

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



**MINUTES
WEDNESDAY, JUNE 18, 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.

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: Mayor Pougnet and the City Council proclaimed June 18, 2008, as Sally McManus day in the City of Palm Springs, for her contributions to the Community and the Palm Springs Historical Society.

Jasmine Waits, VillageFest Coordinator, announced the City's VillageFest logo won the CalFest First Place Award for its design.

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:

Councilmember Hutcheson requested Item 2.F. be removed from the Consent Calendar for separate discussion, and noted his abstention on Consent Calendar Item 2.N.

Councilmember Weigel requested Items 2.G., 2.H., 2.J., and 2.L., be removed from the Consent Calendar for separate discussion.

Councilmember Mills requested Items 2.D., 2.M., 2.Q., be removed from the Consent Calendar for separate discussion, noted his abstention on Item 2.B. Warrant No. 1028707, and Consent Calendar Item 2.N.

Mayor Pougnet noted his property related abstention on Consent Calendar Item 2.H.

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

1. PUBLIC HEARINGS:

1.A. APPEAL OF THE DECISION OF THE HISTORIC SITE PRESERVATION BOARD BY ROXANN PLOSS TO TAKE NO ACTION ON A STAY OF DEMOLITION FOR THE PROPERTY KNOWN AS LA SERENA VILLAS LOCATED AT 339 SOUTH BELARDO ROAD HSPB 3.2130:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated June 18, 2008.

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

ROXANN PLOSS, outlined the basis of her appeal of the demolition, and requested the City Council issue a stay of demolition.

SHERYL HAMLIN, Palm Springs, noted the current restrictions on the property and the streetscape, stated this is a bond performance issue, requested the City Council issue a stay of demolition and performance monitoring of the project.

MARSHALL ROATH, Palm Springs, provided a history of the interaction of the project with the community, requested the City Council stay the demolition permit.

CHRIS BLAZE, Core Hotel Group, stated they have no intention of building on the site at this time, and they have two choices as presented by the Building Department, to either submit plans or request demolition.

BOB HELBLING, Palm Springs, commented on the "green fence" issues in the Community, stated the bungalows could be rented out until such time as the property could be developed.

STEVE SIMS, Palm Springs, commented on the poor maintenance and requested that the property be maintained, stated we need to keep small hotels.

ELISSA GOFORTH, read a letter by Gene Dippel, Historic Tennis Club Neighborhood, requesting a stay of demolition.

JADE NELSON, Palm Springs, commented on the history of La Serena Villas, and requested a stay of demolition.

KENT DALMAN, stated the decision for historic site should not be based on the year it was built.

FRANK TYSEN, Palm Springs, provided background information on the condition of the neighborhood, stated the property qualifies as a Class 1 Historic Site, and requested a stay of demolition.

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

Mayor Pro Tem Foat stated the Core Group does not wish to demolish the building but was a request of the City, requested staff address if the City could withdraw the request to demolish, stated her preference for staff to inspect the property and determine if the property is safe, and in compliance with the vacant building ordinance.

Councilmember Weigel requested staff address what findings would have to be made to stay the demolition.

Councilmember Mills recommended that staff inspect the site, and prepare a report of conditions that would have to be met to bring the property within City code.

Councilmember Hutcheson stated his support of continuing the public hearing and recommended the acceleration of discussion with the owners.

Mayor Pougnet requested the City Attorney address when performance bonds are required.

ACTION: 1) Direct staff to Inspect the site and prepare a comprehensive report on the condition of the property; 2) Continue the Public Hearing to July 9, 2008; and 3) Direct the City Clerk to post a notice of continued public hearing. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

1.B. ANNUAL REVIEW AND RENEWAL OF THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT AND ADOPTION OF THE FISCAL YEAR 2008-09 PROGRAM:

John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated June 18, 2008.

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

BORIS ROSE, Palm Springs, Downtown Property Owner, spoke in opposition to the BID, and commented on the impact to his tenants.

MICHAEL McCARTNEY and JIM OLSENBERGER, Spurline Video Lounge, stated their oral protest to the BID.

STEVE AHAJANIANI, Steve's Coin Shop, stated his protest to BID.

KENT DALMAN, stated his opposition to the BID.

JOY MEREDITH, Palm Springs, spoke in support of the BID and the assessment.

JESSE DANNER, SnipSnipBuzz, stated his opposition to the BID and the assessment.

PHYLLIS SILVER, Tony's Pasta Mia, North Palm Canyon, stated her support for the BID.

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

Mayor Pro Tem Foat stated this is not a tax by the City and the funds do not go to the City, and commented on the impact due to BID's such as the City of San Diego.

Councilmember Hutcheson stated his support for the concept of the BID and that the BID is making process, requested MainStreet and staff review the BID criteria including expanding the area and the spread of the assessment, and stated consideration should be made for vacant buildings to pay the BID fee.

Councilmember Mills commented on the history of the development of the BID, and stated the Board could make further recommendations as the need arises.

City Clerk Thompson stated that a majority protest was not received on the renewal and assessment of the BID.

ACTION: Adopt Resolution No. 22241, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, RENEWING THE LEVY OF THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT ASSESSMENT FOR FISCAL YEAR 2008-09." **Motion Councilmember Mills, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

The City Council continued at 7:34 p.m., as a Joint Meeting of the City Council and the City of Palm Springs Community Redevelopment Agency.

1.C. JOINT PUBLIC HEARING WITH RESPECT TO THE APPROVAL OF A DISPOSITION AND DEVELOPMENT AGREEMENT WITH ENDURE INVESTMENTS, LLC FOR THE DISPOSITION OF AN APPROXIMATE 0.45 ACRE WEDGE SHAPED AGENCY OWNED PARCEL FOR THE PURPOSE OF DEVELOPING AN AUTOMOTIVE SERVICE STATION NEAR THE SOUTHEAST CORNER OF MISSION ROAD AND GENE AUTRY TRAIL MERGED REDEVELOPMENT AREA NO. 1:

John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated June 18, 2008.

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

ACTION: Adopt Resolution No. 22242, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONCURRING WITH THE COMMUNITY REDEVELOPMENT AGENCY REGARDING THE APPROVAL OF A DISPOSITION AND DEVELOPMENT AGREEMENT WITH ENDURE INVESTMENTS, LLC." A5682. **Motion Councilmember Mills, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

The City Council and City of Palm Springs Community Redevelopment Agency recessed at 7:36 p.m.

The City Council reconvened at 7:44 p.m.

PUBLIC COMMENT:

AFTAB DADA, spoke in support of Item 4.C., the 2008 American Heat Palm Springs Motorcycle Weekend.

WENDIE BUSIG-COHEN, Palm Springs, announced the upcoming activities of the Desert Philanthropic Association.

PATTY DELGADO stated her support for Item 4.C., the 2008 American Heat Palm Springs Motorcycle Weekend.

KEITH McCORMICK, stated his support for Item 4.C., the 2008 American Heat Palm Springs Motorcycle Weekend, requested the City Council consider an increase to the promoters insurance requirements, and stated he would request the BID provide \$5,000 toward the event.

JOY MEREDITH, Palm Springs, stated her support for Item 4.C., the 2008 American Heat Palm Springs Motorcycle Weekend, and Item 5.C., the extension of the suspension of the two-hour time limits, and commented on parking enforcement in the Downtown area.

RICKY WRIGHT, Principal Palm Springs High School, requested the City Council consider the installation of a traffic signal near the High School, as part of the adoption of the Fiscal Year 2008-09 Budget.

CRAIG BLAU, stated his support for Item 4.C., the 2008 American Heat Palm Springs Motorcycle Weekend.

COUNCILMEMBER COMMENTS: None.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.E., 2.I., 2.K., 2.N., 2.O., 2.P., 2.R., 2.S., and 2.T. **Motion Mayor Pro Tem Foat, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

2.A. REPORT ON POSTING OF THE AGENDA:

ACTION: Receive and file Report on the Posting of the June 18, 2008, City Council Agenda. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 22243, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1028401 THROUGH 1028596 IN THE AGGREGATE AMOUNT OF \$1,618,332.49 DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22244, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 5-31-08 BY WARRANTS NUMBERED 413435 THROUGH 413487 TOTALING \$94,616.07, LIABILITY CHECKS NUMBERED 1028597 THROUGH 1028617 TOTALING \$146,899.24, FOUR WIRE TRANSFERS FOR \$66,341.15, AND THREE ELECTRONIC ACH DEBITS OF \$1,107,440.56, IN THE AGGREGATE AMOUNT OF \$1,415,297.02 DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 22245, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1028618 THROUGH 1028713 IN THE AGGREGATE AMOUNT OF \$457,644.23 DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the abstention of Councilmember Mills on Warrant No. 1028707.**

- 2.C. REAFFIRM THE CITY'S INVESTMENT POLICY GOVERNING THE INVESTMENT OF CITY FUNDS:**
ACTION: Reaffirm the City's Investment Policy governing the investment of City funds, as adopted by Resolution No. 21946, on June 20, 2007.
Approved as part of the Consent Calendar.
- 2.E. ACCEPTANCE OF PUBLIC RIGHT-OF-WAY FOR PORTIONS OF RAMON ROAD AND EL CIELO ROAD:**
ACTION: Adopt Resolution No. 22248, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACCEPTING RIGHT-OF-WAY FOR PORTIONS OF RAMON ROAD AND EL CIELO ROAD, IDENTIFIED AS LOTS 'A' AND 'B' ON PARCEL MAP 8489, RECORDED IN BOOK 33 OF PARCEL MAPS, PAGE 3, IN SECTION 24, TOWNSHIP 4 SOUTH, RANGE 4 EAST, FILE R 08-013."
Approved as part of the Consent Calendar.
- 2.I. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH HUNT ENVIRONMENTAL SERVICES, INC. FOR THE OVERSIGHT AND TECHNICAL ASSISTANCE RELATED TO THE WASTEWATER TREATMENT PLANT:**
ACTION: 1) Approve an agreement with Hunt Environmental Services, Inc., for the oversight and technical assistance related to the Wastewater Treatment Plant for 51-weeks ending June 26, 2009, in an amount not-to-exceed \$103,500; 2) Authorize a two-year extension option of this agreement ending June 20, 2011 at the discretion of staff, with no change in the annual amount or service times; and 3) Authorize the City Manager to execute all documents. A5683. **Approved as part of the Consent Calendar.**
- 2.K. CHANGE ORDER NO. 3 TO AGREEMENT NO. A5401 WITH STEINY & COMPANY, INC. FOR THE PROTECTED PERMISSIVE PROJECT IN THE AMOUNT OF \$407.19:**
ACTION: 1) Approve Change Order No. 3 to Agreement No. A5401 with Steiny & Company, Inc., in the amount of \$407.19 for a revised total of \$335,974.33, for the Protected Permissive Project, CP 05-07; and 2) Authorize the City Manager to execute all necessary documents. A5401.
Approved as part of the Consent Calendar.
- 2.N. CONSENT TO A SUBLEASE AGREEMENT BETWEEN THE O'DONNELL GOLF CLUB AND PAUL C. MARUT AND TRACY H. CONRAD, TRUSTEES OF THE CONRAD-MARUT FAMILY TRUST FOR THE CARRIAGE HOUSE SITUATED ON THE O'DONNELL GOLF COURSE PROPERTY:**
ACTION: 1) Consent to the sublease between the O'Donnell Golf Club and Paul C. Marut and Tracy H. Conrad, Trustees of the Conrad-Marut

Family Trust for the Carriage House situated on the O'Donnell Golf Course property; and 2) Authorize the City Manager to execute all necessary documents. A0208. **Approved as part of the Consent Calendar, noting the abstention of Councilmember Hutcheson and Councilmember Mills.**

2.O. RESOLUTION OF SUPPORT OF SENATE BILL SB1646 (PADILLA) RE-AUTHORIZING THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT'S CLEAN FUELS PROGRAM:

ACTION: Adopt Resolution No. 22260, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUPPORTING SENATE BILL SB1646 (PADILLA) RE-AUTHORIZING THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT'S CLEAN FUELS PROGRAM." **Approved as part of the Consent Calendar.**

2.P. APPROVE AN AGREEMENT WITH THE CITY OF CATHEDRAL CITY TO BOOK PRISONERS IN THE PALM SPRINGS JAIL:

ACTION: 1) Approve an agreement with the City of Cathedral City to book prisoners into the Palm Springs Jail; and 2) Authorize the City Manager to execute the Agreement. A5685. **Approved as part of the Consent Calendar.**

2.R. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE TRAFFIC SIGNAL LOOP REPAIR PROJECT, SUNRISE WAY AT ALEJO ROAD TRAFFIC SIGNAL MODIFICATION, SUNRISE WAY AT MESQUITE AVENUE TRAFFIC SIGNAL MODIFICATION, AND 2007-08 PROTECTED PERMISSIVE TRAFFIC SIGNAL CONVERSION PROJECT:

ACTION: 1) Approve the plans, specifications, and working details for the Traffic Signal Loop Repair Project (City Project 07-11), Sunrise Way at Alejo Road Traffic Signal Modification (City Project 07-12), Sunrise Way at Mesquite Avenue Traffic Signal Modification (City Project 07-14), and the 2007-08 Protected-Permissive Traffic Signal Conversion Project (City Project 07-19); 2) Authorize staff to advertise and solicit bids as one comprehensive capital project; and 3) Authorize the City Manager to award a construction contract to the lowest responsible and responsive bidder, subject to reporting and ratification by the City Council at the September 3, 2008, City Council meeting. A5686. **Approved as part of the Consent Calendar.**

2.S. 2008 BIENNIAL NOTICE FOR CITY STAFF TO REVIEW THE CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT:

ACTION: Adopt Resolution No. 22262, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REQUIRING CITY STAFF TO REVIEW THE CONFLICT OF INTEREST

CODE AND SUBMIT A BIENNIAL NOTICE AS REQUIRED UNDER THE POLITICAL REFORM ACT." **Approved as part of the Consent Calendar.**

2.T. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1742, AMENDMENTS TO THE CITY'S HOTEL OPERATIONS INCENTIVE PROGRAM:

ACTION: Waive further reading and adopt Ordinance No. 1742, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 5.26.020 AND 5.26.040 AND SUBSECTION (a) OF SECTION 5.24.030 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO AMENDMENTS TO THE CITY'S HOTEL OPERATIONS INCENTIVE PROGRAM." **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.D. FORMATION OF LANDSCAPE MAINTENANCE DISTRICT NO. 12, SMOKE TREE COMMONS:

Councilmember Mills requested staff ensure that automatic CPI adjustments be included in all new assessment districts.

ACTION: 1) Adopt Resolution No. 22246, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, INITIATING PROCEEDINGS FOR THE FORMATION OF LANDSCAPE MAINTENANCE DISTRICT NO. 12 "SMOKE TREE COMMONS;" AND THE LEVY AND COLLECTION OF ASSESSMENTS RELATED THERETO COMMENCING WITH FISCAL YEAR 2008-09;" and 2) Adopt Resolution No. 22247, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO FORM LANDSCAPE MAINTENANCE DISTRICT NO. 12 "SMOKE TREE COMMONS;" AND DECLARING ITS INTENTION TO CONDUCT A PROPERTY OWNER BALLOTING ON THE MATTER OF NEW ASSESSMENTS RELATED THERETO COMMENCING WITH FISCAL YEAR 2008-09." **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

2.F. ANNUAL LEVY OF ASSESSMENTS FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS, FISCAL YEAR 2008-09 AND SETTING THE PUBLIC HEARING FOR JULY 18, 2008:

Councilmember Mills questioned why staff was recommending less than the maximum allowable assessment.

Councilmember Hutcheson requested staff address the surplus in District No. 10.

ACTION: 1. Adopt Resolution No. 22249, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING

STREET LIGHTING MAINTENANCE DISTRICT NO. 3 ("CROSSLEY TRACT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2008-09."

2. Adopt Resolution No. 22250, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON STREET LIGHTING MAINTENANCE DISTRICT NO. 3 ("CROSSLEY TRACT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2008-09."

3. Adopt Resolution No. 22251, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 6A ("FAIRPORT DEVELOPMENT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2008-09."

4. Adopt Resolution No. 22252, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 6A ("FAIRPORT DEVELOPMENT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2008-09."

5. Adopt Resolution No. 22253, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 6C ("PARK SONORA TRACT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2008-09."

6. Adopt Resolution No. 22254, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 6C ("PARK SONORA TRACT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2008-09."

7. Adopt Resolution No. 22255, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 9 ("FLORA VISTA"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2008-09."

8. Adopt Resolution No. 22256, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 9 ("FLORA VISTA"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2008-09."

9. Adopt Resolution No. 22257, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 10, ZONE 1 AND ZONE 2, ("MOUNTAIN GATE"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2008-09."

10. Adopt Resolution No. 22258, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 10, ZONE 1 AND ZONE 2, ("MOUNTAIN GATE"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2008-09." **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

2.G. TIME EXTENSION FOR SUBDIVISION IMPROVEMENT AGREEMENT NO. A5439 WITH K. HOVNANIAN'S FOUR SEASONS AT PALM SPRINGS, LLC, FOR TRACT MAP 31525:

Councilmember Weigel stated the City had required similar requirements on other requests for time extensions for subdivision improvement agreements.

ACTION: Approve a one-year extension of time for the completion of improvements associated with Subdivision Improvement Agreement No. A5439 with K. Hovnanian's Four Seasons at Palm Springs, LLC for Tract Map 31525. **A5439. Motion Mayor Pro Tem Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

Mayor Pougnet stated he has a property ownership conflict of interest with respect to Item 2.H., would not participate in the discussion or the vote, and left Council Chamber. Mayor Pro Tem Foat chaired this portion of the meeting.

2.H. TIME EXTENSION FOR SUBDIVISION IMPROVEMENT AGREEMENT NO. A4814 WITH CALISE DEVELOPMENT FOR TRACT MAP 28966:

Councilmember Weigel requested staff address the nature of the public improvements that requires completion.

ACTION: Approve a one-year extension of time for the completion of improvements associated with Subdivision Improvement Agreement No. A4814

with Calise Development, LLC for Tract Map 28966. A4814. **Motion Councilmember Mills, seconded by Councilmember Weigel, and unanimously carried 4-0, noting the absence of Mayor Pougnet.**

Mayor Pougnet returned to the dais.

2.J. APPROVE AN AGREEMENT WITH OVERDRIVE, INC. TO PROVIDE DIGITAL BOOK/MEDIA COLLECTION TECHNOLOGY AND SERVICES, FOR FOUR YEARS IN AN AMOUNT NOT-TO-EXCEED \$81,000:

Councilmember Weigel stated this is an exciting contract and service we are providing to the public.

ACTION: 1) Approve a contract service plan agreement with Overdrive, Inc., to provide digital book/media collection technology and services, for four years in an amount not-to-exceed \$81,000; and 2) Authorize the City Manager to execute all necessary documents, in a form acceptable to the City Attorney. A5684. **Motion Councilmember Weigel, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

2.L. TIME EXTENSION FOR SUBDIVISION IMPROVEMENT AGREEMENT NO. A5155 WITH CRV PALM SPRINGS, LP FOR TRACT MAP 31514:

ACTION: Approve a one-year extension of time for the completion of improvements associated with Subdivision Improvement Agreement No. A5155, with CRV Palm Springs, LP for Tract Map 31514. A5155. **Motion Mayor Pro Tem Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

2.M. BUDGET AMENDMENT FOR FISCAL YEAR 2007-08 FOR THE WASTEWATER TREATMENT PLANT PERIMETER SECURITY FENCE PROJECT:

Councilmember Mills requested the plan and design be review by the AAC.

ACTION: 1) Adopt Resolution No. 22259, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2007-08;" and 2) Direct staff that the fence plan and design be reviewed by the AAC. **Motion Councilmember Mills, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

2.Q. INSURANCE RENEWALS FOR THE CITY'S PROPERTY, EXCESS LIABILITY, CRIME, AIRPORT OWNERS, OPERATORS AND AIRCRAFT HULL LIABILITY, AND EXCESS WORKERS' COMPENSATION POLICIES IN AN AMOUNT NOT-TO-EXCEED \$620,308.00:

Councilmember Mills requested staff address the two options and the staff recommendation.

ACTION: 1) Adopt Resolution No. 22261, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING KEENAN & ASSOCIATES, AS THE CITY'S BROKER OF RECORD, TO PURCHASE PROPERTY LIABILITY, EXCESS LIABILITY, CRIME, AIRPORT OWNERS, OPERATORS AND AIRCRAFT HULL LIABILITY, AND EXCESS WORKER'S COMPENSATION INSURANCE POLICIES EFFECTIVE JULY 1, 2008;" and 2) Authorize the City Manager to execute the necessary documents. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE INCREASING THE NUMBER OF MEMBERS ON THE RESOURCE CONSERVATION COMMISSION FROM SEVEN (7) TO ELEVEN (11) MEMBERS:

Mayor Pougnet provided background information as outlined in the staff report dated June 18, 2008, and requested the City Clerk expedite the process.

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. 1743, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 2.28.010 OF THE PALM SPRINGS MUNICIPAL CODE, INCREASING THE NUMBER OF MEMBERS ON THE RESOURCE CONSERVATION COMMISSION TO ELEVEN (11) MEMBERS." **Motion Mayor Pro Tem Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

4. UNFINISHED BUSINESS:

4.A. ONE-YEAR TIME EXTENSION FOR TTM 30047 FROM LARRY MATHENA OF CT-EAGLE MEMBER, LLC, A PREVIOUSLY APPROVED SUBDIVISION OF AN APPROXIMATE 80-ACRE PARCEL FOR 75 SINGLE-FAMILY RESIDENTIAL LOTS AND 155 TOWNHOMES LOCATED AT THE WEST SIDE OF SOUTH PALM CANYON DRIVE AND SOUTH OF BOGERT TRAIL:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated June 18, 2008.

ACTION: Adopt Resolution No. 22263, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A ONE-YEAR TIME EXTENSION FROM JULY 5, 2008, TO JULY 4, 2009, FOR CASE TTM 30047, A PREVIOUSLY APPROVED SUBDIVISION OF AN APPROXIMATE 80-ACRE PARCEL FOR 75 SINGLE-FAMILY RESIDENTIAL LOTS AND 155 TOWNHOMES

LOCATED AT THE WEST SIDE OF SOUTH PALM CANYON DRIVE AND SOUTH OF BOGERT TRAIL, ZONE PD-317, SECTION 34."
Motion Mayor Pro Tem Foat, seconded by Councilmember Weigel and unanimously carried on a roll call vote.

4.B. ADOPTION OF THE CITY OF PALM SPRINGS AND COMMUNITY REDEVELOPMENT AGENCY BUDGET FOR FISCAL YEAR 2008-09:

City Manager Ready and Geoffrey Kiehl, Director of Finance, provided background information as outlined in the staff report dated June 18, 2008.

Councilmember Weigel stated that staff has minimized the short fall, along with proposed "outs" if revenues do not meet projections during the year.

The City Council discussed funding of special events.

Councilmember Hutcheson requested staff address the Municipal Golf Courses, requested the City Manager delay filling vacant positions to reduce the proposed \$319,809 deficit.

ACTION: 1) Adopt Resolution No. 22264, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2008-09;" 2) Adopt Resolution No. 22265, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING THE BUDGET FOR FISCAL YEAR 2008-09; *amending the budget to provide allocated special event funding for Community Concerts in the amount of \$22,000, Modernism Week in the amount of \$20,000, Palm Springs Pride in the amount of \$12,500, Tour de Palm Springs in the amount of \$18,000 and increase unallocated Special Event funding to \$100,000;* 3) Adopt Resolution No. 22266, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE FAIR MARKET VALUE OF THE VISITOR'S CENTER, VILLAGE GREEN, AND SUNRISE PARK TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS;" and 4) Direct the City Manager and Director of Finance and Treasurer to make the appropriate modifications to the Preliminary Budget and prepare the final budget document for Fiscal Year 2008-09. **Motion Councilmember Weigel, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

4.C. SUSPENSION OF CERTAIN REGULATORY ORDINANCES TO FACILITATE THE 2008 AMERICAN HEAT PALM SPRINGS MOTORCYCLE WEEKEND:

City Manager Ready and David Dominguez, Police Chief, provided background information as outlined in the staff report dated June 18, 2008.

The City Council discussed public safety issues and the proposed funding of the event.

ACTION: 1) Adopt Resolution No. 22267, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUSPENDING CERTAIN REGULATORY ORDINANCES FROM OCTOBER 10 THROUGH OCTOBER 12, 2008, TO FACILITATE THE 2008 AMERICAN HEAT PALM SPRINGS MOTORCYCLE WEEKEND;" 2) Direct the Finance Director to allocate \$35,000 from unallocated Special Events; and 3) Authorize the City Manager to execute an Agreement, in a form acceptable by the City Attorney. A5687. **Motion Councilmember Mills, seconded by Mayor Pro Tem Foat and carried 3-2 on a roll call vote.**

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

NOES: Councilmember Hutcheson, and Councilmember Weigel.

The City Council recessed at 9:53 p.m., and the City of Palm Springs Community Redevelopment Agency continued.

The City Council reconvened at 9:58 p.m.

ACTION: Continue past the 10:00 p.m. tentative adjournment time. **Motion Councilmember Mills, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

5. NEW BUSINESS:

5.A. LEASE AGREEMENT WITH AMERICANOS USA, LLC, A WHOLLY-OWNED SUBSIDIARY OF GREYHOUND LINES, INC. FOR A NON-EXCLUSIVE USE OF THE PALM SPRINGS TRAIN STATION ON GARNET STATION ROAD:

ACTION: 1) Approve a lease agreement with Americanos USA LLC, a wholly-owned subsidiary of Greyhounds Lines, Inc., for the non-exclusive use of the Palm Springs Train Station on Garnet Station Road; and 2) Authorize the City Manager to execute all necessary documents. A5688.

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

5.B. AMENDMENT NO. 3 TO AGREEMENT NO. A5242 WITH STANDARD PARKING CORPORATION FOR DOWNTOWN PARKING CONTROL AND ENFORCEMENT SERVICES FOR FISCAL YEAR 2008-09:

City Manager Ready provided background information as outlined in the staff report dated June 18, 2008.

ACTION: 1) Approve Amendment No. 3 to Agreement No. A5242 with Standard Parking for downtown parking enforcement services in an amount not-to-exceed \$98,979. for the one year period ending June 30, 2009; and 2) Authorize the City Manager to execute all necessary documents. A5242. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

5.C. EXTEND THE SUSPENSION OF TWO-HOUR TIME LIMITS ON PORTIONS OF INDIAN CANYON DRIVE AND BELARDO ROAD FROM ALEJO ROAD TO RAMON ROAD AND DOWNTOWN CITY-OWNED PARKING LOTS AND PARKING STRUCTURE TO JUNE 30, 2009:

City Manager Ready provided background information as outlined in the staff report dated June 18, 2008.

Mayor Pougnet requested staff review the red zones in the Downtown and Uptown area.

ACTION: Adopt Resolution No. 22268, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING THE SUSPENSION OF TWO-HOUR TIME LIMITS ON PORTIONS OF INDIAN CANYON DRIVE AND BELARDO ROAD FROM ALEJO ROAD TO RAMON ROAD, DOWNTOWN CITY-OWNED PARKING LOTS, AND THE DOWNTOWN PARKING STRUCTURE THROUGH JUNE 30, 2009." **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

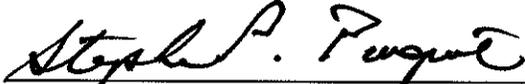
COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Weigel commented on a recent experience with Palm Springs Animal Control, and warned residents regarding snakes in the residential areas.

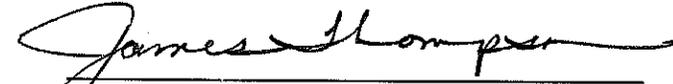
Councilmember Foat requested the meeting be adjourned in memory of Keith Weitzman, who married his partner earlier that day.

ADJOURNMENT: The City Council adjourned at 10:08 p.m., *in memory of Keith Weitzman*, to an Adjourned Regular Meeting, Wednesday, June 25, 2008, at 3:00 P.M. in the Large Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 9TH DAY OF JULY, 2008.


STEPHEN P. POUGNET, MAYOR

ATTEST:


JAMES THOMPSON, CITY CLERK