

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



**MEETING MINUTES  
WEDNESDAY, JULY 6, 2011  
CITY COUNCIL CHAMBER**

**CALL TO ORDER:** Mayor Pro Tem Weigel called the meeting to order at 6:11 p.m.

**PLEDGE OF ALLEGIANCE:** Councilmember Hutcheson led the Pledge.

**INVOCATION:** Mayor Pro Tem Weigel requested a moment of silent reflection.

**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:**

Mayor Pro Tem Weigel provided an update on retiring City Council Executive Assistant Martha Edgmon.

Mayor Pro Tem Weigel and Councilmember Hutcheson announced the Mizell Senior Center Installation.

Mayor Pro Tem Weigel provided an update on the July 4th celebration at the Palm Springs Stadium and the Help for the Homeless fundraising efforts.

Councilmember Foat announced the temporary reduction in pet adoption fees at the Palm Springs Animal Shelter, and presented a donation check from the Friends of the Palm Springs Animal Shelter.

**REPORT OF CLOSED SESSION:**

The meeting was called to order at 4:00 p.m. and the City Council recessed into Closed Session to discuss Items on the posted Closed Session Agenda; and Mayor Pougnet participated in the Closed Session portion of the meeting via teleconference pursuant to G.C. Section 54953(b)(1) and the posted Notice of Teleconferencing.

City Attorney Holland reported the City Council gave the City Attorney's Office direction with respect to *Pacific Hospitality Group v. City of Palm Springs, Case No. INC 079881*, otherwise no reportable actions were taken.

**ACCEPTANCE OF THE AGENDA:**

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

Councilmember Mills noted his abstention on Item 2.C. Warrant No. 1049414, and requested Item 2.L. be removed from the Consent Calendar for separate discussion.

Councilmember Foat requested Items 2.H., 2.P., and 2.R. be removed from the Consent Calendar for separate discussion.

City Manager Ready requested the City Council pull Item 2.E. from the Consent Calendar for a brief staff report.

**ACTION:** Accept the agenda as amended. **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.

**1. PUBLIC HEARINGS:**

- 1.A. FILING OF NUISANCE ABATEMENT LIENS FOR THREE PUBLIC NUISANCES LOCATED AT 693 WEST GATEWAY DRIVE, 1091 SOUTH PASEO DE MARCIA, AND 4237 EAST SUNNY DUNES ROAD:**  
Terry Tatum, Director of Building and Safety, provided background information as outlined in the staff report dated July 6, 2011.

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

DENNIS MAY, Palm Springs, commented on the substandard conditions at the property located at 1091 South Paseo De Marcia.

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

Councilmember Foat requested staff address the conditions of the property located at 1091 South Paseo De Marcia, and requested staff address other enforcement activities.

Councilmember Hutcheson requested the City Manager review increasing the penalties.

**ACTION:** 1) Adopt Resolution No. 22963, "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 693 WEST GATEWAY DRIVE;" 2) Adopt Resolution No. 22964, "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;" and 3) Adopt Resolution No. 22965, "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 4237 EAST SUNNY DUNES ROAD." **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.

**1.B. ANNUAL LEVY OF ASSESSMENTS FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS FOR FISCAL YEAR 2011-12:**

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

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

**ACTION:** 1) Adopt Resolution No. 22966, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2011-12 FOR THE PALM SPRINGS STREET LIGHTING MAINTENANCE DISTRICT NO. 3."

2) Adopt Resolution No. 22967, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2011-12 WITHIN THE PALM SPRINGS STREET LIGHTING MAINTENANCE DISTRICT NO. 3."

3) Adopt Resolution No. 22968, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2011-12 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6A."

4) Adopt Resolution No. 22969, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2011-12 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6A."

5) Adopt Resolution No. 22970, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2011-12 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6C."

6) Adopt Resolution No. 22971, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2011-12 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6C."

7) Adopt Resolution No. 22972, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2011-12 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 7."

8) Adopt Resolution No. 22973, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2011-12 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 7."

9) Adopt Resolution No. 22974, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2011-12 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 8."

10) Adopt Resolution No. 22975, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2011-12 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 8."

11) Adopt Resolution No. 22976, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2011-12 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 9."

12) Adopt Resolution No. 22977, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2011-12 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 9."

13) Adopt Resolution No. 22978, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2011-12 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 10, ZONE 1 AND ZONE 2."

14) Adopt Resolution No. 22979, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2011-12 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 10, ZONE 1 AND ZONE 2."

15) Adopt Resolution No. 22980, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2011-12 FOR THE PALM SPRINGS LANDSCAPE MAINTENANCE DISTRICT NO. 12."

16) Adopt Resolution No. 22981, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2011-12 WITHIN THE PALM SPRINGS LANDSCAPE MAINTENANCE DISTRICT NO. 12."

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

**NOES:** None.

**ABSENT:** Mayor Pougnet.

- 1.C. REVOCATION HEARING FOR CONDITIONAL USE PERMIT NO. 5.0749 FOR A COCKTAIL LOUNGE LOCATED 120 S. PALM CANYON DRIVE:** Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated July 6, 2011.

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

ANGELO SERIO, Applicant, commented on the security plan and the meeting with the Police Department, and requested the City Council continue to support the Conditional Use permit.

REX OLAIRES, commented on the improved security plan, and requested the City Council consider the amendment to the Conditional Use Permit.

MINDY REED, commented on the types of problems at her restaurant near Space 120 since the change in ownership.

JOHN TYMON, commented on the experiences at Space 120 Nightclub, and the separation of the Police Department and the owners of the Club.

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

Councilmember Hutcheson requested the Police Chief address the revised conditions.

Mayor Pro Tem Weigel requested the City Council consider continuing the public hearing and requested the Applicant meet with the Chief of Police to provide a report to the City Council.

**ACTION:** 1) Continue the Public Hearing to July 20, 2011; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **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.

**1.D. ZONE TEXT AMENDMENT TO AMEND POLICIES AND STANDARDS FOR OUTDOOR DISPLAY IN COMMERCIAL ZONES AND RELIGIOUS INSTITUTIONS:**

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

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

REV. KEVIN JOHNSON, requested the City Council defer action on the religious institutions, and staff meet and consult with those affected.

JOY MEREDITH, commented on the current conditions for outdoor display regulations differing throughout the central business district.

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

Councilmember Hutcheson requested the City Council continued the regulations with respect to religious institutions.

Mayor Pro Tem Weigel requested the City Council continue both issues addressed in the ordinance.

Councilmember Mills stated allowing outdoor displays has the potential to transform the Downtown to a swap meeting, stated the regulations may be difficult and a nuisance for staff, stated he has reservations of allowing religious institutions in the downtown area, and commented on the definition of a religious institution.

Councilmember Hutcheson stated he would like to hold his comments on the religious institution portion, recommended the Planning Commission review other types of uses outside of the store location in the downtown area, and noted different regulations may work in the different parts of town.

Councilmember Foat commented on the use of outdoor displays and the use of A-frame signs, stated she would support proceeding with the Planning Commission review outdoor displays with City Council review after a period of time, requested staff address religious institutions that rent space on a part time basis, and noted her objection to a church use in the business district.

Mayor Pro Tem Weigel stated City staff needs to talk to the business community and the religious institutions with respect to both of these issues, commented on public safety issues with allowing outdoor displays in the business district.

Councilmember Mills stated a control mechanism and defined area if the City allows outdoor displays in the business district, would request the City Attorney comment on allowing such in the public right-of-way, and requested staff address how to establish regulations that are fair, enforceable, and that would not deteriorate the look of the business district.

**ACTION:** 1) Continue the public hearing; and 2) Direct the City Clerk to renote the public hearing. **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.

**PUBLIC COMMENT:**

LOTHAR VASHOLZ, Salvation Army, introduced new officers of the Salvation Army, and noted the upcoming projects and goals of the Salvation Army.

DAVID CARDEN, Palm Springs, commented on Item 5.B., traffic calming project in the Baristo Neighborhood.

CHRIS WITHAM, commented on recent code violations he received for maintenance standards.

JOHN TYMON, commented on Club 120, and commented on the grant to Lulu California Bistro.

JOY MEREDITH, commented on Item 2.L. Holiday Lighting upgrade, and the Police Downtown security program.

DAVID MARTIN, commented on Item 5.A., and spoke in support of the Horizon Hotel request for on-site bar.

The City Council recessed at 8:07 p.m.  
The City Council reconvened at 8:11.

**COUNCILMEMBER COMMENTS:**

Councilmember Foat requested the City Manager follow-up on the Code Enforcement issue brought up by Chris Witham.

Councilmember Mills requested staff to initiate a modification to the sign ordinance with respect to Barber Poles.

Mayor Pro Tem Weigel requested the City Manager review and address pet clean-up stations in public parks.

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

**2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.F., 2.G., 2.I., 2.J., 2.K., 2.M., 2.N., 2.O., 2.Q., 2.T., and 2.U. **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.A. REPORT ON THE POSTING OF THE AGENDA:**

**ACTION:** Receive and file Report on the Posting of the July 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 June 15, 2011. **Approved as part of the Consent Calendar.**

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

**ACTION:** 1) Adopt Resolution No. 22982, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1049281 THROUGH 1049442 IN THE AGGREGATE AMOUNT OF \$2,046,380.18, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22983, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 6-11-11 BY WARRANTS NUMBERED 416710 THROUGH 416745 TOTALING \$38,766.07, LIABILITY CHECKS NUMBERED 1049443 THROUGH 1049467 TOTALING \$123,864.17, FIVE WIRE TRANSFERS FOR \$49,551.59, AND THREE ELECTRONIC ACH DEBITS OF \$971,295.03, IN THE AGGREGATE AMOUNT OF \$1,183,476.86, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 22984, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1049468 THROUGH 1049628 IN THE AGGREGATE AMOUNT OF \$629,806.32, DRAWN ON BANK OF AMERICA;" and 4) Adopt Resolution No. 22985, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1049629 THROUGH 1049766 IN THE AGGREGATE AMOUNT OF \$906,580.87, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the business related abstention of Councilmember Mills on Warrant No. 1049414.**

**2.F. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1794, ESTABLISHING A LOCAL DEVELOPMENT MITIGATION FEE FOR FUNDING THE PRESERVATION OF NATURAL ECOSYSTEMS IN ACCORDANCE WITH THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN:**

**ACTION:** Waive further reading and adopt Ordinance No. 1794, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA,

AMENDING AND RESTATING CHAPTER 8.95 OF THE PALM SPRINGS MUNICIPAL CODE ESTABLISHING A LOCAL DEVELOPMENT MITIGATION FEE FOR FUNDING THE PRESERVATION OF NATURAL ECOSYSTEMS IN ACCORDANCE WITH THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN." **Approved as part of the Consent Calendar.**

**2.G. AMENDMENT NO. 3 TO AGREEMENT NO. A4461 WITH DOKKEN ENGINEERING FOR THE INDIAN CANYON DRIVE STREET AND BRIDGE WIDENING PROJECT (CP 01-11):**

**ACTION:** 1) Approve Amendment No. 3 to Agreement No. A4461 with Dokken Engineering, in the amount of \$713,800 for a total revised contract amount of \$1,213,700 for the Indian Canyon Drive Street and Bridge Widening Project (CP 01-11); and 2) Authorize the City Manager to execute all necessary documents. A4461. **Approved as part of the Consent Calendar.**

**2.I. PROGRAM SUPPLEMENT AGREEMENT NO. N036 WITH THE STATE OF CALIFORNIA FOR USE OF HIGHWAY BRIDGE PROGRAM (HBP) FEDERAL-AID FUNDS FOR THE RAMON ROAD BRIDGE WIDENING OVER THE WHITEWATER RIVER FEDERAL-AID PROJECT NO. BHLS-5282 (040) (CP 08-25):**

**ACTION:** Adopt Resolution No. 22987, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. N036 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$1,200,732, FOR THE RAMON ROAD BRIDGE WIDENING OVER THE WHITEWATER RIVER, FEDERAL-AID PROJECT NO. BHLS-5282 (040), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALM SPRINGS (CP 08-25)." A6122. **Approved as part of the Consent Calendar.**

**2.J. MAINTENANCE AND REPAIR OF EQUIPMENT AT THE COGENERATION PLANT FOR FISCAL YEAR 2011-12:**

**ACTION:** Authorize issuance of a purchase order for the as-needed purchase of Caterpillar repair parts for the maintenance and repair of equipment at the cogeneration plant from Johnson Power Systems in an amount not to exceed \$100,000. **Approved as part of the Consent Calendar.**

**2.K. PLANS AND SPECIFICATIONS FOR AIRPORT PERIMETER FENCE IMPROVEMENTS PHASE II PROJECT AIP GRANT NO. 48:**

**ACTION:** 1) Approve the plans and specifications for the Airport Perimeter Fence Improvement, Phase II Airport Improvement Project AIP No. 3-06-0181-48; and 2) Authorize the City Manager to advertise and solicit bids. **Approved as part of the Consent Calendar.**

- 2.M. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF LA QUINTA TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING JUNE 30, 2014:**  
**ACTION:** Appoint Robert Teal, as the City of La Quinta representative, to the Palm Springs Airport Commission for the term ending June 30, 2014. **Approved as part of the Consent Calendar.**
- 2.N. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF INDIAN WELLS TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING JUNE 30, 2013:**  
**ACTION:** Reappoint Robert Wilmeth, as the City of Indian Wells representative, to the Palm Springs Airport Commission for the term ending June 30, 2013. **Approved as part of the Consent Calendar.**
- 2.O. ACCEPT THE RESIGNATION OF JOHN GOMES FROM THE BOARD OF APPEALS:**  
**ACTION:** 1) Accept with regret the resignation of John Gomes from the Board of Appeals; and 2) Direct the City Clerk to post a Notice of Vacancy. **Approved as part of the Consent Calendar.**
- 2.Q. CONSTRUCTION DRAWINGS FOR DEMUTH PARK COMMUNITY GARDEN ON THE SOUTH SIDE OF THE DEMUTH PARK COMMUNITY CENTER LOCATED AT 3601 E. MESQUITE AVENUE:**  
**ACTION:** 1) Approve the site plan for the Demuth Park Community Garden at the Demuth Park Community Center; 2) Direct staff to solicit bids for the project; and 3) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**
- 2.T. POLICE CLOSED CIRCUIT TELEVISION CAMERA SYSTEM REPAIRS, UPGRADE, AND MAINTENANCE SERVICES:**  
**ACTION:** 1) Award a contract to Systems Integration Corporation for grant funded repairs, upgrades, expansion, and ongoing maintenance of the Police Department's existing closed circuit television system in the amount of \$169,632 for the initial project and \$49,167 for five years of post warranty maintenance and support, for a total contract price of \$218,799; and 2) Authorize the City Manager to execute all necessary documents. **A6125. Approved as part of the Consent Calendar.**
- 2.U. GRANT FUNDING IN THE AMOUNT OF \$45,000.00 FROM THE CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) FOR AN ALCOHOL ENFORCEMENT AND AWARENESS PROJECT TO BE USED TO ENFORCE, EDUCATE, AND BRING AWARENESS TO THE PUBLIC:**  
**ACTION:** 1) Adopt Resolution No. 22991, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACCEPTING A GRANT FROM THE CALIFORNIA DEPARTMENT OF

ALCOHOLIC BEVERAGE CONTROL IN THE AMOUNT OF \$45,000.00 FOR ALCOHOL ENFORCEMENT;" and 2) Authorize the City Manager to execute all necessary documents. A6126. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF MAY 2011:**

Councilmember Hutcheson requested staff address the installation of the Trailhead signs.

**ACTION:** Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of May 1 through May 31, 2011. **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.

**2.E. NATIONAL FLOOD INSURANCE PROGRAM RATING FROM U.S. DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY:**

City Manager Ready requested David Barakian, City Engineer, provide an update on the City's National Flood Insurance rating.

**ACTION:** Receive and file. **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.H. PROGRAM SUPPLEMENT AGREEMENT NO. N035 WITH THE STATE OF CALIFORNIA FOR USE OF HIGHWAY BRIDGE PROGRAM (HBP) FEDERAL-AID FUNDS FOR THE VISTA CHINO LOW WATER CROSSING BRIDGE REPLACEMENT AT THE WHITEWATER RIVER FEDERAL-AID PROJECT NO. BR-NBIL (513) (CP 10-10):**

Councilmember Foat requested staff address the improvements and highlight the project.

**ACTION:** Adopt Resolution No. 22986, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. N035 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$885,300, FOR THE VISTA CHINO LOW WATER CROSSING BRIDGE REPLACEMENT AT THE WHITEWATER RIVER, FEDERAL-AID PROJECT NO. BR-NBIL (513), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALM SPRINGS (CP 10-10)." A6121. **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.L. REFURBISHMENT AND LED RETROFIT OF HOLIDAY LIGHTING:**

Councilmember Mills requested staff address the brightness of the proposed lighting.

**ACTION:** 1) Approve a purchase order for the refurbishment and LED retrofit of the holiday lighting with The Jarvis Company in an amount not to exceed \$50,922; 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.P. RESOLUTION IN SUPPORT OF A STATEWIDE HEALTHY EATING ACTIVE LIVING (HEAL) PROGRAM:**

Councilmember Foat requested staff the address the methods of promoting the program.

**ACTION:** Adopt Resolution No. 22988, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, IN SUPPORT OF HEALTHY ACTIVE LIVING AND SUSTAINABLE COMMUNITIES." **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.R. PURCHASE THE SCULPTURE ENTITLED "MADEMOISELLE COCO" IN THE AMOUNT OF \$12,500 FOR PLACEMENT AT THE CITY'S NEW ANIMAL CARE FACILITY LOCATED AT 4575 EAST MESQUITE AVENUE AND APPROVE AN AGREEMENT FOR PURCHASE OF PUBLIC ARTWORK FROM ARTISTS KAREN AND TONY BARONE:**

Councilmember Foat expressed her thanks to the Public Arts Commission for the purchase of the sculpture for placement at the Animal Shelter, and noted a correction to the agreement to reflect the correct artwork.

**ACTION:** 1) Approve the purchase of "Mademoiselle Coco" 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, *correcting the agreement to provide for the purchase of Mademoiselle Coco*; and 3) Authorize the City Manager to execute all necessary documents. A6123. **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.S. CITY COUNCIL/COMMUNITY REDEVELOPMENT AGENCY APPROVAL OF A REAL PROPERTY COOPERATION AGREEMENT BETWEEN THE CITY OF PALM SPRINGS AND THE COMMUNITY REDEVELOPMENT AGENCY FOR PAYMENT OF COSTS ASSOCIATED WITH CERTAIN COMMUNITY REDEVELOPMENT AGENCY-FUNDED CAPITAL IMPROVEMENTS AND AFFORDABLE HOUSING PROJECTS:**

Councilmember Hutcheson requested staff address the vacant lot improvements, and requested staff proceed with marketing.

**ACTION: [COMMUNITY REDEVELOPMENT AGENCY]** 1) Adopt Resolution No. 1423, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A REAL PROPERTY COOPERATION AGREEMENT BETWEEN THE CITY OF PALM SPRINGS AND THE COMMUNITY REDEVELOPMENT AGENCY FOR PAYMENT OF COSTS ASSOCIATED WITH CERTAIN COMMUNITY REDEVELOPMENT AGENCY-FUNDED CAPITAL IMPROVEMENTS AND AFFORDABLE HOUSING PROJECTS." **[CITY COUNCIL]** 2) Adopt Resolution

No. 22989, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A REAL PROPERTY COOPERATION AGREEMENT BETWEEN THE CITY OF PALM SPRINGS AND THE COMMUNITY REDEVELOPMENT AGENCY FOR PAYMENT OF COSTS ASSOCIATED WITH CERTAIN COMMUNITY REDEVELOPMENT AGENCY-FUNDED CAPITAL IMPROVEMENTS AND AFFORDABLE HOUSING PROJECTS;" 3) Adopt Resolution No. 22990, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MAKING FINDINGS PURSUANT TO SECTION 33445 AND SECTION 33445.1 OF THE CALIFORNIA HEALTH & SAFETY CODE RELATING TO THE FINANCING OF CERTAIN REAL PROPERTY IMPROVEMENTS BY THE COMMUNITY REDEVELOPMENT AGENCY AND ACQUISITION OF REAL PROPERTY BY THE CITY OF PALM SPRINGS TO EFFECTUATE THE REDEVELOPMENT PLAN IN THE MERGED PROJECT AREA NO. 1;" and 4) Authorize the City Manager/Executive Director or his designee to execute all necessary documents. A6124. **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.

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:**

5.A. **RESOLUTION OF PUBLIC CONVENIENCE OR NECESSITY (PCN) FOR WILLAMETTE CAPITAL MANAGEMENT LTD IN ORDER TO SELL BEER, WINE AND DISTILLED SPIRITS FOR CONSUMPTION ON THE PREMISES AT THE HORIZON HOTEL LOCATED AT 1050 EAST PALM CANYON DRIVE (CASE 5.1039-PCN):**

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

**ACTION:** Adopt Resolution No. 22992, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A RESOLUTION OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER, WINE, AND DISTILLED SPIRITS AT THE HORIZON HOTEL LOCATED AT 1050 EAST PALM CANYON DRIVE." **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.

**5.B. TRAFFIC CALMING UPDATE AND DISCUSSION:**

David Barakian, City Engineer, provided a verbal report on the re-stripping plan in the Baristo neighborhood.

Councilmember Hutcheson recommended the re-stripping in the Baristo neighborhood.

Councilmember Mills stated if the City had further funds, the project could be improved.

Councilmember Foat commented on the look of the re-stripping plan.

**ACTION:** Approve the conceptual re-stripping plan. **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.

**5.C. AMENDMENT NO. 1 TO A REMODEL INCENTIVE AGREEMENT WITH VENCE VENTURES, LLC, ON BEHALF OF LULU CALIFORNIA BISTRO LOCATED AT 200 SOUTH PALM CANYON DRIVE IN THE AMOUNT OF \$100,000:**

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

Councilmember Foat commented on the progress and the ambiance of the renovations, the issues experienced by the owner, requested staff look at options and vendors for plan check and approval, and recommended the City Council provide for an August 15th opening.

Councilmember Mills commented on the potential of the property, the quality of the renovation, stated his support for the amendment, and recommended staff review the submittal, processing time, and completion time by the contract plan consultant.

Councilmember Hutcheson commented on the turn around time by the City's plan check consulting time and recommended staff review the



contractor, commented on the improvements to the property, and noted the benefits to the community.

**ACTION:** 1) Approve Amendment No. 1 to Remodel Incentive Agreement No. A6082 with Vence Ventures, LLC for LULU California Bistro located at 200 South Palm Canyon Drive, *amending the agreement to provide for an opening date of August 15, 2011*; and 2) Authorize the City Manager to execute all necessary documents. A6082. **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.

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

**ADJOURNMENT:** The City Council adjourned at 8:54 p.m. to continue Items on the Closed Session Agenda on Thursday, July 7, 2011, at 4:30 p.m., Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs. The next Regular Meeting will be held Wednesday, July 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 7<sup>TH</sup> DAY OF SEPTEMBER, 2011.**

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STEPHEN P. POUGNET, MAYOR

ATTEST:

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JAMES THOMPSON, CITY CLERK

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



**MEETING MINUTES  
WEDNESDAY, JULY 20, 2011  
CITY COUNCIL CHAMBER**

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Weigel 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:**

Mayor Pro Tem Weigel provided an update on the recent tribute to Betty Ford, and announced the City of Palm Springs Help for Homeless campaign.

Police Chief Franz announced the upcoming Mizell Senior Center bowling event with the Palm Springs Police Department.

Councilmember Foat presented a check from the Friends of the Palm Springs Animal Shelter, and announced the reduction in fees to adopt animals at the Palm Springs Animal Shelter.

Mayor Pougnet announced WestJet expands flights from the Palm Springs International Airport to Winnipeg.

**REPORT OF CLOSED SESSION:**

The meeting was called to order at 4:00 p.m., and the following speaker addressed the City Council on items contained on the posted Closed Session Agenda.

WILLIAM HOUCH, Lamar Advertising, commented on the real property negotiations with Lamar Advertising.

City Attorney Holland stated the City Council recessed into Closed Session to discuss items on the posted Closed Session Agenda. No reportable actions were taken.

**ACCEPTANCE OF THE AGENDA:**

Councilmember Mills noted his abstention on Item 2.C. Warrant No. 1049882, his business related abstention on Consent Calendar Item 2.G., and requested Items 2.J. and 2.O. be removed from the Consent Calendar for separate discussion.

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

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

**1. PUBLIC HEARINGS:**

**1.A. REVOCATION HEARING FOR CONDITIONAL USE PERMIT NO. 5.0749 FOR A COCKTAIL LOUNGE LOCATED 120 S. PALM CANYON DRIVE:** Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated July 20, 2011.

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

ANGELO SERIO, Applicant, stated he met with the police regarding the security plan, and is working on accomplishing all of the requirements contained in the Conditional Use Permit, and requested the City Council approve the CUP.

SHAUNA HOLMES, commented on the events at Space 120 and stated the altercations in the area are not necessarily as a result of Space 120.

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

Councilmember Foat request the Police Chief address issues on the proposed security plan, stated she would like more than one-member of the management staff attend the ABC training, and requested staff address the qualifications of the security staff.

Councilmember Hutcheson commented on the number of police calls responding to incidents inside the location.

Councilmember Mills requested licensed security is included in the approved security plan, and requested staff address the deletion of Condition No. 2.

Mayor Pro Tem Weigel requested staff address on-site enforcement, and requested the plan shall be implemented and maintained as part of the CUP.

**ACTION:** Adopt Resolution No. 22993, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MODIFYING CONDITIONAL USE PERMIT NO. 5.0749 TO INCLUDE A PLANNING COMMISSION REVIEW, A SECURITY PLAN AND THE ELIMINATION OF OUTDOOR SPEAKERS FOR THE COCKTAIL LOUNGE LOCATED AT 120 SOUTH PALM CANYON DRIVE," *amending Section 3.1 of the Resolution to read "implement and maintain" a security plan,* and 2) Direct staff to insure the requirements of ABC training, and requirements of security staff are addressed in the security plan prior to approval by staff. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Weigel and unanimously carried on a roll call vote.**

**PUBLIC COMMENT:**

CAROLE SUKMAN, Palm Springs, commented on Item 4.A. and 4.B., and requested enhancements to the tax measure and the project financing agreement.

KEITH MCCORMICK, Palm Springs, stated his support for Item 4.A. and 4.B. a proposed tax increase and the redevelopment of the Desert Fashion Plaza.

JULIUS KAZEN, stated his support for Item 4.A. and 4.B. a proposed tax increase and the redevelopment of the Desert Fashion Plaza.

HANNA SCHOLLA, Palm Springs, stated her support for Item 4.A. for a proposed sales tax be added to the municipal election.

BRUCE TOMINELLO, commented on Item 4.B., the proposed redevelopment of the Desert Fashion Plaza.

TIM ELLIS, stated his support for Item 4.A. and 4.B. a proposed tax increase and the redevelopment of the Desert Fashion Plaza.

JERRY KELLER, stated his support for Item 4.A. and 4.B. a proposed tax increase and the redevelopment of the Desert Fashion Plaza.

BARBARA KELLER, stated her support for Item 4.A. and 4.B. a proposed tax increase and the redevelopment of the Desert Fashion Plaza.

CHANTAL FRANCISCO, stated his support for Item 4.A. and 4.B. a proposed tax increase and the redevelopment of the Desert Fashion Plaza.

DARRYL MACDONALD, stated his support for Item 4.A. and 4.B. a proposed tax increase and the redevelopment of the Desert Fashion Plaza.

BOB HELBLING, stated his support for Item 4.A. and 4.B. a proposed tax increase and the redevelopment of the Desert Fashion Plaza, and commented on a sunset clause.

JASON DIBLER, stated his support for Item 4.A. and 4.B. a proposed tax increase and the redevelopment of the Desert Fashion Plaza.

AFTAB DADA, stated his support for Item 4.A. and 4.B. a proposed tax increase and the redevelopment of the Desert Fashion Plaza.

DOUG JONES, Palm Springs, stated his support for Item 4.A. and 4.B. a proposed tax increase and the redevelopment of the Desert Fashion Plaza.

STEVEN NASH, Palm Springs Art Museum, stated his support for Item 4.A. and 4.B. a proposed tax increase and the redevelopment of the Desert Fashion Plaza.

MARNA VAN HORN, stated her support for Item 4.A. and 4.B. a proposed tax increase and the redevelopment of the Desert Fashion Plaza.

TAMARA STEVENS, stated her support for Item 4.A. and 4.B. a proposed tax increase and the redevelopment of the Desert Fashion Plaza.

STEVE NICHOLS, stated his support for Item 4.B., the redevelopment of the Desert Fashion Plaza.

JOY MEREDITH, commented on Item 5.B. Downtown Restrooms and stated her support, commented on Item 4.B., and stated in her support of the revitalization of Downtown.

RICK PANTELE, commented on the CAPS and medical cannabis permits.

EDDIE GHERA, commented on CAPS and medical cannabis permits.

PAUL LEWIN, commented on Item 4.A. and 4.B. a proposed tax increase and the redevelopment of the Desert Fashion Plaza.

STEVE ROSENBERG, Palm Springs, commented on the future of Palm Springs, and the redevelopment of Downtown Palm Springs.

SAM SPINELLO, stated his support for Item 4.B., the redevelopment of the Desert Fashion Plaza.

**COUNCILMEMBER COMMENTS:** None.

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

**2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., 2.H., 2.I., 2.K., 2.M., 2.N., 2.P., 2.Q., and 2.R. **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 July 20, 2011, City Council Agenda. **Approved as part of the Consent Calendar.**

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

**ACTION:** Approve the City Council/Community Redevelopment Agency Adjourned Meeting Minutes of July 7, 2011. **Approved as part of the Consent Calendar.**

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

**ACTION:** 1) Adopt Resolution No. 22994, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1049767 THROUGH 1049906 IN THE AGGREGATE AMOUNT OF \$498,109.13, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22995, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 6-25-11 BY WARRANTS NUMBERED 416746 THROUGH 416783 TOTALING \$51,714.47, LIABILITY CHECKS NUMBERED 1049907 THROUGH 1049930 TOTALING \$124,978.14, FIVE WIRE TRANSFERS FOR \$49,123.21, AND THREE ELECTRONIC ACH DEBITS OF \$993,720.35, IN THE AGGREGATE AMOUNT OF \$1,219,536.17, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 22996, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1049931 THROUGH 1049985 IN THE AGGREGATE AMOUNT OF \$3,228,207.26, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the abstention of Councilmember Mills on Warrant No. 1049882.**

**2.D. CONSIDER A REQUEST FROM PROPERTY OWNERS APPROVING THE ABANDONMENT AND DISSOLUTION OF ASSESSMENT DISTRICT NO. 155:**

**ACTION:** Adopt Resolution No. 22997, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ABANDONING AND DISSOLVING ASSESSMENT DISTRICT NO. 155 OF THE CITY OF PALM SPRINGS, CALIFORNIA." **Approved as part of the Consent Calendar.**

**2.E. PURCHASE OF 17,875 GALLONS OF SEALANT CONCENTRATE FROM GRANITE CONSTRUCTION COMPANY IN THE AMOUNT OF \$133,859.17:**

**ACTION:** 1) Approve the purchase of 17,875 gallons of sealant concentrate, as specified in Invitation for Bid No. 11-07, from Granite Construction Company in the amount of \$133,859.17; and 2) Authorize

the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

**2.F. AGREEMENT WITH SPERRY VAN NESS FOR COMMERCIAL REAL ESTATE BROKER SERVICES FOR AIRPORT PROPERTIES:**

**ACTION:** 1) Approve an agreement with Sperry Van Ness for commercial real estate broker services for airport properties; and 2) Authorize the City Manager to execute all necessary documents. A6127. **Approved as part of the Consent Calendar.**

**2.G. APPROVAL OF TRACT MAP 31422 LOCATED AT 2620 ANZA TRAIL AND 2641 MORONGO TRAIL:**

**ACTION:** 1) Adopt Resolution No. 22998, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TRACT MAP 31422 FOR PROPERTY LOCATED AT 2630 ANZA TRAIL AND AT 2641 MORONGO TRAIL, IN SECTION 25, TOWNSHIP 4 SOUTH, RANGE 4 EAST;" and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar, noting the business related abstention of Councilmember Mills.**

**2.H. SUB-REIMBURSEMENT AGREEMENT WITH CVAG FOR THE LOCAL SHARE OF COSTS FOR THE INTERSTATE 10 INTERCHANGE PROJECT AT RAMON ROAD/BOB HOPE DRIVE:**

**ACTION:** 1) Approve a Sub-Reimbursement Agreement by and between CVAG, County of Riverside, City of Palm Springs, City of Cathedral City, City of Rancho Mirage, and City of Desert Hot Springs for the Interchange Project at I-10 and Ramon Road/Bob Hope Drive; and 2) Authorize the City Manager to execute all necessary documents. A6128. **Approved as part of the Consent Calendar.**

**2.I. AMENDMENT NO. 8 TO CVAG REIMBURSEMENT AGREEMENT NO. A4317 FOR THE INDIAN CANYON DRIVE / INTERSTATE 10 INTERCHANGE PROJECT (CP 00-14):**

**ACTION:** 1) Approve Amendment No. 8 to Agreement No. A4317 with CVAG for the Indian Avenue (now Indian Canyon Drive) / Interstate-10 Interchange Project (CP 00-14); and 2) Authorize the City Manager to execute all necessary documents. A4317. **Approved as part of the Consent Calendar.**

**2.K. AMENDMENT NO. 11 TO THE AMENDED AND RESTATED WASTEWATER SERVICES AGREEMENT NO. A4123 WITH VEOLIA WEST OPERATING SERVICES, INC. FOR THE OPERATION AND MAINTENANCE OF THE CITY'S SEWER SYSTEM:**

**ACTION:** 1) Adopt Resolution No. 22999, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2011-12:" and 2) Approve Amendment

No. 11 to the Amended and Restated Wastewater Services Agreement No. A4123 with Veolia West Operating Services, Inc. (formerly Veolia Water North America-West, LLC); and 3) Authorize the City Manager to execute all necessary documents. A4123. **Approved as part of the Consent Calendar.**

**2.M. AWARD OF CONTRACT FOR THE BELARDO ROAD BRIDGE AND ROADWAY PROJECT, FEDERAL PROJECT NO. PLHL-5282 (020) (CP 87-49):**

**ACTION:** 1) Approve an agreement with G & M Construction in the amount of \$2,221,366.06, for the Belardo Road Bridge and Roadway Project, Federal Project No. PLHL-5282 (020) (CP 87-49); 2) Authorize the City Manager to approve cumulative change orders of up to 10% of the awarded construction contract amount, or \$222,136.61; and 3) Authorize the City Manager to execute all necessary documents. A6129. **Approved as part of the Consent Calendar.**

**2.N. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF JUNE 2011:**

**ACTION:** Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of June 1 through June 30, 2011. **Approved as part of the Consent Calendar.**

**2.P. ACCEPT THE RESIGNATION OF JON CAFFERY FROM THE PLANNING COMMISSION EFFECTIVE AUGUST 11, 2011:**

**ACTION:** 1) Accept with regret the resignation of Jon Caffery from the Planning Commission effective August 11, 2011; 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.Q. OUTFITTING OF PUBLIC SAFETY VEHICLES:**

**ACTION:** Authorize the City Manager to award and execute all necessary documents, including all purchase orders and associated contracts, in accordance with the procurement bidding procedures, between July 21 and September 6, 2011, to allow the outfitting of the new police vehicles in an amount not to exceed \$90,000 to proceed without delay. **Approved as part of the Consent Calendar.**

**2.R. LEASE-PURCHASE AGREEMENT WITH TORO FINANCING FOR 33 PIECES OF MAINTENANCE EQUIPMENT FOR SERVICE AT THE TAHQUITZ CREEK LEGENDS AND RESORT GOLF COURSES:**

**ACTION:** 1) Approve the Lease/Purchase Agreement with Toro Financing for a period of 48 months in an amount of \$6,837.38 per month for a total of \$328,194.13; and 2) Authorize the City Manager to execute all necessary documents. A6130. **Approved as part of the Consent Calendar.**



**EXCLUDED CONSENT CALENDAR:**

**2.J. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR TRACT NO. 13257 SEWER IMPROVEMENTS (PHASES 1 & 2) (CP 10-02):**

Councilmember Mills requested staff address if the project may qualify for funding from the Affordable Housing Fund.

**ACTION:** Approve the plans, specifications, and working details for Tract No. 13257 Sewer Improvements (Phases 1 and 2) (CP 10-02) and authorize the bid process. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

**2.L. CITYWIDE ENERGY MANAGEMENT PROJECT:**

The City Council requested that Sustainability Commission be included in the process.

**ACTION:** 1) Receive and file the Comprehensive Energy Analysis dated June 30, 2011, prepared by Chevron Energy Solutions Co.; and 2) Schedule a Study Session for September 28, 2011, for a separate discussion with staff and CES to review the list of ECMs proposed as part of the citywide energy management project, and to determine the final scope of the energy management project undertaken by the City. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

**2.O. AWARD OF IFB 11-08 FOR PALM TREE TRIMMING AT VARIOUS LOCATIONS IN THE CITY OF PALM SPRINGS:**

Councilmember Mills requested staff address City staff supervision of contractor.

**ACTION:** 1) Award a contract for Bid (IFB) 11-08, Palm Tree Trimming at various locations in the City of Palm Springs to Padilla Tree Service based on unit prices per tree for a projected cost of \$62,051.00; and 2) Authorize the City Manager to execute all necessary documents. **Motion Councilmember Foat, seconded by Mayor Pro Tem Weigel and unanimously carried on a roll call vote.**

**3. LEGISLATIVE: None.**

**4. UNFINISHED BUSINESS:**

**4.A. CONSIDER A MEASURE FOR SUBMISSION TO THE VOTERS AT THE NOVEMBER 8, 2011, GENERAL MUNICIPAL ELECTION, REGARDING A ONE PERCENT TRANSACTIONS, SALES, AND USE TAX:**

City Manager Ready and City Clerk Thompson provided background information as outlined in the staff report dated July 20, 2011.

Councilmember Hutcheson requested staff address the bonding examples as contained in the Finance Terms and Alternatives memorandum, conservative nature of the proposed tax, staggering the issuance of the bonds and other use of the proceeds.

Mayor Pougnet commented on the recent budgetary issues and the lack of funding for capital projects, the condition of the Desert Fashion Plaza, the State take away, commented on the ballot question, and stated his support for a 1% tax.

Councilmember Foat commented on the history of the redevelopment agency and funding of projects, the State proposal for the elimination of Redevelopment funds, the City's severe budget cuts, and stated it could not be placed on the tax on the ballot as a single use tax, the capital improvements that can be accomplish with additional funding, and requested a sunset clause be added to the measure.

Mayor Pro Tem Weigel commented on the benefits of placing this tax on the ballot, and stated the voters should have the opportunity to vote on the measure and would suggest a sunset clause for the ballot measure.

Councilmember Mills commented on the benefits of an additional local tax and the funding of capital improvement projects, recommends the creation of a separate line item to track the local sales tax funding, stated the community is in alignment for the renovation of the Downtown area, commented on the lack of funding for capital improvement projects, and noted projects that could be funded with additional funding.

Councilmember Hutcheson commented on the anticipated uses of the proposed tax, recommended a 15 year sunset provision be added and a separate line item be created, and recommended a citizens advisory committee be created to report on the accomplishments.

Mayor Pro Tem Weigel stated his support to include a sunset clause in the proposed ordinance, and requested staff address leveraging the proceeds received from the proposed tax.

Councilmember Foat commented on the staggering approach to the issuance of the bonds.

The City Council discussed and/or commented on adding a sunset clause to the ballot question and measure, or an alternative type of reconsideration clause.

**ACTION:** 1) Adopt Resolution No. 23000, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING

THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A MEASURE APPROVING AND IMPLEMENTING A ONE PERCENT (1%) TRANSACTIONS, SALES, AND USE TAX, AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2011, AS CALLED BY RESOLUTION NO. 22957;" and 2) Adopt Resolution No. 23001, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS AND PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS REGARDING A CITY MEASURE AT THE NOVEMBER 8, 2011, GENERAL MUNICIPAL ELECTION, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS," *amending the ballot question and measure to provide for a twenty-five year sunset clause.* **Motion Councilmember Foat, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

The City Council recessed at 8:23 p.m.

The City Council reconvened at 8:32 p.m.

**4.B. APPROVE A PROJECT FINANCING AGREEMENT BETWEEN THE CITY OF PALM SPRINGS AND PALM SPRINGS PROMENADE, LLC FOR THE REDEVELOPMENT OF CERTAIN REAL PROPERTY LOCATED AT 123 NORTH PALM CANYON DRIVE:**

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

Mayor Pougnet commented on the proposed financing agreement deal points.

Mayor Pro Tem Weigel requested staff address the purpose of the redevelopment, and stated his support for the project financing agreement.

Councilmember Hutcheson commented on the items and projects that would be of significant importance to the City, residents, and tourism, and commented on the phasing of the project.

Councilmember Mills commented on the process to get to this agreement, and noted a few items in the agreement that require additional fine tuning.

Councilmember Foat stated that City staff and Mr. Wessman has responded to her items of concern, noted the City is well protected by the agreement, and commented on the process of eminent domain.

**ACTION:** Continue the Item to September 7, 2010. **Motion Mayor Pro Tem Weigel, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

- 4.C. COMMUNITY REDEVELOPMENT AGENCY HEARING FOR A RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF THE DESERT FASHION PLAZA AND THE TOWN AND COUNTRY CENTER:**  
City Attorney Holland requested the City Council continue the hearing to September 7, 2011.

**ACTION:** 1) Continue the hearing to September 7, 2011, with no public testimony at this time; and 2) Direct the Agency Secretary to post a Notice of Continuance. **Motion Councilmember Foat, seconded by Mayor Pro Tem Weigel and unanimously carried on a roll call vote.**

**5. NEW BUSINESS:**

- 5.A. DESIGNATION OF A VOTING DELEGATE AND ALTERNATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE SEPTEMBER 21-23, 2011:**

**ACTION:** Appoint Councilmember Ginny Foat as the Voting Delegate for the 2011 League of California Cities Annual Conference in San Francisco, California, September 21-23, 2011. **Motion Mayor Pro Tem Weigel, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

- 5.B. DOWNTOWN AND UPTOWN BUSINESS DISTRICT TEMPORARY PUBLIC RESTROOM PROGRAM:**

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

City Manager Ready noted some staff changes to the program, stated the program is not limited to restaurants, and the program boundaries would be limited to those of the Palm Springs Business Improvement District.

Councilmember Mills stated his support of the project, and recommended a sliding scale in compensation for larger bathroom facilities.

Councilmember Foat recommended the City not require the log on the restroom door, would support a sliding scale for larger facilities, additional specifics in hours, and requested that hand sanitizer and hot water in the restroom be required, along with an indemnification or insurance, and recommend City staff review the public restroom sign design rather than a window decal.

Mayor Pro Tem Weigel stated his agreement for improved provisions for signage, additional specificity for hours, and requested staff address the costs to the City to build and maintain public restrooms.

**ACTION:** 1) Adopt Resolution No. 23002, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE DOWNTOWN AND UPTOWN TEMPORARY PUBLIC RESTROOM PROGRAM GUIDELINES AND APPLICATION/ AGREEMENT," *amending the program to modify the boundaries of the program and not limiting the program to restaurants;* 2) Direct staff to consider and incorporate other changes as discussed by the City Council; and 3) Adopt Resolution No. 23003, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2011-12." **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**5.C. DISCUSS POTENTIAL CITY COUNCIL INITIATION OF A ZONE TEXT AMENDMENT WITH REGARD TO CHANGEABLE COPY AND OTHER SIGNS PURSUANT TO PALM SPRINGS ZONING CODE SECTION 94.07.01(A)(1)(b):**

Craig Ewing, Director of Planning Services, provided background information on the City Council initiation of a Zone Text Amendment.

Councilmember Hutcheson requested the amendment address creative ideas for signage of vacant spaces, for lease signs, and look at the banner ordinance.

Councilmember Mills requested the amendment review menu boards with electronic copy, and quality of signs for major complexes for lease.

Councilmember Foat requested staff address the status of barber pole revisions to the sign ordinance, requested staff address any substitute process for electronic billboards, and requested the amendment address digital signs generally.

**ACTION:** Initiate a Zone Text Amendment for changeable copy and other signs pursuant to Palm Springs Zoning Code Section 94.07.01(A)(1)(b) and refer to the Planning Commission. **By consensus of the City Council.**

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

**ADJOURNMENT:** The City Council adjourned *in memory of Commissioner John Ege and Human Resources Specialist Martin Munoz*, at 9:51 p.m. to Wednesday, September 7, 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  
7<sup>TH</sup> DAY OF SEPTEMBER, 2011.**

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STEPHEN P. POUCKET, MAYOR

ATTEST:

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JAMES THOMPSON, CITY CLERK

COMMUNITY REDEVELOPMENT AGENCY  
CITY OF PALM SPRINGS, CALIFORNIA



**SPECIAL MEETING MINUTES**

Thursday, August 25, 2011  
City Hall Council Chamber

1. **CALL TO ORDER:** Chair Pougnet called the special meeting of the Palm Springs Community Redevelopment Agency to order at 1:32 p.m.
2. **ROLL CALL:**  
PRESENT: Board Member Foat, Board Member Mills, and Chair Pougnet.  
ABSENT: Board Member Hutcheson and Vice Chair Weigel.  
ALSO PRESENT: Executive Director Ready, Deputy Agency Attorney Petteruto, and Board Secretary Thompson.
3. **PUBLIC MEETING AND APPROVAL OF THE COMMUNITY REDEVELOPMENT AGENCY ENFORCEABLE OBLIGATION PAYMENT SCHEDULE, FOR ENFORCEABLE OBLIGATIONS OF THE AGENCY THROUGH DECEMBER 31, 2011, PURSUANT TO ABX1 26 AND ABX1 27:**  
Executive Director Ready and Suzanne Harrell, Agency Financial Advisor, provided background information as outlined in the staff report dated August 25, 2011.  
  
Board Chair Pougnet opened the public meeting, and no speakers coming forward the public testimony portion of the meeting was closed.  
  
**ACTION:** Adopt Resolution No. 1424, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE APPROVAL AND TRANSMITTAL OF AN ENFORCEABLE OBLIGATIONS PAYMENT SCHEDULE (EOPS) PURSUANT TO ABX1 26 AND ABX1 27." **Motion Board Member Foat, seconded by Board Member Mills and unanimously carried (3-0) on a roll call vote.**
4. **ADJOURNMENT:** The Board of the Community Redevelopment Agency adjourned at 1:37 p.m.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 7<sup>TH</sup> DAY OF SEPTEMBER, 2011.**

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STEPHEN P. POGNET, MAYOR  
Chair Community Redevelopment Agency

ATTEST:

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JAMES THOMPSON, CITY CLERK  
Agency Secretary