CITY COUNCIL
COMMUNITY REDEVELOPMENT AGENCY
CITY OF PALM SPRINGS, CALIFORNIA

MINUTES
WEDNESDAY, SEPTEMBER 2, 2009
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: Rabbi Sally Olins, Temple Isaiah, led the Invocation.

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:

Sharon Lock, City of Palm Springs representative to the Coachella Valley Mosquito and Vector Control Board, provided an update to the City Council on the District.

Mayor Pougnet announced the passing of Roy Wilson, Riverside County Supervisor, and Don Duckworth, City of Palm Springs Director of Building and Safety.

Mayor Pougnet provided updates on the Neighborhood Blade Signs, the installation of misters at the Palm Springs Animal Shelter, the opening of the new ABOP facility, the recent fundraising benefit for the Friends of the Palm Springs Animal Shelter, and the opening school day at St. Theresa's.

Mayor Pro Tem Mills provided an update on Census 2010.

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

ACCEPTANCE OF THE AGENDA:

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

Councilmember Foat noted her abstention on Item 2.B., City Council Minutes of July 15, 2009, and requested Item 2.U. and 2.Y. be removed from the Consent Calendar for separate discussion.

Mayor Pro Tem Mills noted his business related abstention on Item 2.C. Warrant Nos. 1036921, 1037168, 1037317, noted his business related abstention on Item 2.V., and requested Items 2.I., 2.O., and 2.Y., be removed from the Consent Calendar for separate discussion.

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

1. PUBLIC HEARINGS:

1.A. APPEAL OF KIRVIN SATTERWHITE OF THE HISTORIC SITE PRESERVATION BOARD ISSUANCE OF A STAY OF DEMOLITION OF A SINGLE FAMILY RESIDENCE AT 823 AVENIDA PALOS VERDES (CASE NO. 3.3352):

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated September 2, 2009.

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

GEORGE TUCKER, Appellant, commented on the points of his appeal and presented letters in support of the appeal and the demolition of the property.

EMILY HEMPHILL, Representing Appellant, stated the reason the property is on the potential historic list is due to the age of the property, noted the property is a private residence and not open to the public, commented on the modifications to the property over the years, stated the property does not meet the criteria for designation, research has located nothing significant at the property to warrant the designation, commented on the potential length of the stay of demolition, noted the lack of energy efficiency of the current property and the owners proposed energy enhancements.

JAMES JENSEN, requested the City Council grant the appeal and allow the demolition of the property.

ROBERT STONE, requested the City Council deny the appeal and issue a stay of demolition until additional study can be made on the property.

KEVIN BASS, requested the City Council grant the appeal and allow the demolition of the property.

ADAM ALLISON, requested the City Council grant the appeal and allow the demolition of the property.

AYAD ALKADLIN, requested the City Council grant the appeal and allow the demolition of the property.

LARRY HOCHANADEL, clarified the demolition process with the City and, requested the City Council grant the appeal and allow the demolition of the property.

No further speakers coming forward, the Public Hearing was closed.

The City Council discussed and/or commented on the following with respect to the property and the demolition: the age of the property and any historic significance, the lack of facts to justify a higher designation for the property, the condition of the property, the property will not be demolished until approved plans are submitted for a new project, the discussion and vote of the HSPB, the HSPB site visits and third-party comment, the costs of operation of a historic property, the change in the recommendation by staff from the HSPB to the City Council, and the potential to require a super-majority of the HSPB to issue a stay.

ACTION: 1) The City Council determines that the findings in the Planning Department Staff Report dated July 14, 2009, to the Historic Site Preservation Board, are the controlling findings for the City Council determination; and 2) Grant the appeal and deny the Historic Site Preservation Board's stay of demolition on the property located at 823 Avenida Palos Verdes. **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

ROBERT ANZOVINO, commented on a recent claim he filed with the City of Palm Springs and the actions of the Palm Springs Police Department.

PAUL ANGULO, stated he is running for Riverside County Auditor-Controller, and introduced himself to the City Council.

TERRY FECKETT, commented on the Palm Springs Disposal Service contract fees.

BARBARA BEATY, commented on the state of the City budget and the properties the City sold to the Redevelopment Agency.

DAVID CARDEN, requested the City Council support Item 2.N., stated his support for Item 2.X., regarding the Port Lawrence temporary site improvements, and Item 3.A., regarding the Storefront Improvement Program.

DARRON DAHLE, commented on Item 3.A., the Storefront Improvement Program, and commented on problem properties in the Downtown area.

JOY MEREDITH, commented on the opening of Crystal Fantasy, Palm Springs Carriages and the support of the BID and the community, and stated her support for Item 2.X., the Port Lawrence temporary improvements, and Item 3.A., the Storefront Improvement Program.

ROXANNE MISHLER and DIANE SCHROEDER, stated their support of item 2.X., regarding the Port Lawrence temporary improvements, and Item 3.A., regarding the Storefront Improvement Program.

PAUL MEDIANO, stated his support for Item 3.A., the Storefront Improvement Program.

RODOLFO CASTILLO, commented on Item 3.A., and the condition of the properties in the Downtown area.

COUNCILMEMBER COMMENTS:

Mayor Pougnet requested the City Manager and the City Clerk address the City process with respect to communication to City Council candidates.

CITY MANAGER'S REPORT: City Manager Ready provided an update on the Facade Improvement program.

2. CONSENT CALENDAR:

Councilmember Mills noted his business related abstention on additional warrants on Item 2.C., Warrant Nos. 1036441, 1036467, 1036483, and 1036493.

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., 2.H., 2.J., 2.K., 2.L., 2.M., 2.P., 2.Q., 2.R., 2.S., 2.T., 2.V., 2.W., and 2.X.. **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 September 2, 2009, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of July 15, 2009, July 22, 2009 and the Special Meeting Minutes of August 4, 2009. **Approved as**

part of the Consent Calendar, noting the abstention of Councilmember Foat on the July 15, 2009 Minutes.

2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:
ACTION: 1) Adopt Resolution No. 22577, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1036441, 1036467, 1036483, 1036493, AND 1036662 THROUGH 1036754 IN THE AGGREGATE AMOUNT OF $947,878.92, DRAWN ON BANK OF AMERICA; 2) Adopt Resolution No. 22578, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 7-11-09 BY WARRANTS NUMBERED 414820 THROUGH 414863 TOTALING $57,652.08, LIABILITY CHECKS NUMBERED 1036755 THROUGH 1036775 TOTALING $146,572.15, FIVE WIRE TRANSFERS FOR $281,878.52, AND THREE ELECTRONIC ACH DEBITS OF $1,114,087.58, IN THE AGGREGATE AMOUNT OF $1,600,190.33, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 22579, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1036776 THROUGH 1036945 IN THE AGGREGATE AMOUNT OF $1,306,773.78, DRAWN ON BANK OF AMERICA; 4) Adopt Resolution No. 22580, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1036946 THROUGH 1037017 IN THE AGGREGATE AMOUNT OF $2,421,315.64, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 22581, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 7-25-09 BY WARRANTS NUMBERED 414864 THROUGH 414906 TOTALING $83,842.42, LIABILITY CHECK NUMBERED 1037018 IN THE AMOUNT OF $75.00, FIVE WIRE TRANSFERS FOR $117,772.28, AND THREE ELECTRONIC ACH DEBITS OF $1,810,569.97, IN THE AGGREGATE AMOUNT OF $2,012,259.67, DRAWN ON BANK OF AMERICA;" 6) Adopt Resolution No. 22582, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1037019 THROUGH 1037114 IN THE AGGREGATE AMOUNT OF $1,211,122.35, DRAWN ON BANK OF AMERICA;" 7) Adopt Resolution No. 22583, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1037115 THROUGH 1037252 IN THE AGGREGATE AMOUNT OF $1,100,912.44, DRAWN ON BANK OF AMERICA;" 8) Adopt Resolution No. 22584, "A RESOLUTION OF

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 8-08-09 BY WARRANTS NUMBERED 414907 THROUGH 414948 TOTALING $68,563.79, LIABILITY CHECKS NUMBERED 1037253 THROUGH 1037275 TOTALING $144,055.91, FIVE WIRE TRANSFERS FOR $54,961.72, AND THREE ELECTRONIC ACH DEBITS OF $1,108,466.78, IN THE AGGREGATE AMOUNT OF $1,376,048.20, DRAWN ON BANK OF AMERICA;" and 9) Adopt Resolution No. 22585, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1037276 THROUGH 1037463 IN THE AGGREGATE AMOUNT OF $1,041,053.82, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the business related abstention of Councilmember Mills on Warrant Nos. 1036441, 1036467, 1036483, 1036493, 1036921, 1037168, and 1037317.**

2.D. STAFF AUTHORIZED AGREEMENTS FOR JULY, 2009:
ACTION: Receive and file Staff Authorized Agreements covering the period July 1, 2009 through July 31, 2009. **Approved as part of the Consent Calendar.**

2.E. ACCEPTANCE OF THE PUBLIC RIGHT-OF-WAY FOR JACARANDA ROAD WITHIN PARCEL MAP 10509:
ACTION: Adopt Resolution No. 22586, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACCEPTING RIGHT-OF-WAY FOR A PORTION OF JACARANDA ROAD, IDENTIFIED AS LOT 'A' ON PARCEL MAP 10509, RECORDED IN BOOK 51 OF PARCEL MAPS, PAGE 88, WITHIN SECTION 25, TOWNSHIP 4 SOUTH, RANGE 4 EAST (FILE R 09-12)." **Approved as part of the Consent Calendar.**

2.F. FINAL TRAFFIC SIGNAL MAINTENANCE SERVICES AGREEMENT MODIFICATION AND RELATED BUDGET AMENDMENT:
ACTION: 1) Approve maximum contract amount of $232,297.80 for Agreement No. A4725 with the County of Riverside Department of Transportation for Traffic Signal Maintenance for Fiscal Year 2008-09 and close the Agreement; 2) Adopt Resolution No. 22587, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2009-10 FOR TRAFFIC SIGNAL MAINTENANCE;" and 3) Authorize the City Manager to execute all necessary documents." A4725. **Approved as part of the Consent Calendar.**

2.G. COOPERATIVE AGREEMENT WITH RIVERSIDE COUNTY FOR CONSTRUCTION OF THE GENE AUTRY TRAIL UNION PACIFIC

RAILROAD (UPRR) BRIDGE WIDENING PROJECT (CITY PROJECT NO. 01-04):
ACTION: 1) Approve a Cooperative Agreement with Riverside County for the Gene Autry Trail UPRR Bridge Widening Project (City Project No. 01-04); and 2) Authorize the City Manager to execute all necessary documents. A5885. **Approved as part of the Consent Calendar.**

2.H. ACCEPTANCE OF GRANT FROM THE COACHELLA VALLEY AIR QUALITY ENHANCEMENT TRUST FUND:
ACTION: 1) Approve the Grant Award and Authorization Agreement with the County of Riverside; and 2) Authorize the City Manager to execute the Agreement and all necessary documents. A5886. **Approved as part of the Consent Calendar.**

2.J. PROPOSED RESOLUTION AMENDING THE BAIL SCHEDULE FOR PARKING VIOLATIONS TO PROVIDE FOR STATUTORILY-REQUIRED PASS-THRU COSTS ON PARKING VIOLATIONS FOR STATE COURT AND CRIMINAL JUSTICE FACILITIES CONSTRUCTION COSTS (SB1407):
ACTION: Adopt Resolution No. 22588, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PROVIDING FOR STATUTORILY-REQUIRED STATE COURT AND CRIMINAL JUSTICE FACILITIES CONSTRUCTION PASS-THRU PARKING PENALTIES, AND AMENDING THE BAIL SCHEDULE." **Approved as part of the Consent Calendar.**

2.K. ACCEPT THE RESIGNATION OF MICHAEL STERN FROM THE PUBLIC ARTS COMMISSION:
ACTION: Accept with regret the resignation of Michael Stern from the Public Arts Commission for the unexpired term ending June 30, 2010. **Approved as part of the Consent Calendar.**

2.L. ACCEPT THE RESIGNATION OF REBECCA TERRILL FROM THE VILLAGEFEST BOARD:
ACTION: 1) Accept with regret the resignation of Rebecca Terrill from the VillageFest Board for the unexpired term ending June 30, 2010. **Approved as part of the Consent Calendar.**

2.M. APPOINTMENT OF TWO BOARD MEMBERS TO THE NEWLY CREATION POSITIONS ON THE VILLAGEFEST BOARD:
ACTION: Appoint Jill Beede and Sally McManus to the VillageFest Board for the initial term ending June 30, 2011. **Approved as part of the Consent Calendar.**

2.P. APPROVAL OF PROGRAM SUPPLEMENT AGREEMENT NO. 031-N, WITH THE STATE OF CALIFORNIA FOR USE OF CONGESTION

MITIGATION AND AIR QUALITY (CMAQ) FEDERAL-AID FUNDS FOR THE TRAFFIC MANAGEMENT CENTER AND CITYWIDE TRAFFIC SIGNAL INTERCONNECT PROJECT [CITY PROJECT NO. 08-04, FEDERAL-AID PROJECT NO. CML-5282(031)]:
ACTION: 1) Adopt Resolution No. 22590, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 031-N TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF $225,000 ($199,000 CMAQ FEDERAL FUNDS / $26,000 GAS TAX FUNDS), FOR THE TRAFFIC MANAGEMENT CENTER AND CITYWIDE TRAFFIC SIGNAL INTERCONNECT PROJECT, CITY PROJECT NO. 08-04, FEDERAL-AID PROJECT NO. CML-5282(031)." A5888. **Approved as part of the Consent Calendar.**

2.Q. APPROVAL OF PROGRAM SUPPLEMENT AGREEMENT NO. 027-N, WITH THE STATE OF CALIFORNIA FOR USE OF AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) FEDERAL-AID FUNDS FOR THE GENE AUTRY TRAIL GATEWAY LANDSCAPE IMPROVEMENT PROJECT, CITY PROJECT NO. 06-03, FEDERAL-AID PROJECT NO. ESPLE-5282(027):
ACTION: 1) Adopt Resolution No. 22591, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 027-N TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF $1,850,000 ($1,850,000 ARRA FEDERAL FUNDS / $0 LOCAL FUNDS), FOR THE GENE AUTRY TRAIL GATEWAY LANDSCAPE IMPROVEMENT PROJECT, CITY PROJECT NO. 06-03, FEDERAL-AID PROJECT NO. ESPLE-5282(027)." A5889. **Approved as part of the Consent Calendar.**

2.R. UTILITY AGREEMENTS FOR THE INDIAN CANYON DRIVE / INTERSTATE 10 INTERCHANGE WIDENING PROJECT:
ACTION: 1) Approve the State of California, Department of Transportation, Utility Agreement Number 21467 between the City of Palm Springs and Southern California Edison (Distribution) for relocation of electrical distribution facilities for the Indian Canyon Drive / Interstate 10 Interchange Project (City Project 00-14); A5890. 2) Approve the State of California, Department of Transportation, Utility Agreement Number 21468 between the City of Palm Springs and Southern California Gas Company for relocation of gas facilities for the Indian Canyon Drive / Interstate 10 Interchange Project (City Project 00-14); A5891. 3) Approve the State of California, Department of Transportation, Utility Agreement Number 21471 between the City of Palm Springs and Verizon California, Inc., for relocation of telephone communication facilities for the Indian Canyon

Drive / Interstate 10 Interchange Project (City Project 00-14); A5892. 4) Approve the State of California, Department of Transportation, Utility Agreement Number 21532 between the City of Palm Springs and Southern California Edison (Transmission) for relocation of electrical transmission facilities for the Indian Canyon Drive / Interstate 10 Interchange Project (City Project 00-14); and A5893. 5) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

2.S. TREASURER'S INVESTMENT REPORT AS OF JUNE 30, 2009:
ACTION: Receive and file the Treasurer's Investment Report as of June 30, 2009. **Approved as part of the Consent Calendar.**

2.T. COMMUNITY REDEVELOPMENT AGENCY ITEM APPROVING AN AGREEMENT WITH THE FAIR HOUSING COUNCIL OF RIVERSIDE COUNTY, INC., FOR FAIR HOUSING SERVICES THROUGH EDUCATION, TRAINING/TECHNICAL ASSISTANCE AND ENFORCEMENT:
ACTION: 1) Approve an Agreement with Fair Housing Council of Riverside County, Inc., in the amount of $35,646, for fair housing services through education, training/technical assistance and enforcement. A5894. **Approved as part of the Consent Calendar.**

2.V. COLLEGE OF THE DESERT DRAFT POLICY ON SUSTAINABILITY STEWARDSHIP:
ACTION: Receive and file. **Approved as part of the Consent Calendar, noting the business related abstention of Councilmember Mills.**

2.W. APPROVE PARTICIPATION IN THE RIVERSIDE COUNTY MORTGAGE CERTIFICATE (MCC) PROGRAM:
ACTION: Adopt Resolution No. 22592, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PARTICIPATION IN THE RIVERSIDE COUNTY MORTGAGE CERTIFICATE (MCC) PROGRAM." **Approved as part of the Consent Calendar.**

2.X. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE PORT LAWRENCE TEMPORARY PARKING LOT IMPROVEMENTS, (CITY PROJECT 09-06):
ACTION: Approve the plans, specifications, and working details, and authorize bidding for the Port Lawrence Temporary Parking Lot Improvements, (City Project 09-06). **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.I. APPROVE AMENDMENT NO. 1 TO THE NOTICE TO PROCEED WITH VEOLIA WEST OPERATING SERVICES, INC., FOR THE DESIGN PHASE OF THE ELECTRICAL SYSTEM UPGRADE (CITY PROJECT NO. 09-03):

The City Council discussed and/or commented on the applicability of the local preference program requirements.

ACTION: Authorize the Director of Public Works/City Engineer to issue Amendment No. 1 to the Notice to Proceed for Veolia West Operating Services, Inc., for an increased amount of $30,250, total amount of $280,298.24, for the design phase of the Wastewater Treatment Plant Electrical System Upgrade (City Project No. 09-03). **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

2.N. APPROVE A MILLS ACT HISTORIC SITE CONTRACT FOR THE CASABLANCA ADOBE LOCATED AT 590 SOUTH INDIAN TRAIL:

The City Council discussed and/or commented on the following: the differences under a Class 1 and Class 2 designation, and the benefits of a Mills Act contract.

ACTION: 1) Approve a Mills Act Agreement with Jeff Trachta and Al Sophianopoulos for the Casablanca Adobe located at 590 South Indian Trail; 2) Authorize the City Manager to execute the Agreement; and 3) Direct the City Clerk to submit the executed agreement for recordation. A5887. **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

2.O. CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY ITEM FOR FUNDING OF THE FISCAL YEAR 2009-10 LOW AND MODERATE INCOME HOUSING FUND SET-ASIDE:

The City Council discussed and/or commented on the following: projects funded with previous fiscal year funds, the five year plan, the 20% commitment of tax increment toward affordable housing, and the development of goals and policies of the City Council Subcommittee.

ACTION: [CITY COUNCIL] 1) Adopt Resolution No. 22589, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MAKING CERTAIN FINDINGS WITH RESPECT TO THE 2009-10 DEPOSIT TO THE LOW AND MODERATE INCOME HOUSING FUND; and **[COMMUNITY REDEVELOPMENT AGENCY]** 2) Adopt Resolution No. 1392, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, MAKING CERTAIN FINDINGS WITH RESPECT TO THE 2009-10 DEPOSIT TO THE LOW AND MODERATE INCOME HOUSING

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

2.U. VICEROY HOTEL CONDITIONAL USE PERMIT UPDATE ON CONDITIONS OF APPROVAL AND DETERMINATION OF COMPLIANCE, LOCATED AT 415 S. BELARDO ROAD (CASE NO. 5.0909-CUP):

The City Council discussed and/or commented on the following: requested a progress report on the project, and requested staff provide comment and an update on the sufficiency of the prior bond.

ACTION: Receive and File. A5878. **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

2.Y. AWARD OF CONTRACT FOR THE GENE AUTRY TRAIL GATEWAY LANDSCAPE IMPROVEMENT PROJECT, (CITY PROJECT 06-03), FEDERAL AID PROJECT NO. ESPLE-5282 (027):

The City Council discussed and/or commented on the following: the difference in the grant amount and the bid amount, and other project uses of the grant funding.

ACTION: 1) Approve an Agreement with Sierra Landscape Company, in the amount of $1,225,233.75 for Bid Schedule A, Bid Schedule B and Additive Bid Schedule C, for the Gene Autry Trail Gateway Landscape Improvement Project, (City Project 06-03), Federal Aid Project No. ESPLE-5282(027); and 2) Authorize the City Manager to execute all necessary documents. A5895. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

3. LEGISLATIVE:

3.A. REVIEW AND DISCUSS A PROPOSED ORDINANCE AMENDING PALM SPRINGS MUNICIPAL CODE SECTIONS 8.80.020, 8.80.030, 8.80.040 AND 8.80.70 RELATIVE TO VACANT BUILDINGS, ESTABLISHING THE STOREFRONT IMPROVEMENT PROGRAM:
Thomas Wilson, Assistant City Manager, provided background information as outlined in the staff report dated September 2, 2009.

The City Council discussed and/or commented on the following with respect to the Storefront Improvement Program: the size of "For Lease" signs and the number of "For Lease" signs on an individual property, potential to add sign restrictions, time limit for the removal of signs from businesses that are no longer in business, the ordinance should include the repair of cracked and broken glass, staff to possibly research the enactment of a vacancy tax, staff to possibly research any type of

incentive program for landlords to repair properties, condition of vacant buildings in the Downtown area, census or vacancy rate in the Downtown area and monitoring the vacancy rate, a user group of retailers and building owners to comment on an ordinance prior to the return to the City Council, a limit or certain percentage of window covering for public safety, installation of film that allows a picture during the day and is transparent at night, the City's investment in the Downtown area, additional staff resources to enforce and coordinate the program, the potential for the ordinance to address boundaries, standards and monitoring of cleanliness, and replacement and maintenance of landscaping.

ACTION: Direct the City Clerk to place the proposed Ordinance on the September 16, 2009, City Council Agenda for introduction. **Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

3.B. PROPOSED ORDINANCE PROHIBITING SMOKING IN CERTAIN AREAS OF CITY PARKS AND OUTDOOR PUBLIC PLACES TYPICALLY FREQUENTED BY CHILDREN:
City Attorney Holland provided background information as outlined in the staff report dated September 2, 2009.

The City Council discussed and/or commented on the following: compliance and enforcement, the posting of no smoking signs, and staff using discretion for certain exceptions to the designated areas, and the potential for a creative sign program at City parks.

MOTION: 1) Waive the reading of the full text of the Ordinance, and introduce by title only; and 2) Introduce for first reading "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 6.10.083 TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO PROHIBITION OF SMOKING IN CITY PARKS AND OUTDOOR PUBLIC PLACES." **Motion Councilmember Weigel, seconded by Councilmember Hutcheson and failed 2-3 on a roll call vote.**

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

ACTION: Direct staff to bring forward this Item for further discussion. **By consensus of the City Council.**

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS:

5.A. AMENDMENT NO. 2 TO THE PALM DRIVE/GENE AUTRY TRAIL AT INTERSTATE 10 INTERCHANGE PROJECT REIMBURSEMENT AGREEMENT:

David Barakian, City Engineer, provided background information as outlined in the staff report dated September 2, 2009.

ACTION: 1) Approve Amendment No. 2 to Agreement No. A4195 with the County of Riverside, City of Desert Hot Springs and the Coachella Valley Association of Governments for the Palm Drive/Gene Autry Trail at Interstate 10 Interchange Project, increasing the total authorized Measure "A" amount by $14,490,240 to a total of $32,667,007 and amending the total project cost to $38,808,720; 2) Authorize the City Manager to execute all necessary documents; and 3) Direct staff to bring options to the City Council at the Fiscal Year 2010-11 Budget discussion to include the possibility of bonding, future Measure "A" funds, use of existing cash in designated accounts, and use of redevelopment funds as sources of funding to cover the City's share of the I-10 project costs to CVAG. A4195. **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

5.B. AMENDMENT NO. 2 TO THE CVAG REIMBURSEMENT AGREEMENT FOR THE GENE AUTRY TRAIL FROM INTERSTATE 10 TO VISTA CHINO PROJECT (CITY PROJECT NO. 01-04 AND 02-03):

David Barakian, City Engineer, provided background information as outlined in the staff report dated September 2, 2009.

The City Council discussed and/or commented on the feasibility for an entry way on Gene Autry Trail into the stores on the corner off Vista Chino and Gene Autry.

ACTION: 1) Approve Amendment No. 2 to Agreement No. A4393 with Coachella Valley Association of Governments, for the widening of Gene Autry Trail between Interstate 10 and Vista Chino, increasing the total authorized Measure "A" amount by $1,750,437.93 to a total of $9,625,437.93, for the widening of Gene Autry Trail from Interstate 10 to Vista Chino; 2) Authorize the City Manager to execute all necessary documents. A4393. **Motion Councilmember Hutcheson, seconded by Councilmember Weigel.**

Councilmember Mills stated he has a business related conflict of interest with respect to Item 5.C., would not participate in the discussion or the vote, and left Council Chamber.

5.C. APPROVE THE EXCHANGE OF BOND FOR A RECORDED DEED OF TRUST AS SECURITY FOR COMPLETION OF FUTURE IMPROVEMENTS FOR THE PALERMO AND MURANO PROJECTS:
City Attorney Holland provided background information as outlined in the staff report dated September 2, 2009.

The City Council commented and/or discussed the following: setting precedence for similar situations, the value of the bond and why the City would want to give up the bond, the deed of trust just clouds title, the ramifications of the developer walking away.

MOTION: 1) Approve the exchange of the posted security bond for a deed of trust as security from P.S. Venture Indian Canyon/San Rafael, LLC, for completion of future improvements for the Palermo Project Tract Map 33561; 2) Approve the exchange of the posted security bond for a deed of trust as security from PS Avenida Caballeros/San Rafael, LLC for completion of future improvements for the Murano Project Tract Map 33933; and 3) Direct the City Clerk to execute Certificates of Acceptance for the Deed of Trust. A5246. A5324. **Motion Councilmember Weigel failed for lack of second.**

No action taken.

Councilmember Mills returned to the dais.

5.D. APPOINTMENT OF VARIOUS COMMISSIONERS AND BOARD MEMBERS AS PART OF THE 2009 ANNUAL RECRUITMENT PROCESS:
City Clerk Thompson provided background information as outlined in the staff report dated September 2, 2009.

ACTION: 1) Reappoint Jeanne Mazur to the Public Arts Commission for the term ending June 30, 2012; 2) Appoint Patrick Sheehan and David Shipley to the Public Arts Commission for the term ending June 30, 2012; 3) Appoint Amy Sand to the Public Arts Commission for the unexpired term ending June 30, 2010; and 4) Appoint Clinton Moore and Chuck Conine to the Airport Commission for the term ending June 30, 2012. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Weigel requested staff place on a future agenda further discussion of the proposed smoking ordinance in Item 3.A.

Councilmember Foat requested the City Manager review the concerns of Casa Sandra Apartments with Palm Springs Disposal Service, requested staff review the San Francisco Historic Site Ordinance, and commented on the memorial service for Supervisor Roy Wilson.

Councilmember Mills requested the City Manager correct the build up of trash along the North side of the Airport, correct the dead tree on the Tahquitz median just East of Sunset, and noted the development of a new business information program.

Councilmember Hutcheson commented on the new business information program.

Mayor Pougnet wished Councilmember Mills and former Councilmember McCulloch best wishes on their birthday.

ADJOURNMENT: The City Council adjourned ***in memory of Supervisor Roy Wilson***, at 9:29 p.m., to a Joint Meeting with the Parks and Recreation Commission and a Regular Meeting, Wednesday, September 16, 2009, at 6:00 P.M. Council Chamber, City Hall, preceded by a Closed Session at 3:00 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 16TH DAY OF SEPTEMBER, 2009.

Stephen P. Pougnet

STEPHEN P. POUGNET, MAYOR

ATTEST:

James Thompson

JAMES THOMPSON, CITY CLERK