

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



**MINUTES
WEDNESDAY, MAY 19, 2010
Council Chamber**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:05 p.m.

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

INVOCATION: Duane Cox, Retired Religious Science Minister, led the Invocation.

ROLL CALL:

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

ABSENT: None.

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

PRESENTATIONS:

Mayor Pougnet and the City Council presented Lynda Lake, Principal Cielo Vista Elementary School, a Certificate of Recognition, as Cielo Vista received 1 of 486 "Distinguished Schools" designation by the California Department of Education.

Mayor Pougnet and the City Council presented six National Charity League seniors with Certificates of Recognition.

Mayor Pougnet announced the recent Grand Opening of Roy's Desert Resource Center.

REPORT OF CLOSED SESSION:

City Attorney Holland stated the meeting was called to order at 4:30 p.m. and requested the City Council add one Item to the posted Closed Session Agenda pursuant to G.C. Section 54956.8 Conference with Real Property Negotiator for the sale of the property located at 342 North Palm Canyon Drive owned by the City of Palm Springs Redevelopment Agency, as an offer to purchase 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 information was received after the posting of the Agenda, and there is an immediate need to hear and/or take action on the Item; and 2)

Add to the Closed Session Agenda pursuant to Government Code Section 54956.8 Conference with Real Property Negotiator, for the sale of property located at 342 North Palm Canyon Drive, APN 513-081-017, Redevelopment Agency Negotiator, David Ready, Executive Director or Designee, Negotiating Parties, Bob Hughes, Cadence Development, LLC, to discuss price and terms of payment for the sale. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Weigel, and unanimously carried 4-0, noting the absence of Councilmember Mills.**

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

ACCEPTANCE OF THE AGENDA:

Mayor Pro Tem Hutcheson requested Item 2.H. be removed from the Consent Calendar for separate discussion.

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

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

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

1. PUBLIC HEARINGS:

1.A. TENTATIVE TRACT MAP FOR CONDOMINIUM PURPOSES AND APPEAL OF PLANNING COMMISSION ACTION TO DENY ARCHITECTURAL REVIEW AND A MINOR MODIFICATION FOR A 51-UNIT MODERATE-INCOME RESIDENTIAL DEVELOPMENT AT THE SOUTHEAST CORNER OF NORTH INDIAN CANYON DRIVE AND SAN RAFAEL ROAD (APPLICANT / APPELLANT COMDYN PS, LLC) (CASE 3.3333 MAJ / 7.1231 AMM):

Craig Ewing, Director of Planning Services, and City Attorney Holland, provided background information as outlined in the staff report dated May 19, 2010.

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

LOREN BLOCH, ComDyn, Representing Applicant, outlined the specifics of the project and presented a PowerPoint presentation, and requested the City Council waive Condition No. ENG 57 regarding undergrounding of utilities.

JOHN RICCI, Palm Springs, stated his support for the development, indicated the Developer has worked with the Community to address concerns, and requested the undergrounding of utility line.

RICK BERNARDIN, Palm Springs, commented on affordable housing in Palm Springs and the need for affordable housing, and stated his support for the project.

JIM ISERMANN, Palm Springs, stated the City had a positive idea for the project at this location, the project did not meet the goals, and stated his opposition to the project.

CLAIRE VICTOR, Palm Springs, commented she is in support of affordable housing and the development of the site, but stated her opposition to the project.

THOMAS CARNASE, Palm Springs, commented on the lack of benefits to the community, and stated his opposition to the project.

DONNA CHABAN-DELMAS, Palm Springs, commented on the process with the Planning Commission, and stated her opposition to the project.

RON MARSHALL, Palm Springs Preservation Foundation, commented on the impact to the surrounding architectural treasures, the development process and the comments by the surrounding community, stated the developer can provide a much better project, and stated his opposition to the project.

JAMES PIGOTT, stated the project is flawed, and spoke in opposition to the project.

GINGER PIGOTT, stated the project fails on every level for the mandate of affordable housing, the project does not fit the site, and requested the City Council deny the project.

TAMARA STEVENS, stated the project is designed as a quality community project, commented on density, and stated her support for the project.

CHRISTOPHER DAILAY, read a statement from Jim Jennings in opposition to the project, and stated his opposition to the project.

BRIAN MCGUIRE, Palm Springs, stated the community looks forward to the development of the site, but the proposed development does not meet the expectations of the surrounding community, and stated his opposition to the project.

SIDNEY WILLIAMS, Palm Springs, commented on the architecture and stated it is not comparable or compatible with the surrounding area, and spoke in opposition to the project.

LYN CALERDINE, Palm Springs, stated his support for the project, commended the City Council for their strong commitment of affordable housing, and commented on density and location.

VICTOR OTERO, Palm Springs, commended on "NIMBYism" and requested the City Council deny the project.

TRICIA PORTER, read a statement from Jim Moore in opposition to the project.

FRED BELL, commented on housing types and varying prices and affordable housing, building affordable housing in California, design issues should be worked out with the developer, and requested the City and Developer work this out with the community.

MARVIN ROOS, Applicant's Engineer, provided background for the development of the project, stated the project is consistent with the General Plan.

M. VANHORN, PSEDC, read a statement in support of the project, and stated the project conforms with the R-2 zone.

ROBERT IMBER, Palm Springs Modern Committee, read a letter opposing the project.

SCOTT KENNEDY, Palm Springs, commented on density in other affordable housing projects, and stated his opposition to the project as proposed.

SEIMA MOLOI, Palm Springs, commented on the previous approved development on the site and stated his support for the project.

FRANK TYSEN, Palm Springs, commented on the previous project at the site, stated this project is not right for the surrounding area and is flawed in its design, and stated his opposition to the project.

DAVID SENDEN, Project Architect, commented on affordable housing, "NIMBYism," and the differences in the definition of a livable project.

LOREN BLOCH, Applicant Rebuttal, commented on the density of the project, and the undergrounding of utilities.

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

The City Council recessed at 7:53 p.m.
The City Council reconvened at 8:00 p.m.

Councilmember Weigel requested the Applicant address the build-ability of the project, the progression of the project from 31 to 52 units, requested staff address the process with the AAC, the issues of the site plan with the AAC and the Planning Commission, commented on the project being as close to a right-of-zone with few allowances, and requested staff address the undergrounding of utilities.

Councilmember Foat commented on the public testimony, requested staff address the staff position of the undergrounding of utilities, commented on "NIMBYism" and the community committed to the elimination of the vacant lot and development of the lot, the City Council commitment to livable affordable housing, expressed concern about the project, the seven foot wall on Indian Canyon, six foot alley ways between the buildings, no place for children to play, the expectations of users of affordable housing, commented on green aspects of the project, the vehicle parking area adjacent to the existing homes, and stated the design of the project is not correct.

Councilmember Mills commented on the community input and respect, commented on the process with the AAC and the Planning Commission, the failure of the process with the AAC and the Planning Commission with this project, commented on the R-2 zone and the City standards, commented on the architecture and the design for the use of the site, the affordability and the different components of the project, commented on condominium v. an apartment project, stated the project is acceptable from a design perspective and does what is intended to do, commented on the alleys being required by the AAC, lack of overhangs, the need for an approved patio cover, and stated he would not be in support of an exemption for the undergrounding of utilities.

Mayor Pro Tem Hutcheson commented on the public testimony and stated this project has been a controversial process and is surprised that the developer and the community did not get together to balance the project, stated the project is not in final form yet, and stated this project should be sent back for additional work and to work toward common ground.

Councilmember Weigel commented on the public process and respectfulness of the process, failure of the system and process, the lack of input from the Planning Commission, and stated the project meets the City criteria.

Mayor Pougnet commented on the history of the community and the difficult housing decisions, commented on the process, stated the burden

has to be on the vacant property owner to develop a project to integrate with the surrounding community.

Councilmember Foat stated her concern on sending the project back to the AAC and the Planning Commission, and recommended the City Council deny the project.

Councilmember Mills requested staff explain the denial of the project.

MOTION: 1) Deny the Appeal and the Project; and 2) Direct staff to prepare a Resolution memorializing the proceedings for the denial. **Motion Councilmember Foat, seconded by Mayor Pougnet and failed 2-3 on a roll call vote.**

AYES: Councilmember Foat and Mayor Pougnet.

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

Mayor Pro Tem Hutcheson requested the City Council refer the project back to Planning Commission for additional discussion and review.

Councilmember Mills stated his concern sending the project back to the Commission and the AAC, and requested the City Council address specific comments.

Councilmember Weigel commented on the timing of the project, and recommended the City Council provide specific direction to the developer.

Councilmember Foat noted her issues with the project: the distance from the parking to the units, the 6 foot alleys, the lack of public pool or other amenities, the 7 foot wall on Indian Canyon, lack of attention to the impact of vehicles to the surrounding development, and the lack of shade for the units.

Mayor Pro Tem Hutcheson stated the developers can re-design the project based on the comments of the City Council, and all of the comments throughout the process.

City Manager Ready stated the City Council could refer the project to the standing Housing Subcommittee of the City Council.

ACTION: 1) Continue the Item; 2) Refer the project to the City Council Housing Subcommittee; 3) Direct the City Council Housing Subcommittee to report back to the City Council on the issues for re-design; and 4) The City Council may then take action or refer the Project to the Planning Commission. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Mills and carried 3-2 on a roll call vote.**

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

The City Council recessed at 8:57 p.m.
The City Council reconvened at 9:00 p.m.

1.B. PLACEMENT OF DELINQUENT WASTE DISPOSAL CHARGES ON THE COUNTY TAX ROLLS AS A SPECIAL ASSESSMENT:

David Barakian, City Engineer, provided background information as outlined in the staff report dated May 19, 2010.

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

Councilmember Foat requested staff address the process for a waiver and distribution of the delinquent list to the City Council.

ACTION: Adopt Resolution No. 22707, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING CERTAIN WASTE DISPOSAL ACCOUNTS TO BE DELINQUENT AND DIRECTING THE PLACEMENT OF THESE ACCOUNTS ON THE COUNTY PROPERTY TAX ROLLS FOR COLLECTION." **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

1.C. COMMUNITY REDEVELOPMENT AGENCY AMENDMENT NO. 1 TO THE FIVE YEAR IMPLEMENTATION PLAN (FISCAL YEAR 2009-10 THROUGH FISCAL YEAR 2013-14) AND UPDATED TEN YEAR HOUSING COMPLIANCE PLAN FOR MERGED PROJECT AREA NOS. 1 AND 2:

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated May 19, 2010.

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

JOHN JOYCE, Palm Springs, commented on the impacted species and the cleanup of the Tahquitz Creek area.

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

ACTION: Adopt Resolution No. 1402, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AND APPROVING AMENDMENT NO. 1 TO THE FIVE YEAR IMPLEMENTATION PLAN (FISCAL YEAR

2009-10 THROUGH FISCAL YEAR 2013-14) AND UPDATED TEN YEAR HOUSING COMPLIANCE PLAN FOR MERGED PROJECT AREA NOS. 1 AND 2." **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

Councilmember Foat stated she has a business and property ownership conflict of interest with respect to Item 1.D., would not participate in the discussion or the vote, and left Council Chamber.

1.D. PUBLIC MEETING AND INTRODUCTION OF A PROPOSED ORDINANCE TO MODIFY THE BASIS AND METHOD OF LEVYING ASSESSMENTS AND THE RENEWAL OF THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT (BID), AND THE LEVY OF THE FISCAL YEAR 2010-11 ASSESSMENTS:

City Clerk Thompson provided background information as outlined in the staff report dated May 19, 2010.

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

JOY MEREDITH, stated her support of the Business Improvement District.

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

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. 1774, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING ORDINANCE NO. 1709 RELATING TO THE ESTABLISHMENT OF THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT IN THE DOWNTOWN AND UPTOWN AREAS OF PALM SPRINGS AND AUTHORIZING THE LEVY OF ASSESSMENTS PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989, AND CODIFYING ORDINANCE NO. 1709, AS AMENDED, AS DIVISION III OF TITLE 3 (CHAPTER 3.100) OF THE PALM SPRINGS MUNICIPAL CODE." **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.

PUBLIC COMMENT:

JULIUS KAZEN, commented on the Tourism budget.

STEVE ROSENBERG, Palm Springs, commented on 2.F., the purchase of computers for the Police Department.

MATILDE JONES, Palm Springs, commented on Item 2.B., and in opposition to the solicitation ordinance.

TANYA PETROVNA, commented on Item 5.A., and in support of awarding the bid for the Palm Springs Animal Shelter.

MARLA TAUSCHER, commented on Item 5.A., and in support of awarding the bid for the Palm Springs Animal Shelter.

RUTH SINFUEO, commented on Item 5.A., and in support of awarding the bid for the Palm Springs Animal Shelter.

DR. DOUGLAS KUNZ, Palm Springs, commented on Item 5.A., and in support of awarding the bid for the Palm Springs Animal Shelter.

JOY MEREDITH, provided an update on upcoming activities of MainStreet and the Downtown and Uptown businesses.

ROXANNE MISHLER, provided an update on Palm Springs Carriages in Downtown Palm Springs.

TAMARA HEDGES, commented on Item 5.A., and in support of awarding the bid for the Palm Springs Animal Shelter.

LINDA FRANCIS, commented on Item 5.A., and in support of awarding the bid for the Palm Springs Animal Shelter.

KATHY HART, Palm Springs, commented on Item 5.A., and in support of awarding the bid for the Palm Springs Animal Shelter.

COUNCILMEMBER COMMENTS:

Councilmember Foat commented on the upcoming activities of the Friends of the Palm Springs Animal Shelter.

Councilmember Weigel requested the City Attorney address the components of the solicitation ordinance.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.I., and 2.J. **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 May 19, 2010, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1773, AMENDING THE PALM SPRINGS MUNICIPAL CODE RELATING TO HANDBILLS, PEDDLERS AND SOLICITORS, SOLICITATION ON PRIVATE PROPERTY, AND CHARITABLE SOLICITATION:

ACTION: Waive further reading and adopt Ordinance No. 1773, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 5.20 AND 5.48 OF, AND REPEALING CHAPTER 11.68 OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO HANDBILLS, PEDDLERS, AND SOLICITORS, SOLICITATION ON PRIVATE PROPERTY, AND CHARITABLE SOLICITATION." **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 22708, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1041854 THROUGH 1041965 IN THE AGGREGATE AMOUNT OF \$1,079,440.47, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22709, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 5-01-10 BY WARRANTS NUMBERED 415671 THROUGH 415707 TOTALING \$57,226.53, LIABILITY CHECKS NUMBERED 1041966 THROUGH 1041986 TOTALING \$144,536.10, FIVE WIRE TRANSFERS FOR \$56,575.02, AND THREE ELECTRONIC ACH DEBITS OF \$1,183,453.06, IN THE AGGREGATE AMOUNT OF \$1,441,790.71, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 22710, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1041987 THROUGH 1042078 IN THE AGGREGATE AMOUNT OF \$637,662.45, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

- 2.D. STAFF AUTHORIZED AGREEMENTS FOR MARCH 1 THROUGH APRIL 30, 2010:**
ACTION: Receive and file Staff Authorized Agreements covering the period March 1 through April 30, 2010. **Approved as part of the Consent Calendar.**
- 2.E. SUMMARY VACATION OF CHASE PLACE, FIELD VIEW AND FOSTER VISTA (FILE R 10-01):**
ACTION: Adopt Resolution No. 22711, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUMMARILY VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE AND INTEREST IN A PORTION OF PUBLIC RIGHT-OF-WAY FOR CHASE PLACE, FIELD VIEW AND FOSTER VISTA, AND PUBLIC UTILITY EASEMENTS ADJACENT THERETO, AND A CLEAR AREA EASEMENT, IN SECTION 18, TOWNSHIP 4 SOUTH, RANGE 5 EAST (FILE R 10-01)," **Approved as part of the Consent Calendar, noting the business related abstention of Councilmember Mills.**
- 2.I. CHANGE ORDER NO. 1 TO AGREEMENT NO. A5895 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. 3 to Agreement No. A5895 in the amount of \$84,294.14 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. **Approved as part of the Consent Calendar.**
- 2.J. PURCHASE OF CITY HALL EOC EMERGENCY BACK-UP GENERATOR:**
ACTION: Approve the purchase of a new 500 KW 1000 AMP Diesel, Volvo Penta Genset TAD1641GE, Emergency Generator from Power & Electric Co. in an amount not to exceed \$72,496.06, utilizing a 50% EMGP matching reimbursement grant. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

- 2.F. PURCHASE NOTEBOOK COMPUTERS FOR MOBILE DATA COMPUTING:**
Police Chief Dominguez provided background information as outlined in the staff report dated May 19, 2010.
- ACTION:** 1) Approve the purchase of eleven (11) Dell Latitude E6400XFR Ruggedized notebook computers with corresponding Dell Mobile Docking Stations from Dell Corporation in the amount of \$51,525.43; and 2) Authorize the

City Manager to execute all necessary documents. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Hutcheson.**

2.G. APPROVAL OF PARCEL MAP 35817 AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH MARC J. DIERICKX AND FRANK DE LELYS, FOR A 2 LOT PARCEL MAP LOCATED AT 580 N. VIA MIRALESTE:

ACTION: 1) Adopt Resolution No. 22712, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PARCEL MAP 35817 FOR PROPERTY LOCATED AT 580 N. VIA MIRALESTE, IN SECTION 11, TOWNSHIP 4 SOUTH, RANGE 4 EAST, AND APPROVING A SUBDIVISION IMPROVEMENT AGREEMENT WITH MARC J. DIERICKX AND FRANK DE LELYS;" and 2) Authorize the City Manager to execute all necessary documents. A5975. **Motion Councilmember Mills, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

2.H. AMENDMENT NO. 2 TO AGREEMENT NO. A4780 WITH DOKKEN ENGINEERING FOR BRIDGE AESTHETIC DESIGN SERVICES AND OUTLINING AN ARCHITECTURAL REVIEW PROCESS FOR THE BELARDO ROAD BRIDGE AND ROADWAY WIDENING PROJECT (CP 87-49):

Mayor Pro Tem Hutcheson requested staff take into consideration the Tahquitz Creek Master Plan with respect to the Bridge.

Councilmember Foat requested City staff work with the Tribe and the Tahquitz Creek Park and Master Plan.

Councilmember Mills thanked staff for the review of the process.

ACTION: 1) Approve Amendment No. 2 to Agreement No. A4780 with Dokken Engineering, in the amount of \$20,000 for a total revised contract amount of \$448,640 for the Belardo Road Bridge and Roadway Widening (CP 87-49); and 2) Direct staff to process the preliminary bridge aesthetic design concept approval pursuant to Architectural Review guidelines including consultation with the Indian Planning Commission and Tribal Council; and 3) Authorize the City Manager to execute all necessary documents. A4780. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Hutcheson.**

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE EXTENDING THE TEMPORARY DEFERRAL OF CERTAIN DEVELOPMENT IMPACT FEES (QUIMBY AND PUBLIC ART) TO JULY 1, 2011:

City Clerk Thompson provided background information as outlined in the staff report dated May 19, 2010.

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. 1775,

"AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, PROVIDING FOR THE DEFERRAL OF PAYMENT OF CERTAIN DEVELOPMENT IMPACT FEES, AND EXTENDING ORDINANCE NO. 1757." **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

4. UNFINISHED BUSINESS:

4.A. PRESENTATION AND DISCUSSION OF THE DRAFT FISCAL YEAR 2010-11 BUDGET:

City Manager Ready and Geoffrey Kiehl, Director of Finance, provided background information as outlined in the draft budget document. Suzanne Harrell, City Financial Consultant, provided background information on the Community Redevelopment Agency Budget.

Councilmember Weigel requested staff address the impact due to funds taken by the State.

Mayor Pro Tem Hutcheson requested staff address the funding of the Downtown Administrator, and requested a copy of the Downtown Administrator contract.

Councilmember Foat commented on the Downtown administration contract with Canyon Commercial.

No action taken.

4.B. DISCUSSION OF SPECIAL EVENTS FUNDING AS PART OF THE PALM SPRINGS ECONOMIC DEVELOPMENT PLAN ADOPTED JANUARY 13, 2010, AND DISCUSSION OF PALM SPRINGS SUMMER SPLASH 2010:

City Manager Ready provided background information on the Palm Springs Economic Development Plan adopted by the City Council on January 13, 2010, and the 2010 Palm Springs Summer Splash Program.

Councilmember Hutcheson requested staff address funds ear-marked but not spent.

Councilmember Foat commented on the Summer Splash Program and recommended the City Council fund the program.

Mayor Pougnet requested staff address why this is not a part of the final discussion on Special Events as part of the budget process and with the tourism stakeholders.

Councilmember Weigel commented on the overall special event funding, and requested tourism pay for the expenditure, and that no analysis was done on the effectiveness of the program.

Mayor Pro Tem Hutcheson stated the program is effective during the off-season, and suggested that the funding be from the Economic Development Plan and replace the vacant lot landscaping funding.

Councilmember Mills commented on the lack of input from the tourism stakeholders, and stated the event should go through tourism.

Councilmember Foat commented on the cuts to tourism, and commented on the positive impacts of the event during the off-season.

Councilmember Weigel requested staff address the use of the funds and the contract provisions of the Summer Splash Program.

ACTION: Fund the Palm Springs Summer Splash 2010 as part of the Economic Development Plan funding in the amount of \$15,000; and eliminate the current Vacant Lot Landscaping Program funds. **Motion Mayor Pougnet, seconded by Councilmember Foat and carried 4-1 on a roll call vote.**

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

4.C. EXTEND THE REDUCTION OF COMPENSATION OF THE MAYOR AND COUNCILMEMBERS, AND EXTEND THE REDUCTION IN SALARIES AND SCHEDULES FOR THE EXECUTIVE MANAGEMENT GROUP:

City Manager Ready provided background information on the proposed resolution extending the reduction in compensation for the Mayor, Members of the City Council and Executive Management staff.

ACTION: Adopt Resolution No. 22713, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING THE REDUCTION OF COMPENSATION OF THE MAYOR AND COUNCILMEMBERS, EXTENDING THE REDUCTION IN SALARIES AND SCHEDULES FOR THE EXECUTIVE MANAGEMENT GROUP, AND AMENDING RESOLUTION NO. 22477 AND RESOLUTION NO. 22531." **Motion Councilmember Weigel, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

5. NEW BUSINESS:

The City Council heard Item 5.A. out of order prior to Unfinished Business.

5.A. CONTRACT AWARD AND/OR OPTIONS FOR THE PALM SPRINGS ANIMAL CARE FACILITY (CP 07-24):

Al Smoot, Owners Representative, provided background information as outlined in the staff report dated May 19, 2010.

Councilmember Foat requested staff address the Sustainability Fund, stated the Friends of the Animal Shelter made a recent contribution of \$400,000 to the City, requested staff address the proposed reductions and value engineering, and stated her support for the project.

Councilmember Weigel thanked staff for the alternative approach toward the construction of the project, but stated his concern for spending money the City currently does not have.

ACTION: Continue past the 10:00 p.m. tentative adjournment time.
Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Foat and unanimously carried on a roll call vote.

Councilmember Mills requested staff address the Sustainability portion of the project, how staff determined the recommended deletions, stated his support for the project and expressed his concern of the overall expenditure.

Mayor Pro Tem Hutcheson stated his concern over the commitment of \$700,000 from the Sustainability Fund.

Councilmember Foat commented on the funding.

Mayor Pougnet stated his opposition as the time is wrong, and the appropriation of Sustainability funds.

Councilmember Mills requested staff address if the City Council approve the project and the funding source, and the appropriation of the \$700,000 Sustainability Funds at the end of the project.

Mayor Pro Tem Hutcheson stated the City should par down the project to a place we could afford it.

Councilmember Foat stated staff will continue to value engineer the costs down as we move forward.

ACTION: 1) Award contract to WE O'Neil Construction Company for the Palm Springs Animal Care Facility, including additive and deductive alternates 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, and 15 for the total amount of \$5,919,000 (CP 07-24); 2) Direct staff to reduce the cost of the overall project by a total of \$1,656,948 as construction proceeds, with the concept

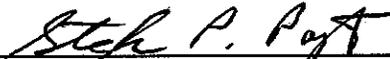
being to "shell out" the building; 3) Allocate \$700,000 from the Sustainability Fund for the "Green" aspects of the project; and 4) Direct staff that the Sustainability Funding is to be used last and to minimize the Sustainability Funding to the extent possible; and 5) Authorize the City Manager to execute all necessary documentation. A5976. **Motion Councilmember Weigel, seconded by Councilmember Mills and carried 4-1 on a roll call vote.**

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

NOES: Mayor Pougnet.

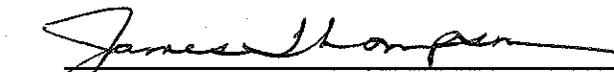
ADJOURNMENT: The City Council adjourned at 10:51 p.m. to a Regular Meeting, Wednesday, June 2, 2010, at 6:00 P.M. Council Chamber, City Hall, preceded by a Closed Session at 4:30 P.M., Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 2ND DAY OF JUNE, 2010.



STEPHEN P. POUGNET, MAYOR

ATTEST:



JAMES THOMPSON, CITY CLERK