CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA

MINUTES
WEDNESDAY, APRIL 2, 2008
City Hall Council Chamber

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

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

INVOCATION: Rev. Michael Kearney, Palm Springs Church of Religious Science, led the Invocation.

ROLL CALL:

PRESENT:	Councilmember Hutcheson, Councilmember Mills, Councilmember Weigel, Mayor Pro Tem Foat, and Mayor Pougnet.
ABSENT:	None.
ALSO PRESENT:	City Attorney Holland and City Clerk Thompson.

PRESENTATIONS:
Fire Chief Goetz administered the Oath of Office to Firefighters Jeff Kaimer, Craig Chastain, Brian Davis, Ashley Josephson, and Scott Hernandez, and introduced the new Firefighters to the City Council.

Harold Matzner and Darryl Macdonald, Palm Springs International Film Festival, presented a status report of the successful 2008 Film Festival.

David Carden, Jr., presented a neighborhood petition for Trader Joe's to relocate to Palm Springs.

REPORT OF CLOSED SESSION: City Attorney Holland reported that at 5:00 p.m. the meeting was called to order and the City Council recessed into Closed Session to discuss items on the Closed Session Agenda. The City Council provided direction to the City Attorney with respect to settlement of the Tort Claim filed by Verizon, City Claim No. 08-0123, otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

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

Councilmember Mills requested Items 2.E., 2.F., 2.I., and 2.K. be removed from the Consent Calendar for separate discussion, and noted his business related abstention for Items 2.B., 2.G., 2.H., 2.J., 2.L., and 2.N.

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

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

1. PUBLIC HEARINGS:

1.A. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FISCAL YEAR 2008-09 ANNUAL ACTION PLAN BUDGET ADOPTION, ACCEPTANCE AND APPROVAL OF THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) GRANT NO. B-08-MC-06-0561 IN THE AMOUNT OF $500,027 FOR FISCAL YEAR 2008-09:

Dale Cook, Community Development Administrator, provided background information as outlined in the staff report dated April 2, 2008.

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

BEVERLY GREER, Stroke Recovery Center, thanked the Committee for their recommendation for funding, and requested the City Council approve the request.

DEAN LOCKWOOD, Mizell Senior Center, thanked Staff and the Committee, and recommended the City Council support the grant to the Senior Center.

PETER DeMARTINO, Desert AIDS Project, provided an update on the projects submitted by Desert AIDS Project, and requested the City Council approve the grant request.

JUDITH SHEA, Desert Hot Springs, stated their organization was not recommended for funding, but requested a percentage of tax relating to the project at Gene Autry and Ramon, be allocated for healthcare for Sober Age.

LINDA BARRACK, Jewish Family Services, requested the City Council support a matching grant so that they may obtain a HUD Grant.

WILLIE HOLLAND, Palm Springs, requested the City Council support the James O. Jessie Desert Highland Unity Center Fencing grant and other programs for children in the area.

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

Councilmember Weigel requested staff address the allotment and criteria, questioned if the City Council could move funds from one type of program to another type of program, and the difference between public service programs, code enforcement and capital improvement programs.

Councilmember Hutcheson requested staff address funding the same organizations for more than one-year, requested staff review the number of people served in future years funding analysis, and commented on the Sunup Rotary Club Shoes that Fit Program.

ACTION: 1) Adopt Resolution No. 22194, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE FISCAL YEAR 2008-09 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN, APPROVING THE CDBG BUDGET FOR FISCAL YEAR 2008-09, AUTHORIZING THE SUBMITTAL OF THE PLAN AND BUDGET TO THE UNITED STATES DEPARTMENT OF HOUSING & URBAN DEVELOPMENT;" 2) Approve the Subrecipient Agreements and City Departments' Memoranda of Understanding in a form acceptable to the City Attorney; and 3) Authorize the City Manager to execute all necessary documents.

City of Palm Springs, Fire Department $93,000, CERT Supplies Container. A5635.

Family YMCA of the Desert, $15,000, Public Facility Improvements. A5636.

DesertArc, $15,000, Safety, Security, and ADA Improvements. A5637.

Mizell Senior Center, $15,000, Restroom Conservation Efficiencies. A5638.

Stroke Recovery Center, $44,018, Energy Conservation Improvements. A5639

City of Palm Springs, Department of Parks & Recreation, $17,000, James O. Jessie Desert Highland Unity Center Fencing. A5640.

Desert AIDS Project, $75,000, Energy Efficiency Retrofitting. A5641.

Shelter from the Storm, $15,000, Domestic Violence Outreach and Advocacy. A5642.

Palm Springs Police Athletic League, Inc., $15,035, Partial Summer Scholarship Program. A5643.

Jewish Family Services of San Diego $28,969, Desert Horizon Services and Overnight Shelter. A5644.

Court Appointed Special Advocates for Riverside County Inc., $16,000, Support Program. A5645.

City of Palm Springs, Department of Community & Economic Development, $51,000, Home Repair Program. A5646.

Fair Housing Council of Riverside County, $15,000, Fair Housing Program. A5647.

Motion Councilmember Mills, seconded by Councilmember Weigel and unanimously carried on a roll call vote.

1.B. CONVERSION OF AN EXISTING 13-UNIT APARTMENT COMPLEX TO A 12-UNIT CONDOMINIUM COMPLEX LOCATED AT 588 SAN LORENZO ROAD, CASE 5.1171 PD-351, PLANNED DEVELOPMENT DISTRICT AND TENTATIVE TRACT MAP 35544:
Ken Lyon, Associate Planner, provide background information as outlined in the staff report dated April 2, 2008.

Mayor Pougnet requested staff address the current non-conforming set-backs and how they came to be.

Associate Planner Lyon stated at the time the property was built, the City probably had different set-back criteria, not uncommon for a 30 to 40 year old building.

Councilmember Hutcheson requested staff address if the building was occupied, if any person would be affected by the conversion.

Associate Planner Lyon deferred to the Applicant who indicated the property was vacant.

Mayor Pro Tem Foat requested staff address Condition Nos. 11, 13, 16, and 67; and stated Conditions 11, 13, and 16 do not seem appropriate for this type of project, further stated the last sentence of Condition No. 16 prohibits the lighting of the hillside, which did not appear applicable, and

requested staff address the condition referring to under grounding utilities as to whether they would be under- ground or a covenant would be required.

Director Ewing stated Condition Nos. 12 and 13 are conditions placed on all projects at the request of the Tribe, Condition No. 11 does not apply and can be eliminated for this project.

City Engineer Barakian stated the utilities on the one-side of the property would be required to be underground, not a covenant.

Councilmember Weigel requested staff address Condition No. 9 and recommended that the Condition be amended that the City shall have the right but not the obligation to enforce the CC&R's, and requested staff address the easement on the sidewalk, but not requiring the installation on San Lorenzo.

City Engineer Barakian stated the sidewalks are already installed and the condition and the easement are required for the drive approach.

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

SCOTT HINES, Representing Applicant, provided background information on the project, stated the property is currently abandoned and blighted, commented on the City Council discussions on a moratorium of conversions, but stated no moratorium is in place, and requested the City Council support the project.

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

Councilmember Mills requested staff address if this was a Planned Development not a Preliminary PD.

Director Ewing stated the application before the City Council is a Preliminary Planned Development, and the Applicant had submitted both the Preliminary and the Final PD, and the Planning Commission considered both Preliminary and Final, and approved both Preliminary and Final as a single act, subject to the City Council approval.

Councilmember Mills stated he was concerned about several items that do not meeting the zoning ordinance, stated the bay parking on San Lorenzo was required to be 20 feet deep with decorative paving and many of the proposed spaces are 15 to 17 feet deep, which may meet the requirement as a compact space.

Councilmember Mills stated the project includes adding a wall proposed to be 6 feet high in proposed set-back zone which is a violation of the ordinance, which requires a height of 4 1/2 feet in the set-back. Councilmember Mills added, that the AAC requested the wall be at 3 ½ feet, and he did not find any materials in the record to indicate if the Planning Commission agreed with AAC.

Councilmember Mills stated he did not see anything that indicated the area of the trash enclosures, but the record does indicate a "service gate," and he assumed that is where the trash would go.

Councilmember Mills stated he appreciated the upgrade to the structure itself, stated he is looking at the property as a whole, and when looking at the Random Road side of the property the landscaping is 25 feet from the set-back of the property line, but the bay parking is in front of the building at the entry and is identified as guest parking, stated he would prefer to see parking in the set-back area on Random Road, and the front of the building be landscaped as it should be, and not have five parking spaces in the front of it.

Councilmember Mills stated the parking lot has parking for 21 or 22 cars, has two points of entrance and exit, and only needs one, which would allow for additional parking. Councilmember Mills added the handicapped parking is required by the Conditions of Approval, with the plan as presented, stated there would not be enough room for the handicapped spaces including the handicapped loading area.

Councilmember Mills questioned the aesthetics and the layout as presented, and stated that if the City is going to allow the conversion, we should be improving this property in the best way possible, and indicated that such was not being done in the proposed plan.

Councilmember Mills stated there are several contradictions with the Zoning Ordinance with this property from a set-back standpoint, and he indicated he did not wish to set the precedence by allowing sub-standard properties to convert. He further stated the City Council has been concerned with the reduction of affordable housing, and if we allow the properties to convert, the City will lose its apartment stock, especially with the approval of sub-standard properties with the PD process. He also stated the covered parking requirement for condominiums would help control the conversion, and many apartments, that do not require covered parking and hence would not be able to convert to condominiums.

Councilmember Mills requested the City Council review the prepared materials that indicated the set-backs for this project as proposed and the set-backs as required by code, stated the side set-back requirement was

permitted at 20 feet, as proposed 3 feet, interior yard set-back is a little over, rear set-back is about 2 1/2 feet short, and the distance between buildings is about 3 feet short.

Councilmember Mills stated these are the issues that the City Council must address, and if the City Council wishes to proceed, for the neighborhood and the City, the Council should proceed with the best possible plan that we can get.

Councilmember Mills stated that five sub-standard bay parking spaces at the front of the building is not the best, when there is ample room on the west end of the project, which would create a much better streetscape.

Councilmember Mills questioned why we would approve a 5 or 6 foot high walkway, nearly 50 to 60 feet long to go from the parking to the front gate.

Councilmember Mills stated the project also has some problems architecturally and stated he would prefer that the project be looked at again, considering the issues he has brought up, and he would like to see a list of all the violations that the City Council is approving.

Councilmember Mills questioned why Condition No. 84 for automatic fire sprinkler systems, along with Fire Dept. access roads are included in the Conditions of Approval, stated that staff needs to review all of the conditions for their applicability and include only those Conditions needed and required for the project.

Councilmember Mills stated this is a simple project, and the effort has not been put forth, and commented on the lack of evaluation and review of this project. Councilmember Mills stated that he would request a re-study on the plan, and to bring back a better site plan, and reiterated his previous comments on differences between the proposed project and the requirements in the zoning code.

Mayor Pro Tem Foat stated she agreed that including conditions that are not applicable to the project is confusing for the City Council.

Mayor Pougnet outlined and requested staff respond to specific questions as brought forth by the City Council.

Director Ewing stated that bay-parking is allowed by code to be 18 feet deep and stated perhaps 3 spaces are short.

Associate Planner Lyon stated that in the Planning Commission staff report the parking finishes are to be required per City standards, the proposed development includes covered parking for 12 spaces, and

stated he would need to confirm with the City's ADA Specialist, whether current apartments converting may be except from the handicapped parking requirement.

Director Ewing indicated that Condition No. 50 requires the bay-parking be moved 4 feet onto the site to conform, and Condition No. 51 requires that the bay-parking be paved with decorative paving as required by the code.

Director Ewing stated the 6 foot wall was included in the staff report which calls out the wall height as part of the Planned Development.

Councilmember Mills stated the City Council is reviewing a document that shows landscaping, and when the parking and wall are moved there will not be space for landscaping, stated the Condition may be in the approval but it does not work.

Councilmember Mills stated as part of the request, let's see what we are approving.

Associate Planner Lyon stated the trash would be included behind the service gate.

Ruben Walters, Designer representing Applicant, explained the processing for the landscape strip, and stated the AAC was adamant about having a landscape buffer between the next property and the proposed parking lot, and stated they did not consider putting additional parking in that zone, and stated the trash will be enclosed behind the service gate.

Councilmember Mills requested the Applicant address the two drives into the parking area.

Ruben Walters explained the first proposal included only one driveway, and at the AAC meeting they were informed that two gates would allow for fire truck access without turning around.

Councilmember Mills questioned if that was a requirement of the Fire Department, and Ruben Walters stated it was the AAC.

Councilmember Mills questioned if the Applicant would have a problem moving the 5 spaces, perhaps as tandem parking on Random Road, and the Applicant stated they could move the compact spaces, but for guest parking it would be advantageous to have parking at the front of the building.

Councilmember Weigel stated the current parking lot is large, and requested the current number of spaces; Ruben Walters indicated the parking as proposed is the parking that currently exists, with the exception of the landscaped strip, which removes potential parking due to the AAC requirement for a landscape buffer.

Councilmember Weigel questioned if parking could be placed in the landscape area. Councilmember Mills stated the requirements of internal parking area, along with the requirement of a landscape buffer, and if the parking was moved to Random they would not have a landscape requirement.

Councilmember Weigel questioned if there was a condition that the City Council could require, to deal with the parking issue, or if the only solution was to come back.

Director Ewing stated the Planning Commission's approval of the Final PD, was subject to the City Council's action and if the City Council wished to move forward with the conversion, with regard to the site plan, the City Council could approve the Preliminary, but subject to revisions. Director Ewing stated he believed the parking could be significantly altered if there was not a requirement for a second driveway, which could be done at the final PD stage.

Councilmember Mills stated the covered parking requirements is 12 spaces due to the 12 units, and the handicapped issue will be worked out; however, the plan only has 11 spaces. and Ruben Walters stated there was a change to the plan to add the additional space.

ACTION: Adopt Resolution No. 22195, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1171 PD-351 AND TENTATIVE TRACT MAP 35544 FOR THE CONVERSION OF AN EXISTING 13-UNIT APARTMENT COMPLEX TO A 12-UNIT CONDOMINIUM COMPLEX LOCATED AT 588 SAN LORENZO ROAD" subject to review of the Final Plan by the Planning Commission to consider the City Council discussion, modifying the second sentence of Condition No. 9 to read "The City shall have the right but not the obligation to enforce the CC&R's, the CC&R's shall not be amended without City Approval, and shall require maintenance of all property in good condition and in accordance with all ordinances," and deleting the last sentence of Condition No. 16. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Foat and carried 4-1 on a roll call vote.**

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

NOES: Councilmember Mills.

1.C. DESIGNATION OF THE PROPERTY "COACHELLA VALLEY SAVINGS BANK" KNOWN AS THE "WASHINGTON MUTUAL BANK" BUILDING, AS A CLASS 1 HISTORIC SITE, LOCATED AT 499 SOUTH PALM CANYON DRIVE, CASE HSPB 53:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated April 2, 2008.

Mayor Pro Tem Foat requested staff address the status of the ATM and the cover, the building of the parking structure, and requested staff address why the parking structure was removed from the historic designation.

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

Councilmember Mills requested staff address the minutes of the Historic Site Preservation Board.

ACTION: Adopt Resolution No. 22196, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE BUILDING AT 499 SOUTH PALM CANYON DRIVE, 'COACHELLA VALLEY SAVINGS BANK' KNOWN AS 'WASHINGTON MUTUAL BANK' AS A CLASS 1 HISTORIC SITE," modifying Condition No. 3 to read "No permit for the alteration of the exterior, including signage and any and all of the defining elements and characteristics shall be issued without prior approval pursuant to the provisions of the Palm Springs Zoning Code," amending Condition No. 6 to read "The parking garage is included in the Class 1 designation," and removing all other references in the resolution to the exclusion of the parking garage. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

The City Council recessed at 8:17 p.m.
The City Council reconvened at 8:27 p.m.

1.D. GENERAL PLAN AMENDMENT AND PLANNED DEVELOPMENT DISTRICT FOR THE REDEVELOPMENT OF THE EXISTING PALM MOUNTAIN RESORT AND SPA, ON AN APPROXIMATE 2.77 ACRE SITE, LOCATED AT 155 SOUTH BELARDO ROAD, CASES 5.1162-GPA AND PD-342:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated April 2, 2008.

Councilmember Hutcheson requested City staff address the number of parking spaces required.

Mayor Pro Tem Foat requested staff address the VIP parking area.

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

TIM ELLIS, Applicant Palm Mountain Resort, outlined the previous revisions to the landscaping and parking plan requested by the City Council at the prior hearing, and summarized the development process.

WESLEY COLE, Palm Springs, spoke in support of the project.

JIM TURNEY, read a letter from the Palm Springs Economic Development Corporation, in support of the project.

DANA STEWART, Palm Springs, stated the project is too dense and does not provide enough parking, and spoke in opposition to the project.

GIGI TRIEBER, Palm Springs, commented on lack of parking, and spoke in opposition to the project.

CRAIG BLAU, commented on in-lieu parking, the calculation of parking spaces and the offsite parking.

JONO HILDNER, Palm Springs, commented on the height requirements, and requested the City Council send the project back to comply with the height requirements.

CHARLES SACHS, Palm Springs, commented on the lack of parking.

JOHN PRVINSKI, stated the Chamber of Commerce is in support of the project and commented on parking.

THERESE HAYES, Palm Springs, commented on the lack of parking in the Downtown area, and requested the City Council not approve the project as presented.

FRANK TYSEN, Palm Springs, commented on the Palm Mountain parking deficit, and spoke in opposition to the project.

TIM ELLIS, Applicant Rebuttal, commented on the parking in the Downtown area.

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

Mayor Pougnet requested staff address the location of the 40 new spaces.

Mayor Pro Tem Foat commented on the need for new hotel stock in the Downtown area, lack of parking in the area, the reduction of public street parking, the height of the project, and the number of proposed rooms.

Councilmember Mills requested staff address the existing building footprint, commented on the parking and density, and expressed concerns about the site plan.

Councilmember Hutcheson commented on the constant changes with respect to the number of parking spaces needed, the lack of parking in the Downtown, the fairness to other property owners and hotel owners in the area, and stated the project needs further study.

Councilmember Weigel commented on the previous public hearing and the City Council requests, and spoke in support of the project.

Mayor Pro Tem Foat stated the project needs to be returned to the Planning Commission.

MOTION: Continue the public hearing and direct staff to work with the Applicant to address the concerns of the City Council. **Motion Councilmember Weigel, failed for lack of a second.**

Mayor Pougnet commented on the project parking and the lack of parking in the Downtown area, and stated the site has density issues.

ACTION: Refer the project back to AAC and the Planning Commission for further review. **Motion Mayor Pro Tem Foat, seconded by Councilmember Hutcheson and carried 4-1 on a roll call vote.**

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

Councilmember Mills stated he has a business related conflict of interest with respect to Item 1.E., would not participate in the discussion or the vote, and left Council Chamber.

1.E. REQUEST BY D. W. JOHNSTON TO AMEND THE FINAL CONDITIONS OF APPROVAL RELATING TO STREET IMPROVEMENTS OF A PREVIOUSLY APPROVED FIVE-LOT TENTATIVE TRACT MAP 31422-A, LOCATED AT 2630 ANZA TRAIL:
ACTION: 1) Continue the Public Hearing to May 21, 2008, with no public testimony; and 2) Direct the City Clerk to post a Notice of Continuance.

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.

Councilmember Mills returned to the dais.

PUBLIC COMMENT:

DANA STEWART, Palm Springs, commented on boulder blasting, and stated the City needs to change the development and process in the City.

PATRICK WILLIAMS, Desert Hot Springs Police Chief, thanked the City Council for the grant to the Police Activities League.

TRACY TURNER, Palm Springs, commented on recent problems at the Veteran's for Peace demonstration.

FRANCIS MILLER, commented on recent problems at the Veteran's for Peace demonstration.

TOM SWANN commented on recent problems at the Veteran's for Peace demonstration.

MARY ANN VERON, commented on recent problems at the Veteran's for Peace demonstration.

CAROLE SCHAUDT, commented on recent problems at the Veteran's for Peace demonstration.

DAVID GALLEGO, Palm Springs, commented on recent problems at the Veteran's for Peace demonstration.

CHARLES SACHS, Palm Springs, commented on the recent removal of trees at the Casa De Oro condominium complex.

ACTION: Continue past the 10:00 p.m. tentative adjournment time. **Motion Mayor Pougnet, seconded by Mayor Pro Tem Foat and unanimously carried.**

DONNA BUCKINGER, Palm Springs, commented on the lack of maintenance at the Palm Springs Country Club.

RON WILLISON, Library Board of Trustees, commented on Item 5.A., and requested the City Council consider the funding request for the expansion of the Palm Springs Library.

DOUG WASHBURN, Palm Springs, commented on the Palm Mountain public hearing process and sustainable development.

BILL RANSOM, commented on Item 2.E., and requested the City Council waive the Noise Ordinance for the annual White Party.

COUNCILMEMBER COMMENTS:

Mayor Pougnet requested the City Attorney address the issues at Palm Springs Country Club.

Mayor Pro Tem Foat commented on recent problems at the Veteran's for Peace demonstration.

CITY MANAGER'S REPORT: None.

The City Council recessed at 10:10 P.M. as the City of Palm Springs Community Redevelopment Agency.

The City of Palm Springs Community Redevelopment Agency adjourned at 10:11 P.M. and the City Council reconvened.

2. CONSENT CALENDAR:
ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.G., 2.H., 2.L., 2.M. **Motion Mayor Pro Tem Foat, 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 April 2, 2008, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:
ACTION: Approve the City Council Minutes of March 19, 2008. **Approved as part of the Consent Calendar, noting the abstention of Councilmember Mills.**

2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:
ACTION: 1) Adopt Resolution No. 22197, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANT NUMBERED 1026964 IN THE AMOUNT OF $8,960.00 DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22198, "A RESOLUTION

OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 3-8-08, BY WARRANTS NUMBERED 413147 THROUGH 413200 TOTALING $82,813.87, LIABILITY CHECKS NUMBERED 1026965 THROUGH 1026986 TOTALING $143,968.30, THREE WIRE TRANSFERS FOR $62,100.83 AND THREE ELECTRONIC ACH DEBITS OF $1,091,947.14, IN THE AGGREGATE AMOUNT OF $1,380,830.14 DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 22199, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1026987 THROUGH 1027247 IN THE AGGREGATE AMOUNT OF $2,231,609.41 DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1729, RELATING TO THE ESTABLISHMENT OF LAND USE REGULATIONS FOR CONDOMINIUM HOTEL PROJECTS:
ACTION: Waive further reading and adopt Ordinance No. 1729, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 93.15.10 TO, AND AMENDING SECTION 91.00.10 OF, THE PALM SPRINGS ZONING CODE, RELATING TO THE ESTABLISHMENT OF LAND USE REGULATIONS FOR CONDOMINIUM HOTEL PROJECTS." **Approved as part of the Consent Calendar.**

2.G. TIME EXTENSION FOR SUBDIVISION IMPROVEMENT AGREEMENT NO. A5246, FOR TRACT MAP 33561, WITH P.S. VENTURE INDIAN CANYON/SAN RAFAEL, LLC:
ACTION: Approve a one-year extension of time for the completion of improvements associated with Subdivision Improvement Agreement No. A5246, for Tract Map 33561, with P.S. Venture Indian Canyon/San Rafael, LLC. A5246. **Approved as part of the Consent Calendar, noting the business related abstention of Councilmember Mills.**

2.H. TIME EXTENSION FOR SUBDIVISION IMPROVEMENT AGREEMENT NO. A5276, FOR TRACT MAP 32675, WITH CONTEMPO COUNTRY CLUB ESTATES, LLC:
ACTION: Approve a one-year extension of time for the completion of improvements associated with Subdivision Improvement Agreement No. A5276, for Tract Map 32675, with Contempo Country Club Estates, LLC. A5276. **Approved as part of the Consent Calendar, noting the business related abstention of Councilmember Mills.**

2.L. SET INTEREST RATES ON THE PROMISSORY NOTES ON THE SALE OF THE CONVENTION CENTER PARKING LOT AND FRANCES STEVENS PARK:
ACTION: Set the interest rates on the promissory notes (approved by Resolution No. 22106) for the sale of the Convention Center North Parking Lot and Frances Stevens Park at 10% for Fiscal Year 2008-09. **Approved as part of the Consent Calendar, noting the business related abstention of Councilmember Mills.**

2.M. THREE COOPERATIVE AGREEMENTS WITH RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT:
ACTION: 1) Approve a Cooperative Agreement with the Riverside County Flood Control and Water Conservation District, associated with the construction, operation, and maintenance of flood control improvements identified as "Palm Springs Lateral 6A and Lateral 4", Project No. 6-0-00223; 2) Approve a Cooperative Agreement with the Riverside County Flood Control and Water Conservation District, associated with the construction, operation, and maintenance of flood control improvements identified as "Palm Springs Line 8 and Lateral 8A", Project No. 6-0-00302 and 6-0-00226; 3) Approve a Cooperative Agreement with the Riverside County Flood Control and Water Conservation District, associated with the construction, operation, and maintenance of flood control improvements identified as "Palm Springs Laterals 20C and 20CA", Project No. 6-0-00224; and 4) Authorize the City Manager to execute all necessary documents. A5649. A5650. A5651. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.E. SUSPENSION OF NOISE ORDINANCE (CHAPTER 11.74.00), NOISE NUISANCE ORDINANCE (CHAPTER 11.08.040), SIGN ORDINANCE (CHAPTER 93.20.00), AND DANCES (CHAPTER 5.12), AND APPROVE A CARNIVAL ON APRIL 18, 19, AND 20, 2008, TO FACILITATE THE PLANNED EVENTS FOR THE WHITE PARTY LOCATED AT 888 EAST TAHQUITZ CANYON WAY, 277 NORTH AVENIDA CABALLEROS, AND 444 E. ARENAS ROAD FOR JEFFERY SANKER ENTERTAINMENT:

Councilmember Mills requested staff address the fireworks display, and stated his general support for the event, but could not support the request on Arenas Road due to the proximity and disruption to the neighborhood.

Mayor Pougnet stated the attendance for this event is in decline and requested the number of hotel rooms referenced in the resolution be deleted.

Councilmember Weigel expressed concerns with respect to the effect to the neighborhoods, and the applicability of State Law regarding disturbing the peace.

ACTION: Adopt Resolution No. 22200, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUSPENDING THE NOISE ORDINANCE (CHAPTER 11.74.00), NOISE NUISANCE ORDINANCE (CHAPTER 11.08.040), SIGN ORDINANCE (CHAPTER 93.20.00), AND DANCES (CHAPTER 5.12), AND APPROVE A CARNIVAL ON APRIL 18, 19, AND 20 2008, TO FACILITATE THE PLANNED EVENTS FOR THE WHITE PARTY LOCATED AT 888 EAST TAHQUITZ CANYON WAY, AND 277 NORTH AVENIDA CABALLEROS," deleting the reference to the number of hotel bookings. **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.

ACTION: Adopt Resolution No. 22201, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUSPENDING THE NOISE ORDINANCE (CHAPTER 11.74.00), NOISE NUISANCE ORDINANCE (CHAPTER 11.08.040), SIGN ORDINANCE (CHAPTER 93.20.00), AND DANCES (CHAPTER 5.12), AND APPROVE A CARNIVAL ON APRIL 18, 19, AND 20 2008, TO FACILITATE THE PLANNED EVENTS FOR THE WHITE PARTY LOCATED AT 444 E. ARENAS ROAD," deleting the reference to the number of hotel bookings. **Motion Mayor Pougnet, seconded by Councilmember Hutcheson and carried 3-2 on a roll call vote.**

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

2.F. AWARD THE CONTRACT FOR THE FISCAL YEAR 2007-08 ANNUAL SLURRY SEAL PROJECT TO BOND BLACKTOP INC., IN THE AMOUNT OF $687,452.15, CITY PROJECT 07-18:

Councilmember Mills requested staff address the traffic calming on Toledo.

Councilmember Hutcheson requested staff outline the next steps with respect to the Toledo improvements.

ACTION: 1) Approve an agreement with Bond Blacktop, Inc., for Alternative Bid Schedule A, Alternative Bid Schedule B, Alternative Bid Schedule C, Alternative Bid Schedule D, Alternative Bid Schedule E, and Alternative Bid Schedule F, for the Fiscal Year 2007-08 Annual Slurry Seal Project, in the amount of $687,452.15, City Project 07-18;" and 2) Authorize the City Manager to execute

all necessary documents. A5648. **Motion Mayor Pro Tem Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

2.I. TIME EXTENSION FOR SUBDIVISION IMPROVEMENT AGREEMENT A5426, FOR TRACT MAP 32732, WITH 111/CAMINO REAL:

Councilmember Mills requested this Item be continued for two-weeks due to concern with the installed wall.

ACTION: 1) Approve a two-week extension of time for the completion of improvements associated with Subdivision Improvement Agreement No. A5426, for Tract Map 32732, with 111/Camino Real, LLC.; and 2) Direct staff to place a further extension on the April 16, 2008, Agenda for discussion and action. A5426. **Motion Councilmember Mills, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

Councilmember Mills stated he has a business related conflict of interest with respect to Item 2.J., would not participate in the discussion or the vote, and left Council Chamber.

2.J. TIME EXTENSION FOR SUBDIVISION IMPROVEMENT AGREEMENT NO. A5324, FOR TRACT MAP 33933, WITH P.S. AVENIDA CABALLEROS/SAN RAFAEL, LLC:

Mayor Pro Tem Foat requested the extension be limited to one-year.

ACTION: Approve a one-year extension of time for the completion of improvements associated with Subdivision Improvement Agreement No. A5324, for Tract Map 33933, with P.S. Avenida Caballeros/San Rafael, LLC. A5324. **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.

Councilmember Mills returned to the dais.

2.K. TIME EXTENSION FOR SUBDIVISION IMPROVEMENT AGREEMENT NOS. A5086, A5087, A5088, AND A5089 FOR TRACT MAP 32233-1, 32233-2, 32233-3, AND 32233-4, WITH PALM SPRINGS CLASSIC, LLC:

Councilmember Mills questioned if additional restrictions could be placed on the agreement, with respect to the golf course.

ACTION: Approve a one-year extension of time for the completion of improvements associated with Subdivision Improvement Agreement Nos. A5086, A5087, A5088, and A5089, for Tract Map No. 32233-1, 32233-2, 32233-3, and 32233-4, with Palm Springs Classic, LLC. A5086. A5087. A5088. A5089. **Motion Mayor Pro Tem Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

Councilmember Mills stated his has a business related conflict of interest with respect to Item 2.N., would not participate in the discussion or the vote, and left Council Chamber.

2.N. REQUEST BY NEXUS DEVELOPMENT FOR A ONE-YEAR TIME EXTENSION FOR TENTATIVE TRACT MAP 34165, A SUBDIVISION TO CONSTRUCT AN 84-UNIT CONDOMINIUM COMPLEX, A CLUBHOUSE AND RECREATION AREAS, LOCATED AT THE SOUTHEAST CORNER OF AVENIDA CABALLEROS AND ALEJO ROAD:

Mayor Pougnet requested staff address the temporary fencing.

ACTION: Adopt Resolution No. 22202, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A ONE-YEAR TIME EXTENSION FROM APRIL 19, 2008, TO APRIL 18, 2009, FOR CASE NO. TTM 34165, A SUBDIVISION TO CONSTRUCT AN 84-UNIT CONDOMINIUM COMPLEX, A CLUBHOUSE AND RECREATION AREAS LOCATED AT THE SOUTHEAST CORNER OF AVENIDA CABALLEROS AND ALEJO ROAD, ZONE HR AND MBR, SECTION 14." **Motion Mayor Pougnet, 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.

Councilmember Mills returned to the dais.

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE TO ESTABLISH THE PRIMA FACIE SPEED LIMITS OF KIRK DOUGLAS WAY:
David Barakian, City Engineer, provided background information as outlined in the staff report dated April 2, 2008.

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. 1740, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 12.20.020 OF THE PALM SPRINGS MUNICIPAL

CODE, RELATING TO THE ESTABLISHMENT OF PRIMA FACIE SPEED LIMITS OF VARIOUS CITY STREETS." **Motion Councilmember Weigel, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

3.B. VACATING, RESCINDING, REPEALING, AND OTHERWISE SETTING ASIDE APPROVAL OF ORDINANCE NOS. 1657 AND 1658, RESOLUTION NOS. 20993, 20995, AND 20996, RELATING TO THE 2004 PALM HILLS DEVELOPMENT PROJECT:
ACTION: 1) Waive the reading of the ordinance text in its entirety and read by title only; 2) Adopt Ordinance No. 1741, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, VACATING, RESCINDING, REPEALING AND OTHERWISE SETTING ASIDE APPROVAL OF ORDINANCE NOS. 1657 AND 1658 RELATING TO THE PALM HILLS PROJECT;" and 3) Adopt Resolution No. 22203, "A RESOLUTION OF THE CITY OF PALM SPRINGS, CALIFORNIA, VACATING, RESCINDING, AND OTHERWISE SETTING ASIDE APPROVAL OF RESOLUTION NOS. 20993, 20995, AND 20996 RELATING TO THE PALM HILLS PROJECT." **Motion Mayor Pro Tem Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS:

5.A. REQUEST FROM THE BOARD OF LIBRARY TRUSTEES RECOMMENDING THE CITY COUNCIL DESIGNATE FUNDS OF THE AGENCY TAX ALLOCATION BONDS FOR THE LIBRARY REMODEL AND EXPANSION AND APPOINT A CITY COUNCIL SUBCOMMITTEE FOR THE LIBRARY RENOVATION:
ACTION: 1) Receive and file the Resolution of the Board of Library Trustees; 2) Appoint Councilmember Mills and Councilmember Weigel to a City Council Subcommittee as Liaisons to the Library Board for the renovation project; and 3) Direct the City Council Subcommittee to meet with the Library Board to discuss the request. **Motion Mayor Pro Tem Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS: None.

ADJOURNMENT: The City Council adjourned at 10:46 p.m. to a Regular Meeting, Wednesday, April 16, 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. No Study Session will be held on April 9, 2008.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 28TH DAY OF MAY, 2008.

STEPHEN P. POUGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK