

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



MINUTES
WEDNESDAY, JANUARY 9, 2008
City Hall Council Chamber

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:03 p.m.

PLEDGE OF ALLEGIANCE: Boy Scout Troop 262, led the Pledge.

INVOCATION: Pastor David Sanger, Our Savior's Community Church, 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:

Pastor David Sanger, Our Savior's Community Church, and Former Desert Hot Springs Councilmember Hank Hohenstein, updated the City Council on the new Church, and presented a check to the City for After-School programs.

Mayor Pougnet and the City Council presented a Certificate of Recognition to James Smith, Manager of Information Technology, as MAPS Employee of the Year, and thanked him for his service.

REPORT OF CLOSED SESSION: At 4:00 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 Advocates for Better Community Development v. City of Palm Springs et. al., Case No. INC 062704, 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, Advocates for Better Community Development v. City of Palm Springs. **Motion Councilmember Weigel,**

seconded by Councilmember Hutcheson and unanimously carried, noting the absence of Mayor Pro Tem Foat and Councilmember Mills.

City Attorney Holland reported that the City Council then recessed into Closed Session to discuss Items on the Closed Session Agenda. The City Council authorized the City Attorney to execute a Tolling Agreement with Century Crowell Communities L.P., otherwise the City Council took no reportable actions. A5609.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson requested Consent Calendar Item 2.G. be withdrawn from the Agenda at the request of staff.

Councilmember Mills requested Items 2.I. and 2.L. be removed from the Consent Calendar for separate discussion.

Mayor Pro Tem Foat noted her abstention on Consent Calendar Item 2.B.

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

1. PUBLIC HEARINGS:

1.A. CONSTRUCTION COST OF THE PALM SPRINGS ANIMAL SHELTER, BENEFITING MERGED REDEVELOPMENT PROJECT NOS. AREA 1 AND 2 IN THE AMOUNT OF \$5,000,000:

City Manager Ready provided background information as outlined in the staff report dated January 9, 2008.

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

FRANK ALVAREZ, thanked the City Council for moving forward with the construction of a new Animal Shelter.

JOY MEREDITH, thanked the City Council for the development of a new Animal Shelter.

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

Mayor Pro Tem Foat commented on the progress with respect to the development of a new Animal Shelter, and requested assistance from the citizens.

Mayor Pougnet requested staff address the finalization of the development budget.

Councilmember Weigel stated the Shelter has been a long time coming, and thanked the Committee, the City Council, and Community.

ACTION: Adopt Resolution No. 22123, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MAKING THE FINDINGS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445 RELATING TO PAYMENT OF ALL OR PART OF THE CONSTRUCTION COSTS OF THE PALM SPRINGS ANIMAL SHELTER BENEFITING MERGED REDEVELOPMENT PROJECT AREA NOS. 1 AND 2." **Motion Councilmember Mills, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

1.B. PROPOSED ORDINANCE AND RESOLUTION TO FUND THE PRESERVATION OF NATURAL ECOSYSTEMS IN ACCORDANCE WITH THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated January 9, 2008.

Councilmember Mills requested staff address the calculation of the fee.

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

ACTION: 1) Waive reading of the Ordinance text and introduce by title only; 2) Introduce on first reading Ordinance No. 1734, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 8.95 TO THE PALM SPRINGS MUNICIPAL CODE ESTABLISHING A LOCAL DEVELOPMENT MITIGATION FEE FOR FUNDING THE PRESERVATION OF NATURAL ECOSYSTEMS IN ACCORDANCE WITH THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN;" and 3) Adopt Resolution No. 22124, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE LOCAL DEVELOPMENT MITIGATION FEE SCHEDULE APPLICABLE TO NEW DEVELOPMENT WITHIN THE CITY OF PALM SPRINGS." **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

TONY RODRIGUEZ, Palm Springs High School Student, commented on the activities of the International Business Club at Palm Springs High School.

GUADALUPE ELGNER, Palm Springs High School Student, commented on the activities of the International Business Club at Palm Springs High School.

JOSHUA CHAO, Palm Springs High School, commented on the activities of the International Business Club at Palm Springs High School.

JOHN PIVINSKI, Palm Springs Chamber, commented on marketing of the Downtown area, questioned the process for the hiring of a management consultant for Item RA2., and requested the City Council delay a decision until stakeholders are consulted.

JOY MEREDITH, Palm Springs, stated Main Street did not take action on RA2., as Main Street was not consulted, nor were any of the stakeholders in the Downtown area, and stated the process could have been improved.

JEFF WELSHANS, Palm Springs, commented on the hillside development and the rock crushing problem at the Palm Springs Modern Homes Pedregal site, requested a stop order on the project, and a moratorium on such construction activities.

DANA STEWART, Palm Springs, commented on the hillside development and the rock crushing problem at the Palm Springs Modern Homes Pedregal site, requested a stop order on the project, and a moratorium on such construction activities.

COUNCILMEMBER COMMENTS:

Mayor Pougnet requested Fire Chief Blake Goetz provide a verbal report on the rock crushing incident near the Chino Cone at the Palm Springs Modern Homes Pedregal site.

CITY MANAGER'S REPORT:

City Manager Ready provided an update on the Joint Meeting with the Resource Conservation Commission, the U.S. Conference of Mayors, and the Green Building "Think Tank."

Thomas Wilson, Assistant City Manager, provided an update on the Escena Development, Avalon Sun Cal Development, and the Burnett Country Club Project.

City Manager Ready thanked the Raymond Cree High School Band for their performance at City Hall during the holidays, commented on the donation to the Fire

Department for Improvements to the kitchen at Fire Station 4, and updated the City Council with respect to the activities at the Palm Springs Film Festival.

The City Council recessed at 7:14 p.m., as the Community Redevelopment Agency. The City Council reconvened at 7:33 p.m.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.H., 2.J., and 2.K. **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 January 9, 2008, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of December 19, 2007. **Approved as part of the Consent Calendar, noting the abstention of Mayor Pro Tem Foat.**

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

ACTION: 1) Adopt Resolution No. 22125, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1024973 THROUGH 1025312, IN THE AGGREGATE AMOUNT OF \$4,815,688.64, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22126, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1025313 THROUGH 1025332, IN THE AGGREGATE AMOUNT OF \$163,915.09, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 22127, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 12/15/07 BY WARRANTS NUMBERED 412816 THROUGH 412872, TOTALING \$89,521.55, LIABILITY CHECKS NUMBERED 1025333 THROUGH 1025356, TOTALING \$143,230.37, THREE WIRE TRANSFERS FOR \$70,006.24, AND THREE ELECTRONIC ACH DEBITS OF \$1,222,018.70, IN THE AGGREGATE AMOUNT OF \$1,524,776.86, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. STAFF AUTHORIZED AGREEMENTS FOR DECEMBER 2007:

ACTION: Receive and file Staff Authorized Agreements covering the period December 1 through December 31, 2007. **Approved as part of the Consent Calendar.**

2.E. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1730, ADDING CHAPTER 5.26 TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE ESTABLISHMENT OF A HOTEL OPERATIONS INCENTIVE PROGRAM:

ACTION: Waive further reading and re-adopt Ordinance No. 1730, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 5.26 TO THE PALM SPRINGS MUNICIPAL CODE RELATING TO THE ESTABLISHMENT OF A HOTEL OPERATIONS INCENTIVE PROGRAM." **Approved as part of the Consent Calendar.**

2.F. TREASURER'S INVESTMENT REPORT AS OF NOVEMBER 30, 2007:

ACTION: Receive and File the Treasurer's Investment Report as of November 30, 2007. **Approved as part of the Consent Calendar.**

2.H. AMENDMENT NO. 14 TO AGREEMENT NO. A4382 WITH GENSLER ARCHITECTURAL SERVICES FOR ADDITIONAL SERVICES, PHASE II TERMINAL REHABILITATION/ENHANCEMENT PROGRAM:

ACTION: 1) Approve Amendment No. 14 to Agreement No. A4382 with Gensler Architectural Services for additional airport design work to incorporate components added during the schematic design process for Phase II Terminal Rehabilitation/Enhancement Program; and 2) Authorize the City Manager to execute all necessary documents. A4382. **Approved as part of the Consent Calendar.**

2.J. AWARD CONTRACT TO MACADEE ELECTRICAL CONSTRUCTION, INC., FOR THE PROTECTIVE-PERMISSIVE SIGNAL CONVERSION PROJECT, PHASE 1, IN THE AMOUNT OF \$35,769, CITY PROJECT NO. 07-19:

ACTION: Approve an agreement with Macadee Electrical Construction, Inc., for the Protective-Permissive Signal Conversion Project, Phase 1, in the amount of \$35,769, City Project No. 07-19; 2) Authorize the City Manager to execute all necessary documents. A5608. **Approved as part of the Consent Calendar.**

2.K. VEHICLE OUTFITTING FOR POLICE DEPARTMENT:

ACTION: Waive the competitive requirements of the Municipal Code and approve the purchase of equipment and integration services for police patrol vehicles from Woodcrest Vehicle Center. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.G. FINAL MAP 33341 AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH AQUA PALM SPRINGS, LLC, FOR A 6 LOT

TRACT MAP FOR CONDOMINIUM PURPOSES LOCATED AT 2705 E. TAHQUITZ CANYON WAY:

ACTION: Withdrawn from the Agenda at the request of staff.

2.I. APPEAL OF THE DECISION OF THE PLANNING COMMISSION AND GRANTING THE APPEAL FILED BY JESSE DANNER (SNIP SNIP BUZZ), CASE SP-07-112, SIGN PROGRAM WITH CONDITIONS AT 373 SOUTH PALM CANYON DRIVE:

ACTION: Adopt Resolution No. 22128, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OVERTURNING THE PLANNING COMMISSION DECISION AND GRANTING THE APPEAL BY APPLICANT JESSE DANNER (SNIP SNIP BUZZ), CASE NO. SP 07-112/SIGN PROGRAM WITH CONDITIONS AT 373 SOUTH PALM CANYON DRIVE, ZONE CBD, SECTION 15." **Motion Mayor Pro Tem Foat, seconded by Mayor Pougnet 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.L. 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 \$30,000:

Councilmember Mills requested staff address the qualifications of the individual, with respect to the Resource Conservation Commission.

ACTION: Table and return with additional information on the Consultant's qualifications for the additional proposed programs and activities. **By consensus of the City Council.**

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS:

4.A. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) REQUEST FOR PROPOSAL (RFP) FOR THE UNITED STATES DEPARTMENT OF HOUSING & URBAN DEVELOPMENT FISCAL YEAR 2008-09, CDBG PROGRAM, 34TH PROGRAM YEAR:

City Manager Ready and Dale Cook, Economic Development Administrator, provided background information as outlined in the staff report dated January 9, 2008.

Councilmember Weigel requested staff address the goals of the five-year plan, and advance funding.

Mayor Pro Tem Foat requested staff address if the City had received the final appropriation amount to fund CDBG projects, recommended in future years the City provide for a concentration of specific target populations, and requested staff address within the process and/or rating how to assist smaller agencies apply and receive grants.

Councilmember Mills recommended the City give a priority for Capital Improvement Projects to Agencies that will provide matching funds, including those requests from City Departments and Agencies.

Councilmember Hutcheson thanked the Committee, commented on the rating system, and stated the rating system is fair to Agencies, and provides for reaching as many people as we can with the limited funds.

No action taken.

5. NEW BUSINESS:

5.A. PREPARATION OF THE STATE-MANDATED UPDATE TO THE PALM SPRINGS HOUSING ELEMENT CHAPTER OF THE GENERAL PLAN FOR THE PLANNING PERIOD OF 2008 THROUGH 2014:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated January 9, 2008.

Mayor Pougnet commented on the re-zoning of land for the building of rental housing especially near Gene Autry and Indian Canyon with access to the Interstate.

Mayor Pro Tem Foat commented on the committees and requested staff address citizen participation and outreach.

Councilmember Mills commented on the evaluation of vacant sites, and/or other redevelopment sites.

No action taken.

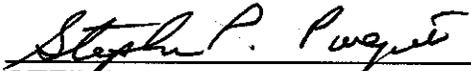
5.B. APPOINTMENT OF A MEMBER OF THE CITY COUNCIL AS THE LIAISON TO THE PALM SPRINGS ECONOMIC DEVELOPMENT CORPORATION (PSEDC):

ACTION: 1) Appoint Councilmember Hutcheson as the liaison to the Palm Springs Economic Development Corporation. **Motion Mayor Pro Tem Foat, seconded by Mayor Pougnet and carried 4-0 on a roll call vote.**

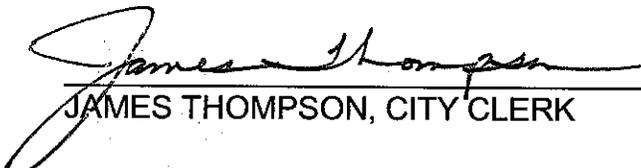
AYES: Councilmember Mills, Councilmember Weigel, Mayor Pro
Tem Foat, and Mayor Pougnet.
NOES: None.
ABSTAIN: Councilmember Hutcheson.

ADJOURNMENT: The City Council adjourned at 8:19 p.m. to a Regular Meeting, Wednesday, January 16, 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
16TH DAY OF JANUARY, 2008.**


STEPHEN POUGNET, MAYOR

ATTEST:


JAMES THOMPSON, CITY CLERK