

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



MINUTES  
WEDNESDAY, MAY 13, 2009  
City Hall Council Chamber

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:04 p.m.

**PLEDGE OF ALLEGIANCE:** Mayor Pougnet led the Pledge.

**ROLL CALL:**

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

**ABSENT:** None.

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

**PRESENTATIONS:** Mayor Pougnet presented an update on the recent United for the Valley event in support of AB1318.

**REPORT OF CLOSED SESSION:** City Attorney Holland reported that 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. No reportable actions were taken.

**ACCEPTANCE OF THE AGENDA:**

Mayor Pougnet requested Item 2.E. be removed from the Consent Calendar for separate vote.

Councilmember Mills requested Item 2.F. be removed from the Consent Calendar for separate discussion.

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

**1. PUBLIC HEARINGS:**

**1.A. JOINT MEETING WITH THE SUSTAINABILITY COMMISSION AND PUBLIC DISCUSSION ON THE CITY OF PALM SPRINGS SUSTAINABILITY MASTER PLAN AND CITY COUNCIL PUBLIC HEARING APPROVING THE PALM SPRINGS ENERGY EFFICIENCY PROGRAM AND THE REPORT PREPARED BY THE AUTHORIZED OFFICER, ESTABLISHING A CONTRACTUAL ASSESSMENT**

**PROGRAM TO FINANCE (AB811) ENERGY IMPROVEMENTS, AND CONFIRMING ASSESSMENTS TO BE LEVIED:**

**ACTION:** 1) Continue the Joint Meeting and the Public Hearing to May 27, 2009 with no public testimony at this time; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

**1.B. PROPOSED DRAFT SPECIFIC PLAN (GENERAL PLAN AND ZONING TEXT AMENDMENTS) FOR MUSEUM MARKET PLAZA (CASE 5.1204) TO ALLOW UP TO 955 HIGH-DENSITY RESIDENTIAL UNITS, UP TO 400,000 SQUARE FEET OF COMMERCIAL RETAIL AND OFFICE SPACE, AND UP TO 620 HOTEL ROOMS LOCATED AT THE NORTHWEST CORNER OF N. PALM CANYON DRIVE AND TAHQUITZ CANYON WAY, AND OTHER NEARBY PROPERTIES:**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated May 13, 2009, and the status of the current application of the Wessman Renovation Project.

The City Council discussed the conformity issue, and the incorporation of the Desert Fashion Plaza Renovation Plan into the Specific Plan, requested staff clarify the letter received from Wessman Development that the proposed Specific Plan will not inhibit Wessman Development with respect to the Desert Fashion Plaza renovation project.

**ACTION:** Incorporate the Desert Fashion Plaza Renovation Plan into the Specific Plan. **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

The City Council discussed the merits of the five options presented by Staff for the final disposition of the Town and County Center.

**ACTION:** Incorporate Option No. 4 *Identify that the Town and Country Center is a significant architectural resource and that the provision of an east-west vehicle link is a critical objective of the Specific Plan; and Determine that any decision on the final alignment of such access and its location relative to the Town and Country Center will be addressed concurrently with the consideration of a specific development project for Block K.* **Motion Councilmember Foat, seconded by Mayor Pougnnet and carried 3-2 on a roll call vote.**

**AYES:** Councilmember Foat, Councilmember Hutcheson, and Mayor Pougnnet.

**NOES:** Councilmember Weigel and Mayor Pro Tem Mills.

The City Council discussed the boundaries and the deletion of Blocks J and L from the Specific Plan.

**ACTION:** Delete Block J and Block L from the Specific Plan. **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and carried 4-1 on a roll call vote.**

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

**PUBLIC COMMENT:**

City Manager Ready requested the City Council consider the addition of one Item to the Consent Calendar Agenda titled *PROPOSED RESOLUTION DECLARING THE CITY OF PALM SPRINGS IS EXPERIENCING A SEVERE FISCAL HARDSHIP DUE TO THE STATE'S SEIZURE OF LOCAL PROPERTY TAX FUNDS AND THE CONTINUED ADOPTION OF UNFUNDED MANDATES BY THE STATE OF CALIFORNIA.*

**ACTION:** 1) Make the finding the Item came to the attention of the City after the posting of the Agenda and there is an immediate need to take action on the Item; and 2) Add to the Consent Calendar Item 2.J. *"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS CALIFORNIA, DECLARING THE CITY OF PALM SPRINGS IS EXPERIENCING A SEVERE FISCAL HARDSHIP DUE TO THE STATE'S SEIZURE OF LOCAL PROPERTY TAX FUNDS AND THE CONTINUED ADOPTION OF UNFUNDED MANDATES BY THE STATE OF CALIFORNIA."* **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

RODOLFO CASTILLO, commented on the Downtown Business Improvement District.

WENDIE BUSIG-KOHN, announced the recent passing of Donny Frank.

PHYLLIS BURGESS, commented on enhancements to the Palm Springs Museum, development for commercial development, boycotts, and the budget.

DREW SWEATTE, commented on the economic devastation for the businesses in the Downtown area, and commented on the Historic Site designation of the Town and Country Center.

TODD HOOKS, Chamber of Commerce, commented on the Historic Designation of the La Serena Villas.

DIEGO HEREDIA, commented on the designation of the La Serena Villas as a Class 1 Historic Site, and stated the Resolution does not support the designation.

STEVE ROSENBERG, commented on the connector in the Downtown and the Town and Country Center, the status of the Airport Budget, and the status of the Airport Commissioners.

JOY MEREDITH, commented on the Downtown Business Improvement District Bylaws, and commented on the recent passing of Donny Frank.

JOHN TYMON, commented on the recent passing of Donny Frank.

**COUNCILMEMBER COMMENTS:**

Councilmember Foat requested the City Manager review the current issues surrounding the BID Bylaws, and requested Joy Meredith address the vacancies in the Downtown area.

**CITY MANAGER'S REPORT:**

**2. CONSENT CALENDAR:**

Councilmember Mills requested Item 2.F. be returned to the Consent Calendar.

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.D., 2.F., 2.G., 2.H., 2.I., and added Item 2.H. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Mills 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 May 13, 2009, City Council Agenda. **Approved as part of the Consent Calendar.**

**2.B. AMENDMENT TO THE CONSULTING SERVICES AGREEMENT WITH BARTLE WELLS ASSOCIATES FOR A WASTEWATER RATE STUDY:**

**ACTION:** 1) Approve Amendment No. 1 to Agreement No. A5572 with Bartle Wells Associates in the amount of \$33,000 for a total revised contract amount of \$38,000 for wastewater rate study services; and 2) Authorize the City Manager to execute the Amendment to the Agreement. A5572. **Approved as part of the Consent Calendar.**

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

**ACTION:** 1) Adopt Resolution No. 22478, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1035277 THROUGH 1035400 IN THE AGGREGATE AMOUNT OF \$2,228,193.57, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

**2.D. STAFF AUTHORIZED AGREEMENTS FOR APRIL, 2009:**

**ACTION:** Receive and file Staff Authorized Agreements covering the period April 1, 2009 through April 30, 2009. **Approved as part of the Consent Calendar.**

- 2.F. WEST FACADE OF THE PALM SPRINGS INTERNATIONAL AIRPORT DESIGNATION OF A PORTION OF THE PROPERTY LOCATED AT 3400 EAST TAHQUITZ CANYON WAY AS A CLASS 1 HISTORIC SITE (CASE HSBP-70):**  
**ACTION:** Adopt Resolution No. 22480, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE WEST FACADE OF THE PALM SPRINGS INTERNATIONAL AIRPORT LOCATED AT 3400 EAST TAHQUITZ CANYON WAY AS A CLASS 1 HISTORIC SITE." **Approved as part of the Consent Calendar.**
- 2.G. APPROVAL OF QUITCLAIM DEEDS TO RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT RELATED TO PALM SPRINGS MASTER DRAINAGE PLAN LINES 31 AND 32, IN SECTION 7, TOWNSHIP 4 SOUTH, RANGE 5 EAST, FILE R 09-04:**  
**ACTION:** 1) Approve the transfer of Storm Drain Easements for RCFC Parcel No. 6184-500 and RCFC Parcel No. 6185-500 within the Palm Springs Classic (Escena) Development to Riverside County Flood Control and Water Conservation District; and 2) Authorize the City Manager to execute the Quitclaim Deeds. **Approved as part of the Consent Calendar.**
- 2.H. SUMMARY VACATION OF A 30-FOOT WIDE PUBLIC ROADWAY EASEMENT IN SECTION 15, TOWNSHIP 3 SOUTH, RANGE 4 EAST (FILE R 09-06):**  
**ACTION:** Adopt Resolution No. 22481 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUMMARILY VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE AND INTEREST IN A 30-FOOT WIDE PUBLIC ROADWAY EASEMENT DESCRIBED IN INSTRUMENT RECORDED DECEMBER 4, 1953, BOOK 1532, PAGE 136, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, IN SECTION 15, TOWNSHIP 3 SOUTH, RANGE 4 EAST, FILE R 09-06." **Approved as part of the Consent Calendar.**
- 2.I. APPROVE PURCHASE OF 1 NEW CNG POWERED KENWORTH T-800 10 YARD DUMP TRUCK FOR USE BY THE PUBLIC WORKS DEPARTMENT:**  
**ACTION:** 1) Approve the purchase of one (1) CNG powered new Kenworth T-800 10 yard dump truck in the amount of \$292,460.63 from Inland Kenworth Inc., of Montebello, California; 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**
- 2.J. PROPOSED RESOLUTION DECLARING THE CITY OF PALM SPRINGS IS EXPERIENCING A SEVERE FISCAL HARDSHIP DUE TO THE STATE'S SEIZURE OF LOCAL PROPERTY TAX FUNDS AND**

**THE CONTINUED ADOPTION OF UNFUNDED MANDATES BY THE STATE OF CALIFORNIA:**

**ACTION:** Adopt Resolution No. 22483, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS CALIFORNIA, DECLARING THE CITY OF PALM SPRINGS IS EXPERIENCING A SEVERE FISCAL HARDSHIP DUE TO THE STATE'S SEIZURE OF LOCAL PROPERTY TAX FUNDS AND THE CONTINUED ADOPTION OF UNFUNDED MANDATES BY THE STATE OF CALIFORNIA."  
**Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.E. LA SERENA VILLAS DESIGNATION OF THE PROPERTY LOCATED AT 339 SOUTH BELARDO ROAD AN HISTORIC SITE (CASE HSPB-69):**

Mayor Pro Tem Mills commented on the designation and his request for only the style and site plan be considered as a Class 1 site.

Councilmember Foat stated the Neighborhood Organization is meeting with the Hotel owners to address their concerns.

Councilmember Weigel stated that the owners stated tonight that they did not want to tear down the structures, indicated he would change his vote, and not support the designation as proposed.

**ACTION:** Adopt Resolution No. 22479, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE 'LA SERENA VILLAS' LOCATED AT 339 SOUTH BELARDO ROAD A CLASS 1 HISTORIC SITE." **Motion Councilmember Hutcheson, seconded by Councilmember Foat and carried 3-2 on a roll call vote.**

**AYES:** Councilmember Foat, Councilmember Hutcheson, and Mayor Pougnet.

**NOES:** Mayor Pro Tem Mills and Councilmember Weigel.

**3. LEGISLATIVE:** None.

**4. UNFINISHED BUSINESS:**

**4.A. CONTINUED DISCUSSION FISCAL YEAR 2009-10 PRELIMINARY BUDGET:**

City Manager Ready provided an update on the status of the City's budget.

Councilmember Foat commented on a recent article in the Desert Sun.

No action taken.

**5. NEW BUSINESS:**

**5.A. AMENDMENT NO. 1 TO THE FISCAL YEAR 2008-09 ALLOCATED POSITIONS AND COMPENSATION PLAN:**

City Manager Ready provided background information as outlined in the staff report dated May 13, 2009.

Councilmember Weigel requested staff address the funding and the restrictions on the Sustainability Fund.

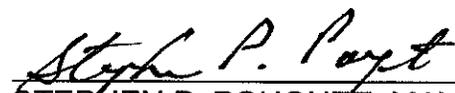
**ACTION:** Adopt Resolution No. 22482, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2008-09, ADOPTED BY RESOLUTION 22264." **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

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

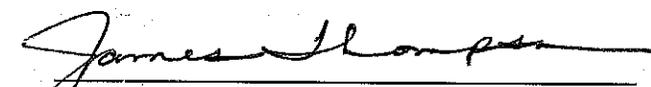
Mayor Pougnet commented on the recent passing of former Councilmember F. Thomas Kieley, Jr.

**ADJOURNMENT:** The City Council adjourned at 8:04 p.m. *in memory of former Councilmember F. Thomas Kieley, Jr.* to an Adjourned Regular Meeting, Wednesday, May 27, 2009, at 6:00 P.M. 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, May 20, 2009.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 27<sup>TH</sup> DAY OF MAY, 2009.**

  
STEPHEN P. POUGNET, MAYOR

ATTEST:

  
JAMES THOMPSON, CITY CLERK