CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA

MEETING MINUTES
WEDNESDAY, MARCH 7, 2012
CITY COUNCIL CHAMBER

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

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

INVOCATION: Sharron Stroud, Innerfaith Spiritual Center, 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 announced the Green Citizen of the Year Award to Joan Martin.

Mayor Pougnet provided an update on the Arbor Day Celebration and Black History Month.

Councilmember Foat announced the Cat Mojo 101 event at the Palm Springs Animal Shelter.

Mayor Pougnet announced the recent ribbon cutting at the Tahquitz Creek Golf Course Clubhouse.

Councilmember Foat outlined the activities at the 2012 Modernism Event.

Councilmember Lewin announced the recent opening and ribbon cutting at the Saguaro, and his recent Principle for Day appearance.

Councilmember Mills announced the Palm Springs High School Patzner Wall of Fame.

Mayor Pougnet provided an update on the Desert Fashion Plaza renovation, PSMeasureJ website, and the upcoming Mayor's Healthy Challenge events.

REPORT OF CLOSED SESSION: City Attorney Holland reported 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. The City Council provided direction to the City Labor Negotiator, otherwise no reportable actions were taken.

City Attorney Holland requested the City Council recess into Closed Session following the Regular Meeting, to continue discussion on the Items on the posted Closed Session Agenda.

ACCEPTANCE OF THE AGENDA:

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

Mayor Pro Tem Foat requested Item 2.E. be removed from the Consent Calendar for separate discussion, and requested the City Attorney address Conflict of Interest issues with respect to Items 2.J. and 2.K.

Councilmember Mills noted his business related abstention on Item 2.C., Warrant No. 1054445, noted his business related abstention for the Valley Station site on Item 2.E., and noted his property related abstention on the Ramon Road portion of Item 2.K.

Councilmember Lewin requested Items 2.J. and 2.K. be removed from the Consent Calendar for separate discussion.

Councilmember Hutcheson requested Items 2.J. and 2.K. be removed from the Consent Calendar for separate discussion.

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

1. PUBLIC HEARINGS:

1.A. APPEAL THE RESCISSION OF THE MEDICAL CANNABIS COOPERATIVE/COLLECTIVE REGULATORY PERMIT FOR CANNAHELP CORPORATION AT 505 INDUSTRIAL PLACE (CASE MC 09-001):

Craig Ewing, Director of Planning Services, provided background information as outlined in the Staff Report dated March 7, 2012.

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

STACY HOCHANADEL, Appellant, stated the revocation was issued in error due to the timing and the failure to communicate, and stated the 90-day time period is unattainable.

MICHAEL RICE, Previous Landlord, requested the City Council reject the appeal and uphold the revocation, and commented on problems with Cannahelp.

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

Mayor Pro Tem Foat commented on the process to develop the medical cannabis ordinance and stated her disappointment with Cannahelp.

Councilmember Hutcheson requested staff address the process going forward if the permit is rescinded.

Councilmember Lewin requested staff address if Cannahelp could reapply for another permit.

Councilmember Mills stated his objection not only to the closed site, but to the proposed site for relocation.

ACTION: Adopt Resolution No. 23099 "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE ACTION OF THE CITY MANAGER REVOKING THE MEDICAL CANNABIS COOPERATIVE / COLLECTIVE REGULATORY PERMIT FOR CANNAHELP CORPORATION, AT 505 INDUSTRIAL PLACE, AND ESTABLISHING THAT RESOLUTION NO. 22666 GRANTING THE ORIGINAL PERMIT TO CANNAHELP CORPORATION IS NO LONGER IN EFFECT." **Motion Mayor Pro Tem Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

1.B. APPEAL THE PLANNING COMMISSION DENIAL TO WAIVE OBLIGATIONS TO PERFORM UTILITY UNDERGROUNDING AND APPROVED CONDITIONS OF APPROVAL FOR CASE 5.0866-B, PDD 267, TRACT 31525; A 70-LOT SUBDIVISION LOCATED ON THE EAST SIDE OF SUNRISE WAY BETWEEN SAN RAFAEL DRIVE AND THE WHITEWATER RIVER:

David Barakian, City Engineer, provided background information as outlined in the Staff Report dated March 7, 2012.

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

CHRIS COURTNEY, Representing Appellant, commented on the proceedings before the Planning Commission, noted the letter to the City Council concerning the points of the appeal including Park Dedication, Safety, Transfer of Ownership, Quimby Fees, and Condition Manipulation, and requested the City Council overturn the Planning Commission decision and release the Subdivision Letter of Credit.

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

Mayor Pro Tem Foat requested staff address if an addendum to the deed to convey the property was filed and the implications.

Councilmember Mills stated the property was originally part of the project, the density was transferred to other sites within the PDD, and the developer probably put the cost in the sales prices of the properties, and stated his support for the Planning Commission decision.

Councilmember Lewin requested staff address the timing of the improvements and questioned how the property could have been sold since it is conditioned to be maintained as open space, and requested staff address the responsibility and if the payment of Quimby Fees would change the responsibility.

Councilmember Hutcheson stated the City's interest is for the under grounding of utilities, the burden was not transferred with the land, and stated his support for the Planning Commission decision.

ACTION: Adopt Resolution No. 23100, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S DENIAL OF A REQUEST TO WAIVE OBLIGATIONS TO PERFORM UTILITY UNDERGROUNDING ASSOCIATED WITH THE FOUR SEASON'S DEVELOPMENT, A 70-LOT SUBDIVISION LOCATED ON THE EAST SIDE OF SUNRISE WAY BETWEEN SAN RAFAEL DRIVE AND THE WHITEWATER RIVER (CASE 5.0866-B, PDD 267, TM 31525)." **Motion Councilmember Mills, seconded by Mayor Pougnet and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

SCOTT CONNELLY, commented on the military noise at the Palm Springs International Airport.

STEVE ROSENBERG, Palm Springs, commented on Item 4.A. the selection of the Measure "J" Oversight Commission, and recommended the City Council expand the size of the Commission.

JOE FOSTER, Palm Springs, commented on the Grey Hound Station that was moved to the Amtrak Station and the lack of facilities at the location, and commented on the lack of street sweeping in the City.

JACK LILLARD, Palm Springs, commented on the property at 400 South Sunny Dunes the location of a medical cannabis facility.

WAYNE GOTTLIEB, Palm Springs, commented on statements he heard with respect to proceeds and bonding for Measure "J" funds, and commented on Item 2.J. the slurry seal of City streets.

COUNCILMEMBER COMMENTS:

Councilmember Hutcheson requested the City Manager address the signage and street lights on North Palm Canyon Drive near the Ramada and Indian Canyon Drive.

Councilmember Lewin stated the City should consider inspecting the other medical cannabis licensees and facilities.

Councilmember Mills requested staff address the agreement with Palm Springs Power and if such agreement contains a requirement pertaining to parking for staff and players, who are parking at the Library, and requested staff start addressing the 75th Anniversary of the City of Palm Springs.

Mayor Pro Tem Foat requested an update on the Welwood Memorial Library.

Mayor Pougnet commented on recent statements by Riverside County Supervisor Stone on the proposed Whitewater Detention Center, requested the Resolution adopted by the Palm Springs City Council be placed on the next City Council agenda for further discussion, commented on the BLM land swap with the Tribe, and requested another letter be sent regarding the current transfer of land and placed on the next City Council agenda for further discussion.

Councilmember Foat requested City Staff testify at the BLM public hearing.

CITY MANAGER'S REPORT: City Manager Ready provided an update on the recent billboard advertising for Downtown and Uptown Palm Springs.

City Clerk Thompson provided an update on the 2012 Recruitment of Boards and Commissions.

Councilmember Mills requested consistency with the on-line application and the hard copy application.

2. CONSENT CALENDAR:
ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.F., 2.G., 2.H., 2.I., 2.L., 2.M., 2.N., and 2.O. **Motion Councilmember Hutcheson, 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 March 7, 2012, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:
ACTION: Approve the City Council and Housing Authority Minutes of February 15, 2012. **Approved as part of the Consent Calendar.**

2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:
ACTION: 1) Adopt Resolution No. 23101, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 02-04-12 BY WARRANTS NUMBERED 417242 THROUGH 417268 TOTALING $42,275.95, LIABILITY CHECKS NUMBERED 1054254 THROUGH 1054278 TOTALING $122,190.67, FIVE WIRE TRANSFERS FOR $46,516.97, AND THREE ELECTRONIC ACH DEBITS OF $1,026,367.47, IN THE AGGREGATE AMOUNT OF $1,237,351.06, DRAWN ON BANK OF AMERICA;" and 2) Adopt Resolution No. 23102, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1054279 THROUGH 1054385 IN THE AGGREGATE AMOUNT OF $912,771.35, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 23103, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1054386 THROUGH 1054505 IN THE AGGREGATE AMOUNT OF $1,781,960.68, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar noting the business related abstention of Councilmember Mills on Warrant No. 1054445.**

2.D. TREASURER'S INVESTMENT REPORT AS OF JANUARY 31, 2012:
ACTION: Receive and file the Treasurer's Investment Report as of January 31, 2012. **Approved as part of the Consent Calendar.**

2.F. AMENDMENT TO AGREEMENT NO. A5488 WITH ALLEN F. SMOOT & ASSOCIATES FOR CONTINUED OWNER REPRESENTATIVE SERVICES:
ACTION: 1) Approve Amendment No. 11 to Agreement No. A5488 with Allen F. Smoot & Associates for continued Owner Representative Services; and 2) Authorize the City Manager to execute all necessary documents. A5488. **Approved as part of the Consent Calendar.**

2.G. APPOINTMENTS TO THE VILLAGEFEST BOARD:
ACTION: 1) Appoint Timothy Cleveland to the VillageFest Board for the unexpired term ending June 30, 2015; and 2) Appoint Jeff McLaughlin to the VillageFest Board for the unexpired term ending June 30, 2014. **Approved as part of the Consent Calendar.**

2.H. APPOINTMENTS TO THE PERSONNEL BOARD:
ACTION: Appoint John Price to the Personnel Board for the unexpired term ending June 30, 2014. **Approved as part of the Consent Calendar.**

2.I. RELEASE AND EXAMINATION OF SALES OR TRANSACTIONS AND USE RECORDS BY THE BOARD OF EQUALIZATION TO CITY SALES TAX AUDITORS:
ACTION: Adopt Resolution No. 23104, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE RELEASE AND EXAMINATION OF SALES OR TRANSACTIONS AND USE TAX RECORDS." **Approved as part of the Consent Calendar.**

2.L. DONATION OF A 1990 BECK TELE SQUIRT FIRE ENGINE, EQUIPMENT NO. 1TS43R, TO CHAFFEY COLLEGE FOUNDATION AND FIRE TECHNOLOGY PROGRAM:
ACTION: 1) Waive the surplus equipment bid and auction requirements of the Palm Springs Municipal Code, Section 7.07.020(3); 2) Approve the donation of the surplus 1990 Beck Tele Squirt, Equipment No. 1TS43R, to Chaffey College Foundation, Fire Technology Program; and 3) Authorize the City Manager to execute all related documents. **Approved as part of the Consent Calendar.**

2.M. TIME LIMITED PARKING IN VICINITY OF ACE HOTEL, ON THE SOUTH SIDE OF TWIN PALMS DRIVE AND THE EAST SIDE OF CAMINO REAL:
ACTION: Adopt Resolution No. 23105, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING NO PARKING ZONES BETWEEN THE HOURS OF 10:00 P.M. TO 6:00 A.M. ON THE SOUTH SIDE OF TWIN PALMS DRIVE BETWEEN CAMINO REAL AND THE FIRST DRIVEWAY EAST OF CAMINO REAL AND THE EAST SIDE OF CAMINO REAL FROM TWIN PALMS DRIVE SOUTH APPROXIMATELY 360 FEET TO THE FIRST DRIVEWAY SOUTH OF TWIN PALMS." **Approved as part of the Consent Calendar.**

2.N. APPOINTMENTS TO THE SUSTAINABILITY COMMISSION:
ACTION: 1) Appoint Kate Castle and Paul McCreesh to the Sustainability Commission for the unexpired terms ending June 30, 2014. **Approved as part of the Consent Calendar.**

2.O. AMENDMENT NO. 1 TO AGREEMENT NO. A5862 WITH KEENAN & ASSOCIATES FOR CONSULTING SERVICES FOR LOSS CONTROL AND REGULATORY SERVICES:
ACTION: 1) Approve Amendment No. 1 to Agreement No. A5862 with Keenan & Associates for consulting services for loss control and

regulatory services; and 2) Authorize the City Manager to execute all necessary documents. A5862. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.E. INITIATE AMENDMENT TO THE CLASS 1 HISTORIC DESIGNATIONS FOR FOUR HISTORIC SITES ASSOCIATED WITH ALBERT FREY, THE FREY HOUSE II (686 PALISADES DR.), THE VALLEY STATION OF THE PALM SPRINGS AERIAL TRAMWAY (WESTERLY TERMINUS OF TRAMWAY), THE LOEWY HOUSE (600 PANORAMA ROAD), AND THE CAREY-PIROZZI HOUSE (651 W. VIA ESCUELA), CLASS 1 HISTORIC SITES (CASE HSPB 33):

Mayor Pougnet stated he preferred the City Council only deal with the City Hall site at this time.

ACTION: Take no action to initiate amendments to the historic designations for the Frey House II (686 Palisades Dr.) the Valley Station of the Palm Springs Aerial Tramway (westerly terminus of Tramway) the Loewy House (600 Panorama Road) and the Carey-Pirozzi House (651 W. Via Escuela). **Motion Mayor Pro Tem Foat, seconded by Councilmember Lewin and unanimously carried on a roll call vote, noting the business related abstention of Councilmember Mills on the Valley Station decision.**

2.J. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE 2011-12 ANNUAL SLURRY SEAL (CP 11-05):

Councilmember Lewin requested staff address bike lanes be repainted during the slurry seal process.

Mayor Pro Tem Foat requested staff address the slurry seal of Palm Canyon at the construction site for the remodel of the Desert Fashion Plaza.

Councilmember Hutcheson thanked staff for briefing the MainStreet Board and work will be deferred until after May 1.

ACTION: Approve the specifications and working details for the 2011-12 Annual Slurry Seal and authorize staff to advertise and solicit bids (CP 11-05). **Motion Councilmember Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

2.K. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE 2011-12 ANNUAL ASPHALT OVERLAY (CP 11-06):

Councilmember Hutcheson requested staff address a discussion of turning Indian Canyon into a two-way street before any street improvements are made.

Mayor Pougnet stated such a discussion on Indian Canyon should be at a City Council study session.

Councilmember Mills noted the previous discussions pertaining to Indian Canyon as a two-way street.

ACTION: Approve the plans, specifications, and working details for the 2011-12 Annual Overlay and authorize staff to advertise and solicit bids (CP 11-06). **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Foat and unanimously carried on a roll call vote, noting the property ownership related abstention of Councilmember Mills on the Ramon Road overlay.**

3. LEGISLATIVE:

3.A. CORRECTION TO PALM SPRINGS ZONING CODE SECTION 93.23.15 "MEDICAL CANNABIS COOPERATIVE OR COLLECTIVE SPECIAL STANDARDS" (FORMERLY 93.22.00):
Craig Ewing, Director of Planning Services, provided background information as outlined in the Staff Report dated March 7, 2012.

Councilmember Mills requested staff address the process of selecting a third provider, and stated his preference for a new application process.

Councilmember Lewin stated the City should perform due diligence on any applications, and stated his support for limiting to the current applications.

Mayor Pro Tem Foat stated the ordinance provides the City Council the flexibility to only consider the previous applications or accept further applications.

Councilmember Hutcheson requested staff address whether anyone that has an existing application and received a permit would be included in the current extension and process.

ACTION: 1) Waive reading of the full text of the ordinance, introduce by title only on first reading 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;" and 2) Waive reading of the full text of the ordinance and adopt by title only Urgency Ordinance No. 1805, "AN URGENCY ORDINANCE OF THE CITY COUNCIL 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 ZONING CODE SECTION 93.23.15." **Motion Mayor Pro Tem Foat, seconded by Councilmember Hutcheson 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. UNFINISHED BUSINESS:

4.A. DETERMINE THE SELECTION PROCESS FOR THE MEASURE "J" OVERSIGHT COMMISSION:

Mayor Pougnet requested the City Council consider interviewing all 45 candidates as selected by the City Council, and commented on transparency.

Councilmember Lewin commented on staggered initial terms, and requested the City Council consider increasing the number of Commissioners.

ACTION: Direct the City Clerk to provide for the City Council to interview all 45 candidates on the Measure "J" Oversight Commission Short List as selected by the City Council. **By consensus of the City Council.**

4.B. DETERMINATION OF CLASS 1 HISTORIC DESIGNATION FOR PALM SPRINGS CITY HALL, AT 3200 EAST TAHQUITZ CANYON WAY, A CLASS 1 HISTORIC SITE (CASE HSPB 33):

Craig Ewing, Director of Planning Services, provided background information as outlined in the Staff Report dated March 7, 2012.

Mayor Pro Tem Foat requested the City Council consider designating the entire site as indicated on the map as an historic site.

Councilmember Lewin requested the City Council consider ending the designation of the historic site at the rear of the back parking lot, which would exclude the dog park and Co-Gen plant, and stated the City Council should consider exempting landscaping.

Councilmember Mills requested clarification to modify the boundaries on the three remaining sides to the outer curb of the sidewalk, stated his

support to designate the building and the front steps, but stated his opposition to including the parking lot in the historic designation.

Councilmember Hutcheson stated his support for the compromise solution as suggested by Councilmember Lewin.

ACTION: Adopt Resolution No. 23106, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE CLASS 1 HISTORIC DESIGNATION OF THE PALM SPRINGS CITY HALL," amending the historic site designation to end at the curb of the North end of the rear City Hall parking lot, so not to include the dog park, the Co-Gen facility and landscape area, and the El Cielo Road right-of-way and to exclude all City Hall landscaping from the historic site designation. **Motion Councilmember Lewin, 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. PROGRESS REPORT AND UPDATE FROM THE CITY COUNCIL MUSEUM MARKET PLAZA PROJECT AD HOC SUBCOMMITTEE:

Mayor Pougnet and Councilmember Mills provided an update on the renovation and the demolition of the Bank of America, working toward the installation of the public park at the location, stated the timeline is being met in all respects, and commented on the selection of architecture design,

No action taken.

5. NEW BUSINESS: None.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS: None.

The City Council recessed into Closed Session at 8:24 p.m.
The City Council reconvened to Open Session at 9:09 p.m.

REPORT OF CLOSED SESSION: City Attorney Holland stated the City Council recessed into Closed Session to continue discussion on the items contained on the posted Closed Session Agenda. The City Council provided direction to the City Attorney on one-case of Existing Litigation Pacific Hospitality Group v. Palm Springs Community Redevelopment Agency, Case No. INC 079881, and the City Council authorized Staff to enter into an legal services agreement with Mark Wasser pertaining to Existing Litigation Palm Springs Investment Company L.P. v. City of Palm Springs, Case Nos. INC 070629 and INC 070631. A6203.

ADJOURNMENT: The City Council adjourned at 9:11 p.m. to Wednesday, March 21, 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 11th DAY OF APRIL, 2012.

STEPHEN P. POUGNET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK