

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



**MINUTES**  
**WEDNESDAY, MAY 7, 2008**  
**City Hall Council Chamber**

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:05 p.m.

**PLEDGE OF ALLEGIANCE:** The Palm Springs Police Department led the Pledge.

**INVOCATION:** Rev. Amanda Burr, United Methodist Church of Palm Springs, 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:**

A video presentation was made on the City's 70th Birthday.

The City Council presented Troy Butzlaff, Assistant City Manager, a Certificate of Recognition for his service to the Community, and wished him well on his new position.

Mayor Pougnet and the City Council proclaimed May 11 through May 15, 2008, as Public Service Recognition Week in the City of Palm Springs.

Mayor Pougnet and the City Council proclaimed May 11 through May 15, 2008, as Peace Officers Memorial Week in the City of Palm Springs.

The California Highway Patrol and Automobile Club presented 10851 Awards to Palm Springs Police Officers Michael Casavan, Christopher Duthaler, and Samuel Steepleton.

David Dominguez, Police Chief, administered the Oath of Office to new Police Officers Nicholas Andre, Michael Heron, and Chad Nordman.

**REPORT OF CLOSED SESSION:** City Attorney Holland stated that the meeting was called to order at 4:30 p.m., and the City Council recessed into Closed Session to discuss the Items contained on the posted Closed Session Agenda. No reportable actions were taken.

**ACCEPTANCE OF THE AGENDA:**

City Clerk Thompson stated staff has requested Item RA2. be removed from the Agenda.

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

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

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

**1. PUBLIC HEARINGS:**

**1.A. APPEAL BY JACKIE SWISHER OF THE DECISION OF THE PLANNING COMMISSION DENYING A RECREATIONAL VEHICLE PERMIT ON PROPERTY LOCATED AT 335 WEST YORBA ROAD, CASE RV 07-005:**

Tom Wilson, Assistant City Manager, and City Attorney Holland provided background information as outlined in the staff report dated May 7, 2008.

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

ERIC GUINAN, Representing Applicant, stated this was the first time he has heard from the Planning Department that another application could be submitted, provided background information on the denial of the Application, the Planning Departments reason for denial, recapped the written materials submitted by the Applicant, and stated as a Condition of Approval the Applicant will install a front gate to screen the R.V.

A. PAUL TOMKO, Palm Springs, provided background information on the selection of this property, stated the R.V. has not been parked at this location, and requested the City Council approve a Recreational Vehicle Permit.

MICK JOHNSON, Palm Springs, commented on the petition submitted by the Applicant, stated the lot is too small for the size of R.V.

BRUCE BOHL, Palm Springs, commented on the inaccuracies in the written document submitted by the Applicant, and the planting materials to screen the R.V.

JOY SMITH, Palm Springs, commented on the written materials presented by the Applicant, the planting materials, and requested the City Council deny the permit.

GEORGE THOMAS, Palm Springs, stated the lot is too small for the R.V. size, and requested the City Council deny the permit.

GP GERBER, stated the Applicant should purchase a property that provides for R.V. parking.

ERIC GUINAN, Representing Applicant, Rebuttal, commented on the report by Staff with respect to the process, and stated that the RV is permitted under the City's current rules.

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

Councilmember Hutcheson commented on the direction by the City Attorney, and the process of this permit.

Mayor Pro Tem Foat commented on the process and stated the only decision the City Council is able to consider is the merits of the original application.

Councilmember Mills stated this was an appeal of the Planning Commission, anything that happened after that decision is not subject to City Council action, and commented on the lot size relative to the R.V.

**ACTION:** Adopt Resolution No. 22215, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DENYING AN APPEAL BY JACKIE SWISHER AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION DENYING A RECREATIONAL VEHICLE PERMIT FOR PROPERTY LOCATED AT 335 WEST YORBA ROAD, CASE RV 07-005." **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

**PUBLIC COMMENT:**

STEVE SIMS, stated that May is National Bicycle Month, and provided the City Council an update with local activities.

SHANE WALTON, Palm Springs, commented on Item 2.M., the California Desert and Mountain Heritage Act, and requested the City Council support the legislation.

**COUNCILMEMBER COMMENTS:** None.

**CITY MANAGER'S REPORT:** None.

**2. CONSENT CALENDAR:**

**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., and 2.N. **Motion Councilmember Weigel, seconded by Councilmember Mills 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 7, 2008, City Council Agenda. **Approved as part of the Consent Calendar.**

**2.B. APPROVAL OF AIRLINE'S REIMBURSEMENT REQUEST FOR EXPENSES RELATED TO MOVE TO THE NEW CONCOURSE AT THE PALM SPRINGS INTERNATIONAL AIRPORT:**

**ACTION:** 1) Approve a Gate Relocation Reimbursement Request from Skywest Airlines in the amount of \$26,684.00; and 2) Approve a Gate Relocation Reimbursement Request from Horizon Airlines in the amount of \$9,029.45. **Approved as part of the Consent Calendar.**

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

**ACTION:** 1) 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 4-5-08 BY WARRANTS NUMBERED 413250 THROUGH 413298 TOTALING \$77,909.04, LIABILITY CHECKS NUMBERED 1027540 THROUGH 1027560 TOTALING \$145,329.62, THREE WIRE TRANSFERS FOR \$60,007.06, AND THREE ELECTRONIC ACH DEBITS OF \$1,089,130.74, IN THE AGGREGATE AMOUNT OF \$1,372,376.46 DRAWN ON BANK OF AMERICA;" and 2) Adopt Resolution No. 22217, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1027844 THROUGH 1027845 IN THE AGGREGATE AMOUNT OF \$73,044.95 DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

**2.D. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE PALM SPRINGS STORM**

**DRAIN LINE 6A, LINE 8, LATERAL 20C AND LATERAL 20CA PROJECT, CITY PROJECT NO. 05-20:**

**ACTION:** 1) Approve the plans, specifications, and working details for the Palm Springs Storm Drain Line 6A, Line 8, Lateral 20C and Lateral 20CA, City Project 05-20; and 2) Authorize Staff to advertise and solicit bids. **Approved as part of the Consent Calendar.**

**2.E. ONE-YEAR TIME EXTENSION FOR TTM 32263 FROM JEFFREY PARKER OF THE JAMESON COMPANY, A PREVIOUSLY APPROVED SUBDIVISION OF ONE INDUSTRIAL BUILDING INTO NINE UNITS LOCATED AT 1301 MONTALVO WAY:**

**ACTION:** Adopt Resolution No. 22218, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A ONE-YEAR TIME EXTENSION FROM MAY 19, 2008, TO MAY 18, 2009, FOR TENTATIVE TRACT MAP 32263, A PREVIOUSLY APPROVED SUBDIVISION OF AN INDUSTRIAL BUILDING INTO NINE UNITS LOCATED AT 1301 MONTALVO WAY, ZONE M-1-P, SECTION 7." **Approved as part of the Consent Calendar.**

**2.F. TREASURER'S INVESTMENT REPORT AS OF MARCH 31, 2008:**

**ACTION:** Receive and file the Treasurer's Investment Report as of March 31, 2008. **Approved as part of the Consent Calendar.**

**2.G. APPROVE AMENDMENT NO. 1 TO AGREEMENT NO. A5301 WITH MSA CONSULTING, INC. FOR ADDITIONAL FOCUSED ENTITLEMENT PLANNING SERVICES PROVIDED FOR THE PALM SPRINGS ART COLONY ON THE SOUTH SIDE OF RACQUET CLUB ROAD BETWEEN NORTH PALM CANYON DRIVE AND NORTH INDIAN CANYON DRIVE (2400 NORTH PALM CANYON DRIVE) PROJECT NO. 5.113 PD329 3.2903:**

**ACTION:** Approve Amendment No. 1 to Agreement No. A5301 with MSA Consulting, Inc., in the amount of \$13,890.09, revised total contract amount of \$52,823.77, for additional focused entitlement and EIR planning services. A5301. **Approved as part of the Consent Calendar.**

**2.H. AWARD CONTRACT FOR TESTING AND INSPECTION SERVICES FOR THE AIRPORT IMPROVE/MODIFY/REHAB TERMINAL COMPLEX PROJECT:**

**ACTION:** 1) Approve an Agreement with Southern California Soils and Testing, in an amount not-to-exceed \$80,000, for special testing and inspection services, for the Airport Improve/Modify/Rehab Terminal Complex Project CP#07-09, AIP 3-06-0181-43; and 2) Authorize the City Manager to execute the Agreement. A5658. **Approved as part of the Consent Calendar.**

- 2.I. AMENDMENT NO. 3 TO AGREEMENT WITH ALLEN F. SMOOT & ASSOCIATES EXTENDING THE TERM AND APPOINTING THE FIRM TO ACT AS OWNER'S REPRESENTATIVE ON THE AIRPORT IMPROVE/MODIFY/REHAB TERMINAL COMPLEX PROJECT CP#07-09, AIP 3-06-0181-43:**  
**ACTION:** 1) Approve Amendment No. 3 to Agreement No. A5488 with Allen F. Smoot & Associates, for an additional amount of \$147,250, subject to FAA approval; and 2) Authorize the City Manager to execute the Amendment to the Agreement. A5488. **Approved as part of the Consent Calendar.**
- 2.J. AMENDMENT NO. 15 TO AGREEMENT WITH GENSLER FOR ADDITIONAL DESIGN SERVICES FOR THE AIRPORT IMPROVE/MODIFY/REHAB TERMINAL COMPLEX PROJECT CP#07-09, AIP 3-06-0181-43:**  
**ACTION:** 1) Approve Amendment No. 15 to Agreement No. A4382 with Gensler, for an additional amount of \$224,790; and 2) Authorize the City Manager to execute the Amendment to the Agreement. A4382. **Approved as part of the Consent Calendar.**
- 2.K. PURCHASE OF AN AIRPORT ALERT PHONE SYSTEM REPLACEMENT:**  
**ACTION:** 1) Approve the Sole Source procurement to Brudvik, Inc., in the amount of \$38,760, for the purchase and installation of a new ALERT Plus V.2 crash phone system; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**
- 2.L. AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD (CIWMB) FOR ANY OR ALL AVAILABLE CIWMB TIRE RELATED GRANTS FOR A PERIOD OF FIVE YEARS:**  
**ACTION:** 1) Adopt Resolution No. 22219, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR ANY OR ALL AVAILABLE CIWMB TIRE RELATED GRANTS FOR A PERIOD OF FIVE YEARS;" and 2) Authorize the City Manager or his designee to execute, on behalf of the City of Palm Springs, all necessary grant related documents for the purposes of securing the grant funds and to implement and carry out the purposes specified in the grant applications. **Approved as part of the Consent Calendar.**
- 2.N. APPROVAL OF PARCEL MAP 34289 WITH SMOKE TREE, INC., A CALIFORNIA CORPORATION, AND DONAHUE SCHRIEBER REALTY GROUP, LP, A DELAWARE LIMITED PARTNERSHIP, FOR A 6 LOT PARCEL MAP FOR COMMERCIAL PURPOSES LOCATED AT 2465 E.**

**PALM CANYON DRIVE, IN SECTION 25, TOWNSHIP 4 SOUTH,  
RANGE 4 EAST:**

**ACTION:** Adopt Resolution No. 22221 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PARCEL MAP 34289 FOR PROPERTY LOCATED AT 2465 E. PALM CANYON DRIVE, IN SECTION 25, TOWNSHIP 4 SOUTH, RANGE 4 EAST, WITH SMOKE TREE, INC., A CALIFORNIA CORPORATION, AND DONAHUE SCHRIEBER REALTY GROUP, LP, A DELAWARE LIMITED PARTNERSHIP." **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.M. PROPOSED RESOLUTION IN SUPPORT OF HR 3682, *THE CALIFORNIA DESERT AND MOUNTAIN HERITAGE ACT*:**

**ACTION:** 1) Adopt Resolution No. 22220, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUPPORTING HR 3682, *THE CALIFORNIA DESERT AND MOUNTAINS HERITAGE ACT*." **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

**2.O. REPORT OF EMERGENCY EXPENDITURES DUE TO THE SEVERE WIND DAMAGE TO CITY PARKS ON SUNDAY, FEBRUARY 3, 2008:**

Councilmember Mills and Councilmember Hutcheson requested staff address the replacement of plants lost in the wind storm, and any insurance coverage.

**ACTION:** Receive and file the report of emergency expenditures for wind damage sustained at City Parks on February 3, 2008, pursuant to Palm Springs Municipal Code Section 7.04.040[4]. **Motion Mayor Pro Tem Foat, seconded by Councilmember Mills.**

Councilmember Weigel requested the City Manager place on a future agenda, raising the dollar limit for City Manager authorized contracts and purchases.

The City Council recessed at 7:31 p.m., and convened as the City of Palm Springs Community Redevelopment Agency.

The Community Redevelopment Agency adjourned at 7:42 p.m., and the City Council reconvened.

**3. LEGISLATIVE:** None.

**4. UNFINISHED BUSINESS:**

**4.A. AWARD CONTRACT FOR THE IMPROVE/MODIFY/REHAB TERMINAL COMPLEX PROJECT CP#07-09, AIP 3-06-0181-43 AT THE PALM SPRINGS INTERNATIONAL AIRPORT:**

City Attorney Holland provided background information as outlined in the staff report dated May 7, 2008.

Mayor Pro Tem Foat requested staff address the lack of landscape and waterscape plans.

Councilmember Mills thanked staff for keeping the project moving and their work on the BID process.

**ACTION:** 1) Adopt Resolution No. 22222, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE BID PROTEST OF HARBOR CONSTRUCTION COMPANY INC., PURSUANT TO THE AWARD OF CONTRACT ON THE AIRPORT'S IMPROVE/MODIFY/REHAB TERMINAL COMPLEX PROJECT, CP#07-09, AIP 3-06-0181-43 AND AWARD THE CONTRACT TO HARBOR CONSTRUCTION;" 2) Approve the issuance of a purchase order not-to-exceed \$50,000, for the steel shop drawing portion of the contract, immediately following award, with the remaining portion of the contract to be encumbered after FAA approval and contract execution; 3) Adopt Resolution No. 22223, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2007-08 BY \$5,572,262;" and 4) Authorize the City Manager to execute all necessary documents. A5659. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

**4.B. PRELIMINARY FISCAL YEAR 2008-09 BUDGET:**

City Manager Ready provided a status report of the Fiscal Year 2008-09 Budget, initially presented to the City Council on April 30, 2008.

Councilmember Hutcheson stated his concerns for a potential deficit for the next fiscal year, the funding of the Special Distribution Fund, and stated the City needs to be conservative with its projections, and stated he would like to review the operation of the Golf Course, and the increase in expenditures in tourism.

Mayor Pougnet requested staff address the Sales Tax calculation and projections.

No action taken.

**5. NEW BUSINESS:**

**5.A. CITY OF PALM SPRINGS PAVEMENT MANAGEMENT SYSTEM (PMS), A COMPREHENSIVE REPORT ON THE CURRENT CONDITION OF CITY STREETS:**

City Manager Ready and David Barakian, City Engineer, provided background information as outlined in the staff report dated May 7, 2008.

Mayor Pro Tem Foat thanked staff for the report, and requested the report be posted on the City's website.

Councilmember Mills commented on the use of Assessment Districts for neighborhoods that wished to upgrade streets.

**ACTION:** Receive and file the report City of Palm Springs Pavement Management System (PMS) - A Comprehensive Report on the Current Condition of City Streets. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

**5.B. APPOINTMENT OF CITY COUNCIL SUBCOMMITTEES TO SCREEN COMMISSION AND BOARD APPLICATIONS, TO DETERMINE QUALIFIED APPLICANTS, AS PART OF THE 2008 ANNUAL RECRUITMENT OF CITY BOARDS AND COMMISSIONS:**

**ACTION:** 1) Waive the procedures in Resolution No. 18804 Section 7[b], for the 2008 Annual Recruitment process, to allow for the City Council as a whole, to participate in the screening and interview of Applicants for the Planning Commission and the Historic Site Preservation Board; 2) Waive the procedures in Resolution No. 18804 Section 7[b], for the 2008 Annual Recruitment process that provides for the Mayor to participate in all subcommittees; and 3) Mayor Pougnet appointed two-member City Council subcommittees to screen commission and board applications, to determine qualified applicants for commissions and boards as follows:

Airport Commission Councilmember Weigel and Councilmember Mills.

Human Rights Commission Mayor Pro Tem Foat and Mayor Pougnet.

Library Board of Trustees Councilmember Weigel and Mayor Pougnet.

Parks and Recreation Commission Councilmember Hutcheson and Councilmember Weigel.

Public Arts Commission Mayor Pro Tem Foat and Councilmember Mills.

Resource Conservation Commission Councilmember Hutcheson and Councilmember Mills.

VillageFest Board Councilmember Hutcheson and Mayor Pro Tem Foat.

No Subcommittee was established for the Administrative Appeals Board, the Personnel Board or the Rent Review Commission.

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

**5.C. APPOINTMENT OF A CITY COUNCIL SUBCOMMITTEE FOR SUSTAINABILITY:**

Mayor Pognet recommended that the City Council, as a whole, consider sustainability programs and issues.

No action taken.

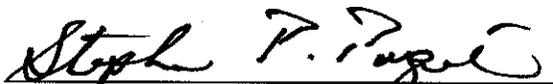
**COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:**

Councilmember Mills thanked the City Manager and City Engineer for their corrective action taken on Farrell Drive.

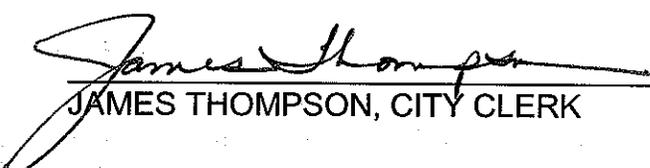
Mayor Pro Tem Foat announced the upcoming Neighborhood Organization picnic and events.

**ADJOURNMENT:** The City Council adjourned at 8:22 p.m. to a Study Session, Wednesday, May 14, 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 21<sup>ST</sup> DAY OF MAY, 2008.**

  
STEPHEN P. POGNET, MAYOR

ATTEST:

  
JAMES THOMPSON, CITY CLERK