

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

CALL TO ORDER: Mayor Oden called the meeting to order at 6:06 P.M.

PLEDGE OF ALLEGIANCE: Palm Springs Air Force ROTC Junior Color Guard led the Pledge. Palm Springs Caballeros Chorus led the National Anthem.

INVOCATION: Duane Cox, Retired Religious Science Minister, 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 presented a Certificate of Recognition to the Palm Springs Caballeros Chorus.

Mayor Oden and the City Council proclaimed the month of April, 2007, as Child Abuse Prevention Month in the City of Palm Springs.

Police Chief Gary Jeandron recognized persons involved in improving lines of communication with the hearing impaired at the Citizens Police Academy.

Fire Chief Blake Goetz announced the donation of animal oxygen masks from Save-A-Pet to the City of Palm Springs for use in an emergency.

REPORT OF CLOSED SESSION: City Attorney Holland stated that at 5:00 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:

Staff requested Item 2.H. be removed from the Agenda.

Mayor Oden requested Items 2.D., 2.E., 2.F., and 2.G. be removed from the Consent Calendar for a report from staff, and requested Item 2.L. be removed from the Consent Calendar for separate discussion.

Councilmember McCulloch noted his business related abstention on Item 2.C., Warrant No. 1020101.

Mayor Pro Tem Pougnet requested Items 2.I. and 2.K. be removed from the Consent Calendar for separate discussion.

Councilmember Mills noted his business related abstention on Items 1.B. and 2.K., and requested Item 2.O. be removed from the Consent Calendar for separate discussion.

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

1. PUBLIC HEARINGS:

1.A. ZONING TEXT AMENDMENT TO MODIFY SECTION 94.06.01 (A)(5) TO ALLOW GREATER FRONT AND SIDE YARD SETBACKS THROUGH THE ADMINISTRATIVE MINOR MODIFICATION PROCESS, CASE NO. 5.1151 ZTA, AN APPLICATION BY THE CITY OF PALM SPRINGS:

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

Councilmember Foat requested that pages be numbered and stated the report had a page missing from the Planning Commission Staff Report.

Councilmember McCulloch requested staff address the distinction of setbacks on major thoroughfares.

Mayor Pro Tem Pougnet requested staff address the setbacks for potential widening of streets.

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

ACTION: 1) Waive the reading of the ordinance text in its entirety and read by title only; and 2) Introduce on first reading Ordinance No. 1712, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PARAGRAPH 5 OF SUBSECTION A OF SECTION 94.06.01 OF THE PALM SPRINGS ZONING CODE TO ALLOW FRONT AND SIDE YARD SETBACKS ON MAJOR AND SECONDARY THOROUGHFARES TO BE REDUCED UP TO THE SAME AMOUNT AS FRONT AND SIDE YARD SETBACKS ON LOCAL/COLLECTOR STREETS THROUGH THE ADMINISTRATIVE MINOR MODIFICATION PROCESS" *noting minor administrative amendments.* **Motion Councilmember Foat, seconded by Mayor Pro Tem Pougnet and unanimously carried on a roll call vote.**

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

1.B. SUNCAL PSV, LLC - CASE NO. 5.0982 - AMENDMENT TO 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 CONSTRUCTION SIGNAGE PROGRAM FOR THE AVALON RESIDENTIAL / GOLF COURSE PROJECT, LOCATED AT 801 SUNRISE PARKWAY:

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

Councilmember McCulloch requested staff address the placement of the monument sign and the welcome sign, and the sizes of the proposed signs.

Mayor Pro Tem Pougnet requested staff address what would have been allowed without the special sign district, and if the process requires an amendment to the PDD to establish the sign program.

Councilmember Foat commented on the process of amending the PDD, and requested staff address the placement of the flags and banners.

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

STACY STRUSS, representing the sign company, provided background information on the proposal.

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

Mayor Pro Tem Pougnet requested the City Attorney address the process of amending a PDD for a sign district, and commented on the number and size of some of the signs.

Councilmember Foat commented on the number of fencing signs and indicated she would favor a scaled-down version of the proposal.

Councilmember McCulloch addressed the process of amending the PDD, and stated his support for the internal signage, but some of the signs need to be scaled down.

Mayor Oden requested staff address the current fenced portion of the project, commented on the area and need for development and promotion of the area, requested the Applicant scale down the verbiage, requested additional graphics, requested staff address the maintenance program of the signage, and commented on the 90-day requirement.

Councilmember Pougnet requested staff recap the direction by the City Council.

ACTION: 1) Continue the public hearing; and 2) Direct the City Clerk to re-notice the hearing. **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.

Councilmember Mills returned to the dais.

1.C. APPLICATION BY JOHN WESSMAN FOR THE EDGE AT BELARDO, A PLANNED DEVELOPMENT DISTRICT AND TENTATIVE TRACT MAP 34580 TO SUBDIVIDE AN APPROXIMATE 6.9-ACRE PARCEL INTO 66 LOTS, FIVE LETTERED LOTS, DEVELOPMENT OF A PROPOSED 66-UNIT CLUSTERED TOWN HOME COMPLEX, AND A RECREATION BUILDING LOCATED ALONG THE WEST SIDE OF BELARDO ROAD SOUTH:

Edward Robertson, Principal Planner, provided background information as outlined in the staff report dated April 18, 2007.

Councilmember Foat requested staff address the height of the last building at grade, if fill is being used, the deletion of Condition No. 3 by the Planning Commission, the side yard setbacks and distance between buildings, and the percentage of open space.

Councilmember Mills requested to see the colored site plan showing height, and requested staff address the third floor option and which units may include the option.

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

JOHN WESSMAN, Palm Springs, provided a history of the property and the surrounding apartment building, the opening of view corridors, stated the plan calls for half of the density allowed on the site, commented on the setback, the creation of the parking and the heavily landscaped entry courtyards, and commented on the Planning Commission restriction on height on some of the units.

Mayor Pro Tem Pougnet requested staff address the number of three-story elements, if staff has the site plan with the pre-selected sites, and questioned if the number of sites was 19 or 27.

ARLENE BATTISHILL, Palm Springs, stated the project was beautiful, and commented on the peak year sales in the City, and the number of residential units approved and under development.

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

Councilmember Mills requested staff address the guest parking facilities, red curbing and street parking, the downsizing of the street at the bridge, the location of the mechanical equipment for the units, and requested the Applicant address the street setback at the entrance.

Councilmember McCulloch stated the project has character, the City needs to develop high-end housing, and stated his support for the project.

Councilmember Foat requested staff address guest parking facilities and street parking, and the access of emergency services in the cul-de-sacs, and stated her support of the proposed plan.

Mayor Pro Tem Pougnet clarified the request for no more than 27 units with the third story option and no third story units next to each other, and commented on the quality of life with respect to capital improvements and the proposed development.

Mayor Oden commented on the diversity of the housing stock, and stated his support for the project.

Councilmember Mills commented on the state of development in the City, and commented on the setback near the street.

Mayor Oden commented on the status of development in the City.

ACTION: Adopt Resolution No. 21864, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING CASE NO. 5.1108, TENTATIVE TRACT MAP 34580, AND PLANNED DEVELOPMENT DISTRICT 326, FOR THE DEVELOPMENT OF 66 TOWN HOME UNITS AND COMMON AREAS, ON AN APPROXIMATE .9-ACRE PARCEL, LOCATED ALONG THE WEST SIDE OF BELARDO ROAD SOUTH, ZONE R-3, SECTION 22." **Motion Councilmember Foat, seconded by Councilmember McCulloch and unanimously carried on a roll call vote.**

The City Council recessed at 8:01 P.M.
The City Council reconvened at 8:16 P.M.

1.D. AN APPLICATION BY THE LOFTIN FIRM FOR TENTATIVE TRACT MAP 34627 TO CONVERT AN APPROXIMATE 25.9 ACRE TRACT OF 184 EXISTING MOBILEHOME RENTAL UNITS TO A RESIDENT-OWNED CONDOMINIUM MOBILEHOME PARK LOCATED AT 6300 BOLERO ROAD:

ACTION: Continue the public hearing, and direct the City Clerk to re-notice the Public Hearing Notice. **Motion Councilmember Foat, seconded by Mayor Pro Tem Pougnet and unanimously carried on a roll call vote.**

1.E. RIGHT-OF-WAY VACATION OF A PORTION OF EAST PALM CANYON DRIVE AND BARONA ROAD ADJACENT TO THE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND BARONA ROAD, IN SECTION 25, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R-06-36:

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

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

ACTION: Adopt Resolution No. 21865, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE, AND INTEREST IN A PORTION OF PUBLIC RIGHT-OF-WAY DEDICATED FOR EAST PALM CANYON DRIVE AND BARONA ROAD ADJACENT TO THE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND BARONA ROAD, IN SECTION 25, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R-06-036." **Motion Councilmember Mills, seconded by Mayor Pro Tem Pougnet and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

STEFANIE FRITH, Desert Sun, provided an update on activities at the Desert Sun and the publications, and stated they are looking for citizen journalists.

WENDIE BUSIG-KOHN, Palm Springs, commented on decorum at City Council meetings.

COUNCILMEMBER COMMENTS AND REQUESTS: Mayor Oden requested the Desert Sun publications be considered at a Study Session.

CITY MANAGER'S REPORT: City Manager Ready commented on the new 20-minute parking at City Hall.

THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY CONVENED AT 8:29 P.M. AS A JOINT MEETING WITH THE CITY COUNCIL.

RA1. AMENDMENT NO. 2 TO A RESTATED AND AMENDED DISPOSITION AND DEVELOPMENT AGREEMENT, PROMISSORY NOTE, AND DEED OF TRUST WITH ASSIGNMENT OF RENTS WITH HACIENDA SUNSET AFFORDABLE HOUSING:

John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated April 18, 2007.

Councilmember Mills requested staff address the City/RDA funding of this portion of the project.

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

Councilmember Foat requested staff address the funding and completion of the park.

Councilmember Mills requested staff address the timing of reporting the shortfalls, and what would happen if the City declines to fund the additional overage.

JOHN AGUILERA, Coachella Valley Housing Coalition, commented on the additional costs and the request for additional funding.

Mayor Oden commented on the amount of this request compared to the benefits provided by the Coalition with affordable housing, and stated the City is better served.

Councilmember Mills commented on the project and the benefit to the City, and reiterated the financial commitment of the City.

ACTION: 1) Adopt Resolution No. 21866, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONCURRING WITH THE COMMUNITY REDEVELOPMENT AGENCY'S APPROVAL OF AMENDMENT NO. 2 TO A RESTATED AND AMENDED DISPOSITION AGREEMENT, PROMISSORY NOTE, AND DEED OF TRUST WITH ASSIGNMENT OF RENTS WITH HACIENDA SUNSET AFFORDABLE HOUSING ASSOCIATES, LP TO APPROVE ADDITIONAL FUNDING IN THE AMOUNT OF \$236,281." **Motion Mayor Pro Tem Pougnet, seconded by Councilmember McCulloch and unanimously carried on a roll call vote.**

THE CITY OF PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY
ADJOURNED AT 8:54 P.M. AND THE CITY COUNCIL CONTINUED.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.J., 2.M., and 2.N. **Motion Councilmember McCulloch, seconded by Mayor Pro Tem Pougnet 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 April 18, 2007, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. STAFF AUTHORIZED AGREEMENTS FOR MARCH 2007:

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

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

ACTION: 1) Adopt Resolution No. 21867, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 3-24-07 BY WARRANTS NUMBERED 411679 THROUGH 411732 TOTALING \$90,871.06, LIABILITY CHECKS NUMBERED 1020055 THROUGH 1020060 TOTALING \$2,131.74, AND THREE ELECTRONIC ACH DEBITS OF \$1,154,292.27 IN THE AGGREGATE AMOUNT OF \$1,247,295.07 DRAWN ON BANK OF AMERICA;" and 2) Adopt Resolution No. 21868, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1020061 THROUGH 1020255 IN THE AGGREGATE AMOUNT OF \$2,701,228.82 DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar. noting the business related abstention of Councilmember McCulloch on Warrant No. 1020101.**

2.J. REQUEST BY EDITH ARMSTRONG MCCORKLE TOOR FOR A ONE-YEAR TIME EXTENSION FOR TENTATIVE TRACT MAP 28668 LOCATED WEST OF ROSE AVENUE AND CORONADO AVENUE:

ACTION: 1) Adopt Resolution No. 21873, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A ONE-YEAR TIME EXTENSION FROM MARCH 16, 2007, TO MARCH 15, 2008, FOR TENTATIVE TRACT MAP 28668 LOCATED WEST OF ROSE AVENUE AND CORONADO AVENUE, ZONE R-1-A, SECTION 10." **Approved as part of the Consent Calendar.**

2.M. AMENDMENT NO. 6 TO THE ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2006-07 - AIRPORT EXECUTIVE MANAGEMENT:

ACTION: Adopt Resolution No. 21875, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDMENT NO. 6 TO THE ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2006-07, ADOPTED BY RESOLUTION NO. 21612." **Approved as part of the Consent Calendar.**

2.N. APPROVE AN AGREEMENT WITH MARINA LANDSCAPE FOR THE CONCRETE FLAT-WORK AND SAFETY LIGHT FOR THE AIRPORT HOLDROOM PROJECT:

ACTION: 1) Adopt Minute Order No. 8030, Approving Change Order No. 1 with Marina Landscape, in the amount of \$396,500., for the concrete flat-work and safety lighting related to the Airport Hold-room Project; and 2) Authorize the City Manager to execute all necessary documents. A5433. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.D. PROGRAM SUPPLEMENT AGREEMENT NO. 021-N, WITH THE STATE OF CALIFORNIA FOR USE OF HIGHWAY BRIDGE PROGRAM (HBP) FEDERAL-AID FUNDS FOR THE BOGERT TRAIL BRIDGE REHABILITATION, CITY PROJECT NO. 07-03, FEDERAL-AID PROJECT NO. BHLO-5282(026):

David Barakian, City Engineer, provided background information as outlined in the staff report for Items 2.D., 2.E., 2.F., and 2.G., dated April 18, 2007.

ACTION: 1) Adopt Resolution No. 21869, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 021-N TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$740,750 (\$655,786 HBP FEDERAL FUNDS / \$84,964 MEASURE A FUNDS), FOR THE BOGERT TRAIL BRIDGE REHABILITATION, CITY PROJECT NO. 07-03, FEDERAL-AID PROJECT NO. BHLO-5282(026), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALM SPRINGS;" and 2) Authorize the City Manager to execute all necessary documents. A5467. **Motion Mayor Pro Tem Pougnet, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

2.E. PROGRAM SUPPLEMENT AGREEMENT NO. 022-N, WITH THE STATE OF CALIFORNIA FOR USE OF EMERGENCY RELIEF (ER) FEDERAL-AID FUNDS FOR EMERGENCY ROAD OPENING ON VISTA CHINO AT THE WHITEWATER RIVER, FEDERAL-AID PROJECT NO. ER-4211(011):

ACTION: 1) Adopt Resolution No. 21870, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 022-N TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$17,614 IN EMERGENCY RELIEF (ER) FUNDS, FOR EMERGENCY ROAD OPENING ON VISTA CHINO AT THE WHITEWATER RIVER, FEDERAL-AID PROJECT NO. ER-4211(011), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALM SPRINGS;" and 2) Authorize the City Manager to execute all necessary documents. A5468. **Motion Mayor Pro Tem Pougnet, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

2.F. PROGRAM SUPPLEMENT AGREEMENT NO. 023-N, WITH THE STATE OF CALIFORNIA FOR USE OF EMERGENCY RELIEF (ER) FEDERAL-AID FUNDS FOR THE GOLF CLUB DRIVE CULVERT REHABILITATION, CITY PROJECT NO. 05-18, FEDERAL-AID PROJECT NO. ER-4211(004):

ACTION: 1) Adopt Resolution No. 21871, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 023-N TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$414,675 (\$367,283 ER FEDERAL FUNDS / \$47,392 GAS TAX FUNDS), FOR THE GOLF CLUB DRIVE CULVERT REHABILITATION, CITY PROJECT NO. 05-18, FEDERAL-AID PROJECT NO. ER-4211(004) AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALM SPRINGS;" and 2) Authorize the City Manager to execute all necessary documents. A5469. **Motion Mayor Pro Tem Pougnet, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

2.G. PROGRAM SUPPLEMENT AGREEMENT NO. 024-N WITH THE STATE OF CALIFORNIA FOR USE OF EMERGENCY RELIEF (ER) FEDERAL-AID FUNDS FOR EMERGENCY ROAD OPENING ON GENE AUTRY TRAIL AT THE WHITEWATER RIVER, FEDERAL-AID PROJECT NO. ER-4211(003):

ACTION: 1) Adopt Resolution No. 21872, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 024-N TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$18,000 IN EMERGENCY RELIEF (ER) FUNDS, FOR EMERGENCY ROAD OPENING ON GENE AUTRY TRAIL AT THE WHITEWATER RIVER, FEDERAL-AID PROJECT NO. ER-4211(003), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALM SPRINGS;" and 2) Authorize the City Manager to execute all necessary documents. A5470. **Motion Mayor Pro Tem Pougnet, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

2.H. SUPPORT OF ASSEMBLY BILL 451 (AB451) THE ESTABLISHMENT OF THE MOUNT SAN JACINTO STATE PARK - GLOBAL POSITIONING SYSTEM PILOT PROGRAM:

ACTION: Removed from the Agenda at the request of staff, under Acceptance of the Agenda.

2.I. APPROVE A ROTATIONAL TOW AGREEMENT WITH BROTHERS TOWING AND ADDING BROTHERS TOWING TO THE LIST OF ROTATIONAL TOW CONTRACTORS:

Mayor Pro Tem Pougnet requested staff address the length of term of the agreement, based on the past performance of the vendor.

ACTION: 1) Adopt Minute Order No. 8029, Approving a rotational tow agreement with Brothers Towing and adding Brothers Towing to the list of rotational tow contractors; and 2) Authorize the City Manager to execute all necessary documents. A5471. **Motion Mayor Pro Tem Pougnet, 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 Item 2.K., would not participate in the discussion or the vote, and left Council Chamber.

2.K. REQUEST BY SUNCAL FOR A ONE-YEAR TIME EXTENSION FOR THE AVALON TENTATIVE TRACT MAP 31848 LOCATED NORTH OF AVENIDA CABALLEROS AND SAN RAFAEL, 801 SUNRISE PARKWAY:

Mayor Pro Tem Pougnet commented that he did vote in favor of the development, but supports the reasoning for the extension.

Councilmember Foat requested staff address the problem of blowing sand, commented that the Applicant has not responded to the community issues, and requested staff not relax the monitoring of this site.

Mayor Oden requested staff address if the developer is issuing water trucks or if the area now has sprinklers or is treated.

Councilmember McCulloch requested staff address the dust problem if the extension is not granted.

ACTION: 1) Adopt Resolution No. 21874, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A ONE-YEAR TIME EXTENSION FROM MAY 5, 2007, TO MAY 4, 2008, FOR TENTATIVE TRACT MAP 31848 LOCATED NORTH OF AVENIDA CABALLEROS AND SAN RAFAEL DRIVE (801 SUNRISE PARKWAY), ZONE PD-290, SECTION 35." **Motion Mayor Pro Tem Pougnet, seconded by Councilmember McCulloch and carried 3-1 on a roll call vote.**

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

Councilmember Mills returned to the dais.

2.L BURNETT COMPANIES / PRIME URBAN - REQUEST FOR COUNCIL RECONSIDERATION OF ITS PRIOR DIRECTION REGARDING CASE NO. 5.1113 GENERAL PLAN AMENDMENT, TO VACATE A PAPER STREET, PLANNED DEVELOPMENT DISTRICT 329, AND TENTATIVE TRACT MAP 34829, FOR THE DEVELOPMENT OF 174 CONDOMINIUM UNITS AND APPROXIMATELY 32,300 SQUARE FEET OF COMMERCIAL / RETAIL SPACE ON 15.12 ACRES, LOCATED ON THE SOUTH SIDE OF RACQUET CLUB ROAD BETWEEN NORTH PALM CANYON DRIVE AND NORTH INDIAN CANYON DRIVE:

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

Councilmember McCulloch stated his support for the request, as the project has already been discussed at the Commission level.

Mayor Pro Tem Pougnet stated the request is reasonable.

Councilmember Mills requested staff address the previous direction by Council, and stated his support for the Council reviewing the site plan, but not all aspects of the elevations.

Councilmember McCulloch commented on previous aspects of the project.

Mayor Oden commented on the discussion at the Planning Commission and Architectural Review.

Councilmember Foat stated she thought the Council was looking at it as a preliminary plan and the Council gave direction, requested staff address Mesquite Village.

Councilmember Mills stated his concerns with the Council further discussing the elevations.

Councilmember McCulloch requested staff address the status of the Mesquite Village project.

Councilmember Mills requested staff address the expectation when the project returns, and if the City Council is expected to do architectural review or at final approval of the PDD.

ACTION: Direct staff to prepare the application for review by the City Council (instead of the Planning Commission) upon re-submittal of a revised development plan. **Motion Councilmember McCulloch, seconded by Mayor Pro Tem Pougnet and carried 3-2 on a roll call vote.**

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

2.O. EXTENSION OF RETENTION PERIOD FOR PROPERTY ACQUIRED BY THE COMMUNITY REDEVELOPMENT AGENCY USING MONIES FROM LOW AND MODERATE HOUSING FUND AND AUTHORIZE STAFF TO FINALIZE AND ISSUE A REQUEST FOR PROPOSALS FOR THE DEVELOPMENT OF THE SITE WITH MODERATE-INCOME:

John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated April 18, 2007.

Councilmember Mills commented on the proposed Fire Station property.

ACTION: 1) Adopt Resolution No. 21876, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING THE PERIOD FOR RETAINING PROPERTY ACQUIRED BY THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS USING MONIES FROM LOW AND MODERATE INCOME HOUSING FUND;" and 2) Authorize the City Manager to execute all necessary documents. **Motion Councilmember McCulloch, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

3. LEGISLATIVE:

3.A. ESTABLISHMENT OF THE VEHICLE TOWING ADMINISTRATIVE COST RECOVERY (VTACR) FEES:

Gary Jeandron, Police Chief, provided background information as outlined in the staff report dated April 18, 2007.

Mayor Oden reiterated that the fee will be reviewed in one year, and requested staff narrow the approximations used to calculate the fees to ensure the City is fully recouping the cost by the fee.

ACTION: Adopt Resolution No. 21877, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING THE VEHICLE TOWING ADMINISTRATIVE COST RECOVERY (VTACR) FEES" *amending Section 4 of the Resolution to read, "The City Clerk is authorized to incorporate said fees and charges into the Comprehensive Fee Schedule."* **Motion Councilmember**

McCulloch, seconded by Mayor Oden and unanimously carried on a roll call vote.

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS: None.

COUNCILMEMBER COMMENTS AND REPORTS:

Mayor Oden requested staff place on a future Study Session agenda a discussion on a policy to name streets and properties, and commented on maintenance on palm trees and potential plaques with respect to leaving the "skirts."

Mayor Pro Tem Pougnet requested a Study Session on the Planned Development District process.

Councilmember Mills commented on the recent Code Compliance issue at 2001 E. Tahquitz Canyon, commented on decorum at City Council meetings, and announced the Sahara Wall dedication.

Councilmember Foat requested a report on the zoning at Snow Creek, stated the fountain at Francis Stevens Park in not operational, requested an update from the City Attorney on mobile home park conversions, and requested a future study session on the Recreational Vehicle Ordinance.

Mayor Oden commented on mobile home park conversions and requested an update.

Mayor Oden announced the activities and events attended by the Mayor's office, and announced the recent passing of Palm Springs Airport Commissioner A.D. Kessler.

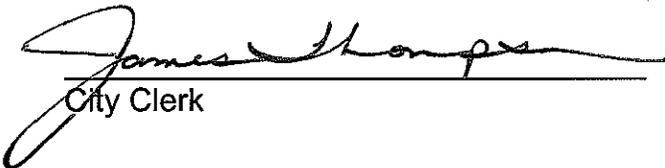
ADJOURNMENT: The City Council adjourned *in memory of Airport Commissioner A.D. Kessler*, at 9:56 P.M. to a Study Session, Wednesday, April 25, 2007, at 6:00 P.M. in the Council Chamber, City Hall, preceded by a Closed Session at 5:00 P.M., Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 2nd DAY OF MAY, 2007.



MAYOR

ATTEST:



City Clerk