

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



MINUTES
WEDNESDAY, February 18, 2009
City Hall Council Chamber

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:01 p.m.

PLEDGE OF ALLEGIANCE: Palm Springs Air Force ROTC Junior Color Guard, led the Pledge.

INVOCATION: Rev. Dr. Amanda Burr, United Methodist Church of Palm Springs, led the Invocation.

ROLL CALL:

PRESENT: Councilmember Foat, Councilmember Hutcherson, Councilmember Weigel, and Mayor Pougnet.

ABSENT: Mayor Pro Tem Mills.

ALSO PRESENT: Acting City Manager Wilson, City Attorney Holland, and City Clerk Thompson.

PRESENTATIONS: Mayor Pougnet outlined the activities of Modernism Week in the City of Palm Springs.

REPORT OF CLOSED SESSION: City Attorney Holland reported that at 5:00 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:

Mayor Pougnet stated the City Council will continue Public Hearing Item 1.B. due to the absence of a Councilmember.

Councilmember Weigel requested Item 2.H. be removed from the Consent Calendar for separate discussion.

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

ITEM NO. 2.B.

ACTION: 1) Accept the Agenda as amended; 2) Continue Public Hearing Item 1.B., without public testimony; and 3) Direct the City Clerk to re-notice the Public Hearing. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried (4-0) on a roll call vote noting the absence of Mayor Pro Tem Mills.**

1. PUBLIC HEARINGS:

1.A. JOINT PUBLIC HEARING OF THE COMMUNITY REDEVELOPMENT AGENCY AND THE CITY COUNCIL CONSIDERING THE APPROVAL OF THE FIRST AMENDMENT TO A DISPOSITION AND DEVELOPMENT AGREEMENT WITH ENDURE, LLC (FORMERLY GEIGER, LLC) THAT AUTHORIZES THE AGENCY TO PAY \$1,385,000 TOWARDS THE \$13,000,000 IN COSTS FOR REMEDIATION AND MONITORING THE SITE OF A 393,000 SQUARE FOOT RETAIL SHOPPING CENTER AT THE NORTHEAST CORNER OF RAMON ROAD AND GENE AUTRY TRAIL (HIGHWAY 111), MERGED REDEVELOPMENT PROJECT AREA NO. 1:

THOMAS WILSON, Assistant City Manager, provided background information as outlined in the staff report dated February 18, 2009.

Mayor Pougnet opened the public hearing, and no speakers coming forward the public hearing was closed.

ACTION: [COMMUNITY REDEVELOPMENT AGENCY] 1) Adopt Resolution No. 1375, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH ENDURE, LLC (FORMERLY GEIGER, LLC) FOR THE DEVELOPMENT OF THE SPRINGS PROJECT;" **[CITY COUNCIL]** 2) Adopt Resolution No. 22430, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONCURRING WITH THE COMMUNITY REDEVELOPMENT AGENCY REGARDING THE APPROVAL OF AMENDMENT NO. 1 TO THE DISPOSITION AND DEVELOPMENT AGREEMENT WITH ENDURE, LLC (GEIGER, LLC);" 3) Authorize the City Manager to execute a budget transfer of \$277,000 from unallocated capital outlay funds to an account established for the purposes of executing this Agreement; and 4) Approve the transfer of ownership interest from Geiger, LLC to Endure, LLC. A0503C. **Motion Councilmember Foat, seconded by Councilmember Weigel and unanimously carried (4-0) on a roll call vote noting the absence of Mayor Pro Tem Mills.**

1.B. DESIGNATION OF THE PROPERTY LOCATED AT 300 SOUTH PALM CANYON DRIVE (FORMER SANTA FE FEDERAL SAVINGS AND

LOAN) AS A CLASS 1 HISTORIC SITE AND PLANNED DEVELOPMENT DISTRICT AND TENTATIVE TRACT MAP FOR A PROPOSED MIXED USE PROJECT COMPRISED OF A NEW 4-STORY BUILDING, ADAPTIVE REUSE OF AN EXISTING BUILDING, OFF-STREET PARKING AND LANDSCAPING AT 300 SOUTH PALM CANYON DRIVE (SECTION 15, TOWNSHIP 4, RANGE 4) HSPB 54, 5.1137-PDD 335, TTM 35230:

ACTION: Public Hearing continued under Acceptance of the Agenda.

PUBLIC COMMENT:

PHYLLIS BURGESS, Palm Springs, commented on boycott of businesses with respect to Proposition 8 on the November, 2008 ballot.

JOYCE NOVELL, Palm Springs, commented on Item 2.H., Safe Routes to School, stated no children use the area and opposed the installation of a sidewalk.

SCOTT KENNEDY, commented on Item 2.H., Safe Routes to School, and stated his opposition to the installation of the sidewalk.

LANNY SWERDLOW, commented on Item 3.B. and presented several modifications to the Ordinance.

STEVEN SIMS, commented on Item 2.H., and requested the City Council support Safe Routes to School and funding.

PETER MORUZZI, commented on Public Hearing Item 1.B.

RON MARSHALL, commented on Public Hearing Item 1.B.

MIKE TREVINO, Palm Springs, commented on Item 3.B. and requested the City Council allow Community Care Givers to remain at their current location.

JOY MEREDITH, spoke in support of Item 3.B. Cannabis Cooperatives.

ROXANN PLOSS, commented on the proposed County Detention Facility in the Whitewater Canyon.

LYNDA SAMEN, commented on Item 3.B. and requested the City Council allow Community Care Givers to remain at their current location.

RICK PANTELLE, requested the City Council postpone the vote on Item 3.B., regarding Cannabis Collectives.

JULIE LALIMA , requested the City Council postpone the vote on Item 3.B., regarding medical Cannabis Cooperatives.

JOHN TYMON, requested the City Council disband the City Human Rights Commission, and commented on a current problem with the Palm Springs Police Department.

COUNCILMEMBER COMMENTS:

Councilmember Foat commented on the successful Modernism Week event and the Racquet Club Neighborhood Estates Walk.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., 2.I., 2.J., 2.K., 2.L., 2.M., 2.N., 2.O., and 2.P. **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried (4-0) on a roll call vote noting the absence of Mayor Pro Tem Mills.**

2.A. REPORT ON POSTING OF THE AGENDA:

ACTION: Receive and file Report on the Posting of the February 18, 2009, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council/Community Redevelopment Agency Minutes of February 4, 2009, and the City Council Minutes of February 11, 2009. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 22431, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 01-24-09 BY WARRANTS NUMBERED 414314 THROUGH 414359 TOTALING \$88,210.51, LIABILITY CHECKS NUMBERED 1033420 THROUGH 1033423 TOTALING \$1,439.28, AND THREE ELECTRONIC ACH DEBITS OF \$1,334,020.01, IN THE AGGREGATE AMOUNT OF \$1,423,669.80, DRAWN ON BANK OF AMERICA;" and 2) Adopt Resolution No. 22432, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1033424 THROUGH 1033494 IN THE AGGREGATE AMOUNT OF \$241,779.76, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

- 2.D. STAFF AUTHORIZED AGREEMENTS FOR JANUARY, 2009:**
ACTION: Receive and file Staff Authorized Agreements covering the period January 1, 2009 through January 31, 2009. **Approved as part of the Consent Calendar.**
- 2.E. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE CHANGING THE NAME OF THE RESOURCE CONSERVATION COMMISSION TO THE SUSTAINABILITY COMMISSION AND ESTABLISHING REVISED DUTIES OF THE COMMISSION:**
ACTION: Waive further reading and adopt Ordinance No. 1755, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 2.28 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO THE SUSTAINABILITY COMMISSION." **Approved as part of the Consent Calendar.**
- 2.F. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE AMENDING THE PROCUREMENT AND CONTRACTING PROVISIONS ESTABLISHING A LOCAL BUSINESS PREFERENCE PROGRAM:**
ACTION: Waive further reading and adopt Ordinance No. 1756, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 7.01.040 AND 7.09.030 OF, AND ADDING SECTION 1.01.231 TO THE PALM SPRINGS MUNICIPAL CODE, ESTABLISHING A LOCAL BUSINESS PREFERENCE PROGRAM." **Approved as part of the Consent Calendar.**
- 2.G. AWARD CONTRACT FOR SEWER MANHOLE ADJUSTING (CITY PROJECT NO. 08-08):**
ACTION: 1) Approve an agreement with Tri-Star Contracting in the amount of \$31,822.74 for sewer manhole adjusting services (City Project No. 08-08); and 2) Authorize the City Manager to execute the Agreement. A5790. **Approved as part of the Consent Calendar.**
- 2.I. APPROVE AMENDMENT NO. 1 TO THE AGREEMENT WITH KAY HAZEN AND COMPANY FOR SUSTAINABILITY MASTER PLAN OWNER'S REPRESENTATIVE SERVICES AND INTERIM SUSTAINABILITY STAFFING ASSISTANCE:**
ACTION: 1) Approve Amendment No. 1 to the Agreement with Kay Hazen and Company, in an amount not-to-exceed \$20,000 through May 2009, for owner's representative coordination services of the sustainability master plan process and other sustainability programs and activities; and 2) Authorize the City Manager to execute the Amendment to the Agreement. A5725. **Approved as part of the Consent Calendar.**
- 2.J. AMENDMENT TO AGREEMENT WITH ENGINEERING RESOURCES OF SOUTHERN CALIFORNIA, INC. FOR PALM SPRINGS STORM**

DRAIN LINE 6A, LINE 8, LATERAL 20C AND LATERAL 20CA (CITY PROJECT NO. 05-20):

ACTION: 1) Approve Amendment No. 4 to Agreement No. A5275 with Engineering Resources of Southern California, Inc., in the amount of \$31,165 for a total revised contract amount of \$683,170 for the Palm Springs Storm Drain Line 6A and Line 8 (City Project No. 05-20); and 2) Authorize the City Manager to execute the Amendment to the Agreement. A5275. **Approved as part of the Consent Calendar.**

2.K. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF COACHELLA TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING DECEMBER 31, 2009:

ACTION: Appoint Mayor Pro Tem Steven Hernandez, as the City of Coachella representative, to the Palm Springs International Airport Commission for the term ending December 31, 2009. **Approved as part of the Consent Calendar.**

2.L. AWARD CONTRACT FOR THE 2008-09 SB821 PROJECTS (CITY PROJECT NO. 08-12 AND CITY PROJECT NO. 08-13):

ACTION: 1) Determine the low bid submitted by Hondo Engineering, Inc., as non-responsive; 2) Approve an Agreement with S.J. Grigolla Construction Co., Inc., in the amount of \$119,715, for Bid Schedules A and B, for the 2008-09 SB821 Projects; and 3) Authorize the City Manager to execute the Agreement. A5791. **Approved as part of the Consent Calendar.**

2.M. PROPOSED AMENDMENT TO THE AGREEMENT WITH WILLDAN FINANCIAL SERVICES FOR ARBITRAGE REBATE SERVICES:

ACTION: 1) Approve an Amendment to the Agreement with Willdan Financial Services, for Arbitrage Rebate Services, increasing the amount not-to-exceed \$30,000; and 2) Authorize the City Manager to execute the Agreement. A5507. **Approved as part of the Consent Calendar.**

2.N. APPROVE A MILLS ACT HISTORIC SITE CONTRACT FOR THE PROPERTY LOCATED AT 369 NORTH PALM CANYON DRIVE THE GTE BUILDING (CURRENTLY AZUL RESTAURANT):

ACTION: Approve a Mills Act Historic Site Agreement with George Kessinger, for the property located at 369 North Palm Canyon Drive. A5792. **Approved as part of the Consent Calendar.**

2.O. JOINT ITEM WITH THE CITY COUNCIL AND THE COMMUNITY REDEVELOPMENT AGENCY APPROVING THE REPAYMENT OF A PORTION OF THE PRINCIPAL BALANCE ON A NOTE TO THE CITY

FOR THE VILLAGE GREEN AND FRANCES STEVENS PARK, AND RELATED RESOLUTIONS AMENDING THE BUDGET:

ACTION: [CITY COUNCIL] 1) Adopt Resolution No. 22433, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CALLING AND ACCEPTING THE REPAYMENT OF \$855,000 IN PRINCIPAL BY THE COMMUNITY REDEVELOPMENT AGENCY UNDER A PROMISSORY NOTE FOR THE VILLAGE GREEN; 2) Adopt Resolution No. 22434, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CALLING AND ACCEPTING THE REPAYMENT OF \$1,265,000 IN PRINCIPAL BY THE COMMUNITY REDEVELOPMENT AGENCY UNDER A PROMISSORY NOTE FOR FRANCES STEVENS PARK;" 3) Adopt Resolution No. 22435, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2008-09;" 4) Adopt Resolution No. 22436, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, RESERVING FUNDS FOR FUTURE PAYMENTS FROM FRANCES STEVENS PARK FOR FISCAL YEAR 2009-10;" [COMMUNITY REDEVELOPMENT AGENCY] 5) Adopt Resolution No. 1376, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2008-09;" 6) Adopt Resolution No. 1377, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, RESERVING FUNDS FOR FUTURE PAYMENTS FROM FRANCES STEVENS PARK FOR FISCAL YEAR 2009-10;" and 7) Authorize the City Manager/Executive Director to execute all the documents related to the repayment of principal by the Agency. **Approved as part of the Consent Calendar.**

2.P. JOINT ITEM WITH THE CITY COUNCIL AND THE COMMUNITY REDEVELOPMENT AGENCY APPROVING THE REPAYMENT AND RELENDING OF COMMUNITY REDEVELOPMENT AGENCY LOANS:

ACTION: [CITY COUNCIL] 1) Accept repayments of loans from the Merged Area #1 and Merged Area #2 Debt Service Funds in the amount of \$1,466,785 and \$545,000, respectively (plus accrued interest at 6%); 2) Approve the issuance of new loans at 6% interest from the General Fund to Merged Area #1 and Merged Area #2 Capital Projects Funds, in the amount of \$1,466,785 and \$545,000, respectively, effective February 18, 2009; 3) Adopt Resolution No. 22437, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2008-09; 4) Adopt Resolution No. 22438, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2008-09; [COMMUNITY REDEVELOPMENT AGENCY]; 5) Approve repayment of loans to the City of Palm Springs by the Merged

Area #1 and Merged Area #2 Debt Service Funds in the amount of \$1,466,785 and \$545,000, respectively (plus accrued interest at 6%); 6) Accept new loans at 6% interest from the General Fund to Merged Area #1 and Merged Area #2 Capital Projects Funds, in the amount of \$1,466,785 and \$545,000, respectively, effective February 18, 2009; 7) Adopt Resolution No. 1378, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2008-09;" 8) Adopt Resolution No. 1379, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2008-09."
Approved as part of the Consent Calendar.

EXCLUDED CONSENT CALENDAR:

2.H. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE SAFE ROUTES TO SCHOOL STATE FUNDED PROJECT (CITY PROJECT NO. 08-06):

Councilmember Weigel commented on the history of the Safe Routes to School program and children participation in the walk to school program, and stated his support for the program.

Councilmember Foat stated her opposition to the program, requested staff address the selection of the street, and commented on selection of the street.

Councilmember Hutcheson requested staff address the construction of the sidewalk on the City right of way as opposed to private property, and requested staff address the process and notification for the installation of the sidewalk.

ACTION: Approve the plans, specifications, and working details for the Safe Routes to School Project (City Project No. 08-06). **Motion Councilmember Weigel, seconded by Mayor Pougnet and carried (3-1) on a roll call vote.**

AYES: Councilmember Hutcheson, Councilmember Weigel, and Mayor Pougnet.

NOES: Councilmember Foat.

ABSENT: Mayor Pro Tem Mills.

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE TEMPORARILY DELAYING THE PAYMENT OF QUIMBY PARK FEES AND PUBLIC ARTS FEES:

Thomas Wilson, Assistant City Manager, provided background information on the proposed deferral of certain development impact fees.

ACTION: 1) Waive the reading of the ordinance text in its entirety and read by title only; and 2) Introduce on first reading Ordinance No. 1757, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, PROVIDING FOR THE DEFERRAL OF PAYMENT OF CERTAIN DEVELOPMENT IMPACT FEES." Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried (4-0) on a roll call vote noting the absence of Mayor Pro Tem Mills.

3.B. PROPOSED ORDINANCE AMENDING THE PALM SPRINGS ZONING CODE RELATING TO THE LOCATION AND OPERATION OF MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES:

City Attorney Holland provided background information as outlined in the staff report dated February 18, 2009, and requested the City Council amend the Ordinance Section 93.22.00(K)(7).

Councilmember Hutcheson commented on prohibiting of cash transactions at the cooperatives, and recommended the City Council permit the collectives and cooperatives in the C-M Zone (Commercial-Manufacturing).

Councilmember Foat stated her support to allow collectives in the C-M Zone, stated her support for allowing more than two cooperatives, requested staff address a collective near retail use, stated her objection to the requirement for barred windows, requested the City Council review the requirement for patient records at the collective, holding the collective responsible to ensure no consumption of cannabis on the site, requested staff address the obstruction of windows, the prohibition of equipment being sold at the collective, the employee criminal history, and requested a City Council Subcommittee be formed to address the selection process.

Councilmember Weigel stated this process is incurring a great deal of work for the creation and the enforcement of the Ordinance, requested the City Attorney address the distinction of a collective/cooperative, stated his opposition to the Ordinance.

Mayor Pougnet requested the City Attorney address the status on the illegal dispensaries operating in the City, and stated the illegal dispensaries should be shut down immediately.

Mayor Pougnet recommended the City Council include the C-M Zone, agreed with the additional prohibition near day care and child care facilities, suggested the requirement of barring of windows be removed, and recommended the medical records requirement be amended.

ACTION: 1) Waive the reading of the ordinance text in its entirety and read by title only; and 2) Introduce on first reading Ordinance No. 1758,

"AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTIONS 91.00.10-B, 92.15.01-A, 92.17.01-A, AND 92.17.1.01 OF, AND ADDING SECTION 93.22.00 TO, THE PALM SPRINGS ZONING CODE, RELATING TO MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES AS PERMITTED USES IN THE C-M, M-1, and M-2, ZONES," *amending the proposed ordinance to allow collectives in the C-M zone, amending 93.22.00(C) by adding to the prohibition within 500 feet of child care or day care facility, amending 93.22.00(C) by appending commercial retail use with "where such use is the primary use on such property," amending the requirement for barring on windows to provide that "All windows on the building that houses the cooperative or collective shall be appropriately secured and all marijuana securely stored, and a reliable, commercial alarm system shall be installed and maintained," amending the requirements for patient records "The cooperative shall maintain patient records in a secure location within the City of Palm Springs, available to the City Manager to review upon demand," and amend 93.22.00(K)(9) pertaining to prohibited use on the premises by removing the "or other immediate surroundings," and 93.22.00(K)(7) second sentence to read "All transactions between the cooperative or collective and its members or the members' primary caregivers shall be made by check or credit card; no cash transactions shall be allowed."* **Motion Councilmember Hutcheson, seconded by Councilmember Foat and carried 3-1 on a roll call vote.**

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

NOES: Councilmember Weigel.

ABSENT: Mayor Pro Tem Mills.

4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:**

Councilmember Foat stated she has a property related conflict of interest with respect to TM 31104, and she would abstain from voting on the approval of the time extension with respect to the Spanish Inn.

5.A. **APPROVAL OF TIME EXTENSIONS OF SUBDIVISION IMPROVEMENT AGREEMENTS FOR VARIOUS PROJECTS: TRACT MAP 34214 803 N. PALM CANYON, TRACT MAP 33577 PALOMINO, TRACT MAP 32160 ENCLAVE, TRACT MAP 30046 MONTE SERENO, TRACT MAPS 32233-1, -2, -3 AND -4 ESCENA, TRACT MAP 32675 ALEXANDER COUNTRY CLUB ESTATES, TRACT MAP 33561 PALERMO, TRACT MAP 33162 PEDREGAL, TRACT MAP 30058 FOUR SEASONS II, TRACT MAP 31848-1 AVALON, TRACT MAP 32732 OCEO, TRACT MAP 33933 MURANO, TRACT MAP 33878-1 THE COTTAGES AT**

SMOKE TREE RANCH, TRACT MAP 34933 COCOTERO, TRACT MAP 28966 PRESERVE ESTATES, TRACT MAP 31514 LUMINAIRE, TRACT MAP 31525 FOUR SEASONS III, TRACT MAP 33161 VISTA SAN JACINTO, TRACT MAP 33542 TANGERINE, TRACT MAP 32378 MACRINA, AND TRACT MAP 31104 SPANISH INN:

David Barakian, City Engineer, provided background information as outlined in the staff report dated February 18, 2009.

Councilmember Hutcheson requested staff address any potential for the City to require enhancements to the sites.

ACTION: Adopt Resolution No. 22439, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING TIME EXTENSIONS OF VARIOUS SUBDIVISION IMPROVEMENT AGREEMENTS." A5429. A5226. A5105. A5131. A5086. A5087. A5088. A5089. A5276. A5246. A5516. A5080. A5393. A5426. A5324. A5425. A5496. A4814. A5155. A5439. A5436. A5291. A5614. A5618. **Motion Councilmember Weigel, seconded by Councilmember Hutcheson and unanimously carried (4-0) on a roll call vote, noting the absence of Mayor Pro Tem Mills, and noting the abstention of Councilmember Foat with respect to Tract Map 31104.**

5.B. AWARD CONTRACT FOR TRAFFIC SIGNAL MAINTENANCE SERVICES WITH REPUBLIC ITS:

David Barakian, City Engineer, provided background information as outlined in the staff report dated February 18, 2009.

ACTION: 1) Terminate Agreement No. A4725 with the County of Riverside, effective April 1, 2009; 2) Approve an Agreement with Republic Intelligent Transportation Services, Inc. (dba Republic ITS) for Traffic Signal Maintenance Services; and 3) Authorize the City Manager to execute the Agreement. A4725. A5793. **Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried (4-0) on a roll call vote noting the absence of Mayor Pro Tem Mills.**

5.C. AWARD CONTRACT FOR THE FISCAL YEAR 2008-09 ANNUAL SLURRY SEAL PROJECT (CITY PROJECT NO. 08-27):

David Barakian, City Engineer, provided background information as outlined in the staff report dated February 18, 2009.

ACTION: 1) Approve an Agreement with Bond Blacktop, Inc., in the amount of \$580,770.90, for Bid Schedules A, B, C, E, and F, for the Fiscal Year 2008-09 Annual Slurry Seal Project (City Project No. 08-27); and 2) Authorize the City Manager to execute the Agreement. A5794. **Motion Councilmember Hutcheson, seconded by Mayor Pougnet and**

unanimously carried (4-0) on a roll call vote noting the absence of Mayor Pro Tem Mills.

5.D. DISCUSSION OF DRAFT CONDITIONS OF APPROVAL RELATED TO THE MAINTENANCE OF VACANT OR UNUSED PROPERTY:

Councilmember Hutcheson thanked staff and the Planning Commission for their work on the conditions, commented on the development of the conditions, and requested staff address premature demolition.

Councilmember Foat requested staff address Condition E with respect to a community garden.

No action taken.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Hutcheson acknowledged the citizen communications with respect to Baristo Lofts.

Councilmember Foat announced the upcoming Dog Day Afternoon event, and commented on the development of a new animal shelter.

Mayor Pougnet requested the City Manager place an Item on the first meeting of each month with respect to the Fashion Plaza Update, and requested the City participate in the Lights Out event.

ADJOURNMENT: The City Council adjourned at 7:58 p.m. to a Regular Meeting, Wednesday, March 4, 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. No City Council Study Session will be held February 25, 2009.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 4TH DAY OF MARCH, 2009.

STEPHEN P. POGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK