

PALM SPRINGS CITY COUNCIL  
MINUTES  
WEDNESDAY, OCTOBER 3, 2007  
CITY COUNCIL CHAMBER

**CALL TO ORDER:** Mayor Oden called the meeting to order at 6:05 p.m.

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

**INVOCATION:** Pastor Mike Coppersmith, Our Savior's Community Church, 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.

**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.

**PRESENTATIONS:**

Mayor Oden and the City Council presented Robert Yturralde, with the Firefighter of the Year award.

Police Chief Gary Jeandron administered the Oath of Office for new Police Officers Alan Donovan, Jennifer Kennedy, and Barron Lane, and presented the new Police Officers to the Mayor and the City Council.

Mayor Oden and the City Council presented Marquis La Sean Brown, Sr. a Certificate of Recognition for his dedicated and compassionate service to Martha's Village and Kitchen.

Councilmember Foat presented a slide show outlining the conditions and challenges at the Palm Springs Animal Shelter.

**ACCEPTANCE OF THE AGENDA:**

Mayor Pro Tem Pougnet requested Item 2.L. be removed from the Consent Calendar for separate discussion.

Mayor Oden requested Item 2.E. be removed from the Consent Calendar for separate discussion.

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

Councilmember Foat requested Item 2.O. be removed from the Consent Calendar for separate discussion.

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

**1. PUBLIC HEARINGS:**

**1.A. RIGHT-OF-WAY VACATION OF A PORTION OF CAHUILLA ROAD BETWEEN BARISTO ROAD AND RAMON ROAD, SECTION 15, TOWNSHIP 4 SOUTH, RANGE 4 EAST; FILE R-06-47:**

David Barakian, City Engineer, provided background information as outlined in the staff report dated October 3, 2007.

Mayor Pro Tem Pougnet requested staff address the original approval of the project, and a current timeline for the project.

Councilmember Foat requested staff address the use and paving of the area.

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

**ACTION:** Adopt Resolution No. 22046 "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 CAHUILLA ROAD BETWEEN BARISTO ROAD AND RAMON ROAD, SECTION 15, TOWNSHIP 4 SOUTH, RANGE 4 EAST; FILE R-06-047." **Motion Councilmember Mills, seconded by Mayor Oden and unanimously carried on a roll call vote.**

**1.B. DENNIS CUNNINGHAM FOR PALM SPRINGS MODERN HOMES VI, LLC; AMENDMENT TO CONDITIONS OF APPROVAL FOR CUP 5.1103, MAJ 3.2941, TTM 33162 ("PEDREGAL"):**

David Barakian, City Engineer, provided background information as outlined in the staff report dated October 3, 2007.

Councilmember Foat requested staff address the materials of the existing utility poles, and the proposed replacement.

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

DENNIS CUNNINGHAM, Applicant, outlined his proposed request to delete the requirement to underground existing overhead utility lines and to remove street lights.

GREG TROUSDELL, representing Applicant, commented on the Fire Department Memorandum and the additional requirements by the Fire Department.

KAY HAZEN, commented on the removal of existing utility poles only to be replaced by new utility poles, and the street light requirements.

JONO HILDNER, spoke in support of the removal of street lights at the location.

DAVID BARON, spoke in support of the Applicant's requests to remove street lights and to delete the requirement to underground certain utility lines.

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

Councilmember McCulloch stated he would support the issuance of a covenant to require the future removal of certain utility lines, and stated he does not see any reason for street lights at this location.

Mayor Pro Tem Pougnet commented on poles in the ESP zone, and the neighbors opposing access to their adjacent property.

Councilmember Foat requested the City Engineer address utility poles 1, 2 and 3, to underground utility poles 4 and 5, and if staff has contacted adjacent property owners regarding their interest and intent to participate.

Councilmember Mills requested staff address the viability of calling the covenant, commented on the recent discussion for a master plan of undergrounding utilities, and stated his support for the Applicant's request for relief on the street lights.

Mayor Oden suggested staff should place all the covenants on a schedule for periodic review, and noted safety factors with respect to the removal of street lights.

Councilmember Foat requested, in the future, staff contact other property owners that are affected by such a request.

**ACTION:** Direct staff to prepare a resolution memorializing the proceedings of Case No. 5.1103, CUP 3.2941: 1) overturn the decision of the Planning Commission and approve the Applicant's request with respect to allowing a covenant for the undergrounding and requiring a periodic review of the covenant, and 2) concurring with the Planning Commission and approving the request to eliminate street lights along Tram Way. **Motion Councilmember Mills, seconded by Mayor Oden and unanimously carried on a roll call vote.**

**1.C. CASE NO. 5.1156, PLANNED DEVELOPMENT DISTRICT 339, AND TENTATIVE TRACT MAP 35600, SUBMITTED BY O & M INDIAN CANYON LLC, CONSISTING OF AN AMENDMENT TO THE SECTION 14 MASTER PLAN, A PLANNED DEVELOPMENT DISTRICT FOR THE DEVELOPMENT OF 499 CONDOMINIUM HOTEL ROOMS AND ASSOCIATED FACILITIES, AND A CONDOMINIUM MAP ON 9.78 ACRES LOCATED AT THE NORTHEAST CORNER OF CALLE EL SEGUNDO AND TAHQUITZ CANYON WAY:**

Nicole Criste, Contract Planner, provided background information as outlined in the staff report dated October 3, 2007.

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

TOM DAVIS, stated the Tribal Council supports the project in full and the project represents the vision of the Section 14 Master Plan, and clarified the Tribal position on the reduction of parking.

DR. JANE SMITH, commented on the letter submitted by the Law Offices of Babak Naficy, and stated the City is violating the Court Order with respect to Section 14.

CORY ALDER, Applicant, spoke in support of the Hard Rock project and outlined the financial commitments by the Developer.

ROXANN PLOSS, commented on the height of the project and requested story poles, spoke to the completion of the development and requested the developer be required to submit completion bonds.

FRANK TYSEN, stated he was in support of the project at 4 or 5 stories, but now the project is over 120 feet, commented on the lack of parking, and stated several aspects of the development have been glossed over.

JOHN WESSMAN, stated his support for the proposed Hard Rock Hotel.

WILLIE HOLLAND, commented on the development in Section 14, and stated his support for the development.

CORY ALDER, Applicant, Rebuttal, commented on the components of the parking study and the adequacy of parking and truck access at the back of the project.

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

Councilmember Foat requested the City Attorney address the comments on the legal requirements on the use of the EIR for Section 14.

Mayor Pro Tem Pougnet requested staff address the building height, and the percentage of roof space in excess of 97 feet.

Councilmember Foat requested the Applicant address the area over 97 feet in height and the visibility from the street and the Convention Center.

Councilmember McCulloch commented on the issues with respect to height and requested the Applicant address the configuration of the project with respect to height.

Councilmember Mills commented on the allowable height in Section 14, the site plan, the extraordinary pool area and outdoor space, the entrance on Andreas, and suggested restrictions on hours of operation of the loading dock and loading dock gates, and requested a condition be added for the Applicant to work with the City for future Andreas Road pedestrian access.

Mayor Pro Tem Pougnet commented on the history of the selection and the process, stated his support of the mechanical equipment on the roof.

Mayor Oden commented on the atmosphere in Section 14, stated the project was appropriate for the area, and noted his concerns with respect to signage.

**ACTION:** 1) Adopt Resolution No. 22047, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 6.2.5.1 OF THE SECTION 14 MASTER PLAN TO ALLOW APPURTENANCES TO EXTEND BEYOND THE 100 FOOT HEIGHT LIMIT IN THE REO AND RA LAND USE DESIGNATIONS;" and 2) Adopt Resolution No. 22048, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE NO. 5.1156, INCLUDING PLANNED DEVELOPMENT DISTRICT 339, AND TENTATIVE TRACT MAP 35600, FOR O & M INDIAN CANYON, LLC,

FOR THE DEVELOPMENT OF 499 CONDOMINIUM HOTEL ROOMS LOCATED AT THE NORTHEAST CORNER OF CALLE EL SEGUNDO AND TAHQUITZ CANYON WAY," *amending the Conditions of Approval to eliminate condition 96b, adding a condition prohibiting loading dock hours prior to 8:00 a.m., and adding a condition that requires the Applicant be requested to work with the City in designing a pedestrian/vehicular walkway along the Andreas Road right-of-way.* **Motion Councilmember Mills, seconded by Councilmember McCulloch and unanimously carried on a roll call vote.**

The City Council recessed at 8:15 p.m.

The City Council reconvened at 8:28 p.m.

**1.D. PLANNED DEVELOPMENT DISTRICT 343, CASE NO. 5.1164, CROSSE POINTE, FOR THE DEVELOPMENT AND CONSTRUCTION OF A MIXED-USE DEVELOPMENT CONSISTING OF 39,535 SQUARE FEET OF RETAIL AND 14,587 SQUARE FEET OF OFFICE SPACE LOCATED AT THE NORTHWEST CORNER OF CROSSLEY ROAD AND SUNNY DUNES ROAD:**

Fred Lowndes, Associate Planner, provided background information as outlined in the staff report dated October 3, 2007.

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

JOHN WESSMAN, Applicant, outlined the history of the project and the site, and requested relief from the street improvements and they be delayed into the future when and if traffic increases and the need arises.

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

Councilmember Mills requested staff address the retention basin, and the left turn requirement out of the project.

Mayor Oden requested staff address the proximity to Wall\*Mart.

Councilmember Foat requested staff address the need to restrict a left turn out of the project.

Councilmember McCulloch stated his support for the delay of the left turn restrictions.

Councilmember Mills requested the Applicant address the use of the Fire Lane with the adjacent property owner.

Mayor Oden stated his support for a covenant for future street improvements, and commented on the future traffic impact.

Mayor Pro Tem Pougnet commented on the covenant and requested periodic review.

**ACTION:** Adopt Resolution No. 22049, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE NO. 5.1164, PLANNED DEVELOPMENT DISTRICT 343, FOR A MIXED-USE DEVELOPMENT CONSISTING OF 39,535 SQUARE FEET OF RETAIL AND 14,587 SQUARE FEET OF OFFICE SPACE LOCATED AT THE NORTHWEST CORNER OF CROSSLEY ROAD AND SUNNY DUNES ROAD, SECTION 20," *amending the Conditions of Approval with respect to street improvements on Crossley Road to require a covenant for the future construction of those improvements at the request of the City.* **Motion Councilmember Foat, seconded by Mayor Oden and unanimously carried on a roll call vote.**

Councilmember Mills requested staff approach the owners of the adjacent Wall\*Mart property and initiate a discussion with respect to the retention basin and the Fire Lane access.

**1.E. CASE NO. 5.1104 - LAURICH PROPERTIES - GENERAL PLAN AMENDMENT REQUEST TO THE SECTION 14 SPECIFIC PLAN, TO ALLOW FINANCIAL INSTITUTIONS WITH DRIVE-THROUGH TELLER FACILITIES AND DRUG STORE / PHARMACIES WITH PRESCRIPTION PICK-UP WINDOWS TO BE PERMITTED IN THE RESORT/ATTRACTION (RA) ZONE:**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated October 3, 2007.

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

Councilmember Mills requested staff address drive-throughs surrounding the property and drive-through restrictions in Section 14.

Mayor Oden requested staff address the drive-through at Tahquitz Canyon and Sunrise Way.

**ACTION:** Adopt Resolution No. 22050, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DENYING CASE NO. 5.1104, A GENERAL PLAN AMENDMENT TO ALLOW FINANCIAL INSTITUTIONS WITH DRIVE-THROUGH TELLER

FACILITIES AND DRUG STORE / PHARMACIES WITH PRESCRIPTION PICK-UP WINDOWS TO BE PERMITTED USE WITH A CONDITIONAL USE PERMIT IN THE RESORT/ATTRACTION (RA) LAND USE AREA OF SECTION 14." **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**1.F. CERTIFICATION OF THE FINAL RECIRCULATED EIR AND APPROVAL OF THE FINAL RECIRCULATED COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN / NATURAL COMMUNITY CONSERVATION PLAN, FINAL RECIRCULATED IMPLEMENTING AGREEMENT AND SELECTION OF THE PREFERRED ALTERNATIVE:**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated October 3, 2007.

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

ROD DESZ, San Bernardino, requested consideration of the letter submitted to the City Council from Century Vintage Homes.

FRED BELL, stated his support for the adoption of the EIR and approving the MSHCP.

CHUCK NISBET, spoke in support of the final MSHCP.

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

Councilmember McCulloch commented on the effects on property owners within the plan, and stated the MSHCP is not a fair plan.

Mayor Pro Tem Pougnet commented on the compromises made by all parties involved.

Councilmember Mills stated the plan does not "take" any property, and is a compromise plan.

Councilmember Foat commented on the funding of the plan, and stated the MSHCP is a compromise plan.

Mayor Oden commented on the length and thoroughness of the process, along with property owner rights.

Councilmember McCulloch commented on fellow Councilmember comments, and the possible outcome of the MSHCP with respect to property owners.

**ACTION:** 1) Adopt Resolution No. 22051, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MAKING RESPONSIBLE AGENCY FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR THE MULTIPLE SPECIES HABITAT CONSERVATION PLAN, APPROVING THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN / NATURAL COMMUNITY CONSERVATION PLAN AND IMPLEMENTING AGREEMENT, AND ADOPTING THE ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT;" 2) Adopt Resolution No. 22052, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING PROCEDURES AND REQUIREMENTS FOR IMPLEMENTATION OF THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN." A5558. **Motion Councilmember Mills, seconded by Mayor Oden and carried 4-1 on a roll call vote.**

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

**PUBLIC COMMENT:**

WILLIAM FERRA, Palm Springs, commented on the Agenda and the upcoming November 6, 2007, Desert Water Agency election.

WILLIE HOLLAND, commented on neighborhood and trash issues in the Desert Highland area.

JOY MEREDITH, commented on signage in the Downtown area, and requested leniency from code enforcement.

RODOLFO CASTILLO, requested relief from code enforcement with respect to A-Frame signs.

LEE WEIGEL, commented on the benefits provided by Friends of the Palm Springs Animal Shelter, and requested the Animal Shelter receive priority funding for capital improvement.

## **COUNCILMEMBER COMMENTS AND REQUESTS:**

Mayor Oden requested the City Manager and the City Attorney respond to Willie Holland's complaints of a gang house in the Desert Highland area.

Councilmember Foat commented on the sign ordinance, and requested that code enforcement put a hold on the enforcement of the sign ordinance in the Downtown area.

Mayor Pro Tem Pougnet commented on the sign ordinance, and previous direction of the City Council.

Councilmember Mills commented on the sign ordinance, and requested staff address the retention basin at the Wall\*Mart site and the fire lane with the adjacent property owner.

Mayor Oden commented on the sign ordinance and code enforcement.

Mayor Pro Tem Pougnet requested staff address the previous enforcement of signs in the Downtown area.

**ACTION:** Continue past the 10:00 p.m. tentative adjournment time. **Motion Mayor Pro Tem Pougnet, seconded by Mayor Oden and unanimously carried on a roll call vote.**

Councilmember McCulloch commented on his comments from the prior meeting to Councilmember Foat.

**CITY MANAGER'S REPORT:** City Manager Ready provided an update with respect to code enforcement activities.

## **2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.F., 2.G., 2.H., 2.I., 2.J., 2.K., 2.M., 2.N., and 2.P. **Motion Councilmember Mills, seconded by Mayor Oden 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 October 3, 2007, City Council Agenda. **Approved as part of the Consent Calendar.**

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

**ACTION:** Approve the City Council Minutes of September 17, 2007, September 19, 2007, September 26, 2007, and September 27, 2007. **Approved as part of the Consent Calendar.**

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

**ACTION:** 1) Adopt Resolution No. 22053, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 9-8-07 BY WARRANTS NUMBERED 412427 THROUGH 412486 TOTALING \$81,248.32, LIABILITY CHECKS NUMBERED 1023324 THROUGH 1023346 TOTALING \$140,097.68, THREE WIRE TRANSFERS FOR \$61,360.19 AND THREE ELECTRONIC ACH DEBITS OF \$1,061,535.17 IN THE AGGREGATE AMOUNT OF \$1,344,241.36 DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22054, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1023347 THROUGH 1023354 IN THE AGGREGATE AMOUNT OF \$564,810.31 DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 22055, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1023355 THROUGH 1023592 IN THE AGGREGATE AMOUNT OF \$2,409,947.93 DRAWN ON BANK OF AMERICA;" and 4) Adopt Resolution No. 22056, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1023593 THROUGH 1023598 IN THE AGGREGATE AMOUNT OF \$94,424.14 DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

**2.F. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1722, ADDING CHAPTER 11.03 TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO PUBLIC SAFETY RADIO SYSTEM COVERAGE:**

**ACTION:** Waive further reading and adopt Ordinance No. 1722, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 11.03 TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO PUBLIC SAFETY RADIO SYSTEM COVERAGE." **Approved as part of the Consent Calendar.**

**2.G. PURCHASE OF 14 NEW FORD CROWN VICTORIA POLICE INTERCEPTORS AS PART OF THE CITY'S ANNUAL VEHICLE REPLACEMENT PROGRAM:**

**ACTION:** Authorize the purchase of 14 new Ford Crown Victoria 2008 Police Interceptors for use by the Police Department in the amount of \$340, 599.26 from Wondries Ford of Alhambra, California. **Approved as part of the Consent Calendar.**

**2.H. REQUEST FROM AGUA CALIENTE BAND OF CAHUILLA INDIANS FOR A ONE-YEAR TIME EXTENSION FROM OCTOBER 15, 2007, TO OCTOBER 14, 2008, FOR TENTATIVE TRACT MAP 31371 FOR A PORTION OF THE INDIAN OASIS DEVELOPMENT LOCATED AT THE SOUTHWEST CORNER OF CROSSLEY ROAD AND MESQUITE AVENUE:**

**ACTION:** Adopt Resolution No. 22057, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A ONE-YEAR TIME EXTENSION FROM OCTOBER 15, 2007, TO OCTOBER 14, 2008, FOR TENTATIVE TRACT MAP 31351 FOR A PORTION OF THE INDIAN OASIS DEVELOPMENT LOCATED AT THE SOUTHWEST CORNER OF CROSSLEY ROAD AND MESQUITE AVENUE, ZONE M-1-P, SECTION 20." **Approved as part of the Consent Calendar.**

**2.I. SUPPLEMENTAL SPACE USE AGREEMENT FOR STORAGE SPACE NO. 4 WITH PARADIES SHOPS, LLC:**

**ACTION:** 1) Approve a supplemental space use agreement with Paradies Shops, LLC for Storage Space No. 4, for the period September 15, 2007, through October 31, 2009; and 2) Authorize the City Manager to execute all necessary documents. A5559. **Approved as part of the Consent Calendar.**

**2.J. CONSIDERATION OF MEMORANDUM OF UNDERSTANDING TO EXTEND THE COACHELLA VALLEY FRINGE-TOED LIZARD PERMIT TO ALLOW COMPLETION OF THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN, INCLUDING MEASURES FOR CONTINUED CONSERVATION OF THE COACHELLA VALLEY FRINGE-TOED LIZARD:**

**ACTION:** Approve the Memorandum of Understanding (MOU) to extend the Coachella Valley Fringe-Toed Lizard Permit to allow completion of the Coachella Valley Multiple Species Habitat Conservation Plan, to include measures for continued conservation of the Coachella Valley Fringe-Toed Lizard. A5560. **Approved as part of the Consent Calendar.**

**2.K. COOPERATIVE AGREEMENT NO. HSTS0208HSLR123 WITH TRANSPORTATION SECURITY ADMINISTRATION FOR THE LAW ENFORCEMENT OFFICER (LEO) REIMBURSEMENT AGREEMENT PROGRAM, FOR THE PERIOD OF OCTOBER 1, 2007, THROUGH SEPTEMBER 30, 2012:**

**ACTION:** 1) Approve Cooperative Agreement No. HSTS0208HSLR123 with the Transportation Security Administration for reimbursement of LEO services for the period October 1, 2007, through September 30, 2012, in the amount of \$1,020,540; 2) Approve annual modifications to Cooperative Agreement No. HSTS0208HSLR123 to secure funding upon

receipt of appropriation from Congress each fiscal year; and 3) Authorize the City Manager to execute all necessary documents. A5561. **Approved as part of the Consent Calendar.**

**2.M. PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE SWIM CENTER POOL REPAIRS, CITY PROJECT NO. 06-19:**

**ACTION:** 1) Approve the plans, specifications and working details for the Swim Center Pool Repairs, City Project 06-19; and 2) Authorize staff to advertise and solicit bids. **Approved as part of the Consent Calendar.**

**2.N. INSTALLATION OF PALM SPRINGS PEACE POLE:**

**ACTION:** Accept the gift of a peace pole and funds for its installation at the Village Green from the organizers of the Palm Springs Peace Pole Project. **Approved as part of the Consent Calendar.**

**2.P. AMENDMENT NO. 2 TO THE ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2007-08 - ADMINISTRATION:**

**ACTION:** Adopt Resolution No. 22058, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDMENT NO. 2 TO THE ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2007-08, ADOPTED BY RESOLUTION NO. 21907." **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.D. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1720, AMENDING SECTION 12.20.020 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE ESTABLISHMENT OF PRIMA FACIE SPEED LIMITS ON VARIOUS CITY STREETS:**

The City Council discussed the survey and the enforcement of prima facie speed limits.

**ACTION:** Waive further reading and adopt Ordinance No. 1720, "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 ON VARIOUS CITY STREETS." **Motion Councilmember McCulloch, seconded by Councilmember Foat and carried 3-2 on a roll call vote.**

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

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

The City Council recessed at 10:17 p.m.  
The City Council reconvened at 10:29 p.m.

**2.E. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1721, A STATE REQUIRED ORDINANCE, APPROVING AND ADOPTING THE COMMUNITY REDEVELOPMENT AGENCY'S PROGRAM TO ACQUIRE COMMERCIAL REAL PROPERTY BY EMINENT DOMAIN IN THE MERGED AREA NO. 1 AND MERGED AREA NO. 2 REDEVELOPMENT PROJECTS:**

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated October 3, 2007.

**ACTION:** Waive further reading and adopt Ordinance No. 1721, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AND ADOPTING THE COMMUNITY REDEVELOPMENT AGENCY'S PROGRAM TO ACQUIRE COMMERCIAL REAL PROPERTY BY EMINENT DOMAIN IN THE MERGED AREA NO. 1 AND MERGED AREA NO. 2 REDEVELOPMENT PROJECTS." **Motion Councilmember Mills, seconded by Mayor Oden and unanimously carried on a roll call vote.**

**2.L. AMENDMENT NO. 2 TO AGREEMENT NO. A4429, A COOPERATIVE AGREEMENT WITH CALTRANS FOR THE INDIAN CANYON DRIVE/INTERSTATE 10 INTERCHANGE WIDENING PROJECT, CITY PROJECT 00-14:**

**ACTION:** 1) Approve Amendment No. 2 to Agreement No. A4429 (Caltrans Agreement No. 8-1165), a Cooperative Agreement with the California Department of Transportation (Caltrans) for the Indian Canyon Drive/Interstate 10 Interchange Widening Project (City Project No. 00-14); and 2) Authorize the City Manager to execute all necessary documents. A4429. **Motion Councilmember Mills, seconded by Mayor Pro Tem Pougnet and unanimously carried on a roll call vote.**

**2.O. AMENDMENT NO. 3 TO AGREEMENT NO. A4219, CITY MANAGER EMPLOYMENT AGREEMENT:**

**ACTION:** 1) Approve Amendment No. 3 to Agreement No. A4219, City Manager Employment Agreement with David H. Ready; and 2) Authorize the Mayor to execute Amendment No. 3 to Agreement No. A4219 on behalf of the City. A4219. **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

**3. LEGISLATIVE:**

**3.A. INITIATION OF AN ORDINANCE ADDING SECTION 93.15.10 TO, AND AMENDING SECTION 91.00.10 OF THE PALM SPRINGS MUNICIPAL**

**CODE, RELATING TO THE ESTABLISHMENT OF LAND USE REGULATIONS FOR CONDOMINIUM HOTEL PROJECTS:**

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated October 3, 2007.

Councilmember Foat requested staff address the current regulations with respect to conversions, and address the impact on Transient Occupancy Tax.

**ACTION:** Initiate and refer to the Planning Commission for review and recommendation an Ordinance adding Section 93.15.10 and amending Section 91.00.10 of the Palm Springs Municipal Code, relating to the establishment of land use regulations for condominium hotel projects. **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

**3.B. INITIATION OF AN ORDINANCE 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:**

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated October 3, 2007.

The City Council discussed the street level office and financial uses in the Downtown area, and the current moratorium.

**ACTION:** Initiate and refer to the Planning Commission for review and recommendation, 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. **Motion Councilmember Foat, seconded by Councilmember Mills 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.

**4. UNFINISHED BUSINESS:** None.

**5. NEW BUSINESS:**

**5.A. ONE-TIME CAPITAL EQUIPMENT GRANT OF \$2 MILLION FROM THE CITY'S SOLID WASTE DIVERSION FACILITY FUND TO PALM SPRINGS DISPOSAL SERVICES FOR THE IMPLEMENTATION OF A SINGLE STREAM RECYCLING PROGRAM:**

Troy Butzlaff, Assistant City Manager, provided background information as outlined in the staff report dated October 3, 2007.

The City Council discussed and/or commented on the proposed single stream recycling program.

**ACTION:** 1) Adopt Resolution No. 22059, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A ONE-TIME CAPITAL EQUIPMENT GRANT OF UP TO \$2 MILLION FROM THE CITY'S SOLID WASTE DIVERSION FACILITY FUND TO PALM SPRINGS DISPOSAL SERVICES TO ACQUIRE VEHICLES AND EQUIPMENT NECESSARY TO IMPLEMENT A SINGLE STREAM RECYCLING PROGRAM AND PROVIDE DIRECTION TO THE CITY ATTORNEY TO PREPARE A CORRESPONDING AMENDMENT TO THE FRANCHISE AGREEMENT TO EFFECTUATE THE IMPLEMENTATION OF THIS PROGRAM;" and 2) Adopt Resolution No. 22060, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2007-08." A4727. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**5.B. CAPITAL IMPROVEMENT PRIORITIES:**

City Manager Ready provided Capital Improvement options and requested the City Council provide priorities.

**ACTION:** Table the discussion to the next City Council meeting. **By consensus of the City Council.**

**COUNCILMEMBER COMMENTS AND REPORTS:**

Mayor Pro Tem Pougnet requested the City Manager place an Item on the next agenda to appoint a City Council Subcommittee to address Downtown sign regulations.

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

**ADJOURNMENT:** The City Council adjourned at 11:19 p.m. to a Regular Meeting, Wednesday, October 17, 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  
17<sup>TH</sup> DAY OF OCTOBER, 2007.**

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MAYOR

ATTEST:

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City Clerk