

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



**MINUTES
WEDNESDAY, SEPTEMBER 8, 2010
Council Chamber**

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

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

INVOCATION: Rev. Dr. Michael Kearney, Center for Spiritual Living, Palm Springs, 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 introduced Nona Watson, the recently appointed CEO of the Palm Springs Chamber of Commerce.

Fire Chief Goetz provided an update on the new emergency generator installation at City Hall.

Mayor Pougnet announced the City was designated with the Crystal Eagle Award from the California Association of Downtowns for physical improvements in Downtown Palm Springs.

Mayor Pougnet provided an update on the recent Christmas in July fundraising event, to provide community funding for the upcoming Festival of Lights Parade, announced the upcoming Veterans Day Parade, and provided an update on the recent James O. Jessie Center Open House and improvements.

Councilmember Weigel provided an update on the opening day of school at St. Theresa Elementary School in Palm Springs.

Mayor Pougnet and the City Council proclaimed September 2010, as Latino Heritage Month in the City of Palm Springs, provided Certificates of Appreciation to four Latino honorees, and announced the upcoming Fiesta Days event in the City.

Police Chief Dominguez announced the recent promotions at the Police Department: Lieutenant Abraham Tokier, Sergeant Frank Browning, Sergeant Melissa Desmarais and Sergeant Kyle Stjerne, and recognized Palm Springs Police Explorer Post 466 for their outstanding performance.

REPORT OF CLOSED SESSION: City Attorney Holland reported the meeting was called to order at 4:15 p.m. 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 Pro Tem Hutcheson noted his business related abstention on Consent Calendar Item 2.U.

Councilmember Mills requested Items 2.J., 2.N., and 2.S be removed from the Consent Calendar for separate discussion, noted a correction in the July 21, 2010 Minutes and noted his abstention on the July 21, 2010 Minutes.

Councilmember Foat noted her abstention to the Minutes of July 21, 2010, and requested Items 2.Q. and 2.U. be removed from the Consent Calendar for separate discussion.

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

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 September 8, 2010.

The Public Testimony portion of the Public Hearing was closed on July 21, 2010.

Councilmember Mills requested architecture issues identified in the staff report on Page 3, No. 2, No. 3, and No. 8 be revisited, stated his support for the project and requested the architecture of the building be improved, and requested the City Council request the architecture approval be reviewed from a design standpoint by AAC and staff.

Mayor Pro Tem Hutcheson questioned if the City Council should provide some direction on the architecture.

Councilmember Foat requested the City Council consider adding a condition of approval requiring an electric vehicle charging station.

MOTION: Direct staff to prepare a Resolution granting the appeal of the Travis Companies, approving a Conditional Use Permit and Variance with conditions of approval, *including a condition for the City Council to review the final architecture prior to final approval*, for the construction and operation of a gasoline service station within the Rimrock Plaza. **Motion Councilmember Foat, failed for lack of second.**

ACTION: Direct staff to prepare a Resolution granting the appeal of the Travis Companies, approving a Conditional Use Permit and Variance with conditions of approval, *including a condition for the AAC and City Staff to review the final architecture prior to final approval*, for the construction and operation of a gasoline service station within the Rimrock Plaza. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Hutcheson 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.

1.B. APPLICATION FOR A MULTI-AGENCY ENTERPRISE ZONE DESIGNATION TO THE STATE OF CALIFORNIA, DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT:

Cathy Van Horn, Economic Development Administrator, provided background information as outlined in the staff report dated September 8, 2010.

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

ACTION: Adopt Resolution No. 22786, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE STATE OF CALIFORNIA, DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, FOR DESIGNATION OF THE DESERT CITIES ENTERPRISE ZONE IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT." **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

1.C. PROPOSED ESTABLISHMENT OF A CONTRACTUAL ASSESSMENT PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES AND ENERGY AND WATER EFFICIENCY IMPROVEMENTS:

ACTION: 1) Continue the Public Hearing to September 22, 2010, with no public testimony at this time; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

JIM CAMPER, spoke on Item 2.N., and requested the City Council approve the permit for Organic Solutions of the Desert.

DIANE BLASDEL, spoke on Item 2.N., and requested the City Council approve the permit to Organic Solutions of the Desert.

DIANE ROSS, thanked the City Council and staff for the abatement nuisance at 1091 Paseo de Marcia, noted the improvements to the property, and commented on the recent CPR training by Fire Department.

CHARLES SACHS, Palm Springs, commented on the removal of trees at Casa de Oro.

STEVE ROSENBERG, commented on the City Council approval of Items 1.A. and 1.B.

JOY MEREDITH, commented on the recent Crystal Eagle Award to the City.

COUNCILMEMBER COMMENTS:

Mayor Pougnet commented on the progress in the Downtown and Uptown areas in the City of Palm Springs.

Councilmember Foat read a letter received by the City commenting on the positive experience with the Building Department and announced the Desert Water Agency public hearing proposing a water rate increase.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E. 2.F. 2.G., 2.H., 2.I., 2.K., 2.L., 2.M., 2.O., 2.P., 2.R., 2.T., 2.V., 2.W., and 2.X. **Motion Councilmember Foat, 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 September 8, 2010, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council/Community Redevelopment Agency Minutes of July 21, 2010, and July 28, 2010. **Approved as part of the Consent Calendar, noting the abstention of Councilmember Foat and Councilmember Mills on the Minutes of July 21, 2010.**

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

ACTION: 1) Adopt Resolution No. 22787, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1043057 THROUGH 1043145 IN THE AGGREGATE AMOUNT OF \$1,251,202.74, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22788, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 7-10-10 BY WARRANTS NUMBERED 415907 THROUGH 415945 TOTALING \$57,427.12, LIABILITY CHECKS NUMBERED 1043146 THROUGH 1043165 TOTALING \$125,722.61, FIVE WIRE TRANSFERS FOR \$63,304.34, AND THREE ELECTRONIC ACH DEBITS OF \$998,471.81, IN THE AGGREGATE AMOUNT OF \$1,244,925.88, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 22789, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1043166 THROUGH 1043296 IN THE AGGREGATE AMOUNT OF \$2,240,188.59, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 22790, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1043297 THROUGH 1043395 IN THE AGGREGATE AMOUNT OF \$939,377.53, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 22791, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 7-24-10 BY WARRANTS NUMBERED 415946 THROUGH 415981 TOTALING \$72,008.68, LIABILITY CHECKS NUMBERED 1043396 THROUGH 1043397 TOTALING \$325.00, THREE WIRE TRANSFERS FOR \$71,739.97, AND THREE ELECTRONIC ACH DEBITS OF \$1,558,209.24, IN THE AGGREGATE AMOUNT OF \$1,702,282.89, DRAWN ON BANK OF AMERICA;" 6) Adopt Resolution No. 22792, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS

NUMBERED 1043398 THROUGH 1043551 IN THE AGGREGATE AMOUNT OF \$1,103,402.44, DRAWN ON BANK OF AMERICA;" 7) Adopt Resolution No. 22793, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1043552 THROUGH 1043644 IN THE AGGREGATE AMOUNT OF \$1,292,575.54, DRAWN ON BANK OF AMERICA;" 8) Adopt Resolution No. 22794, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 8-07-10 BY WARRANTS NUMBERED 415982 THROUGH 416021 TOTALING \$66,954.17, LIABILITY CHECKS NUMBERED 1043645 THROUGH 1043664 TOTALING \$126,164.73, FIVE WIRE TRANSFERS FOR \$56,766.39, AND THREE ELECTRONIC ACH DEBITS OF \$1,019,160.70, IN THE AGGREGATE AMOUNT OF \$1,269,045.99, DRAWN ON BANK OF AMERICA;" 9) Adopt Resolution No. 22795, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1043665 THROUGH 1043822 IN THE AGGREGATE AMOUNT OF \$1,272,693.85, DRAWN ON BANK OF AMERICA;" and 10) Adopt Resolution No. 22796, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1043823 THROUGH 1043956 IN THE AGGREGATE AMOUNT OF \$627,612.38, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. STAFF AUTHORIZED AGREEMENTS FOR JUNE, JULY, AND AUGUST, 2010:

ACTION: Receive and file Staff Authorized Agreements covering the period June 1 through August 31, 2010. **Approved as part of the Consent Calendar.**

2.E. TREASURER'S INVESTMENT REPORT:

ACTION: 1) Receive and file the Treasurer's Investment Report as of June 30, 2010; and 2) Receive and file the Treasurer's Investment Report as of July 31, 2010. **Approved as part of the Consent Calendar.**

2.F. CONFLICT OF INTEREST CODE 2010 BIENNIAL NOTICE PURSUANT TO THE POLITICAL REFORM ACT:

ACTION: 1) Receive and File the 2010 Local Agency Biennial Notice; and 2) Direct staff to promulgate the necessary amendments and return to the City Council in December for adoption pursuant to the Political Reform Act. **Approved as part of the Consent Calendar.**

- 2.G. PIPELINE INSPECTION AGREEMENT WITH SFPP, LP, RELATED TO THE GENE AUTRY TRAIL UNION PACIFIC RAILROAD (UPRR) BRIDGE WIDENING PROJECT (CP 01-04):**
ACTION: 1) Approve an agreement with SFPP, LP, for pipeline inspection services for the Gene Autry Trail UPRR Bridge Widening Project (CP 01-04); and 2) Authorize the City Manager to execute all necessary documents. A6016. **Approved as part of the Consent Calendar.**
- 2.H. GRANT DEEDS TO CONVEY RIGHTS-OF-WAY TO THE STATE OF CALIFORNIA RELATED TO THE INDIAN CANYON DRIVE/INTERSTATE 10 INTERCHANGE (CP 00-14):**
ACTION: Authorize the City Manager to execute all Grant Deeds, covering rights-of-way to the State of California related to the Indian Canyon Drive/Interstate 10 Interchange (CP 00-14). **Approved as part of the Consent Calendar.**
- 2.I. AMENDMENT NO. 1 TO AGREEMENT NO. A5755 WITH NOLTE ASSOCIATES, INC., FOR THE TAHQUITZ CREEK LEVEE CERTIFICATION:**
ACTION: 1) Approve Amendment No. 1 to Agreement No. A5755 with Nolte Associates, Inc. in the amount of \$208,300 for a revised total contract amount of \$357,100 for additional civil, geotechnical and environmental services related to the Tahquitz Creek Levee Certification; and 2) Authorize the City Manager to execute all necessary documents. A5755. **Approved as part of the Consent Calendar.**
- 2.K. PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE INDIAN CANYON DRIVE AT VISTA CHINO TRAFFIC SIGNAL MODIFICATION (CP 08-17):**
ACTION: 1) Approve the plans, specifications and working details for the Indian Canyon Drive at Vista Chino Traffic Signal Modification (CP 08-17); and 2) Authorize staff to advertise and solicit bids. **Approved as part of the Consent Calendar.**
- 2.L. AMENDMENT NO. 1 TO AGREEMENT NO. A5601 WITH EBERHART/UNITED CONSULTANTS, INC. TO PROVIDE GEOTECHNICAL SERVICES IN THE AMOUNT OF \$10,000:**
ACTION: 1) Approve Amendment No. 1 to Agreement No. A5601 with Eberhart/United Consultants, Inc. to provide geotechnical services to the City related to peer review of an earthquake fault study of property proposed for development in the amount of \$10,000, for a total contract amount of \$30,000; and 2) Authorize the City Manager to execute all necessary documents. A5601. **Approved as part of the Consent Calendar.**

2.M. PROGRAM SUPPLEMENT AGREEMENT NO. 033-N, WITH THE STATE OF CALIFORNIA FOR USE OF SAFETEA-LU HIGH PRIORITY PROJECT (HPLUL) FEDERAL-AID FUNDS FOR THE AGUA CALIENTE CULTURAL MUSEUM ROADWAY IMPROVEMENTS [FEDERAL-AID PROJECT NO. HPLUL-5282(033) CP 09-04]:

ACTION: Adopt Resolution No. 22797, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 033-N TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$62,500 (\$50,000 FEDERAL FUNDS / \$12,500 LOCAL FUNDS), FOR THE AGUA CALIENTE CULTURAL MUSEUM ROADWAY IMPROVEMENTS, FEDERAL-AID PROJECT NO. HPLUL-5282(033), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALM SPRINGS (CP 09-04)." **Approved as part of the Consent Calendar.**

2.O. PARTICIPATION IN THE INSTITUTE FOR LOCAL GOVERNMENT'S BEACON AWARD FOR LOCAL LEADERSHIP TOWARD SOLVING CLIMATE CHANGE:

ACTION: Adopt Resolution No. 22799, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUPPORTING PARTICIPATION IN THE INSTITUTE FOR LOCAL GOVERNMENT'S BEACON AWARD: LOCAL LEADERSHIP TOWARD SOLVING CLIMATE CHANGE." **Approved as part of the Consent Calendar.**

2.P. PURCHASE OF TEN BIG BELLY SOLAR POWERED TRASH COMPACTORS FROM WAXIE SANITARY SUPPLY IN THE AMOUNT OF \$42,956.25:

ACTION: Approve the purchase of ten Big Belly Solar Powered Trash Compactors from Waxie Sanitary Supply in the amount of \$42,956.25. **Approved as part of the Consent Calendar.**

2.R. ACCEPTANCE OF \$165,000.00 IN GRANT FUNDING FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY (OTS) FOR A DUI ENFORCEMENT AND AWARENESS PROJECT TO BE USED TO ENFORCE, EDUCATE, AND BRING AWARENESS TO THE PUBLIC:

ACTION: 1) Accept \$165,000.00 in grant funding from the California Office of Traffic Safety for a DUI Enforcement and Awareness Project; and 2) Authorize the City Manager to execute all necessary documents. A5521. **Approved as part of the Consent Calendar.**

2.T. EXTEND THE CONTRACT SERVICES AGREEMENT FOR CLAIMS ADJUSTMENT AND ADMINISTRATIVE SERVICE WITH CARL WARREN & COMPANY TO JUNE 30, 2011:

ACTION: 1) Approve Amendment No. 3 to Agreement No. A5322 with Carl Warren & Company extending the Agreement to June 30, 2011; and 2) Authorize the City Manager to execute Amendment No. 3 to the Agreement. A5322. **Approved as part of the Consent Calendar.**

2.V. COMMUNITY REDEVELOPMENT AGENCY AGREEMENT WITH THE FAIR HOUSING COUNCIL OF RIVERSIDE COUNTY, INC., FOR FAIR HOUSING SERVICES THROUGH EDUCATION, TRAINING/TECHNICAL ASSISTANCE AND ENFORCEMENT IN THE AMOUNT OF \$37,430:

ACTION: 1) Approve an agreement with Fair Housing Council of Riverside County, Inc., for fair housing services through education, training/technical assistance and enforcement in the amount of \$37,430; and 2) Authorize the Executive Director to execute all necessary documents. A6018. **Approved as part of the Consent Calendar.**

2.W. ADVERTISING CONTRACT WITH THE DESERT SUN FOR DISPLAY AND LEGAL ADVERTISING TO JUNE 30, 2011:

ACTION: 1) Approve the Advertising Contract with The Desert Sun for legal and display advertising for the period ending June 30, 2011; and 2) Authorize the City Manager to execute the Advertising Agreement. A5109. **Approved as part of the Consent Calendar.**

2.X. ACCEPT THE RESIGNATION OF PAMELA JO KERSHAW FROM THE HUMAN RIGHTS COMMISSION:

ACTION: 1) Accept with regret the resignation of Pamela Kershaw from the Human Rights Commission; and 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2012. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.J. PLANS, SPECIFICATIONS, AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE PALM SPRINGS MAIN LIBRARY ROOFING PROJECT (CP 10-04):

Councilmember Mills requested staff address the fascia drawings and the aesthetics of the roofing project.

ACTION: 1) Approve the plans, specifications and working details for the Palm Springs Main Library Roofing Project (CP 10-04) *with Councilmember Mills to review the fascia drawings and the aesthetics of*

the roofing project; and 2) Authorize staff to advertise and solicit bids. **Motion Councilmember Weigel, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

2.N. APPROVE A 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):

Councilmember Weigel stated he participated in the selection of the provider, but he did not vote in favor of the City allowing a third provider.

Councilmember Mills stated he participated in the selection of the provider, but he did not vote in favor of the City allowing a third provider.

ACTION: Adopt Resolution No. 22798, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PERMIT TO OPERATE A MEDICAL CANNABIS COLLECTIVE/COOPERATIVE TO ORGANIC SOLUTIONS OF THE DESERT AT 560 WILLIAMS ROAD, PALM SPRINGS (CASE MC 09-002)." **Motion Mayor Pougnet, 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.

2.Q. SUPPORT OF CONGRESSIONAL ACTION REGARDING PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM:

Councilmember Foat requested staff send the Resolution and letters to the proper City's legislators.

ACTION: Adopt Resolution No. 22800, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, IN SUPPORT OF IMMEDIATE CONGRESSIONAL ACTION TO AUTHORIZE LEGISLATION ALLOWING PROPERTY ASSESSED CLEAN ENERGY PROGRAMS." **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

2.S. AMENDMENT NO. 2 TO AGREEMENT NO. A5348 WITH RS&H CALIFORNIA, INC. FOR AVIATION CONSULTING SERVICES IN THE AMOUNT OF \$233,560:

Councilmember Mills requested staff address the funding for the project, and if the City will pay a portion of funds or if the project is 100% Federal FAA funding.

ACTION: 1) Approve Amendment No. 2 to Agreement No. A5348 with RS&H California, Inc. for aviation consulting services in the amount of \$233,560; and 2) Authorize the City Manager to execute all necessary documents. A5348. **Motion Councilmember Weigel, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

Mayor Pro Tem Hutcheson stated he has a business related conflict of interest with respect to Item 2.U., would not participate in the discussion or the vote, and left Council Chamber.

2.U. AGREEMENT WITH MUNISERVICES, LLC FOR AUDITING AND ASSOCIATED CONSULTING SERVICES FOR THE TRANSIENT OCCUPANCY TAX COMPLIANCE PROGRAM:

Councilmember Foat requested staff address past practice and the expected effectiveness of the proposed audits.

ACTION: 1) Approve an agreement in an amount not to exceed \$175,000 with MuniServices, LLC to provide the City with Transient Occupancy Tax (TOT) compliance audits for a two year period, in a form acceptable to the City Attorney; and 2) Authorize the City Manager to execute all necessary documents. A6017. **Motion Councilmember Mills, seconded by Councilmember Weigel and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pro Tem Hutcheson.

Mayor Pro Tem Hutcheson returned to the dais.

3. LEGISLATIVE:

4. UNFINISHED BUSINESS:

4.A. PROPOSED AMENDMENTS TO THE SWIM CENTER FEES AND MODIFICATIONS TO THE COMPREHENSIVE FEE SCHEDULE:

Vicki Oltean, Director of Parks and Recreation, provided background information as outlined in the staff report dated September 8, 2010.

Mayor Pougnet requested staff address the overall increase in review and the rate charged to the non-profit swim team.

Mayor Pro Tem Hutcheson said the increases are not incredibly robust, recommend the City Council review the rates for non-Palm Springs residents, and requested staff review the rate to rent the entire facility.

Councilmember Foat commented on the fees for non-profit swim teams.

Councilmember Weigel stated he generally is not in support of a substantial increase to rates during the current economic climate, commented on the modest rates to pool users, and recommended the City look at some other fee structure and review the rates for non-residents.

Councilmember Mills stated he is not in favor of a fee increase for general programs, but indicated staff should review the proposed rates for swim teams and a different rate for non-residents.

ACTION: Direct staff to further review Swim Center Fees and return to the City Council. **By consensus of the City Council.**

4.B. AMENDMENT NO. 3 TO REIMBURSEMENT AGREEMENT NO. A4195, WITH THE COUNTY OF RIVERSIDE, CITY OF DESERT HOT SPRINGS, AND CVAG FOR THE PALM DRIVE/GENE AUTRY TRAIL AT INTERSTATE 10 INTERCHANGE PROJECT:

David Barakian, City Engineer, provided background information as outlined in the staff report dated September 8, 2010.

ACTION: 1) Approve Amendment No. 3 to Reimbursement Agreement No. A4195 with the County of Riverside, City of Desert Hot Springs, and CVAG amending the total cost to \$25,931,000 for the Palm Drive/Gene Autry Trail at Interstate 10 Interchange Project, and allocating the \$1,979,780 federal DEMO grant towards the entire Desert Hot Springs' share of the project cost; and 2) Authorize the City Manager to execute all necessary documents. A4195. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

5. NEW BUSINESS:

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

5.A. MEMORANDUM OF UNDERSTANDING WITH SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 721 REPRESENTING THE GENERAL UNIT:

City Manager Ready provided background information as outlined in the staff report dated September 8, 2010.

ACTION: Adopt Resolution No. 22801, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA,

APPROVING A MEMORANDUM OF UNDERSTANDING RELATIVE TO WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR EMPLOYEES IN THE SERVICE EMPLOYEES INTERNATIONAL UNION (SEIU) LOCAL 721 REPRESENTING THE GENERAL UNIT, FOR THE PERIOD JULY 1, 2010 THROUGH JUNE 30, 2012, SUBJECT TO UNIT'S RATIFICATION AND EXECUTING THE MEMORANDUM OF UNDERSTANDING;" and 2) Authorize the City Manager to execute the Memorandum of Understanding in a form acceptable to the City Attorney. A5581. **Motion Councilmember Foat, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

5.B. 2010 COACHELLA VALLEY RAIL STUDY UPDATE:

Mayor Pougnet provided an update on the 2010 Coachella Valley Rail Study, and the ultimate importance of the station and Amtrak stop in Palm Springs.

Councilmember Weigel commented on the timing of such a project and potential grant funding from the Federal government.

Councilmember Foat strongly urged the City to support the Rail Study with CVAG.

Councilmember Mills commented on the history of the current Palm Springs Train Station, and to maintain the current station.

No action taken.

5.C. APPROVE ADDITIONAL FUNDING FOR THE PALM SPRINGS ANIMAL CARE FACILITY PROJECT FROM A \$650,000 LOAN FROM THE PROCEEDS OF THE SALES OF WHITEWATER MUTUAL WATER COMPANY STOCK HELD IN THE TRUST AND AGENCY ACCOUNT:

City Manager Ready provided background information as outlined in the staff report dated September 8, 2010.

Councilmember Foat commented on the fundraising by the Friends of the Palm Springs Animal Shelter, and requested Dr. Koontz provide a fundraising and grant update.

Councilmember Weigel requested Dr. Koontz address the total funding commitments.

Mayor Pougnet stated his support for the original \$5 million funding toward the project, opposed to the funding from the City's Sustainability Fund, and the lackluster funding from interest groups.

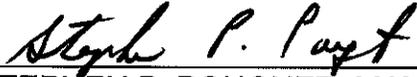
ACTION: Adopt Resolution No. 22802, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A LOAN TO THE ANIMAL CARE FACILITY PROJECT OF \$650,000 FROM THE PROCEEDS OF THE SALE OF WHITEWATER STOCK CURRENTLY HELD IN THE TRUST AND AGENCY ACCOUNT AND APPROPRIATING SAID FUNDS FOR CONSTRUCTION." **Motion Councilmember Weigel, seconded by Councilmember Foat and carried 4-1 on a roll call vote.**

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

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

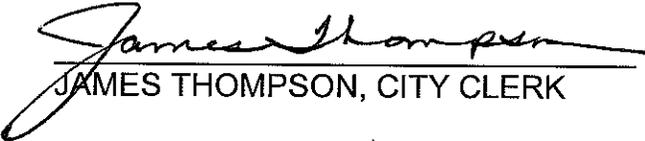
ADJOURNMENT: The City Council adjourned at 8:30 p.m. to a Meeting, Wednesday, September 22, 2010, at 6:00 P.M. Council Chamber, City Hall, preceded by a Closed Session in the Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 6TH DAY OF OCTOBER, 2010.



STEPHEN P. POUGNET, MAYOR

ATTEST:



JAMES THOMPSON, CITY CLERK