

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



**MEETING MINUTES  
WEDNESDAY, JULY 3, 2013  
CITY HALL COUNCIL CHAMBER**

**CALL TO ORDER:** Mayor Pougnet called the meeting to order at 6:09 p.m.

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

**INVOCATION:** Pastor Jerrold Thompson, Hope Community Seventh-Day Adventist Church, led the Invocation.

**ROLL CALL:**

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

**ABSENT:** None.

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

**PRESENTATIONS:**

Mayor Pougnet announced the upcoming July 4th activities and events in the City of Palm Springs; and proclaimed July 4, 2013, as Palm Springs Power Baseball Day in the City of Palm Springs.

**REPORT OF CLOSED SESSION:**

City Attorney Holland stated the meeting was called to order at 4:30 p.m. and the City Council recessed to 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.L. and 2.R. be removed from the Consent Calendar.

Councilmember Foat requested Item 2.E. be removed from the Consent Calendar for separate vote, and noted her business related abstention on Consent Calendar Item 2.L. from Recommendation No. 3.

Mayor Pro Tem Mills requested Item 2.S. be removed from the Consent Calendar for separate discussion.

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

**1. PUBLIC HEARINGS:**

**1.A. ANNUAL LEVY OF ASSESSMENTS FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS FOR FISCAL YEAR 2013-14:**

David Barakian, City Engineer, provided background information as outlined in the staff report dated July 3, 2013.

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

**ACTION:**

- 1) Adopt Resolution No. 23387, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2013-14 FOR THE PALM SPRINGS STREET LIGHTING MAINTENANCE DISTRICT NO. 3."
- 2) Adopt Resolution No. 23388, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2013-14 WITHIN THE PALM SPRINGS STREET LIGHTING MAINTENANCE DISTRICT NO. 3."
- 3) Adopt Resolution No. 23389, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2013-14 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6A."
- 4) Adopt Resolution No. 23390, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2013-14 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6A."
- 5) Adopt Resolution No. 23391, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2013-14 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6C."

- 6) Adopt Resolution No. 23392, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2013-14 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 6C."
- 7) Adopt Resolution No. 23393, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2013-14 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 7."
- 8) Adopt Resolution No. 23394, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2013-14 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 7."
- 9) Adopt Resolution No. 23395, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2013-14 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 8."
- 10) Adopt Resolution No. 23396, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2013-14 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 8."
- 11) Adopt Resolution No. 23397, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2013-14 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 9."
- 12) Adopt Resolution No. 23398, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2013-14 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 9."
- 13) Adopt Resolution No. 23399, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL

LEVY REPORT FOR FISCAL YEAR 2013-14 FOR THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 10, ZONE 1 AND ZONE 2."

14) Adopt Resolution No. 23400, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2013-14 WITHIN THE PALM SPRINGS PARKWAY MAINTENANCE DISTRICT NO. 10, ZONE 1 AND ZONE 2;"

15) Adopt Resolution No. 23401, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND/OR APPROVING THE FINAL ENGINEER'S ANNUAL LEVY REPORT FOR FISCAL YEAR 2013-14 FOR THE PALM SPRINGS LANDSCAPE MAINTENANCE DISTRICT NO. 12;"

16) Adopt Resolution No. 23402, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE LEVYING AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2013-14 WITHIN THE PALM SPRINGS LANDSCAPE MAINTENANCE DISTRICT NO. 12."

**Motion Councilmember Foat, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

**1.B. APPROVAL OF A 15 YEAR EXCLUSIVE SOLID WASTE FRANCHISE AGREEMENT WITH PALM SPRINGS DISPOSAL:**

David Barakian, City Engineer, provided background information as outlined in the staff report dated July 3, 2013.

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

BOB KUZNIK, PSDS, outlined the proposed agreement and goals of the City and PSDS, and stated PSDS is in support of the City Staff recommendation.

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

Councilmember Foat requested PSDS outline a timeline for the rollout of the programs.

Councilmember Hutcheson commented on the community satisfaction with PSDS, thanked PSDS for their community involvement, and questioned what will happen to the existing trash containers.

**ACTION:** 1) Waive reading of the full text and adopt Urgency Ordinance No. 1824, "AN URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, GRANTING AN EXCLUSIVE SOLID WASTE MANAGEMENT SERVICES FRANCHISE TO PALM SPRINGS DISPOSAL SERVICES, A CALIFORNIA CORPORATION;" 2) Waive the reading of the full text and introduce Ordinance No. 1825, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, GRANTING AN EXCLUSIVE SOLID WASTE MANAGEMENT SERVICES FRANCHISE TO PALM SPRINGS DISPOSAL SERVICES, A CALIFORNIA CORPORATION;" 3) Waive the reading of the full text and introduce Ordinance No. 1826, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTIONS 6.04.075, 6.04.076, AND 6.04.100 TO, AND AMENDING SECTIONS 6.04.010, 6.04.020, 6.04.40, AND 6.04.234 OF, THE PALM SPRINGS MUNICIPAL CODE RELATING TO SOLID WASTE DISPOSAL SERVICES;" 4) Authorize the City Manager to execute all necessary documents; and 5) Appoint the Director of Public Works and/or designee as the City Ombudsman pursuant to the Agreement. A6378. **Motion Mayor Pro Tem Mills, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

**1.C. WHITEWATER SOLAR, LLC FOR 7.75 ACRES OF "TAKE" PURSUANT TO THE GUIDELINES OF THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN FOR THE DEVELOPMENT OF A 3 MEGAWATT SOLAR ENERGY PRODUCTION FACILITY ON ROUGHLY 12 ACRES OF A 108-ACRE PARCEL LOCATED AT 58641 TIPTON ROAD (CASE 5.1277 CUP):**

Margo Wheeler, Director of Planning Services, provided background information as outlined in the staff report dated July 3, 2013.

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

DAVID ALLEN, Applicant, stated he has been working with the Planning Commission, requested approval of the project, and stated the property owner is in agreement to provide "take."

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

Mayor Pro Tem Mills stated his support for the Staff recommendation, and questioned who is responsible for the process for the "like exchange," and noted the requirements and "Take" in the CVMSHCP.

Councilmember Lewin stated his support for the City Staff recommendation, and stated this option provides the most flexibility and allows the development to move forward.

Mayor Pougnet questioned the delivery of electricity and approval with SCE.

**ACTION:** Adopt Resolution No. 23403, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING IN PART 7.75 ACRES OF 'TAKE' FROM THE WHITEWATER RIVER CONSERVATION AREA CONDITIONAL ON THE APPROVAL OF ALL APPLICABLE AGENCIES AND JURISDICTIONS OF AN EQUIVALENT AMOUNT OF NEW LAND (LIKE EXCHANGE) TO BE ADDED TO THE CONSERVATION AREA PURSUANT TO THE GUIDELINES OF THE COACHELLA VALLEY MULTIPLE SPECIES HABITAT CONSERVATION PLAN (CVMSHCP) FOR THE DEVELOPMENT OF A 3 MEGAWATT SOLAR ENERGY PRODUCTION FACILITY ON A ROUGHLY 12 ACRE PORTION OF A 108 ACRE PARCEL LOCATED AT 58641 TIPTON ROAD (APN: 522-080-065)." **Motion Mayor Pro Tem Mills, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

- 1.D. **CRESCENDO, LLC FOR A PLANNED DEVELOPMENT DISTRICT IN-LIEU OF ZONE CHANGE TO ALLOW A TWO-STORY, DETACHED SINGLE FAMILY RESIDENTIAL DEVELOPMENT AND A TENTATIVE TRACT MAP TO SUBDIVIDE 6.37 ACRES INTO 43 RESIDENTIAL LOTS, COMMON AREA PARCELS, AND PRIVATE STREETS LOCATED ON THE WEST SIDE OF BELARDO ROAD, SOUTH OF MORONGO ROAD (CASE 5.1297 PDD 364 TTM 36548):**

Margo Wheeler, Director of Planning Services, provided background information as outlined in the staff report dated July 3, 2013.

Councilmember Foat requested Staff address the inclusion and impact to the Housing Element of the General Plan.

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

JOHN WESSMAN, Applicant, outlined the development, noted the reduced density of the revised project, stated some of the letters received by the City contained inaccuracies, and commented on the Planning Commission and AAC approval.

ANN MARIE GALLANT, commented on the meeting held between the neighborhood and the developer, the construction time and requested the City Council limit the construction hours to Monday through Friday, and stated the initial study is incomplete for view shed.

JUDY DEERTRACK, Palm Springs, commented on the CEQA and General Plan compliance, and stated there is an absence of an initial study, and noted additional information that should have been received and incorporated into the CEQA analysis.

JOHN WESSMAN, Rebuttal, commented on the design and layout of the proposed redesigned development, opening up the view corridors and shade patterns.

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

Mayor Pougnet requested the City Attorney address the reasons why City Staff requested the continuance of the public hearing and the CEQA issues.

Councilmember Hutcheson requested staff address the public benefit for the use of the PDD.

Councilmember Lewin requested the City Attorney address the appropriate steps on the CEQA analysis and the course of action if litigation is filed.

Mayor Pro Tem Mills commented on the architecture, requested the staff address the approval of the landscape plans including the private yard landscaping, commented on public benefit and stated the reduction of density is a public benefit, requested Staff and the Applicant address the wall section at the rear of the development with respect to the slope.

Councilmember Foat requested the Applicant address the installation of the decorative metal fence and the complex drainage issues.

**ACTION:** 1) Adopt Resolution No. 23404, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE CONSTRUCTION OF 43 TWO-STORY, DETACHED SINGLE FAMILY RESIDENCE DEVELOPMENT AND A TENTATIVE TRACT MAP FOR THE SUBDIVISION OF ROUGHLY 6.37 ACRES INTO 43 RESIDENTIAL LOTS, COMMON AREAS, AND PRIVATE STREETS LOCATED ON THE WEST SIDE OF BELARDO ROAD, SOUTH OF MORONGO ROAD (CASE 5.1297 PDD 364 TTM 36548)," *amending the Conditions of Approval to incorporate the revised conditions as prepared by staff, require the rear yard landscaping for units abutting the streets be submitted and approved by the AAC, and require the rear wall of the complex be approved by the AAC and the Planning Commission;* 2) Waive the reading of the ordinance text in its entirety and read by title only; and 3) Introduce on first reading Ordinance No. 1827, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED

DEVELOPMENT DISTRICT 364 IN LIEU OF A CHANGE OF ZONE FOR APPROXIMATELY 6.37 ACRES ON THE WEST SIDE OF BELARDO ROAD, SOUTH OF MORONGO ROAD (PDD 364)." **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Mills and unanimously carried on a roll call vote.**

**PUBLIC COMMENT:**

KATE CASTLE, requested the City Council lead the Coachella Valley cities to modify the SCE planned power outages.

KEITH GOFF, commented on Item 2.L. and the funding of CVEP with Measure "J" funds.

TOM FLAVIN, commented on Item 2.L. and 2.R. funding and lease for CVEP.

JOE WALLACE, commented on Item 2.L. and 2.R. funding and lease for CVEP.

KYLE WAGNER, commented on Item 2.L. and 2.R. funding and lease for CVEP.

TIMOTHY SIGLE, Palm Springs, commented on the quality of slurry seal overlay, and Measure "J" funding.

GEORGE THALWITZER, Palm Springs, announced the operation of the sober living facilities he operates in the City of Palm Springs.

PAT COOPER, Supervisor John Benoit's Office, announced the recent activities of the County Supervisor's office.

GEORGE ZANDER, Palm Springs, thanked City Staff for their assistance with the Day of Decision Rally.

CHRISTOPHER GOODMAN, commented on the recent shut down of the CCOC medical cannabis facility.

JULIE SMITH, commented on Item 3.A. regarding the prohibition of mobile cannabis.

ELISSA HADEN, commented on medical cannabis facilities.

SUZANNE DATZ, stated her support for the CCOC medical cannabis facility.

EARLENE GADDIS, stated her support for CCOC medical cannabis facility.

LAURA CROWELL, commented on CCOC medical cannabis facility, and the proposed prohibition on mobile medical cannabis operators.

RICK PANTELE, commented on medical cannabis facilities in the City of Palm Springs and the lack of facilities in Riverside County.

MIKE SMITH, commented on medical cannabis, and requested the number of licenses be increased in the City of Palm Springs.

MICHAEL V. ADAMS, commented on Item 5.B. regarding a tax on medical cannabis.

JIM CAMPER, commented on Item 5.B. regarding a tax on medical cannabis.

JOAN MARTIN, commented on the quality of the street overlay project, and the Forever Marilyn artwork in Downtown Palm Springs.

STEVE ROSENBERG, acknowledged the hard work of the City towards programs such as the iHub, and commented on Item 2.F., contract for legal services.

#### **COUNCILMEMBER COMMENTS:**

Councilmember Foat requested the City Attorney address planned outages by SCE.

Mayor Pougnet stated Saint Paul's Church would volunteer as a cooling center.

Councilmember Lewin commented on SCE planned power outages, and requested staff address the quality of road repairs.

Councilmember Hutcheson commented on the iHub Accelerator Program, and requested staff address the number of jobs created to that appointed.

Mayor Pougnet commented on medical cannabis.

#### **CITY MANAGER'S REPORT:**

City Manager Ready provided an update on the public service hours of Development Services.

#### **2. CONSENT CALENDAR:**

Mayor Pro Tem Mills noted his business related abstention on Consent Calendar Item 2.D.

**ACTION:** Approve Items 2.A., 2.B., 2.C., 2.F., 2.G., 2.H., 2.I., 2.J., 2.K., 2.M., 2.N., 2.O., 2.P., 2.Q., 2.T., and 2.U. **Motion Councilmember Lewin, seconded by Councilmember Hutcheson 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 July 3, 2013, City Council Agenda. **Approved as part of the Consent Calendar.**

- 2.B. APPROVAL OF MINUTES:**  
**ACTION:** Approve the City Council and Finance Authority Minutes of June 19, 2013. **Approved as part of the Consent Calendar.**
- 2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:**  
**ACTION:** 1) Adopt Resolution No. 23405, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 6-08-13 BY WARRANTS NUMBERED 418182 THROUGH 418198 TOTALING \$34,455.62, LIABILITY CHECKS NUMBERED 1064083 THROUGH 1064107 TOTALING \$121,687.70, FIVE WIRE TRANSFERS FOR \$40,768.56 AND THREE ELECTRONIC ACH DEBITS OF \$1,051,402.10 IN THE AGGREGATE AMOUNT OF \$1,248,313.98, DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 23406, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1064108 THROUGH 1064222 IN THE AGGREGATE AMOUNT OF \$589,618.40, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 23407, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS 1064223 THROUGH 1064382 IN THE AGGREGATE AMOUNT OF \$2,863,310.52, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**
- 2.D. SECOND READING AND ADOPTION OF ORDINANCE NO. 1822, APPROVING PLANNED DEVELOPMENT DISTRICT PDD 363 IN LIEU OF A CHANGE OF ZONE FOR ROUGHLY 7.11 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF AVENIDA CABALLEROS AND AMADO ROAD:**  
**ACTION:** Waive the reading of the full text of the ordinance and adopt Ordinance No. 1822, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT PDD 363 IN LIEU OF A CHANGE OF ZONE FOR ROUGHLY 7.11 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF AVENIDA CABALLEROS AND AMADO ROAD," **Approved as part of the Consent Calendar, noting the business related abstention of Mayor Pro Tem Mills.**
- 2.F. APPROVE AMENDMENT NO. 1 TO THE AGREEMENT WITH WOODRUFF, SPRADLIN & SMART FOR LEGAL SERVICES:**  
**ACTION:** 1) Approve Amendment No. 1 to Agreement No. A5022 with Woodruff, Spradlin & Smart for Legal Services; and 2) Authorize the City Manager to execute the Amendment to the Agreement. A5022. **Approved as part of the Consent Calendar.**

- 2.G. ACCEPT THE RESIGNATION OF RANDY LOWE FROM THE PARKS AND RECREATION COMMISSION:**  
**ACTION:** 1) Accept with regret the resignation of Randy Lowe from the Parks and Recreation Commission; and 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2014. **Approved as part of the Consent Calendar.**
- 2.H. ACCEPT THE RESIGNATION OF STACI SCHAFFER FROM THE SUSTAINABILITY COMMISSION:**  
**ACTION:** 1) Accept with regret the resignation of Staci Schaffer from the Sustainability Commission; and 2) Direct the City Clerk to post a Notice of Vacancy for the unexpired term ending June 30, 2015. **Approved as part of the Consent Calendar.**
- 2.I. TREASURER'S INVESTMENT REPORT AS OF MAY 31, 2013:**  
**ACTION:** Receive and file the Treasurer's Investment Report as of May 31, 2013. **Approved as part of the Consent Calendar.**
- 2.J. FIRST AMENDMENT TO THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT IMPLEMENTATION AGREEMENT:**  
**ACTION:** 1) Approve the First Amendment to the National Pollutant Discharge Elimination System Stormwater Discharge Permit Implementation Agreement; and 2) Authorize the City Manager to execute all necessary documents. A5624. **Approved as part of the Consent Calendar.**
- 2.K. AMENDMENT NO. 3 TO AGREEMENT NO. A5862 WITH KEENAN & ASSOCIATES FOR LOSS CONTROL AND REGULATORY SERVICES:**  
**ACTION:** 1) Approve Amendment No. 3 to consulting services agreement with Keenan & Associates for Loss Control and Regulatory Services in the amount of \$65,000; and 2) Authorize the City Manager to execute all necessary documents. A5862. **Approved as part of the Consent Calendar.**
- 2.M. APPOINT A MEMBER TO THE PARKS AND RECREATION COMMISSION FOR THE UNEXPIRED TERM ENDING JUNE 30, 2014:**  
**ACTION:** Appoint Cosimo Aiello to the Parks and Recreation Commission for the unexpired term ending June 30, 2014. **Approved as part of the Consent Calendar.**
- 2.N. RESOLUTION OF PUBLIC CONVENIENCE OR NECESSITY FOR WALGREENS CO. IN ORDER TO SELL BEER, WINE AND DISTILLED**

**SPIRITS FOR PROPERTY AT 2465 EAST PALM CANYON DRIVE, BUILDING 14 (CASE 5.1242-PCN):**

**ACTION:** Adopt Resolution No. 23408, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE IN ORDER TO SELL BEER, WINE, AND DISTILLED SPIRITS FOR CONSUMPTION OFF-SITE (TYPE 21 STATE ALCOHOLIC BEVERAGE CONTROL LICENSE) FOR PROPERTY LOCATED AT 2465 EAST PALM CANYON DRIVE, BUILDING 14."

**Approved as part of the Consent Calendar.**

**2.O. AWARD CONTRACT FOR THE 2012-13 ANNUAL SLURRY SEAL (CP 13-02)**

**ACTION:** 1) Find and determine the bid submitted by VSS International, Inc. as non-responsive pursuant to Palm Springs Municipal Code Section 7.09.030; 2) Approve an agreement with Pavement Coatings Co., in the amount of \$548,096.01, for the 2012-13 Annual Slurry Seal Project for Alternative Bid Schedule B (CP 13-02); and 3) Authorize the City Manager to execute all necessary documents. A6379. **Approved as part of the Consent Calendar.**

**2.P. GRANT CONSERVATION EASEMENT AND APPROVE COMPLIANCE MONITORING AND FUNDING AGREEMENT WITH THE CENTER FOR NATURAL LANDS MANAGEMENT (CNLM) FOR THE BOGERT WASH PRESERVE AS A RESULT OF THE BOGERT TRAIL BRIDGE PROJECT TO MITIGATE FOR THE CASEY'S JUNE BEETLE (CP 07-03):**

**ACTION:** 1) Grant a Conservation Easement to Center for Natural Lands Management; 2) Approve Compliance Monitoring and Funding Agreement with Center for Natural Lands Management for the Bogert Wash Preserve, and 3) Authorize the City Manager to execute all necessary documents. A6380. **Approved as part of the Consent Calendar.**

**2.Q. APPROVAL OF A CONFORMITY REPORT FOR PHASE II OF THE VILLAGE TRADITIONS PROJECT, LOCATED ON TRIBAL TRUST LAND OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS AT THE NORTHEAST CORNER OF EAST RAMON ROAD AND CALLE EL SEGUNDO (CASE 5.1001):**

**ACTION:** Adopt Resolution No. 23409, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A CONFORMITY REPORT ON THE PROPOSED PHASE II OF THE VILLAGE TRADITIONS PROJECT, LOCATED ON TRIBAL TRUST LAND OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS, DIRECTING STAFF TO TRANSMIT SAID REPORT TO THE TRIBAL COUNCIL OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS, AND WAIVING THE JOINT MEETING BETWEEN THE CITY

COUNCIL AND TRIBAL COUNCIL (CASE 5.1001)." Approved as part of the Consent Calendar.

**2.T. ACCEPT AN AWARD FROM THE U.S. DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$21,188 AND APPROVE AN INTERLOCAL AGREEMENT WITH THE COUNTY OF RIVERSIDE AND OTHER PARTICIPATING CITIES FOR THE ADMINISTRATION OF THE GRANT:**  
**ACTION:** 1) Approve the acceptance of a grant award from the United States Department of Justice in the amount of \$21,188, for the 2013 Justice Assistance Grant (JAG) Program; 2) Approve an Interlocal Agreement with the County of Riverside, and other participating cities within Riverside County, for the County of Riverside to administer the grant on behalf of participating agencies; and 3) Authorize the City Manager to execute all necessary documents. A6244. **Approved as part of the Consent Calendar.**

**2.U. AWARD OF CONTRACT TO MARINA LANDSCAPE, INC. FOR THE TAHQUITZ CANYON WAY SECTION 14 MEDIANS PROJECT IN THE AMOUNT OF \$1,688,150 (CP 08-20):**  
**ACTION:** 1) Approve an agreement with Marina Landscape, Inc. for the construction of the Tahquitz Canyon Way Section 14 Medians Project in the amount of \$1,688,150 (CP 08-20); and 2) Authorize the City Manager to execute all necessary documents. A6381. **Approved as part of the Consent Calendar.**

**EXCLUDED CONSENT CALENDAR:**

**2.E. SECOND READING AND ADOPTION OF ORDINANCE NO. 1823, REGARDING REGULATIONS PERTAINING TO FIRE COMMAND CENTER REQUIREMENTS:**

**ACTION:** Waive the reading of the full text of the ordinance and adopt Ordinance No. 1823, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, REPEALING SUBSECTION 21 OF SECTION 8.04.510 OF THE PALM SPRINGS MUNICIPAL CODE, PERTAINING TO FIRE COMMAND CENTER REQUIREMENTS." **Motion Councilmember Hutcheson, seconded by Mayor Pro Tem Mills and carried 4-1 on a roll call vote.**

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

**NOES:** Councilmember Foat.

**2.L. FISCAL YEAR 2013-14 PROJECT/PROGRAM FUNDING RECOMMENDATIONS FROM THE MEASURE "J" OVERSIGHT COMMISSION:**

City Manager Ready provided background information as outlined in the Staff Report dated July 3, 2013.

Mayor Pougnet commented on the process, and noted a request from the Art Museum and stated his support for the Art Museum funding, and the funding of CVEP, conditioned upon 'naming' rights, and noted his disappointment with the Chino Cone land acquisitions and biking priorities.

Councilmember Hutcheson stated his support for the funding for the iHub and the Museum request.

Mayor Pro Tem Mills noted his support for the Museum request, and stated his support for Nos. 36 and 37 for street repairs and potential bonding for streets, and the rehabilitation of the City Hall parking lot.

**ACTION:** 1) Receive and File the Measure "J" Oversight Commission funding recommendations for Fiscal Year 2013-14 and certain multi-year funding recommendations; 2) Direct the City Clerk to place the Commission funding recommendations on a City Council agenda in September, for discussion and approval of specific funding; and 3) Authorize the City Manager to execute budget transfers for two capital projects, the Welwood Murray Memorial Library Remodel Project, in the amount of \$582,446, and the Uptown Crosswalk Project, in the amount of \$126,000, and approval and funding of the Architecture and Design Museum in the amount of \$283,334 per year for three years for a total amount of \$850,000, and the iHub Accelerator Campus in the amount of \$500,000 for the first year and \$250,000 per year for two successive years for a total amount of \$1,000,000. **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote, noting the property related abstention of Councilmember Foat on the Uptown Crosswalk funding.**

**2.R. AMENDMENT NO. 1 TO AGREEMENT NO. A6037 WITH THE COACHELLA VALLEY ECONOMIC PARTNERSHIP (CVEP) FOR EXPANSION OF THE COACHELLA VALLEY INNOVATION HUB (CVIHUB) ACCELERATOR CAMPUS LOCATED AT 2901 EAST ALEJO ROAD:**

Mayor Pougnet commented on the funding commitments from other cities and requested CVEP staff address the number of jobs created.

Councilmember Lewin commented on the success of the program, and the job creation.

Councilmember Hutcheson commented on the job creation and the numbers beyond the campus itself.

**ACTION:** 1) Approve Amendment No. 1 to Lease Agreement No. A6037 with CVEP to add Building 5, consisting of 3,500 s/f; and 2) Authorize the City Manager to execute all necessary documents. A6037. **Motion Councilmember**

Foat, seconded by Councilmember Lewin and unanimously carried on a roll call vote.

**2.S. AUTHORIZE PURCHASE OF 15 NEW REPLACEMENT VEHICLES (6 OF WHICH ARE HYBRIDS OR ALTERNATIVE FUEL VEHICLES) FOR THE PALM SPRINGS POLICE DEPARTMENT:**

Mayor Pro Tem Mills requested staff address the alternative fuel vehicles.

**ACTION:** 1) Approve the purchase of 15 new replacement vehicles for the Palm Springs Police Department in an amount not to exceed \$616,000; and 2) Adopt Resolution No. 23410, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2013-14 FOR POLICE DEPARTMENT REPLACEMENT VEHICLES." **Motion Mayor Pro Tem Mills, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

**3. LEGISLATIVE:**

**3.A. URGENCY ORDINANCE ADDING SECTION 6.08.150 TO THE PALM SPRINGS MUNICIPAL CODE PROHIBITING THE OPERATION OF MOBILE MARIJUANA DISPENSARIES IN THE CITY:**

City Attorney Holland provided background information as outlined in the staff report dated July 3, 2013.

Councilmember Hutcheson questioned if permitted collectives would be exempt from deliveries.

Mayor Pro Tem Mills requested the City Attorney address enforcement.

Councilmember Lewin requested City Staff address deliveries by family members, questioned the urgency findings in the ordinance, and requested the City Council subcommittee comment on the ordinance.

Councilmember Hutcheson requested the City Council subcommittee address if the subcommittee would make recommendations on additional licenses.

**ACTION:** 1) Waive the reading of the ordinance text in its entirety and read by title only; and 2) Adopt Ordinance No. 1828, "AN URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, PROHIBITING THE OPERATION OF MOBILE MARIJUANA DISPENSARIES IN THE CITY." **Motion Councilmember Foat, seconded by Councilmember Hutcheson and unanimously carried on a roll call vote.**

4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:**

5.A. **DESIGNATION OF A VOTING DELEGATE AND ALTERNATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE SEPTEMBER 18-20, 2013:**

**ACTION:** Appoint Councilmember Foat as the Voting Delegate, and appoint Mayor Pro Tem Mills as the Alternate Voting Delegate for the 2013 League of California Cities Annual Conference in Sacramento, California, September 18-20, 2013. **Motion Mayor Pougnet, seconded by Councilmember Lewin and carried 4-1 on a roll call vote.**

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

**NOES:** Councilmember Foat.

5.B. **CONSIDER A MEASURE FOR SUBMISSION TO THE VOTERS AT THE NOVEMBER 5, 2013, GENERAL MUNICIPAL ELECTION, REGARDING A TAX ON THE OPERATIONS OF CANNABIS COLLECTIVES:**

City Attorney Holland provided background information as outlined in the staff report dated July 3, 2013.

The City Council discussed and/or commented on the following with respect to the ballot measure: requested staff address a cost as opposed to a fee, effect of cost on patients, review of existing facilities, the addition of a licensing fee, and the percentage of the tax.

**ACTION:** 1) Adopt Resolution No. 23411, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A MEASURE APPROVING AND IMPLEMENTING A TAX ON THE OPERATIONS OF CANNABIS COOPERATIVES, AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2013, AS CALLED BY RESOLUTION NO. 23368," amending Exhibit A Section 3.35.010 to provide a tax of .15 for each \$1.00 of proceeds; and 2) Adopt Resolution No. 23412, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE AT THE NOVEMBER 5, 2013, GENERAL MUNICIPAL ELECTION, AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS." **Motion Councilmember Foat, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

Councilmember Hutcheson, stated he had a property ownership related conflict of interest with respect to Item 5.C., would not participate in the discussion or vote, and left Council Chamber.

**5.C. CREATION OF "SPECIAL ECONOMIC DEVELOPMENT FOCUS INCENTIVE PROGRAM AREAS" FOR THE BUSINESS DISTRICTS GENERALLY LOCATED ON PALM CANYON DRIVE AND INDIAN CANYON DRIVE FROM TRAMWAY ROAD TO TACHEVAH ROAD, AND FROM RAMON ROAD TO SUNRISE WAY, INCLUDING EAST SUNNY DUNES FROM PALM CANYON DRIVE TO CALLE ENCILIA:**

John Raymond, Director of Community and Economic Development, provided background information as outlined in the staff report dated July 3, 2013.

The City Council discussed and/or commented on the following with respect to the incentive programs: subject criteria to qualify, advertising and promotion of the programs, reach viable businesses to occupy the properties, creation of a City Council subcommittee to work with staff, the boundaries of the Northern Incentive Area.

**ACTION:** 1) Adopt Resolution No. 23413, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE CREATION OF SPECIAL ECONOMIC DEVELOPMENT FOCUS INCENTIVE PROGRAM AREAS AND THE ALLOCATION OF FUNDS FOR SUCH A PROGRAM FOR FISCAL YEAR 2013-14, *expanding the boundary on the North Palm Canyon Area to Tramway Road;*" 2) Allocate \$1,000,000 in Fiscal Year 2013-14 for the Program Areas; 3) Authorize the City Manager to execute an appropriate budget transfer; 4) Authorize the City Manager to execute all documents related to the Incentive Agreements; and 5) Appoint an ad hoc City Council Subcommittee of Councilmember Foat and Mayor Pro Tem Mills for the Special Economic Development Focus Incentive Program. **Motion Mayor Pro Tem Mills, seconded by Councilmember Lewin and unanimously carried 4-0 on a roll call vote.**

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

**NOES:** None.

**ABSENT:** Councilmember Hutcheson.

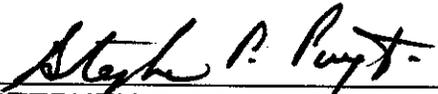
Councilmember Hutcheson returned to the dais.

**COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:** None.

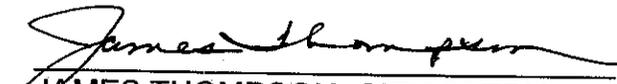
**ADJOURNMENT:** The City Council adjourned, in memory of the Arizona firefighters, at 9:52 p.m. to Wednesday, July 17, 2013, at 6:00 p.m. Council Chamber, City Hall,

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  
18<sup>TH</sup> DAY OF SEPTEMBER, 2013.**

  
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STEPHEN P. POUGNET, MAYOR

ATTEST:

  
\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK