

CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA



MEETING MINUTES
WEDNESDAY, DECEMBER 7, 2011
CITY COUNCIL CHAMBER

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:02 p.m.

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Weigel led the Pledge.

INVOCATION: Rabbi Sally Olins, Temple Isaiah, led the Invocation.

ROLL CALL:

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

ABSENT: None.

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

PRESENTATIONS:

Mayor Pougnet and the City Council presented Certificates of Recognition to retiring City Fire Department employees Darren Elkins, Mark Avnerr, and Jon Merriam.

Mayor Pougnet and the City Council recognized Salon 119 for their contribution to the Desert Cancer Foundation, and presented a Certificate of Recognition to the Desert Cancer Foundation for their community efforts.

Mayor Pougnet provided an update on the recent Holiday Banner Awards Ceremony, the Holiday Tree Lighting and the Festival of Lights Parade, and thanked Carol Channing for serving as Grand Marshall.

Mayor Pougnet provided an update on the recent St. Theresa Holiday Fashion Gala, and announced the upcoming Athena Awards.

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.

City Attorney Holland reported that the City Council, by unanimous vote, approved the sale of City owned land, generally located at Amado Road and Calle Alvarado, in the amount of \$4,675,000, to CDI Ventures LLC, subject to the following conditions: (i) execution of a Disposition and Development Agreement consistent with all substantive terms of the Disposition and Development Agreement approved for the Mondrian Hotel including without limitation the development of the hotel property pursuant to the Development entitlements previously approved by the City; (ii) Verification of the full funding for the purchase of the land and the construction of the hotel project prior to the execution of the Disposition and Development Agreement; and (iii) the Disposition and Development Agreement shall be executed no later than June 30, 2012, and construction commenced no later than January 1, 2013.

ACCEPTANCE OF THE AGENDA:

Mayor Pougnet and Councilmember Foat requested Item 2.G. be removed from the Consent Calendar for separate discussion.

Councilmember Mills noted his abstention on Item 2.B., Minutes of November 16, 2011.

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

1. SPECIAL CITY COUNCIL ITEMS:

1.A. PROPOSED RESOLUTION DECLARING THE RESULT OF THE NOVEMBER 8, 2011, REGULAR MUNICIPAL ELECTION:

City Clerk Thompson provided background information as outlined in the staff report dated December 7, 2011, and stated as a result of the November 7, 2011, election Mayor Steve Pougnet was re-elected for the term ending December 2015, Councilmember Rick Hutcheson was re-elected for the term ending December 2015, Paul Lewin was elected to the City Council for the term ending December 2015, and stated the voters adopted Measure "J" Ordinance No. 1802, "AN ORDINANCE OF THE PEOPLE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 3.22 TO THE PALM SPRINGS MUNICIPAL CODE, APPROVING AND IMPLEMENTING A ONE PERCENT (1%) TRANSACTIONS, SALES AND USE TAX."

ACTION: Adopt Resolution No. 23048, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECITING THE FACT OF THE REGULAR MUNICIPAL ELECTION HELD ON NOVEMBER 8, 2011, DECLARING THE RESULT AND SUCH OTHER MATTERS AS ARE PROVIDED BY LAW." **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

1.B OUTGOING COUNCILMEMBER COMMENTS:

Mayor Pougnet and the City Council presented a plaque to Councilmember Lee Weigel and thanked him for his service to the community.

Councilmember Weigel stated it was an honor and pleasure to serve as a Member of the Palm Springs City Council, and thanked the citizens who help make the community better. Councilmember Weigel stated he felt that this was the most productive City Council in Palm Springs throughout the last decade, and noted the City Council's achievements.

The City Council recessed at 6:41 p.m.
The City Council reconvened at 6:48 p.m.

1.C. ADMINISTER OATH OF OFFICE TO NEWLY ELECTED PUBLIC OFFICIALS:

City Clerk Thompson administered the Oath of Office to Mayor Pougnet, Councilmember Hutcheson, and Councilmember Lewin.

Councilmember Lewin was seated at the dais.

1.D. INCOMING COUNCILMEMBER COMMENTS:

Mayor Pougnet and the City Council welcomed Councilmember Lewin.

Councilmember Lewin thanked the voters for the opportunity to serve, and stated he looks forward to serving on the City Council.

PUBLIC COMMENT:

DONNA RAIDER, Temple Isaiah, announced the upcoming Laugh Out Loud Tour Event at Temple Isaiah.

NICOLE SMITH, African American Health Institute, announced the upcoming projects.

BOB HELBLING, Palm Springs, congratulated the Mayor and Members of the City Council for a successful election, and commented on the passage of Measure "J" at the November 8, 2011, General Municipal Election.

KEITH MCCORMICK, provided a report on the activities of the Palm Springs Business Improvement District.

JUSTIN BLAKE, Rancho Mirage, requested the City Council consider a partnership in a Joint Venture with Santa Fe, New Mexico to develop a performing arts theatre and program.

1.E. APPOINTMENT OF MAYOR PRO TEMPORE:

ACTION: Appoint Councilmember Foat as Mayor Pro Tempore for the term ending December, 2012. **Motion Mayor Pougnet, seconded by Councilmember Mills and carried 4-0 on a roll call vote.**

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

NOES: None.

ABSTAIN: Councilmember Foat.

2. CONSENT CALENDAR:

Councilmember Lewin noted his abstention on Item 2.B., Minutes of November 4, 2011.

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., and 2.H. **Motion Councilmember Mills, seconded by Councilmember Hutcheson 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 December 7, 2011, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council/Palm Springs Financing Authority Minutes of November 16, 2011. **Approved as part of the Consent Calendar, noting the abstention of Councilmember Lewin and Councilmember Mills.**

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

ACTION: 1) Adopt Resolution No. 23049, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1052154 THROUGH 1052288 IN THE AGGREGATE AMOUNT OF \$1,958,645.54, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23050, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 10-29-11 BY WARRANTS NUMBERED 417056 THROUGH 417080 TOTALING \$40,419.70, LIABILITY CHECKS NUMBERED 1052289 THROUGH 1052313 TOTALING \$125,771.85, FIVE WIRE TRANSFERS FOR \$47,421.51, AND THREE ELECTRONIC ACH DEBITS OF \$1,028,316.65,

IN THE AGGREGATE AMOUNT OF \$1,241,929.71, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 23051, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1052314 THROUGH 1052424 IN THE AGGREGATE AMOUNT OF \$1,045,158.79, DRAWN ON BANK OF AMERICA;" and 4) Adopt Resolution No. 23052, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1052425 THROUGH 1052531 IN THE AGGREGATE AMOUNT OF \$961,232.30, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. APPROVING AGREEMENTS WITH THE STATE BOARD OF EQUALIZATION FOR PREPARATION AND ADMINISTRATION OF THE PALM SPRINGS TRANSACTIONS AND USE TAX (MEASURE "J") AS APPROVED BY THE VOTERS:

ACTION: Adopt Resolution No. 23053, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PREPARATORY AGREEMENT AND ADMINISTRATIVE AGREEMENT WITH THE STATE BOARD OF EQUALIZATION FOR IMPLEMENTATION OF A LOCAL TRANSACTIONS AND USE TAX." A6180. **Approved as part of the Consent Calendar.**

2.E. APPOINTMENT OF AN AD HOC CITY COUNCIL SUBCOMMITTEE TO STUDY NOISE MITIGATION AT THE PALM SPRINGS INTERNATIONAL AIRPORT:

ACTION: Appoint Councilmember Lewin and Councilmember Mills to an ad hoc City Council Airport Noise Mitigation Subcommittee. **Approved as part of the Consent Calendar.**

2.F. CITY OF PALM SPRINGS GOVERNMENT CODE SECTION 66000 DEVELOPMENT PROJECT FEE REPORT FOR FISCAL YEAR 2010-11:

ACTION: Receive and file the Fiscal Year 2010-11 Development Project Fee Report pursuant to Cal. Gov. Code §66000. **Approved as part of the Consent Calendar.**

2.H. AUTHORIZE ADDITIONAL FISCAL YEAR 2011-12 MISCELLANEOUS MAINTENANCE AND REPAIR EXPENDITURES FOR THE CO-GENERATION PLANTS:

ACTION: Authorize issuance of additional funds to the Johnson Power Systems Blanket Purchase Order No. 12-0143 for the as-needed purchase of Caterpillar repair parts in an amount not to exceed \$50,000. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.G. PARTICIPATION IN THE RIVERSIDE COUNTY MORTGAGE CERTIFICATE (MCC) PROGRAM:

Mayor Pro Tem Foat requested the City Council receive a report on the activities of the last year on the mortgage credit certificate program.

Councilmember Lewin requested staff address the benefits of the tax credit program.

ACTION: Adopt Resolution No. 23054, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PARTICIPATION IN THE RIVERSIDE COUNTY MORTGAGE CERTIFICATE (MCC) PROGRAM." **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

CITY MANAGER'S REPORT: None.

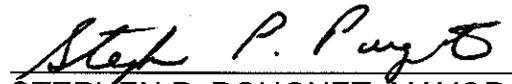
COUNCILMEMBER COMMENTS AND REPORTS:

Mayor Pro Tem Foat announced the upcoming holiday events for the armed forces held at the Mizell Senior Center.

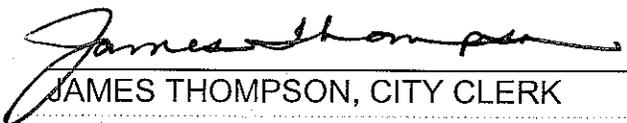
Mayor Pougnet requested the Police Chief address the use of drugs at the skate park and the recreation center, and commented on a letter that recognized City employees.

ADJOURNMENT: The City Council adjourned at 7:31 p.m. to an Adjourned Regular Meeting, Wednesday, December 14, 2011, at 6:00 P.M. in the 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 FEBRUARY, 2012.


STEPHEN P. POUGNET, MAYOR

ATTEST:


JAMES THOMPSON, CITY CLERK