

CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA



MEETING MINUTES
WEDNESDAY, JANUARY 16, 2013
CITY HALL COUNCIL CHAMBER

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:15 p.m.

PLEDGE OF ALLEGIANCE: Councilmember Lewin led the Pledge.

INVOCATION: Pastor David Sanger, Our Savior's Community Church, led the Invocation.

ROLL CALL:

PRESENT: Councilmember Foat, Councilmember Hutcheson, Councilmember Lewin, Mayor Pro Tem Mills (arrived at 6:20 p.m.), and Mayor Pougnet.

ABSENT: None.

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

PRESENTATIONS:

Mayor Pougnet announced the upcoming Clinton Health Matters Conference and the ribbon cutting event for the new materials-sorting equipment at the Palm Springs Public Library.

Councilmember Lewin provided an update on the recent Human Rights Commission Annual Awards Ceremony.

Mayor Pougnet provided an update on the Palm Springs International Film Festival events, announced the upcoming Billy Blanks event at the Palm Springs Wellness Park, the Measure J Application process, and the City of Palm Springs 75th Anniversary events.

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 the City Council provided direction to City Staff with regard to items on the Closed Session Agenda, and authorized the Initiation of Litigation against the Cal. Department of Finance regarding a loan from the former Palm Springs

Redevelopment Agency to a third party, and stated the terms of the litigation will be made public upon filing of the complaint.

Councilmember Mills arrived at 6:20 p.m.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson recommended Item 4.A. be moved to the Consent Calendar as Item 2.H.

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

1. PUBLIC HEARINGS:

1.A. DESIGNATION OF THE J.W. ROBINSONS DEPARTMENT STORE/ROBINSONS SPECIALTY SHOPS/THE ALLEY BUILDING LOCATED AT 333 - 343 SOUTH PALM CANYON DRIVE AS A CLASS 1 HISTORIC SITE (HSPB 84):

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated January 16, 2013.

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

ERIK ROSENOW, Palm Springs, provided background information on the site, and stated his support for the historic designation of the site.

CHRIS MENRAD, stated his support for the historic designation of the site.

PATRICK McGREW, Palm Springs, provided history of the architecture of the building, and requested the City Council support the historic designation of the site.

RON MARSHALL, Palm Springs, commented on the site selection survey, provided historic background information on the site, and requested the City Council support the historic designation.

LEE GLENN, Palm Springs, stated it was an easy decision to support the designation of the building, provided information on the current state of the building, and requested the City Council support the historic designation.

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

Councilmember Hutcheson commented on the opposition of the current owner to the historic designation, and after consideration supports the historic designation of this building.

Councilmember Lewin stated his concurrence with Councilmember Hutcheson, and noted the proximity to other historic properties such as the historic Racquet Club.

Councilmember Foat stated her support of the designation, commented on the reasons for the owner's opposition, requested the background information on all the historic designations be compiled in a source document, and requested staff ensure that the parking lot is included in the designation.

Mayor Pro Tem Mills commented on the significance of the building, the current owner's opposition, requested staff address the requirements that would be imposed during a remodel or routine maintenance, and stated his support of the designation.

Mayor Pougnet stated his support for the designation, and commented on the letter provided by the real estate agent.

ACTION: Adopt Resolution No. 23288, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE PROPERTY LOCATED AT 333 - 343 SOUTH PALM CANYON DRIVE (J.W. ROBINSONS DEPARTMENT STORE/ROBINSONS SPECIALTY SHOPS/THE ALLEY BUILDING) AS A CLASS 1 HISTORIC SITE (HSPB 84); *"amending Section 3 to read 'Based upon the foregoing, the City Council does hereby adopt a Statement of Historic Significance attached hereto as Exhibit A, and designate as a Class 1 Historic Site the building and the entire site, including the parking lot, at 333-343 South Palm Canyon Drive (J.W. Robinsons Department Store/Robinsons Specialty Shops/The Alley), subject to the following conditions."* **Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

HAROLD MATZNER, commented on the successful 2013 Palm Springs International Film Festival, and stated his support for the proposed hotel at the Downtown Palm Springs site.

HAROLD MEYERMAN, stated his support for the proposed hotel at the Downtown Palm Springs site.

STEVEN NASH, stated his support for the proposed hotel at the Downtown Palm Springs site and the redevelopment of the City.

JOHN TYMON, Palm Springs, commented on a recent police report, problems at his home and issues with City Staff.

THEMA JOHANNSEN, introduced the Synthetic Grass Depot, and requested the City Council consider synthetic grass.

THOMAS ALLEN WORTHY, Palm Springs, commented on a recent incident with the Palm Springs Police Department.

CATHERINE ROBINSON, commented on the current signature gatherers circulating a referendum petition, and stated her support for the revitalization of Downtown.

AMANDA CHERREY, stated her support for the revitalization of Downtown.

BOB HELBLING, Palm Springs, stated his support for the revitalization of Downtown, and commented on a referendum petition being circulated in the City.

ELAINE CLERMONT, read a statement by Nikohl Vandel.

DEBBIE ANDERSON, stated her support for the revitalization of Downtown Palm Springs.

NICK GRONKOWSKI, commented on Item 5.C., and requested the City Council support the Film Friendly Marketing Incentive Program.

VICTOR YEPELLO, commented on the revitalization of Downtown Palm Springs and the Downtown redevelopment project.

TOM SWANN, commented on the Citizens United case, and requested the City Council place a resolution on a future agenda opposing corporate campaign contributions.

NANCY GUTIERREZ, commented on the Citizens United case, and requested the City Council place a resolution on a future agenda opposing corporate campaign contributions.

CAROLYN KRAUSE, commented on the Citizens United case, and requested the City Council place a resolution on a future agenda opposing corporate campaign contributions.

CAROLANN BOULDIN, commented on the Citizens United case, and requested the City Council place a resolution on a future agenda opposing corporate campaign contributions.

MARK JONES, announced the upcoming Palm Springs Women's Jazz Festival.

SUSAN MYRLAND, announced the upcoming Palm Springs Fine Art Fair.

JOE ENOS, commented on the revitalization of Downtown Palm Springs, and stated his support for the proposed hotel at the Downtown Palm Springs project.

DONNA CHABAN-DELMAS, Palm Springs, commented on the revitalization of Downtown Palm Springs, and stated her support for the proposed hotel at the Downtown Palm Springs project.

SCOTT WHITE, commented on the revitalization of Downtown Palm Springs, and stated his support for the proposed hotel at the Downtown Palm Springs project.

ANTHONY CLARK, commented on the revitalization of Downtown Palm Springs, and stated his support for the proposed hotel at the Downtown Palm Springs project.

SAM SPINELLO, commented on the revitalization of Downtown Palm Springs, and stated his support for the proposed hotel at the Downtown Palm Springs project.

BRADY SANDAHL, commented on the revitalization of Downtown Palm Springs, and stated his support for the proposed hotel at the Downtown Palm Springs project.

JOY MEREDITH, commented on Item 5.A. and Item 5.C., requested the City Council support Uptown crosswalks and the Film Friendly Incentive Program, and commented on a referendum petition being circulated.

STEVE ROSENBERG, Palm Springs, commented on the referendum petition being circulated, stated his support for the proposed hotel at the Downtown Palm Springs project, and commented on the Palm Springs International Airport Commission.

COUNCILMEMBER COMMENTS: None.

CITY MANAGER'S REPORT:

City Manager Ready provided an update on the recent Park Users Group Community Meeting, and announced the upcoming Downtown Tours performed by City Staff and invited the public and business community to attend.

2. CONSENT CALENDAR:

ACTION: Approved Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G. and 2.H. **Motion Councilmember Hutcheson, seconded by Councilmember Lewin 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 16, 2013, City Council Agenda. **Approved as part of the Consent Calendar.**

- 2.B. APPROVAL SEWER CONNECTION EXEMPTION AT 565 SANTA ROSA DRIVE:**
ACTION: Approve the sewer connection exemption at 565 Santa Rosa Drive, pursuant to City Council Resolution No. 15188. **Approved as part of the Consent Calendar.**
- 2.C. RESOLUTION OF PUBLIC CONVENIENCE OR NECESSITY FOR TWO BLACK FLATCOATS, INC., TO SELL BEER AND WINE AT THE EXISTING HOTEL LOCATED AT 1330 EAST PALM CANYON DRIVE:**
ACTION: Adopt Resolution No. 23289, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER AND WINE FOR CONSUMPTION ON - OR OFF-SITE (TYPE 42 STATE ALCOHOLIC BEVERAGE CONTROL LICENSE) FOR PROPERTY LOCATED AT 1330 EAST PALM CANYON DRIVE." **Approved as part of the Consent Calendar.**
- 2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF DECEMBER 2012:**
ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of December 1 through December 31, 2012. **Approved as part of the Consent Calendar.**
- 2.E. TREASURER'S INVESTMENT REPORT AS OF NOVEMBER 30, 2012:**
ACTION: 1) Receive and file the Treasurer's Investment Report as of November 30, 2012. **Approved as part of the Consent Calendar.**
- 2.F. AGREEMENT TO PURCHASE 15 ACRES OF REAL PROPERTY FROM MORRIS COMMUNICATIONS COMPANY, LLC LOCATED AT THE NORTHWEST CORNER OF CHINO CANYON CREEK AND HIGHWAY 111:**
ACTION: 1) Approve an agreement to purchase 15 acres of real property from Morris Communications Company, LLC located at the northwest corner of Chino Canyon Creek and Highway 111 (APN 669-230-010 and 669-230-011); and 2) Adopt Resolution No. 23290, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2012-13 FOR THE PURCHASE OF 15 ACRES OF REAL PROPERTY LOCATED AT THE NORTHWEST CORNER OF CHINO CANYON CREEK AND HIGHWAY 111 FOR OPEN SPACE PRESERVATION;" and 2) Authorize the City Manager to execute all necessary documents." A6315. **Approved as part of the Consent Calendar.**

2.G. APPROVE A PUBLIC UTILITY EASEMENT ON THE SOUTH SIDE OF EAST CIVIC DRIVE AND WEST OF NORTH CIVIC DRIVE:

ACTION: 1) Approve a Public Utility Easement on City owned property generally located on the south side of East Civic Drive and west of North Civic Drive (APN 502-100-013); and 2) Authorize the City Manager to execute the Public Utility Easement in a form approved by the City Attorney. **Approved as part of the Consent Calendar.**

2.H. CONSIDER G & M CONSTRUCTION'S REQUEST TO WAIVE LIQUIDATED DAMAGES ASSESSMENT ON BELARDO BRIDGE AND ROADWAY PROJECT (A6129):

ACTION: 1) Approve Change Order No. 12 to Agreement No. A6129 with G & M Construction granting 23 additional working days; and 2) Authorize the City Manager to execute all necessary documents. A6129. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR: None.

3. LEGISLATIVE:

4. UNFINISHED BUSINESS:

4.A. CONSIDER G & M CONSTRUCTION'S REQUEST TO WAIVE LIQUIDATED DAMAGES ASSESSMENT ON BELARDO BRIDGE AND ROADWAY PROJECT (A6129):

Moved and approved as part of the Consent Calendar as Item 2.H.

5. NEW BUSINESS:

5.A. PLACEMENT AND PURCHASE OF NEW CROSSWALKS AND IMPROVEMENTS IN THE UPTOWN AREA OF PALM SPRINGS FUNDED BY MEASURE J:

City Manager Ready provided background information as outlined in the staff report dated January 16, 2013.

Councilmember Lewin stated his support for the crosswalks, requested City Staff work with the surrounding areas regarding the type and style of crosswalks.

Councilmember Hutcheson stated his support for the crosswalks, recommended the City Council add additional crosswalks, and requested an update on the study for the traffic signal improvements near Sunrise Way and Ramon Road.

Mayor Pro Tem Mills stated his support for the installation of crosswalks, commented on the different types of crosswalks, stated the City needs to consider the installation of "pop-outs" as well to reduce the traffic speed, expressed concern with bus stops without crosswalks, and stated the City needs crosswalks with more of a design element.

Mayor Pougnet stated his support for more design elements incorporated into the crosswalks.

Councilmember Foat stated the crosswalk at Merito Place is a priority and stated just a flashing light may not slow the traffic, and recommended City Staff review the speed limits in that area.

Councilmember Lewin commented on in-ground lighted crosswalks, recommended the City Council move forward with crosswalks and look at "cut-outs" at a later time with additional study, and stated cut-outs will limit bike lanes.

Mayor Pougnet requested the City Engineer comment on the additional time that would be needed to review "pop-outs" at the intersections.

ACTION: 1) Determine the location(s) of new crosswalks and improvements in the Uptown Area funded by Measure J as Palm Canyon Drive at West Chino Road, Merito Place, Vereda Sur and Indian Canyon Drive at Granvia Valmonte; 2) Authorize staff to design the crosswalks with curb "pop-outs" and flashing beacon devices with a design element and return to the City Council. **Motion Councilmember Lewin, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

5.B. DISCUSS EXCLUSIVE SOLID WASTE AGREEMENT WITH PALM SPRINGS DISPOSAL SERVICES (PSDS) AND ALTERNATIVES:

City Manager Ready provided background information as outlined in the staff report dated January 16, 2013.

Councilmember Lewin stated his support for once-a-week waste collection, and requested PSDS address if solid waste collection would be one day for the entire City.

Councilmember Foat thanked PSDS for their exceptional public service, stated her support for once per week waste collection service.

Councilmember Hutcheson commented on the reduction in cost, and thanked PSDS for the reduction in rates for waste collection.

Mayor Pro Tem Mills stated PSDS along with City Staff stepped up to the plate in preparing the City Council.

Mayor Pougnet thanked PSDS for their excellent customer service, and noted the lack of complaints regarding waste collection.

ACTION: Direct staff to proceed and finalize contract negotiations with Palm Springs Disposal Services, and return to the City Council for approval of a 15-year exclusive solid waste contract. A4727. **By unanimous consent of the City Council.**

5.C. CITY OF PALM SPRINGS FILM FRIENDLY MARKETING INCENTIVE PROGRAM:

City Manager Ready provided background information as outlined in the staff report dated January 16, 2013.

Councilmember Lewin commented on the benefits of the Film Friendly Incentive Program.

Councilmember Foat requested staff address the required amount to be spent to qualify for the program and the inclusion of photo shoots.

Mayor Pro Tem Mills stated his support of the program, and questioned if the City will provide an interface with the CVB or other entity.

ACTION: 1) Direct Staff to implement the Palm Springs Film Friendly Marketing Incentive Program; 2) Extend the suspension of Film and Location Permit Fees enacted by Resolution No. 23088, for two additional years; and 3) Authorize the City Manager to execute budget adjustments as required for funding in the amount of \$15,000 from Palm Springs Resorts and \$20,000 from Continuing Appropriation. **Motion Councilmember Lewin, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

5.D. APPOINTMENT OF A CITY COUNCIL AD HOC SUBCOMMITTEE FOR THE WALK OF STARS:

No action taken to create a Subcommittee.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Lewin provided a report on the CVAG Public Safety Committee, and commented on the Downtown Revitalization Project with respect to wrapping construction fencing.

Councilmember Foat requested the City Manager include Uptown with the Downtown walks, requested staff review tree wells, trash bins, and empty cement containers in the Uptown area, and provided an update on the Palm Springs Animal Shelter.

Mayor Pougnet thanked the City Council for their support of health and wellness issues and requested the Sustainability Subcommittee review the Sustainability Master Plan for health and wellness issues and programs.

ADJOURNMENT: The City Council adjourned at 9:03 p.m. to Wednesday, February 6, 2013, 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
6TH DAY OF MARCH, 2013.**



STEPHEN P. POUGNET, MAYOR

ATTEST:



JAMES THOMPSON, CITY CLERK