

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



**MINUTES
WEDNESDAY, JULY 7, 2010
Council Chamber**

CALL TO ORDER: Mayor Pro Tem Hutcheson called the meeting to order at 6:08 p.m.

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

INVOCATION: Rev. Dr. Amanda Burr, United Methodist Church of Palm Springs, led the Invocation.

ROLL CALL:

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

ABSENT: Councilmember Weigel and Mayor Pougnet.

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

PRESENTATIONS:

Councilmember Foat and Councilmember Mills provided an update on the Animal Shelter Groundbreaking ceremony.

Mayor Pro Tem Hutcheson provided updates on the upcoming World Cup Pentathlon, the Short Film Fest Opening, the Section 14 Monument Installation, the Fourth of July event held with POWER baseball, and Christmas in July fundraising event.

Barbara Roberts, Director of Library Services, announced the upcoming Palm Springs Library Summer Programs.

REPORT OF CLOSED SESSION: City Attorney Holland stated that at 4:30 p.m., the meeting was called to order, and the City Council recessed into Closed Session to discuss Items on the posted Closed Session Agenda. City Attorney Holland reported that the City Council provided direction to the City Attorney with respect to the Martin v. City of Palm Springs Litigation and to the Labor Negotiator with respect to Labor Negotiations with the General Unit and Police Officers Association, no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson stated that staff requests Public Hearing Item 1.C. be continued to July 21, 2010 and direct the City Clerk to post a Notice of Continued Public Hearing, Consent Calendar Item 2.M. be withdrawn from the Agenda, and Consent Calendar Items 2.F. and 2.X be tabled to July 21, 2010.

Councilmember Foat noted her business and property related abstention on Item 2.F., and requested Item 2.G. be pulled for the Consent Calendar for separate discussion.

ACTION: Accept the Agenda as amended. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried 3-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Mills, and Mayor Pro Tem Hutcheson.

NOES: None.

ABSENT: Councilmember Weigel and Mayor Pougnet.

1. PUBLIC HEARINGS:

1.A. ADDITION OF A ROOFTOP DECK FOR A PREVIOUSLY APPROVED HILLSIDE SINGLE-FAMILY RESIDENCE LOCATED AT 587 CAMINO CALIDAD (APPLICANT / APPELLANT THE SCHULTZ FAMILY TRUST) (CASE 3.2795-SFR):

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated July 7, 2010.

Mayor Pro Tem Hutcheson opened the public hearing, and the following speakers addressed the City Council.

STEPHEN SCHULTZ, Applicant, provided background information on the project and the appeal as outlined in his written materials submitted at the hearing, including a barrier free opportunity, and indicated the project is within the definition of harmonious guidelines as set forth by the Planning Department.

RAY RYANS, provided the City Council information on properties to the West and to the South, commented on the process with the Architectural Advisory Committee and the Planning Commission.

PHILIP RUBIN, stated he designed the home and outlined the reasons and purpose for the design.

FRANCES CHUNG, stated the project is not harmonious with the neighborhood, and spoke in opposition to the proposed roof top deck.

JOYCE EINER, stated the property is hill side property, stated the roof top deck is not harmonious with the neighborhood, and spoke in opposition to the roof top deck.

RAY RYANS, Rebuttal for Stephen Schultz, commented on other roof top decks in the area, and commented on neighborhood support of the project.

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

Councilmember Mills requested staff address the process and applicant change during the process of the roof top deck, and requested staff address if the new information has been verified by staff.

Mayor Pro Tem Hutcheson requested staff address the proximity of the roof top deck, and commented on the neighborhood input, and stated his support to deny the appeal.

Councilmember Mills requested staff address structure, commented on the views, stated the location of the deck is situated to least impact the neighborhood, stated the height of the deck needs to be reduced and incorporate a design with the deck more toward grade level, and commented on the limitations with incorporating the deck into a structure that already has been designed.

Councilmember Foat stated her support by the comments and recommendations to application to solve the design issue, stated her support to deny the appeal, but recommended the Applicant redesign with a lower deck and a different plan.

ACTION: Adopt Resolution No. 22746, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DENYING THE APPEAL BY THE SCHULTZ FAMILY TRUST AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO DENY A ROOFTOP DECK FOR A PREVIOUSLY APPROVED HILLSIDE SINGLE-FAMILY RESIDENCE TO BE LOCATED AT 587 CAMINO CALIDAD, CASE NO. 3.2795-SFR" *amending the Resolution adding an ending paragraph "BE IT FURTHER RESOLVED that, the City Council will entertain a redesign for review by the Architectural Advisory Committee and Staff."* **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and unanimously carried 3-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Mills, and Mayor Pro Tem Hutcheson.

NOES: None.

ABSENT: Councilmember Weigel and Mayor Pougnet.

1.B. PLACEMENT OF SIX PUBLIC NUISANCE ABATEMENT FEES ON THE PROPERTY TAX ROLLS:

Terry Tatum, Director of Building and Safety, provided background information as outlined in the staff report dated July 7, 2010.

Councilmember Foat requested staff address the next steps in the process, and address if the City Council could proceed with any other measures to remedy the public nuisance at 1091 South Paseo De Marcia.

Mayor Pro Tem Hutcheson opened the public hearing, and the following speakers addressed the City Council.

ARLENE MORSE, commented on the property located at 923 North Callo Loro and requested a payment plan.

DIANE ROSS, commented on the condition of the property at 1091 South Paseo De Marcia, and requested the City Council place a lien on the property.

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

Mayor Pro Tem Hutcheson requested staff address the possibility of a payment plan as requested for the property located at 923 North Calle Loro.

ACTION: Adopt Resolution No. 22747, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING FOR THE PUBLIC NUISANCE ABATEMENT LIEN LOCATED AT 431 WEST AVENIDA CERCA;" 3) Adopt Resolution No. 22748, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING FOR THE PUBLIC NUISANCE ABATEMENT LIEN LOCATED AT 923 NORTH CALLE LORO" *amending Section 2 of the Resolution "That a Special Assessment Lien in the amount of \$1,085.00 is hereby imposed on the property; however, in the event the property owner within one week of the date of this Resolution pays the amount due in full or makes payment arrangements acceptable to the Finance Director that the Special Assessment Lien shall not be imposed;"* 4) Adopt Resolution No. 22749, "A RESOLUTION OF THE

CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING FOR THE PUBLIC NUISANCE ABATEMENT LIEN LOCATED AT 2168 LAWRENCE STREET;" 5) Adopt Resolution No. 22750, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING FOR THE PUBLIC NUISANCE ABATEMENT LIEN LOCATED AT 414 SOUTH MONTE VISTA DRIVE;" 6) Adopt Resolution No. 22751, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING FOR THE PUBLIC NUISANCE ABATEMENT LIEN LOCATED AT 688 SOUTH MOUNTAIN VIEW DRIVE;" and 7) Adopt Resolution No. 22752, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING FOR THE PUBLIC NUISANCE ABATEMENT LIEN LOCATED AT 1091 SOUTH PASEO DE MARCIA." **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried 3-0 on a roll call vote.**

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

- 1.C. COMMUNITY REDEVELOPMENT AGENCY PUBLIC HEARING FOR THE SALE OF REAL PROPERTY LOCATED AT 342 NORTH PALM CANYON DRIVE TO CADENCE DEVELOPMENT, LLC IN THE AMOUNT OF \$585,000 IN MERGED PROJECT AREA NO. 1:**
Continued the Public Hearing to July 21, 2010 under Acceptance of the Agenda.

The City Council recessed at 7:20 p.m.
The City Council reconvened at 7:24 p.m.

- 1.D. PROPOSITION 218 MAJORITY PROTEST HEARING ON THE MATTER OF INCREASING SEWER SERVICE CHARGES:**

David Barakian, City Engineer, provided background information as outlined in the staff report dated July 7, 2010.

Councilmember Foat requested staff address the current fund balance of the Wastewater Treatment Fund.

Mayor Pro Tem Hutcheson opened the public hearing, and the following speakers addressed the City Council.

DENISE ANDERSON, Palm Springs, commented on the current rates and the fund balance of the Wastewater Treatment Plant and the use of the funds for the purchase of land and easements, and requested the City Council protect the Wastewater Treatment Plant funds.

TIM RADIGAN-BROPHY, stated the revised proposal is more equitable toward multi-family units, and requested the City Council protect the revenue to the Wastewater Treatment Facility and Fund.

VIC GAINER, Palm Springs, commented on recent transfers from the Wastewater Treatment Plant Fund, and requested the City Council consider the dissolution of the Desert Water Agency.

JIM FRANKLIN, stated his opposition to the proposed increase in sewer service charges.

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

Councilmember Foat stated her opposition to a tier rate with differences between single family and multi unit properties, commented on the current funds available and stated her opposition to the proposed increase.

Councilmember Mills requested staff address the definition of multi unit properties, the setting of priorities and the stated the elimination of odors need to be addressed with phase one improvements, commented on favorable prices to complete such work at this time, requested staff address the timing and funding of improvements, and stated his support for no rate increase this year; however, stated the project needs to be completed, and commented on increasing the rates but delaying the increase for one year.

Mayor Pro Tem Hutcheson requested staff address the current financial status and break event of the Waste Water Treatment Funds, the creation of enterprise account and other protections of the Waste Water Treatment Funding, stated he is opposed to adopting a rate increase at this time, and requested staff address stretching the time frame to 10-years to slow the rate increase.

Councilmember Foat commented on the funding, the pay as you go approach, stated her support for starting the engineering work on the project and continued assessment for the rate study, and recommended the City Council proceed with the initial engineering work for phase one using current fund balance, and bring back a new rate study and rate increase next year.

Councilmember Foat stated her support to decline a rate increase at this time, and recommended staff bring a rate increase for City Council consideration in one year.

Councilmember Mills commented on the consequences of going forward with engineering work without a delayed increase, and requested staff address the usage of all reserves.

Councilmember Foat stated she needed additional information on increasing rates, and requested staff address how the City Council can move forward without attaching a rate increase at this time.

Councilmember Mills stated he is not in favor of pushing off the improvements to the Waste Water Treatment Plant, and requested the City Council consider amending the rate increase or delaying the rate increase, and urged the City Council to support an amended or delayed rate increase.

ACTION: 1) Not approve a rate increase at this time; and 2) Direct staff to return this Item in one year. **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and carried 2-1 on a roll call vote.**

AYES: Councilmember Foat and Mayor Pro Tem Hutcheson.

NOES: Councilmember Mills.

ABSENT: Councilmember Weigel and Mayor Pougnet.

1.E. PROPOSED ZONING ORDINANCE EXTENDING THE TERM FOR PORTABLE "OPEN" SIGNS IN COMMERCIAL ZONES:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated July 7, 2010.

Mayor Pro Tem Hutcheson opened the public hearing, and no speakers coming forward the public hearing was closed.

ACTION: 1) Waive the reading of the full text of the Ordinance, and introduce by title only; and 2) Introduce on first reading Ordinance No. 1778, "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, 2012." **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried 3-0 on a roll call vote.**

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

PUBLIC COMMENT:

JASON DEAN-HECKMAN, commented on the conditions at Baristo Park, and requested safety improvements.

LEONARD BEENE, commented on Item 2.D. and increasing the security at Sunrise Park with Maxwell Security as well.

SID CRAIG, commented on Item 2.G., and requested the City Council support the Human Rights Commission recommendation.

MARCEL HONORE, *Desert Sun*, announced the new reporter responsible for coverage in Palm Springs.

BOB ELSNER, stated he has accepted the position as interim CEO for the Chamber of Commerce.

WILLIE JAMES HOLLAND, SR., commented on code violations on his property and the conditions in the Desert Highland neighborhood.

JOHN TYMON, commented on nuisance abatement fees.

COUNCILMEMBER COMMENTS:

Councilmember Foat commented on the lack of Basketball courts at Bristo Park, and requested staff review the ingress/egress at Baristo Park.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.H., 2.I., 2.J., 2.K., 2.L., 2.N., 2.O., 2.P., 2.Q., 2.R., 2.S., 2.T., 2.U., 2.V., 2.W., and 2.X. **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried 3-0 on a roll call vote.**

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

2.A. REPORT ON POSTING OF THE AGENDA:

ACTION: Receive and file Report on the Posting of the July 7, 2010, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of June 16, 2010, and June 21, 2010. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 22753, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1042524 THROUGH 1042694 IN THE AGGREGATE AMOUNT OF \$623,449.96, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22754, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 6-12-10 BY WARRANTS NUMBERED 415815 THROUGH 415865 TOTALING \$158,449.41, LIABILITY CHECKS NUMBERED 1042695 THROUGH 1042715 TOTALING \$143,222.80, FIVE WIRE TRANSFERS FOR \$69,765.84, AND THREE ELECTRONIC ACH DEBITS OF \$1,067,233.54, IN THE AGGREGATE AMOUNT OF \$1,438,671.59, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 22755, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1042716 THROUGH 1042818 IN THE AGGREGATE AMOUNT OF \$893,512.96, DRAWN ON BANK OF AMERICA;" and 4) Adopt Resolution No. 22756, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1042819 THROUGH 1042968 IN THE AGGREGATE AMOUNT OF \$3,756,531.08, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. AMENDMENT NO. 3 TO AGREEMENT NO. A5630 WITH MAXWELL SECURITY TO EXTEND UNARMED SECURITY GUARD SERVICES AT THE SKATE PARK:

ACTION: 1) Approve Amendment No. 3 to Agreement No. A5630 with Maxwell Security extending the unarmed security guard services at the Skate Park through February 1, 2012, with two one-year optional renewals; and 2) Authorize the City Manager to execute all necessary documents. A5630. **Approved as part of the Consent Calendar.**

- 2.E. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1777:**
ACTION: Waive further reading and adopt Ordinance No. 1777, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PALM SPRINGS MUNICIPAL CODE SECTION 2.04.010 RELATING TO MEETING TIMES OF THE CITY COUNCIL MEETINGS."
Approved as part of the Consent Calendar.
- 2.H. AMENDMENT NO. 1 TO AGREEMENT NO. A3909 WITH HIGH LINE CORPORATION TO UPGRADE EXISTING HUMAN RESOURCES, PAYROLL, AND TIME AND ATTENDANCE SOFTWARE SYSTEM:**
ACTION: 1) Approve Amendment No. 1 to Agreement No. A3909 with High Line Corporation for the ePersonality upgrade in the amount of \$48,445; and 2) Authorize the City Manager to execute all necessary documents. A3909. **Approved as part of the Consent Calendar.**
- 2.I. APPLICATION FOR NATURE EDUCATION FACILITY PROGRAM FUNDS (SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006):**
ACTION: Adopt Resolution No. 22757, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE APPLICATION FOR NATURE EDUCATION FACILITY PROGRAM FUNDS (SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006)." **Approved as part of the Consent Calendar.**
- 2.J. ACCEPT GRANT FUNDING FROM THE RIVERSIDE COUNTY ANTI-TERRORISM APPROVAL AUTHORITY (ATTA) TO FUND THE PURCHASE OF TEN MOBILE RADIOS FOR THE EASTERN RIVERSIDE COUNTY INTEROPERABLE COMMUNICATION AGENCY (ERICA) IN THE AMOUNT OF \$60,000:**
ACTION: 1) Approve the acceptance of \$60,000 in grant funding from the Riverside County Anti-Terrorism Approval Authority (ATTA) to fund the purchase of ten mobile radios for the Eastern Riverside County Interoperable Communication Agency (ERICA) to be used by the police department; and 2) Authorize the City Manager to execute all necessary documents. A5994. **Approved as part of the Consent Calendar.**
- 2.K. PURCHASE OF CITATION ISSUING EQUIPMENT FROM CROSSROADS COLLISION REPORTING SOFTWARE AND INTERFACE WITH EXISTING CYRUN REPORT MANAGEMENT**

SYSTEM FUNDED THROUGH A TRAFFIC SAFETY GRANT FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (AL1021):

ACTION: 1) Waive the competitive requirements of the Palm Springs Municipal Code pursuant to Section 7.07.020 and award a single source purchase of six Motorola MC75A citation issuing handheld devices and attachments, Crossroads Software applications, end user training, interface with our current CYRUN RMS and the County of Riverside Traffic Court, two years of maintenance and support from Crossroads Software in the amount of \$64,160.47; 2) Approve the purchase and installation and interface between Crossroads Software and our current RMS, and two years of maintenance and support from CYRUN in the amount of \$17,000; and 3) Authorize the City Manager to execute all necessary documents. A5995. A5359. **Approved as part of the Consent Calendar.**

2.L. FISCAL YEAR 2010-11 MAINTENANCE AND REPAIR EQUIPMENT:

ACTION: Authorize issuance of purchase orders for the as-needed purchase of Caterpillar repair parts from Johnson Power Systems in an amount not to exceed \$100,000 and carpet maintenance services from DFS Flooring in the amount of \$61,488. **Approved as part of the Consent Calendar.**

2.N. TREASURER'S INVESTMENT REPORT AS OF MAY 31, 2010:

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

2.O. AMENDMENT 4 TO AGREEMENT NO. A4821 WITH SIGNATURE FLIGHT SUPPORT, INC., FOR FIXED BASE OPERATOR SERVICES:

ACTION: 1) Approve Amendment 4 to Agreement No. A4821 with Signature Flight Support, Inc., for fixed Base operator services effective September 1, 2010; and 2) Authorize the City Manager to execute all necessary documents. A4821. **Approved as part of the Consent Calendar.**

2.P. OPERATING AND LEASE AGREEMENT FOR TWO HANGAR RENTALS WITH SIGNATURE FLIGHT SUPPORT, INC., FOR A TWO YEAR PERIOD WITH ONE ONE-YEAR OPTION AT A RATE OF \$9,400 PER MONTH:

ACTION: 1) Approve an operation and lease agreement with Signature Flight Support, Inc., for two hangar rentals for a two year period with one one-year option at a rate of \$9,400 per month; and 2) Authorize the City Manager to execute all necessary documents. A5996. **Approved as part of the Consent Calendar.**

2.Q. PURCHASE OF 17,600 GALLONS OF PAVEMENT SEALANT CONCENTRATE FOR THE AIRPORT'S PAVEMENT SURFACES FROM

GRANITE CONSTRUCTION COMPANY IN THE AMOUNT OF \$118,668.00:

ACTION: 1) Approve the purchase of 17,600 gallons of sealant concentrate, from Granite Construction Company in the amount of \$118,668.00 (Bid No. 10-08); and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

2.R. NON-EXCLUSIVE AIRLINE CATERING CONCESSION AND SPACE AGREEMENT WITH SKY CHEFS INC:

ACTION: 1) Approve a three-year Non-Exclusive Airline Catering Concession and Space Agreement with Sky Chefs, Inc. with two one-year options at a monthly rental rate of \$559.00 for an airside catering vehicle parking space and 12.25% portage fee of gross revenue from in-flight catering services; and 2) Authorize the City Manger to execute all necessary documents. A5997. **Approved as part of the Consent Calendar.**

2.S. NON-EXCLUSIVE OPERATING AND LEASE AGREEMENT FOR FACILITY RENTAL WITH LEGEND AIRE, INC:

ACTION: 1) Approve a Non-Exclusive Operating and Lease Agreement for Facility Rental with Legend Aire, Inc. from September 1, 2010, through August 31, 2011, with two one-year options at a monthly rental rate of \$1,500; and 2) Authorize City Manager to execute all necessary documents. A5998. **Approved as part of the Consent Calendar.**

2.T. DESIGNATION OF A VOTING DELEGATE AND ALTERNATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE SEPTEMBER 15-17, 2010:

ACTION: Appoint Councilmember Foat as the Voting Delegate and Mayor Pro Tem Hutcheson as the Alternate Voting Delegate for the 2010 League of California Cities Annual Conference in San Diego, California, September 15-17, 2010. **Approved as part of the Consent Calendar.**

2.U. ADOPTION OF APPROPRIATIONS LIMIT FOR FISCAL YEAR 2010-11:

ACTION: Adopt Resolution No. 22758, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN APPROPRIATIONS LIMIT FOR THE FISCAL YEAR ENDING JUNE 30, 2011." **Approved as part of the Consent Calendar.**

2.V. ANNUAL RESERVATION OF UNAPPROPRIATED FUND BALANCES:

ACTION: Adopt Resolution No. 22759, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE RESERVATION OF UNAPPROPRIATED FUND BALANCES IN VARIOUS CITY OPERATING AND CAPITAL PROJECTS

FUNDS FOR THE FISCAL YEAR ENDING JUNE 30, 2010." **Approved as part of the Consent Calendar.**

2.W. ANIMAL CARE FACILITY UTILITY PAYMENTS AND CONTRACTOR INCENTIVES:

ACTION: 1) Authorize the City Manager to approve payments to various public utilities for the Animal Care Facility in an aggregate amount up to \$110,000; 2) Approve a contractor incentive for 50% of any savings on Special Testing and Inspection for the Animal Care Facility, savings shall be determined based on a budget amount of \$110,000 for Special Testing & Inspection; 3) Approve a contractor incentive for early completion, \$225 per day that Substantial Completion occurs prior to August 6, 2011; and 4) Authorize the City Manager to execute all necessary documents. A5976.
Approved as part of the Consent Calendar.

EXCLUDED CONSENT CALENDAR:

2.F. PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT (BID), TAKING NO ACTION ON THE FISCAL YEAR 2010-11 ASSESSMENTS, AND AUTHORIZING VOLUNTARY PAYMENTS TO THE BID FOR FISCAL YEAR 2010-11:

Tabled to July 21, 2010 under Acceptance of the Agenda.

2.G. HUMAN RIGHTS COMMISSION REQUEST FOR THE CITY COUNCIL TO SUPPORT CALIFORNIA AB 2706 (LOWENTHAL) AMENDING THE CAL. CIVIL CODE TO DEEM VIOLENCE AGAINST HOMELESS PEOPLE OR THEIR PROPERTY AS A HATE CRIME FOR CIVIL LITIGATION:

Councilmember Foat commended the Human Rights Commission for bringing this Item forward, and requested the Human Rights Commission develop an educational component and training for use at Roy's Desert Resource Center.

ACTION: Receive and file. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried 3-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Mills, and Mayor Pro Tem Hutcheson.

NOES: None.

ABSENT: Councilmember Weigel and Mayor Pougnet.

2.M. AMENDMENT NO. 1 TO AGREEMENT NO. A5924 WITH ESCALANTE ARCHITECTS ADDING CIVIL ENGINEERING SERVICES FOR THE WELWOOD MURRAY MEMORIAL LIBRARY:

Tabled to July 21, 2010 under Acceptance of the Agenda.

2.X. APPROVE THE THIRD PERMIT FOR THE OPERATION OF A MEDICAL CANNABIS COLLECTIVE/COOPERATIVE TO ORGANIC SOLUTIONS OF THE DESERT AT 560 WILLIAMS ROAD (CASE NO. MC 09-002):

Tabled to July 21, 2010 under Acceptance of the Agenda.

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE RELATING TO CLAIMS FOR RECOVERY OF TAXES:

City Attorney Holland provided background information as outlined in the staff report dated July 7, 2010.

ACTION: 1) Waive the reading of the full text of the Ordinance, and introduce by title only; and 2) Introduce on first reading Ordinance No. 1779, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTIONS 3.16.011, 3.16.012, AND 3.16.013 TO, AMENDING SUBSECTION (8) OF SECTION 3.24.020 OF, AND REPEALING SECTIONS 3.24.130 AND 3.32.216 OF, THE PALMS SPRINGS MUNICIPAL CODE, RELATING TO CLAIMS FOR RECOVERY OF TAXES." **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and unanimously carried 3-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Mills, and Mayor Pro Tem Hutcheson.

NOES: None.

ABSENT: Councilmember Weigel and Mayor Pougnet.

4. UNFINISHED BUSINESS:

4.A. LANDSCAPING AND LIGHTING SITE PLAN FOR THE SCULPTURE "RED ECHO" ON PRIVATE PROPERTY AT THE SPRINGS SHOPPING CENTER LOCATED AT THE NORTHEAST CORNER OF GENE AUTRY TRAIL AND RAMON ROAD:

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated July 7, 2010.

ACTION: 1) Approve the site plan for the sculpture "Red Echo" at the Springs Shopping Center; and 2) Authorize the City Manager to execute all necessary documents. **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and unanimously carried 3-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Mills, and Mayor Pro Tem Hutcheson.

NOES: None.

ABSENT: Councilmember Weigel and Mayor Pougnet.

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

Tom Wilson, Assistant City Manager, provided a verbal report on the status of the Museum Market Plaza Specific Plan.

No action taken.

5. NEW BUSINESS:

5.A. PURCHASE THE SCULPTURE ENTITLED "MONSIEUR POMPADOUR" IN THE AMOUNT OF \$12,500 FROM ARTISTS KAREN AND TONY BARONE FOR PLACEMENT AT THE CITY'S NEW ANIMAL CARE FACILITY LOCATED AT 4575 EAST MESQUITE AVENUE:

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated July 7, 2010.

The City Council discussed and/or commented on the following with respect to the public art: maintenance requirements and maintenance costs, placement on the Animal Shelter site and the need for other site improvements for the piece.

ACTION: 1) Approve the purchase of the sculpture "Monsieur Pompadour" for placement at 4575 East Mesquite Avenue; 2) Approve an Agreement for Purchase and Sale of Public Artwork with Karen and Tony Barone in the amount of \$12,500 in a form acceptable to the City Attorney; and 3) Authorize the City Manager to execute all necessary documents. A5999. **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and unanimously carried 3-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Mills, and Mayor Pro Tem Hutcheson.

NOES: None.

ABSENT: Councilmember Weigel and Mayor Pougnet.

5.B. APPOINTMENT OF VARIOUS COMMISSIONERS AND BOARD MEMBERS AS PART OF THE 2010 ANNUAL RECRUITMENT PROCESS:

City Clerk Thompson provided background information as outlined in the Staff Memorandum dated July 7, 2010.

ACTION: Parks and Recreation Commission 1) Reappoint Clifford Reed and Steven Sims to the Parks and Recreation Commission for the term ending June 30, 2013; and 2) Appoint Cheryl Houk to the Parks and Recreation Commission for the term ending June 30, 2013. Public Arts

Commission 1) Reappoint Amy Sand to the Public Arts Commission for the term ending June 30, 2013; and 2) Appoint Timothy Brown to the Public Arts Commission for the term ending June 30, 2013. Sustainability Commission 1) Appoint Kerry Hendrix, Brian Lofman, John Stiles, and Michael Harris to the Sustainability Commission for the term ending June 30, 2013; and 2) Continue to accept applications for the Sustainability Commission to fill the remaining three vacancies. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried 3-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Mills, and Mayor Pro Tem Hutcheson.

NOES: None.

ABSENT: Councilmember Weigel and Mayor Pougnet.

5.C. NOTICE OF INTENT TO SUBMIT A STATE HAZARD MITIGATION GRANT REGARDING THE COACHELLA VALLEY EARLY WARNING SYSTEM:

City Manager Ready and Blake Goetz, Fire Chief, provided background information as outlined in the staff report dated July 7, 2010.

ACTION: Authorize the City Manager to submit a Notice of Intent for a State Hazard Mitigation Grant for the Coachella Valley Early Warning System. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried 3-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Mills, and Mayor Pro Tem Hutcheson.

NOES: None.

ABSENT: Councilmember Weigel and Mayor Pougnet.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Foat request staff prepare a resolution for City Council consideration in support AB 2706.

Mayor Pro Tem Hutcheson commented on the effects of extreme heat on animals.

ADJOURNMENT: The City Council adjourned at 9:13 p.m. to a Regular Meeting, Wednesday, July 21, 2010, at 6:00 P.M. Council Chamber, City Hall, preceded by a Closed Session at 4:00 P.M., Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS
21ST DAY OF JULY, 2010.**

ATTEST:

STEPHEN P. POUCKET, MAYOR

JAMES THOMPSON, CITY CLERK