

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



MINUTES
WEDNESDAY, JUNE 17, 2009
Council Chamber

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:07 p.m.

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

INVOCATION: Rev. Michael Kearney, Palm Springs Spiritual Enrichment Center, led the Invocation.

ROLL CALL:

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

ABSENT: None.

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

PRESENTATIONS:

Mayor Pro Tem Mills presented an overview of the recent activities with respect to the Census 2010.

Mayor Pougnet provided an update on the recent Fitness Challenge event.

Chief Goetz provided an update on the 78th Firefighter Fish Fry event.

City Manager Ready and Sharon Heider, Director of Parks and Recreation, introduced Rick Minjares, Parks Maintenance Supervisor.

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 requested the City Council add an Item to the Agenda Proposed Resolution taking certain action with respect to Unconstitutional Diversion of Local

ITEM NO. 7.B.

Share of Motor Fuel Gas Tax Funds, and stated this Item came of the attention to the City after the posting of the agenda.

ACTION: 1) Make the finding the Item came the attention of the City after the posting of the Agenda and there is an immediate need to take action on the Item; and 2) Add to the Agenda Item 5.F. "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE CITY ATTORNEY TO COOPERATE WITH THE LEAGUE OF CALIFORNIA CITIES, OTHER CITIES AND COUNTIES IN LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY STATE GOVERNMENT OF THE CITY'S STREET MAINTENANCE FUNDS." **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

City Clerk Thompson stated staff would recommend Item 4.B. be withdrawn from the Agenda, and Item 5.E. be tabled to the June 24, 2009 City Council meeting.

Mayor Pro Tem Mills noted his abstention on Consent Calendar Item 2.C., business related abstention on Warrant Nos. 1035817 and 1035322, and 1035956 for personal business.

Councilmember Hutcheson requested Item 2.H. be removed from the Consent Calendar for separate discussion.

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

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

1. PUBLIC HEARINGS:

1.A. DESIGNATION OF THE OASIS COMMERCIAL BUILDING AT 101-121 SOUTH PALM CANYON DRIVE AS A CLASS 1 HISTORIC SITE (HSPB 55):

ACTION: 1) Continue the Public Hearing to July 22, 2009, with no public testimony, at the request of the property owner; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

1.B. DESIGNATION OF THE CASABLANCA ADOBE AT 590 SOUTH INDIAN TRAIL AS A CLASS 1 HISTORIC SITE (HSPB 68):

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated June 17, 2009.

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

AL SOPHIANOPOULOS, Property Owner, stated his support for the designation.

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

The City Council discussed and/or commented on the following with respect to the historic designation: the architect on the Historic Resources Survey, the consent of the owner, and the history of the property.

ACTION: Adopt Resolution No. 22496, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE CASABLANCA ADOBE, AT 590 SOUTH INDIAN TRAIL, AS A CLASS 1 HISTORIC SITE, HSPB 68." **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

Councilmember Foat stated her business is within the boundaries of the BID, and would not participate in the discussion or the vote, and left Council Chamber.

1.C. ANNUAL REVIEW AND RENEWAL OF THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT AND ADOPTION OF THE FISCAL YEAR 2009-10 PROGRAM:

Cathy Van Horn, Economic Development Administrator, provided background information as outlined in the staff report dated June 17, 2009.

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

KEITH McCORMICK, provided the overview of the District and stated his support for the Business Improvement District.

BONNIE REISS, stated the BID is a redundant program of MainStreet.

RODOLFO CASTILLO, stated his support for the BID, requested the City Council review the makeup of the BID, and commented on the BID notice and mailing list.

JOY MEREDITH, stated her support for the BID, and stated the Board is reviewing some proposed changes in the next year.

JESSE DANNER, Snip Snip Buzz, stated his opposition to the BID.

DARRON DAHLE, Catcus Berry, commented on the mailing and notice list for the BID, and noted administrative problems with the BID.

ROXANNE MISHLER, Palm Springs Carriages, stated her support for the BID.

No further speakers coming forward the public hearing was closed.

The City Council discussed and/or commented on the following with respect to the BID: the history of the creation of the bid, the notice and process of notice, the number of businesses in the district and the discrepancy with the number of business licenses in the area.

ACTION: 1) Continue the Public Hearing to June 24, 2009; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Mills and unanimously carried 4-0 on a roll call vote.**

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

Councilmember Foat returned to the dais.

1.D. PLACEMENT OF 11 PUBLIC NUISANCE ABATEMENT FEES ON THE PROPERTY TAX ROLLS:

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated June 17, 2009.

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

ACTION: 1. Adopt Resolution No. 22497, "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 3723 EL DORADO BLVD."

2. Adopt Resolution No. 22498, "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 3910 EL DORADO BLVD."

3. Adopt Resolution No. 22599, "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 4002 EL DORADO BLVD."

4. Adopt Resolution No. 22500, "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 4020 EL DORADO BLVD."

5. Adopt Resolution No. 22501, "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 499 NORTH FARRELL DRIVE."

6. Adopt Resolution No. 22502, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING FOR THE PUBLIC NUISANCE ABATEMENT LIEN LOCATED AT 414 SOUTH MONTE VISTA DRIVE."

7. Adopt Resolution No. 22503, "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."

8. Adopt Resolution No. 22504, "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 1414 SOUTH SAGEBRUSH."

9. Adopt Resolution No. 22505, "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 1414 SOUTH SAGEBRUSH."

10. Adopt Resolution No. 22506, "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 1414 SOUTH SAGEBRUSH."

11. Adopt Resolution No. 22507, "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 385 WEST TRAMVIEW."

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

PUBLIC COMMENT:

SID CRAIG, announced the upcoming Short Film Festival activities and events.

DREW SWEATTE, commented on the lack of transparency on financing between the Community Redevelopment Agency and the City.

PHYLLIS BURGESS, commented on the effect of Proposition 8 and the Human Rights Commission.

JIM STUART, commented on the proposed park at Vista Chino and Gene Autry Trail, and the lack of maintenance at the City's parks.

JOY MEREDITH, stated her support for Item 2.G. extension of free and unrestricted parking in the Downtown area, and 2.O. the Bylaw changes to the BID.

RUDOLFO CASTILLO, commented on Item 2.O. and requested the bylaws be changed to include term limits.

COUNCILMEMBER COMMENTS:

Councilmember Foat requested the City Engineer provide an update on the proposed park at Vista Chino and Gene Autry.

CITY MANAGER'S REPORT:

2. CONSENT CALENDAR:

Councilmember Foat noted her business related abstention on Item 2.O.

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., 2.I., 2.J., 2.K., 2.L., 2.N., 2.O., and 2.P. **Motion Mayor Pro Tem Mills, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

2.A. REPORT ON POSTING OF THE AGENDA:

ACTION: Receive and file Report on the Posting of the June 17, 2009, 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 May 27, 2009, and June 3, 2009. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 22508, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 5-16-09 BY WARRANTS NUMBERED 414653 THROUGH 414692 TOTALING \$54,828.72, LIABILITY CHECKS NUMBERED 1035746 THROUGH 1035766 TOTALING \$152,227.21, FIVE WIRE TRANSFERS FOR \$117,304.97, AND THREE ELECTRONIC ACH DEBITS OF \$1,085,792.55, IN THE AGGREGATE AMOUNT OF \$1,410,153.45, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22509, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1035767 THROUGH 1035868 IN THE AGGREGATE AMOUNT OF \$232,011.13, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 22510, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1035869 THROUGH 1035971 IN THE AGGREGATE AMOUNT OF \$1,378,665.69, DRAWN ON BANK OF AMERICA;" and 4) Adopt Resolution No. 22511, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 5-30-09 BY WARRANTS NUMBERED 414693 THROUGH 414727 TOTALING \$54,687.76, LIABILITY CHECKS NUMBERED 1035972 THROUGH 1035993 TOTALING \$153,475.01, FIVE WIRE TRANSFERS FOR \$94,157.78, AND THREE ELECTRONIC ACH DEBITS OF \$1,114,413.86, IN THE AGGREGATE AMOUNT OF \$1,416,734.41, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the abstention of Mayor Pro Tem Mills on Warrants Nos. 1035817 and 1035322, and 1035956.**

2.D. STAFF AUTHORIZED AGREEMENTS FOR MAY 2009:

ACTION: Receive and file Staff Authorized Agreements covering the period May 1 through May 31, 2009. **Approved as part of the Consent Calendar.**

- 2.E. TREASURER'S INVESTMENT REPORT AS OF APRIL 30, 2009:**
ACTION: Receive and file the Treasurer's Investment Report as of April 30, 2009. **Approved as part of the Consent Calendar.**
- 2.F. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF COACHELLA TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING DECEMBER 31, 2009:**
ACTION: Appoint Councilmember Jesse Villarreal, as the City of Coachella representative, to the Palm Springs International Airport Commission for the term ending December 31, 2009. **Approved as part of the Consent Calendar.**
- 2.G. EXTEND SUSPENSION OF TWO-HOUR TIME LIMITS ON PORTIONS OF INDIAN CANYON DRIVE AND BELARDO ROAD FROM ALEJO ROAD TO RAMON ROAD AND DOWNTOWN CITY-OWNED PARKING LOTS AND PARKING STRUCTURE UNTIL JUNE 30, 2010:**
ACTION: Adopt Resolution No. 22512, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING THE SUSPENSION OF TWO-HOUR TIME LIMITS ON PORTIONS OF INDIAN CANYON DRIVE AND BELARDO ROAD FROM ALEJO ROAD TO RAMON ROAD AND DOWNTOWN CITY-OWNED PARKING LOTS AND PARKING STRUCTURE UNTIL JUNE 30, 2010." **Approved as part of the Consent Calendar.**
- 2.I. CANCEL AGREEMENT NO. A5224 WITH INTERNATIONAL SERVICES AND APPROVE AMENDMENT TO MAXWELL SECURITY AGREEMENT NO. A5630 TO ADD UNARMED SECURITY GUARD SERVICES AT THE LIBRARY AND PARKING STRUCTURE:**
ACTION: 1) Cancel Agreement No. A5224 with International Services; 2) Approve Amendment No. 1 to Agreement No. A5630 with Maxwell Security to add unarmed security guard services at the Library in the estimated amount of \$33,696 per year, and at the Downtown Parking Structure in the amount of \$21,060 per year (hours subject to change); and 2) Authorize the City Manager to execute all necessary documents. A5224. A5630. **Approved as part of the Consent Calendar.**
- 2.J. APPROVE CHANGE ORDER NO. 1 TO AGREEMENT NO. A5757 WITH MOTOROLA FOR THE PURCHASE OF 100 PORTABLE RADIOS IN THE AMOUNT OF \$247,312.12:**
ACTION: 1) Waive the competitive requirements of the Municipal Code; 2) Approve Change Order No. 1 to Agreement No. A5757 with Motorola for the purchase of 100 Motorola XTS2500 Portable radios in the amount of \$247,312.12; and 3) Authorize the City Manger to execute all necessary documents. A5757. **Approved as part of the Consent Calendar.**

2.K. ANNUAL LEVY OF ASSESSMENTS FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS, FISCAL YEAR 2009-10 AND SETTING THE PUBLIC HEARING FOR JULY 15, 2009:

ACTION: 1. Adopt Resolution No. 22513, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING STREET LIGHTING MAINTENANCE DISTRICT NO. 3 ("CROSSLEY TRACT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2009-10."

2. Adopt Resolution No. 22514, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON STREET LIGHTING MAINTENANCE DISTRICT NO. 3 ("CROSSLEY TRACT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2009-10."

3. Adopt Resolution No. 22515, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 6A ("FAIRPORT DEVELOPMENT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2009-10."

4. Adopt Resolution No. 22516, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 6A ("FAIRPORT DEVELOPMENT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2009-10."

5. Adopt Resolution No. 22517, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 6C ("PARK SONORA TRACT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2009-10."

6. Adopt Resolution No. 22518, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 6C ("PARK SONORA

TRACT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2009-10."

7. Adopt Resolution No. 22519, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 7 ("SUNRISE NORTE TRACT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2009-10."

8. Adopt Resolution No. 22520, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 7 ("SUNRISE NORTE TRACT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2009-10."

9. Adopt Resolution No. 22521, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 8 ("VINTAGE PALMS TRACT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2009-10."

10. Adopt Resolution No. 22522, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 8 ("VINTAGE PALMS TRACT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2009-10."

11. Adopt Resolution No. 22523, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 9 ("FLORA VISTA"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2009-10."

12. Adopt Resolution No. 22524, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 9 ("FLORA VISTA"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2009-10."

13. Adopt Resolution No. 22525, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORTS REGARDING PARKWAY MAINTENANCE DISTRICT NO. 10, ZONE 1 AND ZONE 2, ("MOUNTAIN GATE"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2009-10."

14. Adopt Resolution No. 22526, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 10, ZONE 1 AND ZONE 2, ("MOUNTAIN GATE"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2009-10."

15. Adopt Resolution No. 22527, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 12 ("SMOKE TREE COMMONS"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2009-10."

16. Adopt Resolution No. 22528, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 12 ("SMOKE TREE COMMONS"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2009-10."

Approved as part of the Consent Calendar.

2.L. AWARD OF CONTRACT FOR THE ARABY CIRCLE DRAINAGE IMPROVEMENTS, CP 07-16:

ACTION: 1) Approve an agreement with Contreras Construction Co. Inc., for the Araby Circle Drainage Improvements, in the amount of \$69,204, CP 07-16; and 2) Authorize the City Manager to execute all necessary documents. A5857. **Approved as part of the Consent Calendar.**

2.N. APPROVE AN AGREEMENT WITH POLARIS LIBRARY SYSTEMS FOR AN INTEGRATED LIBRARY SOFTWARE SYSTEM:

ACTION: 1) Waive the competitive requirements of the municipal code and award a contract, in a form acceptable to the City Attorney, to Polaris Library Systems to provide a Windows based integrated library system with Structured Query Language capacity in the amount of \$89,005 for the first year and annual maintenance costs for years 2 through 5 in the

amounts of \$17,562, \$18,321, \$19,322 and \$20,268 respectively; and 2) Authorize the City Manager to execute all necessary documents. A5859. **Approved as part of the Consent Calendar.**

2.O. APPROVE MODIFICATIONS TO BYLAWS OF THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT:

ACTION: Adopt Resolution No. 22529, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE BYLAWS OF THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT AND SUPERSEDING RESOLUTION NO. 21996." **Approved as part of the Consent Calendar, noting the abstention of Councilmember Foat.**

2.P. APPROVE CVAG EMERGENCY RESPONSE I-10 CLOSURE PLAN:

ACTION: Approve CVAG's "Emergency Response I-10 Closure Plan" as an integral component of the City of Palm Springs Emergency Operations Plan. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.H. APPROVE AN AGREEMENT WITH GREENPLAY LLC FOR THE CITY OF PALM SPRINGS PARKS AND RECREATION MASTER PLAN IN THE AMOUNT OF \$128,900:

The City Council discussed and/or commented on the following: the funding for the Parks Master Plan, advantage to the City for the development of a Parks Master Plan, and citizen input into the plan.

ACTION: 1) Approve an agreement with GreenPlay LLC to develop a Parks and Recreation Master Plan in an amount not to exceed \$128,900; and 2) Authorize the City Manager to execute all necessary documents. A5856. **Motion Mayor Pro Tem Mills, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

2.M. AGREEMENT WITH SUNLINE TRANSIT AGENCY FOR THE ADVERTISING, INSTALLATION, AND MAINTENANCE OF BUS SHELTERS:

The City Council discussed and/or commented on the following with respect to the bus shelters: improvement in color of the shelters, expired advertising, condition of the shelters, and trash receptacles at the shelters.

ACTION: 1) Approve an agreement with Sunline Transit Agency for the advertising, installation, and maintenance of the bus shelters for a five-year period, amending Section 3.01 to provide for the termination of the agreement annually on the anniversary date; and 2) Authorize the City Manager to execute

all necessary documents. A5858. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

The City Council recessed at 7:57 p.m.
The City Council reconvened at 8:08 p.m.

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

4.A. JOINT MEETING OF THE CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY FOR ADOPTION OF THE FISCAL YEAR 2009-10 BUDGET:

City Manager Ready and Geoffrey Kiehl, Director of Finance, provided background information as outlined in the staff report dated June 17, 2009.

The City Council discussed and/or commented on the following with respect to the budget: requesting contractors and vendors to reduce fees for services, inclusion of the homeless shelter in the budget, employee and pay reductions, tracking the budget activities for the State and updates to the City Council, community funding for the Senior Center and Boys and Girls Club.

ACTION: 1) Adopt Resolution No. 22530, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2009-10;" 2) Adopt Resolution No. 22531, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE BUDGET FOR FISCAL YEAR 2009-10 AND SUCH OTHER MATTERS AS REQUIRED;" 3) Adopt Resolution No. 1389, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE BUDGET FOR FISCAL YEAR 2009-10 AND SUCH OTHER MATTERS AS REQUIRED;" and 4) Direct the City Manager/Executive Director and Director of Finance and Treasurer to make the appropriate modifications to the Budget and prepare the final budget document for Fiscal Year 2009-10. **Motion Councilmember Weigel, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

4.B. LOFT PARTNERS PALM SPRINGS LLC, THE DEVELOPMENT OF 200 HOTEL ROOMS AND UP TO 200 CONDOMINIUM UNITS AT THE NORTHWEST CORNER OF AMADO ROAD AND AVENIDA CABALLEROS, CASE 5.1132 PDD 333 AND CASE 3.3002 TTM 35236:

Withdrawn from the Agenda at the request of staff.

5. NEW BUSINESS:

5.A. AGREEMENT FOR PLACEMENT AND LOAN OF ARTWORK FROM THE PALM SPRINGS ART MUSEUM:

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated June 17, 2009.

ACTION: 1) Approve the Agreement for Placement and Loan of Artwork between the City of Palm Springs and the Palm Springs Art Museum, for the artwork at the Airport and delaying the piece at City Hall; and 2) Authorize the City Manager to execute all necessary documents. A5860. **Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

5.B. APPROVE AN AGREEMENT FOR PURCHASE OF PUBLIC ARTWORK WITH THE RED DOT GALLERY FOR \$16,000 FOR PLACEMENT AT 538 NORTH PALM CANYON DRIVE, IN FRONT OF THE PALM CANYON THEATRE:

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated June 17, 2009.

The City Council discussed and/or commented on the proposed artwork: other sculpture proposed of Frank Sinatra, the status and placement near the "squiggle" pieces, requested alternative locations, and a meeting with the Public Arts Commission to discuss goals.

ACTION: Continue to the June 24, 2009 City Council meeting. **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

5.C. APPROVE A REQUEST FOR STATEMENTS OF QUALIFICATIONS FOR ENERGY MANAGEMENT SERVICES (SOQ 11-09):

Dave Barakian, City Engineer, provided background information as outlined in the staff report dated June 17, 2009.

The City Council discussed and/or commented on the following with respect to the SOQ: the background of the Co-Gen plant, number of firms or local firms that could meet the qualifications, limiting the SOQ award to one firm, as several firms may have an expertise in certain areas.

Mayor Pro Tem Mills requested the SOQ be amended to reduce the number of projects in the criteria to three or modified so that the number of projects is not a pass/or fail, adding a professional [even if paid] to be on the evaluation committee, adding flexibility for firms to give us suggestions

throughout the City that may meet the criteria, change the main focus off of the Co-Gen to other types of alternatives.

ACTION: 1) Approve release of the Request for Statements of Qualifications (SOQ 11-09), for Energy Management Services as amended incorporating the recommendations of Mayor Pro Tem Mills; and 2) Direct the City Manager to appoint an Evaluation Committee for this project. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

5.D. PROPOSED RESOLUTION IN SUPPORT OF A "PRESERVE AMERICA COMMUNITY" DESIGNATION FOR THE CITY OF PALM SPRINGS AND THE CONTINUED PROTECTION OF HISTORIC RESOURCES IN THE COMMUNITY:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated June 17, 2009.

ACTION: Adopt Resolution No. 22532, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS SUPPORT FOR A PRESERVE AMERICA COMMUNITY DESIGNATION FOR THE CITY OF PALM SPRINGS AND FOR CONTINUED PROTECTION OF HISTORIC RESOURCES IN THE COMMUNITY." **Motion Councilmember Foat, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

5.E. APPROVE ANNUAL INSURANCE POLICY RENEWALS FOR THE CITY'S INSURANCE PORTFOLIO FOR FISCAL YEAR 2009-10 AND APPROVING LOSS CONTROL AND REGULATORY COMPLIANCE SERVICES:

Continued to the June 24, 2009 City Council meeting.

5.F. PROPOSED RESOLUTION TAKING CERTAIN ACTION WITH RESPECT TO LITIGATION OVER UNCONSTITUTIONAL DIVERSION OF LOCAL SHARE OF MOTOR FUEL GAS TAX:

ACTION: Adopt Resolution No. 22533, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE CITY ATTORNEY TO COOPERATE WITH THE LEAGUE OF CALIFORNIA CITIES, OTHER CITIES AND COUNTIES IN LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY STATE GOVERNMENT OF THE CITY'S STREET MAINTENANCE FUNDS." **Motion Councilmember Weigel, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Mills requested the City Manager review the agreement with Palm Springs Power for the use of the Stadium.

Councilmember Hutcheson requested the City Manager bring forth a program to make contributions/donations as memorials.

Councilmember Foat requested the City Manager meet and discuss a potential Palm Springs Volunteer Program.

ADJOURNMENT: The City Council adjourned at 9:31 p.m. to an adjourned regular meeting, Wednesday, June 24, 2009, at 6:00 P.M. Council Chamber, City Hall, preceded by a Closed Session at 4:30 P.M., Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS
15TH DAY OF JULY, 2009.**

STEPHEN P. POUQUET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

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



**SPECIAL MEETING MINUTES
WEDNESDAY, JUNE 24, 2009
Large Conference Room**

CALL TO ORDER: Mayor Pougnet called the Special Meeting to order at 3:05 p.m.

ROLL CALL:

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

ABSENT: None.

ALSO PRESENT: City Clerk Thompson.

1. **PUBLIC COMMENT:** None.

2. **INTERVIEW AND APPOINT APPLICANTS TO THE PLANNING COMMISSION:**

The City Council interviewed the following candidates for the Planning Commission: Roxann Ploss, Marshall Roath, John Williams, Leslie Munger, Bill Scott, and Jon Caffery. No action taken.

3. **COUNCILMEMBER REQUESTS:**

Councilmember Foat requested the City Clerk notify all Commissions and Boards not to hold elections for Chair and Vice Chair until after new members are appointed and qualified.

Mayor Pougnet requested Commissions and Board Members who are subject to term limits be indicated on the Commission Roster.

By consensus the City Council requested the City Clerk survey other Coachella Valley cities for the payment of meeting stipends to Planning Commissioners.

ADJOURNMENT: The City Council adjourned at 4:20 p.m. to Closed Session at 4:30 p.m.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS
15TH DAY OF JULY, 2009.**

STEPHEN P. POGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

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



**MINUTES
WEDNESDAY, JUNE 24, 2009
Council Chamber**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:02 p.m.

PLEDGE OF ALLEGIANCE: Mayor Pougnet led the Pledge.

ROLL CALL:

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

ABSENT: None.

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

PRESENTATIONS: City Manager Ready presented recent improvements at the Palm Springs International Airport.

Mayor Pougnet and the City Council presented a Community Spotlight for Palm Springs High School High Principal Ricky B. Wright, and proclaimed June 24, 2009, as Ricky B. Wright Day in the City of Palm Springs.

The Palm Springs Unified School District presented to the City Council the PSUD Sustainability Project.

Councilmember Mills provided an update on the 2010 Census.

REPORT OF CLOSED SESSION: City Attorney Holland reported that 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 requested the City Council hear Item 4.B. out of order, prior to the public hearings.

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

The City Council heard Item 4.B. at this time.

1. PUBLIC HEARINGS:

Councilmember Foat stated her business is within the boundaries of the BID, would not participate in the discussion and the vote, and left Council Chamber.

1. A. ANNUAL REVIEW AND RENEWAL OF THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT AND ADOPTION OF THE FISCAL YEAR 2009-10 PROGRAM:

City Manager Ready and Cathy Van Horn, Economic Development Administrator, provided background information as outlined in the staff report dated June 24, 2009.

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

JESSE DANNER, Snip Snip Buzz, commented on the voting procedures, and stated his opposition to the BID.

BONNIE REISS, expressed concern with the process of the BID, and stated her opposition to the BID.

THOMAS EITZINGER, commented on the services offered by the BID, and stated he is not in support of the BID.

MICHAEL WURTTEMBERG-LEUBNER, stated his opposition to the BID, and expressed concerns with the Downtown Administrator.

ROBERT KAPLAN, stated his opposition to the BID.

JOEL ROSE, read a list of businesses against the BID.

STEVE COIN, stated his opposition to the BID.

BORIS ROSE, stated his opposition to the BID.

JOHN TYMON, stated his opposition to the BID.

PAUL MEDIANO, stated the businesses were misinformed on the matter to sign the petition.

ROXANN PLOSS, commented on the history of the BID and the community assistance.

DARRON DAHLE, stated his support of the BID, but expressed concerns with the process, administration, and programs.

MINDY REED, stated her support for the BID, but expressed concerns with the fee scale and other aspects of the BID.

JOY MEREDITH, stated her support for the BID and clarified the BID funds are used for the marketing of the businesses in the Downtown area.

RODOLFO CASTILLO, stated his support for the BID, but expressed concerns with the administration.

ROXANNE MISHLER, stated her support for the BID.

SUZANNE DELAHANTY, stated her support for the BID, but suggested changes could be made to make it better.

TIM ELLIS, Palm Mountain Resort, stated improvement in the Downtown and his support for the BID.

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

City Clerk Thompson requested the City Council allow for additional time to report the protest proceedings, and requested the City Council close the hearing and place this matter on the July 15, 2009 Agenda.

ACTION: 1) Close the public testimony portion of the public hearing and the acceptance of protests; 2) Direct the City Clerk to tabulate the results of the protest proceedings; and 3) Continue to July 15, 2009. **Motion Mayor Pro Tem Mills, seconded by Councilmember Weigel and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat.

The City Council recessed at 7:40 p.m.

The City Council reconvened at 7:48 p.m., and Councilmember Foat returned to the dais.

1.B. PROPOSED DESIGNATION OF THE TOWN AND COUNTRY CENTER AS CLASS 1 HISTORIC SITE, LOCATED AT 146-174 NORTH PALM CANYON DRIVE AND 167-181 NORTH INDIAN CANYON DRIVE:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated June 24, 2009.

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

RON MARSHALL, stated his support for the Class 1 designation.

JAMES R. HARLAN, read a letter from the California Office of Historic Preservation, and stated his support for the Class 1 designation.

GRANT MONCK, stated his support of the Class 1 designation.

REUEL YOUNG, stated his opposition to the Class 1 designation.

JADE NELSON, stated his support for the Class 1 designation.

BOB HELBLING, stated his support for preserving the property, but finding a solution to working with the property owner toward development of the site.

JACQUES CAUSSIN, stated his support of the Class 1 designation.

GARY JOHNS, stated his support for the Class 1 designation.

STEVE ROSENBERG, stated his opposition to the Class 1 designation.

VALERIE ZUGATES, stated her opposition to the Class 1 site, and stated the Chamber of Commerce position of the Class 1 designations.

DARYL JAMES, stated his opposition to the Class 1 designation.

VIC GAINER, stated his opposition to the Class 1 designation.

MARVIN ROOS, stated his opposition to the Class 1 designation.

DON KARVELIS, stated his opposition to the Class 1 designation.

LAINÉ SCOTT, stated his support for the Class 1 designation.

TIM CLARK, stated his opposition to the Class 1 designation.

MINDY REED, stated her opposition to the Class 1 designation.

KEN FEENSTRA, stated his opposition to the Class 1 designation.

DAVID BARON, read a letter from Harold Matzner in opposition of the Class 1 designation.

HAROLD MEYERMAN, stated his opposition to the Class 1 designation.

ROXANNE MISHLER, stated her support of the Class 1 designation.

JOHN TYMON, stated his support for a Class 2 designation of the property.

ROXANN PLOSS, stated her support for the Class 1 designation.

PATRICK MCGREW, stated his support for the Class 1 designation.

CHRIS SUTTON, stated his support for the Class 1 designation.

RICHARD KIP SERAFIN, stated his support for the Class 1 designation.

JESSE DANNER, Snip Snip Buzz, stated his opposition to the Class 1 designation.

MARK ANDERSON, spoke in opposition to the Class 1 designation.

JOY MEREDITH, stated her opposition to the Class 1 designation.

PETER MORUZZI, stated his support for the Class 1 designation.

PAUL MEDIANO, stated his opposition to the Class 1 designation.

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

The City Council recessed at 9:16 p.m.

The City Council reconvened at 9:21 p.m.

The City Council discussed and/or commented on the following with respect to the historic designation: making the determination during the Specific Plan process, the development activities in the Downtown area, the historical background of the site, the economics toward restoring the property, the obsolete design of the property, the possibility of a Class 2 designation, demolition alternatives and restrictions, and that the architecture does not represent a Class 1 designation.

ACTION: Deny the Town and Country Center designation as a Class 1 Historic Resource. **Motion Councilmember Weigel, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

The City Council recessed at 9:50 p.m.

The City Council reconvened at 9:56 p.m.

ACTION: Continue past the 10:00 p.m. tentative adjournment time. **By consensus of the City Council.**

PUBLIC COMMENT:

DENNIS ROSENBERG, commented on the Taxi Cab Regulation by Sunline.

BOB HELBLING, commented on the progress of the Escena Project, and the proposed park at Gene Autry Trail and Vista Chino.

COUNCILMEMBER COMMENTS: None.

CITY MANAGER'S REPORT: None.

2. **CONSENT CALENDAR:** None.

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

4.A. APPROVE AN AGREEMENT FOR PURCHASE OF PUBLIC ARTWORK WITH THE RED DOT GALLERY FOR \$16,000 FOR PLACEMENT AT 538 NORTH PALM CANYON DRIVE, IN FRONT OF THE PALM CANYON THEATRE:

City Manager Ready provided background information as outlined in the staff report dated June 24, 2009.

ACTION: 1) Approve an Agreement for Purchase of Public Artwork with the Red Dot Gallery and defer the placement of the Artwork, in a form acceptable to the City Attorney; and 2) Authorize City Manager to execute all necessary documents. A5861. **Motion Councilmember Foat, seconded by Mayor Pro Tem Mills and carried 4-1 on a roll call vote.**

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

NOES: Councilmember Hutcheson.

4.B. APPROVE ANNUAL INSURANCE POLICY RENEWALS FOR THE CITY'S INSURANCE PORTFOLIO FOR FISCAL YEAR 2009-10 AND APPROVE LOSS CONTROL AND REGULATORY COMPLIANCE SERVICES:

City Manger Ready and Craig Gladders, Procurement Manager, provided background information as outlined in the staff report dated June 24, 2009.

The City Council discussed and/or commented on the following with respect to the insurance: the cost and calculation of the Airport runway insurance, earthquake and flood insurance, budget concerns with respect to the insurance coverage.

ACTION: Adopt Resolution No. 22534, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING KEENAN & ASSOCIATES, AS THE CITY'S BROKER OF RECORD TO PURCHASE PROPERTY LIABILITY, EXCESS EARTHQUAKE/FLOOD LIABILITY (DIFFERENCE IN CONDITION), EXCESS LIABILITY, EXCESS WORKERS COMPENSATION, AIRPORT OWNERS AND OPERATORS LIABILITY, VILLAGEFEST LIABILITY, MULTI MEDIA LIABILITY, AIRCRAFT HULL LIABILITY, AND CRIME/FIDELITY LIABILITY INSURANCE POLICIES FROM VARIOUS CARRIERS POLICY YEAR 2009-2010, EFFECTIVE JULY 1, 2009, AND APPROVING LOSS CONTROL AND REGULATORY COMPLIANCE SERVICES." A5862. **Motion Mayor Pougnet, seconded by Councilmember Foat and carried 4-1 on a roll call vote.**

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

5. NEW BUSINESS: None.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Weigel requested the City Attorney review and make recommendations to regulate smoking in City Parks.

Councilmember Foat requested the City Manager announce the City's new Sustainability Coordinator.

ADJOURNMENT: The City Council adjourned at 10:19 p.m., to a Regular Meeting, Wednesday, July 1, 2009, at 6:00 P.M. Council Chamber, City Hall, preceded by a Closed Session at 5:00 P.M., Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS
LATH DAY OF JULY, 2009.**

STEPHEN P. POUGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK