

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



MINUTES
WEDNESDAY, JANUARY 16, 2008
City Hall Council Chamber

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:02 p.m.

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

INVOCATION: Duane Cox, Retired Religious Science Minister, 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: At 4:30 p.m. the meeting was called to order and the City Council added one Item to the Closed Session Agenda pursuant to Government Code Section 54956.9(a) Conference with Legal Counsel for the case titled Club Trinidad Owners' Association v. City of Palm Springs, Case No. INC 053493, Riverside County Superior Court, Indio, CA.

ACTION: 1) Make the finding the Item 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, Club Trinidad Owners' Association v. City of Palm Springs. Motion Councilmember Mills, seconded by Councilmember Weigel and unanimously carried 4-0, noting the absence of Mayor Pro Tem Foat.

City Attorney Holland reported that the City Council then recessed into Closed Session to discuss Items on the Closed Session Agenda. The City Council gave the City Attorney authority to commence with civil actions on two code enforcement cases, and no other reportable actions were taken.

ACCEPTANCE OF THE AGENDA: Councilmember Mills requested Consent Calendar Item No. 2.F., 2.G., and 2.H. be removed from the Consent Calendar for separate discussion.

Mayor Pro Tem Foat requested Consent Calendar Item No. 2.F. be removed from the Consent Calendar for separate discussion and noted her abstention on Warrant No. 1025492 due to a personal conflict of interest.

Mayor Pougnet requested Consent Calendar Item No. 2.F. be removed from the Consent Calendar for separate discussion.

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

1. PUBLIC HEARINGS:

1.A. PROPOSITION 218 ELECTION FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS FOR FISCAL YEAR 2008-09:

David Barakian, City Engineer, provided background information as outlined in the staff report dated January 16, 2008.

Councilmember Mills inquired if all the districts were in attendance at the workshop.

Mayor Pougnet opened the public hearing.

CARL FISHER, Palm Springs, Sunrise Norte area, requested historical financial/budget information on the district, additional CPI information, the bidding practices of the district, and measures to keep costs down.

KEVIN COCKRAN, Palm Springs, stated he is opposed to paying the assessment when most of the street lights do not operate properly.

No others came forth to address the City Council.

City Clerk Thompson stated this would be the time for qualified property owners to come forward to cast a ballot or withdraw a previously cast ballot.

One qualified property owner submitted his ballot to City Clerk Thompson, no others came forth to cast a ballot or to withdraw a previously cast ballot.

Mayor Pougnet closed the public hearing.

Councilmember Mills requested clarification regarding the CPI.

Mayor Pro Tem Foat requested a summary of the workshop meeting.

Mayor Pougnet stated that while City Clerk Thompson is canvassing the votes, the Council will continue and return to this item for action.

City Clerk Thompson stated the ballots have been opened, tabulated, and canvassed the results for the Proposition 218 protest proceedings according to Section 13D of the California Constitution and Section 53753 of the Government Code and certify the following:

	YES	NO	PASS/FAIL
District 1	\$1,037.69	\$2,550.05	FAIL
District 2	\$788.46	\$12,615.36	FAIL
District 4	\$-0-	\$1,406.90	FAIL
District 6B	\$221.88	\$924.50	FAIL
District 7	\$1,703.76	\$10,222.56	FAIL
District 8	\$6,213.24	\$2,824.20	PASS

Councilmember Mills requested clarification between abandoning the district and the dissolution of the district.

ACTION: 1) Adopt Resolution No. 22129, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE RESULTS OF A PROPERTY OWNER PROTEST PROCEEDING RELATED TO THE PROPOSED ASSESSMENT INCREASE AND APPROVING CERTAIN ACTIONS RELATED THERETO FOR FISCAL YEAR 2008-09 FOR THE PALM SPRINGS STREET LIGHTING MAINTENANCE DISTRICT NO. 1;" 2) Adopt Resolution No. 22130, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE RESULTS OF A PROPERTY OWNER PROTEST PROCEEDING RELATED TO THE PROPOSED ASSESSMENT INCREASE AND APPROVING CERTAIN ACTIONS RELATED THERETO FOR FISCAL YEAR 2008-09 FOR THE PALM SPRINGS STREET LIGHTING MAINTENANCE DISTRICT NO. 2;" 3) Adopt Resolution No. 22131, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE RESULTS OF A PROPERTY OWNER PROTEST PROCEEDING RELATED TO THE PROPOSED ASSESSMENT INCREASE AND APPROVING CERTAIN ACTIONS RELATED THERETO FOR FISCAL YEAR 2008-09 FOR THE

PALM SPRINGS STREET LIGHTING MAINTENANCE DISTRICT NO. 4;" 4) Adopt Resolution No. 22132, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE RESULTS OF A PROPERTY OWNER PROTEST PROCEEDING RELATED TO THE PROPOSED ASSESSMENT INCREASE AND APPROVING CERTAIN ACTIONS RELATED THERETO FOR FISCAL YEAR 2008-09 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6B;" 5) Adopt Resolution No. 22133, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE RESULTS OF A PROPERTY OWNER PROTEST PROCEEDING RELATED TO THE PROPOSED ASSESSMENT INCREASE AND APPROVING CERTAIN ACTIONS RELATED THERETO FOR FISCAL YEAR 2008-09 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 7;" 6) Adopt Resolution No. 22134, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE RESULTS OF A PROPERTY OWNER PROTEST PROCEEDING RELATED TO THE PROPOSED ASSESSMENT INCREASE AND APPROVING CERTAIN ACTIONS RELATED THERETO FOR FISCAL YEAR 2008-09 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 8;" and 7) Direct staff agendize for a future meeting the discussion and action of Districts 1, 2, 4, 6B, and 7. **Motion Councilmember Weigel, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

1.B. CASE HSPB NO. 56, DESIGNATION OF THE PROPERTY KNOWN AS "INVERNADA" LOCATED AT 657 VIA MIRALESTE, AS A CLASS 1 HISTORIC SITE:

ACTION: 1) Continue the Public Hearing to February 6, 2008, with no public testimony; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

1.C. CASE NO. 5.1171, APPLICATION BY FOUNDATIONS ENTERPRISE GROUP, LLC, FOR PLANNED DEVELOPMENT DISTRICT 351 AND TENTATIVE TRACT MAP 35544 TO CREATE A ONE LOT CONDOMINIUM MAP FOR THE CONVERSION OF 13 EXISTING APARTMENT UNITS TO 12 CONDOMINIUM UNITS, LOCATED AT 588 SAN LORENZO ROAD:

ACTION: 1) Continue the Public Hearing to February 6, 2008, with no public testimony; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Councilmember Weigel, seconded by Councilmember Mills and carried 4-0 on a roll call vote.**

AYES: Councilmember Mills, Councilmember Weigel, Mayor Pro Tem Foat, and Mayor Pougnet.
NOES: None.
ABSTAIN: Councilmember Hutcheson.

PUBLIC COMMENT:

WENDIE BUSIG-KOHN, Palm Springs, spoke of humanitarian acts, events, and activities.

INES ALLEN, Rancho Mirage, provided information on a Coachella Valley non-profit organization, The International Medical Alliance.

STEVE SIMS, Palm Springs, spoke of "Safe Routes to School" and safe bicycling routes throughout the city.

DAVID CARDEN, Palm Springs, spoke on behalf of the Neighborhood Group's desire for a Trader Joe's market to be located in Palm Springs, and stated a petition is being circulated for a Trader Joe's to be located in Palm Springs.

JOSEPH BEAVER, Palm Springs, Martin Luther King's Commemorative Committee, stated the annual commemorative event will be held on January 20, 2008, at St. Paul's of the Desert, 125 West El Alameda.

WESTLEY ROSS, Palm Springs, spoke in opposition of the Greyhound bus station location at the Train Station located in the northern part of Palm Springs.

COUNCILMEMBER COMMENTS:

Mayor Pro Tem Foat encouraged everyone to attend the Martin Luther King Commorative event, and added the City has been working with Greyhound for a location in Palm Springs adding the current trial location is by the choice of Greyhound.

Councilmember Hutcheson requested staff obtain information on vacant building ordinances from other cities and present to the City Council a draft ordinance for consideration, and asked when the ordinance on street level offices in the downtown area will be presented to the City Council for action.

CITY MANAGER'S REPORT:

City Manager Ready provided an update on the completion of the Golf Club Drive Road improvements and Code Enforcement Activities.

The City Council recessed at 6:50 p.m. and the Community Redevelopment Agency convened.

The Community Redevelopment Agency adjourned at 6:53 p.m. and the City Council reconvened.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., and 2.I noting the abstention of Mayor Pro Tem Foat on Warrant No. 1025492. **Motion Mayor Pro Tem Foat, 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 January 16, 2008, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of December 12, 2007, and January 9, 2008. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 22135, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1025357 THROUGH 1025529 IN THE AGGREGATE AMOUNT OF \$838,345.36 DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22136, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1025530 THROUGH 1025552 IN THE AGGREGATE AMOUNT OF \$139,778.91 DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 22137, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1025553 THROUGH 1025559 IN THE AGGREGATE AMOUNT OF \$314,898.35 DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, and noting the abstention of Mayor Pro Tem Foat on Warrant No. 1025492 due to a personal conflict of interest.**

2.D. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1733, AMENDING SECTION 12.20.020 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE ESTABLISHMENT OF PRIMA FACIE SPEED LIMITS OF VARIOUS CITY STREETS:

ACTION: Waive further reading and adopt Ordinance No. 1733, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 12.20.020 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE ESTABLISHMENT OF PRIMA FACIE

SPEED LIMITS OF VARIOUS CITY STREETS." Approved as part of the Consent Calendar.

2.E. STATE OF CALIFORNIA, OFFICE OF TRAFFIC SAFETY, DUI ENFORCEMENT AND COLLISION REDUCTION PROJECT:

ACTION: Receive and file the letter from the State of California, Office of Traffic Safety, congratulating the Police Department for completing the objectives in an outstanding manner. A4671. **Approved as part of the Consent Calendar.**

2.I. REPLACEMENT OF THE SUNRISE COGENERATION FACILITY CHILLER GENERATOR TUBE BUNDLE:

ACTION: Approve the replacement of the Sunrise Cogeneration chiller generator tube bundle in the amount of \$49,581 from Carrier Corporation. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.F. SUMMARY VACATION OF A PORTION OF ALEJO ROAD IN SECTION 11, TOWNSHIP 4 SOUTH, RANGE 4 EAST, FILE R-07-51:

Director of Public Works Barakian provided an outline as provided in the staff report dated January 16, 2008.

Councilmember Mills requested clarification on the roadways, and expressed concerns regarding property owned by the Allottees.

Mayor Pro Tem Foat stated this is a well traveled road and inquired if there are traffic study counts available.

Mayor Pro Tem Foat requested additional information relating to Lots 4 and 11.

Mayor Pougnet expressed concerns on future traffic on Alejo when the development of Mondrian, Hard Rock, and other projects are completed.

Councilmember Mills voiced concerns regarding transitional ramps.

Councilmember Weigel requested information regarding the cost to the City if the City were to purchase the properties.

ACTION: It was the consensus of the City Council to continue this item to February 6, 2008, with additional information.

2.G. FINAL MAP 33035 FOR A 1 LOT TRACT MAP FOR CONDOMINIUM PURPOSES LOCATED AT 2500 E. PALM CANYON DRIVE:

Councilmember Mills requested clarification on the terms conformance and substantial conformance.

William Stephenson, representing the owner, stated all conditions have been met. Additionally, the Map expires on 02-01-08; therefore, if the Final Map is not approved an extension will be required.

ACTION: Adopt Resolution No. 22138, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING FINAL MAP 33035 FOR PROPERTY LOCATED AT 2500 E. PALM CANYON DRIVE, SECTION 24, TOWNSHIP 4 SOUTH, RANGE 4 EAST." **Motion Mayor Pro Tem Foat, 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.

2.H. REQUEST BY VONS COMPANY FOR A RESOLUTION OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER, WINE, AND DISTILLED SPIRITS AT THE VONS GROCERY STORE LOCATED AT THE NORTHWEST CORNER OF TAHQUITZ CANYON WAY AND SUNRISE WAY:

Councilmember Mills requested clarification.

ACTION: Adopt Resolution No. 22139, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER, WINE, AND DISTILLED SPIRITS AT THE VONS GROCERY STORE LOCATED AT THE NORTHWEST CORNER OF TAHQUITZ CANYON WAY AND SUNRISE WAY, ZONE RA, SECTION 14." **Motion Councilmember Weigel, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS:

4.A. AMENDMENT NO. 2 TO AGREEMENT NO. A5336 WITH EVERGREEN RECYCLING SOLUTIONS, FOR SOLID WASTE MANAGEMENT AND

RECYCLING CONSULTING SERVICES, FOR ADDITIONAL SERVICES AND INCREASING THE CONTRACT AMOUNT BY \$30,000:

Troy Butzlaff, Assistant City Manager, provided background information as outlined in the staff report dated January 16, 2008.

ACTION: 1) Approve Amendment No. 2 to Agreement No. A5336 with Evergreen Recycling Solutions for municipal solid waste management and recycling consulting services, amending the scope of services and increasing the contract sum by an additional \$30,000; and 2) Authorize the City Manager to execute all necessary documents. A5336. **Motion Councilmember Mills, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

5. **NEW BUSINESS:** None.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Weigel requested information on placing items on the agenda of future meetings.

Mayor Pro Tem Foat requested an update on the status of the annexation of Park Andreas and Bellamonte, and inquired if this will be brought forward for action.

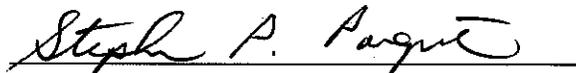
James Thompson, City Clerk, stated Tuesday, January 22, 2008, will be the last day to register to vote or make changes to current registrations.

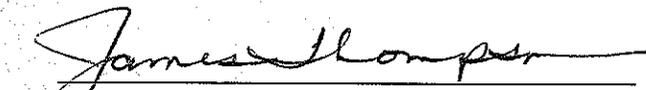
Mayor Pougnet provided an update on the Desert Fashion Plaza, announced the dedication of the Peace Pole at Village Greens, and requested the placement of the Mayor's Climate Protection Agreement on the February 6, 2008, agenda.

ADJOURNMENT: The City Council adjourned at 7:33 p.m. to a Study Session, Wednesday, January 23, 2008, at 6:20 p.m. in the Large Conference Room, at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs, preceded by a Closed Session at 5:45 p.m. in the Small Conference Room.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 6TH DAY OF FEBRUARY, 2008.

ATTEST:


MAYOR


City Clerk