

CITY COUNCIL
JOINT MEETING WITH THE MEASURE 'J' OVERSIGHT COMMISSION
CITY OF PALM SPRINGS, CALIFORNIA

Council Chamber, 3200 East Tahquitz Canyon Way, Palm Springs, California 92262
www.palmspringsca.gov

AGENDA

June 20, 2012



4:00 PM CLOSED SESSION
6:00 PM JOINT MEETING
7:00 PM REGULAR MEETING

Steve Pougnet, Mayor
Ginny Foat, Mayor Pro Tem
Rick Hutcheson, Councilmember
Paul Lewin, Councilmember
Chris Mills, Councilmember

City of Palm Springs Vision Statement: Palm Springs aspires to be a unique world class desert community, where residents and visitors enjoy our high quality of life and a relaxing experience. We desire to balance our cultural and historical resources with responsible, sustainable economic growth and to enhance our natural desert beauty. We are committed to providing responsive, friendly and efficient customer service in an environment that fosters unity among all our citizens.

David H. Ready, Esq., Ph.D., City Manager

James Thompson, City Clerk
Thomas Wilson, Assistant City Manager

Douglas C. Holland, City Attorney
Geoffrey S. Kiehl, City Treasurer

Any person who wishes to speak regarding an item on the agenda or on a subject 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. 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.

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.

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.

Please note, any agenda item which has not been initiated by 10:00 P.M. may be continued to a subsequent meeting.

City Council meetings are webcast live on the City's website www.palmspringsca.gov and cablecast live on PSCTV Channel 17. Meetings are re-broadcast (following the meeting) on Thursday at 8:00 P.M., Saturday at 1:30 P.M. and Tuesday at 7:00 P.M.

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, 323-8204, at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.

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 MEASURE "J" OVERSIGHT COMMISSION

CALL TO ORDER: (*Large Conference Room*)

ROLL CALL:

PUBLIC COMMENT: This time has been set aside for members of the public to address the *City Council and Measure "J" Oversight Commission* on items of general interest within the subject matter jurisdiction of the City Council and Measure "J" Oversight Commission. 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. Three (3) minutes assigned for each speaker.

1. JOINT MEETING WITH THE MEASURE "J" OVERSIGHT COMMISSION:

- 1.A. **DISCUSSION AND DIRECTION WITH RESPECT TO COMMISSION GOALS AND OBJECTIVES, OVERSIGHT RESPONSIBILITIES AND AUDIT, PROCEDURES, PROTOCOLS, AND COMMUNITY INPUT:**
RECOMMENDATION: Direct the Commission and Staff as appropriate.

7:00 P.M. REGULAR MEETING

CALL TO ORDER: (*Council Chamber*)

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

PRESENTATIONS:

REPORT OF CLOSED SESSION:

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.

1. PUBLIC HEARINGS: None.

PUBLIC COMMENT: This time has been set aside for members of the public to address the City Council on Consent Calendar and other agenda items; and 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. Three (3) minutes assigned for each speaker. Testimony for Public Hearings will only be taken at the time of the hearing.

COUNCILMEMBER COMMENTS: This portion of the meeting is set aside for brief general comments, and/or other issues of concern from members of the City Council.

CITY MANAGER'S REPORT: 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.

2. 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 Approval of the Agenda. The title is deemed to be read and further reading waived on any ordinance listed on the Consent Calendar for introduction or adoption.

2.A. REPORT ON THE POSTING OF THE AGENDA:

RECOMMENDATION: Receive and file the Report on the Posting of the June 20, 2012, City Council Agenda.

2.B. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the City Council Minutes of June 6, 2012.

2.C. DESIGNATION OF A VOTING DELEGATE FOR THE LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE SEPTEMBER 5-7, 2012:

RECOMMENDATION: Appoint Mayor Pro Tem Foat as the City of Palm Springs Voting Delegate, for the 2012 League of California Cities Annual Business Meeting, September 5-7, 2012.

2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF MAY 2012:

RECOMMENDATION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of May 1 through May 31, 2012.

2.E. AGREEMENTS WITH THE FAIR HOUSING COUNCIL OF RIVERSIDE COUNTY, INC. FOR FAIR HOUSING SERVICES IN THE AMOUNT OF \$39,922 FOR FISCAL YEAR 2011-12 AND \$24,440 FOR FISCAL YEAR 2012-13:

RECOMMENDATION: 1) Approve agreements with the Fair Housing Council of Riverside County, Inc. for fair housing services through education, training/technical assistance and enforcement in the amounts of \$39,922 for Fiscal Year 2011-12 and \$24,440 for Fiscal Year 2012-13,

respectively, in the City's capacity as the Housing Successor Agency of the Community Redevelopment Agency; and 2) Authorize the City Manager to execute all necessary documents. A____. A____.

2.F. REQUEST FOR PROPOSALS/QUALIFICATIONS FOR THE ROTATIONAL TOW PROGRAM:

RECOMMENDATION: 1) Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE REQUEST FOR PROPOSALS/QUALIFICATIONS FOR THE ROTATIONAL TOW PROGRAM AND AUTHORIZE STAFF TO ADVERTISE AND SOLICIT RESPONSES;" and 2) Approve an extension of the existing tow services agreements with A & A Towing, Dave's Towing, and Mohica Towing to October 31, 2012, and authorize the City Manager to execute the necessary documents in a form approved by the City Attorney. A5403. A5404. A5405.

2.G. ANNUAL INSURANCE POLICY RENEWALS FOR THE CITY'S INSURANCE PORTFOLIO FOR FISCAL YEAR 2012-13:

RECOMMENDATION: Adopt Resolution No. _____ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING KEENAN & ASSOCIATES AS THE CITY'S BROKER OF RECORD, TO PURCHASE PROPERTY LIABILITY, EXCESS EARTHQUAKE/FLOOD LIABILITY (DIFFERENCE IN CONDITION), EXCESS LIABILITY, EXCESS WORKERS COMPENSATION, AIRPORT OWNERS AND OPERATORS LIABILITY, VILLAGEFEST LIABILITY, MULTI MEDIA LIABILITY, AIRCRAFT HULL LIABILITY, AND CRIME/FIDELITY LIABILITY INSURANCE POLICIES FROM VARIOUS CARRIERS FOR POLICY YEAR 2012-13, EFFECTIVE JULY 1, 2012."

2.H. AMENDMENT NO. 3 TO AGREEMENT NO. A5741 WITH CGPM MANAGERS, LLC FOR THE MANAGEMENT AND OPERATION OF THE CITY-OWNED LEGENDS AND RESORT GOLF COURSES EXTENDING THE MANAGEMENT AGREEMENT FOR A PERIOD OF FIVE YEARS, BEGINNING JULY 1, 2012 THROUGH JUNE 30, 2017:

RECOMMENDATION: 1) Approve Amendment No. 3 to Agreement No. A5741 with CGPM Managers, LLC for five years beginning July 1, 2012, for the operation of City owned golf courses, at the original fee of \$225,000 per year and with no other changes to the terms of the Management Agreement; and 2) Authorize the City Manager to execute all necessary documents. A5741.

2.I. AWARD OF IFB 12-15 FOR PALM TREE TRIMMING AT VARIOUS LOCATIONS:

RECOMMENDATION: 1) Award a contract for Bid (IFB) 12-15, Palm Tree Trimming at various locations in the City of Palm Springs to Jimmie's Tree Service, of Long Beach, CA based on unit prices per tree for a

projected cost of \$49,453.00; and 2) Authorize the City Manager to execute all necessary documents. A_____.

2.J. MAINTENANCE AND REPAIR OF EQUIPMENT AT THE COGENERATION PLANT FOR FISCAL YEAR 2012-13:

RECOMMENDATION: 1) Authorize issuance of a purchase order for the as-needed purchase of Caterpillar repair parts for the maintenance and repair of equipment at the cogeneration plant from Johnson Power Systems in an amount not to exceed \$150,000; and 2) Authorize the City Manager to execute all necessary documents.

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

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE AMENDING THE PALM SPRINGS MUNICIPAL CODE RELATING TO SOLICITATION WITHIN THE PUBLIC RIGHT-OF-WAY:

RECOMMENDATION: Waive the reading of the full text of the ordinance, and introduce on first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 5.48.010 AND ADDING SECTION 5.48.065 TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO SOLICITATION WITHIN THE PUBLIC RIGHT-OF-WAY."

4. UNFINISHED BUSINESS:

4.A. APPROVE VARIOUS DOCUMENTS REQUIRED PURSUANT TO THE PROJECT FINANCING AGREEMENT BETWEEN THE CITY AND PALM SPRINGS PROMENADE, LLC, FOR THE IMPLEMENTATION OF THE DOWNTOWN REVITALIZATION PLAN:

RECOMMENDATION: 1) Approve grant deed, easement, independent fund control agreements for public and private improvements, and public and private escrow agreements, for the implementation of the downtown revitalization plan and project financing agreement; and 2) Authorize the City Manager and the City Attorney to execute such documents and any related documents reasonably necessary or convenient for the implementation of such documents. A6144.

4.B. ARABY DRIVE BRIDGE AT PALM CANYON WASH:

RECOMMENDATION: 1) Direct staff to move forward with the Araby Drive Low Water Crossing Bridge Replacement at Palm Canyon Wash (CP 11-02) Federal Aid Project No. BR-NBIL (521); 2) Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT NO. N037 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH

THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$1,352,000, FOR THE ARABY DRIVE LOW WATER CROSSING BRIDGE REPLACEMENT AT PALM CANYON WASH (CP 11-02) FEDERAL-AID PROJECT NO. BR-NBIL (521);" and 3) Authorize the City Manager to execute all necessary documents. A_____.

5. NEW BUSINESS:

5.A. APPOINTMENT OF VARIOUS COMMISSIONERS AND BOARD MEMBERS AS PART OF THE 2012 ANNUAL RECRUITMENT PROCESS:

RECOMMENDATION: Appoint members to various Commissions and Boards as part of the 2012 Annual Recruitment of Boards and Commissions.

COUNCILMEMBER COMMENTS, REQUESTS, AND REPORTS: Additional general comments, reports, announcements, requests of staff and/or issues of concern to Councilmembers are briefly presented at this time.

ADJOURNMENT: The City Council will adjourn to Wednesday, July 11, 2012, at 6:00 P.M. Council Chamber, City Hall, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

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



CLOSED SESSION AGENDA
Wednesday, June 20, 2012 – 4:00 P.M.

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

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(a)**

1. *Pacific Hospitality Group v. Palm Springs Community Redevelopment Agency*
Case No. INC 079881, Riverside Superior Court, Indio Division
2. *Daniel Teutle et al. v. City of Palm Springs et al.*
Case No. INC 1103235, Riverside Superior Court, Indio Division
3. *George Michael Georghiou v. City of Palm Springs et al.*
Case No. RIC 543153, Riverside Superior Court, Riverside Division

LIABILITY CLAIMS **G.C. 54956.9(b)(3)(B)**

1. City of Palm Springs claim filed against Audel Sandoval for damage to public property.
2. Tort Claim filed 12-28-2011 by Loren Fox, City Claim No. 11-0326.

EXPOSURE TO LITIGATION **G.C. 54956.9(b)**

Three Case(s).

INITIATION OF LITIGATION **G.C. 54956.9(c)**

Three Case(s).

CONFERENCE WITH LABOR NEGOTIATOR **G.C. 54957.6**

City Negotiator: David Ready, City Manager or Designee
Perry Madison, Director of Human Resources
Employee Organizations: All City Bargaining Units/Unrepresented Employees

PUBLIC EMPLOYEE EVALUATION

G.C. 54957

Position: City Attorney

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

G.C. 54956.8

Property Address/Description: 4810 Camino Parocela, Palm Springs
APN 680-101-032 and 680-101-033

Agency: City of Palm Springs
City Negotiator: David Ready, City Manager or Designee
Negotiating Parties: Michael Hoffman, Hoffman Motors
Under Negotiation: Price and Terms of Payment (Sale)

Property Address/Description: 550 North Palm Canyon Drive, Palm Springs

Agency: City of Palm Springs
City Negotiator: David Ready, City Manager or Designee
Negotiating Parties: Jonathan Cassie, President
Desert Arts Center
Under Negotiation: Price and Terms of Payment (Lease)

Property Address/Description: Modular Structure located on the property at the
Southeast Corner of North Palm Canyon and Alejo

City Negotiator: David Ready, City Manager or Designee
Negotiating Parties: Lawrence Rael, President Rael Corp.
Under Negotiation: Price and Terms of Payment (Purchase)