

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



**MINUTES
WEDNESDAY, DECEMBER 2, 2009
Council Chamber**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:08 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: Police Chief David Dominguez provided an update on recent issues at the Palm Springs Skate Park.

Mayor Pougnet and the City Council presented Certificates of Recognition to Police Officers William Hutchinson and Gerald Bucklin, Community Services Officer Sue Harris, Police Officer Chris Duthaler and K-9 "Jax," Desert Vice-Western Coachella Valley Police Activities League and Citizens on Patrol for their service awards presented at the 13th annual Public Safety Appreciation Awards.

Mayor Pougnet, the City Council, and Chief Dominguez presented Captain Michael Hall a Certificate of Commendation for his 30 years of service to the Community and congratulated Captain Hall on his upcoming retirement.

Mayor Pougnet announced City of Palm Springs Tree Lighting, the upcoming Festival of Lights Parade, and Downtown Holiday Banners.

Mayor Pro Tem Mills provided an update on Census 2010.

ITEM NO. J.H.

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City Clerk Thompson stated that staff has requested Item 2.L. be withdrawn from the Agenda, the City Attorney has prepared a modification to the contract for Item 2.G., and staff requested the City Council remove Items 2.I. and 2.J. for an update and discussion.

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

1. SPECIAL CITY COUNCIL ITEMS:

1.A. PROPOSED RESOLUTION DECLARING THE RESULT OF THE NOVEMBER 3, 2009, REGULAR MUNICIPAL ELECTION:

City Clerk Thompson provided background information as outlined in the staff report dated December 2, 2009, and stated as a result of the November 3, 2009, election Councilmember Ginny Foat and Councilmember Chris Mills were re-elected for the term ending December, 2013, and stated the voters adopted Measure "G" Ordinance No. 1765, "AN ORDINANCE OF THE PEOPLE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 3.32 OF THE PALM SPRINGS MUNICIPAL CODE TO (A) REDUCE THE TELEPHONE USERS TAX TO 4.5%; (B) MODERNIZE AND UPDATE THE TELEPHONE USERS TAX; (C) ELIMINATE THE CURRENT EMERGENCY RESPONSE FEE AND ADOPT AN ACCESS LINE TAX IN LIEU AND EQUAL TO THE EMERGENCY RESPONSE FEE; (D) MAKE CONFORMING CHANGES IN CHAPTERS 3.32 AND 3.39 OF THE PALM SPRINGS MUNICIPAL CODE; AND (E) RATIFY PAST COLLECTION OF THE TELEPHONE USERS TAX AND THE EMERGENCY RESPONSE FEE."

ACTION: Adopt Resolution No. 22626, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECITING THE FACT OF THE REGULAR MUNICIPAL ELECTION HELD ON NOVEMBER 3, 2009, DECLARING THE RESULT AND SUCH OTHER MATTERS AS ARE PROVIDED BY LAW." **Motion Mayor Pougnet, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

1.B. APPOINTMENT OF MAYOR PRO TEMPORE:

ACTION: Appoint Councilmember Rick Hutcherson as Mayor pro tempore for the term ending December, 2010. **Motion Councilmember Weigel,**

seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.

1. PUBLIC HEARINGS:

1.C. COMMUNITY REDEVELOPMENT AGENCY PUBLIC HEARING, ADOPTION OF FIVE YEAR IMPLEMENTATION PLAN:

ACTION: 1) Continue the Public Hearing to December 16, 2009, with no public testimony at this time; and 2) Direct the City Clerk to post a notice of continuance. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

1.D. T-MOBILE USA, CONDITIONAL USE PERMIT AND VARIANCE TO INSTALL A FORTY-THREE FOOT TALL COMMERCIAL COMMUNICATIONS ANTENNA AT 1900 EAST PALM CANYON DRIVE (CASE NO. 5.1203 CUP AND 6.507 VAR):

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated December 2, 2009.

Mayor Pro Tem Mills requested the Conditions of Approval be amended regarding the submission of plans prior to the issuance of a CUP and Building Permit.

ACTION: Adopt Resolution No. 22627, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CASE NO. 5.1203 TO INSTALL A FORTY-THREE FOOT TALL WIRELESS COMMUNICATIONS ANTENNA AND VARIANCE CASE NO. 6.507 TO REDUCE THE ANTENNA STRUCTURE'S REQUIRED SETBACK FOR THE PROPERTY LOCATED AT 1900 EAST PALM CANYON DRIVE;" amending the Conditions of Approval to require the submission of plans to screen all rooftop mechanical equipment to the Planning Department prior to the issuance of a CUP or a Building Permit. **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

1.E. WELL IN THE DESERT APPEAL OF THE PLANNING COMMISSION DECISION TO DENY A DETERMINATION REQUEST THAT A COMMUNITY SERVICES CENTER IS A SIMILAR USE TO OTHER USES PERMITTED WITHIN THE M-1-P ZONE AT 555 COMMERCIAL ROAD (CASE NO. 10.470 DET):

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated December 2, 2009.

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

JULIE BORNSTEIN, Well in the Desert, stated the Well is appealing Planning Commission Finding No. 1, provided background information on the services of the Well in the Desert, addressed the findings of Planning Commission regarding traffic studies, loitering, and stated the Industrial Zone is an appropriate zone for the planned use and services of the Well in the Desert.

THOMAS VANETTEN, Palm Springs, spoke in support of the relocation of the Well in the Desert to 555 Commercial Road.

ELLEN KELLEY, spoke in opposition to the relocation of the Well in the Desert to 555 Commercial Road, as outlined in her written testimony.

ANDREW GREEN, Palm Springs, spoke in support of the relocation of the Well in the Desert to 555 Commercial Road.

MICHAEL TABOR, spoke in opposition to the relocation of the Well in the Desert to 555 Commercial Road.

ANTOINE ROLDAN, spoke in opposition to the relocation of the Well in the Desert to 555 Commercial Road.

GARY WAGNER, spoke in opposition to the relocation of the Well in the Desert to 555 Commercial Road.

FRANK HUDGINS, Palm Springs, spoke in opposition to the relocation of the Well in the Desert to 555 Commercial Road.

VINCENT WILLIAMS, spoke in opposition to the relocation of the Well in the Desert to 555 Commercial Road.

DOMINIQUE VYTHI, spoke in opposition to the relocation of the Well in the Desert to 555 Commercial Road.

STEVE RUZICKA, Palm Springs, spoke in opposition to the relocation of the Well in the Desert to 555 Commercial Road.

RICK FEARNES, spoke in opposition to the relocation of the Well in the Desert to 555 Commercial Road.

BARBARA MARSHALL, spoke in opposition to the relocation of the Well in the Desert to 555 Commercial Road.

SHIRLEY HOFFMAN, spoke in opposition to the relocation of the Well in the Desert to 555 Commercial Road.

AL BELIVEAU, spoke in opposition to the relocation of the Well in the Desert to 555 Commercial Road.

PAULA AUBURN, Palm Springs, spoke in opposition to the relocation of the Well in the Desert to 555 Commercial Road.

MELINDA TREMAGLIO, Palm Springs, spoke in support of the relocation of the Well in the Desert to 555 Commercial Road.

ROBERT CARLSON, spoke in opposition to the relocation of the Well in the Desert to 555 Commercial Road.

JANE PENNY WIESE, Palm Springs, spoke in opposition to the relocation of the Well in the Desert to 555 Commercial Road.

TONY BUCKLEY, spoke in support of the relocation of the Well in the Desert to 555 Commercial Road.

PHILIP REAVIS, Palm Springs, spoke in opposition to the relocation of the Well in the Desert to 555 Commercial Road.

SASHA REAVIS, Palm Springs, spoke in opposition to the relocation of the Well in the Desert to 555 Commercial Road.

WILLIE JAMES HOLLAND, SR. , commented on current economic conditions and the status of homelessness in the City of Palm Springs.

MAUREEN FERRITER, spoke in support of the relocation of the Well in the Desert to 555 Commercial Road.

GAYLE HODGES, spoke in support of the relocation of the Well in the Desert to 555 Commercial Road.

CHRIS CHANEY, spoke in support of the relocation of the Well in the Desert to 555 Commercial Road.

STEVE ROSENBERG, Palm Springs, spoke in support of the relocation of the Well in the Desert to 555 Commercial Road, but stated the location does not appear to be compatible with the zoning ordinance.

VERONICA RUBINSKY, spoke in support of the relocation of the Well in the Desert to 555 Commercial Road.

DAVID STEWARD, spoke in support of the relocation of the Well in the Desert to 555 Commercial Road.

JULIE BORNSTEIN, Rebuttal, commented on the services provided by the Well, stated the Well is not a homeless shelter, no police reports were filed or due to the Well in the Desert, no traffic study was conducted to deny the request, and requested the City Council support the Well in the Desert.

No further speakers coming forward the public hearing was closed.

The City Council discussed and/or commented on the following with respect to the Well in the Desert appeal: staff addressing current problems and issues with the Well of Desert at the current location in the City Park, the City resources used to deal with issues due to the Well of the Desert in the City Park, requested staff address why a Police Officer is assigned to the Park near the current location, the number of times the Police Command Post was dispatched to the current location, requested staff address the impact to the library services, the lack of recognition of the problems and the current location, no plan to address these issues by moving the location, history of the facilities, the actions around this facility and the previous facilities occupied by the Well in the Desert, amount and thoughtfulness of the letters written by the public, the proximity to the neighborhood, and the adverse impacts to the neighborhood and the environment.

ACTION: Adopt Resolution No. 22628, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DENYING THE WELL IN THE DESERT APPEAL AND UPHOLDING THE PLANNING COMMISSION DECISION TO DENY A DETERMINATION REQUEST THAT DETERMINES A COMMUNITY SERVICES CENTER IS A SIMILAR USE TO OTHER PERMITTED USES ALLOWED WITHIN THE M-1-P, FOR THE SITE LOCATED AT 555 COMMERCIAL ROAD (CASE 10.470 DET)." **Motion Councilmember Weigel, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

The City Council recessed at 8:53 p.m.
The City Council reconvened at 9:03 p.m.

1.F. REVIEW AND EVALUATION OF ELEVEN APPLICATIONS FOR POSSIBLE AWARD OF TWO PERMITS FOR THE OPERATION OF A MEDICAL CANNABIS COLLECTIVE / COOPERATIVE:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated December 2, 2009.

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

JOANNA LAFORCE, Applicant No. 7, Farmacy Collective, provided her background and education to run the collective, outlined the aspects of the application, and stated the Farmacy conforms to the Secretary of State guidelines as a bona fide non-profit cooperative.

STACY HOCHANADEL, Applicant, Cannahelp, addressed the three non-compliance issues detailed in the staff report for Cannahelp.

GARY CHERLINE, Applicant, Desert Organic Solution, provided information and addressed the current non-compliance issues with the Desert Organic Solution's application.

GARY BINDMAN, Applicant, PS Compassionate Care, commented on the background statement contained in the application and stated it is in error, requested a waiver of the 500 foot restriction as no residential homes are constructed, and presented new bylaws.

JIM CAMPER, Applicant, Organic Solutions of the Desert, stated he is available to answer any questions of the City Council.

LIZA MCFADDEN and STEVE AREY, Applicant, Desert Patients Association, addressed the non-compliant parking issue, outlined services to the members, and explained the non-profit status of the collective.

MARK ADAMS, Applicant, Herbal Solutions, outlined the services and benefits of the collective.

LEE MORE, Applicant, CAPS, outlined the compliance issue with commercial-retail on the site, commented on compliance issues with collectives continuing to operate illegally, and stated the report is not based on record of achievement.

DON DUNCAN, Los Angeles, spoke in support of Desert Organic Solutions, and requested the City Council invite Desert Organic Solutions to participate in the next step.

WILLIAM LEAHY, stated his support for the Farmacy Collective and outlined the services of the collective.

ALAN WILKE, Palm Springs, spoke in support of the Farmacy Collective and outlined the benefits of the facilities.

CAROL HASKELL, Palm Springs, stated she submitted a petition from the neighborhood, and requested the City Council not approve Herbal Solutions, due to the proximity to the residential area and near places where children will be present.

ACTION: Continue the meeting past the 10:00 p.m. tentative adjournment time. **Motion Mayor Pougnet, seconded by Mayor Pro Tem Mills and unanimously carried.**

TREV TREVINO, Palm Springs, spoke in support of medical cannabis.

RICK PANTELE, Palm Springs, stated his support for allowing two collectives, spoke in support of CAPS Apothecary.

BRIAN WALTER, Idyllwild, spoke his support of CAPS Apothecary.

DOUG KUNZ, stated the facility proposed by Organic Solutions of the Desert is not appropriate for the area.

JAMES MARTIN, spoke in opposition to the limit of two facilities in the City of Palm Springs, and spoke in support of CAPS Apothecary.

ROBERT CARROLL, Palm Springs, spoke in support of CAPS Apothecary.

BLAKE SMALL, Palm Springs, spoke in support of medical cannabis, and in support of CAPS.

JOY MEREDITH, Palm Springs, stated her support for Cannahelp, Desert Valley Patients Association, and CAPS Apothecary.

WILLIE JAMES HOLLAND, SR., stated the location and placement of the collectives is most important.

KURT HANDSHUH, Palm Springs, stated his support for PS Compassionate Care.

ASHLEY ALEXANDER, DUPA, stated her support for Desert Valley Patients Association.

MICHAEL MEADE, Palm Desert, stated his support for Cannahelp.

LARRY NIELSEN, stated his opposition to the limit in the number of facilities to two facilities allowed in the City of Palm Springs.

RODELL HENSHAW, Palm Springs, commented on the price of cannabis, and the amount of cash at the locations and the lack of accounting.

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

The City Council discussed and/or commented on the following with respect to the applications: non-voting members, requesting staff request additional information from the collectives for service, price, performance and types of product that will be available, requested staff address the ordinance with respect to prohibited locations, the number of collectives allowed in the City, organizations that continued to stay open after the City requested they close, business and neighborhood organization objections, the problems and amount of staff time used for the process and the regulations, collectives that have been operating in the City illegally, the status of the background checks, parking regulations may not be consistent with the operations, the number of potential patients that may be served by the collectives, the evaluation of services of collectives operating illegally, the measure of distance and barriers such as Tahquitz Creek, the conflicts between use and zone, the need and potential number of customers to be served, the time frame and burden on staff balanced with patients not receiving the product, criteria to evaluate at this time to narrow the field as those that have been operating contrary to the current law, the Williams Road locations with neighborhood operation, and operations that did not appear at the public hearing, and the next cut will be on merit and quality issues with additional documentation.

ACTION: 1) Close the Public Hearing; 2) Designate applicants Cannahelp (Application No. 001), CAPS Apothecary (Application No. 003), PS Compassionate Care (Application No. 004), Desert Organic Solution (Application No. 006) Pharmacy Collective (Application No. 007), and Herbal Solutions (Application No. 009) to submit supplemental information for the City Council's final determination on December 16, 2009; 3) the supplemental information is limited to 5 pages total, each applicant shall address if product is grown on-site, other city experience, handling of money, pricing information, number of patients participated; and 4) Each applicant shall address or submit evidence bona fide non-profit cooperative. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and carried 4-1 on a roll call vote.**

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

PUBLIC COMMENT:

PHYLLIS BURGESS, Palm Springs, stated her support of the City Council's position on Roy's Homeless Center.

JOHN ANDRADE, President Piranha Swim Team, commented on the recent issues at the Skate Park that affected the swim team.

WILLIE JAMES HOLLAND, SR., commented on community problems and neighborhood involvement.

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.K., 2.M. and 2.N. **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat 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 December 2, 2009, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: City Council and Community Redevelopment Agency Minutes of November 18, 2009. **Approved as part of the Consent Calendar.**

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

ACTION: Adopt Resolution No. 22629, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1038837 THROUGH 1038948 IN THE AGGREGATE AMOUNT OF \$399,012.87, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. JOINT ITEM OF THE CITY COUNCIL AND THE COMMUNITY REDEVELOPMENT AGENCY, SECOND READING AND ADOPTION OF THE MUSEUM MARKET PLAZA SPECIFIC PLAN, INCLUDING AMENDMENTS TO THE 2007 PALM SPRINGS GENERAL PLAN, ADOPTED BY RESOLUTION NO. 22077:

ACTION: 1) Reaffirm and Re-adopt Resolution No. 22625, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CERTIFYING AN ENVIRONMENTAL IMPACT REPORT (SCH NO. 2008061084) FOR THE MUSEUM MARKET PLAZA

SPECIFIC PLAN, INCLUDING AMENDMENTS TO THE 2007 PALM SPRINGS GENERAL PLAN, ADOPTED BY RESOLUTION NO. 22077, AND THE PALM SPRINGS ZONING CODE, MAKING CERTAIN FINDINGS RELATING TO ENVIRONMENTAL EFFECTS IDENTIFIED IN THE FINAL ENVIRONMENTAL IMPACT REPORT; ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS; AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM;" and 2) Waive further reading and adopt Ordinance No. 1764, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE MUSEUM MARKET PLAZA SPECIFIC PLAN, INCLUDING AMENDMENTS TO THE 2007 PALM SPRINGS GENERAL PLAN, ADOPTED BY RESOLUTION NO. 22077;" and 3) as the Community Redevelopment Agency Adopt Resolution No. 1393, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE CITY OF PALM SPRINGS MUSEUM MARKET PLAZA SPECIFIC PLAN (ORDINANCE NO. 1764) AS THE DESIGN FOR DEVELOPMENT FOR A PORTION OF THE FOCUSED DEVELOPMENT AREA ONE WITHIN THE DESIGN FOR DEVELOPMENT MASTER PLAN AREA." **Approved as part of the Consent Calendar.**

- 2.E. SUPPORT OF THE LOCAL TAXPAYER, PUBLIC SAFETY, AND TRANSPORTATION PROTECTION ACT OF 2010:**
ACTION: Adopt Resolution No. 22630, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, IN SUPPORT OF THE LOCAL TAXPAYER, PUBLIC SAFETY, AND TRANSPORTATION PROTECTION ACT OF 2010." **Approved as part of the Consent Calendar.**
- 2.F. GRANT FUNDING FROM THE CALIFORNIA OFFICE OF TRAFFIC SAFETY, CALIFORNIA BERKELEY TRAFFIC SAFETY CENTER FOR A DRIVING UNDER THE INFLUENCE CHECKPOINT AWARENESS PROJECT IN THE AMOUNT OF \$66,058.32:**
ACTION: 1) Accept the grant funding from the California Office of Traffic Safety, California Berkeley Traffic Safety Center, in the amount of \$66,058.32, for the Driving Under the Influence Checkpoint Awareness Project to be used to enforce, educate, and bring public awareness regarding driving under the influence; and 2) Authorize the City Manager to execute all necessary documents. A5923. **Approved as part of the Consent Calendar.**
- 2.G. ARCHITECTURAL SERVICES AGREEMENT WITH ESCALANTE ARCHITECTS FOR THE DESIGN WORK RELATED TO THE WELWOOD MURRAY MEMORIAL LIBRARY:**
ACTION: 1) Approve an architectural services agreement with Escalante Architects for the Welwood Murray Memorial Library design work in the

amount of \$189,970. A5924. **Approved as part of the Consent Calendar.**

2.H. SUPPORT OF EXTENDED PRODUCER RESPONSIBILITY, PROVIDING INCENTIVES TO PRODUCERS TO MAKE LESS TOXIC AND EASIER TO REUSE AND RECYCLE PRODUCTS:

ACTION: Adopt Resolution No. 22631, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, IN SUPPORT OF EXTENDED PRODUCER RESPONSIBILITY." **Approved as part of the Consent Calendar.**

2.K. NOTICE TO PROCEED FOR VEOLIA WEST OPERATING SERVICES, INC., FOR THE CONSTRUCTION PHASE OF THE GRAVITY THICKENERS UPGRADE, CP 09-02:

ACTION: Authorize the Director of Public Works/City Engineer to issue a Notice to Proceed for Veolia West Operating Services, Inc., in the amount of \$592,188.94 for the construction phase of the Gravity Thickeners Upgrade, City Project No. 09-02. **Approved as part of the Consent Calendar.**

2.M. SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS (SLESF) GRANT FROM THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$100,000:

ACTION: 1) Accept from the State of California the Supplemental Law Enforcement Services Funds Grant (SLESF) and Expenditure Plan in the amount of \$100,000; 2) Direct the Director of Finance/City Treasurer to fund the appropriation; and 3) Authorize the City Manager to execute all documents to effectuate the acceptance of the Grant. A5765. **Approved as part of the Consent Calendar.**

2.N. FOUR LEASE AGREEMENTS (8 VEHICLES) WITH TEXTRON FINANCIAL FOR ANCILLARY VEHICLES AT TAHQUITZ CREEK GOLF RESORT:

ACTION: 1) Approve four lease agreements with Textron Financial for a period of 48 months in the amount of \$1,337.98 per month, total amount for the four year period in the amount of \$64,233.04; and 2) Authorize the City Manager to execute all necessary documents. A5925. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.I. SPECIAL CHANGE ORDER AUTHORITY FOR AGREEMENT NO. A5897 WITH DOUG WALL CONSTRUCTION FOR THE JACKIE LEE HOUSTON PLAZA, CP 08-18:

David Barakian, City Engineer, requested the City Council delete the staff request for a change order for bollards, and requested the City Council authorize

a change order for crosswalk enhancements in an amount not to exceed \$30,000.

ACTION: 1) Approve and Authorize the City Manager to execute a Change Order with Doug Wall Construction, for the Jackie Lee Houston Plaza, in an amount not to exceed \$18,000 to fill and slurry seal Calle Alvarado (CP 08-18); and 2) Approve and Authorize the City Manager to execute a change order with Doug Wall Construction, for the Jackie Lee Houston Plaza, in an amount not to exceed \$30,000, for crosswalk enhancements. A5897. **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

2.J. AMENDMENT NO. 1 TO AGREEMENT NO. A5900, A CONSTRUCTION COOPERATIVE AGREEMENT RELATED TO THE INDIAN CANYON DRIVE AT INTERSTATE 10 INTERCHANGE PROJECT, CP 00-14:

David Barakian, City Engineer, provided background information as outlined in the staff report dated December 2, 2009.

ACTION: 1) Approve Amendment No. 1 to Agreement No. A5900, a Construction Cooperative Agreement between the State of California Department of Transportation ("Caltrans"), the City of Palm Springs, and the County of Riverside related to the Indian Canyon Drive at Interstate 10 Interchange Project, CP 00-14; and 2) Authorize the City Manager to execute all necessary documents. A5900. **Motion Councilmember Foat, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

2.L. AMENDMENT NO. 2 TO THE FISCAL YEAR 2009-10 ALLOCATED POSITIONS AND COMPENSATION PLAN:

Item withdrawn at the request of staff.

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS:

5.A. PLACEMENT OF THE SCULPTURE "MALE FIGURE OF BALZAC" ON CITY PROPERTY DOWNTOWN LOCATED AT THE SOUTHEAST CORNER OF ANDREAS ROAD AND NORTH PALM CANYON DRIVE:

Thomas Wilson, Assistant City Manager, provided background information as outlined in the staff report dated December 2, 2009.

Mayor Pro Tem Mills commented on the lack of a lighting plan in the proposal and stated the piece requires lighting, recommended a lighting plan be submitted and reviewed by the Planning Department.

ACTION: Approve the placement of the sculpture *Male Figure of Balzac* Downtown on City property located at the southeast corner of Andreas Road and North Palm Canyon Drive, subject to the submission and approval of a lighting plan by the Planning Department. **Motion Councilmember Weigel, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Mills requested City Engineer review and make recommendations to include and/or add landscaping at the Interstate 10/Indian Interchange.

ADJOURNMENT: The City Council adjourned at 11:32 p.m. to a Regular Meeting, Wednesday, December 16, 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 16th DAY OF DECEMBER, 2009.

STEPHEN P. POUQUET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK