



## CITY COUNCIL STAFF REPORT

DATE: March 3, 2010 CONSENT CALENDAR

SUBJECT: AMENDMENT NO. 3 TO AGREEMENT NO. A3865 WITH THE BUILDING  
INDUSTRY ASSOCIATION

FROM: David H. Ready, City Manager

BY: Planning Department

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### SUMMARY

The Building Industry Association / Desert Chapter (BIA) requests that the City Council approve a third four-year extension (to March 31, 2014) to the agreement for installing and maintaining off-site directional real estate signs.

### RECOMMENDATION:

Approve Amendment No. 3 to Agreement No. A3865 with the Building Industry Association extending the contract term through March 31, 2014, and 2) Authorize the City Manager to execute all necessary documents. A3865.

### STAFF ANALYSIS:

On October 14, 1997, the city council approved an agreement with the Building Industry Association to install and maintain off-site directional real estate signs throughout the City. The Signs are of a uniform design and the program provides for a coordinated look of real estate advertising in lieu of a proliferation of signs installed by individual developers. (California state law allows individual real estate signs anywhere in the City on private property.)

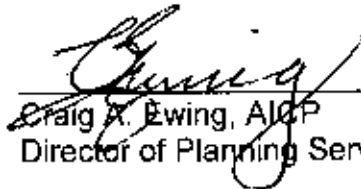
The BIA has worked with major project developers to provide this coordinated advertising effort, and staff believes that the program has proven to be a significant improvement over the alternative allowed by state law. The signs are placed in the public right-of-way – usually next to sidewalks along major streets – but only after review by the Public Works department to avoid any line-of-sight, access or other safety problems. Placement is also allowed on private property, subject to advance written approval by the owner.

Item No. **2.D.**

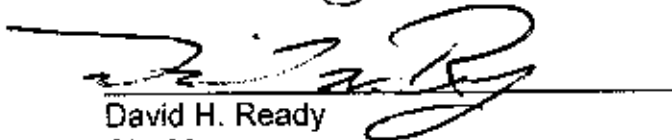
On April 3, 2002 and again on March 15, 2006, the City granted four-year extensions contract such the contract would now expire March 31, 2010. In their current request (attached) the BIA is requested another four-year extension through March 31, 2014. Staff believes that the contract has proven beneficial in the past and would continue to serve the interests of the City over the next four years.

FISCAL IMPACT:

No fiscal impact.

  
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Craig A. Ewing, AICP  
Director of Planning Services

  
\_\_\_\_\_  
Thomas J. Wilson  
Assistant City Manager, Dev't Svcs

  
\_\_\_\_\_  
David H. Ready  
City Manager

Attached: Draft Contract, Signed by BIA  
Letter of Request from BIA (January 26, 2010)

THIRD AMENDMENT TO CONTRACT SERVICES  
AGREEMENT FOR THE INSTALLATION AND  
MAINTENANCE OF OFF-SITE  
DIRECTIONAL SIGN KIOSKS WITH THE  
BUILDING INDUSTRY ASSOCIATION / DESERT CHAPTER

This Third Amendment to the Contract Services Agreement with the Building Industry Association / Desert Chapter is made and entered into this \_\_\_\_\_ of \_\_\_\_\_, 2010, by and between the CITY OF PALM SPRINGS, a municipal corporation ("City") and BUILDING INDUSTRY ASSOCIATION, DESERT CHAPTER, ("Contractor") and amends that certain "Contract Services Agreement for the Installation and Maintenance of Off-site Directional Sign Kiosks (the "Amended Agreement") dated October 15, 1997 between the parties

RECITALS

- A. On October 15, 1997, the City Council approved an agreement with the Building Industry Association / Desert Chapter (BIA) to install and maintain off-site directional real estate signs throughout the City.
- B- The BIA has worked with major project developers to provide this coordinated advertising effort.
- C. The program is a significant improvement over the alternative allowed by state law by providing a coordinated look of real estate advertising in lieu of a proliferation of signs installed by individual developers.
- D. On April 3, 2002, the City extended the agreement to March 31, 2006.
- E. On February 1, 2006, the BIA submitted a request to extend the agreement for four more years and requested an amendment to expedite the approval of individual sign installations.

F. The proposed amendment is Catorgically Exempt under Section 15303 - New Construction or Conversion of Small Structures of the California Environmental Quality Act.

**AGREEMENT**

The Agreement is hereby amended as follows:

1. Section 3.2 "Contract Officer" shall be amended to read as follows:

3.2 Contract Officer. The Director of Planning Services is hereby designated as being the representative of the City authorized to act on its behalf with respect to the work and services specified herein and make all decisions in connection therewith ("Contract Officer"). The Contract Officer may delegate the responsibility to approve structure placement. The City Manager of City shall have the right to designate another Contract Officer by providing written notice to Contractor.

2. Section 5.1 "Term" shall be amended to read as follows:

5.1 Term. Unless earlier terminated in accordance with Section 5.3 below, this agreement shall continue in full force and effect from the date of execution through March 31, 2014.

IN WITNESS WHEREOF, the parties hereto executed this Second Amendment to be effective as of the date first written above.

CITY OF PALM SPRINGS  
A municipal corporation

By: \_\_\_\_\_  
City Manager

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

BUILDING INDUSTRY ASSOCIATION,  
DESERT CHAPTER

\_\_\_\_\_  
City Attorney

  
\_\_\_\_\_  
James Brownyard  
Vice President of Legislative Analysis

**Building Industry Association - Desert Chapter**

77-570 Springfield Lane, Ste. E, Palm Desert, CA 92211

Phone: (760)360-2476 & Fax (760)772-3372

January 26, 2010

Mr. David Ready  
City Manager  
City of Palm Springs  
3200 Tahquitz Canyon Way  
Palm Springs, CA 92262

Re: **Off-site Directional Sign Program – Renewal/Extension Request**  
**Previous Agreement A 3865 approved by City Council 03/15/06 M07830**

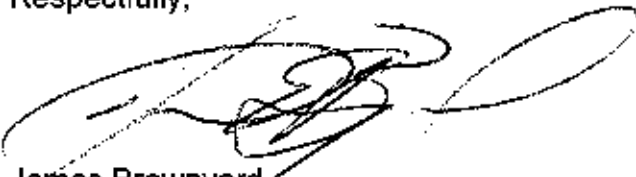
Dear Mr. Ready,

The Building Industry Association of Southern California Desert Chapter has a Contract Services Agreement for the installation and maintenance of Off-site Directional Sign Kiosks with the City of Palm Springs. Previous Agreement A 3865 approved by City Council 03/15/06 M07830 extended this agreement to March 31, 2010.

Over the four year period of the agreement, Desert Chapter has permitted a number of signs throughout the City of Palm Springs and we believe that city staff has been happy with the way the Kiosk Sign Program has been carried out.

Since residential building continues in the city, it is respectfully requested that our Contract Services Agreement be renewed for four years.

Respectfully,



James Brownyard  
Vice President of Legislative Analysis

Enclosure: Agreement A3865  
Certificates of Insurance

**RECEIVED**

FEB 01 2010

PLANNING SERVICES  
DEPARTMENT