

**CITY COUNCIL  
CITY OF PALM SPRINGS, CALIFORNIA**



**MEETING MINUTES  
WEDNESDAY, DECEMBER 19, 2012  
CITY HALL COUNCIL CHAMBER**

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:03 p.m.

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

**INVOCATION:** Mayor Pougnet and the City Council requested a moment of silence in dedication and memory of the victims of the Connecticut Elementary School tragedy.

Kevin Johnson, Bloom in the Desert Ministries, led the Invocation.

**ROLL CALL:**

**PRESENT:** Councilmember Foat, Councilmember Hutcheson, Councilmember Lewin, Mayor Pro Tem Mills, and Mayor Pougnet.

**ABSENT:** None.

**ALSO PRESENT:** City Manager Ready, City Attorney Holland, City Clerk Thompson.

**PRESENTATIONS:**

Mayor Pougnet and the City Council presented Proclamations to Firefighter Mark Hunter and Fire Chief Scott Ventura upon their retirement.

City Clerk Thompson administered the Oath of Office to incoming Fire Chief John Allen.

Mayor Pougnet and the City Council proclaimed December 21, 2012, as Homeless Persons Memorial Day in the City of Palm Springs.

Mayor Pougnet announced the recent Golden Bell Award honoring the Digicom Filmfest and Palm Springs Unified School District.

Mayor Pougnet announced the Measure "J" Oversight Commission is accepting Measure "J" Project Applications, and the upcoming 2013 Palm Springs International Film Festival.

**REPORT OF CLOSED SESSION:**

The meeting was called to order at 4:00 p.m. and City Attorney Holland requested the City Council consider adding one item to the Closed Session Agenda pursuant to Cal. Gov. Code Section 54956.8 Conference with Real Property Negotiator for an

approximate 310 acre site APNS 505-020-027, 505-020-029, 505-020-031, and 505-020-035, Negotiating Parties, Shadowrock Palm Springs Development LLC, City Negotiator, David Ready, City Manager or Designee, for the price and terms of purchase, and stated this Item was received after the posting of the Agenda, and there is an immediate need to hear and/or take action on the Item.

**ACTION:** 1) Find that the Item came to the attention of the City after the posting of the Agenda, and there is an immediate need to hear and/or take action on the Item; and 2) Add to the Closed Session Agenda one Item Conference with Real Property Negotiator for an approximate 310 acre site APNS 505-020-027, 505-020-029, 505-020-031, and 505-020-035, Negotiating Parties, Shadowrock Palm Springs Development LLC, City Negotiator, David Ready, City Manager or Designee, for the price and terms of purchase. **Motion Councilmember Foat, seconded by Mayor Pougnet and unanimously carried (4-0) noting the absence of Councilmember Hutcheson.**

The City Council recessed into Closed Session to discuss Items on the Closed Session Agenda.

City Attorney Holland stated the City Council recessed into Closed Session to discuss Items on the Closed Session Agenda. The City Council provided direction to the City Attorney with respect to items on the Closed Session Agenda, no reportable actions were taken.

#### **ACCEPTANCE OF THE AGENDA:**

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

#### **1. PUBLIC HEARINGS:**

##### **1.A. PALM SPRINGS PROMENADE LLC APPROVAL OF DOWNTOWN PALM SPRINGS RENOVATION PROJECT:**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated December 19, 2012.

Mayor Pougnet requested staff address the proposed project in relation to the Museum Market Plaza Specific Plan, and requested the City Attorney address the project in relation to the Project Financing Agreement.

Councilmember Foat requested the City Attorney address the timing of certain elements and timing in the Project Financing Agreement.

Mayor Pougnet opened the Public Hearing and the following speakers addressed the City Council.

JOHN WESSMAN, Applicant, introduced members of the project design team.

MARK PHILLIP, Project Architect, presented a PowerPoint presentation and video over viewing the proposed project design.

Councilmember Foat requested the Applicant address if the "billboard" type element is still in the project design, provide additional detail on the proposed pedestrian pathway, the height of the walkway, and Block B-1.

Councilmember Lewin requested the Applicant address the glass frontage on Tahquitz, and provide additional detail on the vertical elements.

ANDREW STARKE, Palm Springs Chamber of Commerce, stated the Board of Directors is in support of the proposed project and the revitalization of Downtown.

LARRY BRANDEL, Palm Springs, requested the City Council review the misting and all details that will draw the public to the Downtown as a destination during the summer months.

TOM ADAMO, stated the Downtown needs revitalization, and the community is in support of the revitalization plan.

JIM STUART, Palm Springs, stated the City Council and Staff has brought the City back, and his support of the proposed project and the revitalization plan.

SAM SPENELLO, Cathedral City, stated he would like to see the City move forward in a positive direction, the project will move the Downtown forward, and stated his support of the project and the developer.

SCOTT WHITE, Greater Palm Springs Convention and Visitors Center, stated the Bureau is in support of the project, and outlined the points contained in his written testimony to the City Council.

RICHARD CLIFFORD, stated the proposed project is exciting, and stated his support for the project.

MINDY REED, Palm Springs, stated her support of the hotel, the proposed project, the revitalization of Downtown, and requested the City Council consider additional shading and environmental friendly outdoor cooling.

KRISTIN BLOOMER, stated the younger demographic is not well represented in the community, her support for the proposed project, and noted the positive impact the project will have on the community.

PAT STUMPF, Palm Springs, stated the project does not represent the City, the hotel will be out of character with the community, and commented on the height of the proposed hotel and views.

ABIGAIL BECKERT, read a letter on behalf of Catherine Robinson in support of the project, and a letter from Lee Morcus, Kaiser Grill, in support of the project.

DEBBIE ANDERSON, Palm Springs, stated her support for the project as presented, and stated the City presently has great momentum.

EVE FROMBERG, Palm Springs, stated her support of the proposed project and hotel and read a letter from Sheila Corbin in support of the project and the proposed Kimpton Hotel.

JOY MEREDITH, Palm Springs, stated the project is not a mall, her support for the two new view corridors, the proposed hotel will upgrade the hotel stock, noted the economic impacts, commented on the younger generation's interest and support for the project, and stated MainStreet voted to support the project.

DAVID DARRIN, RBD Hotel Palm Springs, noted the Hyatt has concerns over a second major hotel in the Downtown area, and noted the positive impacts of the project.

COUNCILMEMBER STAN HENRY, Cathedral City, stated his support for the Project and noted the impact to not only the project area but the Coachella Valley.

MAUREEN FLANNERY, stated she enjoys the Downtown area and wanted to continue the economic growth Downtown.

AMANDA CHERREY, commented on the blighted empty Desert Fashion Plaza, and stated her support for the proposed project and hotel.

JOE ENOS, Palm Springs, read a letter from Peter Mauler in support of the City Council approving the project and moving the Downtown Project forward.

MICHAEL MCLEAN, Palm Springs, noted the current blighted conditions in Downtown, and stated his support of the proposed project and Downtown revitalization.

JIM FRANKLIN, Palm Springs, stated the City has to do something with the Downtown, commented on the economic impact, and stated now is the time to build this project.

BRADY SANDAHL, stated Downtown is moving forward, Palm Springs is on the International map, and his support for the proposed project.

DARCY CAROZZA, read a letter from Harold Matzner in support of the project and hotel, and noted the positive impact from the project on the Palm Springs Art Museum.

TYLER MCLEAN, stated his support for the project design and style, the proposed project and hotel, and commented on the height and views.

BOB BOGARD, read a statement from the Board of the Palm Springs Art Museum in support of the project, the redevelopment plan, and the positive impact on the Museum.

DAVID BARON, stated his support of the project and the revitalization of Downtown, stated the project is a game changer, and commented on the positive economic impact to the City.

AFTAB DADA, Palm Springs, stated for the last 25 years not one full service hotel has been built, the proposed project is an economic game changer, and noted the interest to a younger demographic.

JESSE RHODES, Palm Springs, stated his full support for the proposed project and hotel.

GARY JOHNS, Palm Springs, noted the importance of the architecture, noted concerns and conditions by the AAC and the Planning Commission, requested the City Council not ignore the AAC and the Planning Commission, and stated his support for the project.

ROBERT IMBER, urged the City Council to address the concerns of the community with the proposed project.

STEPHEN ROSE, Palm Springs, commented on the lack of community outreach and lack of information.

CRAIG BLAU, Palm Springs, commented on the recent changes to the proposed project, and expressed concerns with the impact of the hotel incentive program.

JOAN MARTIN, Palm Springs, commented on the proposed Market Street, stated we all want a solution to Downtown, commented on views, the impact of the casino, and stated if the City needs a hotel Downtown it should be kept low and to keep the village feel.

THERESE HAYES, Palm Springs, stated she has waited 12 years for this shopping center to open, stated she is not opposed to the project; however, the project is too messy for the Downtown, and expressed concerns with the architecture.

MARILYN WILL, Palm Springs, stated this is a wonderful opportunity for new retail Downtown, but stated the project would not set in with the character of Downtown, stated the project is not attractive and lacks character, and requested the City Council support the project but limit the height and density.

MANUEL MONTOYA, Palm Springs, commented on the Palm Springs "brand" and the tradition in the City of Palm Springs.

FRANK TYSEN, commented on the impact to tourism and stated they are not coming for modern buildings, stated the project is not what Palm Springs is all about, commented on the current economy in the Downtown area, and stated the project and the hotel is a mistake.

PAMELA TAVERTY, Palm Springs, stated many good ideas came out of the visioning sessions and the project does not represent the citizen driven visioning sessions.

ANITA ROBERT, Cathedral City, stated the project is not unique for the City of Palm Springs and as proposed the project is not what people want.

ROBERT MOON, Palm Springs, stated the hotel and project is suited for the City, the project is clean and functional, and requested the City Council move forward with the project.

PATRICIA JUROVIC, Palm Springs, stated the proposed project is "pasteurized" and not unique, the detail needs to be reviewed to be representative of Palm Springs.

JADE THOMAS NELSON, stated he supports Downtown revitalization and a project of this scope, but expressed concerns on the height of the project, and requested the project be done within the standards of the City.

NICK GRONKOWSKI, commented on the impact to TOT tax, and stated the project will bring employment back to the City, have a positive economic impact to the City, and stated his support for the project.

JOHN WESSMAN, APPLICANT REBUTTAL, commented on the discussions with the Hyatt, the subdivision aspects and approval of the tentative map, and stated the Planning Commission added several

conditions that are not fiscally reasonable and will change the timing of the project.

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

The City Council recessed at 9:35 p.m.  
The City Council reconvened at 9:45.

Mayor Pougnet stated the Hotel Incentive Program was not changed for this project, stated the Hyatt was informed of the project and attended meetings regarding the project, and commented on public involvement with respect to the project.

Mayor Pro Tem Mills commented on the process and the timeline approved by the City Council and agreed upon by the Applicant, stated it is time for the City to proceed with the project to meet the opening date by the end of 2014; commented on the meetings with the AAC, stated all the elements that the City required are included in the proposed project and the AAC and the Planning Commission has approved the project, stated it is extremely important to keep the project moving along, noted the elements that are coming back for approval, he has concerns with some elements of the project and stated Block C-1 is not quite where it needs to be, stated the City Council is looking at preliminary approval of a PDD and height and mass, and further refinements will be developed and forthcoming, noted the hotel is on a different timeline than the remainder of the project, stated the basic architecture is acceptable and noted the components that will be returned for further approval, and commented on concerns with block C-1.

Councilmember Foat stated the public who spoke in favor or opposition to the project did not state the project should not be built, commented on the height of the proposed project, commented on the character of Palm Springs and stated the City Council and the Applicant are trying to get to the character and making this the best possible project which was also true before the AAC and the Planning Commission, noted some comments by the Planning Commission, noted some differences between the visioning session and the proposed project and stated the project needs to "pencil" out, and stated the City Council and other City Commissions are here to make the project the best viable project possible.

Councilmember Hutcheson thanked the community who came out to speak, the Applicant, the City commissions, the City Council Subcommittee, and staff processes, stated the current mall would be coming down shortly, noted the visioning sessions and public processes, and stated the project has gone through many changes and every one has made the project better.

Councilmember Lewin stated he is encouraged that the City has time to continue discussions with respect to the hotel, and to be flexible on the timetable with respect to the hotel, stated his support of the height and the massing, noted the City has not seen the fine details on the project and those aspects will come back in February 2013, commented on the public and the tourism experience, commented on the view of the rooftops and parking lot and recommended screening for the customer experience, commented on the pedestrian experience, the installation of misters, stated the project needs shade components to make the project viable during the 100 days of summer, and requested the City Council support shade components, misters and the installation of bollards as conditions of approval.

**ACTION:** Continue past the 10:00 p.m. tentative adjournment time.  
**Motion Councilmember Foat, seconded by Mayor Pro Tem Mills and unanimously carried (5-0).**

Councilmember Foat noted her concerns with New Market Street for vehicular traffic, the movement of traffic, the current condition of Andreas and the traffic study, stated New Market Street should be a pedestrian street and not a vehicular street, and stated she would like to see further traffic studies, stated she would like a parking study before City Council approval of a final map, stated the event space needs a plan prior to the approval of the final map, and requested the Applicant extend the lease of open space to a 20-year lease, stated the Belardo frontage and the back of the project needs to be addressed for deliveries, stated no details have been presented towards a Sustainability Plan, lack of shading and sail cloth shades to be installed, requested staff address the timeline and approvals for the hotel, and requested discussion on extending the timeline for the design of the hotel.

Mayor Pougnet requested the Applicant address the vehicular traffic on New Market Street, requested staff address the overall parking concerns and standards, requested the Applicant address the Sustainability Plan and features for the proposed project, the "back of the house" elements, experience and features, requested staff address the progress of the traffic study, and commented on open space components.

Councilmember Hutcheson requested the Applicant confirm the discussion to obtain LEED certification for the project, commented on the East elevation and stated additional study is needed with respect to the hotel elevation, the incorporation on lines on the front of the hotel and stated additional work is required, stated he wants to ensure that the Kimpton Hotel brand is a requirement and if the project does not include a Kimpton the conditions of approval should require a return to the two story elevation, stated his support for further open space, request the City

Council include a condition that requires landscaping on Block G, commented on the removal of water features during the design and approval process, and stated he would like sustainable water features be added.

Mayor Pougnet requested the Applicant address the landscaping on Belardo Road, retaining and requiring the Kimpton brand.

Councilmember Lewin requested the applicant address the pedestrian bridge for New Market Space and the hotel, and the flow to Block B-1.

Councilmember Foat requested the Applicant address the maintenance of palm trees as part of the landscape plan.

Mayor Pro Tem Mills commented on the screening of rooftop equipment to enhance the customer experience, improvements for covered parking would be a part of the City's responsibility as owner of the parking garage, the installation of bollards as part of the landscaping plan, commented the need for sun shading and the current requirements, and how they are addressed on the shade plan presented to the City Council.

The City Council discussed the proposed resolution and conditions of approval for the tentative parcel map.

**ACTION:** Adopt Resolution No. 23266, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 36446 TO SUBDIVIDE THE MUSEUM MARKET PLAZA PROPERTY OF APPROXIMATELY 13.57 ACRES INTO 14 PARCELS FOR DEVELOPMENT AND FOUR LOTS FOR PUBLIC INFRASTRUCTURE, LOCATED AT THE NORTHWEST CORNER OF PALM CANYON DRIVE AND TAHQUITZ CANYON WAY," *amending the Conditions of Approval as follows: eliminate Condition No. 1 and Condition No. 2 pertaining to landscaping on the map; and amending Condition No. ENG 26 to read 'No construction traffic shall enter the project site from N. Palm Canyon Drive or Tahquitz Canyon Way without prior coordination with the Engineering Department'.* **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

The City Council discussed and/or commented on the proposed resolution and conditions of approval for Block A.

**ACTION:** Adopt Resolution No. 23267, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE DEVELOPMENT OF BLOCK A OF THE DOWNTOWN PALM SPRINGS RENOVATION PROJECT, LOCATED AT THE NORTHWEST CORNER OF NORTH PALM CANYON DRIVE AND

ANDREAS ROAD (CASE 3.3605 MAJ)," amending the Conditions of Approval as follows: Condition No. 1 to remove all but the building lighting to return; Condition No. 4 delete 'Seek' and replace with 'Evaluate'; amend Condition No. 5 to read 'Review by the AAC and Planning Commission of street paving plans, and Market Street traffic movement patterns'; amend Condition No. 7 by deleting 'the entire project' and replacing with 'Blocks A, B, C, and C-1 (hotel)'; amend Condition No. 7(b)(viii) to read 'Coordinate with the City Manager for the temporary and permanent preservation of the Palm Springs Walk of Fame'; amend Condition No. 7(c) by deleting 'the Hilton Hotel' and replacing with 'Andreas Road'; amend Condition No. 7(c)(i) to read 'The potential connection from the Hyatt Hotel through Block "A"'; delete subsection (x) and (xi) from Condition No. 8; amend subsection (xv) of Condition No. 8 and Condition No. ENG 52A to delete 'public' and replace with 'pedestrian'; amend Condition No. ENG 71 to read 'No construction traffic shall enter the project site from N. Palm Canyon Drive or Tahquitz Canyon Way without prior coordination with the Engineering Department'; delete Condition No. FID 52, Condition No. FID 53 and Condition No. FID 54; and add a Condition to read 'Applicant shall provide shade studies showing potential ways to shade pedestrians on Palm Canyon Drive and on Andreas Road'. **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

The City Council recessed at 11:45 p.m.  
The City Council reconvened at 11:54 p.m.

The City Council discussed and/or commented on the proposed resolution and conditions of approval for Block B.

**ACTION:** Adopt Resolution No. 23268, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE DEVELOPMENT OF BLOCK B OF THE DOWNTOWN PALM SPRINGS RENOVATION PROJECT, LOCATED AT THE NORTHWEST CORNER OF NORTH PALM CANYON DRIVE AND "NEW MAIN STREET" (CASE 3.3606 MAJ);" amending the Conditions of Approval as follows: Condition No. 2 to remove all but the building lighting to return; amending Condition No. 3 to read 'Review by the AAC and Planning Commission of landscape plan, with AAC review of detailed plans to follow'; amending Condition No. 6 to read 'Review by the AAC and Planning Commission of street paving plans, and Market Street traffic movement patterns'; amend Condition No. 8 by deleting 'the entire project' and replacing with 'Blocks A, B, C, and C-1 (hotel)'; amend Condition No. 8(b)(viii) to read 'Coordinate with the City Manager for the temporary and permanent preservation of the Palm Springs Walk of Fame'; amend Condition No. 8(c) by deleting 'the Hilton Hotel' and replacing with 'Andreas Road'; amend Condition No. 8(c)(i) to read 'The potential

connection from the Hyatt Hotel through Block "A"; delete subsection (vii) and (viii) from Condition No. 9; amend subsection (xii) of Condition No. 9 and Condition No. ENG 52A to delete 'public' and replace with 'pedestrian'; amending Condition No. ENG 103 to read 'No construction traffic shall enter the project site from N. Palm Canyon Drive or Tahquitz Canyon Way without prior coordination with the Engineering Department'; deleting Condition No. FID 52, Condition No. FID 53 and Condition No. FID 54; and add a Condition to read 'Applicant shall provide shade studies showing potential ways to shade pedestrians on Palm Canyon Drive, on New Main Street, and on Andreas Road'. **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and carried 4-1 on a roll call vote.**

**AYES:** Councilmember Hutcheson, Councilmember Lewin, Mayor Pro Tem Mills, and Mayor Pougnet.

**NOES:** Councilmember Foat.

The City Council discussed and/or commented on the proposed resolution and conditions of approval for Block C.

**ACTION:** Adopt Resolution No. 23269, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE DEVELOPMENT OF BLOCK C OF THE DOWNTOWN PALM SPRINGS RENOVATION PROJECT, LOCATED ALONG THE WESTERLY FRONTAGE OF NORTH PALM CANYON DRIVE, SOUTH OF "NEW MAIN STREET" (CASE 3.3607 MAJ);" *amending the Conditions of Approval as follows: Condition No. 1 to remove all but the building lighting to return; adding to Condition No. 1 to require the Applicant to provide a restudy of the elevations of the office building that fronts on Palm Canyon and New Main Street to be submitted to the Planning Commission for review and comment and the City Council; amend Condition No. 2 to read 'Review by the AAC and Planning Commission of landscape plan, with AAC review of detailed plans to follow'; amend Condition No. 5 to read 'Review by the AAC and Planning Commission of street paving plans, and Market Street traffic movement patterns'; amend Condition No. 7 by deleting 'the entire project' and replacing with 'Blocks A, B, C, and C-1 (hotel)'; amend Condition No. 7(b)(viii) to read 'Coordinate with the City Manager for the temporary and permanent preservation of the Palm Springs Walk of Fame'; amend Condition No. 7(c) by deleting 'the Hilton Hotel' and replacing with 'Andreas Road'; amend Condition No. 7(c)(i) to read 'The potential connection from the Hyatt Hotel through Block "A"; delete subsection (x) and (xi) from Condition No. 8; amend subsection (xv) of Condition No. 8 and Condition No. ENG 23A to delete 'public' and replace with 'pedestrian'; amend Condition No. ENG 75 to read 'No construction traffic shall enter the project site from N. Palm Canyon Drive or Tahquitz Canyon Way without prior coordination with the Engineering Department'; delete Condition*

No. FID 52, Condition No. FID 53 and Condition No. FID 54; and add a Condition to read 'Applicant shall provide shade studies showing potential ways to shade pedestrians on Palm Canyon Drive and on New Main Street'. **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

The City Council discussed and/or commented on the proposed resolution and conditions of approval for Block C-1 (HOTEL).

**ACTION:** Adopt Resolution No. 23270, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PRELIMINARY PLANNED DEVELOPMENT DISTRICT FOR A HOTEL OF APPROXIMATELY 185 ROOMS, RESTAURANTS, MEETING ROOMS, RETAIL USES AND ANCILLARY USES, LOCATED WITHIN BLOCK C OF THE MUSEUM MARKET PLAZA SPECIFIC PLAN AT THE NORTHEAST CORNER OF WEST TAHQUITZ CANYON WAY AND BELARDO ROAD (CASE 5.1290 / PDD 361 / BLOCK C-1);" *amending the Conditions of Approval as follows: Condition No. 1 to read 'Review and comment by the Planning Commission of the revised elevations and all proposed colors, materials, finishes and building lighting, to be submitted to the City no later than noon February 13, 2013, and submitted to the Planning Commission by February 23, 2013'; amend Condition No. 5 to read 'Review by the AAC and Planning Commission of street paving plans, and Market Street traffic movement patterns'; amend Condition No. 7 by deleting 'the entire project' and replacing with 'Blocks A, B, C, and C-1 (hotel)'; amend Condition No. 7(b)(viii) to read 'Coordinate with the City Manager for the temporary and permanent preservation of the Palm Springs Walk of Fame'; amend Condition No. 7(c) by deleting 'the Hilton Hotel' and replacing with 'Andreas Road'; amend Condition No. 7(c)(i) to read 'The potential connection from the Hyatt Hotel through Block "A"'; delete subsection (x) and (xi) from Condition No. 8; amend subsection (xv) of Condition No. 8 and Condition No. ENG 36A to delete 'public' and replace with 'pedestrian'; amend Condition No. ENG 88 to read 'No construction traffic shall enter the project site from N. Palm Canyon Drive or Tahquitz Canyon Way without prior coordination with the Engineering Department'; delete Condition No. FID 52, Condition No. FID 53 and Condition No. FID 54; and add a Condition to read 'Applicant shall provide shade studies showing potential ways to shade pedestrians on Tahquitz Canyon Way'. **Motion Mayor Pro Tem Mills, seconded by Councilmember Lewin and unanimously carried on a roll call vote.***

**ACTION:** Amend the indemnification provisions in each of the five foregoing Resolution Nos. 23266, 23267, 23268, 23269, and 23270 to read: "Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees

*from any claim, action, or proceeding against the City of Palm Springs or its agents, officers, or employees to attack, set aside, void, or annul, and approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case \_\_\_\_\_. The City will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the owner will undertake the defense of the matter at the owner's sole cost and expense, including without limitation owner's attorney's fees and costs. The foregoing notwithstanding, the City shall be solely responsible for its own attorney's fees and legal costs. The City retains the right to settle or abandon the matter without the owner's consent but should it do so, the City shall completely waive the indemnification obligation of owner herein, except the City's decision to settle or abandon a matter following an adverse final judgment shall not cause a waiver of the indemnification rights herein."*  
**Motion Mayor Pro Tem Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

**PUBLIC COMMENT:**

IRENE SERRANO, introduced the Coachella Valley Derby Girls.

**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., and 2.Q. **Motion Councilmember Foat, seconded by Mayor Pro Tem Mills 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 December 19, 2012, City Council Agenda. **Approved as part of the Consent Calendar.**

**2.B. APPROVAL OF MINUTES:**

**ACTION:** Approve the City Council Minutes of December 5, 2012. **Approved as part of the Consent Calendar.**

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

**ACTION:** 1) Adopt Resolution No. 23271, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1059654 THROUGH 1059837 IN THE AGGREGATE AMOUNT OF \$946,665.02, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23272, "A RESOLUTION OF THE CITY COUNCIL OF

THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 11-10-12 BY WARRANTS NUMBERED 417865 THROUGH 417897 TOTALING \$48,595.30, LIABILITY CHECKS NUMBERED 1059838 THROUGH 1059862 TOTALING \$126,149.54, FIVE WIRE TRANSFERS FOR \$41,348.45 AND THREE ELECTRONIC ACH DEBITS OF \$1,090,676.85 IN THE AGGREGATE AMOUNT OF \$1,306,770.14, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23273, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1059863 THROUGH 1060042 IN THE AGGREGATE AMOUNT OF \$968,653.46, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 23274, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1060043 THROUGH 1060127 IN THE AGGREGATE AMOUNT OF \$638,557.09, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 23275, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 11-24-12 BY WARRANTS NUMBERED 417898 THROUGH 417919 TOTALING \$46,205.06, LIABILITY CHECKS NUMBERED 1060128 THROUGH 1060131 TOTALING \$2,199.16, ONE WIRE TRANSFER FOR \$386.76 AND THREE ELECTRONIC ACH DEBITS OF \$1,192,148.78 IN THE AGGREGATE AMOUNT OF \$1,240,939.76, DRAWN ON BANK OF AMERICA;" and 6) Adopt Resolution No. 23276, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1060132 THROUGH 1060268 IN THE AGGREGATE AMOUNT OF \$2,031,264.39, DRAWN ON BANK OF AMERICA;" and 7) Adopt Resolution No. 23277, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1060269 THROUGH 1060369 IN THE AGGREGATE AMOUNT OF \$2,279,763.37, DRAWN ON BANK OF AMERICA."  
**Approved as part of the Consent Calendar.**

**2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF NOVEMBER 2012:**

**ACTION:** Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of November 2012. **Approved as part of the Consent Calendar.**

- 2.E. SECOND READING AND ADOPTION OF ORDINANCE NO. 1815, EXTENDING ORDINANCE NO. 1744 RELATING TO PORTABLE OPEN SIGNS, TO OCTOBER 3, 2014:**  
**ACTION:** Waive further reading and adopt Ordinance No. 1815, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 3 OF ORDINANCE NO. 1744, RELATING TO PALM SPRINGS ZONING CODE SECTION 93.20.09.B.5, PORTABLE OPEN SIGNS BY EXTENDING THE PROVISIONS OF ORDINANCE NO. 1744 TO OCTOBER 3, 2014." **Approved as part of the Consent Calendar.**
- 2.F. APPROVAL OF FINAL MAP 34627 FOR A TWO-LOT TRACT MAP FOR CONDOMINIUM PURPOSES LOCATED AT 6300 BOLERO DRIVE:**  
**ACTION:** Adopt Resolution No. 23278, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING FINAL MAP 34627 FOR PROPERTY LOCATED AT 6300 BOLERO DRIVE IN SECTION 29, TOWNSHIP 4 SOUTH, RANGE 5 EAST." **Approved as part of the Consent Calendar.**
- 2.G. CHANGE ORDER NO. 11 TO AGREEMENT NO. A6129 WITH G & M CONSTRUCTION FOR THE BELARDO ROAD BRIDGE PROJECT (CP 87-49):**  
**ACTION:** Approve Change Order No. 11 to Agreement No. A6129 with G&M Construction, in the amount of \$10,773.00 for a revised total contract amount of \$2,628,326.09 for the Belardo Road Bridge Project (CP 87-49); and 2) Authorize the City Manager to execute all necessary documents. A6129. **Approved as part of the Consent Calendar.**
- 2.H. AMENDMENT NO. 4 TO AGREEMENT NO. A4461 WITH DOKKEN ENGINEERING FOR THE INDIAN CANYON DRIVE STREET AND BRIDGE WIDENING PROJECT (CP 01-11A):**  
**ACTION:** 1) Approve Amendment No. 4 to Agreement No. A4461 with Dokken Engineering for the Indian Canyon Drive Street and Bridge Widening Project in the amount of \$11,000 for a revised contract amount of \$1,224,700 (CP 01-11); and 2) Authorize the City Manager to execute all necessary documents. A4461. **Approved as part of the Consent Calendar.**
- 2.I. GRANT APPLICATION FOR BIKE LANES (CLASS II) PRIORITY 1 UNDER THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM:**  
**ACTION:** Adopt Resolution No. 23279, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM UNDER SECTION 164.56 OF THE STREETS AND HIGHWAYS CODE

FOR THE FOLLOWING PROJECT: BICYCLE LANES (CLASS II) PRIORITY 1." **Approved as part of the Consent Calendar.**

- 2.J. APPROVE A MEMORANDUM OF UNDERSTANDING WITH VARIOUS PUBLIC AGENCIES WITH RESPECT TO EMERGENCY CLOSURES OF INTERSTATE 10:**  
**ACTION:** 1) Approve a Memorandum of Understanding with the County of Riverside, the California Department of Transportation, the California Highway Patrol, the Morongo Band of Mission Indians, Coachella Valley Association of Governments, the Riverside County Transportation Commission, the City of Banning, and the City of Palm Springs with respect to emergency closures of Interstate 10; and 2) Authorize the City Manager to execute the Agreement. A6310. **Approved as part of the Consent Calendar.**
- 2.K. PURCHASE OF LIGHTBARS AND SIRENS FROM FEDERAL SIGNAL CORPORATION EMERGENCY PRODUCTS IN THE AMOUNT OF \$26,869.95:**  
**ACTION:** Award the purchase of 12 lightbars and siren packages at a per unit price of \$2,059.00 for a total purchase price of \$26,869.95 inclusive of all applicable sales taxes and delivery. **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 high school campus including the Ramon Academy, for one year expiring at the end of school year 2013; and 2) Authorize the City Manager to execute all necessary documents. A5553. **Approved as part of the Consent Calendar.**
- 2.M. PURCHASE OF FAA AUTHORIZED AND FUNDED PRE-FORMED THERMOPLASTIC AIRFIELD MARKINGS:**  
**ACTION:** 1) Approve the sole-source purchase of new Pre-formed Thermoplastic Airfield Pavement Markings from Ennis-Flint Company in an amount not to exceed \$938,028.27 using FAA Grant No. 49 funds; and 2) Authorize City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**
- 2.N. AMENDMENT TO THE CITY OF PALM SPRINGS CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974:**  
**ACTION:** Adopt Resolution No. 23280, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE CONFLICT OF INTEREST CODE ADOPTED BY RESOLUTION NO. 22841." **Approved as part of the Consent Calendar.**

**2.O. FIRST READING AND INTRODUCTION OF AN ORDINANCE APPROVING PLANNED DEVELOPMENT DISTRICT 341 IN LIEU OF ZONE CHANGE FOR AN APPROXIMATELY 10-ACRE PARCEL AT THE NORTHWEST CORNER OF EAST TAHQUITZ CANYON WAY AND HERMOSA DRIVE:**

**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. 1816, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT PPD 341 IN LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 10-ACRE PARCEL AT THE NORTHWEST CORNER OF EAST TAHQUITZ CANYON WAY AND HERMOSA DRIVE." **Approved as part of the Consent Calendar.**

**2.P. AWARD CONTRACT FOR THE PALM SPRINGS SKATE PARK TO SIMON CONTRACTING IN THE AMOUNT OF \$135,182.25 (CP 12-06):**

**ACTION:** 1) Approve an agreement with Simon Contracting for the Palm Springs Skate Park in the amount of \$135,182.25 (CP 12-06); and 2) Authorize the City Manager to execute all necessary documents. A6311. **Approved as part of the Consent Calendar.**

**2.Q. APPROVAL TO BECOME AN ASSOCIATE MEMBER IN THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY AND JOIN THE FIGTREE PACE PROGRAM:**

**ACTION:** 1) Adopt Resolution No. 23281, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING ASSOCIATE MEMBERSHIP IN THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY;" 2) Adopt Resolution No. 23282, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PARTICIPATION IN THE FIGTREE PACE PROGRAM, AUTHORIZING THE CALIFORNIA ENTERPRISE DEVELOPMENT AUTHORITY TO CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE CITY OF PALM SPRINGS;" and 3) Authorize the City Manager to execute all necessary documents. A6312. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:** None.

**3. LEGISLATIVE:** None.

**4. UNFINISHED BUSINESS:**

**4.A. APPROVE AMENDMENT NO. 3 TO PROJECT FINANCING AGREEMENT NO. A6144 WITH PALM SPRINGS PROMENADE, LLC WHICH INCLUDES A MODIFIED SITE PLAN FOR THE PROJECT CONSISTENT WITH THE SITE PLAN PRESENTED TO THE CITY**

**COUNCIL FOR PLANNED DEVELOPMENT DISTRICT 361  
(CASE 5.1290 / PDD 361):**

City Attorney Holland provided background information as outlined in the staff report dated December 19, 2012.

**ACTION:** 1) Approve Amendment No. 3 to Project Finance Agreement No. A6144 with Palm Springs Promenade, LLC including the revised Site Plan (Exhibit "I"); and 2) Authorize the City Manager to execute this Amendment. A6144. **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

**5. NEW BUSINESS:**

**5.A. APPOINTMENT OF A CITY COUNCIL AD HOC SUBCOMMITTEE FOR HOLIDAY LIGHTING:**

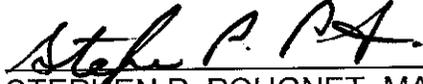
**ACTION:** Appoint Councilmember Lewin and Councilmember Mills to an ad hoc City Council Subcommittee for Holiday Lighting. **By consensus of the City Council.**

**COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:**

Mayor Pougnet commented on the development and progress of the Wellness Festival, and requested the City Manager place on the January 2, 2013, Agenda for the City Council to consider sponsorship of the Wellness Festival, and commented on the accomplishments of the City in 2012.

**ADJOURNMENT:** The City Council adjourned at 1:00 a.m. on Thursday December 20, 2012, to Wednesday, January 2, 2013, 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  
2<sup>ND</sup> DAY OF JANUARY, 2013.**

  
STEPHEN P. POUGNET, MAYOR

ATTEST:

  
JAMES THOMPSON, CITY CLERK