

**CITY COUNCIL
COMMUNITY REDEVELOPMENT AGENCY
PLANNING COMMISSION
ARCHITECTURAL ADVISORY BOARD
CITY OF PALM SPRINGS, CALIFORNIA**



MINUTES
WEDNESDAY, APRIL 7, 2010
— Council Chamber

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:09 p.m.

PLEDGE OF ALLEGIANCE: Boy Scout Troop 262, led the Pledge.

INVOCATION: Father Andrew Green, Church of St. Paul in the Desert, led the Invocation.

ROLL CALL:

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

ABSENT: None.

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

PRESENTATIONS:

Mayor Pougnet and the City Council proclaimed April, 2010 as Child Abuse Prevention Month in the City of Palm Springs.

REPORT OF CLOSED SESSION: City Attorney Holland stated that the meeting was called to order at 4:00 p.m., and the City Council recessed into Closed Session to discuss Items on the posted Closed Session Agenda; and reported the City Council provided direction to the City Attorney on the Existing Litigation Sarabia v. City of Palm Springs, Case No. RIV 537894, otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

City Attorney Holland requested the City Council acting as the Board of the Community Redevelopment Agency consider adding one Item to the Agenda, which was brought to the attention of the Agency after the posting of the Agenda, and the Agency must take action to avoid delay due to the critical nature of the public works project.

ACTION: 1) Make the finding that the Item came to the attention of the Agency after the posting of the Agenda and there is an immediate need to hear and take action on the

Item; and 2) Add the Item as Consent Calendar Item 2.N. COMMUNITY REDEVELOPMENT AGENCY APPROVAL OF CHANGE ORDER NO. 2 TO THE AGREEMENT WITH G & M CONSTRUCTION FOR THE SOUTH PALM CANYON DRIVE WIDENING PROJECT (CITY PROJECT NO. 05-03). **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson, and unanimously carried.**

Councilmember Foat requested Item 2.G. be removed from the Consent Calendar for separate discussion, and noted her business related abstention on Item 2.C. Warrant No. 1040802, and property/business owner related abstention on Item 2.E..

Councilmember Mills noted his abstention on Item 2.B. Minutes of March 17, 2010.

Mayor Pougnet requested Items 2.E. and 2.H. be removed from the Consent Calendar for separate vote.

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

1. JOINT MEETING OF THE CITY COUNCIL, PLANNING COMMISSION, AND ARCHITECTURAL ADVISORY COMMITTEE:

1.A. PLANNING COMMISSION AND ARCHITECTURAL ADVISORY COMMITTEE REPORT ON RECENT ACCOMPLISHMENTS, POLICY ISSUES, DISCUSS GOALS AND UPCOMING PROJECTS:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated April 7, 2010.

The Members of the Planning Commission and Architectural Advisory Committee provided the City Council input and discussion was held regarding modifying the procedure for the processing of City initiated projects as opposed to private projects.

The City Council discussed and/or commented on the following with respect to the procedures for City initiated projects: lack of continuity between adjoining projects in the Downtown area, the process to be consistent with City and private projects, streamlining processes and level of staff approval, providing input on the project so that it can be improved without regard to the overall support of a project, ensuring that the Planning Commission and Architectural Advisory Committee are involved in some way with all City initiated projects, avoiding an additional layer in providing planning services and approval of projects, consolidation of functions, and consistency of signage and the look and feel of the Downtown and Uptown areas.

Mayor Pougnet provided a recap of the direction that Subcommittees would be beneficial for public projects, and additional discussion is needed on easements and font sizes.

Craig Ewing, Director of Planning Services, provided background information on the discussion of an amnesty/abatement program for non-permitted canopy structures.

The City Council discussed and/or commented on the following with respect to non-permitted canopy structures: code enforcement issues and complaints, the purpose of taking on these structures during the current economic conditions, treating such as a variance and review on an individual basis, the length of the term of amnesty, the length of time to correct violations, and taking action first on those canopies in a high risk category.

No action taken.

The Planning Commission and Architectural Advisory Committee adjourned at 7:26 p.m., and the City Council recessed.

The City Council reconvened at 7:32 p.m.

PRESENTATIONS:

Mayor Pougnet provided an update on the recent activities and events in the City of Palm Springs: Dinah Shore Weekend and Dog Park "Best of the Best."

Jacques Caussin announced to the City Council the success of the recent Modernism Week event in the City of Palm Springs.

Councilmember Mills provided an update on Census 2010.

1. PUBLIC HEARINGS:

- 1.B. NEXUS DEVELOPMENT AMENDING A PLANNED DEVELOPMENT DISTRICT AND TENTATIVE TRACT MAP, REDUCING THE DENSITY FROM 84 TO 53 RESIDENTIAL UNITS AND REVISING THE TENTATIVE TRACT MAP TO A SUBDIVISION OF 53 LOTS WITH COMMON AREAS AND PRIVATE ROADWAYS, LOCATED ON APPROXIMATELY 8.48 ACRES AT THE SOUTHEAST CORNER OF AVENIDA CABALLEROS AND ALEJO ROAD IN SECTION 14 (CASE 5.1082):**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated April 7, 2010.

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

ROB ERES, Nexus Development, outlined the economics of the project, requested the City Council consider amending the Conditions PLN 15 and ENG 7.

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

The City Council discussed and/or commented on the following with respect to the project: the submission of construction drawings and plans, the height of the wall in the front of the units, the removal of the median as opposed to moving the entrance as written in Conditions PLN 15 and ENG 7, the public benefit of installing bike and jogging paths, requested the developer address the use of sustainable materials, conditions relating to the turning radius of the fire equipment, request to amend Condition ADM 20 to be submitted to the Architectural Advisory Committee, consideration to amend PLN 6 to prohibit surface mounted downspouts, requested staff address street width, and portable fire extinguisher, requested staff address the location of the air conditioning equipment, and requested the Applicant address the lack of overhangs for the large windows.

ACTION: 1) Recertify the previously approved Mitigated Negative Declaration as an adequate environmental analysis and action on the proposed project pursuant to the California Environmental Quality Act (CEQA); 2) Waive the reading of the ordinance text in its entirety and read by title only; 3) Introduce on first reading 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;" and 5) Adopt Resolution No. 22684, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AMENDMENT TO TENTATIVE TRACT MAP 34165 REVISING THE MAP FROM A SINGLE LOT MAP FOR CONDOMINIUM PURPOSES TO A SUBDIVISION OF 53 SINGLE FAMILY LOTS WITH COMMON PRIVATE ROADWAYS AND PARKING," as amended as follows: *deleting the requirement for artwork on the opposite corner of Avenida Caballeros and Alejo Road, exterior walls to be reviewed by Architectural Advisory Committee, surface mounted downspouts and overhangs be reviewed by City staff, and the*

southern median be installed or conditioned with a covenant. **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

LARRY LORENZ, Palm Springs, stated the community is being impacted by the Riviera Hotel and the noise ordinance is not being enforced.

JOE WESTERBERG, Palm Springs, stated he owns property adjacent to the Riviera Hotel and noted noise complaints about the facility.

SID CRAIG, announced the upcoming Books v. Badges Basketball Game.

JOHN PIVINSKI, Palm Springs Chamber of Commerce, announced the upcoming events: Chamber China Trip, Annual Business Expo in Downtown Palm Springs at VillageFest, Chamber Mixer at the Palm Springs Art Museum.

RALPH HITCHOCK, commented on Item 5.D., the sale of Whitewater Mutual Water Company, and requested the City Council defer the sale of the shares from O'Donnell.

TREV TREVINO, Palm Springs, commented on Item 4.B., Medical Cannabis, and stated his support for Cannahelp.

LARRY NIELSEN, Palm Springs, commented on Item 4.B., Medical Cannabis, and stated his support for Cannahelp.

STACY HOCHANADEL, Palm Springs, commented on Item 4.B., Medical Cannabis, and stated his support for Cannahelp.

MICHAEL RICE, Palm Springs, commented on Item 4.B., Medical Cannabis, and stated his support for Cannahelp.

KURT HANDSHUH, stated his support for Palm Springs Compassionate Care.

COUNCILMEMBER COMMENTS:

Councilmember Foat requested staff follow-up on the Riviera Hotel complaints.

Mayor Pougnet commented on a concern over a recent appointment to the Human Rights Commission.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.F., 2.I., 2.J., 2.K., 2.L. 2.M. and 2.N. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Hutcheson 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 April 7, 2010, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council and Community Redevelopment Agency Minutes of March 17, 2010, and City Council Minutes of March 24, 2010. **Approved as part of the Consent Calendar, noting the abstention of Councilmember Mills on the March 17, 2010 Minutes.**

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

ACTION: 1) Adopt Resolution No. 22685, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 02-20-10 BY WARRANTS NUMBERED 415463 THROUGH 415500 TOTALING \$57,962.53, LIABILITY CHECKS NUMBERED 1040767 THROUGH 1040788 TOTALING \$139,131.70, FIVE WIRE TRANSFERS FOR \$57,055.02, AND THREE ELECTRONIC ACH DEBITS OF \$1,076,994.49, IN THE AGGREGATE AMOUNT OF \$1,331,143.74, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22686, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1040789 THROUGH 1040912, IN THE AGGREGATE AMOUNT OF \$1,066,130.17, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 22687, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 3-06-10 BY WARRANTS NUMBERED 415501 THROUGH 415542 TOTALING \$63,030.36, LIABILITY CHECKS NUMBERED 1040913 THROUGH 1040933 TOTALING \$140,526.59, FIVE WIRE TRANSFERS FOR \$58,165.02, AND THREE ELECTRONIC ACH DEBITS OF \$1,093,110.34, IN THE AGGREGATE AMOUNT OF \$1,354,832.31, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 22688, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1040934 THROUGH 1041042, IN THE AGGREGATE AMOUNT OF \$283,168.00, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 22689, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT

OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1041043 THROUGH 1041213, IN THE AGGREGATE AMOUNT OF \$1,128,095.74, DRAWN ON BANK OF AMERICA;" 6) Adopt Resolution No. 22690, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 3-20-10 BY WARRANTS NUMBERED 415543 THROUGH 415586 TOTALING \$68,744.18, LIABILITY CHECKS NUMBERED 1041214 THROUGH 1041234 TOTALING \$141,548.69, FIVE WIRE TRANSFERS FOR \$79,411.71, AND THREE ELECTRONIC ACH DEBITS OF \$1,103,743.55, IN THE AGGREGATE AMOUNT OF \$1,393,448.13, DRAWN ON BANK OF AMERICA; and 7) Adopt Resolution No. 22691, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1041235 THROUGH 1041330, IN THE AGGREGATE AMOUNT OF \$496,527.48, DRAWN ON BANK OF AMERICA."
Approved as part of the Consent Calendar, noting the abstention of Councilmember Foat on Warrant No. 1040802.

2.D. TREASURER'S INVESTMENT REPORT AS OF FEBRUARY 28, 2010:

ACTION: Receive and file the Treasurer's Investment Report as of February 28, 2010. **Approved as part of the Consent Calendar.**

2.F. AMENDMENT NO. 8 TO AGREEMENT NO. A5488 WITH ALLEN F. SMOOT & ASSOCIATES FOR OWNER'S REPRESENTATIVE AGREEMENT TO REFLECT AN EXTENSION OF ONE YEAR, ADDITIONAL TIME ALLOCATION FOR PRE-CONSTRUCTION SERVICES FOR THE ANIMAL SHELTER PROJECT, THE INCLUSION OF CONSTRUCTION SERVICES FOR THE ANIMAL SHELTER AND WELWOOD LIBRARY PROJECTS SHOULD THE CITY COUNCIL ELECT TO PROCEED WITH THOSE PROJECTS:

ACTION: 1) Approve Amendment No. 8 to Agreement No. A5488 with Allen F. Smoot & Associates, for Owner Representative Services, extending the term for one year, authorizing additional pre-construction services for the Animal Shelter Project, and authorizing construction period services on the Animal Shelter and Welwood Library Projects should the City Council award construction contracts for these projects; and 2) Authorize the City Manager to execute all necessary documents. A5488. **Approved as part of the Consent Calendar.**

2.I. PROPOSED RESOLUTION SUPPORTING THE DESERT CITIES ENERGY PARTNERSHIP:

ACTION: Adopt Resolution No. 22692, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUPPORTING AN ENERGY PARTNERSHIP WITH SOUTHERN CALIFORNIA EDISON, IMPERIAL IRRIGATION DISTRICT, SOUTHERN

CALIFORNIA GAS COMPANY, AND OUR MEMBER AGENCIES TO BE KNOWN AS "THE DESERT CITIES ENERGY PARTNERSHIP."
Approved as part of the Consent Calendar.

2.J. ACCEPT THE RESIGNATION OF APRIL HILDNER FROM THE SUSTAINABILITY COMMISSION:

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

2.K. AWARD OF CONTRACT FOR THE JAMES O. JESSIE DESERT HIGHLAND UNITY CENTER FENCING (INVITATION TO BID 10-0):

ACTION: 1) Approve an agreement with Geno's Overhead Doors & Gates for the James O. Jessie Desert Highland Unity Center Central Access-Point Fence in the amount of \$25,000 (IFB 10-05); and 2) Authorize the City Manager to execute all necessary documents. A5965. **Approved as part of the Consent Calendar.**

2.L. AWARD RFP 03-10 RETAIL MERCHANDISING UNITS TO EVA'S AT THE PALM SPRINGS INTERNATIONAL AIRPORT:

ACTION: 1) Approve a five-year Non-Exclusive Operating and Lease Agreement for two retail merchandising units at the Palm Springs International Airport to Eva's At Palm Springs Airport effective September 1, 2010, through August 31, 2015; and 2) Authorize the City Manger to execute all necessary documents. A5966. **Approved as part of the Consent Calendar.**

2.M. APPROVE UNIVERSAL DESIGNATION OF THE CITY COUNCIL TO SUBMIT DISASTER ASSISTANCE TO THE STATE OF CALIFORNIA, OFFICE OF EMERGENCY SERVICES, FOR OBTAINING DISASTER RELIEF AND EMERGENCY ASSISTANCE:

ACTION: 1) Designate David H. Ready, City Manager, as the Director of Emergency Services, or Thomas Wilson, Assistant City Manager, or David Barakian, City Engineer, to submit Disaster Assistance to the State of California, Office of Emergency Services, for the purpose of obtaining Disaster Relief and Emergency Assistance; and 2) Direct the City Clerk to certify the Designation for the Office of Emergency Services. **Approved as part of the Consent Calendar.**

2.N. COMMUNITY REDEVELOPMENT AGENCY APPROVAL OF CHANGE ORDER NO. 2 TO THE AGREEMENT WITH G & M CONSTRUCTION FOR THE SOUTH PALM CANYON DRIVE WIDENING PROJECT (CITY PROJECT NO. 05-03):

ACTION: 1) Approve Change Order No. 2 to the Agreement with G & M Construction in the amount of \$22,841.89 for a revised total contract

amount of \$992,979.03 for the South Palm Canyon Widening Project (City Project No. 05-03); and 2) Authorize the Executive Director or his designee to execute all necessary documents. A5853. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

Councilmember Foat stated she has a property/business related conflict of interest with respect to Item 2.E., would not participate in the discussion or the vote, and left Council Chamber.

2.E. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1770, AN AMENDMENT TO THE PALM SPRINGS MUNICIPAL CODE FOR THE PROPOSED RESTRUCTURING OF THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT IN THE DOWNTOWN AND UPTOWN AREAS OF THE CITY:

ACTION: Waive further reading and adopt Ordinance No. 1770, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 6 OF ORDINANCE NO. 1709 RELATING TO THE ESTABLISHMENT OF AN ADVISORY BOARD TO THE CITY COUNCIL IN THE ADMINISTRATION OF THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT." **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Mills and carried 3-1 on a roll call vote.**

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

NOES: Mayor Pougnet.

ABSENT: Councilmember Foat.

Councilmember Foat returned to the dais.

2.G. CHANGE ORDER NO. 2 TO AGREEMENT NO. A5895 WITH SIERRA LANDSCAPE COMPANY FOR THE GENE AUTRY TRAIL GATEWAY LANDSCAPE IMPROVEMENT PROJECT, FEDERAL AID PROJECT NO. ESPLE-5282 (027) (CP 06-03):

ACTION: 1) Approve Change Order No. 2 to Agreement No. A5895 in the amount of \$32,019 with Sierra Landscape Company, for the Gene Autry Trail Gateway Landscape Improvement Project, Federal Aid Project No. ESPLE-5282(027) (CP 06-03); and 2) Authorize the City Manager to execute all necessary documents. A5895. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

2.H. PURCHASE OF PLAYGROUND EQUIPMENT FOR BARISTO PARK AND DESERT HIGHLAND PARK:

ACTION: 1) Approve the purchase of playground equipment for Baristo Park from Great Western Park & Playground, Inc. in a total amount not-to-exceed

\$109,867.02, including installation, utilizing the US Communities Cooperative Purchase Contract No. 040376.14 for public agencies in the State of California; 2) Approve the purchase of playground equipment for Desert Highland Park from Miracle Recreation Equipment Company in a total amount not to exceed \$115,091.85, including installation, utilizing the HGAC Cooperative Purchase Contract No. PR11-08, for public agencies in the State of California; and 3) Authorize the City Manager to execute all necessary documents. **Motion Mayor Pougnet, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

4.A. **MUSEUM MARKET PLAZA SPECIFIC PLAN MONTHLY UPDATE:**

Tom Wilson, Assistant City Manager, provided a progress report on the Museum Market Plaza Specific Plan.

No action taken.

4.B. **SUSPEND THE PERMIT TO OPERATE A MEDICAL CANNABIS COLLECTIVE/COOPERATIVE TO CANNAHELP (CITY COUNCIL RESOLUTION NO. 22666), AND SCHEDULE A PUBLIC HEARING FOR MAY 5, 2010, TO CONSIDER RESCISSION OF RESOLUTION NO. 22666 AND AWARD OF A MEDICAL CANNABIS COLLECTIVE/COOPERATIVE PERMIT TO ANOTHER QUALIFIED APPLICANT:**

City Attorney Holland provided background information as outlined in the staff report dated April 7, 2010.

ACTION: 1) Not to suspend the permit to operate a medical cannabis collective/cooperative to Cannahelp granted pursuant to City Council Resolution No. 22666 at this time; 2) Schedule a progress review for the May 5, 2010, City Council meeting; 3) Direct staff to prepare a zone text amendment to provide for a third medical cannabis collective/cooperative. **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and carried 3-2 on a roll call vote.**

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

NOES: Councilmember Mills and Councilmember Weigel.

Councilmember Mills stated he voted no only for the addition of the zone text amendment to provide a third medical cannabis collective/cooperative.

5. NEW BUSINESS:

5.A. PROPOSED RESOLUTION AMENDING THE JOB CREATION INCENTIVE PROGRAM ELIGIBILITY CRITERIA FOR THE MINIMUM NUMBER OF NEW FULL TIME JOBS CREATED BY AN ELIGIBLE COMPANY TO BE NO LESS THAN 50 FULL TIME JOBS:

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated April 7, 2010.

ACTION: Adopt Resolution No. 22693, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE ELIGIBILITY CRITERIA FOR THE JOB CREATION INCENTIVE PROGRAM AND AMENDING RESOLUTION NO. 19542." **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

5.B. COMMUNITY REDEVELOPMENT AGENCY STATE-MANDATED PAYMENT TO THE SUPPLEMENTAL EDUCATIONAL REVENUE AUGMENTATION FUND (SERAF):

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated April 7, 2010.

ACTION: 1) Adopt Resolution No. 1400, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, MAKING CERTAIN FINDINGS WITH RESPECT TO THE 2009-10 PAYMENT TO THE EDUCATIONAL REVENUE AUGMENTATION FUND AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO;" and 2) Adopt Resolution No. 1401, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2009-10." **Motion Councilmember Weigel, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

5.C. RELEASE OF ECONOMIC ANALYSIS OF THE CRITICAL HABITAT DESIGNATION FOR THE CASEY'S JUNE BEETLE:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated April 7, 2010.

No action taken.

Councilmember Hutcheson stated he has a membership at the O'Donnell Golf Club as such may create a conflict of interest with respect to Item 5.D., would not participate in the discussion or the vote, and left Council Chamber.

5.D. APPROVE THE SALE OF 765 SHARES OF WHITEWATER MUTUAL WATER COMPANY STOCK OWNED PROPRIETARILY BY THE CITY OF PALM SPRINGS TO THE DESERT WATER AGENCY:

City Attorney Holland provided background information as outlined in the staff report dated April 7, 2010.

ACTION: 1) Approve the sale of 765 Shares of Whitewater Mutual Water Company Stock proprietarily owned by the City of Palm Springs to the Desert Water Agency; 2) Authorize the City Manager to execute such agreements and documents as may be necessary, in a form approved by the City Attorney, to complete the sale; 3) Authorize the City Clerk to endorse the Stock Certificates to the Desert Water Agency; and 4) *Direct staff to place the proceeds from the O'Donnell shares into a separate account not to be use until the claim is resolved.* A5964. **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pro Tem Hutcheson.

Councilmember Hutcheson returned to the dais.

ACTION: Continue past the 10:00 p.m. tentative adjournment time. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried (5-0).**

5.E. SPONSORSHIP OF THE 2011 EASTER BOWL TENNIS TOURNAMENT TO BE HELD IN THE CITY OF PALM SPRINGS:

City Manager Ready provided background information as outlined in the staff report dated April 7, 2010.

ACTION: 1) Commit \$25,000 Sponsorship of the 2011 Easter Bowl Tennis Tournament to be held in the City of Palm Springs conditioned upon the tennis courts to be brought up to current code and standards; 2) Direct staff to appropriate \$25,000 from the Special Events allocation in the 2010 Economic Recovery Program Funds for sponsorship of the event; and 3) Authorize the City Manager to prepare and execute a Sponsorship Agreement subject to final approval of the City Attorney. A5967. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

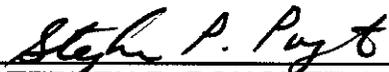
COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Mills requested staff address the lack of maintenance of median islands at Vista Chino at Sunrise.

Councilmember Foat provided a report on Roy's Desert Resource Center.

ADJOURNMENT: The City Council adjourned, *in memory of Joy Borg*, at 10:08 p.m. to a Regular Meeting Wednesday, April 21, 2010, at 6:00 P.M. Council Chamber, City Hall, preceded by a Closed Session at 4:00 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
21ST DAY OF APRIL, 2010.**



STEPHEN P. POUGNET, MAYOR

ATTEST:



JAMES THOMPSON, CITY CLERK