

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



**SPECIAL MEETING MINUTES
WEDNESDAY, JANUARY 29, 2014
COUNCIL CHAMBER**

1. **CALL TO ORDER:** Mayor Pro Tem Hutcheson called the Special Meeting to order at 5:01 p.m.
2. **ROLL CALL:**
PRESENT: Councilmember Foat, Councilmember Lewin, Councilmember Mills, and Mayor Pro Tem Hutcheson.
ABSENT: Mayor Pougnet.
ALSO PRESENT: City Manager Ready, City Attorney Holland, City Clerk Thompson.
3. **PUBLIC COMMENT:**

EMILY HEMPHILL, representing Wessman Development, stated the purpose of the Measure submitted to the voters, commented on the two existing lawsuits filed, and requested the City Council consider any agreement must include relief of both lawsuits.

NANCY STUART, Palm Springs, commented on her service to the Mount San Jacinto Winter Park Authority.

JOHN TYMON, commented on the height of the proposed hotel and the statements made by Mayor Pougnet at the Mayor's State of the City Address.

MICHAEL McQUEER, commented on the height of the hotel and spoke against the proposed hotel.

JIM STUART, commented on the interest in the Downtown area by corporate firms seeking to locate in Palm Springs.

STEVE ROSENBERG, Palm Springs, spoke on the redevelopment and progress of the City of Palm Springs.
4. **RECESS TO CLOSED SESSION:** The City Council recessed to Closed Session in the Small Conference Room at 5:22 p.m.
5. **RECONVENE TO SPECIAL MEETING:** The City Council reconvened to Open Session at 6:25 p.m.
6. **REPORT OF CLOSED SESSION:** City Attorney Holland reported the City Council recessed into Closed Session to consider one item on the posted

agenda, and stated the City Council discussed a Settlement Agreement and Mutual Release.

7. CONSIDERATION OF A PROPOSED ORDINANCE AMENDING AND/OR WITHDRAWING A MEASURE SUBMITTED TO THE VOTERS BY ORDINANCE NO. 1842, AT A SPECIAL MUNICIPAL ELECTION SCHEDULED TO BE HELD ON TUESDAY, APRIL 22, 2014, PURSUANT TO CAL. ELECTIONS CODE SECTION 9605:

Councilmember Mills requested the City Attorney address the outcome of the election compared with the proposed settlement agreement, requested clarification of the development in Block C and any potential changes to the project.

Councilmember Foat requested the City Attorney clarify the status of the proposed settlement agreement in relation to the election, requested the City Attorney address the two separate lawsuits, commented on the impact to the community, and stated her support and the reasons for the proposed settlement agreement and withdrawal of the Measure.

Councilmember Lewin commented on the actions of the City Council to move the project forward, commented on the potential impact to the community, and stated his support.

Mayor Pro Tem Hutcheson stated he would like to move this project forward as soon as possible.

Councilmember Mills requested the City Attorney address the outcome of the settlement agreement, commented on the impact to the community, the remaining lawsuit and impact to the community, and stated he is not in support of removing the Measure from the ballot.

Councilmember Foat commented on the message the proposed actions send to the Complainants and the community.

Councilmember Lewin commented on the actions of the Complainants and their willingness for a settlement agreement.

Councilmember Mills stated the settlement agreement does not affect the second lawsuit, stated the real delay to the project is on the second lawsuit, and a vote would send a strong message to the Complainants.

Mayor Pro Tem Hutcheson commented on the message a vote would provide, and stated his support for moving forward with the settlement agreement.

Councilmember Foat requested the City Attorney address the Judge's preliminary decision on the second lawsuit, the remedy if the City were to lose

that lawsuit, and commented on the Complainant's support for a settlement agreement.

Councilmember Lewin commented on the results of the lawsuit, and his support for moving forward.

ACTION: 1) Approve a Settlement Agreement and Mutual Release with Advocates for Better Community Development and Frank Tysen; and 2) Authorize the City Manager to execute the Agreement on behalf of the City. A6486. **Motion Councilmember Foat, seconded by Councilmember Lewin and carried 3-1 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Lewin, and Mayor Pro Tem Hutcheson.

NOES: Councilmember Mills.

ABSENT: Mayor Pougnet.

ACTION: Adopt Ordinance No. 1843, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, REPEALING ORDINANCE NO. 1842, CANCELLING THE SPECIAL ELECTION CALLED ON TUESDAY, APRIL 22, 2014, AND WITHDRAWING THE MEASURE SUBMITTED TO THE QUALIFIED VOTERS TO CONSIDER RESOLUTION NO. 23270 REGARDING A KIMPTON BRAND HOTEL WITHIN BLOCK C OF THE MUSEUM MARKET PLAZA SPECIFIC PLAN." **Motion Councilmember Foat, seconded by Councilmember Lewin and carried 3-1 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Lewin, and Mayor Pro Tem Hutcheson.

NOES: Councilmember Mills.

ABSENT: Mayor Pougnet.

8. **ADJOURNMENT:** The City Council adjourned at 7:00 p.m. to the next regular meeting, Wednesday, February 5, 2014, 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 19TH DAY OF FEBRUARY 2014.


STEPHEN P. POUGNET, MAYOR

ATTEST:


JAMES THOMPSON, CITY CLERK