

**CITY COUNCIL  
COMMUNITY REDEVELOPMENT AGENCY  
PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION  
CITY OF PALM SPRINGS, CALIFORNIA**



**MINUTES  
WEDNESDAY, DECEMBER 16, 2009  
Council Chamber**

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

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

**INVOCATION:** Rev. Kevin Johnson, Bloom in the Desert Ministries, led the Invocation.

**ROLL CALL:**

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

**ABSENT:** None.

**COMMISSION:** Commissioners Conine, Doria, Gregory, Horner, King, Parks, Moore, Rosenberg, Wilmeth, Vice Chair Hoehn, and Chair Gebhart.

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

**PRESENTATIONS:**

Mayor Pougnet and the City Council proclaimed December 16, 2009, as Palm Springs High School Indians Day in the City of Palm Springs, for recognition of the Football Team victory at the CIF Southern Section Division championship.

Mayor Pougnet and the City Council announced the upcoming activities of the 2010 Palm Springs International Film Festival, and Mayor Pougnet announced the winners of the Mayor's Student Essay Contest.

Mayor Pougnet provided an update on the 2009 Festival of Lights Parade, the Marine Band Holiday Concert, Athena Awards, and the 2010 Fitness Challenge. Councilmember Weigel provided an update on the Annual Saint Theresa Fashion Show. Councilmember Foat announced the Pet Adoptions Programs at the Palm Springs Animal Shelter. Councilmember Mills provided an update on Census 2010.

Mayor Pougnet and Councilmember Foat announced the Ribbon Cutting of the Roy's Desert Resource Center.

Councilmember Foat announced the upcoming Palm Springs Gay Men's Chorus concert.

**REPORT OF CLOSED SESSION:** 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. At 4:45 p.m., the City Council reconvened into Open Session and City Attorney Holland requested the City Council add one Item to the Closed Session Agenda:

Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator, College of the Desert/BLM, 115 acre parcel North West Corner of North Palm Canyon Drive and Tramview, City Negotiator, David H. Ready, City Manager, Negotiating Parties John Kalish, Field Manager, Bureau of Land Management, to discuss price and terms of payment for purchase. City Attorney Holland stated information regarding the property negotiation was received after the posting of the Agenda, and there is an immediate need to hear and/or take action on the Item.

**ACTION:** 1) Make the finding that the Item came to the attention of the City after the posting of the Agenda, and there is an immediate need to here and/or take action of the Item; and 2) Add the following Item to the Closed Session Agenda, Government Code Section 54956.8, Conference with Real Property Negotiator, College of the Desert/BLM, 115 acre parcel North West Corner of North Palm Canyon Drive and Tramview, City Negotiator, David H. Ready, City Manager, Negotiating Parties John Kalish, Field Manager, Bureau of Land Management, price and terms of payment for purchase. **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and unanimously carried (4-0) noting the absence of Councilmember Mills.**

The City Council recessed into Closed Session. City Attorney Holland reported the City Council will reconvene to Closed Session after the Regular Meeting.

#### **ACCEPTANCE OF THE AGENDA:**

City Clerk Thompson stated staff requested Item 2.E. be withdrawn from the Agenda.

Mayor Pro Tem Hutcheson requested Item 2.O. be removed from the Consent Calendar for separate discussion.

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

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

**1. JOINT MEETING OF THE CITY COUNCIL AND THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION:**

**1.A. PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION REPORT ON RECENT ACCOMPLISHMENTS, DISCUSS GOALS AND UPCOMING PROJECTS:**

Members of the Palm Springs International Airport Commission introduced themselves.

Thomas Nolan, Executive Director Aviation, provided key statistics and services at the Palm Springs International Airport,

Mark Kiehl, Assistant Director of Aviation, provided an update on the enhancements to the Palm Springs International Airport website.

Thomas Nolan, Executive Director, and Mark Kiehl, Assistant Director, provided background information on the proposed Airline Incentive Program, as outlined in the Proposed Air Service Incentive Program presentation.

The City Council discussed and/or commented on the following with respect to the Air Service Incentive Program: the attraction of new airlines and services, the amount of funding of the Air Service Incentive Program and the accomplishments that can be expected with the funding, the timeline to start the program, and how long the funding could last.

Commission Chair Gebhard, Commissioner King and Commissioner Doria provided background information on the proposed Airport Use and Parking Incentive Program.

The City Council discussed and/or commented on the following with respect to parking: the lack of overall long term parking, airline employee parking and rates, the message sent to the flying public of raising parking rates during the current economic downturn, the parking rates not being the long term solution to the budget deficit at the Airport, offering free or reduced parking for a 90-day period for PR and to increase traffic at the Airport, and the appropriateness of raising parking rates at this time.

By consensus the City Council indicated the Commission should not move forward with the development of a Parking Promotion Program, but should continue to look at improvements to overall parking and parking rates.

Thomas Nolan, Executive Director Aviation, provided an update of upcoming projects at the Airport: the Airport Master Plan and upgrades to security fencing.

No action taken.

The Airport Commission adjourned at 7:42 p.m., and the City Council recessed. The City Council reconvened at 7:50 p.m.

**1. PUBLIC HEARINGS:**

**1.B. COMMUNITY REDEVELOPMENT AGENCY PUBLIC HEARING, ADOPTION OF THE FIVE YEAR IMPLEMENTATION PLAN AND UPDATE TEN YEAR HOUSING COMPLIANCE PLAN FOR MERGED REDEVELOPMENT PROJECT AREA NOS. 1 AND 2:**

Thomas Wilson, Assistant City Manager, provided background information as outlined in the staff report dated December 16, 2009.

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

The City Council discussed and/or commented on the following with respect to the Implementation Plan: lack of sustainability issues and concepts in the plan for the affordable housing component, requested staff address the source of redevelopment funds, and the amount available for the City, the State's "take" of the redevelopment funds, and the implementation goals of the plan.

**ACTION:** 1) Adopt Resolution No. 1394, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AND APPROVING A FIVE YEAR IMPLEMENTATION PLAN AND UPDATED TEN YEAR HOUSING COMPLIANCE PLAN FOR THE PALM SPRINGS MERGED REDEVELOPMENT PROJECT AREA NOS. 1 AND 2; and 2) Direct staff to review and recommend sustainability goals and programs to be incorporated into the plan and return to the City Council by May 1, 2010. **Motion Mayor Pougnet, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

**1.C. REVIEW AND EVALUATION OF APPLICATIONS UNDER CHAPTER 93.22.00 (MEDICAL CANNABIS COOPERATIVE OR COLLECTIVE SPECIAL STANDARDS):**

City Attorney Holland provided background information as outlined in the staff report dated December 16, 2009.

Public Testimony for the continued public hearing was closed on December 2, 2009.

The City Council discussed and/or commented on the following with the respect to medical cannabis collectives: providing additional 10% administrative flexibility in Code Sections 93.22.00(c) and (e), the process thus forward if amendments are made, fast tracking the approval process, potential amendments adding flexibility on the prohibition in commercial property occupied by a retail use, ensuring collective and City Council adherence to the Ordinance, acceptance of cash at the collectives, publicity toward the City on dispensaries, the operation of the collective as a non-profit and involvement of the members in the governance of the collective, amendments to Section K(7) as it relates to collectives, moving forward in the selection process.

**ACTION:** 1) Deny the applications of Palm Springs Compassionate Care and the Pharmacy Collective; 2) Initiate a Zone Text Amendment to amend PSZO 93.22.00(C) Collectives with 500 feet of sensitive uses and with 1,000 feet of other Collectives and 93.22.00(E) Off-Street Parking; and 3) Continue the consideration and discussion of all other Applicants. **Motion Mayor Pro Tem Hutcheson, seconded by Mayor Pougnet and carried 4-1 on a roll call vote.**

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

**NOES:** Councilmember Weigel.

**ACTION:** Initiate a Zone Text Amendment to amend PSZO 93.22.00(C) Primary uses on site cannot be commercial-retail. **Motion Mayor Pro Tem Hutcheson, seconded by Mayor Pougnet and carried 3-2 on a roll call vote.**

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

**NOES:** Councilmember Mills and Councilmember Weigel.

**PUBLIC COMMENT:**

CHARLES SACHS, commented on the removal of trees at Casa de Oro.

LANNY SWERDLOW, commented on medical cannabis cooperatives and collectives.

DAVID NICK, Palm Springs, commented on medical cannabis cooperatives and collectives.

DON DUNCAN, commented on medical cannabis cooperatives and collectives.

RICK PANTELE, commented on medical cannabis cooperatives and collectives.

TREV TREVINO, Palm Springs, commented on medical cannabis cooperatives and collectives.

LARRY NIELSEN, Palm Springs, commented on medical cannabis cooperatives and collectives.

#### **COUNCILMEMBER COMMENTS:**

Mayor Pougnet commented on the City Council's action and progress with allowing medical cannabis cooperatives and collectives in the City of Palm Springs.

#### **CITY MANAGER'S REPORT:**

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

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.D., 2.F., 2.G., 2.H., 2.I., 2.J., 2.K., 2.L., 2.M., and 2.N. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

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

**ACTION:** Receive and file Report on the Posting of the December 16, 2009, City Council Agenda. **Approved as part of the Consent Calendar.**

##### **2.B. ACCEPT THE RESIGNATION OF KENNETH GREGORY FROM THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION:**

**ACTION:** 1) Accept with regret the resignation of Kenneth Gregory; 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2011. **Approved as part of the Consent Calendar.**

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

**ACTION:** 1) Adopt Resolution No. 22632, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 11-14-09 BY WARRANTS NUMBERED 415186 THROUGH 415222 TOTALING \$60,330.01, LIABILITY CHECKS NUMBERED 1038949 THROUGH 1038971 TOTALING \$141,574.10, FIVE WIRE TRANSFERS FOR \$54,711.61, AND THREE ELECTRONIC ACH DEBITS OF \$1,111,495.76, IN THE AGGREGATE AMOUNT OF \$1,368,111.48, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22633, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1038972 THROUGH 1039031 IN THE AGGREGATE AMOUNT OF \$695,123.36, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 22634, "A RESOLUTION

OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1039032 THROUGH 1039149 IN THE AGGREGATE AMOUNT OF \$193,766.36, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 22635, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 11-28-09 BY WARRANTS NUMBERED 415223 THROUGH 415260 TOTALING \$101,167.42, LIABILITY CHECKS NUMBERED 1039150 THROUGH 1039170 TOTALING \$143,637.45, FIVE WIRE TRANSFERS FOR \$83,905.38, AND THREE ELECTRONIC ACH DEBITS OF \$1,543,069.08, IN THE AGGREGATE AMOUNT OF \$1,871,779.33, DRAWN ON BANK OF AMERICA;" and 5) Adopt Resolution No. 22636, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1039171 THROUGH 1039271 IN THE AGGREGATE AMOUNT OF \$1,734,528.88, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

**2.D. TREASURER'S INVESTMENT REPORT AS OF OCTOBER 31, 2009:**

**ACTION:** Receive and File the Treasurer's Investment Report as of October 31, 2009. **Approved as part of the Consent Calendar.**

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

**ACTION:** Adopt Resolution No. 22637, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDMENT NO. 2 TO THE ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2009-10, ADOPTED BY RESOLUTION 22530." **Approved as part of the Consent Calendar.**

**2.G. AMENDMENT NO. 7 TO AGREEMENT NO. A5488 WITH ALLEN F. SMOOT & ASSOCIATES, FOR OWNER REPRESENTATIVE SERVICES, FOR THE ANIMAL SHELTER PROJECT, THE JC FREY BUILDING REFURBISHING, AND THE MAIN LIBRARY, IN THE AMOUNT OF \$57,820:**

**ACTION:** 1) Approve Amendment No. 7 to Agreement No. A5488 with Allen F. Smoot & Associates for Owner Representative Services for the Animal Shelter Project, coordination of the JC Frey Building refurbishing, and the coordination of refurbishing at the Main Library, in the amount of \$57,820; and 2) Authorize the City Manager to execute the Agreement. A5488. **Approved as part of the Consent Calendar.**

- 2.H. APPROVAL OF MINUTES:**  
**ACTION:** Approve the City Council and Community Redevelopment Agency Minutes of December 2, 2009. **Approved as part of the Consent Calendar.**
- 2.I. COMMUNITY REDEVELOPMENT AGENCY CONTRACT APPROVAL FOR PRE-RENOVATION SERVICES AND MATERIAL REMOVAL AT THE JC FREY BUILDING LOCATED AT 1191 EAST BARISTO ROAD:**  
**ACTION:** Approve and authorize the Executive Director to execute a professional services agreement, subject to final approval of Agency Counsel, in an amount not to exceed \$45,000, for pre-renovation services and materials removal at the JC Frey Building located at 1191 East Baristo Road. **Approved as part of the Consent Calendar.**
- 2.J. AMENDMENT NO. 3 TO LEASE AGREEMENT NO. A4159 WITH THE PARADIES SHOPS, LLC FOR CONCESSIONS AT PALM SPRINGS INTERNATIONAL AIRPORT:**  
**ACTION:** 1) Approve Amendment No. 3 to Agreement No. A4159 with The Paradies Shops, LLC for the exchange of storage space locations and an increase of display space at the CNBC store effective January 1, 2010; and 2) Authorized the City Manager to execute the Agreement. A4159. **Approved as part of the Consent Calendar.**
- 2.K. AGREEMENT WITH SYSTEMS INTEGRATION CORPORATION IN THE AMOUNT OF \$198,108.68, FOR AN AUTOMATED VEHICLE IDENTIFICATION SYSTEM REPLACEMENT:**  
**ACTION:** 1) Approve an agreement with Systems Integration Corporation in the amount of \$198,108.68, in a form acceptable to the City Attorney; and 2) Authorize the City Manager to execute the Agreement. A5927. **Approved as part of the Consent Calendar.**
- 2.L. ACCEPT FISCAL YEAR 2009 HOMELAND SECURITY GRANT FROM THE CALIFORNIA OFFICE OF HOMELAND SECURITY IN THE AMOUNT OF \$156,430.00:**  
**ACTION:** 1) Accept a grant from the California Department of Homeland Security through the Riverside County Office of Emergency Services in the amount of \$156,430.00; and 2) Authorize the City Manager to execute all necessary documents. A5928. **Approved as part of the Consent Calendar.**
- 2.M. DEVELOPMENT PROJECT FEE REPORT FOR FISCAL YEAR 2008-09:**  
**ACTION:** Receive and file the Government Code Section 66000 Development Project Fee Report for Fiscal Year 2008-09. **Approved as part of the Consent Calendar.**

**2.N. AMENDMENT NO. 1 TO AGREEMENT NO. A1079 WITH THE PALM SPRINGS UNIFIED SCHOOL DISTRICT EXTENDING THE LEASE FOR TWO YEARS FOR PROPERTY LOCATED AT 1300 EAST BARISTO ROAD:**

**ACTION:** 1) Approve Amendment No. 1 to Agreement No. A1079 with the Palm Springs Unified School District extending the lease to August 6, 2012, at the rate of \$46,502 annually, for property located at 1300 East Baristo Road; and 2) Authorize the City Manager to execute all necessary documents. A1079. **Approved as part of the Consent Calendar, noting the abstention of Councilmember Mills.**

**EXCLUDED CONSENT CALENDAR:**

**2.E. MEMORANDUM OF UNDERSTANDING WITH PALM SPRINGS FIRE MANAGEMENT ASSOCIATION FOR THE PERIOD JULY 1, 2009, THROUGH JUNE 30, 2011 AND RELATED AMENDMENT TO THE ALLOCATED POSITIONS AND COMPENSATION PLAN:**

Item withdrawn at the request of staff.

**2.O. VACANT BUILDING MONITORING PROGRAM FEES:**

The City Council requested staff address the number of inspections that could occur during any given time frame.

**ACTION:** Adopt Resolution No. 22638, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING INSPECTION FEES FOR THE IMPLEMENTATION OF THE VACANT BUILDING MONITORING PROGRAM AND AMENDING THE COMPREHENSIVE FEE SCHEDULE ADOPTED BY RESOLUTION NO. 21578 AS AMENDED." **Motion Mayor Pro Tem Hutcheson, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

**3. LEGISLATIVE:** None.

**4. UNFINISHED BUSINESS:** None.

**5. NEW BUSINESS:**

**5.A. FISCAL YEAR 2009-10 BUDGET SECOND QUARTER UPDATE, DISCUSSION OF DEFICIT REDUCTION ALTERNATIVES AND LOCAL ECONOMIC DEVELOPMENT PROGRAMS:**

Geoffrey Kiehl, Director of Finance, provided background information as outlined in the budget update report dated December 16, 2009.

The City Council requested a deferral of discussion of Economic Development Programs to January 6, 2010.

The City Council discussed and/or commented on the following with respect to the budget deficit: use of liability/claims, sales taxes and improvements in TOT.

**ACTION:** Continue the Budget Update and discussion of the Local Economic Development Programs to January 6, 2010. **By consensus of the City Council.**

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

Mayor Pro Tem Hutcheson noted current vacancies on the Boards and Commissions.

The City Council recessed into Closed Session at 9:15 p.m.

**REPORT OF CLOSED SESSION:** City Attorney Holland reported the City Council provided the City Attorney direction on Items on the Closed Session Agenda, no reportable actions were taken.

**ADJOURNMENT:** The City Council adjourned at 9:35 p.m. to a Regular Meeting, Wednesday, January 6, 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 6<sup>TH</sup> DAY OF JANUARY, 2010.**

  
STEPHEN P. POUGET, MAYOR

ATTEST:

  
JAMES THOMPSON, CITY CLERK