

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



**MINUTES  
WEDNESDAY, MARCH 12, 2008  
City Hall Council Chamber**

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:01 p.m.

**PLEDGE OF ALLEGIANCE:** Mayor Pougnet led the Pledge.

**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:**

City Manager Ready announced the activities at the recent United Way fundraising event.

Mayor Pougnet commented on the recent event for children at St. Theresa School.

City Manager Ready announced the Rededication at the Stroke Recovery Center, and reported that the City through CDBG funding, totaling more that \$80,000, assisted in the improvement of the parking lot for the physically challenged and new HVAC systems.

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

**ACCEPTANCE OF THE AGENDA:**

Mayor Pougnet noted his abstention on Consent Calendar Item 2.M.

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 on a roll call vote.**

**PUBLIC COMMENT:**

AL SMOOT, Palm Springs, announced the upcoming Rotary Club Auto Show annual fundraiser.

DANIEL HOGAN, Palm Springs, commented on Item 1.A. and requested the City Council deny the project.

MARJORIE AIKENS, Palm Springs, commented on Item 1.A. and requested the City Council deny the project.

TOM WARRICK, Palm Springs, commented on Item 1.A. and requested the City Council deny the project.

EARL ROSE, Palm Springs, commented on Item 1.A. and requested the City Council deny the project.

JOHN HARRELL, Palm Springs, commented on Item 1.A. and requested the City Council deny the project.

LON McCAIN, Palm Springs, commented on Item 1.A. and requested the City Council deny the project.

FIROOZA McCAIN, Palm Springs, commented on Item 1.A. and requested the City Council deny the project.

NANCY CAMPBELL, Palm Springs, commented on Item 5.A., and requested the City Council approve desert landscaping.

RENE HERSEY, Palm Springs, commented on Item 5.A., and requested the City Council approve sustainable desert landscaping.

KYLE HUSFLOEN, Palm Springs, commented on Item 5.A., and requested the City Council approve desert landscaping.

DAVID DIXON, Palm Springs, commented on Item 5.A., and requested the City Council approve desert landscaping.

MARY BRENT WEHRLI, commented on Item 5.A., and requested the City Council approve desert landscaping.

SUNNY NELSON, Palm Springs, commented on Item 5.A., and requested the City Council approve desert landscaping.

JOY MEREDITH, Palm Springs, representing MainStreet, commented on Item SS2., and requested the City Council regulate long term vacancies in the Downtown area, and to reduce the allowable size of real estate signs.

SHARON HEIDER, announced the upcoming VillageFest 17th anniversary activities.

STEVEN VAN, commented on Item 1.A., and requested the City Council approve the project.

**COUNCILMEMBER COMMENTS:** None.

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

**SS. STUDY SESSION:**

**SS1. UPDATE FROM THE PALM SPRINGS DESERT RESORT COMMUNITIES CONVENTION AND VISITORS AUTHORITY:**

Jeff Beckelman, President, Palm Springs Desert Resort Convention and Visitors Authority, provided the City Council with an update of the activities of the CVA and presented a video and a slide presentation.

Councilmember Hutcheson requested CVA staff address specific goals such as room nights booked, room night leads, and tour operator contacts and leads.

Councilmember Weigel requested CVA staff address the process of obtaining additional private funding through a Business Improvement District.

Mayor Pro Tem Foat requested CVA staff address seasonal fluctuations in relation to CVA goals and programs, and questioned if the CVA is developing a plan for the anticipated weakened economy.

Councilmember Mills requested CVA staff address a website user session, and commented on industry partners to the CVA.

No action taken.

**SS2. VACANT BUILDINGS AND PROPERTY DISCUSSION OF STRATEGIES, SANCTIONS, AND ORDINANCE PROVISIONS:**

City Manager Ready, City Attorney Holland, and Tom Wilson, Assistant City Manager, provided background information on vacant buildings in the City, as outlined in the memo dated March 12, 2008.

Councilmember Weigel requested staff address a requirement that lenders address foreclosed properties, temporary fencing enforcement, Code Enforcement staffing, and violation as a public nuisance.

Councilmember Hutcheson stated his support for the Items contained in the City Manager Memorandum, and that staff should proceed, commented on the properties that have been vacant for a number of years and economic incentives, and requested staff further study temporary tenants, progressively increasing the monitoring fees, and developing a menu of options for developers during the construction/demolition.

Mayor Pro Tem Foat stated her support of the programs mentioned by Councilmember Hutcheson, commented on color and need for temporary fencing, maintenance of property under construction, recommended staff look at other creative ideas during the construction of projects, and capital improvements/grants for facade improvements.

Councilmember Mills stated the City needs to start the abatement on violators that are not complying earlier, requested staff address foreclosure ordinances, requested staff address the monitoring fee, add maintenance of landscaping, amount of fines, commented on the blending of fencing, stated his support for a permit for temporary fences, commented that a monitoring fee should not be imposed if a property owner is in compliance, and requested staff address posting of notice on vacant property.

Mayor Pougnet commented on temporary fencing, removal of some temporary fencing at some point during the development, and stated his support of the Items as outlined by staff.

No action taken.

**1. PUBLIC HEARINGS:**

**1.A. APPEAL THE DECISION OF THE PLANNING COMMISSION TO DENY A NEW SINGLE FAMILY DWELLING ON A HILLSIDE SITE AT 350 EL PORTAL ROAD, BY STEVEN VAN, CASE NOS. 3.2999 AND 7.1215:**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated March 12, 2008.

Mayor Pougnet stated he was not present for the public hearing on March 5, 2008, but had thoroughly reviewed the materials, written testimony, watched the public hearing, and reviewed the oral testimony at the public hearing.

Mayor Pro Tem Foat requested staff address the information provided with respect to the Analysis of Density and Scale, presented by the public during the Planning Commission hearings.

Councilmember Hutcheson commented on the scale and the neighborhood.

Councilmember Mills commented on the existing driveway, compared the lot and the proposed project with the existing neighborhood, requested staff address if the request gives the Applicant any special rights not provided to others in the area, and stated the project meets the standards in the Zoning Code.

Councilmember Weigel requested staff address the right-of-zone component, the Minor Modification request, the allowable percentage of structure, compared the proposed project to the surrounding neighborhood.

Councilmember Mills clarified that this project is a Minor Modification and meets the standards of the Code.

Mayor Pougnet stated the lot is designated as a hillside lot, and the City should review all the hillside lots, the tough standards to build on a hillside lot, and commented on the balance the City Council needs resolve with respect to its discretionary judgment.

**ACTION:** Adopt Resolution No. 22185, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE DECISION OF THE PLANNING COMMISSION AND DENYING A PROPOSED TWO-STORY SINGLE FAMILY RESIDENCE BY STEVEN VAN, CASE NOS. 3.2999 SFR AND 7.1215 AMM." **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Foat 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.

The City Council recessed at 7:48 p.m.  
The City Council reconvened at 8:00 p.m.

**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.K., 2.L., and 2.M. **Motion Councilmember Mills, seconded by Councilmember Weigel 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 February 13, 2008, City Council Agenda. **Approved as part of the Consent Calendar.**

**2.B. STAFF AUTHORIZED AGREEMENTS FOR FEBRUARY 1 THROUGH FEBRUARY 29, 2008:**

**ACTION:** Receive and file the Staff Authorized Agreements covering the period February 1 through February 29, 2008. **Approved as part of the Consent Calendar.**

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

**ACTION:** Adopt Resolution No. 22186, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 2-23-08 BY WARRANTS NUMBERED 413097 THROUGH 413146 TOTALING \$92,369.91, LIABILITY CHECKS NUMBERED 1026687 THROUGH 1026688 TOTALING \$503.21, AND THREE ELECTRONIC ACH DEBITS OF \$1,291,216.75, IN THE AGGREGATE AMOUNT OF \$1,384,089.87, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

**2.D. OPPOSE THE STATE OF CALIFORNIA'S PROPOSAL FOR THE EARLY RELEASE OF INMATES FROM THE STATE'S PRISONS:**

**ACTION:** Adopt Resolution No. 22187, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, IN OPPOSITION TO THE PROPOSAL FOR THE EARLY RELEASE OF INMATES FROM THE STATE'S PRISONS." **Approved as part of the Consent Calendar.**

**2.E. RATIFY AND APPOINT THE NOMINATION OF THE COUNTY OF RIVERSIDE TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR AN UNEXPIRED TERM ENDING JUNE 30, 2011:**

**ACTION:** Appoint Art Block, as the County of Riverside representative, to the Palm Springs International Airport Commission for the unexpired term ending June 30, 2011. **Approved as part of the Consent Calendar.**

**2.F. ACCEPT WITH REGRET THE RESIGNATION OF HAROLD "BUD" RILEY FROM THE HISTORIC SITE PRESERVATION BOARD:**

**ACTION:** 1) Accept with regret the resignation of Harold "Bud" Riley; 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2010. **Approved as part of the Consent Calendar.**

**2.G. ACCEPT WITH REGRET THE RESIGNATION OF DENISE JACOBS FROM THE VILLAGEFEST BOARD:**

**ACTION:** 1) Accept with regret the resignation of Denise Jacobs; 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2009. **Approved as part of the Consent Calendar.**

**2.H. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1737, ADDING CHAPTER 5.78 TO THE PALM SPRINGS MUNICIPAL CODE REQUIRING COMPLETION OF A COURSE ON OVERSEEDING ALTERNATIVES AS A PREREQUISITE FOR ISSUANCE AND RENEWAL OF A BUSINESS LICENSE TO CERTAIN LANDSCAPE RELATED BUSINESSES:**

**ACTION:** Waive further reading and adopt Ordinance No. 1737, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 5.78 TO THE PALM SPRINGS MUNICIPAL CODE REQUIRING COMPLETION OF A COURSE ON OVERSEEDING ALTERNATIVES AS A PREREQUISITE FOR ISSUANCE AND RENEWAL OF A BUSINESS LICENSE TO CERTAIN LANDSCAPE RELATED BUSINESSES." **Approved as part of the Consent Calendar.**

**2.I. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1739, REPEALING PALM SPRINGS ZONING CODE SECTIONS 93.17.00 TO 93.17.18, ADOPTING PALM SPRINGS MUNICIPAL CODE SECTION 8.68 "FLOOD DAMAGE PREVENTION" AND AMENDING SECTIONS 92.20.00, 92.20.01, AND 92.20.03 OF THE PALM SPRINGS ZONING CODE TO REPLACE REFERENCES TO THE REPEALED SECTIONS:**

**ACTION:** 1) Waive the reading and adopt Ordinance No. 1739, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, REPEALING SECTIONS 93.17.00 THROUGH 93.17.18 OF THE PALM SPRINGS ZONING CODE, ADOPTING CHAPTER 8.68 "FLOOD DAMAGE PREVENTION" OF THE PALM SPRINGS MUNICIPAL CODE, AND AMENDING SECTIONS 92.20.00, 92.20.01, AND 92.20.03 OF THE PALM SPRINGS ZONING CODE TO REPLACE REFERENCES TO THE REPEALED SECTIONS." **Approved as part of the Consent Calendar.**

**2.K. PURCHASE, INSTALLATION, AND REPLACEMENT OF THE EXTERIOR GLASS DOORS AT THE LIBRARY CENTER FROM MAGIK GLASS & DOOR:**

**ACTION:** Approve a purchase order with Magik Glass & Doors for the purchase, installation, and replacement of the exterior glass doors at the Library Center from Magik Glass & Door in the amount of \$36,274. **Approved as part of the Consent Calendar.**

**2.L. CONTRACT NEGOTIATIONS WITH GEORGE MIERS & ASSOCIATES FOR ANIMAL SHELTER ARCHITECTURAL DESIGN TEAM SERVICES:**  
**ACTION:** Authorize staff to enter contract negotiations with George Miers & Associates for Architectural Design Team Services for the new Animal Shelter project. **Approved as part of the Consent Calendar.**

**2.M. APPROVAL OF MINUTES:**  
**ACTION:** Approve the City Council Minutes of March 5, 2008. Noting the abstention of Mayor Pougnet. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.J. MEMORANDUM OF UNDERSTANDING WITH THE AGUA CALIENTE BAND OF CAHUILLA INDIANS AND THE BUREAU OF INDIAN AFFAIRS REGARDING THE INDIAN RESERVATION ROADS PROGRAM:**

Councilmember Hutcheson requested staff address the number of streets on reservation land, and stated his support for the MOU and additional funding that may be generated for street improvements.

**ACTION:** 1) Approve the Memorandum of Understanding with the Agua Caliente Band of Cahuilla Indians and the Bureau of Indian Affairs, regarding the Indian Reservation Roads Program; and 2) Authorize the City Manager to execute all necessary documents. A5629. **Motion Mayor Pro Tem Foat, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

**3. LEGISLATIVE:**

**4. NEW BUSINESS:**

**5. NEW BUSINESS:**

**5.A. APPEAL THE DECISION OF THE PLANNING COMMISSION TO APPROVE WITH CONDITIONS AN APPLICATION BY THE PALM SPRINGS INTERNATIONAL AIRPORT TO EXPAND AND MODIFY THE AIRPORT TERMINAL AND INSTALL NEW LANDSCAPING, CASE NO. 3.829, MAJOR ARCHITECTURAL APPROVAL:**

Craig Ewing, Director of Planning Services, and Al Smoot, City Construction Consultant, provided background information as outlined in the staff report dated March 12, 2008.

Councilmember Weigel requested staff address the redesign of the pond, the plantings of birds of paradise and sago palms, and commented on the grass and water features.

Councilmember Hutcheson requested staff address the plants that the Planning Commission and the AAC expressed concern, recommended staff look at artificial grass.

Councilmember Mills requested staff address the approval of the AAC with respect to the landscape plan, commented on the development of the concept of the entire project by the Design Team, stated his opposition to artificial grass, and suggested staff look at using reclaimed water.

Mayor Pro Tem Foat commented on the process with the Planning Commission, commented on safety issues with ponds, stated her support for the use of reclaimed water, current landscaping of the Tahquitz Canyon, and stated her support for sustainable landscaping.

Councilmember Mills requested staff address the modifications to the construction schedule.

Mayor Pro Tem Pougnet commented on the current landscape and the need for sustainability.

**ACTION:** 1) Uphold the decision of the Planning Commission Resolution No. 7111 and approve the project, subject to the Conditions of Approval [Exhibit A to Planning Commission Resolution No. 7111], and return to the AAC and the Planning Commission for landscape design; 2) Waive the requirements of Palm Springs Municipal Code Section 7.03.040(a) regarding the City Council approval of Plans and Specifications; and 3) Authorize Staff to advertise and solicit bids. **Motion Mayor Pro Tem Foat, 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.

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

Councilmember Hutcheson requested staff place on a future agenda a City Council subcommittee on election related issues.

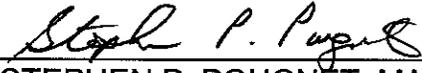
Councilmember Mills commented on the poor maintenance of the streetscape on the east side of El Cielo, and the lack of maintenance at the City Golf Course by the Golf Course Management Firm, requested staff inspect and issue a report with respect to maintenance issues at the City Golf Course, and requested staff follow-up with weed abatement at the ACE Hotel Development.

Mayor Pougnet commented on the resignation of Bud Riley from the Historic Site Preservation Board, and announced the upcoming anniversary activities at VillageFest.

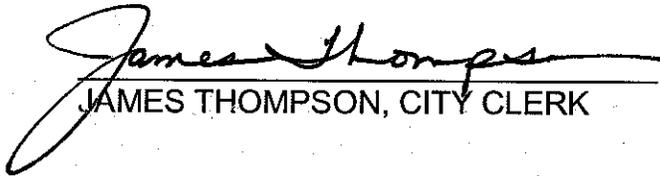
Mayor Pro Tem Foat commented on the upcoming "Deal or No Deal" event at the Spa Resort, and the upcoming St. Patrick's Day event in the City.

**ADJOURNMENT:** The City Council adjourned at 10:00 p.m. to a Regular Meeting, Wednesday, March 19, 2008, at 6:00 P.M. in the Council Chamber, at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs, 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  
19<sup>TH</sup> DAY OF MARCH, 2008.**

  
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STEPHEN P. POUGNET, MAYOR

ATTEST:

  
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JAMES THOMPSON, CITY CLERK