CITY COUNCIL
COMMUNITY REDEVELOPMENT AGENCY
CITY OF PALM SPRINGS, CALIFORNIA

MINUTES
WEDNESDAY, MARCH 4, 2009
City Hall Council Chamber

CALL TO ORDER: Mayor Pougnet called the meeting to order at 6:03 p.m.

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

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

ROLL CALL:

PRESENT:	Councilmember Foat, Councilmember Hutcheson, Councilmember Weigel, and Mayor Pougnet.
ABSENT:	Mayor Pro Tem Mills.
ALSO PRESENT:	City Manager Ready, City Attorney Holland, City Clerk Thompson.

PRESENTATIONS:

The City Council received a brief presentation from the organizers of the recent Modernism Week event.

Mayor Pougnet recapped the activities of several recent events in the City of Palm Springs.

City Manager Ready provided an update on the City's activities with respect to the Federal Stimulus Programs/American Recovery and Reinvestment Act of 2009.

Mary Jo Ginther and Jim Dunn, provided an overview of the Spring Break Marketing.

REPORT OF CLOSED SESSION: City Attorney Holland stated that the meeting was called to order at 4:30 p.m., and the City Council added one Item to the Closed Session Agenda, under Cal. G.C. Section 54856.9(a) Existing Litigation Pacific Hospitality v. City of Palm Springs, by unanimous vote (4-0), after making the finding the matter came to the attention of the City after the posting of the Agenda, and there is an immediate need to hear and/or taken action on the Item, the City Council then recessed into Closed Session to discuss Items on the Closed Session Agenda.

City Attorney Holland reported that a named Defendant in the Raymond Miller v. City of Palm Springs was an Attorney at City Attorneys Office, and the City Council consented to the City Attorneys Office continuing to represent the City in the Case and waived any conflict of interest, and the City Council approved to a settlement agreement for the Sierra Club and Center for Biological Diversity v. City of Palm Springs, Case No. INC 061833, by unanimous vote (4-0), otherwise no reportable actions were taken. A5799.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson noted a correction to Item 2.L., and stated the correct reference is Cal. Government Code.

Councilmember Foat noted a correction to Page 8 on the February 18, 2009 Minutes, noted her abstention on Warrant No. 1033904 on Item 2.C., and requested Items 2.D. and 2.F. be removed from the Consent Calendar for separate discussion.

Mayor Pougnet requested Item 2.K. 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 4-0 on a roll call vote.**

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

1. PUBLIC HEARINGS:

1.A. HEARING ON STATEMENT OF EXPENSES AND SPECIAL ASSESSMENT FOR NUISANCE ABATEMENT FOR THE PROPERTY LOCATED AT 1507 EAST SAN JACINTO WAY:
Don Duckworth, Director of Building and Safety, provided background information as outlined in the staff report dated March 4, 2008.

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

JOY MEREDITH, thanked the City Council for the abatement of the property.

WILLIE HOLLAND, commented on the City's cost of the abatement.

No further speakers coming forward the public hearing was closed.

ACTION: Adopt Resolution No. 22440, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF PROCEEDINGS AND ACCOUNTING FOR THE PUBLIC NUISANCE ABATEMENT LIEN AND SPECIAL ASSESSMENT FOR THE PROPERTY LOCATED AT 1507 EAST SAN JACINTO WAY." **Motion Councilmember Weigel, seconded by Councilmember Hutcheson and unanimously carried 4-0 on a roll call vote.**

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

PUBLIC COMMENT:

WENDIE BUSIG-KOHN, commented on her submittal of a CDBG application for the Golden Rainbow Senior Center.

HARVEY STERN, commented on the submittal of a CDBG application for the Golden Rainbow Senior Center.

BOB MACHADO, commented on the submittal of a CDBG application for the Golden Rainbow Senior Center.

DR. MICHAEL JARDULA , commented on the submittal of a CDBG application for the Golden Rainbow Senior Center.

GENE DON, announced the upcoming Virginia Waring International Piano Competition Event.

SID CRAIG, provided an update on the activities of the Human Rights Commission.

JOY MEREDITH, commented on Item 2.F., Cannabis Cooperatives and Collectives, and stated her support for Item RA1., the Facade Improvement Program.

JOE CORBETT, commented on the conditions at the Palm Springs Country Club.

SHIRLEY VULPE, commented on the conditions at the Palm Springs Country Club.

FRED FABRICANT, commented on the conditions at the Palm Springs Country Club.

DONNA BUCKINGER, commented on the conditions at the Palm Springs Country Club.

ROBERT THOMAS, commented on the Board and Commission process.

WILLIE HOLLAND, stated his concerns for the City of Palm Springs.

RICK PANTELE, commented on Item 2.F., Medical Cannabis Cooperatives and Collectives.

BOB SLAGLE, requested the City Council approve Item 2.L., and support the proposed legislation.

LANIER HARPER, requested the City Council approve Item 2.L., and support the proposed legislation.

STACY HOCHANADEL, commented on the recent passing of City employee Diane Bullock.

LOUIE PIZZO, commented on the history of Spring Break in the City of Palm Springs, commented on Item 2.F., Medical Cannabis Cooperatives and Collectives.

COUNCILMEMBER COMMENTS:

Mayor Pougnet requested the City Attorney and staff comment on the condition of Palm Springs Country Club.

Councilmember Foat commented on the condition of Palm Springs Country Club, and requested the City Manager address the situation of the CDBG Application for the Golden Rainbow Senior Center.

Councilmember Hutcheson commented on the Golden Rainbow Senior Center, and commented on the Palm Springs Country Club.

CITY MANAGER'S REPORT:
City Manager Ready provided an updated on the activities of Code Enforcement, and announced the election of Chief Goetz as President of the Riverside County Fire Chief's Association.

2. CONSENT CALENDAR:
ACTION: Approve Items 2.A., 2.B., 2.C., 2.E., 2.G., 2.H., 2.I., 2.J., and 2.L. **Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

2.A. REPORT ON POSTING OF THE AGENDA:
ACTION: Receive and file Report on the Posting of the March 4, 2009, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:
ACTION: Approve the City Council/Community Redevelopment Agency Minutes of February 18, 2009. **Approved as part of the Consent Calendar, noting the correction on Page 8 by Councilmember Foat.**

2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:
ACTION: 1) Adopt Resolution No. 22441, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1033495 THROUGH 1033701 IN THE AGGREGATE AMOUNT OF $2,190,542.15, DRAWN ON BANK OF AMERICA;" and 2) Adopt Resolution No. 22442, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 02-07-09 BY WARRANTS NUMBERED 414360 THROUGH 414403 TOTALING $79,490.29, LIABILITY CHECKS NUMBERED 1033702 THROUGH 1033722 TOTALING $152,237.89, FOUR WIRE TRANSFERS FOR $64,132.74, AND THREE ELECTRONIC ACH DEBITS OF $1,176,474.76, IN THE AGGREGATE AMOUNT OF $1,472,335.68, DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 22443, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1033723 THROUGH 1033942 IN THE AGGREGATE AMOUNT OF $1,958,912.02, DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar, noting the abstention on Warrant No. 1033904 by Councilmember Foat.**

2.E. PROPOSED ORDINANCE TEMPORARILY DELAYING THE PAYMENT OF QUIMBY PARK FEES AND PUBLIC ARTS FEES:
ACTION: Waive further reading and adopt Ordinance No. 1757, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, PROVIDING FOR THE DEFERRAL OF PAYMENT OF CERTAIN DEVELOPMENT IMPACT FEES." **Approved as part of the Consent Calendar.**

2.G. ACCEPT THE RESIGNATION OF ROGER TANSEY FROM THE SUSTAINABILITY COMMISSION (FORMERLY THE RESOURCE CONSERVATION COMMISSION):
ACTION: 1) Accept with regret the resignation of Roger Tansey from the Sustainability Commission; and 2) Direct the City Clerk to post a Notice of Vacancy. **Approved as part of the Consent Calendar.**

2.H. ACCEPT THE RESIGNATION OF AILEEN FIELDS FROM THE SUSTAINABILITY COMMISSION (FORMERLY THE RESOURCE CONSERVATION COMMISSION):
ACTION: 1) Accept with regret the resignation of Aileen Fields from the Sustainability Commission; and 2) Direct the City Clerk to post a Notice of Vacancy. **Approved as part of the Consent Calendar.**

2.I. PALM SPRINGS STADIUM RE-ROOFING PROJECT (CITY PROJECT 08-23):
ACTION: 1) Reject all bids received on January 13, 2009, for the Palm Springs Stadium Re-Roofing Project (City Project No. 08-23); and 2) Authorize the Public Works and Engineering Department to re-advertise for bids using a different roofing material than previously specified. **Approved as part of the Consent Calendar.**

2.J. APPROVAL OF A NOTICE TO PROCEED FOR VEOLIA WEST OPERATING SERVICES, INC., FOR THE DESIGN PHASE OF THE GRAVITY THICKENERS UPGRADE (CITY PROJECT 09-02):
ACTION: Authorize the Director of Public Works/City Engineer to issue a Notice to Proceed for Veolia West Operating Services, Inc., in the amount of $50,223.14, for the design phase of the Gravity Thickeners Upgrade (City Project No. 09-02). **Approved as part of the Consent Calendar.**

2.L. SUPPORT LEGISLATIVE AMENDMENT OF THE CALIFORNIA GOVERNMENT CODE SECTION 66427.5 WITH RESPECT TO MOBILEHOME PARK CONVERSIONS:
ACTION: 1) Support the proposed amendment to the California Government Code Section 66427.5; and 2) Consent to Co-sponsor the Legislation. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.D. TREASURER'S INVESTMENT REPORT AS OF JANUARY 31, 2009:

Councilmember Foat requested staff address the safety of the City's investments.

ACTION: Receive and file the City Treasurer's Investment Report as of January 31, 2009. **Motion Councilmember Foat, seconded by Mayor Pougnet and unanimously carried 4-0 on a roll call vote.**

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

2.F. PROPOSED ORDINANCE AMENDING THE PALM SPRINGS ZONING CODE RELATING TO THE LOCATION AND OPERATION OF MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES:

Councilmember Foat requested staff address the rationale for closing on Sunday, and the procedure for adopting the Ordinance if further modifications were made.

ACTION: Waive further reading and adopt Ordinance No. 1758, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SUBSECTIONS 91.00.10-B, 92.15.01-A, 92.17.01-A, AND 92.17.1.01 OF, AND ADDING SECTION 93.22.00 TO, THE PALM SPRINGS ZONING CODE, RELATING TO MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES AS PERMITTED USES IN THE C-M, M-1, AND M-2 ZONES." **Motion Mayor Pougnet, seconded by Councilmember Hutcheson and carried 3-1 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Hutcheson, Mayor Pougnet.
NOES: Councilmember Weigel.
ABSENT: Mayor Pro Tem Mills.

2.K. PROPOSE RESOLUTION DECLARING THE CITY'S INTENTION TO FINANCE (AB811) ENERGY EFFICIENCY IMPROVEMENTS AND SETTING THE PUBLIC HEARING FOR MARCH 25, 2009:

Mayor Pougnet requested staff address the requirements under current State Law.

ACTION: Adopt Resolution No. 22444, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO FINANCE ENERGY EFFICIENCY IMPROVEMENTS THROUGH THE USE OF CONTRACTUAL ASSESSMENTS PURSUANT TO CHAPTER 29 OF PART 3 OF DIVISION 7 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE AND SETTING A PUBLIC HEARING THEREON." **Motion Mayor Pougnet, seconded by Councilmember Weigel and unanimously carried 4-0 on a roll call vote.**

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

The Community Redevelopment Agency convened at 8:12 p.m. as a Joint Meeting with the City Council.

RA. REDEVELOPMENT AGENCY ITEMS:

RA1. JOINT ITEM WITH THE CITY COUNCIL AND THE COMMUNITY REDEVELOPMENT AGENCY APPROVING ADDITIONAL FUNDING FOR THE FACADE IMPROVEMENT PROGRAM FOR THE DOWNTOWN AND UPTOWN AREAS:

Tom Wilson, Assistant City Manager, provided background information as outlined in the staff report dated March 4, 2009.

Councilmember Hutcheson congratulated store owners for taking advantage of the program, and commented on the success of the program.

Councilmember Foat commented on the success of the program and stated the City should look at further improvements to the Downtown and Uptown areas, requested the City Council look at planting tree wells, and other improvements.

ACTION: 1) Approve an additional $50,000. funding (for a revised total of $100,000) for the Facade Improvement Program; and 2) Direct the Finance Director to appropriate $50,000 from Unscheduled Capital Projects (Merged Area No. 1) 811-8191-50000 to the Facade Improvement Program. **Motion Councilmember Hutcheson, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

RA2. DESIGNATION OF THE "GOVERNMENTAL REPRESENTATIVE" TO THE SANTIAGO SUNRISE VILLAGE MOBILE HOME PARK CORPORATION:

ACTION: Appoint Dale Cook as the City of Palm Springs "Governmental Representative" to the Santiago Sunrise Village Mobile Home Park Corporation, a California Nonprofit Corporation. **Motion Councilmember Foat, seconded by Councilmember Weigel and unanimously carried 4-0 on a roll call vote.**

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

The Community Redevelopment Agency adjourned at 8:20 p.m. and the City Council continued.

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS:

4.A. MUSEUM MARKET PLAZA PROJECT UPDATE:
Craig Ewing, Director of Planning Services, provided an update on the Museum Market Plaza Project.

NO ACTION TAKEN.

5. NEW BUSINESS:

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS:

Councilmember Hutcheson thanked VillageFest Board Member Bob Thomas on his comments toward the Board and Commission process.

Mayor Pougnet commented on the Palm Springs Art Museum fundraising project, and provided an update on the Springs Project.

Mayor Pougnet commented on the condition of Councilmember Mills.

Councilmember Foat announced the upcoming Dog Day Afternoon event.

ADJOURNMENT: The City Council adjourned, ***in memory of City Employee Diane Bullock***, at 8:30 p.m. to a Study Session, Wednesday, March 11, 1009, at 6:00 P.M., Council Chamber, City Hall, preceded by a Closed Session at 4:30 P.M., Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 25TH DAY OF MARCH, 2009.

Stephen P. Pougnet
STEPHEN P. POUGNET, MAYOR

ATTEST:

James Thompson
JAMES THOMPSON, CITY CLERK