

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



**MINUTES
WEDNESDAY, MARCH 19, 2008
City Hall Council Chamber**

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

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

INVOCATION: Dr. Amanda Burr, United Methodist Church of Palm Springs, led the Invocation.

ROLL CALL:

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

ABSENT: Councilmember Mills.

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

PRESENTATIONS: None.

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 contained on the posted Closed Session Agenda. No reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

Mayor Pougnet requested the City Council take Item 5.B. out of order, to be heard immediately following the Acceptance of the Agenda.

City Clerk Thompson stated staff recommends the City Council remove from the Agenda Item 2.P. and Item 4.B.

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

Councilmember Hutcheson requested Item 2.J. be removed from the Consent Calendar for separate discussion.

ACTION: Accept the Agenda as amended. **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.

The City Council heard Item 5.B. out of order.

5.B. UPDATE AND DISCUSSION WITH SHARON LOCK, THE CITY'S REPRESENTATIVE TO THE COACHELLA VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT:

The City Council received public comments with respect to Item 5.B., at this time.

BRIAN PASSARO, former member of the Coachella Valley Mosquito and Vector Control, expressed his thanks to the City Council for the letter to the Board.

Trustee Sharon Lock, Coachella Valley Mosquito and Vector Control District, provided an update to the City Council on the status of the Board and the District.

Mayor Pro Tem Foat commented on the District employees that have come forward, and requested Trustee Lock address the status of a proposed management audit.

Councilmember Hutcheson thanked Trustee Lock and requested the City Council be informed if a fair and independent investigation is not approved and conducted.

Mayor Pougnet commented that the City's Representative has not been given information as requested for a long period of time, requested Trustee Lock address if an independent investigation will be conducted, questioned the contract status and fees for the District Legal Counsel.

Mayor Pro Tem Foat commented on the status of the District's Legal Counsel and requested staff address Brown Act violations.

City Manager Ready recommended that a technical advisory committee of the Coachella Valley City Managers be created, to provide over-site and assistance to the District.

No action taken.

1. PUBLIC HEARINGS:

1.A. PROPOSED ORDINANCE RELATING TO THE ESTABLISHMENT OF MESSAGE USE IN COMMERCIAL ZONES, CASE 5.1183:

ACTION: 1) Continue the Public Hearing to a future date with no public testimony; and 2) Direct the City Clerk to re-notice. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Foat 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.

1.B. APPLICATION BY RAINBOWVISION PALM SPRINGS, LLC, FOR PLANNED DEVELOPMENT DISTRICT 334 AND TENTATIVE TRACT MAP 35623, FOR THE CONSTRUCTION OF 184 CONDOMINIUM UNITS AND ONE COMMERCIAL STRUCTURE ON AN APPROXIMATE 13.28 ACRE PARCEL AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE, CASE NO. 5.1135:

Edward Robertson, Principle Planner, provided background information as outlined in the staff report dated March 19, 2008, and requested the City Council modify Condition No. 8 [MMIII-4] to read "Construction signage in conformance with City standards shall be posted on the Southwest corner of East Palm Canyon Drive and Matthew Drive regarding the reporting of blowing dust on the site."

Councilmember Hutcheson requested staff address the height of the parapet in comparison to the roof.

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

DARLENE ATTEBERRY, requested the City Council approve the Rainbowvision project.

ANNE WINCHESTER, requested the City Council approve the Rainbowvision project.

SUSAN BOSKOVICH, Palm Springs, stated her objections to the height of the project, and requested a property set-back for the height and open space.

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

Mayor Pougnet requested staff address the set-back requirements.

Councilmember Hutcheson requested staff address Condition No. 16(b), requested the Applicant address the line of site to residents on Matthew Drive, commented on the public benefit to the proposed Planned Development District, and the aesthetics during construction.

Mayor Pro Tem Foat requested staff address any conditions of approval related to the entertainment facility, requested staff address the park in-lieu fee, the modifications to the traffic signal on Palm Canyon, the mitigation measures to address the June Beetle, and commented on the other facilities by Rainbowvision.

Councilmember Weigel commented on the public benefit of the project, requested a Condition of Approval for grading and if not completed then hydro-seeding is required, and commented on a Condition with respect to the CC&R's.

ACTION: Adopt Resolution No. 22188, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PRELIMINARY DEVELOPMENT PLANS FOR CASE NO. 5.1135, PLANNED DEVELOPMENT DISTRICT 334 AND APPROVING TENTATIVE TRACT MAP 35623, FOR THE CONSTRUCTION OF 184 CONDOMINIUM UNITS AND ONE COMMERCIAL STRUCTURE AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE, ZONE WR3, SECTION 30, APN 681-170-038 AND 681-170-039," *amending Condition No. 8[MMIII-4] to read "Construction signage in conformance with City standards shall be posted on the Southwest corner of East Palm Canyon Drive and Matthew Drive regarding the reporting of blowing dust on the site," adding a Condition of Approval to provide hydro-seeding or other approved restoration if development has not commenced within 6-months of grading, and modifying the second sentence of Condition No. 11 to read "The City shall have the right to enforce the CC&R's, the CC&R's shall not be amended without City Approval, shall require maintenance of all property in a good condition and in accordance with all ordinances.* **Motion Councilmember Weigel, 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.

1.C. PROPOSED ZONING ORDINANCE ESTABLISHING LAND USE REGULATIONS FOR CONDOMINIUM HOTEL PROJECTS, CASE 5.1172:

City Attorney Holland provided background information as outlined in the staff report dated March 19, 2008.

Councilmember Hutcheson requested staff address the number of consecutive days an owner may occupy their unit.

Mayor Pro Tem Foat requested staff address the owners payment of TOT, and requested staff address key and/or key cards.

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

ACTION: 1) Waive the reading of the ordinance text in its entirety and read by title only; and 2) Re-introduce 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 REGULATIONS FOR CONDOMINIUM HOTEL PROJECTS." **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.

1.D. PROPOSED ZONING ORDINANCE AMENDMENT RELATING TO STREET LEVEL OFFICE USES AND FINANCIAL INSTITUTIONS IN CERTAIN PORTIONS OF THE C-B-D ZONE, CASE 5.1173:

ACTION: 1) Continue the Public Hearing to April 16, 2008, with no public testimony; and 2) Direct the City Clerk to post a Notice of Continuance. **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.

PUBLIC COMMENT:

PAUL McLAUGHLIN, Palm Springs, commented on the speed limits on Toledo and traffic controls in the Canyon Estates Neighborhood.

HERBERT FRANKLIN, commented on speed limits and traffic controls in the Canyon Estates Neighborhood.

JOHN GOMES, Palm Springs, commented on speed limits and traffic controls in the Canyon Estates Neighborhood.

LILA BLANE, Palm Springs, commented on speed limits and traffic controls in the Canyon Estates Neighborhood.

ROBERT STONE, Palm Springs, commented on the proposed location of the new Animal Shelter.

WENDIE BUSIG-COHEN, commented on the marketing of Downtown Palm Springs.

COUNCILMEMBER COMMENTS:

Mayor Pro Tem Foat commented on the location of the proposed new Animal Shelter.

CITY MANAGER'S REPORT:

City Manager Ready provided an update on the activities of Code Enforcement.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.F., 2.H., 2.I., 2.K., 2.L., 2.M., 2.N., and 2.O. **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.

2.A. REPORT ON POSTING OF THE AGENDA:

ACTION: Receive and file Report on the Posting of the March 19, 2008, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of March 7, 2008, and March 12, 2008. **Approved as part of the Consent Calendar.**

- 2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:**
ACTION: 1) Re-adopt Resolution No. 22166, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1026468 THROUGH 1026475, IN THE AGGREGATE AMOUNT OF \$62,949.19, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22189, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1026498 THROUGH 1026686, IN THE AGGREGATE AMOUNT OF \$675,880.21, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 22190, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1026689 THROUGH 1026963, IN THE AGGREGATE AMOUNT OF \$3,700,064.34, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**
- 2.D. CONVENTION CENTER RESTROOM REMODEL PLANS APPROVAL, CITY PROJECT 08-01:**
ACTION: Approve the plans and specifications for City Project 08-01, Convention Center Restroom Remodel, and authorize staff to advertise and solicit bids. **Approved as part of the Consent Calendar.**
- 2.F. PLANS AND SPECIFICATIONS FOR REHABILITATION OF RUNWAY 13L-31R & TAXIWAY "E" / CROSS CONNECTORS, CP 07-21, AIP 3-06-0181-44:**
ACTION: Approve the plans and specifications for City Project 07-21, AIP 3-06-0181-44, Rehabilitate Runway 13L/31R & Taxiway "E" /Cross Connectors "B", "D", "F", "H" and "J" at Palm Springs International Airport, and authorize staff to advertise and solicit bids. **Approved as part of the Consent Calendar.**
- 2.H. AGREEMENT WITH PROVIDENCE ASSOCIATES TO PROVIDE STRATEGIC PLANNING SERVICES FOR THE DEPARTMENT OF LIBRARY SERVICES:**
ACTION: 1) Approve an agreement with Providence Associates, for Library Strategic Planning Services, in an amount not-to-exceed \$72,600; and 2) Authorize the City Manager to execute all necessary documents. A5631. **Approved as part of the Consent Calendar.**
- 2.I. COOPERATIVE PURCHASE OF THE CITY'S BULK GASOLINE AND DIESEL FUEL COMMODITY REQUIREMENTS:**
ACTION: Approve the issuance of an annual Blanket Purchase Order, not-to-exceed the budgeted amount approved each fiscal year, for the City's bulk gasoline and diesel fuel commodity requirements, to The SoCo

Group Inc., cooperatively participating in the County of Riverside Fuel Contract through February 2011. **Approved as part of the Consent Calendar.**

2.K. AMENDMENT NO. 1 TO AGREEMENT NO. A5525 WITH WEC CORPORATION FOR THE CONSTRUCTION ADMINISTRATION CONTRACT FOR THE GENE AUTRY TRAIL WIDENING (VISTA CHINO TO UNION PACIFIC RAILROAD), CITY PROJECT NO. 02-03:

ACTION: 1) Approve Amendment No. 1 to Agreement No. A5525 with WEC Corporation in the amount of \$76,070, for a revised total contract amount of \$415,926, for the Gene Autry Trail Widening, City Project No. 02-03; 2) Receive and file a progress report on construction change orders authorized by the City Manager pursuant to City Council Resolution No. 22009, adopted July 25, 2007; and 3) Authorize the City Manager to execute all necessary documents. A5525. **Approved as part of the Consent Calendar.**

2.L. ACCEPT WITH REGRET THE RESIGNATION OF RICHARD RODIECK FROM THE ADMINISTRATIVE APPEALS BOARD:

ACTION: 1) Accept with regret the resignation of Richard Rodieck; 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2008. **Approved as part of the Consent Calendar.**

2.M. APPROVE A PURCHASE ORDER FOR THE 2008 FOURTH OF JULY CELEBRATION FIREWORKS WITH PYRO SPECTACULAR, INC., IN AN AMOUNT NOT-TO-EXCEED \$35,000:

ACTION: 1) Approve a purchase order with Pyro Spectacular, Inc., to provide the fireworks display for the 2008 Fourth of July Celebration at the Palm Springs Stadium, in an amount not-to-exceed \$35,000; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

2.N. REQUEST BY COST PLUS WORLD MARKET FOR A RESOLUTION OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER AND WINE AT 2465 EAST PALM CANYON DRIVE:

ACTION: Adopt Resolution No. 22191, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER AND WINE FOR OFFSITE CONSUMPTION AT THE COST PLUS WORLD MARKET, LOCATED AT 2465 EAST PALM CANYON DRIVE, ZONE PD 312, SECTION 25." **Approved as part of the Consent Calendar.**

2.O. REQUEST BY SUNCAL COMPANIES FOR A ONE-YEAR TIME EXTENSION FOR TENTATIVE TRACT MAP 31848, LOCATED NORTH

OF AVENIDA CABALLEROS AND SAN RAFAEL DRIVE, 801 SUNRISE PARKWAY:

ACTION: 1) Adopt Resolution No. 22192, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A ONE-YEAR TIME EXTENSION FROM MAY 5, 2008, TO MAY 4, 2009, FOR TENTATIVE TRACT MAP 31848, LOCATED NORTH OF AVENIDA CABALLEROS AND SAN RAFAEL DRIVE (801 SUNRISE PARKWAY), ZONE PD-290, SECTION 35." **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.E. PUBLIC ACCESS DEFIBRILLATION PROGRAM AND PURCHASE OF 15 AUTOMATIC EXTERNAL DEFIBRILLATORS FOR VARIOUS CITY FACILITIES:

Mayor Pro Tem Foat requested staff address the training needed to operate the equipment, and requested staff look at requiring such equipment in certain projects.

ACTION: Approve a purchase order with Zoll Medical Corporation, in the amount of \$31,128.98, for 15 automatic external defibrillators and related equipment. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Foat 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.

2.G. TIME EXTENSION FOR SUBDIVISION IMPROVEMENT AGREEMENT NO. A5131, FOR TRACT MAP 30046, WITH CRV MONTE SERENO, LP:

Mayor Pro Tem Foat commented on the temporary delay in development projects, and requested staff address the funding and completion of public improvements.

Councilmember Weigel requested staff address the improvements and the "calling" of the public improvement bonds, the benefit to the City of extending the Subdivision Improvement Agreement, and requested that a condition be added with respect to hydro-seeding the graded area.

ACTION: 1) Approve a one-year extension of time for the completion of improvements associated with Subdivision Improvement Agreement No. A5131, for Tract Map 30046, with CRV Monte Sereno, *adding a condition of approval to glue or hydro-seed the graded area and maintain such, and require maintenance*

*of the road that affects the currently occupied residences; and 2) Authorize the City Manager to execute all necessary documents. A5131. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Foat 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.

2.J. 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:

Councilmember Hutcheson requested staff address the condition of the undeveloped site.

ACTION: 1) Continue the Item to April 2, 2008; 2) Direct staff to work with the Developer for maintenance of the site. **Motion Councilmember Hutcheson, seconded by Mayor Pougnet 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.

2.P. AGREEMENT WITH ALTA PLANNING + DESIGN, INC. FOR THE TAHQUITZ CREEK TRAIL MASTER PLAN & LANDSCAPE DESIGN PROJECT:

Withdrawn from the Agenda at the request of staff.

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS:

4.A. AMENDMENT NO. 2 TO AGREEMENT NO. A5300 WITH MERCHANTS LANDSCAPING SERVICES INC., TO ADD DOWNTOWN PALM TREE WELL SHRUB PLANTING, IN THE AMOUNT OF \$82,948.95:

Sharon Heider, Director of Parks and Recreation, provided background information as outlined in the staff report dated March 19, 2008.

Mayor Pougnet requested staff address the condition of the irrigation system and the plant pallet.

Mayor Pro Tem Foat requested staff address other materials such as river rock, and other alternatives such as adopt a tree.

Councilmember Hutcheson requested staff address the time span of the temporary solution.

Councilmember Weigel expressed concern with the maintenance.

ACTION: 1) Approve Amendment No. 2 to Agreement No. A5300 with Merchants Landscaping Services Inc., to add downtown palm tree well shrub planting, in the amount of \$82,948.95; 2) Adopt Resolution No. 22193, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2007-08;" and 3) Authorize the City Manager to execute all necessary documents. A5300. **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and carried 3-1 on a roll call vote.**

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

4.B. APPROVE AGREEMENTS WITH INTERNATIONAL WATERSCAPES AND WATERLINE STUDIOS FOR THE RAINMAKER FOUNTAIN REPAIRS AND CONSTRUCTION MANAGEMENT SERVICES:
Withdrawn from the Agenda at the request of staff.

5. NEW BUSINESS:

5.A. APPOINTMENT OF A CITY COUNCIL SUBCOMMITTEE TO STUDY CAMPAIGN FINANCE REFORM AND PROVIDE RECOMMENDATIONS AND/OR ALTERNATIVES:

ACTION: Appoint Councilmember Hutcheson and Councilmember Weigel to a City Council Subcommittee to study campaign finance reform issues and provide recommendations and/or alternatives. **Motion Councilmember Weigel, 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.

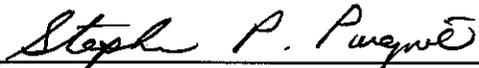
COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Hutcheson requested the City Manager look at the conditions of the curbs in the Downtown area, and requested the staff review the sphere of influence from Interstate 10 to the City border.

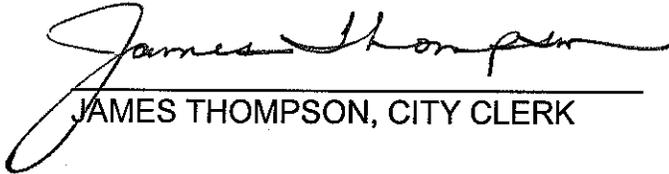
Mayor Pougnet requested staff report on the Orchid Tree development, and requested modifications to the overseeding ordinance be placed on the next agenda for Council consideration.

ADJOURNMENT: The City Council adjourned at 8:21 p.m. to a Regular Meeting, Wednesday, April 2, 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.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS
2ND DAY OF APRIL, 2008.**


STEPHEN P. POUGNET, MAYOR

ATTEST:


JAMES THOMPSON, CITY CLERK