

PALM SPRINGS CITY COUNCIL
MINUTES
WEDNESDAY, APRIL 4, 2007
CITY COUNCIL CHAMBER

CALL TO ORDER: Mayor Oden called the meeting to order at 6:14 P.M.

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

INVOCATION: Rev. Michael Kearney, Palm Springs Church of Religious Science, 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.

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.

PRESENTATIONS:

Mayor Oden and the City Council presented a Certificate of Appreciation to Barbara Gonzales Lyons, retired Tribal Councilmember of the Agua Caliente Band of Cahuilla Indians, for her service to the Community.

David Erwin, Bob Hope Chrysler Classic, thanked the City Council for their sponsorship of the event and presented checks to the community organizations from the event.

Mayor Oden and the City Council presented a Certificate of Recognition and congratulated Jordan Kessler for his award for Where the Palm Trees Grow.

Dr. Gerald Lim, Piranha Swim Club, presented the City Council and the Parks and Recreation Department an Appreciation Award, for their continuing support of the Piranha Swim Club.

ACCEPTANCE OF THE AGENDA:

City Manager Ready stated the City received a request from the property owner, to postpone Public Hearing Item 1.A.

Councilmember McCulloch noted his business related abstention on Item 2.C., Warrant No. 1019821.

Councilmember Foat requested Item 2.L. be removed from the Consent Calendar for separate discussion.

Mayor Oden requested Items 2.H. and 2.I. be removed from the Consent Calendar for separate discussion.

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

1. PUBLIC HEARINGS:

1.A. HSPB CASE NO. 54 - APPLICATION FOR DESIGNATION OF THE PROPERTY AT 300 SOUTH PALM CANYON DRIVE (FORMER SANTA FE FEDERAL SAVINGS AND LOAN) AS A CLASS 1 HISTORIC SITE:

Discussion was held regarding conducting the public hearing at this time, consideration of the request from the property owner, and the merits of continuing the public hearing to a later date.

ACTION: After consideration of the request of the owner, conduct the public hearing at this time. **Motion Councilmember Foat, seconded by Mayor Pro Tem Pougnet and failed 2-3 on a roll call vote.**

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

ACTION: 1) Continue the public hearing with respect to the historic designation until such time as the application for Planned Development District is brought before the City Council. **Motion Councilmember Mills, seconded by Mayor Oden 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.B. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2007-08 ANNUAL ACTION PLAN. CDBG BUDGET ADOPTION, ACCEPTANCE AND APPROVAL OF THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) - GRANT NO. B-07-MC-06-0561 IN THE AMOUNT OF \$517,881 FOR FISCAL YEAR 2007-08 CDBG PROGRAM:

John Raymond, Director of Community and Economic Development, and Dale Cook, Community Development Administrator, provided background information as outlined in the staff report dated April 4, 2007.

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

GARY BOSWELL, Rotary Club, requested the City Council support the Rotary Club, Shoes That Fit Program, and thanked the City Council for their support.

HUNTER JOHNSON, Palm Springs, requested the City Council support improvements on Civic Drive.

MARC HAUPERT, CASA, requested the City Council support the Court Appointed Special Advocates for Riverside County program.

PETER DEMARTINO, Desert AIDS Project, requested the City Council support the CDBG grant to the Desert AIDS Project request for energy-efficient retrofitting.

DEAN LOCKWOOD, Mizell Senior Center, thanked the City Staff and the Committee, and requested the City Council support the request of the Mizell Senior Center, for the Meals on Wheels Outreach Vehicle.

SHARON STEVENS, The Smile Factory, requested the City Council support the agreement with the Smile Factory, for early childhood oral healthcare.

DANIEL YEBOAH, Help for Future Leaders, requested the City Council approve an agreement with Help for Future Leaders, for Transitional Housing operations.

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

Councilmember McCulloch requested a study session to review the process.

Councilmember Foat commented on the process and requested the Committee address housing for families affected by HIV.

Councilmember Mills stated last year the City Council requested input earlier into the process, and again they did not have input into the process.

Mayor Pro Tem Pougnet commented on the funding level, the process, and stated it would be difficult to include the City Council earlier in the process, but that the City Council could give policy direction.

Mayor Oden requested staff address CDBG funding with other cities in the Coachella Valley, commented on the CDBG guidelines that must be followed regardless of the Council interest in modifying the process, and stated after the election, the Council should have a study session with respect to the process and guidelines, then make some policy decisions.

ACTION: 1) Adopt Resolution No. 21854, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE 2007-08 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN; APPROVING THE CDBG BUDGET FOR FISCAL YEAR 2007-08; AUTHORIZE THE SUBMITTAL OF THE PLAN AND BUDGET TO THE UNITED STATES DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (HUD) A5456;" and 2) Approve the following Subrecipient Agreements subject to approval of the City Attorney and authorize the City Manager to execute all necessary documents.

- A5457 Family YMCA of the Desert, Energy-Efficiency Improvements \$29,744.
- A5458 Desert AIDS Project, Energy-Efficiency Retrofitting, \$115,000.
- A5459 Mizell Senior Center, Meals On Wheels & Outreach Hybrid Vehicle, \$27,200.
- A5460 CASA for Riverside County, Inc., Support Program, \$15,000.
- A5461 Palm Springs Sunup Rotary Foundation, Shoes That Fit, \$16,482.
- A5462 Smile Factory Children of the Desert, Early Childhood Oral Healthcare, \$19,000.
- A5463 Fair Housing Council of Riverside, Fair Housing Program, \$15,000.

City of Palm Springs Department of Public Works and Engineering, Civic Drive Street Improvements, \$96,879.

City of Palm Springs Department of Parks and Recreation, JOJDH Unity Center Energy-Efficiency Improvements, \$95,000.

Motion Councilmember McCulloch, seconded by Mayor Pro Tem Pougnet and unanimously carried on a roll call vote.

The City Council recessed at 7:45 PM.
The City Council reconvened at 7:56 P.M.

PUBLIC COMMENT:

WENDIE BUSIG-KOHN, Palm Springs, commented on the recent charitable event *Doctors without Borders*.

ED TORRES, Palm Springs, stated his support for Item 2.L., the California Building Industry, Green Building Program.

DAVID PORTER, Palm Springs, commented on the noise and disturbance from short term rentals, stated the Police Department does not have a dB meter to measure noise.

ARLENE BATTISHILL, Palm Springs, requested the City Council postpone the policy discussion on "public benefits" within Planned Development Districts, and offered her services to help.

JERI VOGELSANG, Palm Springs Historical Society, announced an upcoming event by the Palm Springs Historical Society.

JIM STUART, Palm Springs, requested the City Council further review the policy in Item 3.A., requiring public benefits for Planned Development Districts.

JONO HILDNER, Palm Springs, stated the City issued a grading permit for the Shadowrock Project.

FRED BELL, BIA Desert Chapter, stated his support for Item 2.L., the California Building Industry, Green Building Program, and requested the City Council consider a density bonus if a developer participates in the program.

WESLEY COLE, Palm Springs, stated his support for Item 2.L., the California Building Industry, Green Building Program, and Item 2.D., the creation of the Resource Conservation Commission.

SHEILA COBRIN, stated her support for Item 2.L., the California Building Industry, Green Building Program.

JIM DOWLER, announced the upcoming annual Best of the Best Awards at the Palm Springs Convention Center.

THOMAS HALL, stated his support for Item 2.L., the California Building Industry, Green Building Program.

NANCY STUART, provided an update on the Palm Springs Aerial Tramway, and the activities of the Tram Board.

COUNCILMEMBER COMMENTS AND REQUESTS:

Mayor Oden requested a report on Noise caused from short-term rental properties.

CITY MANAGER'S REPORT: City Manager Ready requested the Police Chief address the noise from short-term rentals.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., 2.J., and 2.K. **Motion Councilmember Foat, 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 the Report on the Posting of the April 4, 2007, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of March 14, 2007, and March 21, 2007. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 21855, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANT NUMBERED 1019724 IN THE AMOUNT OF \$237,963.38 DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 21856, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 3-10-07 BY WARRANTS NUMBERED 411625 THROUGH 411678 TOTALING \$77,218.71, LIABILITY CHECKS NUMBERED 1019725 THROUGH 1019758 TOTALING \$139,462.37, THREE WIRE TRANSFERS FOR \$58,806.67, AND THREE ELECTRONIC ACH DEBITS OF \$950,400.86 IN THE AGGREGATE AMOUNT OF \$1,225,888.61 DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 21857, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1019759 THROUGH 1019760 IN THE AGGREGATE AMOUNT OF \$11,500.00 DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 21858, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1019761 THROUGH 1020049 IN THE AGGREGATE AMOUNT OF \$2,213,835.31 DRAWN ON BANK OF AMERICA;" and 5) Adopt Resolution No. 21859, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA,

APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1020050 THROUGH 1020054 IN THE AGGREGATE AMOUNT OF \$108,157.51 DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the business related abstention of Councilmember McCulloch on Warrant No. 1019821.**

2.D. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1711, RELATING TO THE ESTABLISHMENT OF THE RESOURCE CONSERVATION COMMISSION:

ACTION: Waive further reading and adopt Ordinance No. 1711, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 2.28 TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE ESTABLISHMENT OF THE RESOURCE CONSERVATION COMMISSION." **Approved as part of the Consent Calendar.**

2.E. TREASURER'S INVESTMENT REPORT AS OF FEBRUARY 28, 2007:

ACTION: Receive and file the Treasurer's Investment Report as of February 28, 2007. **Approved as part of the Consent Calendar.**

2.F. REQUEST BY VERN WRIGHT FOR A RESOLUTION OF PUBLIC CONVENIENCE (CASE NO. 5.1149-PCN) IN ORDER TO SELL ALCOHOL AT PS WINE LOCATED AT 188 SOUTH INDIAN CANYON DRIVE:

ACTION: Adopt Resolution No. 21860, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A RESOLUTION OF PUBLIC CONVENIENCE IN ORDER TO SELL ALCOHOL AT PS WINE LOCATED AT 188 SOUTH INDIAN CANYON DRIVE, ZONE CBD, SECTION 14." **Approved as part of the Consent Calendar.**

2.G. AMENDMENT NO. 4 TO AGREEMENT NO. A5101 WITH PALM SPRINGS CLASSIC, LLC, PLACEMENT AND REIMBURSEMENT OF PUBLIC ART:

ACTION: 1) Adopt Minute Order No. 8024, Approving Amendment No. 4 to Agreement No. A5101 with Palm Springs Classic, LLC for the aesthetic change, placement, and reimbursement of public art on the Escena Project; and 2) Authorize the City Manager to execute all necessary documents. A5101. **Approved as part of the Consent Calendar.**

2.J. PURCHASE OF AIRFIELD PAINT STRIPING MACHINE FOR THE AIRPORT AND APPROVE RELATED AIRPORT BUDGET AMENDMENT FOR FISCAL YEAR 2006-07:

ACTION: 1) Adopt Minute Order No. 8027, Approving the purchase of one (1) new airfield paint striper for the Airport in the amount of \$147,167.11 from MacQueen Equipment, Inc. of St. Paul, MN; 2) Adopt Resolution No.

21861, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2006-07;" and 3) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**

2.K. AWARD OF CONTRACT FOR THE PALM SPRINGS STADIUM REPAINTING, CITY PROJECT NO. 07-02:

ACTION: 1) Adopt Minute Order No. 8028, Approving an agreement with Astro Painting Company, Inc., for Bid Schedule A for the Palm Springs Stadium Repainting in the amount of \$73,700.00, City Project No. 07-02; and 2) Authorize the City Manager to execute all necessary documents. A5464. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.H. ACCEPTANCE OF PEACE OFFICER STANDARDS AND TRAINING (P.O.S.T.) GRANT:

Gary Jeandron, Police Chief, provided background information as outlined in the staff reports for Item 2.H. and 2.I., dated April 4, 2007.

ACTION: 1) Adopt Minute Order No. 8025, Authorizing the City Manager to accept a P.O.S.T. Grant in the amount of \$90,000; and 2) Authorize the City Manager to execute all necessary documents. A5465. **Motion Councilmember McCulloch, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

2.I. ACCEPTANCE OF OFFICE OF TRAFFIC AND SAFETY SEATBELT GRANT:

ACTION: 1) Adopt Minute Order No. 8026, Authorizing the City Manager to accept the Seatbelt Enforcement Grant from the California Office of Traffic and Safety (OTS) in the amount of \$14,728; and 2) Authorize the City Manager to execute all necessary documents. A5466. **Motion Councilmember McCulloch, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

2.L. SUPPORT FOR THE CALIFORNIA BUILDING INDUSTRY ASSOCIATION'S CALIFORNIA GREEN BUILDER PROGRAM:

Councilmember Foat commented on the importance of Green Building.

Councilmember Mills stated his support of Green Building, but does not have information on the first three recitals of the resolution.

ACTION: 1) Adopt Resolution No. 21862, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING SUPPORT FOR THE CALIFORNIA BUILDING INDUSTRY ASSOCIATION'S CALIFORNIA GREEN BUILDER PROGRAM (CGB)" *amending the Resolution to*

delete the first three recitals, and add one generic recital at the discretion of staff.
Motion Councilmember Foat, seconded by Mayor Pro Tem Pougnet and unanimously carried on a roll call vote.

City Manager Ready requested the City Council take Item 4.A. out of order.

4. UNFINISHED BUSINESS:

4.A. FUNDING FORMULA FOR PALM SPRINGS BUREAU OF TOURISM:

City Manager Ready, Michael Green, President Palm Springs Hospitality Association, Mary Jo Ginther, Palm Spring Bureau of Tourism, Ricardo Gomez, and John Williams, provided background information and a Power Point Presentation, as requested by the City Council in previous meetings regarding the Funding Formula for the Bureau of Tourism.

The City Council recessed at 9:00 P.M.
The City Council reconvened at 9:06 P.M.

Mayor Pro Tem Pougnet requested staff address the current budget for the Bureau of Tourism, when the CPI adjustment would be effective, and stated he would prefer a maximum limit to the CPI adjustment.

Councilmember McCulloch requested the Bureau address the amount of TOT generated by the \$180,000 increase in funding last year.

Councilmember Foat stated her support for the Bureau of Tourism's research project, and the new funding formula.

Councilmember Mills requested the Bureau address the percentage of TOT from other cities, and a comparison with other similar cities.

Mayor Oden stated his support for the Bureau's programs, the development of the funding formula toward the present funding goal.

Councilmember Mills commented on the cost of these similar amenities and programs as compared to other small towns such as Palm Springs.

ACTION: Direct staff to include the increased funding and the funding formula in the upcoming budget. **By consensus of the City Council.**

3. LEGISLATIVE:

3.A. ESTABLISHMENT OF A POLICY TO REQUIRE "PUBLIC BENEFITS" TO BE PROVIDED WITHIN PLANNED DEVELOPMENT DISTRICTS:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated April 4, 2007.

Councilmember Foat requested staff address the correspondence sent by the Historic Tennis Club Neighborhood, the criteria for a Developer for a PDD, and the creation of the "wish list."

Councilmember McCulloch requested staff address recommendations, commented on City Council micro-management of PDD's, the difference between right-of-zone projects v. the PDD process, and recommends that "public benefit" be effectively vague.

Councilmember Mills commented on the process of trying to define public benefit, stated all the items on the list are a public benefit, and stated he is not in support of narrowing the definition of public benefit.

Mayor Pro Tem Pougnet commented on the current PDD process, and stated he does not agree with some overarching definition of public benefit, and he is in opposition to No. 4 in the policy.

ACTION: Continue past the 10:00 P.M. tentative adjournment time. **By consensus of the City Council.**

Mayor Oden stated the PDD is an effective tool, commented on the remaining developable land in the City, allowing creativity in the City, stated he would not be in support of limiting creativity and doing something different, and his support for the "project" itself being a public benefit.

Councilmember Foat stated her disagreement with the comments made concerning neighborhood input, commented that development impacts the feel and the look of the neighborhood, and stated these guidelines were to clarify the expectations to the developers.

Councilmember McCulloch requested the City Council deny the resolution and remain with the status quo.

Mayor Pro Tem Pougnet commented further on the concept of public benefit in certain circumstances.

Councilmember Mills commented on the impacts and the process of the developers meeting the requirements of a PDD as well as the benefits as outlined on the list.

ACTION: Deny and take no action on the proposed resolution and remain with the status quo. **Motion Councilmember McCulloch, seconded by Mayor Oden 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.

5. NEW BUSINESS:

5.A. APPOINTMENTS TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION:

ACTION: Appoint Dr. Robert Gebhart and Norm King to the Palm Springs International Airport Commission, for the unexpired terms ending June 30, 2009. **Motion Councilmember Mills, seconded by Mayor Oden and unanimously carried on a roll call vote.**

5.B. PALM SPRINGS INTERNATIONAL AIRPORT CUSTOMER PROMOTION WAIVING CERTAIN PARKING FEES:

City Manager Ready provided background information as outlined in the staff report dated April 4, 2007.

Mayor Oden briefly left the dais.

Councilmember Mills requested staff address the temporary nature of the program.

ACTION: Adopt Resolution No. 21863, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, WAIVING CERTAIN PARKING FEES AT THE PALM SPRINGS INTERNATIONAL AIRPORT FOR THE MONTHS OF MAY AND JUNE, 2007 AS A CUSTOMER PARKING PROMOTION." **Motion Councilmember Mills, seconded by Councilmember Foat and carried 4-0 on a roll call vote.**

- AYES:** Councilmember Foat, Councilmember McCulloch, Councilmember Mills, and Mayor Pro Tem Pougnet.
NOES: None.
ABSTAIN: Mayor Oden.

COUNCILMEMBER COMMENTS AND REPORTS:

Mayor Pro Tem Pougnet requested staff follow-up on a previous request with respect to the conduct of cab drivers and possible training.

Councilmember McCulloch commented on the Shadowrock grading permit, requested staff look at obtaining a dB meter and training for noise enforcement, and commented on the increasing lack of civility at meetings in the City.

Councilmember Mills commented on the Shadowrock project.

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

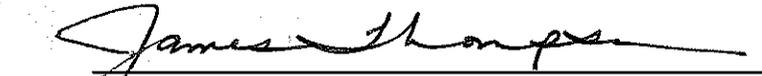
ADJOURNMENT: The City Council adjourned at 10:50 P.M. to a Regular Meeting, Wednesday, April 18, 2007, at 6:00 p.m. in the Council Chamber, City Hall, preceded by a Closed Session at 4:30 p.m., in the Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 4th DAY OF MAY, 2007.



MAYOR

ATTEST:


City Clerk