

PALM SPRINGS CITY COUNCIL  
MINUTES  
WEDNESDAY, JULY 18, 2007  
CITY COUNCIL CHAMBER

**CALL TO ORDER:** Mayor Oden called the meeting to order at 6:10 P.M.

**PLEDGE OF ALLEGIANCE:** Mayor Oden led the Pledge.

**INVOCATION:** Mayor Oden requested a moment of silent reflection.

**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:**

Councilmember McCulloch reported on the fundraiser for the Palm Springs One-Hundred Club at a recent Palm Springs Power baseball game.

**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:**

Councilmember Foat noted her abstention on Consent Calendar Item 2.B., and requested a list of names of the Board Members with respect to Consent Calendar Item 2.K.

Mayor Pro Tem Pougnet noted his abstention on Consent Calendar Item 2.B., and requested Items 2.L. and 2.M. be removed from the Consent Calendar for separate discussion.

Councilmember Mills noted his business related abstention on Consent Calendar Item 2.M., and requested Item 2.N. be removed from the Consent Calendar for separate discussion.

Councilmember McCulloch noted his NO vote on Consent Calendar Item 2.E. and Consent Calendar Item 2.F.

Mayor Oden commented on Consent Calendar Item 2.G. and Item 2.H.

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

The City Council continued as a Joint Meeting with the Community Redevelopment Agency and the Financing Authority at 6:16 P.M.

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

**1.A. AUTHORIZING THE ISSUANCE OF COMMUNITY REDEVELOPMENT AGENCY TAX ALLOCATION BONDS IN THREE SERIES:**

City Manager Ready provided background information as outlined in the staff report dated July 18, 2007.

Suzanne Harrell, Bond Counsel, provided the City Council the bonding capacity analysis.

Councilmember Foat commented on the use of the Bond proceeds for facilities and projects, and requested proceeds fund a new animal shelter.

Mayor Oden requested staff address any time restrictions on the use of the bond proceeds.

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

Councilmember McCulloch commented on assessed valuation and the use of the proceeds for deferred capital projects.

**ACTION:** 1) Adopt Resolution No. 21970, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING ISSUANCE BY THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF THREE SERIES OF BONDS, NAMELY ITS MERGED PROJECT AREA NO. 1 TAX ALLOCATION BONDS, 2007 SERIES A, ITS MERGED PROJECT AREA NO. 1 TAX ALLOCATION BONDS, 2007 SERIES B, AND ITS MERGED PROJECT AREA NO. 2 TAX ALLOCATION BONDS, 2007 SERIES C, AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO;" and 2) and Authorize the City Manager and Executive Director to execute all necessary documents. A5518. A5519. A5520. **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 Community Redevelopment Agency and Financing Authority recessed at 6:32 P.M. and the City Council continued.

**1. PUBLIC HEARINGS:**

**1.B. APPEAL OF THE PLANNING COMMISSION ACTION OF MAY 23, 2007, DENYING CASE NO. 3.299 SFR - CASE NO. 7.1215 AMM, AN APPLICATION FOR ARCHITECTURAL REVIEW OF A TWO-STORY HILLSIDE SINGLE FAMILY RESIDENCE LOCATED AT 350 EL PORTAL, APPEAL SUBMITTED BY STEVEN VAN, OWNER:**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated July 18, 2007.

Mayor Oden requested staff address and clarify the site.

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

STEVE VAN, Applicant, provided the merits and characteristics of his project as outlined in his appeal, commented on the privacy issues of the adjacent properties.

MAUREEN GUINAN, Palm Springs, representing Applicant, outlined the issues as stated in the appeal as required in the Zoning Code, and requested the City Council approve the project.

EARL ROSE, commented on the owners disregard to the comments of the neighborhood, the number of 2-story buildings and the context of the development in the neighborhood, and spoke in opposition to the project.

MARJORIE CONLEY AIKENS, spoke in opposition to the project, and stated the structure is too massive for the property.

DANIEL HOGAN, spoke in opposition to the project, as outlined in his written letter.

TOM WARRICK, stated the building is too tall and spoke in opposition to the project.

JOHN HARRELL, Palm Springs, commented on the hillside and spoke in opposition to the project.

DAN VALENTINO, spoke in opposition to the proposed project and commented on the hillside aspects.

DARCEY DEETZ-HARRISON, Palm Springs, commented on the 2-story homes in the neighborhood and stated her support of the project.

WILLIAM BECK, Palm Springs, provided background information on the property, and stated his support of the project, and presented a petition in support with 20 neighbors.

SHERRY BROOKS, commented on urban development.

STEVE VAN, Applicant, stated the project has merits that are not detrimental to the neighborhood.

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

Mayor Pro Tem Pougnet requested staff address the lot size and questioned if a portion of the lot is over 10%, and requested the Applicant address the process with the Planning Commission.

Mayor Oden requested the Applicant address the neighbor's opposition to the project.

Councilmember Mills commented on the process, the reversal of the staff recommendation in the Planning Commission staff report, and the requirement of hillside as it relates to the property.

Councilmember Foat stated she would want a guarantee that the project is redesigned, without additional fees.

Councilmember McCulloch commented on the process through the Architectural Advisory Committee, and does not support the Applicant having to start from the beginning.

Councilmember Mills commented on the elements of the staff report.

Mayor Oden commented on the staff analysis based on the Planning Commission discussion.

Mayor Pro Tem Pougnet commented on the process with respect to hillside lots.

Councilmember Mills requested the City Engineer address the requirements for curb and gutters.

Councilmember McCulloch requested the City Council give clear direction to the Applicant.

**ACTION:** 1) Direct the Applicant to meet with neighbors and redesign the project; and 2) Refer the project back to the Architectural Advisory Committee and the Planning Commission. **Motion Councilmember Foat, 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.

**1.C. CASE HSPB NO. 52 - APPLICATION FOR DESIGNATION OF THE PROPERTY AT 588 SOUTH PALM CANYON DRIVE (FORMER CITY NATIONAL BANK) BANK OF AMERICA BUILDING A CLASS 1 HISTORIC SITE:**

Ken Lyon, Associate Planner, provided background information as outlined in the staff report dated July 18, 2007.

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

JADE NELSON, provided background information through the Historic Site Preservation process, and requested the City Council designate the property as a Class 1 site.

ROXANN PLOSS, Palm Springs, spoke in support of the designation as a Class 1 Historic Site.

SIDNEY WILLIAMS, spoke in support of the designation as a Class 1 Historic Site.

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

Councilmember McCulloch stated the owners have provided their support and he wished the fountain was returned.

Councilmember Foat stated her support of the designation and wished the fountain was returned.

**ACTION:** Adopt Resolution No. 21971, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE BUILDING AT 588 SOUTH PALM CANYON DRIVE, 'THE CITY NATIONAL BANK BUILDING' A CLASS 1 HISTORIC SITE." **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

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

**1.D. LOFT PARTNERS PALM SPRINGS LLC - CASE NO. 5.1132 PLANNED DEVELOPMENT DISTRICT 333, CASE NO. 3.3002, AND TENTATIVE TRACT MAP NO. 35236 FOR THE DEVELOPMENT OF 200 HOTEL ROOMS AND UP TO 200 CONDOMINIUM UNITS ON APPROXIMATELY 10.47 ACRES LOCATED AT THE NORTHWEST CORNER OF AMADO ROAD AND AVENIDA CABALLEROS:**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated July 18, 2007.

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

LAURA KIBBY, Representing Applicant, introduced the project team and presented a video to the City Council outlining the proposed project.

RYAN ESPINOSA, Palm Springs, stated his support for the project.

WESLEY COLE, stated his support for the project, and commented on green building.

CLAIR JORDAN GRANT, stated her support for the project.

ROXANN PLOSS, Palm Springs, stated her support for the project and commented on the cooperation of the developer.

ROMAN WHITTAKER, stated his support for the project.

MATTHEW PARGAMENT, stated his support for the project and the commitment to the City.

DR. STEVEN GUNDRY stated his support for the project, and stated the hotel will create a "micro-climate."

BOB MAHLOWITZ, Palm Springs, stated his support for the project.

MICHAEL BRAUN, Wessman Development, commented on the effect of retail development to hotels, and stated his support for the project.

LEE GOOSELL, commented on letters received in support of the project.

DARRON DAHLE, Palm Springs, stated his support for the project.

DANA STEWART, Palm Springs, spoke in support of the project and "green" development.

MIKE HUTCHENSON, Palm Springs, spoke in support of the project.

CANDACE CASEY, spoke in support of the project.

VIC GAINER, spoke in support of the project.

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

Mayor Pro Tem Pougnet requested Convention Center staff provide input on the benefits of the hotel to the Convention Center, requested the Applicant address the timeline to break ground, and commented on the "green" aspects of the project.

Councilmember Foat commented on the "green" building elements and the Developer's other properties in Southern California.

Mayor Oden commented on the excellent presentation and the benefits of the project to the City.

**ACTION:** Adopt Resolution No. 21972, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE NO. 5.1132 PLANNED DEVELOPMENT DISTRICT 333, CASE NO. 3.3002, AND TENTATIVE TRACT MAP NO. 35236 FOR THE DEVELOPMENT OF 200 HOTEL ROOMS AND UP TO 200 CONDOMINIUM UNITS ON APPROXIMATELY 10.47 ACRES LOCATED AT THE NORTHWEST CORNER OF AMADO ROAD AND AVENIDA CABALLEROS." **Motion Councilmember Foat, seconded by Councilmember McCulloch 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 8:19 P.M.

The City Council reconvened at 8:29 P.M.

- 1.E. **CASE NO. 5.0982-A - SUNCAL COMMUNITIES REQUESTING APPROVAL TO AMEND PLANNED DEVELOPMENT DISTRICT 290 FOR THE ESTABLISHMENT OF A SPECIAL SIGN DISTRICT (SP 06-114) AS PROVIDED BY SECTION 93.20.5C8 OF THE PALM SPRINGS ZONING CODE, TO CREATE A SIGNAGE PROGRAM FOR THE**

**AVALON RESIDENTIAL / GOLF COURSE PROJECT, LOCATED AT 801 SUNRISE PARKWAY:**

David Newell, Assistant Planner, provided background information as outlined in the staff report dated July 18, 2007.

Mayor Pro Tem Pougnet requested staff address the recommendation for the approval of the entire project including Option B.

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

STACY STRUSS, stated the signs and banners are interior signs, and commented on the planning stages in the development.

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

Mayor Pro Tem Pougnet requested staff address the changes from the original City Council direction, and commented on the visibility outside the project.

Councilmember Foat commented on the maintenance programs of the signs, and requested staff address the replacement of damaged flags and signs.

Councilmember McCulloch commented on sign programs and the future of signs, and commented on maintenance.

Mayor Oden commented on the number of signs in the original proposal and stated the reduction of the signs is in alignment with the size of the development.

**ACTION:** Adopt Resolution No. 21973, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE NO. 5.0982-A TO AMEND PLANNED DEVELOPMENT DISTRICT 290 FOR THE ESTABLISHMENT OF A SPECIAL SIGN DISTRICT (SP 06-114) FOR THE AVALON RESIDENTIAL / GOLF COURSE PROJECT, LOCATED AT 801 SUNRISE PARKWAY, ZONE R-1-C, SECTION 35." **Motion Councilmember McCulloch, 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.

**1.F. CASE NO. 5.0842-PD-77A - CHRISTOPHER MILLS, ARCHITECT, REQUESTING APPROVAL TO AMEND PLANNED DEVELOPMENT DISTRICT 77 FOR AN APPROXIMATE 8,380 SQUARE FEET ADDITION TO THE EXISTING RETAIL CENTER AND REMODEL OF THE EXISTING PARKING LOT LOCATED AT 611 SOUTH PALM CANYON DRIVE:**

David Newell, Assistant Planner, provided background information as outlined in the staff report dated July 18, 2007.

Mayor Oden requested staff address the location of the new building.

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

JOHN RIVERA, WWCOT MILLS ARCHITECTS, stated he is available to answer any questions, and requested the City Council support the project.

Mayor Pro Tem Pougnet requested staff address Engineering Condition No. 18.

**ACTION:** Adopt Resolution No. 21974, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE NO. 5.1842-PD-77, TO AMEND PLANNED DEVELOPMENT DISTRICT NO. 77, INCLUDING A 8,380 SQUARE FOOT ADDITION TO THE EXISTING RETAIL CENTER AND REMODEL OF THE EXISTING PARKING LOT LOCATED AT 611 SOUTH PALM CANYON DRIVE, ZONE PD-77 (C-1), SECTION 22." **Motion Councilmember Foat, seconded by Councilmember McCulloch 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.

**1.G. ANNUAL LEVY OF ASSESSMENTS FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS, FISCAL YEAR 2007-08:**

David Barakian, City Engineer, provided background information as outlined in the staff report dated July 18, 2007.

Councilmember Foat requested staff address the concerns in the letter from Melvin Neville.

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

JAMES JESS, Palm Springs, commented on District No. 1 in the Historic Tennis Club Neighborhood.

GLEN CALVIN, Palm Springs, commented on District No. 8, and the proposal to fund landscaping of the district.

DANA STEWART, Palm Springs, commented on the agenda.

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

The City Council discussed the following with respect to the Levy of Assessments for Lighting and Landscaping: continuing to subsidize for this fiscal year, continue the assessments as proposed with a reduction in services, dissolution of certain districts, reduce services in the lighting districts, but subsidize the assessments in the landscape districts, previous cumulative impacts to the General Fund due to subsidizing the districts, meeting with residents to discuss the effects of the subsidy.

**MOTION:** 1) Continue to subsidize each district; and 2) Direct staff to meet with representatives and interested parties of each district to discuss the future consequences with respect to the funding of the districts.  
**Motion Councilmember Foat, failed for lack of a second.**

**MOTION:** Adopt all proposed resolutions, Engineer's Report and the levy of assessments as recommended by staff. **Motion Councilmember McCulloch, seconded by Mayor Oden and failed 2-3 on a roll call vote.**

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

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

**ACTION:** 1. Adopt Resolution No. 21979, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2007-08 FOR THE PALM SPRINGS STREET LIGHTING MAINTENANCE DISTRICT NO. 3;"

2. Adopt Resolution No. 21980, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2007-08 WITHIN THE PALM SPRINGS STREET LIGHTING MAINTENANCE DISTRICT NO. 3;"

3. Adopt Resolution No. 21981, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2007-08 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6A;"

4. Adopt Resolution No. 21982, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2007-08 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6A;"

5. Adopt Resolution No. 21985, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2007-08 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6C;"

6. Adopt Resolution No. 21986, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2007-08 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6C;"

7. Adopt Resolution No. 21991, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2007-08 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 9;"

8. Adopt Resolution No. 21992, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2007-08 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 9;"

9. Adopt Resolution No. 21993, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2007-08 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 10, ZONE 1 AND ZONE 2;"  
and

10. Adopt Resolution No. 21994, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING

THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2007-08 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 10, ZONE 1 AND ZONE 2." **Motion Councilmember Mills, seconded by Mayor Pro Tem Pougnet and unanimously carried on a roll call vote.**

**ACTION:** 1. Adopt Resolution No. 21975, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2007-08 FOR THE PALM SPRINGS STREET LIGHTING MAINTENANCE DISTRICT NO. 1;"

2. Adopt Resolution No. 21976, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2007-08 WITHIN THE PALM SPRINGS STREET LIGHTING MAINTENANCE DISTRICT NO. 1;"

3. Adopt Resolution No. 21977, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2007-08 FOR THE PALM SPRINGS STREET LIGHTING MAINTENANCE DISTRICT NO. 2;"

4. Adopt Resolution No. 21978, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2007-08 WITHIN THE PALM SPRINGS STREET LIGHTING MAINTENANCE DISTRICT NO. 2;"

5. No action taken on Street Lighting Maintenance District No. 4 (EAGLE WAY AREA);

6. Adopt Resolution No. 21983, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2007-08 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6B;"

7. Adopt Resolution No. 21984, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2007-08 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6B;"

8. Adopt Resolution No. 21987, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2007-08 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 7;

9. Adopt Resolution No. 21988, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2007-08 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 7;"

10. Adopt Resolution No. 21989, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2007-08 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 8;" and

11. Adopt Resolution No. 21990, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2007-08 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 8." **Motion Councilmember McCulloch, seconded by Councilmember Mills 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.

**1.H. CASE NO. 5.1152 THE 2007 COMPREHENSIVE UPDATE OF THE PALM SPRINGS GENERAL PLAN:**

**ACTION:** 1) Schedule special meetings on Monday, September 17, 2007, and Thursday, September 27, 2007, from 5:00 to 9:00 P.M., for the City Council's deliberations on the General Plan; 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **By consensus of the City Council.**

**ACTION:** Continue past the 10:00 P.M. tentative adjournment time. **Motion Mayor Pro Tem Pougnet, seconded by Councilmember Foat and unanimously carried.**

**PUBLIC COMMENT:**

WENDIE BUSIG-KOHN, Palm Springs, commented on Council compensation and conducting an election campaign.

STEFANIE FRITH, commented on mydesertsun.com.

VIC GAINER, Palm Springs, commented on a recent article in the Desert Sun, campaign filing, and Desert Water Agency.

WILLIE HOLLAND, commented on the Desert Highland Neighborhood.

JOY MEREDITH, Palm Springs, commented on the Business Improvement District Meetings, stated her support for Consent Calendar Item 2.K.

DANA STEWART, Palm Springs, commented on the General Plan Steering Committee and campaign financing.

### **COUNCILMEMBER COMMENTS AND REQUESTS:**

Councilmember Foat requested staff address the community dialog held Downtown and at neighborhood meetings as part of the General Plan, and requested staff place on a future agenda the appointment of a Councilmember liaison to the Tahquitz Canyon Creek Park Area group.

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

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

### **2. CONSENT CALENDAR:**

Mayor Pro Tem Pougnet noted his request to remove Item 2.K. from the Consent Calendar, and approve Item 2.L. as part of the Consent Calendar.

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., 2.H., 2.I., 2.J., and 2.L. **Motion Councilmember Foat, seconded by Mayor Pro Tem Pougnet.**

#### **2.A. REPORT ON POSTING OF THE AGENDA:**

**ACTION:** Receive and file Report on the Posting of the July 18, 2007, City Council Agenda. **Approved as part of the Consent Calendar.**

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

**ACTION:** Approve the City Council Minutes of July 11, 2007. **Approved as part of the Consent Calendar, noting the abstention of Councilmember Foat and Mayor Pro Tem Pougnet.**

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

**ACTION:** Adopt Resolution No. 21995, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 6-30-07 BY WARRANTS NUMBERED 412107 THROUGH 412174 TOTALING \$82,968.79, LIABILITY CHECKS NUMBERED

1021994 THROUGH 1022017 TOTALING \$142,720.75, THREE WIRE TRANSFERS FOR \$58,845.03, AND THREE ELECTRONIC ACH DEBITS OF \$1,032,311.98 IN THE AGGREGATE AMOUNT OF \$1,316,846.55 DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

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

**ACTION:** Receive and file Staff Authorized Agreements covering the period June 1 through June 30, 2007. **Approved as part of the Consent Calendar.**

**2.E. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1714, AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN CITY OF PALM SPRINGS COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES), ANNEXATION NO. 3:**

**ACTION:** Waive further reading and adopt Ordinance No. 1714, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN CITY OF PALM SPRINGS COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES), ANNEXATION NO. 3." **Approved as part of the Consent Calendar, noting the NO vote of Councilmember McCulloch.**

**2.F. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1715, AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN CITY OF PALM SPRINGS COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES), ANNEXATION NO. 4:**

**ACTION:** Waive further reading and adopt Ordinance No. 1715, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN CITY OF PALM SPRINGS COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES), ANNEXATION NO. 4." **Approved as part of the Consent Calendar, noting the NO vote of Councilmember McCulloch.**

**2.G. ACCEPTANCE OF OFFICE OF TRAFFIC SAFETY DUI ENFORCEMENT AND AWARENESS PROGRAM GRANT:**

**ACTION:** 1) Adopt Minute Order No. 8064, Authorizing the City Manager to accept a DUI Enforcement Grant from the California Office of Traffic Safety (OTS) in the amount of \$110,000; and 2) Authorize the City Manager to execute all necessary documents. A5521. **Approved as part of the Consent Calendar.**

**2.H. RESIGNATION FROM THE AIRPORT COMMISSION:**

**ACTION:** 1) Accept with regret the resignation of Robert V. Barnes, Jr. from the Airport Commission; and 2) Direct the City Clerk to post a notice of vacancy. **Approved as part of the Consent Calendar.**

**2.I. APPROVAL OF PLANS AND SPECIFICATIONS AND AUTHORIZATION TO BID THE DEMOLITION OF HOLDROOMS A AND B, CITY PROJECT NO. 07-08:**

**ACTION:** Adopt Minute Order No. 8065, Approving the Plans and Specifications and authorizing the bidding of the demolition of the Temporary Airport Holdrooms A and B, City Project No. 07-08. **Approved as part of the Consent Calendar.**

**2.J. CHANGE ORDER NO. 2 TO AGREEMENT NO. A5353 WITH GRANITE CONSTRUCTION COMPANY, INC., FOR THE SHORE POWER SYSTEM AT THE NEW HOLDROOM, IN THE AMOUNT OF \$132,843.36:**

**ACTION:** 1) Adopt Minute Order No. 8066, Approving Change Order No. 2 to Agreement No. A5353 with Granite Construction Company, Inc., for the Shore Power System at the new holdroom in the amount of \$132,843.36, subject to approval by the Federal Aviation Administration to be funded from AIP-39; and 2) Authorize the City Manager to execute all necessary documents. A5353. **Approved as part of the Consent Calendar.**

**2.L. AMENDMENT NO. 3 TO AGREEMENT NO. A4666 WITH HDR ENGINEERING, INC., FOR THE GENE AUTRY TRAIL WIDENING, CITY PROJECT NO. 02-03:**

**ACTION:** 1) Adopt Minute Order No. 8067, Approving Amendment No. 3 to Agreement No. A4666 with HDR Engineering, Inc., for the Gene Autry Trail widening in the amount of \$31,118 for a revised contract amount of \$528,925, City Project No. 02-03; and 2) Authorize the City Manager to execute all necessary documents. A4666. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.K. APPROVE THE BYLAWS OF THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT:**

Mayor Pro Tem Pougnet requested an annual "Town Hall" meeting with the Board and the merchants be included in the Bylaws to review the prior years activities.

Councilmember Mills requested the "Town Hall" meeting to review the prior years activities be done at the same time as the budget for the District.

**ACTION:** Adopt Resolution No. 21996, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE BYLAWS OF THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT" *amending the Bylaws by adding Section 3 to Article V to provide for an annual meeting to review prior year's accomplishments, promotions and activities at the*

*same time as developing the next year's Budget for the District.* **Motion Mayor Pro Tem Pougnet, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

Councilmember Mills stated he had a business related conflict of Interest with respect to Item 2.M., would not participate in the discussion or the vote, and left Council Chamber.

**2.M. PALM RIDGE - GENERAL PLAN AMENDMENT FROM L-2 TO L-4, CHANGE OF ZONE FROM R-1-A TO R-1-C AND TENTATIVE TRACT MAP 34938 TO SUBDIVIDE AN APPROXIMATE 20-ACRE PARCEL INTO 34 SINGLE FAMILY RESIDENTIAL SUBDIVISION AND 11 LETTERED LOTS ON 20 GROSS ACRES LOCATED SOUTH OF RAMON ROAD AND APPROXIMATELY 275 FEET WEST OF BELARDO ROAD:**

Mayor Pro Tem Pougnet requested staff address the Ordinance as it relates to previous Council discussion.

**ACTION:** 1) Adopt Resolution No. 21997, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DENYING THE GENERAL PLAN AMENDMENT FOR A 34-LOT SUBDIVISION ON 20 GROSS ACRES LOCATED SOUTH OF RAMON ROAD AND ABOUT 275 FEET WEST OF BELARDO ROAD;" 2) Waive the reading of the Ordinance text in its entirety and introduce by title only Ordinance No. 1717, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A ZONE CHANGE FROM R-1-A (SINGLE FAMILY RESIDENTIAL, 20,000 SQUARE FOOT MINIMUM LOT SIZE) TO R-1-C (SINGLE FAMILY RESIDENTIAL, 10,000 SQUARE FOOT MINIMUM LOT SIZE) FOR A 34-LOT SUBDIVISION ON 20 GROSS ACRES LOCATED SOUTH OF RAMON ROAD AND ABOUT 275 FEET WEST OF BELARDO ROAD;" and 3) Adopt Resolution No. 21998, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 34938 FOR THE CREATION OF A 34-LOT SUBDIVISION ON AN APPROXIMATE 20 GROSS ACRES LOCATED SOUTH OF RAMON ROAD AND ABOUT 275 FEET WEST OF BELARDO ROAD, ZONE R-1-A, SECTION 22." **Motion Councilmember Foat, seconded by Councilmember McCulloch 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.

**2.N. AWARD BID IFB 07-06 FOR TREE TRIMMING AT VARIOUS LOCATIONS IN THE CITY OF PALM SPRINGS TO TRUGREEN LAND CARE FOR A PROJECTED COST OF \$64,217.50:**

Councilmember Mills questioned if the agreement was within the scope of the City Council's current Palm Tree Trimming Policy.

**ACTION:** Adopt Minute Order No. 8068, Awarding Bid (IFB) 07-06 for palm tree trimming at various locations in the City of Palm Springs to TruGreen LandCare on a unit price basis of \$21.25 per tree for a projected total cost of \$64,217.50. **Motion Councilmember Mills, seconded by Mayor Pro Tem Pougnet and unanimously carried on a roll call vote.**

**3. LEGISLATIVE:** None.

**4. UNFINISHED BUSINESS:** None.

**5. NEW BUSINESS:**

**5.A. APPOINTMENTS TO THE AIRPORT COMMISSION AS PART OF THE 2007 ANNUAL RECRUITMENT OF COMMISSIONS AND BOARDS:**

**ACTION:** 1) Reappoint Bjorn Ahlstrom and appoint Joe Luisi to the Airport Commission for terms ending June 30, 2010; and 2) Direct the City Clerk to provide for the interview of all Applicants by the City Council, along with the interview of all remaining vacancies on any other Board or Commission. **Motion Councilmember McCulloch, seconded by Mayor Oden and unanimously carried on a roll call vote.**

The City Council discussed the qualifications and perhaps some restrictions for members of the Airport Commission.

**ACTION:** Direct staff to review restrictions and the process for the removal of Airport Commissioners. **By consensus of the City Council.**

The City Council recessed at 10:46 P.M.

The City Council reconvened at 10:48 P.M.

**COUNCILMEMBER COMMENTS AND REPORTS:**

Mayor Pro Tem Pougnet commented on a charity Golf Tournament he participated in, along with Councilmember McCulloch, and former Mayor Kleindienst.

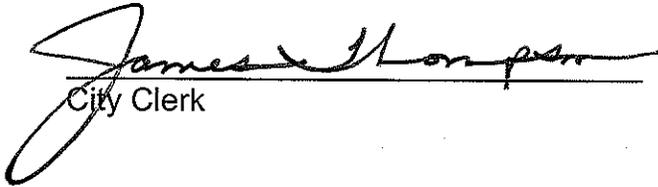
**ADJOURNMENT:** The City Council adjourned at 10:50 P.M. to an Adjourned Regular Meeting, Wednesday, July 25, 2007, at 6:00 P.M. in the Council Chamber, City Hall, preceded by a Closed Session at 4:30 P.M., Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS  
25<sup>TH</sup> DAY OF JULY, 2007.



MAYOR

ATTEST:

  
City Clerk