

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



**MINUTES  
WEDNESDAY, MARCH 3, 2010  
Council Chamber**

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:07 p.m.

**PLEDGE OF ALLEGIANCE:** Boy Scout Troop 262 led the Pledge.

**INVOCATION:** Father Andrew Green, Church of St. Paul in the Desert, led the Invocation.

**ROLL CALL:**

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

**ABSENT:** None.

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

**PRESENTATIONS:**

Mayor Pougnet presented a Certificate of Recognition to Frenchy's in celebration of their 50th Anniversary.

Mayor Pougnet presented a Certificate of Recognition to Rick Lee, Palm Springs Cable TV Coordinator, for his years of public service to the City of Palm Springs upon his retirement.

Mayor Pougnet provided an update on the recent events in the City: appearance by California Gov. Schwarzenegger and his announcement on Green Energy and jobs in the Coachella Valley, the Interstate 10/Gene Autry Interchange, and Mayor reads Dr. Seuss.

Councilmember Foat provided an update on the Brien O'Brien Shelter benefit and the Oprah Chocolate Show.

Michele Mician, Sustainability Manager, provided an update on the Habitat for Humanity.

Sharon Heider, Director of Parks and Recreation, provided an update on the Black History Month celebration.

**Item No. 2.B.**

Councilmember Mills provided an update on Census 2010.

**REPORT OF CLOSED SESSION:**

The meeting was called to order at 4:30 p.m. and the City Attorney requested the City Council consider adding three Items to posted Closed Session Agenda, pursuant to Cal. Gov. Code Section 54856.9(a), City of Palm Springs v. Cannahelp, Case No. INC 084521, Riverside Superior Court, Indio Division, City of Palm Springs v. West Valley Patients Association, Case No. INC 088933, Riverside Superior Court, Indio Division, City of Palm Springs v. CAPS - Collective Apothecary, Case No. INC 088918, Riverside Superior Court, Indio Division, and stated information regarding the cases was received after the posting of Agenda, and there is an immediate need to hear and/or take action on the Items.

**ACTION:** 1) Make the finding that information on the three cases was received after the posting of the Agenda, and there is an immediate need to hear and/or take action on the Items and add three Items to Closed Session Agenda, pursuant to Cal. Gov. Code Section 54856.9(a), City of Palm Springs v. Cannahelp, Case No. INC 084521, Riverside Superior Court, Indio Division, City of Palm Springs v. West Valley Patients Association, Case No. INC 088933, Riverside Superior Court, Indio Division, City of Palm Springs v. CAPS - Collective Apothecary, Case No. INC 088918, Riverside Superior Court, Indio Division. **Motion Mayor Pougnet, seconded by Mayor Pro Tem Hutcheson and unanimously carried.**

The City Council recessed into Closed Session to discuss Items on the Closed Session Agenda. City Attorney Holland reported the City Council, by unanimous vote, authorized the City Attorney to file an appeal or an appropriate writ in the case titled City of Palm Springs v. Superior Court of Riverside (Palm Springs Investments) Case No. E047460, Cal. App. 4th District.

**ACCEPTANCE OF THE AGENDA:**

City Clerk Thompson requested the City Council take Item 5.C. out of order to be heard immediately following public comment, requested Consent Calendar Item 2.J. be withdrawn from the Agenda, and Item 3.A. be withdrawn from the Agenda and tabled for two weeks.

Mayor Pougnet noted his abstention on Consent Calendar Item 2.B.

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

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

**1. PUBLIC HEARINGS:**

**1.A. DESIGNATION OF THE DE BRABANT HOUSE AS CLASS 1 HISTORIC SITE DESIGNATION 67, LOCATED AT 982 NORTH AVENIDA PALMAS (CASE HSPB 67):**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated March 3, 2010.

Mayor Pougnet opened the public hearing, and no speakers coming forward the public hearing was closed.

Councilmember Mills stated his support for the site as being included as a Class 1 Historic site.

Councilmember Foat thanked the owner for requesting the designation.

**ACTION:** Adopt Resolution No. 22677, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE SINGLE FAMILY DWELLING AND SITE AT 982 NORTH AVENIDA PALMAS AS A CLASS 1 HISTORIC SITE." **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

**PUBLIC COMMENT:**

RICHARD KIP SERATIN, Palm Springs Preservation Foundation, provided an update on the recent Wexler Weekend Event in Palm Springs.

GEORGE ZANDER, Palm Springs, Baristo Neighborhood Organization, requested the City Council approve an asphalt overlay on Baristo Road between Avenida Caballeros and Sunrise Way.

FRANK YOUNG, Rancho Mirage, commented on Item 2.G., and requested the City Council approve the change of address for Desert Organic Solutions.

DON DUNCAN, West Hollywood, commented on Item 2.G., and requested the City Council approve the change of address for Desert Organic Solutions.

GARY CHERLEIN, Rancho Mirage, commented on Item 2.G., and requested the City Council approve the change of address for Desert Organic Solutions.

TODD WARDEN, AQMD, thanked the City for running a video on PSCTV Channel 17 on air quality, and outlined upcoming events and programs from the AQMD.

JOHN PIVINSKI, commented on Item 5.C., and requested the City Council support and fund the Coachella Valley Economic Blueprint.

JESSE DANNER, commented on Item 3.B., commented on the attendance at BID meetings, and spoke in opposition to the Palm Springs Business Improvement District.

STEVE ROSENBERG, Palm Springs, commented on Item 3.A., and submitted questions he would like staff to address.

MARK ADAMS, stated he has submitted to staff a memo regarding his application for a medical cannabis collective, and requested the City Council continue the medical cannabis approval until staff can address his concerns.

RICK PANTELE, commented on the application of CAPS for medical cannabis.

KAY HAZEN, commented on Item 5.C., and requested the City Council support the Coachella Valley Economic Blueprint.

MARK GRABHORN, commented on Item 5.C., and requested the City Council support the Coachella Valley Economic Blueprint.

PRISCILLA SLAGEL, commented on Item 5.A., and requested Avenida Palos Verdes receive an asphalt overlay.

TAMARA STEVENS, PSEDC, commented on Item 5.C., and requested the City Council support the Coachella Valley Economic Blueprint.

JOY MEREDITH, commented on the Special Events and activities in the month of February, commented on Item 3.B., and requested the City Council modify the Business Improvement District fees.

BRIAN WALTER, commented on Item 2.G., and stated his support for the City Council to reconsider the application of CAPS.

ROB WENTHOLA, Rancho Mirage, commented on Item 2.G., and requested the City Council support the address change.

BORIS ROSE, Palm Springs, commented on Item 3.B., requested the City Council address the boundaries and review fees for secondhand merchants.

RODOLFO CASTILLO, Palm Springs, commented on Item 3.B., and requested the City Council support the Business Improvement District.

ROXANNE MISHLER, Palm Springs, commented on Item 3.B., and requested the City Council support the Business Improvement District.

JAMES MARTIN, requested the City Council review his claim against the City due to action by a Palm Springs Police Officer.

The City Council heard Item 5.C. out of order.

**5.C. PRESENTATION BY THE COACHELLA VALLEY ECONOMIC PARTNERSHIP (CVEP) AND DISCUSS THE COACHELLA VALLEY ECONOMIC BLUEPRINT:**

Mayor Kathy DeRosa and representatives of the Coachella Valley Economic Partnership provided an overview of the Coachella Valley Economic Blueprint as outlined in the presentation to the City Council.

Mayor Pougnet requested CVEP address the ramifications if all the Valley cities do not participate and/or financially support the program.

Councilmember Weigel stated this is a perfect example of the "ground up" type of program, requested CVEP address the five year limitation as opposed to much further out in the future.

Councilmember Foat requested CVEP address the marketing plan and or approach, requested CVEP address different funding levels, benefits and participation by the Valley cities.

Mayor Pro Tem Hutcheson stated the City will benefit by working on our own and cooperatively with the other cities, and thanked CVEP for their efforts.

Councilmember Mills stated he believed every city will have to support and benefit from the Economic Blueprint and requested CVEP address priorities for businesses and service providers in the Coachella Valley.

Mayor Pougnet reiterated his support for the Economic Blueprint, commented on the educational component of the program, and stated the time is now and encouraged all cities to participate.

**ACTION:** 1) Direct staff to fund the project from the Economic Recovery and Airport funds as appropriate, in the amount of \$100,000; 2) Strongly recommend the funding be continued for four additional years at \$100,000 per year. **Motion Councilmember Weigel, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

**COUNCILMEMBER COMMENTS:** None.

**CITY MANAGER'S REPORT:**

City Manager Ready requested Sharon Heider, Director of Parks and Recreation provide an update on the activities in the Downtown area, and requested Tammy Perezchica, Downtown Administrator, provide an update on the 350 project.

**2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.D., 2.F., 2.G., 2.H., and 2.I. **Motion Mayor Pro Tem 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 March 3, 2010, City Council Agenda. **Approved as part of the Consent Calendar.**

**2.B. APPROVAL OF MINUTES:**

**ACTION:** Approve the City Council/Community Redevelopment Agency Minutes of February 17, 2010. **Approved as part of the Consent Calendar, noting the abstention of Mayor Pougnet.**

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

**ACTION:** 1) Adopt Resolution No. 22678, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 02-06-10 BY WARRANTS NUMBERED 415421 THROUGH 415462 TOTALING \$60,757.82, LIABILITY CHECKS NUMBERED 1040357 THROUGH 1040377 TOTALING \$138,623.04, FIVE WIRE TRANSFERS FOR \$56,216.24, AND THREE ELECTRONIC ACH DEBITS OF \$1,072,018.33, IN THE AGGREGATE AMOUNT OF \$1,327,615.43, DRAWN ON BANK OF AMERICA;" and 2) Adopt Resolution No. 22679, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1040378 THROUGH 1040612 IN THE AGGREGATE AMOUNT OF \$2,027,962.88, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

**2.D. AMENDMENT NO. 3 TO AGREEMENT NO. A3865 WITH THE BUILDING INDUSTRY ASSOCIATION EXTENDING THE TERM THROUGH MARCH 31, 2014:**

**ACTION:** Approve Amendment No. 3 to Agreement No. A3865 with the Building Industry Association extending the contract term through March 31, 2014; and 2) Authorize the City Manager to execute all necessary documents. A3865. **Approved as part of the Consent Calendar.**

**2.F. STATUS REPORT ON THE APPLICATION BY AGUA CALIENTE BAND OF CAHUILLA INDIANS TO MOVE A PORTION OF WHITEWATER RANCH "INTO TRUST":**

**ACTION:** Direct the Mayor to send a response letter to the United States Department of the Interior, Bureau of Interior Affairs. **Approved as part of the Consent Calendar.**

**2.G. REQUEST BY DESERT ORGANIC SOLUTIONS TO AMEND A REGULATORY PERMIT FOR OPERATING A MEDICAL CANNABIS COOPERATIVE, TRANSFERRING THE PERMIT FROM 19437 NEWHALL ROAD TO 19486 NEWHALL ROAD (CASE MC 09-006 AMND):**

**ACTION:** Amend the regulatory permit for operating a medical cannabis cooperative, transferring the permit from 19437 Newhall Road to 19486 Newhall Road, subject to conditions of approval (MC 09-006 AMND).  
**Approved as part of the Consent Calendar.**

**2.H. ACCEPT THE RESIGNATION OF BJORN AHLSTROM FROM THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION:**

**ACTION:** 1) Accept with regret the resignation of Bjorn Ahlstrom from the Palm Springs International Airport Commission; and 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.**

**2.I. APPROVAL OF A COOPERATIVE AGREEMENT WITH RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT (RCFC) RELATED TO THE BELARDO ROAD BRIDGE OVER TAHQUITZ CREEK:**

**ACTION:** 1) Approve a Cooperative Agreement with the Riverside County Flood Control and Water Conservation District, associated with the construction, operation, and maintenance of the Belardo Road Bridge, Tahquitz Creek Channel, 6-0-00060, Belardo Road Bridge (EP 3247); and 2) Authorize the City Manager to execute all necessary documents. A5942. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.E. STATUS REPORT ON THE LISTING OF CASEY'S JUNE BEETLE AS ENDANGERED SPECIES BY U.S. FISH AND WILDLIFE SERVICE:**

Councilmember Mills requested staff address the reasons why CVAG is not prepared to amend the MSHCP to include the Casey's June Beetle, and requested staff obtain additional information from CVAG, and an analysis and recommendation by staff.

**ACTION:** Receive and File. **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

**2.J. CHANGE ORDER NO. 2 TO AGREEMENT NO. A5895 WITH SIERRA LANDSCAPE COMPANY FOR THE GENE AUTRY TRAIL GATEWAY LANDSCAPE IMPROVEMENT PROJECT (CP 06-03), FEDERAL AID PROJECT NO. ESPLE-5282 (027):**

Withdrawn from the Agenda at the request of staff.

**3. LEGISLATIVE:**

**3.A. PROPOSED AMENDMENT TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO HANDBILLS, PEDDLERS AND SOLICITORS, SOLICITATION ON PRIVATE PROPERTY, AND CHARITABLE SOLICITATION:**

Withdrawn from the Agenda at the request of staff and tabled to March 17, 2010.

The City Council recessed at 8:36 p.m.

The City Council reconvened at 8:45 p.m.

Councilmember Foat stated she owns a business within the boundaries of the BID, would not participate in the discussion and vote, and left Council Chamber.

**3.B. PROPOSED RESTRUCTURING OF THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT IN THE DOWNTOWN AND UPTOWN AREAS OF THE CITY, EFFECTIVE FISCAL YEAR 2010-11:**

Thomas Wilson, Assistant City Manager, provided background information as outlined in the staff report dated March 3, 2010.

Councilmember Weigel stated he would like for the BID to be successful and would like the businesses to support the BID, commented on the number of businesses that would see an increase in fees, and recommends to the City Council a cap of \$500, and increase the City's match for a one-time contribution.

Mayor Pro Tem Hutcheson requested staff address the BID fee as it relates to second hand dealer permits, and stated he is flexible on the amount of the cap.

Councilmember Mills stated he would like the Advisory Board to make recommendations on the boundaries, stated his support for the make-up of the Board, commented on the fees, and requested staff address the balloting.

Mayor Pougnet stated the BID can work, but stating the timing is not correct for the BID, and the merchants cannot support the BID at this time, and recommended tourism spend some additional funds for marketing Downtown.

Mayor Pro Tem Hutcheson stated the businesses should be given the opportunity to support the BID, and stated the City should support it with a \$50,000 one-time payment, and the decrease for most businesses in the BID.



**ACTION:** 1) Waive the reading of the full text of the Ordinance, and introduce by title only; and 2) Introduce for first reading Ordinance No. 1770, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 6 OF ORDINANCE NO. 1709 RELATING TO THE ESTABLISHMENT OF AN ADVISORY BOARD TO THE CITY COUNCIL IN THE ADMINISTRATION OF THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT;" and 3) Direct staff to prepare an ordinance and accompanying resolution(s) modifying the Palm Springs Business Improvement District structure as recommended by staff capping the fee at \$500 per year. **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and carried 3-1 on a roll call vote.**

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

Councilmember Foat returned to the dais.

**4. UNFINISHED BUSINESS:**

**4.A. MUSEUM MARKET PLAZA SPECIFIC PLAN MONTHLY UPDATE:**

Thomas Wilson, Assistant City Manager, provided a verbal update on the Museum Market Plaza Specific Plan.

No action taken.

**5. NEW BUSINESS:**

**5.A. AWARD OF CONTRACT FOR THE FISCAL YEAR 2008-09 AND 2009-10 ANNUAL ASPHALT OVERLAY (CITY PROJECT 08-28):**

David Barakian, City Engineer, provided background information as outlined in the staff report dated March 3, 2010.

Councilmember Foat and Councilmember Weigel recommended the City Council consider repaving Avenida Palos Verdes.

Mayor Pro Tem Hutcheson requested staff earmark funds during the budget for additional street repairs beyond the Proposition A and 1B funding.

**ACTION:** 1) Approve an agreement with Hardy & Harper, Inc., in the amount of \$1,234,000 for the Fiscal Year 2008-09 and 2009-10 Annual Overlay Project, Bid Schedules A through E inclusive (City Project 08-28);

2) Authorize the City Manager to execute all necessary documents; and 3) Direct staff to bring forth an amendment for additional streets including Avenida Palos Verdes. A5943. **Motion Councilmember Weigel, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

**5.B. AWARD OF CONTRACT FOR THE FISCAL YEAR 2009-10 ANNUAL SLURRY SEAL PROJECT (CITY PROJECT 09-13):**

David Barakian, City Engineer, provided background information as outlined in the staff report dated March 3, 2010.

**ACTION:** 1) Approve an agreement with American Asphalt South, Inc. for Bid Schedules A and B, in the amount of \$546,665.40, for the Fiscal Year 2009-10 Annual Slurry Seal Project (City Project 09-13); and 2) Authorize the City Manager to execute all necessary documents. A5944. **Motion Councilmember Mills, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

**5D. CITY OF PALM SPRINGS ECONOMIC RECOVERY PLAN UPDATE AND DISCUSSION OF PROPOSED SHORT AND LONG TERM INITIATIVES:**

Thomas Nolan, Executive Director of Aviation, provided background information on the proposed Air Service Incentive Program.

Councilmember Foat commented on lack of service between PSP and Los Angeles, and PSP and Sacramento, and attracting Southwest Airlines to PSP.

City Manager Ready provided information on the Palm Springs Economic Recovery programs.

Mayor Pro Tem Hutcheson stated the City should include a process to track and report "measurable results" for the Tourism and Hotel Marketing Grant programs.

Councilmember Weigel stated his objections to planting of tree wells with the Economic Recovery program funds.

Councilmember Foat and Councilmember Mills recommended the City Council consider the \$50,000 proposed expenditure for Downtown Tree Well Planting Program.

Councilmember Mills noted his support for the Hotel marketing grant match, and commented on measuring success.

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

Councilmember Foat requested the City Council consider, and the City Manager develop, a program to increase filming activities and marketing in the City of Palm Springs.

Mayor Pro Tem Hutcheson requested the City Council consider, and the City Manager develop, a program for providing leasing information on the buildings in the Downtown area.

No action taken.

**COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:**

Councilmember Foat requested the City Manager provide an update on the progress of the Riverside County Detention Center, and noted the recent death of Luey Su Kim.

Mayor Pougnet noted the recent death of Ann Bryant.

**ADJOURNMENT:** The City Council adjourned, *in memory of Ann Bryant*, at 10:24 p.m. to a Regular Meeting, Wednesday, March 17, 2010, 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 17<sup>TH</sup> DAY OF MARCH, 2010.**

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STEPHEN P. POGNET, MAYOR

ATTEST:

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JAMES THOMPSON, CITY CLERK