

CITY COUNCIL
AND AS SUCCESSOR AGENCY TO THE
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS
CITY OF PALM SPRINGS, CALIFORNIA

Council Chamber, City Hall
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262

www.palmspringsca.gov

AGENDA

November 15, 2017



4:00 PM CLOSED SESSION
6:00 JOINT MEETING
REGULAR MEETING

Robert Moon, Mayor
Ginny Foat, Mayor Pro Tem
Geoff Kors, Councilmember
Chris Mills, Councilmember
J.R. Roberts, Councilmember

City of Palm Springs Mission Statement: Palm Springs is an inclusive world-class city dedicated to providing excellent and responsive public services to enhance the quality of life for current and future generations.

David H. Ready, Esq., Ph.D., City Manager
Kathleen D. Hart, MMC, Interim City Clerk
Marcus Fuller, MPA, P.E., P.L.S., Assistant City Manager
Edward Z. Kotkin, City Attorney
Geoffrey S. Kiehl, Director of Finance and Treasurer

Any person who wishes to provide public testimony for an Item on the Agenda MUST file a speaker card prior to the Public Testimony (Non-Public Hearing Agenda Items Only) prior to that portion of the meeting. Testimony for Public Hearings will be allowed only during the Public Hearing. [Two (2) minutes per speaker]

Testimony for Public Hearings will only be taken at the time of the hearing. Any person who wishes to speak at a Public Hearing must file a "Speaker Card" with the City Clerk BEFORE the Public Hearing is called. [Two (2) minutes per speaker]

Any person who wishes to speak on a topic not on the agenda within the City's jurisdiction during the "Public Comments" portion of the agenda must file a "Speaker Card" with the City Clerk BEFORE that portion of the agenda is called. [Two (2) minutes per speaker] Although the City Council values your comments, pursuant to the Brown Act, it generally cannot take any action on items not listed on the posted agenda.

Please note, any agenda item which has not been initiated by 11:00 p.m. may be continued to a subsequent meeting.

At approximately 10:00 p.m., the City Council will determine the number of speakers who wish to address the City Council during Public Comment for non-Agenda Items, and determine which agenda items will be considered before the 11:00 p.m. Adjournment time.

The City Council encourages written public testimony prior to the meeting, which provides the City Council ample time and attention for consideration. All written testimony will be provided to the City Council prior to the discussion. Written testimony may be sent via email to CITY.CLERK@palmspringsca.gov, by fax at (760) 322-8332, or hand delivery to the City Clerk, Palm Springs City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262.

4:00 P.M. CLOSED SESSION**CALL TO ORDER (Council Chamber):**

PUBLIC COMMENT (Council Chamber): This time has been set aside for members of the public to address the City Council on items contained only on the Closed Session Agenda.

RECESS TO CLOSED SESSION (Small Conference Room): See Closed Session Agenda.

**6:00 P.M.
JOINT MEETING WITH THE PLANNING COMMISSION
AND
REGULAR CITY COUNCIL MEETING**

CALL TO ORDER:**PLEDGE OF ALLEGIANCE:****ROLL CALL:****PRESENTATIONS:**

ACCEPTANCE OF THE AGENDA: The City Council will discuss the order of the agenda, may amend the order, add urgency items, note abstentions or "no" votes on Consent Calendar items, and request Consent Calendar items be removed from the Consent Calendar for discussion. The City Council may also remove items from the Consent Calendar prior to that portion of the Agenda.

REPORT OF CLOSED SESSION:

**JOINT MEETING WITH PLANNING COMMISSION:
PUBLIC HEARING**

A. CONSIDERATION OF A DEVELOPMENT AGREEMENT WITH DTPS 3-B, LLC, RELATED TO THE DEVELOPMENT OF THE VIRGIN HOTEL ON BLOCK B-1 OF THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN, CASE NO. 5.1204 SP AMEND, CASE NO. 3.3908 MAJ, AND CASE NO. 5.1427 DA:

RECOMMENDATION:

1. Open the public hearing and receive public testimony;
2. **[Planning Commission Action]:** Adopt Planning Commission Resolution No. _____, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL APPROVE A DEVELOPMENT AGREEMENT WITH DTPS 3-B, LLC FOR THE VIRGIN HOTEL ON BLOCK B-1 OF THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN; CASE NO. 5.1204 SP AMEND, CASE NO. 3.3908 MAJ, AND CASE NO. 5.1427 DA;" and
3. **[City Council Action]:** Waive the reading of the ordinance text in its entirety, read by title only, and introduce for first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT WITH DTPS 3-B, LLC, RELATED TO CONSTRUCTION OF THE VIRGIN HOTEL LOCATED ON BLOCK B-1 OF THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN AT THE NORTHEAST CORNER OF BELARDO ROAD AND

MUSEUM WAY (CASE NO. 5.1204 SP AMEND, CASE NO. 3.3908 MAJ, AND CASE NO. 5.1427 DA).”

PUBLIC TESTIMONY: (Non-Public Hearing Agenda Items for Regular Meeting and Non-Agenda Items for Joint Meeting)

This time has been set aside for members of the public to address the City Council only on agenda items and the City Council and Planning Commission on non-agenda items for the Joint Meeting. Two (2) minutes will be assigned to each speaker. Testimony for Public Hearings will only be taken at the time of the hearing, and General Public Comments for the regular City Council Meeting, non-agenda items, will be taken later in the meeting.

CITY COUNCIL, SUBCOMMITTEE, AND CITY MANAGER'S COMMENTS AND REPORTS: This time is set aside for the City Council to provide additional general comments, reports, and announcements. Additionally, this time is set aside for the City Manager to update the City Council on important items initiated by staff or previously requested by the City Council.

1. **CONSENT CALENDAR:**

The following routine matters may be acted upon by one motion. Individual items may be removed by the Council for separate discussion at this time or under Acceptance of the Agenda. The ordinance title is deemed to be read in its entirety and further reading waived on any ordinance listed on the Consent Calendar.

A. **TREASURER'S INVESTMENT REPORT AS OF SEPTEMBER 30, 2017:**

RECOMMENDATION: Receive and File the Treasurer's Investment Report for September 1 through September 30, 2017.

B. **APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:**

RECOMMENDATION:

1. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 10-07-2017 BY WARRANTS NUMBERED 420091 THROUGH 420104 TOTALING \$23,724.36 LIABILITY CHECKS NUMBERED 1095041 THROUGH 1095060 TOTALING \$79,717.11, FIVE WIRE TRANSFERS FOR \$64,954.50, AND THREE ELECTRONIC ACH DEBITS OF \$1,353,292.33 IN THE AGGREGATE AMOUNT OF \$1,521,688.30, DRAWN ON BANK OF AMERICA;"
2. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1095061 THROUGH 1095194 IN THE AGGREGATE AMOUNT OF \$3,592,360.54 DRAWN ON BANK OF AMERICA;"
3. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1095195 THROUGH 1095329 IN THE AGGREGATE AMOUNT OF \$654,160.49 DRAWN ON BANK OF AMERICA;"
4. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 10-21-2017 BY WARRANTS NUMBERED 420105 THROUGH 420122 TOTALING \$26,405.99 LIABILITY CHECKS NUMBERED 1095330 THROUGH 1095349 TOTALING \$79,740.52, FIVE WIRE TRANSFERS FOR \$69,154.50, AND THREE ELECTRONIC ACH DEBITS OF \$1,437,831.22 IN THE AGGREGATE AMOUNT OF \$1,613,132.23, DRAWN ON BANK OF AMERICA;" and

5. Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1095350 THROUGH 1095435 IN THE AGGREGATE AMOUNT OF \$1,218,722.93 DRAWN ON BANK OF AMERICA."

C. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTHS OF SEPTEMBER AND OCTOBER 2017:

RECOMMENDATION:

Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of September and October 2017.

D. INITIATION OF ANNEXATION NO. 18 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES):

RECOMMENDATION:

Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY INTO A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES FOR CITY OF PALM SPRINGS COMMUNITY FACILITIES DISTRICT NO. 2005-1, (PUBLIC SAFETY SERVICES), ANNEXATION NO. 18, ENCLAVE AT BARISTO, TRACT MAP NO. 37245."

E. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR THE PROPERTY AT 1842 SOUTH ARABY ROAD, A CLASS 1 HISTORIC SITE, HSPB 103/HD-6:

RECOMMENDATION:

1. Approve a Mills Act Historic Property Agreement with Matthew James Winder and Park Imperial South Homeowners Association, for 1842 S Araby Drive, a Class 1 Historic Site, HSPB 103/HD-6;
2. Authorize the City Manager to execute the Agreement; and
3. Direct the City Clerk to record the Agreement.

F. AMENDMENT NO. 3 TO AGREEMENT NO. A6288 WITH NBS GOVERNMENT FINANCE GROUP FOR ASSESSMENT DISTRICT, LIGHTING & LANDSCAPE MAINTENANCE DISTRICT, COMMUNITY FACILITIES DISTRICT, AND COUNTY SERVICE AREA AUDIT AND ADMINISTRATION SERVICES:

RECOMMENDATION:

1. Approve Amendment No. 3 to Agreement No. A6288 with NBS Government Finance Group, extending the contract term for one-year through June 30, 2018, leaving all other terms of the agreement unchanged; and
2. Authorize the City Manager to execute all necessary documents.

G. PALM SPRINGS INNOVATION HUB AND ACCELERATOR CAMPUS QUARTERLY REPORT:

RECOMMENDATION:

Receive and file the third quarterly report from the Coachella Valley Economic Partnership for the Palm Springs Innovation Hub for the period of July 1 to September 30, 2017.

H. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the City Council Minutes of July 19, 2017.

EXCLUDED CONSENT CALENDAR: Items removed from the Consent Calendar for separate discussion are considered at this time.

2. **PUBLIC HEARINGS:**

A. **PROPOSED ORDINANCE AMENDING AND RESTATING THE CITY'S SIGN ORDINANCE AND REPEALING THE CITY'S "SIT AND LIE" ORDINANCE AND ADOPTION OF IDENTICAL INTERIM URGENCY ORDINANCE (4/5^{ths} Vote Required):**

RECOMMENDATION:

1. Open the Public Hearing and receive public testimony;
2. Waive the reading of the ordinance text in its entirety, read by title only, and introduce for first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING THE CITY'S SIGN ORDINANCE, SECTIONS 93.20.01 THROUGH 93.20.12, RELATED SECTIONS 12.28.050, 14.16.010, AND 91.00.10, AND REPEALING THE CITY'S "SIT AND LIE" ORDINANCE, SECTION 12.12.055, PALM SPRINGS MUNICIPAL CODE;" and
3. Waive the reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. _____, "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING THE CITY'S SIGN ORDINANCE, SECTIONS 93.20.01 THROUGH 93.20.12, RELATED SECTIONS 12.28.050, 14.16.010, AND 91.00.10, AND REPEALING THE CITY'S "SIT AND LIE" ORDINANCE, SECTION 12.12.055, PALM SPRINGS MUNICIPAL CODE (4/5th VOTE REQUIRED)."

B. **PROPOSED ORDINANCE AMENDING THE PALM SPRINGS ZONING CODE (PSZC) RELATIVE TO ZONING REQUIREMENTS AND DEVELOPMENT STANDARDS FOR COMMERCIAL MEDICAL AND ADULT-USE CANNABIS FACILITIES (CASE 5.1218-F ZTA):**
RECOMMENDATION:

1. Open the Public Hearing and receive public testimony; and
2. Waive the reading of the ordinance text in its entirety, read by title only, and introduce for first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTERS 91, 92 AND 93 OF THE PALM SPRINGS ZONING CODE RELATIVE TO ZONING REQUIREMENTS FOR COMMERCIAL MEDICAL AND ADULT-USE CANNABIS FACILITIES."

3. **LEGISLATIVE:** None

4. **UNFINISHED BUSINESS:** None

5. **NEW BUSINESS:**

A. **AMENDED AND RESTATED HOTEL OPERATIONS COVENANT WITH SELENE PALM SPRINGS, LLC FOR THE DREAM HOTEL PROJECT LOCATED AT THE NORTHEAST CORNER OF CALLE ALVARADO AND EAST AMADO ROAD:**

RECOMMENDATION:

1. Approve an Amended and Restated Hotel Operations Covenant with Selene Palm Springs, LLC for the Dream Hotel located at the northeast corner of Calle Alvarado and East Amado Road. A6642; and
2. Authorize the City Manager to execute all necessary documents.

B. DESIGN DEVELOPMENT PLANS FOR THE PALM SPRINGS AIRPORT TERMINAL TICKETING WING RENOVATION:

RECOMMENDATION:

Review and approve the Design Development plans for the Airport Terminal Ticketing Wing Renovation Project, and authorize staff to proceed with preparation of construction documents for bidding.

C. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE FIRE STATION NO. 4 REHABILITATION PROJECT, CP 15-25:

RECOMMENDATION:

- 1. Approve the plans, specifications and estimate, and authorize staff to advertise and solicit bids for the Fire Station No. 4 Rehabilitation Project, CP 15-25; and
- 2. Approve Amendment No. 4 to Agreement No. A6757 with Interactive Design Corporation in the amount of \$35,169, for a total amount of \$456,469, for the Fire Station No. 4 Rehabilitation Project, CP 15-25.

D. APPROVE A LIMITED TERM OF THE THIRD OF FOUR (4) ONE-YEAR EXTENSION OPTIONS TO THE TROLLEY SERVICES OPERATOR AGREEMENT WITH MV TRANSPORTATION INC. RENEWING THE PROGRAM FOR THREE (3) MONTHS EFFECTIVE DECEMBER 19, 2017, THROUGH MARCH 18, 2018:

RECOMMENDATION:

- 1. Approve a three-month portion of the third of four (4) one-year extension options to the Trolley Services Operator Agreement with MV Transportation, Inc., in an amount not to exceed \$222,075, for the first three (3) months of the fourth year of service. A6564; and
- 2. Authorize the City Manager or his designee to execute all necessary documents.

PUBLIC COMMENT: (Non-Agenda Items) This time has been set aside for members of the public to address the City Council on items of general interest within the subject matter jurisdiction of the City. Although the City Council values your comments, pursuant to the Brown Act, it generally cannot take any action on items not listed on the posted agenda. Two (2) minutes will be assigned to each speaker.

CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT:

This time is set aside for the City Council to make requests of staff, and/or issues of concern to Councilmembers are briefly presented, prioritized and set for future meeting dates.

ADJOURNMENT: The City Council will adjourn to the next regular meeting Wednesday, December 6, 2017, 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.

AFFIDAVIT OF POSTING

State of California)
 County of Riverside) ss.
 City of Palm Springs)

I, Kathleen D. Hart, Interim City Clerk of the City of Palm Springs, California, hereby certify this Agenda was delivered to each member of the City Council and Planning Commission, provided to all parties who have requested such notice, posted at City Hall before 11:30 p.m., on November 9, 2017, and posted on the City’s website as required by established policies and procedures.

 KATHLEEN D. HART, MMC
 Interim City Clerk

PUBLIC NOTICES

Pursuant to G.C. Section 54957.5(b)(2) the designated office for inspection of records in connection with the meeting is the Office of the City Clerk, City Hall, 3200 E. Tahquitz Canyon Way. Complete Agenda Packets are available for public inspection at: City Hall Office of the City Clerk. Agenda and staff reports are available on the City's website www.palmspringsca.gov. If you would like additional information on any item appearing on this agenda, please contact the Office of the City Clerk at (760) 323-8204.

It is the intention of the City of Palm Springs to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, or in meetings on a regular basis, you will need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the Office of the City Clerk, (760) 323-8204, at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.

City Council Regular Meeting

Meeting Date: 11/15/2017

Subject

4:00 P.M. CLOSED SESSION

Attachments

Closed Session Agenda

CITY COUNCIL
AND AS SUCCESSOR AGENCY TO THE
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF THE PALM SPRINGS



CLOSED SESSION AGENDA
Wednesday, November 15, 2017 – 4:00 p.m.

City Hall, Small Conference Room
3200 East Tahquitz Canyon Way, Palm Springs
Palm Springs, CA 92262

CONFERENCE WITH LEGAL COUNSEL. The City Council finds, based on advice from the City Attorney, that discussion in open session of the following described matter(s) will prejudice the position of the City in existing and anticipated litigation.

EXISTING LITIGATION **G.C. 54956.9(d)(1)**

City of Palm Springs v. Kenneth Irwin Jr.
Case No. PSC1606276, Riverside Superior Court, Palm Springs Division

Lockwood Ave LLC et al v. City of Palm Springs
Case No. RIC1703102, Riverside Superior Court, Riverside Division

EXPOSURE TO LITIGATION **G.C. 54956.9(d)(2)**

7 Cases

INITIATION OF LITIGATION **G.C. 54956.9(d)(4)**

2 Cases

CONFERENCE WITH REAL PROPERTY NEGOTIATOR **G.C. 54956.8**

Property Address/Description:	1479 North Palm Canyon Drive
Agency:	City of Palm Springs
City Negotiator:	David Ready, City Manager or Designee
Negotiating Parties:	The Boureston & Sudweeks Company, and Yokang Zhou
Under Negotiation:	Price and Terms of Payment (Sale)
Property Address/Description:	1901 E. Baristo Road, APN 502-200-001, -002
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	Andrew Starke, Palm Springs Power Baseball Club
Under Negotiation:	Price and Terms of Payment (Lease)