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



**MEETING MINUTES  
WEDNESDAY, MAY 2, 2012  
CITY HALL COUNCIL CHAMBER**

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

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

**INVOCATION:** Rabbi Sally Olins, Temple Isaiah, led the Invocation.

**ROLL CALL:**

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

**ABSENT:** None.

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

**PRESENTATIONS:** Mayor Pougnet and the City Council proclaimed May 2012, as Bike Month in the City of Palm Springs, and announced the upcoming Bike Month activities.

Mayor Pougnet provided an update on the recent business grand openings and ribbon cutting anniversary celebrations.

Mayor Pougnet provided an update on the recent Mayor's Race and Healthy Planet, Healthy You Festival and events.

Councilmember Hutcheson and Councilmember Lewin announced the Busch Clydesdales visit to the City of Palm Springs.

Mayor Pro Tem Foat announced the upcoming Cinco de Bow Wow and Meow event at the Palm Springs Animal Shelter.

Mayor Pougnet announced the PSMeasureJ.com website, and the Police and Fire Departments' Appreciation Luncheon.

The City Council received an update on Modernism Week including activities and tourism impact to the City of Palm Springs.

Mayor Pougnet announced the upcoming Marilyn Forever artwork installation in Downtown Palm Springs.

**REPORT OF CLOSED SESSION:** The meeting was called to order at 4:00 p.m., and the following speakers addressed the City Council on items contained on the posted Closed Session Agenda.

COLLEEN WALKER, commented on the lease for the Palm Canyon Theatre.

C. LAYNE, commented on the lease for the Palm Canyon Theatre.

LUKE REINEY, commented on the lease for the Palm Canyon Theatre.

City Attorney Holland stated the City Council recessed into Closed Session to discuss items on the posted Closed Session Agenda. The City Council provided direction to staff and no reportable actions were taken.

**ACCEPTANCE OF THE AGENDA:**

Mayor Pougnet requested Item 2.H. be removed from the Consent Calendar for separate discussion.

Councilmember Hutcheson noted his abstention on Item 2.E., and requested Items 2.I. and 2.J. be removed from the Consent Calendar for separate discussion.

Mayor Pro Tem Foat noted her business related abstention on Item 2.C. Warrant No. 1055657, and requested Item 2.D. be removed from the Consent Calendar.

Councilmember Mills noted his abstention on Item 2.G. and requested Item 2.J. be removed from the Consent Calendar for separate discussion.

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

**1. PUBLIC HEARINGS:**

**1.A. APPEAL OF THE PLANNING COMMISSION DECISION BY GRESHAM SAVAGE NOLAND & TILDEN REPRESENTING LEND LEASE CORPORATION AND 7-ELEVEN STORES, INC. REQUESTING A CONDITIONAL USE PERMIT FOR A CONVENIENCE STORE WITHIN THE SUN CENTER AT 611 SOUTH PALM CANYON DRIVE (CASE 5.1269 CU):**

Appeal withdrawn at the request of the Appellant/Applicant.

**1.B. DESIGNATION OF THE DEL MARCOS HOTEL AT 225 W. BARISTO ROAD AS A CLASS 1 HISTORIC SITE (CASE HSPB 78):**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated May 2, 2012.

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

LAURA RAMSTEAD, Applicant, Del Marcos Hotel, stated the owners and management are in support of the historic designation.

BARBARA MARSHALL, stated her support for the historic nomination and outlined the historic features of the property.

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

The City Council discussed and/or commented on the property: noted a correction on the staff report and the owner's support of the designation.

**ACTION:** Adopt Resolution No. 23128, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE PROPERTY LOCATED AT 225 W. BARISTO ROAD (DEL MARCOS HOTEL) AS A CLASS 1 HISTORIC SITE (CASE HSPB 78)." **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

**PUBLIC COMMENT:**

HAROLD BAUMEA, Palm Springs, commented on the heavy traffic and excessive speed on Via Esquela.

BETTE KING, Palm Springs, announced the upcoming Canada Fest in Palm Springs.

BARBARA HASSON, Palm Springs, announced the upcoming Canada Fest in Palm Springs.

JANE WARNER, Palm Springs, commented on Prop. 29 on the upcoming primary election.

JERROLD THOMPSON, commented on the Palm Springs Zoning Code regulations pertaining to religious institutions.

KEVIN JOHNSON, commented on the Palm Springs Zoning Code regulations pertaining to religious institutions.

DOROTHY BAILEY, Desert Hot Springs, commented on the Sentinel Power Plant and mitigation funding.

KRYSTIE ROGERS, commented on Item 4.A., regarding the Sentinel Power Plant and mitigation funding.

LORRAINE SALAS, commented on Item 4.A., regarding the Sentinel Power Plant and mitigation funding.

DAREL PROPST, commented on Item 4.A., regarding the Sentinel Power Plant and mitigation funding.

TRACY TURNER, commented on Item 4.A., regarding the Sentinel Power Plant and mitigation funding.

LEW STEWART, commented on Item 4.A., regarding the Sentinel Power Plant and mitigation funding.

TOM SWANN, commented on Item 4.A., regarding the Sentinel Power Plant and mitigation funding.

CHRIS WITHAM, Palm Springs, commented on neighborhood theft near Via Olivera and Code Enforcement issues in his neighborhood.

ROBERT TERRY, commented on Item 4.A., regarding the Sentinel Power Plant and mitigation funding.

BOB HELBLING, Palm Springs, commented on the proposed e111 Parkway and the proposed bike path.

RICK PANTELE, commented on the recent medical cannabis license to CAPS and Item 2.J. with respect to medical cannabis cooperatives and collectives.

STEVE MITCHELL, thanked the City Council for issuing a medical cannabis permit to CAPS.

DAVID GRAY, Palm Springs, commented on Item 4.E. regarding the Welwood Murray Memorial Library and requested the City Council initiate the program services components at the Library.

FRANCES KNIGHT, commented on Item 4.C. regarding solar energy production facilities and projects.

LORRAINE SALAS, commented on Item 4.A., regarding the Sentinel Power Plant and mitigation funding.

**COUNCILMEMBER COMMENTS:**

Mayor Pougnet requested staff prepare a resolution of support of Prop. 29, the PSZC pertaining to religious institutions, Event House Term Permits, requested additional information on recent developments on appointees to the Coachella Valley Mosquito and Vector Control District, requested staff address the conditions at Orchid Tree Inn,

advertising trucks parked on city streets, missing and unattended palm trees on Palm Canyon Drive, and requested the City Manager bring an agenda item forward to name the Belardo Bridge.

Mayor Pro Tem Foat requested staff bring an item forward on the agenda and prepare resolution regarding mortgages.

**CITY MANAGER'S REPORT:** None.

**2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.E., 2.F., 2.G., 2.K. and 2.L. **Motion Councilmember Hutcheson, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**2.A. REPORT ON THE POSTING OF THE AGENDA:**

**ACTION:** Receive and file Report on the Posting of the May 2, 2012, City Council Agenda. **Approved as part of the Consent Calendar.**

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

**ACTION:** Approve the City Council Minutes of April 13, 2012, and April 19, 2012. **Approved as part of the Consent Calendar.**

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

**ACTION:** 1) Adopt Resolution No. 23129, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1055394 THROUGH 1055519 IN THE AGGREGATE AMOUNT OF \$1,812,009.37, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23130, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 3-31-12 BY WARRANTS NUMBERED 417338 THROUGH 417364 TOTALING \$43,551.68, LIABILITY CHECKS NUMBERED 1055520 THROUGH 1055544 TOTALING \$122,382.70, FIVE WIRE TRANSFERS FOR \$42,581.80, AND THREE ELECTRONIC ACH DEBITS OF \$1,027,152.37, IN THE AGGREGATE AMOUNT OF \$1,235,668.55, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 23131, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1055545 THROUGH 1055687 IN THE AGGREGATE AMOUNT OF \$1,100,278.21, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the business related abstention of Mayor Pro Tem Foat on Warrant No. 1055657.**

**2.E. SECOND READING AND ADOPTION OF ORDINANCE NO. 1806, TO CHANGE THE ZONING DESIGNATION OF TWO LOTS AT THE**

**NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND SUNRISE WAY FROM C1-AA (LARGE SCALE RETAIL COMMERCIAL) TO C1 (RETAIL COMMERCIAL):**

**ACTION:** Waive further reading and adopt Ordinance No. 1806, "AN ORDINANCE OF THE CITY COUNCIL OF PALM SPRINGS, CALIFORNIA, AMENDING THE ZONING MAP TO CHANGE THE ZONING DESIGNATION OF AN APPROXIMATELY 1.38-ACRE SITE (APNS 502 065 008 and 502 065 018) FROM C-I-AA (LARGE SCALE RETAIL COMMERCIAL) TO C-1 (RETAIL COMMERCIAL), LOCATED AT THE NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND SUNRISE WAY." **Approved as part of the Consent Calendar, noting the abstention of Councilmember Hutcheson.**

**2.F. TREASURER'S INVESTMENT REPORT AS OF MARCH 31, 2012:**

**ACTION:** Receive and file the Treasurer's Investment Report as of March 31, 2012. **Approved as part of the Consent Calendar.**

**2.G. APPROVAL OF AN AGREEMENT AS TO GRANT OF RIGHT-OF-WAY AND FUTURE REIMBURSEMENT RELATED TO THE PALM SPRINGS TENNIS CENTER:**

**ACTION:** 1) Approve an Agreement as to Grant of Right-of-Way and Future Reimbursement related to the Palm Springs Tennis Center, with the Palm Springs Unified School District; 2) Authorize the City Clerk to accept the grant of rights-of-way for Hermosa Drive and Baristo Road from the District; and 3) Authorize the City Manager to execute all necessary documents. A6234. **Approved as part of the Consent Calendar, noting the abstention of Councilmember Mills.**

**2.K. APPROVE AMENDING THE COMPREHENSIVE FEE SCHEDULE FOR A COMMERCIAL SERVICES FEE FOR AIRPORT BASED AIRLINE SUPPORT BUSINESSES:**

**ACTION:** Adopt Resolution No. 23133, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING FEES FOR COMMERCIAL SERVICES AT PALM SPRINGS INTERNATIONAL AIRPORT AND MODIFYING THE COMPREHENSIVE FEE SCHEDULE ADOPTED BY RESOLUTION NO. 21578 AS AMENDED." **Approved as part of the Consent Calendar.**

**2.L. PURCHASE AND INSTALLATION OF THREE (3) AUTOMATIC DOORS AT THE PALM SPRINGS INTERNATIONAL AIRPORT FROM MAGIK GLASS AND DOOR OF PALM SPRINGS IN THE AMOUNT OF \$26,992:**

**ACTION:** Approve the purchase and installation of three (3) new automatic doors at the Palm Springs International Airport from Magik Glass and Door of Palm Springs in the amount of \$26,992, pursuant to the terms and conditions of RFQ 2012-04; and 2) Authorize the City Manager

to execute all necessary documents. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.D. AGREEMENT WITH R ROBLES PIPELINE LAYING, INC. FOR ROADSIDE MAINTENANCE SERVICES:**

**ACTION:** 1) Approve an agreement with R Robles Pipeline Laying, Inc. for roadside maintenance services for three years with two one-year extensions in an annual amount of \$63,652.00; and 2) Authorize the City Manager to execute all necessary documents. A6233. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and carried 4-1 on a roll call vote.**

**AYES:** Councilmember Hutcheson, Councilmember Lewin, Councilmember Mills, and Mayor Pougnet.

**NOES:** Mayor Pro Tem Foat.

**2.H. ESTABLISHMENT OF A NEW CAPITAL PROJECT FUND TO BE NAMED THE MEASURE J FUND:**

**ACTION:** Adopt Resolution No. 23132, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE ESTABLISHMENT OF A NEW CAPITAL PROJECTS FUND TO BE CALLED THE MEASURE J FUND, AND AUTHORIZING THE DIRECTOR OF FINANCE TO CREATE THE APPROPRIATE ACTIVITIES (COST CENTERS) AND ACCOUNT NUMBERS." **Motion Mayor Pro Tem Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**2.I. AGREEMENT WITH PAVEMENT COATINGS CO. FOR THE FISCAL YEAR 2011-12 ANNUAL SLURRY SEAL IN THE AMOUNT OF \$581,310.76 FOR BID SCHEDULES A AND B (CP 11-05):**

**ACTION:** 1) Approve an agreement with Pavement Coatings Co., for the 2011-12 Annual Slurry Seal in the amount of \$581,310.76 for Bid Schedules A and B (CP 11-05); and 2) Authorize the City Manager to execute all necessary documents. A6235. **Motion Councilmember Hutcheson, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**2.J. INITIATE DRAFT ZONE TEXT AMENDMENT AMENDING SUBSECTION F OF SECTION 93.23.15 OF THE PALM SPRINGS ZONING CODE INCREASING THE NUMBER OF PERMITTED MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES ALLOWED IN THE CITY FROM 3 TO 4 AND REFER SUCH AMENDMENT TO THE PLANNING COMMISSION:**

The City Council commented and/or discussed the following with respect to the proposed ordinance: requested staff address separation of sensitive uses, lack of information and audits on the current cooperatives, possibility of including a sales tax on medical cannabis, risky elements that may be associated with medical

cannabis, rules that prohibit a concentration of medical cannabis in one area, the services to the City of Palm Springs, and the City of Palm Springs is the only City in the Coachella Valley that allows medical cannabis.

**ACTION:** 1) Initiate a zone text amendment pursuant to Palm Springs Zoning Code Section 94.07.01.a.1.b to study and amend Section 93.23.15 of the Palm Springs Zoning Code relating to medical cannabis cooperatives and collectives; and 2) Refer the ordinance to the Palm Springs Planning Commission. **Motion Mayor Pro Tem Foat, seconded by Councilmember Lewin and carried 3-1 on a roll call vote.**

**AYES:** Councilmember Lewin, Mayor Pro Tem Foat, and Mayor Pougnet.  
**NOES:** Councilmember Mills.  
**ABSTAIN:** Councilmember Hutcheson.

**3. LEGISLATIVE:**

**3.A. PROPOSED ORDINANCE INCREASING THE NUMBER OF MEMBERS ON THE MEASURE "J" OVERSIGHT COMMISSION TO NINE MEMBERS AND TWO ALTERNATE MEMBERS:**

City Clerk Thompson provided background information as outlined in the staff report dated May 2, 2012.

The City Council discussed and/or commented on the following with respect to the proposed ordinance: consider appointing the 10-members on the Post Interview List to the Commission with the alternate being determined by random lot, each Councilmember to provide to the City Clerk a name for consideration for the second alternate, amending the ordinance to provide that an alternate may vote if a primary member is absent or unable to vote, and a quorum consisting of five members.

**ACTION:** Waive the reading of the full text of the Ordinance, and introduce by title Ordinance No. 1807, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 2.59.010 AND 2.59.020 OF THE PALM SPRINGS MUNICIPAL CODE, INCREASING THE NUMBER OF MEMBERS ON THE MEASURE "J" OVERSIGHT COMMISSION TO NINE AND TWO ALTERNATE MEMBERS" *amending the Ordinance to provide that alternate members may vote on subcommittees they are appointed to and alternate members may vote if the full nine primary members are unable to vote.* **Motion Mayor Pro Tem Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**



**4. UNFINISHED BUSINESS:**

**4.A. PROGRESS REPORT AND UPDATE FROM THE CITY COUNCIL MUSEUM MARKET PLAZA PROJECT AD HOC SUBCOMMITTEE:**

Mayor Pougnet provided a brief report on the progress and status of the Museum Market Plaza Project.

No action taken.

**4.B. AMENDMENT AND TRANSMITTAL OF RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE (ROPS) PURSUANT TO SECTION 34169(g)(1) OF THE CALIFORNIA HEALTH & SAFETY CODE:**

John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated May 2, 2012.

**ACTION:** Adopt Resolution No. 23134, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING SOLELY IN ITS CAPACITY AS THE SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY AUTHORIZING THE APPROVAL AND TRANSMITTAL OF A RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE (ROPS) PURSUANT TO AB X1 26." **Motion Mayor Pro Tem Foat, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

**4.C. PUBLIC ART FEES FOR LARGE SOLAR ENERGY PRODUCTION FACILITIES AND PROJECTS:**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated May 2, 2012.

The City Council discussed and/or commented on the following with respect to fees for solar energy production facilities: the allowed areas per the zoning regulations of solar facilities, property tax payments and other exemptions to taxation and fees for solar energy facilities, and the acreage-based calculation method at an increase per acre.

**ACTION:** Direct staff to prepare a resolution amending the comprehensive fee schedule for large solar energy production facilities and projects on the acreage-based calculation method at \$4,000 per acre. **Motion Councilmember Lewin, seconded by Councilmember Mills and carried 4-1 on a roll call vote.**

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

**NOES:** Councilmember Hutcheson.

Councilmember Hutcheson and Councilmember Mills stated they have a property ownership conflict of interest with respect to Item 4.D., would not participate in the discussion or the vote, and left Council Chamber.

**4.D. DISCUSSION OF POTENTIAL PROJECTS FOR THE AIR QUALITY MANAGEMENT DISTRICT (AQMD) GRANT APPLICATION FOR THE SENTINEL POWER PLANT MITIGATION FUNDING:**

David Barakian, City Engineer, provided background information as outlined in the staff report dated May 2, 2012.

The City Council discussed and/or commented on the following: doubling the amount of funding for residential solar and residential cool roof coating, adding commercial component to the solar and roof coating programs, matching grant requirements, the priority of projects, projects that meet the criteria of the grant requirements, and matching funds for residential solar, perhaps as a "means" test, and a 50% match for cool roof coating.

**ACTION:** Identify the final list of projects to submit to AQMD: 1) Desert Highland Center; 2) Fire Station No. 3; 3) Train Station; 4) Visitor Center; 5) Residential Solar at \$2,500,000 including an owner match to qualify based on a "means" test including assets and income; and 6) Residential Cool Roof Coating, including a 50% owner match to qualify, at \$2,500,000. **Motion Councilmember Lewin, seconded by Mayor Pro Tem Foat and unanimously carried 3-0 on a roll call vote.**

**AYES:** Councilmember Lewin, Mayor Pro Tem Foat, and Mayor Pougnet.

**NOES:** None.

**ABSENT:** Councilmember Hutcheson and Councilmember Mills.

Councilmember Hutcheson and Councilmember Mills returned to the dais.

**4.E. WELWOOD MURRAY MEMORIAL REFERENCE LIBRARY AND GIFT SHOP PROJECT:**

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated May 2, 2012.

Mayor Pougnet requested the City Staff request the Library Board to provide funding, and stated under the concepts provided by City Staff a lead organization needs to take charge of the facility.

**ACTION:** Direct staff to proceed with the renovation process and initiate the program service components of the Welwood Murray Memorial

Library. Motion Councilmember Mills, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.

**5. NEW BUSINESS:**

**5.A. PRESENTATION AND DISCUSSION OF THE DRAFT FISCAL YEAR 2012-13 BUDGET INCLUDING GENERAL FUND SPECIAL EVENTS, ENTERPRISE FUNDS, SUCCESSOR AGENCY FOR THE COMMUNITY REDEVELOPMENT AGENCY, SPECIAL REVENUE FUNDS, AND INTERNAL SERVICE FUNDS:**

City Manager Ready and Geoffrey Kiehl, Director of Finance, provided background information as outlined in the staff report dated May 2, 2012.

The City Council discussed and/or commented on the following with respect to the budget: elimination of the Marine Band Concert, September 11th and Magic of Christmas special events, the priority of Capital Projects proposed from General Fund Balance, ensuring the Street Sweeper included in the Airport Capital Projects is CNG fueled per policy, Airport Administration costs, and the costs associated with some of the Sustainability Programs.

No action taken.

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

Councilmember Mills requested staff review large building murals as part of the Palm Springs Zoning Code, and stated perhaps the murals, may in some cases, be treated as public art and not as signage.

Mayor Pougnet requested our thoughts go to Diane Marantz and noted Shelly Saunders' upcoming birthday celebration.

**ADJOURNMENT:** The City Council adjourned at 9:34 p.m. to the Regular Meeting Wednesday, May 16, 2012, at 6:00 P.M. Council Chamber, City Hall, preceded by 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 16<sup>TH</sup> DAY OF MAY, 2012.**

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STEPHEN P. POGNET, MAYOR

ATTEST:

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JAMES THOMPSON, CITY CLERK

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



**MEETING MINUTES  
WEDNESDAY, APRIL 18, 2012  
CITY HALL COUNCIL CHAMBER**

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:08 p.m.

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

**INVOCATION:** Rev. Judith Doyle, Religious Minister, led the Invocation.

**ROLL CALL:**

**PRESENT:** Councilmember Hutcheson, Councilmember Lewin, Councilmember Mills, Mayor Pro Tem Foat, 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 Certificate of Appreciation to Barbara Roberts, Director of Library Services, for her service to the City.

Mayor Pougnet and the City Council proclaimed May, 2012 as DMV Donate Life Month in the City of Palm Springs.

Mayor Pougnet and the City Council proclaimed May, 2012 as Mental Health Month in the City of Palm Springs.

Fire Chief Ventura announced the Fire Department promotion and the 2012 Firefighter of the year award.

Tom Flavan, CVEP, provided an update on the activities of CVEP.

Mayor Pougnet announced new businesses opening in Uptown Palm Springs, an update on PSMeasureJ.com, the events for the upcoming 2012 Mayor's Race, Earth Day Fest 2012, and the upcoming 2012 Digicom.

**REPORT OF CLOSED SESSION:** City Attorney Holland stated the meeting was called to order at 4:00 p.m. 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 requested the City Council table Item 4.C. to the May 2, 2012, City Council meeting.

Councilmember Lewin requested Item 2.D. be removed from the Consent Calendar for separate discussion.

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

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

### **1. PUBLIC HEARINGS:**

#### **1.A. PROPOSITION 218 MAJORITY PROTEST HEARING ON THE MATTER OF INCREASING SEWER SERVICE RATES:**

Marcus Fuller, Assistant Public Works Director, provided background information as outlined in the staff report dated April 18, 2012.

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

DONALD RICHROATH, Palm Springs, requested the City Council review other funding sources for the sewer improvements as opposed to rate increases.

TIM RADIGAN-BROPHY, requested the City Council review and fix rates in proportion to sewer rate increases with a tiered system.

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

City Clerk Thompson reported the results of the protest proceedings as follows: 26,630 parcels, 62 protest received, and stated as such a majority protest does not exist, and the City Council may proceed with the rate increase by the adoption of the resolution.

The City Council discussed and/or commented on the following: the last charge increase, the rate as compared with other cities in the state, the multi-family or a tiered rate, the process for a connection fee, tier the rate in the 6th year, odor elimination by the capital improvement plan, and the specifics of the rate increase.

**ACTION:** Adopt Resolution No. 23120, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA,

APPROVING INCREASED SEWER SERVICE CHARGES EFFECTIVE JULY 1, 2012;" *amending Exhibit A to correct the 2012 rate for septage dumping fee outside of the City limits to \$81.08. Motion Mayor Pro Tem Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.*

**1.B. APPEAL OF THE PLANNING COMMISSION DECISION BY BEST SIGNS, INC. REPRESENTING LUNDIN DEVELOPMENT REQUESTING A SIGN PROGRAM AMENDMENT TO ALLOW ADDITIONAL TENANT IDENTIFICATION ON THE EXISTING MONUMENT SIGNS AT THE RALPHS CVS PHARMACY SHOPPING CENTER LOCATED AT 425 SOUTH SUNRISE WAY (CASE SP 06-084):**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated April 18, 2012.

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

GREG BEVER, Lundin Development Co., provided historical information on the development and the challenges due to the parcel shape, size, and location, and requested the City Council approve the sign program.

JESSE CROSS, Best Signs, noted the process and discussion with the Architectural Advisory Committee and the Planning Commission, commented on the challenges due to the parcel characteristics, and requested the City Council approve the sign program.

RICK DIODATI, noted the challenges to local businesses in the development due to the lack of signage.

GRACE OCASIO, noted the challenges to local businesses in the development due to the lack of signage.

GREG BEVER, Rebuttal, stated the request does not add any additional square footage, and requested the City Council approve the sign program.

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

Mayor Pro Tem Foat requested the developer address the selection of businesses included on the sign, and requested staff address the purported controversy over the existing sign.

Councilmember Mills requested staff address the size of the proposed signs, if a sign program allows for modification of the anchor sign, provided some history of the development of the site, commented on the lack of street exposure at the development, and stated his support for a

modification, but requested the City Council consider that if a store has street frontage they not be allowed on the monument sign, and requested the City Council require a higher quality of sign and better detailed sign.

Councilmember Hutcheson stated his support for additional exposure for those businesses that do not have street frontage.

Mayor Pougnet stated his support for the proposed sign program, noted some issues due to the street frontage, but would request the developer be allowed to determine the businesses that are placed on the sign.

Mayor Pro Tem Foat stated her support for a requirement for a higher quality sign, stated the businesses that have street frontage should not be placed on the sign, supported some restrictions on the placement of logos on the signage, and requested staff address the Sunrise exit and the placement of the median.

Councilmember Lewin stated his support for a higher quality sign, and stated the City should not dictate who can be placed on the sign.

Councilmember Mills requested the City Council consider granting the appeal, stated the proposed signs should not be limited to 50 square feet, each tenant sign shall be individually identified, Architectural Advisory Committee to review the quality of sign with final approval by the Planning Commission.

Mayor Pougnet stated he would not be in favor of Councilmember Mills' proposal only due to the fact that he feels the City should not dictate who should be allowed to advertise on the proposed signs.

**ACTION:** 1) Overturn the decision of the Planning Commission and grant the appeal by allowing two monument signs as follows: i) monument signs may be larger than fifty square feet in size per side for a better quality design, ii) each tenant sign shall be individually identified and not be a placard-type sign, iii) only tenants without street frontage shall be allowed on the monument signs, and iv) the design of the monument signs shall be reviewed by the Architectural Advisory Committee with final approval by the Planning Commission. **Motion Councilmember Mills, seconded by Mayor Pro Tem Foat and carried 4-1 on a roll call vote.**

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

**NOES:** Mayor Pougnet.

**1.C. PROPOSED ISSUANCE OF TAX-EXEMPT MOBILE HOME PARK REVENUE BONDS BY THE INDEPENDENT CITIES FINANCE**

**AUTHORITY NOT TO EXCEED \$15,500,000 AGGREGATE PRINCIPAL AMOUNT FOR THE BENEFIT OF THE MILLENNIUM HOUSING LLC, A CALIFORNIA LIMITED LIABILITY COMPANY FOR THE ACQUISITION AND RENOVATION OF A 254-SPACE MOBILE HOME PARK KNOWN AS THE SAHARA MOBILE HOME PARK AT 1955 SOUTH CAMINO REAL:**

John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated April 18, 2012.

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

**ACTION:** 1) Adopt Resolution No. 23121, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING, AUTHORIZING, AND DIRECTING EXECUTION OF AN ASSOCIATE MEMBERSHIP AGREEMENT WITH THE INDEPENDENT CITIES FINANCE AUTHORITY AND APPROVING THE ISSUANCE OF BONDS BY THE AUTHORITY WITH RESPECT TO THE SAHARA MOBILE HOME PARK AT 1955 SOUTH CAMINO REAL;" 2) Adopt Resolution No. 23122, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING, AUTHORIZING, AND DIRECTING EXECUTION OF A RELEASE OF REGULATORY AGREEMENT AND DECLARATION OF RESTRICTIVE COVENANTS WITH MILLENNIUM HOUSING CORPORATION FOR THE REFINANCING OF A 254-SPACE MOBILE HOME PARK KNOWN AS SAHARA MOBILE HOME PARK AT 1955 SOUTH CAMINO REAL;" 3) Adopt Resolution No. 23123, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING SOLELY IN ITS CAPACITY AS HOUSING SUCCESSOR AGENCY, APPROVING, AUTHORIZING, AND DIRECTING EXECUTION OF AN ASSIGNMENT AND ASSUMPTION AGREEMENT BY AND AMONG MILLENNIUM HOUSING CORPORATION, (THE "ASSIGNOR") AND MILLENNIUM HOUSING LLC, WITH RESPECT TO CERTAIN LOANS PREVIOUSLY MADE BY THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS TO ASSIST IN FINANCING THE REHABILITATION OF THE SAHARA MOBILE HOME PARK AT 1955 SOUTH CAMINO REAL;" 4) Adopt Resolution No. 23124, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING SOLELY IN ITS CAPACITY AS HOUSING SUCCESSOR AGENCY, APPROVING, AUTHORIZING, AND DIRECTING EXECUTION OF A SUBORDINATION AGREEMENT WITH UNION BANK WITH RESPECT TO CERTAIN LOANS PREVIOUSLY MADE BY THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS TO ASSIST IN FINANCING THE REHABILITATION OF THE SAHARA MOBILE HOME PARK;" and 5)



Authorize the City Manager to execute all necessary documents. A6230.  
**Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

**PUBLIC COMMENT:**

DAVID GRAY, Palm Springs, requested the City Council support Item 2.B. regarding the purchase of equipment for the Palm Springs Library.

RICHARD CAMPBELL, Palm Springs, commented on Earth Day and the cleanup OF a local parcel, and commented on the maintenance issues at Whispering Palms Apartments and commencement of a Neighborhood Watch Group.

NANCY STUART, provided a report on the activities at the Palm Springs Aerial Tramway.

CRAIG SYKES, Palm Springs, commented on the safety issues at Whispering Palms Apartments.

JIM STUART, commented on problems with medical cannabis store fronts.

ROBERT ANZOVINO, Palm Springs, commented on litigation he currently has with the City.

MATTHEW BOUSQUETTE, Palm Springs, stated he has been a crime victim seven times in the City of Palm Springs and requested the City Council address solving of crimes, requested the City Council remove the trailer on the Port Lawrence development site, and commented on the Measure "J" Oversight Commission and the need to assist other property owners Downtown.

STEVE ROSENBERG, Palm Springs, commented on the preliminary Fiscal Year 2012-13 Budget, noted the success and growth at the Palm Springs International Airport, requested the City Council consider the restoration of full-time hours of the City staff.

JERRY JOHNSON, requested the City Council support Item 2.C. regarding VIP Motor Cars.

**COUNCILMEMBER COMMENTS:**

Mayor Pougnet requested staff address the removal of the trailer at the Port Lawrence site, and commented on the selection process for the Measure "J" Oversight Commission.

**CITY MANAGER'S REPORT:** None.

**2. CONSENT CALENDAR:**

**ACTION:** Approve Items 2.A. and 2.B. **Motion Councilmember Mills, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

**2.A. REPORT ON THE POSTING OF THE AGENDA:**

**ACTION:** Receive and file Report on the Posting of the April 18, 2012, City Council Agenda. **Approved as part of the Consent Calendar.**

**2.B. AGREEMENT WITH MK SORTING SYSTEMS FOR THE PURCHASE AND INSTALLATION OF AN AUTOMATED MATERIALS HANDLING SYSTEM AND COMPLETION OF THE RADIO FREQUENCY IDENTIFICATION SYSTEM FOR ALL LIBRARY MATERIALS:**

**ACTION:** 1) Approve an agreement with mk Sorting Systems for the purchase and installation of an automated materials handling system and the completion of the radio frequency material identification system in the amount of \$359,201.19; and 2) Authorize the City Manager to execute all necessary documents. A6231. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.C. VIP MOTORCARS REQUESTING APPROVAL OF A SPECIAL SIGN DISTRICT TO FACILITATE EXISTING AND FUTURE SIGNAGE FOR THE FOUR AUTOMOBILE DEALERSHIPS LOCATED AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND CHEROKEE WAY (CASE NO. SP 10-007):**

Councilmember Mills requested the City Council consider a minor amendment to the program, and requested the Mercedes-Benz sign be required to be on a curved surface.

**ACTION:** Adopt Resolution No. 23125, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A SPECIAL SIGN DISTRICT TO FACILITATE EXISTING AND PROPOSED SIGNAGE FOR THE FOUR AUTOMOBILE DEALERSHIPS LOCATED AT 3737, 3919, 4057 AND 4095 EAST PALM CANYON DRIVE." **Motion Mayor Pro Tem Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

**2.D. APPLICATION FOR CALTRANS BICYCLE TRANSPORTATION ACCOUNT (BTA) GRANT FUNDS AND ALLOCATION OF MATCHING FUNDING IN AN AMOUNT NOT TO EXCEED \$50,000:**

Councilmember Lewin thanked staff for the work necessary to obtain the grants.

**ACTION:** 1) Adopt Resolution No. 23126, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, IN SUPPORT OF APPROVING SUBMISSION OF A CALTRANS BICYCLE TRANSPORTATION ACCOUNT (BTA) GRANT APPLICATION, NOTICE OF EXEMPTION, AND ALLOCATION OF TEN PERCENT (10%) OF THE PROJECT COST AS MATCHING FUND;" and 2) Authorize the City Manager to execute all necessary documents. A6232. **Motion Councilmember Mills, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

4.A. **APPROVE AN AMENDMENT TO THE PROJECT FINANCING AGREEMENT WITH PALM SPRINGS PROMENADE, LLC TO PROVIDE FOR THE SIMULTANEOUS CLOSING WITH THE CITY OF PALM SPRINGS 2012 LEASE REVENUE BONDS FOR THE REDEVELOPMENT OF CERTAIN REAL PROPERTY AT 123 NORTH PALM CANYON DRIVE:**

City Attorney Holland provided background information as outlined in the staff report dated April 18, 2012.

**ACTION:** 1) Approve Amendment No. 1 to the Project Financing Agreement No. A6144 with Palm Springs Promenade, LLC to provide for the simultaneous closing with the City of Palm Springs 2012 Lease Revenue Bonds; and 2) Authorize the City Manager to execute all documents to effectuate the Amendment. A6144. **Motion Councilmember Mills, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

4.B. **AWARD A MEDICAL CANNABIS COLLECTIVE/COOPERATIVE PERMIT TO CAPS COLLECTIVE APOTHECARY, INC. LOCATED AT 4050 AIRPORT CENTER DRIVE (CASE NO. 09-003MC):**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated April 18, 2012.

Councilmember Mills requested staff address the process regarding an operator's compliance with the ordinance.

**ACTION:** Adopt Resolution No. 23127, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A MEDICAL CANNABIS COLLECTIVE/COOPERATIVE PERMIT TO CAPS COLLECTIVE APOTHECARY, INC., AT 4050 AIRPORT CENTER DRIVE, SUITE C (CASE NO. 09-003MC). **Motion Mayor Pro Tem Foat, seconded by Mayor Pougnet and carried 4-1 on a roll call vote.**

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

**4.C. REVIEW DRAFT ORDINANCES AND INITIATE A ZONE TEXT AMENDMENT TO AMEND SECTION 93.23.15 OF THE PALM SPRINGS ZONING CODE RELATING TO MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES:**

Item tabled with no discussion or action taken.

**5. NEW BUSINESS:**

**5.A. PRESENTATION AND DISCUSSION OF THE PRELIMINARY FISCAL YEAR 2012-13 GENERAL FUND BUDGET AND FISCAL YEAR 2011-12 3RD QUARTER UPDATE:**

Geoffrey Kiehl, Director of Finance, presented the 2012-13 General Fund Budget and provided an update on the 3rd Quarter of Fiscal Year 2011-12.

No action taken.

**5.B. PUBLIC ART FEES FOR LARGE SOLAR ENERGY PRODUCTION FACILITIES AND PROJECTS:**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated April 18, 2012.

The City Council discussed and/or commented on the following with respect to Public Art fees for large solar energy production facilities and projects: comparable Public Art fee for wind energy, fee as calculated is not sufficient to cover costs, increasing the fee using some other calculation, and amount of opportunity costs for the large use of the land, and fee based on the area of the solar panels.

No action taken.

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

Mayor Pougnet announced the upcoming Mayor's Wellness Race.

**ADJOURNMENT:** The City Council adjourned at 8:48 p.m. to Thursday, April 19, 2012, at 9:00 a.m. Large Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs. The next regular meeting of the City Council will be held on Wednesday, May 2, 2012, at 6:00 p.m., Council Chamber, 3200 East Tahquitz Canyon Way, Palm

Springs, preceded by 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  
16<sup>TH</sup> DAY OF MAY, 2012.**

\_\_\_\_\_  
STEPHEN P. POUCKET, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK

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



**MEETING MINUTES  
WEDNESDAY, APRIL 11, 2012  
CITY HALL COUNCIL CHAMBER**

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:11 p.m.

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

**INVOCATION:** Father Robert A. Finamore, Retired, St. Theresa Church, led the Invocation.

**ROLL CALL:**

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

**ABSENT:** None.

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

**PRESENTATIONS:** Mayor Pougnet and the City Council proclaimed the month of April, 2012 as Child Abuse Prevention Month in the City of Palm Springs.

Mayor Pougnet and the City Council proclaimed the week of April 9 to 14, 2012, as Community Development Week in the City of Palm Springs.

Mayor Pougnet and the City Council recognized Mickey Shepherd for his Senior Inspiration Award.

Michele Mician, Sustainability Manager, announced the City was awarded the Energy All Star Award from The Center for Sustainable Energy.

Councilmember Lewin and Councilmember Mills provided an update on the recent PSNIC Annual Picnic.

Mayor Pro Tem Foat provided an update on the recent Dinah Shore Weekend in the City of Palm Springs.

Councilmember Hutcheson and Councilmember Lewin provided an update on the recent White Party events in the City of Palm Springs.

Mayor Pougnet announced the upcoming Mayor's Race events and activities, provided an update on the Desert Fashion Plaza, the Measure "J" Oversight Commission Interviews and PSMeasureJ.com.

Palm Springs Resorts presented the City Council with an update on the events planned by the non-profit agency, including the proposed Marilyn Forever display public artwork installation in Downtown Palm Springs.

**REPORT OF CLOSED SESSION:** City Attorney Holland stated the meeting was called to order at 4:00 p.m. 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:**

Mayor Pro Tem Foat noted her abstention on Item 2.C. Warrant No. 1055114 and requested Item 2.L. be removed from the Consent Calendar for separate discussion.

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

Councilmember Hutcheson requested Item 2.M. be removed from the Consent Calendar for separate discussion.

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

**1. PUBLIC HEARINGS:**

Mayor Pro Tem Foat stated she has a conflict of interest with respect to Item 1.A., would not participate in the discussion or the vote, and left Council Chamber.

**1.A. 38TH PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT 2012-13 ANNUAL ACTION PLAN AND CDBG BUDGET APPROVAL, AUTHORIZATION TO SUBMIT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT NO. B-12-MC-06-0561 IN THE AMOUNT OF \$311,205 AND APPROVING SUBRECIPIENT AGREEMENTS:**

Dale Cook, Community and Economic Development Administrator, provided background information as outlined in the staff report dated April 11, 2012.

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

**ACTION:** 1) Adopt Resolution No. 23107, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE 2012-13 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN, APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET FOR FISCAL YEAR 2012-13, AUTHORIZING THE SUBMITTAL OF THE PLAN AND BUDGET TO THE UNITED STATES DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (HUD), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROVAL/AGREEMENT WITH HUD (GRANT NO. B-12-MC-06-0561) IN THE AMOUNT OF \$311,205 AND THE SUBRECIPIENT AGREEMENTS;" 2) Adopt Resolution No. 23108, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2011-12 TO TRANSFER ADDITIONAL FUNDING FOR THE HOME REPAIR PROGRAM RELATING TO COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING;" and 3) Approve the following Subrecipient Agreements and City Departments' Memoranda of Understanding in a form acceptable to the City Attorney, and authorize the City Manager to execute all necessary documents. A5814.

City of Palm Springs Department of Public Works and Engineering Arnico Tract Sewer Improvements \$145,689	A6217
Desert AIDS Project Energy-Efficiency Roofing Upgrade \$85,000	A6218
City of Palm Springs Department of Parks and Recreation James O. Jessie Desert Highland Unity Center Parking Lot Improvements \$98,635	A6219
Mizell Senior Center Office and Energy Efficiency Upgrades \$21,000	A6220
Independent Living Partnership TRIP Volunteer Driver Program \$15,561	A6221
Fair Housing Council of Riverside Fair Housing Services \$15,560	A6222
AIDS Assistance Program Home Bound Grocery Delivery Program \$15,560	A6223
City of Palm Springs Department of Community & Economic Development Home Repair Program \$18,233	A6224



**Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

**AYES:** Councilmember Hutcheson, Councilmember Lewin, Councilmember Mills, and Mayor Pougnet.

**NOES:** None.

**ABSENT:** Mayor Pro Tem Foat.

Mayor Pro Tem Foat returned to the dais.

**1.B JOINT PUBLIC HEARING ITEM OF THE CITY COUNCIL AND THE FINANCING AUTHORITY PROPOSED ISSUANCE OF THE 2012 LEASE REVENUE BONDS (DOWNTOWN REVITALIZATION PROJECT):**

Suzanne Harrell, City's Financial Consultant, and John Kim, De La Rosa and Company, Bond Underwriters, provided background information as outlined in the staff report dated April 11, 2012.

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

STEVE ROSENBERG, Palm Springs, stated the bold plan is ready to move forward and stated his support for the issuance of the bonds.

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

**ACTION:** (CITY COUNCIL) 1) Adopt Resolution No. 23109, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING SITE LEASE AND LEASE AGREEMENT IN CONNECTION WITH THE ISSUANCE OF THE CITY OF PALM SPRINGS FINANCING AUTHORITY LEASE REVENUE BONDS, 2012 SERIES B (DOWNTOWN REVITALIZATION PROJECT) NOT TO EXCEED \$47 MILLION, APPROVING SALE OF SUCH BONDS AND OFFICIAL STATEMENT AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO." **Motion Mayor Pro Tem Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**ACTION:** (FINANCING AUTHORITY) Adopt Resolution No. 38, "A RESOLUTION OF THE CITY OF PALM SPRINGS FINANCING AUTHORITY AUTHORIZING ISSUANCE OF CITY OF PALM SPRINGS FINANCING AUTHORITY LEASE REVENUE BONDS, 2012 SERIES B (DOWNTOWN REVITALIZATION PROJECT) NOT TO EXCEED \$47 MILLION, APPROVING AND AUTHORIZING AND DIRECTING EXECUTION OF INDENTURE OF TRUST AND OTHER DOCUMENTS

RELATING THERETO, AUTHORIZING SALE OF SUCH BONDS, APPROVING OFFICIAL STATEMENT AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO." **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

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

**1.C. CHANGE THE ZONE DESIGNATION OF TWO LOTS AT THE NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND SUNRISE WAY FROM C1-AA (LARGE SCALE RETAIL COMMERCIAL) TO C1 (RETAIL COMMERCIAL) WESSMAN HOLDINGS LLC:**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated April 11, 2012.

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

**ACTION:** 1) Waive reading of the full text of the ordinance and introduce by title only; and 2) Introduce on first reading Ordinance No. 1806, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE ZONING MAP TO CHANGE THE ZONING DESIGNATION OF AN APPROXIMATELY 1.38-ACRE SITE (APNS 502 065 008 and 502 065 018) FROM C-1-AA (LARGE SCALE RETAIL COMMERCIAL) TO C-1 (RETAIL COMMERCIAL), THE SITE IS LOCATED AT THE NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND SUNRISE WAY" **Motion Councilmember Lewin, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Hutcheson.

Councilmember Hutcheson returned to the dais.

**PUBLIC COMMENT:**

PHYLLIS CLAIRE BURGESS, Palm Springs, commented on the redevelopment of the Desert Fashion Plaza.

TOM ADAMO, Palm Springs, commented on the redevelopment of the Downtown and Uptown areas of Palm Springs and requested support of the BID.

MICHAEL W. RICE, commented on Item 5.D. regarding the available permit to operate a medical cannabis collective/cooperative.

PETER AND ALAN LIVRERI, commented on Item 5.D. regarding the available permit to operate a medical cannabis collective/cooperative.

ROBERT VAN ROO, commented on Item 5.D. regarding the available permit to operate a medical cannabis collective/cooperative.

ALICE JENSEN, commented on Item 5.D. regarding the available permit to operate a medical cannabis collective/cooperative.

KEITH MCCORMICK, commented on the Palm Springs Business Improvement District and requested the City Council support funding for the BID.

TIM RADIGAN, commented on the upcoming proposed sewer rate increase.

RICK PANTELE, commented on Item 5.D. regarding the available permit to operate a medical cannabis collective/cooperative.

LANNY SWERDLOW, Palm Springs, commented on Item 5.D. regarding the available permit to operate a medical cannabis collective/cooperative.

KURT HANDSHUH, commented on Item 5.D. regarding the available permit to operate a medical cannabis collective/cooperative.

#### **COUNCILMEMBER COMMENTS:**

Mayor Pro Tem Foat requested City staff review the use of i-Pads for City Council meetings.

Mayor Pougnet requested an Item be placed on the next Agenda for the naming of the Belardo Bridge, and commented on a recent letter in the paper regarding the Palm Springs White Party.

Councilmember Hutcheson requested the City Manager review and prepare documents regarding the re-use of building materials.

**CITY MANAGER'S REPORT:** None.

#### **2. CONSENT CALENDAR:**

**ACTION:** Approve 2.A., 2.B., 2.C., 2.D., 2.F., 2.G., 2.H., 2.I., 2.J., 2.K., 2.N., 2.O., and 2.P. **Motion Councilmember Lewin, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

**2.A. REPORT ON THE POSTING OF THE AGENDA:**

**ACTION:** Receive and file Report on the Posting of the April 11, 2012, City Council Agenda. **Approved as part of the Consent Calendar.**

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

**ACTION:** Approve the City Council Minutes of March 7, 2012, March 16, 2012, and March 21, 2012. **Approved as part of the Consent Calendar.**

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

**ACTION:** 1) Adopt Resolution No. 23110, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 02-18-12 BY WARRANTS NUMBERED 417269 THROUGH 417292 TOTALING \$46,488.89, LIABILITY CHECKS NUMBERED 1054506 THROUGH 1054530 TOTALING \$124,525.97, FIVE WIRE TRANSFERS FOR \$46,490.78, AND THREE ELECTRONIC ACH DEBITS OF \$1,009,170.61, IN THE AGGREGATE AMOUNT OF \$1,226,676.25, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23111, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1054531 THROUGH 1054704 IN THE AGGREGATE AMOUNT OF \$2,217,720.68, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23112, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1054705 THROUGH 1054814 IN THE AGGREGATE AMOUNT OF \$2,603,865.51, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 23113, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 3-03-12 BY WARRANTS NUMBERED 417293 THROUGH 417314 TOTALING \$40,480.99, LIABILITY CHECKS NUMBERED 1054815 THROUGH 1054839 TOTALING \$122,566.66, FIVE WIRE TRANSFERS FOR \$65,884.79, AND THREE ELECTRONIC ACH DEBITS OF \$1,120,440.80, IN THE AGGREGATE AMOUNT OF \$1,349,373.24, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 23114, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1054840 THROUGH 1054943 IN THE AGGREGATE AMOUNT OF \$490,617.74, DRAWN ON BANK OF AMERICA;" 6) Adopt Resolution No. 23115, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1054944 THROUGH 1055143 IN THE AGGREGATE AMOUNT OF \$652,385.60, DRAWN ON BANK OF

AMERICA;" 7) Adopt Resolution No. 23116, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1055144 THROUGH 1055249 IN THE AGGREGATE AMOUNT OF \$2,581,844.89, DRAWN ON BANK OF AMERICA;" 8) Adopt Resolution No. 23117, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 3-17-12 BY WARRANTS NUMBERED 417315 THROUGH 417337 TOTALING \$39,635.06, LIABILITY CHECKS NUMBERED 1055250 THROUGH 1055274 TOTALING \$123,059.94, FIVE WIRE TRANSFERS FOR \$42,304.03, AND THREE ELECTRONIC ACH DEBITS OF \$978,888.67, IN THE AGGREGATE AMOUNT OF \$1,183,887.70, DRAWN ON BANK OF AMERICA;" and 9) Adopt Resolution No. 23118, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1055275 THROUGH 1055393 IN THE AGGREGATE AMOUNT OF \$2,429,943.91, DRAWN ON BANK OF AMERICA."  
**Approved as part of the Consent Calendar, noting the abstention of Mayor Pro Tem Foat on Warrant No. 1055114.**

**2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF FEBRUARY 2012:**

**ACTION:** Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of February 1 through February 29, 2012.  
**Approved as part of the Consent Calendar.**

**2.F. RATIFY AND REAPPOINT THE NOMINATION OF THE CITY OF COACHELLA TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING DECEMBER 31, 2012:**

**ACTION:** Reappoint David Garcia, as the City of Coachella representative, to the Palm Springs International Airport Commission for the term ending December 31, 2012. **Approved as part of the Consent Calendar.**

**2.G. AMENDMENT NO. 3 TO AGREEMENT NO. A5235 WITH DOKKEN ENGINEERING FOR THE INDIAN CANYON DRIVE WIDENING PROJECT (CP 01-25):**

**ACTION:** 1) Approve Amendment No. 3 to Agreement No. A5235 with Dokken Engineering, in the amount of \$38,310 for a total revised contract amount of \$951,040 for the Indian Canyon Drive Widening Project (CP 01-25); and 2) Authorize the City Manager to execute all necessary documents. A5235. **Approved as part of the Consent Calendar.**

**2.H. APPROVAL OF TRACT MAP 35544 TO BE SUBDIVIDED INTO ONE RESIDENTIAL CONDOMINIUM PARCEL LOCATED AT 588 SAN**

**LORENZO ROAD AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH SAN LORENZO PRIDE, LLC:**

**ACTION:** 1) Adopt Resolution No. 23119, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TRACT MAP 35544 FOR RESIDENTIAL CONDOMINIUM PURPOSES FOR PROPERTY LOCATED AT 588 SAN LORENZO ROAD, IN SECTION 23, TOWNSHIP 4 SOUTH, RANGE 4 EAST, AND APPROVING A RELATED SUBDIVISION IMPROVEMENT AGREEMENT;" and 2) Authorize the City Manager to execute all necessary documents. A6225. **Approved as part of the Consent Calendar.**

**2.I. APPROVE THE NON-EXCLUSIVE USE OF LOCAL TEMPORARY STAFFING SERVICES:**

**ACTION:** Authorize the City Manager to utilize various local staffing agencies for non-exclusive temporary staff assignments, and execute any required documents, subject to approval by the City Attorney. **Approved as part of the Consent Calendar.**

**2.J. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE INDIAN CANYON DRIVE INTERIM WIDENING PROJECT FROM UNION PACIFIC RAILROAD (UPRR) BRIDGE TO GARNET AVENUE (CP 01-11 A):**

**ACTION:** Approve the plans, specifications and estimate, and authorize staff to move forward with the Indian Canyon Drive Interim Widening Project (UPRR Bridge to Garnet Avenue) (CP 01-11 A), and authorize staff to advertise and solicit bids. **Approved as part of the Consent Calendar.**

**2.K. ACCEPT FROM THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY THE EMERGENCY MANAGEMENT PERFORMANCE GRANT IN THE AMOUNT OF \$17,587 AND AUTHORIZE THE PURCHASE OF COMPUTER EQUIPMENT FOR THE EMERGENCY OPERATIONS CENTER:**

**ACTION:** 1) Accept the Emergency Management Performance Grant from the California Emergency Management Agency in the amount of \$17,587; 2) Authorize the purchase of computer equipment from Dell via the Western States Contracting Alliance (WSCA) national cooperative purchasing agreement in the amount of \$35,174; and 3) Authorize the City Manager to execute all necessary documents, including the purchase order. **Approved as part of the Consent Calendar.**

**2.N. APPOINTMENT TO THE ADMINISTRATIVE APPEALS BOARD:**

**ACTION:** Appoint Glen Perry to the Administrative Appeals Board for the term ending June 30, 2015. **Approved as part of the Consent Calendar.**

**2.O. APPOINTMENT TO THE HUMAN RIGHTS COMMISSION:**

**ACTION:** Appoint David Brown to the Human Rights Commission for the term ending June 30, 2015. **Approved as part of the Consent Calendar.**

**2.P. TREASURER'S INVESTMENT REPORT AS OF FEBRUARY 29, 2012:**

**ACTION:** Receive and file the Treasurer's Investment Report as of February 29, 2012. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.E. SECOND READING AND ADOPTION OF ORDINANCE NO. 1804, CORRECTING BY AMENDMENT SECTION 93.23.15 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO MEDICAL CANNABIS COOPERATIVE AND COLLECTIVE SPECIAL CONDITIONS:**

Councilmember Mills noted he will be voting against the proposed ordinance as it provides for three collectives rather than two.

**ACTION:** Waive further reading and adopt Ordinance No. 1804, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, CORRECTING BY AMENDMENT SECTION 93.23.15 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO MEDICAL CANNABIS COOPERATIVE AND COLLECTIVE SPECIAL CONDITIONS." **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Foat and carried 4-1 on a roll call vote.**

**AYES:** Councilmember Hutcheson, Councilmember Lewin, Mayor Pro Tem Foat, and Mayor Pougnet.

**NOES:** Councilmember Mills.

**2.L. AMENDMENT NO. 7 TO AGREEMENT NO. A5300 WITH MERCHANTS LANDSCAPE SERVICES FOR LANDSCAPE MAINTENANCE AT THE ANIMAL SHELTER IN THE AMOUNT OF \$27,892 PER YEAR:**

The City Council commented and/or discussed the following: the amount of funds required to maintain the landscaping at the Palm Springs Animal Shelter, bidding the service and further bidding on the entire landscape project, the maintenance requirements of desert landscaping with a natural desert look and feel, and redesigning the landscaping to reduce the on-going maintenance.

**ACTION:** Direct staff to return to obtain a reduced bid and/or review and reduce the specifications for the landscape maintenance at the Palm Springs Animal Shelter. **Motion Mayor Pro Tem Foat, seconded by Councilmember Hutcheson and carried 3-2 on a roll call vote.**

**AYES:** Councilmember Hutcheson, Councilmember Lewin, and Mayor Pro Tem Foat.

**NOES:** Councilmember Mills and Mayor Pougnet.

**2.M. APPROVE AN EXCLUSIVE AGREEMENT TO NEGOTIATE WITH SAVOY GROUP, INC. FOR TWO PARCELS AT THE SOUTHWEST CORNER OF NORTH PALM CANYON DRIVE AND STEVENS ROAD:**

Councilmember Hutcheson commented on the development opportunities.

**ACTION:** 1) Approve an exclusive agreement to negotiate with Savoy Group, Inc. for one year for two City owned parcels at the southwest corner of North Palm Canyon Drive and Stevens Road; and 2) Authorize the City Manager to execute all necessary documents. A6226. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:**

**5.A. DISCUSSION OF AIR QUALITY MANAGEMENT DISTRICT (AQMD) GRANT APPLICATION FOR THE SENTINEL POWER PLANT MITIGATION FUNDING:**

Dave Barakian, City Engineer, provided background information as outlined in the staff report dated April 11, 2012.

The City Council discussed and/or commented on the following with respect to the mitigation funding: the reasons the City does not qualify for Environmental Justice funding, the funding available for City specific projects, the opportunity to fulfill the concepts of the CVAG path, benefits to tourism for the CVAG proposed project, the ability to include rail service, and the benefits of the proposals to improve air quality.

**ACTION:** 1) Support the CVAG path as the first priority; and 2) Direct staff to further study potential City projects for funding and to place on the May 2, 2012, City Council Agenda for discussion. **By consensus of the City Council.**

**5.B. APPOINTMENT OF CITY COUNCIL SUBCOMMITTEES TO SCREEN COMMISSION AND BOARD APPLICATIONS, TO DETERMINE QUALIFIED APPLICANTS AS PART OF THE 2012 ANNUAL RECRUITMENT OF CITY BOARDS AND COMMISSIONS:**

City Clerk Thompson provided background information as outlined in the staff report dated April 11, 2012.



**ACTION:** 1) Waive the procedures in Resolution No. 18804 Section 7(b), for the 2012 Annual Recruitment process, to allow for the City Council as a whole, to participate in the screening and interview of Applicants for the Planning Commission and the Historic Site Preservation Board; 2) Waive the procedures in Resolution No. 18804 Section 7(b), for the 2012 Annual Recruitment process that provides for the Mayor to select and participate in all subcommittees; and 3) Appoint two-member ad hoc City Council Subcommittees to screen and interview Applicants for the following Commissions and Boards as follows: Administrative Appeals Board Mayor Pougnet and Mayor Pro Tem Foat; Airport Commission Councilmember Mills and Mayor Pougnet; Board of Appeals Mayor Pougnet and Mayor Pro Tem Foat; BID Advisory Board Councilmember Hutcheson and Councilmember Mills; Human Rights Commission Councilmember Mills and Councilmember Lewin; Library Board of Trustees Mayor Pougnet and Councilmember Lewin; Personnel Board Mayor Pougnet and Councilmember Hutcheson; Parks and Recreation Commission Mayor Pro Tem Foat and Councilmember Mills; Public Arts Commission Councilmember Hutcheson and Councilmember Lewin; Rent Review Commission Mayor Pro Tem Foat and Councilmember Mills; Sustainability Commission Councilmember Hutcheson and Councilmember Lewin; and VillageFest Board Mayor Pro Tem Foat and Councilmember Hutcheson. **Motion Councilmember Mills, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

**5.C. SECTION 14 TAHQUITZ CANYON WAY MEDIAN LANDSCAPING IMPROVEMENTS PROJECT (CP 08-20):**

Dave Barakian, City Engineer, provided background information as outlined in the staff report dated April 11, 2012.

The City Council discussed and/or commented on the following: incorporation of artwork on the City portion of the project, the inclusion of Tribal artwork on the Section 14 portion of the project, the design is schematic, and the City Council will approve the final plan, the removal of the mid-block crossings, public safety issues and mobility, the installation of art on the walls rather than decorative stones, and requested the Sustainability Commission be provided a briefing.

**ACTION:** 1) Approve the schematic landscape plans for the Tahquitz Canyon Way median; 2) Approve Amendment No. 2 to Agreement No. A5809 with RGA Landscape Architects, Inc., in the amount of \$94,400 for a revised total contract amount of \$157,940 for the Tahquitz Canyon Way Median Landscaping Improvements Project (CP 08-20); 3) Direct staff to process the final landscape design approval pursuant to Architectural Review guidelines including consultation with the Indian Planning Commission and Tribal Council; and 4) Authorize the City Manager to execute all necessary documents. A5809. **Motion Councilmember**

**Hutcheson, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

**5.D. DISPOSITION OF AVAILABLE PERMIT TO OPERATE A MEDICAL CANNABIS COLLECTIVE/COOPERATIVE:**

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated April 11, 2012.

The City Council discussed and/or commented on the following: clarification and timing going forward, granting the permit to CAPS, increasing the number to four collectives, fairness, the importance of the location of the collective, the legal issues with CAPS, opening the process to new applicants in addition to the previous applicants, consequences to patients, the lack of information tonight to make a decision on granting the permit, and requesting staff provide data and information on the two current collectives.

**ACTION:** 1) Direct staff to prepare a resolution to approve the third license to CAPS; and 2) Direct staff to solicit updated applications from those 2009 applicants who have indicated an interest in the available collective permit. **Motion Mayor Pro Tem Foat, seconded by Mayor Pougnet and carried 3-2 on a roll call vote.**

**AYES:** Councilmember Lewin, Mayor Pro Tem Foat, and Mayor Pougnet.

**NOES:** Councilmember Hutcheson and Councilmember Mills.

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

Mayor Pougnet announced the upcoming Mayor's Race and Wellness Festival.

**ADJOURNMENT:** The City Council adjourned at 10:10 p.m. to Wednesday, April 18, 2012, at 6:00 p.m. Council Chamber, City Hall, preceded by 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 16<sup>TH</sup> DAY OF MAY, 2012.**

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STEPHEN P. POUGNET, MAYOR

ATTEST:

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JAMES THOMPSON, CITY CLERK