

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



**MINUTES
WEDNESDAY, APRIL 21, 2010
Council Chamber**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:04 p.m.

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

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

ROLL CALL:

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

ABSENT: Councilmember Foat.

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

PRESENTATIONS:

Mayor Pougnet and the City Council proclaimed April 22, 2010, as Earth Day 2010 in the City of Palm Springs, and May 2010 as Bike Month in the City of Palm Springs.

Mayor Pougnet provided an update on the recent events in the City of Palm Springs: opening of Rosa Garden Apartments, White Party, Meet the Museum Event, Airport Art Installation, and the Books v. Badges event.

Councilmember Weigel announced the upcoming Palm Springs High School production of the King and I.

REPORT OF CLOSED SESSION: The meeting was called to order at 4:30 p.m. and Staff requested the City Council add one Item to the Closed Session Agenda pursuant to G.C. Section 54856.9(a) Conference with Legal Counsel, Existing Litigation, Pacific Hospitality Group v. Palm Springs Community Redevelopment Agency, Case No. INC 079881, Riverside Superior Court, Indio Division.

City Attorney Holland stated information regarding this case was received after the posting of the Agenda, and there is an immediate need to hear and/or take action on the Claim.

ACTION: 1) Make the finding that the information on Case No. INC 079881 was received after the posting of the Agenda, and there is an immediate need to hear and/or take action on the Claim; and 2) Add to the Closed Session Agenda Pacific Hospitality Group v. Palm Springs Community Redevelopment Agency, Case No. INC 079881, Riverside Superior Court, Indio Division, pursuant to G.C. Section 54856.9(a) Conference with Legal Counsel, Existing Litigation. **Motion Mayor Pougnet, seconded by Mayor Pro Tem Hutcheson and unanimously carried 4-0, noting the absence of Councilmember Foat.**

City Attorney Holland stated that the City Council recessed into Closed Session to discuss Items on the Closed Session Agenda. City Attorney Holland reported that the City Council authorized the City Attorney to enter into a Settlement Agreement for City of Palm Springs v. West Valley Patients Collective Association, Case No. INC 088933, Riverside Superior Court, Indio Division, whereby the Collective and the Principals would agree to prohibit the Collective from operating any Cannabis Dispensary in violation of City codes and pay a fine.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson requested the City Council hear Item 5.A., out of order, immediately following the Consent Calendar, and stated Councilmember Foat has requested the City Council table Item 3.A. to May 5, 2010.

Councilmember Mills requested Items 2.D., 2.E., and 2.H. be removed from the Consent Calendar for separate discussion, and noted his business related abstention on Consent Calendar Item 2.G.

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

Mayor Pougnet requested Item 2.E. be removed from the Consent Calendar for separate discussion.

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

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

NOES: None.

ABSENT: Councilmember Foat.

1. PUBLIC HEARINGS:

1.A. BP WEST COAST PRODUCTS, LLC, FOR; A PROPOSAL TO DEVELOP A FUEL STORAGE TERMINAL AND DISTRIBUTION

FACILITY ON AN APPROXIMATE 20-ACRE SITE LOCATED AT THE NORTHEAST CORNER OF HALLECK ROAD AND 19TH AVENUE (CASE NO. 5.1177 PLANNED DEVELOPMENT DISTRICT 348):

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated April 21, 2010.

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

FRED NOBLE, Palm Springs, commented on the fuel supply in the Coachella Valley, and noted the height of surrounding structures.

BRIAN GARRELL, Representing Applicant, requested the City Council support the project.

No further speakers coming forward the public hearing was closed.

Mayor Pro Tem Hutcheson commented on the fuel supplies in the Valley, the sustainability aspects of the project as a public benefit, and stated his support for the project.

Councilmember Mills requested staff address the fencing materials, questioned if final drawings require Planning Commission and AAC approval, suggested Condition ENG 15 be amended to construct a sidewalk that is consistent with the existing sidewalk, requested staff address Condition ENG 33 for the secondary emergency vehicle access, inclusion of the building as part of the streetscape by modifying the wall, the slope for purposes of lowering the half street, roof colors, and additional need for landscaping at the time of approving the final plan.

Councilmember Weigel stated his support for the project.

ACTION: Adopt Resolution No. 22694, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR), AND APPROVING CASE 5.1177, PLANNED DEVELOPMENT DISTRICT 348, FOR THE DEVELOPMENT OF A FUEL STORAGE AND DISTRIBUTION TERMINAL FOR BP WEST COAST PRODUCTS, LLC, ON AN APPROXIMATE 20-ACRE SITE LOCATED AT THE NORTHEAST CORNER OF HALLECK ROAD AND 19TH AVENUE;" *amending the Conditions of Approval as follows: PLN 1 providing for the AAC to review enhancement of landscape plans with additional plantings and the South property line block wall to be revised to provide street views of the Administrative Building; and ENG 1 to construct the 19th Avenue sidewalk with a width equal to sidewalks found in the vicinity along the North side of*

19th Avenue. Motion Councilmember Weigel, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.

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

NOES: None.

ABSENT: Councilmember Foat.

1.B. RIGHT-OF-WAY VACATION OF A PORTION OF VIA CHICA AND VALMONTE NORTE (FILE R 09-20):

David Barakian, City Engineer, provided background information as outlined in the staff report dated April 21, 2010.

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

JOSEPH BOWEN, Representing Applicant, requested the City Council support the Right-of-Way Vacation.

KEN FEENSTRA, Palm Springs, stated his support for the Right-of-Way Vacation.

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

ACTION: Adopt Resolution No. 22695 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE AND INTEREST IN A PORTION OF PUBLIC RIGHT-OF-WAY DEDICATED FOR VIA CHICA AND VALMONTE NORTE ADJACENT TO 333 E. VALMONTE NORTE IN SECTION 11, TOWNSHIP 4 SOUTH, RANGE 4 EAST (FILE R 09-20)." **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat.

PUBLIC COMMENT:

RICHARD BYFORD, Palm Springs, commented on Earth Day 2010 and the upcoming Earth Through a Lens activities.

BRETT KLEIN, thanked the City Council for the designation of May 2010, as Bike Month in the City of Palm Springs, and commented on the upcoming biking activities.

MICHAEL GALLARDO, Palm Springs, commented on the Fiscal Year 2010-11 Budget and stated public safety should be the last place to cut the budget.

LISA SULLIVAN, Palm Springs, commented on the Fiscal Year 2010-11 Budget and recommended the City Council not cut the public safety budget.

JOY MEREDITH, commented on the upcoming MainStreet Downtown and Uptown Directory Map, the activities of MainStreet and opportunities for women in the community.

ROB ERES, commented on Consent Calendar Item 2.H., and requested the City Council address conditions PLN 6 and ENG 7 (a), (b), and (c).

COUNCILMEMBER COMMENTS:

Councilmember Weigel and Councilmember Mills provided an update on Census 2010.

Mayor Pro Tem Hutcheson encouraged members of the public to apply for Boards and Commissions.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.F., 2.G., 2.I., 2.J., 2.K., 2.L., and 2.M.
Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.

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

NOES: None.

ABSENT: Councilmember Foat.

2.A. REPORT ON POSTING OF THE AGENDA:

ACTION: Receive and file Report on the Posting of the April 21, 2010, 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 April 7, 2010. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 22696, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1041331 THROUGH 1041438 IN THE AGGREGATE AMOUNT OF \$1,294,038.16, DRAWN ON BANK OF AMERICA;" 2) Adopt

Resolution No. 22697, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 4-03-10 BY WARRANTS NUMBERED 415587 THROUGH 415629 TOTALING \$68,274.81, LIABILITY CHECKS NUMBERED 1041439 THROUGH 1041459 TOTALING \$143,989.75, FIVE WIRE TRANSFERS FOR \$56,254.67, AND THREE ELECTRONIC ACH DEBITS OF \$1,132,872.48, IN THE AGGREGATE AMOUNT OF \$1,401,391.71, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 22698, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1041460 THROUGH 1041523 IN THE AGGREGATE AMOUNT OF \$553,203.82, DRAWN ON BANK OF AMERICA."
Approved as part of the Consent Calendar.

2.F. APPROVAL OF CONSTRUCTION COOPERATIVE AGREEMENT WITH RIVERSIDE COUNTY FOR THE INDIAN CANYON DRIVE AT INTERSTATE 10 INTERCHANGE PROJECT (CP 00-14):

ACTION: 1) Approve a Construction Cooperative Agreement with Riverside County for the Indian Canyon Drive at Interstate 10 Interchange Project (CP 00-14); and 2) Authorize the City Manager to execute all necessary documents. A5969. **Approved as part of the Consent Calendar.**

2.G. AMEND RESOLUTION NO. 22228 TO AUTHORIZE AN EXTENSION OF TIME TO SATISFY CONDITIONS RELATED TO THE RIGHT-OF-WAY VACATION OF AVENIDA EVELITA:

ACTION: Adopt Resolution No. 22700, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 6 OF RESOLUTION NO. 22228 ADOPTED MAY 21, 2008, RELATED TO THE VACATION AND ABANDONMENT OF A PORTION OF PUBLIC RIGHT-OF-WAY DEDICATED FOR AVENIDA EVELITA BETWEEN RAMON ROAD AND CALLE DE RICARDO, AND PORTIONS OF PUBLIC UTILITY EASEMENTS ON LOTS 5 AND 6 OF VISTA DEL CIELO, AND PORTIONS OF PUBLIC UTILITY EASEMENTS ON LOTS 1 AND 6 OF VISTA DEL CIELO NO. 3, IN SECTION 19, TOWNSHIP 4 SOUTH, RANGE 5 EAST (FILE R-07-039)." **Approved as part of the Consent Calendar, noting the business related abstention of Councilmember Mills.**

2.I. REQUEST BY WALGREENS CO. FOR A RESOLUTION OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER AND WINE AT THE WALGREENS DRUGSTORE LOCATED AT 2465 EAST PALM CANYON DRIVE, BUILDING 14 (CASE 5.1241-PCN):

ACTION: Adopt Resolution No. 22701, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC

CONVENIENCE IN ORDER TO SELL BEER AND WINE AT THE WALGREENS DRUGSTORE LOCATED AT 2465 EAST PALM CANYON DRIVE, BUILDING 14, ZONE CSC, SECTION 25." **Approved as part of the Consent Calendar.**

2.J. AUTHORIZE SIGNATURE OF "ZERO" BLANKET PURCHASE ORDER REQUIRED TO UPGRADE THE 9-1-1 SYSTEM:

ACTION: 1) Authorize the "Zero" balance purchase order for the upgrade of the Police Department's 9-1-1 system as required by the State of California and Verizon prior to the installation of the equipment; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

2.K. EXTENSION OF RETENTION PERIOD OF PROPERTIES (APN 669-401-039, 669-393-023, AND 669-401-010) ACQUIRED BY THE COMMUNITY REDEVELOPMENT AGENCY USING MONIES FROM THE LOW AND MODERATE INCOME HOUSING FUND:

ACTION: Adopt Resolution No. 22702, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING THE PERIOD FOR RETAINING THREE PROPERTIES (APN 669-401-039, 669-393-023, AND 669-401-010) ACQUIRED BY THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS USING MONIES FROM LOW AND MODERATE INCOME HOUSING FUND FOR AN ADDITIONAL FIVE YEARS." **Approved as part of the Consent Calendar.**

2.L. AMENDMENT NO. 3 TO AGREEMENT NO. A5793 WITH REPUBLIC INTELLIGENT TRANSPORTATION SERVICES (DBA REPUBLIC ITS):

ACTION: 1) Approve Amendment No. 3 to Agreement No. A5793 with Republic Intelligent Transportation Systems (dba Republic ITS), for Traffic Signal Maintenance Services in the amount of \$52,200.00 for Fiscal Year 2009-10; and 2) Authorize the City Manager to execute all necessary documents. A5793. **Approved as part of the Consent Calendar.**

2.M. TREASURER'S INVESTMENT REPORT AS OF MARCH 31, 2010:

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

EXCLUDED CONSENT CALENDAR:

2.D. AMENDMENT NO. 3 TO AGREEMENT NO. A5672 WITH SWATT/MIERS ARCHITECTS FOR THE DESIGN OF THE ANIMAL SHELTER PROJECT:

ACTION: Approve Amendment No. 3 to Agreement No. A5672, with Swatt/Miers Architects for the design of the Animal Shelter Project, to establish a 5% change order authority limit for the City Manager to utilize during the administration of said agreement; and 2) Authorize the City Manager to execute all necessary

documents. A5672. **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

Mayor Pougnet stated he has a conflict of interest with respect to Item 2.E., as he is currently a tenant in the building, would not participate in the discussion or the vote, and left Council Chamber. Mayor Pro Tem Hutcheson chaired the meeting for this Item.

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

ACTION: Adopt Resolution No. 22699, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING SPECIFIC PORTIONS OF 101-121 SOUTH PALM CANYON DRIVE, THE OASIS COMMERCIAL BUILDING, A CLASS 1 HISTORIC SITE (HSPB 55)," *amending Section 3.1(a) to read "The upper story, defined by the lower edge of the first level exterior soffit," amending Section 3.6 to read "No permit shall be issued for the alteration of any and all of the defining elements and characteristics without prior approval by the Historic Site Preservation Board," and deleting Section 3.9. Motion Councilmember Mills, seconded by Councilmember Weigel and unanimously carried 3-0 on a roll call vote.*

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

Mayor Pougnet returned to the dais.

2.H. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1771, AMENDING THE SECTION 14 SPECIFIC PLAN TO PERMIT SINGLE FAMILY UNITS IN THE MBR (RESIDENTIAL MEDIUM-BUFFER) AND HR (RESIDENTIAL HIGH) LAND USE AREAS AND REVISES A PREVIOUSLY APPROVED PDD IN LIEU OF CHANGE OF ZONE, REDUCING THE DENSITY OF THE PROJECT FROM 84 CONDOMINIUM UNITS TO 53 SINGLE FAMILY UNITS, FOR AN APPROXIMATE 8.48 ACRES PARCEL OF LAND LOCATED AT THE SOUTHEAST CORNER OF AVENIDA CABALLEROS AND ALEJO ROAD:

ACTION: Waive further reading and adopt Ordinance No. 1771, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1082 AMND - PDD 321, A PRELIMINARY AND FINAL PDD AMENDMENT, FOR A PDD IN LIEU OF A CHANGE OF ZONE, REVISING THE

PROJECT FROM 84 CONDOMINIUM UNITS TO 53 SINGLE FAMILY UNITS ON INDIVIDUAL LOTS WITH UNIQUE DEVELOPMENT STANDARDS AND AN AMENDMENT TO THE SECTION 14 SPECIFIC PLAN TO PERMIT SINGLE FAMILY UNITS IN THE MBR AND HR LAND USE AREAS ON APPROXIMATELY 8.48 ACRES AT THE SOUTHEAST CORNER OF AVENIDA CABALLEROS AND ALEJO ROAD," *amending Condition PLN 6 to read Exterior downspouts visible from interior streets shall be reviewed by the Architectural Advisory Committee and approved by the Director of Planning for integration into building elevations.* **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat.

3. LEGISLATIVE:

3.A. PROPOSED AMENDMENT TO THE PALM SPRINGS MUNICIPAL CODE RELATING TO HANDBILLS, PEDDLERS AND SOLICITORS, SOLICITATION ON PRIVATE PROPERTY, AND CHARITABLE SOLICITATION:

ACTION: Tabled to May 5, 2010. **By consensus of the City Council.**

3.B. PROPOSED AMENDMENT TO THE PALM SPRINGS MUNICIPAL CODE ADDING BOUTIQUE HOTELS AS HOTELS COVERED BY THE CITY'S HOTEL OPERATIONS INCENTIVE PROGRAM:

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated April 21, 2010.

Mayor Pro Tem Hutcheson requested the City Manager review and make recommendations for the development of a business incentive zone that would include a partial share of the increment in property taxes and/or sales taxes.

ACTION: 1) Waive the reading of the ordinance text in its entirety and read by title only; and 2) Introduce on first reading Ordinance No. 1772, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 5.26.020 OF, ADDING SUBSECTION (d) TO SECTION 5.26.030 OF, AND ADDING SUBSECTION (E) TO SECTION 5.24.040 OF, THE PALM SPRINGS MUNICIPAL CODE, ADDING BOUTIQUE HOTELS AS HOTELS COVERED BY THE CITY'S HOTEL OPERATIONS INCENTIVE PROGRAM." **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

The City Council recessed at 8:03 p.m.
The City Council reconvened at 8:10 p.m.

4. UNFINISHED BUSINESS:

4.A. COMMENT LETTER ON THE PROPOSED DESIGNATION OF CASEY'S JUNE BEETLE AND ADOPTION OF CRITICAL HABITAT:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated April 21, 2010.

ACTION: 1) Direct staff to send the draft comment letter amending the letter to incorporate stronger language and examples and incorporate comments from Smoketree and the Tribe; 2) Direct staff to also send the letter to our Congressional delegates and request they take action to minimize the impact on private property. **Motion Councilmember Mills, seconded by Mayor Pougnet and unanimously carried 4-0 on a roll call vote.**

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

5. NEW BUSINESS:

5.A. FISCAL YEAR 2009-10 THIRD QUARTER UPDATE AND PREVIEW OF FISCAL YEAR 2010-11 BUDGET:

Geoffrey Kiehl, Director of Finance and City Manager Ready provided a powerpoint presentation Fiscal Year 2009-10 Third Quarter Update, preview of the fiscal year 2010-11 Budget, and the 2010-11 Budget Reduction Plan.

Mayor Pougnet stated his support for the incentive to leave program and the recommendations of the Fire Chief with respect to Fire Station No. 5 and the Police Chief with respect to the Palm Springs Jail, and noted his objection to the proposal to close the swimming pool.

Councilmember Weigel stated his discomfort in the reduction of public safety and other services, and would like further discussions on the other reduction proposals.

Mayor Pro Tem Hutcheson requested the City Manager delay staff reductions related to the closure of the pool and the skate park, requested further discussion on the reductions for Special Events, and requested the City Manager prepare a comparison of staffing by Department and population of other Valley cities.

ACTION: 1) Authorize the City Manager to implement the 2010 Voluntary Leave Service Program; and 2) Direct the City Clerk to schedule a Public Hearing on the proposed Fiscal Year 2010-11 Budget pursuant to City Charter Section 902. **Motion Mayor Pro Tem Hutcheson, seconded by Mayor Pougnet and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat.

5.B. 20-YEAR WASTEWATER CAPITAL REPAIR AND REHABILITATION PLAN, AND WASTEWATER FINANCIAL PLAN AND RATE STUDY:

David Barakian, City Engineer, provided background information as outlined in the staff report dated April 21, 2010.

Councilmember Mills clarified the proposal addressed ratepayer fees and not hookup or construction fees, noted the proposal is not for sewer expansion but to upgrade the system, requested staff address if his previous comments on the plans and specifications for the fencing were incorporated into the plans and specifications, and the amount of time lapsed since the last increase.

Councilmember Weigel noted the critical nature of moving ahead with the improvements to the headworks.

Mayor Pro Tem Hutcheson stated the proposal and the priorities are based for the public safety and health.

ACTION: 1) Approve the City of Palm Springs Wastewater Treatment Plant Capital Repair and Rehabilitation Plan amending the Capital Repair and Rehabilitation Plan by including the headworks facility rehabilitation and repairs in Phase 1; 2) Approve the City of Palm Springs Wastewater Financial Plan and Rate Study; 3) Authorize staff to proceed with the Proposition 218 majority protest noticing, and schedule a Public Hearing for June 16, 2010, to consider the matter of increasing sewer service charges in accordance with the Financial Plan and Rate Study; 4) Authorize the Director of Public Works/City Engineer to issue a Notice to Proceed for Veolia West Operating Services, Inc., in the amount of \$2,279,323 for the construction phase of the Digester No. 1 Rehabilitation

(CP 08-09), inclusive of a pre-approved 10% construction contingency; and 5) Approve the plans, specifications and working details for the Wastewater Treatment Plant Perimeter Security Fence (CP 08-11), and authorize staff to advertise and solicit bids. A5970. **Motion Councilmember Mills, seconded by Councilmember Weigel and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat.

5.C. APPOINTMENT OF CITY COUNCIL SUBCOMMITTEES TO SCREEN COMMISSION AND BOARD APPLICATIONS, TO DETERMINE QUALIFIED APPLICANTS AS PART OF THE 2010 ANNUAL RECRUITMENT OF CITY BOARDS AND COMMISSIONS:

ACTION: 1) Direct the City Clerk to provide for the City Council as a whole, to participate in the screening and interview of Applicants for the Planning Commission and the Historic Site Preservation Board; and 2) Appoint two-member City Council Subcommittees to screen and interview Applicants for the following Boards and Commissions: Administrative Appeals Board Mayor Pougnet and Councilmember Weigel, Airport Commission Councilmember Mills and Councilmember Weigel, Human Rights Commission Councilmember Mills and Councilmember Weigel, Library Board of Trustees Councilmember Weigel and Mayor Pougnet, Parks and Recreation Commission Councilmember Weigel and Councilmember Foat, Personnel Board Mayor Pougnet and Mayor Pro Tem Hutcheson, Public Arts Commission Councilmember Foat and Mayor Pro Tem Hutcheson, Rent Review Commission Councilmember Mills and Councilmember Foat, Sustainability Commission Mayor Pro Tem Hutcheson and Councilmember Mills, and VillageFest Board Mayor Pro Tem Hutcheson and Councilmember Foat. **By consensus of the City Council.**

5.D. APPOINTMENT OF A CITY COUNCIL SUBCOMMITTEE FOR THE CONVENTION CENTER MANAGEMENT TRANSITION:

ACTION: Appoint Mayor Pro Tem Hutcheson and Councilmember Mills to a Subcommittee for the Convention Center Management Transition. **By consensus of the City Council.**

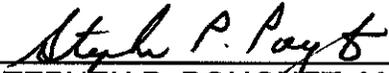
COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Mayor Pougnet thanked staff for the preparation of the budget presentation and the City Council for their efforts and support for the development of a Budget Reduction Plan.

Councilmember Mills requested the City Council consider hosting and possible sponsorship of the softball tournament in September as requested by the organization.

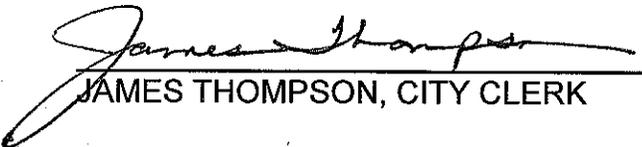
ADJOURNMENT: The City Council adjourned at 8:38 p.m. to a Regular Meeting, Wednesday, May 5, 2010, at 6:00 P.M. Council Chamber, City Hall, preceded by a Closed Session at 4:30 P.M., Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS
5TH DAY OF MAY, 2010.**



STEPHEN P. POUGNET, MAYOR

ATTEST:



JAMES THOMPSON, CITY CLERK