

K

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



**MEETING MINUTES  
WEDNESDAY, FEBRUARY 15, 2012  
CITY COUNCIL CHAMBER**

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:17 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 Lewin, Councilmember Mills, Mayor Pro Tem Foat, and Mayor Pougnet.

**ABSENT:** None.

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

**PRESENTATIONS:**

Police Chief Franz administered the Oath of Office to new Police Officers Richard Salomon and Ronnie Jones.

Mayor Pougnet and the City Council presented Deputy Fire Chief Sang Wang a proclamation for his community service and wished him well in retirement.

Fire Chief Ventura provided an update on the recent Fire Department promotions and the live burn training.

Mayor Pro Tem Foat provided an update on the Racquet Club Estates Annual Home Tour.

Mayor Pougnet provided an update on the President Clinton breakfast in Palm Springs, Starview Restaurant grand opening and ribbon cutting, Modernism Week, the Mayor's Healthy Challenge event, the Desert Fashion Plaza, and PSMeasureJ.com website.

**REPORT OF CLOSED SESSION:** City Attorney Holland reported 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 Lewin requested Item 2.J. be removed from the Consent Calendar for separate discussion.

Mayor Pro Tem Foat noted her abstention on Item 2.C. Warrant No. 1054243.

Councilmember Mills noted his business related abstention on Item 2.F., and requested Item 2.I. be pulled from the 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. PROPOSED AMENDMENT TO AN EXISTING CLASS 1 HISTORIC DESIGNATION FOR PALM SPRINGS CITY HALL TO DENY THE HISTORIC SITE PRESERVATION BOARD'S REQUEST TO INCLUDE SITE PARKING AND LANDSCAPE AREAS, AND AMENDING THE DESIGNATION TO INCLUDE THE CONCRETE PLAZA, LOCATED AT 3200 EAST TAHQUITZ CANYON WAY, AS A CLASS 1 HISTORIC SITE (HSPB 33):**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated February 15, 2012.

Mayor Pro Tem Foat requested staff clarify the process of the staff recommendation as it differs from the Commission.

Councilmember Lewin noted previous actions of the City Council infer the Historic Designation included the entire site.

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

BARBARA MARSHALL, noted the concerns of the Historic Site Preservation Board, noted her frustration with City staff, and requested the City Council return the proposed resolution to the Historic Site Preservation Board for further discussion.

GARY JOHNS, Palm Springs, commented on the background and process to bring this item to the City Council, and requested the City Council support the Planning Commission's recommendation that protects the City Hall site.

RON MARSHALL, referred to a letter submitted by the Palm Springs Preservation Board dated January 13, 2012, and requested the City

Council re-affirm the stated intent of the previous City Council designation of the City Hall site.

CHRIS MENRAD, commented on the definition of a Historic Designation and noted recent examples, and requested the City Council clearly define all designations as to the site.

ROBERT STONE, commented on the staff report and noted the report to the Historic Site Preservation Board was omitted from the City Council documents, and stated the current designation includes the entire site.

No further speakers coming forward, the public hearing was closed.

Councilmember Mills commented on the process of developing the ordinance and noted the building and the site were intended to be separate, the City Council indicated to staff that only the City Hall building was included in the designation, and stated the parking lot does not warrant the historic designation.

Mayor Pro Tem Foat requested the City Council re-affirm Resolution No. 18907, and confirm for all the properties addressed in Resolution No. 18907 the Class 1 designation include the entire site.

Councilmember Hutcheson stated the City Council and community would benefit from the Historic Site Preservation Board review, discussion, and recommendations on any modifications to City Hall, and stated the entire site should be considered a Class 1 designation.

Councilmember Lewin stated the current language is not ambiguous, the Ordinance allows both the structure and site, and Resolution No. 18907 includes an APN which includes the entire site.

Councilmember Mills stated all the properties in the Resolution were with support of the property owners, and each property owner should be contacted.

Councilmember Hutcheson stated the City Council resolution was not perfect, and recommended the City Council clean-up the designation to support the entire site.

Mayor Pro Tem Foat recommended the City Council consider the declaring the entire site of Palm Springs City Hall as a Class 1 designation and request staff complete research on the other properties in Resolution No. 18907.

Councilmember Mills requested the City Council define site and if such definition of site includes landscaping and lighting.

Councilmember Lewin stated plantings should not be included in an historic designation.

**ACTION:** 1) Direct staff to prepare a resolution to designate the entire site of City Hall as a Class 1 designation; 2) Direct staff to prepare an amendment to Resolution No. 18907 for the properties designated Class 1 by Resolution No. 18907; and 3) Direct staff to notice all current property owners for all properties in Resolution No. 18907. **Motion Mayor Pro Tem Foat, seconded by Councilmember Lewin and carried 4-1 on a roll call vote.**

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

**NOES:** Councilmember Mills.

Councilmember Mills stated his no vote was not against the structure nor the hard-scape, but feels the parking lot was never considered historic nor should it be for the future.

**PUBLIC COMMENT:**

STEVE ROSENBERG, Palm Springs, commented on Item 4.A. regarding the selection process for the Measure "J" Oversight Commission, and stated all candidates should be provided an opportunity to be interviewed.

OWEN MANGAN, Palm Springs, commented on marriage, and recommended the City Council stop the White Party in Palm Springs.

**COUNCILMEMBER COMMENTS:** City Manager Ready provided an update on Code Enforcement activities.

**CITY MANAGER'S REPORT:** City Manager Ready provided an update on recent Code Enforcement activities.

**2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., and 2.H. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Foat 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 15, 2012, City Council Agenda. **Approved as part of the Consent Calendar.**

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

**ACTION:** Approve the City Council Minutes of February 1, 2012, January 30, 2012, and December 14, 2011. **Approved as part of the Consent Calendar.**

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

**ACTION:** 1) Adopt Resolution No. 23089, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1053850 THROUGH 1053944 IN THE AGGREGATE AMOUNT OF \$1,366,927.25, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23090, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 01-21-12 BY WARRANTS NUMBERED 417216 THROUGH 417241 TOTALING \$47,915.13, LIABILITY CHECKS NUMBERED 1053945 THROUGH 1053969 TOTALING \$122,962.54, FIVE WIRE TRANSFERS FOR \$45,564.13, AND THREE ELECTRONIC ACH DEBITS OF \$1,011,804.63, IN THE AGGREGATE AMOUNT OF \$1,228,246.43, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23091, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1053970 THROUGH 1054127 IN THE AGGREGATE AMOUNT OF \$1,051,041.72, DRAWN ON BANK OF AMERICA;" and 4) Adopt Resolution No. 23092, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1054128 THROUGH 1054253 IN THE AGGREGATE AMOUNT OF \$1,367,545.37, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the abstention of Mayor Pro Tem Foat on Warrant No. 1054243.**

**2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF JANUARY 2012:**

**ACTION:** Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of January 1 through 31, 2012. **Approved as part of the Consent Calendar.**

**2.E. RATIFY AND REAPPOINT THE NOMINATION OF THE CITY OF RANCHO MIRAGE TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING JANUARY 31, 2015:**

**ACTION:** Reappoint D. Clayton Mayes, as the City of Rancho Mirage representative, to the Palm Springs International Airport Commission for the term ending January 31, 2015. **Approved as part of the Consent Calendar.**

- 2.F. RATIFY AND REAPPOINT THE NOMINATION OF THE CITY OF DESERT HOT SPRINGS TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING JANUARY 31, 2013:**  
**ACTION:** Reappoint Jan Pye, as the City of Desert Hot Springs representative, to the Palm Springs International Airport Commission for the term ending January 31, 2013. **Approved as part of the Consent Calendar, noting the business related abstention of Councilmember Mills.**
- 2.G. APPOINTMENT OF THE CITY'S ALTERNATE REPRESENTATIVE TO THE COMMUNITY ACTION PARTNERSHIP OF RIVERSIDE COUNTY:**  
**ACTION:** Appoint Dale Cook, Community Development Administrator, as the City's alternate representative to the Community Action Partnership of Riverside County. **Approved as part of the Consent Calendar.**
- 2.H. ESTABLISHMENT OF NEW FUNDS AND ACCOUNTS FOR THE SUCCESSOR AGENCY OBLIGATIONS OF THE CITY RELATED TO THE FORMER COMMUNITY REDEVELOPMENT AGENCY PURSUANT TO AB 1X 26:**  
**ACTION:** Adopt Resolution No. 23093, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING SOLELY IN ITS CAPACITY AS THE SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY, AUTHORIZING THE CREATION OF NEW FUNDS AND ACCOUNTS FOR THE SUCCESSOR AGENCY OBLIGATIONS OF THE CITY RELATED TO THE FORMER COMMUNITY REDEVELOPMENT AGENCY, PURSUANT TO AB 1X 26." **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.I. AUTHORIZE THE INVESTMENT OF CITY FUNDS IN CALTRUST:**

Councilmember Mills requested City staff address if City funds were insured.

**ACTION:** 1) Adopt Resolution No. 23094, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE CITY OF PALM SPRINGS, CALIFORNIA, A PUBLIC AGENCY WITHIN THE MEANING OF THAT TERM AS DEFINED BY THE CALIFORNIA GOVERNMENT CODE, TO JOIN WITH OTHER PUBLIC AGENCIES AS A PARTICIPANT OF THE INVESTMENT TRUST OF CALIFORNIA, CARRYING ON BUSINESS AS CALTRUST;" 2) Adopt Resolution No. 23095, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE INVESTMENT, DEPOSIT, AND WITHDRAWAL OF CITY OF PALM SPRINGS MONIES IN THE INVESTMENT TRUST OF CALIFORNIA, CARRYING ON BUSINESS AS CALTRUST;" and 3) Authorize the City Manager to execute all appropriate documents related to the

application to, and administration of funds in, the CalTRUST and LAIF investment pools. **Motion Councilmember Mills, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

**2.J. ACCEPT FROM THE DEPARTMENT OF HOMELAND SECURITY A GRANT IN THE AMOUNT OF \$201,431 AND AUTHORIZE THE PURCHASE OF 36 SELF CONTAINED BREATHING APPARATUS UNITS:**

Councilmember Lewin thanked staff for pursuing such grants.

**ACTION:** 1) Accept the Assistance to Firefighters Grant from the Department of Homeland Security in the amount of \$201,431; 2) Adopt Resolution No. 23096, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2011-12;" 3) Authorize staff to conduct the bid process as per the requirements of the Federal Grant; and 4) Authorize the City Manager to execute all necessary documents, including the purchase order. **Motion Councilmember Mills, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

**3. LEGISLATIVE:** None.

**4. UNFINISHED BUSINESS:**

**4.A. DETERMINE THE SELECTION PROCESS FOR THE MEASURE "J" OVERSIGHT COMMISSION:**

City Clerk Thompson provided background information as outlined in the staff report dated February 15, 2012.

**ACTION:** 1) Direct each Councilmember to select fifteen (15) applicants and submit to the City Clerk to prepare a short list and distribute to the City Council; and 2) Direct each Councilmember to then select five (5) applicants from the short list for interviews. **By consensus of the City Council.**

**4.B. AMENDMENT AND TRANSMITTAL OF ENFORCEABLE OBLIGATIONS PAYMENT SCHEDULE (EOPS) AND AMENDMENT AND TRANSMITTAL OF DRAFT PRELIMINARY INITIAL RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE (IROPS) PURSUANT TO SECTION 34169(G)(1) OF CALIFORNIA HEALTH & SAFETY CODE:**

City Attorney Holland provided background information as outlined in the staff report dated February 15, 2012.

**ACTION:** Adopt Resolution No. 23097, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING SOLELY IN ITS CAPACITY AS THE SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY, AUTHORIZING THE APPROVAL AND TRANSMITTAL OF AN

ENFORCEABLE OBLIGATIONS PAYMENT SCHEDULE (EOPS) AND APPROVAL AND TRANSMITTAL OF A DRAFT PRELIMINARY INITIAL RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE (IROPS) PURSUANT TO AB 1X 26." **Motion Mayor Pro Tem Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

**5. NEW BUSINESS:**

**5.A. JOINT ITEM OF THE CITY COUNCIL AND HOUSING AUTHORITY CONSENT TO A CHANGE IN OWNERSHIP AND APPROVAL OF AN ESTOPPEL CERTIFICATE WITH TAHQUITZ ASSOCIATES, LP, A SUBORDINATION AGREEMENT WITH BERKADIA COMMERCIAL MORTGAGE LLC, AND A FREDDIE MAC RIDER TO THE REGULATORY AGREEMENT WITH TAHQUITZ ASSOCIATES, LP, FOR THE TAHQUITZ COURT APARTMENTS AT 2800, 2890, 2900 AND 2990 EAST TAHQUITZ CANYON WAY:**

John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated February 15, 2012.

**ACTION: [CITY COUNCIL]** 1) Adopt Resolution No. 23098, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING SOLELY IN ITS CAPACITY AS THE SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY, CONSENTING TO A CHANGE IN OWNERSHIP AND APPROVING AN ESTOPPEL CERTIFICATE WITH TAHQUITZ ASSOCIATES, LP, AND A SUBORDINATION AGREEMENT WITH BERKADIA COMMERCIAL MORTGAGE LLC, FOR THE TAHQUITZ COURT APARTMENTS AT 2800, 2890, 2900 AND 2990 EAST TAHQUITZ CANYON WAY," *amending the Resolution to provide and correct all documents to reflect the City Council is acting in its capacity as the Successor Agency to the Palm Springs Community Redevelopment Agency, and adding a Section 6 to the Resolution to read: "In retaining the responsibilities of the Palm Springs Community Redevelopment Agency as provided in California Health and Safety Code §§ 34173 and 34176, the City Council expressly determines, recognizes, reaffirms, and ratifies the statutory limitation on the City and the City Council's liability in retaining the responsibilities of the Palm Springs Community Redevelopment Agency under AB 1X26. Nothing in this Resolution shall be construed as a commitment, obligation, or debt of the City or any resources, funds, or assets of the City to fund the City's service as the successor agency to the Palm Springs Community Redevelopment Agency as provided in this Resolution."* A0466C. A4740.  
**[HOUSING AUTHORITY]** 1) Adopt Resolution No. 35, "A RESOLUTION OF THE HOUSING AUTHORITY OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A SECOND AMENDMENT TO A

REGULATORY AGREEMENT AND DECLARATION OF RESTRICTIVE COVENANTS WITH TAHQUITZ ASSOCIATES, LP, BY ADDING A FREDDIE MAC RIDER; and 2) Authorize the City Manager/Executive Director to execute necessary documents. A0501C. **Motion Councilmember Mills, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

**5.B. WASTEWATER CAPITAL REPAIR AND REHABILITATION PLAN AND WASTEWATER FINANCIAL PLAN AND RATE STUDY:**

Marcus Fuller, Assistant City Engineer, provided background information as outlined in the staff report dated February 15, 2012.

Councilmember Hutcheson requested City staff address the unfunded projects.

Councilmember Hutcheson requested staff address the rate ceiling and stated some of the projects could be funded by Measure "J."

Councilmember Lewin noted the long term problems at the WWTP and recommended the 20-year plan, and requested staff address the methane gas upgrades and requested staff look at grant funding opportunities.

Mayor Pro Tem Foat requested staff address the progression of repairs at the WWTP, the sustainability project for the methane gas, and if funds were higher at the beginning could the projects be completed faster.

Councilmember Mills requested staff address that priority one projects include systems to eliminate odor and the partial bond payment method.

Councilmember Mills noted that the funds need TO be raised and his support of the 20-year plan.

**ACTION:** 1) Direct staff to proceed with the draft 2012 Wastewater Financial Plan and Rate Study funding the entire 20-Year WWTP CIP; and 2) Authorize staff to proceed with Proposition 218 majority protest noticing, and schedule a Public Hearing for April 18, 2012, to consider the matter of increasing sewer rates in accordance with the 2012 Wastewater Financial Plan and Rate Study. **Motion Councilmember Mills, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

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

Councilmember Mills requested staff address an issue in the Development Services reception area.

**ADJOURNMENT:** The City Council adjourned in memory of Ernie Noia, at 8:35 p.m., to Wednesday, March 7, 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  
7<sup>TH</sup> DAY OF MARCH, 2012.**

\_\_\_\_\_  
STEPHEN P. POUCKET, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK