPROVEMENTS FOR THE MURANO DEVELOPMENT, TRACT NO. 33933, WITH FAR WEST INDUSTRIES, INC.:**
ACTION: 1) Approve a Cash Deposit Agreement with Far West Industries, related to subdivision improvements for the Murano Development, Tract No. 33933, in a final form approved by the City Attorney; and 2) Authorize the City Manager to execute all necessary documents. A6708. **Approved as part of the Consent Calendar.**
- 2.M. ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR THE CONVENTION CENTER PARKING LOT IMPROVEMENTS (CITY PROJECT NO. 14 -09):**
ACTION: Adopt Resolution No. 23824, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AND ORDERING THE FILING OF A MITIGATED NEGATIVE DECLARATION FOR CONVENTION CENTER PARKING LOT IMPROVEMENTS (CITY PROJECT NO. 14-09)." **Approved as part of the Consent Calendar.**
- 2.O. APPROVAL OF CITY INITIATED ADDITIONAL WORK ASSOCIATED WITH THE MUNICIPAL COGENERATION FACILITY UNDER CHANGE ORDER NO. 9 TO THE AGREEMENT WITH OPTERRA ENERGY SYSTEMS INC., IN THE AMOUNT OF \$180,067, FOR THE CITYWIDE ENERGY PROJECT:**
ACTION: 1) Approve Change Order No. 9 to Agreement No. A6375, with Opterra Energy Systems, Inc., in the amount of \$180,067; and 2) Authorize the City Manager to execute all necessary documents. A6375. **Approved as part of the Consent Calendar.**
- 2.P. APPROVE AMENDMENT NO. 3 TO AGREEMENT NO. A5720 WITH HNTB CORPORATION FOR ENVIRONMENTAL STUDY PHASE OF THE PALM SPRINGS INTERNATIONAL AIRPORT MASTER PLAN IN THE AMOUNT OF \$29,601:**
ACTION: 1) Approve Amendment No. 3 to Agreement No. A5720 with HNTB Corporation, in the amount of \$29,601, for the Environmental Phase of the Airport Master Plan; and 2) Authorize the City Manager to

execute all necessary documents. A5720 **Approved as part of the Consent Calendar.**

2.R. APPROVE SECURITY SYSTEM DESIGN CONSULTING SERVICES WITH GUIDEPOST SOLUTIONS INC.:

ACTION: 1) Approve a professional services contract with Guidepost Solutions Inc., to provide security system design services for various city-owned facilities in an amount not to exceed \$48,305 for Phase 1, in a form approved by the City Attorney; and 2) Authorize the City Manager to execute all necessary documents. A6709. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.E. SECOND READING AND ADOPTION OF ORDINANCE NO. 1876 RELATING TO THE PERMITTED LOCATIONS AND DEVELOPMENT STANDARDS OF MEDICAL CANNABIS CULTIVATION FACILITIES AND MEDICAL CANNABIS COOPERATIVES OR COLLECTIVES AND CEQA CATEGORICAL EXEMPTION:

ACTION: Waive the reading of the ordinance text in its entirety and adopt 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." **Motion Councilmember Foat, seconded by Mayor Pougnet and carried 4-1 on a roll call vote.**

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

NOES: Councilmember Mills.

2.H. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE AND AUTHORIZATION TO BID FOR THE DEMUTH PARK AND RUTH HARDY PARK SECURITY PATH LIGHTING IMPROVEMENTS (CITY PROJECT NO. 14-19):

Councilmember Mills commented on the estimated cost and requested Staff address bidding alternates as appropriate.

ACTION: 1) Approve the plans, specifications and estimate for the Demuth Park and Ruth Hardy Park Security Path Lighting Improvements (City Project No. 14-19); and 2) Authorize Staff to advertise and solicit bids. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

2.K. APPROVE COOPERATIVE PURCHASE OF UTILITY TRAC ONLINE SOFTWARE SYSTEM FOR DEPARTMENT OF MAINTENANCE AND FACILITIES, FOR A TOTAL AMOUNT NOT TO EXCEED \$86,000 INCLUSIVE OF ANNUAL LICENSE AND MAINTENANCE FOR FIVE YEARS:

Councilmember Mills requested Staff address any potential overlap with the Chevron agreement.

Mayor Pro Tem Lewin questioned if the software will identify any discrepancy in utility bills.

Councilmember Hutcheson questioned if the savings will outweigh the cost of the software.

ACTION: 1) Approve the purchase of the Utility Trac online software system and licenses from Facility Dude Inc., through the National Joint Powers Alliance (NJPA) cooperative purchase agreement for a total amount not to exceed \$86,000 inclusive of the initial set-up, training, and license and maintenance fees for five years; and 2) Authorize the City Manager or designee to execute all necessary documents. **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

Councilmember Foat stated she has a business related conflict of interest with respect to Item 2.N., would not participate in the discussion or the vote, and left Council Chamber.

2.N. REJECT ALL BIDS RECEIVED FOR THE MIZELL SENIOR CENTER SHADE STRUCTURE PROJECT (CITY PROJECT NO. 15-12):

Councilmember Mills stated his support for rejecting of the bids, commented on the historical cost of the project, commented on the non-responsive bid, the increase in cost due to State prevailing wage requirements, and requested the City Council amend recommendation to direct staff to go out to bid at this time.

ACTION: 1) Reject the bids received on April 23, 2015, from D.W. Johnston and Trio Construction Group, for the Mizell Senior Center Shade Structure Project [City Project No. 15-12]; 2) Suspend the Mizell Senior Center Shade Structure Project; and 3) Authorize re-bidding of the Project. **Motion Councilmember Mills, seconded by Mayor Pro Tem Lewin 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.

2.Q. FUNKEY BAR, INC. FOR AN ART MURAL APPLICATION FOR AN EXISTING MURAL ON THE COMMERCIAL BUILDING AT 340 N. PALM CANYON DRIVE, ZONE C-B-D (CASE 15-002 MUR):

Mayor Pro Tem Lewin questioned the requirement for the mural to remain in place for two-years.

ACTION: Adopt Resolution No. 23825, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE NO. 15-002 MUR FOR AN ART MURAL ON THE COMMERCIAL BUILDING AT 340 N. PALM CANYON DRIVE, ZONE C-B-D." **Motion Mayor Pro Tem Lewin, seconded by Councilmember Mills and carried 4-1 on a roll call vote.**

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

NOES: Councilmember Hutcheson.

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS:

Mayor Pougnet stated he has a business related conflict of interest with respect to Item 4.A., would not participate in the discussion or the vote, and left Council Chamber. Mayor Pro Tem Lewin conducted this portion of the meeting.

Councilmember Hutcheson stated he has a property ownership related conflict of interest with respect to Item 4.A., would not participate in the discussion or the vote, and left Council Chamber.

4.A. RESCIND PURCHASE AND SALE AGREEMENT AND ESCROW INSTRUCTIONS WITH RICHARD MEANEY AND YOKANG ZHOU FOR A SUCCESSOR AGENCY-OWNED PROPERTY LOCATED AT 1479 NORTH PALM CANYON DRIVE, APN 505-182-004, CASA DEL CAMINO:

City Attorney Holland provided background information as outlined in the Staff Report dated May 20, 2015.

Councilmember Mills questioned if the property has gone into escrow.

Councilmember Foat commented on the City's progress dealing with blighted property.

Councilmember Mills commented on the City's progress dealing with blighted property.

ACTION: 1) Rescind City Council approval of the Purchase and Sale Agreement and Escrow Instructions for the Casa Del Camino property located at 1479 North Palm Canyon Drive; and 2) Direct the City Manager to terminate all actions related to the sale of the property. A6632. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried 3-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Hutcheson and Mayor Pougnet.

Mayor Pougnet and Councilmember Hutcheson returned to the dais.

4.B. REVIEW CURRENT PROVISIONS OF, AND PROVIDE DIRECTION FOR THE PREPARATION OF AMENDMENTS TO, THE CITY'S MEDICAL CANNABIS REGULATORY PROGRAM (CHAPTER 5.35 OF THE PALM SPRINGS MUNICIPAL CODE):

City Attorney Holland provided background information as outlined in the Staff Report dated May 20, 2015.

Councilmember Foat suggested the City Council Subcommittee start a dialog on potential legislation for recreational use, requested a minimum of one but preferably two licenses be added to the current four.

Mayor Pougnet recommended additional discussion on grow facilities.

Councilmember Hutcheson stated the City should position itself for future legislation.

Councilmember Mills stated the City Council Subcommittee should look at all the items on the list, and the City Council Subcommittee should return with findings on potential ordinance changes.

Mayor Pro Tem Lewin stated his support for six permits, commented on the progress of closing un-permitted facilities, and stated the cultivation issues should be reviewed.

Mayor Pro Tem Lewin commented on the licensing of other products.

ACTION: Direct Staff to meet with the City Council Subcommittee to develop a draft ordinance with alternatives. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

5. NEW BUSINESS:

5.A. NATHAN AND GINA OTTO ART MURAL APPLICATION FOR AN EXISTING ART MURAL ON THE COMMERCIAL BUILDING AT 810 NORTH FARRELL DRIVE, ZONE M-1-P (CASE 15-001 MUR):

Flinn Fagg, Director of Planning Services, provided background information as outlined in the Staff Report dated May 20, 2015.

Councilmember Foat stated the mural improved the building.

Councilmember Mills stated the mural is an improvement to the building, asked for clarification on the sign alternatives, and commented on allowing the logo to be approved as a sign, and the remainder of the art be allowed as a mural.

ACTION: Direct Staff to prepare a Resolution to conditionally approve the logo as a sign, and the remainder be approved as a mural. **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

Mayor Pro Tem Lewin requested the City Attorney comment on any potential property related conflict of interest with respect to street improvements with respect to Item 5.B.

5.B. AWARD A CONSTRUCTION CONTRACT TO GRANITE CONSTRUCTION COMPANY, A CALIFORNIA CORPORATION, IN THE AMOUNT OF \$9,814,520; APPROVE AN ADDITIONAL LIST OF STREETS AND AUTHORIZE A CONSTRUCTION CONTRACT CHANGE ORDER NOT TO EXCEED \$2,500,000; AND AUTHORIZE A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED OF \$318,132 TO WILLDAN ENGINEERING FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE 2015 PAVEMENT REHABILITATION PROJECT (CITY PROJECT NO 15-01):

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated May 20, 2015.

Councilmember Foat commented on the invaluable input and comments from OnePS formally PSNIC, and stated her support of the Item.

Councilmember Hutcheson questioned if the recommendation by OnePS was inclusive and the requested clarification on the additional Section 14 streets.

Councilmember Mills commented on the condition of the arterial streets, requested the City Council consider adding East Palm Canyon from Sunrise to the bridge.

The City Council further discussed the inclusion of other arterial streets, and the PCI index.

ACTION: 1) Award a construction contract to Granite Construction Company, a California corporation, in the amount of \$9,814,520 for Bid Schedules A through D, inclusive, for the 2015 Pavement Rehabilitation Project, City Project No. 15-01; 2) Consider and provide direction regarding the list of additional streets to include with the 2015 Pavement Rehabilitation Project, City Project No. 15-01, and authorize the City Manager to approve a Construction Contract Change Order in an amount not to exceed \$2,500,000; 3) Authorize a Purchase Order to Willdan Engineering, pursuant to On-Call Agreement No. 6688, in the amount of \$268,132 for construction management and inspection services for the 2015 Pavement Rehabilitation Project, City Project No. 15-01; 4) Authorize the City Manager to approve an increase of up to \$50,000 to the Purchase Order issued to Willdan Engineering for construction management and inspection services; and 5) Authorize the City Manager to execute all necessary documents. A6710. A6688. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

5.C. PRESENTATION OF THE PRELIMINARY FISCAL YEAR 2015-16 BUDGET FOR VARIOUS SPECIAL FUNDS, PRESENTATION BY BUREAU OF TOURISM, CONTINUED DISCUSSION ON THE GENERAL FUND BUDGET, AND FISCAL YEAR 2014-15 THIRD QUARTER FINANCIAL REVIEW:

City Manager Ready and Geoffrey Kiehl, Director of Finance, provided background information as outlined in the Staff Report dated May 20, 2015.

Bureau of Tourism Staff presented the highlights of the Bureau of Tourism and Convention Center budget.

No action taken.

5.D. REVISION OF MANDATORY WATER CONSERVATION MEASURES ASSOCIATED WITH A STAGE 2 WATER SHORTAGE ALERT PURSUANT TO DESERT WATER AGENCY'S WATER SHORTAGE CONTINGENCY PLAN:

Marcus Fuller, Assistant City Manager/City Engineer, provided background information as outlined in the Staff Report dated May 20, 2015.

The City Council discussed meeting with DWA, City Hall conversion and funding for landscaping retro-fitting, condition of the water system in the Uptown tree wells, Sunrise Park alternatives, the condition of drought in Palm Springs and the Coachella Valley, the condition of the Bermuda grass without water, the difficulty of non-separated irrigation systems for turf and trees, the faulty calculation of the State Water Board on per capita calculations, revisions to the water waste ordinance, submit the plan for the parks to the Parks and Recreation Commission, and additional study for reclaimed water.

No action taken.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Mills noted the positive cash balance of the City on the Treasurer's report.

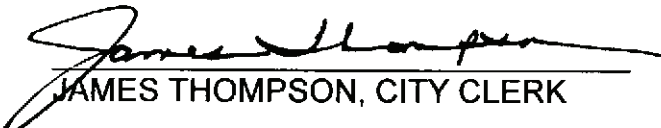
ADJOURNMENT: The City Council adjourned at 10:03 p.m. to Wednesday, June 3, 2015, at 6:00 p.m. Council Chamber, City Hall, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS
3RD DAY OF June, 2015.**



STEPHEN P. POUGNET, MAYOR

ATTEST:



JAMES THOMPSON, CITY CLERK