

PALM SPRINGS CITY COUNCIL  
MINUTES  
WEDNESDAY, JUNE 27, 2007  
CITY COUNCIL CHAMBER

**CALL TO ORDER:** Mayor Oden called the meeting to order at 6:07 P.M.

**PLEDGE OF ALLEGIANCE:** Councilmember Mills led the Pledge.

**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:**

John Raymond, Director of Community and Economic Development, presented a slide show of the Las Vegas Animal Shelter outlining conservation and resource efficiency.

**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. The Community Redevelopment Agency took action with respect to Item 1.A., and approved the purchase of the sublease interest of Palm Springs Ventures LLC, for the property located at the southeast corner of Avenida Caballeros and Amado Road, APN 508-070-038, by a unanimous 4-0 vote, noting the absence of Councilmember Mills due to a potential conflict of interest. An agreement will be on file in the Office of the City Clerk upon execution of the Agency representatives. A0519C.

**ACCEPTANCE OF THE AGENDA:**

Mayor Pro Tem Pougnet noted his business related abstention on Item 2.C., Warrant No. 1021659, and requested Item 2.J. be removed from the Consent Calendar for separate discussion.

Councilmember McCulloch noted his business related abstention on Item 2.C., Warrant No. 1021508.

Councilmember Mills noted his business related abstention on Item 2.F.

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

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

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

**1. PUBLIC HEARINGS:**

- 1.A. 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:**  
Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated June 27, 2007.

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

DAVID RUTTER, Applicant, provided background information on the project as outlined in a Power Point presentation.

DAVID B. COSGROVE, Representing both Appellants, provided background information as outlined in the written appeals, and requested the City Council not take any action, until the County of Riverside has taken action on the project.

RENEE ROBIN, provided information in support of the project as outlined in her letters of testimony.

LES STARKS, Palm Springs, spoke in opposition to the project as outlined in his written testimony provided.

ROXANN PLOSS, Palm Springs, spoke in support of alternative energy and conservation.

DANA STEWART, Palm Springs, read a letter by James Mckinney in opposition to the project.

DANA STEWART, Palm Springs, spoke in opposition to the project as outlined in her written testimony.

JANE COWLES SMITH, commented on air, water, dust and health with respect to development issues and spoke in opposition to the project.

FRED NOBLE, Palm Springs, provided information as outlined on his application.

JEFF WELTON, stated his support for the project and commented on the impact to birds.

ERIN KIRLEHAN, spoke in support of the project.

SAM MILLETT, spoke in opposition of the project and commented on fires due to the windmills.

WESLEY ROSS, Palm Springs, commented on notification to property owners, and spoke in opposition to the project in this area.

DAVID RUTTER, Rebuttal, commented on alternative and renewable energy, and requested the City Council approve the project.

DAVID COSGROVE, Rebuttal, commented on the bird study, the EIR, the guidelines by the Department of U.S. Fish and Game, and the request for variance.

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

Councilmember McCulloch requested the City Attorney and Staff address all the legal issues raised as part of the final report.

Councilmember Foat requested staff address the County approval of the EIR.

**ACTION:** Continue the item to the meeting of July 11, 2007 and direct staff to prepare resolutions for upholding the decision of the Planning Commission and denying the appeals. **Motion Mayor Pro Tem Pougnet, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

The City Council recessed at 7:12 P.M.

The City Council reconvened at 7:20 P.M.

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

**1.B. 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 A 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:**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report and supplemental memorandum dated June 27, 2007.

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

MIKE HUTCHISON, Applicant, thanked the neighborhood association for the input and provided background information on the project.

ED TORRES, Applicant, provided background and statistical information on the development.

GENE DIPPEL, Palm Springs, spoke in support of the project and the guarantee of only 34 lots on the property.

KIMBERLY NICHOLS, read a letter from Earl Greenburg in support of the project.

MARSHALL ROATH, spoke in support of the project and the blending with the existing neighborhood.

ILENE BLOCK, Palm Springs, provided information as outlined in her written testimony, commented on the impact to Ramon Road, and spoke in opposition to the development being a gated community.

BOB HELBLING, Palm Springs, spoke in support of the project, commented on impact to Ramon Road, egress, ingress and the project being a gated community.

ROBERT METCALF, Palm Springs, spoke in support of the project and the low density.

GARY SOTO, Palm Springs, stated his support of the development and that he looks forward to owning a home in the development as a gated community.

GEOFF KORS, Palm Springs, stated his support for the project, commented on the low density and the 'green' development.

ROBERT REICHMAN, spoke in opposition to the development and requested the City Council table the decision for further study and comment.

ROXANN PLOSS, Palm Springs, spoke in support of the project, commented on the individually graded lots and the gated community.

JOYCE OHMURA, read a letter from Frank Tysen in support of the project.

CURT SWAN, Palm Springs, stated his zoning and setback concerns, as outlined in his written letter to the City Council.

DAVID BARON, stated his support for the project, commented on the low density of the project.

SCOTT PALERMO, spoke in support of the development.

DENISE SWAN, spoke in support of the project without the change in zoning and commented on the gated entrance.

ROB FIRTH, Palm Springs, spoke in support of the development, commented on the low density.

ARLENE BATTISHILL, spoke in support of the project, and commented on the zone change.

MIKE HUTCHISON and ED TORRES commented on the impact to the community.

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

Mayor Pro Tem Pougnet requested the Applicant address the use of a PDD for this project, commented on the impact and improvements to Ramon Road.

Councilmember Foat requested staff address the negative comments received and the low density of the project.

Councilmember McCulloch requested staff address the process of development for the individual lots.

Mayor Oden commented on the Architectural Review process, the approval required of property that is considered hillside, the lack of review of the other properties in the development, on the use of a PDD for this project, and commented on gated communities in the city.

Councilmember McCulloch requested staff address the review process for individual lots, and the use of a PDD for the project.

Mayor Pro Tem Pougnet commented on the zone change and the project as a PDD.

**ACTION:** Determine the tract map conforms to the overall density of the General Plan Land Use designation, conditionally approve the Tentative Tract Map and Zoning Amendment to R-1-C with the Conditions of Approval, adding a Condition of Approval for the Landscape Plan subject to City Council approval at the time of the final map, deny the requested General Plan Amendment, and direct staff to prepare appropriate findings and approval documents. **Motion Councilmember Foat, seconded by Mayor Oden and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Mills.

Councilmember Mills returned to the dais.

**1.C. MODIFICATIONS TO CERTAIN USER FEES AND CHARGES FOR THE AVIATION, PLANNING AND PARKS AND RECREATION DEPARTMENTS, IMPLEMENTATION OF A CPI ADJUSTMENT AND MODIFYING THE COMPREHENSIVE FEE SCHEDULE ADOPTED BY RESOLUTION NO. 21578 FOR FISCAL YEAR 2007-08:**

City Clerk Thompson provided background information as outlined in the staff report dated June 27, 2007.

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

JADE NELSON, Palm Springs, spoke in opposition to the proposed new fees with respect to Historic Site Preservation.

ROXANN PLOSS, Palm Springs, commented on Historic Site Preservation Fees.

SHEILA GRATTAN, spoke in opposition to fees with respect to Historic Site Preservation.

JOHN WILLIAMS, spoke in opposition to fees with respect to Historic Site Preservation.

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

Mayor Pro Tem Pougnet requested staff address the issue of fees for Historic Site designation.

Councilmember Mills commented on fees for Historic Site Preservation.

Councilmember Foat commented on the fees for Historic Site Preservation and requested staff address VillageFest Fees.

Councilmember McCulloch commented on the impact of VillageFest to the Downtown merchants and requested staff address fees for Historic Site Preservation.

The City Council discussed the proposed fees for Historic Site Preservation.

Motion by Councilmember Mills Adopt Resolution, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CERTAIN USER FEES AND CHARGES AND MODIFYING THE COMPREHENSIVE FEE SCHEDULE ADOPTED BY RESOLUTION NO. 21578 FOR FISCAL YEAR 2007-08." Failed for lack of second.

**ACTION:** Adopt Resolution No. 21952, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CERTAIN USER FEES AND CHARGES AND MODIFYING THE COMPREHENSIVE FEE SCHEDULE ADOPTED BY RESOLUTION NO. 21578 FOR FISCAL YEAR 2007-08" amending the Comprehensive Fee Schedule by deleting the proposed Fee for an Historic Site Designation Application. **Motion Councilmember Foat, 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.

The City Council recessed at 9:14 P.M.

The City Council reconvened at 9:21 P.M.

**1.D. 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 staff report dated June 27, 2007.

Discussion was held regarding the process for the adoption of the General Plan.

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

JONO HILDNER, Palm Springs, requested the City Council modify the language for the PDD process.

ED DIETRICH, Palm Springs, requested the City Council address the extension of Chia Road in the General Plan.

MARVIN ROOS, commented on the long term goal of increasing mass transportation opportunities, policy requirements for certain non-conforming uses, requested review of Quimby and Sewer Fees.

FRED BELL, commented on the process for submitting additional comments, and requested the City Council review the Quimby Fees.

JEFFREY BALLENGER, requested the City Council address the Chino Cone provisions in the land use element and to allow density transfers off the Chino Cone.

ROXANN PLOSS, Palm Springs, commented on the process through the General Plan Steering Committee level, requested the City Council address a water element in the General Plan.

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

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

**ACTION:** 1) Continue the public hearing to July 11, 2007, at which point the public testimony portion of the public hearing will be closed, but interested parties may continue to provide written information; and 2) Direct the City Clerk to post a notice of continued public hearing. **Motion Councilmember Mills, seconded by Mayor Pro Tem Pougnet and unanimously carried on a roll call vote.**

**PUBLIC COMMENT:**

WENDIE BUSIG-KOHN, Palm Springs, commented on PSCTV format, stated her support for Item 3.A., modifying compensation for the Mayor and Members of the City Council.

JOHN WILLIAMS, Palm Springs, spoke in support of Item 5.B., purchase of artwork for the Warm Sands neighborhood.

DOUG WYLIE, Palm Springs, spoke in support of Item 5.B., purchase of artwork for the Warm Sands neighborhood.

GORDON ELKINS, Palm Springs, spoke in support of Item 5.B., purchase of artwork for the Warm Sands neighborhood.

JONO HILDNER, Palm Springs, spoke in support of the revised ballot measure question on Item 2.D., and spoke in support of Item 3.A., an increase in City Council compensation.

WILLIE JAMES HOLLAND, commented on the Desert Highland Gateway neighborhood.

JOY MEREDITH, Palm Springs, spoke in support of Item 2.J. extension of parking in the Downtown, commented on the charity activities of the Well in the Desert, the conflicts between the downtown merchants and the VillageFest, and in support of an increase in salary for the City Council.

ED TORRES, commented on the state of the City, and in support of Item 3.A., increase in the City Council salary.

**COUNCILMEMBER COMMENTS AND REQUESTS:** None.

**CITY MANAGER'S REPORT:**

City Manager Ready commented on the successful HUD Community Development Block Grant audit and submitted a timeline for the future Block Grant funding process; and commented on the speed hump installation at Cielo Vista Elementary School.

**2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A., 2.C., 2.D., 2.E., 2.G., 2.H., 2.K., and 2.L. **Motion Councilmember Foat, seconded by Councilmember Mills 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 June 27, 2007, City Council Agenda. **Approved as part of the Consent Calendar.**

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

**ACTION:** 1) Adopt Resolution No. 21955, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1021452 THROUGH 1021716 IN THE AGGREGATE AMOUNT OF \$ 2,625,455.08 DRAWN ON BANK OF AMERICA;" and 2) Adopt Resolution No. 21956, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1021717 THROUGH 1021723 IN THE AGGREGATE AMOUNT OF \$205,838.69 DRAWN ON BANK OF AMERICA." **Approved as part of**

the Consent Calendar noting the business related abstention of Mayor Pro Tem Pougnet on Warrant No. 1021659, and the business related abstention of Councilmember McCulloch on Warrant No. 1021508.

**2.D. PROPOSED RESOLUTIONS CALLING THE NOVEMBER 6, 2007, GENERAL MUNICIPAL ELECTION, ORDERING SERVICES AND ADOPTING REGULATIONS FOR CANDIDATE STATEMENTS AND REFERENDUM ARGUMENTS AND REBUTTAL ARGUMENTS:**

**ACTION:** 1) Adopt Resolution No. 21957, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2007, FOR THE ELECTION OF CERTAIN OFFICERS AND FOR THE SUBMISSION TO THE QUALIFIED VOTERS, AN ORDINANCE EXTENDING THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND SHADOWROCK REAL ESTATE DEVELOPMENT LLC, AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA;" 2) Adopt Resolution No. 21958, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2007;" 3) Adopt Resolution No. 21959, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2007;" and 4) Adopt Resolution No. 21960, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS AND PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS REGARDING A CITY MEASURE AT THE NOVEMBER 6, 2007 GENERAL MUNICIPAL ELECTION AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS." **Approved as part of the Consent Calendar.**

**2.E. AUTHORIZE MISCELLANEOUS FISCAL YEAR 2007-08 MAINTENANCE AND REPAIR EXPENDITURES:**

**ACTION:** Adopt Minute Order No. 8055, Authorizing the as-needed purchase of Caterpillar repair parts from Johnson Power Systems in an amount not-to-exceed \$100,000, radio system repair services from Motorola in the amount of \$73,487, and carpet maintenance services from DFS Flooring in the amount of \$58,560. **Approved as part of the Consent Calendar.**

- 2.G. STAFF AUTHORIZED AGREEMENTS FOR THE PERIOD MAY 1 THROUGH MAY 31, 2007:**  
**ACTION:** Receive and file the Staff Authorized Agreements covering the period May 1 through May 31, 2007. **Approved as part of the Consent Calendar.**
- 2.H. AMENDMENT NO. 4 TO AGREEMENT NO. A3469 WITH ARNOLD PALMER MANAGEMENT LLC FOR GOLF COURSE MANAGEMENT SERVICES AT TAHQUITZ CREEK GOLF RESORT:**  
**ACTION:** 1) Adopt Minute Order No. 8057, Approving Amendment No. 4 to Agreement No. A3469 with Arnold Palmer Management LLC extending the term of the management agreement for a period of six (6) months from July 1, 2007, through December 31, 2007, for golf course management services at Tahquitz Creek Golf Resort; and 2) Authorize the City Manager to execute all necessary documents. A3469. **Approved as part of the Consent Calendar.**
- 2.K. AMENDMENT NO. 2 TO AGREEMENT NO. A5242 WITH STANDARD PARKING CORPORATION IN AN AMOUNT NOT-TO-EXCEED \$96,000. FOR DOWNTOWN PARKING CONTROL AND ENFORCEMENT SERVICES FOR FISCAL YEAR 2007-08:**  
**ACTION:** 1) Adopt Minute Order No. 8059, Approving Amendment No. 2 to Agreement No. A5242 with Standard Parking Corporation for downtown parking enforcement services in an amount not-to-exceed \$96,000. for a one (1) year period expiring June 30, 2008; and 2) Authorize the City Manager to execute all necessary documents. A5242. **Approved as part of the Consent Calendar.**
- 2.L. PROPOSED RESOLUTION AMENDING THE ALLOCATED POSITIONS AND COMPENSATION PLAN TO ADJUST EX (DEPARTMENT HEAD) SALARIES AND MODIFY THEIR "RETIREE HEALTH" BENEFIT TO A 2-TIER STRUCTURE, PAY FOR PERFORMANCE PROGRAM AND EXPENSE REIMBURSEMENT FOR CITY COUNCIL AND COMMISSION MEMBERS:**  
**ACTION:** Adopt Resolution No. 21962, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE ALLOCATED POSITIONS AND COMPENSATION PLAN, ADOPTED BY RESOLUTION NO. 21907, EXTENDING THE MANAGEMENT PAY FOR PERFORMANCE PROGRAM, AND AMENDING THE EXPENSE REIMBURSEMENT POLICY FOR CITY COUNCIL AND COMMISSION MEMBERS."  
**Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.B. INSURANCE RENEWALS FOR THE CITY'S AIRPORT LIABILITY, AERO SQUADRON AIRCRAFT, ALL-RISK PROPERTY, EARTHQUAKE/FLOOD (PRIMARY LEVEL), CRIME, BOILER AND MACHINERY, EXCESS GENERAL LIABILITY, AND EXCESS WORKERS COMPENSATION:**

Mayor Oden requested staff address any savings.

**ACTION:** 1) Adopt Minute Order No. 8054, Approving a contract services agreement with Davis & Graeber Insurance Services, Incorporated for insurance brokerage services for a one (1) year term in an amount not-to-exceed \$60,000; 2) Adopt Resolution No. 21953, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING DAVIS & GRAEBER INSURANCE SERVICES, AS THE CITY'S BROKER OF RECORD, TO PURCHASE AIRPORT LIABILITY, AERO SQUADRON AIRCRAFT, ALL-RISK PROPERTY, EARTHQUAKE/FLOOD (PRIMARY LEVEL), CRIME, BOILER AND MACHINERY, GENERAL LIABILITY POLICIES, EFFECTIVE JULY 1, 2007, IN AN AMOUNT NOT-TO-EXCEED \$593,142;" 3) Adopt Resolution No. 21954, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING KEENAN & ASSOCIATES, AS THE CITY'S BROKER OF RECORD, TO PURCHASE EXCESS WORKERS COMPENSATION INSURANCE, EFFECTIVE JULY 1, 2007, IN AN AMOUNT NOT-TO-EXCEED \$75,037;" and 4) Authorize the City Manager to execute the necessary documents. **Motion Councilmember Mills, seconded by Mayor Pro Tem Pougnet and unanimously carried on a roll call vote.**

Councilmember Mills noted his business related conflict of interest with respect to Item 2.F., would not participate in the discussion or the vote, and left Council Chamber.

**2.F. AMENDMENT NO. 2 TO AN EXCLUSIVE AGREEMENT TO NEGOTIATE WITH THE OASI GROUP FOR A 7.8 ACRE CITY-OWNED PARCEL AT THE NORTHEAST CORNER OF CALLE ALVARADO AND AMADO ROAD, EXTENDING THE TERM TO DECEMBER 31, 2007:**

City Manager Ready provided background information as outlined in the staff report dated June 27, 2007.

Councilmember Foat requested staff address if the agreement will specify the name of the hotel.

**ACTION:** 1) Adopt Minute Order No. 8056, Approving Amendment No. 2 to an exclusive agreement to negotiate with the Oasi Group for a 7.8 acre city-owned parcel located at the northeast corner of Calle Alvarado and Amado Road, extending the term to December 31, 2007 *amending the agreement to specify the hotel as a Mondrian Hotel*; and 2) Authorize the City Manager to execute all

necessary documents. A5220. **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.

**2.I. APPROVAL OF AN AGREEMENT WITH MORELAND AND ASSOCIATES TO PROVIDE PROFESSIONAL FINANCIAL AUDITING SERVICES FOR A THREE YEAR TERM:**

Councilmember Foat requested staff address the need to change audit firms, questioned if Moreland and Associates was the low bidder, and the amount of savings due to the change in audit firms.

**ACTION:** 1) Adopt Minute Order No. 8058, Approving an agreement with Moreland and Associates, Inc., for financial auditing services, in an amount not-to-exceed \$231,610, for the initial three year term, with two additional one-year terms at the discretion of the City Manager; and 2) Authorize the City Manager to execute the agreement. A5509. **Motion Councilmember Foat, seconded by Mayor Pro Tem Pougnet and unanimously carried on a roll call vote.**

**2.J. EXTEND THE SUSPENSION OF TWO-HOUR TIME PARKING TIME LIMITS ON PORTIONS OF INDIAN CANYON DRIVE AND BELARDO ROAD FROM ALEJO ROAD TO RAMON ROAD AND DOWNTOWN CITY-OWNED PARKING LOTS AND THE PARKING STRUCTURE UNTIL JUNE 30, 2008:**

Councilmember Pougnet requested staff address the timing of a proposed parking plan for the Downtown area.

Councilmember Mills commented on past practice and the delay of decisions regarding the parking Downtown, and stated he is hesitant to issue an RFP for a parking study, due to the changing nature of the Downtown.

Councilmember Foat commented on preparing a parking plan with the multitude of construction Downtown, and commented on issues at Plaza Mercado.

Mayor Oden commented on the timing of the process, and the construction Downtown.

Councilmember Mills commented on the area around the Desert Fashion Plaza, the timing of the process with construction, enforcement issues, and commented on parking at Plaza Mercado.

**ACTION:** 1) Adopt Resolution No. 21961, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING THE SUSPENSION OF TWO-HOUR PARKING TIME LIMITS ON PORTIONS OF INDIAN CANYON DRIVE AND BELARDO ROAD FROM ALEJO ROAD TO RAMON ROAD AND DOWNTOWN CITY OWNED PARKING LOTS AND THE PARKING STRUCTURE UNTIL JUNE 30, 2008;" and 2) Direct staff to reevaluate the suspension of parking at Plaza Mercado in summer or early fall.  
**Motion Mayor Pro Tem Pougnet, seconded by Councilmember McCulloch and unanimously carried on a roll call vote.**

**3. LEGISLATIVE:**

**3.A. PROPOSED ORDINANCE MODIFYING COMPENSATION FOR THE MAYOR AND MEMBERS OF THE CITY COUNCIL:**

City Manager Ready provided background information as outlined in the staff report dated June 27, 2007.

Mayor Oden stated the compensation is not livable, and requested that the Mayor have the ability to form a compensation committee.

Councilmember Foat commented on the amount of the proposed increase, and timing issues for the increase to be in effect.

**ACTION:** 1) Waive the reading of the text and introduce by title only; 2) Introduce on first reading Ordinance No. 1716, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, 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;" 3) Direct staff to return this ordinance for second reading and adoption at the first meeting in October; and 4) Direct the City Manager to form a Compensation Committee.  
**Motion Councilmember Foat, seconded by Mayor Oden 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. APPROVAL OF AN ENCROACHMENT LICENSE TO DILLON WIND PROJECT, LLC, FOR A PRIVATE HIGH-VOLTAGE ELECTRIC**

**SYSTEM WITHIN THE RIGHT-OF-WAY OF DIABLO ROAD, DILLON ROAD, AND MELISSA LANE IN SECTION 9, T3S, R5E:**

David Barakian, City Engineer, provided background information as outlined in the staff report dated June 27, 2007.

The City Council recessed at 11:16 P.M.  
The City Council reconvened at 11:20 P.M.

**ACTION:** Tabled the Item to July 11, 2007. **Motion Mayor Pro Tem Pougnet, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**5.B. PURCHASE OF A SCULPTURE ENTITLED JUNGLE RED BY ARTIST DELOS VAN EARL FOR \$35,000 FOR PLACEMENT IN THE MEDIAN LOCATED AT WARM SANDS DRIVE AND RAMON ROAD:**

John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated June 27, 2007.

Councilmember Mills commented on the installation of decorative rock, landscaping, and lighting of the artwork.

**ACTION:** 1) Adopt Minute Order No. 8060, Approving an Agreement for Purchase and Sale of Public Art between the City of Palm Springs and Delos Van Earl for \$35,000 in a form acceptable to the City Attorney; 2) Authorize the City Manager to execute all necessary documents; and 3) Direct staff to review landscaping and lighting of the artwork and submit to Architectural Advisory Board and the Public Arts Commission. A5511. **Motion Councilmember Foat, seconded by Mayor Pro Tem Pougnet and unanimously carried on a roll call vote.**

**5.C. APPOINTMENT OF VARIOUS COMMISSIONERS AND BOARD MEMBERS FOR THE 2007 ANNUAL RECRUITMENT PROCESS:**

City Clerk Thompson provided background information as outlined in the staff report dated June 27, 2007.

**ACTION:** Reappoint Daun DeVore and appoint William P. Johnson to the Administrative Appeals Board for the terms ending June 30, 2010. **Motion Councilmember Mills, seconded by Mayor Oden and unanimously carried on a roll call vote.**

**ACTION:** Reappoint Maile Klein and appoint Jerry Trussell and Sidney Craig to the Human Rights Commission for the terms ending June 30, 2010, and appoint Marguerite Freeman to the Human Rights Commission for the unexpired term ending June 30, 2008. **Motion Councilmember**

**Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**ACTION:** Reappoint Ronald Willison and Matthew Bousquette to the Library Board for the term ending June 30, 2010. **Motion Councilmember Mills, seconded by Mayor Oden and unanimously carried on a roll call vote.**

**ACTION:** Appoint Sidney Chambers to the Personnel Board for the term ending June 30, 2010. **Motion Councilmember Foat, seconded by Mayor Oden and unanimously carried on a roll call vote.**

Discussion was held regarding postponement of the appointments to the Public Arts Commission, along with information and qualifications of the subcommittee recommendations, and the inclusion of the Commission Chair in the interviews.

**MOTION:** Reappoint Michael Stern, appoint Robert Stone for the longest term and appoint James Kennedy, to the Public Arts Commission. **Motion Councilmember Mills, seconded by Mayor Oden and failed 2-3 on a roll call vote.**

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

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

**MOTION:** Postpone the appointments to the Public Arts Commission, place on the agenda for the next meeting. **Motion Councilmember Foat failed for lack of a second.**

**ACTION:** Reappoint Michael Stern and appoint James Kennedy to the Public Arts Commission. **Motion Councilmember Foat, seconded by Mayor Pro Tem Pougnet and unanimously carried on a roll call vote.**

**ACTION:** Appoint Robert Stone to the Public Arts Commission for the longest term. **Motion Councilmember Mills, seconded by Mayor Oden and carried 3-2 on a roll call vote.**

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

**NOES:** Councilmember Foat and Councilmember McCulloch.

**ACTION:** Appoint Martha Johnson to the Rent Review Commission for the term ending June 30, 2010. **Motion Councilmember Foat, seconded by Mayor Oden and unanimously carried on a roll call vote.**

**ACTION:** Reappoint Nancy Stuart to the Tramway Board for the term ending September 19, 2011. **Motion Councilmember McCulloch, seconded by Mayor Oden and unanimously carried on a roll call vote.**

**ACTION:** Reappoint Jerry Ogburn to the Tramway Board for the term ending September 19, 2011. **Motion Councilmember McCulloch, seconded by Mayor Oden and carried 4-1 on a roll call vote.**

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

**NOES:** Councilmember Foat.

**ACTION:** Appoint Rebecca Terrill and Joe Garcia to the VillageFest Board for the terms ending June 30, 2010. **Motion Councilmember McCulloch, seconded by Mayor Oden and unanimously carried on a roll call vote.**

**ACTION:** Direct the City Clerk to place the appointments to the Airport Commission on the July 18, 2007 Agenda; and direct the City Clerk to re-advertise and continue to solicit applications for any continued vacancies, as open until filled. **By consensus of the City Council.**

Councilmember Foat requested a Study Session to review the process of Commission and Board appointments.

Mayor Oden recommended that the process be updated to reflect the City Charter Amendments.

The City Council recessed at 11:47 P.M. as the City of Palm Springs Community Redevelopment Agency.

The City of Palm Springs Community Redevelopment Agency adjourned at 11:49 P.M. and the City Council continued.

#### **STUDY SESSION:**

#### **SS1. DISCUSSION OF CAPACITY AND POSSIBLE ISSUANCE OF COMMUNITY REDEVELOPMENT AGENCY DEBT AND ISSUANCE OF BONDS FOR FUNDING CAPITAL ACQUISITIONS OR PROJECTS:**

**ACTION:** Table to July 18, 2007. **By consensus of the City Council.**

#### **COUNCILMEMBER COMMENTS AND REPORTS:**

Mayor Oden announced the Human Rights Commission forum on Immigration.

Councilmember Mills requested staff updated the aerial map in Council Chamber, requested a report on the removal of the basketball backstops at Baristo Park, and commented on the public comment period.

**ADJOURNMENT:** The City Council adjourned at 11:56 P.M. to an Adjourned Regular Meeting, Wednesday, July 11, 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. The City Council will recess on July 5, 2007 in honor of our Nation's Birthday.

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

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MAYOR

ATTEST:

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City Clerk