

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



MINUTES
WEDNESDAY, NOVEMBER 12, 2008
City Hall Council Chamber

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:07 p.m.

PLEDGE OF ALLEGIANCE: Mayor Pougnet led the Pledge.

ROLL CALL:

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

ABSENT: Councilmember Mills.

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

PRESENTATIONS: Fire Chief Goetz outlined the activities for the "The Great Southern California Shakeout."

Mayor Pougnet and the City Council presented David Willmon, California League of Cities Regional Public Affairs Manager, a Certificate of Appreciation for the successful passage of AB158 Special Distribution Fund legislation.

REPORT OF CLOSED SESSION: City Attorney Holland reported that at 5:15 p.m. the meeting was called to order and the City Council added an Item to the Closed Session Agenda pursuant to G.C. Section 54956.8 Conference with Real Property Negotiator.

ACTION: 1) Make the finding that the Item came to the attention of the City after the posting of the Agenda, there is an immediate need to hear and/or take action on the Item; and 2) Add to the Closed Session Agenda, *Conference with Real Property Negotiator for the properties identified by APN's 666-330-059, 666-330-060, 666-330-068, 666-330-069, City Negotiator David Ready, City Manager, Negotiating Party, Garnett Partnership, Price and Terms of Payment for Purchase. Motion Councilmember Weigel, seconded by Councilmember Hutcheson, and unanimously carried (4-0) noting the absence of Councilmember Mills.*

The City Council then recessed into Closed Session to discuss Items on the posted Closed Session Agenda. No reportable actions were taken, the City Council did provide direction with respect to property negotiations on the above listed parcels.

ACCEPTANCE OF THE AGENDA:

ACTION: Accept the Agenda as presented. **Motion Mayor Pro Tem Foat, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

PUBLIC COMMENT:

STEFANIE FRITH, Desert Sun, outlined the purpose and activities of the Palm Springs Sun.

PHYLLIS BURGESS, Palm Springs, commented on the recent protest at City Hall in response to Proposition 8 on the November, 2008 ballot.

SHEILA GRATAN, Palm Springs, commented on the protest and the suggested boycott in response to Proposition 8 on the November, 2008 ballot.

CANDICE SWEET, stated she was harassed at a local Palm Springs establishment and refused access, and stated concerns with respect to the actions of the Palm Springs Police Department.

JOLEENE WOUK, Palm Springs, commented on a recent incident with Candice Sweet, and the actions of the community.

TROY GREGURICH, Palm Springs, commented on a recent event at DINKS with respect to the dress code, and the conduct of the employees of the establishment.

JEFF SHOTWELL, commented on a recent event at DINKS with respect to the dress code, and the actions of the community.

LESLIE MARIAH ANDREWS, Desert Local News, commented on a recent event at DINKS, and commented on dress code geared toward trans-gendered individuals.

JEFFREY NICHOLS, commented on a recent event with Candice Sweet at DINKS and the dress code.

DARRELL KELLEY, Palm Springs, commented on a recent event at DINKS restaurant, stated the incident was not discriminatory but a behavioral issue, and stated the establishment has amended their dress code.

LANA LAWLESS, commented on a recent event with Candice Sweet at DINKS restaurant, stated establishments cannot discriminate on race or gender.

COUNCILMEMBER COMMENTS:

Mayor Pro Tem Foat commented on a recent public protest at City Hall with respect to Proposition 8 on the November, 2008 ballot.

CITY MANAGER'S REPORT: None.

1. STUDY SESSION:

1.A. JOINT STUDY SESSION OF THE CITY COUNCIL AND THE HUMAN RIGHTS COMMISSION TO DISCUSS ACCOMPLISHMENTS, GOALS, AND OBJECTIVES:

The members of the Human Rights Commission introduced themselves.

Mayor Pougnet commented on the recent activities in the City with respect to the failed ballot measure, Proposition 8, on the November, 2008 ballot.

Jerry Trussell, Human Rights Commission Chair, outlined the recent accomplishments of the Commission, and reported on the upcoming goals of the Commission as outlined in the Human Rights Commission's Goals Memo dated November 12, 2008.

Steven Bolerjack, Human Rights Commission Vice Chair, outlined the goals of the Commission's communication strategy, and outlined the recent one-page Mission Statement brochure.

Sidney Craig, Human Rights Commissioner, outlined the contents of the newly developed information packet.

Luciano Ramirez, Human Rights Commissioner, outlined the goals of public awareness program and objectives, and stated the Commission will have a presence at VillageFest.

Kris Benz, Human Rights Commissioner, outlined the objectives of the mediation program.

Tom Johnston, Human Rights Commissioner, outlined the goals with respect to "hate crimes" education, and the identification and reporting of such by the Police Department.

Councilmember Hutcheson commented on two recent issues in the City with respect to the rights of individuals and the rights of businesses,

requested the Commission address the current issues facing the community, and encouraged the Commission to be involved in the healing of the community.

Councilmember Weigel requested the Commission address the circumstances in which they can offer mediation and other programs.

Mayor Pro Tem Foat requested the City Attorney address the proactive offering of services by the Commission when an issue arises, requested the Commission look at ways to respond to electronic miscommunication, recommended the Commission have meetings and forums in the Community that are geared toward a segment in the community, suggested the Commission look at housing issues and how to avoid foreclosure, and recommended that the Commission dialog about the civil rights issues with Proposition 8.

Councilmember Weigel commented on the history of the Human Rights Commission, outlined the importance of the Commission, as highly respected in the community, and suggested that Commission add to their goals to be a "good example" to the community of understanding and tolerance.

The Human Rights Commission adjourned at 7:49 p.m., and the City Council recessed.

The City Council reconvened at 7:59 p.m.

1.B POLICE CHIEF'S TRANSITION REPORT AND UPDATE FROM THE CITY COUNCIL SUBCOMMITTEE AND THE POLICE CHIEF:

Police Chief David Dominguez, provided background information as outlined in the Police Chief Transition Team Report dated November 12, 2008.

Mayor Pro Tem Foat requested a brochure be developed toward property crimes, requested the Chief address the use of the Gang Task Force with respect to narcotics enforcement, commented on the enforcement of the prohibition of selling spray paint, requested the Chief address the false alarm statistics, recommended staff speak with ABC to develop a certification program for bar workers, suggested the Police Department use the Fire Department notification program, and requested the Chief outline the Police Officer sensitivity training program.

Councilmember Hutcheson requested the Chief address the on-line property crime statistics available, commented on graffiti tracking and monitoring, requested the City Council be provided updated reports on graffiti, requested the Chief address the false alarm programs and costs,

commented on the community policing programs and the Citizens on Patrol program, and requested the City Manager provide updates with respect to the Police Department activities on a regular basis.

Councilmember Weigel commented on the success of the community policing programs and the success of the Police Department and the Chief's enhanced communication with the community.

1.C. UPDATE FROM THE DESERT COMMUNITY COLLEGE DISTRICT AND CITY STAFF FOR THE WEST VALLEY EDUCATION CENTER OF COLLEGE OF THE DESERT LOCATED AT THE NORTHWEST CORNER OF TRAMVIEW ROAD AND NORTH INDIAN CANYON DRIVE:

John Raymond, Director of Community and Economic Development, provided an update on the activities of the College of the Desert's proposed West Coachella Valley Campus.

Dr. Edwin Deas, Desert Community College District, provided an update on the acquiring of the land, stated the District enjoyed working with City staff and consultants, provided updates on the development of a Master Plan, the development of programs on the site and the development of a vision for the new campus, the phasing in of buildings and programs, and the status of funding.

Councilmember Hutcheson requested Dr. Deas address the development of programs while the buildings are being planned, and suggested the development of athletic fields.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS: None.

ADJOURNMENT: The City Council adjourned at 8:56 p.m. to a Regular Meeting, Wednesday, November 19, 2007, at 6:00 p.m. in the Council Chamber, City Hall, preceded by a Closed Session at 4:30 p.m., Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 19TH DAY OF NOVEMBER, 2008.

STEPHEN P. POUINET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

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



MINUTES
WEDNESDAY, NOVEMBER 5, 2008
City Hall Council Chamber

CALL TO ORDER Mayor Pougnet called the meeting to order at 6:03 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 Hutcheson, Councilmember Weigel, Mayor Pro Tem Foat, and Mayor Pougnet.

ABSENT: Councilmember Mills.

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

PRESENTATIONS:

Mayor Pougnet announced the rededication of Palm Springs Pointe Senior Living Complex and Apartments, and the demolition of 1517 San Jacinto as a public nuisance.

Fire Chief Blake Goetz provided the activities with respect to the Great Southern California Shakeout Drill, and proclaimed November 13, 2008, as the Great Southern California Shakeout Day in the City of Palm Springs.

Mayor Pougnet outlined the kick off activities for the upcoming Sustainability Week and Summit.

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. City Attorney Holland stated the City Council provided direction for the resolution of the Johan Jose Velez v. City of Palm Springs Litigation, if the matter is resolved at such time a contract will be on file with the City Clerk, otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson stated staff would recommend the City Council remove Items 2.J. and 2.L. from the Consent Calendar for a staff report and update.

Councilmember Hutcheson requested Item 2.H. be removed from the Consent Calendar for separate discussion and vote.

Mayor Pro Tem Foat requested Item 2.D. be removed from the Consent Calendar for separate discussion and vote.

ACTION: Accept the Agenda as amended. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Foat and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Mills.

1. **PUBLIC HEARINGS:**

1.A. **APPLICATION BY MICHAEL CARTWRIGHT OF PALM SPRINGS TREATMENT CENTERS FOR A CONDITIONAL USE PERMIT AND PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE, FOR AN ASSISTED LIVING FACILITY AT 168 VIA ESCUELA ROAD, CASE 5.1193 CUP, PDD 354:**

Ken Lyon, Associate Planner, provided background information as outlined in the staff report dated November 5, 2008.

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

Mayor Pougnet stated his support for public benefit to realize a level of sustainability.

Councilmember Hutcheson requested staff address the number of projects that are expected to be exempted from public benefits, and requested the City Council impose a public benefit for this project.

Mayor Pro Tem Foat requested a public benefit, questioned staff on the Public Art requirement, and the definition of substance abuse programs.

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. 1753, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1193, PDD 354, A PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE FOR A 28-BED ASSISTED LIVING FACILITY LOCATED AT 168 VIA ESCUELA ROAD, ZONE R-2, SECTION 3, TOWNSHIP 4, RANGE 4," amending the Conditions of Approval to provide a public benefit for sustainability. **Motion**

Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried 4-0 on a roll call vote.

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

NOES: None.

ABSENT: Councilmember Mills.

1.B. OLYMPIAN VILLAS, A PROPOSED DEVELOPMENT OF A 38-UNIT SENIOR LIVING CONDOMINIUM COMPLEX ON AN APPROXIMATE 2.66-ACRE PARCEL LOCATED AT 1551 EAST AMADO ROAD, TENTATIVE TRACT MAP 35998, CASE 3.3274 MAJ:

Ken Lyon, Associate Planner, provided background information as outlined in the staff report dated November 5, 2008.

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

JOHN SKORDOULIS, Applicant, outlined the design of the project and requested the City Council approve the project.

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

Mayor Pro Tem Foat requested staff address the underground parking, the number of parking spaces, the entrance to the parking, requested the Applicant address the architecture and Fire Department access, and requested the City Attorney address bonding for the project.

Councilmember Hutcheson thanked the Applicant for proposing senior living housing and in compliance with the Zoning Code, and requested the Applicant address the architecture, style, and color palette for the project.

Councilmember Weigel stated his support for the architecture and the need for senior services in the City.

Mayor Pougnet requested staff address the comments by the AAC, the addition of sustainability and/or energy efficiency aspects of the project, and stated some of the parking should be adapted to electric vehicles.

Mayor Pro Tem Foat requested staff address a provision if construction should stall.

Councilmember Hutcheson commented on the overall sustainability issues and the City Council adding conditions of approval without an overall policy statement.

ACTION: Adopt Resolution No. 22369, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 35998 FOR THE DEVELOPMENT OF A 38-UNIT SENIOR LIVING CONDOMINIUM COMPLEX, ON APPROXIMATELY 2.66 ACRES, LOCATED AT 1550 EAST AMADO ROAD, ZONE MR, SECTION 14 (IL);" adding Section 3 to the resolution to read, "The City Council approves Tentative Tract Map 35998 subject to the Conditions of Approval attached to this Resolution as Exhibit A;" amending Condition No. ENG 27 to add "restored," adding two Conditions of Approval that require five (5) parking bays for electric vehicles, and the Developer should seek to be sensitive to desert colors and environment as to be as consistent as possible to the adjacent buildings. **Motion Councilmember Weigel, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

1.C. AVALON DEVELOPMENT INCORPORATED REQUESTING APPROVAL OF TENTATIVE PARCEL MAP 35958 TO SUBDIVIDE AN APPROXIMATE 6.55 ACRE PARCEL FOR CONDOMINIUM PURPOSES FOR THE PROPOSED DESERT OASIS INDUSTRIAL LOFTS LOCATED AT 400 WEST SAN RAFAEL DRIVE, CASE TPM 35958:
David Newell, Associate Planner, provided background information as outlined in the staff report dated November 5, 2008.

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

ACTION: Adopt Resolution No. 22370, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 35958 TO SUBDIVIDE AN APPROXIMATE 6.55 ACRE PARCEL FOR CONDOMINIUM PURPOSES FOR THE PROPOSED DESERT OASIS INDUSTRIAL LOFTS LOCATED AT 400 WEST SAN RAFAEL DRIVE, ZONE M-1, SECTION 34." **Motion Mayor Pro Tem Foat, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

1.D. RIGHT-OF-WAY VACATION OF A PORTION OF A PUBLIC UTILITY EASEMENT IN TRACT 32233-1, RECORDED IN BOOK 381 OF MAPS, PAGE 59-67, INCLUSIVE, IN SECTION 18, TOWNSHIP 4 SOUTH, RANGE 5 EAST:

David Barakian, City Engineer, provided background information as outlined in the staff report dated November 5, 2008.

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

ACTION: Adopt Resolution No. 22371, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE, AND INTEREST IN A PORTION OF A TEN FOOT WIDE PUBLIC UTILITY EASEMENT LOCATED IN LOTS 28 THROUGH 33 OF TRACT MAP 32233-1, RECORDED IN BOOK 381 OF MAPS, PAGE 59-67, INCLUSIVE, IN SECTION 18, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R 08-07."
Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried 4-0 on a roll call vote.

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

1.E. PROPOSED RESOLUTION ADOPTING FEES FOR VACANT BUILDING REGISTRATION AND MONITORING, DOWNTOWN NEWS RACK REGISTRATION AND IMPOUNDMENT, EVENT HOUSE REGISTRATION AND APPEALS, VACATION RENTAL REGISTRATION AND RENEWAL, AND AN EMERGENCY RESPONSE/EMERGENCY COMMUNICATION SYSTEM SERVICE FEE AND AMENDING THE COMPREHENSIVE FEE SCHEDULE FOR FISCAL YEAR 2008-09:

ACTION: 1) Continue the Public Hearing to November 19, 2008, with no public testimony; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Mayor Pro Tem Foat, seconded by Councilmember Weigel and unanimously carried 4-0 on a roll call vote.**

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

PUBLIC COMMENT: None.

COUNCILMEMBER COMMENTS: None.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.E., 2.F., 2.G., 2.I., and 2.K. **Motion Mayor Pro Tem Foat, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Mills.

2.A. REPORT ON POSTING OF THE AGENDA:

ACTION: Receive and file Report on the Posting of the November 5, 2008, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of October 15, 2008, and October 22, 2008. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 22372, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1031124 THROUGH 1031264 IN THE AGGREGATE AMOUNT OF \$482,243.91, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22373, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 10-04-08 BY WARRANTS NUMBERED 413935 THROUGH 413978 TOTALING \$79,505.24, LIABILITY CHECKS NUMBERED 1031265 THROUGH 1031285 TOTALING \$154,318.11, FOUR WIRE TRANSFERS FOR \$63,035.04, AND THREE ELECTRONIC ACH DEBITS OF \$1,190,164.84, IN THE AGGREGATE AMOUNT OF \$1,487,023.23, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 22374, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1031286 THROUGH 1031468 IN THE AGGREGATE AMOUNT OF \$3,625,725.06, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 22375, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1031469 THROUGH 1031471 IN THE AGGREGATE AMOUNT OF \$3,500.00, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 22376, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM

SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 10-18-08 BY WARRANTS NUMBERED 413979 THROUGH 414024 TOTALING \$82,450.13, LIABILITY CHECKS NUMBERED 1031472 THROUGH 1031492 TOTALING \$154,559.04, FOUR WIRE TRANSFERS FOR \$63,085.04, AND THREE ELECTRONIC ACH DEBITS OF \$1,217,136.03, IN THE AGGREGATE AMOUNT OF \$1,517,230.24, DRAWN ON BANK OF AMERICA;" and 6) Adopt Resolution No. 22377, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1031493 THROUGH 1031588 IN THE AGGREGATE AMOUNT OF \$562,502.62, DRAWN ON BANK OF AMERICA."
Approved as part of the Consent Calendar.

- 2.E. APPROVAL OF A SUPPLEMENTAL AGREEMENT WITH THE UNION PACIFIC RAILROAD COMPANY FOR THE GENE AUTRY TRAIL (PALM DRIVE) OVERPASS GRADE SEPARATION CROSSING:**
ACTION: 1) Adopt Resolution No. 22378, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A SUPPLEMENTAL AGREEMENT WITH THE UNION PACIFIC RAILROAD COMPANY (UPRR) FOR AN EXISTING GRADE SEPARATION CROSSING IMPROVEMENT, UPRR FOLDER NO. 2442-59, UPRR AUDIT NO. S049338;" and 2) Authorize the City Manager to execute all necessary documents. A5747. **Approved as part of the Consent Calendar.**
- 2.F. REIMBURSEMENT AGREEMENT WITH COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS (CVAG) FOR THE PROJECT STUDY REPORT ON THE WIDENING OF THE RAMON ROAD BRIDGE OVER THE WHITEWATER RIVER CHANNEL:**
ACTION: 1) Adopt Resolution No. 22379, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A REIMBURSEMENT AGREEMENT WITH THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS FOR THE PROJECT STUDY REPORT FOR THE WIDENING OF THE RAMON ROAD BRIDGE OVER THE WHITEWATER RIVER CHANNEL IN THE AMOUNT OF \$75,000, 75% OF \$100,000;" and 2) Authorize the City Manager to execute all necessary documents. A5748. **Approved as part of the Consent Calendar.**
- 2.G. ACCEPT WITH REGRET THE RESIGNATION OF BARBARA BARRETT FROM THE HUMAN RIGHTS COMMISSION:**
ACTION: 1) Accept with regret the resignation of Barbara Barrett; 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2009. **Approved as part of the Consent Calendar.**

2.I. REQUEST BY FRESH AND EASY NEIGHBORHOOD MARKET FOR A RESOLUTION OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER AND WINE AT 102 SOUTH SUNRISE WAY, CASE 5.1210-PCN:

ACTION: Adopt Resolution No. 22381, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER AND WINE AT 102 SOUTH SUNRISE WAY, ZONE CDN, SECTION 13, CASE 5.1210-PCN." **Approved as part of the Consent Calendar.**

2.K. ACCEPT WITH REGRET THE RESIGNATION OF JEFFREY ZUCKER FROM THE RESOURCE CONSERVATION COMMISSION:

ACTION: 1) Accept with regret the resignation of Jeffrey Zucker; 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2010. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.D. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE HOUSEHOLD HAZARDOUS WASTE FACILITY:

Mayor Pro Tem Foat requested staff address any conflicts between the proposed Household Hazardous Waste Facility, WWTP and the Animal Shelter, and requested a status report on the Recycling Fund to ensure the funds were not fully depleted for the proposed project.

ACTION: Approve the plans, specifications, and working details for the Household Hazardous Waste Facility, CP 08-19. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Foat and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Mills.

2.H. REQUEST BY JOSEPH BENHAM FOR A RESOLUTION OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER, WINE, AND SPIRITS AT 200 NORTH PALM CANYON DRIVE, CASE 5.1214-PCN:

Councilmember Hutcheson requested staff address any measures that may be taken to mitigate any issues directly related to sale of alcohol.

ACTION: Adopt Resolution No. 22380, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER, WINE, AND SPIRITS AT 200

NORTH PALM CANYON DRIVE, ZONE CBD, SECTION 15, CASE 5.1214-PCN." **Motion Councilmember Weigel, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Mills.

2.J. PARTICIPATION IN A MULTI-AGENCY ENTERPRISE ZONE APPLICATION TO THE STATE OF CALIFORNIA AND APPROPRIATION OF \$35,000 FOR THE CITY'S SHARE:

City Manager Ready and John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated November 5, 2008.

ACTION: 1) Approve the participation in a multi-jurisdiction application to the State of California, Department of Housing and Community Development, for an Enterprise Zone designation and appropriate \$35,000 for the City's share; and 2) Authorize the City Manager, or his designee, to execute all necessary documents. **Motion Mayor Pro Tem Foat, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Mills.

2.L. RENEWAL OF EXCESS EARTHQUAKE AND FLOOD INSURANCE COVERAGE:

City Manager Ready provided background information as outlined in the staff report dated November 5, 2008.

ACTION: 1) Adopt Resolution No. 22382, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE PURCHASE OF \$22.5 MILLION IN EXCESS EARTHQUAKE/FLOOD (DIFFERENCE IN CONDITION) INSURANCE FROM LLOYDS OF LONDON IN AN AMOUNT NOT-TO-EXCEED \$330,799.21 FOR POLICY YEAR 2008-09;" and 2) Authorize the City Manager to execute all necessary documents. **Motion Councilmember Weigel, seconded by Mayor Pougnet and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Mills.

The City Council recessed at 7:41 p.m. and convened as the Community Redevelopment Agency.

The City Council reconvened at 7:47 p.m. for a Joint Meeting with the Community Redevelopment Agency.

Mayor Pro Tem Foat stated she has a property related conflict of interest with respect to Item RA4., would not participate in the discussion or the vote, and left Council Chamber.

RA4. ADOPTION OF A DOWNTOWN AND UPTOWN FAÇADE PROPERTY IMPROVEMENT GRANT PROGRAM FOR PROPERTIES WITHIN THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT AND THE COMMUNITY REDEVELOPMENT AGENCY MERGED PROJECT AREAS NO. 1 AND 2:

Councilmember Hutcheson outlined the benefits of the proposed programs and grants.

Councilmember Weigel requested staff address the grant amounts and guidelines.

ACTION: 1) [City Council] Adopt Resolution No. 22383 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A DOWNTOWN AND UPTOWN PROPERTY IMPROVEMENT GRANT PROGRAM FOR PROPERTIES WITHIN THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT; " 2) [Community Redevelopment Agency] Adopt Resolution No. 1367, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A DOWNTOWN AND UPTOWN PROPERTY IMPROVEMENT GRANT PROGRAM FOR PROPERTIES WITHIN THE COMMUNITY REDEVELOPMENT AGENCY MERGED PROJECT AREAS NO. 1 AND 2;" and 3) Authorize the City Manager/Executive Director, or his designee, to implement the program and execute all necessary documents. **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried 3-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Mills and Mayor Pro Tem Foat.

Mayor Pro Tem Foat returned to the dais.

RA5. CALLING THE NOTE AND APPROVING THE PAYMENT FROM THE COMMUNITY REDEVELOPMENT AGENCY TO THE CITY FOR REDUCTION

OF THE PRINCIPAL OF THE NOTE TITLED PROMISSORY NOTE VISITORS CENTER DATED FEBRUARY 7, 2008:

ACTION: 1) [City Council] Adopt Resolution No. 22384, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CALLING AND ACCEPTING THE REPAYMENT OF \$1,450,000 IN PRINCIPAL BY THE COMMUNITY REDEVELOPMENT AGENCY UNDER THE NOTE TITLED PROMISSORY NOTE VISITORS CENTER, DATED FEBRUARY 7, 2008;" 2) [Community Redevelopment Agency] Adopt Resolution No. 1368, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2008-09;" and 3) Authorize the City Manager/Executive Director to execute all necessary documents related to the payment from the Community Redevelopment Agency to the City of Palm Springs. **Motion Mayor Pro Tem Foat, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Mills.

The Community Redevelopment Agency adjourned at 7:52 p.m., and the City Council continued.

3. LEGISLATIVE:

4. UNFINISHED BUSINESS:

4.A. PALM SPRINGS DISPOSAL UPDATE ON SINGLE STREAM RECYCLING:

Bob Kusnick, Palm Springs Disposal, provided a PowerPoint Presentation on the success, program results and future opportunities of the Single Stream Recycling Program.

No action taken.

4.B. DISCUSS THE ARCHITECTURAL SCOPE OF THE JACKIE LEE HOUSTON PLAZA:

Al Smoot, City Owner's Representative, provided background information as outlined in the staff report dated November 5, 2008.

The City Council discussed and/or commented on the following: sense of arrival, a demonstration garden, the overall need to meet goals 1-7 in the staff report, amount of planning needed to stay within the budget, delete the plan for future buildings and for this property to remain as open space, encourage a place to sit, sustainable approach to the landscaping, include

art in public places with the Public Arts fund, the most important element is a place of arrival for the convention center as a "true plaza," and ensure classic enhancements and public improvements such as bollards.

No action taken.

5. NEW BUSINESS:

5.A. APPOINT TWO MEMBERS OF THE CITY COUNCIL TO TAHQUITZ CREEK GOLF COURSE TRANSITION SUBCOMMITTEE:

ACTION: Appoint Councilmember Hutcheson and Councilmember Mills to the City Council Tahquitz Creek Golf Course Transition Subcommittee. **By consensus of the City Council, noting the absence of Councilmember Mills.**

5.B. APPOINTMENT TO THE PERSONNEL BOARD FOR THE TERM ENDING JUNE 30, 2011:

City Clerk Thompson provided background information as outlined in the staff report dated November 5, 2008.

ACTION: 1) Waive Section 6 of Resolution No. 14547 for a onetime appointment to the Personnel Board for the term ending June 30, 2011; and 2) Appoint Bernard Sherwyn to the Personnel Board, [Council appointment], for the unexpired term ending June 20, 2011. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Foat and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Mills.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

City Manager Ready announced the City's web address as www.palmspringsca.gov.

Mayor Pougnet outlined the activities of the Sustainability Summit.

ADJOURNMENT: The City Council adjourned at 8:38 p.m. to Wednesday, November 12, 2008, at 6:00 P.M. in the Council Chamber, City Hall, preceded by a Closed Session at 5:00 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
19TH DAY OF NOVEMBER, 2008.**

STEPHEN P. POUCKET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

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



**MINUTES
WEDNESDAY, OCTOBER 1, 2008
City Hall Council Chamber**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:03 p.m.

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

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

ROLL CALL:

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

ABSENT: None.

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

PRESENTATIONS: Palm Springs Boy Scout Troop 262 provided an update of recent activities of the Troop and thanked the City Council for their support.

REPORT OF CLOSED SESSION: City Attorney Holland reported that at 4:30 p.m. 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:

City Clerk Thompson stated staff requested Community Redevelopment Agency Item RA3. be withdrawn from the Agenda.

Councilmember Mills requested Item 2.I. be removed from the Consent Calendar for separate discussion.

Mayor Pro Tem Foat requested an addition to Item 2.B. Minutes of September 17, 2008, Item 5.F. Minutes of September 17, 2008, to include the discussion of the positive economic impact to the City, and requested Item 2.F. be removed from the Consent Calendar for separate discussion.

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

1. PUBLIC HEARINGS:

1.A. AN APPEAL BY GRANT HOVAKIMYAN OF THE PLANNING COMMISSION'S ACTION OF AUGUST 27, 2008, DENYING CASE 3.3010 MAJ, TTM 35601, AND RELATED CASE 7.1296 AMM, AN APPLICATION FOR ARCHITECTURAL REVIEW OF A 7-UNIT CONDOMINIUM PROJECT, A TENTATIVE TRACT MAP FOR CONDOMINIUM PURPOSES AND AN ADMINISTRATIVE MINOR MODIFICATION SEEKING RELIEF FROM DEVELOPMENT STANDARDS FOR A PARCEL LOCATED AT 517 EAST VISTA CHINO ROAD:

Craig Ewing, Director of Planning Services, provided information with respect to the request from the Applicant/Appellant.

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

ACTION: Refer back to the Planning Commission at the request of the Applicant/Appellant. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

1.B. ZONE TEXT AMENDMENT TO ESTABLISH POLICIES AND STANDARDS FOR NEIGHBORHOOD ENTRY SIGNS IN SINGLE FAMILY NEIGHBORHOODS:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated October 1, 2008.

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

BARBARA MARSHALL, spoke in support of the proposed Zone Text Amendment, requested the City Council adopt the Ordinance, and requested a standard agreement and form be developed by the City.

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

Councilmember Hutcheson requested staff address the possibility of a sale or transfer of the property on which the sign is installed.

Mayor Pro Tem Foat requested staff clarify the type of sign and if the Neighborhood needs to have an agreement or consensus for the placement of a sign, requested provisions be added to the Ordinance for

Neighborhood concurrence and standards for the signs, and questioned the ramifications with respect to transfer of the property.

Councilmember Mills stated he would prefer that a Neighborhood be required to have agreement and consensus for the installation of a sign, commented on the design aspects, and stated he supported in some limited cases that signs be permitted in the public right-of-way.

Councilmember Weigel requested staff address a provision for allowing signs for only established Neighborhoods, and the process if the signs are not maintained.

Mayor Pro Tem Foat commented on the boundaries as established by the Neighborhood Organization, and allowing signs only in established Neighborhoods.

Councilmember Hutcheson commented on the threshold for the development of a Neighborhood Organization, and the ease of the process toward a Neighborhood Entry Sign.

Councilmember Mills commented on the potential impacts and concerns if the Sign Program is not restricted to established Neighborhood Organizations.

ACTION: 1) Waive the reading of the ordinance text in its entirety and read by title only; 2) Introduce on first reading Ordinance No. 1751, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 93.20.03 AND 93.20.10 OF THE PALM SPRINGS ZONING CODE RELATING TO NEIGHBORHOOD ENTRY SIGNS" *amending Subsection C.9(e) of the ordinance to read "Prior to installation of any neighborhood entry sign, the property owner(s) shall execute a covenant running with the land regarding the long-term maintenance, subject to review and approval of the City Attorney."*
Motion Councilmember Mills, seconded by Mayor Pro Tem Foat and carried 4-1 on a roll call vote.

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

NOES: Councilmember Weigel.

PUBLIC COMMENT:

MICHAEL STERN, commented on Item 4.A., Rainmaker Fountain, stated the Arts Commission recommended the Fountain be dismantled, and suggested the Red Echo piece could be installed and incorporated into the location.

DAVID AIKEN, Palm Springs, commented on Item 4.A., Rainmaker Fountain, and stated the Friends of the Fountain will commit \$6,000 to retain the fountain.

ED HALL, commented on Item 4.A., Rainmaker Fountain, and stated the structure of the fountain should remain.

KARL BAKER, Councilmember Desert Hot Springs, stated he is in attendance as a Student in the Public Administration Class at California State University San Bernardino.

GP GERBER, commented on a problem his family is having with their business Landlord in Downtown, and the cost of commercial rents in the Downtown area.

DOUGLAS LANPHERE, commented on Item 3.B., Medical Cannabis Cooperatives, and urged the City Council to initiate the Zone Text Amendment.

STACY HOCHANADEL, commented on Item 3.B., Medical Cannabis Cooperatives, and recommended the City Council initiate the Zone Text Amendment.

COUNCILMEMBER COMMENTS:

Mayor Pro Tem Foat commented on rent and landlord issues in the Downtown area, and stated the City Council Subcommittee will ask the Mayor to host a meeting with the Landlords in the Downtown area.

CITY MANAGER'S REPORT:

City Manager Ready announced the completion of the undergrounding of utilities along the west side of Sunrise Way, provided an update on Code Enforcement activities in the City, and the progress of the abatement of the nuisance property located at 1507 San Jacinto Way.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.G., 2.H., 2.J., 2.K., and 2.L.
Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Foat 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 October 1, 2008, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of September 17, 2008 as amended. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 22348, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1030605 THROUGH 1030682 IN THE AGGREGATE AMOUNT OF \$419,745.34, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22349, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 9-06-08 BY WARRANTS NUMBERED 413838 THROUGH 413889 TOTALING \$102,060.48, LIABILITY CHECKS NUMBERED 1030683 THROUGH 1030703 TOTALING \$152,575.01, FOUR WIRE TRANSFERS FOR \$75,287.63, AND THREE ELECTRONIC ACH DEBITS OF \$1,313,211.17, IN THE AGGREGATE AMOUNT OF \$1,643,134.29, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 22350, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANT NUMBERED 1030704 IN THE AMOUNT OF \$4,946.50 DRAWN ON BANK OF AMERICA;" and 4) Adopt Resolution No. 22351, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1030705 THROUGH 1030880 IN THE AGGREGATE AMOUNT OF \$4,010,007.10 DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1750, REPEALING SECTION 11.44.100 OF THE PALM SPRINGS MUNICIPAL CODE, PROHIBITING DOGS IN PARKS AND RECREATION AREAS:

ACTION: Waive further reading and adopt Ordinance No. 1750, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, REPEALING SECTION 11.44.100 OF THE PALM SPRINGS MUNICIPAL CODE, PROHIBITING DOGS IN PARKS AND RECREATION AREAS." **Approved as part of the Consent Calendar.**

2.E. AMENDMENT TO THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION EXPENDITURE PLAN AND RETAIL TRANSACTION AND USE TAX ORDINANCE NO. 88-1, THE "MEASURE A" PLAN:

ACTION: Adopt Resolution No. 22352 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AMENDMENT TO THE RIVERSIDE COUNTY TRANSPORTATION COMMISSION EXPENDITURE PLAN AND RETAIL TRANSACTION AND USE TAX ORDINANCE, ORDINANCE NO. 88-1." **Approved as part of the Consent Calendar.**

2.G. ASSIGNMENT OF AUTOMATED TELLER MACHINE LICENSE AGREEMENT NO. A5214, FROM PALM DESERT NATIONAL BANK TO U.S. BANK NATIONAL ASSOCIATION FOR THE PERIOD OCTOBER 1, 2008 THROUGH JANUARY 3, 2009:

ACTION: 1) Approve the Assignment of License Agreement No. A5214, from Palm Desert National Bank to U.S. Bank National Association for the remainder of the initial license period ending January 3, 2009, for Automated Teller Machines at the Palm Springs International Airport; 2) Authorize the City Manager to execute the Assignment subject to review by the City Attorney; 3) Direct staff to issue an RFP for a License Agreement for the Automated Teller Machines at the Palm Springs International Airport as of January 4, 2009. A5214. **Approved as part of the Consent Calendar.**

2.H. APPROVE CONTRACT SERVICES AGREEMENT FOR JANITORIAL SERVICES AT VARIOUS CITY FACILITIES:

ACTION: 1) Approve an agreement with Advanced Building Maintenance for a three-year term in the amount of \$247,927 per year, with two one-year renewal options subject to a CPI increase, for janitorial services at various City facilities; and 2) Authorize the City Manager to execute all necessary documents. A5728. **Approved as part of the Consent Calendar.**

2.J. REQUEST TO HEAR RESOLUTIONS OF NECESSITY FOR THE INDIAN CANYON DRIVE / INTERSTATE 10 INTERCHANGE WIDENING PROJECT:

ACTION: Adopt Resolution No. 22353, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AGREEING TO HEAR FUTURE RESOLUTIONS OF NECESSITY FOR THE INDIAN CANYON DRIVE / INTERSTATE 10 INTERCHANGE PROJECT (CP 00-14, CALTRANS EA 455700)." **Approved as part of the Consent Calendar.**

2.K. ADOPTION OF THE LOCAL DEVELOPMENT MITIGATION FEE ORDINANCE FOR FUNDING THE PRESERVATION OF NATURAL ECOSYSTEMS IN ACCORDANCE WITH THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN:

ACTION: Waive further reading and adopt Ordinance No. 1734, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 8.95 TO THE PALM SPRINGS MUNICIPAL CODE ESTABLISHING A LOCAL DEVELOPMENT MITIGATION FEE FOR FUNDING THE PRESERVATION OF NATURAL ECOSYSTEMS IN ACCORDANCE WITH THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN." **Approved as part of the Consent Calendar.**

2.L. AMENDMENT NO. 1 TO AGREEMENT NO. A5672 WITH GEORGE MIERS & ASSOCIATES, INC. FOR ARCHITECTURAL SERVICES RELATING TO THE ANIMAL SHELTER:

ACTION: 1) Approve Amendment No. 1 to Agreement No. A5672 with George Miers & Associates, Inc. for architectural services relating to the animal shelter; and 2) Authorize the City Manager to execute all necessary documents. A5672. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.F. UPDATE ON THE COACHELLA VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT:

Mayor Pro Tem Foat commented on the excellent job representative Sharon Lock and Karl Baker have done on the Coachella Valley Mosquito and Vector Control District Board.

ACTION: Receive and file the update on the Coachella Valley Mosquito and Vector Control District as submitted by City Representative Sharon Lock. **Motion Mayor Pro Tem Foat, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

2.I. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE INDIAN CANYON DRIVE AT TAMARISK ROAD TRAFFIC SIGNAL INSTALLATION, FEDERAL AID PROJECT HSIPL-5282(028) CP 06-12:

Councilmember Mills requested the City Engineer address the sequence of the traffic signals within the project.

ACTION: 1) Approve the plans, specifications, and working details for the Indian Canyon Drive at Tamarisk Road Traffic Signal Installation, CP 06-12, Federal Aid Project HSIPL-5282(028); and 2) Authorize staff to advertise and solicit bids. **Motion Councilmember Mills, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

The City Council recessed at 7:15 p.m., and the Community Redevelopment Agency convened.

The Community Redevelopment Agency adjourned at 7:17 p.m., and the City Council reconvened.

3. **LEGISLATIVE:**

3.A. **ADOPTION OF THE LOCAL DEVELOPMENT MITIGATION FEE INTERIM URGENCY ORDINANCE FOR FUNDING THE PRESERVATION OF NATURAL ECOSYSTEMS IN ACCORDANCE WITH THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN:**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated October 1, 2008.

ACTION: Introduce, waive reading of, and adopt Ordinance No. 1752, "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS ADDING CHAPTER 8.95 TO THE PALM SPRINGS MUNICIPAL CODE ESTABLISHING A LOCAL DEVELOPMENT MITIGATION FEE FOR FUNDING THE PRESERVATION OF NATURAL ECOSYSTEMS IN ACCORDANCE WITH THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN." **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

3.B. **INITIATE AN ORDINANCE RELATING TO MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES AS PERMITTED USES IN THE M-1 AND M-2 ZONES, AND REFER TO THE PLANNING COMMISSION FOR REVIEW AND RECOMMENDATION:**

City Attorney Holland provided background information as outlined in the staff report dated October 1, 2008.

The City Council discussed and/or commented on the following with respect to the proposed Zone Text Amendment: other regulations that the City may impose, the background decisions that moved the Zone Text Amendment forward, the opinion and guidelines of the California Attorney General, the effect of cooperatives if the Zone Text Amendment is not initiated, the process to form a cooperative, crime in the City due to street level drugs, limiting the number of establishments in the City, the importance of the program to the patients, the cooperatives may decrease the street level drugs, the 500 foot distance from certain uses, the distinction and elements between a land use ordinance or a regulatory ordinance, the potential for a Type 2 CUP process to restrict the number of establishments, the desire to hear the Chief of Police comment and receiving comments from the District Attorney's Office, the City's requirement for a business license for the proposed activities and the qualification or review of the activities being in compliance with the Attorney General Guidelines, providing the Planning Commission additional detail or direction, combining option 1 and 2 in some form and

eliminating option 3, and the time and effort put forth by the City, the Task Force and staff.

ACTION: Initiate the proposed Ordinance establishing medical cannabis cooperatives and collectives as permitted uses in the M-1 and M-2 Zones and refer the Ordinance, along with regulatory options, to the Planning Commission for review and recommendation. **Motion Mayor Pro Tem Foat, seconded by Councilmember Mills and carried 4-1 on a roll call vote.**

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

NOES: Councilmember Weigel.

The City Council recessed at 8:00 p.m.
The City Council reconvened at 8:10 p.m.

4. UNFINISHED BUSINESS:

4.A. DISCUSSION OF THE FINAL DISPOSITION OF THE RAINMAKER FOUNTAIN LOCATED IN FRANCES STEVENS PARK:

City Manager Ready provided background information as outlined in the staff report dated October 1, 2008.

The City Council discussed and/or commented on the following with respect to the Rainmaker Fountain: the specification and criteria of the bid, the water feature specialist study and recommendation that the specification, with regular maintenance, would repair the fountain, the previous history and maintenance of the fountain, the importance of the piece and the location, the possibility of simplifying the fountain to the main element and retention bowl, a plan to police the structure from vagrants, and the specifics of the consultants study and review.

ACTION: Direct staff to return on October 15, 2008, with the proposed contracts to repair the fountain along with an additional contract to develop a detailed maintenance schedule. **Motion Councilmember Hutcheson, seconded by Councilmember Mills and carried 4-1 on a roll call vote.**

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

NOES: Mayor Pougnet.

5. NEW BUSINESS:

5.A. PURCHASE OF TWO 1,500 GALLON PER MINUTE TRIPLE COMBINATION FIRE ENGINES FROM PIERCE MANUFACTURING, INC:

Blake Goetz, Fire Chief, provided background information as outlined in the staff report dated October 1, 2008.

The City Council discussed and/or commented on the following with respect to the purchase of new fire apparatus: the use of alternate fuel for public safety vehicles with heavy duty engines, and the meaning of reserve status.

ACTION: 1) Approve a cooperative purchase of two (2) 1,500 GPM Triple Combination Fire Engines from Pierce Manufacturing, Inc. in the amount of \$951,950.00 and pay the California State sales tax of \$70,807.72 upon delivery; 2) Adopt Resolution No. 22354, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING A LEASE PURCHASE AGREEMENT WITH OSHKOSH CAPITAL FOR TWO 1,500 GPM TRIPLE COMBINATION FIRE ENGINES WITH ANNUAL INSTALLMENTS IN THE AMOUNT OF \$130,725.26;" and 3) Authorize the City Manager to execute all necessary documents, subject to review and approval of the City Attorney. A5730. **Motion Councilmember Weigel, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

5.B. APPOINTMENTS TO THE RESOURCE CONSERVATION COMMISSION FOR THE TERMS ENDING JUNE 30, 2009, JUNE 30, 2010, AND JUNE 30, 2011:

ACTION: 1) Reappoint Aileen Fields to the Resource Conservation Commission for the term ending June 30, 2011; 2) Appoint April Hildner, Armando Rancano and Mark Nichols to the Resource Conservation Commission for the term ending June 30, 2011; 3) Appoint Laurence Fechter to the Resource Conservation Commission for the term ending June 30, 2010; and 4) Appoint Paul Lewin to the Resource Conservation Commission for the term ending June 30, 2009. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Weigel requested the City Council discuss the process of bringing items to the Agenda.

Councilmember Mills requested staff recognize Theresa Aurora for her work on the MSHCP, requested staff review with the Palm Springs Unified School District, the monitoring of student crossing at the traffic signal at Palm Springs High School, and reported on the League of California Cities Conference.

Mayor Pro Tem Foat reported on the League of California Cities Conference.

Mayor Pougnet requested the City Manager and the Director of Community and Economic Development follow-up on the attraction of a Martini Festival Event in the City.

ADJOURNMENT: The City Council adjourned at 9:06 p.m. to an Adjourned Meeting on Thursday, October 2, 2008, at 12:00 P.M., in the Smoketree D and E Rooms, at the Palm Springs Convention Center, 277 North Avenida Caballeros, Palm Springs.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS
19TH DAY OF NOVEMBER, 2008.**

STEPHEN P. PUGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

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



**MINUTES
WEDNESDAY, SEPTEMBER 3, 2008
City Hall Council Chamber**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:06 p.m.

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

INVOCATION: Duane Cox, Retired Religious Science Minister, led the Invocation.

ROLL CALL:

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

ABSENT: None.

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

PRESENTATIONS: Mayor Pougnet and the City Council presented Phil Kaplan, ADA Coordinator, a Certificate of Appreciation for his service to the City, and announced his retirement.

City Manager Ready recognized Fire Chief Blake Goetz being awarded the Crystal Award by the California Emergency Services Association.

Blake Goetz, Fire Chief, announced the upcoming Town Hall meeting "The Great Southern California ShakeOut."

REPORT OF CLOSED SESSION: City Attorney Holland reported that at 4:30 p.m. the City Council recessed into Closed Session to discuss the Items on the posted Closed Session Agenda. The City Council provided direction to the City Attorney with respect to the matter of El Dorado Palm Springs, Ltd. v. City of Palm Springs, Case No. INC 039083, one matter of Exposure to Litigation, and two matters of Initiation of Litigation, no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

Mayor Pougnet requested Items 2.E. and 2.F. be removed from the Consent Calendar for separate discussion.

Mayor Pro Tem Foat requested Items 2.F., 2.G., and 2.H. be removed from the Consent Calendar for separate discussion.

Councilmember Mills noted his business related abstention on Consent Calendar Item 2.L.

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

1. PUBLIC HEARINGS:

- 1.A. O & M TAHQUITZ, LLC, MIXED-USE DEVELOPMENT CONSISTING OF TWO HOTELS OF UP TO 306 ROOMS AT THE NORTHWEST CORNER OF TAHQUITZ CANYON WAY AND HERMOSA DRIVE, CASE 5.1160, PD 341, TENTATIVE PARCEL MAP 35989, TAHQUITZ/HERMOSA HOTELS, SECTION 14:**

ACTION: 1) Continue the Public Hearing to September 17, 2008, without public testimony; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **By consensus of the City Council.**

PUBLIC COMMENT:

DARRON DAHLE, commented on Item 2.E., and requested the City Council amend the ordinance to allow for directional arrows and lights.

RODOLFO CASTILLO, commented on Item 2.E., and requested the City Council amend the ordinance to allow directional arrows and lights.

MIKE MCLEAN, commented on Item 3.A., Vacation Rental Ordinance, requested the City Council amend the ordinance with respect to outdoor amplified music, and the local contact person notification.

JOHN WILLIAMS, Palm Springs, stated his support for the Vacation Rental Ordinance and Event House Ordinance, without further modifications.

RENO FONTANA, commented on Item 2.F., with respect to Event Houses, and protection of the surrounding neighborhood.

LAURA FONTANA, commented on Item 2.F., with respect to Event Houses, and protection of the surrounding neighborhood.

The City Council recessed at 6:51 p.m.
The City Council reconvened at 6:55 p.m.

COUNCILMEMBER COMMENTS: None.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.I., 2.J., 2.K., 2.L., 2.M., 2.N., 2.O., 2.P., 2.Q., 2.R., and 2.S. **Motion Councilmember Mills, seconded by Councilmember Hutcheson 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 3, 2008, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of July 30, 2008. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 22328, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1029640 THROUGH 1029788 IN THE AGGREGATE AMOUNT OF \$4,463,150.09 DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22329, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1029789 THROUGH 1029870 IN THE AGGREGATE AMOUNT OF \$730,860.48 DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 22330, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 7-26-08 BY WARRANTS NUMBERED 413657 THROUGH 413718 TOTALING \$98,016.64, LIABILITY CHECKS NUMBERED 1029871 THROUGH 1029890 TOTALING \$148,294.97, FOUR WIRE TRANSFERS FOR \$63,487.63, AND THREE ELECTRONIC ACH DEBITS OF \$1,167,675.47, IN THE AGGREGATE AMOUNT OF \$1,477,474.71 DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 22331, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1029891 THROUGH 1030036 IN THE AGGREGATE AMOUNT OF \$1,068,880.41 DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 22332, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1030037 THROUGH 1030177 IN THE AGGREGATE AMOUNT OF \$1,084,398.23 DRAWN ON BANK OF AMERICA;" and 6) Adopt Resolution No. 22333, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL

WARRANTS FOR THE PERIOD ENDED 8-09-08 BY WARRANTS NUMBERED 413719 THROUGH 413779 TOTALING \$91,157.62, LIABILITY CHECKS NUMBERED 1030178 THROUGH 1030198 TOTALING \$149,178.71, FOUR WIRE TRANSFERS FOR \$63,387.63, AND THREE ELECTRONIC ACH DEBITS OF \$1,145,521.57, IN THE AGGREGATE AMOUNT OF \$1,449,245.53, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. STAFF AUTHORIZED AGREEMENTS FOR JULY 2008:

ACTION: Receive and file Staff Authorized Agreements covering the period July 1 through July 31, 2008. **Approved as part of the Consent Calendar.**

2.I. TREASURER'S INVESTMENT REPORT AS OF JUNE 30, 2008:

ACTION: Receive and File the Treasurer's Investment Report as of June 30, 2008. **Approved as part of the Consent Calendar.**

2.J. AMENDMENT NO. 1 TO AGREEMENT NO. A5546 WITH TERRA NOVA PLANNING & RESEARCH, INC. FOR ADDITIONAL FOCUSED ENTITLEMENT AND PLANNING SERVICES TO COMPLETE "THE TRAILS" PROJECT, CASE 5.1165-PD-344, IN THE AMOUNT OF \$34,450.00:

ACTION: 1) Approve Amendment No. 1 to Agreement No. A5546 with Terra Nova Planning & Research, Inc. for additional focused entitlement and planning services to complete "The Trails" Project, Case 5.1165-PD-344, in the amount of \$34,450, revised agreement amount not-to-exceed \$97,910;" and 2) Authorize the City Manager to execute all necessary documents. A5546. **Approved as part of the Consent Calendar.**

2.K. AMENDMENT NO. 1 TO AGREEMENT NO. A5400 WITH TERRA NOVA PLANNING & RESEARCH, INC. FOR THE WATER SUPPLY STUDY FOR THE SECTION 14 MASTER DEVELOPMENT PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT:

ACTION: 1) Find that Amendment No. 1 to Agreement No. A5400 with Terra Nova Planning & Research, Inc. is necessary and in the best interest of the City in order to expand and update the Water Supply Study for the Section 14 Master Development Plan Supplemental Environmental Impact Report in compliance with the California Environmental Quality Act; 2) Approve Amendment No. 1 to Agreement No. A5400 with Terra Nova Planning & Research, Inc. to expand and update the Water Supply Study for the Section 14 Master Development Plan Supplemental Environmental Impact Report, in the amount of \$13,500; and 3) Authorize the City Manager to execute all necessary documents. A5400. **Approved as part of the Consent Calendar.**

- 2.L. AGREEMENT WITH THE PALM SPRINGS UNIFIED SCHOOL DISTRICT TO PROVIDE A FULL TIME POLICE OFFICER AT THE PALM SPRINGS HIGH SCHOOL CAMPUS:**
ACTION: 1) Approve an agreement with the Palm Springs Unified School District to provide a full time police officer at the high school campus including the Ramon Academy, for one-year expiring at the end of school year 2009; and 2) Authorize the City Manager to execute all necessary documents. A5553. **Approved as part of the Consent Calendar, noting the business related abstention of Councilmember Mills.**
- 2.M. ACCEPTANCE OF \$27,000 AND \$12,206 IN GRANT FUNDING FROM THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM TO PARTIALLY FUND THE EQUIPPING OF A POLICE PATROL VEHICLE WITH AN AUTOMATIC LICENSE PLATE RECOGNITION DEVICE AND UPDATE THE ACCESS SYSTEM OF THE POLICE TRAINING CENTER:**
ACTION: 1) Accept \$27,000 and \$12,206 in grant funding from the U.S. Bureau of Justice Assistance; and 2) Authorize the City Manager to execute all necessary documents. A5719. **Approved as part of the Consent Calendar.**
- 2.N. ACCEPTANCE OF AN ADDITIONAL \$29,000 IN FUNDING TO THE EXISTING \$110,000 OFFICE OF TRAFFIC SAFETY DUI ENFORCEMENT AND AWARENESS PROGRAM GRANT AND AUTHORIZE THE PURCHASE OF A LICENSE PLATE READER SYSTEM:**
ACTION: 1) Accept an additional \$29,000 in funding to the existing \$110,000 Office of Traffic Safety DUI Enforcement and Awareness Program Grant, Agreement No. A5521, to purchase a License Plate Reader System; 2) Approve the purchase of one License Plate Reader System from ELSAG North America in the amount of \$29,065.56; and 3) Authorize the City Manager to execute all necessary documents. A5521. **Approved as part of the Consent Calendar.**
- 2.O. AMENDMENT NO. 16 TO AGREEMENT NO. A4382 WITH GENSLER ARCHITECTURAL DESIGN SERVICES FOR ADDITIONAL SERVICES RELATED TO THE AIRPORT IMPROVE/MODIFY/REHAB TERMINAL COMPLEX PROJECT, FOR AN ADDITIONAL AMOUNT OF \$50,000, CP 07-09:**
ACTION: 1) Approve Amendment No. 16 to Agreement No. A4382 with Gensler Architectural Design Services for an additional amount of \$50,000 related to the Airport Improve/Modify/Rehab Terminal Complex Project, CP 07-09, AIP 3-06-0181-44; and 2) Authorize the City Manager to execute all necessary documents. A4382. **Approved as part of the Consent Calendar.**

- 2.P. AGREEMENT WITH HNTB CORP. TO PREPARE THE AIRPORT MASTER PLAN IN THE AMOUNT OF \$581,647:**
ACTION: 1) Approve a Professional Services Agreement with HNTB Corporation for the Airport Master Plan in an amount not-to-exceed \$581,647.00; and 2) Authorize the City Manager to execute all necessary documents. A5720. **Approved as part of the Consent Calendar.**
- 2.Q. APPROVE PARCEL MAP 35235 FOR PROPERTY LOCATED AT 1717 VISTA CHINO:**
ACTION: Adopt Resolution No. 22334, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PARCEL MAP 35235 FOR PROPERTY LOCATED AT 1717 VISTA CHINO, IN SECTION 12, TOWNSHIP 4 SOUTH, RANGE 4 EAST." **Approved as part of the Consent Calendar.**
- 2.R. RENEW THE MEMORANDUM OF UNDERSTANDING, AGREEMENT NO. A4722, WITH THE COACHELLA VALLEY NARCOTIC TASK FORCE:**
ACTION: 1) Approve the renewal of the Memorandum of Understanding, Agreement No. A4722, with the Coachella Valley Narcotic Task Force for a five-year period ending June 30, 2013; and 2) Authorize the City Manager to execute all necessary documents. A4722. **Approved as part of the Consent Calendar.**
- 2.S. DEMOLITION OF BATTING CAGES AT DEMUTH PARK:**
ACTION: Approve the demolition of the batting cage facility at DeMuth Park, direct staff to solicit bids for demolition, and return to City Council for award of bid. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

- 2.E. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1744, RELATING TO PORTABLE OPEN SIGNS:**

Councilmember Weigel stated the Ordinance was well written and a good compromise, and noted his support for the Ordinance.

Mayor Pro Tem Foat requested staff address the prohibition of arrows.

Councilmember Mills noted restrictions of the placement of signs and requested staff address the limitations.

Mayor Pougnet requested staff address the preparation of administrative rules and regulations.

ACTION: Waive further reading and adopt Ordinance No. 1744, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 93.20.03 AND 93.20.09 OF THE PALM SPRINGS ZONING CODE RELATING TO PORTABLE OPEN SIGNS." **Motion Mayor Pro Tem Foat, seconded by Councilmember Weigel and carried 4-1 on a roll call vote.**

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

NOES: Councilmember Mills.

Mayor Pro Tem Foat requested a periodic review of the portable sign ordinance.

2.F. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1745, RELATING TO EVENT HOUSES:

City Attorney Holland provided background information as outlined in the staff report dated September 3, 2008.

Mayor Pro Tem Foat requested the City Attorney review the insurance requirements of the City, requested the definition of "remuneration" be modified to exclude services such as cleaning services for charity events, and commented on the number of events by the same person within a 24-hour period.

Councilmember Weigel requested staff address flexibility with respect to Section 5.75.075(k), to provide guidelines and impose conditions on certain events and certain locations.

Councilmember Mills noted his concerns with the flexibility provided by staff in the Ordinance, and recommended multi-day events without set-up.

Councilmember Weigel suggested the City Council adopt the Ordinance, and the City Council adopt procedures for City Staff to implement the provisions of the Code.

Mayor Pro Tem Foat requested a periodic review in six or eight months with respect to the regulations, and requested staff review the suggestions by Reno Fontana.

ACTION: Re-introduce for first reading Ordinance No. 1745, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 5.75 TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO EVENT HOUSES," *amending Section 5.75.020 the definition of Event to read "Event means an occurrence or social occasion*

or other activity that involves a gathering of persons including, without limitation, a reception or party;" and append the definition of Remuneration to include "but does not include reimbursement for actual clean up costs."
Motion Councilmember Weigel, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.

2.G. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1746, RELATING TO VACANT AND BOARDED BUILDINGS:

Mayor Pro Tem Foat requested staff address the timing of the remedies through a foreclosure process, and requested the timing be moved up procedurally.

Councilmember Hutcheson commented on the definition of "evidence of vacancy," and requested staff address the proposed fees.

Councilmember Weigel stated the Ordinance is reactive and not proactive, suggested the ordinance be used to educate the banks and trustees, requested staff address if the Ordinance would encompass homes under construction, the posting of a sign on foreclosed properties, and requested the removal of the sign provision.

Councilmember Mills stated his opposition to the posting of a sign as required by the Ordinance.

ACTION: Reintroduce for first reading Ordinance No. 1746, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING CHAPTER 8.80 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE ESTABLISHMENT OF VACANT AND BOARDED BUILDINGS AS PUBLIC NUISANCES," *amending the Ordinance to remove the sign posting provisions.* **Motion Councilmember Weigel, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

2.H. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1747, RELATING TO THE EMERGENCY RESPONSE FEE ORDINANCE AND EMERGENCY RESPONSE FEE:

ACTION: Waive further reading and adopt Ordinance No. 1747, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING CHAPTER 3.39 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE EMERGENCY RESPONSE FEE ORDINANCE AND EMERGENCY RESPONSE FEE." **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

3. LEGISLATIVE:

Councilmember Hutcheson stated he has a business related conflict of interest with respect to Item 3.A., would not participate in the discussion or the vote, and left Council Chamber.

3.A. PROPOSED ORDINANCE RELATING TO VACATION RENTALS:

City Attorney Holland provided background information as outlined in the staff report dated September 3, 2008.

Councilmember Mills recommended the City develop the form to be used, requested a modification to mailing within 300 feet per residence, commented on the "good neighbor" brochure, the problems of fairness with the prohibition of outdoor amplified music, and stated his support for a central call in telephone.

Mayor Pro Tem Foat commented on the proposal for a central telephone number, and stated such could be contracted out to an answering service, commented on the "good neighbor" brochure, requested staff address the business license requirements, and requested the deletion of the requirement to publish on the City's website.

Mayor Pro Tem Foat requested staff address when a violation occurs and who gets fined.

Councilmember Mills commented on the "good neighbor" brochure.

The City Council discussed and/or commented on the first responders and the importance of Code Enforcement.

ACTION: 1) Waive the reading of the ordinance text in its entirety and read by title only; 2) Introduce on first reading Ordinance No. 1748, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 5.25 TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO VACATION RENTALS," *amending the Ordinance Section 5.25.060(c) by deleting the provision to name the City as an additional insured, deleting Section 5.25.060(f), amending Section 5.25.070(c) prefixed to read "During the term each vacation rental unit is rented . . .," amending Section 5.25.070(f) to provide for a "good neighbor brochure."*
Motion Councilmember Weigel, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.

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

Councilmember Hutcheson returned to the dais.

3.B. PROPOSED SKATE PARK ORDINANCE:

Sharon Heider, Director of Parks and Recreation, provided background information as outlined in the staff report dated September 3, 2008.

Councilmember Weigel requested staff address the walk through and log requirements, and the operations and patrol of the skate park facility.

Mayor Pro Tem Foat requested staff address the responsibility just to post the signs and the City is not required to enforce the equipment requirements.

Councilmember Hutcheson requested staff address any problems since the park is now free of charge.

Councilmember Weigel requested staff address excluding persons who are not following the rules.

ACTION: 1) Waive the reading of the ordinance text in its entirety and read by title only; 2) Introduce on first reading Ordinance No. 1749, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 11.44 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO PARKS AND RECREATION AREAS AND SKATE PARK REGULATIONS." **Motion Councilmember Mills, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

4. UNFINISHED BUSINESS:

4.A. TEMPORARY WAIVER TO THE PALM SPRINGS STADIUM CONCERT POLICY BY ALLOWING YOUTH CONCERTS:

Sharon Heider, Director of Parks and Recreation, provided background information as outlined in the staff report dated September 3, 2008.

Councilmember Mills requested staff address the attendance restrictions.

ACTION: Waive Minute Order No. 5540 prohibiting band concerts at the Palm Springs Stadium for a one-year period and allow up to three youth concerts, with attendance limited to 500 per event and ending at 8:00 p.m.

Motion Mayor Pro Tem Foat, seconded by Councilmember Weigel and unanimously carried on a roll call vote.

- 4.B. CONSIDERATION OF CHANGES TO PALM TREE TRIMMING POLICY:** Sharon Heider, Director of Parks and Recreation, provided background information as outlined in the staff report dated September 3, 2008.

The City Council discussed and/or commented on the following with respect to the Palm Tree trimming policy: leaving the Filifera in their natural state, skinning and the removal of skirts for Robusta, the removal of seed pods, and ensuring any skirts are trimmed to a level of 12 feet from the ground.

ACTION: 1) Direct staff to prepare a Resolution to approve a Palm Tree Trimming Policy that provides for unskinned trunks and skirts for Filifera Palm Trees, skinned trunks and the removal of skirts for Robusta Palm Trees; and 2) Direct staff to develop an implementation and phase-in policy for Council consideration. **Motion Councilmember Weigel, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

5. NEW BUSINESS:

- 5.A. APPOINT A MEMBER TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING JUNE 30, 2011:**

ACTION: Appoint Tim Albert to the Palm Springs International Airport Commission for the term ending June 30, 2011. **Motion Councilmember Weigel, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Hutcheson requested an update on the Budget and outline the revenue side of the budget, a time table to implement AB811, and requested an update on the City's website.

Mayor Pougnet requested staff place on the September 17, 2008, agenda a proposal to address the implementation of AB811, and requested staff place on the next agenda a proposed resolution in opposition of Proposition 7.

Mayor Pro Tem Foat requested staff place on the September 17, 2008, agenda a proposed resolution in opposition of Proposition 8.

ADJOURNMENT: The City Council adjourned at 8:33 p.m. to a Regular Meeting, Wednesday, September 17, 2008, at 6:00 P.M. in the 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. The City Council will not hold a Study Session on Wednesday, September 10, 2008.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS
19TH DAY OF NOVEMBER, 2008.**

STEPHEN P. POUINET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK