

CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA



MINUTES
WEDNESDAY, FEBRUARY 9, 2011
Palm Springs Convention Center, Primrose Room

CALL TO ORDER: Mayor Pougnet called the meeting to order at 5:00 p.m.

ROLL CALL:

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

ABSENT: None.

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

PUBLIC COMMENT: None.

RECESS TO CLOSED SESSION: The City Council recessed into Closed Session to discuss Items on the posted Closed Session Agenda.

RECONVENE TO OPEN SESSION: The City Council reconvened at 6:07 p.m.

REPORT OF CLOSED SESSION: City Attorney Holland stated that the City Council recessed into Closed Session to discuss Items on the posted Closed Session Agenda. City Attorney Holland reported that the City Council directed staff to continue to negotiate for the acquisition of Desert Fashion Plaza and the Town & Country Center and also directed staff to commence negotiation of an owner participation agreement with the property owner for the redevelopment of the Desert Fashion Plaza and the Town and Country.

ADJOURNMENT: The City Council adjourned at 6:08 p.m. to the next regular meeting of the City Council to be held on Wednesday, February 16, 2011, 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
16th DAY OF FEBRUARY, 2011.**

STEPHEN P. POGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

Item No. **2.B.**

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



**MINUTES
WEDNESDAY, FEBRUARY 16, 2011
Council Chamber**

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

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

INVOCATION: Pastor Mike Coppersmith, Our Savior's Community Church, led the Invocation.

ROLL CALL:

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

ABSENT: None.

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

PRESENTATIONS:

Scott Ventura, Fire Chief, provided an update on the upcoming CERT Training.

Mayor Pougnet provided an update on the recent State of the City Address, announced the grand opening of the Mercedes-Benz dealership in Palm Springs and the upcoming Modernism Week activities.

Councilmember Foat recognized Stephen Boyd who presented a donation check from the Friends of the Shelter for the Palm Springs Animal Shelter.

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. No reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

Councilmember Foat noted her property related abstention on Consent Calendar Item 2.L.

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

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

1. **PUBLIC HEARINGS:** None.

PUBLIC COMMENT:

LORI KIRSHNER, commented on Item 2.I. and requested the City Council deny the sponsorship and not allow the Frank Bogert Memorial Rodeo in the City of Palm Springs.

NEJAT KOHAN, commented on Item 2.L. and complimented the City Council for their support of the Spanish Inn, and requested the City Council support Item 2.L.

REVONE BAUWENS, requested the City Council consider shutting down the co-gen plant and substitute solar and wind energy.

MARILYN RAMOS, commented on Item 2.I. and requested the City Council deny the sponsorship and not allow the Frank Bogert Memorial Rodeo in the City of Palm Springs.

TRAVIS ARMSTRONG, commented on the Palm Springs Dog Park, stated some users have formed a group Friends of the Palm Springs Dog Park, and commented on the lack of maintenance at the Park.

MARISA SERRANO, commented on Item 2.I. and requested the City Council deny the sponsorship and not allow the Frank Bogert Memorial Rodeo in the City of Palm Springs.

DAVID MARTIN, representing ICUC, commented on the recent evacuation of the apartments on Via Lola, spoke in support of the evacuees, commented on the conditions at the property, and requested the City work with organizations like ICUC regarding this issue.

KEN WOODS, commented on the recent evacuation of the apartments on Via Lola, spoke in support of the evacuees, commented on the conditions at the property, and requested the City work with organizations like ICUC regarding this issue.

ERLYN GARRISON, commented on Item 2.I. and requested the City Council deny the sponsorship and not allow the Frank Bogert Memorial Rodeo in the City of Palm Springs.

TAMARA HEDGES, commented on Item 2.I. and requested the City Council deny the sponsorship and not allow the Frank Bogert Memorial Rodeo in the City of Palm Springs.

PAULY SCHWENK, requested the City Council consider granting a medical cannabis permit to CAPS.

RICK PANTELE, commented on medical cannabis collectives in the City of Palm Springs, and requested the City consider CAPS.

SERG VOVK, requested the City Council consider granting a medical cannabis permit to CAPS.

COUNCILMEMBER COMMENTS:

Councilmember Foat commented on the services at Roy's Desert Resource Center, thanked staff for the efforts on the dog park, commented on the medical cannabis facility operated by CAPS and requested staff place a discussion of CAPS on an upcoming City Council agenda.

Councilmember Hutcheson requested a discussion on CAPS on a future agenda, requested a status of the third licensee, and requested staff provide a recap of rentable retail space in the City.

Councilmember Mills stated he would prefer a report on the opening of the third medical cannabis provider.

Mayor Pro Tem Weigel stated he would prefer a report on the opening of the third medical cannabis provider.

CITY MANAGER'S REPORT: City Manager Ready requested Kevin Towner, Chair PSNIC, provide an update on the recent accomplishments of the Palm Springs Neighborhood Involvement Committee.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., 2.H., 2.J., 2.K., 2.L., 2.M., and 2.N. **Motion Councilmember Mills, 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 February 16, 2011, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of February 2, 2011. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 22873, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 01-22-11 BY WARRANTS NUMBERED 416438 THROUGH 416467 TOTALING \$38,478.99, LIABILITY CHECKS NUMBERED 1046821 THROUGH 1046842 TOTALING \$125,042.00, FIVE WIRE TRANSFERS FOR \$46,534.86, AND THREE ELECTRONIC ACH DEBITS OF \$969,614.08, IN THE AGGREGATE AMOUNT OF \$1,179,669.93, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22874, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1046843 THROUGH 1046873 IN THE AGGREGATE AMOUNT OF \$219,417.08, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 22875, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1046874 THROUGH 1046999 IN THE AGGREGATE AMOUNT OF \$710,697.97, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF JANUARY 2011:

ACTION: Receive and file Staff Authorized Agreements and Purchase Orders for the period of January 1 through January 31, 2011. **Approved as part of the Consent Calendar.**

2.E. TREASURER'S INVESTMENT REPORT AS OF DECEMBER 31, 2010:

ACTION: Receive and file the Treasurer's Investment Report as of December 31, 2010. **Approved as part of the Consent Calendar.**

2.F. IMPROVEMENTS AND UPGRADES TO CITY PARKS AND SWIM CENTER:

ACTION: 1) Approve an additional project funded by the Parks Bond Funds; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

2.G. AMENDMENT NO. 3 TO AGREEMENT NO. A4780 WITH DOKKEN ENGINEERING FOR THE BELARDO ROAD BRIDGE & ROADWAY WIDENING (CP 87-49):

ACTION: 1) Approve Amendment No. 3 to Agreement No. A4780 with Dokken Engineering, in the amount of \$10,000 for a total revised contract amount of \$458,640, for the Belardo Road Bridge and Roadway Widening (CP No. 87-49); and 2) Authorize the City Manager to execute all

necessary documents. A4780. **Approved as part of the Consent Calendar.**

2.H. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF COACHELLA TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING DECEMBER 31, 2011:

ACTION: Appoint Councilmember Arturo Aviles, as the City of Coachella representative, to the Palm Springs International Airport Commission for the term ending December 31, 2011. **Approved as part of the Consent Calendar.**

2.J. TWO-HOUR PARKING ON THE SOUTH SIDE OF THE EAST PALM CANYON DRIVE FRONTAGE ROAD BETWEEN THE WEST COMMENCEMENT OF FRONTAGE ROAD AND CERRITOS ROAD:

ACTION: Adopt Resolution No. 22876, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING AND APPROVING TWO-HOUR PARKING ON THE SOUTH SIDE OF THE EAST PALM CANYON DRIVE FRONTAGE ROAD BETWEEN THE WEST COMMENCEMENT OF FRONTAGE ROAD AND CERRITOS ROAD." **Approved as part of the Consent Calendar.**

2.K. RATIFICATION OF THE 1.3% ANNUAL ADJUSTMENT OF THE ACCESS LINE RATE APPROVED BY THE VOTERS BY MEASURE "G" PURSUANT TO PALM SPRINGS MUNICIPAL CODE §3.39.050:

ACTION: Adopt Resolution No. 22877, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, RATIFYING THE ANNUAL ADJUSTMENT OF THE ACCESS LINE RATE PURSUANT TO PALM SPRINGS MUNICIPAL CODE §3.39.050 APPROVED BY THE VOTERS BY MEASURE 'G'." **Approved as part of the Consent Calendar.**

2.L. REIMBURSEMENT AGREEMENT FOR MOVIE COLONY TRAFFIC CALMING PROGRAM IMPROVEMENTS CONSTRUCTED BY SPANISH INN, INC:

ACTION: 1) Approve a Reimbursement Agreement with the Spanish Inn, Inc. for the Movie Colony Traffic Calming Program Street Improvements; and 2) Authorize the City Manager to execute all necessary documents. A6065. **Approved as part of the Consent Calendar, noting the property related abstention of Councilmember Foat.**

2.M. ACCEPTANCE OF OPERATIONS COVENANT FROM PACIFICA COLONY PALMS, THE OPERATOR OF THE COLONY PALMS HOTEL, PURSUANT TO THE CITY'S HOTEL OPERATIONS INCENTIVE PROGRAM:

ACTION: 1) Accept the Operations Covenant between the City of Palm Springs and Pacifica Colony Palms in conjunction with the City's Hotel

Operations Incentive Program; and 2) Authorize the City Manager to execute all necessary documents. A6066. **Approved as part of the Consent Calendar.**

2.N. PURCHASE OF KENNELS AND INTAKE CAGES FOR THE PALM SPRINGS ANIMAL CARE FACILITY PROJECT:

ACTION: 1) Waive the competitive requirements of Palm Springs Municipal Code Section 7.04.020 and award a sole source purchase to SHOR-LINE in the amount of \$117,121.62 for the purchase of kennels and intake cages; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.I. INVITATION TO SPONSOR THE PALM SPRINGS WESTFEST AND FRANK BOGERT MEMORIAL RODEO MARCH 24 THROUGH MARCH 27, 2011:

Councilmember Mills stated the attraction of events is a City goal, and requested the City Council consider the sponsorship and waiving the banner fee.

Councilmember Foat commented on the treatment of animals at the rodeo and violations of this promoter.

Mayor Pro Tem Weigel commented on the treatment of the animals, requested a report of any complaints from the last event in Palm Springs, and requested the City have someone present to address any violations of law.

Councilmember Mills requested a report of any incidents reported at the prior event, and requested the City have Animal Control staff or other type of professional on site during the event.

Mayor Pougnet stated he does not support this request for sponsorship, but would not support a prohibition of a rodeo in Palm Springs.

Councilmember Foat commented on the use of electric prods, and stated her support for having a professional monitor at this event.

Councilmember Hutcheson stated he does not support this event for this year, and commented on the City Council goal to attract events, and suggested the City Council consider sponsorship after review in future years.

No action taken on the request for sponsorship or the waiver of banner fees.

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS:

4.A. MUSEUM MARKET PLAZA SPECIFIC PLAN MONTHLY UPDATE:

Mayor Pougnet commented on the next study session for the vision of the properties at the current Desert Fashion Plaza site.

No action taken.

5. NEW BUSINESS: None.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

ADJOURNMENT: The City Council adjourned at 7:38 p.m. to the next regular meeting, Wednesday, March 2, 2011, at 6:00 P.M. at the Palm Springs Convention Center, 277 North Avenida Caballeros, Palm Springs, preceded by Closed Session at the Palm Springs Convention Center, 277 North Avenida Caballeros, Palm Springs.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS
2ND DAY OF MARCH, 2011.**

STEPHEN P. POUGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK