

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



MINUTES
WEDNESDAY, NOVEMBER 14, 2007
City Hall Council Chamber

CALL TO ORDER: Mayor Oden called the meeting to order at 6:04 p.m.

PLEDGE OF ALLEGIANCE: Councilmember McCulloch led the Pledge.

ROLL CALL:

PRESENT: Councilmember Foat, Councilmember McCulloch, Councilmember Mills, Mayor Pro Tem Pougnet, and Mayor Oden.

ABSENT: None.

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

PRESENTATIONS:

The City Council and community commended the outgoing Elected Officials Mayor Oden and Councilmember McCulloch, thanked them for their service and presented them the key to the City.

The City Council recessed at 7:00 p.m. for a reception for the outgoing Elected Officials. The City Council reconvened at 7:25 p.m.

Fire Chief Blake Goetz, Mayor Oden and the City Council announced the commissioning of a new 105' Pierce Quantum Aerial Ladder Truck No. 442.

PUBLIC COMMENT:

WENDIE BUSIG-KOHN, Palm Springs, thanked the outgoing elected officials for their service to the community.

TOM SWANN, Rancho Mirage, thanked the outgoing elected officials for their service to the community, and commented on the Veteran's Day Parade.

JOY MEREDITH, Palm Springs, thanked the outgoing elected officials for their service to the community, and commented on the Children's Banner Program.

REPORT OF CLOSED SESSION: City Attorney Holland stated that at 4:30 p.m. the meeting was called to order and the City Council recessed into Closed Session to discuss items on the posted Closed Session Agenda. The City Council gave direction to Legal Counsel with respect to Item 4.A. on the Closed Session Agenda, no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson stated staff has requested Item 2.B. be withdrawn and removed from the Agenda.

Councilmember McCulloch noted his business related abstention on Item 2.C. Warrant No. 1024275 and Item 5.E.

Councilmember Mills requested Item 2.F. be removed from the Consent Calendar for separate discussion.

Mayor Oden commented on Item 2.G. and thanked all City Employees for their service.

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

1. PUBLIC HEARINGS:

1.A. INTERIM URGENCY ORDINANCE EXTENDING ORDINANCE NO. 1725 FOR A PERIOD OF 10 MONTHS AND 15 DAYS, PROHIBITING TRANSPORTATION TERMINALS IN THE M-1 SERVICE/MANUFACTURING ZONE AND THE C-2 GENERAL COMMERCIAL ZONE PENDING THE COMPLETION OF A STUDY OF THE EFFECTS OF NEW TRANSPORTATION TERMINALS ON THE RESIDENTS AND NEIGHBORHOODS OF THE CITY OF PALM SPRINGS:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated November 14, 2007.

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

PAULA AUBURN, Palm Springs, spoke in support of the issuance of a Conditional Use Permit and City Council oversight of this type of use in residential zones.

GEORGE ZANDER, Palm Springs, stated the bus depot should be located at the Palm Springs International Airport.

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

ACTION: Waive reading of the Interim Urgency Ordinance and Adopt Ordinance No. 1727, "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING ORDINANCE NO. 1725 FOR A PERIOD OF 10 MONTHS AND 15 DAYS, PROHIBITING TRANSPORTATION TERMINALS IN THE M-1 SERVICE/MANUFACTURING ZONE AND THE C-2 GENERAL COMMERCIAL ZONE PENDING THE COMPLETION OF A STUDY OF THE EFFECTS OF NEW TRANSPORTATION TERMINALS ON THE RESIDENTS AND NEIGHBORHOODS OF THE CITY OF PALM SPRINGS." **Motion Mayor Pro Tem Pougnet, seconded by Mayor Oden and unanimously carried on a roll call vote.**

- 1.B. AMEND THE SPRINGS SHOPPING CENTER PLANNED DEVELOPMENT DISTRICT 291 ESTABLISHING A SPECIAL SIGN DISTRICT LOCATED AT THE NORTHEAST CORNER OF GENE AUTRY TRAIL AND EAST RAMON ROAD CASE NO. 5.0984 PD 291-A:** David Newell, Assistant Planner, provided background information as outlined in the staff report dated November 14, 2007.

Mayor Oden requested staff address the similar signs at Lowes.

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

ALLEN HAYNIE, Representing Home Depot, requested the City Council modify subsection c of Condition No. 5 to provide for an Anchor Tenant's wall sign not-to-exceed 438 square feet.

JONATHAN DOTY, Representing The Springs Project, stated the sign program that was approved was restricted from that of Destination Ramon, and requested 1 1/2 feet for Major Tenant Sign Area.

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

Councilmember Mills requested staff address the comparisons to Destination Ramon Project, clarify the signage allowable for a Pad Tenant not facing Ramon Road, commented that the Planning Commission was not involved in the process, requested staff address the Code and

consistency from project to project, requested staff address the difference between a sign program and a sign district, and requested the Applicant address the effects of a 30-day delay.

Councilmember McCulloch provided a history of the site, and stated his support for the 1 1/2 feet of signage.

Mayor Pro Tem Pougnet requested clarification of the signage allowed for the in-line tenants.

Councilmember Foat requested consistency between the projects, commented on the long term large tenants and the sign challenges for the smaller tenants as well.

Mayor Oden stated his support for the increase in size sign on Ramon, and commented on aesthetics and balance.

ACTION: 1) Adopt Resolution No. 22095 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE NO. 5.0984, PD 291-A, AMENDING PLANNED DEVELOPMENT DISTRICT 291 FOR THE ESTABLISHMENT OF A SPECIAL SIGN DISTRICT (SP 07-083) FOR THE SPRINGS SHOPPING CENTER, LOCATED AT THE NORTHEAST CORNER OF GENE AUTRY TRAIL AND EAST RAMON ROAD, ZONE M-1-P, SECTION 17" amending the Conditions of Approval and the sign program approved as submitted by the Applicant, to allow the Anchor Tenant a main sign on the primary elevation of no more than six feet high and 440 square feet in area, and ensure consistency of this sign program to that of the approved sign program for the Destination Ramon Project; and 2) Direct Staff to ensure a complete review of site plan, landscaping and architecture for the fast food menu boards to provide they are screened from the back side. **Motion Councilmember Mills, seconded by Mayor Oden and unanimously carried on a roll call vote.**

1.C. ADOPTION OF THE 2007 CALIFORNIA FIRE AND BUILDING CODES:

ACTION: 1) Continue the public hearing to December 19, 2007; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Mayor Pro Tem Pougnet, seconded by Mayor Oden and unanimously carried on a roll call vote.**

The City Council recessed at 8:39 p.m.
The City Council reconvened at 8:45 p.m.

COUNCILMEMBER COMMENTS AND REQUESTS:

Mayor Oden requested staff prepare an ordinance regulating charitable solicitations and aggressive solicitations in public places.

Councilmember Foat announced the passing of Hal Stone.

CITY MANAGER'S REPORT: None.

The City Council recessed at 8:46 p.m. as the Community Redevelopment Agency.
The City Council reconvened at 8:55 p.m.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.C., 2.D., 2.E., 2.G., 2.H., 2.I., and 2.J. **Motion Councilmember Foat, seconded by Mayor Pro Tem Pougnet 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 November 14, 2007, City Council Agenda. **Approved as part of the Consent Calendar.**

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

ACTION: Adopt Resolution No. 22096, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1024234 THROUGH 1024434 IN THE AGGREGATE AMOUNT OF \$1,482,078.31 DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the business related abstention of Councilmember McCulloch on Warrant No. 1024275.**

2.D. AWARD OF CONTRACT FOR THE PALM SPRINGS SWIM CENTER POOL REPAIRS PROJECT, CITY PROJECT 06-19:

ACTION: 1) Reject the apparent low bid submitted by Sipovac Construction, Inc., as non-responsive; 2) Adopt Resolution No. 22097, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2007-08;" 3) Approve an agreement with Condor Inc., in the amount of \$259,400, for the Palm Springs Swim Center Pool Repairs Project, City Project No. 06-19; and 4) Authorize the City Manager to execute all necessary documents. A5579. **Approved as part of the Consent Calendar.**

2.E. CONTRACT SERVICES AGREEMENT WITH DOKKEN ENGINEERING FOR THE BOGERT TRAIL BRIDGE REHABILITATION, FEDERAL PROJECT BHLO 5282 (026), CITY PROJECT 07-03:

ACTION: 1) Approve an Agreement with Dokken Engineering for environmental and civil engineering design services related to the Bogert Trail Bridge Rehabilitation in the amount of \$610,545, Federal Project BHLO 5282 (026), City Project 07-03; and 2) Authorize the City Manager to execute all necessary documents. A5580. **Approved as part of the Consent Calendar.**

2.G. MEMORANDUM OF UNDERSTANDING WITH SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 721 REPRESENTING THE GENERAL UNIT:

ACTION: 1) Adopt Resolution No. 22099, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING RELATIVE TO WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR EMPLOYEES IN THE SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 721 REPRESENTING THE GENERAL UNIT, FOR THE PERIOD JULY 1, 2007, THROUGH JUNE 30, 2010, SUBJECT TO THE UNIT'S RATIFICATION AND EXECUTING THE MEMORANDUM OF UNDERSTANDING;" 2) Authorize the City Manager to execute the Memorandum of Understanding in a form acceptable to the City Attorney; 3) Adopt Resolution No. 22100, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2007-08;" and 4) Adopt Resolution No. 22101, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDMENT NO. 5 TO THE ALLOCATED POSITIONS AND COMPENSATION PLAN ADOPTED BY RESOLUTION NO. 21907 FOR FISCAL YEAR 2007-08." A5581. **Approved as part of the Consent Calendar.**

2.H. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1724, AMENDING SUBSECTION (f) OF SECTION 2.06.010 AND SECTION 2.16.020 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE MEMBERSHIP OF THE INTERNATIONAL AIRPORT COMMISSION:

ACTION: Waive further reading and adopt Ordinance No. 1724, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTION (f) OF SECTION 2.06.010 AND SECTION 2.16.020 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE MEMBERSHIP OF THE INTERNATIONAL AIRPORT COMMISSION." **Approved as part of the Consent Calendar.**

2.I. CONTRACT SERVICES AGREEMENT WITH ALBERT GROVER AND ASSOCIATES FOR TRAFFIC SIGNAL DESIGN SERVICES FOR VARIOUS TRAFFIC SIGNAL IMPROVEMENT PROJECTS:

ACTION: 1) Approve an agreement with Albert Grover and Associates, in the amount of \$38,000 for the Sunrise Way at Alejo Road Traffic Signal Modification, Palm Springs High School at Baristo Road Traffic Signal Installation, City Project No. 07-13, and Sunrise Way at Mesquite Avenue Traffic Signal Modification, City Project No. 07-14; and 2) Authorize the City Manager to execute all necessary documents. A5582. **Approved as part of the Consent Calendar.**

2.J. CONTRACT SERVICES AGREEMENT NO. 1 AND NO. 2 WITH LSA ASSOCIATES, INC. FOR THE PREPARATION OF FOCUSED ENTITLEMENT, CONTRACT PLANNING SERVICES, ENVIRONMENTAL REVIEW AND TECHNICAL STUDIES FOR THE PALM MOUNTAIN RESORT CASE NO. 5.1162 PD342:

ACTION: 1) Approve Agreement No. 1 and Agreement No. 2 with LSA Associates, Inc., in the amount of \$14,500 and \$20,000 respectively, for the preparation of focused entitlement, contract planning services, review and technical studies for the Palm Mountain Resort Case No. 5.1162 PD342; and 2) Authorize the City Manager to execute Agreement No. 1 and Agreement No. 2. A5583. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.B. CONTRACT WITH RIVERSIDE COUNTY FOR PEER REVIEW OF GEOLOGIC FAULT HAZARD REPORT PURSUANT TO THE ALQUIST-PRIOLO EARTHQUAKE FAULT ZONING ACT:

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

2.F. RENEWAL OF EXCESS EARTHQUAKE AND FLOOD INSURANCE COVERAGE THROUGH DAVIS AND GRAEBER INSURANCE SERVICES INC:

ACTION: 1) Adopt Resolution No. 22098, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING EXCESS EARTHQUAKE/FLOOD INSURANCE COVERAGE IN THE AMOUNT OF \$22.5 MILLION AT A COST NOT-TO-EXCEED \$541,407 FOR POLICY YEAR 2007-08." **Motion Mayor Pro Tem Pougnet, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS:

4.A. PROPOSED ORDINANCE REGULATING STREET LEVEL OFFICE USES AND FINANCIAL INSTITUTIONS IN CERTAIN PORTIONS OF THE C-B-D ZONE CASE NO. 5.1173:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated November 14, 2007.

ACTION: 1) Waive reading of the ordinance text and introduce by title only; 2) Introduce on first reading Ordinance No. 1728, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTION A-37 AND PARAGRAPH 1-0 OF SUBSECTION C OF SECTION 92.09.01, AND REPEALING SUBSECTION D-11 OF SECTION 92.09.01 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO STREET LEVEL OFFICE USES AND FINANCIAL INSTITUTIONS IN CERTAIN PORTIONS OF THE C-B-D ZONE" amending Section 5 of the ordinance to allow a planned Financial Institution developed within the Rael Project Planned Development District PDD 324, approved by the City Council via Resolution No. 21724. **Motion Councilmember Foat, seconded by Councilmember McCulloch and carried 4-1 on a roll call vote.**

AYES: Councilmember Foat, Councilmember McCulloch, Councilmember Mills, and Mayor Oden.

NOES: Mayor Pro Tem Pougnet.

5. NEW BUSINESS:

5.A. EXCLUSIVE AGREEMENT TO NEGOTIATE WITH THE DESERT COMMUNITY COLLEGE DISTRICT FOR A 115 ACRE SITE LOCATED AT THE NORTHWEST CORNER OF TRAMVIEW ROAD AND NORTH INDIAN CANYON DRIVE FOR THE WEST VALLEY EDUCATION CENTER OF COLLEGE OF THE DESERT:

City Manager Ready provided background information as outlined in the staff report dated November 14, 2007.

ACTION: Adopt Resolution No. 22102, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN EXCLUSIVE AGREEMENT TO NEGOTIATE WITH THE DESERT COMMUNITY COLLEGE DISTRICT FOR A 115 ACRE SITE LOCATED AT THE NORTHWEST CORNER OF TRAMVIEW ROAD AND NORTH INDIAN CANYON DRIVE FOR THE WEST VALLEY EDUCATION CENTER OF COLLEGE OF THE DESERT." A5584. **Motion**

Councilmember McCulloch, seconded by Mayor Oden and unanimously carried on a roll call vote.

5.B. DEPARTMENT OF AVIATION ORGANIZATIONAL MODIFICATIONS:

Thomas Nolan, Executive Director of Aviation, provided background information as outlined in the staff report dated November 14, 2007.

ACTION: Adopt Resolution No. 22103, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDMENT NO. 4 TO THE ALLOCATED POSITIONS AND COMPENSATION PLAN, ADOPTED BY RESOLUTION 21907." **Motion Councilmember Foat, seconded by Mayor Pro Tem Pougnet and unanimously carried on a roll call vote.**

5.C. AMENDMENT NO. 1 TO THE SOLID WASTE MANAGEMENT AGREEMENT WITH PALM SPRINGS DISPOSAL SERVICES TO IMPLEMENT A SINGLE STREAM RECYCLING PROGRAM:

City Manager Ready provided background information as outlined in the staff report dated November 14, 2007.

The City Council discussed and/or commented on the type of vehicles being proposed for service as being alternative fuel.

ACTION: 1) Approve Amendment No. 1 to the Solid Waste Management Agreement with Palm Springs Disposal Services instituting a new program for single stream recycling; and 2) Authorize the City Manager to execute Amendment No. 1 to the Agreement. A4727. **Motion Mayor Pro Tem Pougnet, seconded by Mayor Oden and unanimously carried on a roll call vote.**

5.D. AMENDMENT NO. 2 TO THE SOLID WASTE MANAGEMENT AGREEMENT WITH PALM SPRINGS DISPOSAL SERVICES:

City Manager Ready provided background information as outlined in the staff report dated November 14, 2007.

The City Council discussed and/or commented on the computation and rate of the CPI adjustment and the location of the Household Hazardous Waste Facility.

MOTION: Approve Amendment No. 2 to the Solid Waste Agreement with Palm Springs Disposal Services extending the term of the agreement by two-years, modifying the adjustment methodology for residential and commercial service fees, changing certain other provisions related to service fees amending Section 2 of the Amendment for the location of the Household Hazardous Waste Facility to be determined; and 2) Authorize

the City Manager to execute Amendment No. 2 to the Agreement. A4727. **Motion Councilmember McCulloch, seconded by Mayor Oden and failed 2-3 on a roll call vote.**

AYES: Councilmember McCulloch and Mayor Oden.

NOES: Councilmember Foat, Councilmember Mills, and Mayor Pro Tem Pougnet.

ACTION: 1) Approve Amendment No. 2 to the Solid Waste Agreement with Palm Springs Disposal Services extending the term of the agreement by two-years, modifying the adjustment methodology for residential and commercial service fees and changing certain other provisions related to service fees amending Section 2 of the Amendment for the location of the Household Hazardous Waste Facility to be determined and Section 5 of the Amendment to provide a CPI Rate Adjustment not to exceed four percent (4%); and 2) Authorize the City Manager to execute Amendment No. 2 to the Agreement. A4727. **Motion Councilmember Mills, seconded by Mayor Oden and carried 3-2 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Mills, and Mayor Oden.

NOES: Councilmember McCulloch and Mayor Pro Tem Pougnet.

Councilmember McCulloch stated he has a conflict of interest with respect to Item 5.E., would not participate in the discussion or the vote and left Council Chamber.

5.E. PALM SPRINGS STADIUM CONCERT POLICY:

Sharon Heider, Director of Parks and Recreation, provided background information as outlined in the staff report dated November 14, 2007.

ACTION: Direct staff to prepare a resolution amending the existing policy to allow for limited types of concerts, particularly those intended for youth, to be held at the Palm Springs Stadium under certain conditions. **Motion Mayor Pro Tem Pougnet, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Mills, Mayor Pro Tem Pougnet, and Mayor Oden.

NOES: None.

ABSENT: Councilmember McCulloch.

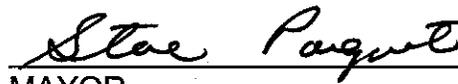
Councilmember McCulloch returned to the dais.

COUNCILMEMBER COMMENTS AND REPORTS:

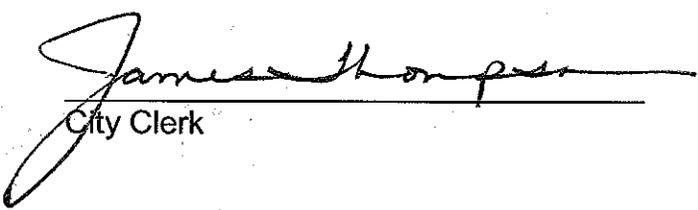
Mayor Oden commented on the events and activities attended by the Mayor's Office.

ADJOURNMENT: The City Council adjourned at 9:46 p.m., in memory of Morris Kight and Hal Stone, to a Regular Meeting, Wednesday, December 5, 2007, 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
12TH DAY OF DECEMBER, 2007.**


MAYOR

ATTEST:


City Clerk