

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



**MINUTES  
WEDNESDAY, NOVEMBER 4, 2009  
Council Chamber**

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:06 p.m.

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

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

**ROLL CALL:**

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

**ABSENT:** None.

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

**PRESENTATIONS:**

Fire Chief Blake Goetz announced the two new fire trucks acquired by the City.

Mayor Pougnet and Councilmember Mills provided an update to the City Council on the recent SMODCOM event.

Mayor Pougnet provided an update on the recent Sustainability Event, the Grand Opening of Starbucks at the Palm Springs International Airport, the Palm Springs High School Homecoming Events, and the upcoming events in the City of Palm Springs.

Dr. Laura Robert, Riverside County Health Department, provided an update on the H1N1 virus and a status report in the County of Riverside.

Mayor Pro Tem Mills provided an update on Census 2010.

**REPORT OF CLOSED SESSION:** City Attorney Holland reported that at 4:30 p.m., the meeting was called to order and the City Council recessed into Closed Session to discuss Items on the posted Closed Session Agenda. No reportable actions were taken.

**ACCEPTANCE OF THE AGENDA:**

City Clerk Thompson requested Item 2.K. be withdrawn from the Agenda, and Item 5.E. be tabled to the November 18, 2009, meeting.

Councilmember Mills noted his business related abstention on Item 2.C. Warrant Nos. 1038041, 1038042, 1038047, and 1038048.

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

**1. PUBLIC HEARINGS:**

**1.A. DESIGNATION OF THE OASIS COMMERCIAL BUILDING AT 101-121 SOUTH PALM CANYON DRIVE AS A CLASS 1 HISTORIC SITE (HSPB 55):**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated November 4, 2009.

The City Council discussed and/or commented on the following with respect to the historic designation: previous discussion with a proposed conservation easement, ensure the designation and the property do not get overlooked, owner due diligence, the background and significance of the building and the location in the heart of Downtown Palm Springs, the alterations to the building, ground level alterations and the current status of the building, splitting the classification with the upper level as a Class 1 designation and the lower level as a Class 2 designation, achieving a balance with the property owner and the preservation community to have multiple designations, the difference between designating the property as a Class 2 with conditions or trying to split the classification, disagreement with staff interpretation of the Ordinance, the pledge of PSMODCOM and PSPF may support future alterations after the Class 1 designation.

**MOTION:** Adopt Resolution designating the site as a Class 1. **Motion Councilmember Foat, failed for a lack of second.**

**ACTION:** 1) Approve certain areas and features of the building as a Class 1 Historic Resource; and 2) Direct staff to prepare an appropriate Resolution for the designation. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Mills and carried 4-1 on a roll call vote.**

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

**NOES:** Councilmember Foat.

**1.B. T-MOBILE USA CONDITIONAL USE PERMIT AND VARIANCE TO INSTALL A FORTY-THREE FOOT TALL COMMERCIAL COMMUNICATIONS ANTENNA AT 1900 EAST PALM CANYON DRIVE (CASE NO. 5.1203 CUP AND 6.507 VAR):**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated November 4, 2009.

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

MONICA MORETTA, Representing T-Mobile, provided information addressing the need for the communications antenna at this location, and other locations in the area that were either investigated or proposed by T-Mobile.

The City Council discussed and/or commented on the following with respect to the project: the weight of the pole in relation to the size of the pole and the proximity to the surrounding buildings, the necessity for the tower at this location, the number of Palm Springs customers that would benefit from the proposed tower, condition that existing exposed electrical work on the building be removed, and the wall surrounding the equipment match the height, materials, texture and color of the existing wall.

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

**ACTION:** 1) Close the public testimony portion of the Public Hearing; 2) Direct staff to review code compliance issues at the site with respect to the installation of solar panels and the installation of exterior wiring and conduit and review and revise if appropriate the conditions of approval; 3) Continue the City Council deliberations and the Public Hearing to December 2, 2009; 4) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Mayor Pro Tem Mills, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

**PUBLIC COMMENT:**

JOHN TYMON, Palm Springs, commented on the proposed name for the Museum Market Plaza Project, recommended the name for the Welwood Library and commented on the proposed uses for the Welwood Library.

STUART McCLAIN, Palm Springs, commented on the City's ordinance requiring fire sprinkler systems for certain properties and requested relief from the requirement.

SCOTT SCHROEDER, announced the upcoming annual philanthropy day luncheon and event.

BARBARA BEATY, commented on the November 3, 2009, election and the importance of the revitalization of the Downtown area.

JOE FOSTER, Palm Springs, requested the City's assistance in getting Police service.

WILLIE JAMES HOLLAND, commented on the November 3, 2009, election.

**COUNCILMEMBER COMMENTS:** None.

**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.J., and 2.L. **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

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

**ACTION:** Receive and file Report on the Posting of the November 4, 2009, City Council Agenda. **Approved as part of the Consent Calendar.**

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

**ACTION:** Approve the City Council and Community Redevelopment Agency Minutes of October 7, 2009. **Approved as part of the Consent Calendar.**

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

**ACTION:** 1) Adopt Resolution No. 22611, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1038039 THROUGH 1038055 IN THE AGGREGATE AMOUNT OF \$2,638,608.37, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22612, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1038056 THROUGH 1038115 IN THE AGGREGATE AMOUNT OF \$982,336.68, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 22613, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 10-03-09 BY WARRANTS NUMBERED 415072 THROUGH 415112 TOTALING \$61,506.25, LIABILITY CHECKS NUMBERED 1038116 THROUGH 1038136 TOTALING \$143,751.31, FIVE WIRE TRANSFERS FOR \$51,519.33, AND THREE ELECTRONIC ACH DEBITS OF \$1,071,062.74, IN THE AGGREGATE AMOUNT OF \$1,327,839.63, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 22614, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1038137 THROUGH 1038233 IN THE AGGREGATE AMOUNT OF \$757,474.57, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 22615, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1038234 THROUGH 1038403 IN THE AGGREGATE AMOUNT OF \$2,104,978.74, DRAWN ON BANK OF AMERICA;" and 6) Adopt Resolution No. 22616, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM

SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1038404 THROUGH 1038542 IN THE AGGREGATE AMOUNT OF \$1,274,164.31, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the business related abstention of Councilmember Mills on Warrant Nos. 1038041, 1038042, 1038047, and 1038048.**

- 2.D. TREASURER'S INVESTMENT REPORT AS OF SEPTEMBER 30, 2009:**  
**ACTION:** Receive and File the Treasurer's Investment Report as of September 30, 2009. **Approved as part of the Consent Calendar.**
- 2.E. APPROVE THE DONATION OF A 1992 BECK FIRE ENGINE, EQUIPMENT NO. 1E4592, TO COLLEGE OF THE DESERT PUBLIC SAFETY ACADEMY, AND THE 1990 BECK TELESQURT, EQUIPMENT NO. 1TS43R, BE SENT TO AUCTION:**  
**ACTION:** 1) Approve the removal of the 1992 Beck Fire Engine, Equipment No. 1E4592, and 1990 Beck Telesqurt, Equipment No. 1TS43R, from the City's fleet; 2) Approve the donation of the surplus 1992 Beck Fire Engine, Equipment No. 1E4592, to College of the Desert Public Safety Academy, Roy Wilson Fire Training Center in Thousand Palms; 3) Approve sending the surplus 1990 Beck Telesqurt, Equipment No. 1TS43R, to auction; and 4) Authorize the City Manager to execute all related documents. **Approved as part of the Consent Calendar.**
- 2.F. ACCEPT GRANT FUNDING FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY, CALIFORNIA TRAFFIC SAFETY CENTER FOR A SEATBELT AND CHILD SAFETY SEAT COMPLIANCE PROJECT IN THE AMOUNT OF \$16,027:**  
**ACTION:** 1) Accept grant funding from the California Office of Traffic Safety, California Berkeley Traffic Safety Center for a Seatbelt and Child Safety Seat Compliance Project in the amount of \$16,027; and 2) Authorize the City Manager to execute all necessary documents. A5913. **Approved as part of the Consent Calendar.**
- 2.G. APPROVAL OF PROGRAM SUPPLEMENT AGREEMENT NO. 029-N, WITH THE STATE OF CALIFORNIA FOR USE OF PUBLIC LANDS HIGHWAY DISCRETIONARY (PLHD) FEDERAL AID FUNDS FOR THE AGUA CALIENTE CULTURAL MUSEUM ROADWAY IMPROVEMENTS, CP 09-04, FEDERAL AID PROJECT NO. PLHDL06-5282(032):**  
**ACTION:** 1) Adopt Resolution No. 22617, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 029-N TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$630,791 (\$630,791 FEDERAL FUNDS / \$0 LOCAL FUNDS), FOR THE AGUA CALIENTE CULTURAL MUSEUM ROADWAY IMPROVEMENTS, CP 09-04, FEDERAL AID PROJECT NO. PLHDL06-

5282(032), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALM SPRINGS;" and 2) Authorize the City Manager to execute all necessary documents. A5914. **Approved as part of the Consent Calendar.**

**2.H. PARCEL MAP 31968 AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH ENDURE INVESTMENTS, LLC, FOR AN EIGHT LOT PARCEL MAP FOR COMMERCIAL PURPOSES LOCATED AT 5200 RAMON ROAD:**

**ACTION:** 1) Adopt Resolution No. 22618, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PARCEL MAP 31968 FOR PROPERTY LOCATED AT 5200 RAMON ROAD, IN SECTIONS 17 AND 18, TOWNSHIP 4 SOUTH, RANGE 5 EAST, AND APPROVING A SUBDIVISION IMPROVEMENT AGREEMENT WITH ENDURE INVESTMENTS, LLC;" and 2) Authorize the City Manager to execute all necessary documents. A5915. **Approved as part of the Consent Calendar.**

**2.I. ADOPTION OF MITIGATED NEGATIVE DECLARATION FOR THE INDIAN CANYON DRIVE WIDENING PROJECT, FEDERAL AID PROJECT NO. STPLN 5282(023), CP 01-25:**

**ACTION:** Adopt Resolution No. 22619, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AND ORDERING THE FILING OF A MITIGATED NEGATIVE DECLARATION FOR THE INDIAN CANYON DRIVE WIDENING PROJECT, CP 01-25, FEDERAL AID PROJECT NO. STPLN 5282(023)." **Approved as part of the Consent Calendar.**

**2.J. ADOPTION OF MITIGATED NEGATIVE DECLARATION FOR THE INDIAN CANYON DRIVE AND BRIDGE WIDENING PROJECT, FEDERAL AID PROJECT NO. STPLN 5282(016) & BRLO 5282(017), CP 01-11:**

**ACTION:** Adopt Resolution No. 22620, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AND ORDERING THE FILING OF A MITIGATED NEGATIVE DECLARATION FOR THE INDIAN CANYON DRIVE AND BRIDGE WIDENING PROJECT, CP 01-11, FEDERAL AID PROJECT NO. STPLN 5282(016) & BRLO 5282(017)." **Approved as part of the Consent Calendar.**

**2.L. ACCEPT WITH REGRET THE RESIGNATION OF MICHAEL HODGSON FROM THE HUMAN RIGHTS COMMISSION:**

**ACTION:** 1) Accept with regret the resignation of Michael Hodgson; 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2011. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.K. APPROVAL OF A LIABILITY IN DISPUTE UTILITY AGREEMENT WITH SOUTHERN CALIFORNIA EDISON FOR THE INDIAN CANYON DRIVE / INTERSTATE 10 INTERCHANGE WIDENING PROJECT:**

Item withdrawn from the Agenda at the request of staff.

**3. LEGISLATIVE:**

**3.A. PROPOSED ORDINANCE RELATING TO RECYCLING AND DIVERSION OF DEBRIS FROM CONSTRUCTION AND DECONSTRUCTION ACTIVITIES:**

Michele Mician, Sustainability Manager, and Gary Calhoun, Recycling Coordinator, provided background information as outlined in the staff report dated November 4, 2009.

The City Council discussed and/or commented on the following with respect to the proposed ordinance: the square footage that triggers the requirements, bi-weekly filing requirement, effects of the Ordinance on the small homeowner or non-professional doing a small project, implementation, the consequences of not filing the reports, a formula to allow some additional flexibility, the purpose and elimination of the target percentage goal of the diversion, the penalty, and appeal provisions.

**ACTION:** Direct staff to revise the Ordinance and return to the City Council for introduction. **By consensus of the City Council.**

**4. UNFINISHED BUSINESS:**

**5. NEW BUSINESS:**

**5.A. APPOINT ONE MEMBER TO THE ADMINISTRATIVE APPEALS BOARD:**

**ACTION:** Appoint Alfred Gergely to the Administrative Appeals Board for the term ending June 30, 2012. **Motion Councilmember Foat, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

The City Council heard Items 5.B., 5.C., and 5.D. concurrently.

**5.B. APPROVE THE AGREEMENT TO TRANSFER THE OWNERSHIP OF ARTWORK TO THE CITY OF PALM SPRINGS; AUTHORIZE THE REIMBURSEMENT OF PUBLIC ART IN-LIEU FEES TO THE AGUA CALIENTE BAND OF CAHUILLA INDIANS FOR ARTWORK BY DOUG HYDE; APPROVE AN AGREEMENT FOR PLACEMENT OF ARTWORK ON PRIVATE PROPERTY AND ACCEPT A GRANT OF EASEMENT**

**FOR PUBLIC ART BETWEEN THE CITY OF PALM SPRINGS AND LUNDIN DEVELOPMENT COMPANY:**

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated November 4, 2009.

**ACTION:** Table and direct staff to work with the property owner for modifications to the landscape plan and lighting in conjunction with the art installation. **Motion Mayor Pro Tem Mills, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

**5.C. APPROVE A LICENSE AGREEMENT WITH JOHN WESSMAN OF WESSMAN DEVELOPMENT COMPANY, FOR THE PLACEMENT OF THE SCULPTURE "TOGETHER AGAIN" ON PRIVATE PROPERTY LOCATED AT 101 NORTH PALM CANYON DRIVE:**

**ACTION:** 1) Approve a License Agreement with John Wessman dba Wessman Development Company, for the placement of the sculpture "Together Again" on private property located at 101 North Palm Canyon Drive; and 2) Authorize City Manager to execute all necessary documents. A5918. **Motion Mayor Pro Tem Mills, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

**5.D. APPROVE A USE AGREEMENT WITH JOHN WESSMAN OF WESSMAN DEVELOPMENT COMPANY, FOR THE PROPERTY LOCATED AT 123 NORTH PALM CANYON DRIVE FOR HOLDING THE 12TH ANNUAL PALM SPRINGS JURIED ART SHOW FROM JANUARY 22 THROUGH FEBRUARY 14, 2010:**

**ACTION:** 1) Approve a Use Agreement with John Wessman of Wessman Development Company, for the property located at 123 North Palm Canyon Drive for the purpose of holding the 12<sup>th</sup> Annual Palm Springs Juried Art Show; and 2) Authorize the City Manager to execute all necessary documents. A5919. **Motion Mayor Pro Tem Mills, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

**5.E. AMENDMENT NO. 2 TO SUBLEASE AGREEMENT NO. A4475 WITH PLAZA RACQUET CLUB EXTENDING THE TERM UP TO TWO YEARS, IN AN AMOUNT NOT TO EXCEED \$22,502 ANNUALLY, FOR THE PALM SPRINGS TENNIS CENTER:**

Tabled to November 18, 2009, at the request of staff.

**COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:**

Mayor Pougnet announced the upcoming holiday events in the City of Palm Springs, and requested staff address holiday decorations and ensure they are in operative and good working order, and thanked Sharon Heider, Director of Parks and Recreation, for the trimming of palm trees.

Mayor Pro Tem Mills commented on the upcoming 50th anniversary of the Legends Golf Course.

**ADJOURNMENT:** The City Council adjourned at 8:19 p.m. to a meeting, Wednesday, November 18, 2009, at 6:00 P.M. Council Chamber, City Hall, preceded by a Closed Session at 4:30 P.M., Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 18<sup>TH</sup> DAY OF NOVEMBER, 2009.**

  
STEPHEN P. POUGNET, MAYOR

ATTEST:

  
JAMES THOMPSON, CITY CLERK