

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



MINUTES  
WEDNESDAY, JULY 21, 2010  
Council Chamber

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:07 p.m.

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Hutcheson led the Pledge.

**INVOCATION:** Pastor John Kavcak, Our Lady of Solitude, led the Invocation.

**ROLL CALL:**

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

**ABSENT:** Councilmember Foat and Councilmember Mills.

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

**PRESENTATIONS:** David Dominguez, Police Chief provided an update on the recent Police Department activities in the Warm Sands area.

City Manager Ready introduced James Canfield, and congratulated him on his recent appointment as the Executive Director of the Palm Springs Convention Center.

Mayor Pougnet announced the upcoming Christmas in July fundraiser event to benefit the Palm Springs Festival of Lights Parade, and provided an update on the College of the Desert development of the West Valley College of the Desert campus.

The City Council took Item 5.C. out of order and was heard immediately following Presentations.

**REPORT OF CLOSED SESSION:** City Attorney Holland stated that at 4:00 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. City Attorney Holland reported that the City Council provided direction to the City Attorney and the City Labor Negotiator with respect to labor negotiations, otherwise no reportable actions were taken.

**ACCEPTANCE OF THE AGENDA:**

City Clerk Thompson stated staff has requested that Item 4.A. be withdrawn from the Agenda.

Mayor Pro Tem Hutcheson requested Items 2.K., 2.O., 2.W., and 2.X. be removed from the Consent Calendar for separate discussion.

Councilmember Weigel requested Item 2.S. be removed from the Consent Calendar, and noted his abstention on Item 2.B., July 7, 2010 Minutes.

Mayor Pougnet noted his abstention on Item 2.B., July 7, 2010 Minutes.

City Clerk Thompson requested the City Council table Items 2.B. and 2.S. to September 8, 2010.

**ACTION:** Accept the Agenda as amended. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Weigel and unanimously carried 3-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Foat and Councilmember Mills.

**1. PUBLIC HEARINGS:**

**1.A. TRAVIS COMPANIES, INC. APPEAL OF THE PLANNING COMMISSION DECISION TO DENY A CONDITIONAL USE PERMIT AND VARIANCE FOR THE CONSTRUCTION AND OPERATION OF A GASOLINE SERVICE STATION WITHIN THE RIMROCK PLAZA AT THE SOUTHEAST CORNER OF EAST PALM CANYON DRIVE (HIGHWAY 111) AND MATTHEW DRIVE (4701 EAST PALM CANYON DRIVE) (CASE 5.1241 CUP & 6.521 VAR):**

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

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

BRIAN BRAATAN, Representing Applicant, outlined the history of the proposed project through the Planning Commission and the Architectural Advisory Committee, commented on the size of the proposed project, stated this was a phase of the recent remodel of the Vons and the Rimrock Plaza, commented on the economics of the project, the support by staff, and requested the design consultant outline the design changes to the project as requested by the AAC.

KARL HUY, Travis Companies, Inc., outlined the changes in design as requested by the AAC and the Planning Commission, stated the Applicant is willing to reduce the height of the canopy and the service building, and stated the Applicant is in full support of the proposed Conditions of the Approval for the project.

LANCE CALDWELL, stated his concerns with the environmental impact of the service station to the adjoining neighborhood and expressed concerns over the lighting of the project.

HAL CASTLE, commented on the customer service at Vons and concerns with the gas station operations.

HELEN HYDE, commented on the proximity of the gas station to the community and surrounding neighborhood, commented on ingress and egress with large delivery vehicles, the proximity to the closest fire station, and requested the City Council deny the appeal and the project.

KATE CASTLE, commented on the issues of sight, sounds and smells with the project, and requested the City Council deny the appeal of the CUP and the variance.

MARCIA DELANDO, Palm Springs, commented on the petition submitted by Vons and requested the City Council deny the CUP and the variance.

JOHN KARAS, Palm Springs, commented on the process.

SID CRAIG, stated his opposition to the project and commented on the lighting, the condition and size of the streets and traffic, and requested the City Council deny the project.

BRIAN BRAATAN, Rebuttal, commented on the other fueling stations operated by Vons, the community service and donations provided by Vons, stated the lighting plan meets the City ordinances, the fuel trucks and noise, the proximity to the closest fuel station, and the proximity to the nearest residence.

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

Mayor Pro Tem Hutcheson requested the Applicant address the landscaping and berm around the project.

Councilmember Weigel requested the Applicant address the design and size of the kiosk.

Mayor Pro Tem Hutcheson commented on the overall conditions at the Rimrock Center, and stated his support to overturn the Planning Commission decision.

Councilmember Weigel stated he is in support of Mayor Pro Tem Hutcheson, stated the use is proper for the location, but stated his

concerns with the design and the kiosk building, and stated his support for overturning the decision of the Planning Commission.

Mayor Pougnet commented on the prior public hearings and commitment of Vons, and stated he would need additional information before he could entertain overruling the appeal.

**MOTION:** 1) Grant the Appeal by the Travis Companies, approve a Conditional Use Permit and Variance for the construction and operation of a gasoline service station within the Rimrock Plaza (Case No. 5.1241 CUP and 6.521 VAR); and 2) Direct staff to prepare a Resolution and Conditions of Approval for such action. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Weigel and failed 2-1 on a roll call vote.**

**AYES:** Councilmember Weigel and Mayor Pro Tem Hutcheson.

**NOES:** Mayor Pougnet.

**ABSENT:** Councilmember Foat and Councilmember Mills.

**ACTION:** 1) Continue the Public Hearing to September 8, 2010; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Hutcheson and unanimously carried 3-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Foat and Councilmember Mills.

The City Council recessed at 7:24 p.m.

The City Council reconvened at 7:30 p.m.

**1.B. THE LOFTIN FIRM FOR PALM SPRINGS VIEW ESTATES MOBILE HOME PARK TENTATIVE TRACT MAP 34627, FOR THE CONVERSION OF AN EXISTING 184 UNIT RENTAL MOBILE HOME PARK INTO A CONDOMINIUM PARK FOR RESIDENT OWNERSHIP LOCATED AT 6300 BOLERO ROAD:**

City Attorney Holland provided background information as outlined in the staff report dated July 21, 2010.

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

THOMAS CASPERIAN, Representing Applicant, provided background information and history of the project, and the subsequent actions by the Court, and stated the application must be approved should all the

requirements in the code be met, and stated the Applicant has complied with all codes and conditions.

SUE LOFTIN, Applicant, commented on the discretion of City Council in such an action, commented on funding for low income, the options for current residents and current law pertaining to current residents, and requested the City Council approve the TTM with the revised conditions.

CARL HACKLER, Palm Springs, commented on the history, the complaints and concerns of the residents, stated no homeowners will purchase the lot, and requested the City Council assist the residents in the next steps of the process.

ERMA ORSINO, Palm Springs, commented on Fair Housing and other equal protection laws that are being violated.

BILL LAPOINTE, requested the City Council pass along all the reasons for turning the project down to the other agencies who must rule on this application.

DICK MATHEWS, stated his support for the establishment of a reserve account for necessary capital systems such as sewer, electrical and roads, and requested the City Council refer on-site inspection of the property and the amount of the reserve account to other agencies, and request such restrictions by other agencies such as the Department of Real Estate.

CLEMENT LUMLEY, stated he has only been at the park for one-year, and was never informed of a conversion, and stated the residents should not purchase without disclosures from the owners of the park.

MELINDA WOOLLEY, commented on the low income residents in the park and the inability to purchase the lot.

ANNE MACINA, Palm Springs, commented on the lighting systems in the park, the pulling of the fire and police department inspections, the timing of the hearing, and the problems with the similar El Dorado Park.

TOM BENNETT, Palm Springs, commented on the conditions of the park, and the lack of options for residents.

SUE LOFTIN, Rebuttal, clarified that nothing is being offered for sale, stated the reserves is a signification process and component within the DRE process along with the physical inspections by the DRE, and reiterated the options for current residents, and requested the City Council approve the TTM with the revised conditions.

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

Mayor Pro Tem Hutcheson requested the City Manager prepare a report for any assistance to residents, and requested the City Attorney address if the City can inspect the property.

Councilmember Weigel requested the Applicant address the options for current residents, disclosures, commented on the lack of communication between the owners and residents, and requested the City Attorney address new information being submitted as for a denial of the TTM.

Mayor Pougnet requested the City Attorney address Fair Labor laws and standards that may apply to the circumstances, commented on the process and the status of the El Dorado Park.

**ACTION:** Adopt Resolution No. 22760, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 34627 FOR THE CONVERSION OF AN EXISTING 184 SPACE RENTAL MOBILE HOME PARK TO A CONDOMINIUM PARK FOR RESIDENT OWNERSHIP LOCATED AT 6300 BOLERO ROAD IN THE R-MHP (MOBILEHOME PARK) ZONE SECTION 29." **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Weigel and unanimously carried 3-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Foat and Councilmember Mills.

**1.C. COMMUNITY REDEVELOPMENT AGENCY SALE OF REAL PROPERTY LOCATED AT 342 NORTH PALM CANYON DRIVE TO CADENCE DEVELOPMENT, LLC IN THE AMOUNT OF \$585,000 IN MERGED PROJECT AREA NO. 1:**

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

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

**ACTION:** Adopt Resolution No. 1405, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AGREEMENT FOR THE SALE OF REAL PROPERTY AND ESCROW INSTRUCTIONS WITH CADENCE DEVELOPMENT, LLC FOR PROPERTY LOCATED AT 342 NORTH PALM CANYON DRIVE (CORK 'N BOTTLE) IN MERGED PROJECT AREA NO. 1 FOR THE PURPOSE OF REHABILITATION AND

RENOVATION IN THE AMOUNT OF \$585,000." A5986. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Weigel and unanimously carried 3-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Foat and Councilmember Mills.

**1.D. ANNUAL LEVY OF ASSESSMENTS FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS FOR FISCAL YEAR 2010-11:**

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

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

**ACTION:** 1) Adopt Resolution No. 22761, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2010-11 FOR THE PALM SPRINGS STREET LIGHTING MAINTENANCE DISTRICT NO. 3."

2) Adopt Resolution No. 22762, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2010-11 WITHIN THE PALM SPRINGS STREET LIGHTING MAINTENANCE DISTRICT NO. 3."

3) Adopt Resolution No. 22763, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2010-11 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6A."

4) Adopt Resolution No. 22764, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2010-11 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6A."

5) Adopt Resolution No. 22765, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2010-11 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6C."

6) Adopt Resolution No. 22766, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2010-11 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6C."

7) Adopt Resolution No. 22767, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2010-11 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 7."

8) Adopt Resolution No. 22768, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2010-11 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 7."

9) Adopt Resolution No. 22769, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2010-11 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 8."

10) Adopt Resolution No. 22770, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2010-11 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 8."

11) Adopt Resolution No. 22771, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2010-11 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 9."

12) Adopt Resolution No. 22772, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2010-11 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 9."

13) Adopt Resolution No. 22773, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY

REPORT FOR FISCAL YEAR 2010-11 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 10, ZONE 1 AND ZONE 2."

14) Adopt Resolution No. 22774, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2010-11 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 10, ZONE 1 AND ZONE 2."

15) Adopt Resolution No. 22775, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2010-11 FOR THE PALM SPRINGS LANDSCAPE MAINTENANCE DISTRICT NO. 12."

16) Adopt Resolution No. 22776, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2010-11 WITHIN THE PALM SPRINGS LANDSCAPE MAINTENANCE DISTRICT NO. 12." **Motion Councilmember Weigel, seconded by Mayor Pro Tem Hutcheson and unanimously carried 3-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Foat and Councilmember Mills.

**PUBLIC COMMENT:**

EMILY HEMPHILL, commented on Item 2.Z. and requested the City Council approve the agreement.

STEPHEN BOYD, provided an update on the Friends of the Animal Shelter and presented a \$50,000 to the City for use of building the new animal shelter.

KAREN TABBAH, Palm Springs, commented on a recent experience with the Building Department and trying to obtain a building permit.

LEO BEENE, Palm Springs, commented on the security at the City parks.

STEVE ROSENBERG, commented on the Items pertaining to the Airport on the Agenda.

JOY MEREDITH, requested the City Council support Item 2.T. and 2.D. and requested the City Council support Item 2.W. and fund \$50,000 to the BID.

JESSE DANNER, commented on Item 2.D. and requested the City Council dissolve the BID.

BORIS ROSE, commented on Item 2.D. and requested the City Council dissolve the BID.

RODOLFO CASTILLO, commented on Item 2.D., BID, and requested the City Council support a \$50,000 contribution toward marketing of the Downtown.

#### **COUNCILMEMBER COMMENTS:**

Mayor Pro Tem Hutcheson requested the City staff respond to Karen Tabbah's issue with the Building Department.

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

#### **CITY MANAGER'S REPORT:**

City Manager Ready reported that payments to the BID are voluntary and will not be on the business license bill.

Michele Mician, Sustainability Manager, provided a report on grant received for an electric vehicle pilot program.

Mayor Pro Tem Hutcheson stated the report addressed his questions with respect to Item 2.O., and requested the Item be placed back on the Consent Calendar.

#### **2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A., 2.C., 2.D., 2.E., 2.F., 2.G., 2.H., 2.J., 2.L., 2.M., 2.N., 2.O., 2.P., 2.Q., 2.R., 2.T., 2.U., 2.V., 2.Y., and 2.Z. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Weigel and unanimously carried 3-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Foat and Councilmember Mills.

#### **2.A. REPORT ON POSTING OF THE AGENDA:**

**ACTION:** Receive and file Report on the Posting of the July 21, 2010, City Council Agenda. **Approved as part of the Consent Calendar.**

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

**ACTION:** 1) Adopt Resolution No. 22777, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS

NUMBERED 1042969 THROUGH 1043036 IN THE AGGREGATE AMOUNT OF \$396,584.82, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22778, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 6-26-10 BY WARRANTS NUMBERED 415866 THROUGH 415906 TOTALING \$55,033.44, LIABILITY CHECKS NUMBERED 1043037 THROUGH 1043056 TOTALING \$150,236.64, FIVE WIRE TRANSFERS FOR \$434,361.83, AND THREE ELECTRONIC ACH DEBITS OF \$1,500,569.66, IN THE AGGREGATE AMOUNT OF \$2,140,201.57, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

**2.D. PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT (BID), TAKING NO ACTION ON THE FISCAL YEAR 2010-11 ASSESSMENTS, AND AUTHORIZING VOLUNTARY PAYMENTS TO THE BID FOR FISCAL YEAR 2010-11:**

**ACTION:** Adopt Resolution No. 22779, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECITING THE FACT OF THE PROTEST PROCEEDINGS FOR THE LEVY AND ASSESSMENT OF THE FISCAL YEAR 2010-11 PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT, TAKING NO ACTION ON THE PROPOSED LEVY FOR FISCAL YEAR 2010-11, AND OTHER ADMINISTRATIVE MATTERS AS REQUIRED." **Approved as part of the Consent Calendar.**

**2.E. AMENDMENT NO. 1 TO AGREEMENT NO. A5924 WITH ESCALANTE ARCHITECTS ADDING CIVIL ENGINEERING SERVICES FOR THE WELWOOD MURRAY MEMORIAL LIBRARY:**

**ACTION:** 1) Approve Amendment No. 1 to Agreement No. A5924 with Escalante Architects adding civil engineering services to the Welwood Murray Memorial Library project design contract not to exceed \$8,500; and 2) Authorize the City Manager to execute all necessary documents. A5924. **Approved as part of the Consent Calendar.**

**2.F. SOFTWARE MAINTENANCE AGREEMENT FOR WEB BASED REGISTRATION FOR PROGRAMS AND FACILITY RENTALS:**

**ACTION:** 1) Approve a software maintenance and usage agreement in a form acceptable to the City Attorney for a three (3) year term with The Active Network, Inc. for their web based registration, facility rentals, etc. proprietary system in an amount not to exceed \$43,200; and 2) Authorize the City Manager to execute all necessary documents. A6001. **Approved as part of the Consent Calendar.**

**2.G. WASTEWATER TREATMENT PLANT PERIMETER FENCE (CP 08-11):**

**ACTION:** 1) Approve an agreement with Moore Fence Company, Inc., in the amount of \$324,839.03 for the Wastewater Treatment Plant Perimeter

Fence (CP 08-11); 2) Authorize the City Manager to execute all necessary documents; and 3) Authorize the Director of Public Works/City Engineer to issue a Notice to Proceed for Veolia West Operating Services, Inc., in the amount of \$43,056.48 for construction administration and inspection of the Wastewater Treatment Plant Perimeter Fence (CP 08-11). A6002.  
**Approved as part of the Consent Calendar.**

**2.H. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF INDIO TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING JUNE 30, 2013:**

**ACTION:** Reappoint Jack Horner, as the City of Indio representative to the Palm Springs Airport Commission for the term ending June 30, 2013.  
**Approved as part of the Consent Calendar.**

**2.J. PROPOSED RESOLUTION IN SUPPORT OF THE MISSION SPRINGS WATER DISTRICT GROUNDWATER QUALITY PROTECTION PROJECT:**

**ACTION:** Adopt Resolution No. 22780, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUPPORTING THE MISSION SPRINGS WATER DISTRICT GROUNDWATER QUALITY PROTECTION PROJECT." **Approved as part of the Consent Calendar.**

**2.L. JOINT ITEM CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY WITH RESPECT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 33130 REDEVELOPMENT AREA PROPERTY DISCLOSURES:**

**ACTION:** Receive and file the California Health and Safety Code Section 33130 Project Area Property Disclosures for Planning Commissioner Philip Klatchko [no reportable interests]. **Approved as part of the Consent Calendar.**

**2.M. AMENDMENT NO. 2 TO AGREEMENT NO. A5900 THE CONSTRUCTION COOPERATIVE AGREEMENT RELATED TO THE INDIAN CANYON DRIVE AT INTERSTATE 10 INTERCHANGE PROJECT (CP 00-14):**

**ACTION:** 1) Approve Amendment No. 2 to Agreement No. A5900, a Construction Cooperative Agreement with the State of California Department of Transportation ("Caltrans") and the County of Riverside, related to the Indian Canyon Drive at Interstate 10 Interchange Project (CP 00-14); and 2) Authorize the City Manager to execute all necessary documents. A5900. **Approved as part of the Consent Calendar.**

**2.N. AWARD OF IFB 10-09 FOR PALM TREE TRIMMING AT VARIOUS LOCATIONS IN THE CITY OF PALM SPRINGS:**

**ACTION:** 1) Award a purchase order contract for Bid (IFB) 10-09, Schedule A, the base bid per our existing practice for Palm Tree Trimming

at various locations in the City of Palm Springs to Mariposa Landscapes, Inc. based on unit prices per tree for a projected cost of \$74,252.00; and 2) Award a purchase order contract for Schedule B for additional trimming (cleanly shearing frond skirts of California Fan Palms to 12' clearance and removal of dry fronds and skinning of Mexican Fan Palms in designated sections of North and South Palm Canyon Drive and the City Parks and Facilities) to Mariposa Landscapes, Inc. on unit prices per tree for a projected cost of \$30,363.00. **Approved as part of the Consent Calendar.**

**2.O. PROPOSED RESOLUTION IN SUPPORT OF THE CALIFORNIA CLEAN CARS PROGRAM:**

**ACTION:** 1) Adopt Resolution No. 22781, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUPPORTING THE CALIFORNIA AIR RESOURCES BOARD'S LEADERSHIP IN PROMOTING CLEAN AND ENERGY EFFICIENT MOTOR VEHICLES, ENERGY INDEPENDENCE, ZERO EMISSION TECHNOLOGIES AND IMPROVED QUALITY OF LIFE IN CALIFORNIA;" and 2) Authorize the Office of Sustainability to file the Resolution with the California Air Resources Board. **Approved as part of the Consent Calendar.**

**2.P. GREENHOUSE GAS EMISSION INVENTORY AGREEMENT WITH MICHAEL BRANDMAN ASSOCIATES IN THE AMOUNT OF \$35,920:**

**ACTION:** 1) Approve an agreement with Michael Brandman Associates for a green house gas emissions inventory, modeling, and report at the Community and Government sector levels in a form approved by the City Attorney in the amount of \$35,920; and 2) Authorize the City Manager to execute all necessary documents. A6003. **Approved as part of the Consent Calendar.**

**2.Q. AIRPORT IMPROVEMENT PROJECT FEDERAL GRANT IN THE AMOUNT OF \$195,226 FOR PERIMETER FENCE IMPROVEMENTS PROFESSIONAL SERVICES:**

**ACTION:** 1) Authorize the City Manager to accept Federal Aviation Administration (FAA) Grant No. 3-06-0181-XX in the amount of \$195,226 for Perimeter Fence Improvements - Design and Construction Phase Services; 2) Authorize the City Manager to execute all necessary documents. A6004. **Approved as part of the Consent Calendar.**

**2.R. AIRPORT IMPROVEMENT PROJECT FEDERAL GRANT MASTER PLAN ENVIRONMENTAL PHASE:**

**ACTION:** 1) Authorize the City Manager to accept Federal Aviation Administration (FAA) Grant No. 3-06-0181-XX in the amount of \$500,000 for the Airport Master Plan Environmental Phase; 2) Authorize the City Manager to execute all necessary documents. A6005. **Approved as part of the Consent Calendar.**

- 2.T. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1778, EXTENDING THE TERM FOR PORTABLE "OPEN" SIGNS IN COMMERCIAL ZONES:**  
**ACTION:** Waive further reading and adopt Ordinance No. 1778, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 3 OF ORDINANCE NO. 1744 (RELATING TO PALM SPRINGS ZONING CODE SECTION 93.20.09.B.5, PORTABLE OPEN SIGNS) BY EXTENDING THE PROVISIONS OF ORDINANCE NO. 1744 TO OCTOBER 3, 2012." **Approved as part of the Consent Calendar.**
- 2.U. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1779 RELATING TO CLAIMS FOR RECOVERY OF TAXES:**  
**ACTION:** Waive further reading and adopt Ordinance No. 1779, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTIONS 3.16.011, 3.16.012, AND 3.16.013 TO, AMENDING SUBSECTION (8) OF SECTION 3.24.020 OF, AND REPEALING SECTIONS 3.24.130 AND 3.32.216 OF, THE PALMS SPRINGS MUNICIPAL CODE, RELATING TO CLAIMS FOR RECOVERY OF TAXES." **Approved as part of the Consent Calendar.**
- 2.V. AGREEMENT WITH UNITED PAVING FOR THE SAN LORENZO SHOULDER PAVING PROJECT IN THE AMOUNT OF \$64,351 (CP 08-05):**  
**ACTION:** 1) Approve an agreement with United Paving for the San Lorenzo Shoulder Paving Project in the amount of \$64,351 (C08-05); and 2) Authorize the City Manager to execute all necessary documents. A6006. **Approved as part of the Consent Calendar.**
- 2.Y. PURCHASE, SITE PREPARATION, AND INSTALLATION OF A NEW FIRE DEPARTMENT 36' x 60' MODULAR CLASSROOM:**  
**ACTION:** 1) Approve the purchase of a 36' x 60' modular classroom from Pacific Mobile Structures, Inc. in the amount of \$116,995.00, inclusive of all taxes, delivery and setup costs; 2) Approve a contract for the removal of the existing modular building, asbestos abatement and site preparation for the new 36' x 60' modular classroom located at 3000 East Alejo Road, with Simon Contracting in the amount of \$28,700; 3) Approve the cost of relocating the existing electrical service to a new 400 amp pedestal by Southern California Edison in the amount of \$2,623.52; and 4) Authorize the City Manager to execute all necessary documents, subject to review and approval by the City Attorney. A6007. **Approved as part of the Consent Calendar.**

**2.Z. REIMBURSEMENT AGREEMENT RELATED TO SUBDIVISION IMPROVEMENTS FOR TRACT NO 30046 BETWEEN THE CITY OF PALM SPRINGS AND RIDGEBACK MONTE SERENO, LLC:**

**ACTION:** 1) Approve a Reimbursement Agreement for Subdivision Improvements for Tract No. 30046, between the City of Palm Springs and Ridgeback Monte Sereno, LLC; and 2) Authorize the City Manager to execute all necessary documents. A6008. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.B. APPROVAL OF MINUTES:**

Tabled to September 8, 2010.

**2.I. PALM SPRINGS ANIMAL CARE FACILITY VALUE ENGINEERING, AGREEMENT NO. A5976 WITH W.E. O'NEIL CONSTRUCTION CO., (CP 07-24):**

**ACTION:** 1) Authorize the City Manager to approve additional Value Engineering cuts during the months of July and August, 2010, up to an aggregate amount of \$700,000; and 2) Authorize the City Manager to execute all necessary documents. A5976. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Hutcheson and unanimously carried 3-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Foat and Councilmember Mills.

**2.K. 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:**

Mayor Pro Tem Hutcheson questioned if the Bill would inhibit the efforts of the Police Department, and suggested the City Council table the Item to September 8, 2010.

**ACTION:** Tabled to September 8, 2010. **By consensus of the City Council.**

**2.S. APPROVE THE THIRD PERMIT FOR THE OPERATION OF A MEDICAL CANNABIS COLLECTIVE/COOPERATIVE TO ORGANIC SOLUTIONS OF THE DESERT AT 560 WILLIAMS ROAD (CASE NO. MC 09-002):**

Tabled to September 8, 2010.

**2.W. REQUEST FROM MAIN STREET PALM SPRINGS TO FUND \$50,000 FROM THE ECONOMIC DEVELOPMENT PLAN FOR THE PURPOSE OF**

**PROVIDING MARKETING AND PROMOTIONAL ACTIVITIES IN THE DOWNTOWN AND UPTOWN AREAS IN FISCAL YEAR 2010-11:**

Mayor Pro Tem Hutcheson requested a City Council subcommittee be formed to interview candidates for the BID Board, and suggested the BID Board review the request for funding.

**ACTION:** Direct staff to place the appointment of the City Council Subcommittee on the September 8, 2010 Agenda. **By consensus of the City Council.**

**2.X. REQUEST FROM THE GROUP FOR A \$10,000 SPONSORSHIP FROM THE ECONOMIC DEVELOPMENT PLAN TO SUPPORT FIESTA DAYS IN PALM SPRINGS TO BE HELD SEPTEMBER 18 AND 19, 2010:**

Mayor Pro Tem Hutcheson requested the City Council consider sponsorship of the event, at a minimum of \$5,000.

**ACTION:** Authorize the City Manager to secure funding and sponsorship of the event in the amount of \$5,000. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Weigel and unanimously carried 3-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Foat and Councilmember Mills.

**3. LEGISLATIVE:** None.

**4. UNFINISHED BUSINESS:**

**4.A. CITY MANAGER'S SIX MONTH UPDATE ON THE ECONOMIC RECOVERY AND DEVELOPMENT PLAN:**

Withdrawn from the Agenda at the request of staff.

**5. NEW BUSINESS:**

**5.A. APPOINTMENT OF VARIOUS COMMISSIONERS AND BOARD MEMBERS AS PART OF THE 2010 ANNUAL RECRUITMENT PROCESS:**

City Clerk Thompson provided background information as outlined in the Memorandum dated July 21, 2010.

**ACTION:** VillageFest Board: 1) Reappoint Robert Silverman to the VillageFest Board for the term ending June 30, 2013; and 2) Continue to accept applications for the VillageFest Board to fill the remaining four vacancies. Human Rights Commission: 1) Reappoint Jerry Trussell and Sidney Craig to the Human Rights Commission for the term ending June 30, 2013; and 2) Appoint Jack Newby to the Human Rights Commission

for the term ending June 30, 2013. Administrative Appeals Board: 1) Reappoint William Johnson to the Administrative Appeals Board for the term ending June 30, 2013; and 2) Appoint Ted Grofer to the Administrative Appeals Board for the term ending June 30, 2013. Library Board: 1) Reappoint David Gray to the Library Board for the term ending June 30, 2013; 2) Appoint Anthony Ellerd to the Library Board for the term ending June 30, 2013; and 3) Appoint Mark Zacovic to the Library Board for the term ending June 30, 2012. Personnel Board: 1) Appoint Larry Smith to the Personnel Board for the term ending June 30, 2013. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Hutcheson and unanimously carried 3-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Foat and Councilmember Mills.

**5.B. PROFESSIONAL SERVICES AGREEMENT WITH CHEVRON ENERGY SOLUTIONS COMPANY FOR THE CITYWIDE ENERGY MANAGEMENT PROJECT (CP 09-05):**

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

**ACTION:** 1) Approve an agreement with Chevron Energy Solutions, a division of Chevron USA, Inc., for energy management services for the Citywide Energy Management Project (CP 09-05); 2) Provide direction on the use of energy savings (maximization of general fund savings versus maximization of energy efficiency measures paid for with energy efficiency savings); 3) Provide direction on the use of solar photo-voltaic power at the Airport and City Hall parking lots as one available option to generate additional power to meet demand; and 4) Authorize the City Manager to execute all necessary documents. A6009. **Motion Mayor Pougnet, seconded by Councilmember Weigel and unanimously carried 3-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Foat and Councilmember Mills.

The City Council heard Item 5.C. out of order following presentations.

**5.C. PURCHASE OF REAL PROPERTY FROM THE BUREAU OF LAND MANAGEMENT, 119.3 ACRES LOCATED AT THE NORTHWEST**

**CORNER OF TRAMVIEW ROAD AND INDIAN CANYON DRIVE, IN MERGED PROJECT AREA 1, FOR THE AMOUNT OF \$2,102,000:**

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

Mayor Pro Tem Hutcheson commented on the importance of the project to the diversification of the City and the local economy.

**ACTION:** 1) Adopt Resolution No. 1406, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE DIRECT PURCHASE OF 119.3 +/- ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF TRAMVIEW ROAD AND NORTH INDIAN CANYON DRIVE FROM THE BUREAU OF LAND MANAGEMENT FOR \$2,102,000; APPROVING THE PROPERTY TRANSFER AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY AND THE DESERT COMMUNITY COLLEGE DISTRICT, AND APPROVING THE INITIAL STUDY NEGATIVE DECLARATION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT;" 2) Adopt Resolution No. 1407, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROPRIATING \$2,102,000 FROM FUND BALANCE IN MERGED PROJECT AREA NO. 1;" and 3) Authorize the Executive Director to execute all necessary documents. A6010. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Hutcheson and unanimously carried 3-0 on a roll call vote.**

**AYES:** Councilmember Weigel and Mayor Pro Tem Hutcheson.

**NOES:** Mayor Pougnet.

**ABSENT:** Councilmember Foat and Councilmember Mills.

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

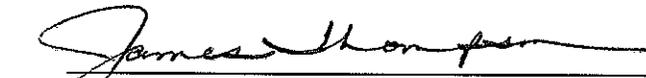
Mayor Pougnet announced the upcoming birthday of the City Manager, and stated Councilmember Mills' mother Donna Mills passed, and requested the City Council adjourn in her memory.

**ADJOURNMENT:** The City Council adjourned at 9:08 p.m., *in memory of Donna Mills*, 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  
28<sup>TH</sup> DAY OF JULY, 2010.

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

ATTEST:

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