

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



**MINUTES  
WEDNESDAY, APRIL 6, 2011  
Council Chamber**

**CALL TO ORDER:** Mayor Pro Tem Weigel called the meeting to order at 6:10 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 Mills, and Mayor Pro Tem Weigel.

**ABSENT:** Mayor Pougnet.

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

**PRESENTATIONS:**

Police Officer William Hutchinson and Palm Springs High School Principal Ricky Wright announced the upcoming Books for Badges fundraising event.

Mayor Pro Tem Weigel announced the upcoming Police and Fire Appreciation Luncheon.

Councilmember Foat provided an update on the Dinah Shore Weekend events.

Mayor Pro Tem Weigel announced the Palm Springs Dog Park received the "Best in the Valley" award, and introduced Dr. Les Zendle who announced the upcoming Human Rights Commission educational program "Scams that Target Seniors."

Mayor Pro Tem Weigel announced the upcoming City of Palm Springs Cleanup event, the Palm Springs Shredding Event, and the Annual Easter Egg Hunt.

Mark Johnson, Coachella Valley Water District, provided an update on the Whitewater Groundwater Replenishment Facility.

**REPORT OF CLOSED SESSION:** City Attorney Holland reported the meeting was called to order at 4:30 p.m., and the City Council recessed into Closed Session to discuss Items on the posted Closed Session Agenda. No reportable actions were taken.

## ACCEPTANCE OF THE AGENDA:

City Clerk Thompson stated the Public Works Director is requesting the City Council consider adding an Item to the April 6, 2011 Consent Calendar, as Item 2.O, and consider the adoption of two resolutions, the Public Works Director has indicated the Grant Application is required to be filed by April 15, 2011, prior to the next meeting, and the City is required to adopt the Regional Water Management Plan in order to apply for the grant.

PROPOSED RESOLUTIONS APPROVING THE SUBMISSION AND ACCEPTANCE OF A GRANT TO OBTAIN STORMWATER FLOOD MANAGEMENT GRANT FUNDING FROM THE CALIFORNIA DEPARTMENT OF WATER RESOURCES AND ADOPTING THE COACHELLA VALLEY INTEGRATED REGIONAL WATER MANAGEMENT PLAN DATED NOVEMBER 30, 2010.

**ACTION:** 1) Find the Item was brought to the attention of the City after the posting of the Agenda, and there is an immediate need to hear and/or take action on the Item; and 2) Add the Item as titled above to the Consent Calendar as Item 2.O. **Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

Councilmember Foat requested Item 2.L. be removed from the Consent Calendar for separate discussion.

Councilmember Hutcheson requested Items 2.K. and 2.M. be removed from the Consent Calendar for separate discussion.

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

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

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

**1. PUBLIC HEARINGS:**

**1.A. APPEAL OF THE PLANNING COMMISSION DECISION BY SOLAR POWER INC., REQUESTING RELIEF FROM THE IMPOSITION OF PUBLIC ARTS FEES FOR A 4.96 MEGAWATT SOLAR POWER GENERATING FACILITY ON 24 ACRES OF A 98-ACRE PARCEL AT THE SOUTHEAST CORNER OF KAREN AVENUE AND 19TH AVENUE ZONE E-I (CASE 5.1253 CUP):**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated April 6, 2011.

Mayor Pro Tem Weigel opened the public hearing, and the following speaker addressed the City Council.

FRANCES KNIGHT, Solar Power, provided background information on the scope and purpose of the project, stated the fee acts as a disincentive to clean energy projects, noted art could be installed on the property but such art would only be appreciated by occasional maintenance staff, commented on the fees for all agencies, requested to be relieved of the art fee, or an art fee be calculated proportionate to the project such as wind power projects.

No further speakers, the public hearing was closed.

Councilmember Hutcheson stated his support for incentives for renewable energy and requested staff bring back a proposal to modify the fees.

Councilmember Foat stated her agreement, commented on the substantial reduction, and requested staff research a per acre in-lieu fee.

Councilmember Mills commented on the timing of the request, stated the difference between the fees is large and staff should review for equity, and stated staff should review a minimum fee and perhaps a per acre fee for that zone.

**ACTION:** 1) Deny the appeal; and 2) Direct staff to return to the City Council with a proposed policy for imposing public art fees on all solar power generating facilities that would be similar to the methodology used for wind power generating facilities. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Mayor Pougnet.

**PUBLIC COMMENT:**

BEN HALL, Palm Springs, commented on Item 2.H. regarding the installation of the security fencing at the Palm Springs International Airport, and requested the City Council consider cancelling the project.

ROY HILL, Palm Springs Unified School District, commented on Item 3.B., thanked the City Council for their consideration, noted problems with vendors near schools, and stated the District supports the Ordinance.

CHARLES NISBET, Palm Springs, provided a brief report on the Trails Subcommittee and a status report of the trails in Palm Springs.

SID CRAIG, Palm Springs, commented on the activities of the Human Rights Commission regarding "bullying" in schools.

RICK PANTELE, announced the upcoming art mixer to benefit the AIDS Assistance Program and the Friends of the Palm Springs Animal Shelter, and commented on public art fees.

**COUNCILMEMBER COMMENTS:**

Councilmember Foat announced the Arts thru Lens event, and presented a \$25,000 check to the City from the Friends of the Palm Springs Animal Shelter.

Councilmember Mills requested a breakdown of the bond funds for the Welwood Library and the Palm Springs Library, and request staff address the condition of the medians at Vista Chino and Sunrise.

Councilmember Hutcheson requested the City Manager look at developing pilot projects substituting flora landscaping for sustainable landscaping.

Mayor Pro Tem Weigel noted lack of the Security Guard at the skate park, and requested staff address the roof at the locker rooms at the Swim Center.

**CITY MANAGER'S REPORT:**

City Manager Ready requested David Barakian, City Engineer, provide an update on the Palm Springs Insignia on the Interstate 10/Gene Autry Trail Interchange. City Manager Ready announced the recent demolition of the Clara Bee.

**2. CONSENT CALENDAR:**

Councilmember Foat requested Item 2.H. be removed from the Consent Calendar for a staff report.

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

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

**NOES:** None.

**ABSENT:** Mayor Pougnet.

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

**ACTION:** Receive and file Report on the Posting of the April 6, 2011, City Council Agenda. **Approved as part of the Consent Calendar.**

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

**ACTION:** Approve the City Council/Community Redevelopment Agency Minutes of March 16, 2011. **Approved as part of the Consent Calendar.**

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

**ACTION:** 1) Adopt Resolution No. 22897, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 3-05-11 BY WARRANTS NUMBERED 416517 THROUGH 416547 TOTALING \$46,960.59, LIABILITY CHECKS NUMBERED 1047554 THROUGH 1047575 TOTALING \$123,526.36, FIVE WIRE TRANSFERS FOR \$46,790.07, AND THREE ELECTRONIC ACH DEBITS OF \$1,015,071.12, IN THE AGGREGATE AMOUNT OF \$1,232,348.14, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22898, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1047576 THROUGH 1047651 IN THE AGGREGATE AMOUNT OF \$1,582,534.38 DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 22899, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1047652 THROUGH 1047661 IN THE AGGREGATE AMOUNT OF \$16,636.39, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 22900, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1047662 THROUGH 1047849 IN THE AGGREGATE AMOUNT OF \$1,260,886.11, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 22901, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 3-19-11 BY WARRANTS NUMBERED 416548 THROUGH 416574 TOTALING \$42,278.48, LIABILITY CHECKS NUMBERED 1047850 THROUGH 1047873 TOTALING \$126,430.86, FIVE WIRE TRANSFERS FOR

\$45,765.96, AND THREE ELECTRONIC ACH DEBITS OF \$989,781.14, IN THE AGGREGATE AMOUNT OF \$1,204,256.44, DRAWN ON BANK OF AMERICA;" and 6) Adopt Resolution No. 22902, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1047874 THROUGH 1048017 IN THE AGGREGATE AMOUNT OF \$545,062.82, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

**2.D. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1785, PROHIBITING MOBILE VENDING NEAR SCHOOLS:**

**ACTION:** Waive further reading and adopt Ordinance No. 1785, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 6.08.140 TO THE PALM SPRINGS MUNICIPAL CODE, TO PROHIBIT MOBILE VENDING NEAR SCHOOLS." **Approved as part of the Consent Calendar.**

**2.E. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1786, AMENDING THE EXISTING HOTEL INCENTIVE PROGRAM FOR A FIRST CLASS NEW HOTEL TO RECEIVE SEVENTY-FIVE PERCENT OF THE ADJUSTED TAX RATE:**

**ACTION:** Waive further reading and adopt Ordinance No. 1786, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTION (a) OF SECTION 5.26.040 OF THE PALM SPRINGS MUNICIPAL CODE, WITH RESPECT TO FIRST CLASS NEW HOTELS PARTICIPATING IN THE CITY'S HOTEL OPERATIONS INCENTIVE PROGRAM." **Approved as part of the Consent Calendar.**

**2.F. ACCEPT THE RESIGNATION OF ALFRED GERGELY FROM THE ADMINISTRATIVE APPEALS BOARD:**

**ACTION:** 1) Accept with regret the resignation of Alfred Gergely from the Administrative Appeals Board; and 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2012. **Approved as part of the Consent Calendar.**

**2.G. CHANGE ORDER NO. 6 TO AGREEMENT NO. A5976 WITH W. E. O'NEIL CONSTRUCTION COMPANY TO SETTLE ALL ITEMS RELATED TO FIELD CORRECTION NOTICE NO. 8 ON THE PALM SPRINGS ANIMAL SHELTER PROJECT:**

**ACTION:** 1) Approve Change Order No. 6 to Agreement No. A5976 with W. E. O'Neil Construction Company to settle all items related to Field Correction No. 8 on the Palm Springs Animal Shelter; and 2) Authorize the City Manager to execute all necessary documents. A5976. **Approved as part of the Consent Calendar.**

**2.I. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE INDIAN CANYON DRIVE**

**WIDENING (TRAMVIEW ROAD TO UPRR), FEDERAL PROJECT NO. STPLN-5282 (023) (CP 01-25):**

**ACTION:** Approve the plans, specifications, and working details for the Indian Canyon Drive Widening (Tramview Road to UPRR), Federal Project No. STPLN-5282(023) (CP 01-25), and authorize the bid process.  
**Approved as part of the Consent Calendar.**

**2.N. SURRENDER THE PERMIT FOR THE COACHELLA VALLEY FRINGE-TOED LIZARD HABITAT CONSERVATION PLAN:**

**ACTION:** 1) Adopt Resolution No. 22904, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SURRENDERING THE PERMIT FOR THE COACHELLA VALLEY FRINGE-TOED LIZARD HABITAT CONSERVATION PLAN AND REPEALING THE FRINGE-TOED LIZARD MITIGATION FEE." **Approved as part of the Consent Calendar.**

**2.O. ADDED ITEM PROPOSED RESOLUTIONS APPROVING THE SUBMISSION AND ACCEPTANCE OF A GRANT TO OBTAIN STORMWATER FLOOD MANAGEMENT GRANT FUNDING FROM THE CALIFORNIA DEPARTMENT OF WATER RESOURCES AND ADOPTING THE COACHELLA VALLEY INTEGRATED REGIONAL WATER MANAGEMENT PLAN DATED NOVEMBER 30, 2010:**

**ACTION:** 1) Adopt Resolution No. 22905, " A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE SUBMITTAL OF AN APPLICATION TO OBTAIN STORMWATER FLOOD MANAGEMENT GRANT FUNDING FROM THE CALIFORNIA DEPARTMENT OF WATER RESOURCES FOR THE TAHQUITZ CREEK LEVEE IMPROVEMENTS;" and 2) Adopt Resolution No. 22906, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE COACHELLA VALLEY INTEGRATED REGIONAL WATER MANAGEMENT PLAN DATED NOVEMBER 30, 2010. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.H. FEDERAL AVIATION ADMINISTRATION (FAA) AIRPORT IMPROVEMENT PROJECT (AIP) 48 GRANT ACCEPTANCE:**

Councilmember Foat requested staff address the comments made during public comment regarding the security fence project.

**ACTION:** 1) Approve the acceptance of FAA AIP Grant No. 3-06-0101-048-2011 for up to \$2,200,000 for the construction phase of the Security Fencing Project; and 2) Authorize the City Manager to execute all necessary documents. A6084.

**Motion Councilmember Mills, seconded by Mayor Pro Tem Weigel and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Mayor Pougnet.

**2.J. PROFESSIONAL SERVICES AGREEMENT WITH SOUTHERN CALIFORNIA SOIL & TESTING, INC. FOR ON-CALL SOILS, GEOTECHNICAL AND MATERIALS TESTING SERVICES:**

Councilmember Mills requested staff address the criteria for selection, questioned why this was considered a professional service rather than a bidding process, and the payment of prevailing wage.

**ACTION:** 1) Approve an agreement with Southern California Soil & Testing, Inc., for "on-call" soils, geotechnical and materials testing services for an initial three (3) year term, subject to two (2) additional one (1) year extensions approved at the discretion of the City Manager deleting the words "prevailing wage" on Exhibit D to the contract; 2) Authorize the Director of Public Works/City Engineer to approve Purchase Orders for services associated with budgeted capital improvement projects pursuant to the terms of the Agreement for amounts up to \$25,000; 3) Authorize the City Manager to approve Purchase Orders for services associated with budgeted capital improvement projects pursuant to the terms of the Agreement for amounts in excess of \$25,000; and 4) Authorize the City Manager to execute all necessary documents. A6086. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Mayor Pougnet.

**2.K. GENERAL PLAN HOUSING ELEMENT 2010 ANNUAL REPORT TO THE STATE OF CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT:**

Councilmember Hutcheson request the City Manager schedule a meeting with the ad hoc City Council Affordable Housing Subcommittee to discuss low income housing options, small residential care facilities, and incentives to encourage the production of low income housing.

**ACTION:** Receive and file. **Motion Councilmember Hutcheson, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.**



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

**NOES:** None.

**ABSENT:** Mayor Pougnet.

**2.L. PURCHASE NOTEBOOK COMPUTERS FOR MOBILE DATA COMPUTING:**

Councilmember Foat requested staff address the disposal of the current notebook computers.

**ACTION:** 1) Approve the purchase of thirty-one (31) Dell Latitude E6400XFR Ruggedized notebook computers with corresponding Dell Mobile Docking Stations and Multimode Combo antennas from Dell Corporation via the Western States Contracting Alliance Cooperative Purchase Agreement WN99ABZ in the amount of \$148,662.81; and 2) Authorize the City Manager to execute all necessary documents. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Mayor Pougnet.

**2.M. ADDITIONAL MISCELLANEOUS FISCAL YEAR 2010-11 MAINTENANCE AND REPAIR EXPENDITURES FOR THE CO-GENERATION PLANTS:**

Councilmember Hutcheson requested staff address the feasibility of postponing the expenditures until the City receives the energy report from Chevron.

Mayor Pro Tem Weigel requested staff comment on the energy report, and if the report will provide analysis on the cost effectiveness of the Co-Gen Plant.

**ACTION:** 1) Approve additional funds to Johnson Power Systems Purchase Order No. 11-0193 for the as-needed purchase of Caterpillar repair parts in an amount not-to-exceed \$60,000; and 2) Adopt Resolution No. 22903, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2010-11." **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Mayor Pougnet.

**3. LEGISLATIVE:**

**3.A. PROPOSED ORDINANCE PROVIDING FOR DISPLACEMENT PAYMENTS FOR RESIDENTIAL HOUSEHOLDS:**

John Raymond, Director of Community and Economic Development, provided background information as outlined in the April 6, 2011 staff report.

Councilmember Foat requested staff address including a first right of refusal for tenants to return to the renovated building when completed, and requested staff address who makes the determination if the owner or the tenant is at fault.

Councilmember Hutcheson stated his support, and would recommend the City Council direct the City Attorney to draft a right of first refusal provision in a separate ordinance.

**ACTION:** 1) Waive reading of the full text of the Ordinance, and introduce by title only; and 2) Introduce for the first reading Ordinance No. 1787, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING ARTICLE VIII TO CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, PROVIDING FOR DISPLACEMENT PAYMENTS FOR RESIDENTIAL HOUSEHOLDS;" and 2) Direct the City Attorney to draft an Ordinance providing a right of first refusal for displaced tenants to return to the building. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Mayor Pougnet.

**3.B. PROPOSED ORDINANCE RELATING TO PROHIBITION OF SMOKING NEAR PLAYGROUNDS:**

City Attorney Holland provided background information as outlined in the staff report dated April 6, 2011.

Mayor Pro Tem Weigel commented on information received regarding the prohibition of smoking in public parks, and stated he feels this ordinance does not go far enough, but would like to increase the number of feet to 100 feet.

Councilmember Hutcheson stated his support for the ordinance.

Councilmember Mills stated his support for the ordinance, requested staff address enforcement, commented on the posting of signs, and suggested the City Council consider a total ban in parks.

Councilmember Foat commented on enforcement, and noted the compromise language that still allows smoking among adults but protects children.

Councilmember Hutcheson suggested the City Council introduce the proposed ordinance and discuss further expansion of the prohibition.

**ACTION:** 1) Waive reading of the full text of the Ordinance, and introduce by title only; and 2) Introduce for the first reading Ordinance No. 1788, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 6.10.081 TO, AMENDING SECTION 6.10.020 OF, AND AMENDING SUBSECTION (a) OF SECTION 6.10.100 OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO PROHIBITION OF SMOKING NEAR PLAYGROUNDS." **Motion Mayor Pro Tem Weigel, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Mayor Pougnet.

4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:**

5.A. **APPOINTMENT OF CITY COUNCIL SUBCOMMITTEES TO SCREEN COMMISSION AND BOARD APPLICATIONS, TO DETERMINE QUALIFIED APPLICANTS AS PART OF THE 2011 ANNUAL RECRUITMENT OF CITY BOARDS AND COMMISSIONS:**

City Clerk Thompson provided background information as outlined in the staff report dated April 6, 2011.

**ACTION:** 1) Direct the City Clerk to provide for the City Council as a whole to participate in the screening and interview of Applicants for the Planning Commission and the Historic Site Preservation Board; 2) Appoint the same City Council ad hoc subcommittees as the 2010 Annual Recruitment; and 3) Appoint Councilmember Hutcheson and Councilmember Mills to the ad hoc subcommittee for the Tramway Board. **By consensus of the City Council.**

**5.B. BRIDGE AESTHETIC DESIGN PLANS FOR THE BELARDO ROAD BRIDGE & ROADWAY WIDENING (CP 87-49):**

David Barakian, City Engineer, provided background information as outlined in the staff report dated April 6, 2011.

Councilmember Mills requested staff address any comments by Tribal Planning Commission and the AAC, and noted his disappointment in the design.

**ACTION:** Approve the bridge aesthetic design plans for the Belardo Road Bridge and Roadway Widening (CP 87-49). **Motion Councilmember Foat, seconded by Councilmember Hutcheson and carried 3-1 on a roll call vote.**

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

**NOES:** Councilmember Mills.

**ABSENT:** Mayor Pougnet.

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

Councilmember Hutcheson noted the announcement from the Riverside County Board of Supervisors regarding the proposed Riverside County Whitewater Detention Center.

**ADJOURNMENT:** The City Council adjourned at 9:06 p.m. to Wednesday, April 20, 2011, 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 4<sup>TH</sup> DAY OF MAY, 2011.**

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STEPHEN P. POGNET, MAYOR

ATTEST:

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JAMES THOMPSON, CITY CLERK

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



**MINUTES  
WEDNESDAY, APRIL 20, 2011  
Council Chamber**

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:17 p.m.

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

**INVOCATION:** Rev. Hank Bates, Desert City Community Church, led the Pledge.

**ROLL CALL:**

**PRESENT:** Councilmember Foat, Councilmember Hutcheson, Councilmember Mills, Mayor Pro Tem Weigel, and Mayor Pougnet

**ABSENT:** None.

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

**PRESENTATIONS:**

Fire Chief Scott Ventura announced the 2011 Firefighter of the Year Ron Cummings.

Mayor Pougnet and the City Council presented a Certificate of Recognition to Lisa Gursi, Riverside County Woman of the Year.

Mayor Pougnet and the City Council proclaimed April 2011 as Child Abuse Prevention Month in the City of Palm Springs.

Mayor Pougnet and the City Council presented a Certificate of Recognition to Bob Allen, Senior Inspiration Award winner for volunteer work in the Community.

Police Chief Al Franz presented a memorial to K-9 Officer "Ike."

Fire Chief Ventura and Police Chief Franz announced the upcoming Police and Fire Appreciation Luncheon.

Mayor Pougnet announced the upcoming Easter Egg Hunt at Ruth Hardy Park, and the Annual PSNIC Picnic at Sunrise Park.

Councilmember Foat announced the upcoming Friends of the Palm Springs Animal Shelter Fundraiser at the Edris House.

## **REPORT OF CLOSED SESSION:**

The meeting was called to order at 4:30 p.m. and City Attorney Holland requested the City Council consider adding an Item to the Closed Session Agenda pursuant to Cal. Gov. Code Section 54856.9(a) Conference with Legal Counsel for Existing Litigation concerning the matter of Daniel Teutle et. al v. City of Palm Springs et. al., Case No. INC 1103235, Riverside Superior Court, Indio Division.

**ACTION:** 1) Find that the Item came to the attention of the City after the posting of the Agenda and there is an immediate need to hear and/or take action on the Item; and 2) Add to the Closed Session Agenda one Item of Existing Litigation, G.C. Section 54856.9(a) Daniel Teutle et. al v. City of Palm Springs et. al., Case No. INC 1103235, Riverside Superior Court, Indio Division. **Motion Mayor Pro Tem Weigel, seconded by Councilmember Hutcheson and unanimously carried 4-0, noting the absence of Councilmember Mills.**

City Attorney Holland stated that the City Council recessed into Closed Session to discuss Items on the Closed Session Agenda, and no reportable actions were taken.

## **ACCEPTANCE OF THE AGENDA:**

City Clerk Thompson noted the corrected recommendation for Consent Calendar Item 2.J. deleting the waiver of competitive requirements of the Code.

Councilmember Foat noted her business related abstention on Item 2.C. Warrant No. 1048194, and requested Item 2.I. be removed from the Consent Calendar for separate discussion.

Councilmember Hutcheson requested Items 2.H. and 2.J. be removed from the Consent Calendar for separate discussion.

Councilmember Mills noted his business related abstention on Item 2.C. Warrant No. 1048075.

Mayor Pougnet noted his business related abstention on Item 2.C. Warrant No. 1048108, and requested Item 2.I. be removed from the Consent Calendar for separate discussion.

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

### **1. PUBLIC HEARINGS:**

#### **1.A. COLLEGE PARK SPECIFIC PLAN GENERAL PLAN AMENDMENT AND CHANGE OF ZONE TO REFINE LAND USES IN PROXIMITY TO**

**THE FUTURE COLLEGE OF THE DESERT WEST VALLEY CAMPUS  
(CASE NO. 5.1232-SP, GPA & CZ):**

John D. Criste, Consulting Planner, provided background information as outlined in the staff report dated April 20, 2011.

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

EDWIN DEAS, provided a progress report on the project development, commented on his submitted letter and request for minor modifications relating to the proposed Sunrise Parkway and setbacks, and commented on discussions with City Staff on which standards the College would be subject to.

STEPHEN RENEW, College of the Desert, stated the development is planned in several stages and requested City Council consideration on the setbacks.

TRAVIS ARMSTRONG, spoke in support of the City Council retaining the option for Sunrise Parkway, commented on crime and blight in the neighborhood, including blight on City property.

WILLIE HOLLAND, stated it not the responsibility of College of the Desert to put in a road for the City, and commented on neighborhood issues.

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

Councilmember Hutcheson requested staff address the proposed Sunrise Parkway, and the Planning Commission discussion regarding the proposed roadway.

Councilmember Mills stated he was surprised to see the proposed Sunrise Parkway in the Specific Plan, and questioned if it would be the main entrance to the campus and if signalization would be required, recommended the Sunrise Parkway end into the college, noted the bike path system should be incorporated into the easement, requested staff address the right-of-way near the San Rafael area on Exhibit 7.7 of the Specific Plan, potential for a link and circulation in the San Rafael and Radio Road/Rosa Parks area, stated the Specific Plan takes into account how the College can integrate into the area, and support the abandonment of the easement except for bikes and trails.

Councilmember Foat requested staff address the requirement of set-back and right-of-way on the industrial side of San Rafael.

Councilmember Hutcheson stated he concurred with Councilmember Mills on his comments with respect to the proposed Sunrise Parkway, and commented on the positive impact of the College to the City.

Mayor Pougnet noted on the development of the College and the development of the plan, noted that College of the Desert is not a private college, and requested staff prepare a report, indicating the investment expenditures in the Desert Highland neighborhood for the last five years.

**ACTION:** 1) Waive reading of the full text of the Ordinance and introduce by title only; and 2) Introduce for first reading Ordinance No. 1789, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE CHANGE OF ZONE, ADOPTING THE COLLEGE OF THE DESERT WEST VALLEY CAMPUS SPECIFIC PLAN ESTABLISHING NEW DEVELOPMENT STANDARDS AND GUIDELINES FOR THE PROPOSED TEN (10) INDIVIDUAL PLANNING AREAS LOCATED WEST OF INDIAN CANYON DRIVE, EAST OF HIGHWAY 111, NORTH OF SAN RAFAEL DRIVE AND SOUTH OF THE CHINO CREEK/WHITEWATER RIVER FLOOD CONTROL LEVEE," modifying the Specific Plan with the abandonment of the extension of Sunrise Parkway, providing for the trails and the related right-of-way, and the abandonment of the setback requirement. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**1.B. COMMUNITY REDEVELOPMENT AGENCY AND CITY COUNCIL JOINT PUBLIC HEARING APPROVING AMENDMENT NO. 2 TO DISPOSITION AND DEVELOPMENT AGREEMENT NO. A0503C WITH ENDURE INVESTMENTS, LLC FOR REMEDIATION AND MONITORING THE SITE OF A 393,000 SQUARE FOOT RETAIL SHOPPING CENTER AT THE NORTHEAST CORNER OF RAMON ROAD AND GENE AUTRY TRAIL (HIGHWAY 111) MERGED REDEVELOPMENT PROJECT AREA NO. 1:**

John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated April 20, 2011.

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

**ACTION: (COMMUNITY REDEVELOPMENT AGENCY)** 1) Adopt Resolution No. 1418, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDMENT NO. 2 TO THE DISPOSITION AND DEVELOPMENT AGREEMENT NO. A0503C WITH ENDURE, LLC (FORMERLY GEIGER LLC) FOR THE DEVELOPMENT OF THE SPRINGS PROJECT;" 2) Authorize the Executive Director to execute a



budget transfer of \$140,000 from unallocated capital outlay funds to an account established for the purposes of executing this agreement; and **(CITY COUNCIL)** 3) Adopt Resolution No. 22907, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONCURRING WITH THE COMMUNITY REDEVELOPMENT AGENCY REGARDING THE APPROVAL OF AMENDMENT NO. 2 TO THE DISPOSITION AND DEVELOPMENT AGREEMENT NO. A0503C WITH ENDURE, LLC." A0503C. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

**PUBLIC COMMENT:**

PHYLLIS BURGESS, commented on the loss of Police K-9 Ike, commented on Item 2.I., and requested the City Council not support the Resolution as requested by the Human Rights Commission.

GEORGE W. ZANDER, Palm Springs, commented on Item 2.I., and requested the City Council support and adopt a Resolution supporting marriage equality.

REV. KEVIN A. JOHNSON, commented on Item 2.I., and requested the City Council support and adopt a Resolution supporting marriage equality.

PAUL ZAK, commented on Item 2.I., and requested the City Council support and adopt a Resolution supporting marriage equality.

GREG RODRIGUEZ, commented on Item 2.I., and requested the City Council support and adopt a Resolution supporting marriage equality.

TOM SWANN, announced the 10th anniversary of the Gay Veterans Memorial.

FRANK TYSEN, commented on the proposed Riverside Detention Center at Whitewater, and thanked the City Council for their support and partial funding of the economic study.

WILLIE HOLLAND, commented on marriage, and issues in the Highland Gateway neighborhood.

STEVE ROSENBERG, commented on tourist activity at the Palm Springs International Airport and the Coachella Fest Event.

**COUNCILMEMBER COMMENTS:**

Mayor Pougnet requested staff address issues at the Korakia and the disrespect for the neighborhood, and thanked all parties involved in stopping the proposed Riverside County Detention Center at Whitewater.

Councilmember Foat provided a report on the CVAG Homeless Committee meeting, the activities at Roy's Resource Center serving Homeless in the Coachella Valley, commented on the conditions at the Palm Springs Animal Shelter and a recent lawsuit filed against the City regarding the condition of the Animal Shelter.

Mayor Pro Tem Weigel commented on the City of Indian Wells Campaign Help for Homelessness, and requested staff review the possibility of incorporating a similar program or participate in the Indian Wells campaign.

**CITY MANAGER'S REPORT:** None.

**2. CONSENT CALENDAR:**

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

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

**ACTION:** Receive and file Report on the Posting of the April 20, 2011, City Council Agenda. **Approved as part of the Consent Calendar.**

**2.B. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1787, PROVIDING FOR DISPLACEMENT PAYMENTS FOR RESIDENTIAL HOUSEHOLDS:**

**ACTION:** Waive further reading and adopt Ordinance No. 1787, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING ARTICLE VIII TO CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, PROVIDING FOR DISPLACEMENT PAYMENTS FOR RESIDENTIAL HOUSEHOLDS." **Approved as part of the Consent Calendar.**

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

**ACTION:** 1) Adopt Resolution No. 22908, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1048018 THROUGH 1048119 IN THE AGGREGATE AMOUNT OF \$1,848,553.16, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22909, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 4-02-11 BY WARRANTS NUMBERED 416575 THROUGH 416601 TOTALING \$55,530.40, LIABILITY CHECKS NUMBERED 1048120 THROUGH 1048143 TOTALING \$126,806.36, FIVE WIRE TRANSFERS FOR \$46,470.96, AND THREE ELECTRONIC ACH DEBITS OF \$1,049,137.61, IN THE AGGREGATE AMOUNT OF \$1,277,945.33, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 22910, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS

NUMBERED 1048144 THROUGH 1048237 IN THE AGGREGATE AMOUNT OF \$663,716.61, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the business related abstention of Councilmember Foat on Warrant No. 1048194, the business related abstention of Councilmember Mills on Warrant No. 1048075, and the business related abstention of Mayor Pougnet on Warrant No. 1048108.**

**2.D. STAFF AUTHORIZED AGREEMENTS FOR MARCH 2011:**

**ACTION:** Receive and file Staff Authorized Agreements covering the period March 1 through March 31, 2011. **Approved as part of the Consent Calendar.**

**2.E. ACCEPT THE RESIGNATION OF JAMIE KABLER FROM THE PUBLIC ARTS COMMISSION:**

**ACTION:** 1) Accept with regret the resignation of Jamie Kabler from the Public Arts Commission; and 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2011. **Approved as part of the Consent Calendar.**

**2.F. ACCEPT THE RESIGNATION OF JEANNE MAZUR FROM THE PUBLIC ARTS COMMISSION:**

**ACTION:** 1) Accept with regret the resignation of Jeanne Mazur from the Public Arts Commission; and 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2012. **Approved as part of the Consent Calendar.**

**2.G. AMENDMENT NO. 5 TO AGREEMENT NO. A5672 WITH SWATT/MIERS ARCHITECTS TO PROVIDE ADDITIONAL DESIGN SERVICES AT THE ANIMAL CARE FACILITY:**

**ACTION:** 1) Approve Amendment No. 5 to Agreement No. A5672 with Swatt/Miers Architects to provide for additional design services related to re-design of the Canine Courtyard as part of the settlement to Field Correction Notice #8, in the amount of \$2,900; and 2) Authorize the City Manager to execute all necessary documents. A5672. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.H. AGREEMENT WITH PYRANET LLC FOR THE BILLINGS AND RECONCILIATION OF ALARM PERMITS, RENEWALS, FALSE ALARMS, AND CONTINUANCE OF THE ALARM DIVERSION PROGRAM:**

Councilmember Hutcheson requested staff address the cost of the program.

**ACTION:** 1) Approve an agreement with Pyranet, LLC, dba PalmSpringsAlarm.com and alarmschoolonline.com (PSA) to perform the billing

and reconciliation of alarm permits, renewals, and false alarm billings and continue the On-Line Alarm Diversion Program for 36 months; 2) Authorize the City Manager to execute all necessary documents. A5409. **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

**2.I. HUMAN RIGHTS COMMISSION REQUEST PERTAINING TO CIVIL MARRIAGES:**

Councilmember Foat requested staff bring forth a resolution for City Council consideration at the next City Council meeting, noted the civil rights implications, tax implications and legal rights afforded.

Councilmember Hutcheson stated his support for Councilmember Foat's statements, commented on rights afforded recognized married couples, and equal rights.

Mayor Pro Tem Weigel stated this is a polarizing issue, and the City Council should not take on such an issue that would polarize the community.

Mayor Pougnet noted his support for the statements made by Councilmember Foat and Councilmember Hutcheson, commented on same-sex marriage, and noted effects to children.

**ACTION:** 1) Receive and file; and 2) Direct staff to bring forth a Resolution for City Council discussion and consideration at the May 4, 2011 meeting. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and carried 3-1-1 on a roll call vote.**

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

**NOES:** Councilmember Mills.

**ABSTAIN:** Mayor Pro Tem Weigel.

**2.J. PROJECT SYSTEM SOFTWARE AND DATA SERVICES FOR THE BUILDING AND SAFETY DEPARTMENT AND DEVELOPMENT SERVICES:**

Councilmember Hutcheson noted the benefits of the new permitting system to the citizens and developers.

**ACTION:** 1) Award a master software and services agreement for a new permitting software system, in a form acceptable to the City Attorney, to BUILDERadius Inc. of Asheville, NC in the amount of \$88,500.00, including 5 years of maintenance; and 2) Authorize the City Manager to execute all necessary documents. A6090. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

**3. LEGISLATIVE:**

**3.A. CONSIDERATION OF DRAFT ORDINANCES PROHIBITING SMOKING NEAR PLAYGROUNDS AND IN THE ALTERNATIVE, PROHIBITING SMOKING IN CITY PARKS:**

City Attorney Holland provided background information as outlined in the staff report dated April 20, 2011.

Mayor Pro Tem Weigel requested the City Council introduce the Ordinance prohibiting smoking in parks.

Mayor Pougnet requested staff address the enforcement of the proposed ordinances.

Mayor Pro Tem Weigel noted other cities and counties that prohibit smoking in parks and public beaches.

Councilmember Mills commented on enforcement issues with the two prepared ordinances.

Councilmember Hutcheson thanked Mayor Pro Tem Weigel and commented on the impacts of smoking.

Councilmember Foat requested staff address the implementation of the program.

Mayor Pougnet requested staff address any other cities in the Coachella Valley and in Riverside County who have similar restrictions.

**ACTION:** 1) Waive the reading of text in its entirety, read by title only, and re-introduce on first reading, Ordinance No. 1788, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 6.10.081 TO, AMENDING SECTION 6.10.020 OF, AND AMENDING SUBSECTION (a) OF SECTION 6.10.100 OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO PROHIBITION OF SMOKING IN PARKS." **Motion Mayor Pro Tem Weigel, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

**3.B. PROPOSED ORDINANCE ESTABLISHING ELECTION REGULATIONS INCREASING THE NUMBER OF SIGNATURES NEEDED TO QUALIFY TO RUN FOR ELECTIVE OFFICE AND ESTABLISHING A FILING FEE:**

City Clerk Thompson provided background information as outlined in the staff report dated April 20, 2011.

Councilmember Foat requested the proposed regulations include the proof of residency in the proposed ordinance, commented on the proposed fees

and stated her support to recoup the cost to City for petition verification, and noted her flexibility on number of voters required.

Councilmember Mills requested staff address the cost of a candidate statement, stated his support for a candidate statement be mandatory for all candidates and included in the proposed ordinance, noted his flexibility in determining the number of signatures required, requested staff address the timing of the nomination period and perhaps allow for more time during the nomination process, commented on the number of signatures allowed on a paper and recommended the signatures be in the 120 to 180 range with 6 sections to a nomination petition.

Mayor Pro Tem Weigel stated 200 to 250 signatures is too many, stated his support for multiple circulators, stated the timing is too close to the current election cycle and stated his support for making regulations effective after the 2011 election.

Mayor Pougnet stated his support for the deferral of any regulations to the next election cycle.

Councilmember Hutcheson stated the City Council does need to take action and noted his support for making the regulations effective with the next election cycle, commented on the need to take a better discourse with respect to election regulations to encourage those who are committed to office and serving the community, noted his support for more signatures and lesser fees which could be a barrier.

Councilmember Foat noted that increasing the number of signatures would not be a barrier and renewed her support to be effective this election cycle, noted if the City Council was to defer the signature requirement to the next election cycle, she would prefer the proof of residency to become effective for this election cycle.

**ACTION:** 1) Waive reading of the full text of the Ordinance and introduce by title only; 2) Introduce for first reading Ordinance No. 1790, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 2.02 TO, REPEALING SECTIONS 2.04.080 AND 2.04.100 OF THE PALM SPRINGS MUNICIPAL CODE, AND REPEALING UNCODIFIED ORDINANCE NO. 1562, RELATING TO THE CONDUCT OF MUNICIPAL ELECTIONS," *amending Section 2.02.020(a) to provide for not less than 150 nor more than 210 voters, amending Section 2.02.030(a) to provide for 6 Sections with each Section of 35 signatures, and amending Section 5 of the Ordinance for an effective date of January 1, 2012;* and 3) Direct staff to bring forth legislation that provides for proof of residency effective the current election cycle. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**4. UNFINISHED BUSINESS:**

**4.A. REDESIGN FOR THE RENOVATION AND EXPANSION OF THE WELWOOD MURRAY MEMORIAL LIBRARY, A CLASS 1 HISTORIC SITE, LOCATED AT 100 SOUTH PALM CANYON DRIVE:**

Al Smoot, City Owners Representative, presented the redesign of the renovation and expansion plans for the Welwood Murray Memorial Library.

Councilmember Mills stated the project stays within the existing footprint, the redesign of the patio areas into a workable operation, the elevations, the remote toilets, and stated the City Council has accomplished what it set out to do.

Councilmember Hutcheson requested staff address the operating budget for the expanded space, questioned the proposed uses, and stated the programs do not justify the expenditure.

Mayor Pro Tem Weigel stated this will provide much needed meeting space in the Downtown area, and commented on other positive components of the program plan.

Councilmember Foat requested staff address the door to the restrooms, stated the City should move forward, but is in agreement the programming could be improved, and the interior should include pizzazz.

Councilmember Mills commented on the programming alternatives, and stated the programming should be operated by the Library.

**ACTION:** 1) Direct staff to submit the redesigned project to the Planning Commission and the Architectural Advisory Committee; and 2) Direct staff to submit the redesigned project to the Historic Site Preservation Board for a Certificate of Approval. **Motion Councilmember Mills, seconded by Mayor Pro Tem Weigel and carried 4-1 on a roll call vote.**

**AYES:** Councilmember Foat, Councilmember Mills, Mayor Pro Tem Weigel, and Mayor Pougnet.

**NOES:** Councilmember Hutcheson.

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

John Raymond, Director of Community and Economic Development, provided a verbal update on the Museum Market Plaza Specific Plan.

No action taken.

**5. NEW BUSINESS:**

**5.A. PRESENTATION AND DISCUSSION OF THE DRAFT FISCAL YEAR 2011-12 GENERAL FUND BUDGET AND SUSTAINABILITY FUND BUDGET, AND FISCAL YEAR 2010-11 THIRD QUARTER UPDATE:**

City Manager Ready and Geoffrey Kiehl, Finance Director, provided a review of the Fiscal Year 2010-11 Third Quarter Update and introduced the Fiscal Year 2011-12 General Fund, Sustainability Fund and Recycling Fund budgets.

**ACTION:** Continue past the 10:00 p.m. tentative adjournment time. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried.**

Councilmember Hutcheson requested staff address budgeted expenditures for street improvements, general cost insurance, requested a breakdown of personnel costs, and requested the development of a special event in the fourth quarter.

Mayor Pro Tem Weigel requested staff address the general cost increases, and noted some of the structural changes made throughout the year.

Mayor Pougnet stated the City has not made enough structural changes, and stated employees need to start paying a portion of their retirement.

No action taken.

**5.B. APPOINTMENT OF A CITY COUNCIL AD HOC SUBCOMMITTEE FOR THE 2011 GENERAL PLAN HOUSING ELEMENT UPDATE:**

**ACTION:** Appoint Councilmember Mills and Councilmember Hutcheson to an Ad Hoc City Council Subcommittee for the 2011 General Plan Housing Element Update. **Motion Councilmember Foat, seconded by Mayor Pro Tem Weigel and unanimously carried on a roll call vote.**

**COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:** None.

**ADJOURNMENT:** The City Council adjourned in memory of Police K-9 "Ike," at 10:22 p.m. to the next regular meeting, Wednesday, May 4, 2011, 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  
4<sup>TH</sup> DAY OF MAY, 2011.**

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STEPHEN P. POUCKET, MAYOR

ATTEST:

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