

MINUTES
SPECIAL MEETING OF THE
PALM DESERT CITY COUNCIL
SITTING AS MEMBERS OF THE
UNIVERSITY PLANNING COMMITTEE
(CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO, PALM DESERT CAMPUS)
(UNIVERSITY OF CALIFORNIA, RIVERSIDE, PALM DESERT CAMPUS)
Thursday, April 25, 2013 – 2:00 p.m.
Administrative Conference Room - Palm Desert Civic Center
73510 Fred Waring Drive, Palm Desert, California 92260

I. CALL TO ORDER

In the absence of the formal appointment of a Committee Chairman (occurs under Section V - New Business, Item A, later in this meeting), Mr. Wohlmuth convened the meeting at 2:02 p.m.

II. ROLL CALL (Introductions)

Present:

Mayor Pro Tem Jean M. Benson
Councilman Robert A. Spiegel
Councilman Van G. Tanner
Councilmember Susan Marie Weber
Mayor Jan C. Harnik

Robert Gardner, VP Administration & Finance, CSUSB

Fred Jandt, Dean, CSUSB Palm Desert

Pamela Langford, Director of Executive Affairs, CSUSB

Dr. Doris Wilson, Assoc. Dean, CSUSB Palm Desert

Jocelyn Nakashige, Senior Assoc. Dean, Finance & Admin., UCR School of Medicine

Tamara Hedges, Chief Operating Officer, UCR-Palm Desert Center

William R. Kroonen, Committee Chairman (Appointed at this Meeting)

Also Present:

John M. Wohlmuth, City Manager

David J. Erwin, City Attorney

Russell Grance, Director of Building & Safety

Lauri Aylaian, Director of Community Development

Martin Alvarez, Director of Economic Development

Mark Greenwood, Director of Public Works

Steven Y. Aryan, Risk Manager

Tim Ralston, Assoc. Vice Chancellor, Capital and Physical Planning, UCR

David Bergquist, Interim Campus Counsel, UCR

Kevin McGuire, Special Assistant to the Chancellor, UCR

Rachelle D. Klassen, City Clerk

Mr. Wohlmuth explained that the University Planning Committee (UPC) is identified in the Disposition and Development Agreement, originally with Cal State San Bernardino and amended to include UC Riverside. When former UPC Chairman Van Tanner was elected

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to the Palm Desert City Council in November 2012, he could no longer serve as Chairman of the Committee; he became a Member in the capacity of Councilmember. Further, according to the Disposition and Development Agreement, the President of Cal State San Bernardino and the Mayor of Palm Desert jointly recommend a Chair for the UPC, which occurs later on this agenda for discussion and approval.

III. ORAL COMMUNICATIONS

None

IV. APPROVAL OF MINUTES

- A. MINUTES of the Meeting of February 24, 2011.

Upon a motion by Spiegel, second by Tanner, and unanimous vote of the University Planning Committee, the Minutes were approved as presented.

V. NEW BUSINESS

- A. REQUEST FOR APPOINTMENT OF CHAIRPERSON FOR THE UNIVERSITY PLANNING COMMITTEE AS RECOMMENDED BY THE MAYOR OF THE CITY OF PALM DESERT AND WITH THE CONCURRENCE OF CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO, PALM DESERT CAMPUS.

Mr. Wohlmuth noted the recommendation to appoint Dr. William R. Kroonen provided on the staff report included with the agenda packets.

On a motion by Spiegel, second by Tanner, and unanimous vote of the University Planning Committee, Dr. William R. Kroonen was appointed to serve as Chairman of the University Planning Committee.

Dr. Kroonen graciously accepted the appointment and said it was really a privilege for him to serve in this role. He recalled for the Committee that he had a long history of association with post-secondary education in the Coachella Valley, and it was nice to have this opportunity to continue that service. He deeply respected what is going on with the two campuses – the relationships between the City and the Universities is one that is very unique in the whole world.

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- B. REQUEST FOR APPROVAL OF THE TRANSFER OF 11.5 ACRES KNOWN AS A.P.N. 694-160-003 / PARCEL B FROM SUCCESSOR AGENCY TO THE PALM DESERT REDEVELOPMENT AGENCY (SAPDRDA) TO THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, RIVERSIDE, PURSUANT TO THE EXISTING DISPOSITION AND DEVELOPMENT AGREEMENT AND OPTION AGREEMENT.

Councilman Tanner moved to, by Minute Motion: 1) Approve the conveyance of a portion of real property known as A.P.N. 694-160-003 / Parcel B (11.5 acres) from Successor Agency to the Palm Desert Redevelopment Agency (SAPDRDA) to the Regents of the University of California, Riverside (UCR), pursuant to Disposition and Development Agreement and Option Agreement; 2) authorize requiring UCR to return to the City for a courtesy review of future development plans. Motion was seconded by Mayor Harnik.

Mr. Alvarez provided history regarding the property that UCR is presently occupying. He said in 2001 UCR entered into a Disposition and Development Agreement (DDA) with the former Palm Desert Redevelopment Agency. This Agreement allowed for improvements to be built on the property, which are now known as the UCR Palm Desert Campus. In 2002 the former Redevelopment Agency then entered into an Option Agreement with UCR for the remaining 11.5 acres of the site, located to the east of the existing UCR improvements. There were conditions included in the Option Agreement that UCR would have to meet in order to facilitate transfer of the 11.5 acres, and they have been met. Although, additional approvals sought and received by Palm Desert included those of the Oversight Board of the Successor Agency to the Palm Desert Redevelopment Agency, as well as from the State Department of Finance (DOF), which ultimately granted its approval about a month ago. Today's consideration represents the final step, review and approval by the University Planning Committee to allow for the transfer of the site to UCR for its advancement of a School of Medicine.

Mr. Wohlmuth added that Palm Desert is going through the conveyance of Option Parcel B for the UCR Medical Center and also the University Planning Committee's approval to take forward conveyance of approximately 126 acres to Cal State later on today's agenda for future University purposes, noting that this was also former Redevelopment Agency land. He'd been working with City Attorney David Erwin and contemplating whether or not there would be future need for the University Planning Committee, since once the property is conveyed to UCR and Cal State, further oversight may be unnecessary. That question has not been answered definitively yet; it will be a policy issue for the City Council and University Planning Committee. However, in order to cover the City's bases going forward, it wishes to include the following conditions in conveyance of the property:

1. Access of property to any public right-of-way must have prior written approval of the City of Palm Desert Director of Public Works.

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Mr. Wohlmuth said this condition was intended to limit ingress/egress potentially on Frank Sinatra Drive and Cook Street so that both safe turning movements and access can be accomplished, along with maintaining traffic flow on those two thoroughfares. He was unsure whether or not this was a concern after the City partially constructed Berger Circle at both ends.

2. Design, height, and location of any and all improvements on said property shall have prior approval by the City of Palm Desert.

Mr. Wohlmuth remarked that Condition #2 was intended primarily if there isn't a University Planning Committee. Therefore, as a courtesy, UC Riverside or Cal State San Bernardino would take design aesthetics through the City's process for either Council, Planning Commission, or Planning Department concurrence in order to ensure that they fit generally within the City's guidelines and intended future development of the North Sphere.

3. No sale, transfer, or use of the property shall be authorized as permitted except for solely educational purposes.

Mr. Wohlmuth noted that this condition was inherently evident but protects the City. Since this is former Redevelopment Agency property, Palm Desert will utilize the "Governmental" or "Public Purpose" designation under the legislation that dissolves Redevelopment (AB 1484 and ABx1 26). If the property were to be sold and not used for educational purposes, it would no longer be necessarily eligible as the Governmental or Public Purpose for which it was intended, and the proceeds may then be subject to being distributed to the taxing entities. In the end, DOF will consider the transfer for either Governmental or Public Purpose. Responding to question, he answered that if Cal State San Bernardino intended, designed, and built sports facilities/fields to be used by students, they would be covered as an educational purpose. But if such facilities were designed and intended for private recreational use, they would not. He added it would be the same for dormitories, book stores, etc. Further, he responded that educational use would also cover clinical medical enterprises, as long as they were instructional for the Medical School. He added that the City understands whether it's a dormitory or a Medical School, there is a possibility that there would be a private entity constructing these facilities; but as long as they're used for educational purposes (i.e., 3rd- and 4th- year Medical Students), they would be acceptable. Upon inquiry, he said the aforementioned three conditions were not intended to be added to the recommendation for approval on today's agenda. Ultimately, the transfer will be in the form of a separate conveyance instrument, and these conditions will be included. Today's consideration at the University Planning Committee is one step prior to going to the City Council and Successor Agency to the Palm Desert Redevelopment Agency, where, if desired, these conditions will be included in the conveyance document. He said no action was required here, but he wanted to take this opportunity to inform the group of the intentions in this regard.

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Chairman Kroonen called for the vote on the motion to approve the transfer of the 11.5-acre Option Parcel to UCR, and it carried by unanimous vote.

- C. REQUEST FOR APPROVAL OF THE TRANSFER OF APPROXIMATELY 123 ACRES KNOWN AS A.P.N.s 694-200-001 AND 694-160-003 FROM SUCCESSOR AGENCY TO THE PALM DESERT REDEVELOPMENT AGENCY (SAPDRDA) TO THE TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO, SUBJECT TO APPROVAL BY THE STATE DEPARTMENT OF FINANCE.

Mr. Alvarez related that Cal State and the former Palm Desert Redevelopment Agency entered into a Disposition and Development Agreement (DDA) in 1999, which allowed for the transfer of 55 acres and also reserved approximately 126 acres for future use per the Cal State Master Plan. Recently, Cal State approached Palm Desert about their desire to have the remainder of the site transferred to them. However, this land is now under the control of the Successor Agency to the Palm Desert Redevelopment Agency and, ultimately, the State Department of Finance (DOF). He advised that the actual transfer of acres will total 123, because the intent is to carve out 2.67 acres of the remaining 126 in order to locate a future fire station that has been planned out. He went on to say the 123 acres will be one parcel of many to be listed on Palm Desert's Long-range Property Management Plan (LRPMP) to be submitted to DOF in June 2013. Hopefully, with approval from the State near summer's end, Palm Desert can proceed with the next step to return to the City Council and Successor Agency to facilitate the property transfer.

Responding to question about what happens to any former covenants in place on these 123 acres for future use and/or their reverting back to Palm Desert, Mr. Wohlmuth responded that the DDA with Cal State and the Amended DDA with UCR have expired. He added that if this land is not used for educational purposes, it may be subject to the dissolution of Redevelopment legal provisions, and if sold, proceeds of said sale would go to the taxing entities. Therefore, the property would not revert back to the City but to the taxing entities (i.e., County, Water District, School Districts, etc.). Although, he said the City could decide to use its General Fund monies to repurchase the property, or anyone else could elect to purchase it in a property sale as well; it cannot automatically revert back to the City. He further responded that this was one of the reasons the City was proposing to include Condition #3 above in the final conveyance ("No sale, transfer, or use..."). He confirmed that the UCR property transfer was approved by DOF; however, there is another step needed for the City to formally convey the property that will occur at a future Council Meeting. Additionally he said as the law is written, Palm Desert is required to obtain the Finding of Completion (FOC), anticipated by late May or early June. Receipt of the FOC allows preparation of a Long-range Property Management Plan (LRPMP) to identify all of the former Redevelopment properties and indicate those that are Public Purpose, such as this one for Cal State or those that are intended for public parking. He said the LRPMP will also identify former Redevelopment properties that are not Public Purpose that would be sold or

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conveyed on the open market. The Cal State property has either a Public or Governmental Purpose and would be so identified on the LRPMP; once it's submitted following receipt of the FOC, it will be the Council's decision, not the State Department of Finance's, to then convey the property to Cal State. In answer to question about the 2.67 acres, he said that property was former Redevelopment property, and as a fire station, it would be designated as a Governmental Purpose. He said that the City has worked with the Dean of Cal State - Palm Desert and the Fire Department on the need for that station, its service area, and the benefits to Cal State - UCR of having it there, but it is not City land currently.

Further responding to inquiry, Mr. Alvarez said it is Palm Desert's intent to exclude the 2.67 acres from the transfer of land to Cal State, listing it as a separate line item on the LRPMP for transfer to the City for a fire station.

CSUSB Vice President Gardner stated that course of action would be the one preferred by Cal State.

Councilman Spiegel moved to, by Minute Motion: 1) Approve the conveyance of real property known as APNs 694-200-001 and portion of 694-160-003, totaling approximately 123 acres, from Successor Agency to the Palm Desert Redevelopment Agency (SAPDRDA) to the Trustees of the California State University (CSU), subject to approval from the State Department of Finance; 2) authorize requiring CSU return to the City for a courtesy review of future development plans. Motion was seconded by CSUSB Vice President Gardner and carried by unanimous vote.

VI. OLD BUSINESS

None

VII. ADJOURNMENT

With University Planning Committee concurrence, Chairman Kroonen adjourned the meeting at 2:24 p.m.

WILLIAM R. KROONEN, CHAIRMAN

ATTEST:

RACHELLE D. KLASSEN, CITY CLERK/SECRETARY
CITY OF PALM DESERT, CALIFORNIA/
UNIVERSITY PLANNING COMMITTEE