

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



**MINUTES  
WEDNESDAY, MAY 5, 2010  
Council Chamber**

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:10 p.m.

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

**INVOCATION:** Rev. Kevin A. Johnson, Bloom in the Desert, UCC, 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 presented Jim Dunn a Certificate of Recognition for his years of service at the Palm Springs Convention Center.

Mayor Pougnet and the City Council presented Marjorie Conley Aiken a Certificate of Recognition and announced her receipt of the Senior Inspiration Award for the City of Palm Springs.

Mayor Pougnet and the City Council proclaimed May, 2010 as Mental Health Month in the City of Palm Springs.

Mayor Pougnet provided a recap of the recent events in the City of Palm Springs: Mayors Fitness Challenge, PSNIC Annual Picnic, Earthday Event and the Llamas visit to City Hall, and Bike to Work Week.

David Vogel and Lee Grafton presented an overview of the DigiComm Showcase.

Councilmember Mills provided an update on Census 2010.

**REPORT OF CLOSED SESSION:** City Attorney Holland 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:**

Mayor Pougnet requested Item 2.F. be removed from the Consent Calendar for separate discussion and vote, and stated the City Council will take Item 4.C. out of order, to be heard prior to Public Hearings.

Councilmember Foat noted her abstention to the Minutes of April 21, 2010, Consent Calendar Item 2.B., stated she has a business related conflict of interest with respect to Item 2.F., and requested Item 2.E. be removed from the Consent Calendar for separate discussion.

Councilmember Mills requested Items 2.H. and 2.K. be removed from the Consent Calendar for separate discussion.

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

**1. PUBLIC HEARINGS:** None.

The City Council took Item 4.C. out of order.

**4.C. PRESENTATION AND DISCUSSION OF THE DRAFT FISCAL YEAR 2010-11 BUDGET FOR THE GENERAL FUND:**

City Manager Ready and Geoffrey Kiehl, Director of Finance, provided background information as outlined in the preliminary General Fund Budget document dated May 5, 2010.

Councilmember Weigel stated his opposition to the closure of the swimming pool, would request the City Manager return to the City Council with options for re-organizing the Festival of Lights Parade.

Mayor Pro Tem Hutcheson stated his opposition to the proposed closure of the swimming pool, and requested the City Manager review the service to provide the Palm Springs Festival of Lights Parade and the Veteran's Day Parade.

Councilmember Foat commented on the budget process, noted her opposition to the closure of the swimming pool, and restructuring the Palm Springs Festival of Lights Parade.

Councilmember Mills stated his opposition to the closure of the swimming pool, and the restructuring of the City events including the Festival of Lights and the Veteran's Day Parade.

Mayor Pougnet noted the services provided at the swimming pool and requested the Staff look at swimming pool revenues and fees, and requested City staff

review the sponsorship, fundraising, services and contractor to retain the Palm Springs Festival of Lights and the Veteran's Day Parade.

City Manager Ready stated he would bring forth the proposed budget plan ensuring funding and review revenues for the pool.

**PUBLIC COMMENT:**

AVI SCHNELLER, Palm Springs, commented on the proposed closure of the swimming pool, and in opposition to the closure of the facility.

TRACY CONRAD, commented on the proposed closure of the swimming pool, and in opposition to the closure of the facility.

DR. GERALD LIM, Rancho Mirage, commented on the proposed closure of the swimming pool, and in opposition to the closure of the facility.

BILL WICKHAM, Palm Springs, commented on the proposed closure of the swimming pool, and in opposition to the closure of the facility.

SHAHEEN SEYED-EMAMI, Palm Springs, commented on the proposed closure of the swimming pool, and in opposition to the closure of the facility.

SHYON SEYED-EMAMI, Palm Springs, commented on the proposed closure of the swimming pool, and in opposition to the closure of the facility.

WILLIAM MOORE, Palm Springs, commented on the proposed closure of the swimming pool, and in opposition to the closure of the facility.

CODY BELLAMY, commented on the proposed closure of the swimming pool, and in opposition to the closure of the facility.

KEVIN BELLAMY, commented on the proposed closure of the swimming pool, and in opposition to the closure of the facility.

LEIF FREDERICKSEN, commented on the proposed closure of the swimming pool, and in opposition to the closure of the facility.

JACOB REES, commented on the proposed closure of the swimming pool, and in opposition to the closure of the facility.

WYATT WOODWARD, commented on the proposed closure of the swimming pool, and in opposition to the closure of the facility.

TIMOTHY BREITFELLER, Cathedral City, commented on the proposed closure of the swimming pool, and in opposition to the closure of the facility.

TERRY APPLGATE, commented on the proposed closure of the swimming pool, and in opposition to the closure of the facility.

The City Council recessed at 7:18 p.m.  
The City Council reconvened at 7:23 p.m.

MARK AVNER, Palm Springs, commented on the recent Closure of Fire Station No. 5.

DAVID GRAHAM, commented on Item 3.A., and requested the City limit the solicitation in the City.

JEFF SWANSON, Palm Springs, commented on Item 3.A., and requested the City limit the solicitation in the City.

CAROL NIECE, Cathedral City, commented on Item 3.A., and requested the City limit the solicitation in the City.

CLIFF BLACK, commented on Item 3.A., and requested the City limit the solicitation in the City.

TIM HASTING, commented on Item 3.A., and requested the City limit the solicitation in the City.

LOTHAR VASHOLZ, commented on Item 3.A., requested the City limit the solicitation in the City, and provided an update on the activities of the Salvation Army.

JOY MEREDITH, commented on the recent PSNIC Annual Picnic, commented on Item 2.F., stated her support for the Business Improvement District, and requested the City work with the merchants for the Festival of Lights Parade.

JESSIE DANNER, commented on Item 2.F., and spoke in opposition to the Business Improvement District.

**COUNCILMEMBER COMMENTS:** None.

**CITY MANAGER'S REPORT:** City Manager Ready requested Tammy Perezchica, Downtown Administrator, provide an update on the activities in the Downtown and Uptown areas of the City; requested Michele Mician, Sustainability Manager, provide an update on Sustainability; and David Barakian, City Engineer, provide a progress report on the construction of Gateway Park.

**2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.D., 2.G., 2.I., 2.J., and 2.L. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember 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 May 5, 2010, City Council Agenda. **Approved as part of the Consent Calendar.**
- 2.B. APPROVAL OF MINUTES:**  
**ACTION:** Approve the City Council Minutes of April 21, 2010, and April 15, 2010. **Approved as part of the Consent Calendar, noting the abstention of Councilmember Foat on the April 21, 2010 minutes.**
- 2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:**  
**ACTION:** 1) Adopt Resolution No. 22704, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1041524 THROUGH 1041680 IN THE AGGREGATE AMOUNT OF \$884,987.40, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22705, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1041703 THROUGH 1041853 IN THE AGGREGATE AMOUNT OF \$761,314.00, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 22706, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 4-17-10 BY WARRANTS NUMBERED 415630 THROUGH 415670 TOTALING \$74,523.06, LIABILITY CHECKS NUMBERED 1041681 THROUGH 1041702 TOTALING \$145,047.67, FIVE WIRE TRANSFERS FOR \$59,364.02, AND THREE ELECTRONIC ACH DEBITS OF \$1,064,715.49, IN THE AGGREGATE AMOUNT OF \$1,343,650.24, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**
- 2.D. ACCEPT THE RESIGNATION OF ARMANDO RANCANO FROM THE SUSTAINABILITY COMMISSION:**  
**ACTION:** 1) Accept with regret the resignation of Armando Rancano 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.G. PRELIMINARY NOTIFICATION LETTER FOR THE FISCAL YEAR 2009-10 AUDIT FROM CITY AUDITORS LANCE, SOLL & LUNGHARD, LLP:**  
**ACTION:** Receive and file. **Approved as part of the Consent Calendar.**
- 2.I. AMENDMENT NO. 7 TO AGREEMENT NO. A4317 WITH CVAG FOR THE INDIAN AVENUE (NOW INDIAN CANYON DRIVE) / INTERSTATE-10 INTERCHANGE PROJECT (CP 00-14):**  
**ACTION:** 1) Approve Amendment No. 7 to Agreement No. A4317 with CVAG for allocating an additional \$1,364,272 in Regional Measure A

funds and amending the total obligated expenditure to \$18,442,835 for the Indian Avenue (now Indian Canyon Drive) / Interstate-10 Interchange Project (CP 00-14); and 2) Authorize the City Manager to execute all necessary documents. A4317. **Approved as part of the Consent Calendar.**

**2.J. CHANGE ORDER NO. 2 TO AGREEMENT NO. A5943 WITH HARDY & HARPER, INC. FOR THE FISCAL YEARS 2008-09 AND 2009-10 ANNUAL OVERLAY PROJECT IN THE AMOUNT OF \$45,768.50 (CP 08-28):**

**ACTION:** 1) Approve Change Order No. 2 to Agreement No. A5943 with Hardy & Harper, Inc. for the Fiscal Years 2008-09 and 2009-10 Annual Overlay Project in the amount of \$45,768.50; and 2) Authorize the City Manager to execute all necessary documents. A5943. **Approved as part of the Consent Calendar.**

**2.L. COMMUNITY REDEVELOPMENT AGENCY APPROVAL OF AN AGREEMENT WITH THE AGUA CALIENTE BAND OF CAHUILLA INDIANS FOR THE PALM SPRINGS VISITOR INFORMATION CENTER LOCATED AT 2901 NORTH PALM CANYON DRIVE:**

**ACTION:** 1) Approve Agreement No. A5917 with the Agua Caliente Band of Cahuilla Indians for non-exclusive use of the Palm Springs Visitor Information Center located at 2901 North Palm Canyon Drive for the purpose of promoting tourism; and 2) Authorize the Executive Director to execute all necessary documents. A5917. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.E. NORTH AMERICAN SENIOR CIRCUIT SOFTBALL, SENIOR SOFTBALL WORLD SERIES 22ND ANNUAL TOURNAMENT IN SEPTEMBER 2010:**

City Manager Ready and Vicki Oltean, Assistant Director of Parks and Recreation, provided background information as outlined in the staff report dated May 5, 2010.

Councilmember Weigel requested the City Council table the Item to speak with the business and tourism community to raise sponsorship funds to lessen the impact to the City.

**MOTION:** Table the Item. **Motion Councilmember Weigel failed for lack of a second.**

The City Council discussed and/or commented on the following with respect to the event: overall lack of funds for sponsorship and other needs for events for small hotels, the types of City services provided as a part of the sponsorship, delaying the decision and working with hotels and others for partial sponsorship,

possible reduction and/or a limit to the sponsorship, the current commitments by the hotels and local organizations, the likelihood of a multi-year event.

**ACTION:** Approve the allocation of \$25,000 from Economic Development Recovery Fund-Special Events, for in-kind sponsorship of city services and supplies for the North American Senior Circuit Softball (NASCS), Senior Softball World Series 22nd Annual Tournament in September 2010. **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

Councilmember Foat stated she has a business and property ownership related conflict of interest, would not participate in the discussion or the vote, and left Council Chamber.

- 2.F. NOTICE OF INTENT TO MODIFY THE BASIS AND METHOD OF LEVYING ASSESSMENTS AND THE RENEWAL OF THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT AND THE LEVY OF THE FISCAL YEAR 2010-11 ASSESSMENTS AND SETTING THE PUBLIC HEARING FOR JUNE 2, 2010:**  
City Clerk Thompson provided background information as outlined in the staff report dated May 5, 2010.

The City Council discussed and/or commented on the following with respect to the BID: maximum assessment of \$500, providing an opportunity for the merchants to vote to participate in the BID, the total revenue in assessments if the maximum assessment is lowered to \$500.

The City Council briefly tabled the Item for staff to recalculate the proposed revenue from all assessments with the \$500 maximum assessment.

**ACTION:** Adopt Resolution No. 22703, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO MODIFY THE BASIS AND METHOD OF LEVYING ASSESSMENTS AND TO RENEW THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT TO PROVIDE PROMOTIONAL ACTIVITIES IN THE DOWNTOWN AND UPTOWN AREAS OF PALM SPRINGS AND SETTING A PUBLIC HEARING FOR THE ADOPTION OF AN ORDINANCE AND AUTHORIZING THE LEVY OF ASSESSMENTS," *amending Section 6 of the Resolution to provide for a \$500 maximum annual assessment for Category A and Category B businesses and establishments.* **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.H. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1772, AMENDING SECTIONS OF THE PALM SPRINGS MUNICIPAL CODE ADDING BOUTIQUE HOTELS AS HOTELS COVERED BY THE CITY'S HOTEL OPERATIONS INCENTIVE PROGRAM:**

The City Council discussed and/or commented on the following with respect to the Incentive Program: requested staff address if the program retroactive, the purpose of the program for development as opposed to reward those who have already made improvements, requested staff address the establishment of January 1, 2008 date, the amount of funds allocated for the program, the requirement of the hotels to invest at least \$10,000 to qualify, and if the City may have to write a check for the hotel that may be included retroactively.

**ACTION:** Waive further reading and adopt 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 Mayor Pro Tem Hutcheson, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**2.K. APPROVAL OF BRIDGE AESTHETIC DESIGN CONCEPT FOR THE BOGERT TRAIL BRIDGE REHABILITATION (CP 07-03):**

The City Council discussed and/or commented on the following with respect to the bridge design: the elimination of Architectural Advisory Committee review and the recommendation for the Public Arts Commission.

**ACTION:** Approve the preliminary aesthetic design concept (excluding stained treatment of the bridge pier walls) for the Bogert Trail Bridge Rehabilitation (CP 07-03). **Motion Councilmember Weigel, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

**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:**

City Attorney Holland provided background information as outlined in the staff report dated May 5, 2010.

Councilmember Foat commented on the problems with the current solicitation and aggressive solicitation taking place in the City, ensuring the ordinance does not harm groups like the Girl Scouts and the Salvation

Army, the inclusion of religious and political solicitation, distribution of handbills and newspapers, posting on utility polls and vehicles, special permit for a holiday or special event, and the solicitation on private property.

Councilmember Weigel requested staff address solicitation in the median public right-of-way, provide an example of the type of facility that would not be able to prohibit solicitation, requested staff address if the violation is a misdemeanor, and to ensure the Police Department is informed of the modifications.

Mayor Pro Tem Hutcheson stated that aggressive solicitation is bad for businesses and a problem for residents, and stated his support of the ordinance.

Councilmember Mills requested staff address the requirement to post a sign, requested signs be standard and picked-up in the sign ordinance, and requested a modification to 5.48.060 to read City Manager.

**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. 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," *amending Section 5.48.060(a) to read "City Manager."* **Motion Councilmember Weigel, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

#### 4. UNFINISHED BUSINESS:

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

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

No action taken.

##### 4.B. CANNAHELP MEDICAL CANNABIS COLLECTIVE/COOPERATIVE UPDATE:

Tom Wilson, Assistant City Manager, provided a verbal update on the medical cannabis permit for Cannahelp.

No action taken.

**5. NEW BUSINESS:**

**5.A. AIRLINE MARKETING INCENTIVE PROGRAM FUND ALLOCATION TO WEST JET AIRLINES:**

Thomas Nolan, Executive Director of Aviation, provided background information as outlined in the staff report dated May 5, 2010.

**ACTION:** 1) Approve an air service incentive agreement with West Jet Airlines, not to exceed \$30,000, effective June 1, 2010, through August 31, 2010; and 2) Authorize the City Manager to execute all necessary documents. A5973. **Motion Councilmember Foat, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

**5.B. CONSIDERATION OF THE FOURTH OF JULY FIREWORKS DISPLAY CONTRACT:**

City Manager Ready provided background information as outlined in the staff report dated May 5, 2010.

**ACTION:** Deny the award of contract for the Fourth of July Fireworks Display. **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and carried 4-1 on a roll call vote.**

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

**NOES:** Councilmember Weigel.

**COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:**

Councilmember Foat provided an update on the opening at Roy's Desert Resource Center, requested the City Engineer address the center median at Vista Chino and Gene Autry Trail.

Councilmember Weigel requested the City Engineer review the center median at Vista Chino and Gene Autry Trail, and requested staff correct safety issues at the softball field at Demuth Park.

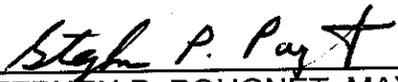
Councilmember Mills requested City staff review code enforcement issues on four properties at the NE corner of Avenida Caballeros and Vista Chino, and announced the upcoming National Day of Prayer.

Mayor Pro Tem Hutcheson outlined some of the features of the Palm Springs Police Department website.

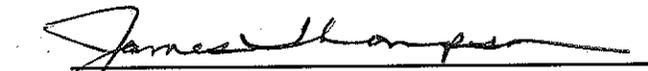
**ADJOURNMENT:** The City Council adjourned at 9:33 p.m. to a Regular Meeting, Wednesday, May 19, 2010, at 6:00 P.M. Council Chamber, City Hall, preceded by a

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  
2<sup>ND</sup> DAY OF JUNE, 2010.**

  
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STEPHEN P. POUGNET, MAYOR

ATTEST:

  
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JAMES THOMPSON, CITY CLERK