

PALM SPRINGS CITY COUNCIL
MINUTES
WEDNESDAY, JULY 11, 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.

ROLL CALL:

PRESENT: Councilmember McCulloch, Councilmember Mills, Mayor Oden.

ABSENT: Councilmember Foat and Mayor Pro Tem Pougnet.

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

PRESENTATIONS: None.

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 contained on the posted Closed Session Agenda. No reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

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

ACTION: Accept the Agenda as amended. **Motion Councilmember Mills, seconded by Councilmember McCulloch and unanimously carried 3-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat and Mayor Pro Tem Pougnet.

1. PUBLIC HEARINGS:

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

Ken Lyon, Associate Planner, provided background information as outlined in the General Plan.

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

JAMES CRIPPAN, read a letter from the Board of the Tahquitz River Estates Neighborhood Organization dated July 1, 2007.

JANE COWLES SMITH, Palm Springs, provided information on the lack of water in Riverside County.

APRIL HILDNER, Palm Springs, outlined the issues in the letter submitted by Builders Supply dated July 9, 2007.

MARVIN ROOS, requested two modifications to the General Plan as outlined in his letter dated July 11, 2007.

ARLENE BATTISHILL, commented on the property and development around the Convention Center, and requested the General Plan address global warming.

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

The City Council discussed the next step for the City Council deliberation of the General Plan.

Councilmember McCulloch commented on the lack of public testimony on the General Plan.

Councilmember Mills commented on the public testimony and the written comments received and responded to by staff.

Mayor Oden commented on the success of the General Plan process and the outreach to the community.

ACTION: 1) Close the public testimony portion of the public hearing and continue the Item to July 18, 2007. **Motion Councilmember Mills, seconded by Councilmember McCulloch and unanimously carried 3-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat and Mayor Pro Tem Pougnet.

1.B. TWO APPEALS OF A DECISION BY THE PLANNING COMMISSION TO CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT AND APPROVE CONDITIONAL USE PERMIT NO. 5.1115 AND ASSOCIATED VARIANCE NO. 6.493 FOR THE INSTALLATION AND OPERATION OF FIVE WIND ENERGY CONVERSION SYSTEMS LOCATED APPROXIMATELY 6,000 FEET WEST OF INDIAN AVENUE, NORTH OF I-10, SOUTH OF DILLON ROAD AND EAST OF HWY 62:

ACTION: 1) Continue the Public Hearing to July 25, 2007, with no public testimony; and 2) Direct the City Clerk to post a Notice of Continued

Public Hearing. **Motion Councilmember McCulloch, seconded by Councilmember Mills and unanimously carried 3-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat and Mayor Pro Tem Pougnet.

1.C. APPEAL OF THE PLANNING COMMISSION ACTION OF MAY 23, 2007 DENYING CASE NO. 3.2999 SFR CASE NO. 7.1215 AMM AN APPLICATION FOR ARCHITECTURAL REVIEW OF A TWO STORY HILLSIDE SINGLE FAMILY RESIDENCE LOCATED AT 350 EL PORTAL BY OWNER STEVEN VAN:

ACTION: 1) Continue the Public Hearing to July 18, 2007; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Councilmember McCulloch, seconded by Councilmember Mills and unanimously carried 3-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Foat and Mayor Pro Tem Pougnet.

PUBLIC COMMENT:

WENDIE BUSIG-KOHN, Palm Springs, commented on the proposed increase in salary to the Councilmembers.

JANE COWLES SMITH, Palm Springs, commented on the settlement of her lawsuit against the City with regard to Section 14.

ARLENE BATTISHILL, commented on an article in the Los Angeles Times and campaign financing.

DANA STEWART, Palm Springs, commented on eco-development, global warming and windmills.

VIC GAINER, Palm Springs, commented on Item 2.H., and outlined the programs of the Well in the Desert.

COUNCILMEMBER COMMENTS AND REQUESTS:

Councilmember McCulloch and Mayor Oden commented on campaign finance in the City of Palm Springs.

CITY MANAGER'S REPORT: City Manager Ready provided an update on the protected/permissive traffic light program.

Councilmember McCulloch thanked staff for the permissive-protective traffic light system.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., and 2.H. **Motion Councilmember Mills, seconded by Councilmember McCulloch and unanimously carried 3-0 on a roll call vote.**

AYES: Councilmember McCulloch, Councilmember Mills, Mayor Oden.

NOES: None.

ABSENT: Councilmember Foat and Mayor Pro Tem Pougnet.

2.A. REPORT ON POSTING OF THE AGENDA:

ACTION: Receive and file Report on the Posting of the July 11, 2007, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of June 6, 2007, June 20, 2007, and June 27, 2007. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 21963, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 06-16-2007 BY WARRANTS NUMBERED 412005 THROUGH 412160 TOTALING \$77,311.97, LIABILITY CHECKS NUMBERED 1021724 THROUGH 1021754 TOTALING \$143,100.62, THREE WIRE TRANSFERS FOR \$59,450.86 AND THREE ELECTRONIC ACH DEBITS OF \$998,656.61 IN THE AGGREGATE AMOUNT OF \$1,278,520.06 DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 21964, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1021755 THROUGH 1021986 IN THE AGGREGATE AMOUNT OF \$992,773.14 DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 21965, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1021987 THROUGH 1021993 IN THE AGGREGATE AMOUNT OF \$329,285.16 DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

- 2.D. TREASURER'S INVESTMENT REPORT AS OF APRIL 30, 2007:**
ACTION: Receive and File the Treasurer's Investment Report as of April 30, 2007. **Approved as part of the Consent Calendar.**
- 2.E. APPROVAL OF FINAL MAP 33162 AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH PALM SPRINGS MODERN HOMES VI, LLC, FOR A 2 LOT TRACT MAP FOR CONDOMINIUM PURPOSES LOCATED AT 2855 N. PALM CANYON DRIVE:**
ACTION: 1) Adopt Resolution No. 21966, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING FINAL MAP 33162 FOR PROPERTY LOCATED AT 2855 N. PALM CANYON DRIVE, IN SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST, AND APPROVING A SUBDIVISION IMPROVEMENT AGREEMENT WITH PALM SPRINGS MODERN HOMES VI, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY;" 2) Adopt Resolution No. 21967, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, TERMINATING AGREEMENT NO. A3286, APPROVED OCTOBER 6, 1993, A SUBDIVISION IMPROVEMENT AGREEMENT BETWEEN THE CITY OF PALM SPRINGS AND STEPHEN C. NICHOLS, TRUSTEE OF THE FRANK CULVER NICHOLS REVOCABLE TRUST;" and 3) Authorize the City Manager to execute all necessary documents. A3286. A5516. **Approved as part of the Consent Calendar.**
- 2.F. AWARD OF CONTRACT FOR THE GOLF CLUB DRIVE CULVERT RECONSTRUCTION PROJECT, CITY PROJECT 05-18:**
ACTION: 1) Adopt Minute Order No. 8061, Determining that Cedar Development, Inc. is not a "Responsible Bidder" pursuant to Palm Springs Municipal Code Section 7.01.040; 2) Adopt Minute Order No. 8062, Approving an agreement with Bonadiman-McCain, Inc., for the Golf Club Drive Culvert Reconstruction Project, City Project 05-18, in the amount of \$265,113; and 3) Authorize the City Manager to execute all necessary documents. A5517. **Approved as part of the Consent Calendar.**
- 2.G. APPROVAL OF AMENDMENT NO. 1 OF AGREEMENT NO. A5430 WITH HUNT ENVIRONMENTAL SERVICES, INC. FOR A TERM EXTENSION AND AMOUNT INCREASE FOR OVERSIGHT AND TECHNICAL ASSISTANCE RELATED TO THE WASTEWATER TREATMENT PLANT:**
ACTION: 1) Adopt Minute Order No. 8063, Approving Amendment No. 1 to Agreement No. A5430 with Hunt Environmental Services, Inc., in the amount of \$75,000 for a total contract amount not-to-exceed \$106,500, for oversight and technical assistance related to the Wastewater Treatment Plant and for a term increase of 50 weeks, extending the contract through June 27, 2008; and 2) Authorize the City Manager to execute all

necessary documents. A5430. **Approved as part of the Consent Calendar.**

2.H. DENYING CASE NO. 5.1157 CUP APPLICATION FROM THE WELL IN THE DESERT TO OPERATE A FOOD DISTRIBUTION CENTER LOCATED AT 202 SAN RAFAEL DRIVE:

ACTION: Adopt Resolution No. 21968, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DENYING AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR AN INSTITUTION OF CHARITABLE NATURE LOCATED AT 202 SAN RAFAEL DRIVE, ZONE M-1, SECTION 34." **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.I. APPROVAL OF WASTEWATER TREATMENT BUDGET AMENDMENTS:

Councilmember Mills requested staff address the location of Percolation Ponds of 7A, 7B and 8.

ACTION: Adopt Resolution No. 21969, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2007-08." **Motion Councilmember Mills, seconded by Mayor Oden and unanimously carried 3-0 on a roll call vote.**

AYES: Councilmember McCulloch, Councilmember Mills, Mayor Oden.

NOES: None.

ABSENT: Councilmember Foat and Mayor Pro Tem Pougnet.

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS: None.

COUNCILMEMBER COMMENTS AND REPORTS:

Mayor Oden requested staff schedule a future Study Session for planned improvements of the Wastewater Treatment Plant, commented on the July 4th Fireworks Display, noted the passing of Howard Gordon, and requested staff place on the July 25, 2007, Agenda funding for sponsorship of the Young Americans and Palm Springs High School Band concert series.

ADJOURNMENT: The City Council adjourned at 6:57 P.M. to a Regular Meeting, Wednesday, July 18, 2007, at 6:00 p.m. in the Council Chamber, City Hall, preceded by

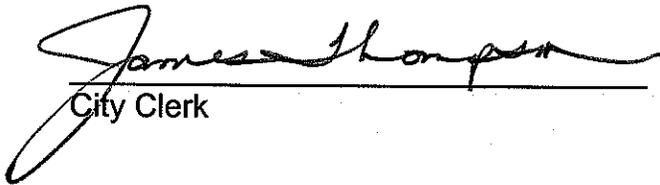
a Closed Session at 4:30 p.m., Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS
18th DAY OF JULY, 2007.**



MAYOR

ATTEST:



City Clerk