

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



**MINUTES
WEDNESDAY, FEBRUARY 13, 2008
City Hall Council Chamber**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:03 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: None.

REPORT OF CLOSED SESSION:

At 4:30 p.m. the meeting was called to order and the City Attorney requested the City Council add one Item to the Closed Session Agenda pursuant to Government Code Section 54956.9(a) Conference with Legal Counsel for the case titled Friends of Palm Springs Mountains v. City of Palm Springs.

ACTION: 1) Make the finding the litigation came to the attention of the City after the posting of the agenda and there is an immediate need to hear and/or take action on the Item; and 2) Add to the Closed Session Agenda pursuant to Government Code Section 54956.9(a) Conference with Legal Counsel Existing Litigation, Friends of Palm Springs Mountains v. City of Palm Springs. **Motion Councilmember Mills, seconded by Councilmember Weigel and unanimously carried.**

City Attorney Holland reported the City Council recessed into Closed Session to discuss the items contained on the Closed Session Agenda. No reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

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

PUBLIC COMMENT:

WENDIE BUSIG-KOHN, Palm Springs, provided the City Council with an update of the upcoming activities of The Desert Philanthropic Association.

NEJAT KOHAN, Palm Springs, commented on Item 4.A., provided an update on the activities of the Movie Colony traffic plan and the development of the Spanish Inn, and requested the City Council approve the final map and subdivision improvement agreement.

TOM DAVIS, Planning Development Officer, Agua Caliente Band of Cahuilla Indians, provided an update on Item 3.A., and requested the City Council approve the Conformity Report.

SID CRAIG, stated the frontage street near his home is being used as a used car lot, and requested the area be posted "no parking" on both sides of the street.

JOY MEREDITH, Palm Springs, thanked City employees for the prompt and thorough clean-up after the recent wind storm.

COUNCILMEMBER COMMENTS:

Mayor Pro Tem Foat announced the upcoming Friends of the Palm Springs Animal Shelter event.

CITY MANAGER'S REPORT:

City Manager Ready provided an update on the activities of the Office of Neighborhood Involvement Retreat.

SS1. JOINT MEETING WITH THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION, UPDATE OF CAPITAL IMPROVEMENTS AND CONSTRUCTION, TRANSPORTATION SERVICE, AIR SERVICE, AND COMMISSION WORK PROGRAM:

Bob Elsner, Chair Palm Springs International Airport Commission, introduced the Members of the Commission and provided an update on the activities at the Palm Springs International Airport.

Al Smoot, City Construction Consultant, provided an update on the Airport Terminal Phase II Construction Project.

Tom Nolan, Executive Director, provided an update on the Car Rental Lot, replacement of the Control Tower, and runway pavement rehabilitation.

City Manager Ready and Executive Director Nolan, provided an update on the Concession Upgrade Programs.

Executive Director Nolan provided information on the update to the Comprehensive Airport Master Plan.

City Manager Ready provided an update on taxi service and possible City regulation of taxi service at the Palm Springs International Airport.

The City Council discussed and/or commented on the following with respect to taxi service: driver incentives for local fares and increased enforcement, the regulation and goals by the regulatory body Sunline and recommendations by CVAG, condition of the taxis, the condition of the drivers, the cost of fares, the purpose of the holding areas, and the potential transfer of regulation to the City.

Executive Director Nolan and Mark Kiehl, Deputy Director, provided an update on Air Service and Business Development Programs.

The City Council discussed and/or commented on the following with respect to Air Service and Business Development: attraction of new carriers and expanded routes, price for a ticket out of Palm Springs, and competition of low cost carriers.

Executive Director Nolan provided information on Airport Compatibility and the impact to the surrounding neighborhoods.

The City Council discussed and/or commented on the following with Airport Compatibility: noise impacts, previous sound mitigation programs, and activities of the military.

Executive Director Nolan and Deputy Director Kiehl, provided an update on baggage claim services.

The City Council discussed and/or commented on the following with respect to baggage claim services: survey performed on the length of time for baggage to arrive at baggage claim, and the sufficiency of the current baggage claim area.

City Manager Ready and Executive Director Nolan provided an update on Airport Advertising programs.

The City Council discussed and/or commented on the following with respect to Airport Advertising: quality and coordination of the in-airport advertising, vehicles in the lobby at the Airport, and use of technology in advertising.

Commissioner Simmons thanked Airport staff and commented on the Taxi Subcommittee.

Commissioner Luisi commented on the use of free wireless services.

No action taken.

The City Council recessed at 7:30 p.m.

The City Council reconvened at 7:36 p.m.

Mayor Pougnet requested the City Council hear Item 3.A. out of order prior to Public Hearings.

3. LEGISLATIVE:

3.A. APPROVAL OF A CONFORMITY REPORT AND REVISED REVIEW PROCEDURE FOR THE PROPOSED AGUA CALIENTE CULTURAL MUSEUM, LOCATED ON TRIBAL TRUST LAND OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS, AT THE SOUTHEAST CORNER OF EAST TAHQUITZ CANYON WAY AND SOUTH HERMOSA CASE NO. 5.1188:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated February 13, 2008.

Councilmember Weigel requested staff address parking issues and standards for Museums.

Mayor Pougnet requested the Tribe Representatives address the groundbreaking schedule scheduled in 2010.

Councilmember Hutcheson requested the Tribe Representatives address the Museum's relationship with the Smithsonian Institute.

Councilmember Mills complimented the design and site plan.

Mayor Pro Tem Foat requested the Tribe Representatives address the programs and exhibits at the Museum.

Mayor Pougnet commented on the stunning job, and thanked the Tribal Representatives.

ACTION: Adopt Resolution No. 22158, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A CONFORMITY REPORT FOR THE PROPOSED AGUA CALIENTE CULTURAL MUSEUM, LOCATED ON TRIBAL TRUST LAND OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS AT THE SOUTHEAST CORNER OF EAST TAHQUITZ CANYON WAY AND SOUTH HERMOSA AND WAIVING THE JOINT MEETING BETWEEN THE PALM SPRINGS CITY COUNCIL AND AGUA CALIENTE BAND OF

CAHUILLA INDIANS TRIBAL COUNCIL." Motion Councilmember Weigel, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.

1. PUBLIC HEARINGS:

1.A. RIGHT-OF-WAY VACATION OF A PORTION OF EAST PALM CANYON DRIVE LOCATED WEST OF CHEROKEE WAY, IN SECTION 30, TOWNSHIP 4 SOUTH, RANGE 5 EAST, FILE R 07-17:

David Barakian, City Engineer, provided background information as outlined in the staff report dated February 13, 2008.

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

ACTION: Adopt Resolution No. 22155 "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 EAST PALM CANYON DRIVE LOCATED WEST OF CHEROKEE WAY, IN SECTION 30, TOWNSHIP 4 SOUTH, RANGE 5 EAST, FILE R 07-017. **Motion Councilmember Mills, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

1.B. PROPOSED ORDINANCES ADOPTING AND AMENDING THE 2007 CALIFORNIA BUILDING STANDARDS CODE AND ADOPTING AND AMENDING THE 2007 CALIFORNIA FIRE CODE:

Blake Goetz, Fire Chief, provided background information as outlined in the staff report dated February 13, 2008.

Councilmember Hutcheson requested staff address the clarity of the ordinance to the general public.

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

FRED BELL, Desert Chapter Building Industry Association, commented on the consistency with surrounding areas and the County of Riverside, and fire sprinkler requirements for fire suppression.

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

Councilmember Mills commented on the suggestion of footnoting the ordinance, requested staff address the 1,500 GPM fire flow and the requirement for fire sprinklers.

Councilmember Hutcheson suggested that the ordinance be amended to include both the 1,500 GPM and the 3,600 square foot standards.

ACTION: 1) Waive the reading of the ordinance text in its entirety and read by title only; 2) Introduce on first reading Ordinance No. 1735, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AND AMENDING THE 2007 EDITIONS OF THE CALIFORNIA BUILDING CODE WITH APPENDIX CHAPTER 1, APPENDICES C, I, AND J, AND THE CALIFORNIA ELECTRICAL CODE AND ADOPTING THE 2007 EDITIONS OF THE CALIFORNIA MECHANICAL, PLUMBING, EXISTING BUILDING, AND ENERGY CODES, AND THE 1997 EDITION OF THE UNIFORM HOUSING CODE;" 3) Introduce on first reading Ordinance No. 1736, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING ARTICLE VI TO CHAPTER 8.04 AND REPEALING CHAPTER 11.02 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE ADOPTION AND AMENDMENT OF THE CALIFORNIA FIRE CODE, 2007 EDITION;" and 4) Adopt Resolution No. 22156, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, FINDING THAT CERTAIN LOCAL CONDITIONS REQUIRE AMENDMENTS, ADDITIONS AND DELETIONS TO THE CALIFORNIA BUILDING STANDARDS CODE, 2007 EDITION, AND THE CALIFORNIA FIRE CODE, 2007 EDITION," *amending the ordinance to include the 1,500 GPM or 3,600 square feet in total gross floor area, and deleting the requirement in Subpart 17 of Section 8.04.510 for Subterranean and above ground structures to provide 8 feet 6 inches of vertical clearance.* **Motion Councilmember Weigel, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., and 2.C. **Motion Councilmember 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 February 13, 2008, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. STAFF AUTHORIZED AGREEMENTS FOR JANUARY 1 THROUGH JANUARY 31, 2008:

ACTION: Receive and file the Staff Authorized Agreements covering the period January 1 through January 31, 2008. **Approved as part of the Consent Calendar.**

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

ACTION: Adopt Resolution No. 22157, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 01-26-08 BY WARRANTS NUMBERED 412988 THROUGH 413042 TOTALING \$90,438.13, LIABILITY CHECKS NUMBERED 1026157 THROUGH 1026178 TOTALING \$142,561.69, THREE WIRE TRANSFERS FOR \$60,882.15, AND THREE ELECTRONIC ACH DEBITS OF \$1,095,421.43, IN THE AGGREGATE AMOUNT OF \$1,389,303.40 DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR: None.

4. UNFINISHED BUSINESS:

Mayor Pro Tem Foat stated she has a property ownership related conflict of interest with respect to Item 4.A., would not participate in the discussion or the vote and left Council Chamber.

4.A. FINAL MAP 31104 AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH SPANISH INN, INC., FOR A ONE LOT TRACT MAP FOR CONDOMINIUM PURPOSES LOCATED AT 640 NORTH INDIAN CANYON DRIVE:

David Barakian, City Engineer, provided background information as outlined in the staff report dated February 13, 2008.

Councilmember Mills requested staff address the possibility of the vacation of streets and the moving of walls to the new property line.

ACTION: 1) Adopt Resolution No. 22159 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING FINAL MAP 31104 FOR PROPERTY LOCATED AT 640 NORTH INDIAN CANYON DRIVE, AND APPROVING A SUBDIVISION IMPROVEMENT AGREEMENT WITH SPANISH INN, INC.;" and 2) Authorize the City Manager to execute all necessary documents. A5618. **Motion Councilmember Hutcheson, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Pro Tem Foat.

Mayor Pro Tem Foat returned to the dais.

4.B. PROPOSITION 218 ELECTION FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS, FISCAL YEAR 2008-09:

David Barakian, City Engineer, provided background information as outlined in the staff report dated February 13, 2008.

The City Council discussed and/or commented on the following with respect to the Landscape and Lighting Districts: safety concerns with the removal of lights on Belardo and impacts to Downtown, the disposition of a District after abandonment, removal of light standards, cost responsibilities for the removal of lights and/or landscaping, reduction in services, working with the property owners regarding maintenance of landscaping, and impacts caused by the reduction in landscaping.

ACTION: 1) Adopt Resolution No. 22160, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2008-09 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 8"; 2) Adopt Resolution No. 22161, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2008-09 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 8;" 3) Direct staff to review and return with options for City lighting on Belardo Road; 4) Direct staff to proceed with the abandonment of District No. 2; 5) Direct staff to proceed with the abandonment of District No. 4 and for the City to provide the current lighting; 6) Direct staff to discuss the maintenance of trees in District No. 6B, and the abandonment of the District; and 7) Direct staff to proceed with the reduction of contract landscape maintenance in District No. 7 to ensure the expenses in the District are within the levy. **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and carried 4-1 on a roll call vote.**

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

NOES: Councilmember Mills.

5. NEW BUSINESS:

5.A. CONCEPTUAL PLANS FOR THE GENE AUTRY TRAIL GATEWAY LANDSCAPING IMPROVEMENTS, CITY PROJECT 06-03:

Marcus Fuller, Assistant City Engineer, provided background information as outlined in the staff report dated February 13, 2008.

Councilmember Weigel requested staff address the number of plants that are not desert plants.

Councilmember Hutcheson requested staff address the need for bocce ball to secure funding, and questioned if the recreational activity will draw elements from outside the neighborhood.

Councilmember Mills commented on the current appearance of the property, and on the use and proposed amenities.

Mayor Pro Tem Foat commented on the bocce ball court, requested staff address the lack of parking.

Councilmember Weigel commented on the proposed use, amenities, and parking.

ACTION: 1) Approve the conceptual plans for parkway and median landscaping of Gene Autry Trail, from Vista Chino to Via Escuela; 2) Approve the conceptual plan for a Gateway Entry Sign; and 3) Approve the conceptual plans for construction of a pocket park located at the southwest corner of Gene Autry Trail and Vista Chino. **Motion Councilmember Mills, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

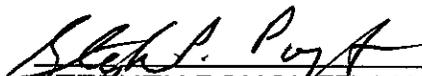
COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Mills requested staff address two-hour parking requirements on Frontage Road near Canyon Sands and the Parker Hotel.

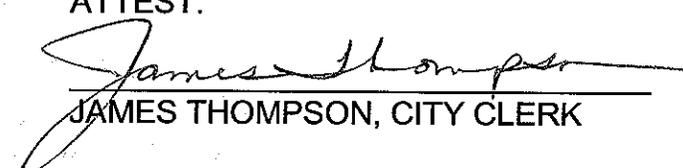
Councilmember Hutcheson requested staff address the roles and the responsibility of the Coachella Valley Mosquito and Vector Control Board.

ADJOURNMENT: The City Council adjourned at 9:22 p.m. to a Regular Meeting, Wednesday, February 20, 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 20TH DAY OF FEBRUARY, 2008.


STEPHEN POUGNET, MAYOR

ATTEST:


JAMES THOMPSON, CITY CLERK