

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



**MINUTES**  
WEDNESDAY, MARCH 25, 2009  
City Hall Council Chamber

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:06 p.m.

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

**INVOCATION:** Rabi Sally Olins, Temple Isaiah, led the Pledge.

**ROLL CALL:**

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

**ABSENT:** None.

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

**PRESENTATIONS:**

Mayor Pougnet requested a moment of silence for the fallen City of Oakland Police Officers.

Mayor Pougnet and the City Council presented a video tribute to former Mayor Frank M. Bogert.

Police Chief Dominguez and Councilmember Foat announced the upcoming Dog Day Afternoon event.

Councilmember Weigel announced the activities at the recent United Way Fundraising event.

Mayor Pougnet and the City Council proclaimed April, 2009 as Child Abuse Prevention Month in the City of Palm Springs.

**REPORT OF CLOSED SESSION:** City Attorney Holland stated 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 Closed Session Agenda. No reportable actions were taken.

## **ACCEPTANCE OF THE AGENDA:**

City Clerk Thompson stated the recommendation for Consent Calendar Item 2.F., should be modified to receive and approve the excused absences of VillageFest Board Member Mark Spohn, and stated date for Consent Calendar Item 2.I., should be modified to May 30, 2009.

Mayor Pougnet requested Item 2.N. be removed from the Consent Calendar for separate discussion.

Councilmember Foat requested Items 2.E. and 2.N. be removed from the Consent Calendar for separate discussion.

Councilmember Weigel requested Items 2.G., 2.H., 2.I., RA3., and RA5. be removed from the Consent Calendar for separate discussion.

Mayor Pro Tem Mills noted his abstention on Item 2.B., and requested Item 2.L. be removed from the Consent Calendar for separate discussion.

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

### **1. PUBLIC HEARINGS:**

- 1.A. JOINT MEETING WITH THE SUSTAINABILITY COMMISSION AND PUBLIC DISCUSSION ON THE CITY OF PALM SPRINGS SUSTAINABILITY MASTER PLAN AND CITY COUNCIL PUBLIC HEARING APPROVING THE PALM SPRINGS ENERGY EFFICIENCY PROGRAM AND THE REPORT PREPARED BY THE AUTHORIZED OFFICER, ESTABLISHING A CONTRACTUAL ASSESSMENT PROGRAM TO FINANCE (AB811) ENERGY IMPROVEMENTS, AND CONFIRMING ASSESSMENTS TO BE LEVIED:**

**ACTION:** 1) Continue the Public Hearing to May 13, 2009; 2) Direct the City Clerk to post a Notice of Continued Public Hearing; and 3) Direct the City Clerk to place the appointment of a City Council Subcommittee on the April 1, 2009, City Council Agenda to review the draft document *The Palm Springs Path to a Sustainable Community*. **Motion Councilmember Foat, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

- 1.B. 35TH PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT 2009-10 ANNUAL ACTION PLAN AND CDBG BUDGET APPROVAL, AUTHORIZATION TO SUBMIT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT**

**NO. B-09-MC-06-0561 IN THE AMOUNT OF \$506,696 AND APPROVING SUBRECIPIENT AGREEMENTS:**

**ACTION:** 1) Continue the Public Hearing to April 1, 2009, with no public testimony at this time; 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

The City of Palm Springs Community Redevelopment Agency convened at 6:31 p.m. for a Joint Meeting with the City Council.

Councilmember Mills stated he has a property related conflict of interest with respect to the Ramon Road property in Item 1.C., and requested the City Council bifurcate the discussion and the vote, and he would then not participate in the discussion and the vote for the Ramon Road property.

**1.C. JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE COMMUNITY REDEVELOPMENT AGENCY APPROVING THE SALE OF TWO PARCELS FROM THE AGENCY TO THE CITY LOCATED AT 3845 EAST RAMON ROAD (PROJECT AREA NO. 1) AND THE NORTHEAST CORNER OF JIMINEZ CIRCLE AND ROSA PARKS ROAD (PROJECT AREA NO. 1) AND THE ACCEPTANCE OF A PROMISSORY NOTE IN THE AMOUNT OF 49,950:**

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated March 25, 2009.

Mayor Pougnet opened the public hearing for the Jiminez Circle property, and no speakers coming forward the public hearing was closed.

**ACTION:** 1) Adopt Resolution No. 1380, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE SALE TO THE CITY OF PALM SPRINGS THE PROPERTY LOCATED AT THE NORTHEAST CORNER OF JIMINEZ CIRCLE AND ROSA PARKS ROAD (APN 669-353-001) IN THE AMOUNT OF \$22,500, AND THE ACCEPTANCE OF A PROMISSORY NOTE IN THE AMOUNT OF \$22,500;" [CITY COUNCIL] 2) Adopt Resolution No. 22245, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE PURCHASE FROM THE COMMUNITY REDEVELOPMENT AGENCY THE PROPERTY LOCATED AT THE NORTHEAST CORNER OF JIMINEZ CIRCLE AND ROSA PARKS ROAD (APN 669-353-001) IN THE AMOUNT OF \$22,500, AND APPROVING THE ISSUANCE OF A PROMISSORY NOTE IN THE AMOUNT OF \$22,500;" and 3) Authorize the Executive Director on behalf of the Agency, and the City Manager on behalf of the City, to execute all documents related to the transaction in a form acceptable to the City Attorney. **Motion**

**Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

Councilmember Mills left Council Chamber for the Ramon Road portion of the Public Hearing and vote.

Mayor Pougnet opened the public hearing for the Ramon Road property, and no speakers coming forward the public hearing was closed.

**ACTION:** 1) Adopt Resolution No. 1381, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE SALE TO THE CITY OF PALM SPRINGS THE PROPERTY LOCATED AT 3845 EAST RAMON ROAD (APN 680-041-004) IN THE AMOUNT OF \$27,450, AND THE ACCEPTANCE OF A PROMISSORY NOTE IN THE AMOUNT OF \$27,450;" [CITY COUNCIL] 2) Adopt Resolution No. 22246, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE PURCHASE FROM THE COMMUNITY REDEVELOPMENT AGENCY THE PROPERTY LOCATED AT 3845 EAST RAMON ROAD (APN 680-041-004) IN THE AMOUNT OF \$27,450, AND APPROVING THE ISSUANCE OF A PROMISSORY NOTE IN THE AMOUNT OF \$27,450;" and 3) Authorize the Executive Director on behalf of the Agency, and the City Manager on behalf of the City, to execute all documents related to the transaction in a form acceptable to the City Attorney. **Motion Councilmember Weigel, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

**AYES:** Councilmember Foat, Councilmember Hutcheson,  
Councilmember Weigel, and Mayor Pougnet.  
**NOES:** None.  
**ABSENT:** Mayor Pro Tem Mills.

Councilmember Mills returned to the dais.

**PUBLIC COMMENT:**

ERIC MEEKS, requested the City Council consider modifying the rules for VillageFest to allow books sales.

DAVID CARDEN, spoke in support of Item 2.G., the suspension of the Noise Ordinance for the White Party.

GARY JOHNS, requested the City Council consider the use of the AAC for more issues and projects.

BILL RANSOM, spoke in support of Item 2.G., the suspension of the Noise Ordinance for the White Party.

JEFFREY SANKER, spoke in support of Item 2.G., the suspension of the Noise Ordinance for the White Party.

AFTAB DADA, spoke in support of Item 2.G., the suspension of the Noise Ordinance for the White Party.

DENNIS WAGNER, spoke in support of Item 2.G., the suspension of the Noise Ordinance for the White Party.

JULIUS KAZEN, spoke in support of Item 2.G., the suspension of the Noise Ordinance for the White Party.

WILLIE HOLLAND, stated his opposition to Item 2.G., the suspension of the Noise Ordinance for the White Party, and noted his other concerns in the City.

TYLER McLEAN, spoke in support of Item 2.I., the suspension of the Noise Ordinance for the Palm Springs High School Event.

MARK ANTON, spoke in support of Item 2.H., the suspension of the Noise Ordinance for the AIDS Assistance Program Event.

RICHARD BYFORD, spoke in support of Item 2.H., the suspension of the Noise Ordinance for the AIDS Assistance Program Event.

#### **COUNCILMEMBER COMMENTS:**

Councilmember Foat announced the upcoming Green Friday event, the upcoming Turn Off Your Lights event, and requested staff review and report on the National League of Cities Plan or Program to receive 20% discount on all prescription drugs.

Councilmember Mills commented on former Mayor Bogert.

Councilmember Hutcheson requested staff address Mr. Meeks' comments and the VillageFest rules pertaining to the sale of books, and requested the City Manager address airport noise and provide a Federal stimulus package update.

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

City Manager Ready requested Thomas Noland, Executive Director of Aviation, address the increase in noise complaints at the Palm Springs International Airport

**RA. REDEVELOPMENT AGENCY CONSENT CALENDAR:**

**ACTION:** Approve Items RA1., RA2., and RA4. **Motion Councilmember Foat, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

**RA1. 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: 1) Councilmember Rick Hutcheson [disclosing interests at 1276 North Palm Canyon]; 2) Councilmember Lee Weigel [no reportable interests]; 3) Planning Commissioner Douglas Donenfeld [no reportable interests]; and 4) Planning Commissioner Tracy Conrad [no reportable interests]. **Approved as part of the Consent Calendar.**

**RA2. JOINT ITEM CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY FUNDING OF THE 2008-09 LOW AND MODERATE INCOME HOUSING FUND SET-ASIDE:**

**ACTION: [CITY COUNCIL]** 1) Adopt Resolution No. 22447, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MAKING CERTAIN FINDINGS WITH RESPECT TO THE 2008-09 DEPOSIT TO THE LOW AND MODERATE INCOME HOUSING FUND;" and **[COMMUNITY REDEVELOPMENT AGENCY]** 2) Adopt Resolution No. 1382, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, MAKING CERTAIN FINDINGS WITH RESPECT TO THE 2008-09 DEPOSIT TO THE LOW AND MODERATE INCOME HOUSING FUND;" and 3) Adopt Resolution No. 1383, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2008-09." **Approved as part of the Consent Calendar.**

**RA4. TRANSFER OF UNEXPENDED BOND PROCEEDS TO CAPITALIZED INTEREST ACCOUNT:**

**ACTION:** Adopt Resolution No. 1386, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AND AUTHORIZING AND DIRECTING EXECUTION OF A FOURTH SUPPLEMENTAL INDENTURE RELATING TO ITS MERGED PROJECT NO. 1 TAX ALLOCATION BONDS, 2007 SERIES A, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO." **Approved as part of the Consent Calendar.**

**REDEVELOPMENT AGENCY EXCLUDED CONSENT CALENDAR:**

**RA3. STATE-MANDATED PAYMENT TO THE EDUCATION REVENUE AUGMENTATION FUND (ERAF):**

**ACTION:** 1) Adopt Resolution No. 1384, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, MAKING CERTAIN FINDINGS WITH RESPECT TO THE 2008-09 PAYMENT TO THE EDUCATION REVENUE AUGMENTATION FUND AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO;" and 2) Adopt Resolution No. 1385, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2008-09." **Motion Councilmember Foat, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

**RA5. APPROVE AMENDMENT NO. 1 TO THE OWNER PARTICIPATION AGREEMENT WITH COACHELLA VALLEY HOUSING COALITION DBA DESERT HIGHLAND ASSOCIATES, LP, FOR AN ADDITIONAL \$400,000 PROJECT FINANCING AND REDUCTION OF THE LOAN INTEREST RATE FOR THE DEVELOPMENT OF A 57-UNIT APARTMENT PROJECT LOCATED AT 555 ROSA PARKS ROAD:**

**ACTION:** Adopt Resolution No. 1387, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE OWNER PARTICIPATION AGREEMENT WITH COACHELLA VALLEY HOUSING COALITION DBA DESERT HIGHLAND ASSOCIATES, LP, TO PROVIDE \$400,000 IN ADDITIONAL ASSISTANCE AND REDUCTION OF THE LOAN INTEREST RATE FOR THE DEVELOPMENT OF THE ROSA GARDENS APARTMENTS, A 57-UNIT APARTMENT PROJECT ON A 4.45 ACRE SITE AT 555 ROSA PARKS ROAD, IN THE DESERT-HIGHLAND GATEWAY ESTATES NEIGHBORHOOD, INCREASING THE AGENCY FINANCIAL PARTICIPATION TO \$1,600,000 IN GAP FINANCING, MERGED PROJECT AREA NO. 1." A0531C. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

The Community Redevelopment Agency adjourned at 7:22 p.m., and the City Council continued.

**2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.D., 2.F., 2.J., 2.K., 2.M., 2.O., 2.P., 2.Q., and 2.R. **Motion Councilmember Hutcheson, seconded by Councilmember Weigel 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 March 25, 2009, 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 March 4, 2009, and the City Council Minutes of March 11, 2009. **Approved as part of the Consent Calendar, noting the abstention of Councilmember Mills on the March 4, 2009 Minutes.**

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

**ACTION:** 1) Adopt Resolution No. 22448, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIM AND DEMAND BY WARRANT NUMBERED 1033943 IN THE AGGREGATE AMOUNT OF \$4,950.00, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22449, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1033944 THROUGH 1034076 IN THE AGGREGATE AMOUNT OF \$435,533.90, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 22450, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 02-21-09 BY WARRANTS NUMBERED 414404 THROUGH 414447 TOTALING \$77,360.30, LIABILITY CHECKS NUMBERED 1034077 THROUGH 1034097 TOTALING \$151,772.99, FOUR WIRE TRANSFERS FOR \$63,128.08, AND THREE ELECTRONIC ACH DEBITS OF \$1,159,518.03, IN THE AGGREGATE AMOUNT OF \$1,451,779.40, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 22451, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1034098 THROUGH 1034275 IN THE AGGREGATE AMOUNT OF \$969,651.05, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 22452, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1034276 THROUGH 1034376 IN THE AGGREGATE AMOUNT OF \$1,639,661.20, DRAWN ON BANK OF AMERICA;" and 6) Adopt Resolution No. 22453, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 3-07-09 BY WARRANTS NUMBERED 414448 THROUGH 414488 TOTALING \$74,914.41, LIABILITY CHECKS NUMBERED 1034377 THROUGH 1034398 TOTALING \$154,441.73, FOUR WIRE TRANSFERS FOR \$62,528.08, AND THREE ELECTRONIC ACH

DEBITS OF \$1,201,103.14, IN THE AGGREGATE AMOUNT OF \$1,492,987.36, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

**2.D. ADOPTION OF POLICY PERTAINING TO TICKETS DISTRIBUTED BY THE CITY PURSUANT TO CALIFORNIA CODE OF REGULATIONS 18944.1:**

**ACTION:** Adopt Resolution No. 22454, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A TICKET DISTRIBUTION POLICY PURSUANT TO FAIR POLITICAL PRACTICES COMMISSION REVISED REGULATION 18944.1." **Approved as part of the Consent Calendar.**

**2.F. ACCEPT THE RESIGNATION OF MARK SPOHN FROM THE VILLAGEFEST BOARD:**

**ACTION:** Receive and approve the request for excused absences of VillageFest Board Member Mark Spohn. **Approved as part of the Consent Calendar.**

**2.J. AWARD OF CONTRACT FOR THE BASKETBALL AND TENNIS COURT RESURFACING AT VARIOUS CITY PARKS (CITY PROJECT NO. 08-24):**

**ACTION:** 1) Approve an Agreement with California Surfacing in the amount of \$38,500, for The Basketball and Tennis Court Resurfacing, Bid Schedules A, B, and C (City Project No. 08-24); and 2) Authorize the City Manager to execute the Agreement. A5807. **Approved as part of the Consent Calendar.**

**2.K. APPROVAL OF A MEMORANDUM OF UNDERSTANDING RELATING TO EAGLE CANYON DAM:**

**ACTION:** 1) Approve a Memorandum of Understanding with the Riverside County Flood Control and Water Conservation District, the City of Cathedral City, and the Agua Caliente Band of Cahuilla Indians relating to the Eagle Canyon Dam; and 2) Authorize the City Manager to execute the Memorandum of Understanding. A5808. **Approved as part of the Consent Calendar.**

**2.M. APPROVE FIREWORKS FOR THE FOURTH OF JULY CELEBRATION:**

**ACTION:** 1) Approve an Agreement with Pyro Spectacular, Inc., in an amount not to exceed \$35,000, for the July 4, 2009, Fireworks display at Palm Springs Stadium; 2) Authorize the City Manager to execute the Agreement. A5810. **Approved as part of the Consent Calendar.**

- 2.O. PLANNING COMMISSION RESIGNATION AND PARKS AND RECREATION COMMISSION RESIGNATION:**  
**ACTION:** 1) Accept the resignation of Toni Ringlein from the Planning Commission; 2) Accept the resignation of Ronald Greenip from the Parks and Recreation Commission; and 3) Direct the City Clerk to post a Notice of Vacancy. **Approved as part of the Consent Calendar.**
- 2.P. STAFF AUTHORIZED AGREEMENTS FOR FEBRUARY 1 THROUGH FEBRUARY 28, 2009:**  
**ACTION:** Receive and file the Staff Authorized Agreements covering the period February 1 through February 28, 2009. **Approved as part of the Consent Calendar.**
- 2.Q. APPROVE AMENDMENT NO. 1 TO THE AGREEMENT WITH INMATE COMMUNICATIONS CORP TO PROVIDE TELEPHONE SERVICE IN THE CITY JAIL:**  
**ACTION:** 1) Approve Amendment No. 1 to Agreement No. A5713 with Inmate Communications Corp. to extend the Agreement for an additional four (4) years; and 2) Authorize the City Manager to execute the Agreement. A5173. **Approved as part of the Consent Calendar.**
- 2.R. PROPOSED RESOLUTION ESTABLISHING APPLICATION FILING AND APPEAL FEES FOR MEDICAL CANNABIS COOPERATIVES OR COLLECTIVES:**  
**ACTION:** Adopt Resolution No. 22458, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING A FILING FEE FOR MEDICAL CANNABIS COOPERATIVES OR COLLECTIVES APPLICATIONS AND AN APPEAL FEE FOR MATTERS RELATED TO THE ADMINISTRATION OF PALM SPRINGS MUNICIPAL CODE SECTION 93.22.00, AND AMENDING THE COMPREHENSIVE FEE SCHEDULE ADOPTED BY RESOLUTION NO. 21578." **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

- 2.E. SUMMARY VACATION OF PUBLIC UTILITY EASEMENTS WITHIN LOTS 6 AND 7 OF PALM SPRINGS PALISADES MAP IN SECTION 15, TOWNSHIP 4 SOUTH, RANGE 5 EAST, FILE R 08-022:**

The City Council discussed and/or commented on delaying the summary vacation due to the potential development of the site.

**ACTION:** Continue Item 2.E. Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.

**2.G. TEMPORARILY SUSPEND VARIOUS REGULATIONS OF THE PALM SPRINGS MUNICIPAL CODE (NOISE, NOISE NUISANCE, SIGN AND DANCES) AND APPROVE A CARNIVAL ON APRIL 10, APRIL 11, AND APRIL 12, 2009, FOR THE WHITE PARTY, LOCATED AT 888 E. TAHQUITZ CANYON WAY, 277 N. AVENIDA CABALLEROS AND 444 E. ARENAS ROAD (APPLICATION BY JEFFERY SANKER ENTERTAINMENT):**

Councilmember Weigel commented on the suspension of the Noise Ordinance, and recommends the City suspend the Dance Ordinance and the Outdoor Music Ordinance and allow the event without suspending the Noise Ordinance, and requested the City Attorney and staff look at the process of administratively approving events that will not require the suspension of ordinances.

Councilmember Hutcheson commented on the important upcoming events, and recommended the City Council review the process for the future events.

**MOTION:** Adopt Resolution approving the event and carnival, suspending the Sign Ordinance and the Dance Ordinance. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Mills and failed 1-4 on a roll call vote.**

**AYES:** Councilmember Weigel.

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

**ACTION:** Adopt Resolution No. 22455, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUSPENDING THE NOISE ORDINANCE (CHAPTER 11.74.00), NOISE NUISANCE (CHAPTER 11.08.040), SIGN ORDINANCE (CHAPTER 9.20.00), AND DANCES (CHAPTER 5.12), APPROVING A CARNIVAL ON APRIL 10, 11, AND 12, 2009 TO FACILITATE THE PLANNED EVENTS FOR THE WHITE PARTY LOCATED AT 888 EAST TAHQUITZ CANYON WAY, 277 NORTH AVENIDA CABALLEROS AND 444 EAST ARENAS ROAD." **Motion Councilmember Hutcheson, seconded by Councilmember Foat and carried 4-1 on a roll call vote.**

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

**NOES:** Councilmember Weigel.

Councilmember Mills requested the event organizer consider in the future, moving the last day event to another location that is not as disruptive to the neighborhood.

**ACTION:** Direct staff to review the approval of events and the suspension of Ordinances, and schedule a City Council Study Session. **By consensus of the City Council.**

**2.H. TEMPORARILY SUSPEND THE NOISE ORDINANCE ON APRIL 25, 2009, FOR THE AIDS ASSISTANCE PROGRAM GALA EVENT LOCATED AT 301 NORTH BELARDO ROAD (APPLICATION BY WALTER REED):**

**ACTION:** Adopt Resolution No. 22456, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUSPENDING THE NOISE ORDINANCE (CHAPTER 11.74.00) AND THE NOISE NUISANCE ORDINANCE (CHAPTER 11.08.040) FOR A FUNDRAISING EVENT ON APRIL 25, 2009, FROM 9:30 P.M. TO 11:00 P.M., AT 301 NORTH BELARDO ROAD (O'DONNELL GOLF COURSE)." **Motion Councilmember Foat, seconded by Councilmember Hutcheson and carried 4-1 on a roll call vote.**

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

**NOES:** Councilmember Weigel.

**2.I. TEMPORARILY SUSPEND THE NOISE ORDINANCE ON MAY 30, 2009, FOR THE PALM SPRINGS HIGH SCHOOL DANCE FUNDRAISER EVENT LOCATED AT 5955 EAST RAMON ROAD (APPLICATION BY ASSOCIATED STUDENT BODY OF PALM SPRINGS HIGH SCHOOL):**

**ACTION:** Adopt Resolution No. 22457, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUSPENDING THE NOISE ORDINANCE (CHAPTER 11.74.00) AND THE NOISE NUISANCE ORDINANCE (CHAPTER 11.08.040) FOR A DANCE AND FUNDRAISING EVENT ON MAY 30, 2009 FROM 8:00 P.M. TO 12:00 A.M., AT 5955 EAST RAMON ROAD (SOUTHEAST CORNER OF RAMON ROAD AND CROSSLEY ROAD)." **Motion Councilmember Hutcheson, seconded by Mayor Pougnet and carried 4-1 on a roll call vote.**

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

**NOES:** Councilmember Weigel.

**2.L. APPROVAL OF A CONTRACT SERVICES AGREEMENT WITH RGA LANDSCAPE ARCHITECTS, INC FOR THE TAHQUITZ CANYON WAY**

**MEDIAN, PALM SPRINGS CITY HALL, AND RIVERSIDE COUNTY ADMINISTRATIVE OFFICES SCHEMATIC LANDSCAPE DESIGN (CITY PROJECT NO. 08-20):**

**ACTION:** 1) Approve an Agreement with RGA Landscape Architects, Inc., in the amount of \$63,540 for preparation of schematic landscape plans for the Tahquitz Canyon Way median (extending from Indian Canyon Drive to El Cielo Road), Palm Springs City Hall, and the Riverside County Administrative Offices complex (City Project No. 08-20) amending the Scope of Work Exhibit A to include landscape irrigation concepts; 2) Authorize the City Manager to execute the Agreement; and 3) Direct the City Manager to appoint a City Manager Steering Committee for the project. A5809. **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

**2.N. APPROVAL TO RELEASE SOQ 14-09 FOR ARCHITECTURAL DESIGN TEAM SERVICES FOR THE RENOVATION AND REPURPOSING OF THE WELWOOD MURRAY MEMORIAL LIBRARY AND THE JC FREY BUILDINGS:**

The City Council discussed and/or commented on the following with respect to the renovation: proposed budget and estimates, renovation of restrooms for the Frey Building and the development of restrooms in the Welwood Building, the proposed timeline, and the proposed concepts for the Welwood Memorial Library.

**ACTION:** Approve the release of SOQ No. 14-09 for Architectural Design Team Services for the renovation of the Welwood Murray Memorial Library and the JC Frey Building. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

**3. LEGISLATIVE:**

**3.A. PROPOSED ORDINANCE PERTAINING TO STATE VIDEO FRANCHISE HOLDERS:**

City Attorney Holland provided background information as outlined in the staff report dated March 25, 2009.

**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. 1759, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING CHAPTER 5.79 OF TITLE 5 OF THE PALM SPRINGS

MUNICIPAL CODE PERTAINING TO STATE VIDEO FRANCHISE HOLDERS." Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.

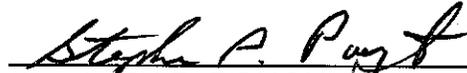
4. UNFINISHED BUSINESS: None.
5. NEW BUSINESS: None.

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

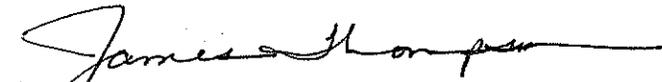
Councilmember Mills thanked the community for their well wishes and commented on his recent medical experience.

**ADJOURNMENT:** The City Council adjourned *in memory of former Mayor Frank Bogert* at 8:17 p.m., to a Regular Meeting, Wednesday, April 1, 2009, 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 15<sup>TH</sup> DAY OF APRIL, 2009.**

  
STEPHEN P. POUGNET, MAYOR

ATTEST:

  
JAMES THOMPSON, CITY CLERK