

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



**MINUTES  
WEDNESDAY, NOVEMBER 7, 2007  
City Hall Council Chamber**

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

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

**INVOCATION:** Duane Cox, Retired Religious Science Minister, led the Invocation.

**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:**

Mayor Oden and the City Council presented a Certificate of Commendation to Police Chief Gary Jeandron for his 30-plus years of service, and wished him well on his retirement.

**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. No reportable actions were taken.

**ACCEPTANCE OF THE AGENDA:**

Mayor Pro Tem Pougnet requested Items 2.P. and 2.Q. be removed from the Consent Calendar for separate discussion.

Councilmember Foat requested Items 2.P. and 2.Q. be removed from the Consent Calendar for separate discussion.

Councilmember McCulloch requested Item 2.F. be removed from the Consent Calendar for separate vote.

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

City Clerk Thompson stated staff requests Item 2.G. be removed from the Consent Calendar for a staff update.

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

**1. PUBLIC HEARINGS:**

**1.A. CASE 5.1173 PALM SPRINGS ZONING CODE AMENDMENT RELATING TO STREET LEVEL OFFICE USES AND FINANCIAL INSTITUTIONS IN CERTAIN PORTIONS OF THE C-B-D ZONE:**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated November 7, 2007.

Councilmember Foat requested staff address if the La Plaza location was subject to the ordinance.

Councilmember Mills requested staff address the definition of fronting, whether a Type 1 or Type 2 Conditional Use Permit is required, and the process for review of the Conditional Use Permit after issuance.

Councilmember McCulloch requested staff address if a beauty salon is regulated by the proposed ordinance.

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

MARTHA HIGGINS, Wessman Development, stated her support for an office use on Tahquitz Canyon, and commented on the "grandfathering" of those already on Palm Canyon.

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

Councilmember Mills requested staff address frontage v. access and requested that frontage be included in the ordinance.

Councilmember McCulloch requested staff address the Conditional Use Permit process for the proposed regulations, and commented on the impacts to proposed tenants.

Mayor Pro Tem Pougnet stated he is not in support of the proposed ordinance, as with the condition of Downtown it would not be a good time for the regulations.

Councilmember Mills commented on the monitoring of the vacancies in the downtown area, and requested that the Conditional Use Permit be issued for no more than 5 years, and renewable thereafter for another five years, with no fee.

Councilmember Foat requested staff address the differences between the ordinance as drafted by the City Attorney and the recommendations by the Planning Commission.

**MOTION:** Waive reading of the Ordinance text and introduce by title only "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 92.09.01 OF THE PALM SPRINGS ZONING CODE RELATING TO STREET LEVEL OFFICE USES AND FINANCIAL INSTITUTIONS IN CERTAIN PORTIONS OF THE C-B-D ZONE." **Motion Councilmember Mills, seconded by Mayor Oden and failed 2-3 on a roll call vote.**

**AYES:** Councilmember Mills and Mayor Oden.

**NOES:** Councilmember Foat, Councilmember McCulloch, and Mayor Pro Tem Pougnet.

**ACTION:** Direct staff to prepare an ordinance that would prohibit ground floor office and financial uses oriented towards Palm Canyon Drive and allow such uses on Street level through a Land Use Permit. **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.

**1.B. CASE 5.1038, PLANNED DEVELOPMENT DISTRICT 310, VIA ESCUELA LAND PARTNERS, LLC, APPEAL OF THE DECISION OF THE PLANNING COMMISSION TO DENY A MODIFICATION TO THE FINAL DEVELOPMENT PLANS TO ALLOW INSTALLATION OF AN ENTRY GATE AND TURN-AROUND AT 217 VIA ESCUELA:**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated November 7, 2007.

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

MARK DUPONT, Applicant, thanked staff for working with the Applicant and working with the revisions.

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

Councilmember Mills stated the project would not qualify for a gated entry, and as such was allowed more units.

Mayor Pro Tem Pougnet stated he would support the appeal, as the property is a unique piece of property.

Mayor Oden stated it is a challenging piece of property and the revisions make for a safer community.

**ACTION:** Adopt Resolution No. 22084, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OVERTURNING THE DECISION OF THE PLANNING COMMISSION AND GRANTING THE APPEAL OF VIA ESCUELA LAND PARTNERS, LLC, APPROVING AN AMENDMENT TO PLANNED DEVELOPMENT DISTRICT PD-310 ALLOWING THE INSTALLATION OF AN ENTRY GATE AND TURN-AROUND FOR THE CONDOMINIUM DEVELOPMENT LOCATED AT 217 VIA ESCUELA, ZONE PD-310, SECTION 3." **Motion Councilmember Mills, seconded by Councilmember McCulloch and unanimously carried on a roll call vote.**

**1.C. CASE SP-07-112, JESSE DANNER, SNIP SNIP BUZZ, APPEAL OF THE DECISION OF THE PLANNING COMMISSION APPROVING, WITH CONDITIONS, A SIGN PROGRAM ESTABLISHING INDIVIDUAL TENANT SIGNAGE, BUILDING IDENTIFICATION SIGNAGE, AN ACCESSORY SIGN, AND AN OPEN SUNDAY SIGN AT PROPERTY LOCATED AT 373 SOUTH PALM CANYON DRIVE:**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated November 7, 2007.

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

JESSE DANNER, Applicant, provided history of the signage for the use of a barber shop and the businesses at the specific location, outlined lost businesses in the City due to their rules with respect to signs.

DONALD PRELL, Palm Springs, stated the City must project for the next 30 years, as the City will be small business owners/shops in the future.

ARLENE BATTISHILL, commented on the businesses leaving the downtown area.

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

Councilmember Foat commented on the Applicant's compliance with the City's request, the request of the Applicant to allow the difference in square footage and an additional sign, "Open Sunday."

Mayor Pro Tem Pougnet requested the Applicant address his compromise to reduce the sign, commented on the differences in the downtown area, stated his support of the request if the neon sign is reduced as mentioned by the Applicant.

Councilmember Mills commented on the prior actions of the Applicant, and stated if we make a modification for this business, we need to make it for other businesses as well.

Councilmember McCulloch commented on the history of the sign program for this building, stated the location is different than the business district, and requested staff address the discussion and decision of the Architectural Advisory Committee.

Mayor Oden requested staff address the process of opening a business in the City of Palm Springs, sign programs for single tenant buildings, and the history of the current sign ordinance.

Councilmember Foat stated each building applies and sets up their own sign program, commented on Code Enforcement, the difficulties of businesses in the Downtown area, and stated we need some relief for the Downtown merchants.

Councilmember McCulloch stated the sign program is very similar to the Planned Development District program, and the signs are advertising.

Councilmember Mills requested staff address the posting of rates within the current sign ordinance, prohibition of neon signs Downtown, the requirements of an in-line business, the policy for an "open" sign, commented on windows for unregulated advertising and enforcement of the sign ordinance.

Mayor Pro Tem Pougnet stated we are not modifying the sign ordinance, this option was offered to the Applicant, and commented the location of the store is different than the central business district.

**ACTION:** 1) Approving the Appeal requiring the removal of the "rate" in the existing neon sign; and 2) Direct staff to prepare a resolution as such memorializing the proceedings. **Motion Councilmember Foat, seconded by Mayor Pro Tem Pougnet and carried 3-2 on a roll call vote.**

**AYES:** Councilmember Foat, Councilmember McCulloch, and Mayor Pro Tem Pougnet.

**NOES:** Councilmember Mills and Mayor Oden.

The City Council recessed at 7:56 p.m.

The City Council reconvened at 8:11 p.m.

**PUBLIC COMMENT:**

JOHN GOODRICH, spoke in opposition to Item 2.P. and 2.Q., Boulders and Crescendo Projects.

WALTER BAUTTHOFF, spoke in opposition to Item 2.P. and 2.Q., Boulders and Crescendo Projects, and requested the City Council reopen the public hearing.

RODNEY DREW, spoke in opposition to Item 2.P. and 2.Q., Boulders and Crescendo Projects, and commented on the statement of overriding considerations.

CLINT TAYLOR spoke in opposition to Item 2.P. and 2.Q., Boulders and Crescendo Projects.

SOLANGE TAYLOR spoke in opposition to Item 2.P., Boulders Project, and requested a Condition of Approval with respect to simultaneous building.

ROBERT STONE, commented on Item 4.A., improvements to the Rainmaker Fountain, and requested the City Council consider the Public Arts Commission recommendation.

DAVID AIKEN, Palm Springs, commented on Item 4.A., requested the City Council authorize the repairs to the Rainmaker Fountain and stated funds will be provided to help fund the repairs.

FRANK GAYDOS, spoke in opposition to Item 2.Q., Crescendo Project, and requested a written statement that the date of the second NOD will be the date to start the 30-day period.

WESLEY COLE, commented on conservation issues, and problems with banners.

LEA GOODSELL, read a letter in support of Item 2.R., sponsorship of the Bob Hope Chrysler Classic Tournament.

ARLENE BATTISHILL, commented on the November 6, 2007, election.

EMILY HEMPHILL, spoke in support of Items 2.P. and 2.Q. Boulders and Crescendo Projects.

**COUNCILMEMBER COMMENTS AND REQUESTS:**

Mayor Oden commented on the November 6, 2007, election and provided his congratulations to the newly Elected Officials.

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

The City of Palm Springs Community Redevelopment Agency convened at 8:48 p.m. for a Joint Public Hearing with the City Council and the Agency.

Councilmember Mills stated he has a business related conflict of interest with respect to Item RA1., would not participate in the discussion or the vote, and left Council Chamber.

**RA1. DISPOSITION AND DEVELOPMENT AGREEMENT WITH LOFT PARTNERS PALM SPRINGS, LLC, ON 7.8 ACRES AT THE EAST SIDE OF CALLE ALVARADO AND THE NORTH SIDE OF AMADO ROAD FOR THE DEVELOPMENT OF THE MONDRIAN HOTEL:**

**ACTION:** 1) Continue the Public Hearing; and 2) Direct the City Clerk to re-notice the Public Hearing. **Motion Mayor Pro Tem Pougnet, seconded by Mayor Oden and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Mills.

The City Council recessed at 8:49 p.m. and the Community Redevelopment Agency continued, Agency Member Mills returned to the dais.

The City Council reconvened at 8:52 p.m.

**2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.H., 2.I., 2.J., 2.K., 2.L., 2.M., 2.O., 2.R. and 2.S. **Motion Mayor Pro Tem Pougnet, seconded by Councilmember McCulloch 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 7, 2007, City Council Agenda. **Approved as part of the Consent Calendar.**

**2.B. APPROVAL OF MINUTES:**

**ACTION:** Approve the City Council Minutes of October 17, 2007, and October 24, 2007. **Approved as part of the Consent Calendar.**

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

**ACTION:** 1) Adopt Resolution No. 22085, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1023905 THROUGH 1024208 IN THE AGGREGATE AMOUNT OF \$2,059,024.57 DRAWN ON BANK OF AMERICA;" and 2) Adopt Resolution No. 22086, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYROLL WARRANTS FOR THE PERIOD ENDED 10-20-07 BY WARRANTS NUMBERED 412599 THROUGH 412662 TOTALING \$108,427.84, LIABILITY CHECKS NUMBERED 1024209 THROUGH 1024231 TOTALING \$139,954.15, THREE WIRE TRANSFERS FOR \$60,494.30 AND THREE ELECTRONIC ACH DEBITS OF \$1,027,855.14 IN THE AGGREGATE AMOUNT OF \$1,336,731.43 DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 22087, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1024232 AND 1024233 IN THE AGGREGATE AMOUNT OF \$6,721.56 DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

**2.D. STAFF AUTHORIZED AGREEMENTS FOR OCTOBER 2007:**

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

**2.E. PURCHASE OF SIX QUASAR UMBRELLAS FROM BIRDAIR FOR THE RENTAL CAR LOT EXPANSION AT THE PALM SPRINGS INTERNATIONAL AIRPORT IN THE AMOUNT OF \$118,472:**

**ACTION:** Approve the purchase and installation of six Quasar umbrellas from Birdair for the rental car lot expansion project at the Palm Springs International Airport in the amount of \$118,472, as a sole source with special expertise for matching the existing umbrellas. **Approved as part of the Consent Calendar.**

- 2.H. TREASURER'S INVESTMENT REPORT AS OF SEPTEMBER 30, 2007:**  
**ACTION:** Receive and File the Treasurer's Investment Report as of September 30, 2007. **Approved as part of the Consent Calendar.**
- 2.I. APPROVE PLANS, SPECIFICATIONS AND ESTIMATE AND AUTHORIZATION TO BID THE VILLAGEFEST BOLLARD INSTALLATION PROJECT PHASE II, CITY PROJECT 05-25:**  
**ACTION:** 1) Approve the Plans, Specifications, and working details for the VillageFest Bollard Installation Project Phase II, City Project 05-25; and 2) Authorize staff to advertise and solicit bids. **Approved as part of the Consent Calendar.**
- 2.J. AMENDMENT NO. 5 TO AGREEMENT NO. A4317 WITH COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS (CVAG) ALLOCATING AN ADDITIONAL \$340,720 IN REGIONAL MEASURE A FUNDS AND AMENDING THE TOTAL PROJECT COST TO \$16,693,563 FOR THE INDIAN AVENUE/INTERSTATE 10 INTERCHANGE, CITY PROJECT 00-14:**  
**ACTION:** 1) Approve Amendment No. 5 to Agreement No. A4317 with CVAG allocating an additional \$340,720 in Regional Measure A Funds and amending the total project cost to \$16,693,563 for the Indian Avenue/Interstate 10 Interchange, City Project 00-14; and 2) Authorize the City Manager to execute all necessary documents. A4317. **Approved as part of the Consent Calendar.**
- 2.K. NON-EXCLUSIVE OPERATING AND LEASE AGREEMENT WITH SOUTHERN CALIFORNIA EDISON FOR AN ELECTRIC SUBSTATION AT THE PALM SPRINGS INTERNATIONAL AIRPORT:**  
**ACTION:** 1) Approve a non-exclusive operating and lease agreement with Southern California Edison for an electric substation at the Palm Springs International Airport through November 30, 2026; and 2) Authorize the City Manager to execute all necessary documents. A5577. **Approved as part of the Consent Calendar.**
- 2.L. CHANGE ORDER NO. 2 TO AGREEMENT NO. A5433 WITH MARINA LANDSCAPE, INC. FOR ADDITIONAL LANDSCAPE/HARDSCAPE WORK ON THE AIRPORT HOLDROOM PROJECT, IN THE AMOUNT OF \$77,632.69, CITY PROJECT 06-22:**  
**ACTION:** 1) Approve Change Order No. 2 to Agreement No. A5433 with Marina Landscape, Inc. for additional landscape/hardscape work on the airport holdroom project, in the amount of \$77,632.69; and 2) Authorize the City Manager to execute all necessary documents. A5433. **Approved as part of the Consent Calendar.**

**2.M. AMENDMENT NO. 13 TO AGREEMENT NO. A4382 WITH GENSLER ARCHITECTURAL SERVICES FOR ADDITIONAL AIRPORT TERMINAL DESIGN SERVICES FOR THE PHASE II TERMINAL REHABILITATION/ENHANCEMENT PROGRAM IN THE AMOUNT OF \$105,900:**

**ACTION:** 1) Approve Amendment No. 13 to Agreement No. A4382 with Gensler Architectural Services in an amount not to exceed \$105,900 for additional airport terminal design services for the Phase II Terminal Rehabilitation/Enhancement Program, AIP 43; and 2) Authorize the City Manager to execute the Amendment to the Agreement. A4382. **Approved as part of the Consent Calendar.**

**2.O. PROPOSITION 218 ELECTION AND BALLOTING FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS FOR FISCAL YEAR 2008-09:**

**ACTION:** 1) Adopt Resolution No. 22088, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, INITIATING PROCEEDINGS FOR A PROPOSED ASSESSMENT INCREASE FOR PROPERTIES WITHIN STREET LIGHTING MAINTENANCE DISTRICT NO. 1 BELARDO ROAD AREA, AND STREET LIGHTING MAINTENANCE DISTRICT NO. 2 MCMANUS DRIVE, COMMENCING IN FISCAL YEAR 2008-09;" 2) Adopt Resolution No. 22089, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE CITY'S INTENTION TO PROPOSE AN INCREASE TO THE ASSESSMENTS FOR PROPERTIES WITHIN STREET LIGHTING MAINTENANCE DISTRICT NO. 1 BELARDO ROAD AREA, AND STREET LIGHTING MAINTENANCE DISTRICT NO. 2 MCMANUS DRIVE, COMMENCING IN FISCAL YEAR 2008-09; AND CALLING FOR A PROPERTY OWNER PROTEST BALLOT PROCEEDING FOR SAID ASSESSMENT INCREASES;" 3) Adopt Resolution No. 22090, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, INITIATING PROCEEDINGS FOR A PROPOSED ASSESSMENT INCREASE FOR PROPERTIES WITHIN STREET LIGHTING MAINTENANCE DISTRICT NO. 4 EAGLE WAY AREA, COMMENCING IN FISCAL YEAR 2008-09;" 4) Adopt Resolution No. 22091, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE CITY'S INTENTION TO PROPOSE AN INCREASE TO THE ASSESSMENTS FOR PROPERTIES WITHIN STREET LIGHTING MAINTENANCE DISTRICT NO. 4 EAGLE WAY AREA, COMMENCING IN FISCAL YEAR 2008-09; AND CALLING FOR A PROPERTY OWNER PROTEST BALLOT PROCEEDING FOR SAID ASSESSMENT INCREASE;" 5) Adopt Resolution No. 22092, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, INITIATING PROCEEDINGS FOR A PROPOSED ASSESSMENT

INCREASE FOR PROPERTIES WITHIN PARKWAY MAINTENANCE DISTRICT NO. 6B PARKSIDE ESTATES, PARKWAY MAINTENANCE DISTRICT NO. 7 SUNRISE NORTE, AND PARKWAY MAINTENANCE DISTRICT NO. 8 VINTAGE PALMS, COMMENCING IN FISCAL YEAR 2008-09;" and 6) Adopt Resolution No. 22093, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE CITY'S INTENTION TO PROPOSE AN INCREASE TO THE ASSESSMENTS FOR PROPERTIES WITHIN PARKWAY MAINTENANCE DISTRICT NO. 6B PARKSIDE ESTATES, PARKWAY MAINTENANCE DISTRICT NO. 7 SUNRISE NORTE, AND PARKWAY MAINTENANCE DISTRICT NO. 8 VINTAGE PALMS, COMMENCING IN FISCAL YEAR 2008-09; AND CALLING FOR A PROPERTY OWNER PROTEST BALLOT PROCEEDING FOR SAID ASSESSMENT INCREASES." **Approved as part of the Consent Calendar.**

**2.R. REAFFIRMATION OF SPONSORSHIP AGREEMENT WITH BOB HOPE CHRYSLER CLASSIC TOURNAMENTS:**

**ACTION:** 1) Approve the agreement with the Bob Hope Chrysler Classic for sponsorship of the 2007-09 Bob Hope Chrysler Classic Tournaments; and 2) Authorize the City Manager to execute all necessary documents. A5402. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.F. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1723, AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE CITY OF PALM SPRINGS COMMUNITY FACILITIES DISTRICT NO. 2007-1, PUBLIC SAFETY SERVICES:**

**ACTION:** Waive further reading and adopt Ordinance No. 1723, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE CITY OF PALM SPRINGS COMMUNITY FACILITIES DISTRICT NO. 2007-1 (PUBLIC SAFETY SERVICES)." **Motion Mayor Pro Tem Pougnet, seconded by Councilmember Mills and carried 4-1 on a roll call vote.**

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

**NOES:** Councilmember McCulloch.

**2.G. 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:**

City Manager Ready provided information received from the cities that appoint members.

**ACTION:** Re-introduce 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" *amending Subsection a of Section 2.16.020 to read ". . . nine members, each appointed by the Palm Springs City Council from candidates nominated by each of the city councils . . ."* **Motion Mayor Pro Tem Pougnet, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**2.N. SUMMARY VACATION OF A PORTION OF VIA MIRALESTE IN SECTION 11, TOWNSHIP 4 SOUTH, RANGE 4 EAST, FILE R-07-003:**

Councilmember Mills recommended this Item be brought forward in conjunction with the Final Map.

**ACTION:** Direct staff to summary vacate the portion of Via Miraleste as a Condition of the Final Map. **Motion Mayor Pro Tem Pougnet, seconded by Councilmember McCulloch and unanimously carried on a roll call vote.**

**2.P. CASE NO. TTM 31095 ("BOULDERS") A PROPOSED TENTATIVE TRACT MAP TO SUBDIVIDE AN APPROXIMATE 30.4 ACRE SITE INTO 45 SINGLE-FAMILY RESIDENTIAL LOTS AND THREE LETTERED LOTS LOCATED ALONG WEST VIA ESCUELA, SOUTH OF RACQUET CLUB ROAD AND NORTH OF CHINO CANYON ROAD, (WESSMAN DEVELOPMENT COMPANY):**

Mayor Pro Tem Pougnet requested the City Attorney address the Notice of Determination, and clarification of the adoption of the previous resolutions and documents.

Councilmember Foat commented on the previous public hearing and requested the City Council postpone the final vote for one additional week.

Mayor Oden requested the City Attorney outline the modifications.

Councilmember Mills addressed the time spent by the City Council on the EIR and FEIR.

**ACTION:** Re-adopt Resolution No. 22063, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT (FEIR), ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS, AND APPROVING TENTATIVE TRACT MAP 31095 (TTM 31095), FOR THE SUBDIVISION OF AN APPROXIMATE 30.4-ACRE SITE INTO 45 SINGLE-FAMILY RESIDENTIAL LOTS AND THREE LETTERED LOTS FOR THE PROPERTY LOCATED

ALONG WEST VIA ESCUELA, SOUTH OF RACQUET CLUB ROAD AND NORTH OF CHINO CANYON ROAD, ZONE R-1-A, SECTION 3." **Motion Councilmember Mills, seconded by Mayor Oden and carried 3-2 on a roll call vote.**

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

**NOES:** Councilmember Foat and Mayor Pro Tem Pougnet.

**2.Q. CASE NO. 5.0996-PD294 / TTM 31766 ("CRESCENDO"); A PLANNED DEVELOPMENT DISTRICT APPLICATION AND TENTATIVE TRACT MAP FOR THE SUBDIVISION OF AN APPROXIMATE 42-ACRE SITE INTO 79 SINGLE-FAMILY RESIDENTIAL LOTS, THE PROPOSED CONSTRUCTION OF 79 HOMES, AND VACATION OF THE WESTERLY 23 FEET OF VISTA GRANDE AVENUE RIGHT-OF-WAY. LOCATED ON WEST RACQUET CLUB ROAD, SOUTH OF TRAMWAY ROAD AND WEST OF VISTA GRANDE AVENUE ZONE R-1-A, SECTION 3. (WESSMAN DEVELOPMENT CO.):**

**ACTION:** Re-adopt Resolution No. 22064, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT (FEIR), ADOPTING STATEMENTS OF OVERRIDING CONSIDERATIONS, AND APPROVING PLANNED DEVELOPMENT DISTRICT 294; CASE NO. 5.0996 - PD 294, AND TENTATIVE TRACT MAP 31766 FOR A PROPOSED SUBDIVISION CONSISTING OF 79 SINGLE-FAMILY RESIDENTIAL LOTS ON AN APPROXIMATE 42-ACRE SITE, AND THE VACATION OF THE WESTERLY 23 FEET OF VISTA GRANDE AVENUE RIGHT OF WAY; FOR THE PROPERTY LOCATED ALONG WEST RACQUET CLUB ROAD, SOUTH OF TRAMWAY ROAD AND WEST OF VISTA GRANDE AVENUE, ZONE R-1-A, SECTION 3." **Motion Councilmember Mills, seconded by Councilmember McCulloch and carried 3-2 on a roll call vote.**

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

**NOES:** Councilmember Foat and Mayor Pro Tem Pougnet.

**3. LEGISLATIVE:**

**3.A. PROPOSED ORDINANCE REPEALING THE PROHIBITION OF DOGS IN PARKS AND RECREATION AREAS:**

Sharon Heider, Director of Recreation Services, provided background information as outlined in the staff report dated November 7, 2007.

Mayor Pro Tem Pougnet requested staff address the installation of pet waste bags.

Councilmember Foat commented on the pet waste bags and receptacles.

Councilmember McCulloch requested the City Attorney address any liability issues.

Councilmember Mills requested staff address the suspension of the ordinance.

**ACTION:** Direct staff to suspend the provisions of PSMC Section 11.44.100 for a period of 12 months and temporarily remove the prohibitive signage. **Motion Councilmember Foat, seconded by Mayor Oden and unanimously carried on a roll call vote.**

**4. UNFINISHED BUSINESS:**

**4.A. RAINMAKER FOUNTAIN IMPROVEMENTS LOCATED IN FRANCES STEVENS PARK:**

Sharon Heider, Director of Recreation Services, provided background information as outlined in the staff report dated November 7, 2007.

**ACTION:** Direct staff to proceed with the appropriate procurement process to complete Rainmaker Fountain repairs identified in the Waterline Studios assessment, and return to the City Council for funding and contract approval. **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

**5. NEW BUSINESS:**

**5.A. TEMPORARILY SUSPEND THE NOISE ORDINANCE ON NOVEMBER 9 AND 10, 2007, FOR A STREET FAIR EVENT LOCATED ON SUNNY DUNES ROAD BETWEEN INDUSTRIAL PLACE AND CALLE PALO FIERRO, CHRIS REESE OF PALM SPRINGS LEATHER ORDER OF THE DESERT (PSLOD):**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated November 7, 2007.

**ACTION:** Adopt Resolution No. 22095, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A TEMPORARY SUSPENSION OF THE NOISE ORDINANCE FOR A STREET FAIR EVENT ON NOVEMBER 9, 2007 FROM 6:00 P.M. TO 12:00 A.M. AND NOVEMBER 10, 2007 FROM 10:00 A.M. TO 10:00 P.M. LOCATED ON SUNNY DUNES ROAD BETWEEN INDUSTRIAL PLACE AND CALLE PALO FIERRO." **Motion Mayor Pro Tem Pougnet, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**COUNCILMEMBER COMMENTS AND REPORTS:**

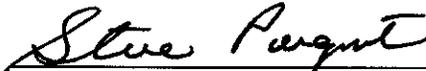
Councilmember Mills requested staff ensure that the required maintenance of the Public Arts pieces is being performed.

Councilmember McCulloch congratulated the newly elected officials and requested staff review the election sign ordinance.

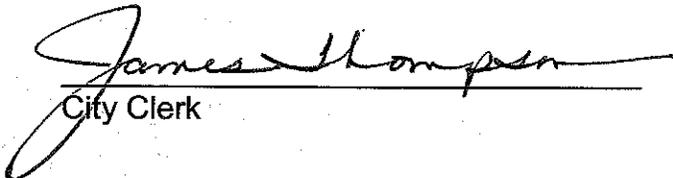
Mayor Oden outlined the activities and events attended by the Mayor's Office.

**ADJOURNMENT:** The City Council adjourned at 10:06 p.m. to a Study Session and Adjourned Regular Meeting, Wednesday, November 14, 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  
12<sup>TH</sup> DAY OF DECEMBER, 2007.**

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
City Clerk