

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



**MEETING MINUTES
WEDNESDAY, FEBRUARY 1, 2012
CITY COUNCIL CHAMBER**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:11 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 Lewin, Councilmember Mills, 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 proclaimed February 2012, Black History Month in the City of Palm Springs.

Mayor Pougnet provided an update on the Mayor's State of the City Event, presented the video from the event and the demolition of the Desert Fashion Plaza.

Mayor Pougnet announced the Mayor's Healthy Challenge event.

Wes Ahgren, CVEP/iHub, provided an update on the activities at the iHub.

REPORT OF CLOSED SESSION: City Attorney Holland stated 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 Pro Tem Foat noted her property ownership abstention on Consent Calendar Item 2.D.

Councilmember Lewin noted his abstention on Consent Calendar Item 2.B. January 18, 2012, Minutes, and requested Items 2.I. and 2.K. be removed from the Consent Calendar for separate discussion.

Councilmember Hutcheson noted his abstention on Consent Calendar Item 2.B., January 18, 2012, Minutes.

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

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

1. PUBLIC MEETING:

1.A. CITY'S INDEPENDENT AUDITORS PRESENTATION OF THE FISCAL YEAR 2010-2011 AUDIT:

Lance, Soll & Lunghard presented the City's Fiscal Year 2010-11 Independent Audit.

ACTION: Lance, Soll & Lunghard presented the City's Fiscal Year 2010-11 Independent Audit. **By consensus of the City Council.**

PUBLIC COMMENT:

SAM DUREAS, Palm Springs, commented on his volunteer role at the Palm Springs Animal Shelter, and noted the number of dogs that are received at the shelter that are not microchipped.

RICK PANTELE, commented on the upcoming mixer for the Animal Shelter and AIDS Assistance Program, and requested the City Council issue a regulatory permit for medical cannabis to CAPS.

SYLVIA SCHMITT, commented on Item 5.A, the suspension of fees for film permitting.

LIZ GLASS, Palm Springs, noted the upcoming Palm Springs Fire Department CERT Training.

JOE FOSTER, Palm Springs, commented on the location of the Grey Hound Bus station, the trimming of Palm Trees in the City, and his arrest by the Palm Springs Police Department.

JACQUES CAUSSIN, commented on the upcoming Palm Springs Modernism Week activities and events.

DANIEL ESCUDERO, Cathedral City, requested the City Council issue a regulatory permit for medical cannabis to CAPS.

STEVE ROSENBERG, commented on Item 2.K., and the recent wind storm.

PATTI LYNNE, Palm Springs, requested the City Council issue a regulatory permit for medical cannabis to CAPS.

KEN ALAN, commented on Item 5.A., and spoke in support of the suspension of film permit fees for a period of one year.

COUNCILMEMBER COMMENTS: None.

CITY MANAGER'S REPORT: City Manager Ready provided an update on the recent wind storm damage, and the City's bond rating.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., and 2.J. **Motion Councilmember Hutcheson, seconded by Councilmember Mills 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 February 1, 2012, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of January 18, 2012, and December 7, 2011. **Approved as part of the Consent Calendar, noting the abstention of Councilmember Hutcheson and Councilmember Lewin on the January 18, 2012 Minutes.**

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

ACTION: 1) Adopt Resolution No. 23080, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 01-07-12 BY WARRANTS NUMBERED 417185 THROUGH 417215 TOTALING \$48,161.66, LIABILITY CHECKS NUMBERED 1053665 THROUGH 1053689 TOTALING \$124,458.99, FIVE WIRE TRANSFERS FOR \$163,098.03, AND THREE ELECTRONIC ACH DEBITS OF \$1,171,564.53, IN THE AGGREGATE AMOUNT OF \$1,507,283.21, DRAWN ON BANK OF AMERICA;" and 2) Adopt Resolution No. 23081, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1053690 THROUGH 1053849 IN THE AGGREGATE AMOUNT OF \$991,142.10, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. ACCEPT THE RESIGNATION OF DIEGO HEREDIA FROM THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD:

ACTION: 1) Accept with regret the resignation of Diego Heredia from the Palm Springs Business Improvement District Advisory Board; 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, noting the abstention of Mayor Pro Tem Foat.**

- 2.E. TREASURER'S INVESTMENT REPORT AS OF DECEMBER 31, 2011:**
ACTION: Receive and file the Treasurer's Investment Report as of December 31, 2011. **Approved as part of the Consent Calendar.**
- 2.F. RATIFICATION OF THE 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. 23082, "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.G. COOPERATIVE AGREEMENT WITH THE CITY OF CATHEDRAL CITY RELATED TO THE RAMON ROAD WIDENING (SAN LUIS REY DR. TO LANDAU BLVD.) INCLUDING THE WHITEWATER RIVER BRIDGE WIDENING (CP 08-25):**
ACTION: 1) Approve an agreement with the City of Cathedral City for Funding the Local Share of the Preliminary Engineering Phase of the Widening of the Ramon Road Bridge over the Whitewater River Channel and associated Street Improvements FEDERAL-AID PROJECT NO. BHLS-5282 (040) (CP 08-25); and 2) Authorize the City Manager to execute all necessary documents. A6202. **Approved as part of the Consent Calendar.**
- 2.J. EXTENSION OF THE NEW RESIDENTIAL CONSTRUCTION INCENTIVE PROGRAM AS PART OF THE CITY OF PALM SPRINGS CONTINUING ECONOMIC DEVELOPMENT PROGRAM:**
ACTION: Approve the extension of the New Residential Construction Incentive Program through December 31, 2012. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.H. EASEMENT DEEDS TO RIVERSIDE COUNTY FLOOD CONTROL DISTRICT:

Councilmember Mills questioned if the easements the City is granting are in the Tahquitz Creek Master Plan.

ACTION: 1) Adopt Resolution No. 23083, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE GRANTING OF AN EASEMENT IN FAVOR OF THE RIVERSIDE COUNTY

FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR PALM CANYON WASH, STAGE 5 (RCFC PROJECT NO. 6-0-00040, RCFC PARCEL NO. 6040;" 2) Adopt Resolution No. 23084, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE GRANTING OF EASEMENTS IN FAVOR OF THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR PALM CANYON WASH, STAGE 91 (RCFC PROJECT NO. 6-0-00040, RCFC PARCELS NO. 6040-505A AND 6040-505B;" 3) Adopt Resolution No. 23085, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE CONVEYANCE OF LAND IN TRACT MAP NO. 18087 TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR PALM CANYON WASH LATERAL A, STAGE II (RCFC PROJECT NO. 6-0-00041, RCFC PARCEL NO. 6041-500;" and 4) Adopt Resolution No. 23086, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE CONVEYANCE OF LAND IN TRACT MAP NO. 18087 TO THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR PALM CANYON WASH LATERAL A, STAGE II (RCFC PROJECT NO. 6-0-00041, RCFC PARCEL NO. 6041-501." **Motion Councilmember Mills, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

2.I. ACCEPT THE RESIGNATION OF BARBARA MARSHALL FROM THE HISTORIC SITE PRESERVATION BOARD:

Councilmember Lewin thanked the Commissioners for their time and effort to the City.

ACTION: 1) Accept with regret the resignation of Barbara Marshall from the Historic Site Preservation Board; and 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2013. **Motion Councilmember Lewin, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

2.K. CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY AND RATIFYING THE ACTIONS OF THE DIRECTOR OF EMERGENCY SERVICES, RELATING TO THE JANUARY 2012, SEVERE WIND STORM:

Councilmember Lewin thanked staff and residents for their assistance and public service during the emergency.

ACTION: Adopt Resolution No. 23087, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONTINUING THE EXISTENCE OF A LOCAL EMERGENCY AND RATIFYING THE ACTIONS OF THE DIRECTOR OF EMERGENCY SERVICES, PURSUANT TO PALM SPRINGS MUNICIPAL CODE CHAPTER 2.20, RELATING TO THE JANUARY,

2012, SEVERE WIND STORM." **Motion Councilmember Lewin, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

4.A. **UPDATE ON NOISE MITIGATION AT THE PALM SPRINGS INTERNATIONAL AIRPORT BY THE CITY COUNCIL SUBCOMMITTEE:** Thomas Nolan, Executive Director Airport, provided background information as outlined in the staff report dated February 1, 2012.

Councilmember Lewin requested staff address the success of the good neighborhood policy, the ability of the pilot to control noise of a military jet, the potential to develop a brochure for the pilot, and should the FBO's track the military activity.

Councilmember Mills noted that some community members are in support of the military presence at the Palm Springs International Airport, and stated the City needs to seek a balance.

ACTION: Receive and File. **By consensus of the City Council.**

5. **NEW BUSINESS:**

5.A. **ONE-YEAR SUSPENSION OF FILM AND LOCATION PERMIT FEES:** City Manager Ready provided background information as outlined in the staff report dated February 1, 2012.

Councilmember Hutcheson questioned the types of results that staff will review and provide to the City Council in one year.

Councilmember Lewin stated his support for the fee waiver, noted the benefits to all types of production companies, and requested City staff review the policies of New York City.

ACTION: Adopt Resolution No. 23088, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUSPENDING FILM PERMIT AND LOCATION FEES FOR ONE (1) YEAR." **Motion Mayor Pougnet, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

5.B. **MID-YEAR FISCAL YEAR 2011-12 BUDGET UPDATE:** Geoffrey Kiehl, Director of Finance, presented a PowerPoint presentation on the Fiscal Year 2011-12 Budget.

Mayor Pougnet commented on the valley-wide comparison of TOT revenues, the success of the Hotel Incentive Program, and noted the recovery in cash reserves.

No action taken.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Mayor Pro Tem Foat requested staff address the lights in the Sunrise Park Parking Lot, a tree that needs attention at the handicapped parking spot, the damage to the fence at the Palm Springs Dog Park, thanked the volunteers at the Animal Shelter, and requested the City Attorney review microchipping of animals.

Councilmember Hutcheson thanked the City Council and community for their notes and condolences with regard to the recent passing of his father.

Councilmember Lewin requested the City Council Subcommittee on Downtown Revitalization consider public spaces, and prioritizing the hiring of local labor by the contractor of the Museum Market Plaza.

Mayor Pougnet provided an update on the activities of the City Council Subcommittee regarding the Museum Market Plaza project.

Councilmember Mills commented on the Museum Market Plaza Specific Plan.

ADJOURNMENT: The City Council adjourned at 8:13 p.m. to Wednesday, February 15, 2012, 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 15TH DAY OF FEBRUARY, 2012.

ATTEST:

STEPHEN P. POUCKET, MAYOR

JAMES THOMPSON, CITY CLERK

**CITY COUNCIL
COMMUNITY REDEVELOPMENT AGENCY
CITY OF PALM SPRINGS, CALIFORNIA**



SPECIAL MEETING MINUTES
MONDAY, JANUARY 30, 2012
CITY COUNCIL CHAMBER

CALL TO ORDER: Mayor Pougnet called the meeting to order at 1:35 p.m.

ROLL CALL:

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

ABSENT: Councilmember Hutcheson.

ALSO PRESENT: City Manager Ready and City Clerk Thompson.

PUBLIC COMMENT: None.

NEW BUSINESS:

1. **JOINT ITEM OF THE CITY COUNCIL AND THE COMMUNITY REDEVELOPMENT AGENCY TAKING CERTAIN ACTIONS REGARDING FUNDS WITHIN TWO ACCOUNTS HELD AT THE STATE OF CALIFORNIA LOCAL AGENCY INVESTMENT FUND (LAIF) AT THE REQUEST OF THE CITY OF PALM SPRINGS AND THE COMMUNITY REDEVELOPMENT AGENCY IN ACCORDANCE WITH THE ADOPTED INVESTMENT POLICY:**
City Manager Ready and City Treasurer Kiehl, provided background information as outlined in the proposed resolutions.

The City Council discussed and/or commented on the following with respect to the transfers: questioned what other cities are doing with respect to RDA funds in LAIF, the amount of interest that may be lost, advantages investing in LAIF as opposed to regular institutions, funds guaranteed by FDIC, if the League of California Cities has made a recommendation, and status of the Oversight Commission.

ACTION: [CITY COUNCIL] Adopt Resolution No. 23079, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, RATIFYING, CONFIRMING, AND APPROVING THE WITHDRAWAL OF CITY FUNDS FROM THE LOCAL AGENCY INVESTMENT FUND AND THE REINVESTMENT OF SUCH FUNDS IN A MANNER CONSISTENT WITH THE CITY INVESTMENT POLICY." **[REDEVELOPMENT AGENCY]** Adopt Resolution No. 1432, "A RESOLUTION OF THE AGENCY BOARD OF THE CITY OF PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY RATIFYING,

CONFIRMING, AND APPROVING THE WITHDRAWAL OF CITY FUNDS FROM THE LOCAL AGENCY INVESTMENT FUND AND THE REINVESTMENT OF SUCH FUNDS IN A MANNER CONSISTENT WITH THE CITY INVESTMENT POLICY." Motion Mayor Pro Tem Foat, seconded by Councilmember Mills, and unanimously carried (4-0), noting the absence of Councilmember Hutcheson.

ADJOURNMENT: The City Council adjourned at 1:56 p.m. to the next Regular Meeting, Wednesday, February 1, 2012, at 6:00 P.M. Council Chamber, City Hall, preceded by a Closed Session, at 4:30 P.M., in the Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 15TH DAY OF FEBRUARY, 2012.

STEPHEN P. POUCKET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

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



**MEETING MINUTES
WEDNESDAY, DECEMBER 14, 2011
CITY COUNCIL CHAMBER**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:07 p.m.

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

INVOCATION: Dr. Jeff Walker, Victory Christian Church, led the Invocation.

ROLL CALL:

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

ABSENT: None.

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

PRESENTATIONS: The Marine Corps Combat Center Band performed a brief holiday selection, and Mayor Pougnet and the City Council proclaimed December 14, 2011, as Marine Corps Combat Center Band Day in the City of Palm Springs.

Mayor Pougnet and the City Council proclaimed December 21, 2011, as National Homeless Person's Memorial Day in the City of Palm Springs.

Police Chief Franz presented the Palm Springs Police Department's new K-9 "Kane."

Mayor Pougnet provided an update on the recent Athena Awards Event in the City of Palm Springs, and congratulated honoree Ginny Foat.

Mayor Pro Tem Foat announced the new hours of operation at the Palm Springs Animal Shelter, and the discounted adoption fees during the holidays.

Mayor Pougnet announced the City Council is now accepting applications for the City of Palm Springs Measure "J" Oversight Commission.

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 contained on the posted Closed Session Agenda. No reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson stated staff requests Item 2.I. be removed from the Consent Calendar for an update.

Mayor Pougnet requested that Item 4.C. be heard out of order as the first item on the Agenda.

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

Item 4.C. was heard out of order, prior to the public hearing.

1. PUBLIC HEARINGS:

1.A. AMENDMENT TO A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT TO CHANGE THE USE FROM CONDOMINIUMS TO TIME-SHARE CONDOMINIUM HOTEL AT A 12-UNIT CONDOMINIUM PROJECT, LOCATED AT 588 SAN LORENZO ROAD (CASE 5.1171 AMND PDD 351):

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated December 14, 2011.

Councilmember Hutcheson requested staff address the deferral of Quimby Fees and Public Arts Fees.

Mayor Pro Tem Foat requested staff address the ownership of the property, and noted complaints surrounding the property.

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

LANCE ROBUT, Applicant, commented on the ownership of the property, the timeline for construction, and requested the City Council support the conversion.

No further speakers coming forward the public hearing was closed.

ACTION: Adopt Resolution No. 23055, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PRELIMINARY AND FINAL PLANNED DEVELOPMENT DISTRICT AMENDMENT TO ADD TIME-SHARE CONDOMINIUM HOTEL USES TO THE LIST OF PERMITTED USES IN PDD 351, AT AN EXISTING 12-UNIT CONDOMINIUM PROJECT LOCATED AT 588 SAN LORENZO ROAD, ZONE R-3, SECTION 23 (CASE 5.1171 AMND PDD

351)." **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

JOHN TYMON, commented on Measure "J," and the condition of buildings in the Downtown area.

BOB HELBLING, Palm Springs, congratulated Mayor Pro Tem Foat on her Athena Award, noted the process surrounding the remodel of the Saguaro Hotel, and commented on LED lighting and sustainability.

JOE PALMA, Desert Electric Supply, commented on Item 4.A., stated his support for the proposed energy proposals, and requested the City Council ensure that the local preference policy will be in effect for the projects.

MICHAEL MULCANY, commented on Item 4.A., stated his opposition to starting the plan prior to obtaining an independent third party review, commented on the costs, and stated the proposal does not provide sufficient savings to the City.

GALE WHEAT, requested the City Council consider adopting a resolution in support of Senate Joint Constitutional Amendment No. J.F. 33 regarding the rights of corporations.

FRANCES MILLER, requested the City Council consider adopting a resolution in support of Senate Joint Constitutional Amendment No. J.F. 33 regarding the rights of corporations.

NANCY GUITIERREZ, Palm Desert, requested the City Council consider adopting a resolution in support of Senate Joint Constitutional Amendment No. J.F. 33 regarding the rights of corporations.

CAROLYN KRAUSE, requested the City Council consider adopting a resolution in support of Senate Joint Constitutional Amendment No. J.F. 33 regarding the rights of corporations.

BOB THOMAS, Palm Springs, commented on Consent Calendar Item 2.I., stated the staff report received does not reflect the actions of the VillageFest Board, and noted the Board's concerns.

JOY MEREDITH, Palm Springs, commented on Item 2.I. regarding VillageFest rules and regulations, noted the concerns of MainStreet Vendors, and requested the City Council review the fees charged to merchant vendors.

COUNCILMEMBER COMMENTS:

Mayor Pougnet requested the City Clerk set-up interviews for Commission and Board vacancies.

CITY MANAGER'S REPORT: None.

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. and 2.L. **Motion Councilmember Hutcheson, seconded by Councilmember Lewin and unanimously carried (4-0) on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Mills.

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

ACTION: Receive and file Report on the Posting of the December 14, 2011, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. TREASURER'S INVESTMENT REPORT AS OF SEPTEMBER 30, 2011:

ACTION: Receive and file the Treasurer's Investment Report as of September 30, 2011. **Approved as part of the Consent Calendar.**

2.C. TIME LIMITED PARKING IN THE VICINITY OF ST. THERESA SCHOOL:

ACTION: Adopt Resolution No. 23056, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING 2-HOUR TIME LIMITED PARKING ZONES FROM 7:00 A.M. TO 7:00 P.M. ON THE SOUTH SIDE OF THE RAMON ROAD FRONTAGE ROAD ADJACENT TO ST. THERESA SCHOOL." **Approved as part of the Consent Calendar.**

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

ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of November 1 through November 30, 2011. **Approved as part of the Consent Calendar.**

2.E. AMENDMENT NO. 10 TO AGREEMENT NO. A5488 WITH ALLEN F. SMOOT & ASSOCIATES FOR OWNER'S REPRESENTATIVE SERVICES TO REFLECT AN EXTENSION OF THREE MONTHS ADDITIONAL START-UP SERVICES AT THE ANIMAL SHELTER PROJECT:

ACTION: 1) Approve Amendment No. 10 to Agreement No. A5488 with Allen F. Smoot & Associates, for Owner Representative Services, extending the start-up services at the Animal Shelter for an additional three months; and 2) Authorize the City Manager to execute all necessary documents. A5488. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 23057, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1052532 THROUGH 1052753 IN THE AGGREGATE AMOUNT OF \$8,884,458.18, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23058, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 11-12-11 BY WARRANTS NUMBERED 417081 THROUGH 417104 TOTALING \$43,193.99, LIABILITY CHECKS NUMBERED 1052754 THROUGH 1052778 TOTALING \$123,514.46, FIVE WIRE TRANSFERS FOR \$48,396.84, AND THREE ELECTRONIC ACH DEBITS OF \$1,016,522.90, IN THE AGGREGATE AMOUNT OF \$1,231,628.19, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23059, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1052779 THROUGH 1052858 IN THE AGGREGATE AMOUNT OF \$565,444.82, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 23060, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 11-26-11 BY WARRANTS NUMBERED 417105 THROUGH 417129 TOTALING \$56,656.48, LIABILITY CHECKS NUMBERED 1052859 THROUGH 1052883 TOTALING \$122,136.97, FIVE WIRE TRANSFERS FOR \$92,818.59, AND THREE ELECTRONIC ACH DEBITS OF \$1,389,513.13, IN THE AGGREGATE AMOUNT OF \$1,661,125.17, DRAWN ON BANK OF AMERICA;" and 5) Adopt Resolution No. 23061, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1052884 THROUGH 1052979 IN THE AGGREGATE AMOUNT OF \$3,594,520.79, DRAWN ON BANK OF AMERICA."
Approved as part of the Consent Calendar.

2.G. AMENDMENT NO. 2 TO THE FISCAL YEAR 2011-12 ALLOCATED POSITIONS AND COMPENSATION PLAN:

ACTION: Adopt Resolution No. 23062, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDMENT NO. 2 TO THE ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2011-12, ADOPTED BY RESOLUTION NO. 22925." **Approved as part of the Consent Calendar.**

2.H. AGREEMENT WITH FALCO ENTERPRISES, INCORPORATED, FOR THE PURCHASE OF TWO (2) POLICE CANINES, TWO (2) ACADEMY

COURSES, MONTHLY MAINTENANCE TRAINING AND YEARLY CERTIFICATION:

ACTION: 1) Approve an agreement with Falco Enterprises, Incorporated, in a form acceptable to the City Attorney, approving the purchase of two (2) police canines, one (1) Basic Patrol K9 Academy course, one (1) Basic Explosive Detection K9 Academy course, monthly maintenance training for five (5) dogs, and yearly certification training for five (5) dogs in the amount of \$39,995 for the period of January 1, 2012, through December 31, 2012; and 2) Authorize the City Manager to execute all necessary documents. A6183. **Approved as part of the Consent Calendar.**

2.J. AMENDMENTS TO THE SKYWEST AIRLINES AND ATLANTIC AVIATION LEASE AGREEMENTS:

ACTION: 1) Approve Amendment No. 3 to the Operation and Lease Agreement No. A2388 with SkyWest Airlines, Inc., adding an amount of undeveloped leasehold land to accommodate an expansion of SkyWest's maintenance operations and providing SkyWest with development assistance of up to 15 months of rent abatement, not to exceed \$51,000; 2) Approve Amendment No. 2 to the Operation and Lease Agreement No. A1764 with Atlantic Aviation FBO, Inc., reducing the amount of its undeveloped leasehold land; and 3) Authorize the City Manager to execute all necessary documents. A2388. A1764. **Approved as part of the Consent Calendar.**

2.K. ACCEPTANCE OF THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS (SLESF) GRANT FROM THE STATE OF CALIFORNIA, APPROVING AN EXPENDITURE PLAN AND APPROPRIATION:

ACTION: 1) Accept the State of California Supplemental Law Enforcement Funds Grant (SLESF) and Expenditure Plan; 2) Direct the Director of Finance/City Treasurer to fund the appropriation; and 3) Authorize the City Manager to execute any documents to effectuate the acceptance of the Grant. A5765. **Approved as part of the Consent Calendar.**

2.L. APPROVE REVISED CITY OF PALM SPRINGS' INJURY AND ILLNESS PREVENTION PROGRAM (IIPP) AND AUTHORIZE THE CITY MANAGER TO IMPLEMENT THE IIPP:

ACTION: Adopt Resolution No. 23063, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING IMPLEMENTATION OF THE REVISED PALM SPRINGS INJURY AND ILLNESS PREVENTION PROGRAM (IIPP)." **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.I. MODIFICATIONS TO THE VILLAGEFEST RULES TO ALLOW DOWNTOWN AND UPTOWN MERCHANTS TO PARTICIPATE AS VENDORS IN VILLAGEFEST:

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated December 14, 2011.

Councilmember Mills noted some of his concerns with merchant vendors as outlined by the VillageFest Board, noted that when the new streets are installed as part of Museum Market Place that infrastructure is installed in the middle of the street, stated he would prefer to have the rules changed only for the current season, limits the merchants to categories that currently exist, and noted that the Board should be able to review merchants to ensure the goods are in existing categories and not every merchant should be allowed a booth, stated the merchants should not be placed in one area of VillageFest, and requested staff address the fee structure, and stated fees for merchants should be equal to current VillageFest vendors.

Councilmember Lewin noted the concerns of merchants and the impact to local merchants for VillageFest, expressed concerns with some types of merchandise to be sold such as liquor, stated his support for a pilot program, and commented on the concern with the fee structure.

Councilmember Hutcheson stated his support for merchants to be allowed to participate and have the same fees as the vendors and be primary products of the store and not necessarily conform to the existing VillageFest categories, stated his support for a sunset provision for one year, and stated the vendor should be subject to the approval of the VillageFest Board.

Mayor Pro Tem Foat stated her concern for a process to allow for certain merchandise, merchandise should be within the current categories of VillageFest but perhaps the Board could make an exception for unique products, stated the fees for merchants should be lower than those for regular VillageFest vendors, but stated the same types of rules should apply to local merchants, and stated the local merchants should not be all bunched together.

Councilmember Lewin stated his support for broadening the scope and improved quality.

Councilmember Hutcheson indicated his support to limit to the current categories with the VillageFest Board to make exceptions.

Councilmember Mills stated if you make exceptions for the merchants, then you will have to make exceptions for the vendors as well, and indicated that the VillageFest Board may have difficulty in such determinations.

Councilmember Foat noted that under the current rules a large percentage of the goods must be hand created, and the merchants would not be able to qualify under such conditions.

VillageFest Chair Bob Thomas commented on the existing categories and stated the Board would be reviewing the categories, and hoped the City Council provide the Board flexibility with the categories and possible additions to the categories.

City Manager Ready stated the City wanted to open up VillageFest to local merchants, as such the local merchants would not be hand made goods, and it may be a burden for the Board to make a decision what merchandise the local merchants would be allowed at the event, but the Board would be put in that position, recommended such rule changes be for one season and refine the detail points at that time.

Councilmember Lewin requested the Board Chair address if such a model would be a burden to balance those decisions by merchants, and stated the decision to provide for a new merchant category would be defensible if controlled by the Board.

City Manager Ready stated that is one model, but requested the Board be tasked to create guidelines and criteria for any such appeal that may be filed.

Councilmember Hutcheson advised freedom to experiment and let the merchants try different products, and provide the Board with flexibility to deal with situations as they arise.

Councilmember Mills noted that the food category could be problematic for the VillageFest Board, requested the Board Chair address if the merchant could be located in front of their store.

Mayor Pro Tem Foat requested the VillageFest Board outline approaches to regulate local merchant's display of merchandise that may not reflect VillageFest, and requested the City Council consider a 50% discount for local merchant VillageFest permit fees.

ACTION: Direct staff to administratively implement modifications to the VillageFest Rules for a trial period of one year, that allows local merchant vendors, subject to the following: (i) 50% reduction of VillageFest permit fees; (ii) vendors reviewed by the VillageFest Board for primary product with discretion by the VillageFest Board; (iii) not entitled to the current appeal process; and (iv) local merchant vendors are to be integrated into the event. **Motion Mayor Pro**

Tem Foat, seconded by Councilmember Mills and carried 4-1 on a roll call vote.

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

NOES: Councilmember Mills.

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

4.A. CITYWIDE ENERGY MANAGEMENT PROJECT:

David Barakian, City Engineer, and Marcus Fuller, Assistant City Engineer, provided background information as outlined in the staff report dated December 14, 2011, and a PowerPoint presentation.

Mayor Pougnet thanked City staff for the comprehensive staff report, and commented on the solar facility.

Councilmember Hutcheson requested staff address the monitoring program for the first five years, and commented on the electronic display at the Convention Center.

Councilmember Mills requested staff address the cost and savings for the lighting system and irrigation control retrofit and the central control systems combined with a specific location weather system, requested staff address the lack of redundancy by the elimination of the second Co-Gen plant, requested staff address increasing the load at the Sunrise Plant, look at the potential cost of adding the Boys and Girls Club and the Senior Center to the proposed solution, requested staff address the responsibilities of Chevron pursuant to the contract, the use of the procurement process, and stated this type of project would be relevant to a City Council subcommittee.

Councilmember Lewin requested staff address the cost of energy from SCE as opposed to generating the energy with the Co-Gen, and stated he is interested in seeing the third-party analysis on the redundancy with respect to the Co-Gen Plants, and commented on potential solar at the pool, requested staff address the chilling of the pool, and commented on the overall goals and savings from the proposed projects.

ACTION: 1) Direct staff to move forward with Chevron Energy Solutions on the recommended list of Energy Conservation Measures to be included in the scope of the overall Citywide energy management project; 2) Approve the Comprehensive Energy Audit ("CEA") submitted by Chevron Energy Solutions dated July 20, 2011; 3) Direct staff to move forward with

an independent third party review of the Citywide energy management project; and 4) Direct staff to include information on the connection to include the Boys and Girls Club and Mizell Senior Center at Sunrise Park. **Motion Mayor Pro Tem Foat, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

The City Council recessed at 9:05 p.m.
The City Council reconvened at 9:12.

4.B. PROGRESS REPORT, UPDATE, AND DISCUSSION REGARDING THE PALM SPRINGS PROMENADE LLC DOWNTOWN REVITALIZATION PROJECT AT THE DESERT FASHION PLAZA LOCATED AT 123 NORTH PALM CANYON DRIVE:

Mayor Pougnet provided an update and a PowerPoint presentation on the Downtown Revitalization Project.

No action taken.

4.C. PRE-DEVELOPMENT FUNDING AGREEMENT WITH WESSMAN DEVELOPMENT COMPANY AND PALM SPRINGS PROMENADE, LLC, FOR THE REDEVELOPMENT OF CERTAIN REAL PROPERTY AT 123 NORTH PALM CANYON DRIVE AND A RESOLUTION DECLARING INTENTION TO REIMBURSE EXPENDITURES FROM THE PROCEEDS OF CERTAIN OBLIGATIONS AND DIRECTING CERTAIN ACTIONS (DESERT FASHION PLAZA):

John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated December 14, 2011.

Councilmember Lewin requested staff address the insurance requirements as stipulated in the proposed agreement.

ACTION: 1) Approve an agreement with Wessman Development Company and Palm Springs Promenade, LLC for the redevelopment of real property at 123 North Palm Canyon Drive, commonly known as the Desert Fashion Plaza; 2) Adopt Resolution No. 23064, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING INTENTION TO REIMBURSE EXPENDITURES FROM THE PROCEEDS OF CERTAIN OBLIGATIONS AND DIRECTING CERTAIN ACTIONS;" and 3) Adopt Resolution No. 23065, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE 2011-12 FISCAL YEAR BUDGET;" and 4) Authorize the City Manager to execute all necessary documents. A6184. **Motion Councilmember Mills, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

5. NEW BUSINESS:

5.A. REVIEW AND APPOINT CITY COUNCIL SUBCOMMITTEES AND CITY COUNCIL LIAISONS TO OUTSIDE ORGANIZATIONS AND CITY COMMISSIONS AND BOARDS:

The Members of the City Council indicated they would not participate in the discussion or the vote, for each appointment of the individual Councilmember, should such appointment provide for the payment of a stipend.

ACTION: 1) Direct the City Clerk to delete the following appointments to external organizations: CVAG Human/Community Resources and Palm Springs Economic Development Corporation and 2) the Pacific Housing Finance (PHFA) is to be included in the City Council Subcommittee on Sustainability. **By consensus of the City Council.**

ACTION: Modify the alternate appointment to the CVAG Homelessness Committee to Councilmember Lewin. **By consensus of the City Council, noting the absence of Councilmember Lewin.**

ACTION: Modify the designee appointment to the CVAG Public Safety Committee to Councilmember Lewin. **By consensus of the City Council, noting the absence of Councilmember Lewin.**

ACTION: Modify the designee appointment to the CVAG Transportation Committee to Mayor Pro Tem Foat. **By consensus of the City Council, noting the absence of Mayor Pro Tem Foat.**

ACTION: Modify the alternate appointment to the CVAG Transportation Committee to Councilmember Lewin. **By consensus of the City Council, noting the absence of Councilmember Lewin.**

ACTION: Modify the alternate appointment to the Coachella Valley Conservation Commission to Mayor Pro Tem Foat. **By consensus of the City Council, noting the absence of Mayor Pro Tem Foat.**

ACTION: Modify the designee appointment to the Riverside County Transportation Commission to Mayor Pro Tem Foat. **By consensus of the City Council, noting the absence of Mayor Pro Tem Foat.**

ACTION: Modify the alternate appointment to the Riverside County Transportation Commission to Mayor Pougnet. **By consensus of the City Council, noting the absence of Mayor Pougnet.**

ACTION: Modify the designee appointment to Sunline to Councilmember Hutcheson, effective January 26, 2012. **By consensus of the City Council, noting the absence of Councilmember Hutcheson.**

ACTION: Modify the alternate appointment to Sunline to Mayor Pougnet, effective January 26, 2012. **By consensus of the City Council, noting the absence of Mayor Pougnet.**

ACTION: 1) Modify the alternate appointment to the Palm Springs Chamber of Commerce to Councilmember Lewin; 2) Modify the alternate appointment to the Riverside County Community Action Commission to Councilmember Mills; and 3) Modify the designee appointment to the Eastern Riverside County Interoperable Communications Authority (ERICA) to Councilmember Lewin. **By consensus of the City Council.**

ACTION: Appoint Councilmember Lewin and Councilmember Hutcheson to the Housing City Council Standing Subcommittee. **By consensus of the City Council.**

ACTION: 1) Appoint Councilmember Mills and Councilmember Hutcheson to the Palm Springs Disposal Services Contract Renewal ad hoc City Council Subcommittee; 2) Appoint Mayor Pro Tem Foat and Councilmember Mills to the Parks Master Plan ad hoc City Council Subcommittee; 3) Appoint Mayor Pougnet and Mayor Pro Tem Foat to the Fiscal Year 2012-13 Budget ad hoc City Council Subcommittee; 4) Appoint Councilmember Lewin and Councilmember Mills to the Library Remodel/Expansion ad hoc City Council Subcommittee; 5) Appoint Councilmember Hutcheson and Councilmember Foat to the College of the Desert ad hoc City Council Subcommittee; 6) Appoint Mayor Pougnet and Councilmember Lewin to the Special Event ad hoc City Council Subcommittee; 7) Appoint Mayor Pougnet and Councilmember Mills to the Museum Market Plaza Project Financing Agreement Implementation/Monitoring ad hoc City Council Subcommittee; and 8) Appoint Councilmember Mills and Councilmember Lewin to the Citywide Energy Project ad hoc City Council Subcommittee. **By consensus of the City Council.**

ACTION: Direct the City Clerk to delete the following City Council ad hoc subcommittees: 1) 2011 General Plan Housing Element Update; 2) Police Chief Selection Process; 3) Traffic Calming and Incorporation of Bike Lanes; 4) ComDyn Affordable Housing Project; 5) Business Improvement District Candidate Selection (appoint as part of the City Council's annual recruitment of Boards and Commissions; 6) Business Improvement District Modifications; 7) FY 2010-11 Budget; 8) WWTP; 9) Campaign Finance Reform; 10) Tourism/Convention Center; 11) TRENO Tahquitz

Creek Mini Park (move into Parks Master Plan); 12) Animal Shelter; and 13) Desert Fashion Plaza. **By consensus of the City Council.**

Councilmember Mills stated he has a business related conflict of interest with respect to Item 5.B., would not participate in the discussion or the vote, and left Council Chamber.

5.B. PROPOSED REVISIONS TO MAINTENANCE, LANDSCAPING, AND AN AMENDMENT TO THE SIGN PROGRAM AT THE EL MIRADOR BUILDING, A CLASS 1 HISTORIC PROPERTY AT 1150 NORTH INDIAN CANYON DRIVE (DESERT REGIONAL MEDICAL CENTER) (HSPB 1):

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated December 14, 2011.

ACTION: 1) Adopt a Certificate of Approval to amend the maintenance, landscaping, and sign programs for the El Mirador Building (HSPB 1) located at 1150 North Indian Canyon Drive; and 2) Direct staff to prepare a resolution that provides for the Historic Site Preservation Board to approve future Certificates of Approval for the subject property. **Motion Mayor Pougnet, seconded by Mayor Pro Tem Foat and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Mills.

Councilmember Mills returned to the dais.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Mayor Pougnet commented on meetings with Supervisor Benoit regarding the Countywide Parks Plan, and provided an update on SunLine.

ADJOURNMENT: The City Council adjourned, in memory of Arlene Smith, at 9:59 p.m. to Wednesday, January 4, 2012, 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 15TH DAY OF FEBRUARY, 2012.

STEPHEN P. POUGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK