

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



MINUTES  
WEDNESDAY, MAY 4, 2011  
Council Chamber

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:11 p.m.

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

**INVOCATION:** Reverend Kevin A. Johnson, Bloom in the Desert Ministries, led the Invocation.

**ROLL CALL:**

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

**ABSENT:** None.

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

**PRESENTATIONS:**

Mayor Pougnet and Members of the Council proclaimed May, 2011 as mental health month in the City of Palm Springs, and presented a proclamation to Riverside County Health Services Department.

Mayor Pougnet and Members of the City Council proclaimed May 15 thru 21, 2011 as Poppy Week in the City of Palm Springs, in remembrance of those who have served in the United States Military Forces.

Mayor Pougnet announced the recent College of the Desert West Valley Campus sign unveiling, Police K-9 "Ike" Memorial, and the upcoming run for "Ike" event.

Councilmember Foat announced the recent Friends of the Palm Springs Animal Shelter fundraiser event, and the new Animal Shelter hours.

Mayor Pougnet announced the upcoming PSNIC Annual Picnic, Demuth Community Garden, and the upcoming Police Department and Fire Department recognition luncheon.

**REPORT OF CLOSED SESSION:** The meeting was called to order at 4:00 p.m., and the following speakers addressed the City Council pertaining to Items on the posted Closed Session Agenda.

ITEM NO. 2.B.

NEJAT KOHAN, Spanish Inn, requested the City Council approve an extension to the current reimbursement agreement.

JOE LUISI, requested the City Council approve an extension to the current reimbursement agreement with the Spanish Inn.

WILLIAM HOUCK, Lamar Outdoor Advertising, commented on the billboard relocation opportunities, and requested the City Council support the proposal submitted by Lamar.

City Attorney Holland stated the meeting was called to order at 4:00 p.m., and the City Council recessed into Closed Session to discuss items on the posted agenda.

City Attorney Holland reported the City Council authorized the City Attorney and City Manager to defend the Friends of the Palm Springs Animal Shelter in the Daniel Teutle et. al. v. City of Palm Springs et. al. litigation, and authorized the City Manager to execute a conflict of interest document in that matter, otherwise provided direction to Staff and no reportable actions were taken.

#### **ACCEPTANCE OF THE AGENDA:**

Mayor Pougnet requested Item 2.G. be removed from the Consent Calendar for a separate vote.

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

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

##### **1.A. REQUEST FROM NOBLE & COMPANY FOR A CHANGE OF ZONE FROM E-I (ENERGY-INDUSTRIAL) TO M-2 (MANUFACTURING) FOR AN APPROXIMATE 98-ACRE PARCEL AT THE SOUTHEAST CORNER OF KAREN AVENUE AND 19TH AVENUE AND SUBDIVIDE THE 98-ACRE PARCEL INTO THREE PARCELS (CASE 5.1212 CZ AND TPM 36073):**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated May 4, 2011.

Councilmember Foat requested staff address the zoning of surrounding properties.

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

TOM NOBLE, stated he is in agreement with the staff report, and requested the City Council approve the change of zone and parcel map.

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

**ACTION:** 1) Waive reading of the full text of the Ordinance and introduce for first reading by title only Ordinance No. 1791, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1212 CZ, A CHANGE OF ZONE FROM E-I (ENERGY-INDUSTRIAL) TO M-2 (MANUFACTURING) FOR AN APPROXIMATE 98-ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF KAREN AVENUE AND 19TH AVENUE, SECTION 15, APN 666-330-001-7;" and 2) Adopt Resolution No. 22911, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 36073 TO SUBDIVIDE AN APPROXIMATE 98-ACRE SITE INTO THREE PARCELS IN SECTION 15, (APN 666-330-001-7)." **Motion Mayor Pro Tem Weigel, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

**PUBLIC COMMENT:**

MICHAEL McCULLOCH, Palm Springs, commented on Item 3.A., concerning election reforms, and requested the City Council reconsider the provisions for increasing the number of signatures.

ART HEALEY, Cathedral City, commented on Item 4.A., and requested the City Council adopt the proposed resolution in support of marriage equality.

JOE FALKNER, Cathedral City, commented on Item 4.A., and requested the City Council adopt the proposed resolution in support of marriage equality.

SHELLY SAUNDERS, Palm Springs, commented on Item 4.A., and requested the City Council adopt the proposed resolution in support of marriage equality.

RON WALLEN, commented on Item 4.A., and requested the City Council adopt the proposed resolution in support of marriage equality.

WARREN WOOD and DOUG HAIRGROVE, Palm Springs, commented on Item 4.A., and requested the City Council adopt the proposed resolution in support of marriage equality.

ROBERT and JOAN DILLINGHAM, Palm Springs, commented on Item 4.A., and requested the City Council adopt the proposed resolution in support of marriage equality.

CAROL BALASA, commented on Item 4.A., and requested the City Council adopt the proposed resolution in support of marriage equality.

MIKE BALASA, commented on Item 4.A., and requested the City Council adopt the proposed resolution in support of marriage equality.

PAUL ZAK, commented on Item 4.A., and requested the City Council adopt the proposed resolution in support of marriage equality.

RUTH DEBRA, Palm Springs, commented on Item 4.A., and requested the City Council adopt the proposed resolution in support of marriage equality.

REV. KEVIN JOHNSON, commented on Item 4.A., and requested the City Council adopt the proposed resolution in support of marriage equality.

PAUL LEWIN, Palm Springs, commented on Item 4.A., and requested the City Council adopt the proposed resolution in support of marriage equality.

PHYLLIS BURGESS, Palm Springs, commented on Item 4.A., and requested the City Council oppose the proposed resolution concerning marriage equality.

BOB BOGARD, commented on Item 5.B., and requested the City Council approve funding for the Palm Springs Bureau of Tourism, and funding the marketing programs.

JIM STUART, commented on Item 3.A., and requested the City Council oppose the increase in the number of signatures required for public office, stated the City is known as the marijuana capital of the desert, requested additional police patrols near the cannabis collectives, and stated his support for marriage equity.

JOHN DAW, commented on Item 5.B., and requested the City Council approve funding for the Palm Springs Bureau of Tourism, the Palm Springs Convention Center, and funding the marketing programs.

JULIUS KAZEN, commented on Item 5.B., and requested the City Council approve funding for the Palm Springs Bureau of Tourism, the Palm Springs Convention Center, and funding the marketing programs.

OWEN MANGAN, Palm Springs, commented on Item 4.A., requested the City Council oppose the proposed resolution concerning marriage equality, and commented on neighborhood issues.

STEVE ROSENBERG, Palm Springs, commented on Item 3.A., commented on the number of signatures required and suggested the number of signatures be lowered, and stated his support for the proof of residency requirements.

JACQUELINE LOPEZ, commented on Item 4.A., and requested the City Council adopt the proposed resolution in support of marriage equality.

**COUNCILMEMBER COMMENTS:** None.

**CITY MANAGER'S REPORT:** None.

**2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.H., 2.I., 2.J., 2.K., 2.L., 2.M., 2.N. and 2.O. **Motion Councilmember Mills, seconded by Mayor Pro Tem Weigel and unanimously carried on a roll call vote.**

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

**ACTION:** Receive and file Report on the Posting of the May 4, 2011, City Council Agenda. **Approved as part of the Consent Calendar.**

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

**ACTION:** Approve the City Council Minutes of April 6, 2011, and City Council/Community Redevelopment Agency Minutes of April 20, 2011. **Approved as part of the Consent Calendar.**

**2.C. ACCEPT THE RESIGNATION OF CASS ROGERS FROM THE BOARD OF APPEALS:**

**ACTION:** 1) Accept with regret the resignation of Cass Rogers from the Board of Appeals; and 2) Direct the City Clerk to post a Notice of Vacancy. **Approved as part of the Consent Calendar.**

**2.D. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF COACHELLA TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING DECEMBER 31, 2011:**

**ACTION:** Appoint City Manager David Garcia, as the City of Coachella representative, to the Palm Springs International Airport Commission for the term ending December 31, 2011. **Approved as part of the Consent Calendar.**

**2.E. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1788, AMENDING THE PALM SPRINGS MUNICIPAL CODE, PROHIBITION OF SMOKING IN PARKS:**

**ACTION:** Waive further reading and adopt Ordinance No. 1788, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 6.10.081 TO, AMENDING SECTION 6.10.020 OF, AND AMENDING SUBSECTION (a) OF SECTION 6.10.100 OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO PROHIBITION OF SMOKING IN PARKS." **Approved as part of the Consent Calendar.**

**2.F. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1789, ADOPTING THE COLLEGE PARK SPECIFIC PLAN AND RELATED AMENDMENTS TO THE CITY OF PALM SPRINGS GENERAL PLAN AND ZONING ORDINANCE:**

**ACTION:** Waive further reading and adopt Ordinance No. 1789, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE CHANGE OF ZONE, ADOPTING THE COLLEGE OF

THE DESERT WEST VALLEY CAMPUS SPECIFIC PLAN ESTABLISHING NEW DEVELOPMENT STANDARDS AND GUIDELINES FOR THE PROPOSED TEN (10) INDIVIDUAL PLANNING AREAS LOCATED WEST OF INDIAN CANYON DRIVE, EAST OF HIGHWAY 111, NORTH OF SAN RAFAEL DRIVE AND SOUTH OF THE CHINO CREEK/WHITEWATER RIVER FLOOD CONTROL LEVEE." **Approved as part of the Consent Calendar.**

**2.H. AMENDMENT NO. 2 TO AGREEMENT NO. A5235 WITH DOKKEN ENGINEERING FOR THE INDIAN CANYON DRIVE WIDENING PROJECT (CP 01-25):**

**ACTION:** 1) Approve Amendment No. 2 to Agreement No. A5235 with Dokken Engineering, in the amount of \$190,980 for a total revised contract amount of \$912,730 for the Indian Canyon Drive Widening Project (CP 01-25); and 2) Authorize the City Manager to execute all necessary documents. A5235. **Approved as part of the Consent Calendar.**

**2.I. PROGRAM SUPPLEMENT AGREEMENT NO. M016 REV. 1 WITH THE STATE OF CALIFORNIA FOR USE OF SURFACE TRANSPORTATION PROGRAM (STPLN) FEDERAL-AID FUNDS FOR THE INDIAN CANYON DRIVE WIDENING PROJECT, FEDERAL-AID PROJECT NO. STPLN-5282 (023) (CP 01-25):**

**ACTION:** Adopt Resolution No. 22913, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. M016 REV. 1 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$1,936,000, FOR THE INDIAN CANYON DRIVE WIDENING PROJECT, FEDERAL-AID PROJECT NO. STPLN-5282 (023) (CP 01-25), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALM SPRINGS." A6093. **Approved as part of the Consent Calendar.**

**2.J. PROGRAM SUPPLEMENT AGREEMENT NO. M012 REV. 1, WITH THE STATE OF CALIFORNIA FOR USE OF PUBLIC LANDS HIGHWAY (PLHL) FEDERAL-AID FUNDS FOR THE BELARDO ROAD BRIDGE AND ROADWAY PROJECT, FEDERAL-AID PROJECT NO. PLHL-5282 (020) (CP 87-49):**

**ACTION:** Adopt Resolution No. 22914, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. M012 REV. 1 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$2,325,194, FOR THE BELARDO ROAD BRIDGE AND ROADWAY PROJECT, FEDERAL-AID PROJECT NO. PLHL-5282 (020) (CP 87-49), AND AUTHORIZING THE CITY MANAGER TO

EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALM SPRINGS." A6094. **Approved as part of the Consent Calendar.**

**2.K. BELARDO ROAD BRIDGE AND ROADWAY PROJECT (CP 87-49):**

**ACTION:** 1) Approve the plans, specifications, and working details for the Belardo Road Bridge and Roadway Project, Federal Project No. PLHL-5282(020) and authorize the bid process (CP 87-49); 2) Approve a "Subcontractor Services Agreement" with the Agua Caliente Band of Cahuilla Indians; and 3) Authorize the City Manager to execute all necessary documents. A6095. **Approved as part of the Consent Calendar.**

**2.L. AMEND AND ADOPT THE CITY'S INVESTMENT POLICY GOVERNING THE INVESTMENT OF CITY FUNDS:**

**ACTION:** Adopt Resolution No. 22915, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND ADOPTING THE CITY'S INVESTMENT POLICY GOVERNING THE INVESTMENT OF CITY FUNDS, AS ADOPTED BY RESOLUTION NO. 21946, DATED JUNE 20, 2007." **Approved as part of the Consent Calendar.**

**2.M. TREASURER'S INVESTMENT REPORT AS OF FEBRUARY 28, 2011:**

**ACTION:** Receive and file the Treasurer's Investment Report as of February 28, 2011. **Approved as part of the Consent Calendar.**

**2.N. COMMUNITY REDEVELOPMENT AGENCY STATE-MANDATED PAYMENT TO THE SUPPLEMENTAL EDUCATIONAL REVENUE AUGMENTATION FUND (SERAF):**

**ACTION:** Adopt Resolution No. 22916, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, MAKING CERTAIN FINDINGS WITH RESPECT TO THE FISCAL YEAR 2010-11 PAYMENT TO THE EDUCATIONAL REVENUE AUGMENTATION FUND AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO." **Approved as part of the Consent Calendar.**

**2.O. AWARD OF CONTRACT FOR THE SAFE ROUTES TO SCHOOL CYCLE 8, STATE FUNDED PROJECT (CP 09-07):**

**ACTION:** 1) Approve an agreement with DBX, Inc. for Bid Schedules A through D, inclusive, for the Safe Routes to School Cycle 8 State Funded Project, in the amount of \$391,382.50 (CP 09-07); and 2) Authorize the City Manager to execute all necessary documents. A6096. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.G. MEMORANDUM OF UNDERSTANDING WITH THE PALM SPRINGS POLICE MANAGEMENT ASSOCIATION FOR THE PERIOD JULY 1, 2010, THROUGH JUNE 30, 2012:**

Councilmember Mills requested staff clarify the take home vehicle program for the Police Department.

**ACTION:** 1) Adopt Resolution No. 22912, "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 PALM SPRINGS POLICE MANAGEMENT ASSOCIATION REPRESENTING THE POLICE MANAGEMENT UNIT, FOR THE PERIOD JULY 1, 2010, THROUGH JUNE 30, 2012, SUBJECT TO THE UNIT'S RATIFICATION AND EXECUTING THE MEMORANDUM OF UNDERSTANDING;" and 2) Authorize the City Manager to execute all necessary documents. A5569. **Motion Councilmember Foat, seconded by Mayor Pro Tem Weigel and carried 4-1 on a roll call vote.**

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

**NOES:** Mayor Pougnet.

**3. LEGISLATIVE:**

**3.A. PROPOSED ORDINANCES ESTABLISHING ELECTION REGULATIONS INCREASING THE NUMBER OF SIGNATURES NEEDED TO QUALIFY TO RUN FOR ELECTIVE OFFICE, ESTABLISHING A FILING FEE, REQUIRING PROOF OF RESIDENCY, AND REGULATIONS FOR THE USE OF THE CITY SEAL:**

City Clerk Thompson provided background information as outlined in the staff report dated May 4, 2011.

Mayor Pro Tem Weigel stated the proposed ordinance is close, stated he would like the number of signatures to be further lowered, requested staff address extending the time for filing, and requested the City Council consider the implementation of the ordinance after the current City Council term.

Councilmember Mills commented on the implementation timing, requested staff address extending the nomination period, and suggested the City Council expand the nomination period.

Councilmember Foat discussed the number of signatures required, commented on the City Council Subcommittee discussion, and stated the purpose of the ordinance was furthered for the public input and the benefit to elect their representatives.

Councilmember Hutcheson commented on the City Council Subcommittee discussion, favored regulations that are educational and representative of the voters, commented on the public time and resources used to run for office, stated his support for implementing the regulations after the upcoming election, and requested the City Council approve the ordinance.

Councilmember Mills suggested the City Council consider amending the ordinance to require not less than 80 voters nor more than 120 voters, and allowing issuance of 4 sections of a nomination paper for circulation.

Mayor Pougnet stated the City does not need further regulations, however, he noted the importance of requiring proof of residency.

**ACTION:** 1) Waive reading and re-introduce for first reading Ordinance No. 1790, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 2.02 TO, REPEALING SECTIONS 2.04.080 AND 2.04.100 OF THE PALM SPRINGS MUNICIPAL CODE, AND REPEALING UNCODIFIED ORDINANCE NO. 1562, RELATING TO THE CONDUCT OF MUNICIPAL ELECTIONS," amending Section 2.02.020(a) to provide not less than 80 nor more than 120 signatures, adding Section 2.02.020(c) to read "Not earlier than the 120th day nor later than the 88th day before a municipal election during normal office hours, as posted, the voters may nominate candidates for election by signing a nomination paper," amending Section 2.02.030(a) to provide for four (4) Sections to a nomination paper, and amending Section 2.02.035 to provide for filing fees of \$80 and \$40; and 2) Waive reading of the full text of the Ordinance and introduce for first reading by title only Ordinance No. 1792, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTIONS 2.02.025, 2.02.050, AND 1.04.030 TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE CONDUCT OF MUNICIPAL ELECTIONS PROOF OF RESIDENCY REQUIREMENTS AND THE USE OF THE CITY SEAL." **Motion Councilmember Foat, seconded by Councilmember Hutcheson and carried 3-2 on a roll call vote.**

**AYES:** Councilmember Foat, Councilmember Hutcheson, and Councilmember Mills.

**NOES:** Mayor Pro Tem Weigel and Mayor Pougnet.

The City Council recessed at 7:46 p.m.  
The City Council reconvened at 7:52 p.m.

**4. UNFINISHED BUSINESS:**

**4.A. PROPOSED RESOLUTION SUPPORTING THE RIGHT TO FULL CIVIL MARRIAGE EQUALITY FOR ALL RESIDENTS OF PALM SPRINGS:**

Tom Wilson, Assistant City Manager, provided background information as outlined in the proposed resolution.

The City Council discussed and/or commented on the following with respect to the proposed resolution: legal and other benefits pertaining to marriage equality, civil rights aspects toward marriage equality, the importance of a unanimous vote, questioned if this issue should be brought before the City Council, the placement of the proposed resolution on the City Council Agenda, and if the discussion is polarizing the community.

**ACTION:** Adopt Resolution No. 22917, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUPPORTING THE RIGHT TO FULL CIVIL MARRIAGE EQUALITY FOR ALL RESIDENTS OF PALM SPRINGS." **Motion Councilmember Foat, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

**5. NEW BUSINESS:**

**5.A. PRESENTATION AND DISCUSSION OF A PROPOSAL FOR THE OPERATION AND MANAGEMENT OF THE PALM SPRINGS SKATE PARK:**

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated May 4, 2011.

Mayor Pougnet commented on current problems at the skate park, stated the City Council should ensure the skate park can still be used by Palm Springs youth.

Councilmember Hutcheson requested staff address the tourism aspect of the program and stated the skate park is an asset for the City, requested staff address the use of existing staff, such as the pool staff, and the financial aspects of the proposed program.

Mayor Pro Tem Weigel stated he would like to see the City consolidate the uses of the pool and the skate park to the extent feasible, and ensure the City is sponsor of the major events.

Councilmember Foat requested staff review shading in the capital improvement plan, and future planning for expansion.

Councilmember Mills commented on the history of the skate park, and stated the proposal is consistent with how the skate park was built, requested the consultant address the concert component, and the number of staffing required.

Mayor Pro Tem Weigel requested staff look at security issues at the pool in conjunction with the proposal at the skate park.

**ACTION:** Direct staff to negotiate a management and operations agreement for the Palm Springs Skate Park with Action Park Alliance and bring back a proposed contract for City Council consideration. **By consensus of the City Council.**

**5.B. PRESENTATION AND DISCUSSION OF THE DRAFT FISCAL YEAR 2011-12 BUDGET INCLUDING ENTERPRISE FUNDS, SPECIAL REVENUE FUNDS, AND INTERNAL SERVICE FUNDS AND PRESENTATION BY THE BUREAU OF TOURISM ON THE FISCAL YEAR 2011-12 TOURISM BUDGET AND REQUESTS:**

Geoffrey Kiehl, Director of Finance, provided background information as outlined in the proposed budgets.

Jamie Canfield, Palm Springs Convention Center, and Mary Jo Ginter, Palm Springs Bureau of Tourism, provided background information as outlined in the Tourism Budget.

Mayor Pougnet requested staff address the impact of oil and the drive market on tourism.

Councilmember Hutcheson congratulated the Bureau of Tourism for an excellent job, commented on the "Fan" trips, and commented on the comparative data provided.

Councilmember Mills thanked the Bureau of Tourism, and reminded the City Council of the importance of tourism, commented on the article in the American Express Magazine.

Councilmember Foat requested staff address the landscaping budget moved to tourism, and requested staff address the operating deficit.

Councilmember Hutcheson requested staff address why GNA is up about 7% in the Airport Budget, requested staff address the Golf Fund deficit of \$144,000 and inquired if such deficit can be from cash balance.

No action taken.

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

Councilmember Hutcheson requested information on a program to require new Department Heads to live within the City of Palm Springs, and requested the curbs be painted red at the beginning of the season.

Councilmember Foat requested further detail on the Golf Fund at the next budget discussion, and requested the City Manager bring forward a program to participate in the National League of Cities National Pharmacy Discount Program.

Mayor Pougnet requested staff address his previous request on the condition of the trees in Sunrise Park, complemented staff on the park improvements, and requested staff review the inconsistency on the regulations for barber poles.

Mayor Pro Tem Weigel requested an update on his previous request to participate in the Indian Wells Help the Homeless Program.

**ADJOURNMENT:** The City Council adjourned at 9:21 p.m. to a Joint Meeting with the Agua Caliente Band of Cahuilla Indians Tribal Council at 5:00 p.m., Wednesday, May 11, 2011, at the Palm Springs Convention Center, Mesquite Room C, 277 North Avenida Caballeros, Palm Springs, preceded by a Closed Session at 4:00 p.m., Agua Caliente Room B.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 18<sup>TH</sup> DAY OF MAY, 2011.**

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STEPHEN P. POGNET, MAYOR

ATTEST:

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JAMES THOMPSON, CITY CLERK

**CITY COUNCIL  
CITY OF PALM SPRINGS, CALIFORNIA**



**JOINT MEETING MINUTES  
WITH THE AGUA CALIENTE TRIBAL COUNCIL**

**WEDNESDAY, MAY 11, 2011**

**Palm Springs Convention Center, 277 Avenida Caballeros, Palm Springs**

**CALL TO ORDER:** Mayor Pougnet and Tribal Chairman Milanovich called the meeting to order at 5:07 p.m.

**PLEDGE OF ALLEGIANCE:** Chairman Milanovich led the Pledge.

**CITY COUNCIL ROLL CALL:**

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

**ABSENT:** None.

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

**TRIBAL COUNCIL ROLL CALL:**

**PRESENT:** Richard M. Milanovich, Chairman, Jeff L. Grubbe, Vice Chairman, Vincent Gonzales, III, Secretary/Treasurer, Anthony Andreas III, Member, and Savana R. Saubel, Member.

**ABSENT:** None.

**ALSO PRESENT:** Tom Davis, Tribal Council Chief Planning Officer, Margaret Park, Director of Planning and Natural Resources, Alva Johnson, Director of Government Affairs, Todd Hooks, Economic Development Director, Michelle Carr, Tribal Attorney, and Laura Fregozo, Executive Assistant to the Tribal Council.

**REPORT OF THE CLOSED SESSION:**

The meeting was called to order at 4:00 p.m., and the City Attorney requested the City Council add three matters of litigation to the Closed Session Agenda, pursuant to G.C. Section 54956.9(a):

*O'Donnell Golf Club v. City of Palm Springs et al.*

Case No. INC 1101850, Riverside Superior Court, Indio Division

*Pacific Hospitality Group v. Palm Springs Community Redevelopment Agency*

Case No. INC 079881 Riverside Superior Court, Indio Division

*Palm Springs Investment Company, L.P. v. City of Palm Springs et. al.*  
Case Nos. INC 070629 and INC 070631 Riverside Superior Court, Indio Division

**ACTION:** 1) Find the above matters 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 prior to the next meeting; and 2) Add three cases of existing litigation as described above to the Closed Session Agenda. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried.**

The City Council recessed into Closed Session to discuss Items on the Closed Session Agenda.

City Attorney Holland reported that the City Council: 1) Authorized the City Manager to execute a Settlement Agreement for the O'Donnell v. City of Palm Springs Litigation, upon full execution the contract will be on file in the Office of the City Clerk for public inspection, 2) Approved a confidentiality agreement with Wessman Development, which will be on file in the Office of the City Clerk upon execution; and 3) Authorized the Mayor to execute a letter to members of the State Legislature and Governor in support of SB 444 relating to Palm Springs Investment Company litigation. A6088. (O'Donnell) A6089. (Wessman).

**PUBLIC COMMENT:** None.

**1. DISCUSSION ITEMS:**

**1.A. MUSEUM MARKET PLAZA UPDATE AND STATUS REPORT.**

Mayor Pougnet and Councilmember Mills provided background information and update on the Museum Market Plaza Specific Plan, and the Mayor stated the City is in negotiation with Wessman Development negotiating a Development Agreement and a Project Funding Agreement.

Discussion was held regarding: the projected new street from the proposed development to the Spa Hotel, and the possibility of the Tribe, in conjunction, with possible partners to develop a new hotel next to the current Casino.

No action taken.

**1.B. SPECIAL DISTRIBUTION FUND UPDATE.**

City Manager Ready, Alva Johnson, Tribal Director of Government Affairs, and Geoffrey Kiehl, Director of Finance, provided background information on the status of the Special Distribution Fund.

Discussion was held regarding: the current Tribal contract negotiated with Gov. Schwarzenegger, mitigation of the cost of public safety near and around the City, TOT in-lieu payments.

No action taken.

**1.C. INTERSTATE 10 INTERCHANGES UPDATE AND PROGRESS REPORT.**

David Barakian, City Engineer, provided background information and an update on the Interstate 10 Interchanges construction, and stated both the Gene Autry Interchange and the Indian Drive Interchange are both under construction.

Discussion was held regarding: sand closures on Indian Drive and the lack of options to avoid such closures.

No action taken.

**1.D. VISTA CHINO BRIDGE OVER WHITEWATER RIVER FUNDING AND PROGRESS REPORT.**

David Barakian, City Engineer, provided background information and an update on the Vista Chino Bridge Project and stated the City has received approval to commence the start of the environmental process.

Discussion was held regarding: working with Cathedral City toward a grant application such as the joint Ramon Road Bridge Project.

No action taken.

**1.E. BELARDO ROAD AND BELARDO ROAD BRIDGE PROJECT UPDATE AND PROGRESS REPORT.**

David Barakian, City Engineer, and Margaret Park, Tribal Director of Planning and Natural Resources, provided background information and an update on the Belardo Road and Bridge Project and stated Cal Trans has authorized the advertising of the construction project.

Discussion was held regarding: construction timeline, and partial funding by Tribal Indian Reservation Road Funds.

No action taken.

**1.F. WHITEWATER RANCH WIND ENERGY PROJECT DISCUSSION.**

Tom Davis, Tribal Council Chief Planning Officer, and Todd Hooks, Economic Development Director, provided background information on the proposed Whitewater Ranch Wind Energy Project.

Discussion was held regarding: Tribe executed a lease agreement with Noble for the installation of wind turbines on six acres, and the application and approval process.

No action taken.

**1.G. OVERVIEW ON TRIBAL EMERGENCY MANAGEMENT OPERATIONS.**

Tom Davis, Tribal Council Chief Planning Officer, and Margaret Park, Director of Planning and Natural Resources, provided an overview on the Tribal Emergency Management Operations including the Tribal Flood Management Program and compliance with NIMS.

Discussion was held regarding: interfacing and consolidating efforts between the City and the Tribe, interoperability radio system, and the Tribal Mobile Command Vehicle.

No action taken.

**IDENTIFICATION OF FUTURE AGENDA/DISCUSSION ITEMS.**

Schedule the next Joint Meeting of the City Council and the Tribal Council for September 2011.

**ADJOURNMENT:** The City Council adjourned at 6:00 p.m. to the Regular Meeting on Wednesday, May 18, 2011, 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 18<sup>TH</sup> DAY OF MAY, 2011.**

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STEPHEN P. POUQUET, MAYOR

ATTEST:

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JAMES THOMPSON, CITY CLERK