

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



**MEETING MINUTES  
WEDNESDAY, JANUARY 2, 2013  
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:** Rev. Amanda Burr, United Methodist Church, led the Invocation.

**ROLL CALL:**

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

**ABSENT:** None.

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

**PRESENTATIONS:**

Riverside County Date Festival Queen Sheherazade and her Court announced the upcoming Riverside County Fair and Date Festival.

Mayor Pougnet announced the upcoming 2013 Palm Springs International Film Festival, the Mayor's Healthy Planet and Healthy You events, the Measure J Oversight Commission's acceptance of applications for Measure J funding, and the City of Palm Springs' 75th Anniversary events and activities.

**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 the City Attorney and City Staff on items on the Closed Session Agenda, and stated no reportable actions were taken.

**ACCEPTANCE OF THE AGENDA:**

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

**1. PUBLIC HEARINGS:**

**1.A. APPEAL OF THE PLANNING COMMISSION DECISION BY DESERT SCAPES WELDING, INC. TO OVERTURN THE DENIAL OF THE RELOCATION OF DRIVEWAY GATES FOR TWO INDUSTRIAL BUILDINGS LOCATED AT 1233 & 1235 SOUTH GENE AUTRY TRAIL (CASE 3.0452 MAA):**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated January 2, 2013.

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

DICK BAXLEY, Appellant, Property Manager, stated he has letters from 10 owners in the complex requesting the City Council support the location of the gates, and stated parking and outdoor storage has not been a problem.

RICK PUCKETT, Desert Scapes Welding, stated at the request of a tenant he build the gate to block the view of the activites at his property, stated the owners of the complex would like to change the requirements of the code with respect to outdoor storage, stated parking is not an issue but theft is an issue without the gates, and requested the City Council support the relocation of the gates.

RUSSELL WALKE, commented on the problem with the relocation of the gates and security, stated parking is not a problem, and requested the City Council approve the relocation of the gates.

JOE DENNIS, stated the complex has parking issues and the gates restrict the parking, commented on the outside uses behind the gate and stored materials in the parking and landscape areas, and requested the City Council deny the appeal.

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

The City Council discussed and/or commented on the following with respect to the appeal: is storage and outdoor fabrication allowed, the zoning of the property and if the project was approved by a PDD, discussed the other uses and businesses and the shared parking at the site, other changes made to the landscaping and other interior changes in the project, working with the current businesses to develop a plan that is agreeable to all the businesses, parking spaces used for outside storage, and the Planning Commission decision.

**ACTION:** Adopt Resolution No. 23287, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DENYING THE APPEAL BY DESERT SCAPES WELDING, INC. AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO DENY A REQUEST TO RELOCATE DRIVEWAY GATES AT 1233 AND 1235 SOUTH GENE AUTRY TRAIL (CASE 3.0452 MAA)." **Motion Councilmember Lewin, seconded by Mayor Pro Tem Mills and carried 3-2 on a roll call vote.**

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

**NOES:** Councilmember Foat and Councilmember Hutcheson.

**1.B. DESIGNATE A RESIDENTIAL PROPERTY DEVELOPED WITH A SINGLE FAMILY HOME AND ACCESSORY STRUCTURES AS A CLASS 1 HISTORIC SITE LOCATED AT 992 EAST LA JOLLA ROAD (CASE HSPB 85):**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated January 2, 2013.

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

PATRICK MCGREW, provided background information on the property and the site, and requested the City Council support the historic designation.

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

The City Council discussed and/or commented on the following with respect to the proposed historic designation: the merits of the historic designation and the creation of a historic district.

**ACTION:** Adopt Resolution No. 23283, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE PROPERTY LOCATED AT 992 EAST LA JOLLA ROAD/TWIN PALMS ESTATE MODEL A2 RESIDENCE AS A CLASS 1 HISTORIC SITE (HSPB 85)." **Motion Councilmember Foat, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

**PUBLIC COMMENT:**

JOHN TYMON, commented on a recent police report regarding his activities at City Hall.

GEORGE MARANTZ, commented on Item 4.B., commented on the changes to the project and additional work that was required to be completed, but no additional time was provided to complete the work.

**COUNCILMEMBER COMMENTS:** None.

**CITY MANAGER'S REPORT:** None.

**2. CONSENT CALENDAR:**

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

**2.B. ACCEPT THE RESIGNATION OF TIMOTHY BROWN FROM THE PUBLIC ARTS COMMISSION:**

**ACTION:** 1) Accept with regret the resignation of Timothy Brown from the Public Arts Commission; 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.**

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

**ACTION:** 1) Adopt Resolution No. 23284, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 12-08-12 BY WARRANTS NUMBERED 417920 THROUGH 417944 TOTALING \$54,467.36, LIABILITY CHECKS NUMBERED 1060370 THROUGH 1060394 TOTALING \$124,684.13, FIVE WIRE TRANSFERS FOR \$74,995.20 AND THREE ELECTRONIC ACH DEBITS OF \$1,412,527.85 IN THE AGGREGATE AMOUNT OF \$1,666,674.54, DRAWN ON BANK OF AMERICA;" and 2) Adopt Resolution No. 23285, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1060395 THROUGH 1060551 IN THE AGGREGATE AMOUNT OF \$1,745,663.07, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

**2.D. PROFESSIONAL SERVICES AGREEMENT WITH DMC DESIGN GROUP, INC. FOR THE MESQUITE AVENUE WIDENING PROJECT (WEST OF BELARDO ROAD) IN THE AMOUNT OF \$78,991 (CP 12-01):**

**ACTION:** 1) Approve an agreement with DMC Design Group, Inc., in the amount of \$78,991 for environmental and civil engineering design services related to the widening of Mesquite Avenue, west of Belardo Road (CP

12-01); and 2) Authorize the City Manager to execute all necessary documents. A6313. **Approved as part of the Consent Calendar.**

**2.E. PROPOSED EXTENSION OF THE SERVICE FEE COLLECTED ON BEHALF OF THE RIVERSIDE COUNTY ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY UNTIL MAY 2024:**

**ACTION:** Adopt Resolution No. 23286, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE EXTENSION OF THE SERVICE FEE COLLECTED ON BEHALF OF THE RIVERSIDE COUNTY ABANDONED VEHICLE ABATEMENT SERVICE AUTHORITY UNTIL MAY 2024." **Approved as part of the Consent Calendar.**

**2.F. PALM SPRINGS APPOINTMENT TO THE EASTERN RIVERSIDE COUNTY INTEROPERABLE COMMUNICATIONS AUTHORITY (ERICA):**

**ACTION:** Re-appoint Councilmember Paul Lewin as the Palm Springs Representative to the Eastern Riverside County Interoperable Communications Authority (ERICA). **Approved as part of the Consent Calendar.**

**2.G. AMENDMENT NO. 5 TO AGREEMENT NO. A5630 WITH MAXWELL SECURITY FOR SECURITY SERVICES AT CITY OWNED FACILITIES:**

**ACTION:** 1) Approve Amendment No. 5 to Agreement No. A5630 with Maxwell Security to include additional security services for the Downtown Palm Springs surface parking lot and parking structure; and 2) Authorize the City Manager to execute all necessary documents. A5630. **Approved as part of the Consent Calendar.**

**2.H. ACCEPT THE RESIGNATION OF RANEE SCHAAFSMA FROM THE SUSTAINABILITY COMMISSION:**

**ACTION:** 1) Accept with regret the resignation of Ranee Schaafsma from the Sustainability Commission; and 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2014. **Approved as part of the Consent Calendar.**

**2.I. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF COACHELLA TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING DECEMBER 31, 2013:**

**ACTION:** Reappoint David Garcia, as the City of Coachella representative, to the Palm Springs International Airport Commission for the term ending December 31, 2013. **Approved as part of the Consent Calendar.**

**2.J. ACCEPT THE RESIGNATION OF TERRI METTIE FROM THE SUSTAINABILITY COMMISSION:**

**ACTION:** 1) Accept with regret the resignation of Terri Mettie from the Sustainability Commission; and 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2014. **Approved as part of the Consent Calendar.**

**2.K. APPROVAL OF MINUTES:**

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

**EXCLUDED CONSENT CALENDAR:** None.

**3. LEGISLATIVE:**

**3.A. SECOND READING AND ADOPTION OF ORDINANCE NO. 1816, APPROVING PLANNED DEVELOPMENT DISTRICT 341 IN LIEU OF A CHANGE OF ZONE AT THE NORTHWEST CORNER OF EAST TAHQUITZ CANYON WAY AND HERMOSA DRIVE:**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated January 2, 2013.

**ACTION:** Waive further reading and adopt Ordinance No. 1816, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT 341 IN LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 10-ACRE PARCEL AT THE NORTHWEST CORNER OF EAST TAHQUITZ CANYON WAY AND HERMOSA DRIVE (PDD 341)." **Motion Mayor Pro Tem Mills, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

**4. UNFINISHED BUSINESS:**

**4.A. CITY COUNCIL AD HOC SUBCOMMITTEE REPORT ON THE POLICY AND ISSUE OF "TAKE" PURSUANT TO THE GUIDELINES OF THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN:**

The ad hoc City Council Subcommittee, Councilmember Lewin and Mayor Pro Tem Mills, provided an update on the issue of "TAKE" within the CVMSHCP.

**ACTION:** Direct staff to approach the applicant to determine if the applicant would consider a like for like exchange pursuant to the Coachella Valley Multiple Species Habitat Conservation Plan. **By consensus of the City Council.**

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

Dave Barakian, City Engineer, provided background information as outlined in the staff report dated January 2, 2013.

The City Council discussed and/or commented on the following with respect to the assessment of liquidated damages: the amount of extra work that was performed to complete the bridge and roadway, the issuance of a Change Order for the extra work performed, questioned if G & M requested additional days at the time of the change order, the source of the funds for the additional work, and disposal of the additional rock.

**ACTION:** Table to the meeting of January 16, 2013. **By consensus of the City Council.**

**5. NEW BUSINESS:**

**5.A. REQUEST FOR CITY SPONSORSHIP OF THE SECOND ANNUAL 2013 MAYOR'S HEALTHY PLANET HEALTHY YOU RACE AND WELLNESS FESTIVAL IN THE AMOUNT OF \$50,000:**

Mayor Pougnet outlined the request for sponsorship and the public benefit of the event.

**ACTION:** 1) Approve the City Sponsorship of the 2013 Mayor's Healthy Planet Healthy You Race and Wellness Festival in the amount of \$50,000; 2) Direct staff to fund the sponsorship from the Sustainability Fund and Continuing Appropriations; and 3) Authorize the City Manager to execute budget transfers as necessary. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

**5.B. HOTEL INCENTIVE PROGRAM PARTICIPATION FOR THE PALM GROVE GROUP, LLC (THE ARRIVE HOTEL) LOCATED AT 1551 NORTH PALM CANYON DRIVE:**

John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated January 2, 2013.

The City Council discussed and requested staff include a time limit to be vertical in the agreement.

**ACTION:** Direct staff to prepare a Ten-Year Incentive Assistance Agreement (Operations Covenant) for the ARRIVE Palm Springs Hotel, implemented by a rebate of Transient Occupancy Tax of 50% of the annual TOT collected and paid to the City, for approval by the City

**Council. Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

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

Councilmember Lewin commented on the numerous flashing red lights on the top of the windmills, and suggested the City look at the possibility of changing the color of the lights or the flashing sequence.

Councilmember Foat questioned if the City is going to bid the contract renewal for security.

Mayor Pougnet commented on tourism and the amount of guests in Downtown Palm Springs.

**ADJOURNMENT:** The City Council adjourned at 7:27 p.m. to Wednesday, January 16, 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 6<sup>TH</sup> DAY OF MARCH, 2013.**

  
STEPHEN P. POUGNET, MAYOR

ATTEST:

  
JAMES THOMPSON, CITY CLERK