

**CITY COUNCIL
COMMUNITY REDEVELOPMENT AGENCY
CITY OF PALM SPRINGS, CALIFORNIA**



**MINUTES
WEDNESDAY, JANUARY 20, 2010
Council Chamber**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:05 p.m.

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

INVOCATION: Rabbi Sally Olins, Temple Isaiah, 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 presented Karen Pirozzi a Certificate of Recognition for her years of service to the Palm Springs Chamber of Commerce upon her retirement.

Police Chief David Dominguez provided the Oath of Office to new Police Officer Lauren Garza, and recognized the recent promotion of Lieutenant Don Fallon.

Valerie Zugates, Palm Springs Chamber of Commerce, provided an update to the City Council of the activities at the Chamber.

Fire Chief Blake Goetz provided an update on Earthquake Preparedness and the status of Disaster Supplies.

Mayor Pougnet provided an update on recent events: Desert Energy Enterprise Opening, Human Rights Commission Awards, and the Mayor's Fitness Challenge.

Lin Juniper, Southern California Edison, introduced the new Palm Springs Regional Manager Jennifer Menjivar.

REPORT OF CLOSED SESSION:

The meeting was called to order at 4:30 p.m., and the City Attorney requested the City Council consider adding one Item to the Closed Session Agenda pursuant to Government Code Section 54956.9(a), Conference with Legal Counsel pertaining to Existing Litigation Case No. INC 081769 City of Palm Springs v. Trieu Dylan Tran, Riverside Superior Court, Indio Division. City Attorney Holland stated information regarding the litigation 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 hear and/or take action on the Item; and 2) Add the following Item to the Closed Session Agenda, Government Code Section 54956.9(a), Conference with Legal Counsel Existing Litigation, City of Palm Springs v. Trieu Dylan Tran, Case No. INC 081769, Riverside Superior Court, Indio Division. A5936. **Motion Mayor Pougnet, seconded by Mayor Pro Tem Hutcheson and unanimously carried (5-0).**

City Attorney Holland reported the City Council recessed into Closed Session to discuss Items on the Closed Session Agenda. The City Council authorized the City Attorney to settle the litigation with Trieu Dylan Tran, and the Settlement Agreement will become public information when fully executed and on file in the City Clerks Office, no other reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson requested the City Council table Item 5.C., and recommended the City Council hear Items 5.E. and 5.F. concurrently.

Councilmember Foat noted her abstention on Item 2.B., and Item 2.G. due to property ownership related conflict of interest.

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

1. PUBLIC HEARINGS:

1.A. ZONING ORDINANCE AMENDMENT RELATED TO THE STANDARDS AND REGULATIONS OF MEDICAL CANNABIS COLLECTIVES AND COOPERATIVES:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated January 20, 2010.

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

PAUL VIOLAS, noted two collectives operating against the City's current regulations, and stated CAPS is currently operating and should be disqualified.

JOY MEREDITH, stated her support for the modifications to the Code that provide additional flexibility.

STACY HOCHANADEL, stated his support for the modifications to the ordinance and thanked the City Council and requested the City Council take action as quickly as possible.

LARRY NIELSEN, requested the City Council reconsider allowing only two collectives.

CODY BROOK, Palm Springs, Desert Valley Patients Association, noted the benefits of medical cannabis.

MARK ADAMS, Herbal Solutions, commented on the potential problems with limiting the number of collectives to two in Palm Springs.

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

Councilmember Weigel requested staff address if compliance responsibilities would be removed from the City Manager and now be with the City Council, commented on the number of collectives allowed by the ordinance, requested the City Council review and modify the allowable distance from other uses.

Councilmember Foat commented on the State regulations and noted the problems in Los Angeles due to the City not providing adequate regulations.

Councilmember Mills commented on the proposed modifications providing flexibility and allowing the City Council to apply circumstances to each individual application, similar to other parts of the Zoning Code.

Mayor Pro Tem Hutcheson stated the modifications were consistent with Council direction, commented on the number of allowable collectives, and noted other instances of administrative modifications in the Zoning Code.

Councilmember Weigel stated the City Council is to set policy and not perform such tasks as outlined in the Ordinance.

Councilmember Foat requested staff address the timeline.

ACTION: 1) Waive the reading of the full text of the Ordinance, and introduce by title only; and 2) Introduce for first reading Ordinance No. 1766, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTIONS 93.22.00 (C, E, and H) OF THE PALM SPRINGS ZONING CODE, RELATING TO MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES." **Motion Councilmember Foat, seconded by Mayor Pro Tem Hutcheson and carried 4-1 on a roll call vote.**

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

PUBLIC COMMENT:

TOM JOHNSTON, noted the upcoming Census 2010 event.

TRACY HELLER, Palm Springs, commented on Item 5.A., and stated his support for the Palm Springs Business Improvement District.

JESSE DANNER, commented on Item 5.A., and noted his opposition to the Palm Springs Business Improvement District.

JULIUS KAZEN, commented on Item 2.E. regarding the proposed Riverside County Regional Detention Center, and Item 5.A. support of the Palm Springs Business Improvement District.

JOY MEREDITH, commented on Item 5.A., the Palm Springs Business Improvement District, and stated her support for the District.

RODOLFO CASTILLO, commented on Item 5.A., the Palm Springs Business Improvement District, noted his support for the District, and read a letter of support received by Laura Walsh, Cocky Cactus.

NEJAT KOHAN, Palm Springs, commented on Item 2.G., and thanked the City Council for their support for the Spanish Inn.

GREG SAWAYA, commented on his use of medical cannabis.

COUNCILMEMBER COMMENTS:

Mayor Pougnet commented on the state of Downtown Palm Springs.

Councilmember Foat commented on the Downtown area and the negativity of certain business owners in the Downtown area.

CITY MANAGER'S REPORT:

City Manager Ready requested Chief Dominguez provide an update on the alleged crime issues at the Palm Springs Skate Park.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., and 2.G. **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 January 20, 2010, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council/Community Redevelopment Agency Minutes of January 6, 2010. **Approved as part of the Consent Calendar, noting the abstention of Councilmember Foat.**

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

ACTION: 1) Adopt Resolution No. 22643, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 12-12-09 BY WARRANTS NUMBERED 415261 THROUGH 415295 AND 415339 TOTALING \$55,070.49, LIABILITY CHECKS NUMBERED 1039524 THROUGH 1039544 TOTALING \$141,345.42, FIVE WIRE TRANSFERS FOR \$171,166.74, AND THREE ELECTRONIC ACH DEBITS OF \$1,341,894.65, IN THE AGGREGATE AMOUNT OF \$1,709,477.30, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22644, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1039545 THROUGH 1039683 IN THE AGGREGATE AMOUNT OF \$659,820.46, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 22645, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1039684 THROUGH 1039731 IN THE AGGREGATE AMOUNT OF \$629,771.99, DRAWN ON BANK OF AMERICA;" and 4) Adopt Resolution No. 22646, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 12-26-09 BY WARRANTS NUMBERED 415296 THROUGH 415338 TOTALING \$73,219.81, LIABILITY CHECKS NUMBERED 1039732 THROUGH 1039752 TOTALING \$137,652.50, FIVE WIRE TRANSFERS FOR \$52,965.53 AND THREE ELECTRONIC ACH DEBITS OF \$1,090,520.55, IN THE AGGREGATE AMOUNT OF \$1,354,358.39,

DRAWN ON BANK OF AMERICA." Approved as part of the Consent Calendar.

2.D. STAFF AUTHORIZED AGREEMENTS FOR NOVEMBER AND DECEMBER 2009:

ACTION: Receive and file Staff Authorized Agreements covering the period November 1 through December 31, 2009. **Approved as part of the Consent Calendar.**

2.E. CITY OF PALM SPRINGS COMMENTS ON THE PROPOSED RIVERSIDE COUNTY REGIONAL DETENTION CENTER DRAFT ENVIRONMENTAL IMPACT REPORT:

ACTION: Receive and File. **Approved as part of the Consent Calendar.**

2.F. REQUEST BY THE NAKED GRAPE FOR A RESOLUTION OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER AND WINE FOR CONSUMPTION ON OR OFF PREMISES AT 242 NORTH PALM CANYON DRIVE (CASE 5.1234-PCN):

ACTION: Adopt Resolution No. 22647, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER AND WINE FOR ON OR OFF SITE CONSUMPTION FOR THE PROPERTY LOCATED AT 242 NORTH PALM CANYON DRIVE, ZONE CBD, SECTION 15." **Approved as part of the Consent Calendar.**

2.G. APPROVE A LOAN AGREEMENT WITH SPANISH INN, INC:

ACTION: 1) Approve a loan agreement with the Spanish Inn; and 2) Authorize the City Manager to execute all documents. A5937. **Approved as part of the Consent Calendar, noting the abstention of Councilmember Foat, due to property ownership conflict of interest.**

EXCLUDED CONSENT CALENDAR: None.

3. LEGISLATIVE:

3.A. PROPOSED 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:

David Barakian, City Engineer, provided background information as outlined in the staff report dated January 20, 2010.

Councilmember Weigel requested staff clarify the relationship to mass grading.

ACTION: 1) Waive the reading of the full text of the Ordinance, and introduce by title only; and 2) Introduce for first reading Ordinance No. 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." **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

3.B. PROPOSED AMENDMENT TO THE PALM SPRINGS MUNICIPAL CODE FOR THE PURPOSE OF ESTABLISHING ON-SITE STORMWATER RETENTION REQUIREMENTS FOR NEW DEVELOPMENTS:

David Barakian, City Engineer, provided background information as outlined in the staff report dated January 20, 2010.

ACTION: 1) Waive the reading of the full text of the Ordinance, and introduce by title only; and 2) Introduce for first reading Ordinance No. 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." **Motion Councilmember Weigel, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS: None.

Councilmember Foat stated she has a potential business/property ownership conflict of interest within the BID Item 5.A., stated she would not participate in the discussion or the vote and left Council Chamber.

5.A. UPDATE AND PROGRESS REPORT ON THE COMMUNITY AND STAKEHOLDER MEETINGS WITH RESPECT TO THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT:

Thomas Wilson, Assistant City Manager, and Tammy Perezchica, Downtown Redevelopment Consultant, provided background information and a status report on community meetings regarding the Palm Springs Business Improvement District.

Councilmember Mills requested staff clarify the proposal to set the fee as a multiple of business license, and noted potential problems with such an approach.

Mayor Pro Tem Hutcheson requested staff address the make-up of the Advisory Board and the MainStreet Steering Committee, suggested that the Advisory Board be made-up of representatives from the Downtown businesses, perhaps reflected by districts, commented on the current and proposed fee structure, and noted the fees should be lowered during the current economic downturn.

Councilmember Weigel stated he would like to have resolution and move forward with the BID, but noted concerns of fairness and consistency, stated his support for zones and noted the Advisory Committee should be more representative, and commented on the proposed fee structure.

Councilmember Mills commented on the proposed fee schedule and the multiple of business license approach.

Mayor Pro Tem Hutcheson stated the fee structure needs to be improved to appear as fair, and should be lowered to a tolerable level at this time.

No action taken.

Councilmember Foat returned to the dais.

5.B. AMENDMENT NO. 2 TO AGREEMENT NO. A5630 WITH MAXWELL SECURITY ADDING UNARMED SECURITY GUARD SERVICES AT THE SKATE PARK:

Sharon Heider, Director of Parks and Recreation, provided background information as outlined in the staff report dated January 20, 2010.

Councilmember Weigel requested staff address the make-up of the two security officers, and the enforcement of the skate park rules.

ACTION: 1) Approve Amendment No. 2 to Agreement No. A5630 with Maxwell Security to add unarmed security guard services for the hourly rate of \$18.00 at the Skate Park in the amount of \$37,620 for the period January 15, 2010, through June 30, 2010, from the City's Unallocated General Fund Reserve; 2) Adopt Resolution No. 22648, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2009-10 ADDING UNARMED SECURITY GUARD SERVICES AT THE SKATE PARK;" and 3) Authorize the City Manager to execute all necessary documents. A5630. **Motion Councilmember Weigel, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

5.C. APPROVAL OF CONCEPTUAL TRAILHEAD AND TRAIL SIGNAGE PROGRAM:

Item withdrawn at the request of staff.

5.D. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE FISCAL YEARS 2008-09 AND 2009-10 ANNUAL ASPHALT OVERLAY (CP 08-28):

David Barakian, City Engineer, provided background information as outlined in the staff report dated January 20, 2010.

Councilmember Mills stated the bid is based on a unit price, and the City Council would like to spend the full amount budgeted, if the bid comes in low, staff should bring forth additional work.

ACTION: Approve the plans, specifications, and working details for the Fiscal Years 2008-09 and 2009-10 Annual Overlay (CP 08-28), and authorize staff to advertise and solicit bids. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

The City Council heard Items 5.E. and 5.F. concurrently.

5.E. JOINT ITEM OF THE CITY COUNCIL AND THE COMMUNITY REDEVELOPMENT AGENCY BUDGET ADJUSTMENTS RESULTING FROM THE JANUARY 13, 2010, STUDY SESSION TO FACILITATE THE FISCAL YEAR 2009-10 MID-YEAR BUDGET DEFICIT REDUCTION PLAN AND AN ECONOMIC RECOVERY STRATEGY:

City Manager Ready provided background information as outlined in the staff report dated January 20, 2010.

Councilmember Foat thanked staff for being creative and getting the City through these tough economic times.

Councilmember Weigel noted the enhancements and progress of public safety, requested staff address and further explain the proposed actions.

ACTION: [COMMUNITY REDEVELOPMENT AGENCY] 1) Adopt Resolution No. 1395, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2009-10;" 2) Adopt Resolution No. 1396, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2009-10;" 3) Adopt Resolution No. 1397, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS,

CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2009-10;" [CITY COUNCIL]; 4) Adopt Resolution No. 22649, "A RESOLUTION OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2009-10;" 5) Adopt Resolution No. 22650, "A RESOLUTION OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2009-10;" 6) Adopt Resolution No. 22651, "A RESOLUTION OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2009-10;" 7) Adopt Resolution No. 22652, "A RESOLUTION OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2009-10;" 8) Adopt Resolution No. 22653, "A RESOLUTION OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2009-10;" 9) Adopt Resolution No. 22654, "A RESOLUTION OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2009-10." **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

5.F. JOINT ITEM OF THE CITY COUNCIL AND THE COMMUNITY REDEVELOPMENT AGENCY REPAYMENT AND RELENDING OF COMMUNITY REDEVELOPMENT AGENCY LOANS:

ACTION: [CITY COUNCIL] 1) Accept repayments of loans from the Merged Area No. 1 and Merged Area No. 2 Debt Service Funds in the amount of \$1,466,785 and \$545,000, respectively; 2) Approve the issuance of new loans at 6% interest from the General Fund to Merged Area No. 1 and Merged Area No. 2 Capital Projects Funds, in the amount of \$1,466,785 and \$545,000, respectively, effective January 20, 2010;" 3) Adopt Resolution No. 22655, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2009-10; 4) Adopt Resolution No. 22656, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2009-10;" [COMMUNITY REDEVELOPMENT AGENCY] 5) Approve repayment of loans to the City of Palm Springs by the Merged Area No. 1 and Merged Area No. 2 Debt Service Funds in the amount of \$1,466,785 and \$545,000, respectively; 6) Accept new loans at 6% interest from the General Fund to Merged Area No. 1 and Merged Area No. 2 Capital Projects Funds, in the amount of \$1,466,785 and \$545,000, respectively, effective January 20, 2010; 7) Adopt Resolution No. 1398, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2009-10;" 8) Adopt Resolution No. 1399, "A RESOLUTION OF THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2009-10." **Motion Councilmember Mills,**

seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.

5.G. PROGRESS REPORT ON SUSTAINABILITY PROGRAMS AND PROJECTS:

Michele Mician, Manager of Sustainability, provided an update on sustainability programs and projects.

No action taken.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

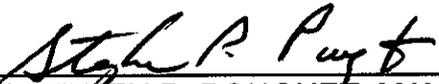
Councilmember Foat noted the recent passing of Gene Dipple and John Eldridge.

Councilmember Mills provided an update on the Animal Shelter project, and requested the City Manager bring forward recommendations for the Palm Springs Business Improvement District.

Mayor Pougnet requested staff address the enforcement of the new Statewide landscape ordinance, requested staff address distressed trees in Sunrise Park damaged by the wind storms last year.

ADJOURNMENT: The City Council adjourned at 8:29 p.m. to a Regular Meeting, Wednesday, February 3, 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 3RD DAY OF FEBRUARY, 2010.



STEPHEN P. POUGNET, MAYOR

ATTEST:



JAMES THOMPSON, CITY CLERK