

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



**MINUTES
WEDNESDAY, JULY 15, 2009
Council Chamber**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:01 p.m.

PLEDGE OF ALLEGIANCE: Mayor Pougnet led the Pledge.

INVOCATION: Rabbi Sally Olins, Temple Isaiah, led the Invocation.

ROLL CALL:

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

ABSENT: Councilmember Foat.

ALSO PRESENT: City Manager Ready, Assistant City Attorney Diego Santana, City Clerk Thompson.

PRESENTATIONS:

Mayor Pougnet and Councilmember Mills provided an update on the activities of the Palm Springs Power Baseball.

Mayor Pougnet provided an update and status report on the Hyatt remodel project.

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

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson requested the City Council hear concurrently Public Hearing Items 1.C., 1.D., and Item 5.A., as the first public hearing as they concern the same project.

Mayor Pougnet requested the City Council hear Item 1.C., 1.D., 5.A., as the first public hearing, and then Item 1.B.

Councilmember Hutcheson noted his property related abstention on Item 2.F. and requested Item 2.J. be removed from the Consent Calendar for separate discussion.

ITEM NO. 2.B.

Mayor Pro Tem Mills noted his business related abstention on Item 2.C. Warrant Nos. 1036441, 1036467, 1036483, 1036493, noted his business related abstention of Item 2.K., and requested Item 2.F. 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 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat.

1. PUBLIC HEARINGS:

The City Council heard Items 1.C., 1.D., and 5.A. concurrently as the first public hearing. Mayor Pro Tem Mills stated he has a business related conflict of interest with respect to Items 1.C., 1.D., and 5.A., stated he would not participate in the discussion or the vote, and left Council Chamber.

1.C. AN APPLICATION BY SHERMAN LAS VEGAS HOUSING LLC FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT REVISING THE PDD FROM 32 SINGLE FAMILY UNITS TO FIVE SINGLE FAMILY UNITS AND 73 MULTI-FAMILY LOW AND MODERATE INCOME RENTAL UNITS IN ELEVEN, ONE AND TWO STORY BUILDINGS WITH OFF-STREET PARKING AND LANDSCAPING ON APPROXIMATELY 5.95 ACRES LOCATED AT 301 ROSA PARKS ROAD, CASE 5.1037 AMND; PDD-309; TTM 33161:

Ken Lyon, Associate Planner, and Dale Cook, Economic Development Administrator, provided background information as outlined in the staff report dated July 15, 2009.

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

RAUEL YOUNG, Applicant, requested the City Council approve the amendment to the project, and the project financing application.

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

ACTION: Adopt Resolution No. 22542, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AMENDMENT TO CASE 5.1037 - PLANNED DEVELOPMENT DISTRICT 309 TO REVISE THE PROJECT FROM 32 SINGLE FAMILY RESIDENCES TO 5 SINGLE FAMILY RESIDENTIAL UNITS AND 73 MULTI-FAMILY LOW AND MODERATE INCOME

RESIDENTIAL UNITS WITH OFF-STREET PARKING AND LANDSCAPING ON APPROXIMATELY 5.95 ACRES LOCATED AT 301 ROSA PARKS ROAD, ZONED PDD 309, SECTION 34/T3/R4 SUBJECT TO REVISED CONDITIONS OF APPROVAL." **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried 3-0 on a roll call vote.**

AYES: Councilmember Hutcheson, Councilmember Weigel, and Mayor Pougnet.

NOES: None.

ABSENT: Councilmember Foat and Mayor Pro Tem Mills.

- 1.D. **VISTA SAN JACINTO APARTMENTS, A PROPOSED ISSUANCE OF TAX-EXEMPT MULTI-FAMILY HOUSING REVENUE BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY NOT TO EXCEED \$10,000,000 AGGREGATE PRINCIPAL AMOUNT FOR THE BENEFIT OF THE SA INVESTMENT LLC, FOR THE ACQUISITION, CONSTRUCTION, AND DEVELOPMENT AT 301 ROSA PARKS ROAD IN THE DESERT HIGHLAND GATEWAY ESTATES NEIGHBORHOOD:** Dale Cook, Community Development Administrator, provided background information as outlined in the staff report dated July 15, 2009.

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

RAUEL YOUNG, Applicant, requested the City Council approve the amendment to the project, and the project financing application.

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

ACTION: Adopt Resolution No. 22543, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE ISSUANCE OF TAX-EXEMPT MULTI-FAMILY HOUSING REVENUE BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY NOT TO EXCEED \$10,000,000 AGGREGATE PRINCIPAL AMOUNT FOR THE BENEFIT OF THE SA INVESTMENT LLC, A CALIFORNIA LIMITED LIABILITY PARTNERSHIP, FOR THE ACQUISITION, CONSTRUCTION, AND DEVELOPMENT OF THE VISTA SAN JACINTO APARTMENTS AT 301 ROSA PARKS ROAD." **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried 3-0 on a roll call vote.**

AYES: Councilmember Hutcheson, Councilmember Weigel, and Mayor Pougnet.

NOES: None.

ABSENT: Councilmember Foat and Mayor Pro Tem Mills.

5.A. VISTA SAN JACINTO APARTMENTS, SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE FUNDING AND PARTICIPATION IN THE HOME INVESTMENT PARTNERSHIPS PROGRAM FOR THE DEVELOPMENT OF 301 ROSA PARKS ROAD IN THE DESERT HIGHLAND GATEWAY ESTATES NEIGHBORHOOD:

ACTION: Adopt Resolution No. 22568, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE FUNDING UNDER THE HOME INVESTMENT PARTNERSHIPS PROGRAM; THE EXECUTION OF A STANDARD AGREEMENT IF SELECTED FOR SUCH FUNDING AND AMENDMENTS THERETO; AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE HOME INVESTMENT PARTNERSHIPS PROGRAM FOR THE DEVELOPMENT OF THE VISTA SAN JACINTO APARTMENTS AT 301 ROSA PARKS ROAD;" and 2) Authorize the City Manager to execute all necessary documents. A5874.
Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried 3-0 on a roll call vote.

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

NOES: None.

ABSENT: Councilmember Foat and Mayor Pro Tem Mills.

1.B. PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT, RECITING AND APPROVING THE PROTEST PROCEEDINGS, CONSIDER THE FISCAL YEAR 2009-10 LEVY OF ASSESSMENT FEES:

City Clerk Thompson provided background information as outlined in the staff report dated July 15, 2009.

Councilmember Weigel requested staff address the BID assessments for the prior year, commented on the success of the BID in prior years, and stated his concerns with the current implementation of the BID.

Councilmember Hutcheson commented on the records and the protest proceedings, requested the City address changes to the BID structure for future years.

Mayor Pro Tem Mills commented on the history and the efforts involved with the merchants to set the boundaries and the fee structure, recommended the City Council approve the BID and requested the fee structure and boundaries be reviewed by staff and the BID members.

Mayor Pougnet stated his concerns with the BID, and requested City staff, the BID Steering Committee, Main Street, and merchants review the BID boundaries and fees and report to the City Council by December 31, 2009.

ACTION: 1) Adopt Resolution No. 22541, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECITING THE FACT OF THE PROTEST PROCEEDINGS FOR THE LEVY AND ASSESSMENT OF THE FISCAL YEAR 2009-10 PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT, TAKING NO ACTION ON THE PROPOSED LEVY FOR FISCAL YEAR 2009-10, AND OTHER ADMINISTRATIVE MATTERS AS REQUIRED," amending the Resolution by adding a section provides for voluntary contributions to the BID to read "Voluntary Contributions to the BID may be paid and accepted for Fiscal Year 2009-10 pursuant to Section 3 of Ordinance No. 1709." and 2) Direct Main Street, the BID Steering Committee, and City Staff to meet and address concerns with the BID and make recommendations to the City Council prior to December 31, 2009. **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and carried 3-1 on a roll call vote.**

AYES: Councilmember Hutcheson, Councilmember Weigel, and Mayor Pougnet.

NOES: Mayor Pro Tem Mills.

ABSENT: Councilmember Foat.

1.A. PUBLIC MEETING TO REVIEW SPECIAL EVENT GRANT FUNDING PRIORITIES:

City Manager Ready provided background information as outlined in the staff report dated July 15, 2009.

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

SEIMA MOLOI, requested the City Council fund the 2010 Black History Parade.

JOHN CONNELL, requested the City Council fund the Festival of Lights Parade.

KARYN BARNES, requested funding for the Festival of Lights Parade.

JEREMY BARNES, requested the City Council fund the Festival of Lights Parade.

RACHEL HANSON, requested the City Council fund the Festival of Lights Parade.

JARVIS CRAWFORD, requested the City Council fund Black History Month Parade and Festival.

MONICA TURNER, requested the City Council fund the Black History Month Parade and Festival.

KEITH McCORMICK, stated his support for the funding requests and priorities, and recommended the City Council review City in-kind costs for potential savings.

ORON JACKSON, commented on the treatment to the residents in the Desert Highland area and requested the City Council fund the Black History Month Parade and Festival.

JACQUES CAUSSIN, requested the City Council fund the Modernism Week.

WES RANKINS, requested the City Council fund the Black History Month Parade and Festival.

MARVIN WEISS, requested the City Council fund the Festival of Lights Parade.

KIM McNULTY, requested the City Council fund the Festival of Lights Parade.

BORIS ROSE, requested the City Council fund the Festival of Lights Parade.

BARRY DAYTON, requested the City Council fund the Desert AIDS Walk, and the Festival of Lights Parade.

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

The City Council commented and/or discussed the following with respect to Special Events Funding: the elimination of American Heat Bike Weekend, appropriating \$50,000 toward funding all the other events, funding events at 25% less, reducing all the events in an equal proportional amount, quality of life and return on investment, requested staff look for additional funding, and the elimination of funding of 4th of July Fireworks.

ACTION: 1) Receive and file the Special Event Review Committee Priorities; 2) Fund all events at the recommended 75% level; and 3) Direct the City Manager to amend the budget and provide an additional \$72,800

funding. **Motion Councilmember Weigel, seconded by Councilmember Hutcheson 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 7:32 p.m.

The City Council reconvened at 7:45 p.m. Mayor Pougnet left the meeting, and Mayor Pro Tem Mills chaired the remainder of the meeting.

1.E. ROSA GARDENS APARTMENTS, A PROPOSED ISSUANCE OF TAX-EXEMPT MULTI-FAMILY HOUSING REVENUE BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY NOT TO EXCEED \$13,000,000 AGGREGATE PRINCIPAL AMOUNT FOR THE BENEFIT OF THE COACHELLA VALLEY HOUSING COALITION, FOR THE ACQUISITION, CONSTRUCTION, AND DEVELOPMENT AT 555 ROSA PARKS ROAD, IN THE DESERT HIGHLAND GATEWAY ESTATES NEIGHBORHOOD:

Dale Cook, Community Development Administrator, provided background information as outlined in the staff report dated July 15, 2009.

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

ACTION: Adopt Resolution No. 22544, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE ISSUANCE OF TAX-EXEMPT MULTI-FAMILY HOUSING REVENUE BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY NOT TO EXCEED \$13,000,000 AGGREGATE PRINCIPAL AMOUNT, FOR THE BENEFIT OF THE COACHELLA VALLEY HOUSING COALITION, A CALIFORNIA NON-PROFIT PUBLIC BENEFIT CORPORATION, FOR THE ACQUISITION, CONSTRUCTION, AND DEVELOPMENT OF THE ROSA GARDENS APARTMENTS AT 555 ROSA PARKS ROAD." **Motion Councilmember Weigel, seconded by Councilmember Hutcheson and unanimously carried 3-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat and Mayor Pougnet.

1.F. ANNUAL LEVY OF ASSESSMENTS FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS FOR FISCAL YEAR 2009-10:

David Barakian, City Engineer, provided background information as outlined in the staff report dated July 15, 2009.

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

ACTION: 1. Open the public hearing and receive public testimony.

2. Adopt Resolution No. 22545, "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 2009-10 FOR THE PALM SPRINGS STREET LIGHTING MAINTENANCE DISTRICT NO. 3.

3. Adopt Resolution No. 22546, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2009-10 WITHIN THE PALM SPRINGS STREET LIGHTING MAINTENANCE DISTRICT NO. 3."

4. Adopt Resolution No. 22547, "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 2009-10 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6A."

5. Adopt Resolution No. 22548, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2009-10 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6A."

6. Adopt Resolution No. 22549, "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 2009-10 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6C."

7. Adopt Resolution No. 22550, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2009-10 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6C."

8. Adopt Resolution No. 22551, "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 2009-10 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 7."

9. Adopt Resolution No. 22552, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2009-10 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 7."

10. Adopt Resolution No. 22553, "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 2009-10 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 8."

11. Adopt Resolution No. 22554, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2009-10 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 8."

12. Adopt Resolution No. 22555, "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 2009-10 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 9."

13. Adopt Resolution No. 22556, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2009-10 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 9."

14. Adopt Resolution No. 22557, "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 2009-10 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 10, ZONE 1 AND ZONE 2."

15. Adopt Resolution No. 22558, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL

YEAR 2009-10 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 10, ZONE 1 AND ZONE 2."

16. Adopt Resolution No. 22559, "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 2009-10 FOR THE PALM SPRINGS LANDSCAPE MAINTENANCE DISTRICT NO. 12."

17. Adopt Resolution No. 22560, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2009-10 WITHIN THE PALM SPRINGS LANDSCAPE MAINTENANCE DISTRICT NO. 12."

Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried 3-0 on a roll call vote.

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

PUBLIC COMMENT:

DR. RALPH VILLANI, Palm Springs, commented on pollution and Item 2.F. the San Lorenzo Shoulder Paving Project.

SCOTT SWANSON, Palm Springs, commented on Item 2.F., the San Lorenzo Shoulder Paving Project.

DARRON DAHLE, commented on the Business Improvement District.

JEFFREY JONES, Palm Springs, commented on Item 2.F., the San Lorenzo Shoulder Paving Project.

COUNCILMEMBER COMMENTS:

Councilmember Mills provided an update on Census 2010.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

City Clerk Thompson requested the City Council table to the meeting of July 22, 2009, the following items: Items 2.C. Warrant Nos. 1036441, 1036467, 1036483, 1036493; Item 2.F., and Item 2.K.

ACTION: Approve Items 2.A., 2.B., 2.C. (excluding Warrant Nos. 1036441, 1036467, 1036483, and 1036493), 2.D., 2.E., 2.G., 2.H., 2.I., 2.J., 2.L., 2.M., 2.N., 2.O., 2.P., 2.Q., 2.R., 2.S., 2.T. **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried 3-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat and Mayor Pougnet.

2.A. REPORT ON POSTING OF THE AGENDA:

ACTION: Receive and file Report on the Posting of the July 15, 2009, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council and Community Redevelopment Agency Regular Meeting Minutes of June 17, 2009, City Council Special Meeting Minutes of June 24, 2009, and City Council Adjourned Regular Meeting Minutes of June 24, 2009. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 22561, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1036298 THROUGH 1036414 IN THE AGGREGATE AMOUNT OF \$1,755,805.35, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22562, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1036415 THROUGH 1036550 IN THE AGGREGATE AMOUNT OF \$495,234.61, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 22563, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 6-27-09 BY WARRANTS NUMBERED 414760 THROUGH 414819 TOTALING \$124,560.96, LIABILITY CHECKS NUMBERED 1036551 THROUGH 1036571 TOTALING \$152,557.00, FIVE WIRE TRANSFERS FOR \$401,269.50, AND THREE ELECTRONIC ACH DEBITS OF \$1,275,469.88, IN THE AGGREGATE AMOUNT OF \$1,953,857.34, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, removing Warrant Nos. 1036441, 1036467, 1036483, and 1036493.**

- 2.D. STAFF AUTHORIZED AGREEMENTS FOR JUNE 2009:**
ACTION: Receive and file Staff Authorized Agreements covering the period June 1 through June 30, 2009. **Approved as part of the Consent Calendar.**
- 2.E. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO BID THE JACKIE LEE HOUSTON PLAZA:**
ACTION: 1) Approve the Plans, Specifications, and Working Details for the Jackie Lee Houston Plaza at the Palm Springs Convention Center, CP 2008-18; and 2) Authorize the bid process. **Approved as part of the Consent Calendar.**
- 2.G. ACCEPTANCE OF \$36,975 IN GRANT FUNDING FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM TO FUND A YOUTH LAW ENFORCEMENT ACADEMY AT THE PALM SPRINGS HIGH SCHOOL:**
ACTION: 1) Accept \$36,975 in grant funding from the U.S. Bureau of Justice Assistance; and 2) Authorize the City Manager to execute all necessary documents. A5719. **Approved as part of the Consent Calendar.**
- 2.H. ACCEPTANCE OF \$151,986 IN GRANT FUNDING FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM TO FUND THE RENOVATION AND UPGRADE OF THE EXISTING DOWNTOWN VIDEO MONITORING SYSTEM:**
ACTION: 1) Accept \$151,986 in grant funding from the U.S. Bureau of Justice Assistance; and 2) Authorize the City Manager to execute all necessary documents. A5719. **Approved as part of the Consent Calendar.**
- 2.I. IMPROVE/MODIFY/REHAB TERMINAL PROJECT FINAL CHANGE ORDERS:**
ACTION: 1) Approve Change Order No. 2 with Systems Integration Corporation, Purchase Order No. 000898, for an increase of \$4,060, subject to the approval of the Federal Aviation Administration; 2) Approve Change Order No. 6 to Agreement A5659, with Harbor Construction Company, Inc., for an increase of \$95,835, subject to the approval of the Federal Aviation Administration; 3) Approve Amendment No. 6 to Agreement No. A5488, with Allen F. Smoot & Associates, for a total of \$33,605.81, subject to the approval of the Federal Aviation Administration for the applicable portion; and 4) Authorize the City Manager to execute all necessary documents. A5659. A5488. **Approved as part of the Consent Calendar.**

- 2.L. AUTHORIZE MISCELLANEOUS MAINTENANCE AND REPAIR EXPENDITURES FOR FISCAL YEAR 2009-10:**
ACTION: Authorize issuance of purchase orders for the as-needed purchase of Caterpillar repair parts from Johnson Power Systems in an amount not to exceed \$100,000 and carpet maintenance services from DFS Flooring in the amount of \$61,488. **Approved as part of the Consent Calendar.**
- 2.M. AWARD CONTRACT FOR PEST CONTROL SERVICES FOR ALL CITY FACILITIES:**
ACTION: 1) Award a contract services agreement for Bid (IFB) 09-02, Pest Control Services, for all city facilities utilizing Green Certified insecticide concentrate to Riverside County Pest Control, for a 3-year term at an annual fixed cost of \$12,888 with 2 two-year renewal options; and 2) Authorize the City Manager to execute all necessary documents. A5870. **Approved as part of the Consent Calendar.**
- 2.N. APPROVAL OF AN ENCROACHMENT LICENSE WITH PRESCOTT PLACE, LLC FOR A BUILDING OVERHANG SOLAR SHADE AND CONCRETE BLOCK PLANTERS WITHIN RIGHT-OF-WAY LOCATED AT 901 NORTH PALM CANYON DRIVE:**
ACTION: 1) Approve an Encroachment License with Prescott Place, LLC, authorizing construction of permanent encroachments into the public right-of-way located at 901 North Palm Canyon Drive; 2) Authorize the City Manager to execute all necessary documents; and 3) Direct the City Clerk to record the Encroachment License with the Riverside County Recorder. A5871. **Approved as part of the Consent Calendar.**
- 2.O. APPROVAL OF TRACT MAP 35999 AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH PRESCOTT PLACE LLC FOR A ONE PARCEL TRACT MAP FOR MIXED USE COMMERCIAL AND RESIDENTIAL CONDOMINIUMS LOCATED AT 901 NORTH PALM CANYON DRIVE:**
ACTION: 1) Adopt Resolution No. 22564, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TRACT MAP 35999 FOR PROPERTY LOCATED AT 901 NORTH PALM CANYON DRIVE, IN SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, AND APPROVING A SUBDIVISION IMPROVEMENT AGREEMENT WITH PRESCOTT PLACE LLC;" and 2) Authorize the City Manager to execute all necessary documents. A5872. **Approved as part of the Consent Calendar.**
- 2.P. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PALM SPRINGS AND THE AGUA CALIENTE BAND OF CAHUILLA**

INDIANS REGARDING PROJECT CONTRIBUTIONS FOR THE BELARDO ROAD BRIDGE AND ROADWAY PROJECT:

ACTION: 1) Adopt Resolution No. 22565, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PALM SPRINGS AND THE AGUA CALIENTE BAND OF CAHUILLA INDIANS REGARDING PROJECT CONTRIBUTIONS FOR THE BELARDO ROAD BRIDGE AND ROADWAY PROJECT;" and 2) Authorize the City Manager to execute all necessary documents. A5873. **Approved as part of the Consent Calendar.**

2.Q. APPROVAL OF THE CITY OF PALM SPRINGS SANITARY SEWER SYSTEM MANAGEMENT PLAN:

ACTION: Approve the City of Palm Springs Sanitary Sewer Management Plan, including its elements consisting of the Sanitary Sewer Collection System Emergency Response Plan, the Fats, Oils and Grease (FOG) Control Program, and the Sanitary Sewer Master Plan (February 2009), in compliance with the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, State Water Resources Control Board Order No. 2006-0003-DWQ. **Approved as part of the Consent Calendar.**

2.R. ACCEPTANCE OF \$236,521 IN GRANT FUNDING FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FOR A DRIVING UNDER THE INFLUENCE (DUI) ENFORCEMENT AND AWARENESS PROJECT:

ACTION: 1) Accept \$236,521 in grant funding from the California Office of Traffic Safety for a DUI Enforcement and Awareness Project; and 2) Authorize the City Manager to execute all necessary documents. A5521. **Approved as part of the Consent Calendar.**

2.S. MEMORANDUM OF UNDERSTANDING WITH THE PALM SPRINGS FIRE SAFETY UNIT:

ACTION: 1) Adopt Resolution No. 22566, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING RELATIVE TO WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR EMPLOYEES IN THE PALM SPRINGS FIRE SAFETY UNIT (PSFSU), FOR THE PERIOD JULY 1, 2009, THROUGH JUNE 30, 2011, SUBJECT TO UNIT'S RATIFICATION AND EXECUTING THE MEMORANDUM OF UNDERSTANDING;" and 2) Authorize the City Manager to execute all necessary documents. A5364. **Approved as part of the Consent Calendar.**

2.T. MEMORANDUM OF UNDERSTANDING WITH THE PALM SPRINGS POLICE OFFICERS ASSOCIATION:

ACTION: 1) Adopt Resolution No. 22567, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING RELATIVE TO WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR EMPLOYEES IN THE PALM SPRINGS POLICE OFFICERS ASSOCIATION (PSPOA), FOR THE PERIOD JULY 1, 2009, THROUGH JUNE 30, 2010, SUBJECT TO UNIT'S RATIFICATION AND EXECUTING THE MEMORANDUM OF UNDERSTANDING;" and 2) Authorize the City Manager to execute all necessary documents. A5340.
Approved as part of the Consent Calendar.

EXCLUDED CONSENT CALENDAR:

2.F. APPROVAL OF PLANS, SPECIFICATIONS, AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE SAN LORENZO SHOULDER PAVING PROJECT, CP 08-05:

ACTION: Tabled to July 22, 2009.

2.J. AWARD OF BID IFB 09-03 FOR PALM TREE TRIMMING AT VARIOUS LOCATIONS IN THE CITY OF PALM SPRINGS:

ACTION: 1) Award a purchase order contract for Bid (IFB) 09-03, Schedule A, the base bid per our existing practice for Palm Tree Trimming at various locations in the City of Palm Springs to So Cal Tree Care Inc. based on unit prices per tree for a projected cost of \$50,358.60; and 2) Award a purchase order contract for Schedule B for additional trimming (cleanly shearing frond skirts of California Fan Palms to 12' clearance and removal of dry fronds and skinning of Mexican Fan Palms in designated sections of the downtown, Tahquitz corridor, City Hall and Airport) to So Cal Tree Care Inc. on unit prices per tree for a projected cost of \$26,977.00. **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried 3-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat and Mayor Pougnet.

2.K. AMENDMENT NO. 2 TO AGREEMENT NO. A0125 WITH PALM SPRINGS UNIFIED SCHOOL DISTRICT EXTENDING THE TERM ONE-YEAR TO JUNE 30, 2011, AND INCREASING THE RENT TO \$5,933.16 PER MONTH EFFECTIVE JULY 1, 2010:

ACTION: Tabled to July 22, 2009.

3. LEGISLATIVE:

3.A. AN AMENDMENT TO THE PALM SPRINGS MUNICIPAL CODE TO ALLOW THE CITY MANAGER TO SUSPEND CERTAIN REGULATORY ORDINANCES FOR SPECIAL EVENTS OF BENEFIT TO THE COMMUNITY AND ITS VISITOR ORIENTED ECONOMY:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated July 15, 2009.

ACTION: 1) Waive the reading of the ordinance text in its entirety and read by title only; and 2) Introduce for first reading Ordinance No. 1761, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 6.12.030 AND 6.12.040 OF THE PALM SPRINGS MUNICIPAL CODE PERTAINING TO SUSPENSION OF REGULATORY ORDINANCES." **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried 3-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat and Mayor Pougnet.

3.B. AN AMENDMENT TO THE PALM SPRINGS MUNICIPAL CODE, INCREASING THE MEMBERSHIP OF THE VILLAGEFEST BOARD TO SEVEN MEMBERS:

ACTION: 1) Waive the reading of the ordinance text in its entirety and read by title only; and 2) Introduce for first reading Ordinance No. 1762, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 2.22.010 OF THE PALM SPRINGS MUNICIPAL CODE, INCREASING THE MEMBERSHIP OF THE VILLAGEFEST BOARD TO SEVEN MEMBERS." **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried 3-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat and Mayor Pougnet.

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS:

5.A. VISTA SAN JACINTO APARTMENTS, SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE FUNDING AND PARTICIPATION IN THE HOME INVESTMENT PARTNERSHIPS PROGRAM FOR THE DEVELOPMENT OF 301 ROSA PARKS ROAD IN THE DESERT HIGHLAND GATEWAY ESTATES NEIGHBORHOOD:

Item 5.A. was heard under Public Hearings.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS: None.

ADJOURNMENT: The City Council adjourned at 8:15 p.m. to an Adjourned Regular Meeting, Wednesday, July 22, 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 2ND DAY OF SEPTEMBER, 2009.

STEPHEN P. POUQUET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

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



MINUTES
WEDNESDAY, JULY 22, 2009
Council Chamber

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:06 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:

Mayor Pougnet presented an update of the recent Code Enforcement activities and clean up of the area near the train station.

Mayor Pougnet and the City Council presented a Certificate of Recognition to Stefanie Frith, Desert Sun, for her service to the Community.

REPORT OF CLOSED SESSION:

The meeting was called to order at 4:30 p.m., and City Attorney Holland requested the City Council add one Item to the Closed Session Agenda, pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator, for the property located at 200 South Palm Canyon Drive, Palm Springs, City Negotiator, David Ready, City Manager, Negotiating Parties, John Shaw, V.P. Operations, Las Casuelas, Price and Terms of Payment (Purchase). City Attorney Holland stated information regarding this property was received after the posting of the Agenda, and there is an immediate need to hear and/or take action on the Item.

ACTION: 1) Make the finding that the Item came to the attention of the City after the posting of the Agenda, and there is an immediate need to here and/or take action on the Item; and 2) Add the following Item to Closed Session Agenda, G.C. 54956.8 Conference with Real Property Negotiator, for the property located at 200 South Palm Canyon Drive, Palm Springs, City Negotiator, David Ready, City Manager, Negotiating Parties, John Shaw, V.P. Operations, Las Casuelas, Price and Terms of Payment

(Purchase). **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried (4-0) noting the absence of Councilmember Foat.**

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

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson requested Item 4.B. be withdrawn from the Agenda at the request of staff, and stated Item 5.C. could be moved to the Consent Calendar as Item 2.K.

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

Mayor Pro Tem Mills noted his business related abstention on Consent Calendar Item 2.H.

Mayor Pougnet noted his abstention on Item 2.B.

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

1. PUBLIC HEARINGS:

1.A. VICEROY HOTEL REVOCATION HEARING, MODIFICATION OF AN EXISTING CONDITIONAL USE PERMIT LOCATED AT 415 SOUTH BELARDO ROAD (CASE 5.0909-CUP):

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated July 22, 2009.

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

DIEGO HEREDIA, Representing Viceroy Hotel, provided historical information on the Viceroy, and outlined the requested modifications to the time table as proposed by the Viceroy, and requested the City Council support the position of the Viceroy as outlined in his letter dated July 21, 2009.

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

The City Council discussed and/or commented on the following with respect to the revocation or conditions: when the CUP was issued and purpose, the time elapsed between the first violation in 2006 and the Planning Commission hearing in 2009, incorporation of sub-steps or other

measures should the City Council wish to provide additional time to the Viceroy, why the City did not require performance bonds, the possible change in ownership and the applicability to the CUP, requested the City Engineer provide comments or an estimate on the improvements, Phase 1 and Phase 2 to be done at the same time, and the delay of Phase 3 by one year as requested by the Viceroy, and requested the City Engineer recommend interim steps.

ACTION: Adopt Resolution No. 22569, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MODIFYING A CONDITIONAL USE PERMIT, CASE 5.0909-CUP, DUE TO NON-COMPLIANCE WITH CONDITIONS, FOR THE VICEROY HOTEL AT 415 SOUTH BELARDO ROAD," *amending Section 4.1 and substitute the schedule for improvements as requested by the Viceroy, and adding sub-phasing to require an Encroachment Permit within 30-days and an agreement for the Viceroy to provide performance bond in the amount of \$250,000, construction to start within 90-days, hardscape and landscape improvements to be completed on Cahuilla by 2010, and the improvements to Belardo be completed by 2011, and amending Section 4.2 to provide that the City Council review the CUP in the event of a failure to comply.* **Motion Mayor Pro Tem Mills, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

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

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated July 22, 2009.

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

DAVID BARRON, Representing Property Owner, stated the City has a flawed system for the designation of properties and provided recommendations to the HSPB, the process, requested the process mandate discussions with property owner and economic considerations, provided a history of the property, requested the City Council consider a compromise that prohibits the removal of the building, allow changes to the first floor, and requires no changes to the second floor, by requiring a grant of a conservation easement.

RON MARSHALL, commented on the history of the Oasis building, the benefits of a Mills Act contract, and requested the City Council support the Class 1 designation.

KATHI HALLOCK, read a letter from the President of the Palm Springs Chamber of Commerce, requesting the City Council not designate the property as a Class 1 site.

JACQUES CAUSSIR, stated his support for the designation of the building as a Class 1 Historic Site.

LAUREN BRICKER, stated her support as a designation of the property as a Class 1 Historic Site.

CHRIS SAHLIN, stated his opposition to the classification of the building as a Class 1 Historic Site.

ROBERT IMBER, stated his support as a designation of the property as a Class 1 Historic Site.

JADE NELSON, stated his support as a designation of the property as a Class 1 Historic Site.

ANDREA URBAS, stated her opposition to the designation of the property as a Class 1 Historic Site.

MAGGIE MONTEZ, stated her opposition to the designation of the property as a Class 1 Historic Site.

FLORENCE HAGSTROM, stated the building has gone through many changes and is not recognizable.

STEVE LYLE, Owner, commented on the discussion and the vote of the HSPB, and stated his opposition to the designation of the building as a Class 1 Historic Site.

MICHAEL KASSINGER, stated his opposition to the designation of the property as a Class 1 Historic Site.

ROB FIRTH, stated his opposition to the designation of the property as a Class 1 Historic Site.

DENNIS CUNNINGHAM, requested the City Council consider the compromise position of the owner.

ERNEST VINCENT, stated his opposition to the designation of the property as a Class 1 Historic Site.

JAMES CIOFFI, stated his opposition to the designation of the property as a Class 1 Historic Site.

PETER MORUZZI, commented on the meaning and ramifications of the designation as a Class 1 site, and stated his support for the designation of the property as a Class 1 Historic Site.

ERIC WILLIAMS, stated his father was the designer of the Oasis building, and commented on the changes, the uniqueness and significance of the building.

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

The City Council discussed and/or commented on the following with respect to the designation: requested clarification of the compromise position of the owner and the preservation society, the lack of consent of the owner for the designation, providing flexibility and adaptability for owners and properties in the Downtown area, requested staff address the process with the HSPB for modifications with a Class 1 designation, the extent of the changes and modifications to the building, the compromise proposed, keeping the second floor in tact, relation with zoning codes, conservation easement, the amount of outreach to the property owner, the possibility for designation but not restricting certain areas of the building, the requirement to review economic impact with respect to a Class 1 designation.

MOTION: Adopt Resolution "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE OASIS COMMERCIAL BUILDING AT 101-121 SOUTH PALM CANYON DRIVE A CLASS ONE HISTORIC SITE (HSPB 55)." **Motion Councilmember Foat, failed for lack of a second.**

ACTION: 1) Close the public testimony portion of the public hearing and continue to September 16, 2009; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Councilmember Foat, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

The City Council recessed at 8:22 p.m.
The City Council reconvened at 8:29 p.m.

PUBLIC COMMENT:

PHYLISS BURGESS, commented on the effects within the City due to Proposition 8.

BARBARA NEWMAN, requested the City Council keep all the Fire Stations open in the City of Palm Springs, and commented on the enforcement of dog leash laws.

DENNIS ROSENBERG, commented on the actions of Sun Line toward the taxi industry and City Cab Company.

JOY MEREDITH, commented on the activities of the Palm Springs Business Improvement District.

COUNCILMEMBER COMMENTS:

Councilmember Weigel commented on the recent deaths of two hikers on the mountains in Palm Springs.

CITY MANAGER'S REPORT: City Manager Ready provided an update on the State budget and the potential impact to the City.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.F., 2.G., 2.H., 2.I., 2.J., and 2.K. (listed on the Agenda as Item 5.C.). **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Mills 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 July 22, 2009, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Regular Meeting Minutes of July 1, 2009, and Special Meeting Minutes of July 15, 2009. **Approved as part of the Consent Calendar, noting the abstention of Mayor Pougnet.**

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

ACTION: 1) Adopt Resolution No. 22570, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1036572 THROUGH 1036661 IN THE AGGREGATE AMOUNT OF \$1,636,396.67." **Approved as part of the Consent Calendar.**

2.D. ADOPTION OF APPROPRIATIONS LIMIT FOR FISCAL YEAR 2009-10:

ACTION: Adopt Resolution No. 22571, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN APPROPRIATIONS LIMIT FOR THE FISCAL YEAR ENDING JUNE 30, 2010." **Approved as part of the Consent Calendar.**

- 2.F. AUTHORIZE MOTOROLA RADIO SYSTEM SERVICE AGREEMENTS FOR FISCAL YEAR 2009-10:**
ACTION: 1) Authorize issuance of purchase orders for service agreements with Motorola to provide emergency repair service for the existing 800 MHz radio system in an amount not to exceed \$71,745.96 for Fiscal Year 2009-10; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**
- 2.G. AGREEMENT WITH CYCLONE SURFACE CLEANING FOR AIRPORT RUNWAY SURFACE RUBBER REMOVAL FOR A THREE-YEAR PERIOD IN THE AMOUNT OF \$30,000:**
ACTION: 1) Approve an agreement with Cyclone Surface Cleaning for airport runway surface rubber removal for a three-year period in the amount of \$30,000; and 2) Authorize the City Manager to execute all necessary documents. A5880. **Approved as part of the Consent Calendar.**
- 2.H. AMENDMENT NO. 2 TO AGREEMENT NO. A0125 WITH PALM SPRINGS UNIFIED SCHOOL DISTRICT EXTENDING THE TERM ONE-YEAR TO JUNE 30, 2011, AND INCREASING THE RENT TO \$5,933.16 PER MONTH EFFECTIVE JULY 1, 2010:**
ACTION: 1) Approve Amendment No. 2 to Agreement No. A0125 with Palm Springs Unified School District extending the term one-year to June 30, 2011, and increasing the rent to \$5,933.16 per month effective July 1, 2010; and 2) Authorizing the City Manager to execute all necessary documents. A0125. **Approved as part of the Consent Calendar, noting the business related abstention of Mayor Pro Tem Mills.**
- 2.I. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE No. 1761, AN AMENDMENT TO THE PALM SPRINGS MUNICIPAL CODE TO ALLOW THE CITY MANAGER TO SUSPEND CERTAIN REGULATORY ORDINANCES FOR SPECIAL EVENTS OF BENEFIT TO THE COMMUNITY AND ITS VISITOR ORIENTED ECONOMY:**
ACTION: Waive further reading and adopt Ordinance No. 1761, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 6.12.030 AND 6.12.040 OF THE PALM SPRINGS MUNICIPAL CODE PERTAINING TO SUSPENSION OF REGULATORY ORDINANCES." **Approved as part of the Consent Calendar.**
- 2.J. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE No. 1762, AN AMENDMENT TO THE PALM SPRINGS MUNICIPAL**

CODE, INCREASING THE MEMBERSHIP OF THE VILLAGEFEST BOARD TO SEVEN MEMBERS:

ACTION: Waive further reading and adopt Ordinance No. 1762, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 2.22.010 OF THE PALM SPRINGS MUNICIPAL CODE, INCREASING THE MEMBERSHIP OF THE VILLAGEFEST BOARD TO SEVEN MEMBERS." **Approved as part of the Consent Calendar.**

2.K. JOINT MEETING OF THE CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY FOR APPROVAL OF THE PURCHASE OF REAL PROPERTY LOCATED AT 3601 EAST MESQUITE AVENUE, FROM THE FAMILY YMCA OF THE DESERT, IN THE AMOUNT OF \$403,293 AND A LEASE AGREEMENT WITH THE FAMILY YMCA OF THE DESERT FOR THE PROPERTY IN THE AMOUNT OF \$1.00 PER YEAR FOR A TEN-YEAR PERIOD:

ACTION: [City Council] 1) Adopt Resolution No. 22576, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING FINDINGS REGARDING THE NEED FOR THE PURCHASE OF REAL PROPERTY LOCATED AT 3601 EAST MESQUITE AVENUE TO BENEFIT MERGED PROJECT AREA NO. 1, PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445;" [Community Redevelopment Agency] 2) Adopt Resolution No. 1391, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED AT 3601 EAST MESQUITE AVENUE TO BENEFIT MERGED PROJECT AREA NO. 1;" 3) Approve an agreement between the Community Redevelopment Agency of the City of Palm Springs and Family YMCA of the Desert for the purchase of real property located at 3601 East Mesquite Avenue in the amount of \$403,293; 4) Approve a Promissory Note between the Community Redevelopment Agency and Family YMCA of the Desert in the principal sum of \$200,000; 5) Approve a lease agreement between the Community Redevelopment Agency of the City of Palm Springs and Family YMCA of the Desert for a ten-year period with one one-year option for \$1.00 per year; and 6) Authorize the Executive Director to execute all necessary documents. A5881. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.E. ANNUAL RESERVATION OF UNAPPROPRIATED FUND BALANCES:

ACTION: Adopt Resolution No. 22572, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE RESERVATION OF UNAPPROPRIATED FUND BALANCES IN VARIOUS CITY OPERATING AND CAPITAL PROJECTS FUNDS FOR THE FISCAL YEAR

ENDING JUNE 30, 2009." **Motion Councilmember Foat, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

3. LEGISLATIVE:

3.A. ADDING A MEASURE TO THE NOVEMBER 3, 2009, GENERAL MUNICIPAL ELECTION, REDUCING THE TELEPHONE USERS' TAX, MODERNIZING AND UPDATING THE TELEPHONE USERS' TAX PROVISIONS OF THE PALM SPRINGS MUNICIPAL CODE, ELIMINATING THE CURRENT EMERGENCY RESPONSE FEE, AND ADOPTING AN ACCESS LINE TAX IN LIEU OF AND IN AMOUNT EQUAL TO THE CURRENT EMERGENCY RESPONSE FEE:

City Attorney Holland provided background information as outlined in the staff report dated July 22, 2009.

ACTION: 1) Adopt Resolution No. 22573, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A MEASURE REDUCING THE TELEPHONE USERS' TAX, MODERNIZING AND UPDATING THE TELEPHONE USERS' TAX PROVISIONS OF THE PALM SPRINGS MUNICIPAL CODE, AND ELIMINATING THE CURRENT EMERGENCY RESPONSE FEE AND ADOPT AN ACCESS LINE TAX IN LIEU OF AND IN AN AMOUNT EQUAL TO THE EMERGENCY RESPONSE FEE, AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2009, AS CALLED BY RESOLUTION No. 22490;" and 2) Adopt Resolution No. 22574, "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 3, 2009, GENERAL MUNICIPAL ELECTION, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS." **Motion Councilmember Weigel, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

4. UNFINISHED BUSINESS:

Councilmember Hutcheson stated he has a business related conflict of interest with respect to Item 4.A., would not participate in the discussion or the vote, and left Council Chamber.

4.A. APPROVAL OF PLANS, SPECIFICATIONS, AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE SAN LORENZO SHOULDER PAVING PROJECT, CP 08-05:

Dave Barakian, City Engineer, provided background information as outlined in the staff report dated July 22, 2009.

ACTION: 1) Approve the plans, specifications, and working details for the San Lorenzo Shoulder Paving Project, CP 08-05; and 2) Authorize the bid process. **Motion Councilmember Foat, seconded by Councilmember Weigel and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Hutcheson.

Councilmember Hutcheson returned to the dais.

4.B. REVIEW THE DESIGN OF THE ANIMAL SHELTER:

ACTION: Item withdrawn from the Agenda at the request of staff. **By consensus of the City Council.**

5. NEW BUSINESS:

5.A. AMENDMENT NO. 4 TO AGREEMENT NO. A4727 WITH PALM SPRINGS DISPOSAL SERVICES FOR SOLID WASTE MANAGEMENT:

David Barakian, City Engineer, provided background information as outlined in the staff report dated July 22, 2009.

The City Council requested staff address any modifications to existing services.

ACTION: 1) Approve Amendment No. 4 to the solid waste management agreement with Palm Springs Disposal Services and the revised Exhibit M; and 2) Authorize the City Manager to execute the appropriate documents. A4727. **Motion Mayor Pougnet, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

5.B. THE CHARLES COMPANY (THE SPRINGS) REQUEST FOR MINOR AMENDMENTS TO THE PREVIOUSLY APPROVED SIGN DISTRICT, AT 5200 EAST RAMON ROAD (CASE 5.0984 PD 291-A):

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated July 22, 2009.

The City Council discussed and/or commented on the following with respect to the sign program: screening signage and the drive-thru from the street, requested staff clarify the AAC recommendation, adding a condition for landscape screening, but requiring such when the center is occupied.

ACTION: Adopt Resolution No. 22575, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA,

APPROVING MINOR AMENDMENTS TO THE SIGN DISTRICT LOCATED AT 5200 EAST RAMON ROAD," *amending the Conditions of Approval to provide increased landscaping on the Landscape Island to provide proper screening of the drive-thru from the street as approved by staff.* **Motion Councilmember Foat, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

- 5.C. **JOINT MEETING OF THE CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY FOR APPROVAL OF THE PURCHASE OF REAL PROPERTY LOCATED AT 3601 EAST MESQUITE AVENUE, FROM THE FAMILY YMCA OF THE DESERT, IN THE AMOUNT OF \$403,293 AND A LEASE AGREEMENT WITH THE FAMILY YMCA OF THE DESERT FOR THE PROPERTY IN THE AMOUNT OF \$1.00 PER YEAR FOR A TEN-YEAR PERIOD:**

Moved to the Consent Calendar as Item 2.K.

- 5.D. **PALM SPRINGS POWER REQUEST FOR AN EXEMPTION AND/OR CONTRACT AMENDMENT TO BE RELIEVED OF CPI INCREASE FOR USE OF THE PALM SPRINGS STADIUM:**

ACTION: Approve the waiver of the current CPI adjustment and maintain the current facility rental rate for the balance of the agreement expiring at the end of the Power season. **Motion Councilmember Foat, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

- 5.E. **APPOINTMENT OF VARIOUS COMMISSIONERS AND BOARD MEMBERS AS PART OF THE 2009 ANNUAL RECRUITMENT PROCESS:**

ACTION: 1) Reappoint Jonathan Westom to the Administrative Appeals Board for the term ending June 30, 2012.

2) Reappoint Robert Gebhard and Norm King to the Airport Commission for the term ending June 30, 2012.

3) Appoint Howard Packer and Barbara Beaty to the Human Rights Commission for the term ending June 30, 2012.

4) Appoint Donna Chaban and Marshall Walker to the Library Board for the term ending June 30, 2012.

5) Reappoint Andrew Starke and Alison Elsner to the Parks and Recreation Commission for the term ending June 30, 2012.

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

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Weigel requested the City Manager place on a future agenda a discussion to streamline the process on previously approved budgeted items.

Mayor Pro Tem Mills provided an update on Census 2010.

ADJOURNMENT: The City Council adjourned at 9:20 p.m., *in memory of former Palm Desert City Manager Carlos Ortega*, to a Regular Meeting, Wednesday, September 2, 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
2ND DAY OF SEPTEMBER, 2009.**

STEPHEN P. POUCKET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

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



**SPECIAL MEETING MINUTES
TUESDAY, AUGUST 4, 2009
Small Conference Room**

CALL TO ORDER: Mayor Pougnet called the Special Meeting to order at 1:35 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 APPLICANTS TO THE PLANNING COMMISSION AND HISTORIC SITE PRESERVATION BOARD AND APPOINTMENTS OF VARIOUS COMMISSIONERS AND BOARD MEMBERS AS PART OF THE 2009 ANNUAL RECRUITMENT:**

The City Council interviewed applicants for the Planning Commission and the Historic Site Preservation Board.

ACTION: Reappoint Bill Scott, and Jon Caffery, and appoint Doug Hudson to the Planning Commission for the term ending June 30, 2012. Appoint Leslie Munger to the Planning Commission for the unexpired term ending June 30, 2010.

Motion Mayor Pougnet, seconded by Mayor Pro Tem Mills and unanimously carried (5-0).

ACTION: Reappoint Brain Strahl to the Historic Site Preservation Board for the term ending June 30, 2012. Appoint Roxann Ploss to the Historic Site Preservation Board for the unexpired term ending June 30, 2010. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried (5-0).**

ACTION: Reappoint Bob Thomas and appoint Martin Danielson to the VillageFest Board for the term ending June 30, 2012. Appoint Darrin Dahle and Robert Silverman to the VillageFest Board for the term ending June 30, 2010. Direct the City Clerk to place two new Board position appointments to the VillageFest Board on the September 23, 2009, City Council agenda. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried (5-0).**

ACTION: Reappoint Paul Lewin, and appoint Brett Klein and Keith Wisot to the Sustainability Commission for the term ending June 30, 2012. Appoint John Ege to the Sustainability Commission for the term ending June 30, 2011. Appoint Karen Tabbah and Staci Schafer to the Sustainability Commission for the term

ending June 30, 2010. Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried (5-0).

3. **COUNCILMEMBER REQUESTS:** None.

ADJOURNMENT: The City Council adjourned at 5:24 p.m.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 2ND DAY OF SEPTEMBER, 2009.

STEPHEN P. POUCKET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK