

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



MEETING MINUTES  
WEDNESDAY, SEPTEMBER 3, 2014  
CITY HALL COUNCIL CHAMBER

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:19 p.m.

**PLEDGE OF ALLEGIANCE:** Boy Scout Troop 262, led the Pledge.

**INVOCATION:** Michale Cashe, Inner Faith Spiritual Center, led the Invocation.

**ROLL CALL:**

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

**ABSENT:** Councilmember Mills.

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

**PRESENTATIONS:**

Mayor Pougnet and Councilmember Foat provided an update on the Palm Springs Art Museum.

Councilmember Lewin announced the recent Lisa Vanderpump, Palm Springs Walk of Stars installation.

Councilmember Foat provided an update on the Friends of the Palm Springs Animal Shelter Adult Programs.

**REPORT OF CLOSED SESSION:**

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. City Attorney Holland reported the City Council provided direction to the City Attorney and Staff, otherwise no reportable actions were taken.

**ACCEPTANCE OF THE AGENDA:**

City Clerk Thompson stated Staff is requesting the City Council table Consent Calendar Item 2.F. to the City Council meeting of September 17, 2014, continue Public Hearing Item 1.D. with no public testimony at this time and re-notice the public hearing.

Councilmember Foat noted her business related abstention on Item 2.C., Warrant Nos. 1072767, 1072766, 1072337, 1072386, and requested Items 2.K. and 2.M. be removed from the Consent Calendar for separate discussion.

Councilmember Lewin requested Items 2.N. and 2.O. be removed from the Consent Calendar for separate discussion.

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

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

**1. PUBLIC HEARINGS:**

**1.A. CLASS 1 HISTORIC DESIGNATION FOR THE CHARLIE FARRELL RESIDENCE LOCATED AT 630 EAST TACHEVAH DRIVE (HSPB 80) AND THE ASSOCIATED GUEST HOUSE AT 1120 NORTH VIA MIRALESTE (HSPB 81):**

Doug Evans, Interim Director of Planning Services, provided background information as outlined in the Staff Report dated September 3, 2014.

Councilmember Foat requested Staff address the public testimony regarding the merger of the lot.

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

**ACTION:** 1) Adopt Resolution No. 23649, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE PROPERTY AT 630 EAST TACHEVAH DRIVE AS CLASS 1 HISTORIC SITE, SUBJECT TO CONDITIONS ZONE R-1-B (HSPB 80)," subject to the lot merger; and 2) Take no action on The Guest House located at 1120 North Via Miraleste (HSPB 81). **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

Mayor Pro Tem Hutcheson stated he has a property ownership related conflict of interest with respect to Item 1.B., would not participate in the discussion or the vote, and left Council Chamber.

**1.B. APPROVE TWO HOTEL OPERATIONS COVENANT AGREEMENTS WITH PB CONSTRUCTION SERVICES (SKYLARK HOTEL) AND AEK CAPITAL MANAGEMENT (THE PALM SPRINGS HOTEL) PURSUANT TO THE CITY'S HOTEL OPERATIONS INCENTIVE PROGRAM:**

John Raymond, Director of Community and Economic Development, provided background information as outlined in the Staff Report dated September 3, 2014.

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

TOM ADAMS, Palm Springs, thanked the City Council for the incentive program that facilitated the renovations at the property.

RON DE KLERK, Palm Springs, thanked the City Council for the incentive program that facilitated the renovations at the property, and commented on the operations at the hotel.

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

**ACTION:** 1) Approve a Hotel Operations Covenant Agreement with PB Construction Services, LLC (Skylark Hotel) located at 1466 North Palm Canyon Drive; 3) Approve a Hotel Operations Covenant Agreement with AEK Capital Management, LLC (The Palm Springs Hotel) located at 2135 North Palm Canyon Drive; and 4) Authorize the City Manager to execute all necessary documents. A6590. A6591. **Motion Councilmember Foat, seconded by Councilmember Lewin and unanimously carried 3-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Mills and Mayor Pro Tem Hutcheson.

Mayor Pro Tem Hutcheson returned to the dais.

**1.C. PROPOSED ORDINANCE AMENDING IN ITS ENTIRETY SECTION 93.21.00 OF THE PALM SPRINGS ZONING CODE RELATING TO THE OUTDOOR LIGHTING STANDARDS (CASE 5.1344 ZTA):**

Doug Evans, Interim Director of Planning Services, provided background information as outlined in the Staff Report dated September 3, 2014.

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

**ACTION:** 1) Waive the reading of the ordinance text in its entirety and read by title only; and 2) Introduce on first reading Ordinance No. 1856, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING IN ITS ENTIRETY SECTION 93.21.00 OF THE PALM SPRINGS ZONING CODE, RELATING TO THE OUTDOOR LIGHTING STANDARDS." **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

**1.D. PROPOSED AMENDMENT TO THE PALM SPRINGS ZONING CODE AMENDING SECTION 93.23.14 OF, AND AMENDING OR REPEALING VARIOUS PROVISIONS OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE ESTABLISHMENT OF AN ACCESSORY SECOND UNIT PROGRAM IN THE CITY:**

**ACTION:** 1) Continue the public hearing with no public testimony at this time; and 2) Direct the City Clerk to re-notice the public hearing pursuant to law. **By unanimous consent of the City Council, noting the absence of Councilmember Mills.**

**1.E. REVIEW AND EVALUATION OF APPLICATIONS AND AWARD A FOURTH PERMIT FOR A MEDICAL CANNABIS COOPERATIVE OR COLLECTIVE AND CEQA EXEMPTION AND DETERMINATION:**

City Attorney Holland provided background information as outlined in the Staff Report dated September 3, 2014.

Councilmember Foat requested the City Attorney address the definition of public playground.

Councilmember Lewin requested the City Attorney address the zoning of Palm Springs Natural Healing Center.

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

BARBARA HASSON, Palm Springs, stated her opposition to the proposed collective located near the Wet and Wild Water Park, and requested the City Council close the illegal collectives.

DR. JAMES KAO, Palm Springs, commented on the zoning restrictions for all the applicants, and stated no applicant qualified pursuant to zoning, and commented on quality control.

NOE PENTA, Banning, requested the City Council issue a permit to Palm Springs Premier Care, and commented on his experience with medical cannabis.

JOSEPH MICHELSON, Pasadena, commented on the use of medical cannabis, the services proposed to be offered at Palm Springs Premier Care, and requested the City Council award a permit to Palm Springs Premier Care.

DONNA CHABAN, Palm Springs, requested the City Council award a permit to Palm Springs Natural Healing Center.

DANNY ROBBINS, stated his support for medical cannabis, and stated his opposition to a permit issued near the public water park.

CAROLYN PASCHEK, commented on the difficulty finding cannabis product that meets her need and requested the City Council issue a permit to PSO.

MELINDA TREMAGLIO, commented on the selection process and the eight applicants, and stated her support for issuing a permit to a woman owned collective.

JOHN BUCK, Palm Springs, commented on his use of medical cannabis and requested the City Council award a permit to Palm Springs Organica.

JACK LILLARD, commented on the number of permits issued in the City of Palm Springs.

DAVID ANDREWS, Palm Springs, commented on the proposed location in proximity to the Wet and Wild Palm Springs Water Park, requested the City Council consider the water park as a public park pursuant to the ordinance, and requested the City Council not allow a permit near the water park.

STACY HOCHANADEL, commented on his background check and the circumstances, and requested the City Council issue a permit to Palm Springs Natural Healing Center.

EDUARDO RIVERA, Palm Springs, commented on his use of medical cannabis and requested the City Council award a permit to Jade Organics and commented on the proposed location.

BRIAN O'BRIEN, requested the City Council award a permit to Palm Springs Safe Access.

MICHAEL SCOTT BROOKS, requested the City Council award a permit to Palm Springs Safe Access.

JENNIFER CHRISTIANSON, commented on her use of medical cannabis and requested the City Council award a permit to Palm Springs Safe Access.

ROBERT VAN ROO, commented on the proposed location to Wet and Wild Water Park, commented on the activities at Palm Springs Safe Access, testing of medical cannabis, and requested the City Council award a permit to Palm Springs Safe Access.

STEVEN COOLEY, Palm Springs, commented on her use of medical cannabis and requested the City Council award a permit to Palm Springs Safe Access.

ANDREW MILKS, commented on the difficulties finding a location that meets the zoning requirements of the City, requested the City Council consider the use of Administrative Minor Modification for the location, commented on test results, and requested the City Council award a permit to Brown Dog Farm.

MITCH MILKS, Palm Springs, commented on his use of medical cannabis, and requested the City Council award a permit to P.S. Organica.

STEVE COSTLOU, Palm Springs, commented on his use of medical cannabis, and requested the City Council award a permit to P.S. Organica.

EDWARD DIETRICH, Palm Springs, commented on the proposed services offered by Jade Organics and the difficulty of finding a location with the zoning restrictions.

JOSEPH MILLER, requested the City Council award a permit to P.S. Organica.

RENAE MADORE, requested the City Council award a permit to P.S. Organica.

JULIE MONTANTE, commented on the zoning requirements, the services offered by alternative medicines, and P.S. Organica.

RALPH COOMBER, commented on the zoning requirements, the proposed location near the Wet and Wild Water Park, and commented on the proposed location on Executive Drive for Brown Dog Farm.

JOY BROWN MEREDITH, commented on the application for Palm Springs Natural Healing Center, stated her co-applicant Stacy Hochanadel would step down, and requested the City Council consider the application by Palm Springs Natural Healing Center.

MATTHEW HERNANDEZ, commented on the proposed location near Wet and Wild Water Park, and requested the City Council not approve a location near the water park.

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

Councilmember Foat commented on the process with City Staff and the City Council, commented on the previous actions of operators in the City, commented on her decision process and commented on the applications by P.S. Organica and Brown Dog Farm.

Mayor Pro Tem Hutcheson thanked the applicants and the members of the public who testified, commented on his decision making process, the location issues, previous cooperation with City regulations and the number of patients that can be served.

Councilmember Lewin requested the City Attorney follow-up with the information received from the operators of P.S. Organica and background information regarding Palm Springs Natural Healing Center.

Mayor Pougnet requested the City Attorney address the Administrative Minor Modification process, commented on the history and development of the ordinance and application process.

Councilmember Lewin requested the distance between Palm Springs Safe Access and the proposed location to Wet and Wild.

**ACTION:** 1) Closed the public testimony portion of the public hearing and 2) Continue the City Council discussion, evaluation and award of a permit to the City Council meeting of September 17, 2014. **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Mills.

The City Council recessed at 8:18 p.m.  
The City Council reconvened at 8:25 p.m.

**PUBLIC COMMENT:**

DONNA CHABAN, Palm Springs, commented on the demolition of the Spa Hotel.

CARRIE GRABER, commented on the demolition of the Spa Hotel.

KIM BUELTEL, Palm Springs, requested the City Council consider adding a pickleball court at Ruth Hardy Park, by converting one tennis court.

BRIAN BARNHARD, Palm Springs, commented on the demolition of the Spa Hotel.

TRAVIS ARMSTRONG, commented on water conservation measures and incentive programs, requested the City Council approve the programs and ordinances as recommended by Staff, and stated his support for Item 2.N., the installation of art work on the Tahquitz Median.

LEE WILSON JR, commented on the proposed Hometown Heroes Banner Program.

PHILIP STROUT, Palm Springs, spoke in support of Item 4.C. and the proposed bike route project.

MARK WALTHOUR, commented on the proposed Hometown Heroes Banner Program and commented on a blighted neighborhood in the north end of Palm Springs.

PAUL ORTEGA, commented on water conservation measures and incentive programs, and recommended the City Council approve the programs and ordinances as recommended by Staff.

CHRIS MENRAD, commented on the demolition of the Spa Hotel.

ROBERT IMBER, commented on the demolition of the Spa Hotel.

JOY BROWN MEREDITH, requested the City Council approve Item 2.E., regarding portable open signs.

UNNAMED SPEAKER, commented on the demolition of the Spa Hotel.

**COUNCILMEMBER COMMENTS:**

Councilmember Foat provided an update on the CVAG Transportation Committee activities to facilitate a rail project in the Coachella Valley and commented on the demolition of the Spa Hotel.



Mayor Pro Tem Hutcheson requested the City Manager initiate a discussion on the status of homelessness in the City of Palm Springs.

Councilmember Lewin commented on the demolition of the Spa Hotel.

Mayor Pougnet commented on the demolition of the Spa Hotel, requested the City Manager follow-up on a list of projects that may qualify for Measure J funded projects in the north end of Palm Springs and a list of homes in the north end of Palm Springs that could qualify for City purchase and programs, and commented on the City banner policy.

#### **CITY MANAGER'S REPORT:**

City Manager Ready provided an update on the installation of new bike lanes and the Palm Springs Swim Center.

#### **2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.G., 2.H., 2.I., 2.J., 2.L., 2.P., 2.Q., 2.R., 2.S., 2.T., 2.U., 2.V., 2.W., 2.X., and 2.Y. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Lewin and unanimously carried 4-0 on a roll call vote.**

**AYES:** Councilmember Foat, Councilmember Lewin, Mayor Pro Tem Hutcheson, 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 September 3, 2014, City Council Agenda. **Approved as part of the Consent Calendar.**

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

**ACTION:** Approve the City Council Minutes of July 16, 2014. **Approved as part of the Consent Calendar.**

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

**ACTION:** 1) Adopt Resolution No. 23650, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 7-05-14 BY WARRANTS NUMBERED 418714 THROUGH 418730 TOTALING \$33,436.04, LIABILITY CHECKS NUMBERED 1072271 THROUGH 1072292 TOTALING \$107,745.05, FIVE WIRE TRANSFERS FOR \$63,293.02, AND THREE ELECTRONIC ACH DEBITS OF \$1,195,558.70 IN THE AGGREGATE AMOUNT OF

\$1,400,032.81, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23651, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1072293 THROUGH 1072398 IN THE AGGREGATE AMOUNT OF \$1,914,889.79 DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23652, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1072399 THROUGH 1072505 IN THE AGGREGATE AMOUNT OF \$1,928,336.86, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 23653, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 7-19-14 BY WARRANTS NUMBERED 418731 THROUGH 418750 TOTALING \$39,791.20, LIABILITY CHECKS NUMBERED 1072506 THROUGH 1072527 TOTALING \$108,059.40, FIVE WIRE TRANSFERS FOR \$47,336.12, AND THREE ELECTRONIC ACH DEBITS OF \$1,256,224.96 IN THE AGGREGATE AMOUNT OF \$1,451,411.68, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 23654, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS 1072528 THROUGH 1072713 IN THE AGGREGATE AMOUNT OF \$1,927,236.01, DRAWN ON BANK OF AMERICA;" and 6) Adopt Resolution No. 23655, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1072714 THROUGH 1072843 IN THE AGGREGATE AMOUNT OF \$3,262,101.28, DRAWN ON BANK OF AMERICA," **Approved as part of the Consent Calendar, noting the abstention of Councilmember Foat on Warrant Nos. 1072767, 1072766, 1072337, 1072386.**

**2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTHS OF JUNE AND JULY 2014:**

**ACTION:** Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of June 1 through July 31, 2014.  
**Approved as part of the Consent Calendar.**

**2.E. SECOND READING AND ADOPTION OF ORDINANCE NO. 1854, AMENDING SECTION 3 OF ORDINANCE NO. 1744 EXTENDING THE TERM FOR TWO-YEARS ALLOWING PORTABLE "OPEN" SIGNS IN THE CENTRAL BUSINESS DISTRICT AND ON NORTH PALM CANYON DRIVE BETWEEN ALEJO ROAD AND VISTA CHINO (CASE NO. ZTA 5.1202):**

**ACTION:** Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1854, "AN ORDINANCE OF THE CITY OF PALM

SPRINGS, CALIFORNIA, AMENDING SECTION 3 OF ORDINANCE NO. 1744 RELATING TO PALM SPRINGS ZONING CODE SECTION 93.20.09.B.5, PORTABLE OPEN SIGNS BY EXTENDING THE PROVISIONS OF ORDINANCE NO. 1744 TO OCTOBER 3, 2016." **Approved as part of the Consent Calendar.**

- 2.F. SECOND READING AND ADOPTION OF ORDINANCE NO. 1855, AMENDING SUBSECTION 94.02.01.C. OF THE PALM SPRINGS MUNICIPAL CODE, BY ADDING CHANGES IN USE OF EXISTING BUILDINGS ALONG PALM CANYON AND INDIAN CANYON DRIVES NOT WITHIN THE "D" DOWNTOWN PARKING COMBINING ZONE AS USES SUBJECT TO LAND USE PERMITS AND FOR WHICH CERTAIN PARKING REQUIREMENTS MAY BE WAIVED:**  
**ACTION:** Removed from the Agenda at the request of Staff and continued to the September 17, 2014, City Council meeting. **Approved as part of the Consent Calendar.**
- 2.G. TREASURER'S INVESTMENT REPORT AS OF JUNE 30, 2014:**  
**ACTION:** Receive and File the Treasurer's Investment Report as of June 30, 2014. **Approved as part of the Consent Calendar.**
- 2.H. TREASURER'S INVESTMENT REPORT AS OF JULY 31, 2014:**  
**ACTION:** Receive and File the Treasurer's Investment Report as of July 31, 2014. **Approved as part of the Consent Calendar.**
- 2.I. APPROVE AN AGREEMENT WITH TIME WARNER CABLE TO PROVIDE TELEPHONE, INTERNET, AND WIFI SERVICES AT THE WELWOOD MURRAY MEMORIAL LIBRARY FOR A 48-MONTH PERIOD:**  
**ACTION:** 1) Approve an agreement with Time Warner Cable to provide phone, internet, and WiFi services at the Welwood Memorial Library for 48-months; and 2) Authorize the City Manager to execute all necessary documents. A6592. **Approved as part of the Consent Calendar.**
- 2.J. AWARD OF CONSTRUCTION CONTRACT TO HILLCREST CONTRACTING, INC. FOR THE FARRELL DRIVE RIGHT TURN LANE AT VISTA CHINO PROJECT IN THE AMOUNT OF \$326,613 (CP 09-11):**  
**ACTION:** 1) Approve an agreement with Hillcrest Contracting, Inc. for the Farrell Drive Right Turn Lane at Vista Chino Project in the amount of \$326,613 (CP 09-11) (Federal Project No. CML 5282 037); 2) Authorize the City Manager to approve cumulative Change Orders up to 10% of the awarded construction amount, or \$32,661.30; and 3) Authorize the City Manager to execute all necessary documents. A6593. **Approved as part of the Consent Calendar.**

- 2.L. AMENDMENT NO. 5 TO AGREEMENT A4821 WITH SIGNATURE FLIGHT SUPPORT:**  
**ACTION:** 1) Approve Amendment No. 5 to Agreement No. A4821 with Signature Flight Support for the long-term lease of the aircraft hangar and apron located on Parcel 5, and release undeveloped, underutilized leasehold parcels to the Palm Springs International Airport, commencing on October 1, 2014; and 2) Authorize the City Manager to execute all necessary documents. A4821. **Approved as part of the Consent Calendar.**
- 2.P. MILLS ACT HISTORIC SITE CONTRACT FOR THE PROPERTY LOCATED AT 283 EAST TWIN PALMS DRIVE (HSPB 73/HD-2 ROYAL HAWAIIAN ESTATES):**  
**ACTION:** 1) Approve a Mills Act Historic Property Agreement with Bill Lewallen and the Royal Hawaiian Estates Homeowners Association, for 283 East Twin Palms Drive, a Class 1 historic site (HSPB 73/HD-2); 2) Authorize the City Manager to execute the Agreement; and 3) Direct the City Clerk to record the Agreement. A6598. **Approved as part of the Consent Calendar.**
- 2.Q. MILLS ACT HISTORIC SITE CONTRACT FOR THE PROPERTY LOCATED AT 360 CABRILLO ROAD UNIT 118 (HSPB 88/HD-3 RACQUET CLUB COTTAGES WEST)**  
**ACTION:** 1) Approve a Mills Act Historic Property Agreement with Richard Cook, Christopher Macaluso and the Racquet Club Cottages West Homeowners Association, for 360 Cabrillo Road Unit 118, a Class 1 historic site (HSPB 88/HD-3); 2) Authorize the City Manager to execute the Agreement; and 3) Direct the City Clerk to record the Agreement. A6599. **Approved as part of the Consent Calendar.**
- 2.R. MILLS ACT HISTORIC SITE CONTRACT FOR THE PROPERTY LOCATED AT 360 CABRILLO ROAD UNIT 229 (HSPB 88/HD-3 RACQUET CLUB COTTAGES WEST)**  
**ACTION:** 1) Approve a Mills Act Historic Property Agreement with Victoria Crandell, Stephanie Hankey and the Racquet Club Cottages West Homeowners Association, for 360 Cabrillo Road Unit 229, a Class 1 historic site (HSPB 88/HD-3); 2) Authorize the City Manager to execute the Agreement; and 3) Direct the City Clerk to record the Agreement. A6600. **Approved as part of the Consent Calendar.**
- 2.S. MILLS ACT HISTORIC SITE CONTRACT FOR THE PROPERTY LOCATED AT 360 CABRILLO ROAD UNIT 209 (HSPB 88/HD-3 RACQUET CLUB COTTAGES WEST)**  
**ACTION:** 1) Approve a Mills Act Historic Property Agreement with James A. Hanapel and the Racquet Club Cottages Homeowners Association, for 360 Cabrillo Road Unit 209, a Class 1 historic site (HSPB 88/HD-3);

2) Authorize the City Manager to execute the Agreement; and 3) Direct the City Clerk to record the Agreement. A6601. **Approved as part of the Consent Calendar.**

**2.T. MILLS ACT HISTORIC SITE CONTRACT FOR THE PROPERTY LOCATED AT 1860 NORTH VISTA DRIVE (HSPB 89):**

**ACTION:** 1) Approve a Mills Act Historic Property Agreement with Michael F. Fleming and Luis A. Lavin (HSPB 89) for 1860 North Vista Drive; 2) Authorize the City Manager to execute the Agreement; and 3) Direct the City Clerk to record the Agreement. A6602. **Approved as part of the Consent Calendar.**

**2.U. RETIREMENT AND SALARY CONDITIONS FOR UNREPRESENTED EMPLOYEES:**

**ACTION:** 1) Adopt Resolution No. 23656, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, GRANTING COMPARABLE RETIREMENT AND SALARY CONDITIONS FOR UNREPRESENTED EMPLOYEES SIMILAR TO OTHER EMPLOYEE GROUPS THROUGH FISCAL YEAR 2018;" and 2) Adopt Resolution No. 23657, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYING AND REPORTING THE VALUE OF EMPLOYER PAID MEMBER CONTRIBUTIONS FOR THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) FOR EMPLOYEES OF EXECUTIVE MANAGEMENT." **Approved as part of the Consent Calendar.**

**2.V. RATIFY AND APPOINT THE NOMINATION OF THE COUNTY OF RIVERSIDE TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING JUNE 30, 2017:**

**ACTION:** Reappoint Peter A. Freymuth, as the County of Riverside representative, to the Palm Springs International Airport Commission for the term ending June 30, 2017. **Approved as part of the Consent Calendar.**

**2.W. ACCEPT THE RESIGNATION OF JOANIE WILCOX FROM THE PUBLIC ARTS COMMISSION:**

**ACTION:** 1) Accept with regret the resignation of Joanie Wilcox; and 2) Direct the City Clerk to post a notice of vacancy for the unexpired term ending June 30, 2016. **Approved as part of the Consent Calendar.**

**2.X. ACCEPT THE RESIGNATION OF PATRICK SHEEHAN FROM THE PUBLIC ARTS COMMISSION:**

**ACTION:** 1) Accept with regret the resignation of Patrick Sheehan; and 2) Direct the City Clerk to post a notice of vacancy for the unexpired term ending June 30, 2015. **Approved as part of the Consent Calendar.**

**2.Y. AMENDMENT NO. 2 TO AGREEMENT NO. A5720 WITH HNTB CORPORATION FOR ENVIRONMENTAL STUDY PHASE OF THE AIRPORT MASTER PLAN IN THE AMOUNT OF \$63,710:**

**ACTION:** 1) Approve Amendment No. 2 to Agreement No. A5720 with HNTB Corporation for the Environmental Phase of the Airport Master Plan in the amount of \$63,710.00 with the agreement term extended to October 31, 2015; and 2) Authorize the City Manager to execute all necessary documents. A5720. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.K. APPROVE AN AGREEMENT WITH CNS ENGINEERS, INC. IN THE AMOUNT OF \$999,914.84 FOR ENVIRONMENTAL AND CIVIL ENGINEERING DESIGN SERVICES RELATED TO THE SOUTH PALM CANYON BRIDGE REPLACEMENT AT THE TAHQUITZ CREEK CHANNEL (CP 12-02):**

Councilmember Foat requested the City Engineer address the incorporation of the Measure J triangle parcel improvements as part of the bridge.

Councilmember Lewin requested the City Engineer address people encamping under the bridge and incorporate measures in the design phase.

**ACTION:** 1) Approve an agreement with CNS Engineers, Inc. in the amount of \$999,914.84 for environmental and engineering design services relating to the South Palm Canyon Bridge Replacement at the Tahquitz Creek Channel (CP 12-02) (Federal Project No. BRLS 5282 042); and 2) Authorize the City Manager to execute all necessary documents. A6594. **Motion Councilmember Foat, seconded by Mayor Pougnet and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Mills.

**2.M. APPROVE AN AGREEMENT WITH RGA LANDSCAPE ARCHITECTS, INC. FOR LANDSCAPE AND ARCHITECTURAL DESIGN SERVICES FOR TAHQUITZ CANYON WAY MEDIAN LANDSCAPE IMPROVEMENTS, SUNRISE WAY TO EL CIELO ROAD, INCLUDING ENHANCEMENTS TO PREVIOUSLY COMPLETED LANDSCAPING FROM INDIAN CANYON TO SUNRISE WAY, IN THE AMOUNT OF \$107,200 (CP 13-33):**

Councilmember Foat requested the City Manager comment on Subcommittee discussion at the next City Council meeting on the Tahquitz Canyon Way Median design.

Councilmember Lewin commented on proposed art projects for the median.

Mayor Pougnet commented on further enhancements to the Tribal portion of the median.

**ACTION:** 1) Approve an agreement with RGA Landscape Architects, Inc., in the amount of \$107,200.00, for landscape and architectural design services for the Tahquitz Canyon Way Medians (extending from Sunrise Way to El Cielo Road), and enhancements to previously completed landscaping (extending from Indian Canyon to Sunrise Way) as a part of City Project 13-33; and 2) Authorize the City Manager to execute all necessary documents. A6595. **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Mills.

**2.N. GIFT AGREEMENT FOR DONATION OF ARTWORK WITH THE AGUA CALIENTE BAND OF CAHUILLA INDIANS FOR THE SCULPTURE TITLED "YOUNG BASKETMAKER" BY ARTIST DOUG HYDE VALUED AT \$410,000 TO BE PLACED IN THE TAHQUITZ CANYON WAY MEDIAN WEST OF SUNRISE WAY IN ACCORDANCE WITH THE SECTION 14 MASTER DEVELOPMENT PLAN:**

Councilmember Lewin highlighted the artist and the gift.

**ACTION:** 1) Approve a Gift Agreement for Donation of Artwork with the Agua Caliente Band of Cahuilla Indians ("Tribe"), for the sculpture "Young Basketmaker" in a form acceptable to the City Attorney; 2) Approve the recommendation to install the donated sculpture "Young Basketmaker" in the center median of Tahquitz Canyon Way west of Sunrise Way in accordance with the Section 14 Master Plan; and 3) Authorize the City Manager to execute all necessary documents. A6596. **Motion Councilmember Lewin, seconded by Mayor Pro Tem Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Mills.

**2.O. APPROVE AN AGREEMENT WITH DOKKEN ENGINEERING FOR THE EAST PALM CANYON BRIDGE WIDENING AT THE PALM CANYON WASH**

**PROJECT IN THE AMOUNT OF \$1,182,540 (CP 12-04) (FEDERAL AID PROJECT NO. BRLS 5282 041):**

Councilmember Lewin requested the City Engineer address people encamping under the bridge and incorporate measures in the design phase.

**ACTION:** 1) Approve an agreement with Dokken Engineering for environmental and civil engineering services relating to the East Palm Canyon Bridge Widening at the Palm Canyon Wash in the amount of \$1,182,540 (CP 12-04) (Federal Aid Project No. BRLS 5282 041); and 2) Authorize the City Manager to execute all necessary documents. A6597. **Motion Councilmember Lewin, seconded by Mayor Pro Tem Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Mills.

**3. LEGISLATIVE:**

**3.A. PROPOSED ORDINANCES RELATING TO MOBILE FOOD VENDING VEHICLES AND CEQA EXEMPTION AND DETERMINATION:**

City Attorney Holland provided background information as outlined in the Staff Report dated September 3, 2014.

**ACTION:** Waive the reading of the text in its entirety and adopt by title only Ordinance No. 1857, "AN URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING THE DATE OF URGENCY ORDINANCE NO. 1850 PROHIBITING VENDING FROM MOBILE FOOD VEHICLES IN THE CITY, SUBJECT TO CERTAIN EXCEPTIONS, TO DECEMBER 4, 2014." **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Lewin and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Mills.

**3.B. PROPOSED ORDINANCES RELATING TO WATER EFFICIENT LANDSCAPING, WATER CONSERVATION AND WATER WASTE PREVENTION AND CEQA EXEMPTION DETERMINATION:**

City Manager Ready provided background information as outlined in the Staff Report dated September 3, 2014.



Mayor Pougnet requested City Staff address the fountain at the Palm Springs International Airport, commented on the Desert Water Agency action, and requested City Staff address education and enforcement.

Councilmember Lewin commented on water waste, commented on hours of and requested the City Council consider hours from 9:00 a.m. to 6:00 p.m. to prohibit irrigation, consider amending the allowable 15 minutes per day, consider eliminating the final sentence of Section 11.06.050(f), providing an exemption for draining pools and spas for houses that are on septic tanks, consider Section 8.60.060(a)(4) strike all verbiage after inaccessible or unusable, and requested 11.06.050(j) be amended by inserting without first put to productive use.

**ACTION:** 1) Waive the reading of the text in its entirety and introduce on first reading by title only Ordinance No. 1858, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 11.06 TO, AND AMENDING SECTION 14.24.020, 14.24.030 AND 14.24.060 OF, THE PALM SPRINGS MUNICIPAL CODE, REGARDING WATER CONSERVATION AND WATER WASTE PREVENTION," *amending Section 11.06.050(f) to strike the last sentence, 11.06.050(j) by inserting "without first being put to productive use," and 11.06.050(k) to exempt properties not connected to sewer;* 2) Waive the reading of the text in its entirety and introduce on first reading by title only Ordinance No. 1859, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING CHAPTER 8.60 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO WATER EFFICIENT LANDSCAPING REGULATIONS AND REQUIREMENTS," *amending Section 8.60.060(a)(4) to read "On commercial, industrial or multifamily landscape no turf shall be installed on any portion of the site that is inaccessible or unusable;"* and 3) Direct Staff to meet with representatives from Desert Water Agency to determine procedural and administrative processes for implementation of Chapter 8.60 Water Efficient Landscaping Regulations. **Motion Councilmember Foat, seconded by Councilmember Lewin and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Mills.

#### **4. UNFINISHED BUSINESS:**

##### **4.A. CITY OF PALM SPRINGS WATER CONSERVATION PROGRAM:**

City Manager Ready provided background information as outlined in the Staff Report dated September 3, 2014.

Councilmember Lewin commented on the educational and incentive programs, and stated his support for the programs.

Mayor Pougnet stated his support for the five programs.

Mayor Pro Tem Hutcheson requested the City Manager address the funding of the programs.

Mayor Pougnet stated the City should fund the programs and try to get reimbursed thru the Prop. 84 grants.

Councilmember Lewin stated the Mayor should write Gov. Brown and inform him of the actions taken by the City and request state funding.

**ACTION:** Direct Staff to proceed with a comprehensive water conservation program, including City facilities turf reductions, residential and commercial turf reduction incentive programs and community outreach program; and 2) Direct Staff to return to the City Council with funding recommendations and alternatives. **By unanimous consent of the City Council (4-0) noting the absence of Councilmember Mills.**

**ACTION:** Continue past the 10:00 p.m. tentative adjournment time. **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and unanimously approved (4-0) on a roll call vote noting the absence of Councilmember Mills.**

**4.B. UPDATE ON THE DOWNTOWN PALM SPRINGS REVITALIZATION PROJECT:**

Doug Evans, Interim Director of Planning Services, provided background information as outlined in the Staff Report dated September 3, 2014.

John Wessman, Project Developer, and his design team, provided an update on the project design.

Councilmember Lewin commented on the naming of proposed "Main Street" and suggested the City Council discuss the naming of the street, commented on the positive changes on Block A, and recommended the City Council discuss and incorporate shade in the overall Downtown area.

Mayor Pro Tem Hutcheson commented on the further development of colors and boxy massing.

Councilmember Lewin commented on the view corridors and requested computer renderings to show view corridors, new streets and buildings.

**ACTION:** Receive and File the project update. **By unanimous consent of the City Council (4-0) noting the absence of Councilmember Mills.**

**4.C. NON-MOTORIZED TRANSPORTATION COMMITTEE BICYCLE ROUTE PLAN AND PROJECT RECOMMENDATIONS FOR PREVIOUSLY APPROVED MEASURE J FUNDING (CP 13-32):**

City Manager Ready and Dave Barakian, City Engineer, provided background information as outlined in the Staff Report dated September 3, 2014.

**ACTION:** 1) Approve the Escoba from East Palm Canyon to El Cielo; 2) Approve the El Cielo from Escoba to Ramon; 3) Approve the El Cielo from Ramon to Tahquitz Canyon Way using the City Engineer Alternative; 4) Approve the Civic Drive from Tahquitz Canyon Way to Alejo using the City Engineer Alternative; 5) Approve the Alejo Road from Belardo Road to North Palm Canyon using the City Engineer Alternative; 6) Approve the Alejo Road from North Palm Canyon to North Indian Canyon; 7) Approve the Alejo Road from North Indian Canyon to Via Miraleste; 8) Approve the Alejo Road from Via Miraleste to Civic Drive; 9) Approve the Belardo Road from Alejo Road to Amado Road using the Consultant plan; 10) Approve Belardo Road/Museum Drive from Amado Road to Tahquitz Canyon Way; 11) Approve the Tahquitz Canyon Way from Museum Drive to Belardo Road; 12) Approve the Belardo Road from Tahquitz Canyon Way to Baristo Road using the City Engineer Alternative; 13) Approve the Belardo Road from Baristo Road to Ramon Road and the Belardo Road from Ramon Road to Sunny Dunes, but retaining the same bike buffer consistent between both segments; 14) Direct Staff to return with further alternatives for the Farrell Drive from Ramon Road to Racquet Club; 15) Approve the Calle Encilia from Ramon Road to Arenas Road; and 16) Approve the Calle Encilia from Arenas Road to Alejo Road. **By unanimous consent of the City Council (4-0) noting the absence of Councilmember Mills.**

**5. NEW BUSINESS:**

**5.A. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE TRAFFIC MANAGEMENT CENTER AND CITYWIDE TRAFFIC SIGNAL INTERCONNECT PROJECT (CP 08-04) (FEDERAL AID PROJECT NO. CML 5282 031):**

City Manager Ready provided background information as outlined in the Staff Report dated September 3, 2014.

**ACTION:** 1) Approve the Plans, Specifications, and estimate for the Traffic Management Center (TMC) and Citywide Traffic Signal Interconnect Project (CP 08-04) (Federal Project No. CML 5282 031); and 2) Authorize staff to advertise and solicit bids. **Motion Councilmember Foat,**

**seconded by Mayor Pro Tem Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

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

Councilmember Lewin thanked City Staff for all the work during the summer, and requested the City Manager continue routine updates on Measure J Projects, and requested an update on the Palm Tree Lights on north area of Palm Canyon.

Councilmember Foat provided an update on the Trolley and routes.

**ADJOURNMENT:** The City Council adjourned at 11:00 p.m., to Wednesday, September 17, 2014, 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 17<sup>TH</sup> DAY OF SEPTEMBER, 2014.**

  
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STEPHEN P. POUCKET, MAYOR

ATTEST:

  
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JAMES THOMPSON, CITY CLERK