

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



**MINUTES**  
**WEDNESDAY, NOVEMBER 19, 2008**  
City Hall Council Chamber

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:05 p.m.

**PLEDGE OF ALLEGIANCE:** Palm Springs Air Force ROTC Junior Color Guard, led the Pledge.

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

**ROLL CALL:**

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

**ABSENT:** Councilmember Mills.

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

**PRESENTATIONS:**

Mayor Pougnet and City Council recognized the Palm Springs Air Force ROTC Junior Color Guard and proclaimed the week of November 14, 2008 as Air Force Week in the City of Palm Springs.

Mayor Pougnet and the City Council announced that Barbara Roberts, Director of Library Services, was named President of the California Library Association.

Mayor Pougnet and the City Council announced the Resource Conservation Commission School Poster Program awards for sustainability. Kay Hazen, City Sustainability Consultant, provided an update on the recent Palm Springs Sustainability Event.

**REPORT OF CLOSED SESSION:** City Attorney Holland reported that at 4:30 p.m., the meeting was called to order and the City Council recessed into Closed Session to discuss Items on the Closed Session Agenda. No reportable actions were taken.

## **ACCEPTANCE OF THE AGENDA:**

City Clerk Thompson stated staff recommends the City Council removed Item 2.H. from the Consent Calendar for a staff report and update.

**ACTION:** Accept the Agenda as amended. **Motion Councilmember Weigel, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

**AYES:** Councilmember Hutcheson, Councilmember Weigel, Mayor Pro Tem Foat, and Mayor Pougnet.

**NOES:** None.

**ABSENT:** Councilmember Mills.

### **1. PUBLIC HEARINGS:**

#### **1.A. ADOPTING FEES FOR VACANT BUILDING REGISTRATION AND MONITORING, DOWNTOWN NEWS RACK REGISTRATION AND IMPOUNDMENT, VACATION RENTAL REGISTRATION AND RENEWAL, AND AN EMERGENCY RESPONSE/EMERGENCY COMMUNICATION SYSTEM SERVICE FEE AND AMENDING THE COMPREHENSIVE FEE SCHEDULE ADOPTED BY RESOLUTION NO. 21578 AS AMENDED:**

Councilmember Hutcheson stated he has a business related conflict of interest with respect to the Vacation Rental and Renewal Fees, and stated he would not participate in the discussion or the vote of those two fees.

Mayor Pro Tem Foat requested staff address the \$18.00 Vacant Building Registration Building.

Mayor Pougnet opened the public hearing, and no speakers coming forward the public hearing was closed.

**ACTION:** Adopt Resolution No. 22387, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING FEES FOR VACANT BUILDING REGISTRATION AND MONITORING, NEWS RACK REGISTRATION AND IMPOUNDMENT, AND EMERGENCY RESPONSE/EMERGENCY COMMUNICATION SYSTEM SERVICE FEE, AND MODIFYING THE COMPREHENSIVE FEE SCHEDULE ADOPTED BY RESOLUTION NO. 21578 AS AMENDED." **Motion Councilmember Weigel, seconded by Mayor Pro Tem Foat and unanimously carried 4-0 on a roll call vote.**

**AYES:** Councilmember Hutcheson, Councilmember Weigel, Mayor Pro Tem Foat, and Mayor Pougnet.  
**NOES:** None.  
**ABSENT:** Councilmember Mills.

**ACTION:** Adopt Resolution No. 22388, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING FEES FOR VACATION RENTAL REGISTRATION AND RENEWAL, AND MODIFYING THE COMPREHENSIVE FEE SCHEDULE ADOPTED BY RESOLUTION NO. 21578 AS AMENDED." **Motion Mayor Pro Tem Foat, seconded by Councilmember Weigel and carried 3-0 on a roll call vote.**

**AYES:** Councilmember Weigel, Mayor Pro Tem Foat, and Mayor Pougnet.  
**NOES:** None.  
**ABSENT:** Councilmember Mills.  
**ABSTAIN:** Councilmember Hutcheson.

The City Council continued at 6:40 p.m. and the Community Redevelopment Agency convened for a Joint Meeting.

**1.B. AMENDMENT NO. 1 TO DISPOSITION AND DEVELOPMENT AGREEMENT NO. A0470C WITH SANTIAGO SUNRISE VILLAGE MOBILE HOME PARK CORPORATION FOR AGENCY ASSISTANCE IN THE AMOUNT OF \$153,700, FOR LAUNDRY AND OFFICE FACILITIES AT SUNRISE VILLAGE MOBILE HOME PARK LOCATED AT 1500 EAST SAN RAFAEL ROAD:**

**ACTION:** 1) Continue the Public Hearing to December 3, 2008, with no public testimony; and 2) Direct the City Clerk/Assistant Secretary to post a Notice of Continued Public Hearing. **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried 4-0 on a roll call vote.**

**AYES:** Councilmember Hutcheson, Councilmember Weigel, Mayor Pro Tem Foat, and Mayor Pougnet.  
**NOES:** None.  
**ABSENT:** Councilmember Mills.

**PUBLIC COMMENT:**

BILL FERRA, Palm Springs, commented on the number of foreclosures in Palm Springs and the lack of Code Enforcement action on foreclosed properties in the City.

ROGER EVERSLED, commented on the Tahquitz Court Apartments, Item RA2., and recommended approval of the modifications and assignment of the regulatory agreement.

**COUNCILMEMBER COMMENTS:**

Councilmember Weigel announced the availability of the Historical Society 2009 Calendar and Schedule of Events, and commented on the public comment period at the last meeting with a City Council comment toward the public, and requested the City Manager place on a future agenda a discussion on Council protocol.

Mayor Pro Tem Foat provided an update on the Vacant Building Ordinance and programs.

Councilmember Hutcheson requested the City Manager provide a summary of actions the public can take when they recognize an abandoned property.

**CITY MANAGER'S REPORT:**

City Manager Ready provided an update on Code Enforcement activities in the City.

Mayor Pro Tem Foat requested the City Manager address inoperable vehicles on property.

The City Council recessed at 6:56 p.m., and the Community Redevelopment Agency continued.

The City Council reconvened AT 6:57 p.m.

**2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., 2.I., 2.J., and 2.K.  
**Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Foat and unanimously carried 4-0 on a roll call vote.**

**AYES:** Councilmember Hutcheson, Councilmember Weigel, Mayor Pro Tem Foat, and Mayor Pougnet.

**NOES:** None.

**ABSENT:** Councilmember Mills.

**2.A. REPORT ON POSTING OF THE AGENDA:**

**ACTION:** Receive and file Report on the Posting of the November 19, 2008, City Council Agenda. **Approved as part of the Consent Calendar.**

- 2.B. APPROVAL OF MINUTES:**  
**ACTION:** Approve the City Council Minutes of November 12, 2008, November 5, 2008, October 1, 2008, and September 3, 2008. **Approved as part of the Consent Calendar.**
- 2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:**  
**ACTION:** 1) Adopt Resolution No. 22389, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1031589 THROUGH 1031755 IN THE AGGREGATE AMOUNT OF \$2,725,204.59, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22390, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1031756 THROUGH 1031842 IN THE AGGREGATE AMOUNT OF \$676,570.04, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 22391, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 11-01-08 BY WARRANTS NUMBERED 414025 THROUGH 414070 TOTALING \$75,720.99, LIABILITY CHECKS NUMBERED 1031843 THROUGH 1031863 TOTALING \$154,501.18, FOUR WIRE TRANSFERS FOR \$63,040.54, AND THREE ELECTRONIC ACH DEBITS OF \$1,211,027.31, IN THE AGGREGATE AMOUNT OF \$1,504,290.02, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**
- 2.D. STAFF AUTHORIZED AGREEMENTS FOR OCTOBER 2008:**  
**ACTION:** Receive and file Staff Authorized Agreements covering the period October 1 through October 31, 2008. **Approved as part of the Consent Calendar.**
- 2.E. TREASURER'S INVESTMENT REPORT AS OF SEPTEMBER 30, 2008:**  
**ACTION:** Receive and File the Treasurer's Investment Report as of September 30, 2008. **Approved as part of the Consent Calendar.**
- 2.F. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1753, AMENDING THE ZONING MAP BY APPROVING CASE 5.1193 PDD 354, A PLANNED DEVELOPMENT DISTRICT, IN LIEU OF A CHANGE OF ZONE FOR THE PROPERTY LOCATED AT 168 VIA ESCUELA ROAD:**  
**ACTION:** Waive further reading and adopt Ordinance No. 1753, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE ZONING MAP BY APPROVING CASE 5.1193 PDD 354, A PLANNED DEVELOPMENT DISTRICT, IN LIEU OF A CHANGE OF ZONE FOR THE PROPERTY LOCATED AT 168 VIA ESCUELA

**ROAD, ZONE R-3, SECTION 3." Approved as part of the Consent Calendar.**

**2.G. AGREEMENT WITH EVERGREEN RECYCLING SOLUTIONS FOR TECHNICAL ASSISTANCE AND PROFESSIONAL ADVICE ON SUSTAINABILITY AND RECYCLING ISSUES NOT-TO-EXCEED \$47,320 FOR ONE YEAR:**

**ACTION:** 1) Approve an agreement with Evergreen Recycling Solutions for technical assistance on sustainability and recycling issues, in an amount not to exceed \$47,320 for one year ending October 31, 2009; and 2) Authorize the City Manager to execute all necessary documents. A5336. **Approved as part of the Consent Calendar.**

**2.I. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE FISCAL YEAR 2008-09 SB 821 PROJECTS, CP. 08-12 AND 08-13:**

**ACTION:** Approve the plans, specifications and working details, and authorization to bid for the Fiscal Year 2008-09 SB 821 Projects, CP 08-12 & 08-13. **Approved as part of the Consent Calendar.**

**2.J. REAFFIRM THE CITY'S INVESTMENT POLICY GOVERNING THE INVESTMENT OF CITY FUNDS:**

**ACTION:** Reaffirm the City's Investment Policy governing the investment of City funds, as adopted by Resolution No. 21946, dated June 20, 2007. **Approved as part of the Consent Calendar.**

**2.K. AGREEMENT WITH NOLTE ASSOCIATES, INC., FOR THE TAHQUITZ CREEK LEVEE CERTIFICATION, IN THE AMOUNT OF \$148,800 FOR CIVIL ENGINEERING SERVICES:**

**ACTION:** 1) Approve an agreement with Nolte Associates, Inc. in the amount of \$148,800 for civil engineering services related to the Tahquitz Creek Levee Certification; and 2) Authorize the City Manager to execute all necessary documents. A5755. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.H. AGREEMENT WITH KEMA SERVICES, INC. FOR LEED COMMISSIONING SERVICES FOR THE PALM SPRINGS ANIMAL SHELTER PROJECT IN AN AMOUNT NOT-TO-EXCEED \$75,000:**

City Manager Ready provided background information as outlined in the staff report, requested staff provide a report, and recommended the City Council delay any action until the December 3, 2008 meeting.

Al Smoot, City Construction Representative, provided background information as outlined in the staff report dated November 19, 2008.

Councilmember Hutcheson suggested the City consider using these funds to further improve the project beyond the LEED requirements and approval process, and requested staff address the cost and process for the LEED certification.

Councilmember Weigel requested staff address building the structure that is comparable to the LEED certification, but use another type of certification.

Mayor Pro Tem Foat recommend Fred Bell, BIA, be involved in the discussion and direction toward LEED certification.

**ACTION:** Tabled to December 3, 2008. **By consensus of the City Council.**

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

**4.A. ACCEPT THE DONATION OF 17.07 ACRES OF REAL PROPERTY FROM THE SUZANNE D. PARISH REAL ESTATE TRUST TO BE PRESERVED AS OPEN SPACE AND APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE SUZANNE D. PARISH REAL ESTATE TRUST FOR THE LOT SPLIT OF APN 510-270-003:**

John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated November 19, 2008.

**ACTION:** 1) Accept the donation of 17.07 acres of real property in the Araby Cove and Araby Wash area from the Suzanne D. Parish Real Estate Trust to be preserved as open space; 2) Authorize the City Clerk to execute the Certificate of Acceptance; 3) Approve a Memorandum of Understanding with the Suzanne D. Parish Real Estate Trust for a lot split, APN 510-270-003; and 4) Authorize the City Manager to execute all necessary documents. A5756. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Foat and unanimously carried 4-0 on a roll call vote.**

**AYES:** Councilmember Hutcheson, Councilmember Weigel, Mayor Pro Tem Foat, and Mayor Pougnet.

**NOES:** None.

**ABSENT:** Councilmember Mills.

**4.B. APPROVE THE PURCHASE AND FINANCING OF THE MOTOROLA P25 800MHZ RADIO SYSTEM AS THE CITY'S PORTION OF THE**

**EASTERN RIVERSIDE COUNTY INTEROPERABILITY REGIONAL AUTHORITY (E.R.I.C.A.):**

Police Chief Dominguez provided background information as outlined in the staff report dated November 19, 2008.

Mayor Pro Tem Foat requested staff address the make-up of the E.R.I.C.A. governing board.

**ACTION:** 1) Waive the competitive requirements pursuant to Palm Springs Municipal Code Section 7.03.040; 2) Approve the purchase agreement with Motorola in an amount not-to-exceed \$3,367,000 for 911 Emergency Dispatch equipment and mobile/handheld radio units, subject to final review and approval by the City Attorney; 3) Approve the financing agreement with Municipal Finance Corporation for the purchase for a period of 10 years, in an annual amount not-to-exceed \$422,400 subject to final review and approval by the City Attorney; 4) Adopt Resolution No. 22392, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF A LEASE WITH OPTION TO PURCHASE PUBLIC SAFETY COMMUNICATIONS EQUIPMENT, AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH; and 5) Authorize the City Manager to execute all necessary documents. A5757. A5758. **Motion Councilmember Weigel, seconded by Mayor Pougnet and unanimously carried 4-0 on a roll call vote.**

**AYES:** Councilmember Hutcheson, Mayor Pro Tem Foat, Councilmember Weigel, and Mayor Pougnet.

**NOES:** None.

**ABSENT:** Councilmember Mills.

5. **NEW BUSINESS:** None.

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

Councilmember Hutcheson requested the City Manager prepare a City Council discussion on City emergency procedures and duties.

Mayor Pougnet commented on the recent emergency preparedness drill and thanked Fire Chief Goetz.

Mayor Pougnet requested staff address the fence at the prior Mac Magruder Chevrolet property.

Mayor Pro Tem Foat announced the opening on the Human Rights Commission.

Mayor Pougnet commented on the Palm Springs Unified School District Pinnacle Fund.

**ADJOURNMENT:** The City Council adjourned at 7:34 p.m. to the Regular Meeting on Wednesday, December 3, 2008, at 6:00 P.M. in the Council Chamber, City Hall, preceded by a Closed Session at 4:30 P.M., Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs. The City Council will not hold a meeting on Wednesday, November 26, 2008.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS  
3<sup>RD</sup> DAY OF DECEMBER, 2008.**

  
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STEPHEN P. POUGNET, MAYOR

ATTEST:

  
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JAMES THOMPSON, CITY CLERK