

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



**MINUTES
WEDNESDAY, JUNE 1, 2011
Council Chamber**

CALL TO ORDER: Mayor Pougnet called the adjourned meeting to order at 4:10 p.m.

PUBLIC COMMENT: None.

INTERVIEW AN APPLICANT AND APPOINT MEMBERS TO THE HISTORIC SITE PRESERVATION BOARD AS PART OF THE 2011 ANNUAL RECRUITMENT OF BOARDS AND COMMISSIONS:

ACTION: Reappoint Thomas DeLeeuw and John Gilmer to the Historic Site Preservation Board for terms ending June 30, 2014. **By consensus of the City Council.**

RECESS TO COUNCIL CHAMBER: The City Council recessed to Council Chamber at 4:30 p.m., for public comment on the Items contained on the Closed Session Agenda, and then recessed into Closed Session.

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:02 p.m.

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

INVOCATION: Rev. Duane Cox, Retired Religious Science Minister, 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:

Keith McCormick, Palm Springs Business Improvement District Advisory Board, announced the BID Business of the Year Award to Las Casuelas Terraza.

Mayor Pougnet provided an update on the recent PSUSD DigiCom Student Film Festival, announced the upcoming Palm Springs POWER Opening Night and July 4th Fireworks at the Palm Springs Stadium.

ITEM NO. 2.B.

Mayor Pro Tem Weigel announced the Palm Springs Help the Homeless Program.

Ron Cummings, Fire Department, announced the upcoming Fire Department Annual Fish Fry and community event.

REPORT OF CLOSED SESSION: The meeting was called to order at 4:30 p.m., and the following speakers addressed the City Council on Items contained on the posted Closed Session Agenda.

BETSY HAYES-GONZALES, Lamar Advertising, commented on the real property negotiations with Lamar Advertising.

City Attorney Holland stated the City Council recessed into Closed Session to discuss items on the posted Closed Session Agenda. No reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

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

Councilmember Mills noted his business related abstention on Item 2.C. for Warrant No. 1048786.

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

1. PUBLIC HEARINGS:

1.A. JOINT ITEM OF THE CITY COUNCIL AND THE COMMUNITY REDEVELOPMENT AGENCY FOR THE ADOPTION OF THE FISCAL YEAR 2011-12 BUDGET, ALLOCATED POSITIONS AND COMPENSATION PLAN, APPROPRIATIONS LIMIT, AND FUND BALANCE DESIGNATION POLICY:

Geoffrey Kiehl, Director of Finance, provided background information as outlined in the Fiscal Year 2011-12 Budget documents.

The City Council determined they would separate the discussion and the vote of the Special Events and Contributions from the remainder of the budget discussion.

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

TOM ADAMO, Palm Springs, commented on beatification and tourism budget and requested the City Council provide for public restrooms in the Downtown area.

JOHN DAW, spoke in support of the restoration of the budget to the Bureau of Tourism.

JOY MEREDITH, commented on the lack of restrooms in the Downtown area.

JULIUS KAZEN, spoke in support of the restoration of the budget for the Bureau of Tourism, commented on tourism and the Hotel Incentive Program.

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

Councilmember Foat requested staff address public restrooms in the Downtown area.

Mayor Pougnet commented on discussions with Wessman Development regarding public restrooms.

Mayor Pro Tem Weigel commented on the lack of capital improvement funds in the budget, and requested staff address funding of improvements and maintenance in the parks and public improvements.

Councilmember Mills commented on funding for capital improvements and alternative funding for improvements, public restrooms in the Downtown area, requested staff address the reserves and the recommended reserves a city should maintain, and requested the City Council consider the restoration of the Bureau of Tourism budget.

Councilmember Hutcheson requested staff address the bottoming of revenues, stated his support for the restoration of the Bureau of Tourism budget, commented on the number of employees, public restrooms and the Welwood project.

Councilmember Foat requested staff address the possibility of hiring a grant writer, to assist in securing Federal, State and other grants.

ACTION: 1) Adopt Resolution No. 22925, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2011-12;" 2) Adopt Resolution No. 22926, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE BUDGET FOR FISCAL YEAR 2011-12 AND SUCH OTHER MATTERS AS REQUIRED;" amending the budget to provide an additional \$150,000 for the Bureau of Tourism with the caveat that the remaining \$150,000 funding be reviewed in six months; 3) Adopt Resolution No. 1420, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM

SPRINGS, CALIFORNIA, APPROVING THE BUDGET FOR FISCAL YEAR 2011-12 AND SUCH OTHER MATTERS AS REQUIRED;" 4) Adopt Resolution No. 22927, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN APPROPRIATIONS LIMIT FOR THE FISCAL YEAR ENDING JUNE 30, 2012;" 5) Adopt Resolution No. 22928, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE CITY'S FUND BALANCE DESIGNATION POLICY GOVERNING THE ACCOUNTING FOR CITY FUND BALANCES;" and 6) Direct the City Manager / Executive Director and Director of Finance and Treasurer to make the appropriate modifications to the Budget and prepare the final budget document for Fiscal Year 2011-12. **Motion Councilmember Hutcheson, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

Councilmember Foat stated she had a business related conflict of interest with respect to the Special Events and Contributions budget, stated she would not participate in the discussion or the vote, and left Council Chamber.

City Manager Ready provided background information on the budget for special events as outlined in the Special Events and Contributions Budget.

Mayor Pougnet requested staff address the holiday light replacement program, requested staff look at the expansion of lights to the Uptown area, stated the funding for the Earth Through a Lens event should be from the Sustainability Commission, and requested the City Council consider partial funding for the Holiday shows at the Convention Center.

Councilmember Hutcheson requested staff address the holiday light replacement, and stated his support of the creation of a new special event and funding.

Councilmember Mills requested staff address the holiday light replacement program, and the funding of Community Concerts.

Mayor Pro Tem Weigel requested the City Council consider the funding of \$10,000 for Marine Band Concerts, requested the City Council consider funding Opera in the Park in the amount of \$3,000, and increasing the funding for the Palm Springs International Film Festival.

Mayor Pougnet stated his support for Opera in the Park and Community Concerts, but expressed concern on the funding for the Film Festival.

ACTION: Approve the Fiscal Year 2011-12 Special Events and Contributions Budget, *amending the budget to fund the Marine Band Community Concerts in the amount of \$10,000, Opera in the Park event in*

the amount of \$3,000, New Special Event funding in the amount of \$30,000, Young Americans Event in the amount of \$15,000, and September 11 Commemoration in the amount of \$7,000. Motion Mayor Pro Tem Weigel, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.

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

Councilmember Foat returned to the dais.

PUBLIC COMMENT:

NEJAT KOHAN, requested the City Council reconsider its decision on the \$500,000 financial assistance for the Spanish Inn.

DAN JESSUP, Palm Springs, stated his support of Downtown revitalization.

DOUG JONES, Palm Springs, spoke in support of the revitalization of Downtown and the partnership between the City and Wessman Development.

JOE LUISI, Palm Springs, requested the City Council reconsider the decision on the Spanish Inn funding.

RICK PANTELE, commented on the recent fundraiser for the Palm Springs Animal Shelter, and requested the City Council consider providing a medical cannabis permit to CAPPS.

KAREN TABBAH, Palm Springs, commented on the Fourth of July, the entry sign, and commented on Item 2.D. the assessment for the Sunrise Norte Tract.

JOY MEREDITH, commented on the revitalization of the Downtown area.

STACY HOCHANADEL, commented on the taxation of medical cannabis cooperatives and collectives, and requested the City Council address illegal collectives.

JOHN TYMON, commented on the Desert Fashion Plaza, and commented on "hate crimes."

TIM NELSON, stated his support for the Spanish Inn.

JAMES CAMPER, commented on the taxation of medical cannabis cooperatives and collectives, and requested the City Council address illegal collectives.

COUNCILMEMBER COMMENTS: None.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.F., 2.G., 2.H., 2.I., 2.J., 2.K., and 2.L. **Motion Councilmember Mills, seconded by Councilmember Hutcheson 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 June 1, 2011, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of May 18, 2011, and May 25, 2011. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 22929, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 4-30-11 BY WARRANTS NUMBERED 416630 THROUGH 416657 TOTALING \$39,552.88, LIABILITY CHECKS NUMBERED 1048607 THROUGH 1048630 TOTALING \$126,205.94, FIVE WIRE TRANSFERS FOR \$47,352.56, AND THREE ELECTRONIC ACH DEBITS OF \$1,045,865.85, IN THE AGGREGATE AMOUNT OF \$1,258,977.23, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22930, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1048631 THROUGH 1048698 IN THE AGGREGATE AMOUNT OF \$576,211.96, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 22931, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1048699 THROUGH 1048866 IN THE AGGREGATE AMOUNT OF \$1,148,153.71, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 22932, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 5-14-11 BY WARRANTS NUMBERED 416658 THROUGH 416682 TOTALING \$36,149.30, LIABILITY CHECKS NUMBERED 1048867 THROUGH 1048890 TOTALING \$124,559.09, FIVE WIRE TRANSFERS FOR \$47,041.39, AND THREE ELECTRONIC ACH DEBITS OF \$972,002.18, IN THE AGGREGATE AMOUNT OF \$1,179,751.96, DRAWN ON BANK OF AMERICA;" and 5) Adopt Resolution No. 22933, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1048891

THROUGH 1049058 IN THE AGGREGATE AMOUNT OF \$1,408,866.66, DRAWN ON BANK OF AMERICA," **noting the abstention of Councilmember Mills on Warrant No. 1048786. Approved as part of the Consent Calendar.**

2.D. NOTICE OF INTENT FOR THE ANNUAL LEVY OF ASSESSMENTS FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS, FISCAL YEAR 2011-12:

ACTION: 1) Adopt Resolution No. 22934, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING STREET LIGHTING MAINTENANCE DISTRICT NO. 3 ("CROSSLEY TRACT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2011-12."

2) Adopt Resolution No. 22935, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON STREET LIGHTING MAINTENANCE DISTRICT NO. 3 ("CROSSLEY TRACT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2011-12."

3) Adopt Resolution No. 22936, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 6A ("FAIRPORT DEVELOPMENT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2011-12."

4) Adopt Resolution No. 22937, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 6A ("FAIRPORT DEVELOPMENT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2011-12."

5) Adopt Resolution No. 22938, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 6C ("PARK SONORA TRACT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2011-12."

6) Adopt Resolution No. 22939, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 6C ("PARK SONORA TRACT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2011-12."

7) Adopt Resolution No. 22940, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 7 ("SUNRISE NORTE TRACT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2011-12."

8) Adopt Resolution No. 22941, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 7 ("SUNRISE NORTE TRACT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2011-12."

9) Adopt Resolution No. 22942, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 8 ("VINTAGE PALMS TRACT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2011-12."

10) Adopt Resolution No. 22943, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 8 ("VINTAGE PALMS TRACT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2011-12."

11) Adopt Resolution No. 22944, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 9 ("FLORA VISTA"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2011-12."

12) Adopt Resolution No. 22945, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON

PARKWAY MAINTENANCE DISTRICT NO. 9 ("FLORA VISTA"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2011-12."

13) Adopt Resolution No. 22946, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORTS REGARDING PARKWAY MAINTENANCE DISTRICT NO. 10, ZONE 1 AND ZONE 2, ("MOUNTAIN GATE"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2011-12."

14) Adopt Resolution No. 22947, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 10, ZONE 1 AND ZONE 2, ("MOUNTAIN GATE"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2011-12."

15) Adopt Resolution No. 22948, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING LANDSCAPE MAINTENANCE DISTRICT NO. 12 ("SMOKE TREE COMMONS"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2011-12."

16) Adopt Resolution No. 22949, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON LANDSCAPE MAINTENANCE DISTRICT NO. 12 ("SMOKE TREE COMMONS"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2011-12."

Approved as part of the Consent Calendar.

2.F. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1793, EXTENDING THE DEFERRAL OF PAYMENT OF CERTAIN DEVELOPMENT IMPACT FEES BY ORDINANCE NO. 1757:

ACTION: Waive further reading and adopt Ordinance No. 1793, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, PROVIDING FOR THE DEFERRAL OF PAYMENT OF CERTAIN DEVELOPMENT IMPACT FEES AND EXTENDING ORDINANCE NO. 1757." **Approved as part of the Consent Calendar.**

2.G. SUPPORT OF DAILY SUNSET LIMITED PASSENGER RAIL SERVICE:

ACTION: Approve and support CVAG Resolution No. 11-003, a Resolution in Support of Amtrak's Sunset Limited Plan to provide Daily

Intercity Rail Service from Los Angeles, California, to San Antonio, Texas, via the Coachella Valley; and 2) Authorize the Mayor to execute all necessary documents. **Approved as part of the Consent Calendar.**

2.H. PROGRAM SUPPLEMENT AGREEMENT NO. N034, WITH THE STATE OF CALIFORNIA, FOR USE OF SAFE ROUTES TO SCHOOL (SRTSL) FEDERAL-AID FUNDS FOR THE FEDERAL SAFE ROUTES TO SCHOOL (CYCLE 2) PROJECT, FEDERAL-AID PROJECT NO. SRTSL-5282 (039) (CP 08-10):

ACTION: 1) Adopt Resolution No. 22950, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. N034 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$38,500, FOR THE FEDERAL SAFE ROUTES TO SCHOOL (CYCLE 2) PROJECT, CITY PROJECT NO. 08-10, FEDERAL-AID PROJECT NO. SRTSL-5282 (039), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALM SPRINGS." A6101. **Approved as part of the Consent Calendar.**

2.I. AMENDMENT NO. 3 TO AGREEMENT NO. A5348 WITH RS&H CALIFORNIA, INC. FOR AVIATION CONSULTING SERVICES:

ACTION: 1) Approve Amendment No. 3 to Agreement No. A5348 with RS&H California, Inc. for Aviation Consulting Services in the amount of \$47,503; and 2) Authorize the City Manager to execute all necessary documents. A5348. **Approved as part of the Consent Calendar.**

2.J. AGREEMENT WITH RISELO ENGINEERING SOLUTIONS INC. FOR PASSENGER BOARDING BRIDGE MAINTENANCE SERVICES IN THE AMOUNT OF \$193,401 (REQUEST FOR PROPOSALS 10-11):

ACTION: 1) Approve an agreement with Riselo Engineering Solutions Inc., as specified in Request for Proposals No. 10-11, in the amount of \$193,401 for Passenger Boarding Bridge Maintenance Services for a period of three years with 2 one-year options to renew, in a form acceptable to the City Attorney; and 2) Authorize the City Manager to execute all necessary documents. A6102. **Approved as part of the Consent Calendar.**

2.K. AMENDMENT NO. 4 TO AGREEMENT NO. A4780 WITH DOKKEN ENGINEERING FOR THE BELARDO ROAD BRIDGE & ROADWAY WIDENING PROJECT(CP 87-49):

ACTION: 1) Approve Amendment No. 4 to Agreement No. A4780 with Dokken Engineering, in the amount of \$311,600 for a total revised contract amount of \$770,240, for the Belardo Road Bridge and Roadway Widening Project (CP 87-49); and 2) Authorize the City Manager to execute all

necessary documents. A4780. **Approved as part of the Consent Calendar.**

2.L. APPROVAL OF AN AGREEMENT AND ESCROW INSTRUCTIONS FOR THE SALE OF REAL PROPERTY TO O & M HR, LLC, FOR TWO PARCELS TOTALING APPROXIMATELY 5.62 ACRES LOCATED AT THE SOUTHEAST CORNER OF ANDREAS ROAD AND CALLE EL SEGUNDO FOR \$1.5 MILLION:

ACTION: 1) Adopt Resolution No. 22951, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AGREEMENT AND ESCROW INSTRUCTIONS FOR THE SALE OF TWO PARCELS OF REAL PROPERTY, ASSESSOR PARCEL NOS. 508055007 AND 508055008, TOTALING APPROXIMATELY 5.62 ACRES LOCATED AT THE SOUTHEAST CORNER OF ANDREAS ROAD AND CALLE EL SEGUNDO, TO O & M HR, LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR THE AMOUNT OF \$1.5 MILLION;" and 2) Authorize the City Manager to execute all documents related and necessary to the agreement. A6103.
Approved as part of the Consent Calendar.

EXCLUDED CONSENT CALENDAR:

2.E. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1790, ESTABLISHING ELECTION REGULATIONS INCREASING THE NUMBER OF SIGNATURES NEEDED TO QUALIFY TO RUN FOR ELECTIVE OFFICE:

ACTION: Waive further reading and adopt 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." **Motion Councilmember Hutcheson, seconded by Councilmember Mills 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.

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS:

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

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

5.A. RESOLUTION OF PUBLIC CONVENIENCE OR NECESSITY (PCN) FOR CORK 'N BOTTLE, TO SELL BEER AND WINE FOR CONSUMPTION OFF PREMISES (TYPE 20 ALCOHOL LICENSE) AT THE EXISTING RETAIL STORE LOCATED AT 342 NORTH PALM CANYON DRIVE:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated June 1, 2011.

The City Council requested the Applicant address the sale of the previous license.

MOTION: Adopt Resolution, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER AND WINE FOR OFF SITE CONSUMPTION (TYPE 20 ALCOHOL LICENSE) AT A RETAIL STORE LOCATED AT 342 NORTH PALM CANYON DRIVE." **Motion Councilmember Hutcheson, failed for lack of a second.**

Councilmember Foat and Councilmember Mills returned to the dais.

5.B. APPOINTMENT OF VARIOUS COMMISSIONERS AND BOARD MEMBERS AS PART OF THE 2011 ANNUAL RECRUITMENT PROCESS:

ACTION: 1) Reappoint John Ege, Terri Mettie and Ranees Schaafsma to the Sustainability Commission for the term ending June 30, 2014, and 2) Appoint Delaney Toups to the Sustainability Commission for the unexpired term ending June 30, 2013. **Motion Councilmember Hutcheson, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

5.C. AUTHORIZATION TO NEGOTIATE NEW AGREEMENT WITH PALM SPRINGS DISPOSAL SERVICES (PSDS) PROVIDING FOR ONCE WEEKLY SERVICE:

David Barakian, City Engineer, provided background information as outlined in the staff report dated June 1, 2011.

Councilmember Hutcheson requested staff address the benefits to the City and the citizens, and commented on the proposed rates.

Mayor Pro Tem Weigel commented on the proposed new rates, and recommended staff enter into negotiations, but also consider the issuance of an RFP.

Councilmember Foat request PSDS address any potential loss of jobs based on the reduction of service, and requested clarification on the extra charge for green waste.

Mayor Pougnet commented on the issuance of an RFP, and collection earlier in the week.

ACTION: Authorize staff to enter into negotiations with PSDS on a new Agreement. **By consensus of the City Council.**

- 5.D. AMENDMENT NO. 5 TO AGREEMENT NO. A5859 WITH MSW CONSULTANTS FOR SOLID WASTE CONTRACT MANAGEMENT:**
David Barakian, City Engineer, provided background information as outlined in the staff report dated June 1, 2011.

ACTION: 1) Approve Amendment No. 5 to Agreement No. 5859 with MSW Consultants for solid waste contract management services, in an additional amount not to exceed \$38,285. Total agreement amount shall not exceed \$104,555; and 2) Authorize the City Manager to execute all necessary documents. A5859. **Motion Councilmember Foat, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

- 5.E. PURCHASE OF 30 NEW REPLACEMENT VEHICLES (14 OF WHICH ARE HYBRIDS), 3 NEW REPLACEMENT MOTORCYCLES AND 1 NEW ELECTRIC VEHICLE FOR USE BY VARIOUS CITY DEPARTMENTS:**
David Barakian, City Engineer, provided background information as outlined in the staff report dated June 1, 2011.

ACTION: 1) Approve the purchase of 30 new replacement vehicles (14 of which are hybrids), 3 new replacement motorcycles, and 1 new electric vehicle for use by various City Departments as outlined on the attached list in a total amount not to exceed \$1,097,000; 2) Authorize staff to conduct the appropriate bid processes, or utilize cooperative purchase contracts if available, in accordance with procurement procedures and authorize the City Manager to execute all necessary documents, including all purchase orders for the approved list of vehicles, to expedite the acquisition process; and 3) Adopt Resolution No. 22952, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2010-11." **Motion Councilmember Foat, seconded by Councilmember Mills and carried 4-1 on a roll call vote.**

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

NOES: Mayor Pro Tem Weigel.

5.F. DISCUSSION ON THE LOCAL TAXATION OF MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES:

City Attorney Holland provided background information on local taxation as it could relate to medical cannabis cooperatives and collectives.

ACTION: Continue to the meeting of June 15, 2011. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Mills requested staff address the landscape maintenance at the Springs project, and requested staff address a dead City palm tree at Sunny Dunes and South Palm Canyon.

Mayor Pro Tem Weigel requested staff address the use and opening hours of the Palm Springs Skate Park.

Councilmember Foat requested staff address the dead palm tree at Vista Chino and Palm Canyon, provided an update of the new animal shelter, and encouraged the adoption of pets at the shelter.

Mayor Pougnet thanked the Fire Department for their assistance with the fire at the children's school, and commented on the Palm Springs Rodeo.

ADJOURNMENT: The City Council adjourned at 9:11 p.m. to the Regular Meeting to be held Wednesday, June 15, 2011, at 6:00 P.M. Council Chamber, City Hall, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 15TH DAY OF JUNE, 2011.

STEPHEN P. POUCKET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK