CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA

MINUTES
WEDNESDAY, JULY 1, 2009
Council Chamber

CALL TO ORDER: Mayor Pro Tem Mills called the meeting to order at 6:10 p.m.

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

INVOCATION: Pastor David Sanger, Our Savior's Community Church, led the Invocation.

ROLL CALL:

PRESENT:	Councilmember Foat, Councilmember Hutcheson, Councilmember Weigel, and Mayor Pro Tem Mills.
ABSENT:	Mayor Pougnet.
ALSO PRESENT:	City Manager Ready, City Attorney Holland, City Clerk Thompson.

PRESENTATIONS:

Mayor Pro Tem Mills and the City Council proclaimed July 2009, as Parks and Recreation Month in the City of Palm Springs.

Mayor Pro Tem Mills and the City Council recognized Dr. Lorraine Becker and proclaimed June 25, 2009, as Dr. Lorraine Becker Day in the City of Palm Springs.

Mayor Pro Tem Mills provided an update of the Best of the Best event, the Renaissance renovation and the 2010 Census.

REPORT OF CLOSED SESSION:

At 5:00 p.m. the meeting was called to order and City Attorney Holland requested the City Council add one Item to the Closed Session Agenda pursuant to Cal. Gov. Code Section 54956.8 Conference with Real Property Negotiator, concerning the Desert Fashion Plaza, as this Item came to the attention of the City after the posting of the Agenda, and there is an immediate need to hear and/or take action.

ACTION: 1) Make the finding the Item came to the attention of the City after the posting of the Agenda, and there is an immediate need to hear and/or take action on the Item; and 2) Add to the Closed Session Agenda Conference with Property Negotiator, Desert

Fashion Plaza, 123 N. Palm Canyon Drive, David Ready, Executive Director for the Community Redevelopment Agency and John Wessman, Wessman Development, to discuss price and terms of payment (lease). **Motion Councilmember Hutcheson, seconded by Councilmember Weigel, and unanimously carried (4-0) noting the absence of Mayor Pougnet.**

City Attorney Holland reported 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 staff has prepared a revised Resolution with Item 2.N.

Councilmember Foat requested Item 2.E. be removed from the Consent Calendar for separate discussion.

Councilmember Hutcheson requested Item 2.D. be removed from the Consent Calendar for separate discussion.

Councilmember Weigel noted his abstention on Consent Calendar Items 2.H. and 2.O.

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

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

1. PUBLIC HEARINGS:

Councilmember Hutcheson stated he has a property related conflict of interest with respect to Item 1.A., would not participate in the discussion or the vote, and left Council Chamber.

1.A. ROYAL STREET COMMUNICATIONS CALIFORNIA, LLC, APPLICATION FOR A CONDITIONAL USE PERMIT AND VARIANCE TO INSTALL A 60 FOOT TALL COMMERCIAL COMMUNICATION ANTENNA DESIGNED AS A MONOPALM AT 1776 NORTH PALM CANYON DRIVE (CASE 5.0902-C AND 6.516):
Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated July 1, 2009.

Mayor Pro Tem Mills opened the public hearing, and the following speakers addressed the City Council.

VEVTHICA ARVIZU, Royal Street Communications, provided background information on Royal Street Communication policy, and requested the City Council support the project.

DAVID ZIMMERMAN, stated the existing tower blended with the surroundings, and requested the City Council support the project.

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

The City Council discussed and/or commented on the following with respect to the project: proximity to the school, the height and location of the surrounding communication antenna, the wrought iron materials for the gate as opposed to a solid gate on Indian Canyon.

ACTION: Adopt Resolution No. 22535, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 5.0902-C TO INSTALL A SIXTY FOOT HIGH WIRELESS COMMUNICATION ANTENNA DESIGNED AS AN ARTIFICIAL PALM TREE AND VARIANCE 6.516 TO EXCEED MAXIMUM ANTENNA HEIGHT AND REDUCE THE ANTENNA SETBACK REQUIREMENTS FOR THE PROPERTY LOCATED AT 1776 NORTH PALM CANYON DRIVE," *amending the Conditions of Approval to provide for a solid gate on Indian Canyon, as approved by staff.* **Motion Councilmember Weigel, seconded by Councilmember Foat and unanimously carried 3-0 on a roll call vote.**

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

Councilmember Hutcheson returned to the dais.

1.B. VICEROY HOTEL CONSIDERATION OF A REVOCATION OR MODIFICATION OF AN EXISTING CONDITIONAL USE PERMIT LOCATED AT 415 SOUTH BELARDO ROAD (CASE 5.090-CUP):
ACTION: 1) Continue the Public Hearing to July 22, 2009, with no public testimony at this time; and 2) Direct the City Clerk to post a notice of continuance. **Motion Councilmember Weigel, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

PUBLIC COMMENT:

DAVID GRAY, Board of Library Trustees, requested the City Council expedite the appointment process for the Library Board.

DENNIS ROSENBERG, commented on the regulation of Taxi Cabs by SunLine.

COUNCILMEMBER COMMENTS:

Councilmember Foat requested the City Manager review the issues with SunLine and the process and regulations with respect to the Taxi Cab industry.

CITY MANAGER'S REPORT: City Manager Ready provided an employee Spotlight on the Code Enforcement Staff, provided an update on the activities of Code Enforcement and an update on the Palm Springs Racquet Club.

2. CONSENT CALENDAR:
ACTION: Approve Items 2.A., 2.B., 2.C., 2.F. 2.G., 2.H., 2.I., 2.J., 2.K., 2.L., 2.M., 2.N., and 2.O. **Motion Councilmember Weigel, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

2.A. REPORT ON POSTING OF THE AGENDA:
ACTION: Receive and file Report on the Posting of the July 1, 2009, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. TREASURER'S INVESTMENT REPORT AS OF MAY 31, 2009:
ACTION: Receive and file the City Treasurer's Investment Report as of May 31, 2009. **Approved as part of the Consent Calendar.**

2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:
ACTION: 1) Adopt Resolution No. 22536, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1035994 THROUGH 1036196 IN THE AGGREGATE AMOUNT OF $1,868,631.03, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22537, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1036197 THROUGH 1036271 IN THE AGGREGATE AMOUNT OF $150,909.57, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 22538, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM

SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 6-13-09 BY WARRANTS NUMBERED 414728 THROUGH 414759 TOTALING $48,965.37, LIABILITY CHECKS NUMBERED 1036272 THROUGH 1036292 TOTALING $152,009.04, FIVE WIRE TRANSFERS FOR $62,458.20, AND THREE ELECTRONIC ACH DEBITS OF $1,045,583.35, IN THE AGGREGATE AMOUNT OF $1,309,015.96, DRAWN ON BANK OF AMERICA;" and 4) Adopt Resolution No. 22539, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANT NUMBERED 1036293, IN THE AMOUNT OF $117,376.88, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.F. AWARD OF CONTRACT FOR THE PALM SPRINGS HIGH SCHOOL TRAFFIC SIGNAL INSTALLATION AT BARISTO ROAD (CP 07-13):
ACTION: 1) Approve an agreement for the Palm Springs Highs School Traffic Signal Installation Project (CP 07-13); and 2) Authorize the City Manager to execute all necessary documents. A5864. **Approved as part of the Consent Calendar.**

2.G. AMENDMENT NO. 2 TO AGREEMENT NO. A5090 FOR REAL PROPERTY SERVICES WITH RIVERSIDE COUNTY FOR THE INDIAN AVENUE / INTERSTATE 10 INTERCHANGE (CP 00-14):
ACTION: 1) Approve Second Amendment to Agreement No. A5090 with the County of Riverside, in the amount of $60,000 for a revised total contract amount of $259,800 for real property services associated with the Indian Avenue/Interstate 10 Interchange (CP 00-14); and 2) Authorize the City Manager to execute all necessary documents. A5090. **Approved as part of the Consent Calendar.**

2.H. CHANGE ORDER NO. 1 TO COMMUNITY REDEVELOPMENT AGENCY AGREEMENT NO. A5853 WITH G & M CONSTRUCTION FOR THE SOUTH PALM CANYON DRIVE WIDENING PROJECT (CP 05-03):
ACTION: 1) Approve Change Order No. 1 to Community Redevelopment Agency Agreement No. A5853 with G&M Construction, in the amount of $378,603.96 for a revised total contract amount of $970,137.14 for the South Palm Canyon Drive Widening Project (CP 05-03); and 2) Authorize the Assistant Executive Director, or his designee, to execute all necessary documents. A5853. **Approved as part of the Consent Calendar, noting the abstention of Councilmember Weigel.**

2.I. DESIGNATION OF A VOTING DELEGATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE SEPTEMBER 16-18, 2009:
ACTION: Appoint Councilmember Hutcheson as the Voting Delegate for the 2009 League of California Cities Annual Conference in San Jose,

California, September 16-18, 2009. **Approved as part of the Consent Calendar.**

2.J. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF CATHEDRAL CITY TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING JUNE 30, 2012:
ACTION: Appoint Commissioner Samuel Medrano, as the City of Cathedral City representative, to the Palm Springs International Airport Commission for the term ending June 30, 2012. **Approved as part of the Consent Calendar.**

2.K. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF INDIAN WELLS TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING JUNE 30, 2011:
ACTION: Appoint Robert Wilmeth, as the City of Indian Wells representative, to the Palm Springs International Airport Commission for the term ending June 30, 2011. **Approved as part of the Consent Calendar.**

2.L. APPROVE AN AGREEMENT WITH NBS GOVERNMENT FINANCE GROUP FOR ASSESSMENT DISTRICT ADMINISTRATION:
ACTION: 1) Approve an agreement with NBS Government Finance Group for assessment district administration services for Fiscal Year 2009-10, in an amount not to exceed $28,800; and 2) Authorize the City Manager to execute all necessary documents. A5668. **Approved as part of the Consent Calendar.**

2.M. ACCEPT WITH REGRET THE RESIGNATION OF MARK SPOHN FROM THE VILLAGEFEST BOARD FOR THE TERM ENDING JUNE 30, 2010:
ACTION: 1) Accept the resignation of Mark Spohn; 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2010; and 3) Direct the City Clerk to fill the vacancy as part of the 2009 Annual Recruitment of Commissions and Boards. **Approved as part of the Consent Calendar.**

2.N. JOINT ITEM OF THE CITY COUNCIL AND THE COMMUNITY REDEVELOPMENT AGENCY AUTHORIZING THE CITY ATTORNEY AND AGENCY LEGAL COUNSEL TO COOPERATE WITH THE CALIFORNIA REDEVELOPMENT ASSOCIATION, OTHER CITIES AND COUNTIES IN LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY STATE GOVERNMENT OF REDEVELOPMENT FUNDS:
ACTION: Adopt City Council Resolution No. 22540 and Community Redevelopment Agency Resolution No. 1390, "A JOINT RESOLUTION OF THE CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA,

AUTHORIZING THE CITY ATTORNEY/AGENCY LEGAL COUNSEL TO COOPERATE WITH THE CALIFORNIA REDEVELOPMENT ASSOCIATION, THE LEAGUE OF CALIFORNIA CITIES, AND OTHER CITIES AND COUNTIES IN LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY STATE GOVERNMENT OF REDEVELOPMENT FUNDS." **Approved as part of the Consent Calendar.**

2.O. JOINT ITEM OF THE CITY COUNCIL AND THE COMMUNITY REDEVELOPMENT AGENCY APPROVING AN AMENDED AND RESTATED SUBDIVISION IMPROVEMENT AGREEMENT WITH IRP EL PORTAL ASSOCIATES, LLC ASSOCIATED FOR TENTATIVE TRACT MAP 30050:

ACTION: (CITY COUNCIL) 1) Approve the amended conditions of approval for Tentative Tract Map 30050; 2) Approve the Amended and Restated Subdivision Improvement Agreement No. A4955 by and between the City of Palm Springs and Community Redevelopment Agency of the City of Palm Springs and IRP El Portal Associates, LLC associated with Tentative Tract Map 30050; and 3) Authorize the City Manager to execute all necessary documents. COMMUNITY REDEVELOPMENT AGENCY: 1) Approve the Amended and Restated Subdivision Improvement Agreement No. A4955 by and between the City of Palm Springs and Community Redevelopment Agency of the City of Palm Springs and IRP El Portal Associates, LLC associated with Tentative Tract Map 30050; and 2) Authorize the Executive Director to execute all necessary documents. A4955. **Approved as part of the Consent Calendar, noting the abstention of Councilmember Weigel.**

EXCLUDED CONSENT CALENDAR:

2.D. AMENDMENT NO. 9 TO THE AMENDED AND RESTATED WASTEWATER SERVICES AGREEMENT NO. A4123 WITH VEOLIA WEST OPERATING SERVICES, INC., FORMERLY VEOLIA WATER NORTH AMERICA-WEST, LLC:

The City Council discussed and/or commented on the monthly billing fee.

ACTION: 1) Approve Amendment No. 9 to the Amended and Restated Wastewater Services Agreement No. A4123 with Veolia West Operating Services, Inc., formerly Veolia Water North America-West, LLC; and 2) Authorize the City Manager to execute all necessary documents. A4123. **Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

2.E. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE GENE AUTRY TRAIL GATEWAY LANDSCAPE IMPROVEMENT PROJECT, CP 06-03, FEDERAL AID PROJECT NO. ESPLE-5282 (027):

The City Council discussed and/or commented on the following with respect to the proposed park: funds provided by the Federal Stimulus Package can only be used for that purpose, as opposed to the City's General Fund and/or other funds, the project is a Gateway improvement project, and the applicability of the local preference ordinance.

ACTION: Approve the plans, specifications, and working details, and authorize bidding for the Gene Autry Trail Gateway Landscape Improvement Project (CP 06-03). **Motion Councilmember Foat, seconded by Councilmember Weigel and unanimously carried 4-0 on a roll call vote.**

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

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS: None.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Hutcheson requested the City Manager place on an upcoming agenda a discussion to facilitate cooperation by property owners in the Downtown area window display program, and requested Craig Ewing, Director of Planning, provide a status report on the process of issuing a demolition permit for the Town and Country Center.

Councilmember Weigel requested the City Manager schedule a Study Session to provide an update and discussion on the status of the City Council goals and priorities as set by the City Council.

Councilmember Foat commented on the progress of a Volunteer Program for the City of Palm Springs.

Councilmember Mills requested Amy Blaisdell, Director of Communications, provide an update on the City of Palm Springs Fourth of July celebration.

ADJOURNMENT: The City Council adjourned at 7:12 p.m. to a Regular Meeting, Wednesday, July 15, 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 22ND DAY OF JULY, 2009.

STEPHEN P. POUGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK