

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



**MEETING MINUTES
WEDNESDAY, APRIL 11, 2012
CITY HALL COUNCIL CHAMBER**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:11 p.m.

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

INVOCATION: Father Robert A. Finamore, Retired, St. Theresa Church, 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 proclaimed the month of April, 2012 as Child Abuse Prevention Month in the City of Palm Springs.

Mayor Pougnet and the City Council proclaimed the week of April 9 to 14, 2012, as Community Development Week in the City of Palm Springs.

Mayor Pougnet and the City Council recognized Mickey Shepherd for his Senior Inspiration Award.

Michele Mician, Sustainability Manager, announced the City was awarded the Energy All Star Award from The Center for Sustainable Energy.

Councilmember Lewin and Councilmember Mills provided an update on the recent PSNIC Annual Picnic.

Mayor Pro Tem Foat provided an update on the recent Dinah Shore Weekend in the City of Palm Springs.

Councilmember Hutcheson and Councilmember Lewin provided an update on the recent White Party events in the City of Palm Springs.

Mayor Pougnet announced the upcoming Mayor's Race events and activities, provided an update on the Desert Fashion Plaza, the Measure "J" Oversight Commission Interviews and PSMeasureJ.com.

Palm Springs Resorts presented the City Council with an update on the events planned by the non-profit agency, including the proposed Marilyn Forever display public artwork installation in Downtown Palm Springs.

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:

Mayor Pro Tem Foat noted her abstention on Item 2.C. Warrant No. 1055114 and requested Item 2.L. be removed from the Consent Calendar for separate discussion.

Councilmember Mills requested Item 2.E. be removed from the Consent Calendar for separate vote.

Councilmember Hutcheson requested Item 2.M. be removed from the Consent Calendar for separate discussion.

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

1. PUBLIC HEARINGS:

Mayor Pro Tem Foat stated she has a conflict of interest with respect to Item 1.A., would not participate in the discussion or the vote, and left Council Chamber.

1.A. 38TH PROGRAM YEAR COMMUNITY DEVELOPMENT BLOCK GRANT 2012-13 ANNUAL ACTION PLAN AND CDBG BUDGET APPROVAL, AUTHORIZATION TO SUBMIT TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT GRANT NO. B-12-MC-06-0561 IN THE AMOUNT OF \$311,205 AND APPROVING SUBRECIPIENT AGREEMENTS:

Dale Cook, Community and Economic Development Administrator, provided background information as outlined in the staff report dated April 11, 2012.

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

ACTION: 1) Adopt Resolution No. 23107, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE 2012-13 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ACTION PLAN, APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET FOR FISCAL YEAR 2012-13, AUTHORIZING THE SUBMITTAL OF THE PLAN AND BUDGET TO THE UNITED STATES DEPARTMENT OF HOUSING & URBAN DEVELOPMENT (HUD), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROVAL/AGREEMENT WITH HUD (GRANT NO. B-12-MC-06-0561) IN THE AMOUNT OF \$311,205 AND THE SUBRECIPIENT AGREEMENTS;" 2) Adopt Resolution No. 23108, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2011-12 TO TRANSFER ADDITIONAL FUNDING FOR THE HOME REPAIR PROGRAM RELATING TO COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING;" and 3) Approve the following Subrecipient Agreements and City Departments' Memoranda of Understanding in a form acceptable to the City Attorney, and authorize the City Manager to execute all necessary documents. A5814.

City of Palm Springs Department of Public Works and Engineering
Arnico Tract Sewer Improvements \$145,689 A6217

Desert AIDS Project
Energy-Efficiency Roofing Upgrade \$85,000 A6218

City of Palm Springs Department of Parks and Recreation
James O. Jessie Desert Highland Unity Center
Parking Lot Improvements \$98,635 A6219

Mizell Senior Center
Office and Energy Efficiency Upgrades \$21,000 A6220

Independent Living Partnership
TRIP Volunteer Driver Program \$15,561 A6221

Fair Housing Council of Riverside
Fair Housing Services \$15,560 A6222

AIDS Assistance Program
Home Bound Grocery Delivery Program \$15,560 A6223

City of Palm Springs Department of Community & Economic Development
Home Repair Program \$18,233 A6224

Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.

AYES: Councilmember Hutcheson, Councilmember Lewin, Councilmember Mills, and Mayor Pougnet.

NOES: None.

ABSENT: Mayor Pro Tem Foat.

Mayor Pro Tem Foat returned to the dais.

1.B JOINT PUBLIC HEARING ITEM OF THE CITY COUNCIL AND THE FINANCING AUTHORITY PROPOSED ISSUANCE OF THE 2012 LEASE REVENUE BONDS (DOWNTOWN REVITALIZATION PROJECT):

Suzanne Harrell, City's Financial Consultant, and John Kim, De La Rosa and Company, Bond Underwriters, provided background information as outlined in the staff report dated April 11, 2012.

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

STEVE ROSENBERG, Palm Springs, stated the bold plan is ready to move forward and stated his support for the issuance of the bonds.

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

ACTION: (CITY COUNCIL) 1) Adopt Resolution No. 23109, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING SITE LEASE AND LEASE AGREEMENT IN CONNECTION WITH THE ISSUANCE OF THE CITY OF PALM SPRINGS FINANCING AUTHORITY LEASE REVENUE BONDS, 2012 SERIES B (DOWNTOWN REVITALIZATION PROJECT) NOT TO EXCEED \$47 MILLION, APPROVING SALE OF SUCH BONDS AND OFFICIAL STATEMENT AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO." **Motion Mayor Pro Tem Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

ACTION: (FINANCING AUTHORITY) Adopt Resolution No. 38, "A RESOLUTION OF THE CITY OF PALM SPRINGS FINANCING AUTHORITY AUTHORIZING ISSUANCE OF CITY OF PALM SPRINGS FINANCING AUTHORITY LEASE REVENUE BONDS, 2012 SERIES B (DOWNTOWN REVITALIZATION PROJECT) NOT TO EXCEED \$47

MILLION, APPROVING AND AUTHORIZING AND DIRECTING EXECUTION OF INDENTURE OF TRUST AND OTHER DOCUMENTS RELATING THERETO, AUTHORIZING SALE OF SUCH BONDS, APPROVING OFFICIAL STATEMENT AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO." **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

Councilmember Hutcheson stated he has a property related conflict of interest with respect to Item 1.C., would not participate in the discussion or the vote, and left Council Chamber.

1.C. CHANGE THE ZONE DESIGNATION OF TWO LOTS AT THE NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND SUNRISE WAY FROM C1-AA (LARGE SCALE RETAIL COMMERCIAL) TO C1 (RETAIL COMMERCIAL) WESSMAN HOLDINGS LLC:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated April 11, 2012.

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

ACTION: 1) Waive reading of the full text of the ordinance and introduce by title only; and 2) Introduce on first reading Ordinance No. 1806, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE ZONING MAP TO CHANGE THE ZONING DESIGNATION OF AN APPROXIMATELY 1.38-ACRE SITE (APNS 502 065 008 and 502 065 018) FROM C-I-AA (LARGE SCALE RETAIL COMMERCIAL) TO C-1 (RETAIL COMMERCIAL), THE SITE IS LOCATED AT THE NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND SUNRISE WAY" **Motion Councilmember Lewin, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.**

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

Councilmember Hutcheson returned to the dais.

PUBLIC COMMENT:

PHYLLIS CLAIRE BURGESS, Palm Springs, commented on the redevelopment of the Desert Fashion Plaza.

TOM ADAMO, Palm Springs, commented on the redevelopment of the Downtown and Uptown areas of Palm Springs and requested support of the BID.

MICHAEL W. RICE, commented on Item 5.D. regarding the available permit to operate a medical cannabis collective/cooperative.

PETER AND ALAN LIVRERI, commented on Item 5.D. regarding the available permit to operate a medical cannabis collective/cooperative.

ROBERT VAN ROO, commented on Item 5.D. regarding the available permit to operate a medical cannabis collective/cooperative.

ALICE JENSEN, commented on Item 5.D. regarding the available permit to operate a medical cannabis collective/cooperative.

KEITH MCCORMICK, commented on the Palm Springs Business Improvement District and requested the City Council support funding for the BID.

TIM RADIGAN, commented on the upcoming proposed sewer rate increase.

RICK PANTELE, commented on Item 5.D. regarding the available permit to operate a medical cannabis collective/cooperative.

LANNY SWERDLOW, Palm Springs, commented on Item 5.D. regarding the available permit to operate a medical cannabis collective/cooperative.

KURT HANDSHUH, commented on Item 5.D. regarding the available permit to operate a medical cannabis collective/cooperative.

COUNCILMEMBER COMMENTS:

Mayor Pro Tem Foat requested City staff review the use of i-Pads for City Council meetings.

Mayor Pougnet requested an Item be placed on the next Agenda for the naming of the Belardo Bridge, and commented on a recent letter in the paper regarding the Palm Springs White Party.

Councilmember Hutcheson requested the City Manager review and prepare documents regarding the re-use of building materials.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve 2.A., 2.B., 2.C., 2.D., 2.F., 2.G., 2.H., 2.I., 2.J., 2.K., 2.N., 2.O., and 2.P. **Motion Councilmember Lewin, seconded by Councilmember Mills 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 11, 2012, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of March 7, 2012, March 16, 2012, and March 21, 2012. **Approved as part of the Consent Calendar.**

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

ACTION: 1) Adopt Resolution No. 23110, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 02-18-12 BY WARRANTS NUMBERED 417269 THROUGH 417292 TOTALING \$46,488.89, LIABILITY CHECKS NUMBERED 1054506 THROUGH 1054530 TOTALING \$124,525.97, FIVE WIRE TRANSFERS FOR \$46,490.78, AND THREE ELECTRONIC ACH DEBITS OF \$1,009,170.61, IN THE AGGREGATE AMOUNT OF \$1,226,676.25, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23111, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1054531 THROUGH 1054704 IN THE AGGREGATE AMOUNT OF \$2,217,720.68, DRAWN ON BANK OF AMERICA;" 3) Adopt Resolution No. 23112, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1054705 THROUGH 1054814 IN THE AGGREGATE AMOUNT OF \$2,603,865.51, DRAWN ON BANK OF AMERICA;" 4) Adopt Resolution No. 23113, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 3-03-12 BY WARRANTS NUMBERED 417293 THROUGH 417314 TOTALING \$40,480.99, LIABILITY CHECKS NUMBERED 1054815 THROUGH 1054839 TOTALING \$122,566.66, FIVE WIRE TRANSFERS FOR \$65,884.79, AND THREE ELECTRONIC ACH DEBITS OF \$1,120,440.80, IN THE AGGREGATE AMOUNT OF \$1,349,373.24, DRAWN ON BANK OF AMERICA;" 5) Adopt Resolution No. 23114, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1054840 THROUGH 1054943 IN THE AGGREGATE AMOUNT OF \$490,617.74, DRAWN ON

BANK OF AMERICA;" 6) Adopt Resolution No. 23115, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1054944 THROUGH 1055143 IN THE AGGREGATE AMOUNT OF \$652,385.60, DRAWN ON BANK OF AMERICA;" 7) Adopt Resolution No. 23116, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1055144 THROUGH 1055249 IN THE AGGREGATE AMOUNT OF \$2,581,844.89, DRAWN ON BANK OF AMERICA;" 8) Adopt Resolution No. 23117, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 3-17-12 BY WARRANTS NUMBERED 417315 THROUGH 417337 TOTALING \$39,635.06, LIABILITY CHECKS NUMBERED 1055250 THROUGH 1055274 TOTALING \$123,059.94, FIVE WIRE TRANSFERS FOR \$42,304.03, AND THREE ELECTRONIC ACH DEBITS OF \$978,888.67, IN THE AGGREGATE AMOUNT OF \$1,183,887.70, DRAWN ON BANK OF AMERICA;" and 9) Adopt Resolution No. 23118, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1055275 THROUGH 1055393 IN THE AGGREGATE AMOUNT OF \$2,429,943.91, DRAWN ON BANK OF AMERICA."
Approved as part of the Consent Calendar, noting the abstention of Mayor Pro Tem Foat on Warrant No. 1055114.

2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF FEBRUARY 2012:

ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of February 1 through February 29, 2012.
Approved as part of the Consent Calendar.

2.F. RATIFY AND REAPPOINT THE NOMINATION OF THE CITY OF COACHELLA TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING DECEMBER 31, 2012:

ACTION: Reappoint David Garcia, as the City of Coachella representative, to the Palm Springs International Airport Commission for the term ending December 31, 2012. **Approved as part of the Consent Calendar.**

2.G. AMENDMENT NO. 3 TO AGREEMENT NO. A5235 WITH DOKKEN ENGINEERING FOR THE INDIAN CANYON DRIVE WIDENING PROJECT (CP 01-25):

ACTION: 1) Approve Amendment No. 3 to Agreement No. A5235 with Dokken Engineering, in the amount of \$38,310 for a total revised contract

amount of \$951,040 for the Indian Canyon Drive Widening Project (CP 01-25); and 2) Authorize the City Manager to execute all necessary documents. A5235. **Approved as part of the Consent Calendar.**

2.H. APPROVAL OF TRACT MAP 35544 TO BE SUBDIVIDED INTO ONE RESIDENTIAL CONDOMINIUM PARCEL LOCATED AT 588 SAN LORENZO ROAD AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH SAN LORENZO PRIDE, LLC:

ACTION: 1) Adopt Resolution No. 23119, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TRACT MAP 35544 FOR RESIDENTIAL CONDOMINIUM PURPOSES FOR PROPERTY LOCATED AT 588 SAN LORENZO ROAD, IN SECTION 23, TOWNSHIP 4 SOUTH, RANGE 4 EAST, AND APPROVING A RELATED SUBDIVISION IMPROVEMENT AGREEMENT;" and 2) Authorize the City Manager to execute all necessary documents. A6225. **Approved as part of the Consent Calendar.**

2.I. APPROVE THE NON-EXCLUSIVE USE OF LOCAL TEMPORARY STAFFING SERVICES:

ACTION: Authorize the City Manager to utilize various local staffing agencies for non-exclusive temporary staff assignments, and execute any required documents, subject to approval by the City Attorney. **Approved as part of the Consent Calendar.**

2.J. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE INDIAN CANYON DRIVE INTERIM WIDENING PROJECT FROM UNION PACIFIC RAILROAD (UPRR) BRIDGE TO GARNET AVENUE (CP 01-11 A):

ACTION: Approve the plans, specifications and estimate, and authorize staff to move forward with the Indian Canyon Drive Interim Widening Project (UPRR Bridge to Garnet Avenue) (CP 01-11 A), and authorize staff to advertise and solicit bids. **Approved as part of the Consent Calendar.**

2.K. ACCEPT FROM THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY THE EMERGENCY MANAGEMENT PERFORMANCE GRANT IN THE AMOUNT OF \$17,587 AND AUTHORIZE THE PURCHASE OF COMPUTER EQUIPMENT FOR THE EMERGENCY OPERATIONS CENTER:

ACTION: 1) Accept the Emergency Management Performance Grant from the California Emergency Management Agency in the amount of \$17,587; 2) Authorize the purchase of computer equipment from Dell via the Western States Contracting Alliance (WSCA) national cooperative purchasing agreement in the amount of \$35,174; and 3) Authorize the City

Manager to execute all necessary documents, including the purchase order. **Approved as part of the Consent Calendar.**

2.N. APPOINTMENT TO THE ADMINISTRATIVE APPEALS BOARD:

ACTION: Appoint Glen Perry to the Administrative Appeals Board for the term ending June 30, 2015. **Approved as part of the Consent Calendar.**

2.O. APPOINTMENT TO THE HUMAN RIGHTS COMMISSION:

ACTION: Appoint David Brown to the Human Rights Commission for the term ending June 30, 2015. **Approved as part of the Consent Calendar.**

2.P. TREASURER'S INVESTMENT REPORT AS OF FEBRUARY 29, 2012:

ACTION: Receive and file the Treasurer's Investment Report as of February 29, 2012. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.E. SECOND READING AND ADOPTION OF ORDINANCE NO. 1804, CORRECTING BY AMENDMENT SECTION 93.23.15 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO MEDICAL CANNABIS COOPERATIVE AND COLLECTIVE SPECIAL CONDITIONS:

Councilmember Mills noted he will be voting against the proposed ordinance as it provides for three collectives rather than two.

ACTION: Waive further reading and adopt Ordinance No. 1804, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, CORRECTING BY AMENDMENT SECTION 93.23.15 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO MEDICAL CANNABIS COOPERATIVE AND COLLECTIVE SPECIAL CONDITIONS." **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Foat and carried 4-1 on a roll call vote.**

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

NOES: Councilmember Mills.

2.L. AMENDMENT NO. 7 TO AGREEMENT NO. A5300 WITH MERCHANTS LANDSCAPE SERVICES FOR LANDSCAPE MAINTENANCE AT THE ANIMAL SHELTER IN THE AMOUNT OF \$27,892 PER YEAR:

The City Council commented and/or discussed the following: the amount of funds required to maintain the landscaping at the Palm Springs Animal Shelter, bidding the service and further bidding on the entire landscape project, the maintenance requirements of desert landscaping with a natural desert look and feel, and redesigning the landscaping to reduce the on-going maintenance.

ACTION: Direct staff to return to obtain a reduced bid and/or review and reduce the specifications for the landscape maintenance at the Palm Springs Animal Shelter. **Motion Mayor Pro Tem Foat, seconded by Councilmember Hutcheson and carried 3-2 on a roll call vote.**

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

NOES: Councilmember Mills and Mayor Pougnet.

2.M. APPROVE AN EXCLUSIVE AGREEMENT TO NEGOTIATE WITH SAVOY GROUP, INC. FOR TWO PARCELS AT THE SOUTHWEST CORNER OF NORTH PALM CANYON DRIVE AND STEVENS ROAD:

Councilmember Hutcheson commented on the development opportunities.

ACTION: 1) Approve an exclusive agreement to negotiate with Savoy Group, Inc. for one year for two City owned parcels at the southwest corner of North Palm Canyon Drive and Stevens Road; and 2) Authorize the City Manager to execute all necessary documents. A6226. **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.**

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS:

5.A. DISCUSSION OF AIR QUALITY MANAGEMENT DISTRICT (AQMD) GRANT APPLICATION FOR THE SENTINEL POWER PLANT MITIGATION FUNDING:

Dave Barakian, City Engineer, provided background information as outlined in the staff report dated April 11, 2012.

The City Council discussed and/or commented on the following with respect to the mitigation funding: the reasons the City does not qualify for Environmental Justice funding, the funding available for City specific projects, the opportunity to fulfill the concepts of the CVAG path, benefits to tourism for the CVAG proposed project, the ability to include rail service, and the benefits of the proposals to improve air quality.

ACTION: 1) Support the CVAG path as the first priority; and 2) Direct staff to further study potential City projects for funding and to place on the May 2, 2012, City Council Agenda for discussion. **By consensus of the City Council.**

5.B. APPOINTMENT OF CITY COUNCIL SUBCOMMITTEES TO SCREEN COMMISSION AND BOARD APPLICATIONS, TO DETERMINE QUALIFIED APPLICANTS AS PART OF THE 2012 ANNUAL RECRUITMENT OF CITY BOARDS AND COMMISSIONS:

City Clerk Thompson provided background information as outlined in the staff report dated April 11, 2012.

ACTION: 1) Waive the procedures in Resolution No. 18804 Section 7(b), for the 2012 Annual Recruitment process, to allow for the City Council as a whole, to participate in the screening and interview of Applicants for the Planning Commission and the Historic Site Preservation Board; 2) Waive the procedures in Resolution No. 18804 Section 7(b), for the 2012 Annual Recruitment process that provides for the Mayor to select and participate in all subcommittees; and 3) Appoint two-member ad hoc City Council Subcommittees to screen and interview Applicants for the following Commissions and Boards as follows: Administrative Appeals Board Mayor Pougnet and Mayor Pro Tem Foat; Airport Commission Councilmember Mills and Mayor Pougnet; Board of Appeals Mayor Pougnet and Mayor Pro Tem Foat; BID Advisory Board Councilmember Hutcheson and Councilmember Mills; Human Rights Commission Councilmember Mills and Councilmember Lewin; Library Board of Trustees Mayor Pougnet and Councilmember Lewin; Personnel Board Mayor Pougnet and Councilmember Hutcheson; Parks and Recreation Commission Mayor Pro Tem Foat and Councilmember Mills; Public Arts Commission Councilmember Hutcheson and Councilmember Lewin; Rent Review Commission Mayor Pro Tem Foat and Councilmember Mills; Sustainability Commission Councilmember Hutcheson and Councilmember Lewin; and VillageFest Board Mayor Pro Tem Foat and Councilmember Hutcheson.
Motion Councilmember Mills, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote.

5.C. SECTION 14 TAHQUITZ CANYON WAY MEDIAN LANDSCAPING IMPROVEMENTS PROJECT (CP 08-20):

Dave Barakian, City Engineer, provided background information as outlined in the staff report dated April 11, 2012.

The City Council discussed and/or commented on the following: incorporation of artwork on the City portion of the project, the inclusion of Tribal artwork on the Section 14 portion of the project, the design is schematic, and the City Council will approve the final plan, the removal of the mid-block crossings, public safety issues and mobility, the installation of art on the walls rather than decorative stones, and requested the Sustainability Commission be provided a briefing.

ACTION: 1) Approve the schematic landscape plans for the Tahquitz Canyon Way median; 2) Approve Amendment No. 2 to Agreement No. A5809 with RGA Landscape Architects, Inc., in the amount of \$94,400 for a revised total contract amount of \$157,940 for the Tahquitz Canyon Way Median Landscaping Improvements Project (CP 08-20); 3) Direct staff to process the final landscape design approval pursuant to Architectural Review guidelines including consultation with the Indian Planning Commission and Tribal Council; and 4) Authorize the City Manager to execute all necessary documents. A5809. **Motion Councilmember Hutcheson, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

5.D. DISPOSITION OF AVAILABLE PERMIT TO OPERATE A MEDICAL CANNABIS COLLECTIVE/COOPERATIVE:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated April 11, 2012.

The City Council discussed and/or commented on the following: clarification and timing going forward, granting the permit to CAPS, increasing the number to four collectives, fairness, the importance of the location of the collective, the legal issues with CAPS, opening the process to new applicants in addition to the previous applicants, consequences to patients, the lack of information tonight to make a decision on granting the permit, and requesting staff provide data and information on the two current collectives.

ACTION: 1) Direct staff to prepare a resolution to approve the third license to CAPS; and 2) Direct staff to solicit updated applications from those 2009 applicants who have indicated an interest in the available collective permit. **Motion Mayor Pro Tem Foat, seconded by Mayor Pougnet and carried 3-2 on a roll call vote.**

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

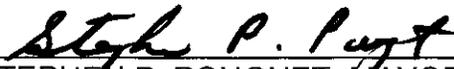
NOES: Councilmember Hutcheson and Councilmember Mills.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Mayor Pougnet announced the upcoming Mayor's Race and Wellness Festival.

ADJOURNMENT: The City Council adjourned at 10:10 p.m. to Wednesday, April 18, 2012, at 6:00 p.m. Council Chamber, City Hall, 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