

PALM SPRINGS CITY COUNCIL
MINUTES
WEDNESDAY, SEPTEMBER 5, 2007
CITY COUNCIL CHAMBER

CALL TO ORDER: Mayor Oden called the meeting to order at 6:11 P.M.

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

INVOCATION: Pastor Eugene Bartlett, Seventh Day Adventist 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.

PRESENTATIONS:

Mayor Oden and the City Council presented Norm Brown a Certificate of Appreciation, for his voluntary community service to the community.

City Manager Ready introduced the City Council Compensation Committee and thanked them for their service. The Committee briefly discussed the criteria they reviewed to formulate their recommendation.

Mary Jo Ginther, Bureau of Tourism, presented to the City Council the new on-line Visitors Guide.

REPORT OF CLOSED SESSION: Prior to recessing into Closed Session, the City Council added one Item to the Closed Session Agenda, pursuant to Government Code Section 54956.9(b)(2) conference with legal counsel to decide whether a closed session is authorized.

ACTION: 1) Make the finding that 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 one Item to the Closed Session Agenda pursuant to Government Code Section 54956.9(b)(2) Conference with Legal Counsel to determine whether a closed session is authorized. (4/5ths vote required). **Motion Councilmember Foat, seconded by Mayor Pro Tem Pougnet and unanimously carried.**

City Attorney Holland stated that the meeting was called to order at 4:30 P.M., and the City Council recessed into Closed Session to discuss Items on the Closed Session Agenda. No reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson stated staff requested Consent Calendar Items 2.N. and 2.X. be withdrawn from the Agenda.

Mayor Pro Tem Pougnet requested Item 2.R. be removed from the Consent Calendar.

Councilmember McCulloch noted his business related abstention on Item 2.E., Warrant No. 1022320, and requested Item 2.U. be removed from the Consent Calendar.

Councilmember Mills requested Item 2.K. be removed from the Consent Calendar, and noted his business related abstention on Item 2.E. Warrant No. 1022494.

Councilmember Foat requested Item 2.K. be removed from the Consent Calendar.

Mayor Oden requested Item 2.J. be removed from the Consent Calendar, and requested Public Hearing Item 1.E. be heard concurrently with Consent Calendar Item 2.D.

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

ACTION: 1) Continue the public hearing to September 19, 2007, at the request of the applicant, without public testimony; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Mayor Pro Tem Pougnet, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

1.B. CASE HSPB NO. 58 - DESIGNATION OF THE PROPERTY AT 1000 NORTH PALM CANYON DRIVE "THE POTTER CLINIC" AS A CLASS 2 HISTORIC SITE:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated September 5, 2007.

Councilmember Foat requested staff address the benefits of a Class 2 site.

Mayor Pro Tem Pougnet commented on the property and the current stay of demolition.

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

TONY MERCHELL, Desert Hot Springs, stated this building is an early example of the architect, and commented on the deterioration of buildings considered significant.

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

ACTION: Adopt Resolution No. 22018, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING 1000 NORTH PALM CANYON DRIVE "THE POTTER CLINIC" A CLASS TWO HISTORIC SITE." **Motion Mayor Pro Tem Pougnet, seconded by Councilmember McCulloch and carried 4-1 on a roll call vote.**

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

NOES: Councilmember Foat.

1.C. CASE 5.1158, CONDITIONAL USE PERMIT APPLICATION BY MARK MATTHEWS OF WIEFELS AND SONS FOR THE OPERATION OF A PET CREMATORIUM LOCATED AT 4515 CAMINO PAROCOLA:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated September 5, 2007.

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

MIHAI VLAICU and FATHER LIVIU POPA, stated the crematorium is next to the Church requested the City Council consider the activities of the Church, and stated the location is not appropriate.

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

Mayor Pro Tem Pougnet requested staff address if a crematorium currently exists on the property.

Councilmember Foat requested staff address the permits on the Conditions of Approval, commented on the report stating "no emissions or heat" from the equipment.

Mayor Oden requested staff address if the same conditions are imposed on human cremation.

Mayor Pro Tem Pougnet commented on surrounding similar uses.

Councilmember Mills stated there is a need in the City for a business of this type, and commented on the reputation of the operator.

ACTION: Adopt Resolution No. 22019, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE 5.1158 FOR A CONDITIONAL USE PERMIT FOR THE OPERATION OF A PET CREMATORIUM LOCATED AT 4515 CAMINO PAROCELA, ZONE M-1 (N), SECTION 19." **Motion Mayor Pro Tem Pougnet, seconded by Councilmember McCulloch and unanimously carried on a roll call vote.**

Councilmember Mills stated he has a business related conflict of interest with respect to Item 1.D., would not participate in the discussion or the vote, and left Council Chamber.

1.D. APPROVAL OF ALL OR PART OF THE COSTS OF THE ACQUISITION OF SUBLEASEHOLD INTEREST WITHIN MERGED REDEVELOPMENT PROJECT AREA NO. 2 BENEFITING MERGED REDEVELOPMENT PROJECT AREA NO. 1:

John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated September 5, 2007.

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

Mayor Pro Tem Pougnet requested staff address the financing of "all" or "part" of the acquisition.

ACTION: Adopt Resolution No. 22020, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MAKING FINDINGS PURSUANT TO HEALTH AND SAFETY CODE SECTION 33445 RELATING TO PAYMENT OF ALL OR PART OF THE COSTS OF ACQUISITION OF SUBLEASEHOLD INTEREST WITHIN MERGED REDEVELOPMENT PROJECT AREA NO. 2, BENEFITING MERGED REDEVELOPMENT PROJECT AREA NO. 1." **Motion Councilmember Foat, seconded by Mayor Pro Tem Pougnet 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.

Councilmember Mills returned to the dais.

The City Council heard Items 1.E. and 2.D. concurrently.

1.E. ESTABLISHING AN ALTERNATE PARK FEE REQUIREMENT FOR RESIDENTIAL DEVELOPMENT IN THE CENTRAL BUSINESS DISTRICT:

City Manager Ready provided background information as outlined in the staff report dated September 5, 2007.

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

JOY MEREDITH, Palm Springs, spoke in support of the reduction of Quimby Fees in the Downtown area.

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

Councilmember Mills requested staff address the rationale for the fees.

Councilmember Foat requested staff address if the fee addressed "park like" space within the development.

Mayor Oden commented on the impact and benefits to developers in the Downtown area.

ACTION: Adopt Resolution No. 22021, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING PARK FEES IN LIEU OF DEDICATION FOR RESIDENTIAL DEVELOPMENT IN THE CENTRAL BUSINESS DISTRICT AND AMENDING CITY COUNCIL RESOLUTION NO. 21952, THE COMPREHENSIVE FEE SCHEDULE." **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

2.D. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1718, ADDING SUBSECTION G TO SECTION II AND SUBSECTION G TO SECTION VI OF ORDINANCE NO. 1632 OF THE CITY OF PALM SPRINGS, RELATING TO PARK FEES FOR

RESIDENTIAL DEVELOPMENT IN THE CENTRAL BUSINESS DISTRICT:

ACTION: Waive further reading and adopt Ordinance No. 1718, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SUBSECTION G TO SECTION II AND SUBSECTION G TO SECTION VI OF ORDINANCE NO. 1632 OF THE CITY OF PALM SPRINGS, RELATING TO PARK FEES FOR RESIDENTIAL DEVELOPMENT IN THE CENTRAL BUSINESS DISTRICT." **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

1.F. APPEAL OF THE DECISION OF THE PLANNING COMMISSION DENYING CASE 5.0931 PD 279, AN AMENDMENT FOR FINAL DEVELOPMENT PLANS TO ALLOW A REDUCED FRONT YARD SET BACK FOR THE 12 REMAINING VACANT LOTS LOCATED WITHIN THE MOUNTAIN GATE DEVELOPMENT AT 900 GATEWAY DRIVE:

ACTION: 1) Continue the public hearing to September 19, 2007, at the request of the applicant, without public testimony; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Mayor Pro Tem Pougnet, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

JACK SCHLOEDER, Palm Springs Pride, requested the City Council increase the sponsorship to the Palm Springs Pride event.

BARBARA MARSHALL, Palm Springs, stated her support for the closure of Livmor Avenue at Civic Drive.

ERNIE ETHERIDGE, stated his support for the closure of Livmor Avenue at Civic Drive.

WILLIE HOLLAND SR., commented on problems in the Desert Highland Gateway neighborhood.

JONO HILDNER, Palm Springs, commented on the mass grading allowed under the Shadowrock Development Agreement, and on Measure "C" for the November 6, 2007, election.

ERIKA ECHEY, commented on the Commendation presented to Norman Brown.

JOY MEREDITH, Palm Springs, spoke in support of an increase in City Council compensation.

COUNCILMEMBER COMMENTS AND REQUESTS: None.

The City Council recessed at 7:39 P.M.
The City Council reconvened at 7:49 P.M.

CITY MANAGER'S REPORT: City Manager Ready commented on the improved Bond Rating, and thanked the team that participated in the New York trip to meet with the Bond Rating companies.

The City Council recessed at 7:55 P.M. and convened as the Community Redevelopment Agency.

The Community Redevelopment Agency adjourned at 8:01 P.M. and the City Council reconvened.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.E., 2.F., 2.G., 2.H., 2.I., 2.J., 2.L., 2.M., 2.O., 2.P., 2.Q., 2.S., 2.T., 2.V., 2.W. and 2.Y. **Motion Mayor Pro Tem Pougnet, seconded by Councilmember Foat 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 September 5, 2007, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of July 25, 2007. **Approved as part of the Consent Calendar.**

2.C. STAFF AUTHORIZED AGREEMENTS FOR JULY 2007:

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

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

ACTION: 1) Adopt Resolution No. 22022, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 7/14/07 BY WARRANTS NUMBERED 412175 THROUGH 412240 TOTALING \$91,276.84, LIABILITY CHECKS NUMBERED 1022228 THROUGH 1022251 TOTALING \$140,649.33, THREE WIRE TRANSFERS FOR \$223,176.09, AND THREE ELECTRONIC ACH DEBITS OF \$1,404,767.77 IN THE AGGREGATE AMOUNT OF \$1,859,870.03 DRAWN ON BANK OF AMERICA."

2) Adopt Resolution No. 22023, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1022226 THROUGH 1022227 IN THE AMOUNT OF \$214,057.95, 1022252 IN THE AMOUNT OF \$3,100.00, AND 1022253 THROUGH 1022533 IN THE AGGREGATE AMOUNT OF \$2,031,351.43 DRAWN ON BANK OF AMERICA."

3) Adopt Resolution No. 22024, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANT NUMBERED 1022534 IN THE AGGREGATE AMOUNT OF \$10,281.24 DRAWN ON BANK OF AMERICA."

4) Adopt Resolution No. 22025, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1022535 THROUGH 1022536 IN THE AGGREGATE AMOUNT OF \$655,813.39 DRAWN ON BANK OF AMERICA."

5) Adopt Resolution No. 22026, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 7-28-07 BY WARRANTS NUMBERED 412241 THROUGH 412302 TOTALING \$78,269.73, LIABILITY CHECKS NUMBERED 1022537 THROUGH 1022559 TOTALING \$140,013.59, THREE WIRE TRANSFERS FOR \$59,645.09, AND THREE ELECTRONIC ACH DEBITS OF \$1,072,760.21 IN THE AGGREGATE AMOUNT OF \$1,350,688.62 DRAWN ON BANK OF AMERICA."

6) Adopt Resolution No. 22027, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1022560 THROUGH 1022802 IN THE AGGREGATE AMOUNT OF \$2,642,680.76 DRAWN ON BANK OF AMERICA."

7) Adopt Resolution No. 22028, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1022803 THROUGH 1022807 IN THE AGGREGATE AMOUNT OF \$139,974.14 DRAWN ON BANK OF AMERICA."

8) Adopt Resolution No. 22029, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD

ENDED 8/11/07 BY WARRANTS NUMBERED 412303 THROUGH 412368 TOTALING \$90,691.37, LIABILITY CHECKS NUMBERED 1022808 THROUGH 1022830 TOTALING \$138,793.02, THREE WIRE TRANSFERS FOR \$60,330.73, AND THREE ELECTRONIC ACH DEBITS OF \$1,101,232.98 IN THE AGGREGATE AMOUNT OF \$1,391,048.10 DRAWN ON BANK OF AMERICA."

9) Adopt Resolution No. 22030, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1022831 THROUGH 1023039 IN THE AGGREGATE AMOUNT OF \$2,190,857.02 DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the business related abstention by Councilmember McCulloch on Warrant No. 1022320, and the abstention by Councilmember Mills on Warrant No. 1022494.**

- 2.F. TREASURER'S INVESTMENT REPORT AS OF JUNE 30, 2007:**
ACTION: Receive and File the Treasurer's Investment Report as of June 30, 2007. **Approved as part of the Consent Calendar.**
- 2.G. CONSTRUCTION PROJECT OWNER'S REPRESENTATIVE - FISCAL YEAR 2007-08 PROJECT ASSIGNMENTS:**
ACTION: 1) Approve the construction project administration assignments for Fiscal Year 2007-08 for the City's Owner Representative, Allen F. Smoot & Associates; and 2) Authorize the City Manager to execute all necessary purchase orders. **Approved as part of the Consent Calendar.**
- 2.H. TREASURER'S INVESTMENT REPORT AS OF JULY 31, 2007:**
ACTION: Receive and File the Treasurer's Investment Report as of July 31, 2007. **Approved as part of the Consent Calendar.**
- 2.I. REQUEST BY ERNEST G. NOIA FOR A ONE-YEAR TIME EXTENSION FROM OCTOBER 15, 2007, TO OCTOBER 14, 2008, FOR TENTATIVE TRACT MAP 31318 AND TENTATIVE PARCEL MAP 31351 FOR THE INDIAN OASIS DEVELOPMENT (ASSOCIATED CASE NO. 5.0870 PDD 268) AT THE SOUTHWEST CORNER OF EAST MESQUITE AVENUE AND CROSSLEY ROAD, ZONE PDD-268, SECTION 20:**
ACTION: Adopt Resolution No. 22031, "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 31318 FOR THE INDIAN OASIS DEVELOPMENT LOCATED AT THE SOUTHWEST CORNER OF EAST MESQUITE AVENUE AND

CROSSLEY ROAD, ZONE PDD-268, SECTION 20." **Approved as part of the Consent Calendar.**

2.J. MILLS ACT AGREEMENT WITH BRIAN MCGUIRE, FOR "A WEXLER STEEL HOUSE" LOCATED AT 3125 NORTH SUNNYVIEW DRIVE:

ACTION: Approve a Mills Act Agreement with Brian McGuire, owner of 3125 North Sunnyview Drive "A Wexler Steel House;" and 2) Authorize the City Manager to execute all necessary documents. A5544. **Approved as part of the Consent Calendar.**

2.L. AWARD CONTRACT FOR THE AIRPORT HOLDROOMS A & B DEMOLITION PROJECT, CITY PROJECT 07-08, IFB 08-01:

ACTION: 1) Award contract to G & M Construction for the demolition of Airport Holdrooms A & B, in the amount of \$97,750, City Project 07-08, IFB 08-01; and 2) Authorize the City Manager to execute all necessary documents. A5545. **Approved as part of the Consent Calendar.**

2.M. REPORT OF ESCALATOR REPAIRS AT THE PALM SPRINGS INTERNATIONAL AIRPORT PURSUANT TO PALM SPRINGS MUNICIPAL CODE SECTION 7.04.040:

ACTION: Receive and file. **Approved as part of the Consent Calendar.**

2.N. REQUEST BY FRANCIS LA BRANCHE FOR A ONE-YEAR TIME EXTENSION FROM JULY 21, 2007, TO JULY 20, 2008, FOR TENTATIVE TRACT MAP 31230 FOR THE UPTOWN VILLAGE DEVELOPMENT (ASSOCIATED CASE NO. 5.0999 PDD 296) LOCATED AT THE NORTHWEST CORNER OF ZANJERO ROAD AND VIA OLIVERA ROAD:

Withdrawn from the Agenda at the request of staff.

2.O. AGREEMENT WITH TERRA NOVA PLANNING & RESEARCH, INC. FOR FOCUSED ENTITLEMENT AND PLANNING SERVICES FOR "THE TRAILS" PROJECT, A PLANNED DEVELOPMENT DISTRICT FOR A MIXED-USE RESIDENTIAL AND COMMERCIAL PROJECT LOCATED AT THE NORTHWEST CORNER OF SOUTH PALM CANYON DRIVE AND MESQUITE AVENUE, CASE 5.1165 PD 344:

ACTION: 1) Approve an agreement with Terra Nova Planning and Research, Inc., for Focused Entitlement and Planning Services for "The Trails" not to exceed \$63,460, Case 5.1165, PD 344; and 2) Authorize the City Manager to execute all necessary documents in a form acceptable to the City Attorney. A5546. **Approved as part of the Consent Calendar.**

2.P. EXECUTIVE EMPLOYMENT AGREEMENT WITH FIRE CHIEF BLAKE GOETZ:

ACTION: Authorize the City Manger to execute an Employment Agreement with Blake Goetz to retain him as Fire Chief until December 31, 2010. A5547. **Approved as part of the Consent Calendar.**

2.Q. PURCHASE NOTEBOOK COMPUTERS FOR MOBILE DATA COMPUTING:

ACTION: 1) Approve a change order to Purchase Order No. 716650 to purchase four Panasonic Toughbook CF 51 semi-rugged notebook computers from GTSI Corp., in the amount of \$7,048.77, for a total purchase order amount of \$31,771.13; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

2.S. AMENDMENT NO. 2 TO AGREEMENT NO. A5119 WITH LSA ASSOCIATES, INC., FOR ADDITIONAL PROFESSIONAL SERVICES FOR THE COMPLETION OF A JOINT ENVIRONMENTAL IMPACT REPORT FOR THE BOULDERS PROJECT 5.0973 AND CRESCENDO PROJECT 5.0996 AND TTM 31766:

ACTION: 1) Approve Amendment No. 2 to Agreement No. A5119 with LSA Associates, Inc., in the amount of \$22,500 for a total contract price of \$156,500.00, for additional professional services for the preparation of and responses to comments of a Joint Environmental Impact Report for Cases 5.0973, 5.0996, and TTM 31766; and 2) Authorize the City Manager to execute all necessary documents in a form acceptable to the City Attorney. A5119. **Approved as part of the Consent Calendar.**

2.T. APPROVAL OF AN UPDATED AGREEMENT WITH HARRELL & COMPANY FOR FINANCIAL CONSULTING SERVICES FOR A THREE-YEAR PERIOD:

ACTION: 1) Approve an agreement with Harrell & Company for financial consulting services for a three-year period; and 2) Authorize the City Manager to execute all necessary documents. A5548. **Approved as part of the Consent Calendar.**

2.V. SUSPENSION OF CERTAIN REGULATORY ORDINANCES TO FACILITATE THE 2007 AMERICAN HEAT - PALM SPRINGS MOTORCYCLE WEEKEND:

ACTION: 1) Adopt Resolution No. 22036, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUSPENDING CERTAIN REGULATORY ORDINANCES FROM OCTOBER 5 THROUGH OCTOBER 7, 2007, TO FACILITATE THE 2007 AMERICAN HEAT - PALM SPRINGS MOTORCYCLE WEEKEND;" 2)

Approve an agreement with Road Shows, Inc., for event promotion in an amount not to exceed \$14,000; and 3) Authorize the City Manager to execute all necessary documents. A5549. **Approved as part of the Consent Calendar.**

2.W. AGREEMENT WITH ELLIS ENTERPRISES FOR WINDOW CLEANING SERVICES AT THE PALM SPRING INTERNATIONAL AIRPORT:

ACTION: 1) Approve an agreement with Ellis Enterprises for window cleaning services at the Palm Springs International Airport for an initial three-year period not to exceed \$67,833 with two additional one-year renewal options at the City Manager's discretion; and 2) Authorize the City Manager to execute all necessary documents. A5550. **Approved as part of the Consent Calendar.**

2.X. FIFTH AMENDMENT TO LEASE AGREEMENT NOS. A2528, A2529, AND A2636 BETWEEN THE CITY OF PALM SPRINGS AND AP-PALM SPRINGS AIRPORT, LLC:

Withdrawn from the Agenda at the request of staff.

2.Y. ASSIGNMENT OF SHADOWROCK REAL ESTATE DEVELOPMENT, LLC INTEREST IN THE DEVELOPMENT AGREEMENT FOR THE SHADOWROCK PROJECT TO SHADOWROCK PALM SPRINGS DEVELOPMENT, LLC:

ACTION: 1) Consent to the assignment of Shadowrock Real Estate Development, LLC interest in the Shadowrock Development Agreement to Shadowrock Palm Springs Development, LLC; and 2) Authorize the City Manager to execute the Consent to Assignment. A3315. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.K. AMENDMENT NO. 1 TO AGREEMENT NO. A4159, LEASE AGREEMENT FOR CONCESSIONS, WITH THE PARADIES SHOPS, LLC:

Councilmember Mills requested staff address who is to make the determination of architectural compatibility.

City Attorney Holland suggested Section 8.01 be amended to include: "The design and casework shall be architecturally compatible with the new concourse and its casework as determined by the Contract Officer."

Councilmember Foat commented on the design and requested staff address the construction time for the new kiosk.

ACTION: 1) Approve Amendment No. 1 to Agreement No. A4159 with Paradies Shops, LLC to replace airport retail concession locations that are not utilized and/or available amending Section 8.01 of the agreement; and 2) Authorize the City Manager to execute all necessary documents. A4159. **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

2.R. CASE NO. 5.1139/5.1140 A CHANGE OF ZONE FROM C-1 TO R-3 AND A CONDITIONAL USE PERMIT TO ALLOW AN ASSISTED LIVING CENTER / SUBSTANCE ABUSE RECOVERY CENTER AT 1404 NORTH PALM CANYON DRIVE, THE LAS PALMAS HOTEL:

ACTION: 1) Waive the reading of the ordinance text in its entirety and read by title only; 2) Introduce on first reading Ordinance No. 1719, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE ZONING MAP BY APPROVING A CHANGE OF ZONE FROM C-1 TO R-3 FOR THE PROPERTY LOCATED AT 1404 NORTH PALM CANYON DRIVE;" and 3) Adopt Resolution No. 22032, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE NO. 5.1139/5.1140, A CONDITIONAL USE PERMIT TO CONVERT THE LAS PALMAS HOTEL, LOCATED AT 1404 NORTH PALM CANYON DRIVE, TO AN ASSISTED LIVING CENTER / SUBSTANCE ABUSE RECOVERY CENTER." **Motion Councilmember Mills, seconded by Councilmember Foat and carried 4-1 on a roll call vote.**

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

NOES: Mayor Pro Tem Pougnet.

2.U. FORMATION OF A MELLO-ROOS COMMUNITY FACILITIES DISTRICT 2007-1 FOR ALLOTTED LAND:

ACTION: 1) Accept the petition, and consent and waiver from the developer regarding the formation of the CFD; 2) Adopt Resolution No. 22033, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO ESTABLISH COMMUNITY FACILITIES DISTRICT 2007-1 (PUBLIC SAFETY SERVICES) TO AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN TO FINANCE CERTAIN SERVICES;" 3) Adopt Resolution No. 22034, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A BOUNDARY MAP SHOWING THE BOUNDARIES OF THE TERRITORY PROPOSED FOR THE INCLUSION IN PROPOSED COMMUNITY FACILITIES DISTRICT 2007-1 (PUBLIC SAFETY SERVICES);" 4) Adopt Resolution No. 22035, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING AND DIRECTING THE PREPARATION OF A COMMUNITY FACILITIES DISTRICT REPORT FOR THE PROPOSED COMMUNITY FACILITIES DISTRICT 2007-1 (PUBLIC SAFETY SERVICES);"

and 5) Set a public hearing for 6:00 p.m., on October 17, 2007, for public testimony, for and against, and for the filing of written protest by a property owner regarding the establishment of the foregoing Community Facilities District, and the levy of a special tax for public safety services. (If there is no "majority protest," a special landowner election will be called for immediately thereafter.)
Motion Councilmember Mills, seconded by Mayor Pro Tem Pougnet and carried 4-1 on a roll call vote.

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

NOES: Councilmember McCulloch.

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE MODIFYING COMPENSATION FOR THE MAYOR AND MEMBERS OF THE CITY COUNCIL, ELIMINATING COMPENSATION PAID TO THE CITY COUNCIL FOR OTHER CITY GOVERNING BOARDS AND COMMISSIONS, AND ESTABLISHING A TWO-TIER SYSTEM FOR CITY COUNCIL RETIREE HEALTH BENEFIT: City Manager Ready provided background information as outlined in the staff report dated September 5, 2007.

Mayor Oden suggested that a Councilmember participate in the review and deliberations of the Compensation Committee, and commented on the duties in relation to other cities in the Coachella Valley.

Councilmember McCulloch commented on the commitment of the City Council, and his support of increasing the City Council compensation.

Councilmember Mills commented that the Mayor's vehicle description should be changed to read "hybrid/alternative fuel," commented on volunteerism as compared to a salary, and suggested a review of the form of government.

Mayor Oden stated that in order to run for office you need to be retired or independently wealthy, and the suggested modifications may change that.

Councilmember Foat commented on the aspects and challenges of being a City Councilmember.

ACTION: 1) Waive the reading of the ordinance text and re-introduce by title only; 2) Re-introduce on first reading Ordinance No. 1716, "AN ORDINANCE OF THE CITY OF PALM SPRINGS AMENDING SECTIONS 1.01.110, 2.04.020 AND 2.04.021 OF THE PALM SPRINGS MUNICIPAL CODE MODIFYING THE COMPENSATION FOR THE

MAYOR AND MEMBERS OF THE CITY COUNCIL;" and 3) Adopt Resolution No. 22037 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REPEALING RESOLUTION NO. 21575, COMPENSATION FOR THE MEMBERS OF THE GOVERNING BOARDS OF THE COMMUNITY REDEVELOPMENT AGENCY, THE FINANCING AUTHORITY AND THE HOUSING AUTHORITY, AMENDING RESOLUTION NO. 21962 TO MODIFY THE CITY COUNCIL "RETIREE HEALTH" BENEFIT TO A TWO-TIER STRUCTURE." **Motion Councilmember Foat, seconded by Councilmember McCulloch and carried 4-1 on a roll call vote.**

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

NOES: Councilmember Mills.

4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:**

5.A. **LIVMOR ESTATES TRAFFIC CALMING NEIGHBORHOOD REQUEST TO CLOSE LIVMOR AVENUE AT CIVIC DRIVE:**

David Barakian, City Engineer, provided background information as outlined in the staff report dated September 5, 2007.

Councilmember Foat requested staff address the placement of the sidewalk and the proposed landscape plan, and commented on other traffic calming requests.

Councilmember Mills commented on differences in the plans, and requested clarification of the proposed closure.

Mayor Pro Tem Pougnet commented on the conceptual plans and the process with the Office of Neighborhood Involvement.

Mayor Oden commented on the process and the impact to the neighborhood.

ACTION: Approve the closure of Livmor Avenue at Civic Drive subject to an approved landscaping plan. **Motion Councilmember Foat, seconded by Mayor Pro Tem Pougnet and unanimously carried on a roll call vote.**

5.B. PROMOTION AGREEMENT WITH GREATER PALM SPRINGS PRIDE FOR 2007 FESTIVAL AND PARADE:

Sharon Heider, Director of Parks and Recreation, provided background information as outlined in the staff report dated September 5, 2007.

Mayor Oden requested staff address the amount of funding included in the current operating budget.

Councilmember Foat commented on the collection of data to support the event, and recommended an increase in the amount of sponsorship.

Mayor Pro Tem Pougnet commented on the data and would recommend an increase to \$17,500.

ACTION: 1) Approve an agreement with Greater Palm Springs Pride Parade, event promotion for the 2007 Greater Palm Springs Pride Festival and Parade, *increasing the sponsorship level*, in an amount not-to-exceed \$17,500; and 2) Authorize the City Manager to execute all necessary documents. A5551. **Motion Councilmember Foat, seconded by Mayor Pro Tem Pougnet and unanimously carried on a roll call vote.**

5.C. APPOINTMENT OF A TWO MEMBER CITY COUNCIL SUBCOMMITTEE FOR THE PALM SPRINGS ART MUSEUM:

ACTION: Appoint Mayor Oden and Councilmember Mills to a City Council Subcommittee to address a comprehensive City funding policy and mechanism for the Palm Springs Art Museum. **Motion Councilmember Foat, seconded by Mayor Pro Tem Pougnet and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS AND REPORTS:

Councilmember Foat provided an update on the CVAG Homeless Committee, and requested a comprehensive update of development projects.

Councilmember McCulloch commented on displaying signs during the public comment period.

Councilmember Mills requested staff contact Mr. Willie Holland and respond and report his concerns; and requested staff provide a report answering the following questions: does the development of Shadowrock require a hotel, what would be the City's requirement for restoration for grading if the project is abandoned, is there a potential for an assessment for public safety services, does the project violate current zoning ordinances, are above ground sewer, water and utility lines allowed on the project, and a breakdown of the open space requirements of the project.

Mayor Pro Tem Pougnet requested a review of the abandoned/vacant building ordinance at an upcoming study session.

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

ADJOURNMENT: The City Council adjourned at 9:26 P.M. to a Study Session, Wednesday, September 12, 2007, at 6:00 P.M. in the Council Chamber, City Hall, preceded by a Closed Session at 4:00 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
19TH DAY OF SEPTEMBER, 2007.**

MAYOR

ATTEST:

City Clerk