

CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA



MEETING MINUTES
WEDNESDAY, JANUARY 4, 2012
CITY COUNCIL CHAMBER

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:08 p.m.

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

INVOCATION: Rev. Dr. Amanda Burr, United Methodist Church, led the Invocation.

ROLL CALL:

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

ABSENT: None.

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

PRESENTATIONS:

Date Festival Queen Scheherezade and her Court announced the upcoming activities for the 2012 Date Festival and Riverside County Fair.

Mayor Pougnet and the City Council presented Larry Able, Palm Springs Art, Style, and Innovation a Certificate of Recognition for his design and building of the Festival of Lights Parade Float.

The Uptown Business District presented a contribution check to the City for the new City of Palm Springs Animal Shelter.

Fire Chief Ventura announced the new Palm Springs Firefighters: McClain Berg, Eric Estes, Jason Asbury, and Shawn Arden.

Mayor Pougnet announced the new Virgin Airline service to the City of Palm Springs International Airport.

Councilmember Lewin provided an update on the recent Well in the Desert Holiday dinner.

Mayor Pro Tem Foat announced the new hours of operation at the Palm Springs Animal Shelter and pet adoption programs and services.

City Clerk Thompson provided an update on the Measure "J" Oversight Commission application process.

Mayor Pougnet announced the upcoming "State of the City" Address.

Mayor Pougnet announced the upcoming activities at the 2012 Palm Springs International Film Festival.

REPORT OF CLOSED SESSION: City Attorney Holland stated the meeting was called to order at 4:30 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:

City Clerk Thompson requested the City Council consider adding an item to the Agenda as New Business Item 5.C. titled "CONSIDER A PROPOSED RESOLUTION DESIGNATING THE CITY OF PALM SPRINGS AS THE SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY PURSUANT TO CAL. HEALTH AND SAFETY CODE SECTION 34173."

ACTION: 1) Make the finding that the proposed Item designating the City of Palm Springs as Successor Agency to the Palm Springs Community Redevelopment Agency came to the attention of the City after the posting of the Agenda and there is an immediate need to hear and take action on the Item; and 2) Add the Item to the January 4, 2012, Agenda, New Business, Item 5.C. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried.**

Mayor Pougnet requested Item 5.A. be heard out of order prior to the public hearings, and requested Items 2.E., 2.F., and 2.G. be removed from the Consent Calendar for separate discussion.

Councilmember Mills requested Item 2.D. 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.**

Item 5.A. was heard out of order prior to the public hearing.

1. PUBLIC HEARINGS:

1.A. GENERAL PLAN AMENDMENT AND PLANNED DEVELOPMENT DISTRICT, IN LIEU OF CHANGE OF ZONE, FOR AN ASSISTED LIVING FACILITY LOCATED AT 1000 NORTH PALM CANYON DRIVE BY TAPPAN ENTERPRISES (CASE NO. 5.1237 GPA, PDD 357):

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated January 4, 2012.

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

TOM SEARLES, Representing Applicant, thanked City Council and the Planning Commission, commented on the process through the Planning Commission and AAC, the model has been changed to a senior hotel resort model for senior living.

CHRISTOPHER SAHLIN, presented the services to the Senior Community and the benefits to the community, stated the project entry was relocated as part of the redesign with the Planning Commission, and noted the design elements on the Indian Canyon and Palm Canyon frontage.

DAVID CHRISTIAN, Representing Applicant, noted the architectural features of the proposed development.

CHARLES MADER, Palm Springs, stated the community has been encouraging more retail in this area, and requested more retail be included in the frontage of the project.

DEBRA THOMPSON, read a statement in objection to the proposed project due to the three-story height, questioned the best use of the property, and traffic concerns, and requested the City Council limit the project to two stories and financial considerations for the loss of tax from retail.

JOY MEREDITH, Palm Springs, stated her support for the project and the concept, and noted the discussions with MainStreet.

WILLIE HOLLAND, stated the City needs positive growth that assists the senior population.

TOM SEARLES, Applicant Rebuttal, stated this project is independent living with assistance and not a convalescent facility, and noted the features associated with independent living.

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

Councilmember Hutcheson requested the Applicant address the operation for fitness facility and the bistro cafe, the independent living aspects and programs, stated this is a good example of a process that has worked within the community and the process, and noted the current condition of the property.

Mayor Pro Tem Foat stated her support for the comments by Councilmember Hutcheson, stated this is a much needed service and facility, requested the Applicant address the costs associated to the residents of the project, the process as more assistance is needed by and individual resident, and how the height will impact the surrounding businesses especially on Indian Canyon with the existing boutique hotels.

Councilmember Mills clarified the height for the use, and stated sight-line studies would be helpful, requested staff address Condition No. ADM 11 Community Services District, requested the architect address the mechanical systems, requested the Applicant address the bistro operation, requested the City Council add a condition that such space must be used as a bistro site, requested the Applicant address the square footage of the use, the operation of a van service to the residents for medical etc., stated his support for the type of business model and the location works well for the intended use.

Councilmember Lewin commented on the concern regarding the diminishing retail by the proposed project, stated his concerns as being a Zone Text Amendment that allows the higher density for all care facilities, and requested staff address the impact, if the project were to fail.

Mayor Pougnet requested the Applicant address the cost of the project, estimated date to start construction and completion, and the number of jobs being created by the project.

Councilmember Mills recommended the approval of the PDD and GPA with the following: a revised landscape plan, final PD 100% review of the construction documents with an option of presenting 50% then 100%, require the off-site paving change from colored concrete to decorative type paving that integrates the entire site for approval with the final PD, include a condition that the Indian Canyon median island when and if it does get built, the only break will be at the exit of the parking garage, that the designated space be required as a bistro/coffee shop/food service type use, the modification to the PDD including only the PDD as part of the resolution.

Mayor Pro Tem Foat requested staff address the number of proposed units, and requested the City Council consider an amendment to include a suggestion that a percentage of the units be available on a sliding scale for affordability.

ACTION: 1) Adopt Resolution No. 23066, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AMENDMENT TO THE 2007 PALM SPRINGS GENERAL PLAN ADOPTED BY RESOLUTION NO. 22077, CHANGING THE LAND USE DESIGNATION FOR THE PARCEL LOCATED AT 1000

NORTH PALM CANYON DRIVE, TAPPAN ENTERPRISES, FROM NEIGHBORHOOD COMMUNITY COMMERCIAL (NCC) TO HIGH DENSITY RESIDENTIAL (HDR) AND AMEND THE GENERAL PLAN TEXT ON RESIDENTIAL USES TO ESTABLISH AN ALTERNATIVE METHODOLOGY FOR CALCULATING DENSITY FOR ASSISTED LIVING FACILITIES AND ADOPTING A MITIGATED NEGATIVE DECLARATION;" and 2) Waive full reading of the ordinance text and introduce by title only on first reading Ordinance No. 1803, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT (PDD 357) IN LIEU OF A CHANGE OF ZONE FOR THE PARCEL LOCATED AT 1000 NORTH PALM CANYON DRIVE;" appending Section 4 with the phrase "subject to the Conditions of Approval, attached as Exhibit A to this Ordinance," amending the Conditions of Approval to include a revised landscape plan that is enhanced, include 100% construction documents with the option of a phased review of 50%, decorative paving and shall be coordinated on both Indian and Palm Canyon, the median island on Indian shall be deferred with the only break at the parking garage exit, that the bistro/food service area be identified and fully-developed, the Applicant prior to the final PD to explore final affordable housing at the project, and Condition ADM11 be amended to reflect annexation into a Community Services District. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

The City Council recessed at 8:16 p.m.
The City Council reconvened at 8:23 p.m.

PUBLIC COMMENT:

LIZ GLASS, Palm Springs, announced the upcoming events of the Soroptimist International Palm Springs Organization.

VIC GAINER, Palm Springs, thanked City staff for the clean-up of the Bike Paths and the water conservation measures and grants, and commented on Item 4.B., Noise Mitigation at the Palm Springs International Airport.

SID CRAIG, Palm Springs, provided an update on the activities of the Human Rights Commission.

G.P. GERBER, commented on providing light rail and shuttle service in Downtown and Uptown Palm Springs, and requested the City Council participate in such a project.

LYNNE BUSHORE, commented on Item 2.F., requested the City Council approve funding for architectural design costs for Library capital improvement projects, and requested the City Council take no action on Item 4.A., as the report and proposals have not been vetted by the Palm Springs Library Board of Trustees.

WILLIE HOLLAND, commented on organizations he is in process of creating to provide community service.

JOY MEREDITH, Palm Springs, thanked City staff for services provided to the community.

COUNCILMEMBER COMMENTS: None.

CITY MANAGER'S REPORT:

City Manager Ready provided an update on the installation of new redesigned trail head signage and kiosks.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., and 2.C. **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 January 4, 2012, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. TREASURER'S INVESTMENT REPORT AS OF OCTOBER 31, 2011:

ACTION: Receive and file the Treasurer's Investment Report as of October 31, 2011. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 23067, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1052980 THROUGH 1053149 IN THE AGGREGATE AMOUNT OF \$985,942.95, DRAWN ON BANK OF AMERICA; 2) Adopt Resolution No. 23068, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 12-10-11 BY WARRANTS NUMBERED 417130 THROUGH 417158 TOTALING \$47,294.75, LIABILITY CHECKS NUMBERED 1053151 THROUGH 1053175 TOTALING \$123,773.89, FIVE WIRE TRANSFERS FOR \$52,367.50, AND THREE ELECTRONIC ACH DEBITS OF \$1,188,307.80, IN THE AGGREGATE AMOUNT OF \$1,411,743.94, DRAWN ON BANK OF AMERICA; 3) Adopt Resolution No. 23069 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIM AND DEMAND BY WARRANT NUMBERED 1053150 IN THE AGGREGATE AMOUNT OF \$1,321.40, DRAWN ON BANK OF AMERICA;" and 4) Adopt Resolution No. 23070, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM

SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1053176 THROUGH 1053324 IN THE AGGREGATE AMOUNT OF \$1,857,804.37, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.D. APPROVAL OF AN AMENDMENT TO THE AGREEMENT WITH MERCHANTS LANDSCAPE SERVICES FOR LANDSCAPE MAINTENANCE AT THE PALM SPRINGS ANIMAL SHELTER:

David Barakian, City Engineer, provided background information as outlined in the staff report dated January 4, 2012.

The City Council discussed and/or commented on the following with respect to the amendment to the current agreement: landscape architect recommendations, high pricing for the apparent maintenance requirements, a desire for the City Council to see a breakdown of the costs, and City Staff to meet with the architect and contractor.

ACTION: 1) Authorize temporary continued landscape maintenance at the Palm Springs Animal Shelter, with Merchants Landscape Services at the current stated rates; 2) Direct staff to meet with the Landscape Architect and the contractor to review the maintenance requirements and the scope of services; and 3) Return to the City Council at the January 18, 2012, meeting with alternatives and further recommendations. A5300. **Motion Councilmember Mills, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

2.E. APPROVAL OF AN AMENDMENT TO THE AGREEMENT WITH CONSERVE LANDCARE INC. FOR GATEWAY PARK LANDSCAPE IMPROVEMENT MAINTENANCE:

The City Council commented and/or discussed the following with respect to the amended agreement: higher level maintenance required due to the plant material, the amount of wind, the square footage of area, and the continued cost by the original contractor at the same cost.

ACTION: 1) Approve Amendment No. 2 to the Agreement with Conserve Landcare Inc., in the amount of \$22,400.00, for a total contract amount of \$44,880.00; and 2) Authorize the City Manager to execute the Amendment to the Agreement. A6050. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and carried 3-2 on a roll call vote.**

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

NOES: Councilmember Lewin, and Mayor Pougnet.

2.F. REQUEST FROM THE LIBRARY BOARD OF TRUSTEES TO APPROVE FUNDING FOR ARCHITECTURAL DESIGN FEES FOR CAPITAL PROJECTS AT THE PALM SPRINGS LIBRARY:

The City Council discussed and/or commented on the following: lack of potential costs or range of potential costs, the dire need to update the Library, and outlined specific issues to be addressed by the Library Board: reference to the Library Master Plan, selection process and cost estimates, and local involvement.

ACTION: 1) Receive and File; and 2) Direct staff to work with the Library Board of Trustees to outline specific requests, estimated costs, and proposals. **By consensus of the City Council.**

2.G. APPROVE DESTINATION PALM SPRINGS AGREEMENT WITH PS RESORTS, A MUTUAL BENEFIT CORPORATION, TO CREATE, FOSTER, AND ENHANCE EVENTS, ATTRACTIONS, CONVENTIONS, AND ACTIVITIES THAT WILL ATTRACT VISITORS TO PALM SPRINGS AND PROMOTE PALM SPRINGS AS A PREMIER DESTINATION:

City Manager Ready provided background information as outlined in the staff report dated January 4, 2012.

ACTION: Approve and Authorize the City Manager to execute the Destination Palm Springs Agreement with PS Resorts in a form approved by the City Attorney upon the completion of the incorporation of PS Resorts. A6187. **Motion Mayor Pro Tem Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

4.A. WELWOOD MURRAY MEMORIAL LIBRARY RENOVATION PROJECT:

Al Smoot, City Owner's Representative, provided background information as outlined in the staff report dated January 4, 2012.

The City Council discussed and/or commented on the following with respect to the proposed renovations and services: the need for seismic upgrades, the program concepts as outlined in the staff report are a viable concept, the City needs to start the work to get the building ready, expressed concern with the removal of the shelving until the programs are finalized, costs, requested staff address who is charged with the formation of the project and programs, mission and the use of the building is still unclear, supportive of the Library Board of Trustees reviewing the proposals, and the City Council Subcommittee meeting with a Subcommittee of the Library Board, and City Staff.

ACTION: 1) Table final decisions on the Renovation Project Program and the Programs and Services; 2) Direct the City Council Library Subcommittee to meet with the Library Board Subcommittee and City Staff to further the renovation and programs and services; and 3) Authorize staff to bid the asbestos and lead paint abatement; and 4) Authorize staff to bid the preparation of the design and construction of new electrical and mechanical systems. **Motion Mayor Pro Tem Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

- 4.B. UPDATE ON NOISE MITIGATION AT THE PALM SPRINGS INTERNATIONAL AIRPORT BY THE CITY COUNCIL SUBCOMMITTEE:** City Manager Ready, and the City Council Subcommittee Members, Councilmember Mills and Councilmember Lewin provided an update on Noise Mitigation, and discussed a meeting with Congresswomen Bono-Mack's Office, letter sent to the U.S. Department of Defense, and provided the latest statistics on the number of military operations at the Palm Springs International Airport.

No action taken.

5. NEW BUSINESS:

5.A. PRESENTATION AND DISCUSSION WITH PS RESORTS FOR THE CREATION OF A NEW SPECIAL EVENT:

Members of the PS Resorts presented a PowerPoint presentation to the City Council providing concepts and an outline for a new special event in the City.

Mayor Pougnet requested staff address the City's oversight of the development of the event, requested the City Council Event Subcommittee be included in discussions, and requested PS Resorts address the administration and oversight.

Councilmember Hutcheson requested PS Resorts address the selection criteria for this specific event.

Councilmember Lewin requested PS Resorts elaborate on the types of activities at the proposed events, and the venues for the proposed activities.

Mayor Pro Tem Foat noted her support for the event in concept, stated the City is not the promoter of the proposed event, and stated the City is not expending any funds on the event, until the event takes place for in-kind City services.

Councilmember Mills noted the history on the development of special events in the City, stated what has been lacking has been the "buy-in" by stakeholders, and noted as outlined with stakeholder participation, the proposal has the best opportunity to be successful.

ACTION: Direct the City Manager to provide for City in-kind services for the event as part of the Budget process. **By consensus of the City Council.**

5.B. DISCUSSION OF UPCOMING ZONE TEXT AMENDMENTS INCLUDING LAND USE PERMITS AND RELIGIOUS INSTITUTIONS, DEFINITION OF "HILLSIDE AREA," DEFINITION OF "BUILDING HEIGHT," REGULATION OF CANOPIES AND CARPORTS IN SINGLE FAMILY ZONES, AND OFF-SITE ADVERTISING DISPLAYS (BILLBOARDS):

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated January 4, 2012.

Councilmember Mills requested staff address the process going forward.

No action taken.

5.C. ADDED ITEM CONSIDER A PROPOSED RESOLUTION DESIGNATING THE CITY OF PALM SPRINGS AS THE SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY PURSUANT TO CAL. HEALTH AND SAFETY CODE SECTION 34173:

City Attorney Holland provided background information as outlined in the staff report dated January 4, 2012.

ACTION: Adopt Resolution No. 23071, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ELECTING TO HAVE THE CITY OF PALM SPRINGS SERVE AS THE SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY PURSUANT TO CAL. HEALTH AND SAFETY CODE SECTION 34173 AND ELECTING TO RETAIN THE HOUSING ASSETS AND HOUSING FUNCTIONS PREVIOUSLY PERFORMED BY THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY PURSUANT TO CAL. HEALTH AND SAFETY CODE SECTION 34176." **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Mayor Pro Tem Foat announced the upcoming LunaFest Short Films event at the Palm Springs High School.

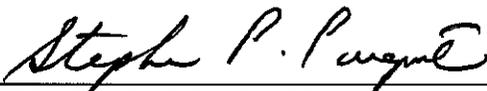
Councilmember Lewin thanked staff for the response to the Code Enforcement issues, requested staff address the removal of landscaping at the Del Taco property at Racquet

Club and Palm Canyon, requested staff report on the events being held at the property on Ladera Circle, and requested staff review and prepare a report on filming and photography permit fees.

Mayor Pougnet requested staff review and set up a meeting to address parking around trailheads and signage, and requested staff review previous material by the Parks and Recreation Director, and requested staff explain why there are not two kiosks at the Garston Trail.

ADJOURNMENT: The City Council adjourned at 10:04 p.m. to the next regular meeting Wednesday, January 18, 2012, 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
18TH DAY OF JANUARY, 2012.**



STEPHEN P. POUGNET, MAYOR

ATTEST:



JAMES THOMPSON, CITY CLERK