

**CITY COUNCIL
COMMUNITY REDEVELOPMENT AGENCY
CITY OF PALM SPRINGS, CALIFORNIA**



**MINUTES
WEDNESDAY, MAY 6, 2009
City Hall Council Chamber**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:06 p.m.

PLEDGE OF ALLEGIANCE: Palm Springs Police Honor Guard, led the Pledge.

INVOCATION: Pastor David Sanger, Our Savior's Community Church, led the Invocation.

ROLL CALL:

PRESENT: Councilmember Foat, Councilmember Hutcheson, Councilmember Weigel, 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 proclaimed the week of May 10, 2009 as Peace Officers Memorial Week in the City of Palm Springs.

Mayor Pougnet and the City Council presented Hal Ball a Certificate of Recognition as the Palm Springs recipient of the Senior Inspiration Award.

Councilmember Foat and the City Council announced the recent activities and success of the recent Neighborhood Involvement Picnic.

City Manager Ready highlighted City Employee Martha Edgmon, Administrative Assistant to the City Council, for her service to the City.

The California Highway Patrol and the Auto Club presented the CHP 10851 Award to Simon Min for his efforts recovering vehicles.

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

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson requested Item 5.D. be withdrawn from the Agenda at the request of staff.

Mayor Pro Tem Mills requested Items 2.G. and 2.I. be removed from the Consent Calendar for separate discussion.

Councilmember Foat requested Item 2.E. be removed from the Consent Calendar for separate discussion.

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

1. PUBLIC HEARINGS:

1.A. DESIGNATION OF THE PROPERTY LOCATED AT 300 SOUTH PALM CANYON DRIVE (FORMER SANTA FE FEDERAL SAVINGS AND LOAN) AS A CLASS 1 HISTORIC SITE AND PLANNED DEVELOPMENT DISTRICT AND TENTATIVE TRACT MAP FOR A PROPOSED MIXED USE PROJECT COMPRISED OF A NEW 4-STORY BUILDING, ADAPTIVE REUSE OF AN EXISTING BUILDING, OFF-STREET PARKING AND LANDSCAPING AT 300 SOUTH PALM CANYON DRIVE (SECTION 15, TOWNSHIP 4, RANGE 4) HSPB 54, 5.1137-PDD 335, TTM 35230:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated May 6, 2009.

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

JAMES CIOFFI, Representing Applicant, outlined the project and the scope of the Planned Development District, stated the mixed use project meets the requirements of the Downtown Urban Design Guidelines, stated the project is within the height limit, stated the new building does not touch the existing building but is over an existing parking lot, stated his support for the project.

ROBERT STONE, requested the City Council deny the Baristo Lofts Project, and designate the site as a Class 1 Historic Site.

DAVID CHRISTIAN, stated his support for the Baristo Lofts and the limited designation as the building can stand on its own.

ERIC WILLIAMS, provided background information on the building and site, and requested the City Council deny the Baristo Lofts Project, and designate the site as a Class 1 Historic Site.

JACQUES CAUSSIN, requested the City Council deny the Baristo Lofts Project, and designate the site as a Class 1 Historic Site.

RICHARD "KIP" SERAFIN, requested the City Council deny the Baristo Lofts Project, and designate the site as a Class 1 Historic Site.

PETER MORUZZI, outlined the original development proposed on the site, requested the City Council deny the Baristo Lofts Project, and designate the site as a Class 1 Historic Site.

GARY WEXLER, requested the City Council deny the Baristo Lofts Project, and designate the site as a Class 1 Historic Site.

MICHAEL STERN, requested the City Council deny the Baristo Lofts Project, and designate the site as a Class 1 Historic Site.

BOB HELBLING, stated he has been in support of development of the site, stated he supports the project when they are correct, and the City Council needs to do additional work to the project.

GREGG FELSEN, requested the City Council deny the Baristo Lofts Project, and designate the site as a Class 1 Historic Site.

BRIAN MCGUIRE, requested the City Council deny the Baristo Lofts Project, and designate the site as a Class 1 Historic Site.

PATRICK MCGREW, provided examples of the architecture in other world cities with an historic site, requested the City Council deny the Baristo Lofts Project, and designate the site as a Class 1 Historic Site.

CHARLES SACHS, requested the City Council deny the Baristo Lofts Project, and designate the site as a Class 1 Historic Site.

JADE NELSON, requested the City Council deny the Baristo Lofts Project, and designate the site as a Class 1 Historic Site.

JAMES CIOFFI, Rebuttal, stated the designation without plans for reuse will destine the building for failure, commented on the separation of the buildings, and recommended we try for middle ground and keep the project moving.

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

The City Council discussed the options of separating the items and the vote, and the order of hearing the Items, and by consensus the City Council separated the Items and requested the historic designation be discussed first.

Councilmember Mills requested the City Attorney address the environmental report and impact with respect to the historic site options and then the Project as a whole.

Councilmember Hutcheson suggested the City Council adopt the recommendation of the HSPB for a Class 1 Historic Site for the building and the site.

Councilmember Weigel commented on the rights of the property owner, and the property owner's willingness to participate in designating a portion of the property as a Class 1 Historic Site.

Councilmember Foat commented on the building significance, the lack of setback for the proposed development as it impacts the building and the site, and stated her support for the entire site as a Class 1 Historic Site.

Councilmember Hutcheson commented on the impact to the adjacent property owners with the setback, and the public interest in the decision of the City Council.

Councilmember Weigel requested staff address the setback requirements in the Central Business District, and his opposition to designate the site just to keep the property owner from developing the property.

Mayor Pro Tem Mills stated his concerns with designating the entire site as a Class 1 Historic Site, noted the modifications to the site, commented on the opportunity for improvement of the site as indicated with the staff recommendation, noted his concerns with the proposed HSPB recommended resolution, and stated he does not wish to vote no on the historic designation as proposed by the HSPB.

Councilmember Foat requested staff address the process of development if the entire site was designated.

Mayor Pougnet stated his support for the entire site to be designated as a Class 1 Historic Site.

ACTION: 1) Adopt Resolution No. 22468 (as recommended by the HSPB), "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE BUILDING AND

THE ENTIRE SITE AT 300 SOUTH PALM CANYON DRIVE, THE SANTA FE FEDERAL SAVINGS AND LOAN BUILDING AS A CLASS 1 HISTORIC SITE (HSPB NO. 54); amending Section 2(A) to delete the reference to the fifties and sixties, and amending Section 3 to clarify the process and requirements for any future modifications. **Motion Councilmember Hutcheson, seconded by Councilmember Foat and carried 3-2 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Hutcheson, and Mayor Pougnet.

NOES: Mayor Pro Tem Mills and Councilmember Weigel.

ACTION: Refer the Planned Development Application to the Historic Site Preservation Board, for the conformity review as indicated in the previous resolution. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

Councilmember Mills stated the project is too overpowering on the west elevation, modifications should include additional stepping on the west, and would recommend the restoration of the original retaining wall and the original landscaping.

Councilmember Weigel requested staff consider CEQA requirements and a focused EIR.

Councilmember Hutcheson stated the proposed project was too close to the Santa Fe building, indicated more open space should be included, the project should be appropriately parked, and additional gradual stepping be incorporated.

Councilmember Foat stated the project should be orientated toward Indian Avenue as opposed to Palm Canyon, the building should be much further back on the lot, and expressed concerns with the parking.

The City Council recessed at 8:04 p.m.

The City Council reconvened at 8:10 p.m.

1.B. JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE COMMUNITY REDEVELOPMENT AGENCY FOR A PROPOSED ORDINANCE AMENDING CERTAIN TIME LIMITATIONS WITH RESPECT TO THE REDEVELOPMENT PLANS FOR THE CENTRAL BUSINESS DISTRICT PROJECT AREA, TAHQUITZ-ANDREAS PROJECT AREA, RAMON-BOGIE PROJECT AREA, AND SOUTH PALM CANYON PROJECT AREA:

Councilmember Mills requested staff identify the boundaries of the project area for conflict of interest.

Councilmember Foat stated she has a property ownership conflict of interest, would not participate in the discussion or the vote, and left Council Chamber.

Mayor Pougnet stated he has a property ownership conflict of interest, would not participate in the discussion or the vote, and left Council Chamber.

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated May 6, 2009.

Mayor Pro Tem Mills opened the public hearing, and no speakers coming forward the public hearing was closed.

ACTION: 1) Waive the reading of the ordinance text in its entirety and read by title only; and 2) Introduce for first reading Ordinance No. 1760, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CERTAIN TIME LIMITATIONS WITH RESPECT TO THE REDEVELOPMENT PLANS FOR THE CENTRAL BUSINESS DISTRICT PROJECT AREA, TAHQUITZ-ANDREAS PROJECT AREA, RAMON-BOGIE PROJECT AREA, AND SOUTH PALM CANYON PROJECT AREA PURSUANT TO THE PROVISIONS OF HEALTH AND SAFETY CODE SECTION 33333.6(e)(2)(D)." **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried 3-0 on a roll call vote.**

AYES: Councilmember Hutcheson, Councilmember Weigel, and Mayor Pro Tem Mills.

NOES: None.

ABSENT: Councilmember Foat and Mayor Pougnet.

Councilmember Foat and Mayor Pougnet returned to the dais.

PUBLIC COMMENT:

GARY JOHNS, commented on Item 5.B. and the unique category at VillageFest.

MARGUERITE FREEMAN, announced the upcoming General Patton Museum event at Coachella Valley High School, and requested the City Council consider sponsorship of the event.

URSULA PANICO, requested the City Council address dumping and trash on streets and vacant lots in the East Gate area.

JOY MEREDITH, commented on Item 5.B. and the selling of books at VillageFest.

BOB THOMAS, commented on Item 5.B. and outlined the decision of the VillageFest Board.

LANCE O'DONNELL, commented on Item 4.B., and the vacation of the Public Utility Easement.

MARVIN ROOS, commented on Item 4.B., the current easement for sewer and water, and stated the surrounding owners would like to ensure they have an easement.

CHARLES SACHS, commented on preserving history.

JOY MEREDITH, commented on Item 5.B the recommendations of the VillageFest Board, and commented on Downtown vacancies, and thanked the City Council for the Neighborhood Involvement picnic.

COUNCILMEMBER COMMENTS: None.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.F., 2.H., 2.J. and 2.K. **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson 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 May 6, 2009, 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 April 15, 2009. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 22469, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1034845 THROUGH 1034925 IN THE AGGREGATE AMOUNT OF \$513,885.51, DRAWN ON BANK OF AMERICA.;" and 2) Adopt Resolution No. 22470, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 4-04-09 BY WARRANTS NUMBERED 414529 THROUGH 414567 TOTALING \$90,755.64, LIABILITY CHECKS NUMBERED 1034926 THROUGH 1034947 TOTALING \$154,862.37, FOUR WIRE TRANSFERS FOR \$64,165.30, AND THREE ELECTRONIC ACH DEBITS OF \$1,231,312.48,

IN THE AGGREGATE AMOUNT OF \$1,541,095.79, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 22471, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1034948 THROUGH 1035148 IN THE AGGREGATE AMOUNT OF \$2,234,731.29, DRAWN ON BANK OF AMERICA; 4) Adopt Resolution No. 22472, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 4-18-09 BY WARRANTS NUMBERED 414568 THROUGH 414611 TOTALING \$81,637.17, LIABILITY CHECKS NUMBERED 1035254 THROUGH 1035276 TOTALING \$155,145.85, FOUR WIRE TRANSFERS FOR \$64,425.82, AND THREE ELECTRONIC ACH DEBITS OF \$1,153,909.83, IN THE AGGREGATE AMOUNT OF \$1,455,118.67, DRAWN ON BANK OF AMERICA;" and 5) Adopt Resolution No. 22473, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1035149 THROUGH 1035253 IN THE AGGREGATE AMOUNT OF \$268,596.29, DRAWN ON BANK OF AMERICA."
Approved as part of the Consent Calendar.

2.D. TREASURER'S INVESTMENT REPORT AS OF MARCH 31, 2009:

ACTION: Receive and file the Treasurer's Investment Report as of March 31, 2009. **Approved as part of the Consent Calendar.**

2.G. AWARD PROFESSIONAL SERVICES AGREEMENT TO CNS ENGINEERS, INC., FOR CIVIL ENGINEERING DESIGN SERVICES FOR THE RAMON ROAD WIDENING - SAN LUIS REY DRIVE TO LANDAU BOULEVARD (CITY PROJECT NO. 08-25):

ACTION: 1) Approve an Agreement with CNS Engineers, Inc., in the amount of \$99,805.99 for professional civil engineering design services for the Ramon Road Widening - San Luis Rey Drive to Landau Boulevard (City Project No. 08-25); and 2) Authorize the City Manager to execute the Agreement. A5845. **Approved as part of the Consent Calendar.**

2.H. PROPOSED RESOLUTION SUPPORTING THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT'S LEGISLATIVE EFFORTS TO OVERTURN THE SUPERIOR COURT RULING RELATIVE TO THE ISSUANCE OF AIR QUALITY PERMITS:

ACTION: Adopt Resolution No. 22474, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUPPORTING LEGISLATIVE EFFORTS BY THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (AQMD) TO OVERTURN THE STATE SUPERIOR COURT RULING RELATIVE TO ISSUANCE OF AIR QUALITY PERMITS." **Approved as part of the Consent Calendar.**

2.J. PALM SPRINGS STADIUM RE-ROOFING PROJECT (CITY PROJECT NO 08-23):

ACTION: 1) Approve an Agreement with Anemos Enterprises, Inc., in the amount of \$27,900, for the Palm Springs Stadium Re-Roofing Project (City Project No. 08-23); and 2) Authorize the City Manager to execute the Agreement. A5846. **Approved as part of the Consent Calendar.**

2.K. APPROVE ESCALATOR MAINTENANCE AGREEMENT AT THE PALM SPRINGS INTERNATIONAL AIRPORT:

ACTION: 1) Approve an Agreement with KONE Inc., in the amount of \$53,592 for specified preventive maintenance services for the two Airport escalators in a form acceptable to the City Attorney; and 2) Authorize the City Manager to execute the Agreement. A5847. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.E. APPROVE AMENDMENT TO THE AGREEMENT WITH ALLEN F. SMOOT & ASSOCIATES FOR OWNERS REPRESENTATIVE PROFESSIONAL SERVICES:

ACTION: 1) Approve Amendment No. 5 to Agreement No. A5488 with Allen F. Smoot & Associates for Owners Representative Professional Services; and 2) Authorize the City Manager to execute the Amendment to the Agreement. A5488. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

2.F. AWARD PROFESSIONAL SERVICES AGREEMENT TO SOUTHERN CALIFORNIA SOIL AND TESTING INC., FOR MATERIALS TESTING AND INSPECTION SERVICES FOR THE PALM SPRINGS STORM DRAIN LINE 22, STAGE 2 (CITY PROJECT NO. 07-15):

ACTION: 1) Approve an Agreement with California Soil and Testing Inc., in the amount of \$32,005 for materials testing and inspection services for the Palm Springs Storm Drain Line 22, Stage 2 (City Project No. 07-15); and 2) Authorize the City Manager to execute the Agreement. A5844. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

2.I. APPROVE AMENDMENT NO. 1 TO THE NOTICE TO PROCEED FOR VEOLIA WATER NORTH AMERICA-WEST, LLC FOR THE FINAL DESIGN PHASE OF THE DIGESTER NO. 1 REHABILITATION (CITY PROJECT NO. 08-09):

ACTION: Approve Amendment No. 1 to the December 17, 2008, Notice to Proceed for Veolia Water North America-West, LLC for an increase of \$290,626.48, revised total amount of \$743,000.14, for the design and bidding phase of Digester No. 1 Rehabilitation (City Project No. 08-09). **Motion Councilmember Foat, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

4.A. **PROPOSED RESOLUTION APPROVING PALM TREE TRIMMING PROCEDURES AND POLICIES:**

Sharon Heider, Director of Parks and Recreation, provided background information as outlined in the staff report dated May 6, 2009.

The City Council discussed and/or commented on the following with respect to the Palm Trees: allowing other private entities to participate with the City in the trimming, revising the proposed resolution to provide for 12 feet and remove the minimum from the ordinance, the consistency of the trimming, leaving the "skirts" to 15 feet or more, and the bid prices.

ACTION: 1) Adopt Resolution No. 22475, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A PALM TREE TRIMMING POLICY, AND SUPERSEDING ALL PREVIOUS PALM TREE TRIMMING PROCEDURES AND POLICIES," amending Section 2 with respect to trimming the California Fan Palms Fronds shall be sheared to provide 12' minimum clearance and to maintain a clean look; and 2) Direct staff to solicit bids based on the new trimming policy for City Council consideration on phasing and award of contract. **Motion Councilmember Foat, seconded by Councilmember Weigel and carried 3-2 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Weigel, and Mayor Pougnet.

NOES: Councilmember Hutcheson and Mayor Pro Tem Mills.

Mayor Pougnet requested the City Engineer repair the broken up lights and tag for removal any completely dead palm trees.

4.B. **SUMMARY VACATION OF PUBLIC UTILITY EASEMENTS WITHIN LOTS 6 AND 7 OF PALM SPRINGS PALISADES MAP IN SECTION 15, TOWNSHIP 4 SOUTH, RANGE 5 EAST (FILE R 08-022):**

Dave Barakian, City Engineer, provided background information as outlined in the staff report dated May 6, 2009.

ACTION: Adopt Resolution No. 22476, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUMMARILY VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE AND INTEREST IN PUBLIC UTILITY EASEMENTS LOCATED WITHIN LOTS 6 AND 7 OF PALM SPRINGS PALISADES IN SECTION 15, TOWNSHIP 4 SOUTH, RANGE 5 EAST (FILE R 08-022)." **Motion Mayor**

Pro Tem Mills, seconded by Councilmember Weigel and unanimously carried on a roll call vote.

5. NEW BUSINESS:

5.A. PRESENTATION AND DISCUSSION OF THE PRELIMINARY FISCAL YEAR 2009-10 BUDGET AND A REDUCTION IN COMPENSATION FOR THE MAYOR AND CITY COUNCILMEMBERS:

Geoffrey Kiehl, Finance Director, provided background information as outlined in the Preliminary Fiscal Year 2009-10 Budget dated May 6, 2009.

The City Council discussed and/or commented on the following with respect to the 2009-10 Preliminary Budget: funding for parades and events, requested Tourism and Hotel stakeholders are included in the discussion with respect to benefits to tourism event funding, requesting proposals from special events, fund balance and percentage of reserves to annual budget, and funding to the Visitors Information Center and Tourism.

ACTION: 1) Receive and file the Preliminary Fiscal Year 2009-10 Budget, pursuant to Palm Springs City Charter Section 902 and direct staff as appropriate; 2) Direct the City Clerk to schedule and notice the Public Hearing with respect to the 2009-10 Budget for June 3, 2009; and 3) Adopt Resolution No. 22477, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUSPENDING THE PROVISIONS OF PALM SPRINGS MUNICIPAL CODE SECTION 2.04.020 AND 2.04.021 REDUCING THE COMPENSATION OF THE MAYOR AND COUNCILMEMBERS." **Motion Councilmember Foat, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

5.B. CONSIDERATION OF AN AMENDMENT TO THE VILLAGEFEST RULES TO ALLOW BOOK SELLERS:

City Manager Ready provided background information as outlined in the staff report dated May 6, 2009.

The City Council discussed and/or commented on the following with respect to the VillageFest rules: referring the issue to the City Council Business Retention Subcommittee, and including the Downtown merchants in the discussion.

ACTION: Refer to the City Council Downtown Subcommittee (Councilmember Foat and Councilmember Hutcheson) to participate in a Joint Meeting of the VillageFest Board and the Main Street Board, and

return to the City Council with recommendations. **By consensus of the City Council.**

5.C. APPROVE A GIFT AGREEMENT FOR THE DONATION OF ARTWORK WITH MARJORIE VICTOR FOR THE SCULPTURE TOGETHER AGAIN BY MARLENE LOUCHHEIM TO BE PLACED AT 1103 NORTH PALM CANYON DRIVE:

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated May 6, 2009.

The City Council discussed and/or commented on the following with respect to the gift agreement of art: proposed placement of the art, using the vacant building for potential topical display such as in the Downtown, and deferring action on the placement.

ACTION: 1) Approve a Gift Agreement with Marjorie Victor for the donation of artwork, for the sculpture *Together Again* in a form acceptable to the City Attorney; 2) Defer action on the placement of the artwork; and 3) Authorize the City Manager to execute all necessary documents. A5848. **Motion Councilmember Hutcheson, seconded by Councilmember Foat and carried 4-1 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Hutcheson, Councilmember Weigel, and Mayor Pougnet.

NOES: Mayor Pro Tem Mills.

ACTION: Continue past the 10:00 p.m. tentative adjournment time. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried.**

5.D. APPROVE THE TRANSFER OF ARTWORK OWNERSHIP TO THE CITY OF PALM SPRINGS AND REIMBURSEMENT OF PUBLIC ART IN-LIEU FEES WITH THE AGUA CALIENTE BAND OF CAHUILLA INDIANS FOR ARTWORK BY DOUG HYDE, AND THE APPROVAL OF AN AGREEMENT FOR THE PLACEMENT OF ARTWORK ON PRIVATE PROPERTY AND GRANT OF EASEMENT WITH LUNDIN DEVELOPMENT COMPANY:

Withdrawn from the Agenda at the request of staff.

5.E DISCUSSION ON THE RECRUITMENT AND APPOINTMENT OF CITY BOARDS AND COMMISSIONS:

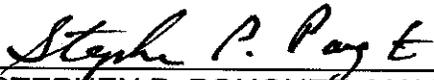
ACTION: Direct the City Clerk to prepare a revised process incorporating the City Charter provisions, using the modified process that City Council has undertaken in the previous recruitment. **By consensus of the City Council.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Mayor Pougnet commented on a recent fire near his residence, and commended the Fire Department for their service.

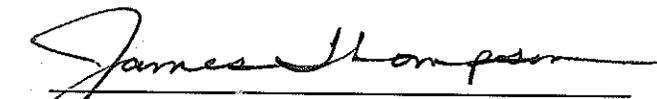
ADJOURNMENT: The City Council adjourned at 10:20 p.m. to an Adjourned Meeting, Wednesday, May 13, 2009, at 6:00 P.M. Council Chamber, City Hall, preceded by a Closed Session at 4:30 P.M., Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS
27TH DAY OF MAY, 2009.**



STEPHEN P. POUGNET, MAYOR

ATTEST:



JAMES THOMPSON, CITY CLERK