

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



**MEETING MINUTES
WEDNESDAY, MAY 2, 2012
CITY HALL COUNCIL CHAMBER**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:13 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 May 2012, as Bike Month in the City of Palm Springs, and announced the upcoming Bike Month activities.

Mayor Pougnet provided an update on the recent business grand openings and ribbon cutting anniversary celebrations.

Mayor Pougnet provided an update on the recent Mayor's Race and Healthy Planet, Healthy You Festival and events.

Councilmember Hutcheson and Councilmember Lewin announced the Busch Clydesdales visit to the City of Palm Springs.

Mayor Pro Tem Foat announced the upcoming Cinco de Bow Wow and Meow event at the Palm Springs Animal Shelter.

Mayor Pougnet announced the PSMeasureJ.com website, and the Police and Fire Departments' Appreciation Luncheon.

The City Council received an update on Modernism Week including activities and tourism impact to the City of Palm Springs.

Mayor Pougnet announced the upcoming Marilyn Forever artwork installation in Downtown Palm Springs.

REPORT OF CLOSED SESSION: The meeting was called to order at 4:00 p.m., and the following speakers addressed the City Council on items contained on the posted Closed Session Agenda.

COLLEEN WALKER, commented on the lease for the Palm Canyon Theatre.

C. LAYNE, commented on the lease for the Palm Canyon Theatre.

LUKE REINEY, commented on the lease for the Palm Canyon Theatre.

City Attorney Holland stated the City Council recessed into Closed Session to discuss items on the posted Closed Session Agenda. The City Council provided direction to staff and no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

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

Councilmember Hutcheson noted his abstention on Item 2.E., and requested Items 2.I. and 2.J. be removed from the Consent Calendar for separate discussion.

Mayor Pro Tem Foat noted her business related abstention on Item 2.C. Warrant No. 1055657, and requested Item 2.D. be removed from the Consent Calendar.

Councilmember Mills noted his abstention on Item 2.G. and requested Item 2.J. be removed from the Consent Calendar for separate discussion.

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

1. PUBLIC HEARINGS:

1.A. APPEAL OF THE PLANNING COMMISSION DECISION BY GRESHAM SAVAGE NOLAND & TILDEN REPRESENTING LEND LEASE CORPORATION AND 7-ELEVEN STORES, INC. REQUESTING A CONDITIONAL USE PERMIT FOR A CONVENIENCE STORE WITHIN THE SUN CENTER AT 611 SOUTH PALM CANYON DRIVE (CASE 5.1269 CU):

Appeal withdrawn at the request of the Appellant/Applicant.

1.B. DESIGNATION OF THE DEL MARCOS HOTEL AT 225 W. BARISTO ROAD AS A CLASS 1 HISTORIC SITE (CASE HSPB 78):

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated May 2, 2012.

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

LAURA RAMSTEAD, Applicant, Del Marcos Hotel, stated the owners and management are in support of the historic designation.

BARBARA MARSHALL, stated her support for the historic nomination and outlined the historic features of the property.

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

The City Council discussed and/or commented on the property: noted a correction on the staff report and the owner's support of the designation.

ACTION: Adopt Resolution No. 23128, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE PROPERTY LOCATED AT 225 W. BARISTO ROAD (DEL MARCOS HOTEL) AS A CLASS 1 HISTORIC SITE (CASE HSPB 78)." **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

HAROLD BAUMEA, Palm Springs, commented on the heavy traffic and excessive speed on Via Esquela.

BETTE KING, Palm Springs, announced the upcoming Canada Fest in Palm Springs.

BARBARA HASSON, Palm Springs, announced the upcoming Canada Fest in Palm Springs.

JANE WARNER, Palm Springs, commented on Prop. 29 on the upcoming primary election.

JERROLD THOMPSON, commented on the Palm Springs Zoning Code regulations pertaining to religious institutions.

KEVIN JOHNSON, commented on the Palm Springs Zoning Code regulations pertaining to religious institutions.

DOROTHY BAILEY, Desert Hot Springs, commented on the Sentinel Power Plant and mitigation funding.

KRYSTIE ROGERS, commented on Item 4.A., regarding the Sentinel Power Plant and mitigation funding.

LORRAINE SALAS, commented on Item 4.A., regarding the Sentinel Power Plant and mitigation funding.

DAREL PROPST, commented on Item 4.A., regarding the Sentinel Power Plant and mitigation funding.

TRACY TURNER, commented on Item 4.A., regarding the Sentinel Power Plant and mitigation funding.

LEW STEWART, commented on Item 4.A., regarding the Sentinel Power Plant and mitigation funding.

TOM SWANN, commented on Item 4.A., regarding the Sentinel Power Plant and mitigation funding.

CHRIS WITHAM, Palm Springs, commented on neighborhood theft near Via Olivera and Code Enforcement issues in his neighborhood.

ROBERT TERRY, commented on Item 4.A., regarding the Sentinel Power Plant and mitigation funding.

BOB HELBLING, Palm Springs, commented on the proposed e111 Parkway and the proposed bike path.

RICK PANTELE, commented on the recent medical cannabis license to CAPS and Item 2.J. with respect to medical cannabis cooperatives and collectives.

STEVE MITCHELL, thanked the City Council for issuing a medical cannabis permit to CAPS.

DAVID GRAY, Palm Springs, commented on Item 4.E. regarding the Welwood Murray Memorial Library and requested the City Council initiate the program services components at the Library.

FRANCES KNIGHT, commented on Item 4.C. regarding solar energy production facilities and projects.

LORRAINE SALAS, commented on Item 4.A., regarding the Sentinel Power Plant and mitigation funding.

COUNCILMEMBER COMMENTS:

Mayor Pougnet requested staff prepare a resolution of support of Prop. 29, the PSZC pertaining to religious institutions, Event House Term Permits, requested additional information on recent developments on appointees to the Coachella Valley Mosquito and Vector Control District, requested staff address the conditions at Orchid Tree Inn, advertising trucks parked on city streets, missing and unattended palm trees on Palm Canyon Drive, and requested the City Manager bring an agenda item forward to name the Belardo Bridge.

Mayor Pro Tem Foat requested staff bring an item forward on the agenda and prepare resolution regarding mortgages.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.E., 2.F., 2.G., 2.K. and 2.L. **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 May 2, 2012, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of April 13, 2012, and April 19, 2012. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 23129, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1055394 THROUGH 1055519 IN THE AGGREGATE AMOUNT OF \$1,812,009.37, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23130, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 3-31-12 BY WARRANTS NUMBERED 417338 THROUGH 417364 TOTALING \$43,551.68, LIABILITY CHECKS NUMBERED 1055520 THROUGH 1055544 TOTALING \$122,382.70, FIVE WIRE TRANSFERS FOR \$42,581.80, AND THREE ELECTRONIC ACH DEBITS OF \$1,027,152.37, IN THE AGGREGATE AMOUNT OF \$1,235,668.55, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 23131, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1055545 THROUGH 1055687 IN THE AGGREGATE AMOUNT OF \$1,100,278.21, DRAWN ON BANK OF AMERICA."

Approved as part of the Consent Calendar, noting the business related abstention of Mayor Pro Tem Foat on Warrant No. 1055657.

2.E. SECOND READING AND ADOPTION OF ORDINANCE NO. 1806, TO CHANGE THE ZONING DESIGNATION OF TWO LOTS AT THE NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND SUNRISE WAY FROM C1-AA (LARGE SCALE RETAIL COMMERCIAL) TO C1 (RETAIL COMMERCIAL):

ACTION: Waive further reading and adopt Ordinance No. 1806, "AN ORDINANCE OF THE CITY COUNCIL OF PALM SPRINGS, CALIFORNIA, AMENDING THE ZONING MAP TO CHANGE THE ZONING DESIGNATION OF AN APPROXIMATELY 1.38-ACRE SITE (APNS 502 065 008 and 502 065 018) FROM C-I-AA (LARGE SCALE RETAIL COMMERCIAL) TO C-1 (RETAIL COMMERCIAL), LOCATED AT THE NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND SUNRISE WAY." **Approved as part of the Consent Calendar, noting the abstention of Councilmember Hutcheson.**

2.F. TREASURER'S INVESTMENT REPORT AS OF MARCH 31, 2012:

ACTION: Receive and file the Treasurer's Investment Report as of March 31, 2012. **Approved as part of the Consent Calendar.**

2.G. APPROVAL OF AN AGREEMENT AS TO GRANT OF RIGHT-OF-WAY AND FUTURE REIMBURSEMENT RELATED TO THE PALM SPRINGS TENNIS CENTER:

ACTION: 1) Approve an Agreement as to Grant of Right-of-Way and Future Reimbursement related to the Palm Springs Tennis Center, with the Palm Springs Unified School District; 2) Authorize the City Clerk to accept the grant of rights-of-way for Hermosa Drive and Baristo Road from the District; and 3) Authorize the City Manager to execute all necessary documents. A6234. **Approved as part of the Consent Calendar, noting the abstention of Councilmember Mills.**

2.K. APPROVE AMENDING THE COMPREHENSIVE FEE SCHEDULE FOR A COMMERCIAL SERVICES FEE FOR AIRPORT BASED AIRLINE SUPPORT BUSINESSES:

ACTION: Adopt Resolution No. 23133, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING FEES FOR COMMERCIAL SERVICES AT PALM SPRINGS INTERNATIONAL AIRPORT AND MODIFYING THE COMPREHENSIVE FEE SCHEDULE ADOPTED BY RESOLUTION NO. 21578 AS AMENDED." **Approved as part of the Consent Calendar.**

- 2.L. PURCHASE AND INSTALLATION OF THREE (3) AUTOMATIC DOORS AT THE PALM SPRINGS INTERNATIONAL AIRPORT FROM MAGIK GLASS AND DOOR OF PALM SPRINGS IN THE AMOUNT OF \$26,992:**
ACTION: Approve the purchase and installation of three (3) new automatic doors at the Palm Springs International Airport from Magik Glass and Door of Palm Springs in the amount of \$26,992, pursuant to the terms and conditions of RFQ 2012-04; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

- 2.D. AGREEMENT WITH R ROBLES PIPELINE LAYING, INC. FOR ROADSIDE MAINTENANCE SERVICES:**

ACTION: 1) Approve an agreement with R Robles Pipeline Laying, Inc. for roadside maintenance services for three years with two one-year extensions in an annual amount of \$63,652.00; and 2) Authorize the City Manager to execute all necessary documents. A6233. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and carried 4-1 on a roll call vote.**

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

NOES: Mayor Pro Tem Foat.

- 2.H. ESTABLISHMENT OF A NEW CAPITAL PROJECT FUND TO BE NAMED THE MEASURE J FUND:**

ACTION: Adopt Resolution No. 23132, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE ESTABLISHMENT OF A NEW CAPITAL PROJECTS FUND TO BE CALLED THE MEASURE J FUND, AND AUTHORIZING THE DIRECTOR OF FINANCE TO CREATE THE APPROPRIATE ACTIVITIES (COST CENTERS) AND ACCOUNT NUMBERS." **Motion Mayor Pro Tem Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

- 2.I. AGREEMENT WITH PAVEMENT COATINGS CO. FOR THE FISCAL YEAR 2011-12 ANNUAL SLURRY SEAL IN THE AMOUNT OF \$581,310.76 FOR BID SCHEDULES A AND B (CP 11-05):**

ACTION: 1) Approve an agreement with Pavement Coatings Co., for the 2011-12 Annual Slurry Seal in the amount of \$581,310.76 for Bid Schedules A and B (CP 11-05); and 2) Authorize the City Manager to execute all necessary documents. A6235. **Motion Councilmember Hutcheson, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

- 2.J. INITIATE DRAFT ZONE TEXT AMENDMENT AMENDING SUBSECTION F OF SECTION 93.23.15 OF THE PALM SPRINGS ZONING CODE INCREASING**

THE NUMBER OF PERMITTED MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES ALLOWED IN THE CITY FROM 3 TO 4 AND REFER SUCH AMENDMENT TO THE PLANNING COMMISSION:

The City Council commented and/or discussed the following with respect to the proposed ordinance: requested staff address separation of sensitive uses, lack of information and audits on the current cooperatives, possibility of including a sales tax on medical cannabis, risky elements that may be associated with medical cannabis, rules that prohibit a concentration of medical cannabis in one area, the services to the City of Palm Springs, and the City of Palm Springs is the only City in the Coachella Valley that allows medical cannabis.

ACTION: 1) Initiate a zone text amendment pursuant to Palm Springs Zoning Code Section 94.07.01.a.1.b to study and amend Section 93.23.15 of the Palm Springs Zoning Code relating to medical cannabis cooperatives and collectives; and 2) Refer the ordinance to the Palm Springs Planning Commission. **Motion Mayor Pro Tem Foat, seconded by Councilmember Lewin and carried 3-1 on a roll call vote.**

AYES: Councilmember Lewin, Mayor Pro Tem Foat, and Mayor Pougnet.

NOES: Councilmember Mills.

ABSTAIN: Councilmember Hutcheson.

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE INCREASING THE NUMBER OF MEMBERS ON THE MEASURE "J" OVERSIGHT COMMISSION TO NINE MEMBERS AND TWO ALTERNATE MEMBERS:

City Clerk Thompson provided background information as outlined in the staff report dated May 2, 2012.

The City Council discussed and/or commented on the following with respect to the proposed ordinance: consider appointing the 10-members on the Post Interview List to the Commission with the alternate being determined by random lot, each Councilmember to provide to the City Clerk a name for consideration for the second alternate, amending the ordinance to provide that an alternate may vote if a primary member is absent or unable to vote, and a quorum consisting of five members.

ACTION: Waive the reading of the full text of the Ordinance, and introduce by title Ordinance No. 1807, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 2.59.010 AND 2.59.020 OF THE PALM SPRINGS MUNICIPAL CODE, INCREASING THE NUMBER OF MEMBERS ON THE MEASURE "J" OVERSIGHT COMMISSION TO NINE AND TWO ALTERNATE

MEMBERS" *amending the Ordinance to provide that alternate members may vote on subcommittees they are appointed to and alternate members may vote if the full nine primary members are unable to vote.* **Motion Mayor Pro Tem Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

4. UNFINISHED BUSINESS:

4.A. PROGRESS REPORT AND UPDATE FROM THE CITY COUNCIL MUSEUM MARKET PLAZA PROJECT AD HOC SUBCOMMITTEE:

Mayor Pougnet provided a brief report on the progress and status of the Museum Market Plaza Project.

No action taken.

4.B. AMENDMENT AND TRANSMITTAL OF RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE (ROPS) PURSUANT TO SECTION 34169(g)(1) OF THE CALIFORNIA HEALTH & SAFETY CODE:

John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated May 2, 2012.

ACTION: Adopt Resolution No. 23134, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING SOLELY IN ITS CAPACITY AS THE SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY AUTHORIZING THE APPROVAL AND TRANSMITTAL OF A RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE (ROPS) PURSUANT TO AB X1 26." **Motion Mayor Pro Tem Foat, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

4.C. PUBLIC ART FEES FOR LARGE SOLAR ENERGY PRODUCTION FACILITIES AND PROJECTS:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated May 2, 2012.

The City Council discussed and/or commented on the following with respect to fees for solar energy production facilities: the allowed areas per the zoning regulations of solar facilities, property tax payments and other exemptions to taxation and fees for solar energy facilities, and the acreage-based calculation method at an increase per acre.

ACTION: Direct staff to prepare a resolution amending the comprehensive fee schedule for large solar energy production facilities and projects on the acreage-based calculation method at \$4,000 per acre. **Motion Councilmember Lewin, seconded by Councilmember Mills and carried 4-1 on a roll call vote.**

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

NOES: Councilmember Hutcheson.

Councilmember Hutcheson and Councilmember Mills stated they have a property ownership conflict of interest with respect to Item 4.D., would not participate in the discussion or the vote, and left Council Chamber.

4.D. DISCUSSION OF POTENTIAL PROJECTS FOR THE AIR QUALITY MANAGEMENT DISTRICT (AQMD) GRANT APPLICATION FOR THE SENTINEL POWER PLANT MITIGATION FUNDING:

David Barakian, City Engineer, provided background information as outlined in the staff report dated May 2, 2012.

The City Council discussed and/or commented on the following: doubling the amount of funding for residential solar and residential cool roof coating, adding commercial component to the solar and roof coating programs, matching grant requirements, the priority of projects, projects that meet the criteria of the grant requirements, and matching funds for residential solar, perhaps as a "means" test, and a 50% match for cool roof coating.

ACTION: Identify the final list of projects to submit to AQMD: 1) Desert Highland Center; 2) Fire Station No. 3; 3) Train Station; 4) Visitor Center; 5) Residential Solar at \$2,500,000 including an owner match to qualify based on a "means" test including assets and income; and 6) Residential Cool Roof Coating, including a 50% owner match to qualify, at \$2,500,000. **Motion Councilmember Lewin, seconded by Mayor Pro Tem Foat and unanimously carried 3-0 on a roll call vote.**

AYES: Councilmember Lewin, Mayor Pro Tem Foat, and Mayor Pougnet.

NOES: None.

ABSENT: Councilmember Hutcheson and Councilmember Mills.

Councilmember Hutcheson and Councilmember Mills returned to the dais.

4.E. WELWOOD MURRAY MEMORIAL REFERENCE LIBRARY AND GIFT SHOP PROJECT:

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated May 2, 2012.

Mayor Pougnet requested the City Staff request the Library Board to provide funding, and stated under the concepts provided by City Staff a lead organization needs to take charge of the facility.

ACTION: Direct staff to proceed with the renovation process and initiate the program service components of the Welwood Murray Memorial Library. **Motion Councilmember Mills, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

5. NEW BUSINESS:

5.A. PRESENTATION AND DISCUSSION OF THE DRAFT FISCAL YEAR 2012-13 BUDGET INCLUDING GENERAL FUND SPECIAL EVENTS, ENTERPRISE FUNDS, SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY, SPECIAL REVENUE FUNDS, AND INTERNAL SERVICE FUNDS:

City Manager Ready and Geoffrey Kiehl, Director of Finance, provided background information as outlined in the staff report dated May 2, 2012.

The City Council discussed and/or commented on the following with respect to the budget: elimination of the Marine Band Concert, September 11th and Magic of Christmas special events, the priority of Capital Projects proposed from General Fund Balance, ensuring the Street Sweeper included in the Airport Capital Projects is CNG fueled per policy, Airport Administration costs, and the costs associated with some of the Sustainability Programs.

No action taken.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Mills requested staff review large building murals as part of the Palm Springs Zoning Code, and stated perhaps the murals, may in some cases, be treated as public art and not as signage.

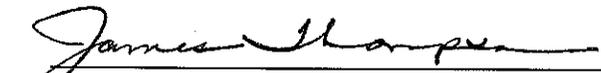
Mayor Pougnet requested our thoughts go to Diane Marantz and noted Shelly Saunders' upcoming birthday celebration.

ADJOURNMENT: The City Council adjourned at 9:34 p.m. to the Regular Meeting Wednesday, May 16, 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 16TH DAY OF MAY, 2012.


STEPHEN P. POUGNET, MAYOR

ATTEST:



JAMES THOMPSON, CITY CLERK