

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



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

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

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

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

ROLL CALL:

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

ABSENT: None.

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

PRESENTATIONS: Mayor Pougnet and the City Council presented a Certificate of Appreciation to Barbara Roberts, Director of Library Services, for her service to the City.

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

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

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

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

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

REPORT OF CLOSED SESSION: City Attorney Holland stated the meeting was called to order at 4:00 p.m. and the City Council recessed into Closed Session to discuss items on the posted Closed Session Agenda. No reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson requested the City Council table Item 4.C. to the May 2, 2012, City Council meeting.

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

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

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

1. PUBLIC HEARINGS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOES: Mayor Pougnet.

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

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

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

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

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

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

PUBLIC COMMENT:

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

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

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

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

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

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

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

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

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

COUNCILMEMBER COMMENTS:

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

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

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

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

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

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

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

EXCLUDED CONSENT CALENDAR:

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

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

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

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

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

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

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

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

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

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

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

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

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

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

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

NOES: Councilmember Mills.

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

Item tabled with no discussion or action taken.

5. NEW BUSINESS:

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

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

No action taken.

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

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

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

No action taken.

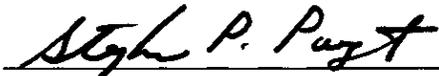
COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Mayor Pougnet announced the upcoming Mayor's Wellness Race.

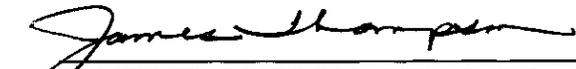
ADJOURNMENT: The City Council adjourned at 8:48 p.m. to Thursday, April 19, 2012, at 9:00 a.m. Large Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs. The next regular meeting of the City Council will be held on Wednesday, May 2, 2012, at 6:00 p.m., Council Chamber, 3200 East Tahquitz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

Springs, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS
16TH DAY OF MAY, 2012.**


STEPHEN P. POUGNET, MAYOR

ATTEST:


JAMES THOMPSON, CITY CLERK