CITY COUNCIL
COMMUNITY REDEVELOPMENT AGENCY
CITY OF PALM SPRINGS, CALIFORNIA

MEETING MINUTES
WEDNESDAY, SEPTEMBER 7, 2011
CITY COUNCIL CHAMBER

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:01 p.m.

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

INVOCATION: Rabbi Sally Olins, Temple Isaiah, led the Invocation.

ROLL CALL:

PRESENT:	Councilmember Foat, Councilmember Hutcheson, Councilmember Mills, Mayor Pro Tem Weigel, and Mayor Pougnet
ABSENT:	None.
ALSO PRESENT:	City Manager Ready, City Attorney Holland, City Clerk Thompson

PRESENTATIONS: Mayor Pougnet and the City Council proclaimed the week of September 5, 2011, as National Patriotism Week in the City of Palm Springs.

Mayor Pougnet and the City Council proclaimed September 23, 2011, as Mizell Senior Center Day in the City of Palm Springs.

Mayor Pro Tem Weigel announced the opening of the Desert Regional Spine Pavilion.

Fire Chief Ventura introduced the City's new Emergency Services Coordinator Anjila Lebsock.

Police Chief Franz administered the Oath of Office to new Palm Springs Police Officer Kevin Lu.

City Manager Ready and Police Chief Franz introduced the City's new Animal Shelter Director Leslie Tisdale.

Mayor Pougnet announced the upcoming 9/11 prayer service for victim Barbara Keating, the 5K Salute to Heroes Run, the Telling Nicholas 9/11 tribute at the Palm Springs Camelot Theater, and the 9/11 memorial concert sponsored by the City of Palm Springs and the City of Palm Desert.

City Manager Ready previewed the new City information website on Measure "J".

REPORT OF CLOSED SESSION: City Attorney Holland stated the meeting was called to order at 4:00 p.m., 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 that the City Council remove staff recommendation 2 for their motion for Consent Calendar Item 2.N. pertaining to the approval of a change order.

Councilmember Hutcheson noted his property related abstention on Consent Calendar Item 2.I.

Councilmember Foat noted her business related abstention on Consent Calendar Item 2.C. Warrant No. 1050635.

Councilmember Mills noted his business related abstention on Consent Calendar Items 2.I. and 2.L.

Mayor Pougnet noted his abstention on Consent Calendar Item 2.B., Minutes of July 6, 2011. Councilmember Hutcheson and Mayor Pro Tem Weigel noted their abstention on Consent Calendar Item 2.B., Minutes of August 25, 2011.

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

1. PUBLIC HEARINGS:

1.A. PALM SPRINGS, LLC, PROPOSAL TO AMEND THE PREVIOUSLY APPROVED PORT LAWRENCE MIXED-USE DEVELOPMENT FROM THE DEVELOPMENT OF UP TO 118 CONDOMINIUM UNITS AND APPROXIMATELY 25,000 SQUARE FEET OF RETAIL COMMERCIAL TO A 175-ROOM BOUTIQUE HOTEL AND 30,000 SQUARE FEET OF RETAIL COMMERCIAL AND APPEAL THE PLANNING COMMISSION'S DECISION DENYING THE REVISED SITE PLAN ON APPROXIMATELY 4.1 ACRES OF VACANT LAND LOCATED AT THE SOUTHEAST CORNER OF ALEJO ROAD AND NORTH PALM CANYON DRIVE (CASE NO. 5.1091 PDD 324):
Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated September 7, 2011.

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

LAWRENCE RAEL, Applicant, commented on the history of the property and the original project due to the economic conditions, commented on the height of the project, the step backs in the design, and the parking requirements.

Councilmember Mills requested staff address the parking requirements and the excess parking provided.

Councilmember Foat requested staff clarify the changes to the project, the height of the project as originally proposed.

JAMES CIOFFI, Representing Applicant, commented on the site plan, frontage on Alejo, and the addition of boutique store fronts.

ROBERT HELBLING, Palm Springs, noted his positive discussion and interactions with the Applicant, commented on the improvements in design along Indian Canyon, noted the approval is just for the massing of the project, and the benefits of the project to the community.

MATT TAPSCOTT, noted the improvements to the revised project and spoke in support of the project.

PAT O'DELL, noted the improvements to the revised project and spoke in support of the project.

JOY MEREDITH, Palm Springs, stated her support for the project, stated the project is an inspiration at the location, commented on the improvements to the project and working with the community, and noted the quality of the developer.

JOAN MARTIN, stated the project is looking pretty good and the changed use is better for the City, stated the Developer has been working with the community, but hoped that more study should be done on the Planning Commission recommendations that have not been addressed.

CHRIS BROOKS, stated the Developer went above and beyond, and noted his support for the project.

WAYNE GOTTLIEB, Palm Springs, spoke in support of the project, but expressed concerns about the ability to complete the project.

AFTAB DADA, noted the benefits to the community and the Downtown merchants, and stated his support for the project.

FRANK TYSEN, stated the proposed use is much better, noted the lower profile, but stated his concerns with height and density of the project, and requested the City Council approve the use, but allow the Planning Commission to review the revised project.

MARK DAVIS, noted the relocation issues for the previous tenants of the property and stated his support for the project.

JULIUS KAZEN, noted the benefits of the project and Downtown businesses, stated the City has a capacity issue and needs a new hotel project.

LAWRENCE RAEL, Applicant Rebuttal, requested the City Council approve the site plan and grant the authority to return to the AAC and the Planning Commission for architecture.

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

Councilmember Foat requested the Applicant address the look of the garage, and the height of the project at Alejo and Palm Canyon,

Councilmember Hutcheson requested the Applicant address the posting of a completion bond for the project, the street level parking, the height of the structure parking, the possible installation of solar structures, stated the project is compliant with the City's Downtown Design Guidelines, and stated his support for the project.

Councilmember Mills commented on the character of the project on the site, provided a comparison of the Downtown Design Guidelines, provided general comments on the original site plan, noted the Planning Commission and ACC have some valid points, and stated his support for the project.

Mayor Pro Tem Weigel stated the Applicant has demonstrated sensitivity to the community and the surrounding area, and stated his support for the project.

Mayor Pougnet requested the Applicant consider parking bays for electric vehicles, noted the Developer has been creative with the project and continued to work with the community and the City to bring a project forward, and commented on the height increase.

ACTION: 1) Adopt Resolution No. 23003-1, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AMENDMENT TO CASE NUMBER 5.1091, PLANNED

DEVELOPMENT DISTRICT 324, FOR PALM SPRINGS LLC, A PROPOSED 175 ROOM BOUTIQUE HOTEL, APPROXIMATELY 30,000 SQUARE FEET RETAIL COMMERCIAL AND A TWO-LEVEL FREE STANDING PARKING STRUCTURE ON APPROXIMATELY 4.1 ACRES OF VACANT LAND LOCATED AT THE SOUTHEAST CORNER OF ALEJO ROAD AND NORTH PALM CANYON DRIVE;" and 2) Direct Staff to submit the City Council comments and recommendations for the project to the Planning Commission and the AAC. **Motion Councilmember Hutcheson, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

1.B. PALM SPRINGS TREATMENT CENTERS, LLC REQUEST FOR APPROVAL OF PLANNED DEVELOPMENT DISTRICT 359 FOR AN ASSISTED LIVING FACILITY/SUBSTANCE ABUSE RECOVERY CENTER USE AT A RENOVATED EXISTING FACILITY LOCATED AT 1910 SOUTH CAMINO REAL, "MICHAEL'S HOUSE" (CASE 5.1266 PDD 359):

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated September 7, 2011.

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

KRISTA GILBERT, Applicant, commented on the programs offered by Michael's House, and commented on the staff ratio proposed, noted the compliance with the City's current ordinances and noted Michael's House will collaborate with the City in the development of additional regulations regarding such facilities, and commented on public benefit.

ROBERT HELBLING, Palm Springs, commented on the benefits to the community, noted the proposed improvements to the property, and stated his support for the project.

STEVE BAKER, Palm Springs, stated they run adjacent to the property, and stated his support for the project.

JAMES CIOFFI, commented on the services offered by Michael's House, noted the benefits of the project, and requested the City Council support the project.

MITCH MITCHELL, Palm Springs, Sahara Mobile Home Park, stated the Applicant has met with the adjacent neighborhoods and has met the concerns of the surrounding neighbors, and spoke in support of the project.

DAVID BARON, Palm Springs, commented on the programs and operations offered by Michael's House, stated the location is perfect for the use, noted the public benefits, and commented on the application of TOT tax to these types of facilities.

PATRICIA PARRIOTT, Palm Springs, commented on the operations, and stated her support for the project.

FRANK TYSEN, stated his support for the building being restored, and commented on proposed regulations to govern these types of uses and facilities.

KRISTA GILBERT, Applicant Rebuttal, noted the public benefit for the project and noted concerns with the placement of TOT on such operations.

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

Councilmember Foat stated her support for the project and this location, and commented on the programs.

Councilmember Mills requested staff address the ADA ramp and the loss of landscaping due to the ramp, and requested the City standard be changed to the "V" style ramp, and requested a condition be added ENG2 to modify the approaches and increase the requirement for decorative pavers.

Councilmember Hutcheson requested the Applicant address the inclusion of sustainable features.

Mayor Pro Tem Weigel stated his support for the project, and requested staff address the timing on regulations.

ACTION: Adopt Resolution No. 23004, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT 359, FOR MICHAEL'S HOUSE, ON AN ESTIMATED 1.27 ACRE SITE LOCATED AT 1910 SOUTH CAMINO REAL," *amending Condition of Approval ENG2 to remove and replace existing driveway approaches and to require decorative or colored concrete be used to construct the five entrances into the project as approved by the City Engineer.* **Motion Councilmember Foat, seconded by Mayor Pro Tem Weigel and unanimously carried on a roll call vote.**

The City Council recessed at 8:07 p.m.

The City Council reconvened at 8:13 p.m.

PUBLIC COMMENT:

LIZ GLASS, Palm Springs, commented on Measure "J" on the November 8, 2011 general election, and stated her support for Measure "J," and recommended the appointment of an oversight committee.

NONA WATSON, Palm Springs, read a statement from the Palm Springs Chamber of Commerce regarding the Downtown revitalization plan and in support of Measure "J."

HAROLD MEYERMAN, Palm Springs Art Museum, commented on Measure "J," stated his support for the proposed sales tax and Downtown revitalization, and commented on the operations and the activities of the Museum.

DONALD PRELL, Palm Springs, commented on Item 4.A., requested the City Council postpone the vote on the project financing agreement until the flaws are corrected in the agreement and with the Development, and spoke in opposition to Measure "J."

ROBERT HELBLING, Palm Springs, commented on Item 4.A., spoke in support of Downtown revitalization and in support of Measure "J," and recommended the creation of an oversight committee.

CHARLES MADER, Palm Springs, spoke on Item 5.B., and requested the City Council approve the Resolution of Public Convenience.

DAVY AKER, spoke on Item 5.B., and requested the City Council approve the Resolution of Public Convenience.

PATRICIA PATERICINO-SCHOOLCRAFT, commented on Item 4.A., and the project financing agreement with Wessman Development.

NANCY STUART, provided an update on the activities and operations of the Palm Springs Tram.

CHRIS BROOKS, commented on Item 4.A., and stated his support for Downtown revitalization and Measure "J."

DON COOK, Palm Springs, commented on Item 4.A. and requested the City Council work with the developer to support the project, and spoke in opposition to Measure "J."

PAUL LEWIN, commented on Item 4.A., noted the reasons for the public investment in the project, requested local hires for the project, delay the demolition of the Bank of America building, and include provisions for a successful development during the summer months.

AFTAB DADA, commented on Item 4.A., spoke in support of Measure "J," and the revitalization of the Downtown area.

JULIUS KAZEN, Palm Springs Hospitality Association, commented on Item 4.A., stated his support and the support of the Hospitality Association for the revitalization of Downtown and in support for Measure "J."

JOY MEREDITH, Palm Springs, MainStreet, commented on Item 4.A. and Item 4.C., stated her support and the Board's support for Downtown revitalization, in support of Measure "J," and requested the City Council consider the creation of an oversight committee.

JERRY KELLER, commented on Item 4.A., spoke in support of Downtown revitalization and stated the City needs to do the project now.

BOB RICHMOND, commented on Item 4.A., the relationship with Wessman Development, and spoke in opposition to Measure "J."

DAVID BARON, Palm Springs, spoke in support of Measure "J," and stated the City is lacking a quality shopping environment, and requested the City Council consider the appointment of an oversight committee.

SAM SPINELLO, spoke in support of the revitalization of the Downtown area, and commented on the benefits of the proposed increase in sales tax by Measure "J."

BARBARA BEATY, Palm Springs, stated her support for the revitalization of Downtown, but commented on her concerns with Measure "J."

COUNCILMEMBER COMMENTS: 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.G., 2.H., 2.I., 2.J., 2.K., 2.L., 2.M., 2.N., 2.O., 2.P., 2.Q., and 2.R. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Weigel and unanimously carried on a roll call vote.**

2.A. REPORT ON THE POSTING OF THE AGENDA:
ACTION: Receive and file Report on the Posting of the September 7, 2011, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:
ACTION: Approve the City Council/Community Redevelopment Agency Minutes of July 6, 2011, City Council/Community Redevelopment Agency

Minutes July 20, 2011, and Community Redevelopment Agency Special Meeting Minutes of August 25, 2011. **Approved as part of the Consent Calendar, noting the abstention of Mayor Pougnet on the July 6, 2011, minutes and the abstentions of Councilmember Hutcheson and Mayor Pro Tem Weigel on the August 25, 2011 minutes.**

2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:
ACTION: 1) Adopt Resolution No. 23005, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 7-09-11 BY WARRANTS NUMBERED 416784 THROUGH 416819 TOTALING $50,921.79, LIABILITY CHECKS NUMBERED 1049986 THROUGH 1050010 TOTALING $123,600.79, FIVE WIRE TRANSFERS FOR $55,664.60, AND THREE ELECTRONIC ACH DEBITS OF $991,270.32, IN THE AGGREGATE AMOUNT OF $1,221,457.50, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23006, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1050011 THROUGH 1050130 IN THE AGGREGATE AMOUNT OF $3,275,619.38, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23007, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1050131 THROUGH 1050294 IN THE AGGREGATE AMOUNT OF $672,346.03, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 23008, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 7-23-11 BY WARRANTS NUMBERED 416820 THROUGH 416855 TOTALING $74,962.15, LIABILITY CHECKS NUMBERED 1050295 THROUGH 1050298 TOTALING $1,684.50, FIVE WIRE TRANSFERS FOR $82,872.22, AND THREE ELECTRONIC ACH DEBITS OF $1,529,924.35, IN THE AGGREGATE AMOUNT OF $1,689,443.22, DRAWN ON BANK OF AMERICA; 5) Adopt Resolution No. 23009, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1050299 THROUGH 1050429 IN THE AGGREGATE AMOUNT OF $2,470,161.11, DRAWN ON BANK OF AMERICA;" 6) Adopt Resolution No. 23010, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1050430 THROUGH 1050566 IN THE AGGREGATE AMOUNT OF $3,142,992.29, DRAWN ON BANK OF AMERICA;" 7) Adopt Resolution No. 23011, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA,

APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 8-06-11 BY WARRANTS NUMBERED 416856 THROUGH 416894 TOTALING $48,691.90, LIABILITY CHECKS NUMBERED 1050567 THROUGH 1050591 TOTALING $125,889.98, FIVE WIRE TRANSFERS FOR $47,432.17, AND THREE ELECTRONIC ACH DEBITS OF $985,116.68, IN THE AGGREGATE AMOUNT OF $1,207,130.73, DRAWN ON BANK OF AMERICA;" 8) Adopt Resolution No. 23012, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1050592 THROUGH 1050707 IN THE AGGREGATE AMOUNT OF $1,118,548.61, DRAWN ON BANK OF AMERICA;" and 9) Adopt Resolution No. 23013, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1050708 THROUGH 1050810 IN THE AGGREGATE AMOUNT OF $970,553.97, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the business related abstention of Councilmember Foat on Warrant No. 1050635.**

2.D. TREASURER'S INVESTMENT REPORT AS OF MAY 31, 2011:
ACTION: Receive and file the Treasurer's Investment Report as of May 31, 2011. **Approved as part of the Consent Calendar.**

2.E. ACCEPT THE RESIGNATION OF ALISON ELSNER FROM THE PARKS AND RECREATION COMMISSION:
ACTION: 1) Accept with regret the resignation of Alison Elsner from the Parks and Recreation Commission; and 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2012. **Approved as part of the Consent Calendar.**

2.F. ACCEPT THE RESIGNATION OF DORI MILES FROM THE HUMAN RIGHTS COMMISSION:
ACTION: 1) Accept with regret the resignation of Dori Miles from the Human Rights Commission; and 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2012. **Approved as part of the Consent Calendar.**

2.G. ACCEPT THE RESIGNATION OF BRIAN LOFMAN FROM THE SUSTAINABILITY COMMISSION:
ACTION: 1) Accept with regret the resignation of Brian Lofman from the Sustainability Commission; and 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2013. **Approved as part of the Consent Calendar.**

2.H. RATIFY AND APPOINT THE NOMINATION OF THE COUNTY OF RIVERSIDE TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING JUNE 30, 2014:
ACTION: Appoint Peter A. Freymuth, as the County of Riverside representative, to the Palm Springs International Airport Commission for the term ending June 30, 2014. **Approved as part of the Consent Calendar.**

2.I. TIME LIMITED PARKING IN VICINITY OF DESERT REGIONAL MEDICAL CENTER:
ACTION: Adopt Resolution No. 23014, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING 3 HOUR TIME LIMITED PARKING ZONES FROM 7:00 AM TO 7:00 PM ON PASEO EL MIRADOR, MEL AVE., AND VIA MIRALESTE IN THE VICINITY OF DESERT REGIONAL MEDICAL CENTER." **Approved as part of the Consent Calendar, noting the property related abstention of Councilmember Hutcheson and the business related abstention of Councilmember Mills.**

2.J. CERTIFICATE OF APPRECIATION FROM THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT TO THE CITY OF PALM SPRINGS FOR ACHIEVING RULE 2202, ON ROAD MOTOR VEHICLE MITIGATION OPTIONS:
ACTION: Receive and file. **Approved as part of the Consent Calendar.**

2.K. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE FISCAL YEAR 2010-11 TRAFFIC SIGNAL IMPROVEMENTS (CP 10-07):
ACTION: Approve the plans, specifications and working details for the Fiscal Year 2010-11 Traffic Signal Improvements and authorize staff to advertise and solicit bids (CP 10-07). **Approved as part of the Consent Calendar.**

2.L. AGREEMENT WITH PALM SPRINGS UNIFIED SCHOOL DISTRICT TO PROVIDE A FULL TIME POLICE OFFICER AT THE PALM SPRINGS HIGH SCHOOL CAMPUS:
ACTION: 1) Approve an Agreement with the Palm Springs Unified School District to provide a full time police officer at the Palm Springs High School campus including the Ramon Academy, for one year expiring at the end of school year 2012; and 2) Authorize the City Manager to execute all necessary documents. A5553. **Approved as part of the Consent Calendar, noting the business related abstention of Councilmember Mills.**

2.M. AMENDMENT TO THE FISCAL YEAR 2011-12 BUDGET TO FUND IMPROVEMENTS ON CITY-OWNED PROPERTIES:
ACTION: Adopt Resolution No. 23015, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2011-12." **Approved as part of the Consent Calendar.**

2.N. AWARD OF CONTRACT FOR THE TRACT NO. 13257 SEWER IMPROVEMENTS (PHASES 1 AND 2) (CP 10-02):
ACTION: 1) Approve an agreement in the amount of $344,488.25 with G&M Construction, for Bid Schedule A (Phase 1) of the Tract No. 13257 Sewer Improvements (CP 10-02); 2) Adopt Resolution No. 23016, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2011-12 TO TRANSFER ADDITIONAL FUNDING FOR THE TRACT NO. 13257 SEWER IMPROVEMENTS (CP 10-02)"; and 3) Authorize the City Manager to execute all necessary documents. A6142. **Approved as part of the Consent Calendar.**

2.O. JOINT ITEM CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY WITH RESPECT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 33130 REDEVELOPMENT PROJECT AREA PROPERTY DISCLOSURES:
ACTION: Receive and file the California Health and Safety Code Section 33130 Project Area Property Disclosures for 1) Planning Commissioner J.R. Roberts [reporting property interests within a Project Area at APN 669-443-03, APN 677-461-004, APN 504-091-005, and APN 504-091-004]. **Approved as part of the Consent Calendar.**

2.P. LICENSE AGREEMENT WITH SHAUL AND CAROL MEZRAHI FOR PLACEMENT OF THE "LAWN CHAIR" ON PRIVATE PROPERTY AT THE CORRIDOR LOCATED AT 515 NORTH PALM CANYON DRIVE:
ACTION: 1) Approve a license agreement with Shaul and Carol Mezrahi for the placement of the "Lawn Chair" on private property located at The Corridor at 515 North Palm Canyon Drive; and 2) Authorize the City Manager to execute all necessary documents. A6143. **Approved as part of the Consent Calendar.**

2.Q. JOINT ITEM CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY WITH RESPECT TO AUTHORIZING THE INVESTMENT, DEPOSIT, AND WITHDRAWAL OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND:
ACTION: [CITY COUNCIL] 1) Adopt Resolution No. 23017, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, RESCINDING RESOLUTION NO. 12129 AND

AUTHORIZING THE INVESTMENT, DEPOSIT, AND WITHDRAWAL OF CITY OF PALM SPRINGS MONIES IN THE LOCAL AGENCY INVESTMENT FUND; and **[COMMUNITY REDEVELOPMENT AGENCY]** 2) Adopt Resolution No. 1425, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, RESCINDING RESOLUTION NO. 363 AND AUTHORIZING THE INVESTMENT, DEPOSIT, AND WITHDRAWAL OF COMMUNITY REDEVELOPMENT AGENCY MONIES IN THE LOCAL AGENCY INVESTMENT FUND." **Approved as part of the Consent Calendar.**

2.R. PROJECT SYSTEM SOFTWARE AND DATA SERVICES FOR THE FIRE DEPARTMENT AND ENGINEERING:
ACTION: 1) Award an additional software and services agreement to the existing permitting software system, in a form acceptable to the City Attorney, to BUILDERadius Inc. in the amount of $69,150, including 5 years of maintenance for the Fire and Engineering module to the existing software system; and 2) Authorize the City Manager to execute all necessary documents. A6090. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR: None.

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS:

4.A. APPROVE A PROJECT FINANCING AGREEMENT BETWEEN THE CITY OF PALM SPRINGS AND PALM SPRINGS PROMENADE, LLC FOR THE REDEVELOPMENT OF CERTAIN REAL PROPERTY LOCATED AT 123 NORTH PALM CANYON DRIVE:
John Raymond, Director of Community Development, and City Attorney Holland, provided background information as outlined in the staff report dated September 7, 2011.

Councilmember Mills requested staff address (page 12) the Developer Right of Refusal pursuant to the amendment.

Councilmember Foat provided comments on the public participation, noted the payments made by the City are for property and public improvements, commented on other public-private partnerships and the benefits to the community.

Councilmember Hutcheson requested staff address Exhibit D and the timetable, commented on the tearing down of the Desert Fashion Plaza

and the revitalization of the Downtown area, and commented on the possible uses of funding from Measure "J."

Mayor Pro Tem Weigel thanked the City Council Subcommittee and City Staff for the efforts, along with the Developer for his consideration, and stated this issue is about a community doing the right thing for the community.

Councilmember Mills commented on the history of the type of funding for capital projects by the voters, the history of the current project and property, stated the citizens will show that the project financing agreement is an investment in the City, and stated his support for the agreement and Measure "J."

Councilmember Foat requested staff address the financing of the project financing agreement, commented on the status of the Bank of America building during the construction and development process.

Mayor Pougnet thanked the City Council and staff for their work on the agreement and the community for their comments on the agreement, stated the City Council will continue to answer questions and provide information throughout the process, commented on the opportunity with the Palm Springs Art Museum and the default provisions in the agreement.

ACTION: 1) Adopt Resolution No. 23018, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PROJECT FINANCING AGREEMENT WITH PALM SPRINGS PROMENADE, LLC FOR THE REDEVELOPMENT OF CERTAIN REAL PROPERTY AT 123 NORTH PALM CANYON DRIVE, COMMONLY KNOWN AS THE DESERT FASHION PLAZA," *subject to final approval and edit by the City Attorney.* A6144. **Motion Mayor Pro Tem Weigel, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

4.B. COMMUNITY REDEVELOPMENT AGENCY HEARING FOR A RESOLUTION OF NECESSITY DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF THE DESERT FASHION PLAZA AND THE TOWN AND COUNTRY CENTER: City Attorney Holland provided background information as outlined in the staff report dated September 7, 2011.

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

ACTION: 1) Abandon Proceedings on the Resolution of Necessity and authorize the Executive Director to execute the agreement with the Property Owner agreeing to forgo the initiation of eminent domain proceedings for the Desert Fashion Plaza property for a period of three years, contingent upon Property Owner executing a Project Financing Agreement with the City implementing the Museum Market Plaza Specific Plan. **Motion Mayor Pro Tem Weigel, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

4.C. DISCUSSION ON THE CITY COUNCIL CREATION AND APPOINTMENT OF A CITIZENS AND COMMUNITY MEASURE "J" OVERSIGHT COMMITTEE:

Mayor Pougnet requested the City Council create an oversight committee, to include seven members, with three year terms, appointed by the City Council as a whole, the committee should have the ability to make recommendations on the items funded, and the committee shall meet at least twice a year, once during the budget and during the audit.

Councilmember Foat requested the City Council consider two interests and skills, one with the financial aspects and the other group for uses of funding.

Mayor Pro Tem Weigel stated the committee should be of a set composition representing the various interests and expertise in the community.

Councilmember Hutcheson requested the City Council consider a Blue Committee to ensure the funds that are raised are spent for the capital projects as approved by the City Council.

Councilmember Mills requested the City Council consider a single group with the expertise, at least two people with a financial background, consisting of seven members, and each Councilmember has a direct appointment, and the important item is the task we provide the committee.

No action taken.

5. NEW BUSINESS:

Councilmember Mills noted his business related conflict of interest with respect to Item 5.A., stated he would not participate in the discussion or the vote, and left Council Chamber.

5.A. JOB CREATION INCENTIVE REIMBURSEMENT AGREEMENT WITH THE ABBEY COMPANY AND A JOB CREATION INCENTIVE PROGRAM CERTIFICATION OF PROGRAM COMPLIANCE FORM WITH THE DESERT MEDICAL GROUP, INC. TO PROVIDE FOR CERTIFICATION OF JOBS LOCATED, CREATED, OR RETAINED AT 265 NORTH EL CIELO ROAD:

John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated September 7, 2011.

Councilmember Hutcheson requested staff clarify if the certification is for new jobs coming into the City.

Councilmember Foat requested staff address the certification process.

ACTION: 1) Adopt Resolution No. 23019, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A JOB CREATION INCENTIVE REIMBURSEMENT AGREEMENT WITH THE ABBEY COMPANY OF LONG BEACH, CALIFORNIA, AND A JOB CREATION INCENTIVE PROGRAM CERTIFICATION OF PROGRAM COMPLIANCE FORM WITH THE DESERT MEDICAL GROUP, INC. OF CALIFORNIA, TO PROVIDE FOR CERTIFICATION OF JOBS LOCATED, CREATED OR RETAINED AT 265 NORTH EL CIELO ROAD, WITH A MINIMUM TO BE NO FEWER THAN FIFTY (50) FULL-TIME JOBS, AND REIMBURSEMENT OF BUILDING AND DEVELOPMENT FEES NOT TO EXCEED $1,000 PER CERTIFIED JOB, OR $53,041.00 IN BUILDING FEES PAID, PER RESOLUTION NO. 19542 AND RESOLUTION NO. 22693;" 2) Adopt Resolution No. 23020, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2011-12; and 3) Authorize the City Manager to execute all necessary documents. A6167. **Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Hutcheson, Mayor Pro Tem Weigel, and Mayor Pougnet.
NOES: None.
ABSENT: Councilmember Mills.

Councilmember Mills returned to the dais.

Councilmember Foat stated she has a property related conflict of interest with respect to Item 5.B., would not participate in the discussion or the vote, and left Council Chamber.

5.B. REQUEST BY MODERNWORKS, LLC FOR A RESOLUTION OF PUBLIC CONVENIENCE OR NECESSITY IN ORDER TO SELL BEER AND WINE FOR CONSUMPTION ON-SITE OR OFF-SITE AT 390 NORTH PALM CANYON DRIVE:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated September 7, 2011.

ACTION: Adopt Resolution No. 23021, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER AND WINE FOR CONSUMPTION ON-SITE OR OFF-SITE (ABC TYPE 42 LICENSE) FOR THE PROPERTY LOCATED AT 390 NORTH PALM CANYON DRIVE." **Motion Mayor Pro Tem Weigel, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Mills, Councilmember Hutcheson, Mayor Pro Tem Weigel, and Mayor Pougnet.
NOES: None.
ABSENT: Councilmember Foat.

Councilmember Foat returned to the dais.

5.C. NORTH PALM CANYON DRIVE PAINTED CROSSWALKS:

Dave Barakian, City Engineer, provided background information as outlined in the staff report dated September 7, 2011.

Mayor Pro Tem Weigel stated the City should be concerned about a false sense of security by installing the crosswalk.

Councilmember Mills requested staff address the marked crosswalk in the study, how the crosswalks affect the synchronizing of the traffic signals, and would request staff consider safety by the installation of traffic calming measures.

Councilmember Hutcheson stated the City should set up an objective of slowing traffic down and make it safer.

Councilmember Foat commented on the safety issues to pedestrians, and stated if painted crosswalks were installed it would be safer to pedestrians who would then use the crosswalks.

No action taken.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Hutcheson requested staff address with Caltrans alterations to the light at Vista Chino and Palm Canyon.

Councilmember Mills requested the City address some type of event for the 75th anniversary of the Plaza Theatre, requested staff address the painting of the pedestrian bridge on Indian Canyon, and the landscaping issues on Mesquite along Ferrell and El Cielo along Mesquite Golf Course, and requested the City Council consider providing an appreciation dinner for Board Members and Commissioners.

Councilmember Foat requested staff provide an update on the construction project at Vista Chino and Indian Canyon.

Mayor Pougnet requested a meeting with business owners and the community with the medical cannabis dispensary in the North end of the City and Roy's Desert Resource Center, noted recent restaurant openings in the City, and requested City staff have a meeting with the County Health Department regarding their processes within the City.

ADJOURNMENT: The City Council adjourned at 10:40 p.m. to Wednesday, September 21, 2011, at 6:00 P.M. Council Chamber, City Hall, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 21ST DAY OF SEPTEMBER, 2011.

STEPHEN P. POUGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK