

**CITY COUNCIL
COMMUNITY REDEVELOPMENT AGENCY
CITY OF PALM SPRINGS, CALIFORNIA**



MINUTES
WEDNESDAY, SEPTEMBER 22, 2010
Council Chamber

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:07 p.m.

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

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

ROLL CALL:

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

ABSENT: None.

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

PRESENTATIONS:

Mayor Pougnet provided an update on the Project Running Event, Veterans Day Parade, and the Festival of Lights Parade.

The Registrar of Voters Office provided an update on the upcoming November 2, 2010, General Election.

Southern California Edison Representatives announced the SCE Direct Install program.

REPORT OF CLOSED SESSION: City Attorney Holland reported that the meeting was called to order at 4:00 p.m., 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:

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

Councilmember Mills noted his business related abstention on Item 2.C. Warrant Nos. 1044158, 1044181, and 1044188 through 1044190.

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

1. PUBLIC HEARINGS:

1.A. PROPOSED ESTABLISHMENT OF A CONTRACTUAL ASSESSMENT PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES AND ENERGY AND WATER EFFICIENCY IMPROVEMENTS:

Michele Mician, Sustainability Manager, provided background information as outlined in the Staff Report dated September 22, 2010.

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

The City Council discussed and/or commented on the following with respect to the program: the program would be available to long term lessees, the voluntary nature of the program and the assessments, the benefits to the City with respect to sustainability, the process and the development of guidelines for a home owner on leased land, the applicability to condominiums and commercial property, requested staff development guidelines for leased land, and requested staff work with Bureau of Indian Affairs up front to assist with owners on leased land.

ACTION: 1) Adopt Resolution No. 22803, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE FORMATION OF AN ASSESSMENT DISTRICT TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES AND ENERGY AND WATER EFFICIENCY IMPROVEMENTS FOR PROPERTY WITHIN THE CITY PURSUANT TO CHAPTER 29 OF PART 3 OF DIVISION 7 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE; CONFIRMING THE BOUNDARIES OF THE ASSESSMENT DISTRICT AND THE LEVY OF CONTRACTUAL ASSESSMENTS; AUTHORIZING PARTICIPATION IN THE PACIFIC HOUSING & FINANCE AGENCY'S PROPERTY ASSESSED CLEAN ENERGY AND WATER EFFICIENCY PROGRAM; AND TAKING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH;" and 2) Direct staff to develop guidelines for leased land properties, and to work with the Bureau of Indian Affairs up front regarding the approval process. **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

1.B. PROPOSED AMENDMENT TO AN EXISTING CLASS 1 HISTORIC DESIGNATION FOR PALM SPRINGS CITY HALL TO INCLUDE SITE

PARKING AND LANDSCAPE AREAS, LOCATED AT 3200 EAST TAHQUITZ CANYON WAY, A CLASS 1 HISTORIC SITE (HSPB 33):

ACTION: 1) Continue the Public Hearing with no public testimony; and 2) Direct the City Clerk to re-notice the public hearing. **Motion Councilmember Mills, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

ED TORRES, requested the City Council approve Item 2.1., and an agreement with the Desert Valleys Builders Association for directional real estate signs.

GENE DOW, Palm Springs, announced the upcoming Virginia Waring International Piano Competition.

RICHARD NOBLE, requested the City Council adopt a Resolution on the recent "Don't Ask, Don't Tell" court decision, and suggested the City Council create a sign program for the Warm Sands area.

DENNIS CURRAN, announced the upcoming Pinnacle Fund Golf Tournament.

CLINTON GREENE, commented on the misrepresentation of the Desert Fashion Plaza on the MLS.

WILLIAM HUTCHINSON, PSPOA, commented on the recent cuts to the Police Department, and requested the City Council make public safety a priority in the City of Palm Springs.

CHARLES SACHS, Palm Springs, commented on the cutting of trees at Casa de Oro, and requested the City review the funding of the Palm Springs Film Festival.

JOY MEREDITH, presented the new Downtown and Uptown Business Directory, and commented on the negative letters received regarding the Downtown area.

MARK KNORRINGA, requested the City Council not approve Item 2.1. and continue to contract with the Building Industry Association.

FRANK TYSEN, Palm Springs, commented on the Desert Fashion Plaza, and urged the City Council to consider the type and size of development in the Downtown area.

JOHN TYMON, Palm Springs, commented on the Desert Fashion Plaza.

COUNCILMEMBER COMMENTS:

Mayor Pougnet requested Tammy Perezchica, Downtown Administrator, report on the vacancy rate in Downtown Palm Springs, requested Fire Chief Goetz address if any Fire

Staff were released with the closure of Fire Station No. 5, and requested Police Chief Dominguez provide a report on the reduction in crime, and commented on the recent letter sent by the PSPOA to the Downtown merchants.

Councilmember Foat commented on a recent Valley Voice and the misrepresentation of facts in the Desert Sun, and commented on a recent letter sent by the PSPOA to the Downtown merchants.

CITY MANAGER'S REPORT: City Manger Ready requested Tammy Perezchica, Downtown Administrator, provide an update on the Downtown Storefront Windows program.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., .2.C., 2.D., 2.G., and 2.H. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Mills 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 September 22, 2010, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. AMENDMENT NO. 1 TO AGREEMENT NO. A5548 WITH HARRELL & COMPANY ADVISORS, LLC FOR AN ADDITIONAL THREE YEARS FOR FINANCIAL CONSULTING SERVICES:

ACTION: 1) Approve Amendment No. 1 to Agreement No. A5548 with Harrell & Company Advisors, LLC, for Financial Consulting Services, extending the term for three years; and 2) Authorize the City Manager to execute all necessary documents. A5548. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 22804, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 8-21-10 BY WARRANTS NUMBERED 416022 THROUGH 416058 TOTALING \$48,141.01, LIABILITY CHECKS NUMBERED 1043957 THROUGH 1043977 TOTALING \$127,569.05, FIVE WIRE TRANSFERS FOR \$56,837.44, AND THREE ELECTRONIC ACH DEBITS OF \$972,919.73, IN THE AGGREGATE AMOUNT OF \$1,205,467.23, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22805, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1043978 THROUGH 1044108 IN THE AGGREGATE AMOUNT OF \$266,784.76, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 22806, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS,

CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1044109 THROUGH 1044209 IN THE AGGREGATE AMOUNT OF \$3,168,144.51, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 22807, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 9-04-10 BY WARRANTS NUMBERED 416059 THROUGH 416100 TOTALING \$49,706.88, LIABILITY CHECKS NUMBERED 1044210 THROUGH 1044230 TOTALING \$128,454.09, FIVE WIRE TRANSFERS FOR \$53,411.50, AND THREE ELECTRONIC ACH DEBITS OF \$1,024,212.55, IN THE AGGREGATE AMOUNT OF \$1,255,785.02, DRAWN ON BANK OF AMERICA;" and 5) Adopt Resolution No. 22808, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1044231 THROUGH 1044249 IN THE AGGREGATE AMOUNT OF \$399,042.05, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar noting the business related abstention of Councilmember Mills on Warrant Nos. 1044158, 1044181, and 1044188 through 1044190.**

2.D. ACCEPT THE RESIGNATION OF DAVID SHIPLEY FROM THE PUBLIC ARTS COMMISSION:

ACTION: 1) Accept with regret the resignation of David Shipley from the Public Arts Commission; and 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2012. **Approved as part of the Consent Calendar.**

2.G. AMENDMENT NO. 6 TO AGREEMENT NO. A3090 WITH THE PALM SPRINGS INTERNATIONAL FILM FESTIVAL:

ACTION: 1) Approve Amendment No. 6 to Agreement No. A3090 with the Palm Springs International Film Festival, extending the agreement to June 30, 2011; and 2) Authorize the City Manager to execute the Amendment to the Agreement. A3090. **Approved as part of the Consent Calendar.**

2.H. AMENDMENT NO. 4 TO AGREEMENT NO. A4318 WITH DOKKEN ENGINEERING FOR THE INDIAN CANYON DRIVE/INTERSTATE 10 INTERCHANGE (CP 00-14):

ACTION: 1) Approve Amendment No. 4 to Agreement No. A4318 with Dokken Engineering in an amount of \$72,920 for a revised total contract amount of \$1,792,482 for the Indian Canyon Drive / Interstate-10 Interchange Project (CP 00-14); and 2) Authorize the City Manager to execute all necessary documents. A4318. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

- 2.E. TRAVIS COMPANIES, INC. APPROVE THE APPEAL AND OVERTURNING THE DECISION OF THE PLANNING COMMISSION TO DENY A CONDITIONAL USE PERMIT AND VARIANCE APPLICATION FOR THE CONSTRUCTION OF A GASOLINE SERVICE STATION LOCATED AT 4701 EAST PALM CANYON DRIVE (CASE 5.1241 CUP AND 6.521 VAR):**

ACTION: Adopt Resolution No. 22809, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN APPEAL BY TRAVIS COMPANIES, INC. AND OVERTURNING THE DECISION OF THE PLANNING COMMISSION TO DENY A CONDITIONAL USE PERMIT AND VARIANCE APPLICATION FOR THE CONSTRUCTION AND OPERATION OF A GASOLINE SERVICE STATION LOCATED AT 4701 EAST PALM CANYON DRIVE (CASES 5.1241 AND 6.521 VAR)." **Motion Councilmember Weigel, seconded by Mayor Pro Tem Hutcheson and carried 3-2 on a roll call vote.**

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

NOES: Councilmember Foat and Mayor Pougnet.

- 2.F. PURCHASE OF SPRAY CLEANING SYSTEM FROM MASTER TECHNOLOGIES IN THE AMOUNT OF \$71,747.47 FOR THE NEW ANIMAL CARE FACILITY:**

ACTION: 1) Waive the competitive requirements of the Municipal Code pursuant to Section 7.04.020 and award a sole source purchase and installation of a SMT-600-REY Spray Cleaning System, from Spray Master Technologies, in the amount of \$71,747.47; and 2) Authorize the City Manager to execute all necessary documents. **Motion Councilmember Mills, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

- 2.I. AGREEMENT WITH DESERT VALLEYS BUILDERS ASSOCIATION (DVBA) TO PROVIDE INSTALLATION AND MAINTENANCE SERVICES ON DIRECTIONAL REAL ESTATE SIGNS:**

ACTION: 1) Direct staff to provide the required 30-day notice of termination to the Building Industry Association (BIA) on its contract to install and maintain directional real estate signs; 2) Approve an agreement with the DVBA to install and maintain directional real estate signs effective upon termination of the agreement with the BIA and subject to the approval by the City Attorney; and 3) Authorize the City Manager to execute all necessary documents. A3865. A6024. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

- 3. LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:**

Councilmember Mills stated he has a business related conflict of interest with respect to Item 5.A., would not participate in the discussion or the vote, and left Council Chamber.

5.A. CHANGE THE STREET NAMES FROM CHASE PLACE, FIELD VIEW, AND FOSTER VISTA TO DISTRICT CENTER DRIVE (CASES 5.1238 SNC, 5.1244 SNC, AND 5.1245 SNC):

Craig Ewing, Director of Planning Services, provided background information as outlined in the Staff Report dated September 22, 2010.

The City Council requested staff address if any cost was involved and any negative effects to any businesses or homeowners.

ACTION: 1) Adopt Resolution No. 22810, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A STREET NAME CHANGE FROM CHASE PLACE TO DISTRICT CENTER DRIVE;" 2) Adopt Resolution No. 22811, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A STREET NAME CHANGE FROM FIELD VIEW TO DISTRICT CENTER DRIVE;" and 3) Adopt Resolution No. 22812, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A STREET NAME CHANGE FROM FOSTER VISTA TO DISTRICT CENTER DRIVE." **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Mills.

Councilmember Mills returned to the dais.

5.B. CITY AND COMMUNITY REDEVELOPMENT AGENCY STAFF UPDATE AND POTENTIAL CITY AND COMMUNITY REDEVELOPMENT AGENCY ALTERNATIVES WITH RESPECT TO THE DESERT FASHION PLAZA:

City Attorney Holland provided background information as outlined in the Staff Report dated September 22, 2010.

Mayor Pougnet requested the City Council support the staff recommendations, commented on the conditions of the Desert Fashion

Plaza site, requested the City Attorney address if the City has performed analysis of the cost, the length of time for the completion of the appraisal, address if some of the projects could be done concurrently, and the overall timing of the process.

Mayor Pro Tem Hutcheson commented on the new first steps to rid the Desert Fashion Plaza blight, outlined the steps as proposed by staff, and requested the City Attorney address financing alternatives.

Councilmember Foat requested the City Attorney address the separation of the Town and Country Center in the appraisal, commented on her vision of the property, and noted the importance of citizen input on the future development.

Councilmember Mills commented on the opportunities, the history of the project, and noted the City Council is asking for other ideas for projects on this premier property in the City.

Councilmember Weigel requested the City Attorney address the impacts to the current owner and their ability to develop the property, and commented on the alternatives to move forward.

ACTION: 1) Approve an agreement with Integra Realty Resources, in a form approved by the City Attorney, in an amount not to exceed \$45,000, for the completion of an appraisal adequate for the initiation and completion of acquisition of the Desert Fashion Plaza and/or the Town and Country Center or any portions thereof; 2) Authorize staff to initiate a Request for Qualifications for potential developers of Desert Fashion Plaza, prepare an Agency redevelopment alternative, and invite Wessman Development Company to respond to the Request for Qualifications; and 3) Develop potential alternatives for financing any Redevelopment Agency or City participation in any approved project or the acquisition of Desert Fashion Plaza. A6025. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

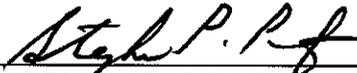
Councilmember Foat commented on Proposition 22 on the upcoming November, 2, 2010, election and requested staff place on the next agenda a discussion regarding Proposition 23.

Mayor Pougnet requested staff review the zoning of the Palm Springs Mall and the options for any potential buyer.

ADJOURNMENT: The City Council adjourned at 8:00 p.m. to a Regular Meeting, Wednesday, October 6, 2010, at 6:00 P.M. Council Chamber, City Hall, preceded by a

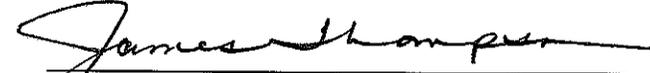
Closed Session in the Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS
6TH DAY OF OCTOBER, 2010.**



STEPHEN P. POUGNET, MAYOR

ATTEST:



JAMES THOMPSON, CITY CLERK