CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA

MINUTES
WEDNESDAY, NOVEMBER 17, 2010
Council Chamber

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:04 p.m.

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

INVOCATION: Rabbi Sally Olins, Temple Isaiah, 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 recent parades and events in the City of Palm Springs: Veterans Day Parade, 135th Birthday of the United States Marine Corps, and the Gay Pride Parade.

Councilmember Foat provided an update on the recent Project Ruffway event in the City of Palm Springs, benefiting the Palm Springs Animal Shelter.

Mayor Pougnet announced the upcoming events in the City of Palm Springs: Holiday Tree Lighting, Festival of Lights Parade and events.

Michele Mician, Sustainability Manager, provided an update on the recent Sustainability Summit in the City of Palm Springs.

REPORT OF CLOSED SESSION: City Attorney Holland stated 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, and reported the City Council authorized the settlement of the Tort Claim filed by Aileen Garrido, Filed August 17, 2010, City Claim No. 10-269, the details of the settlement will be released when executed and filed with the City Clerk (A6041), the City Council provided direction to the

City Attorney for the existing litigation with Pacific Hospitality Group, Case No. INC 079881, and the City Council provided direction to the City Attorney and City Staff pertaining to the matters of Exposure and Initiation of Litigation Items, otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson stated that staff recommends Item 2.G. be withdrawn from the Agenda at the request of the Applicant.

Councilmember Mills noted his business related conflict of interest and abstention on Consent Calendar Item 2.L.

Councilmember Weigel requested Item 2.L. be removed from the Consent Calendar for separate discussion.

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

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

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

1. PUBLIC HEARINGS:

1.A. APPEAL OF THE HISTORIC SITE PRESERVATION BOARD DECISION TO DENY AN APPLICATION FOR A CERTIFICATE OF APPROVAL FOR THE REMODEL OF THE WELWOOD MURRAY MEMORIAL LIBRARY AT 100 SOUTH PALM CANYON DRIVE:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated November 17, 2010.

Al Smoot, City Owner Representative, provided information on the proposed rehabilitation of the Welwood Memorial Library by the City of Palm Springs.

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

PATRICK MCGREW, commented on the errors in testimony on the back porch, and the inconsistency of the staff report stating the project is exempt from CEQA.

RON WILLISON, read a letter he sent to the City Council in support of the remodel of the Welwood Murray Memorial Library.

ROXANN PLOSS, commented on the current architecture and the proposed changes, requested the Class 1 Historic Designation be considered and spoke in opposition to the remodel of the Welwood Murray Memorial Library.

BILL LEWALLEN, stated his opposition to the remodel of the Welwood Murray Memorial Library, and recommended restoration.

ASHLEY ROSENOW, read a letter from Sara James submitted to the City Council in opposition to the remodel of the Welwood Murray Memorial Library.

RON MARSHALL, stated the proposed project is a destructive remodel, stated the project is not supported by various City Commissions, and spoke in opposition to the remodel of the Welwood Murray Memorial Library.

ERIK ROSENOW, requested the City Council deny the appeal for the remodel of the Welwood Murray Memorial Library.

FLYNN HENNES, requested the City respect the Library, commented on the City's architect, and read a letter from Louisa Castrodale, and hoped the Library will be back in service soon.

MARY JENSEN, read a letter from the Palm Springs Modernism Committee, requested the City Council require a focused EIR to assess the project.

GARY JOHNS, requested the City Council deny the appeal and uphold the decision of the Historic Site Preservation Board, stated the project is flawed.

BARBARA MARSHALL, commented on the value of originality and authenticity, and requested the City Council deny the appeal.

DAVID GRAY, commented on the City's library service, the reinventing of public libraries, and stated the current Welwood Library will not serve the City in the future.

DAN TARNOVERNU, requested a more sensitive project that considered current historical standards.

KITTY KIELEY HAYES, stated the community was delighted when the structure was designated a Class 1 site, the property needs attention, and requested the design be consistent with the original design and footprint.

PHILLIPS WELWOOD MURRAY, stated the proposed remodel destroys the historic value of the remodel of the Welwood Murray Memorial Library, and requested the City Council deny the remodel project.

RICHARD KIP SERAFIN, commented on the possible uses if the Welwood Memorial Library was kept intact with a sensitive restoration, and requested the City Council deny the appeal.

RICHARD HOLUB, questioned the purpose for the modifications, and requested the City Council appreciate the significance of the architecture of the building.

JOAN MARTIN, commented on the lack of historical buildings, and stated much can be done with the building to make it attractive and useful for a library, and requested the City Council leave the Welwood Memorial Library alone and deny the appeal.

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

Councilmember Mills requested Barbara Roberts, Director of Library Services, provide details on the proposed programming and the needs of the site.

Mayor Pro Tem Hutcheson requested the City Council address the project, requested the City Attorney address the gift deed restriction and the responsibility of the management of the programs, stated the building would be a location for tourist assistance and the promotion of Palm Springs, an ideal location to provide public restrooms for the Downtown area, spoke in support of community meeting space, expressed concerns about a $2M expenditure to add 500 square feet, and suggested the Palm Springs Main Library be rehabilitated.

Councilmember Foat stated her support for Mayor Pro Tem Hutcheson's comments, commented on the community consensus for a community library, commented on the process for historic designation, stated her support for the programs and upgrading as recommended by the Director of Library Services, and stated her support to preserve the historic site and significance of the Welwood Memorial Library.

Councilmember Mills stated previously the City Council unanimously approved the use of the funds for the project and the programming, discussed the current status of the project, commented on the quality of

the restoration, stated the restoration is sensitive and respectful of the original structure, the structure will have to expand to meet the needs of the community, commented on the proposed project and that the proposal also restores the current structure prior to the previous remodel, stated the appeal is about the proposed method for a sensitive remodel, and the process with the AAC and the HSPB, and stated the proposed remodel meets the requirements of the Code and stated his support for approval.

Councilmember Weigel requested staff address meeting the standards of the Secretary of Interior for rehabilitation, the process of the HSPB, the changes made to the proposed project that made the HSPB grant the certificate then deny the project upon the presentation of the changes, requested the City Attorney address the time the building can sit unused and be in compliance with the deed restrictions, stated the City has to do something so that the City is not contributing to the blight in the Downtown area, and would like to continue to work on a compromise toward the resolution of the building.

Mayor Pro Tem Hutcheson stated his concerns were all focused on the functional end of the project.

Mayor Pougnet commented on the process for library services at the current library and the proposals for the Welwood Murray Memorial Library, commented on the options for this building in conjunction with surrounding development projects, commented on the significance of the importance of the Class 1 site and the change in position of the HSPB, stated the building cannot just sit there in its current state, but the building has to work with the community, and stated the City needs to continue to work toward a path to move forward.

The City Council recessed at 8:00 p.m.
The City Council reconvened at 8:12 p.m.

Mayor Pougnet stated the City Council may consider continuing the public hearing and continue to accept public testimony, but the City Council should provide some direction to move a revised project forward.

Councilmember Foat suggested that a couple of HSPB members be added to the committee working on the project.

Councilmember Weigel suggested the City Council continue the public hearing, and work with the Director of Planning toward a redesigned architectural plan that is acceptable to the City Council.

Councilmember Mills questioned how the discussion relates to an HSPB appeal.

Mayor Pro Tem Hutcheson suggested the individual Councilmembers provide comments to the Director of Planning Services.

Councilmember Mills stated that if the City Council does not support the appeal, the appeal is about a specific item about the look or design, the City Council should deny the approval and instruct the architect or the Owners Representative to redesign, but a major portion of the motion should provide direction if the City Council considers the interior as a Class 1 site as well, and recommended the City Council allow the appeal on the flexibility of interior, but deny a portion of the appeal pertaining to the exterior and the footprint modifications.

ACTION: 1) Deny the appeal; 2) Request Project redesign to come forward; and 3) Direct Councilmembers to make individual specific comments regarding the redesign to the Project Redesign Team within two weeks. **Motion Mayor Pougnet, seconded by Mayor Pro Tem Hutcheson and carried 3-2 on a roll call vote.**

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

PUBLIC COMMENT:

RICK PANTELE, commented on a survey taken to protect medical cannabis patients.

MICHAEL MARSHALL, provided results of a survey on medical cannabis patients by CAPS.

PAUL LEWIN, commented on the potential effects of the proposed County Detention Center at Whitewater and the effects of the economic studies, and requested the City Council put its full force and effort toward the proposed County jail.

FRANK TYSEN, commented on the potential effects of the proposed County Detention Center at Whitewater and the effects of the economic studies to tourism in Palm Springs, and requested the City Council establish a City Council Subcommittee.

MANUEL MONTOYA, commented on the recent Fiesta Days event, and stated the performers and vendors were provided bounced checks and have not been paid.

SID CRAIG, commented on the upcoming "Ask the Chief" events of the Human Rights Commission at VillageFest.

WILLIAM ROTHACKER, commented on Item 2.L. and requested the City Council approve the Resolution of Public Convenience.

COUNCILMEMBER COMMENTS:

Mayor Pougnet commented on the CAPS survey and the City of Palm Springs process for the selection of medical cannabis providers.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:
ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.H., 2.I., 2.J., 2.K., and 2.M. **Motion Councilmember Foat, 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 November 17, 2010, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:
ACTION: Approve the Special City Council Meeting Minutes of November 3, 2010, and the Regular City Council/Community Redevelopment Agency Meeting Minutes of November 3, 2010. **Approved as part of the Consent Calendar.**

2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:
ACTION: 1) Adopt Resolution No. 22828, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 10-16-10 BY WARRANTS NUMBERED 416167 THROUGH 416198 TOTALING $55,325.12, LIABILITY CHECKS NUMBERED 1045058 THROUGH 1045080 TOTALING $126,300.72, FIVE WIRE TRANSFERS FOR $49,436.81, AND THREE ELECTRONIC ACH DEBITS OF $1,020,996.46, IN THE AGGREGATE AMOUNT OF $1,252,059.11, DRAWN ON BANK OF AMERICA;" and 2) Adopt Resolution No. 22829, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1045081 THROUGH 1045219 IN THE AGGREGATE AMOUNT OF $978,684.45, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NOS. 1780 and 1781, ADOPTING AND AMENDING THE 2010 CALIFORNIA BUILDING STANDARDS CODE AND ADOPTING AND AMENDING THE 2010 CALIFORNIA FIRE CODE:
ACTION: 1) Waive further reading and adopt Ordinance No. 1780, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING

ARTICLE VII TO CHAPTER 8.04 RELATING TO SWIMMING POOL SAFETY STANDARDS, ADOPTING AND AMENDING THE 2010 EDITIONS OF THE CALIFORNIA BUILDING CODE WITH APPENDICES C, I, AND J, THE 2010 CALIFORNIA RESIDENTIAL CODE, INCLUDING APPENDIX H, THE 2010 CALIFORNIA ELECTRICAL CODE, THE 2010 CALIFORNIA MECHANICAL CODE, THE 2010 PLUMBING CODE AND ADOPTING THE 2010 EDITIONS OF THE CALIFORNIA GREEN BUILDING STANDARDS, ENERGY, AND EXISTING BUILDING CODES; AND THE 1997 EDITION OF THE UNIFORM HOUSING CODE;" and 2) Waive further reading and adopt Ordinance No. 1781, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING ARTICLE VI OF CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE ADOPTION AND AMENDMENT OF THE CALIFORNIA FIRE CODE, 2010 EDITION." **Approved as part of the Consent Calendar.**

2.E. LEASE AND LEASEHOLD IMPROVEMENT AGREEMENTS WITH THE COACHELLA VALLEY ECONOMIC PARTNERSHIP FOR OFFICE SPACE AT CITY OWNED BUILDING AT 3111 EAST TAHQUITZ CANYON WAY:

ACTION: 1) Approve a lease agreement and leasehold improvement agreement with Coachella Valley Economic Partnership for 5,000 square feet of office space at 3111 East Tahquitz Canyon Way; and 2) Authorize the City Manager to execute all necessary documents. A6037. **Approved as part of the Consent Calendar.**

2.H. PROFESSIONAL SERVICES AGREEMENT WITH HARRIS & ASSOCIATES FOR TRACT 13257 SEWER IMPROVEMENTS (CP 10-02):

ACTION: 1) Approve an agreement with Harris & Associates in the amount of $58,965 for civil engineering design services related to Tract 13257 Sewer Improvements (CP 10-02); and 2) Authorize the City Manager to execute all necessary documents. A6038. **Approved as part of the Consent Calendar.**

2.I. AGREEMENT WITH PTM GENERAL ENGINEERING SERVICES, INC. FOR THE INDIAN CANYON DRIVE AT VISTA CHINO TRAFFIC SIGNAL MODIFICATION IN THE AMOUNT OF $203,203 (CP 08-17):

ACTION: 1) Approve an agreement with PTM General Engineering Services, Inc. for the Indian Canyon Drive at Vista Chino Traffic Signal Modification in the amount of $203,203 (CP 08-17); and 2) Authorize the City Manager to execute all necessary documents. A6039. **Approved as part of the Consent Calendar.**

2.J. REIMBURSEMENT AGREEMENT WITH COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS (CVAG) FOR THE VISTA CHINO WIDENING (CP 10-06):
ACTION: 1) Approve a reimbursement agreement with CVAG for the Vista Chino Widening (CP 10-06); and 2) Authorize the City Manager to execute all necessary documents. A6040. **Approved as part of the Consent Calendar.**

2.K. PARTICIPATION IN THE COUNTY OF RIVERSIDE ECONOMIC DEVELOPMENT AGENCY'S MORTGAGE CREDIT CERTIFICATE (MCC) PROGRAM:
ACTION: 1) Adopt Resolution No. 22831, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE CITY OF PALM SPRINGS' PARTICIPATION IN THE COUNTY OF RIVERSIDE ECONOMIC DEVELOPMENT AGENCY'S MORTGAGE CREDIT CERTIFICATE (MCC) PROGRAM;" and 2) Authorize the City Manager to execute the necessary documents. **Approved as part of the Consent Calendar.**

2.M. 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. 21946, on June 20, 2007. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.F. MEMORANDUM OF UNDERSTANDING WITH THE PALM SPRINGS POLICE OFFICERS' ASSOCIATION REPRESENTING THE POLICE SAFETY UNIT:
ACTION: 1) Adopt Resolution No. 22830, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING RELATIVE TO WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR EMPLOYEES IN THE PALM SPRINGS POLICE OFFICERS' ASSOCIATION REPRESENTING THE POLICE SAFETY UNIT, FOR THE PERIOD JULY 1, 2010, THROUGH JUNE 30, 2012, SUBJECT TO UNIT'S RATIFICATION AND EXECUTING THE MEMORANDUM OF UNDERSTANDING;" and 2) Authorize the City Manager to execute all necessary documents. A5340. **Motion Councilmember Weigel, seconded by Councilmember Mills and carried 4-1 on a roll call vote.**

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

2.G. TRACT MAP 34165 AND SUBDIVISION IMPROVEMENT AGREEMENT WITH O & M, LLC FOR A 53 LOT RESIDENTIAL SUBDIVISION LOCATED AT THE SOUTHEAST CORNER OF AVENIDA CABALLEROS AND ALEJO ROAD: Withdrawn from the Agenda at the request of the Applicant.

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

2.L. REQUEST BY 7-ELEVEN, INC. FOR A RESOLUTION OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER AND WINE FOR CONSUMPTION OFF PREMISES AT A PROPOSED CONVENIENCE STORE LOCATED AT 150 WEST VISTA CHINO ROAD:

Councilmember Weigel stated his concerns with oversaturation in the area, noted the other business in the area that sell alcohol, and stated he could not support a Resolution of Public Convenience.

Mayor Pro Tem Hutcheson requested staff address the architectural aspects of the project and requested the Applicant address the branding of the store.

Mayor Pougnet requested staff address the timing and why the City Council is hearing this item before the CUP.

Councilmember Foat stated the proposed site is next door to a school and to a business that the City Council denied a Resolution of Convenience, and would not support a Resolution of Public Convenience.

MOTION: Adopt Resolution "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER AND WINE FOR OFF SITE CONSUMPTION (TYPE 20 ALCOHOL LICENSE) TO BE LOCATED AT A PROPOSED 24-HOUR CONVENIENCE STORE AT 150 WEST VISTA CHINO ROAD, APN 504-320-016, ZONE C-1/R-3, SECTION 3/T4/R4." **Motion Mayor Pro Tem Hutcheson, failed for lack of a second.**

ACTION: Deny the Resolution of Public Convenience in order to sell beer and wine for off premise consumption located at 150 West Vista Chino Road. **Motion Councilmember Foat, seconded by Councilmember Weigel and carried 3-1 on a roll call vote.**

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

Councilmember Mills returned to the dais.

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS:

5.A. FIRST QUARTER FISCAL YEAR 2010-11 BUDGET UPDATE:
Geoffrey Kiehl, Director of Finance, provided a Power Point presentation regarding the status of the Fiscal Year 2010-11 Budget.

No action taken.

5.B. APPOINTMENT OF COMMISSIONERS TO THE HUMAN RIGHTS COMMISSION:
ACTION: Appoint Dr. Les Zendle and Dori Miles to the Human Rights Commission for the unexpired term ending June 30, 2012. **Motion Councilmember Foat, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

5.C. APPOINTMENT OF A CITY COUNCIL SUBCOMMITTEE TO WORK WITH COMMUNITY DYNAMICS REGARDING THE COMDYN AFFORDABLE HOUSING PROJECT ON INDIAN CANYON DRIVE:
ACTION: Appoint Mayor Pro Tem Hutcheson and Councilmember Mills to an ad hoc City Council Subcommittee to work with Community Dynamics regarding the ComDyn Affordable Housing Project on Indian Canyon Drive. **Motion Councilmember Foat, seconded by Councilmember Weigel and carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Weigel, Mayor Pro Tem Hutcheson, and Mayor Pougnet.
NOES: None.
ABSTAIN: Councilmember Mills.

5.D. APPOINTMENT OF A CITY COUNCIL SUBCOMMITTEE TO STUDY TRAFFIC CALMING AND THE INCORPORATION OF BIKE LANES:
ACTION: Appoint Mayor Pro Tem Hutcheson and Councilmember Foat to an ad hoc City Council Subcommittee to study traffic calming and incorporation of bike lanes. **Motion Mayor Pougnet, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS: None.

ADJOURNMENT: The City Council adjourned at 9:08 p.m. to a Regular Meeting, Wednesday, December 1, 2010, at 6:00 P.M. Council Chamber, City Hall, preceded by a 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 DECEMBER, 2010.

STEPHEN P. POUGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK