

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



MINUTES
WEDNESDAY, MAY 21, 2008
City Hall Council Chamber

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

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

INVOCATION: Rev. Kevin Johnson, Bloom in the Desert Ministries, 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: None.

REPORT OF CLOSED SESSION: City Attorney Holland stated 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. No reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

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

Councilmember Hutcheson noted his business related abstention on Consent Calendar Item 2.M., and stated he has a business related conflict of interest for public hearing Item 1.G.

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

City Clerk Thompson stated staff has requested Item 5.A. be withdrawn from the Agenda, and requested a modification to the recommended action for Item 2.K. as subject to the approval of the City Attorney.

Mayor Pougnet requested Item 2.N. be removed from the Consent Calendar for separate discussion.

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

1. PUBLIC HEARINGS:

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

1.A. 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:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated May 21, 2008.

Mayor Pro Tem Foat questioned why the Conditions were included in the original approval, and suggested that such conditions are not included as boilerplate, but researched on an individual neighborhood basis.

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

ACTION: Adopt Resolution No. 22224, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE FINAL CONDITIONS OF APPROVAL FOR THE PREVIOUSLY APPROVED TENTATIVE TRACT MAP 31422-A, AT 2630 ANZA TRAIL."

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.

Councilmember Mills returned to the dais.

1.B. PLACEMENT OF DELINQUENT WASTE DISPOSAL CHARGES ON THE COUNTY TAX ROLLS AS A SPECIAL ASSESSMENT:

Marcus Fuller, Assistant City Engineer, provided background information as outlined in the staff report dated May 21, 2008.

Councilmember Mills stated he would be voting on this Item, but noted a business related abstention with respect to Customer No. 0013749 and Customer No. 0020570.

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

DAVID HOLMES, stated Palm Springs Disposable has not picked-up the waste at his property for over one-year, and he wished to protest the charges, as he did not receive the service.

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

Mayor Pro Tem Foat stated the City does business with some of the businesses on the delinquent list, requested staff address if the City has other options for action, and noted some of the properties are in foreclosure and requested the City Attorney address this type of issue in the vacant building ordinance.

Councilmember Hutcheson requested staff contact and work with David Holmes to research and resolve the reported conflict with Palm Springs Disposal.

ACTION: Adopt Resolution No. 22225 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING CERTAIN WASTE DISPOSAL ACCOUNTS TO BE DELINQUENT AND DIRECTING THE PLACEMENT OF THE ACCOUNTS ON THE COUNTY PROPERTY TAX ROLL FOR COLLECTION," Motion Councilmember Weigel, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote, noting the business related abstention of Councilmember Mills on Customer Nos. 0013749 and 0020570.

1.C. TWO CONSTRUCTION REFUND AGREEMENTS WITH FRANK J. BURGESS RELATED TO OFF-SITE STREET IMPROVEMENTS:

Marcus Fuller, Assistant City Engineer, provided background information as outlined in the staff report dated May 21, 2008.

Councilmember Weigel requested staff address tracking the payments of adjoining property owners to ensure payment for their share of the public improvements.

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

FRANK BURGESS, requested the City Council approve the two construction refund agreements.

No further speakers coming forward the public hearing was closed.

ACTION: 1) Adopt Resolution No. 22226, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A CONSTRUCTION REFUND AGREEMENT FOR STREET IMPROVEMENTS WITH FRANK J. BURGESS;" 2) Adopt Resolution No. 22227, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A CONSTRUCTION REFUND AGREEMENT FOR FIRE HYDRANTS WITH FRANK J. BURGESS;" and 3) Authorize the City Manager to execute all necessary documents. A5664. A5665. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

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

1.D. RIGHT-OF-WAY VACATION OF AVENIDA EVELITA BETWEEN RAMON ROAD AND CALLE DE RICARDO, AND VACATION OF PORTIONS OF THE PUBLIC UTILITY EASEMENTS ON LOTS 5 AND 6 OF VISTA DEL CIELO, AND PORTIONS OF THE PUBLIC UTILITY EASEMENTS ON LOTS 1 AND 6 OF VISTA DEL CIELO NO. 3:

Marcus Fuller, Assistant City Engineer, provided background information as outlined in the staff report dated May 21, 2008.

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

WILLIAM KLEINDIENST, Palm Springs, Representing Applicant, requested the City Council approve the street vacation and public utility easements.

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

ACTION: Adopt Resolution No. 22228, "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 PUBLIC RIGHT-OF-WAY DEDICATED FOR AVENIDA EVELITA BETWEEN RAMON ROAD AND CALLE DE RICARDO, AND VACATION OF PORTIONS OF PUBLIC UTILITY EASEMENTS ON LOTS 5 AND 6 OF VISTA DEL CIELO, AND PORTIONS OF PUBLIC UTILITY EASEMENTS ON LOTS 1 AND 6 OF VISTA DEL CIELO NO. 3, IN

**SECTION 19, TOWNSHIP 4 SOUTH, RANGE 5 EAST, FILE R-07-039."
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.

Councilmember Mills returned to the dais.

**1.E. PROPOSED RESOLUTION ADOPTING MODIFICATIONS TO CERTAIN
USER FEES AND CHARGES AND ADOPTING THE COMPREHENSIVE
FEE SCHEDULE FOR FISCAL YEAR 2008-09:**

ACTION: 1) Continue the Public Hearing to June 4, 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 on a roll call vote.**

**1.F. PUBLIC MEETING TO CONSIDER A DRAFT "EVENT HOUSE"
ORDINANCE:**

City Attorney Holland provided background information as outlined in the
staff report dated May 21, 2008.

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

JOHN WILLIAMS, Representing Neighborhood Organizations, stated the
Neighborhood Organizations are not in support of the Ordinance as
proposed, requested the City register each event, limit the number of
events per property, and requested event plans and contact information
for each event.

PAULA AUBURN, Palm Springs, stated these properties are nuisances,
and that she supports the recommendations by the Neighborhood
Organizations.

Mayor Pro Tem Foat stated the Ordinance is premature, compared this
program to garage sale permits and requested similar reporting
restrictions, requested the City Attorney review insurance and liability
issues, and commented on the use by non-profits of historical properties
for fundraiser events, stated her support for an Ordinance, but indicated
the Ordinance as proposed needs additional work.

Councilmember Weigel stated the City is headed in the correct direction,
but the Ordinance as proposed needs improvement, and noted as a policy

this is good for the City, but would like additional enforcement mechanisms.

Councilmember Mills requested staff address the proposal if an organization represents event housing, noted problems with limiting the number of events and stated flexibility in the number of events is important, requested the City Attorney modify the notice requirements in Section 5.75.050(7).

Councilmember Hutcheson stated there was merit in requiring a CUP for certain events or on a case by case basis, with the possibility of a longer permit when there are no determined impacts from events.

Mayor Pougnet stated event houses are a nuisance, and are business use in a residential neighborhood.

No action taken.

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

1.G. PUBLIC MEETING TO CONSIDER A DRAFT "VACATION RENTAL" ORDINANCE:

City Attorney Holland provided background information as outlined in the staff report dated May 21, 2008.

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

RON SIEGEL, Representing Neighborhood Organizations, provided a history of problems caused by vacation rentals, including for rent by owner properties, and a history of the evolution and development of the proposed Ordinance, and stated Agency accountability is being ignored in the Ordinance.

BOB MALHOWITZ, Representing Neighborhood Organizations, provided a history of the development of the Ordinance, and stated the Ordinance as proposed is a good compromise but suggested the following: a front desk provision, good faith effort to notify and provide information to neighbors, requested the response time be limited to one-hour, include garbage collection in the Ordinance; recommended the preparation of a user guide for owners, and requested an impact study be performed.

MIKE MCLEAN, Representing the Vacation Rental Managers of Palm Springs, outlined the goals of the Vacation Rental Managers of Palm

Springs, stated the organization provided the City the operational restrictions in the Ordinance, stated the Ordinance will force negligent operators into compliance, requested Section 5.25.070(b) be amended to recognize guests, Section 5.25.070(c) needs to define a reasonable response time, Section 5.25.070(f) requested the preparation of a standard rental agreement, and stated the Vacation Rental Managers endorse the proposed Ordinance.

ROBERT WINKLER, stated this issue is about professional management, and a responsible person for each property is needed for a successful program.

BILL BUTLER, read a letter with respect to a property owner's experience with a second home in Palm Springs.

WILLIAM DUNN, provided information on problems and nuisances with vacation rentals near his home.

ANTHONY TOIA, stated he has rental houses on both sides of his property, vacation rentals do not increase property values, and an ordinance needs enough enforcement to stop the problem.

FLORENCE KLAASEN, Palm Springs, outlined nuisances caused by vacation rentals in the TRENO neighborhood.

PETER INTRAVARTOLO, noted nuisances with the vacation property next door to his residence, stated the annoyance is noise, trash, and other health and safety problems, and stated the Ordinance needs strict enforcement.

MICHAEL GOODSON, requested the City Council address the noise outside and interior noise that can be disbursed outside in the Ordinance.

ROXANN PLOSS, noted problems with parking at rental houses, and requested the City Council address the difference between an event house and a vacation rental, stated vacation rental should not be located on a cul-de-sac.

STEVE BOSSEL, commented on problem with a vacation rental next to his property, and stated he has called the police 17 times since last October.

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

Mayor Pro Tem Foat stated the Ordinance does not have enough "teeth" and the need for these houses to be licensed, stated the City needs to

revoke licenses that are misused, regulate waste disposal, a need for a way to hold property owners responsible, and require accountability and standards for rental agencies.

Councilmember Mills requested the City Attorney address if the Ordinance could require membership in a agency group, stated the Ordinance should enhance restrictions for correct and proper operations, recommended staff review the number of non-overnight guests, include a response time, and the preparation of a standard rental form.

Councilmember Weigel stated he would recommend the Ordinance be modified to include enforcement without a complaining party, stated his support for the concept of the Front Desk, but not for the Security Company to have such responsibility.

Mayor Pro Tem Foat commented on the use of security in response to vacation rental houses, and the response from the Police wanting a complaint or a citizens arrest.

No action taken.

The City Council recessed at 8:06 p.m.

The City Council reconvened at 8:16 p.m., and Councilmember Hutcheson returned to the dais.

PUBLIC COMMENT:

STEPHEN ROBERTS, Community Dynamics, commented on Item RA3., and requested the City Council support the Exclusive Agreement to Negotiate.

SID CRAIG, announced the upcoming Elder Abuse Workshop sponsored by the Human Rights Commission.

THOMAS HALL, commented on Item 5.C. development of sustainability concepts, and encouraged the reduction in fees for renewable energy.

JOY MEREDITH, Palm Springs, commented on Item 4.B., Main Street Bylaws, and requested the City Council postpone the City's action until the Main Street Executive Board reviews the scope of services.

WILLIE HOLLAND, commented on waste disposal, and recommended the City contract with Burrtec, and on elderly abuse, and police response to problems in the Desert Highland Gateway Neighborhood.

PAUL MEDIANO, commented on Item 4.B., and requested the City Council postpone the decision until after the Main Street Board reviews the service agreement.

COUNCILMEMBER COMMENTS: None.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

City Manager Ready requested the City Council consider an amendment to the recommended action for Item 2.H., and consider the budget transfer in the form a loan from the General Fund to the Public Safety CFD.

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., 2.H., 2.I., 2.J., 2.K., 2.L., 2.M., and 2.O. **Motion Councilmember Weigel, 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 May 21, 2008, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of May 7, 2008. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Re-Adopt Resolution No. 22216, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 4-19-08 BY WARRANTS NUMBERED 413299 THROUGH 413344 TOTALING \$83,951.73, LIABILITY CHECKS NUMBERED 1027823 THROUGH 1027843 TOTALING \$145,890.28, THREE WIRE TRANSFERS FOR \$62,290.04, AND THREE ELECTRONIC ACH DEBITS OF \$1,062,953.32, IN THE AGGREGATE AMOUNT OF \$1,355,085.37 DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22229, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1027846 THROUGH 1028087 IN THE AGGREGATE AMOUNT OF \$2,088,653.52 DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 22230, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANT NUMBERED 1028088 IN THE AMOUNT OF \$2,500.00 DRAWN ON BANK OF AMERICA;" and 4) Adopt Resolution No. 22231, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 5-3-08 BY WARRANTS

NUMBERED 413345 THROUGH 413390 TOTALING \$77,252.21, LIABILITY CHECKS NUMBERED 1028089 THROUGH 1028109 TOTALING \$147,951.65, THREE WIRE TRANSFERS FOR \$64,057.29, AND THREE ELECTRONIC ACH DEBITS OF \$1,162,968.87, IN THE AGGREGATE AMOUNT OF \$1,452,230.02 DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. STAFF AUTHORIZED AGREEMENTS FOR APRIL 1 THROUGH APRIL 30, 2008:

ACTION: Receive and file Staff Authorized Agreements covering the period April 1 through April 30, 2008. **Approved as part of the Consent Calendar.**

2.E. TRANSPORTATION SECURITY ADMINISTRATION FIVE-YEAR OFFICE SPACE LEASE AT PALM SPRINGS INTERNATIONAL AIRPORT:

ACTION: 1) Approve U.S. Government Lease GS-09B-02056 for approximately 6,653 square feet located at Palm Springs International Airport, which includes revenues of approximately \$318,100 annually, effective October 1, 2008, through September 30, 2013; and 2) Authorize the City Manager to execute all necessary documents. A5666. **Approved as part of the Consent Calendar.**

2.F. AMENDMENT NO. 1 TO AGREEMENT NO. A5583-2, WITH LSA ASSOCIATES, INC., IN THE AMOUNT OF \$5,500.00 FOR ADDITIONAL FOCUSED ENTITLEMENT AND PLANNING SERVICES REQUIRED TO COMPLETE PROJECT 5.1162-PD-342, THE PALM MOUNTAIN RESORT AND SPA, NOT-TO-EXCEED \$40,000.00:

ACTION: 1) Approve Amendment No. 1 to Agreement No. A5583-2 with LSA Associates, Inc., in the amount of \$5,500.00 for additional Focused Entitlement and Planning Services required to complete the Project 5.1162-PD-342, Palm Mountain Resort and Spa, not-to-exceed \$40,000.00; and 2) Authorize the City Manager to execute all necessary documents in a form acceptable to the City Attorney. A5583. **Approved as part of the Consent Calendar.**

2.G. AWARD CONTRACT FOR THE REHABILITATION OF RUNWAY 13L-31R AND TAXIWAY "E" / CROSS CONNECTORS, CP 07-21, AIP 3-06-0181-44:

ACTION: 1) Award construction contract for rehabilitation of Runway 13L-31R and Taxiway "E" / Cross Connectors "B", "D", "F", and "H", in the amount of \$3,723,957.50, to the low responsive bidder Granite Construction Company, subject to FAA approval; and 2) Authorize the City Manager to execute all necessary documents. A5667. **Approved as part of the Consent Calendar.**

- 2.H. AMENDMENT TO FISCAL YEAR 2007-08 BUDGET, TRANSFER \$400,000 FROM CAPITAL PROJECTS FUND TO THE GENERAL FUND AND \$180,000 FROM THE GENERAL FUND TO PUBLIC SAFETY (CFD) FUND:**
ACTION: 1) Adopt Resolution No. 22232, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2007-08;" and 2) Adopt Resolution No. 22233, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2007-08 IN THE FORM OF A LOAN FROM THE GENERAL FUND TO THE PUBLIC SAFETY CFD." **Approved as part of the Consent Calendar.**
- 2.I. AMENDMENT NO. 1 TO AGREEMENT NO. A5509 WITH MORELAND & ASSOCIATES, CONSENTING TO THE ASSIGNMENT OF THE AGREEMENT TO MACIAS GINI & O'CONNELL, LLP:**
ACTION: 1) Approve Amendment No. 1 to Agreement No. A5509 with Moreland & Associates, consenting to the assignment of the agreement to Macias Gini & O'Connell, LLP; and 2) Authorize the City Manager to execute all necessary documents. A5509. **Approved as part of the Consent Calendar.**
- 2.J. AGREEMENT WITH NBS GOVERNMENT FINANCE GROUP FOR ASSESSMENT DISTRICT ADMINISTRATION:**
ACTION: 1) Approve an agreement with NBS Government Finance Group for assessment district administration for Fiscal Year 2008-09, not-to-exceed \$40,000; and 2) Authorize the City Manager to execute all necessary documents. A5668. **Approved as part of the Consent Calendar.**
- 2.K. AMENDMENT NO. 6 TO AGREEMENT NO. A3469 WITH ARNOLD PALMER MANAGEMENT, LLC FOR GOLF COURSE MANAGEMENT SERVICES AT TAHQUITZ CREEK GOLF RESORT:**
ACTION: 1) Approve Amendment No. 6 to Agreement No. A3469 with Arnold Palmer Management, LLC, extending the term for a six-month period, through December 31, 2008, for golf course management services at Tahquitz Creek Golf Resort; and 2) Authorize the City Manager to execute all necessary documents, subject to final approval by the City Attorney. A3469. **Approved as part of the Consent Calendar.**
- 2.L. TIME EXTENSION FOR SUBDIVISION IMPROVEMENT AGREEMENT NO. A5435 WITH AMADO HERMOSA II LLC FOR TRACT MAP 33936:**
ACTION: Approve a one-year extension of time for the completion of improvements associated with Subdivision Improvement Agreement No. A5435, with Amado Hermosa II, LLC, for Tract Map 33936. A5435.

Approved as part of the Consent Calendar, noting the business related abstention by Councilmember Mills.

2.M. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE FISCAL YEAR 2007-08 ANNUAL ASPHALT RUBBERIZED HOT MIX (ARHM) OVERLAY, CITY PROJECT 07-17:

ACTION: 1) Approve the plans, specifications, and working details for the Fiscal Year 2007-08 Annual ARHM Overlay, City Project 07-17; and 2) Authorize staff to advertise and solicit bids. **Approved as part of the Consent Calendar, noting the business related abstention by Councilmember Hutcheson.**

2.O. SOLE SOURCE PURCHASE AND INSTALLATION OF AN EMERGENCY AM RADIO STATION FROM INFORMATION STATION SPECIALISTS:

ACTION: 1) Approve a sole source purchase and installation of an emergency AM radio station from Information Station Specialists in an amount not-to-exceed \$55,205.71; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.N. EXTENSION OF APPROVAL OF TENTATIVE TRACT MAP 31766 AND PLANNED DEVELOPMENT DISTRICT 294, CASE 5.0996-PD 294 (CRESCENDO PROJECT):

Mayor Pro Tem Foat requested staff address the three-year extension, as opposed to a one-year extension.

Mayor Pougnet commented on the extension period, and the issue of rock crushing.

ACTION: 1) Approve an extension of Tentative Tract Map 31766 and Planned Development District 294 (Case 5.0996-PD294) for an additional three years beyond the original two years as initially approved by the City Council such that the expiration of the Tentative Tract Map and Planned Development District shall be October 16, 2012; and 2) Authorize the Mayor to execute all necessary documents. A5669. **Motion Councilmember Weigel, seconded by Councilmember Mills and carried 4-1 on a roll call vote.**

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

NOES: Mayor Pro Tem Foat.

3. LEGISLATIVE:

3.A. INITIATION OF THE MUSEUM MARKET PLAZA SPECIFIC PLAN, AND APPROVAL OF THE PROPOSED SCHEDULE FOR PROCESSING THE SPECIFIC PLAN:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated May 21, 2008.

Mayor Pro Tem Foat requested staff address the end of the specific plan, the next step for future development, the issuance of demolition permits, and development plans.

Councilmember Hutcheson requested staff address Step No. 2 and Step No. 4, conformance with CEQA requirements, and the aggressiveness of the schedule.

Councilmember Weigel thanked staff for moving as quickly as possible with the proposed Specific Plan.

Councilmember Mills requested staff address which steps are required by CEQA and the required timetable, and stated he would like to see a schedule that reflects 9 months to completion.

Mayor Pro Tem Foat commented on the 9 to 12 month schedule.

Mayor Pougnet requested staff address when the City Council will have the opportunity to provide direction and the type of direction.

Councilmember Mills stated he would like to see the project rescheduled for 9 months, and stated the City needs to provide staff accordingly.

ACTION: 1) Initiate the Museum Market Plaza Specific Plan review, and 2) Direct staff to return with a revised schedule for processing the Specific Plan at the May 28, 2008, City Council meeting. **Motion Councilmember Weigel, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

The City Council recessed at 8:56 p.m., as the Community Redevelopment Agency. The City Council reconvened. At 9:00 p.m.

4. UNFINISHED BUSINESS:

4.A. PRELIMINARY FISCAL YEAR 2008-09 BUDGET:

City Manager Ready provided background information on the proposed Palm Springs Convention Center budget.

No action taken.

4.B. MAIN STREET PALM SPRINGS BYLAWS AND APPROVAL OF A ONE-YEAR SERVICES AGREEMENT WITH MAIN STREET PALM SPRINGS, IN AN AMOUNT NOT-TO-EXCEED \$20,000 AND RELATED BUDGET AMENDMENT:

City Manager Ready provided background information as outlined in the staff report dated May 21, 2008.

ACTION: Continue to the June 4, 2008, City Council meeting. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

5. NEW BUSINESS:

5.A. RENAME A PORTION OF CALLE ALVARADO TO JACKIE LEE HOUSTON PARKWAY, BEGINNING FROM AMADO ROAD TO ANDREAS ROAD, CASE 5.1205-SNC:

Withdrawn from the Agenda at the request of staff.

5.B. DESIGNATION OF THE ANIMAL SHELTER SITE AND AWARD ARCHITECTURAL DESIGN CONTRACT TO GEORGE MIERS & ASSOCIATES FOR THE PALM SPRINGS ANIMAL SHELTER PROJECT:

Allen Smoot, City's Owners Representative, provided background information as outlined in the staff report dated May 21, 2008.

Mayor Pougnet requested staff address the goal of a Gold LEED building and questioned if such enhancements are included in the estimated construction costs.

Mayor Pro Tem Foat thanked staff for their work, stated that very qualified architects submitted bids, and requested that the first meeting be with the City Council Subcommittee, prior to the commencement of stakeholders meetings.

Councilmember Mills commented on the new contract for Architectural services, and stated it provides a high level of accountability, and requested staff address conceptual site approval.

Councilmember Weigel thanked the City Council Subcommittee, and requested staff address the fee calculation.

Mayor Pro Tem Foat requested staff provide information for a ballot measure on the transfer of land.

ACTION: 1) Designate for architectural design purposes, approximately 4 acres on the SE corner of Vella Road and Mesquite Avenue, as the Palm Springs Animal Shelter site and direct staff to prepare the necessary environmental and entitlement documents to obligate the City to the Wastewater Fund for the use of the land with said documents to be processed for approval concurrent with other project entitlement documents; 2) Approve an agreement for architectural services with George Miers & Associates for the design of the Palm Springs Animal Shelter project in the amount of \$868,650, in a form acceptable to the City Attorney; and 3) Authorize the City Manager to execute all necessary documents. A5672. **Motion Councilmember Mills, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

5.C. DISCUSSION REGARDING SUSTAINABILITY CONCEPTS:

Mayor Pougnet presented a PowerPoint presentation and report titled *Palm Springs Path to a Sustainable Community Proposed First Steps*, dated May 21, 2008.

Councilmember Hutcheson thanked Mayor Pougnet for an excellent report and his leadership.

Mayor Pro Tem Foat committed to take a leadership role, and requested one other program area be added for a rewards or incentive program for developers.

Councilmember Weigel stated that we should be doing all the items on the list, thanked Mayor Pougnet, and suggested a plan be prepared for each of the priorities.

Councilmember Mills noted the outline of the success and accomplishments over many years, commented on the reclaimed water agreement with DWA, and requested Clean Air be added to Item No. 10.

No action taken.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS: None.

ADJOURNMENT: The City Council adjourned at 9:55 p.m. to a Study Session and Adjourned Regular Meeting, Wednesday, May 28, 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.

**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