

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



**MEETING MINUTES  
WEDNESDAY, FEBRUARY 6, 2013  
CITY HALL COUNCIL CHAMBER**

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:06 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 Foat, Councilmember Hutcheson, Councilmember Lewin, and Mayor Pougnet.

**ABSENT:** Mayor Pro Tem Mills.

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

**PRESENTATIONS:**

Mayor Pougnet and the City Council proclaimed February, 2013 as Black History Month in the City of Palm Springs.

Mayor Pougnet announced the upcoming 2013 Mayor's State of the City Address, followed by the Downtown Block Party, the 2013 Mayor's Race and Wellness Festival, and events to celebrate the City's 75th anniversary.

Lance, Soll and Lunghard, LLP, the City's Independent Auditors presented the Fiscal Year 2011-12 Audit to the City Council.

**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:**

Mayor Pougnet stated Item 5.E. will be tabled.

Councilmember Foat requested Item 2.G. and Item 2.H. be removed from the Consent Calendar for separate discussion.

**ACTION:** Accept the Agenda as amended. **Motion Councilmember Hutcheson, seconded by Councilmember Lewin and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Mayor Pro Tem Mills.

**1. PUBLIC HEARINGS:**

**1.A. DESIGNATION OF A SINGLE FAMILY RESIDENCE AND ACCESSORY STRUCTURES LOCATED AT 611 NORTH PHILLIPS ROAD AS A CLASS 1 HISTORIC SITE (HSPB 86):**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated February 6, 2013.

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

RON MARSHALL, provided background information on the properties, stated his support for the two Class 1 designations in Item 1.A. and Item 1.B.

PATRICK MCGREW, stated he was a consultant on the property and highlighted the historical work performed, and stated his support for the designation of the properties in Items 1.A. and 1.B.

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

**ACTION:** Adopt Resolution No. 23291, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING A SINGLE FAMILY RESIDENCE AND ACCESSORY STRUCTURES LOCATED AT 611 NORTH PHILLIPS ROAD AS A CLASS 1 HISTORIC SITE (HSPB 86);" *amending Section 3 by eliminating the parking lot.* **Motion Councilmember Foat, seconded by Councilmember Lewin and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Mayor Pro Tem Mills.

**1.B. DESIGNATION OF A SINGLE FAMILY RESIDENCE AND ACCESSORY STRUCTURES LOCATED AT 1320 TAMARISK ROAD AS A CLASS 1 HISTORIC SITE (HSPB 87):**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated February 6, 2013.

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

**ACTION:** Adopt Resolution No. 23292, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING A SINGLE FAMILY RESIDENCE AND ACCESSORY STRUCTURES LOCATED AT 1320 TAMARISK AS A CLASS 1 HISTORIC SITE (HSPB 87)." **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Mayor Pro Tem Mills.

**PUBLIC COMMENT:**

ALLAN DEVILLENA, Citrus Heights, commented on the recent incident with the Palm Springs Police Department with respect to an Officer involved shooting.

EDDIE JONES, Los Angeles, commented on the recent incident with the Palm Springs Police Department with respect to an Officer involved shooting.

THOMAS WORTHY, Palm Springs, commented on his recent experience at City Hall.

JOHN TYMON, commented on his recent report from the Palm Springs Police Department.

RONALD FRAGEN, commented on Item 5.C., regarding the improvement and development of bike lanes.

BROOK ORTIZ commented on Item 5.A., requested the City Council approve the resolution of public convenience.

ROBERT PILGER, commented on Item 5.C., regarding the improvement and development of bike lanes.

**COUNCILMEMBER COMMENTS:** None.

**CITY MANAGER'S REPORT:** City Manager Ready announced the new City of Palm Springs App *Palm Springs @ Your Service*.

**2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.I., and 2.J. **Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

**AYES:** Councilmember Foat, Councilmember Hutcheson, Councilmember Lewin, and Mayor Pougnet.  
**NOES:** None.  
**ABSENT:** Mayor Pro Tem Mills.

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

**ACTION:** Receive and file Report on the Posting of the February 6, 2013, City Council Agenda. **Approved as part of the Consent Calendar.**

**2.B. FISCAL YEAR 2011-2012 AUDIT BY THE CITY'S INDEPENDENT AUDITORS:**

**ACTION:** Receive and file the Fiscal Year 2011-12 Audit. **Approved as part of the Consent Calendar.**

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

**ACTION:** 1) Adopt Resolution No. 23293, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1060552 THROUGH 1060726 IN THE AGGREGATE AMOUNT OF \$1,758,296.69, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23294, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 12-22-12 BY WARRANTS NUMBERED 417945 THROUGH 417966 TOTALING \$36,077.58, LIABILITY CHECKS NUMBERED 1060727 THROUGH 1060751 TOTALING \$124,895.02, FIVE WIRE TRANSFERS FOR \$55,923.96 AND THREE ELECTRONIC ACH DEBITS OF \$1,242,432.69 IN THE AGGREGATE AMOUNT OF \$1,459,329.25, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23295, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1060752 THROUGH 1060800 IN THE AGGREGATE AMOUNT OF \$185,137.72, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 23296, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1060801 THROUGH 1060831 IN THE AGGREGATE AMOUNT OF \$715,252.05, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 23297, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 01-05-13 BY WARRANTS NUMBERED 417967 THROUGH 417985 TOTALING \$32,734.72, LIABILITY CHECKS NUMBERED 1060832 THROUGH 1060856 TOTALING \$124,490.08, FIVE WIRE TRANSFERS FOR \$83,960.17 AND THREE ELECTRONIC ACH DEBITS OF \$1,062,434.17 IN THE AGGREGATE AMOUNT OF \$1,303,619.14, DRAWN ON BANK OF

AMERICA;" 6) Adopt Resolution No. 23298, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1060857 THROUGH 1060995 IN THE AGGREGATE AMOUNT OF \$1,129,527.70, DRAWN ON BANK OF AMERICA;" 7) Adopt Resolution No. 23299, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1060996 THROUGH 1061132 IN THE AGGREGATE AMOUNT OF \$1,814,712.88, DRAWN ON BANK OF AMERICA;" 8) Adopt Resolution No. 23300, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 01-19-13 BY WARRANTS NUMBERED 417986 THROUGH 418005 TOTALING \$35,311.57, LIABILITY CHECKS NUMBERED 1061133 THROUGH 1061157 TOTALING \$123,349.54, FIVE WIRE TRANSFERS FOR \$39,000.60 AND THREE ELECTRONIC ACH DEBITS OF \$1,011,225.12 IN THE AGGREGATE AMOUNT OF \$1,208,886.83, DRAWN ON BANK OF AMERICA;" and 9) Adopt Resolution No. 23301, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1061158 THROUGH 1061295 IN THE AGGREGATE AMOUNT OF \$377,949.53, DRAWN ON BANK OF AMERICA."  
**Approved as part of the Consent Calendar.**

- 2.D. TREASURER'S INVESTMENT REPORT AS OF DECEMBER 31, 2012:**  
**ACTION:** 1) Receive and file the Treasurer's Investment Report as of December 31, 2012. **Approved as part of the Consent Calendar.**
- 2.E. 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. 23302, "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.F. TIME EXTENSIONS OF SUBDIVISION IMPROVEMENT AGREEMENTS FOR VARIOUS PROJECTS:**  
**ACTION:** Adopt Resolution No. 23303, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING TIME EXTENSIONS OF VARIOUS SUBDIVISION IMPROVEMENT AGREEMENTS." **Approved as part of the Consent Calendar.**

A4814 Tract Map 28966 "Preserve Estates", extended to June 18, 2014.  
A4955 Tract Map 30050 "Alta", extended to February 3, 2014.  
A5086 Tract Map 32233-1 Escena", extended to April 2, 2014.  
A5087 Tract Map 32233-2 Escena", extended to April 2, 2014.  
A5088 Tract Map 32233-3 Escena", extended to April 2, 2014.  
A5089 Tract Map 32233-4 Escena", extended to April 2, 2014.  
A5100 Tract Map 31263 "The Towers", extended to February 3, 2014.  
A5105 Tract Map 32160 "Enclave", extended to February 18, 2014.  
A5131 Tract Map 30046 "Monte Sereno", extended to March 18, 2014.  
A5155 Tract Map 31514 "Luminaire", extended to June 18, 2014.  
A5246 Tract Map 33561 "Palermo", extended to April 2, 2014.  
A5324 Tract Map 33933 "Murano", extended to May 24, 2014.  
A5393 Tract Map 31848-1 "Avalon", extended to May 4, 2014.  
A5426 Tract Map 32732 "Oceo", extended to May 20, 2014.  
A5436 Tract Map 33161 "Vista San Jacinto", extended to August 9, 2014.  
A6042 Tract Map 34165 "The Morrison", extended to April 13, 2014.

**2.I. AIRPORT ESCALATOR MAINTENANCE AGREEMENT WITH KONE INC. FOR PREVENTIVE MAINTENANCE SERVICES FOR THREE YEARS IN THE AMOUNT OF \$63,252:**

**ACTION:** 1) Approve a three-year service contract with KONE Inc. in the amount of \$21,084.00 per year, for a total amount of \$63,252.00, for specified preventive maintenance services for the two escalators located at the Airport, in a form acceptable to the City Attorney; and 2) Authorize the City Manager to execute all necessary documents. A6319. **Approved as part of the Consent Calendar.**

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

**ACTION:** 1) Accept the State of California Supplemental Law Enforcement Services Fund 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.**

**EXCLUDED CONSENT CALENDAR:**

**2.G. AMENDMENT NO. 2 TO ARCHITECTURAL SERVICES AGREEMENT NO. A6262 WITH URRUTIA A.I.A. AND ASSOCIATES FOR AIRPORT PROJECTS IN THE AMOUNT OF \$31,935:**

Councilmember Foat requested staff clarify the purpose of the relocation and the cost to remodel and prepare the current location.

**ACTION:** 1) Approve Amendment No. 2 to Agreement No. A6262 to Urrutia A.I.A. and Associates for design, bid, permitting, and construction phase services in the amount of \$31,935, to complete the remodeling and expansion of an existing vacant building to accommodate the USO; and 2) Authorize the City Manager to execute Amendment No. 2, and approve change orders not-to-exceed ten percent (10%) of the total contract amount. A6262. **Motion Councilmember Lewin, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Mayor Pro Tem Mills.

**2.H. APPROVE THE SALE AND EASEMENT TO SOUTHERN CALIFORNIA EDISON COMPANY OVER A PORTION OF CITY OWNED PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF GENE AUTRY TRAIL, NORTH OF PAR ROAD, IN THE AMOUNT OF \$19,500 TO PERMIT THE INSTALLATION AND MAINTENANCE OF ELECTRICAL FACILITIES:**

Councilmember Foat questioned if the easement will inhibit pedestrian access.

**ACTION:** 1) Approve the sale and grant of an easement to Southern California Edison over a portion of City owned land generally located on the east side of Gene Autry Trail, north of Par Road (APNs 681-141-015 and 680-020-070) to allow the installation and maintenance of electrical supply systems; and 2) Authorize the City Manager to execute the Grant of Easement. A6318. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Mayor Pro Tem Mills.

**3. LEGISLATIVE:** None.

**4. UNFINISHED BUSINESS:** None.

**5. NEW BUSINESS:**

**5.A. RESOLUTION OF PUBLIC CONVENIENCE OR NECESSITY FOR NEW STYLE ENTERTAINMENT, LLC. TO SELL BEER, WINE, AND DISTILLED SPIRITS AT THE PROPOSED COCKTAIL LOUNGE LOCATED AT 188 SOUTH INDIAN CANYON DRIVE:**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated February 6, 2013.

**ACTION:** Adopt Resolution No. 23304, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER, WINE AND DISTILLED SPIRITS (TYPE 48 STATE ALCOHOLIC BEVERAGE CONTROL LICENSE) FOR THE PROPERTY LOCATED AT 188 SOUTH INDIAN CANYON DRIVE." **Motion Councilmember Hutcheson, seconded by Councilmember Lewin and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Mayor Pro Tem Mills.

**5.B. CONSIDER THE RELOCATION OF FIGUS TREES AT THE DESERT FASHION PLAZA TO DESIGNATED CITY OWNED PARKS AND PROPERTIES:**

John Raymond, Community and Economic Development Director, provided background information as outlined in the staff report dated February 6, 2013.

Mayor Pougnet questioned who was the arborist and stated he would like to see the arborist report.

Councilmember Hutcheson commented on the source of funds.

Councilmember Lewin stated it was too risky for the trees to survive, but thanked staff for bringing the item forward.

Councilmember Foat stated her support for additional staff work and possibly relocate the trees and commented on the rate of survival.

**ACTION:** Direct staff to obtain an additional report for the potential relocation and return to the City Council. **By consensus of the City Council.**

**5.C. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR CLASS II BICYCLE LANES (CP 12-08):**

Councilmember Foat requested staff address the plan to repave the street, questioned if the proposal improves connectivity, and asked if the neighborhood association was consulted for the removal of parking.

Councilmember Lewin commented on connectivity and requested a full North/South spine, and commented on a shared road concept.



Councilmember Hutcheson stated his support for coordination of, stated this was the top three in the non-motorized bike plan, and commented on the Sustainability Commissions' approval of the priority projects.

Councilmember Hutcheson requested the City Council consider deferral for a few weeks, until the concerns of the City Council are addressed.

**ACTION:** 1) Direct staff to further research and develop the proposal; and 2) Return to the City Council in two-weeks. **By consensus of the City Council.**

**5.D. DISCUSSION ON CAPITAL PROJECTS AND PRIORITIES FOR THE PREPARATION OF THE FISCAL YEAR 2013-14 BUDGET INCLUDING MEASURE J PROJECTS:**

City Manager Ready and the City Council Subcommittee, Councilmember Hutcheson and Councilmember Lewin, provided an update on the development of the list for the Measure "J" Oversight Commission.

Mayor Pougnet stated his priority for the relocation of the Fire Station and property acquisition.

Councilmember Foat stated her priority for the City Hall Parking Lot (concrete option), the Police Department technology upgrades, requested staff address why the Welwood Memorial Library Project is on the list as funds are allocated, requested landscaping at the Interstate 10 overpass on Indian Canyon which is not on the list, and noted priorities for bike lane stripping, the golf course parking lot, and the landscaping at the Palm Canyon Theatre lost in the storm.

Councilmember Hutcheson stated his priority of bike lanes and making Palm Springs a bike friendly city, safety in crosswalks and street lighting, priority for crosswalks and the traffic light study at Ralphs, Downtown and Uptown Street Lighting upgrades, the Library projects, the public use computers at the library, and Building Department conversion of records.

Councilmember Lewin stated his priorities for the installation of bike lanes and making Palm Springs a bike-friendly city, police and fire department capital needs and the relocation of the fire station, the rehabilitation of the City Hall parking lot, and property acquisition.

Councilmember Lewin stated in the past the City has hired a strategic planner and recommended the Measure J Oversight Commission look at hiring a strategic planner to help facilitate.

Councilmember Hutcheson noted his support for discussion with the Commission on the hiring of a strategic planner, and requested the

Commission review the number of people that may be helped by a certain project.

Mayor Pougnet stated the Commission can start reviewing multi-year pledges as well, and noted Councilmember Mills' priorities.

No action taken.

**5.E. AMENDMENT NO. 1 TO LEASE AGREEMENT NO. A6037 WITH THE COACHELLA VALLEY ECONOMIC PARTNERSHIP (CVEP) FOR ADDITIONAL SPACE AND AMENDMENT NO. 2 TO ADMINISTRATIVE SERVICES AGREEMENT NO. A6106 WITH CVEP FOR ADDITIONAL RENTAL FEE:**

Withdrawn from the Agenda.

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

Councilmember Hutcheson requested the City Manager place on a future agenda a discussion of the Bike Weekend event.

Councilmember Foat requested staff address the lack of trash cans in Uptown, the cement containers filled with dirt in Uptown, and the lack of landscaping in tree wells in Uptown.

Councilmember Hutcheson noted a letter received by the Old Las Palmas Neighborhood Organization regarding the installation of crosswalks, and requested that staff address.

Councilmember Lewin thanked the Measure J Oversight Commissioners for their volunteer time and the process they developed for vetting community applications.

**ADJOURNMENT:** The City Council adjourned at 8:04 p.m. to Wednesday, February 20, 2013, 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 20<sup>TH</sup> DAY OF FEBRUARY, 2013.**

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STEPHEN P. POGNET, MAYOR

ATTEST:

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JAMES THOMPSON, CITY CLERK