

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



**SPECIAL MEETING MINUTES  
WEDNESDAY, JULY 28, 2010  
Council Chamber**

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:00 p.m.

**PUBLIC COMMENT:** None.

**RECESS TO CLOSED SESSION:** The City Council recessed into Closed Session at 6:00 p.m. to discuss one Litigation Item as described on the Special Meeting Agenda.

**RECONVENE TO OPEN SESSION:** The City Council reconvened to Open Session at 6:31 p.m.

**PLEDGE OF ALLEGIANCE:** Mayor Pougnet led the Pledge.

**ROLL CALL:**

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

**ABSENT:** None.

**ALSO PRESENT:** Acting City Manager Wilson, City Attorney Holland, City Clerk Thompson.

**REPORT OF CLOSED SESSION:** City Attorney Holland stated the City Council recessed into Closed Session to discuss one Item as described on the Special Meeting Agenda, and reported the City Council provided the City Attorney with direction and authority with regard to a matter of potential litigation that could be filed against the City.

**ACCEPTANCE OF THE AGENDA:**

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

1. **PUBLIC HEARINGS:** None.

**PUBLIC COMMENT:**

SID CRAIG, commented on Item 4.C., and requested the City Council support AB 2706 regarding hate crimes against homeless persons.

DOUG HAIRGROVE, Palm Springs, commented on Item 5.A., and the meeting with the LGBT Committee and the Palm Springs Police Department.

**COUNCILMEMBER COMMENTS:**

Mayor Pougnet provided a brief report on the successful Christmas in July fundraising event for the Festival of Lights Parade.

Councilmember Foat provided an update on the activities of the Friends of the Palm Springs Animal Shelter, and asked the Community to consider the adoption of Pets at the Animal Shelter.

Mayor Pougnet expressed the City Council's condolences to Councilmember Mills on the loss of Donna Mills and noted the City Council adjourned in her memory at the last meeting.

**CITY MANAGER'S REPORT:** None.

2. **CONSENT CALENDAR:** None.

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

**4.A. CONTINUE THE FACADE IMPROVEMENT PROGRAM AND THE COMMERCIAL INTERIOR REMODEL PROGRAM AND APPROVE AND IMPLEMENT A NEW RESIDENTIAL CONSTRUCTION INCENTIVE PROGRAM AS PART OF THE CITY OF PALM SPRINGS ECONOMIC DEVELOPMENT PLAN:**

Councilmember Foat stated she a tenant in property she owns may have applied for a Facade Improvement Program grant, would not participate in the discussion or the vote and left Council Chamber.

Tom Wilson, Acting City Manager, provided background information as outlined in the staff report dated July 28, 2010.

Mayor Pro Tem Hutcheson stated his support to continue the Facade Improvement Program and the Commercial Interior Remodel Program.

Councilmember Weigel requested staff address if the funding is in the current Budget, stated his support for the Facade Improvement Program, but expressed funding concerns.

Councilmember Mills requested staff address if the Commercial Interior Remodel Program was designated to the Downtown and Uptown area of the City, the status if the Program was approved but not funded.

**ACTION:** Continue the Facade Improvement Program in the amount of \$100,000. **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.

Councilmember Foat returned to the dais.

The City Council continued discussion on the Commercial Interior Remodel Program and the New Residential Construction Incentive Program.

Councilmember Foat requested staff address the types of projects that would qualify for the funding.

Councilmember Weigel requested staff address the obligations of the building owners or tenants for the Commercial Interior Remodel Program.

Mayor Pro Tem Hutcheson provided an example of how the program attracts businesses to the City.

Councilmember Mills requested staff address if the program was a loan or a grant.

**ACTION:** 1) Continue the Commercial Interior Remodel Program in the amount of \$100,000. **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and carried 4-1 on a roll call vote.**

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

**NOES:** Councilmember Mills.

The City Council continued discussion on the proposed New Residential Construction Incentive Program.

Mayor Pougnet commented on the other successful economic programs initiated by the City.

Councilmember Foat requested staff address the number of projects that could qualify for the program, the amount of funding for the program, and if the waiver of in-lieu fees were considered a part of the funding.

Councilmember Mills requested staff address the process to secure the plan check fees in advance when vertical construction may not start for a period of time, the definition of vertical construction for the program, and the plan check component of the fee waiver.

Mayor Pro Tem Hutcheson stated his support for the program, and requested staff return with some kind of concept program for residential foreclosures.

Councilmember Weigel stated his concerns with the program, recommended the plan check component be eliminated from the program, and suggested funding could be used for current quality of life issues in the City.

Mayor Pougnet commented on other means to provide programs and investments such as infrastructure bond, and stated his support for the program.

Councilmember Mills stated waiving fees in arrears may not be beneficial to the applicants, and stated this program will provide positive impact to the property tax base.

Councilmember Foat stated the Hotel Incentive Program has a pay back component to the program, stated this program has no pay back provision by the developers, and requested staff address if a commission reimbursement component was considered a part of the program.

**ACTION:** Approve and initiate a New Residential Construction Incentive Program as part of the City of Palm Springs Economic Development Plan in the amount of \$400,000, *amending the proposed program to add a provision that the waiver of plan check fees may be in arrears.* **Motion Mayor Pougnet, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

**4.B. APPROVE SUPPLEMENTAL FUNDING FOR THE FACADE IMPROVEMENT PROGRAM AND THE COMMERCIAL INTERIOR REMODEL PROGRAM AND INITIAL FUNDING FOR THE NEW RESIDENTIAL CONSTRUCTION INCENTIVE PROGRAM AS PART OF THE CITY OF PALM SPRINGS ECONOMIC DEVELOPMENT PLAN:**

Councilmember Hutcheson stated he is a member of the O'Donnell Golf Club and may have a conflict of interest with respect to the source of the

funds, would not participate in the discussion or vote on the use of the Whitewater Mutual Water Company proceeds, and left Council Chamber.

Tom Wilson, Acting City Manager, provided background information as outlined in the staff report dated July 28, 2010.

By consensus the City Council determined not to use the funds from the sales of the Whitewater Mutual Water Company to fund the programs.

Mayor Pro Tem Hutcheson returned to the dais.

The City Council continued discussion on alternate funding sources.

Councilmember Weigel stated the City has tapped redevelopment funds, and stated his opposition to the use of redevelopment funds as proposed.

Councilmember Foat requested staff address the available redevelopment reserves for funding, recommended reserves for redevelopment, and commented on the merits of the programs.

Mayor Pougnet commented on the merits of the programs, prioritized the programs, and stated his support of the programs.

**ACTION:** 1) Approve supplemental funding from Redevelopment Agency Funds in the amount of \$100,000 for the Facade Improvement Program; 2) Call a \$100,000 portion of the Frances Stevens Park Promissory Note issued by the Community Redevelopment Agency to the City of Palm Springs; 3) Adopt Resolution No. 1408, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2010-11 TO FUND THE FACADE IMPROVEMENT PROGRAM;" and 4) Adopt Resolution No. 22782, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2010-11 TO FUND THE FACADE IMPROVEMENT PROGRAM." **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Mills and carried 3-1 on a roll call vote.**

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

**NOES:** Councilmember Weigel.

**ABSTAIN:** Councilmember Foat.

**ACTION:** 1) Approve supplemental funding from Redevelopment Agency Funds in the amount of \$100,000 for the Commercial Interior Remodel Program; 2) Call a \$100,000 portion of the Frances Stevens Park Promissory Note issued by the Community Redevelopment Agency to the

City of Palm Springs; 3) Adopt Resolution No. 1409, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2010-11 TO FUND THE COMMERCIAL INTERIOR REMODEL PROGRAM;" and 4) Adopt Resolution No. 22783, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2010-11 TO FUND THE COMMERCIAL INTERIOR REMODEL PROGRAM." **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.

**ACTION:** 1) Approve initial funding from Redevelopment Agency Funds in the amount of \$400,000 for the New Residential Construction Incentive Program; 2) Call a \$400,000 portion of the Frances Stevens Park Promissory Note issued by the Community Redevelopment Agency to the City of Palm Springs; 3) Adopt Resolution No. 1410, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2010-11 TO FUND THE NEW RESIDENTIAL CONSTRUCTION INCENTIVE PROGRAM;" and 4) Adopt Resolution No. 22784, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2010-11 TO FUND THE NEW RESIDENTIAL CONSTRUCTION INCENTIVE PROGRAM." **Motion Councilmember Foat, seconded by Councilmember Mills and carried 4-1 on a roll call vote.**

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

**NOES:** Councilmember Weigel.

**4.C. PROPOSED RESOLUTION IN SUPPORT OF AB 2706 (LOWENTHAL) AMENDING THE CAL. CIVIL CODE TO DEEM VIOLENCE AGAINST HOMELESS PEOPLE OR THEIR PROPERTY AS A HATE CRIME FOR CIVIL LITIGATION:**

Lee Husfeldt, Director of Neighborhood and Community Relations, provided background information as outlined in the proposed resolution.

Mayor Pro Tem Hutcheson requested the Police Chief address if the proposed legislation affects the activities of the Police Department.

Councilmember Foat commented on the importance of the legislation and requested the City Council support the Resolution in support.

Councilmember Weigel stated his support for the legislation and hoped additional penalties for criminal activities would be implemented by the Legislature.

**ACTION:** Adopt Resolution No. 22785, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS SUPPORTING CALIFORNIA AB 2706 (LOWENTHAL) AMENDING THE CAL. CIVIL CODE TO DEEM VIOLENCE AGAINST HOMELESS PEOPLE OR THEIR PROPERTY AS A HATE CRIME FOR CIVIL LITIGATION." **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**4.D. APPROVAL OF MINUTES:**

**ACTION:** Approve the City Council/Community Redevelopment Agency Minutes of July 7, 2010. **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and carried 3-0 on a roll call vote.**

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

**NOES:** None.

**ABSTAIN:** Councilmember Weigel and Mayor Pougnet.

**5. NEW BUSINESS:**

**5.A. APPROVE THE CITY COUNCIL JOINT STATEMENT ENDORSING THE POLICE CHIEF'S NEW POLICY WITH RESPECT TO LEWD CONDUCT:**

**ACTION:** Approve the City Council Joint Statement endorsing the Palm Springs Police Department's New Policy with respect to lewd conduct and restrictions pertaining to undercover operations. **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

**5.B. APPOINTMENT OF A CITY COUNCIL SUBCOMMITTEE TO INTERVIEW AND SCREEN CANDIDATES FOR APPOINTMENT TO THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT (BID) ADVISORY BOARD:**

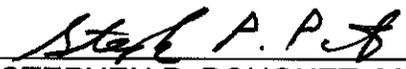
Mayor Pro Tem Hutcheson stated if City funding was available for the BID it should be from the City of Palm Springs Economic Development Program Funding.

**ACTION:** Appoint Mayor Pro Tem Hutcheson and Councilmember Mills to a City Council Subcommittee to interview and screen candidates for appointment to the Palm Springs Business Improvement District Advisory

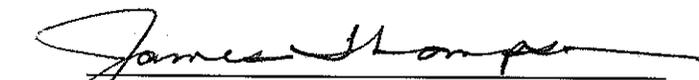
Board. **By consensus of the City Council, noting the abstention of Councilmember Foat.**

**ADJOURNMENT:** The City Council adjourned at 7:37 p.m. to an Adjourned Regular Meeting, Wednesday, September 8, 2010, at 6:00 P.M. Council Chamber, City Hall, preceded by a Closed Session in the Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 8<sup>TH</sup> DAY OF SEPTEMBER, 2010.**

  
\_\_\_\_\_  
STEPHEN P. POGNET, MAYOR

ATTEST:

  
\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK