

PALM SPRINGS CITY COUNCIL
MINUTES
WEDNESDAY, MARCH 21, 2007
CITY COUNCIL CHAMBER

CALL TO ORDER: Mayor Oden called the meeting to order at 6:08 P.M.

PLEDGE OF ALLEGIANCE: Palm Springs Air Force ROTC Junior Color Guard, led the Pledge.

INVOCATION: John Kavcak, Our Lady of Solitude, 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 and the City Council presented Dr. Janice Lyle a Certificate of Appreciation, for her service to the Palm Springs Art Museum, and proclaimed March 21, 2007 as Dr. Janice Lyle day in the City of Palm Springs.

Councilmember Foat announced the recent Principal for the Day event at Katherine Finchy Elementary School.

REPORT OF CLOSED SESSION: City Attorney Holland stated that at 4:30 P.M. the meeting was called to order and the City Council recessed into Closed Session to discuss items on the posted Closed Session agenda. No reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson stated there was a request to hear Item 5.C. out of order, immediately after the Consent Calendar.

Mayor Oden noted his abstention on Item 2.B., Approval of the March 7, 2007 Minutes.

Councilmember Mills noted his NO vote on Item 2.G., regarding the Suspension of the Noise Ordinance for a Special Event.

Councilmember Foat requested Item 2.F. be removed from the Consent Calendar for separate discussion, and asked a question on Consent Calendar Item 2.L.

Mayor Pro Tem Pougnet noted his abstention on Item 2.C. Warrant No. 1019683, and requested Items 2.E., 2.F., 2.G., 2.I., and 2.M. 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. CASE NO. 5.1091, AMENDMENT TO PLANNED DEVELOPMENT DISTRICT 324 FOR THE ESTABLISHMENT OF A SPECIAL SIGN DISTRICT (SP 07-023), AS PROVIDED BY SECTION 93.20.5C8 OF THE PALM SPRINGS ZONING CODE, TO CREATE A CONSTRUCTION SIGNAGE PROGRAM FOR THE DOWNTOWN "PORT LAWRENCE" RESIDENTIAL/RETAIL PROJECT LOCATED AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALEJO ROAD:

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated March 21, 2007.

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

LAWRENCE RAEL, Applicant, outlined his proposal to place two signs above the fencing on Palm Canyon at Alejo and Indian Canyon at Alejo.

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

Councilmember Mills requested staff address the dimensions of the billboard signs, as 16 feet on the horizontal and 12 feet on the vertical.

Mayor Pro Tem Pougnet thanked the applicant for the removal of some of the sign panels and the removal of the text.

Councilmember Mills requested staff address if the signs were single sided, if any plans for the construction of the signs have been submitted, commented on the expectations for the construction of the signage, requested the construction of the signs be reviewed and approved by staff, and stated he was not in favor of the advertising aspects of the signage.

Assistant City Manager Wilson recommended that a sentence be added to Condition No. 6 to read "The installation of the sign and the structure of the sign shall be approved by the Director of Planning Services."

Mayor Oden noted that he was not present during the first portion of the public hearing, but did review the written materials and the video of the meeting, and commented on design of the signs.

ACTION: Re-adopt Resolution No. 21840, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AMENDMENT TO CASE NUMBER 5.1091, AMENDING PLANNED DEVELOPMENT DISTRICT 324 TO ESTABLISH A SIGN DISTRICT (SP 07-023) FOR TEMPORARY CONSTRUCTION SIGNAGE AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALEJO ROAD;" adding the billboard portion of the request to the sign district, and adding in Condition No. 7 relative to billboards, and amending Condition No. 6 by adding a sentence to read, "The installation of the sign and the structure of the sign shall be approved by the Director of Planning Services." **Motion Councilmember Foat, seconded by Councilmember McCulloch and carried 4-1 on a roll call vote.**

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

NOES: Councilmember Mills.

1.B. PRIME URBAN, BRIAN LUCAS - 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 32,274 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:

Marvin Roos, MSA Consulting, provided background information as outlined in the staff report dated March 21, 2007.

Mayor Oden requested staff address the addition of 8 parking spaces.

Councilmember Foat requested staff address the additional parking spaces, and to clarify the residential units between ownership and rental units.

Mayor Oden requested staff address the height of the stacked-flats, and the slope from Palm Canyon to Indian Canyon, and the placement of commercial buildings in relation to the previous development.

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

DAVID HECT, Architect, provided information on the concerns as outlined by the City Council at the previous hearing.

TOM DOCZI, Landscape Architect, provided background information on the preliminary landscape plans.

STEVE HUGILL, stated he owns property near the proposed project, and stated his support for development of the property.

KATHLEEN HOWARD, stated she owns property near the proposed project, and stated her support for development of the property.

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

Councilmember McCulloch noted his comments at the previous public hearing and recommended the City Council move forward.

Councilmember Mills requested the City's consultant address the submission of a preliminary Planned Development and what the City Council should be looking for as a preliminary submission, commented on problems with the live-work units, circulation of the residential portion of the site, and stated it is a poor site plan for residential construction.

Councilmember Foat stated this is a very important corner, and that no changes have been made to address her concerns.

Mayor Oden noted that he was not present during the first portion of the public hearing, but did review the materials and the video of the meeting, commented on the residential and commercial aspects of the project, stated that concerns for the neighbors have been addressed, and the placement of trash receptacles can be worked out at the staff level.

Mayor Pro Tem Pougnet stated he would not support the project as the project is not the highest and best use of the property, changes were not incorporated from the prior public hearing, and stated it could be a better project.

MOTION: 1) Adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, AND APPROVING CASE NO. 5.1113-GPA, PLANNED DEVELOPMENT DISTRICT 329, AND TENTATIVE TRACT MAP 34829 FOR A PROPOSAL TO DEVELOP A 174 CONDOMINIUM UNIT COMPLEX WITH APPROXIMATELY 32,274 SQUARE FEET OF COMMERCIAL USE ON 15.12 ACRES LOCATED ALONG THE SOUTH SIDE OF RACQUET CLUB ROAD BETWEEN NORTH PALM CANYON DRIVE AND NORTH INDIAN CANYON DRIVE;" amending Condition No. 104 to read "The Applicant shall apply to the City for the vacation of Zanjero Road and Rochelle Road. Prior to the vacation public hearing, the Developer shall coordinate with each public utility company and determine specific requirements as to the abandonment and/or relocation of existing underground facilities that may exist within the public right-of-way to be

abandoned. Prior to the public hearing, the Developer shall provide to the City Engineer a letter of approval regarding the proposed abandonment of Rochelle Road and Zanjero Road rights-of-way from each public utility agency." and 2) Adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE MITIGATED NEGATIVE DECLARATION, AND APPROVING CASE NO. 5.1113 GENERAL PLAN AMENDMENT TO REMOVE A PAPER STREET, ZANJERO ROAD, FROM THE CITY'S GENERAL PLAN CIRCULATION ELEMENT." **Motion Councilmember McCulloch, seconded by Mayor Oden and failed 2-3 on a roll call vote.**

AYES: Councilmember McCulloch, and Mayor Oden.

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

Mayor Oden commented on a previous project on Ramon Road, that took two additional years, and stated the City Council suggestions did not improve the project.

Councilmember Foat stated the City Council is not a rubber stamp approval, previously the City Council has made input and improvements to other projects, and the issues with this project have not been addressed.

Councilmember McCulloch stated we are not rubber stamping the project, and that this project has gone through staff review, architectural review, and Planning Commission review.

Councilmember Mills commented on the previous project as proposed by Mr. Burnett, and stated this project has the opportunity to be a better project.

ACTION: Refer the project back to the Planning Commission and for architectural review for restudy. **Motion Councilmember Mills, seconded by Councilmember Foat and carried 3-2 on a roll call vote.**

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

NOES: Councilmember McCulloch, and Mayor Oden.

1.C. REQUEST BY STANDARD PACIFIC OF COACHELLA VALLEY TO VACATE A PORTION OF PUBLIC UTILITY EASEMENT WITHIN LOTS 1 AND 2 OF TRACT MAP NO. 32233-1, RECORDED IN BOOK 381 OF MAPS, PAGES 59-67 INCLUSIVE, IN SECTION 18, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R 06-039:

David Barakian, City Engineer, provided background information as outlined in the staff report dated March 21, 2007.

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

ACTION: 1) Adopt Resolution No. 21848, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, VACATING A PORTION OF PUBLIC UTILITY EASEMENT WITHIN LOTS 1 AND 2 OF TRACT MAP NO. 32233-1, RECORDED IN BOOK 381 OF MAPS, PAGES 59-67 INCLUSIVE, IN SECTION 18, TOWNSHIP 4 SOUTH, RANGE 5 EAST, FILE R 06-039;" and 2) Authorize the City Manager to execute all necessary documents. **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

Councilmember Mills stated he has a client relationship with the Applicant for Item 1.D. and a conflict of interest, would not participate in the discussion or the vote, and left Council Chamber.

1.D. REQUEST BY D. W. JOHNSTON TO APPROVE TENTATIVE TRACT MAP 31422-A TO SUBDIVIDE APPROXIMATELY 2.5 ACRES INTO FIVE LOTS LOCATED AT 2630 ANZA TRAIL:

Edward Robertson, Principal Planner, provided background information as outlined in the staff report dated March 21, 2007.

Councilmember Foat requested staff number the pages, requested staff address the on-site private streets, and the undergrounding of utilities.

Mayor Pro Tem Pougnet requested staff address the minimum lot size on lot 1 and lot 5.

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

ACTION: Adopt Resolution No. 21849, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 31422-A TO SUBDIVIDE APPROXIMATELY 2.5 ACRES INTO FIVE LOTS LOCATED AT 2630 ANZA TRAIL, ZONE R-1-B, SECTION 25, APNs 510-130-008 and 510-130-025." **Motion Mayor Pro Tem Pougnet, 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.E. INTERIM URGENCY ORDINANCE EXTENDING ORDINANCE NOS. 1687 AND 1688 A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES IN THE CITY OF PALM SPRINGS:

City Attorney Holland provided background information as outlined in the staff report dated March 21, 2007.

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

EDWARD LEONARD, Palm Springs, stated the use of marijuana is a felony, he uses medical marijuana and requested the City Council support the use of medical marijuana.

ANTHONY CURIALE, Attorney representing the Palm Springs Safe Access Collective Association, commented on the difference between an association versus a collective and their respective rights, and stated his clients will comply with the requirements and inspection.

CARLO P. stated his support for the use of medical marijuana.

JOY MEREDITH, Palm Springs, stated the Task Force did not receive notice of the public hearing, and stated the City Council is trying to do the right thing for the residents and downtown, and she is hopeful that the City comes up with rules and regulations to allow for dispensaries in the City of Palm Springs.

LANNY SWERDLOW, stated he was not notified of the meeting, and expressed concerns with the extension of the moratorium for an additional year, and requested the moratorium be extended by three months.

JESSICA WALL, outlined some of the experiences of patients that use medical marijuana, and requested one dispensary be allowed to operate under the moratorium.

RICK PANTELE, stated his support to allow residents to have access to medical marijuana.

DONALD SAQUE, stated he is a medical marijuana user, and requested the City Council allow the operation of dispensaries in the City of Palm Springs.

STACY HOCHANADEL, stated his support for medical marijuana dispensaries and requested the moratorium be shorter than the one-year period.

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

Councilmember Foat provided information on the previous Council's action on allowing dispensaries in the City of Palm Springs, stated she had requested an opinion from the Attorney General on Prop. 215 and the use of Medical Marijuana Dispensaries, and stated staff and the Council subcommittee will come forward and the process will not take a year.

Councilmember McCulloch stated he attended the CVAG Public Safety Committee and commented on questions from Assistant United States Attorney and the Acting Assistant Attorney General, stated medical marijuana has a legitimate use and has requested reconciliation from Congresswoman Bono for Federal and State laws.

Mayor Pro Tem Pougnet commented on the progress of the subcommittee, and stated that the City Council will pursue the right path.

Mayor Oden requested staff address the noticing of the hearing, and commented on complaints from businesses in the area of the former dispensaries.

Councilmember Mills requested staff provide information on the new dispensary operating in the City.

Councilmember Foat requested staff address the time period in Section 9.

ACTION: 1) Adopt the staff report as the written report required pursuant to Government Code Section 65858; 2) Waive the reading of the Ordinance text in its entirety and adopt by title only; and 3) Adopt Interim Urgency Ordinance No. 1710, "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING ORDINANCE NOS. 1687 AND 1688, A TEMPORARY MORATORIUM ON THE LEGAL ESTABLISHMENT AND OPERATION OF MEDICAL MARIJUANA DISPENSARIES WITHIN THE CITY OF PALM SPRINGS FOR AN ADDITIONAL PERIOD OF TWELVE MONTHS PENDING COMPLETION OF A STUDY OF ZONING REGULATIONS THAT ARE NEEDED TO ALLEVIATE A CURRENT AND ACTUAL THREAT TO THE PUBLIC HEALTH, SAFETY, AND WELFARE." **Motion Councilmember Foat, seconded by Mayor Pro Tem Pougnet and unanimously carried on a roll call vote.**

The City Council recessed at 8:35 P.M.

The City Council reconvened at 8:43 P.M.

PUBLIC COMMENT:

TOM JOHNSTON, Palm Springs, requested the City Council review the moratorium that prohibits financial institutions in the Downtown area, as he only wants to move his existing business from one suite to another in the same building.

FRED BELL, BIA Desert Chapter, spoke regarding Item 3.A., the establishment of a Resource Conservation Commission, requested the City Council review the Cathedral City program, and requested the Building Industry be allowed representation on the Commission.

JOY MEREDITH, Palm Springs, reported on the activities of Main Street, and stated 46 new businesses have located in Downtown Palm Springs.

BILL RANSOM, requested the City Council support Item 2.G., the temporary suspension of the noise ordinance for the White Party weekend.

COUNCILMEMBER COMMENTS AND REQUESTS:

Mayor Oden commented on the Community Blood Bank.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.H., 2.J., 2.K., and 2.L. **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 March 21, 2007, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of March 7, 2007. **Approved as part of the Consent Calendar, noting the abstention of Mayor Oden.**

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

ACTION: 1) Adopt Resolution No. 21850, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 2-24-07 BY WARRANTS NUMBERED 411573 THROUGH 411624 TOTALING \$83,491.88, LIABILITY CHECKS NUMBERED 1019485 THROUGH 1019518 TOTALING \$141,630.47, THREE WIRE

TRANSFERS FOR \$58,594.17, AND THREE ELECTRONIC ACH DEBITS OF \$1,204,500.39 IN THE AGGREGATE AMOUNT OF \$1,488,216.91 DRAWN ON BANK OF AMERICA;" and 2) Adopt Resolution No. 21851, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1019519 THROUGH 1019723 IN THE AGGREGATE AMOUNT OF \$2,082,252.57 DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the abstention of Mayor Pro Tem Pougnet on Warrant No. 1019683.**

2.D. SIDE LETTER OF AGREEMENT TO THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE MUNICIPAL EMPLOYEE RELATIONS REPRESENTATIVE AND THE PALM SPRINGS POLICE OFFICERS ASSOCIATION:

ACTION: 1) Adopt Minute Order No. 8015, Approving a side letter of agreement to the July 1, 2006, to June 30, 2009, Memorandum of Understanding (MOU) between the Municipal Employee Relations Representative (MERR) and the Palm Springs Police Officers Association (PSPOA) representing the Police Safety Unit; and 2) Authorize the City Manager to execute all necessary documents. A5340. **Approved as part of the Consent Calendar.**

2.H. TRAFFIC SIGNAL MAINTENANCE SERVICES AGREEMENT EXTENSION WITH THE COUNTY OF RIVERSIDE THROUGH JUNE 30, 2009:

ACTION: 1) Adopt Minute Order No. 8017, Approving an extension to Agreement No. A4725 with the County of Riverside through June 30, 2009, in the maximum amount of \$200,000 per year for Fiscal Years 2007-08 and 2008-09; and 2) Authorize the City Manager to execute all necessary documents. A4725. **Approved as part of the Consent Calendar.**

2.J. AMENDMENT NO. 2 TO THE CVAG GRANT REIMBURSEMENT AGREEMENT FOR THE INDIAN CANYON DRIVE STREET AND BRIDGE WIDENING PROJECT, CITY PROJECT NO. 01-11:

ACTION: 1) Adopt Minute Order No. 8019, Approving Amendment No. 2 to the CVAG Grant Reimbursement Agreement for the Indian Canyon Drive Street and Bridge Widening Project in the amount of \$50,100 for a revised total regional Measure A amount of \$1,625,275; and 2) Authorize the City Manager to execute all necessary documents. A4394. **Approved as part of the Consent Calendar.**

2.K. AMENDMENT NO. 2 TO AGREEMENT NO. A4461 WITH DOKKEN ENGINEERING FOR THE INDIAN CANYON DRIVE STREET AND BRIDGE WIDENING PROJECT, CITY PROJECT NO. 01-11:

ACTION: 1) Adopt Minute Order No. 8020, Approving Amendment No. 2 to Agreement No. A4461 with Dokken Engineering in the amount of \$50,100 for a revised total contract amount of \$499,900 for environmental and engineering design services for the Indian Canyon Drive Street and Bridge Widening Project, City Project No. 01-11" and 2) Authorize the City Manager to execute all necessary documents. A4461. **Approved as part of the Consent Calendar.**

2.L. AMENDMENT NO. 1 TO AGREEMENT NO. A5336 WITH EVERGREEN RECYCLING SOLUTIONS FOR SOLID WASTE MANAGEMENT AND RECYCLING CONSULTING SERVICES IN AN AMOUNT NOT TO EXCEED \$45,000:

ACTION: 1) Adopt Minute Order No. 8021, Approving Amendment No. 1 to Agreement No. A5336 with Evergreen Recycling Solutions for municipal solid waste management and recycling consulting services in an amount not to exceed \$45,000; and 2) Authorize the City Manager to execute all necessary documents. A5336. **Approved as part of the Consent Calendar.**

New Business Item 5.C. was taken out of order and heard immediately following the Consent Calendar.

City Manager Ready indicated he has a conflict of interest with respect to Item 5.C., as he previously taught classes at the University, indicated he had not participated in any way in negotiation nor the making of the agreement, and left Council Chamber.

5.C. FUNDING AGREEMENT WITH CALIFORNIA STATE UNIVERSITY OF SAN BERNARDINO:

Troy Butzlaff, Assistant City Manager, provided background information as outlined in the staff report dated March 21, 2007.

FRED JANDT, Dean, California State University San Bernardino, outlined the design of the building, programs and benefits to Palm Springs and residents.

KEVIN O'BRIEN, Architect, outlined the goals of the new facilities.

TED COLEMAN, Department of Health Science, provided information on the content to be offered in the new facilities.

DAVID DeMAURO, Vice President, provided information on the administration of the project and the estimated completion date, about 12 to 14 months to build the project and to open in September, 2008.

Councilmember Foat requested the University staff address if the project is a green building.

Councilmember Mills stated he looked forward for the motion to go forward, and requested the University screen the mechanical equipment on the building.

Mayor Pro Tem Pougnet commented on the history and development of the program, and thanked staff.

Councilmember McCulloch stated it will be a great facility and the City has the need, but expressed concerns for the funding of the project, and requested staff address the funding.

Mayor Oden commented on funding mechanism, and thanked City staff, and University staff.

ACTION: 1) Adopt Minute Order No. 8023, Approving an agreement with California State University San Bernardino to provide community assistance funding towards the construction of the new Health Sciences Building at the Palm Desert Campus; 2) Adopt Resolution No. 21853, "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 Mayor to execute all necessary documents. A5446. **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

City Manager Ready returned to Council Chamber.

EXCLUDED CONSENT CALENDAR:

2.E. PURCHASE OF SEATING AND TABLES FOR NEW REGIONAL JET TERMINAL BUILDING AT THE AIRPORT:

Mayor Pro Tem Pougnet requested staff address the reduction of seats, so that we do not go over the bid amount.

ACTION: 1) Adopt Minute Order No. 8016, Awarding RFP 07-07 to G/M Business Interiors for the purchase, delivery and installation of new "Herman Miller Eames Tandem Sling" seating and tables at the Airport Regional Jet Holdroom in an amount not-to-exceed \$300,000; and 2) Authorize the City Manager to execute all necessary documents to effectuate the purchase. **Motion Mayor Pro Tem Pougnet, seconded by Mayor Oden and unanimously carried on a roll call vote.**

2.F. REVIEW OF MUNICIPAL CODE ORDINANCE REVISIONS PROPOSED BY THE HISTORIC SITE PRESERVATION BOARD:

Councilmember Foat requested staff address the report, stated some of the recommended changes by the Historic Site Preservation Board will need to be reviewed and addressed, and requested these items be brought forward in a future study session agenda.

Mayor Pro Tem Pougnet stated the Board is looking for direction, and requested a Joint Meeting with the Board.

ACTION: Receive and file the Review of the Municipal Code Ordinance Revision Proposed by the Historic Site Preservation Board. **Motion Councilmember McCulloch, seconded by Mayor Oden and unanimously carried on a roll call vote.**

2.G. TEMPORARY SUSPENSION OF NOISE ORDINANCE (CHAPTER 11.74.00), NOISE NUISANCE (CHAPTER 11.08.040), DANCES (CHAPTER 5.12), AND SIGN ORDINANCE (CHAPTER 93.20.00) AND APPROVING A CARNIVAL ON APRIL 6, 7, AND 8, 2007, TO FACILITATE THE PLANNED EVENTS FOR THE WHITE PARTY:

Mayor Pro Tem Pougnet requested a Financial Impact report and accountability for these weekend events, and requested a post event date 60-days after the event.

Councilmember Mills stated he is not in favor of suspending the noise ordinance.

ACTION: Adopt Resolution No. 21852, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUSPENDING NOISE ORDINANCE (CHAPTER 11.74.00), NOISE NUISANCE (CHAPTER 11.08.040), DANCES (CHAPTER 5.12), AND SIGN ORDINANCE (CHAPTER 93.20.00), AND APPROVING A CARNIVAL ON APRIL 6, 7, AND 8, 2007, TO FACILITATE THE PLANNED EVENTS FOR THE "WHITE PARTY" LOCATED AT 888 EAST TAHQUITZ CANYON WAY, 277 NORTH AVENIDA CABALLEROS AND 444 EAST ARENAS ROAD." **Motion Mayor Pro Tem Pougnet, 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.

2.I. PURCHASE OF NATURAL GAS FOR A TERM NOT TO EXCEED 24 MONTHS:

Mayor Pro Tem Pougnet requested staff provide information on the current contract and pricing.

ACTION: 1) Adopt Minute Order No. 8018, Authorizing the City Manager to enter into an agreement for the purchase of natural gas for a term not to exceed 24 months; and 2) Authorize the City Manager to execute all necessary documents. A5445. **Motion Mayor Pro Tem Pougnet, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

2.M. AMENDMENT NO. 1 TO AGREEMENT NO. A5119 WITH LSA ASSOCIATES, INC., FOR ADDITIONAL PROFESSIONAL SERVICES FOR THE COMPLETION OF A JOINT ENVIRONMENTAL IMPACT REPORT FOR THE BOULDERS PROJECT 5.0973 AND CRESCENDO PROJECT 5.0996 AND TTM 31766:

Mayor Pro Tem Pougnet request staff provide an update on the over-all project and timeline of the project.

ACTION: 1) Adopt Minute Order No. 8022, Approving Amendment No. 1 to Agreement No. A5119 with LSA Associates, Inc. in the amount of \$17,000.00, for a total contract price of \$134,000.00, for additional professional services for the preparation of and responses to comments of a Joint Environmental Impact Report for Projects 5.0973, 5.0996, and TTM 33514; 2) Authorize the City Manager to execute all necessary documents in a form acceptable to the City Attorney. A5119. **Motion Mayor Pro Tem Pougnet, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE ESTABLISHING AND SPECIFYING THE DUTIES AND POWERS OF A SEVEN-MEMBER RESOURCE CONSERVATION COMMISSION:

City Attorney Holland provided background information as outlined in the staff report dated March 21, 2007.

Mayor Pro Tem Pougnet provided information on the changes recommended by the City Council subcommittee.

Councilmember Mills commented on the proposed make-up of the Commission, and requested a further change to Section 2.24.050.

Councilmember Foat requested clarification on the start-up of the Commission, and the Commission's participation in green building.

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. 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" amending Section 2.24.050(2)(a) to read "City policies affecting energy and natural resources conservation."
Motion Councilmember Mills, seconded by Mayor Pro Tem Pougnet and unanimously carried on a roll call vote.

4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:**

5.A. APPOINTMENTS TO THE BOARD OF LIBRARY TRUSTEES:

City Clerk Thompson provided background information as outlined in the staff report dated March 21, 2007.

ACTION: Appoint Lori Weignat for the unexpired term ending June 30, 2008 and Kimberly Nichols for the unexpired term ending June 30, 2009 to the Board of Library Trustees. **Motion Councilmember Mills, seconded by Mayor Pro Tem Pougnet and unanimously carried on a roll call vote.**

5.B. APPOINT TWO MEMBERS OF THE CITY COUNCIL TO SERVE ON THE ANIMAL SHELTER SUBCOMMITTEE:

ACTION: Appoint Councilmember Foat and Councilmember Mills to serve on the Animal Shelter Subcommittee. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

5.C. ITEM 5.C. WAS TAKEN OUT OF ORDER AND HEARD IMMEDIATELY FOLLOWING THE CONSENT CALENDAR.

COUNCILMEMBER COMMENTS AND REPORTS:

Councilmember McCulloch requested the City Attorney review the request made by Tom Johnston, regarding the relocation of a financial office in the Downtown area, and wished Mayor Oden a Happy Birthday!

Councilmember Foat requested assistance for a Fundraising Committee for the Animal Shelter.

Councilmember Mills requested staff review the Plans for the approval of The Springs and to ensure the direction of Council was included in the updated Plans.

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

ADJOURNMENT: The City Council adjourned at 9:53 P.M. to a Study Session, Wednesday, March 28, 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 APRIL, 2007.



MAYOR

ATTEST:



City Clerk