

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



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

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:06 p.m.

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

INVOCATION: Pastor David Sanger, Our Savior's Community Church, 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 and the City Council proclaimed February 2010, as Black History Month in the City of Palm Springs.

Mayor Pougnet provided an update and/or announced the following events and activities in the City of Palm Springs: Animal Shelter Donation from Stater Brothers Market, Asan City South Korea delegation, Integrated Wealth Management Ribbon Cutting, Hyatt Hotel Ribbon Cutting, Airport Achievement of Excellence Awards, California Redevelopment Association Award to the Community Redevelopment Agency, and the upcoming State of the City Address.

Macias, Gini & O'Connell, City Auditors, presented the City Council the Fiscal Year 2008-09 Audit Report.

Councilmember Mills provided an update on the recent Census Office Ribbon Cutting, and provided an update on Census 2010.

REPORT OF CLOSED SESSION: The meeting was called to order at 4:30 p.m., and City Attorney Holland requested the City Council consider adding one Item to the Closed Session Agenda pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator for the property described as El Dorado Palms Estates,

Negotiating Parties El Dorado Palm Springs Ltd., City Negotiator, David Ready, City Manager or Designee, to discuss price and terms of purchase. City Attorney Holland stated information regarding the property 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 Agenda, and there is an immediate need to hear and/or take action on the Item; and 2) Add the following Item to the Closed Session Agenda: Government Code Section 54956.8, Conference with Real Property Negotiator for the property described as El Dorado Palms Estates, Negotiating Parties El Dorado Palm Springs Ltd., City Negotiator, David Ready, City Manager or Designee, to discuss price and terms of purchase. **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried (5-0).**

City Attorney Holland stated that the City Council recessed into Closed Session to discuss Items on the posted Closed Session Agenda. City Attorney Holland reported the City Council provided direction to the City Attorney on the Property Negotiations with El Dorado Palm Springs Ltd., otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson requested the City Council delete the extension of the Subdivision Improvement Agreement with Palomino TTM 33577, on Item 2.J.

Councilmember Foat requested Item 2.J. be removed from the Consent Calendar for separate discussion.

Councilmember Mills stated he has a business related conflict of interest with respect to Consent Calendar Item 2.J., and would not participate in the discussion or the vote.

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

Councilmember Weigel stated he has a property related conflict of interest with respect to the Alta Subdivision Improvement Agreement on Item 2.J. and would abstain on that extension.

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

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

1. PUBLIC HEARINGS:

1.A. DESIGNATION OF THE ROYAL HAWAIIAN ESTATES CONDOMINIUM LOCATED AT 1774 SOUTH PALM CANYON DRIVE AS A HISTORIC DISTRICT (CASE HSPB 73 / HD 2):

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

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

BILL LEWALLEN, Representing Royal Hawaiian Estates, discussed the background information as outlined in the Historic Designation Application, and requested the City Council establish the Historical District for the Royal Hawaiian Estates Condominiums.

RON MARSHALL, Palm Springs, stated the project has strong owner and community support, and requested the City Council support the approval of the Historic District.

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

Mayor Pro Tem Hutcheson stated this is a great example of historic preservation in the City of Palm Springs, and noted the owner and community support of the designation.

Councilmember Foat commented on the achievements of Bill Lewallen toward the designation, and announced the upcoming Modernism Week event.

Mayor Pougnet commented on the success story of this designation, and the support of the community.

ACTION: Adopt Resolution No. 22657, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING HISTORIC DISTRICT NO. 2, AT THE ROYAL HAWAIIAN ESTATES CONDOMINIUMS LOCATED AT 1774 SOUTH PALM CANYON DRIVE." **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and carried 4-1 on a roll call vote.**

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

NOES: Councilmember Mills.

1.B. DESIGNATION OF THE SINGLE FAMILY DWELLING AT 1070 EAST APACHE ROAD AS A CLASS 1 HISTORIC SITE (CASE HSPB 74):

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

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

CHRIS MENROD, Applicant, outlined the background information as detailed in the application, and requested the City Council approve the historic designation.

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

Mayor Pro Tem Hutcheson noted the unanimous support of the Historic Site Preservation Board, the support of the owner and the community, and noted his support for the designation.

Councilmember Mills commented on modifications to the home which were sensitive to the original architecture and stated his support for the designation.

ACTION: Adopt Resolution No. 22658, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE SINGLE FAMILY DWELLING AT 1070 EAST APACHE ROAD, A CLASS ONE HISTORIC SITE." **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

DR. MARION SHERMAN, Palm Springs, thanked the City Council for supporting medical cannabis, and requested the City Council take action on the selection of cooperatives.

DON DUNCAN, provided background information on Desert Organic Solutions Cooperative as outlined in the application, and requested the City Council select Desert Organic Solutions as a cooperative in Palm Springs.

TREV TREVINO, Palm Springs, provided background information on his use of medical cannabis, and requested the City Council support Desert Valley Patients Association.

FRED KISER, Palm Springs, requested the City Council approve the Conditional Use Permit for Desert Organic Solutions.

MICHAEL STERN, noted the upcoming KCET airing a documentary of the Julius Shulman exhibition at the Palm Springs Art Museum.

VICTORIA BECERRA, stated her support for medical cannabis and requested the City Council support Desert Valley Patients Association.

LARRY NIELSEN, commented on medical cannabis cooperatives that remained opened, and requested the City Council take action.

LYNDA SAMEN, requested the City Council approve Desert Valley Patients Association.

LEE MORE, requested the City Council select CAPS as a medical cannabis provider in the City of Palm Springs, and stated some of the statements in the staff report towards CAPS were unfair.

COUNCILMEMBER COMMENTS: None.

CITY MANAGER'S REPORT: City Manager Ready requested City Engineer David Barakian provide an update on the recent flooding in Palm Springs, and the change of numbering to Highway 111 off Interstate 10.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.G., 2.H., 2.I., 2.K., 2.M., 2.N., and 2.P. **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 February 3, 2010, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of January 13, 2010, and the City Council/Community Redevelopment Agency Minutes of January 20, 2010. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 22659, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1039753 THROUGH 1039851, IN THE AGGREGATE AMOUNT OF \$307,227.88, DRAWN ON BANK OF AMERICA;" and 2) Adopt Resolution No. 22660, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1039852 THROUGH 1039928, IN THE AGGREGATE AMOUNT OF

\$787,919.86, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 22661, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 01-09-10 BY WARRANTS NUMBERED 415340 THROUGH 415380 TOTALING \$100,467.59, LIABILITY CHECKS NUMBERED 1039929 THROUGH 1039949 TOTALING \$138,810.00, FIVE WIRE TRANSFERS FOR \$53,219.88, AND THREE ELECTRONIC ACH DEBITS OF \$1,080,992.63, IN THE AGGREGATE AMOUNT OF \$1,373,490.10, DRAWN ON BANK OF AMERICA;" and 4) Adopt Resolution No. 22662, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1039950 THROUGH 1040123, IN THE AGGREGATE AMOUNT OF \$451,835.08, DRAWN ON BANK OF AMERICA."
Approved as part of the Consent Calendar.

2.D. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1767, AN AMENDMENT TO THE PALM SPRINGS MUNICIPAL CODE FOR THE PURPOSE OF AMENDING APPENDIX J "GRADING" OF THE 2007 EDITION OF THE CALIFORNIA BUILDING CODE TO CLARIFY GRADING DESIGNATIONS AND GRADING REQUIREMENTS:

ACTION: Waive further reading and adopt Ordinance No. 1767, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 8.04.015 OF THE PALM SPRINGS MUNICIPAL CODE FOR THE PURPOSE OF AMENDING APPENDIX J "GRADING" OF THE 2007 EDITION OF THE CALIFORNIA BUILDING CODE TO CLARIFY GRADING DESIGNATIONS AND GRADING REQUIREMENTS." **Approved as part of the Consent Calendar.**

2.E. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1768, AMENDMENT TO THE PALM SPRINGS MUNICIPAL CODE FOR THE PURPOSE OF ESTABLISHING ON-SITE STORMWATER RETENTION REQUIREMENTS FOR NEW DEVELOPMENTS:

ACTION: Waive further reading and adopt Ordinance No. 1768, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 8.70.100 OF THE PALM SPRINGS MUNICIPAL CODE FOR THE PURPOSE OF ESTABLISHING ON-SITE STORMWATER RETENTION REQUIREMENTS." **Approved as part of the Consent Calendar.**

2.G. ACCEPT THE RESIGNATION OF DOUG JOHNSON FROM THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION AS THE REPRESENTATIVE FOR THE CITY OF RANCHO MIRAGE:

ACTION: 1) Accept with regret the resignation of Doug Johnson from the Palm Springs International Airport Commission as the representative for

the City of Rancho Mirage; 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.H. RESOLUTION OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER, WINE, AND DISTILLED SPIRITS FOR MARK P. GREEN AT 224 NORTH PALM CANYON DRIVE (CASE 5.1233-PCN):

ACTION: Adopt Resolution No. 22663, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER, WINE, AND DISTILLED SPIRITS (ABC TYPE 48 LICENSE) FOR THE PROPERTY LOCATED AT 224 NORTH PALM CANYON DRIVE, ZONE CBD, SECTION 15." **Approved as part of the Consent Calendar.**

2.I. APPROVAL OF A NOTICE TO PROCEED FOR VEOLIA WEST OPERATING SERVICES, INC., FOR A FATS, OILS AND GREASE ("FOG") AVAILABILITY ASSESSMENT STUDY:

ACTION: Authorize the Director of Public Works/City Engineer to issue a Notice to Proceed for Veolia West Operating Services, Inc., in the amount of \$25,691.58 for the preparation of a Fats, Oils and Grease ("FOG") Availability Assessment Study. **Approved as part of the Consent Calendar.**

2.K. TREASURER'S INVESTMENT REPORT AS OF DECEMBER 31, 2009:

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

2.M. GRANT OF EASEMENT TO SOUTHERN CALIFORNIA EDISON AT THE SOUTHWEST CORNER OF VISTA CHINO AND GENE AUTRY TRAIL:

ACTION: 1) Approve a grant of "Anchor Easement" to Southern California Edison across the northerly 7.00 feet of the City's property located at the southwest corner of Vista Chino and Gene Autry Trail (APN 677-250-062); and 2) Authorize the City Manager to execute all necessary documents. A5938. **Approved as part of the Consent Calendar.**

2.N. FISCAL YEAR 2008-09 AUDIT REPORTS:

ACTION: Receive and file the Fiscal Year 2008-09 Audit Reports. **Approved as part of the Consent Calendar.**

2.O. APPOINTMENT OF A CITY COUNCIL SUBCOMMITTEE TO REVIEW AND STUDY PROPOSED MODIFICATIONS TO THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT:

ACTION: Appoint Mayor Pro Tem Hutcheson and Councilmember Mills to a City Council Subcommittee to review and study proposed modifications

to the Palm Springs Business Improvement District. **Approved as part of the Consent Calendar.**

2.P. PURCHASE OF A NEW 24 FOOT TRAILER FROM MIGHTY MOVERS TRAILERS, INC., FOR DRIVING UNDER THE INFLUENCE (DUI) SAFETY AND EDUCATION PROGRAM, IN THE AMOUNT OF \$32,261.87:

ACTION: Approve the purchase of one new 2010 24 foot tandem axle enclosed trailer with a road signage package, power generator, and auxiliary lighting package as specified in Invitation for Bid No. 10-03, from Mighty Movers Trailers, Inc., for DUI Safety and Education, in the amount of \$32,261.87. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.F. ACCEPT THE RESIGNATION OF DESERT HOT SPRINGS MAYOR YVONNE PARKS FROM THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION AS THE REPRESENTATIVE FOR THE CITY OF DESERT HOT SPRINGS:

Mayor Pougnet thanked Mayor Parks for her service on the Airport Commission, and requested the City Clerk place an appointment on the next agenda.

ACTION: 1) Accept with regret the resignation of Desert Hot Springs Mayor Yvonne Parks from the Palm Springs International Airport Commission as the representative for the City of Desert Hot Springs; 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2011. **Motion Mayor Pougnet, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

Councilmember Mills stated he has business related conflict of interest with respect to Item 2.J., he would not participate in the discussion and the vote, and left Council Chamber.

2.J. APPROVAL OF TIME EXTENSIONS OF SUBDIVISION IMPROVEMENT AGREEMENTS FOR VARIOUS PROJECTS:

Councilmember Foat requested staff address the possibility of requiring maintenance of the properties and/or conditions, prior to the City Council extension of the Agreements.

Councilmember Weigel noted his property related abstention on Alta Subdivision Improvement Agreement.

ACTION: Adopt Resolution No. 22664, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING

TIME EXTENSIONS OF VARIOUS SUBDIVISION IMPROVEMENT AGREEMENTS," Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Weigel and unanimously carried (4-0) on a roll call vote, noting the abstention of Councilmember Weigel on the Alta Agreement for Tract Map 30050 and the absence of Councilmember Mills.

A4743, Tract Map 27680, Las Palmas Heights.
A4955, Tract Map 30050, Alta.
A5105, Tract Map 32160, Enclave.
A5131, Tract Map 30046, Monte Sereno.
A5086, A5087, A5088, A5089, Tract Maps 32233-1, 2, 3 and 4, Escena.
A5276, Tract Map 32675, Alexander Country Club Estates.
A5246, Tract Map 33561, Palermo.
A5516, Tract Map 33162, Pedregal.
A5080, Tract Map 30058, Four Seasons II.
A5393, Tract Map 31848-1, Avalon.
A5426, Tract Map 32732, Oceo.
A5324, Tract Map 33933, Murano.
A5496, Tract Map 34933, Cocotero.
A4814, Tract Map 28966, Preserve Estates.
A5155, Tract Map 31514, Luminaire.
A5439, Tract Map 31525, Four Seasons III.
A5872, Tract Map 35999, Prescott Place.
A5436, Tract Map 33161, Vista San Jacinto.
A5291, Tract Map 33542, Tangerine.
A5614, Tract Map 32378, Macrina.

Councilmember Mills returned to the dais.

2.L. APPROVAL OF PROGRAM SUPPLEMENT AGREEMENT NO. G67, WITH THE STATE OF CALIFORNIA FOR USE OF SAFE ROUTES TO SCHOOL (SR2S) STATE FUNDS FOR THE SAFE ROUTES TO SCHOOL CYCLE 8 PROJECT, CP 09-07, STATE PROJECT NO. SR2SL-5282 (036):

Mayor Pro Tem Hutcheson noted the benefits to the City and the scarcity of the grants awarded, and thanked staff for their diligence with the grant process.

ACTION: 1) Adopt Resolution No. 22665, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. G67 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR STATE FUNDED PROJECTS NO. 00164S WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$388,800 (\$349,920 STATE FUNDS / \$38,880 LOCAL FUNDS), FOR THE SAFE ROUTES TO SCHOOL CYCLE 8 PROJECT, CP 09-07, STATE PROJECT NO. SR2SL-5282 (036);" and 2) Authorize the City Manager to execute all necessary

documents. A5708. **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

3. LEGISLATIVE:

3.A. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1766, ZONING CODE AMENDMENT RELATED TO THE STANDARDS AND REGULATIONS OF MEDICAL CANNABIS COLLECTIVES AND COOPERATIVES AND CONSIDERATION OF AN INTERIM URGENCY ORDINANCE:

City Attorney Holland provided background information as outlined in the staff report dated February 3, 2010.

ACTION: Waive further reading and adopt Ordinance No. 1766, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTIONS 93.22.00.C AND 93.22.00.E OF, AND REPEALING PARAGRAPH 6 OF SUBSECTION 93.22.00.H OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO APPROVAL OF ADMINISTRATIVE MODIFICATIONS TO CERTAIN STANDARDS AND REGULATIONS FOR MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES AS PERMITTED USES IN THE M-1 AND M-2 ZONES." **Motion Councilmember Foat, seconded by Councilmember Mills 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: Waive further reading and adopt Ordinance No. 1769, "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTIONS 93.22.00.C AND 93.22.00.E OF, AND REPEALING PARAGRAPH 6 OF SUBSECTION 93.22.00.H OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO APPROVAL OF ADMINISTRATIVE MODIFICATIONS TO CERTAIN STANDARDS AND REGULATIONS FOR MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES AS PERMITTED USES IN THE M-1 AND M-2 ZONES, TO ALLEVIATE A CURRENT AND ACTUAL THREAT TO THE PUBLIC HEALTH, SAFETY, AND WELFARE." **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Foat and carried 4-1 on a roll call vote.**

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

NOES: Councilmember Weigel.

4. UNFINISHED BUSINESS:

4.A. REVIEW AND EVALUATION OF FOUR APPLICATIONS FOR POSSIBLE AWARD OF TWO PERMITS FOR THE OPERATION OF MEDICAL CANNABIS COLLECTIVES AND COOPERATIVES:

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

Councilmember Foat stated she is not in agreement with the staff recommendation that CAPS should be eliminated for opening as they were responding to the patients on a very limited basis, and stated CAPS is not located near a child care center as stated in the letter from Golds Gym, noted the typographical error on the Conditions of Approval ADM 10 should be changed to read the Chief of Police, requested staff provide an explanation for the prohibition of cash sales and recommended the front loading of a credit card for the collectives, questioned the requirement to pay the California Fish and Game Fee, requested staff address the submitted supplemental information and the supplemental information as requested by staff, and the cost to the patients.

Councilmember Hutcheson requested staff address the effect of timing on making changes to the bylaws of the cooperatives, stated his support for the general restrictions on cash as to prohibit casual small "street" type of transactions and suggested the City work to solicit transactions by patients.

Mayor Pougnet thanked the community for their patience toward the process, indicated he would not support any further changes to the ordinance at this time, and stated his support for the selection of Cannahelp and Desert Organic Solutions.

Councilmember Mills requested staff address the discrepancies in the number of patients, compared with the number of patients to the square footage and stated the City Council should consider that a majority of cannabis is to be grown on site, stated he supported the staff recommendation to eliminate CAPS, and supported the suggested bylaws modifications as it relates to Desert Organic Solutions.

Councilmember Weigel stated he is opposed to the ordinance, as the State should be the entity to regulate these activities, noted the City should not have to pay for this regulation as it should be the burden of the State, stated he has no argument with the law, but has issues with the process, stated that while he is opposed to the local regulation, he felt it was important that all members of the City Council participate in the selection of the providers to help insure the safety of residents and

regulation of the cooperatives, and stated his preference for Cannahelp and Desert Organic Solutions.

Mayor Pro Tem Hutcheson stated his support for Cannahelp, indicated his disappointment that CAPS opened, and his preference for Herbal Solutions.

Councilmember Foat requested the City Council separate the motion and the vote, and stated her support for Cannahelp.

ACTION: 1) Adopt Resolution No. 22666, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE MC 09-001, AN APPLICATION BY CANNAHELP FOR A PERMIT TO OPERATE A MEDICAL CANNABIS COLLECTIVE/COOPERATIVE AT 505 INDUSTRIAL PLACE, PALM SPRINGS;" *amending the Conditions of Approval to include the following: 1) Members shall elect all Directors; 2) Compensation of Directors shall be approved by the membership; 3) Compensation of the Officers shall be approved by the Directors; 4) The annual budget of the corporation and any amendment to the budget that results in increases in expenditures above any amount budgeted shall be approved by the membership; 5) No minimum attendance for membership meetings shall be required; any action requiring membership approval or action shall be approved by a majority or super-majority of the votes casts, as provided in the bylaws, so long as at least 50% of the membership participate in the vote. All members shall be provided the opportunity to participate in any vote, either by attendance at a meeting, by mail, or any other reasonable, objective, and fair method designed to encourage independent membership participation; 6) All membership meetings and all Board of Director meetings shall be held in Palm Springs; 7) Any amendment of the bylaws shall be approved by the membership; and 8) All records of the corporation shall be available for inspection by the membership.* **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

ACTION: Adopt Resolution No. 22667, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE MC 09-006, AN APPLICATION BY DESERT ORGANIC SOLUTIONS FOR A PERMIT TO OPERATE A MEDICAL CANNABIS COLLECTIVE/COOPERATIVE AT 19347 NEWHALL ROAD, PALM SPRINGS," *amending the Conditions of Approval to include the following: 1) Members shall elect all Directors; 2) Compensation of Directors shall be approved by the membership; 3) Compensation of the Officers shall be approved by the Directors; 4) The annual budget of the corporation and any amendment to the budget that results in increases in expenditures above any amount budgeted shall be approved by the*

membership; 5) No minimum attendance for membership meetings shall be required; any action requiring membership approval or action shall be approved by a majority or super-majority of the votes casts, as provided in the bylaws, so long as at least 50% of the membership participate in the vote. All members shall be provided the opportunity to participate in any vote, either by attendance at a meeting, by mail, or any other reasonable, objective, and fair method designed to encourage independent membership participation; 6) All membership meetings and all Board of Director meetings shall be held in Palm Springs; 7) Any amendment of the bylaws shall be approved by the membership; and 8) All records of the corporation shall be available for inspection by the membership. **Motion Mayor Pougnet, seconded by Councilmember Weigel and carried 3-2 on a roll call vote.**

AYES: Councilmember Mills, Councilmember Weigel, and Mayor Pougnet.

NOES: Councilmember Foat, and Mayor Pro Tem Hutcheson.

4.B. MUSEUM MARKET PLAZA SPECIFIC PLAN MONTHLY UPDATE:

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

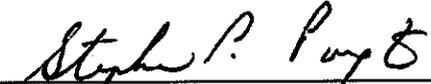
No action taken.

5. NEW BUSINESS: None.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS: None.

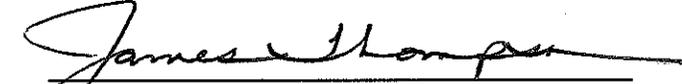
ADJOURNMENT: The City Council adjourned at 8:12 p.m. to a Regular Meeting, Wednesday, February 17, 2010, at 6:00 P.M. Council Chamber, City Hall, preceded by a Closed Session at 4:30 P.M., Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 17TH DAY OF FEBRUARY, 2010.



STEPHEN P. POUGNET, MAYOR

ATTEST:



JAMES THOMPSON, CITY CLERK