

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



**MEETING MINUTES  
WEDNESDAY, FEBRUARY 1, 2012  
CITY COUNCIL CHAMBER**

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:11 p.m.

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

**INVOCATION:** Rabbi Sally Olins, Temple Isaiah, 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:**

Mayor Pougnet and the City Council proclaimed February 2012, Black History Month in the City of Palm Springs.

Mayor Pougnet provided an update on the Mayor's State of the City Event, presented the video from the event and the demolition of the Desert Fashion Plaza.

Mayor Pougnet announced the Mayor's Healthy Challenge event.

Wes Ahgren, CVEP/iHub, provided an update on the activities at the iHub.

**REPORT OF CLOSED SESSION:** City Attorney Holland stated that 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:**

Mayor Pro Tem Foat noted her property ownership abstention on Consent Calendar Item 2.D.

Councilmember Lewin noted his abstention on Consent Calendar Item 2.B. January 18, 2012, Minutes, and requested Items 2.I. and 2.K. be removed from the Consent Calendar for separate discussion.

Councilmember Hutcheson noted his abstention on Consent Calendar Item 2.B., January 18, 2012, Minutes.

Councilmember Mills requested Item 2.H. 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.**

**1. PUBLIC MEETING:**

**1.A. CITY'S INDEPENDENT AUDITORS PRESENTATION OF THE FISCAL YEAR 2010-2011 AUDIT:**

Lance, Soll & Lunghard presented the City's Fiscal Year 2010-11 Independent Audit.

**ACTION:** Lance, Soll & Lunghard presented the City's Fiscal Year 2010-11 Independent Audit. **By consensus of the City Council.**

**PUBLIC COMMENT:**

SAM DUREAS, Palm Springs, commented on his volunteer role at the Palm Springs Animal Shelter, and noted the number of dogs that are received at the shelter that are not microchipped.

RICK PANTELE, commented on the upcoming mixer for the Animal Shelter and AIDS Assistance Program, and requested the City Council issue a regulatory permit for medical cannabis to CAPS.

SYLVIA SCHMITT, commented on Item 5.A, the suspension of fees for film permitting.

LIZ GLASS, Palm Springs, noted the upcoming Palm Springs Fire Department CERT Training.

JOE FOSTER, Palm Springs, commented on the location of the Grey Hound Bus station, the trimming of Palm Trees in the City, and his arrest by the Palm Springs Police Department.

JACQUES CAUSSIN, commented on the upcoming Palm Springs Modernism Week activities and events.

DANIEL ESCUDERO, Cathedral City, requested the City Council issue a regulatory permit for medical cannabis to CAPS.

STEVE ROSENBERG, commented on Item 2.K., and the recent wind storm.

PATTI LYNNE, Palm Springs, requested the City Council issue a regulatory permit for medical cannabis to CAPS.

KEN ALAN, commented on Item 5.A., and spoke in support of the suspension of film permit fees for a period of one year.

**COUNCILMEMBER COMMENTS:** None.

**CITY MANAGER'S REPORT:** City Manager Ready provided an update on the recent wind storm damage, and the City's bond rating.

**2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., and 2.J. **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 February 1, 2012, City Council Agenda. **Approved as part of the Consent Calendar.**

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

**ACTION:** Approve the City Council Minutes of January 18, 2012, and December 7, 2011. **Approved as part of the Consent Calendar, noting the abstention of Councilmember Hutcheson and Councilmember Lewin on the January 18, 2012 Minutes.**

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

**ACTION:** 1) Adopt Resolution No. 23080, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 01-07-12 BY WARRANTS NUMBERED 417185 THROUGH 417215 TOTALING \$48,161.66, LIABILITY CHECKS NUMBERED 1053665 THROUGH 1053689 TOTALING \$124,458.99, FIVE WIRE TRANSFERS FOR \$163,098.03, AND THREE ELECTRONIC ACH DEBITS OF \$1,171,564.53, IN THE AGGREGATE AMOUNT OF \$1,507,283.21, DRAWN ON BANK OF AMERICA;" and 2) Adopt Resolution No. 23081, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1053690 THROUGH 1053849 IN THE AGGREGATE AMOUNT OF \$991,142.10, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

**2.D. ACCEPT THE RESIGNATION OF DIEGO HEREDIA FROM THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD:**

**ACTION:** 1) Accept with regret the resignation of Diego Heredia from the Palm Springs Business Improvement District Advisory Board; and 2)

Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2013. **Approved as part of the Consent Calendar, noting the abstention of Mayor Pro Tem Foat.**

- 2.E. TREASURER'S INVESTMENT REPORT AS OF DECEMBER 31, 2011:**  
**ACTION:** Receive and file the Treasurer's Investment Report as of December 31, 2011. **Approved as part of the Consent Calendar.**
- 2.F. RATIFICATION OF THE ANNUAL ADJUSTMENT OF THE ACCESS LINE RATE APPROVED BY THE VOTERS BY MEASURE "G" PURSUANT TO PALM SPRINGS MUNICIPAL CODE §3.39.050:**  
**ACTION:** Adopt Resolution No. 23082, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, RATIFYING THE ANNUAL ADJUSTMENT OF THE ACCESS LINE RATE PURSUANT TO PALM SPRINGS MUNICIPAL CODE §3.39.050 APPROVED BY THE VOTERS BY MEASURE 'G'." **Approved as part of the Consent Calendar.**
- 2.G. COOPERATIVE AGREEMENT WITH THE CITY OF CATHEDRAL CITY RELATED TO THE RAMON ROAD WIDENING (SAN LUIS REY DR. TO LANDAU BLVD.) INCLUDING THE WHITEWATER RIVER BRIDGE WIDENING (CP 08-25):**  
**ACTION:** 1) Approve an agreement with the City of Cathedral City for Funding the Local Share of the Preliminary Engineering Phase of the Widening of the Ramon Road Bridge over the Whitewater River Channel and associated Street Improvements FEDERAL-AID PROJECT NO. BHLS-5282 (040) (CP 08-25); and 2) Authorize the City Manager to execute all necessary documents. A6202. **Approved as part of the Consent Calendar.**
- 2.J. EXTENSION OF THE NEW RESIDENTIAL CONSTRUCTION INCENTIVE PROGRAM AS PART OF THE CITY OF PALM SPRINGS CONTINUING ECONOMIC DEVELOPMENT PROGRAM:**  
**ACTION:** Approve the extension of the New Residential Construction Incentive Program through December 31, 2012. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.H. EASEMENT DEEDS TO RIVERSIDE COUNTY FLOOD CONTROL DISTRICT:**

Councilmember Mills questioned if the easements the City is granting are in the Tahquitz Creek Master Plan.

**ACTION:** 1) Adopt Resolution No. 23083, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE GRANTING OF AN EASEMENT IN FAVOR OF THE RIVERSIDE COUNTY

FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR PALM CANYON WASH, STAGE 5 (RCFC PROJECT NO. 6-0-00040, RCFC PARCEL NO. 6040;" 2) Adopt Resolution No. 23084, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE GRANTING OF EASEMENTS IN FAVOR OF THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR PALM CANYON WASH, STAGE 91 (RCFC PROJECT NO. 6-0-00040, RCFC PARCELS NO. 6040-505A AND 6040-505B;" 3) Adopt Resolution No. 23085, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE CONVEYANCE OF LAND IN TRACT MAP NO. 18087 TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR PALM CANYON WASH LATERAL A, STAGE II (RCFC PROJECT NO. 6-0-00041, RCFC PARCEL NO. 6041-500;" and 4) Adopt Resolution No. 23086, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE CONVEYANCE OF LAND IN TRACT MAP NO. 18087 TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR PALM CANYON WASH LATERAL A, STAGE II (RCFC PROJECT NO. 6-0-00041, RCFC PARCEL NO. 6041-501." **Motion Councilmember Mills, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

**2.I. ACCEPT THE RESIGNATION OF BARBARA MARSHALL FROM THE HISTORIC SITE PRESERVATION BOARD:**

Councilmember Lewin thanked the Commissioners for their time and effort to the City.

**ACTION:** 1) Accept with regret the resignation of Barbara Marshall from the Historic Site Preservation Board; and 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2013. **Motion Councilmember Lewin, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

**2.K. CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY AND RATIFYING THE ACTIONS OF THE DIRECTOR OF EMERGENCY SERVICES, RELATING TO THE JANUARY 2012, SEVERE WIND STORM:**

Councilmember Lewin thanked staff and residents for their assistance and public service during the emergency.

**ACTION:** Adopt Resolution No. 23087, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY AND RATIFYING THE ACTIONS OF THE DIRECTOR OF EMERGENCY SERVICES, PURSUANT TO PALM SPRINGS MUNICIPAL CODE CHAPTER 2.20, RELATING TO THE JANUARY,

2012, SEVERE WIND STORM." **Motion Councilmember Lewin, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

4.A. **UPDATE ON NOISE MITIGATION AT THE PALM SPRINGS INTERNATIONAL AIRPORT BY THE CITY COUNCIL SUBCOMMITTEE:** Thomas Nolan, Executive Director Airport, provided background information as outlined in the staff report dated February 1, 2012.

Councilmember Lewin requested staff address the success of the good neighborhood policy, the ability of the pilot to control noise of a military jet, the potential to develop a brochure for the pilot, and should the FBO's track the military activity.

Councilmember Mills noted that some community members are in support of the military presence at the Palm Springs International Airport, and stated the City needs to seek a balance.

**ACTION:** Receive and File. **By consensus of the City Council.**

5. **NEW BUSINESS:**

5.A. **ONE-YEAR SUSPENSION OF FILM AND LOCATION PERMIT FEES:** City Manager Ready provided background information as outlined in the staff report dated February 1, 2012.

Councilmember Hutcheson questioned the types of results that staff will review and provide to the City Council in one year.

Councilmember Lewin stated his support for the fee waiver, noted the benefits to all types of production companies, and requested City staff review the policies of New York City.

**ACTION:** Adopt Resolution No. 23088, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUSPENDING FILM PERMIT AND LOCATION FEES FOR ONE (1) YEAR." **Motion Mayor Pougnet, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

5.B. **MID-YEAR FISCAL YEAR 2011-12 BUDGET UPDATE:** Geoffrey Kiehl, Director of Finance, presented a PowerPoint presentation on the Fiscal Year 2011-12 Budget.

Mayor Pougnet commented on the valley-wide comparison of TOT revenues, the success of the Hotel Incentive Program, and noted the recovery in cash reserves.

No action taken.

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

Mayor Pro Tem Foat requested staff address the lights in the Sunrise Park Parking Lot, a tree that needs attention at the handicapped parking spot, the damage to the fence at the Palm Springs Dog Park, thanked the volunteers at the Animal Shelter, and requested the City Attorney review microchipping of animals.

Councilmember Hutcheson thanked the City Council and community for their notes and condolences with regard to the recent passing of his father.

Councilmember Lewin requested the City Council Subcommittee on Downtown Revitalization consider public spaces, and prioritizing the hiring of local labor by the contractor of the Museum Market Plaza.

Mayor Pougnet provided an update on the activities of the City Council Subcommittee regarding the Museum Market Plaza project.

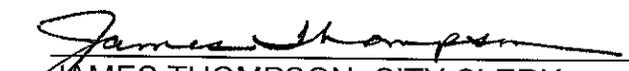
Councilmember Mills commented on the Museum Market Plaza Specific Plan.

**ADJOURNMENT:** The City Council adjourned at 8:13 p.m. to Wednesday, February 15, 2012, at 6:00 p.m. 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  
15<sup>TH</sup> DAY OF FEBRUARY, 2012.**

  
STEPHEN P. POUGNET, MAYOR

ATTEST:

  
JAMES THOMPSON, CITY CLERK