CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA

MINUTES
WEDNESDAY, JUNE 16, 2010
Council Chamber

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

PLEDGE OF ALLEGIANCE: Councilmember Weigel led the Pledge.

INVOCATION: Rev. Kevin A. Johnson, Bloom in the Desert Ministries, 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: Councilmember Hutcheson provided an update on the recent Chamber of Commerce Installation.

Mayor Pougnet and the City Council presented the recent St. Theresa's culmination and presented a Proclamation to outgoing staff.

Councilmember Foat provided an update on the Native Foods Animal Shelter benefit.

Mayor Pougnet presented and/or announced Palm Springs Power Baseball events, Riverside County Cooling Centers, Palm Springs Fireman's Fish Fry event, Fourth of July Fireworks and the Short Film Fest.

REPORT OF CLOSED SESSION: City Attorney reported that at 4:30 p.m. the meeting was called to order 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 Pougnet requested Item 2.S. be removed from the Consent Calendar for separate discussion.

Councilmember Weigel noted his "NO" vote on Item 2.F.

Councilmember Mills noted his "NO" vote on Item 2.F, requested Item 2.M. be removed from the Consent Calendar for separate discussion, and noted his abstention on Consent Calendar Item 2.O.

City Manager Ready requested the City Council remove Item 2.O. from the Consent Calendar for an update.

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

1. PUBLIC HEARINGS:

Councilmember Foat stated she has a business and property ownership conflict of interest with respect to Item 1.A., and would not participate in the discussion and the vote, and left Council Chamber.

1.A. PUBLIC HEARING, EVALUATION OF PROTEST PROCEEDINGS, AND ADOPTION OF A PROPOSED ORDINANCE TO MODIFY THE BASIS AND METHOD OF LEVYING ASSESSMENTS AND THE RENEWAL OF THE PALM SPRINGS BUSINESS IMPROVEMENT DISTRICT (BID), AND THE LEVY OF THE FISCAL YEAR 2010-11 ASSESSMENTS:

City Clerk Thompson provided background information as outlined in the staff report dated June 16, 2010.

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

JIM OSTERBERGER, Palm Springs, commented on the fee for smaller businesses and the boundaries, and stated his opposition to the Business Improvement District.

MICHAEL MCCARTNEY, Palm Springs, commented on the boundaries of the BID, and spoke in opposition to the Business Improvement District.

ROXIE MISHLER, commented on the positive marketing to the businesses in the Downtown and Uptown area, and spoke in support of the Business Improvement District.

BORIS ROSE, commented on the mailing of the ballots, the fee structure, and spoke in opposition to the BID.

JESSE DANNER, commented on the mailing of the ballots, and spoke in opposition to the Business Improvement District.

JOY MEREDITH, stated her support of the Business Improvement District.

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

Mayor Pro Tem Hutcheson commented on the marketing and outreach efforts of the process, the positive aspects of the marketing of the businesses, and stated the City should proceed with the Business Improvement District.

Councilmember Weigel stated he believed there is a misunderstanding in the business community about the process and voting for the Business Improvement District, stated he would be supportive of the BID if the business community is in favor of the BID, but the process did not demonstrate that businesses are in support of the BID, and stated the BID area would need to be expanded if the BID is continued.

Councilmember Mills stated the City invests a lot of funds into the Downtown and Uptown areas of the City, and the City is requesting the businesses provide support of a nominal amount of funds, and stated his support for the BID as it is extremely important to the City.

Mayor Pougnet noted his opposition to the BID and indicated the assessments are not equitable.

Mayor Pro Tem Hutcheson requested the City Clerk prepare documents to provide for voluntary contributions to the Business Improvement District and place on the next City Council agenda.

The City Council took no action with respect to the adoption of proposed Ordinance No. 1174, and the Business Improvement District Fiscal Year 2010-11 assessments.

Councilmember Foat returned to the dais.

1.B. PROPOSITION 218 MAJORITY PROTEST HEARING ON THE MATTER OF INCREASING SEWER SERVICE CHARGES:

David Barakian, City Engineer, provided background information as outlined in the staff report dated June 16, 2010.

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

DENISE ANDERSON, Palm Springs, commented on the status of the current rental market, and requested the City Council review and validate the proposal before proceeding with a doubling of the sewer rates.

VIC GAINER, Palm Springs, stated he understands the capital improvements needed for expansion of the facility, but questioned the funding, requested the City Council review the creation of a municipal water district, and requested the Desert Water Agency be dissolved.

TIM RADIGAN-BROPHY, stated his opposition to the increase, and the increases will affect multi-unit buildings disproportionally.

NORMAN BROWN, spoke in opposition to the proposed increase in sewer rates.

JOY SMITH, spoke in opposition to the proposed rate increase.

JIM JONES, spoke in opposition to the proposed rate increase.

Councilmember Foat requested staff address a consumption based fee as opposed to a fixed rate.

ACTION: 1) Open the Public Hearing and receive public testimony; 2) Continue the Public Hearing to July 7, 2010; and 3) Direct the City Clerk to continue accepting property owner protests until July 7, 2010, and to post notice of continuance of the Public Hearing. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Weigel and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

JOE GIBBS, commented on selection of a third medical cannabis provider and requested the City Council approve the permit to Herbal Solutions.

AUBREY WARD, Calimesa, commented on the creation of the Palm Springs Fashion District and planned events.

VICTOR COOMBES, commented on the allotment process for medical cannabis and recommended the City Council consider CannaWay Collective as a provider in the City of Palm Springs.

JUDY SAILORS, commented on the upcoming Christmas in July fundraiser for Sponsorship of the City of Palm Springs Festival of Lights Parade.

GARY JOHNS, commented on the Welwood Murray Library remodel project, which calls for the demolition of the interior of the building.

CODY BURKE, requested the City Council approve the Desert Valley Patients Association as the third medical cannabis collective in the City.

DIANE C. BLASDEL, commented on the selection process and requested the City Council consider Organic Solutions of the Desert as the third medical cannabis provider in the City.

RICK PANTELE, requested the City Council consider the selection of CAPS as the third medical cannabis provider in the City.

JIM CAMPER, requested the City Council consider Organic Solutions of Desert as the third medical cannabis provider in the City.

KORY PATLER, requested the City Council support CAPS as the third medical cannabis provider in the City.

JOY SMITH, stated her support for Organic Solutions of the Desert as the third medical provider in the City.

JANICE HARDOON, commented on medical cannabis and requested the City Council allow medical cannabis in the City of Palm Springs.

KURT HANDSHUH, requested the City Council consider PS Compassionate Care as a third medical cannabis provider in the City.

DAVID PRENDERGAST, requested the City Council consider Desert Organic Solutions as the third medical cannabis provider in the City.

BRIAN WALTER, requested the City Council consider CAPS as the third medical cannabis collective in the City.

WILLIE JAMES HOLLAND, SR., commented on the drug use issues in the Desert Highland Gateway Neighborhood, and noted his current arrests.

JOY MEREDITH, thanked staff for their work on the Business Improvement District, and requested the City Council fund the BID in the amount of $50,000 from the Economic Recovery Funds.

FRED NOBLE, Palm Springs, requested the City Council support Item 5.A., participation in a Multi-Agency Enterprise Zone Application.

JOE FOSTER, requested the City Council speak to him regarding his complaint with the Palm Springs Police Department.

MONA MULLER, requested the City Council consider Organic Solutions of the Desert as the third medical cannabis provider in the City.

DAVID BARON, commented on the background and capabilities of CAPS, and requested the City Council consider CAPS as the third medical cannabis provider in the City.

MARK ADAMS, requested the City Council consider Herbal Solutions as the third medical cannabis provider in the City.

ERIC VON OSTING, expressed concerns with CAPS and PS Compassionate Care as medical cannabis providers, and requested the City Council consider Organic Solutions of the Desert as the third medical cannabis provider.

COUNCILMEMBER COMMENTS: None.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:
ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.G., 2.H., 2.I., 2.J., 2.K., 2.L., 2.N., 2.P., 2.Q., and 2.R. **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson 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 June 16, 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 June 2, 2010. **Approved as part of the Consent Calendar.**

2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:
ACTION: 1) Adopt Resolution No. 22722, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1042298 THROUGH 1042434 IN THE AGGREGATE AMOUNT OF $1,620,940.79, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 22723, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 5-29-10 BY WARRANTS NUMBERED 415779 THROUGH 415814 TOTALING $58,066.17, LIABILITY CHECKS NUMBERED 1042435 THROUGH 1042455 TOTALING $143,106.89, FIVE WIRE TRANSFERS FOR $59,372.37, AND THREE ELECTRONIC ACH DEBITS OF $1,097,282.45, IN THE AGGREGATE AMOUNT OF $1,357,827.88, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 22724, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1042456 THROUGH 1042523 IN THE AGGREGATE AMOUNT OF $99,321.80, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. STAFF AUTHORIZED AGREEMENTS FOR MAY 2010:
ACTION: Receive and file Staff Authorized Agreements covering the period May 1 through May 31, 2010. **Approved as part of the Consent Calendar.**

2.E. 2010 BIENNIAL NOTICE FOR CITY STAFF TO REVIEW THE CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT:

ACTION: Adopt Resolution No. 22725, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REQUIRING CITY STAFF TO REVIEW THE CONFLICT OF INTEREST CODE AND SUBMIT THE 2010 BIENNIAL NOTICE AS REQUIRED UNDER THE POLITICAL REFORM ACT." **Approved as part of the Consent Calendar.**

2.F. SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1776, AMENDMENT TO THE PALM SPRINGS ZONING CODE RELATING TO MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES (CASE 5.1218-A):

ACTION: Waive further reading and adopt Ordinance No. 1776, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTIONS 93.22.00 (F, G, K, L, and M) OF THE PALM SPRINGS ZONING CODE, RELATING TO MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES." **Approved as part of the Consent Calendar, noting the NO vote of Councilmember Mills and Councilmember Weigel.**

2.G. AMENDMENT NO. 1 TO AGREEMENT NO. A5139 ASSISTANT CITY MANAGER EMPLOYMENT CONTRACT:

ACTION: 1) Approve Amendment No. 1 to Agreement No. A5139 a Contract for Employment / Assistant City Manager with Thomas Wilson; and 2) Authorize the City Manager to execute all necessary documents. A5139. **Approved as part of the Consent Calendar.**

2.H. ANNUAL LEVY OF ASSESSMENTS FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS FOR FISCAL YEAR 2010-11:

ACTION:

1) Adopt Resolution No. 22726, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING STREET LIGHTING MAINTENANCE DISTRICT NO. 3 ("CROSSLEY TRACT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2010-11."

2) Adopt Resolution No. 22727, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON STREET LIGHTING MAINTENANCE DISTRICT NO. 3 ("CROSSLEY TRACT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2010-11."

3) Adopt Resolution No. 22728, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 6A ("FAIRPORT DEVELOPMENT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2010-11."

4) Adopt Resolution No. 22729, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 6A ("FAIRPORT DEVELOPMENT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2010-11."

5) Adopt Resolution No. 22730, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 6C ("PARK SONORA TRACT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2010-11."

6) Adopt Resolution No. 22731, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 6C ("PARK SONORA TRACT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2010-11."

7) Adopt Resolution No. 22732, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 7 ("SUNRISE NORTE TRACT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2010-11."

8) Adopt Resolution No. 22733, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 7 ("SUNRISE NORTE TRACT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2010-11."

9) Adopt Resolution No. 22734, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 8 ("VINTAGE PALMS TRACT"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2010-11."

10) Adopt Resolution No. 22735, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 8 ("VINTAGE PALMS TRACT"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2010-11."

11) Adopt Resolution No. 22736, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORT REGARDING PARKWAY MAINTENANCE DISTRICT NO. 9 ("FLORA VISTA"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2010-11."

12) Adopt Resolution No. 22737, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 9 ("FLORA VISTA"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2010-11."

13) Adopt Resolution No. 22738, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S REPORTS REGARDING PARKWAY MAINTENANCE DISTRICT NO. 10, ZONE 1 AND ZONE 2, ("MOUNTAIN GATE"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2010-11."

14) Adopt Resolution No. 22739, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON PARKWAY MAINTENANCE DISTRICT NO. 10, ZONE 1 AND ZONE 2, ("MOUNTAIN GATE"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2010-11."

15) Adopt Resolution No. 22740, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, PRELIMINARILY APPROVING AND ADOPTING THE ENGINEER'S

REPORT REGARDING LANDSCAPE MAINTENANCE DISTRICT NO. 12 ("SMOKE TREE COMMONS"); AND THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2010-11."

16) Adopt Resolution No. 22741, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON LANDSCAPE MAINTENANCE DISTRICT NO. 12 ("SMOKE TREE COMMONS"); AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2010-11." **Approved as part of the Consent Calendar.**

2.I. PROGRAM SUPPLEMENT AGREEMENT NO. 031-N WITH THE STATE OF CALIFORNIA FOR USE OF CONGESTION MITIGATION AND AIR QUALITY (CMAQ) FEDERAL-AID FUNDS FOR THE VISTA CHINO AT FARRELL DRIVE STREET IMPROVEMENTS [FEDERAL-AID PROJECT NO. CML-5282(037) (CP 09-11)]:

ACTION: Adopt Resolution No. 22742, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. 031-N TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF $45,183 ($40,000 CMAQ FEDERAL FUNDS / $5,183 TRAFFIC MITIGATION FEES), FOR THE VISTA CHINO AT FARRELL DRIVE STREET IMPROVEMENTS, CITY PROJECT NO. 09-11, FEDERAL-AID PROJECT NO. CML-5282(037), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALM SPRINGS." A5988. **Approved as part of the Consent Calendar.**

2.J. RIGHT-OF-WAY AGREEMENTS WITH WESSMAN HOLDINGS, LLC, FOR THE BELARDO ROAD BRIDGE & ROADWAY WIDENING (CP 87-49):

ACTION: 1) Approve a Right-of-Way Agreement for Acquisition of Real Property and Escrow Instructions, with Wessman Holdings, LLC, in the amount of $50,000 for acquisition of right-of-way for the Belardo Road Bridge and Roadway Widening, (CP 87-49); 2) Approve a Right of Entry and Temporary Construction Easement Agreement, with Wessman Holdings, LLC in the amount of $20,925 for acquisition of a temporary construction easement for the Belardo Road Bridge and Roadway Widening, (CP 87-49); 3) Authorize the City Manager to execute all necessary documents; and 4) Authorize the Director of Public Works/City Engineer to coordinate and execute all associated escrow documents subject to the review and approval by the City Attorney. A5989. **Approved as part of the Consent Calendar.**

2.K. ENCROACHMENT LICENSE TO PRESCOTT PLACE LLC, FOR BUILDING OVERHANG SOLAR SHADES EXTENDING INTO THE RIGHT-OF-WAY AT 901 N. PALM CANYON DRIVE:
ACTION: 1) Approve an Encroachment License with Prescott Place, LLC for construction of building overhang solar shades extending into the right-of-way at 901 N. Palm Canyon Drive; and 2) Authorize the City Manager to execute all necessary documents. A5990. **Approved as part of the Consent Calendar.**

2.L. AMENDMENT NO. 10 TO AGREEMENT NO. A4123 WITH VEOLIA WEST OPERATING SERVICES, INC. (FORMERLY VEOLIA WATER NORTH AMERICA-WEST, LLC):
ACTION: 1) Approve Amendment No. 10 to the Amended and Restated Wastewater Services Agreement No. A4123 with Veolia West Operating Services, Inc. (formerly Veolia Water North America-West, LLC); and 2) Authorize the City Manager to execute all necessary documents. A4123. **Approved as part of the Consent Calendar.**

2.N. AGREEMENT WITH SOUTHERN CALIFORNIA SOILS & TESTING, INC. FOR SPECIAL TESTING AND INSPECTION SERVICES IN THE AMOUNT OF $78,000 FOR THE PALM SPRINGS ANIMAL CARE FACILITY PROJECT:
ACTION: 1) Approve a professional services agreement for special testing and inspection services, in a form approved by the City Attorney, with Southern California Soils & Testing, Inc. in the amount of $78,000 for the Palm Springs Animal Care Facility Project (RPF 08-10); and 2) Authorize the City Manager to sign and execute all necessary documents. A5991. **Approved as part of the Consent Calendar.**

2.P. FISCAL YEAR 2010-11 ALLOCATED POSITIONS AND COMPENSATION PLAN:
ACTION: Adopt Resolution No. 22744, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2010-11." **Approved as part of the Consent Calendar.**

2.Q. EXTENSION OF THE MANAGEMENT AGREEMENT WITH CGPM MANAGERS LLC FOR THE MANAGEMENT AND OPERATION OF THE CITY-OWNED LEGENDS AND RESORT GOLF COURSES FOR TWO YEARS FROM JULY 1, 2010, THROUGH JUNE 30, 2012:
ACTION: 1) Approve Amendment No. 1 to Agreement No. A5741 with CGPM Managers LLC for the management and operation of the city-owned Legends and Resort Golf Courses for two years, through June 30, 2012; and 2) Authorize the City Manager to execute all necessary documents. A5741. **Approved as part of the Consent Calendar.**

2.R. AWARD OF CONTRACT FOR THE CITY HALL EMERGENCY GENERATOR REPLACEMENT (CP 10-03):
ACTION: Approve an agreement with Advanced Energy Design, Inc., in the amount of $67,000, for the City Hall Emergency Generator Replacement (CP 10-03); and 2) Authorize the City Manager to execute all necessary documents. A5992. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.M. SALE OF A 5,663 SQUARE FOOT PARCEL (.13 ACRE) TO BASAM RAEI FOR THE SUM OF $7,650 LOCATED NEAR THE NORTHEAST CORNER OF MESQUITE AVENUE AND EL CIELO ROAD (APN 680-601-006):
ACTION: Adopt Resolution No. 22743, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE SALE OF A CITY OWNED 5,665 SQUARE FOOT PARCEL LOCATED NEAR THE NORTHEAST CORNER OF MESQUITE AVENUE AND EL CIELO ROAD TO BASAM RAEI IN THE AMOUNT OF $7,650 FOR THE PURPOSE OF CONSTRUCTING A SINGLE FAMILY HOME (APN 680-601-006)." **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

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

2.O. LETTER OF COMMITMENT FOR THE COLLEGE OF THE DESERT GREEN INNOVATION CHALLENGE GRANT FOR IN-KIND AND MATCHING FUNDS:
ACTION: Receive and File. **Motion Councilmember Weigel, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

AYES:	Councilmember Foat, Councilmember Weigel, Mayor Pro Tem Hutcheson, and Mayor Pougnet.
NOES:	None.
ABSENT:	Councilmember Mills.

Councilmember Mills returned to the dais.

2.S. PROPOSED RESOLUTION DECLARING ITS INTENTION TO FORM AN ASSESSMENT DISTRICT TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES AND ENERGY AND WATER EFFICIENCY IMPROVEMENTS FOR PROPERTY WITHIN THE CITY AND SETTING A PUBLIC HEARING THEREON:
Michele Mician, Sustainability Manager, provided background information as outlined in the staff report dated June 19, 2010.

Councilmember Weigel requested staff address the voluntary nature of the energy efficiency programs and assessments.

ACTION: 1) Adopt Resolution No. 22745, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO FORM AN ASSESSMENT DISTRICT TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES AND ENERGY AND WATER EFFICIENCY IMPROVEMENTS FOR PROPERTY WITHIN THE CITY PURSUANT TO CHAPTER 29 OF PART 3 OF DIVISION 7 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE AND SETTING A PUBLIC HEARING THEREON;" 2) Set the public hearing for September 1, 2010; and 3) Authorize the City Manager or his designee to execute all the necessary documents. **Motion Councilmember Weigel, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE MODIFYING THE CITY COUNCIL MEETING TIME FOR CLOSED SESSIONS:

City Clerk Thompson provided background information as outlined in the staff report dated June 16, 2010.

ACTION: 1) Waive the reading of the full text of the Ordinance, and introduce by title only; and 2) Introduce on first reading Ordinance No. 1777, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PALM SPRINGS MUNICIPAL CODE SECTION 2.04.010 RELATING TO MEETING TIMES OF THE CITY COUNCIL MEETINGS." **Motion Councilmember Weigel, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS:

5.A. PARTICIPATION IN A MULTI-AGENCY ENTERPRISE ZONE APPLICATION TO THE STATE OF CALIFORNIA AND APPROPRIATION OF $50,000 AS THE CITY'S SHARE:

Cathy Van Horn, Economic Development Administrator, provided background information as outlined in the staff report dated June 16, 2010.

Councilmember Foat requested staff address the expansion and success of near-by Enterprise Zones to include the City of Palm Springs, and the input of near-by zones with the City's application.

Mayor Pro Tem Hutcheson requested staff address the financial obligation of other cities participating in the Multi-Agency Zone.

ACTION: 1) Approve the participation in the Enterprise Zone application process in the amount of $50,000 as the City's share; 2) Authorize the City Manager, or his designee, to execute all necessary documents; and 3) Direct staff to allocate $50,000 from the Economic Recovery Plan funding. **Motion Mayor Pougnet, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

5.B. REVIEW AND EVALUATION OF NINE APPLICATIONS FOR POSSIBLE AWARD OF A THIRD PERMIT FOR THE OPERATION OF A MEDICAL CANNABIS COLLECTIVE/COOPERATIVE:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated June 16, 2010.

Councilmember Foat provided background information on the status of CAPS in the City and requested the City Council consider CAPS as the third provider.

Councilmember Weigel stated the City should not be regulating collectives, stated his concerns for CAPS and recommended Organic Solutions of the Desert.

Councilmember Mills stated his opposition to a third provider in the City of Palm Springs, and recommended the City Council spread the locations.

Mayor Pougnet commented on the development of the Ordinances in the City of Palm Springs, commented on some of the challenges with opening the collectives and stated his support for CAPS.

Mayor Pro Tem Hutcheson stated his concerns with CAPS, and stated his support for Organic Solutions of the Desert.

MOTION: 1) Select CAPS Apothecary as the third medical cannabis provider; and 2) Direct staff to prepare a resolution approving the permit with conditions of approval and place on the July 7, 2010, City Council Agenda. **Motion Councilmember Foat, seconded by Mayor Pougnet and failed 2-3 on a roll call vote.**

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

ACTION: 1) Select Organic Solutions of the Desert as the third medical cannabis provider; and 2) Direct staff to prepare a resolution approving the permit with conditions of approval and place on the July 7, 2010, City

Council Agenda. **Motion Mayor Pro Tem Hutcheson, seconded by Councilmember Mills and carried 4-1 on a roll call vote.**

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

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Mayor Pro Tem Hutcheson provided a report on the recent ICSC Conference.

Councilmember Foat requested staff report on the current renovation of the Welwood Murray Library, and thanked the Community members who are working on the Christmas in July event.

Mayor Pougnet requested staff report on the Welwood Murray Library renovation, and commented on the Festival of Lights Parade.

The City Council recessed back into Closed Session at 9:00 PM.
The City Council reconvened at 9:20 p.m.

REPORT OF CLOSED SESSION: City Attorney Holland reported that the City Council recessed into Closed Session to complete discussion on the Items contained on the posted Closed Session Agenda. No reportable actions were taken.

ADJOURNMENT: The City Council adjourned at 9:20 p.m. to a Regular Meeting, Wednesday, July 7, 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 7TH DAY OF JULY, 2010.

STEPHEN P. POUGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK