

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



MINUTES
WEDNESDAY, April 1, 2009
City Hall Council Chamber

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:10 p.m.

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

NATIONAL ANTHEM: Palm Springs High School Band performed the National Anthem.

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

ROLL CALL:

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

ABSENT: None.

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

PRESENTATIONS:

The City Council received a presentation from the Palm Springs High School on the Asian American Expo Project 2009, and the Mayor and City Council presented a Commendation to the Officers of the Palm Springs High School International Business Club.

The City Council received a presentation and update on the Palm Springs Business Improvement District activities and projects.

Councilmember Weigel provided update of the Palm Springs SWAT Team 30th Anniversary.

Councilmember Foat provided an update of the recent Dog Day Afternoon.

Mayor Pougnet and the City Council presented Certificate of Commendations to the Palm Springs Boxing Club members.

The City Council received a presentation and update on the activities and events at the Palm Springs Baseball Stadium.

Mayor Pougnet outlined the activities of the grand re-opening of the redesigned Palm Springs International Airport Courtyard.

Mayor Pougnet provided an update of the grand re-opening of the renovated Travel Lodge.

REPORT OF CLOSED SESSION: City Attorney Holland stated 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 Closed Session Agenda. City Attorney Holland stated the City Council provided direction to the City Attorney on the Robert Anzovino claim, and denied the Eric C.L. Bennett for Joan M. Luca claim, otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

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

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

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

1. PUBLIC HEARINGS:

1.A. 35TH PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT 2009-10 ANNUAL ACTION PLAN AND CDBG BUDGET APPROVAL, AUTHORIZATION TO SUBMIT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT NO. B-09-MC-06-0561 IN THE AMOUNT OF \$506,696 AND APPROVING SUBRECIPIENT AGREEMENTS:

Dale Cook, Community Development Administrator, provided background information as outlined in the staff report dated April 1, 2009.

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

ROBERT BINKOW, Palm Springs Sunup Rotary , outlined the programs of the Palm Springs Sunup Rotary Club, and requested the City Council fund the program.

BARRY DAYTON, Desert AIDS Project, outlined the programs at Desert AIDS Project and requested the City Council fund the program.

ALANNA REICHLE, Police Activities League, outlined the programs of the PAL, and requested the City Council fund the program.

DEBORAH SUTTON, CASA, outlined the programs of CASA and requested the City Council fund the program.

DEAN LOCKWOOD, outlined the programs at the Mizell Senior Center, and requested the City Council fund the program.

WALTER REED, outlined the programs at the AIDS Assistant Program, and requested the City Council fund the program.

ROSE MAYES, Fair Housing Council, outlined the programs at the Fair Housing Council of Riverside County, and requested the City Council fund the program.

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

Councilmember Weigel requested staff address the funding of the grants, and explain the rating criteria to determine the programs and the grant applications.

Councilmember Foat requested staff address ongoing monitoring of the grants after award of the grant, prevailing wages requirements, and requested the City Council receive a synopsis of the grants.

ACTION: 1) Adopt Resolution No. 22459, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE 2009-10 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN AND FISCAL YEAR 2009-10 BUDGET, AND AUTHORIZING THE SUBMITTAL OF THE PLAN AND BUDGET TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; and 2) Authorize the City Manager to execute the Agreement with the United States Department of Housing and Urban Development;" 4) Approve the following Subrecipient Agreements and City Departments Memoranda of Understanding in a form acceptable to the City Attorney and Authorize the City Manager to execute all necessary documents; and 5) Authorize the City Manager to adjust the HUD Grant and Plan and the individual Subrecipient agreements based on the final HUD allocation to the City.

HUD		A5814
Desert AIDS Project	\$87,250	A5815
Mizell Senior Center	\$82,000	A5816
Palm Springs Parks and Recreation Dept.	\$46,483	A5817
Palm Springs Parks and Recreation Dept.	\$50,370	A5818

Family YMCA of the Desert	\$26,776	A5819
Palm Springs Public Works Dept.	\$26,129	A5820
Palm Springs Rotary Foundation	\$18,000	A5821
Court Appointed Special Advocates	\$19,500	A5822
AIDS Assistance Program	\$18,000	A5823
Coachella Valley Police Activities League	\$20,504	A5824
Palm Springs Community Development Dept.	\$46,500	A5825
Fair Housing Council of Riverside	\$15,000	A5826

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

1.B. SWS INVESTMENTS, LLC, APPROVAL OF TENTATIVE PARCEL MAP 34764 TO SUBDIVIDE 10.4 ACRES INTO ELEVEN PARCELS FOR THE PROPERTY LOCATED ON THE NORTH SIDE OF 20TH AVENUE APPROXIMATELY 700 FEET WEST OF NORTH INDIAN CANYON DRIVE (CASE NO. TPM 34764):

David Newell, Associate Planner, provided background information as outlined in the staff report dated April 1, 2009.

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

Councilmember Mills requested staff review the standards in the M-1 and M-2 zones, and noted a requirement for an eight foot sidewalk, and requested the City Council consider amending the conditions for a five foot sidewalk.

Councilmember Hutcheson suggested the Planning Commission should be part of the process of reviewing standards in the M-1 and M-2 zones.

ACTION: Adopt Resolution No. 22460, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 34764 TO SUBDIVIDE APPROXIMATELY 10.4 ACRES INTO ELEVEN PARCELS FOR THE PROPERTY LOCATED ON THE NORTH SIDE OF 20TH AVENUE APPROXIMATELY 700 FEET WEST OF NORTH INDIAN CANYON DRIVE, ZONE M-2, SECTION 15;" amending Condition No. ENG 5 to require a five (5) foot sidewalk. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

The City Council recessed at 7:35 p.m.
The City Council reconvened at 7:45 p.m.

The City Council heard Item 1.C. following the Consent Calendar Items.

1.C. PROPOSED DRAFT SPECIFIC PLAN (GENERAL PLAN AND ZONING TEXT AMENDMENTS) FOR MUSEUM MARKET PLAZA (CASE 5.1204) TO ALLOW UP TO 955 HIGH-DENSITY RESIDENTIAL UNITS, UP TO 400,000 SQUARE FEET OF COMMERCIAL RETAIL AND OFFICE SPACE, AND UP TO 620 HOTEL ROOMS LOCATED AT THE NORTHWEST CORNER OF N. PALM CANYON DRIVE AND TAHQUITZ CANYON WAY, AND OTHER NEARBY PROPERTIES:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated April 1, 2009.

Councilmember Hutcheson requested staff address the process of future City Councils to amend the Specific Plan.

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

EMILY HEMPHILL, Representing Wessman Development, commented on the economic feasibility of developing the specific plan, height restrictions, and the current re-model plan by Wessman Development.

RON MARSHALL, requested the preservation of the Town and Country Center.

PETER MORUZZI, commented on the EIR and the preservation of the Town and Country Center.

CHARLES SACHS, requested the City Council look at alternatives to keep the cost down and keep the views, watch the details.

MICHAEL BRAUN, commented on the Town and Country, and the sufficiency of the EIR.

JOHN TYMON, stated he was for preservation and restoration, commented on the Town and Country Center, and stated he is opposed to angle parking.

No further speakers coming forward the public hearing was closed.

Mayor Pro Tem Mills commented on the current application and process of the current renovation project, and requested the specific plan not inhibit a renovation project.

Councilmember Foat commented on the renovation process and the late submission of testimony.

Councilmember Weigel requested staff address the responsibility of current maintenance and renovations of the building, requested the City Attorney address the disposition of the Town and Country Center, the open space requirement, and the renovation project.

Mayor Pougnet requested staff address the impact to the Town and Country Center and the level of protection of a potential significant site.

Mayor Pro Tem Mills commented on the future of the site with respect to the comments made in reference to economic feasibility, requested staff address the EIR projections, commented on the height limitations, the feasibility of the number of units, and stated the review, study, and effect the project can have on the area to the North is missing from the plan.

Councilmember Hutcheson stated the Specific Plan is one of several paths for the Downtown mall, commented on the renovation plan, stated he would like a path for the near future, a plan to remove the Fashion Plaza blight, protect the historic structures, provide flexibility to provide connectivity for the Museum and the Spa Hotel, stated his opposition to the height averaging, commented on potential uses, economic conditions, and open space.

Councilmember Foat stated she would like the City Council to review further models of the area.

ACTION: 1) Close the public testimony portion of the public hearing and continue to May 13, 2009; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Councilmember Weigel, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

ALLEN RAVERT, commented on Item 2.E., and requested the City Council approve the suspension of the Noise Ordinance for the event.

BOB ALEXANDER, commented on Item 5.A., and requested the City Council approve the amendment to the Walk of Stars criteria.

DREW SWEATTE, commented on the 45th Congressional District.

CHARLES SACHS, commented on illegal tree removal at Case de Oro condominium complex.

COUNCILMEMBER COMMENTS: None.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., and 2.F. **Motion Mayor Pro Tem 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 April 1, 2009, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. PROPOSED ORDINANCE PERTAINING TO STATE VIDEO FRANCHISE HOLDERS:

ACTION: Waive further reading and adopt Ordinance No. 1759, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING CHAPTER 5.79 OF TITLE 5 OF THE PALM SPRINGS MUNICIPAL CODE PERTAINING TO STATE VIDEO FRANCHISE HOLDERS." **Approved as part of the Consent Calendar.**

2.C. APPOINTMENT OF A CITY COUNCIL SUBCOMMITTEE TO REVIEW THE DRAFT DOCUMENT THE PALM SPRINGS PATH TO A SUSTAINABLE COMMUNITY:

ACTION: Appoint Councilmember Foat and Councilmember Hutcheson to a City Council Subcommittee to review the draft document The Palm Springs Path to a Sustainable Community. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.D. AUTHORIZATION TO SUBMIT A GRANT APPLICATION UNDER THE 2009 COMMUNITY ORIENTED POLICING HIRING RECOVERY PROGRAM:

The City Council discussed and/or commented on the following with respect to the grant: using the grant funds to fund current positions, returning the grant to City Council for review prior to acceptance.

ACTION: 1) Authorize the Police Department to submit a 2009 CHRP grant application to the U.S. Department of Justice, and 2) Authorize the City Manager to execute all documents. **Motion Councilmember Weigel, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

2.E. TEMPORARILY SUSPEND THE NOISE ORDINANCE ON APRIL 12, 2009, 12:00 P.M. TO 4:00 P.M., FOR AN EVENT LOCATED AT 225 VIA LOLA ROAD (APPLICATION BY DESERT AIDS PROJECT):

Councilmember Weigel stated the suspension of noise ordinances is not good public policy.

ACTION: Adopt Resolution No. 22461, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUSPENDING THE NOISE ORDINANCE (CHAPTER 11.74.00) AND THE NOISE NUISANCE ORDINANCE (CHAPTER 11.08.040) FOR AN EVENT ON APRIL 12, 2009, FROM 12:00 P.M. TO 4:00 P.M. LOCATED AT 225 VIA LOLA ROAD." **Motion Councilmember Foat, seconded by Mayor Pougnet and carried 4-1 on a roll call vote.**

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

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

4.A. **STAFF UPDATE ON THE STATUS OF THE FEDERAL STIMULUS PROGRAMS/AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009:**

City Manager Ready provided an update on the City's activities with respect to the American Recovery and Reinvestment Act of 2009.

No action taken.

5. **NEW BUSINESS:**

5.A. **WALK OF STARS CRITERIA AND SELECTION PROCESS:**

City Manager Ready provided background information as outlined in the staff report dated April 1, 2009.

ACTION: Direct the City Manager to issue written approval of the City to expand the selection criteria of the Walk of Stars program. A4981. **Motion Councilmember Weigel, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

5.B. **DISCUSS NAMING THE PUBLIC ENTRY FOUNTAIN AT THE PALM SPRINGS INTERNATIONAL AIRPORT IN MEMORY OF FORMER MAYOR FRANK M. BOGERT:**

City Clerk Thompson provided background information on legislative history with respect to the fountain as outlined in the memorandum dated April 1, 2009.

ACTION: Direct staff to prepare a Resolution naming the fountain in memory of former Mayor Frank M. Bogert, donated by Pearl McCallum McManus. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Hutcheson requested the City Manager provide for City Council discussion for public use of construction sites that have been abandoned.

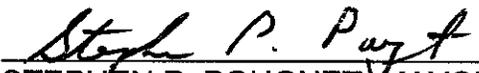
Councilmember Mills requested the City Manager address code compliance issues at the hotel property on Indian Canyon just North of Billy Reeds Restaurant.

Councilmember Foat commented on the recent Dog Day Afternoon event.

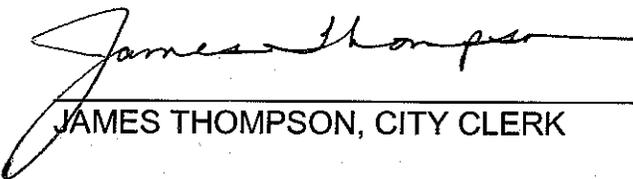
Mayor Pougnet requested the City Manager address the temporary construction fencing at Alejo and Avenida Caballeros, and stated the fencing should be removed.

ADJOURNMENT: The City Council adjourned *in memory of former Palm Springs Police Officer Mike Hanavan*, at 10:01, p.m. to a Meeting with the Tribal Council of the Agua Caliente Band of Cahuilla Indians, Wednesday, April 8, 2009, at 5:00 P.M., Palm Springs Convention Center, Primrose C Room, 277 North Avenida Caballeros, Palm Springs, followed by an Adjourned Regular Meeting and Closed Session.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 15TH DAY OF APRIL, 2009.


STEPHEN P. POUGNET, MAYOR

ATTEST:


JAMES THOMPSON, CITY CLERK