

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



**MEETING MINUTES
WEDNESDAY, DECEMBER 18, 2013
CITY HALL COUNCIL CHAMBER**

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:06 p.m.

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

INVOCATION: Pastor David Sanger, Our Savior's Community Church, led the Invocation.

ROLL CALL:

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

ABSENT: None.

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

PRESENTATIONS:

Mayor Pougnet provided an update on the recent Athena Awards, the 2013 Festival of Lights Parade, and the filming of Housewives in the City of Palm Springs.

Mayor Pougnet announced the upcoming 25th Palm Springs International Film Festival, the 2014 Mayor's Race and Wellness Festival, and the 2014 State of the City.

Mayor Pougnet announced the recent award of Sustainability grants to the City of Palm Springs.

Mayor Pougnet announced the National Homeless Person's Day in the City of Palm Springs.

REPORT OF CLOSED SESSION:

The meeting was called to order at 4:30 p.m., and City Attorney Holland requested the City Council consider adding two items to the Closed Session Agenda pursuant to Cal. Gov. Code Section 54956.9(b)(3)(B) Liability Claims, City Claim No. 13-0402, Benjamin Meza, filed June 26, 2013, and City Claim No. 13-0423, Palm Springs Art Museum, filed December 12, 2013, and stated the City received information after the posting of the Agenda, and there is an immediate need to hear and/or take action on the Claims.

ACTION: 1) Find information on the Items were brought to the attention of the City after the posting of the Agenda and there is an immediate need to hear and/or take action on the Items; and 2) Add two Items to the Closed Session Agenda pursuant to Cal. Gov. Code Section 54956.9(b)(3)(B) Liability Claims, City Claim No. 13-0402, Benjamin Meza, filed June 26, 2013, and City Claim No. 13-0423, Palm Springs Art Museum, filed December 12, 2013. **Motion Councilmember Mills, seconded by Councilmember Lewin and unanimously carried (5-0).**

The City Council recessed into Closed Session to discuss Items on the Closed Session Agenda as amended.

City Attorney Holland reported the City Council provided direction to staff, otherwise no reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

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

Councilmember Foat requested Item 2.F. and Item 2.K. be removed from the Consent Calendar for separate discussion.

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

1. PUBLIC HEARINGS:

1.A. ADOPTING AND AMENDING THE 2013 CALIFORNIA BUILDING STANDARDS CODE, ADOPTING AND AMENDING THE 2013 CALIFORNIA FIRE CODE, ADOPTING AND AMENDING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE, ADOPTING THE CITY OF PALM SPRINGS BUILDING ADMINISTRATIVE CODE, AND REPEALING ARTICLE VII OF CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO SWIMMING POOL SAFETY STANDARDS AND CONSIDERATION OF TWO INTERIM URGENCY ORDINANCES:

City Manager Ready provided background information as outlined in the staff report dated December 18, 2013.

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

ACTION: 1) Waive the reading of the text in its entirety and read by title only and adopt Interim Urgency Ordinance No. 1835, "AN URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING ARTICLE I OF CHAPTER 8.04 OF THE

PALM SPRINGS MUNICIPAL CODE, ADOPTING BY REFERENCE, TOGETHER WITH CERTAIN ADDITIONS, AMENDMENTS AND DELETIONS, THE 2013 CALIFORNIA BUILDING CODE, INCLUDING APPENDICES C, I, AND J; THE 2013 CALIFORNIA RESIDENTIAL CODE, INCLUDING APPENDIX H; THE 2013 CALIFORNIA MECHANICAL CODE; THE 2013 CALIFORNIA PLUMBING CODE, INCLUDING APPENDICES A, B, D, G, I AND K; THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE, INCLUDING ALL APPENDICES; THE 2013 CALIFORNIA EXISTING BUILDING CODE; THE 2013 CALIFORNIA HISTORIC BUILDING CODE, INCLUDING APPENDIX A; THE 2013 CALIFORNIA ELECTRICAL CODE, INCLUDING ALL APPENDICES; THE 2013 CALIFORNIA ENERGY CODE, INCLUDING ALL APPENDICES; AND THE 2013 GREEN BUILDING STANDARDS CODE, INCLUDING ALL APPENDICES, AMENDING AND RESTATING ARTICLE IV OF CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, ADOPTING THE CITY OF PALM SPRINGS BUILDING ADMINISTRATIVE CODE, AND REPEALING ARTICLE VII OF CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO SWIMMING POOL SAFETY STANDARDS;" 2) Waive the reading of the text in its entirety and read by title only and adopt Interim Urgency Ordinance No. 1836, "AN URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING ARTICLE VI OF CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, ADOPTING BY REFERENCE, TOGETHER WITH ADDITIONS, AMENDMENTS AND DELETIONS, THE 2013 CALIFORNIA FIRE CODE, INCLUDING APPENDIX CHAPTER 4 AND APPENDICES A, B, BB, C, CC, F, H, I, J, K, L, M, AND N.;" 3) Waive the reading of the text in its entirety and read by title only and adopt Ordinance No. 1832, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING ARTICLE I OF CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, ADOPTING BY REFERENCE, TOGETHER WITH CERTAIN ADDITIONS, AMENDMENTS AND DELETIONS, THE 2013 CALIFORNIA BUILDING CODE, INCLUDING APPENDICES C, I, AND J; THE 2013 CALIFORNIA RESIDENTIAL CODE, INCLUDING APPENDIX H; THE 2013 CALIFORNIA MECHANICAL CODE; THE 2013 CALIFORNIA PLUMBING CODE, INCLUDING APPENDICES A, B, D, G, I AND K; THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE, INCLUDING ALL APPENDICES; THE 2013 CALIFORNIA EXISTING BUILDING CODE; THE 2013 CALIFORNIA HISTORIC BUILDING CODE, INCLUDING APPENDIX A; THE 2013 CALIFORNIA ELECTRICAL CODE, INCLUDING ALL APPENDICES; THE 2013 CALIFORNIA ENERGY CODE, INCLUDING ALL APPENDICES; AND THE 2013 GREEN BUILDING STANDARDS CODE, INCLUDING ALL APPENDICES, AMENDING AND RESTATING ARTICLE IV OF CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, ADOPTING THE CITY OF PALM SPRINGS BUILDING ADMINISTRATIVE CODE, AND REPEALING ARTICLE VII OF CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO SWIMMING POOL SAFETY

STANDARDS;" 4) Waive the reading of the text in its entirety and read by title only and adopt Ordinance No. 1833, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING ARTICLE VI OF CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, ADOPTING BY REFERENCE, TOGETHER WITH ADDITIONS, AMENDMENTS AND DELETIONS, THE 2013 CALIFORNIA FIRE CODE, INCLUDING APPENDIX CHAPTER 4 AND APPENDICES A, B, BB, C, CC, F, H, I, J, K, L, M, AND N;" and 5) Adopt Resolution No. 23473, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, FINDING THAT CERTAIN LOCAL CONDITIONS REQUIRE AMENDMENTS, ADDITIONS AND DELETIONS TO THE CALIFORNIA BUILDING CODE, 2013 EDITION, THE CALIFORNIA RESIDENTIAL CODE, 2013 EDITION, AND THE CALIFORNIA ELECTRICAL CODE, 2013 EDITION, AND THE CALIFORNIA FIRE CODE, 2013 EDITION." **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

PUBLIC COMMENT:

JONATHAN ROSENBLATT, commented on the vacation rental ordinance as it applies to the Deepwell Neighborhood Organization.

CATHY BRANT, commented on the proposed renovation of the Palm Springs Public Library.

CHRISTOPHER SEIDEL, commented on the proposed renovation of the Palm Springs Public Library.

LINDA FUTTERER, commented on the proposed renovation of the Palm Springs Public Library.

CHRIS WEIGEL, commented on the proposed renovation of the Palm Springs Public Library.

MARIE WEIGEL, commented on the proposed renovation of the Palm Springs Public Library.

STEVEN ALSOP, commented on the vacation rental ordinance as it applies to the Deepwell Neighborhood Organization.

LISA MIDDLETON, commented on the vacation rental ordinance and the PSNIC workgroup that made recommendations to the City Council on the vacation rental ordinance.

GEORGE ZANDER, Palm Springs, commented on Item 5.A. regarding medical cannabis and collectives, and recommended the City Council create a Task Force for medical cannabis regulations.

LARRY FECHTER, commented on the vacation rental ordinance as it applies to the Deepwell Neighborhood Organization.

NINA JACKSON, Palm Springs, commented on the vacation rental ordinance as it applies to the Deepwell Neighborhood Organization.

RICHARD BLACKHURST, Palm Springs, commented on the vacation rental ordinance as it applies to the Deepwell Neighborhood Organization.

LARRY FUSCH, Palm Springs, commented on the vacation rental ordinance as it applies to the Deepwell Neighborhood Organization.

TOM STANSBURY, Palm Springs, commented on the vacation rental ordinance as it applies to the Deepwell Neighborhood Organization.

COUNCILMEMBER COMMENTS:

Councilmember Foat commented on the process of vacation rental ordinance changes, and requested the City Council create an ad hoc City Council subcommittee to address vacation rental property.

CITY MANAGER'S REPORT:

City Manager Ready provided an update on recent Code Enforcement activities and new Measure J Improvement signs, and requested Fire Chief John Allen provide an update on Christmas tree safety.

The City Council recessed at 7:05 p.m.
The City Council reconvened at 7:09 p.m.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.G., 2.H., 2.I., 2.J., 2.M., 2.N., 2.O., 2.P., and 2.Q. **Motion Councilmember Mills, seconded by Councilmember Lewin 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 December 18, 2013, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF NOVEMBER 2013:

ACTION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of November 1 through November 30, 2013. **Approved as part of the Consent Calendar.**

- 2.C. SET A PUBLIC HEARING DATE FOR THE SALE OF CITY-OWNED REAL PROPERTY CONSISTING OF .17 ACRES VACANT LAND LOCATED ON THE NORTH SIDE OF AVENIDA CERCA AND GRANADA ROAD TO ROBIN S. PLUNKETT (669-393-023):**

ACTION: Set a public hearing for the sale of city-owned real property to Robin S. Plunkett, 0.17 acres vacant land located on the north side of Avenida Cerca and Granada Road on January 15, 2014 (APN 669-393-023). **Approved as part of the Consent Calendar.**

- 2.D. SUCCESSOR AGENCY LONG-RANGE PROPERTY MANAGEMENT PLAN:**

ACTION: Receive and File. **Approved as part of the Consent Calendar.**

- 2.E. APPROVAL OF TRACT MAP 32233-5 AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH TOLL CA II, LP FOR A 128-LOT SINGLE FAMILY RESIDENTIAL UNIT TRACT MAP LOCATED ON 23.479 ACRES AT THE SOUTHEAST CORNER OF VISTA CHINO AND GENE AUTRY TRAIL:**

ACTION: 1) Adopt Resolution No. 23474, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TRACT MAP 32233-5 AND APPROVING A SUBDIVISION IMPROVEMENT AGREEMENT WITH TOLL CA II, LP FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF VISTA CHINO AND GENE AUTRY TRAIL, IN SECTION 7, TOWNSHIP 4 SOUTH, RANGE 5 EAST;" and 2) Authorize the City Manager to execute all necessary documents. A6476. **Approved as part of the Consent Calendar.**

- 2.G. AWARD OF CONTRACT FOR THE RUTH HARDY PARK PARKING LOT REPAIRS PROJECT (13-08):**

ACTION: 1) Find the bids submitted by L.C. Paving & Sealing, Inc. and KAD Paving Company as non-responsive pursuant to Palm Springs Municipal Code Section 7.09.030; 2) Approve an agreement with United Paving Company for the Ruth Hardy Park Parking Lot Repairs Project in the amount of \$147,636 (CP 13-08); and 3) Authorize the City Manager to execute all necessary documents. A6464. **Approved as part of the Consent Calendar.**

- 2.H. APPROVE AN AGREEMENT WITH URRUTIA A.I.A. AND ASSOCIATES, INC TO PROVIDE ARCHITECTURAL DESIGN SERVICES FOR THE REMODEL OF THE POLICE DEPARTMENT IN THE AMOUNT OF \$79,700:**

ACTION: 1) Approve an architectural design agreement with Urrutia A.I.A. and Associates, Inc. for the remodel of the Police Department lobby/records area, the detective bureau, and the training center in an amount not to exceed \$79,700; and 2) Authorize the City Manager to execute all necessary documents. A6465. **Approved as part of the Consent Calendar.**

- 2.I. AMENDMENT NO. 1 TO AGREEMENT NO. A6233 WITH R. ROBLES PIPELINE LAYING, INC., DBA SOUTHERN VALLEY WATER FEATURES, FOR ROADSIDE MAINTENANCE:**
ACTION: 1) Approve Amendment No. 1 to Agreement No. A6233 with R. Robles Pipeline Laying, Inc., (dba Southern Valley Water Features) at an annual increase not to exceed \$11,688 for a total annual amount not to exceed \$75,340; and 2) Authorize the City Manager to execute all necessary documents. A6233. **Approved as part of the Consent Calendar.**
- 2.J. SECOND READING AND ADOPTION OF ORDINANCE NO. 1834 AMENDING THE PALM SPRINGS ZONING CODE REQUIRING LAND USE PERMIT NOTIFICATION TO REPRESENTATIVES OF NEIGHBORHOOD ORGANIZATIONS AND CONCURRENT CASE PROCESSING (CASE 5.1312 ZTA):**
ACTION: Waive the reading of the full text of the ordinance and adopt Ordinance No. 1834, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PARAGRAPH 2 OF SUBSECTION D OF SECTION 94.02.01 OF, AMENDING PARAGRAPHS 1.b AND 10 OF SECTION 94.09.00, OF THE PALM SPRINGS ZONING CODE RELATING TO PROVISION OF ELECTRONIC NOTICE TO NEIGHBORHOOD ORGANIZATIONS OF PENDING LAND USE PERMITS." **Approved as part of the Consent Calendar.**
- 2.M. APPROVE A THREE-YEAR CONTRACT SERVICES AGREEMENT FOR JANITORIAL SERVICES AT VARIOUS CITY FACILITIES:**
ACTION: 1) Approve an agreement with Advanced Inc., dba Progreen Building Maintenance, for janitorial services at various City-owned facilities, for a three-year term at \$234,000 per year, with two one-year renewal options subject to a CPI increase; 2) Authorize the City Manager to extend the current agreement for janitorial services for a period not to exceed two months, under the same terms and conditions, during the interim period; and 3) Authorize the City Manager to execute all necessary documents. A6467. A5728. **Approved as part of the Consent Calendar.**
- 2.N. RESCIND AWARD OF IFB 13-13 AND AWARD RE-BID IFB 14-06 FOR UNIFORM RENTAL AND CLEANING SERVICES FOR VARIOUS DEPARTMENTS:**
ACTION: 1) Rescind the award of IFB 13-13 to Cintas Corporation and direct Staff to close Agreement No. A5615; 2) Approve an Agreement with Prudential Overall Supply for IFB 14-06, for uniform rental and cleaning services on the basis of unit prices for an estimated base amount of \$46,237.68 per year, for the initial three-year term, with two one-year optional renewals; and 3) Authorize the City Manager to execute all necessary documents. A5615. A6468. **Approved as part of the Consent Calendar.**

- 2.O. DEVELOPMENT PROJECT FEE REPORT FOR FISCAL YEAR 2012-13:**
ACTION: 1) Receive and File the City's Development Project Fee Report for Fiscal Year 2012-13; and 2) Adopt Resolution No. 23475, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MAKING CERTAIN FINDINGS AND ACKNOWLEDGING RECEIPT OF THE FISCAL YEAR 2012-13 DEVELOPMENT PROJECT FEE REPORT REQUIRED BY GOVERNMENT CODE SECTION 66000." **Approved as part of the Consent Calendar.**
- 2.P. SPECIAL TAX ANNUAL REPORTING FOR FISCAL YEAR 2012-13:**
ACTION: Receive and file Government Code Section 50075.3 reports relating to special taxes levied in the City's Community Facilities District No. 2005-1 and Community Facilities District No. 2007-1 for Fiscal Year 2012-13. **Approved as part of the Consent Calendar.**
- 2.Q. ACCEPTANCE OF HANGAR LEASE SURRENDER FROM HECKMANN ENTERPRISES:**
ACTION: 1) Approve surrender of a Lease Agreement No. A3978 with Heckmann Enterprises; 2) Approve the Donation Agreement for the hangar building of Desert Springs Aviation located at 3200 Aviation Way; and 3) Authorize the City Manager to execute all necessary documents. A3978. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

- 2.F. LICENSE AGREEMENT WITH PB REALTY INVESTMENT, INC. FOR PLACEMENT OF "LAWN CHAIR" ON PRIVATE PROPERTY AT THE SKYLARK HOTEL LOCATED AT 1466 NORTH PALM CANYON DRIVE:**

Councilmember Foat requested staff address the agreement regarding the removal of the artwork by the City.

ACTION: 1) Approve a License Agreement with PB Realty Investments, Inc. for placement of "Lawn Chair" on private property at the Skylark Hotel located at 1466 North Palm Canyon Drive, *amending Section 6 of the Agreement to provide the City can remove the artwork without recourse*; and 2) Authorize the City Manager to execute all necessary documents. A6463. **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

- 2.K. AUTHORITY TO AWARD THE UPTOWN CROSSWALKS CONTRACT FOR AN AMOUNT NOT TO EXCEED \$230,000 (CP 13-10):**

Councilmember Foat requested drawings that are not engineering plans, and stated she did not support yellow truncated domes in the crosswalks.

Councilmember Lewin recommended the City Council approve the item subject to color change of the truncated domes.

Councilmember Mills commented on the purpose of truncated domes and stated the colors are not dictated in the code, and stated the City can install a color that matches the concrete, and recommended the City use the inset tiles.

ACTION: 1) Authorize the City Manager to award Uptown Crosswalk Project contract contingent upon the bid amount not exceeding the engineer's final project estimate of \$230,000 (CP 13-10) *subject to final approval of the color of the truncated domes by the City Council*; and 2) Authorize the City Manager to execute all necessary documents. A6466. **Motion Councilmember Lewin, seconded by Councilmember Foat and unanimously carried on a roll call vote.**

2.L. AMENDMENT NO. 2 TO ARCHITECTURAL SERVICES AGREEMENT NO. A6262 WITH URRUTIA A.I.A. AND ASSOCIATES, INC. FOR AIRPORT PROJECTS:

Mayor Pougnet commented on the change to revolving doors rather than the sliding doors.

Councilmember Mills commented on his review of the interior door project.

ACTION: 1) Approve Amendment No. 2 to Agreement No. A6262 with Urrutia A.I.A. and Associates, Inc. for design, bid, permitting, and construction phase services in the amount not to exceed \$28,875 to complete security checkpoint modification and auto door installation; and 2) Authorize the City Manager to execute all necessary documents, and approve up to a ten (10) percent increase in change orders over the total project amount. A6262. **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and carried 4-1 on a roll call vote.**

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

NOES: Councilmember Lewin.

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE EXEMPTING ON-SITE ADDITIONS OF SOLAR ENERGY SYSTEMS FROM PUBLIC ARTS FEES:

City Clerk Thompson provided background information as outlined in the staff report dated December 18, 2013.

Councilmember Lewin commented on the proposed ordinance and the appropriate waiver of fees for certain solar project to encourage solar projects.

ACTION: Waive the reading of the ordinance text, introduce by title only, and introduce on first reading Ordinance No. 1837, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 3.37.030 OF, AND ADDING PARAGRAPH (9) TO SUBSECTION (B) OF SECTION 3.37.050 OF, THE PALM SPRINGS MUNICIPAL CODE EXEMPTING CERTAIN ON-SITE SOLAR IMPROVEMENTS FROM PUBLIC ARTS FEES." **Motion Councilmember Lewin, seconded by Councilmember Mills and unanimously carried on a roll call vote.**

4. UNFINISHED BUSINESS:

4.A. FINAL REPORT FROM GROUP 4 ARCHITECTURE, RESEARCH + PLANNING, INC. FOR CONCEPTUAL DESIGN AND COST ESTIMATE FOR THE RENOVATION OF THE PALM SPRINGS PUBLIC LIBRARY:

Jeannie Kays, Director of Library Services, provided background information as outlined in the staff report dated December 18, 2013.

Councilmember Mills commented on the possibility of bonding such a large renovation project, the development of the conceptual design, the parking design, and requested a breakout of the infrastructure costs that have not taken place over the years.

Councilmember Foat commented on the proposed exit on Sunrise Way, additional parking requirements, stated bathroom facilities in the Sunrise Park Complex need to be addressed, requested staff address time out of service, and naming opportunities.

Mayor Pro Tem Hutcheson requested staff address the meeting space, commented on the public input process, the competing process for large public projects, and requested viable options for a reduced cost.

Councilmember Lewin stated his support for the concepts discussed by the City Council, thanked staff and the project architect for a well-designed project, and his support for flexible and moveable fixtures and furniture.

Mayor Pougnet commented on Measure J funding for the library, private fundraising and requested staff look at other fundraising opportunities.

No action taken.

5. NEW BUSINESS:

5.A. IMPLEMENTATION OF MEASURE B AND THE IMPOSITION OF THE TAX ON THE OPERATIONS OF CANNABIS AND MARIJUANA COLLECTIVES AS APPROVED BY THE VOTERS AT THE MUNICIPAL ELECTION ON NOVEMBER 5, 2013, BY ADOPTION OF A RESOLUTION ESTABLISHING APPLICABLE TAX RATES AND AUDIT REQUIREMENTS; AND PROVIDE

ADDITIONAL DIRECTION FOR THE PREPARATION OF AMENDMENTS TO THE CITY'S MEDICAL CANNABIS REGULATORY PROGRAM:

City Attorney Holland provided background information as outlined in the staff report dated December 18, 2013.

Councilmember Foat provided background information and the recommendations from the City Council ad hoc subcommittee, including accepting cash at the collectives, and commented on the City's audit of the programs.

Mayor Pro Tem Hutcheson commented on the number of members who are residents in the City of Palm Springs, commented on the taxing alternatives of taxing non-residents, and the amount of sales by the three permitted collectives.

Mayor Pougnet commented on the need for a fourth permitted cooperative.

Councilmember Lewin commented on the process for legal, safe medicine for patients in Palm Springs, requested staff address the prohibition of collectives operating on Sunday, stated his support for acceptance of cash, requested the City Attorney address the penalties for unlicensed collectives that open in proximity of permitted collectives and can the landlord be held accountable, and stated his support for the fourth permitted collective.

Councilmember Mills commented on permitting a fourth collective and the new proposed programs, stated the City is not monitoring the current permitted collectives to the City's current ordinance including cash transactions, and stated he is not in support of another permitted collective.

Councilmember Lewin commented on the proposal to cash transactions.

Councilmember Foat commented on cash transactions and audit requirements.

Councilmember Mills requested the City Attorney address the process and the timing for any ordinance modifications.

ACTION: 1) Adopt Resolution No. 23476, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING (1) A TEN CENT PER ONE DOLLAR TAX ON MEDICAL CANNABIS COLLECTIVES OR COOPERATIVES APPROVED BY THE CITY COUNCIL AND (2) AUDIT REQUIREMENTS TO ENSURE TIMELY AND FULL COMPLIANCE WITH THE CITY'S CANNABIS AND MARIJUANA TAX ORDINANCE;" and 2) Direct the City Attorney and Staff to prepare an ordinance amending the City's medical cannabis regulatory program. **Motion**

Councilmember Foat, seconded by Mayor Pougnet and carried 4-1 on a roll call vote.

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

5.B. FIRST QUARTER FISCAL YEAR 2013-14 BUDGET UPDATE:

Geoffrey Kiehl, Director of Finance, provided background information as outlined in the First Quarter Budget update dated December 18, 2013.

No action taken.

5.C. REVIEW AND APPOINT CITY COUNCIL SUBCOMMITTEES AND CITY COUNCIL LIAISONS TO OUTSIDE ORGANIZATIONS AND CITY COMMISSIONS AND BOARDS:

ACTION: 1) Amend the External Organizations Appointees and Liaisons as follows: a) Main Street to include the Uptown Business Association Designee Mayor Pro Tem Hutcheson and Alternate Councilmember Foat, b) ERICA Alternate to City Manager David Ready, c) Delete the SCAG and League of California Cities Annual Conference Delegates; 2) Amend the City Council ad hoc Subcommittees as follows: a) Special Economic Development Focus Incentive Program to Councilmember Foat and Mayor Pro Tem Hutcheson, b) Delete the Planning Services Director selection, Building and Code Enforcement Director selection, FY2012-13 Budget, Airport Noise Mitigation, PS Disposal Services, Service Delivery Cooperation, and c) Appoint a new Vacation Rental ad hoc Subcommittee of Councilmember Foat and Councilmember Mills. **Motion Councilmember Mills, seconded by Mayor Pro Tem Hutcheson and unanimously carried on a roll call vote.**

5.D. APPOINT A MEMBER TO THE BOARD OF LIBRARY TRUSTEES FOR THE UNEXPIRED TERM ENDING JUNE 30, 2014:

ACTION: Appoint Harry Courtwright to the Board of Library Trustees for the unexpired term ending June 30, 2014. **Motion Mayor Pougnet, seconded by Councilmember Lewin and unanimously carried on a roll call vote.**

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

The City Council provided Holiday greetings to the residents of Palm Springs and City Staff.

Councilmember Foat requested Staff review the project directly next to Copley's for Code Enforcement issues.

Mayor Pougnet requested staff address the fence at the Carnell Building.

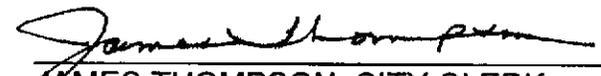
ADJOURNMENT: The City Council adjourned at 9:07 p.m. to Wednesday, January 15, 2014, at 6:00 p.m. Council Chamber, City Hall, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 15TH DAY OF JANUARY, 2014.



STEPHEN P. POUGNET, MAYOR

ATTEST:



JAMES THOMPSON, CITY CLERK