

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



MINUTES
WEDNESDAY, JANUARY 7, 2009
City Hall Council Chamber

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

PLEDGE OF ALLEGIANCE: Boy Scout Troop 262, 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: Date Festival Queen Sheherazade and her Court announced the upcoming activities for the 2009 Date Festival and Riverside County Fair.

Mayor Pougnet and Councilmember Hutcheson announced the progress of the Downtown Facade Improvement Program.

Mayor Pougnet announced the activities at the 2009 Palm Springs International Film Festival Opening Gala.

REPORT OF CLOSED SESSION: City Attorney Holland report 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, the City Council will recess into Closed Session at the end of the business meeting.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson stated that staff requests Item 5.A. be withdrawn from the Agenda.

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

Item No. **2.B.**

Item 2.G. was removed from the Consent Calendar for separate discussion to determine participation due conflict of interest.

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

1. **PUBLIC HEARINGS:**

1.A. **APPLICATION TO AMEND THE PALM SPRINGS ZONING CODE RELATING TO THE LOCATION AND OPERATION OF MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES:**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated January 9, 2009.

Councilmember Weigel requested staff show the M-1 and M-2 zones that are being proposed.

Councilmember Foat requested staff address the M-1 and M-2 zones with existing retail establishments, and the calculation for the number of allowable establishments.

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

JOY MEREDITH, stated her support for allowing medical cannabis cooperatives in the City of Palm Springs, and requested existing cooperatives be allowed to operate at their existing location.

BOB MILLER, Rancho Mirage, stated his support for medical marijuana cooperatives in the City of Palm Springs, and commented on the impact to the Police Department.

TOM SWANN, Rancho Mirage, stated his support for medical marijuana cooperatives in the City of Palm Springs.

STACY HOCHANADEL, stated his support for medical marijuana cooperatives in the City of Palm Springs with restrictions.

JIM CAMPER, spoke in support of medical cannabis in the City of Palm Springs.

DR. JANE COWLES, spoke in support of medical cannabis for pain management.

RYAN MICHAELS, Vista, spoke in support of medical cannabis cooperatives and collectives, and requested the City Council allow additional zones.

JEFF YABLAN, Palm Springs, stated his support for medical cannabis cooperatives and collectives.

VICTOR MOLINAS, stated his support for medical cannabis cooperative and collectives.

LENNY SWERDLOW, stated his support for medical cannabis cooperatives and collectives, and expressed concerns with the restrictions in the M-1 and M-2 zones.

CHRIS CAUHAPE, commented on drug prohibition.

LANCE CALDWELL, stated his support for medical cannabis cooperatives and collectives.

RICK PANTELE, stated his support for the operation of medical cannabis cooperatives and collectives in limited areas in the City of Palm Springs.

DEGE CORTEE, Los Angeles, spoke in support of medical cannabis cooperatives and collectives in Palm Springs, and requested the City Council provide for other locations by variance.

BECKY DAMON, stated her support for medical cannabis cooperatives, but stated her concerns with the zones proposed.

SHEILA GRATTAN, stated the City should work with the Federal government toward resolve, commented on her concerns with the existing locations.

No further speakers coming forward the public hearing was closed.

Councilmember Weigel commented on his decision making process, the enhancement of public safety, stated the City of Palm Springs should not be in the business of the regulation of medical cannabis cooperatives and collectives, requested staff address if the City can restrict the use of cooperatives to residents, if the City can limit the number of cooperatives, and requested the Chief of Police address the impact to the Police Department and his recommendations.

Mayor Pro Tem Mills stated his support of allowing cannabis cooperatives and collectives in the M-1 and M-2 by CUP, but also recommended several regulatory measures.

Councilmember Foat commented on public safety, stated her support for limiting the number of cooperatives, stated her opposition to allow by the CUP process in the M-1 and M-2 zones but by right of zone, and commented on other proposed restrictions.

Councilmember Hutcheson commented on the conflict between State and Federal Laws, and balancing the interests of the residents of the City of Palm Springs, stated his support for the M-1 and M-2 zones and not by the CUP process in other areas, his support for other restrictions, and an overall limit of 3 establishments in the City.

Mayor Pougnet stated his support for medical marijuana and the balancing of State and Federal laws, stated his concern with the businesses currently operating illegally, stated his support for M-1 and M-2 and not by CUP, limiting the overall number to 2 locations, stated his opposition to limiting only to Palm Springs residents.

Councilmember Hutcheson stated he could support limiting the number of locations to two and the prohibition of other retails sales.

Councilmember Foat recommended the City Council consider a minimum of three locations and requested the City Attorney address the selection process.

Councilmember Hutcheson commented on the limited number of establishments for public safety and security, recommended the City Council consider an Ordinance that limits the collectives to the M-1 and M-2 zones with out a CUP requirement, include the restrictions in Section 5 of the proposed ordinance, further restrictions in paragraph 1 on page 15 of the City Council report, and four additional conditions as recommended by the Chief of Police for inspection, registration, prohibition of weapons and prohibition of loitering.

Councilmember Mills further commented on limiting the cooperatives to Palm Springs residents, recommended an overall limit of two cooperatives, and recommended exterior lighting and ADA accessibility at each location.

ACTION: Direct the City Attorney to revise and prepare an Ordinance limiting Medical Cannabis Cooperatives or Collectives only in the M-1 and M-2 zones without a requirement for a Conditional Use Permit, include restrictions currently outlined in Section 5 of the draft ordinance, include further restrictions contained in Paragraph 1 of Page 15 of the City Council report, limiting the total number of collectives/cooperatives to two, eliminating the requirement that patients using collectives/cooperatives be City residents, adding requirements that provide for exterior lighting and ADA accessibility at each location, and further restrictions as recommended by the Chief of Police, to provide for inspection of the premises, registration of employees, volunteers and all persons providing services at the collectives/cooperatives with the Police Department, prohibition on weapons without the prior approval of the Police Department, and a prohibition on loitering in or near the collective/cooperative. **Motion Councilmember Hutcheson, seconded by Mayor Pougnet and carried 3-2 on a roll call vote.**

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

NOES: Councilmember Foat and Councilmember Weigel.

The City Council recessed at 7:46 p.m.

The City Council reconvened at 7:54 p.m.

1.B. FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (FINAL SEIR) FOR THE SECTION 14 MASTER DEVELOPMENT PLAN/SPECIFIC PLAN:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated January 9, 2009.

Councilmember Weigel requested staff address any potential subsidence within the City of Palm Springs.

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

DR. JANE COWLES, commented on reports from staff, the history of Section 14 development and the EIR.

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

ACTION: Adopt Resolution No. 22411, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CERTIFYING THE SUPPLEMENTAL EIR FOR THE SECTION 14

MASTER DEVELOPMENT PLAN/SPECIFIC PLAN." Motion Mayor Pro Tem Mills, seconded by Councilmember Weigel and unanimously carried on a roll call vote.

PUBLIC COMMENT:

PAUL LEWIN, stated his opposition to the proposed County jail at Whitewater Canyon, and submitted an on-line petition.

KARINE GORNES, stated her opposition to the proposed County jail at Whitewater Canyon.

ANNA GIBSON, stated her opposition to the proposed County jail at Whitewater Canyon.

DR. JANE COWLES, stated her opposition to the proposed County jail at Whitewater Canyon.

WILLIE HOLLAND, commented on the proposed jail at Whitewater Canyon.

BILL SOUZA, stated his opposition to the proposed County jail at Whitewater Canyon.

JOY MEREDITH, provided an updated on the activities of MainStreet Merchants Association.

JERRY CARLSON, stated his opposition to the proposed County jail at Whitewater Canyon.

COUNCILMEMBER COMMENTS:

Mayor Pougnet and Councilmember Foat commented on the City's participation in the proposed County jail in Whitewater Canyon.

CITY MANAGER'S REPORT:

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.E., 2.F., 2.H., and 2.J. **Motion Councilmember Hutcheson, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

2.A. REPORT ON POSTING OF THE AGENDA:

ACTION: Receive and file Report on the Posting of the January 7, 2009, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of December 17, 2008.
Approved as part of the Consent Calendar.

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

ACTION: 1) Adopt Resolution No. 22412, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1032445 THROUGH 1032602 IN THE AGGREGATE AMOUNT OF \$3,378,540.42, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22413, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1032603 THROUGH 1032793 IN THE AGGREGATE AMOUNT OF \$2,514,572.82, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 22414, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED THROUGH 12-13-08 BY WARRANTS NUMBERED 414167 THROUGH 414221 TOTALING \$97,410.41, LIABILITY CHECKS NUMBERED 1032794 THROUGH 1032814 TOTALING \$154,337.35, FOUR WIRE TRANSFERS FOR \$66,395.19, AND THREE ELECTRONIC ACH DEBITS OF \$1,405,170.74, IN THE AGGREGATE AMOUNT OF \$1,723,313.69, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.E. ACCEPTANCE OF HOMELAND SECURITY GRANT FROM THE CALIFORNIA OFFICE OF HOMELAND SECURITY IN THE AMOUNT OF \$365,494 FOR FISCAL YEAR 2008-09:

ACTION: 1) Accept a grant from the California Department of Homeland Security through the Riverside County Office of Emergency Services in the amount of \$365,494 for Fiscal Year 2008-09; and 2) Authorize the City Manager to execute all necessary documents. A5773. **Approved as part of the Consent Calendar.**

2.F. TRAFFIC SIGNAL MAINTENANCE SERVICES AGREEMENT MODIFICATION AND BUDGET AMENDMENT:

ACTION: 1) Approve a maximum contract amount of \$250,235.21 for Agreement No. A4725 with Riverside County, Department of Transportation, for traffic signal maintenance for Fiscal Year 2007-08; 2) Adopt Resolution No. 22416, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR THE 2008-2009 FISCAL YEAR;" and 3) Authorize the City Manager to execute all necessary documents. A4725. **Approved as part of the Consent Calendar.**

2.H. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID PALM SPRINGS STORM DRAIN LINE 22, STAGE 2, CP 07-15:

ACTION: 1) Adopt Resolution No. 22417, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2008-09;" and 2) Approve the plans, specifications, and working details for the Palm Springs Storm Drain Line 22, Stage 2, CP 07-15. **Approved as part of the Consent Calendar.**

2.J. ACCEPT WITH REGRET THE RESIGNATION OF NANCY BENTINCK FROM THE RESOURCE CONSERVATION COMMISSION:

ACTION: 1) Accept with regret the resignation of Nancy Bentinck; 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2010. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.D. APPLICATION BY SOUTHWEST REAL ESTATE HOLDINGS, LLC, FOR A GENERAL PLAN AMENDMENT AND A CHANGE OF ZONE FOR A PARCEL AT THE NORTHWEST CORNER OF SUNNY DUNES ROAD AND SUNRISE WAY; AND TENTATIVE TRACT MAP 28308 TO SUBDIVIDE A PORTION OF A 3.2 ACRE PARCEL FRONTING SUNNY DUNES ROAD INTO SEVEN RESIDENTIAL LOTS, CASE 5.1175 GPA, CZ, TTM 28308:

Councilmember Mills requested staff draft a resolution denying the GPA and the Zone Change and return with a Resolution approving the Tentative Tract Map.

ACTION: 1) Adopt Resolution No. 22415, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DENYING CASE 5.1175 GPA CZ, A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION FOR A REMAINDER PARCEL OF APPROXIMATELY 1.57-ACRES AT THE NORTHWEST CORNER OF SUNNY DUNES AND SOUTH SUNRISE WAY FROM VLDR (VERY LOW DENSITY RESIDENTIAL) TO NCC (NEIGHBORHOOD COMMUNITY COMMERCIAL), A CHANGE OF ZONE FOR THE REMAINDER PARCEL FROM RMHP (RESIDENTIAL MOBILE HOME PARK) TO C-1 (COMMERCIAL-1), SECTION 23, TOWNSHIP 4, RANGE 4," *amending the Resolution to delete references to Tentative Tract Map 28308;* and 2) Direct staff to prepare a Resolution providing for the approval of Tentative Tract Map 28308 at the January 21, 2009, City Council meeting. **Motion Mayor Pro Tem Mills, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

2.I. CITY HALL AND DOG PARK PARKING LOT REPAIRS, PHASE 1, CP 01-17:

Councilmember Mills commented on the revised layout and the space for a demonstration garden in the front of City Hall.

Councilmember Weigel requested staff address the reduction in the number of parking spaces.

ACTION: 1) Approve the revised parking lot layout; and 2) Provide advance approval of the plans, specifications, and working details for the City Hall and Dog Park Parking Lot Repairs, Phase 1, CP 01-17. **Motion Councilmember Hutcheson, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

Councilmember Foat, Councilmember Hutcheson, and Mayor Pougnet stated they have a property ownership conflict of interest with respect to Item 2.G. Invoking the rule of necessity to reach a quorum, at the July 30, 2008 meeting, lots were drawn, and it was determined Mayor Pougnet would hear the Item. Councilmember Foat and Councilmember Hutcheson left Council Chamber.

2.G. CHANGE ORDER NO. 2 TO AGREEMENT NO. A5700 WITH GRANITE CONSTRUCTION COMPANY, FOR THE FISCAL YEAR 2007-08 ANNUAL ARHM OVERLAY, CP 07-17:

Mayor Pro Tem Mills requested staff address the reimbursement amount from DWA.

ACTION: 1) Approve Change Order No. 2 to Agreement No. A5700 with Granite Construction Company, in an amount of \$52,495.51 for a revised total contract amount of \$1,497,039.51 for the Fiscal Year 2007-08 Annual ARHM Overlay, CP 07-17; and 2) Authorize the City Manager to execute all necessary documents. A5700. **Motion Mayor Pro Tem Mills, seconded by Councilmember Weigel and unanimously carried 3-0 on a roll call vote.**

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

Councilmember Foat and Councilmember Hutcheson returned to the dais.

3. LEGISLATIVE: None.

4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:**

5.A. **BUILDING INDUSTRY ASSOCIATION'S REQUEST FOR WAIVER OF FEES:**

Withdrawn from the Agenda.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Mayor Pro Tem Mills requested the City Manager provide an update on the masonry wall for the construction project at East Palm Canyon and Camino Real.

Councilmember Hutcheson requested the City Council Business Retention Subcommittee address the transformation of vacant stalled construction sites for temporary public space.

Councilmember Weigel thanked staff for the report on abandoned and blighted properties, and requested staff address abandoned residential properties.

Councilmember Foat commented on abandoned and blighted properties and the addition of the abandoned properties not on the report.

Mayor Pougnet congratulated Joy Meredith on her re-election for President of MainStreet, and commented on the activities of the Downtown businesses.

The City Council recessed into Closed Session at 8:45 p.m.
The City Council reconvened at 8:53 p.m.

REPORT OF CLOSED SESSION: City Attorney Holland reported that the City Council approved joining two amicus curiae briefs in support of the City of San Francisco's lawsuit before the California Supreme Court, *City and County of San Francisco et. al. Petitioners v. Mark B. Horton et. al.*, Case No. S168078, by unanimous 5-0 vote. City Attorney Holland stated that no other reportable actions were taken during the Closed Session.

ADJOURNMENT: The City Council adjourned at 8:55 p.m. to an Adjourned Regular Meeting, Wednesday, January 14, 2009, at 6:00 P.M. in the 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
21ST DAY OF JANUARY, 2009.**

STEPHEN P. POUCKET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

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



**MINUTES
WEDNESDAY, JANUARY 14, 2009
City Hall Council Chamber**

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

PLEDGE OF ALLEGIANCE: Mayor Pougnet led the Pledge.

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:

David Hill, Palm Springs Hyatt Regency Suites, provided an update to the City Council on the current progress of the renovations at the Hyatt.

Mayor Pougnet announced the recipients of the 2009 Human Rights Awards.

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:

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

1. PUBLIC HEARING:

- 1.A. PROPOSED DRAFT SPECIFIC PLAN (GENERAL PLAN AND ZONING TEXT AMENDMENTS) FOR MUSEUM MARKET PLAZA TO ALLOW UP TO 955 HIGH-DENSITY RESIDENTIAL UNITS, UP TO 400,000 SQUARE FEET OF COMMERCIAL RETAIL AND OFFICE SPACE, AND UP TO 620 HOTEL ROOMS LOCATED AT THE NORTHWEST**

CORNER OF NORTH PALM CANYON DRIVE AND TAHQUITZ CANYON WAY, AND OTHER NEARBY PROPERTIES, CASE 5.1204:

Mayor Pougnet presented an introduction and history of the Desert Fashion Plaza and the need for a specific plan, requested staff address the purpose of the specific plan, stated the action for the City Council decision does not entitle a project, but the initiation of the Specific Plan.

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated January 14, 2009.

Councilmember Foat requested staff clarify the staff recommendation for not removing Block L from the Specific Plan, requested staff explain any impact to the EIR based on the alternatives and changes being proposed, and to address the traffic report with respect to parking for Indian Canyon Drive.

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

EMILY HEMPHILL, Representing Wessman Development, stated Wessman Development submitted a letter withdrawing the decision, commented on the discrepancies between the Specific Plan and the Wessman Development Desert Fashion Plan Remodel Plan, requested the continuance for the consideration of the Specific Plan for 90-days for the City to review the Remodel Plan, commented on the Specific Plan and the alternatives in the EIR based on residential units which cannot support the project, stated the EIR does not reflect the timing delay and provides inaccurate timetables due to the current economic conditions, commented on Alternative A for the reservation of land for use as park space, commented on the change in the Specific Plan for use of the O'Donnell Golf Course, the arbitrary reduction of units, density and height, and reiterated the request to continue the Public Hearing for 90-days.

CHARLES CANTRELL, stated the City has an immediate need for a vibrant shopping experience in Downtown as soon as possible, and the need for other types of entertainment.

CHRIS LUHRS, stated Wessman Development should be provided the opportunity to present and move forward with his Remodel Plan.

VIC GAINER, stated the Specific Plan is a pipe dream and the City needs to get back to reality, and requested the City Council delay the plan for 90-days to consider the Remodel Plan.

KAREN TABBAH, stated she has been disappointed by the lack of activity on the Desert Fashion Plaza, and urged the City Council to fast-track the new Remodel Plan.

MARSHALL ROATH, commented on the inclusion of Block L in the Plan, recommended the City not include Block L in the Specific Plan, stated his opposition to closing the street near and along the Museum, stated Amado should go through to Belardo, and stated the Town and County Center should be removed from the Plan.

SHERYL HAMLIN, stated the projects under the Specific Plan will probably not be built, stated the City does not need a Specific Plan as the City has the Downtown Urban Design Guidelines, the Specific Plan is flawed in many ways, and recommended the City Council abandon the Specific Plan.

PAULA AUBURN, stated the Specific Plan will narrow the future Development in the Downtown area, and the City needs a project that is unique and with scale-ability that enhances creativity with developers.

TODD LARSON, provided his vision of the Downtown and the use of the current buildings in the area, and stated the Remodel Plan can start in 6-months.

CLINTON GREENE, stated the City is not moving forward, and recommended that the City Council delay the adoption of the Specific Plan for 6-months.

JOY MEREDITH, requested the City Council postpone going forward with the Specific Plan for 6-months to review the Remodel Plan, and stated the General Plan and Downtown Urban Design Guidelines are sufficient.

G.P. GERBER, stated his support of the Wessman Remodel Plan, and the Specific Plan has not been effective.

RON MARSHALL, stated his support for the designation of the Town and Country Center as a Class 1-Historic Site.

LAURA WALSH, stated we have wonderful stores in the Downtown area, and requested the City Council delay the Specific Plan and review the Remodel Plan.

LEONARD SAGER, commented on the problems with developments retaining financing and capital to develop, stated his support to open Museum Drive through to the Museum.

DAVID CYR, stated his support for fast tracking the Wessman Remodel Plan.

BOB HELBLING, stated the City needs to move forward, but the City should not adopt a Specific Plan if it would hinder the Wessman Remodel Plan, requested the City Council delay the Specific Plan.

SHEILA CHRISTENSON, stated her support to delay the adoption of the Specific Plan to review the Remodel Plan.

FRANK TYSEN, commented on the Planning Commission recommendations and stated the recommendations should be drastically scaled down in terms of density and height, stated his support for a boutique hotel, and recommended the City move forward with the scaled down Specific Plan as it would not hinder the Remodel Plan.

CODY STOUGHTON, stated his support for the preservation of the Town and Country Center.

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

Councilmember Foat stated the City Council is not voting on any action tonight, commented on the previous City Council direction to create movement and action by Wessman Development toward the development of the Desert Fashion Plaza.

City Attorney Holland commented on issues by Wessman Development as to the inconsistency between the Specific Plan and the Remodel Plan, and stated the Specific Plan would not hinder any Remodel Plan.

Councilmember Hutcheson stated the Remodel Plan should be reviewed in a timely manner by the AAC and Planning Commission, stated his support for the Specific Plan for opportunities and alternatives for the Downtown area, and requested staff address the opportunity to modify the Specific Plan.

Mayor Pro Tem Mills commented on the numerous plans and changes to previous plans submitted by Wessman Development, commented on the expedient review and preparation of the Specific Plan by staff, the importance of the project as the central hub area of the City, and stated the Plan is for the future development of Downtown and not a plan or vision based on the current economic conditions and problems.

The City Council recessed at 7:47 p.m.

The City Council reconvened at 7:55 p.m.

Councilmember Weigel requested staff address how long, and the process from this point forward, to get Wessman through the process for the Remodel Plan, requested staff comment on the right to the entitlements for the Remodel Plan and for amendments to the current entitlements, requested staff address the hybrid Specific Plan as recommended by staff, the differences between the current Downtown Urban Design Guidelines, thanked Wessman Development for bringing something forward and challenged Wessman Development to bring forth a viable project to move forward.

Councilmember Hutcheson recommended the City Council refer comments to staff and the Downtown Subcommittee to compile comments and make further recommendations.

Mayor Pro Tem Mills requested Planning Staff, the City Attorney, and Wessman Development meet to determine the Remodel Plan objectives, requested the Remodel Plan be expedited through the process with the Subcommittees of the AAC, the Planning Commission and the City Council.

ACTION: Direct staff and the City Council Downtown Subcommittee to consolidate City Council comments and compile further recommendations for the City Council. **Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

SHERYL HAMLIN, thanked the City Council for the support of the Opera in the Park event scheduled in April, 2009.

COUNCILMEMBER COMMENTS:

Councilmember Foat commented on the upcoming Dog Day Afternoon event at the Palm Springs Stadium.

Mayor Pougnet commented on the recent City of Palm Springs Juried Art Show at the Palm Springs Library.

CITY MANAGER'S REPORT: None.

ADJOURNMENT: The City Council adjourned at 8:12 p.m. to a Regular Meeting, Wednesday, January 21, 2009, at 6:00 p.m. in the 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
21ST DAY OF JANUARY, 2009.**

STEPHEN P. POUCKET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK