

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



**MINUTES  
WEDNESDAY, DECEMBER 3, 2008  
City Hall Council Chamber**

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:05 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 Mills, Councilmember Weigel, 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 presented John Lea of the Desert Veterans Memorial Association a Certificate of Recognition, and thanked the Association for their volunteer service and funding of the Veteran Holidays in the City of Palm Springs.

Police Chief Dominguez administered the Oath of Office to Police Officer Byron Farley, and introduced the new Officer to the Mayor and Members of the City Council.

Mayor Pougnet and the City Council presented a Certificate of Appreciation to John Raymond, Director of Community and Economic Development, for his many years of service to the City and the Community.

**REPORT OF CLOSED SESSION:** City Attorney Holland reported that at 4:30 p.m. the City Council recessed into Closed Session to discuss Items on the posted Closed Session Agenda.

City Attorney Holland stated the City Council authorized the City Attorney to file a Notice of Appeal for the Existing Litigation *Palm Springs Investment Company, L.P. v. City of Palm Springs*, Case Nos. INC 070629 and INC 070631, and authorized Staff to execute a Settlement Agreement for the Existing Litigation *Century Homes Communities v. City of Palm Springs*, Case No. RIC 494026 in conjunction with the other named parties, otherwise no reportable actions were taken. A5760.

## **ACCEPTANCE OF THE AGENDA:**

Councilmember Mills noted his abstention on Consent Calendar Item 2.B.

Councilmember Weigel requested Item RA1. be removed from the Community Redevelopment Agency Consent Calendar for separate discussion.

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

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

#### **1.A. FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (FINAL SEIR) FOR THE SECTION 14 MASTER DEVELOPMENT PLAN/SPECIFIC PLAN:**

Craig Ewing, Director of Planning Services, recommended the City Council take public testimony and continue the public hearing to January 7, 2009.

Councilmember Weigel stated the staff report did not address subsidence, and requested staff address such at the continued public hearing.

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

**ACTION:** 1) Continue the Public Hearing to January 7, 2009; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Mayor Pro Tem Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

#### **1.B. APPLICATION TO AMEND THE PALM SPRINGS ZONING CODE RELATING TO THE LOCATION AND OPERATION OF MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES:**

Craig Ewing, Director of Planning Services, requested the City Council continue the public hearing to January 7, 2009.

**ACTION:** 1) Continue the Public Hearing to January 7, 2009; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Councilmember Weigel, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

The Community Redevelopment Agency convened at 6:42 p.m. for a Joint Public Hearing with the City Council.

**1.C. 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 a future date with no public testimony; and 2) Direct the City Clerk to re-notice. **Motion Councilmember Mills, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

**PUBLIC COMMENT:**

ROXANNE MISHLER, commented on the recent article in the Desert Sun regarding the lack of shopping and business community in the Downtown area.

MIKA MOULTON, provided an update to the City Council of activities of the non-profit organizations of Christopher's Club House and the Desert Philanthropic Foundation.

PHYLLIS BURGESS, commented on a recent incident at a protest event with respect to Proposition 8.

JIM FRANKLIN, commented on Community Redevelopment Agency Item RA1., requested the City address any proposed redevelopment at the Village Green, and a status on the State Redevelopment Budget.

JAN CAMPBELL, Palm Springs, commented on the proposed development of the Desert Fashion Plaza and the former Desmonds in the Downtown area.

BOB THOMAS, commented on the vacancies in the Downtown areas, stated he opened a holiday store in the Downtown area, and expressed concerned with the BID and the lack of a provision for short-term temporary businesses.

MARY LOU FEENSTRA, stated her support on Item 5.A., the establishment of a Neighborhood Organization Identification Street Sign Program.

JOY MEREDITH, Palm Springs, provided an update on the activities in the Downtown area and at Mainstreet.

**COUNCILMEMBER COMMENTS:** None.

**CITY MANAGER'S REPORT:**

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

**RA. COMMUNITY REDEVELOPMENT AGENCY:**

**RA1. CALLING THE NOTE AND APPROVING THE PAYMENT FROM THE COMMUNITY REDEVELOPMENT AGENCY TO THE CITY FOR REDUCTION OF THE PRINCIPAL OF THE NOTE TITLED PROMISSORY NOTE VILLAGE GREEN DATED FEBRUARY 7, 2008:**

City Manager Ready provided background information as outlined in the staff report dated December 3, 2008, and stated the use of the funds for the renovation of Wyndham Hotel to the Renaissance and the Reservation System.

**ACTION:** 1) [City Council] 1) Adopt Resolution No. 22393, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CALLING AND ACCEPTING THE REPAYMENT OF \$1,300,000 IN PRINCIPAL BY THE COMMUNITY REDEVELOPMENT AGENCY UNDER THE NOTE TITLED PROMISSORY NOTE VILLAGE GREEN, DATED FEBRUARY 7, 2008;" 2) Adopt Resolution No. 22394, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2008-09;" 3) [Community Redevelopment Agency] Adopt Resolution No. 1370, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2008-09;" and 4) Authorize the City Manager/Executive Director to execute all necessary documents related to the payment from the Community Redevelopment Agency to the City of Palm Springs. **Motion Mayor Pro Tem Foat, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

The City Council recessed at 7:06 p.m., and the Community Redevelopment Agency continued.

The City Council requested the City Manager schedule a Study Session Item on the Procurement Process.

The Community Redevelopment Agency adjourned at 7:21 p.m., and the City Council reconvened.

**2. CONSENT CALENDAR:**

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

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

**ACTION:** Receive and file Report on the Posting of the December 3, 2008, City Council Agenda. **Approved as part of the Consent Calendar.**

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

**ACTION:** 1) Approve the City Council Minutes of November 19, 2008; and 2) Approve the Housing Authority Minutes of November 19, 2008. **Approved as part of the Consent Calendar, noting the abstention of Councilmember Mills.**

**2.C. APPROVAL OF CLAIMS AND DEMANDS:**

**ACTION:** 1) Adopt Resolution No. 22395, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1031864 THROUGH 1032026 IN THE AGGREGATE AMOUNT OF \$1,736,029.93, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

**2.D. ADOPTION OF A CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974:**

**ACTION:** Adopt Resolution No. 22396, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A CONFLICT OF INTEREST CODE AND SUPERSEDING PREVIOUS RESOLUTIONS WITH RESPECT TO THE CONFLICT OF INTEREST CODE." **Approved as part of the Consent Calendar.**

**2.E. REQUEST BY SMART & FINAL FOR A RESOLUTION OF PUBLIC CONVENIENCE (CASE: 5.1161-PCN1) IN ORDER TO SELL BEER, WINE AND SPIRITS AT THE GENE AUTRY PLAZA LOCATED AT THE SOUTHEAST CORNER OF GENE AUTRY TRAIL AND RAMON ROAD:**

**ACTION:** Adopt Resolution No. 22397, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER, WINE AND SPIRITS AT THE SOUTHEAST CORNER OF GENE AUTRY TRAIL AND RAMON ROAD, ZONE W-M-1, SECTION 20." **Approved as part of the Consent Calendar.**

**2.F. REQUEST BY D.R. WEST, LLC, FOR A RESOLUTION OF PUBLIC CONVENIENCE (CASE: 5.1161-PCN2) IN ORDER TO SELL BEER AND WINE AT THE GENE AUTRY PLAZA LOCATED AT THE SOUTHEAST CORNER OF GENE AUTRY TRAIL AND RAMON ROAD:**

**ACTION:** Adopt Resolution No. 22398, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER AND WINE AT THE SOUTHEAST CORNER OF GENE AUTRY TRAIL AND RAMON ROAD,

**ZONE W-M-1, SECTION 20." Approved as part of the Consent Calendar.**

- 2.G. REQUEST BY MEHUL SHAH OF SHRIJI ENTERPRISES, INC. FOR A RESOLUTION OF PUBLIC CONVENIENCE (CASE: 5.1213-PCN) IN ORDER TO ALLOW WINE TASTING AT THE EXISTING FAME TOBACCONIST STORE LOCATED AT 155 SOUTH PALM CANYON DRIVE, SUITE A-3:**

**ACTION:** Adopt Resolution No. 22399, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER AND WINE AT 155 SOUTH PALM CANYON DRIVE, SUITE A-3, ZONE C-B-D, SECTION 15." **Approved as part of the Consent Calendar.**

- 2.H. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE FISCAL YEAR 2008-09 ANNUAL SLURRY SEAL, CP 08-27:**

**ACTION:** Approve the specifications and working details for the Fiscal Year 2008-09 Annual Slurry Seal, CP 08-27, and authorize staff to advertise and solicit bids. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:** None.

**3. LEGISLATIVE:**

- 3.A. ESTABLISHMENT OF A PASSENGER BILL OF RIGHTS FOR THE BENEFIT OF USERS OF GROUND TRANSPORTATION COMMERCIAL VEHICLES AT THE PALM SPRINGS INTERNATIONAL AIRPORT:**

City Manager Ready and Airport Commissioner Nancy Doria, provided background information as outlined in the staff report dated December 3, 2008.

The City Council discussed and/or commented on the following with respect to the Ordinance and the Passenger Bill of Rights: education program for the taxi drivers, enforcement programs, if a GPS system could be required in the future, and thanked staff, the subcommittee and the commission for their work.

**ACTION:** 1) Waive the reading of the ordinance text in its entirety and read by title only; and 2) Introduce on first reading Ordinance No. 1754, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 16.02.095 TO, AMENDING SECTIONS 16.02.015 AND 16.36.020 AND SUBSECTION (a) OF SECTION 16.36.030 AND SUBSECTION (c) OF SECTION 16.36.045 TO, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE ESTABLISHMENT OF A PASSENGER BILL OF RIGHTS FOR THE BENEFIT OF USERS OF

**GROUND TRANSPORTATION COMMERCIAL VEHICLES AT THE PALM SPRINGS INTERNATIONAL AIRPORT." Motion Councilmember Weigel, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**4. UNFINISHED BUSINESS:**

**4.A. 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 dated December 3, 2008.

Mayor Pro Tem Foat requested staff address if LEED Certification can be obtained post development, expressed her concern with the cost of the certification, and noted the similarities of the LEED program and the California Green Builder Program.

Councilmember Hutcheson stated his concerns with the cost of the LEED certification, but expressed his support for the computer modeling toward energy savings.

Councilmember Mills stated the City should build to the LEED standard, and proceed with the LEED standard design process within the current architectural agreement, but not hire the certification processor and pay a certification fee.

**ACTION:** Not proceed with LEED certification, but direct staff to proceed with the Energy Modeling services. **Motion Mayor Pro Tem Foat, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

**5. NEW BUSINESS:**

**5.A. ESTABLISHMENT OF A NEIGHBORHOOD ORGANIZATION IDENTIFICATION STREET SIGN PROGRAM:**

Lee Husfeldt, Director of Neighborhood and Community Relations, provided background information as outlined in the staff report dated December 3, 2008.

The City Council discussed and/or commented on the following with respect to the Neighborhood Sign Program, adequate placement and spacing of signs throughout the district, potential theft, sign size and bracketing, and thanked the Neighborhood Organizations for their input and excitement with the program.

**ACTION:** Adopt Resolution No. 22400, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING A NEIGHBORHOOD ORGANIZATION IDENTIFICATION STREET SIGN PROGRAM THROUGH THE OFFICE OF NEIGHBORHOOD INVOLVEMENT." **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

**5.B. AGREEMENT WITH THE PLAZA RACQUET CLUB FOR THE CITY'S FINANCIAL PARTICIPATION FOR THE RESURFACING OF THREE TENNIS COURTS, NOT TO EXCEED \$5,000:**

City Manager Ready provided background information as outlined in the staff report dated December 3, 2008.

Councilmember Mills stated the facility is City owned, but required to be maintained by the operator, expressed his thanks to the operator on the improvements to the facility and his offer to pay a portion of the cost of the recommended improvements.

**ACTION:** 1) Approve an agreement with The Plaza Racquet Club for the City's financial participation for the resurfacing of three (3) tennis courts in an amount not to exceed \$5,000 subject to review and approval by the City Attorney; and 2) Authorize the City Manager to execute all necessary documents. A5761. **Motion Mayor Pro Tem Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**5.C. PALM SPRINGS INTERNATIONAL AIRPORT RECYCLING PLAN:**

David Barakian, City Engineer, provided background information as outlined in the staff report dated December 3, 2008.

**ACTION:** Adopt Resolution No. 22401, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A RECYCLING POLICY FOR THE PALM SPRINGS INTERNATIONAL AIRPORT." **Motion Mayor Pro Tem Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**5.D. PURCHASE OF 4 NEW FORD CROWN VICTORIA POLICE VEHICLES FOR USE BY THE POLICE DEPARTMENT:**

David Barakian, City Engineer, provided background information as outlined in the staff report dated December 3, 2008.

**ACTION:** Approve the cooperative purchase of one (1) CNG powered new 2009 Ford Crown Victoria Police Interceptor in the amount of \$42,226.28 and three (3) gasoline powered new 2009 Ford Crown Victoria Police Interceptors in the amount of \$23,864.60 each, for a total purchase amount for all 4 vehicles of \$113,820.08 from Wondries Ford of Alhambra,

California. **Motion Councilmember Mills, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

**5.E. APPOINTMENT TO THE BOARD OF LIBRARY TRUSTEES FOR THE TERM ENDING JUNE 30, 2010:**

**ACTION:** Appoint David Gray to the Board of Library Trustees for the unexpired term ending June 30, 2010. **Motion Mayor Pro Tem Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

The City Council requested the City Manager schedule a Study Session on the Commission and Board appointment and review process.

**5.F. APPOINT TWO MEMBERS OF THE CITY COUNCIL TO THE TAHQUITZ MEDIAN LANDSCAPE DESIGN SUBCOMMITTEE:**

**ACTION:** Appoint Councilmember Hutcheson and Councilmember Mills to the City Council Tahquitz Median Landscape Design Subcommittee. **Motion Mayor Pougnet, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

**5.G. CITY COUNCIL RULES OF PROCEDURE REGARDING PUBLIC COMMENTS:**

Councilmember Weigel stated that until recently the City Council has not responded to public comments during public comments, requested the City Attorney address the length of time for an individual to speak during public comments, and expressed concern that if the City Council is responding to a public speaker during public comment it shorts the public speaker of time.

No action taken.

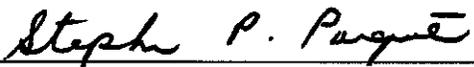
**5.H. APPOINTMENT OF MAYOR PRO TEMPORE FOR THE TERM ENDING DECEMBER, 2009:**

**ACTION:** Appoint Councilmember Mills as Mayor Pro Tempore for the term ending December, 2009. **Motion Mayor Pro Tem Foat, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

**COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:** None.

**ADJOURNMENT:** The City Council adjourned at 8:22 p.m. to, Wednesday, December 10, 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.

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

  
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STEPHEN P. POUGNET, MAYOR

ATTEST:

  
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JAMES THOMPSON, CITY CLERK