

PALM SPRINGS CITY COUNCIL
MINUTES
WEDNESDAY, JANUARY 17, 2007
CITY COUNCIL CHAMBER

CALL TO ORDER: Mayor Oden called the meeting to order at 6:10 P.M.

PLEDGE OF ALLEGIANCE: Councilmember Mills led the Pledge.

INVOCATION: Pastor Mike Coppersmith, Our Savior's Community Church, 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: Brig. General Combs, Mayor Oden and the City Council presented a Certificate of Appreciation to Michele Cirone-Collier for her work on the City's Veteran's Day Parade.

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:

City Clerk Thompson requested the City Council table Consent Calendar Item 2.O. at the request of staff.

Mayor Pro Tem Pougnet requested Item 2.G. be removed from the Consent Calendar for separate discussion.

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

ACTION: Accept the Agenda as presented. **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

1. PUBLIC HEARINGS:

- 1.A. APPLICATION BY PEGASUS FINANCIAL ENTERPRISE, LLC, AGENT FOR NEW MESQUITE GREENS HOA, LESSEE, FOR A TENTATIVE PARCEL MAP 33054 TO SUBDIVIDE LAND FOR THE CONSTRUCTION OF THREE SINGLE-FAMILY RESIDENTIAL UNITS**

ON APPROXIMATELY 1.31 ACRES LOCATED ON SOUTH SUNRISE WAY, NEAR THE INTERSECTION OF MESQUITE AVENUE:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated January 17, 2007.

Councilmember Foat requested staff address landscaping conditions that provide for front and side landscaping in a manner not to obstruct the view of traffic.

Councilmember Mills requested staff address if an HOA is a part of the project, landscape maintenance requirements, and a requirement not to allow gates that would obstruct the view of traffic.

City Attorney Holland requested the City Council consider an amendment to Condition No. 3 to provide that the covenant agreement shall be recorded.

Councilmember Foat requested that the property owner clear the current trees off the property.

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

SAMUEL OLAZABAL, Applicant, thanked the City Council for their previous conditions, requested approval of the project, and agreed to clear the trees on the property.

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

Mayor Pro Tem Pougnet thanked the Applicant and staff for the redesign of the project in terms of traffic safety.

Councilmember Mills requested that the discussion regarding landscape, gates, and the recording of the covenant, be included in the motion and action.

Mayor Oden thanked staff and the Applicant for an improved and safer project with respect to traffic ingress and egress.

ACTION: Adopt Resolution No. 21807, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 33054 TO SUBDIVIDE ONE PARCEL INTO THREE PARCELS, LOCATED AT SOUTH SUNRISE WAY NEAR EAST MESQUITE AVENUE, ZONE W-R-1-C, SECTION 24, APN: 502-560-038" *amending the Conditions of Approval to add a condition requiring landscape plans be subject to architectural approval,*

*landscaping materials in the front must comply with the fence and wall height limits, no entry gates shall be allowed; and amending Condition No. 3 to require the covenant agreement for the property shall be recorded prior to the recordation of the final map. **Motion Councilmember Foat, 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 1.B., would not participate in the discussion or the vote, and left Council Chamber.

1.B. REQUEST BY PS DEL GRANO II, LLC FOR THE APPROVAL OF CASE NO. 3.2952, MAJOR ARCHITECTURAL REVIEW AND TENTATIVE TRACT MAP 35019, PRIVADO, FOR THE DEVELOPMENT OF 81 CONDOMINIUM UNITS ON 7.11 ACRES AT THE NORTHEAST CORNER OF AMADO ROAD AND AVENIDA CABALLEROS:

Nicole Criste, Contract Planner, provided background information as outlined in the staff report dated January 17, 2007.

Councilmember Foat requested staff address building height and the splitting of floors within a unit, and the deletion of Conditions 25, 26 and 51 by the Planning Commission.

Mayor Pro Tem Pougnet requested staff address the building height including the mechanical equipment, and requested the Fire Chief address the ingress and egress for Fire Department access.

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

CANDACE CASEY, Applicant, provided background information on the proposed project and its amenities, commented on maximizing the available parking on the site, the placement of the Amado Road gates, commented on the building height with the mechanical equipment, and requested the City Council address the condition requiring red curbing.

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

Mayor Pro Tem Pougnet requested the Applicant address the square footage on the top floor, the height of the mechanical equipment on the roof, and the discussion at the community meeting with the development located to the East of the proposed project.

Councilmember McCulloch requested the Fire Chief address the red curb Fire Lane, and commented on the aesthetics of red curbs.

Councilmember Foat requested the Fire Chief address the red curb at the access gate to make the turn into the property.

ACTION: Adopt Resolution No. 21808 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE NUMBER 3.2952, TENTATIVE TRACT MAP 35019, PS DEL GRANO II, A PROPOSED 81 UNIT CONDOMINIUM PROJECT ON 7.11 ACRES LOCATED AT THE NORTHEAST CORNER OF AMADO ROAD AND AVENIDA CABALLEROS." **Motion Councilmember McCulloch, seconded by Councilmember Foat 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.

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

1.C. ESTABLISHING THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT IN THE DOWNTOWN AND UPTOWN AREAS OF PALM SPRINGS AND AUTHORIZING THE LEVY OF ASSESSMENT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA OF LAW OF 1989:

Cathy Van Horn, Economic Development Administrator, provided background information as outlined in the staff report dated January 17, 2007.

Mayor Oden requested staff address the purpose of the assessment, previous activities and marketing funding in the area, and the role of the Bureau of Tourism.

Mayor Pro Tem Pougnet requested staff address the letters of protest, and the maximum amount of the BID.

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

DANIA DUKE, General Manager Palm Springs Hyatt Suites, spoke in support of the Business Improvement District.

RUDY MESS, Vacation International, spoke in opposition to the Business Improvement District and provided a written protest.

PAUL ORTEGA, Palm Springs, stated his opposition to the Business Improvement District, and commented on the current make-up of the Board and the representation by MainStreet.

KEN KISHIMIZU, spoke in opposition to the Business Improvement District and stated he feels the BID will not market their Spa product in a hotel.

TONI RINGLEIN, Palm Springs, stated her support for the Business Improvement District and provided written testimony in support of the District.

JOY MEREDITH, Palm Springs, stated her support for the Business Improvement District, and outlined the history of the proposed BID in the Downtown area.

RICK HUTCHESON, Palm Springs, spoke in support of the Business Improvement District.

JOHN PIVINSKI, Palm Springs Chamber of Commerce, read a letter from the Executive Committee in support of the Business Improvement District.

JOHN HUGHES, stated he owned the business Mr. Canvass, 150 Tahquitz Canyon, stated his opposition to the proposed Business Improvement District, and provided an oral protest.

MICHAEL MCCARTNEY and Jim Osterberger, Spurline Video Lounge, 200 South Indian Canyon, spoke in opposition to the Business Improvement District and provided an oral protest.

BRAD VERDE, Celtic Craft Centre, 380 North Palm Canyon Drive, spoke in opposition to the Business Improvement District and provided an oral protest.

VALERIE URKS, stated she owns a business on Palm Canyon, and spoke in opposition to the Business Improvement District.

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

City Clerk Thompson recapped the number of protests received and noted that a majority protest was not received, and the City Council could proceed with the BID if so desired.

Councilmember McCulloch commented on the proposal by Main Street, and stated he opposes an additional assessment on businesses in the Downtown area, but would support a voluntary marketing program and assessment.

Councilmember Mills requested the City Attorney address Resolution No. 21793 the Resolution of Intent, stated the purpose of the BID, and requested clarification on marketing and promotional activities.

The City Council recessed at 7:45 P.M. due to a power outage.

The City Council reconvened at 8:15 P.M., and the power continued off. Mayor Oden announced that the City Council will finish discussion on Item 1.C., consider non-contested Consent Calendar Items, and all other Items on the Agenda will be continued.

The City Council continued deliberations on Item 1.C. for a short time.

Councilmember McCulloch stated the City Council was not reaching a consensus and indicated it was not fair to proceed under the current conditions, and recommended adjournment.

Councilmember Foat returned to the dais.

ACTION: Consider uncontested Consent Calendar Items, continue all other Items on the Agenda to February 7, 2007, and then adjourn the meeting to February 7, 2007. **Motion Councilmember McCulloch, seconded by Councilmember Foat and carried 3-2 on a roll call vote.**

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

PUBLIC COMMENT: None.

COUNCILMEMBER COMMENTS AND REQUESTS: None.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.H., 2.I., 2.J., 2.K., 2.M., and 2.N. **Motion Mayor Pro Tem Pougnet, 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 January 17, 2007, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of January 3, 2007.
Approved as part of the Consent Calendar.

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

ACTION: 1) Adopt Resolution No. 21809, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1017998 THROUGH 1018000 IN THE AGGREGATE AMOUNT OF \$81,303.26 DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 21810, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1018001 THROUGH 1018259 IN THE AGGREGATE AMOUNT OF \$1,946,878.50 DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 21811, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 12-16-06 BY WARRANTS NUMBERED 411297 THROUGH 411349 TOTALING \$68,944.83, LIABILITY CHECKS NUMBERED 1017965 THROUGH 1017997 TOTALING \$135,465.26, THREE WIRE TRANSFERS FOR \$84,034.68 AND THREE ELECTRONIC ACH DEBITS OF \$1,039,526.74 IN THE AGGREGATE AMOUNT OF \$1,327,971.51 DRAWN ON BANK OF AMERICA;" and 4) Adopt Resolution No. 21812, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 12-30-06 BY WARRANTS NUMBERED 411350 THROUGH 411398 TOTALING \$71,616.60, LIABILITY CHECKS NUMBERED 1018260 THROUGH 1018292 TOTALING \$137,398.32, THREE WIRE TRANSFERS FOR \$59,386.02 AND THREE ELECTRONIC ACH DEBITS OF \$1,031,726.82 IN THE AGGREGATE AMOUNT OF \$1,300,127.76 DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. STAFF AUTHORIZED AGREEMENTS FOR DECEMBER 2006:

ACTION: Receive and file Staff Authorized Agreements covering the period December 1 through December 31, 2006. **Approved as part of the Consent Calendar.**

2.E. TREASURER'S INVESTMENT REPORT AS OF NOVEMBER 30, 2006:

ACTION: Receive and file Treasurer's Investment Report as of November 30, 2006. **Approved as part of the Consent Calendar.**

2.F. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1708, ADDING CHAPTER 16.39 TO THE PALM SPRINGS

MUNICIPAL CODE, RELATING TO RENTAL CAR AGENCIES AND THE ESTABLISHMENT OF A CUSTOMER FACILITIES CHARGE:

ACTION: Waive further reading and adopt Ordinance No. 1708, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 16.39 TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO RENTAL CAR AGENCIES AND THE ESTABLISHMENT OF A CUSTOMER FACILITIES CHARGE." **Approved as part of the Consent Calendar.**

2.H. AIRPORT HOLDROOM PROJECT FUND - AMENDING THE BUDGET FOR FISCAL YEAR 2006-07:

ACTION: Adopt Resolution No. 21813, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2006-07." **Approved as part of the Consent Calendar.**

2.I. AMENDMENT NO. 10 TO AGREEMENT NO. A4487 WITH VSA AIRPORTS, INC. FOR ENGINEERING SERVICES FOR THE HOLDROOM AIRCRAFT RAMP IMPROVEMENTS:

ACTION: 1) Adopt Minute Order No. 7993, Approving Amendment No. 10 to Agreement No. A4487 with VSA Airports, Inc. to add design and field engineering services for aircraft apron improvements relating to the New Holdroom Project, in an amount not to exceed \$12,000. A4487. **Approved as part of the Consent Calendar.**

2.J. FINAL MAP 32732 AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH 111/CAMINO REAL, LLC, FOR 9 SINGLE FAMILY HOME LOTS, 1 CONDOMINIUM LOT, AND 1 COMMERCIAL LOT, LOCATED AT THE SOUTHEAST CORNER OF EAST PALM CANYON DRIVE AND CAMINO REAL, IN SECTION 26, TOWNSHIP 4 SOUTH, RANGE 4 EAST:

ACTION: 1) Adopt Resolution No. 21814, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING FINAL MAP 32732 FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF EAST PALM CANYON DRIVE AND CAMINO REAL, IN SECTION 26, TOWNSHIP 4 SOUTH, RANGE 4 EAST, AND APPROVING A SUBDIVISION IMPROVEMENT AGREEMENT WITH 111/CAMINO REAL, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY;" and 2) Authorize the City Manager to execute all necessary documents. A5426. **Approved as part of the Consent Calendar.**

2.K. FINAL MAP 33878-1 AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH SMOKE TREE, INC., FOR 10 RESIDENTIAL LOTS, AND 13 OPEN SPACE LOTS, LOCATED AT 1850 SMOKETREE LANE, IN SECTION 25, TOWNSHIP 4 SOUTH, RANGE 4 EAST:

ACTION: Adopt Resolution No. 21815, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING FINAL MAP 33878-1 FOR PROPERTY LOCATED AT 1850 SMOKETREE LANE, IN SECTION 25, TOWNSHIP 4 SOUTH, RANGE 4 EAST, AND APPROVING A SUBDIVISION IMPROVEMENT AGREEMENT WITH SMOKE TREE, INC., A CALIFORNIA CORPORATION;" and 2) Authorize the City Manager to execute all necessary documents. A5425. **Approved as part of the Consent Calendar.**

- 2.M. REQUEST BY ERNEST G. NOIA FOR A ONE-YEAR TIME EXTENSION ENDING ON OCTOBER 14, 2006, FOR TENTATIVE TRACT MAP 31318 AND TENTATIVE PARCEL MAP 31351 FOR THE INDIAN OASIS DEVELOPMENT (ASSOCIATED CASE NO. 5.0870 PDD 268) AT THE SOUTHWEST CORNER OF MESQUITE AND CROSSLEY ROAD, ZONE PDD-268, SECTION 20:**

ACTION: Adopt Resolution No. 21816, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A ONE-YEAR TIME EXTENSION FROM OCTOBER 15, 2005, TO OCTOBER 14, 2006, FOR TENTATIVE TRACT MAP 31318 AND TENTATIVE PARCEL MAP 31351 FOR THE INDIAN OASIS DEVELOPMENT LOCATED AT THE SOUTHWEST CORNER OF EAST MESQUITE AVENUE AND CROSSLEY ROAD, ZONE PDD-268, SECTION 20." **Approved as part of the Consent Calendar.**

- 2.N. REQUEST BY ERNEST G. NOIA FOR A ONE-YEAR TIME EXTENSION ENDING ON OCTOBER 14, 2007, FOR TENTATIVE TRACT MAP 31318 AND TENTATIVE PARCEL MAP 31351 FOR THE INDIAN OASIS DEVELOPMENT (ASSOCIATED CASE NO. 5.0870 PDD 268) AT THE SOUTHWEST CORNER OF MESQUITE AND CROSSLEY ROAD, ZONE PDD-268, SECTION 20:**

ACTION: Adopt Resolution No. 21817, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A ONE-YEAR TIME EXTENSION FROM OCTOBER 15, 2006, TO OCTOBER 14, 2007, FOR TENTATIVE TRACT MAP 31318 AND TENTATIVE PARCEL MAP 31351 FOR THE INDIAN OASIS DEVELOPMENT LOCATED AT THE SOUTHWEST CORNER OF EAST MESQUITE AVENUE AND CROSSLEY ROAD, ZONE PDD-268, SECTION 20." **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

- 2.G. SIDE LETTER AGREEMENT WITH THE POLICE MANAGEMENT UNIT PROVIDING A CELL PHONE ALLOWANCE IN LIEU OF RECEIVING A CITY PROVIDED CELL PHONE EFFECTIVE FEBRUARY 1, 2007:**

ACTION: Tabled to February 7, 2007.

- 2.L. PROFESSIONAL SERVICES AGREEMENT WITH HUNT ENVIRONMENTAL SERVICES, INC. FOR OVERSIGHT AND TECHNICAL ASSISTANCE RELATED TO THE WASTEWATER TREATMENT PLANT AND TERMINATION OF AGREEMENT NO. A5372 WITH ARCADIS G& M INC:**
ACTION: Tabled to February 7, 2007.
- 2.O. AGREEMENT WITH CGI COMMUNICATIONS, INCORPORATED FOR VIDEO PRODUCTION AND WEB STREAMING SERVICES:**
ACTION: Tabled to February 7, 2007.

COMMUNITY REDEVELOPMENT AGENCY

- RA1. APPROVAL OF DECEMBER 6, 2006, AND DECEMBER 20, 2006 MINUTES:**
ACTION: Tabled to February 7, 2007.
- RA2. AMENDMENT TO THE OWNER PARTICIPATION AGREEMENT WITH MILLENNIUM HOUSING CORPORATION TO PROVIDE A LOAN OF \$450,000 FOR THE PURPOSE OF CONSTRUCTING A PERIMETER BLOCK WALL AT SAHARA MOBILE HOME PARK LOCATED AT 1955 SOUTH CAMINO REAL:**
ACTION: Tabled to February 7, 2007.
- 3. LEGISLATIVE:** None.
- 4. UNFINISHED BUSINESS:**
 - 4.A. COLLEGE OF THE DESERT, WEST VALLEY EDUCATION CENTER, PROPOSAL UPDATE:**
ACTION: Tabled to February 7, 2007.
- 5. NEW BUSINESS:**
 - 5.A. PALM SPRINGS INTERNATIONAL AIRPORT - AIR INCENTIVE PROGRAM:**
ACTION: Tabled to February 7, 2007.
 - 5.B. ACCEPT 2006 FIREFIGHTER STAFFING FEDERAL GRANT (SAFER):**
ACTION: Tabled to February 7, 2007.
 - 5.C. LETTER OF EXCLUSIVE INTENT TO NEGOTIATE WITH EVENT MANAGEMENT GROUP (EMG) FOR THE PRODUCTION AND STAGING OF THE PALM SPRINGS GRAN PRIX IN SEPTEMBER 2008, AN INDY RACING LEAGUE (IRL) EVENT:**
ACTION: Tabled to February 7, 2007.

5.D. PRIORITIZE FUTURE AGENDA/STUDY SESSION TOPICS (DOCKET REVIEW):

ACTION: Tabled to February 7, 2007.

COUNCILMEMBER COMMENTS AND REPORTS: None.

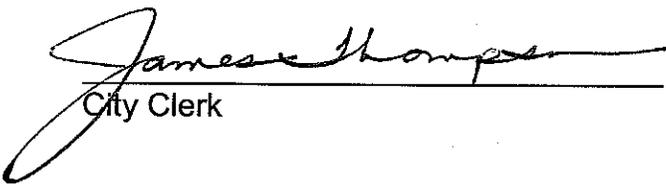
ADJOURNMENT: The City Council adjourned at 8:34 P.M. to a Regular Meeting, Wednesday, February 7, 2007, at 6:00 p.m. in the Council Chamber, City Hall, preceded by a Closed Session at 5:00 p.m., Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 7th DAY OF FEBRUARY, 2007.



MAYOR

ATTEST:



City Clerk

