

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



**JOINT MEETING MINUTES
WITH THE AGUA CALIENTE TRIBAL COUNCIL
WEDNESDAY, DECEMBER 8, 2010**

Spa Hotel and Resort, Grill Room, 100 North Indian Canyon Drive, Palm Springs

CALL TO ORDER: Mayor Pougnet and Tribal Chairman Milanovich called the meeting to order at 5:32 p.m.

CITY COUNCIL ROLL CALL:

PRESENT: Councilmember Foat, Councilmember Hutcheson, Councilmember Mills, Mayor Pro Tem Weigel, and Mayor Pougnet.
ABSENT: None.
ALSO PRESENT: City Manager Ready, City Attorney Holland, City Clerk Thompson.

TRIBAL COUNCIL ROLL CALL:

PRESENT: Richard M. Milanovich, Chairman, Jeff L. Grubbe, Vice Chairman, Karen Welmas, Secretary/Treasurer, Vincent Gonzales III, Member, and Anthony Andreas III, Member.
ABSENT: None.
ALSO PRESENT: Tom Davis, Tribal Council Chief Planning Officer, Margaret Park, Director of Planning and Natural Resources, Alva Johnson, Director of Government Affairs, Todd Hooks, Economic Development Director, and Laura Fregozo, Executive Assistant to the Tribal Council.

PUBLIC COMMENT:

JOHN TYMON, commented on the fees and rents at Horizon Mobile Village, requested rent control at the facility, and commented on the Desert Fashion Plaza.

SHERYL HAMLIN, commented on the Belardo Road Project, and encouraged the undergrounding of utilities as part of the project.

BLAKE GOETZ, Fire Chief, commented on his upcoming retirement, and the significance of the relationship between the City, the Fire Department, and the Tribe.

1. DISCUSSION ITEMS:

1.A. PALM SPRINGS VISITORS CENTER JOINT REMODEL PROJECT.

Thomas Wilson, Assistant City Manager and Margaret Park, Tribal Director of Planning and Natural Resources, provided background

information and update on the Visitors Center Remodel Project, and stated the project was completed about four months ago.

No action taken.

1.B. SPECIAL DISTRIBUTION FUND UPDATE.

City Manager Ready, Alva Johnson, Tribal Director of Government Affairs, and Geoffrey Kiehl, Director of Finance, provided background information on the status of the Special Distribution Fund.

Discussion was held regarding: the upcoming scheduled County Committee meeting, the County participation, the lack of funding by the State to the City for over one-year, and the participation of State Sen. Denise Ducheny.

No action taken.

1.C. BELARDO ROAD PROJECT UPDATE AND PROGRESS REPORT.

David Barakian, City Engineer, and Margaret Park, Tribal Director of Planning and Natural Resources, provided background information and an update on the Belardo Road Project which is fully funded.

Discussion was held regarding: the City has issued an RFA to Caltrans for authorization and the City is prepared to proceed with construction, conceptual plans will be submitted by the Tribe to the City in February, 2011, the lack of undergrounding the utilities as part of the project, the possible use of additional Indian Reservation Road Program Funding for undergrounding the utilities, the Tribe to lobby Congress for such funding, the participation of the State to distribute the federal grant funds, and the amount of time from bidding to construction.

ACTION: Request staff to draft a letter to our Federal and State Representatives to assist in moving the project forward. **By consensus of the City Council.**

1.D. INTERSTATE 10 INTERCHANGES UPDATE AND PROGRESS REPORT.

David Barakian, City Engineer, provided background information and an update on the Interstate 10 Interchanges construction, and stated both the Gene Autry Interchange and the Indian Avenue Interchange are both under construction.

Discussion was held regarding: the live-action cameras available on the website, and the expected completion dates for both Interchanges being 2011.

No action taken.

1.E. COLLEGE OF THE DESERT WESTERN COACHELLA VALLEY CAMPUS UPDATE.

John Raymond, Director of Community and Economic Development, provided an update and progress report on the College of the Desert Western Coachella Valley Campus, and provided the schedule for the approval of the College Specific Plan.

Discussion was held regarding: the transfer of the property to the District and escrow has closed, the estimated construction date in 2012, programs starting in 2014, and the investment of the District of nearly \$40 million toward the project.

No action taken.

1.F. MUSEUM MARKET PLAZA SPECIFIC PLAN UPDATE.

Mayor Pougnet provided an update and progress report on the Museum Market Plaza Specific Plan and the status of the Desert Fashion Plaza.

Discussion was held regarding: the frustration of the community on the lack of progress toward the facility, and the hardships caused to the City and the Tribe due to the condition of the property.

No action taken.

1.G. PALM SPRINGS ANIMAL SHELTER UPDATE.

City Manager Ready provided background information and a status report on the construction of the new Palm Springs Animal Shelter, and stated the project is approximately eight weeks ahead of schedule.

Discussion was held regarding: the use of reclaimed water at the facility, the interest in other communities contracting with the City as part of the "no-kill" shelter, and the scheduled date for opening the new shelter.

No action taken.

1.H. VISTA CHINO BRIDGE OVER WHITEWATER RIVER FUNDING AND PROGRESS REPORT.

David Barakian, City Engineer, provided background information and an update on the Vista Chino Bridge Project, stated the completion of the project will require \$95 million, and \$1 million has been committed to start the environmental work.

No action taken.

1.I. MUSEUM ROAD CONSTRUCTION PROJECT UPDATE.

David Barakian, City Engineer, provided background information and an update on the Museum Road Construction Project.

Discussion was held regarding: the approval of a design contract, and the start date of construction for the proposed Tribal Museum.

No action taken.

1.J. INDIAN RESERVATION ROADS PROGRAM AND FUNDING.

Tom Davis, Chief Planning and Development Officer, and Margaret Park, Tribal Director of Planning and Natural Resources provided background information on the Indian Reservation Roads Program.

Discussion was held regarding: the Tribal relationship directly with FHWA, grading or priority of roads within each city, the process of Federal funding to the Tribe.

No action taken.

IDENTIFICATION OF FUTURE AGENDA/DISCUSSION ITEMS.

Chairman Milanovich congratulated Police Chief Dominguez for his efforts toward the recent gang and narcotics task force accomplishments.

ADJOURNMENT: The City Council adjourned at 6:36 pm. to the Regular Meeting on Wednesday, December 15, 2010, at 6:00 P.M., Council Chamber, City Hall, preceded by a 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 5TH DAY OF JANUARY, 2011.

STEPHEN P. POGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

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



**MINUTES
WEDNESDAY, DECEMBER 15, 2010
Council Chamber**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:13 p.m.

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

INVOCATION: Rev. Duane Cox, Retired Religious Science Minister, led the Invocation.

ROLL CALL:

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

ABSENT: None.

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

PRESENTATIONS:

Mayor Pougnet and the City Council presented a proclamation to Jill Hutchinson for her service to the Palm Springs Police K-9 Unit and proclaimed December 15, 2010, as Jill Hutchinson day in the City of Palm Springs.

Police Chief Dominguez and the Palm Springs Police Department presented new bicycles to ten children in the Community for families in need.

Mayor Pougnet and the City Council presented certificates of commendation to Blake Goetz, Fire Chief, Sue Mills, Human Resources Director and Jan Truscott, Executive Services Administrator on their retirement, and thanked them for their years of service.

Mayor Pougnet provided an update on the recent events and activities in the City of Palm Springs: Holiday Tree Lighting, Festival of Lights Parade and activities, Young Americans Concert, Athena Awards, and the retirement of M. Shoenberger from the Palm Springs School District.

Councilmember Foat announced the Palm Springs Lobster Festival benefit for the Animal Shelter, and the waiver of adoption fee program at the Shelter in the month of December.

Mayor Pougnet announced the upcoming 2011 Palm Springs International Film Festival event and activities.

REPORT OF CLOSED SESSION: City Attorney Holland reported that at 4:00 p.m. 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:

Councilmember Foat noted her abstention on Item 2.B., requested Items 2.H. and 2.I. be removed from the Consent Calendar for separate discussion.

Councilmember Mills noted his abstention on Consent Calendar Item 2.B.

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

1. PUBLIC HEARINGS:

Councilmember Hutcheson stated he has property ownership conflict of interest with respect to Item 1.A., would not participate in the discussion or the vote, and left Council Chamber.

1.A. HUNTER HOLDINGS, LLC, APPROVE TENTATIVE TRACT MAP 33334 FOR THE PURPOSE OF CREATING A CONDOMINIUM MAP WITHIN A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT (PD313) LOCATED AT 2743 NORTH INDIAN CANYON DRIVE, A MIXED USED DEVELOPMENT CONSISTING OF FLAG LOTS, EXISTING DWELLING UNITS, STRUCTURES AND 57 NEW TOWNHOME UNITS:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated December 15, 2010.

Councilmember Foat request staff address the ownership and a proposed convenience store at the location.

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

MICHAEL MUELLER, Palm Springs Racquet Club, stated he was former owner of the property and requested the City Council allow the project to move forward, commented on the density at the site, the mixed use status, the historic consideration, and outlined the benefits of the project.

ART TUFFS, commented on his experience at the historic Racquet Club, and requested the City Council approve the project.

WILLIE JAMES HOLLAND, SR., commented on the redevelopment of Palm Springs, the City process stopping growth in North Palm Springs, and stated the project needs to be finished.

No further speakers coming forward, the Public Hearing was closed.

ACTION: Adopt Resolution No. 22838, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 33334 FOR THE PURPOSE OF CREATING A CONDOMINIUM MAP FOR THE PREVIOUSLY APPROVED MIXED-USE DEVELOPMENT WITHIN THE EXISTING RACQUET CLUB OF PALM SPRINGS LOCATED AT 2743 NORTH INDIAN CANYON DRIVE, ZONE PDD-313, SECTION 3." **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Councilmember Hutcheson.

Councilmember Hutcheson returned to the dais.

1.B. DESERT PALISADES SPECIFIC PLAN APPROVING A SPECIFIC PLAN, GENERAL PLAN AMENDMENT, CHANGE OF ZONE, AND TENTATIVE TRACT MAP (35540) FOR DEVELOPMENT OF 110 HOMESITES, DWA DUAL TANK WATER RESERVOIR, AND RELATED FACILITIES ON A ROUGHLY 117-ACRE SITE IN PLANNING AREA 4 OF THE ESA-SP ZONE (CHINO CONE) LOCATED AT THE WESTERN TERMINUS OF WEST RACQUET CLUB ROAD, SECTION 4, TOWNSHIP 4, RANGE 4 (IL) (CASE NO 5.1154 SP):

ACTION: 1) Continue the Public Hearing to Wednesday, January 5, 2011, with no public testimony at this time; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

DONNA CHABAN, Palm Springs, Board of Library Trustees, thanked the City Council for approval of the contract to replace the roof at the Palm Springs Library, and stated the Board committed Trust Funds for the Project.

GREG HAM, commented on Item 4.C., commented on the improvements to the property with the lease to 7-Eleven, the improvements to the property, the proposed

signage, neighborhood outreach, and requested the City Council approve the Resolution of Convenience.

JASON MURRAY, 7-Eleven, Inc., commented on Item 4.C., outlined the concept and the vision of the store to become a fresh food market.

JARED MECHAM, Palm Springs, River Mojave Academy, stated they are retracting their letter of opposition to Item 4.C., Resolution of Convenience for 7-Eleven.

DOUG JONES, commented on Item 4.C., the current run-down status of the property, and stated the project will enhance the neighborhood.

MARTHA HIGGINS, Wessman Development, commented on Item 4.D., outlined the status of the property when it was purchased by Wessman Development, the on-going marketing efforts, the steps toward the PDD Application and the Specific Plan, and stated Wessman Development is in the best position to develop the property.

EMILY HEMPHILL, commented on Item 4.D., commented on the use of eminent domain, outlined the unrealistic demands of the City during the OPA negotiations, commented on the taking of the property, the burden for the retailers and the City, commented on the discrepancy of the City on initial value.

NONI TATE, Palm Springs, Fair Housing Council of Riverside County, commented on the services provided by the Fair Housing Council to the City of Palm Springs, and the number of residents served in the City of Palm Springs.

THOMAS O'CONNELL, commented on Item 4.C., commented on the condition of the property, outlined his concerns for the property, the 24-hour operations, similar impacts to other like businesses in the area, distracting to the Riviera, traffic concerns, and the proximity to a school, but stated this is a good developer.

JOHN TYMON, commented on his recent treatment by City staff and Community Action Partnership.

WILLIE JAMES HOLLAND, SR., commented on the crime and drug use in the North end of Palm Springs.

JOY MEREDITH, thanked the City Council and the City for the effort in the Downtown and Uptown areas, commented on the successful Festival of Lights Parade, and the tree lighting in the Downtown area.

SOBHY YOUSEF, Shell Station owner, commented on the decline in business, commented on Item 4.C., and stated the City turned down his business two-years ago due to the proximity of the school.

JOHN DASH, commented on Item 4.D., and the development of the Desert Fashion Plaza, and stated the City and the developer need a long term plan and vision.

COUNCILMEMBER COMMENTS:

Councilmember Foat commented on the need for donations of toys for the holidays for families in need in the City of Palm Springs.

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.J., 2.K., 2.L., 2.M., 2.N., and 2.O. **Motion Councilmember Hutcheson, seconded by Councilmember Mills 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 15, 2010, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of December 1, 2010. **Approved as part of the Consent Calendar, noting the abstentions of Councilmember Foat and Councilmember Mills.**

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

ACTION: 1) Adopt Resolution No. 22839, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 11-13-10 BY WARRANTS NUMBERED 416230 THROUGH 416257 TOTALING \$47,493.84, LIABILITY CHECKS NUMBERED 1045493 THROUGH 1045514 TOTALING \$126,188.33, FIVE WIRE TRANSFERS FOR \$51,861.82, AND THREE ELECTRONIC ACH DEBITS OF \$1,026,654.50, IN THE AGGREGATE AMOUNT OF \$1,252,198.49, DRAWN ON BANK OF AMERICA;" and 2) Adopt Resolution No. 22840, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1045515 THROUGH 1045783 IN THE AGGREGATE AMOUNT OF \$1,734,073.82, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. ADOPTION OF A CITY OF PALM SPRINGS CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT OF 1974:

ACTION: Adopt Resolution No. 22841, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A CONFLICT OF INTEREST CODE AND SUPERSEDING PREVIOUS

RESOLUTIONS WITH RESPECT TO THE CONFLICT OF INTEREST CODE." **Approved as part of the Consent Calendar.**

2.E. ACCEPTANCE OF THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS (SLESF) GRANT FROM THE STATE OF CALIFORNIA AND APPROVING THE EXPENDITURE PLAN AND APPROPRIATION:

ACTION: 1) Accept the State of California Supplemental Law Enforcement Services Funds Grant and Approve the Expenditure Plan; 2) Direct the Finance Director 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.F. APPROVAL OF PROGRAM SUPPLEMENT AGREEMENT NO. 032-N, WITH THE STATE OF CALIFORNIA FOR USE OF TEA-21 HIGH PRIORITY PROJECT (HP21L) FEDERAL-AID FUNDS FOR THE INDIAN CANYON DRIVE AT INTERSTATE 10 INTERCHANGE [CITY PROJECT NO. 00-14, FEDERAL-AID PROJECT NO. HP21L-5282 (035)]:

ACTION: Adopt Resolution No. 22842, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 032-N TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$1,120,885, FOR THE INDIAN CANYON DRIVE AT INTERSTATE 10 INTERCHANGE, CITY PROJECT NO. 00-14, FEDERAL-AID PROJECT NO. HP21L-5282 (035), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALM SPRINGS." A6043. **Approved as part of the Consent Calendar.**

2.G. APPROVAL OF PROGRAM SUPPLEMENT AGREEMENT NO. 030-N, WITH THE STATE OF CALIFORNIA FOR USE OF AMERICAN REINVESTMENT AND RECOVERY ACT OF 2009 (ESPL) AND SAFETEA-LU HIGH PRIORITY PROJECT (HPLU) FEDERAL-AID FUNDS FOR THE INDIAN CANYON DRIVE AT INTERSTATE 10 INTERCHANGE [CITY PROJECT NO. 00-14, FEDERAL-AID PROJECT NO. ESPLHPLU-5282(034)]:

ACTION: Adopt Resolution No. 22843, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 030-N TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$7,497,280, FOR THE INDIAN CANYON DRIVE AT INTERSTATE 10 INTERCHANGE, CITY PROJECT NO. 00-14, FEDERAL-AID PROJECT NO. ESPLHPLU-5282 (034), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

ON BEHALF OF THE CITY OF PALM SPRINGS." A6044. **Approved as part of the Consent Calendar.**

2.J. CITY OF PALM SPRINGS GOVERNMENT CODE SECTION 66000 DEVELOPMENT PROJECT FEE REPORT FOR FISCAL YEAR 2009-10:
ACTION: Receive and File the Fiscal Year 2009-10 Development Project Fee Report pursuant to Cal. Gov. Code §66000. **Approved as part of the Consent Calendar.**

2.K. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH DMC DESIGN GROUP, INC., FOR THE AGUA CALIENTE CULTURAL MUSEUM ROAD AND DRAINAGE IMPROVEMENTS [FEDERAL PROJECT PLHDL06-5282 (032) AND HPLUL-5282 (033)] (CITY PROJECT 09-04):

ACTION: 1) Approve an Agreement with DMC Design Group, Inc., in the amount of \$109,001.00, for environmental and civil engineering design services related to the Agua Caliente Cultural Museum Road and Drainage Improvements, Federal Project PLHDL06-5282 (032) and HPLUL-5282 (033) City Project 09-04; and 2) Authorize the City Manager to execute all necessary documents. A6047. **Approved as part of the Consent Calendar.**

2.L. JOINT ITEM CITY COUNCIL AND COMMUNITY REDEVELOPMENT AGENCY WITH RESPECT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 33130 REDEVELOPMENT AREA PROPERTY DISCLOSURES:

ACTION: 1) Receive and file the Cal. Health and Safety Code §33130 Project Area Property Disclosures for Director of Community and Economic Development John Raymond (no reportable interests). **Approved as part of the Consent Calendar.**

2.M. REPORT OF EMERGENCY CLEAN UP FROM DIESEL SPILL AT CITY HALL PURSUANT TO PALM SPRINGS MUNICIPAL CODE SECTION 7.04.040:

ACTION: Receive and File the Report of Emergency Expenditures pursuant to Palm Springs Municipal Code §7.04.040(4). **Approved as part of the Consent Calendar.**

2.N. AWARD OF CONTRACT FOR THE PALM SPRINGS MAIN LIBRARY ROOFING PROJECT (CITY PROJECT NO. 10-04):

ACTION: 1) Approve an Agreement with Al Miller & Sons Roofing Co., Inc., in the amount of \$293,127.90, for the Palm Springs Main Library Roofing Project (City Project No. 10-04); and 2) Authorize the City Manager to execute the Agreement. A6048. **Approved as part of the Consent Calendar.**

2.O. PROPOSED ORDINANCE DISSOLVING COMMUNITY FACILITIES DISTRICT NO. 2005-2 (ESCENA) AND TERMINATING THE LEVY OF SPECIAL TAXES WITHIN SAID DISTRICT:

ACTION: 1) Waive reading of the full text of the Ordinance, and introduce by title only; and 2) Introduce for first reading Ordinance No. 1782, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REPEALING ORDINANCE NO. 1672 AND DISSOLVING COMMUNITY FACILITIES DISTRICT NO. 2005-2 (ESCENA) OF THE CITY OF PALM SPRINGS." **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.H. ACCEPTANCE OF GRANT FUNDING FROM THE UNIVERSITY OF CALIFORNIA BERKELEY, SAFE TRANSPORTATION RESEARCH AND EDUCATION CENTER (SAFETREC), FOR A SOBRIETY CHECKPOINT MINI-GRANT PROGRAM IN THE AMOUNT OF \$16,796.91 FOR ENFORCEMENT, EDUCATION AND PUBLIC AWARENESS:

Councilmember Foat requested the Police Department expand the policy for the enforcement of DUI, and recommended staff review the installation of signs in the City indicating zero tolerance for DUI, programs, partnerships and training of servers, program implemented with taxi companies, DUI information be placed in hotel rooms, and DUI training at the High School.

ACTION: 1) Accept grant funding, in the amount of \$16,796.91, from the University of California at Berkeley, Funded by California Office of Traffic Safety, Safe Transportation Research and Education Center for a sobriety checkpoint mini-grant program; and 2) Authorize the City Manager to execute all necessary documents. A6045. **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

2.I. APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS AND OTHER AGENCIES AND CITIES ESTABLISHING PARTNERSHIPS FOR THE SAFE ROUTES TO SCHOOL PROGRAM:

Councilmember Foat questioned the City's role for implementation of the programs.

ACTION: 1) Approve a Memorandum of Understanding with the Coachella Valley Association of Governments, the Cities of Cathedral City, Desert Hot Springs, Rancho Mirage, Palm Springs Unified School District and the Riverside County Department of Public Health for the Safe Routes to School Program; and 2) Authorize the City Manager to execute the Memorandum of Understanding.

A6046. Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE CODIFYING CITY COUNCIL REVIEW OF DECISIONS OF CITY COUNCIL APPOINTED COMMISSION AND BOARDS:

City Clerk Thompson provided background information as outlined in the staff report dated December 15, 2010.

ACTION: 1) Waive reading of the full text of the Ordinance, and introduce by title only; and 2) Introduce for first reading Ordinance No. 1783, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 2.06.030, TO CHAPTER 2.06 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE CITY COUNCIL REVIEW OF CITY COUNCIL APPOINTED COMMISSION AND BOARD DECISIONS."
Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.

The City Council recessed at 8:05 p.m.
The City Council reconvened at 8:11 p.m.

4. UNFINISHED BUSINESS:

4.A. REQUEST BY DOLLAR TREE, INC. FOR A RESOLUTION OF PUBLIC CONVENIENCE TO SELL BEER AND WINE FOR CONSUMPTION OFF PREMISES (TYPE 20 ALCOHOL LICENSE) AT THE EXISTING DOLLAR TREE STORE LOCATED AT 1717 EAST VISTA CHINO ROAD:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated December 15, 2010.

Councilmember Foat requested staff address the condition that beer cannot be sold and is limited to wine.

Councilmember Mills would recommend the City Council approve the Resolution of Convenience as stated, with a caveat as requested by the applicant for a wine license only.

Councilmember Hutcheson stated the City Council should support the license as recommended.

Mayor Pro Tem Weigel stated he is tolerant of the license due to the request for wine only.

Mayor Pougnet noted his objections for allowing the sale of liquor at this site due to the proximity to the school and over saturation in the area.

ACTION: Adopt Resolution No. 22844, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER AND WINE FOR OFF SITE CONSUMPTION (TYPE 20 ALCOHOL LICENSE) AT A RETAIL STORE LOCATED AT 1717 EAST VISTA CHINO ROAD, ZONE C-S-C, SECTION 12/T4/R4;" *amending the Resolution adding a Section 2 providing the City Council Resolution of Convenience is limited for the sale of wine only, as requested by the Applicant in the Applicant's Statement of Justification.*" **Motion Councilmember Foat, seconded by Mayor Pro Tem Weigel and carried 4-1 on a roll call vote.**

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

NOES: Mayor Pougnet.

4.B. JOINT ITEM OF THE CITY COUNCIL AND THE COMMUNITY REDEVELOPMENT AGENCY TO APPROVE A LEASE AGREEMENT WITH VERIZON WIRELESS FOR NON-EXCLUSIVE USE OF FLOOR SPACE ON THE TOP DECK OF THE CITY-OWNED PARKING STRUCTURE LOCATED AT 295 SOUTH INDIAN CANYON DRIVE:

John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated December 15, 2010.

Mayor Pougnet requested staff address the annual revenue to the City from the lease.

Mayor Pro Tem Weigel requested staff address the "co-locatable" capacity to the site and facility if approved.

Councilmember Mills commented on his previous objection and stated the architecture issues have been resolved.

ACTION: 1) Approve a Lease Agreement with Verizon Wireless, the Community Redevelopment Agency, and the City of Palm Springs, for the non-exclusive use of the City-owned Parking Structure to provide floor, rooftop, antenna, and cabling space on the top deck; and 2) Authorize the City Manager and Executive Director to execute the Lease Agreement. A6049. **Motion Councilmember Hutcheson, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

Councilmember Mills stated he has a business related conflict of interest with respect to Item 4.C., would not participate in the discussion or the vote, and left Council Chamber.

4.C. REQUEST BY 7-ELEVEN, INC. FOR A RESOLUTION OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER AND WINE FOR CONSUMPTION OFF PREMISES AT A PROPOSED CONVENIENCE STORE LOCATED AT 150 WEST VISTA CHINO ROAD:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated December 15, 2010.

Councilmember Foat requested the City Attorney and staff address the current license obtained by the Applicant.

Councilmember Hutcheson stated this provides an opportunity to enhance the property and the neighborhood, noted the proposed concept for fresh foods, and the transfer of an existing license from one area in the City to another.

Councilmember Foat noted the condition of the property, but stated she would like 7-Eleven open at this location without the liquor license, commented on the recent denial of the license to the adjacent gas station, the proximity to the school, and the saturation of liquor stores in the area.

Mayor Pro Tem Weigel requested staff address the options if the liquor license was denied and if the store may proceed without the sale of liquor, and commented on the saturation of liquor sales in the area.

MOTION: Adopt Resolution, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER AND WINE FOR OFF SITE CONSUMPTION (TYPE 20 ALCOHOL LICENSE) TO BE LOCATED AT A PROPOSED 24-HOUR CONVENIENCE STORE AT 150 WEST VISTA CHINO ROAD, APN 504-320-016, ZONE C-1/R-3, SECTION 3/T4/R4."
Motion Councilmember Hutcheson, failed for lack of a second.

No action taken.

Councilmember Mills returned to the dais.

4.D. JOINT ITEM OF THE CITY COUNCIL AND THE COMMUNITY REDEVELOPMENT AGENCY DISCUSSING THE ACQUISITION OF PROPERTIES WITHIN THE CITY OF PALM SPRINGS MUSEUM MARKET PLAZA SPECIFIC PLAN:

Mayor Pougnet provided a history of the property and background information as outlined in the staff report dated December 15, 2010.

Councilmember Mills commented on the history of the property and the proposals for the property, stated the City has given the property owner many opportunities, and stated the City needs to start moving forward for future success.

Mayor Pro Tem Weigel requested staff address the options to continue to work with Wessman Development, if they choose to submit an application to develop the property.

Councilmember Hutcheson recapped some of the key points, discussion with the public, a vote of the people in a Special June Election, in the interim the City would continue to work with Wessman toward resolve, and recommended the City take its future in its own hands.

Councilmember Foat commented on the installation of the proposed road to the Museum, the success of the City with attracting developers in the Springs and Smoketree, and the lack of the attraction of developers to a proposed Downtown Project, stated the appraisal is fair, and encouraged Wessman Development to accept the City's offer.

Councilmember Foat stated the time to act is now, and commented on the progress of El Paseo in Palm Desert.

ACTION: Authorize the Executive Director or his designee to make a conditional offer to purchase the Properties from Wessman Development, and negotiate in good faith with Wessman Development for the purchase of such properties. **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

5. NEW BUSINESS:

5.A. REVIEW AND APPOINT CITY COUNCIL SUBCOMMITTEES AND CITY COUNCIL LIAISONS TO OUTSIDE ORGANIZATIONS:

City Clerk Thompson provided background information as outlined in the staff report dated December 15, 2010.

ACTION: 1) Direct the City Clerk to delete the Palm Springs Recycle from the External Organizations List; 2) Direct the City Clerk to delete the following from the Subcommittees List: Jackie Lee Houston Plaza, Convention Center Management Agreement, Housing Element and the Wyndam Hotel; 2) Direct the City Clerk to substitute Mayor Pro Tem Weigel for Mayor Pougnet on the WWTP Subcommittee; 3) Direct the City Clerk to add Councilmember Mills to the ComDyn Affordable Housing Project Subcommittee; 4) Remove the Office of Neighborhood

Involvement Liaison (Councilmember Foat) and create a new list of City Council Liaisons to City Commissions and Boards, including Councilmember Foat as the City Council Liaison to the Office of Neighborhood Involvement and Councilmember Mills as the City Council Liaison to the Airport Commission. **By consensus of the City Council.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Mills commented on the recent Marine Corps Holiday Concert in Palm Springs.

Councilmember Foat commented on the need for donations of toys for the holidays for families in need in the City of Palm Springs.

ADJOURNMENT: The City Council adjourned at 9:24 p.m. to a Regular Meeting, Wednesday, January 5, 2011, at 6:00 P.M. Council Chamber, City Hall, preceded by a 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 5th DAY OF JANUARY, 2011.

STEPHEN P. POUQUET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK