

**CITY COUNCIL**  
**AND AS SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY**  
**CITY OF PALM SPRINGS, CALIFORNIA**  
Council Chamber, 3200 East Tahquitz Canyon Way, Palm Springs, California 92262  
[www.palmspringsca.gov](http://www.palmspringsca.gov)

**AGENDA**

April 15, 2015



4:30 PM CLOSED SESSION  
6:00 PM REGULAR MEETING

**Steve Pougnet, Mayor**  
**Paul Lewin, Mayor Pro Tem**  
**Ginny Foat, Councilmember**  
**Rick Hutcheson, 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, Chief of Staff/City Clerk**  
**Marcus Fuller, Assistant City Manager/City Engineer**  
**Douglas C. Holland, City Attorney**  
**Geoffrey S. Kiehl, Director of Finance and 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](http://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.

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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.

## 4:30 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. REGULAR MEETING

**CALL TO ORDER:**

**PLEDGE OF ALLEGIANCE:** Palm Springs Air Force ROTC Junior Color Guard.

**INVOCATION:** Dr. Sharon Stroud, Inner Faith Spiritual Center.

**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:

#### 1.A. AMENDMENT TO THE PALM SPRINGS ZONING CODE RELATING TO ACCESSORY SECOND DWELLING UNITS (CASE 5.1341 ZTA):

**RECOMMENDATION:** 1) Table the public hearing with no public testimony at this time; 2) Continue the Public Hearing to May 6, 2015; and 3) Direct the City Clerk to post a Notice of Continued Public Hearing pursuant to law.

#### 1.B. 750 LOFTS, LLC MIXED-USE HOTEL DEVELOPMENT ON A 1.13 ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE, ZONE C-1 / R-3 / PD 104 / RESORT COMBINING ZONE / LAS PALMAS BUSINESS HISTORIC DISTRICT, CEQA MITIGATED NEGATIVE DECLARATION AND REPEALING RESOLUTION NO. 23757 REGARDING THE PREVIOUS APPROVAL OF THE HISTORIC SITE CERTIFICATE OF APPROVAL (HD-1) (CASE 5.1350 PDD 374 / GPA):

**RECOMMENDATION:** 1) Repeal in its entirety Resolution No. 23757, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM

SPRINGS, CALIFORNIA, UPHOLDING THE APPEAL OF 750 LOFTS, LLC, AND AMENDING THE CONDITIONS OF APPROVAL IMPOSED BY THE HISTORIC SITE PRESERVATION BOARD ON THE CERTIFICATE OF APPROVAL FOR PLANNED DEVELOPMENT DISTRICT 374, A MIXED-USE PROJECT INCLUDING 38 HOTEL ROOMS, EIGHT RESIDENTIAL UNITS, AND ANCILLARY COMMERCIAL SPACE LOCATED AT 750 NORTH PALM CANYON DRIVE, ZONE C-1 / R-3 / PD 104 / RESORT COMBINING ZONE / THE LAS PALMAS BUSINESS HISTORIC DISTRICT (APN 505-303-018);" 2) Table the public hearing, with no testimony at this time, and refer the project, including all related applications to the Planning Commission for further public hearing, review, and recommendation for City Council consideration; and 3) Direct the City Clerk to re-notice the public hearing as required by law.

- 1.C. O & M HR, LLC (NEXUS DEVELOPMENT CORP.) APPEALING THE MARCH 25, 2015, DECISION OF THE PLANNING COMMISSION TO DENY DEMOLITION OF EXISTING DEVELOPMENT AND PARKING AREA TO CONSTRUCT "ABERDEEN," A MIXED-USE PROJECT CONSISTING OF 74 ATTACHED AND DETACHED RESIDENTIAL DWELLINGS, 17 LIVE-WORK UNITS AND APPROXIMATELY 1,568-SQUARE FEET OF RETAIL ON 8.05-ACRES LOCATED AT THE NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND CALLE EL SEGUNDO AND MAKE A CEQA DETERMINATION (ZONE REO AND CU) (CASE NOS. 5.1361 PD-375, CUP, 3.3820 MAJ AND TTM 36876). RECOMMENDATION:** 1) Open the public hearing and receive public testimony; 2) Make a determination on the appeal; and 3) If upheld consider a resolution with conditions of approval and an ordinance for the project.

**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 Report on the Posting of the April 15, 2015, City Council Agenda.

**2.B. APPROVAL OF MINUTES:**

**RECOMMENDATION:** Approve the City Council Minutes of March 18, 2015, and April 1, 2015.

**2.C. 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 CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1077191 THROUGH 1077363 IN THE AGGREGATE AMOUNT OF \$1,564,512.05, 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 PAYROLL WARRANTS FOR THE PERIOD ENDED 03-14-2015 BY WARRANTS NUMBERED 419059 THROUGH 419074 TOTALING \$26,090.03 LIABILITY CHECKS NUMBERED 1077364 THROUGH 1077384 TOTALING \$107,055.13, FIVE WIRE TRANSFERS FOR \$52,423.31, AND THREE ELECTRONIC ACH DEBITS OF \$1,133,864.93 IN THE AGGREGATE AMOUNT OF \$1,319,433.40, 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 1077385 THROUGH 1077545 IN THE AGGREGATE AMOUNT OF \$1,994,891.36, 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 CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1077546 THROUGH 1077714 IN THE AGGREGATE AMOUNT OF \$2,522,686.78, 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 PAYROLL WARRANTS FOR THE PERIOD ENDED 03-28-2015 BY WARRANTS NUMBERED 419075 THROUGH 419087 TOTALING \$22,017.74 LIABILITY CHECKS NUMBERED 1077715 THROUGH 1077736 TOTALING \$107,040.52, FIVE WIRE TRANSFERS FOR \$72,598.31, AND THREE ELECTRONIC ACH DEBITS OF \$1,263,891.96 IN THE AGGREGATE AMOUNT OF \$1,465,548.53, DRAWN ON BANK OF AMERICA."

**2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF MARCH 2015:**

**RECOMMENDATION:** Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of March 1 through March 31, 2015.

- 2.E. AMENDMENT NO. 3 TO AGREEMENT NO. A6329 WITH SELENE PALM SPRINGS, LLC FOR THE SALE OF A 7.8 ACRE PARCEL AT THE NORTHEAST CORNER OF CALLE ALVARADO AND AMADO:**  
**RECOMMENDATION:** 1) Approve Amendment No. 3 to Agreement No. A6329 with Selene Palm Springs LLC for the sale of a 7.8 acre parcel at the northeast corner of Calle Alvarado and Amado; and 2) Authorize the City Manager to execute all necessary documents. A6329.
- 2.F. APPROVE A FACADE GRANT AGREEMENT IN THE AMOUNT OF \$50,000 WITH HUFF LATITUDE 33, LP FOR PROPERTY LOCATED AT 449 EAST ARENAS ROAD:**  
**RECOMMENDATION:** 1) Approve Facade Grant Agreement with Huff Latitude 33, LP in the amount of \$50,000 at 449 East Arenas Road; and 2) Authorize the City Manager to execute all documents. A\_\_\_\_\_.
- 2.G. APPROVE THE COOPERATIVE PURCHASE OF AN ARCHIVAL SCANNER FOR THE PALM SPRINGS LIBRARY'S ACCESSING THE PAST PROJECT:**  
**RECOMMENDATION:** 1) Approve the purchase of an i2S CopiBook Cobalt HD book scanner for the Palm Springs Public Library from iimage Retrieval Inc. of Carrollton, Texas, under the State of Texas Department of Information Resources (DIR) Interlocal Cooperative Contract DIR-TSO-ICXXX in the amount of \$47,053.58; and 2) Authorize the City Manager to execute all necessary documents, including the purchase order and the Interlocal DIR Agreement. A\_\_\_\_\_.
- 2.H. APPROVE A PURCHASE ORDER IN THE AMOUNT OF \$61,600 WITH ALBERT A. WEBB & ASSOCIATES FOR TRAFFIC ENGINEERING DESIGN AND ENVIRONMENTAL SERVICES FOR A SECOND LEFT TURN LANE ON GENE AUTRY TRAIL AT VISTA CHINO (CP 14-13):**  
**RECOMMENDATION:** 1) Approve a Purchase Order in the amount of \$61,600 with Albert A. Webb & Associates for civil engineering design and environmental services for a second left turn lane on Gene Autry Trail at Vista Chino (CP 14-13); and 2) Authorize the City Manager to execute all necessary documents. A6443.
- 2.I. APPROVE PURCHASE OF MOBILE RESTROOM TRAILER FOR VILLAGEFEST AND OTHER CITY SPECIAL EVENTS:**  
**RECOMMENDATION:** 1) Find the bid from Verde Inc. as non-responsive for failure to meet specifications; 2) Award the purchase of a new Mobile Restroom Trailer as specified in Invitation for Bid No. 15-13 to Portable Restroom Trailer, LLC in the amount of \$46,273.80, including applicable CA sales tax, CA tire fee, and delivery; and 3) Authorize the City Manager to execute all necessary documents.

- 2.J. AWARD A CONSTRUCTION CONTRACT TO ABBODD DIAMOND CONSTRUCTION, INC. IN THE AMOUNT OF \$414,000 FOR THE DESERT HIGHLAND UNITY CENTER GYM AIR CONDITIONING IMPROVEMENTS PROJECT (CP 14-15):**  
**RECOMMENDATION:** 1) In accordance with Section 5101 of the California Public Contract Code, consent to relieve Sea Pac Engineering, Inc. of their low bid in the amount of \$325,100 because of a mistake made in completing the bid submitted for the Desert Highland Unity Center Gym Air Conditioning Improvements Project (CP 14-15); 2) Cancel the Arnico Tract Sewer Improvements (Phase 4), and authorize the appropriation of \$176,615 in Measure J Capital Project Funding originally programmed for the Arnico Tract Sewer Improvements (Phase 4) for the Desert Highland Unity Center Gym Air Conditioning Improvements Project (CP 14-15); 3) Award a construction contract to Abboud Diamond Construction, Inc. in the amount of \$414,000 for the Desert Highland Unity Center Gym Air Conditioning Improvements Project (CP 14-15); and 4) Authorize the City Manager to execute all necessary documents. A\_\_\_\_\_.
- 2.K. APPROVE THE PURCHASE OF NEW CARPET TILES FOR AIRPORT MAIN TERMINAL FROM DEL'S FLOORING CONTRACTORS INC. IN THE AMOUNT OF \$41,650.24:**  
**RECOMMENDATION:** 1) Approve the purchase of new carpet for the Palm Springs Airport main terminal as per the specifications from Del's Flooring Contractors Inc. in the amount not to exceed of \$41,650.24; and 2) Authorize City Manager to execute all necessary documents.
- 2.L. ACQUISITION OF A 14-UNIT MULTI-FAMILY HOUSING PROPERTY LOCATED AT 2395 NORTH INDIAN CANYON DRIVE FROM THE COUNTY OF RIVERSIDE FOR THE PURPOSE OF FACILITATING THE DEVELOPMENT OF AFFORDABLE HOUSING:**  
**RECOMMENDATION:** Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING IN ITS CAPACITY AS THE HOUSING SUCCESSOR AGENCY, TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY FORMALLY REQUESTING A CHAPTER 8 AGREEMENT OF SALE WITH THE COUNTY OF RIVERSIDE FOR PROPERTY LOCATED AT 2395 NORTH INDIAN CANYON DRIVE FOR THE PURPOSE OF DEVELOPING AFFORDABLE HOUSING."
- 2.M. APPROVE FAA GRANT NO. 3-06-0181-053-2015 FOR AIRPORT PROJECT AND AWARD CONTRACT FOR AIRPORT RUNWAY REHABILITATION CONSTRUCTION:**  
**RECOMMENDATION:** 1) Approve FAA AIP Grant No. 3-06-0181-053-2015 in the amount of \$10,850,000 for construction and construction management services for the project; 2) Award the construction contract for the Airport Runway Rehabilitation Project to the lowest responsive bidder in a form approved by the City Attorney; and 3) Authorize the City

Manager to execute all necessary documents including up to ten percent (10%) additional change order work as required to address changes in the project scope. A\_\_\_\_. A\_\_\_\_.

**2.N. STRONG OPPOSITION TO RELIGIOUS FREEDOM LEGISLATION THAT DIRECTLY OR INDIRECTLY CONDONES DISCRIMINATION OF PROTECTED CLASSES OF PERSONS:**

**RECOMMENDATION:** Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXPRESSING STRONG OPPOSITION TO RELIGIOUS FREEDOM LEGISLATION THAT DIRECTLY OR INDIRECTLY CONDONES DISCRIMINATION OF PROTECTED CLASSES OF PERSONS."

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

**3. LEGISLATIVE:** None.

**4. UNFINISHED BUSINESS:** None.

**5. NEW BUSINESS:**

**5.A. APPOINTMENT OF CITY COUNCIL SUBCOMMITTEES TO SCREEN COMMISSION AND BOARD APPLICATIONS, TO DETERMINE QUALIFIED APPLICANTS AS PART OF THE 2015 ANNUAL RECRUITMENT OF CITY BOARDS AND COMMISSIONS:**

**RECOMMENDATION:** 1) Waive the procedures in Resolution No. 18804 Section 7(b), for the 2015 Annual Recruitment process, to allow for the City Council as a whole, to participate in the screening and interview of applicants for the Historic Site Preservation Board, Measure "J" Oversight Commission and the Planning Commission; 2) Waive the procedures in Resolution No. 18804 Section 7(b), for the 2015 Annual Recruitment process that provides for the Mayor to select and participate in all subcommittees; and 3) Appoint two-member ad hoc City Council Subcommittees to screen and interview applicants for the following Commissions and Boards:

Administrative Appeals Board

Airport Commission

Board of Appeals

Board of Library Trustees

Human Rights Commission

Mt. San Jacinto Winter Park Auth.

Parks and Recreation Commission

Personnel Board

Public Arts Commission

Rent Review Commission

Sustainability Commission

VillageFest Board

**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, May 6, 2015, 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, April 15, 2015 – 4:30 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.

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

Three Case(s).

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

Two Case(s).

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

Property Address/Description: APN's 508-034-011, 508-034-012, 508-034-013, 508-034-013 (Amado Road and Calle Alvarado)

Agency: City of Palm Springs

Agency Negotiator: David Ready, City Manager or Designee

Negotiating Parties: Lauri Kibby representing CDI Ventures LLC

Under Negotiation: Price and Terms of Payment (Purchase)

Property Address/Description: 128 South Palm Canyon Drive

Agency: City of Palm Springs

City Negotiator: David Ready, City Manager or Designee

Negotiating Parties: PS International Film Festival

Under Negotiation: Price and Terms of Payment (Lease)

Property Address/Description: APN 's 513-141-013 and 513-141-004

Agency: City of Palm Springs

City Negotiator: David Ready, City Manager or Designee

Negotiating Parties: Palm Springs Promenade, LLC

John Wessman

Under Negotiation: Price and Terms of Payment (Lease)

Property Address/Description:	APN 513-560-027
Agency:	City of Palm Springs
City Negotiator:	David Ready, City Manager or Designee
Negotiating Parties:	Palm Springs Promenade, LLC John Wessman
Under Negotiation:	Price and Terms of Payment (Sale)
Property Address/Description:	A Portion of APN's 513-560-026, 513-560-031, 513-560-024, 513-560-017, 513-560-012, 513-560-035, and 513-560-034
Agency:	City of Palm Springs
City Negotiator:	David Ready, City Manager or Designee
Negotiating Parties:	Palm Springs Promenade, LLC John Wessman
Under Negotiation:	Price and Terms of Payment (Easement)
Property Address/Description	2395 North Indian Canyon Drive, Palm Springs
Agency:	City of Palm Springs
Agency Negotiator:	David Ready, City Manager or Designee
Negotiating Parties:	County of Riverside
Under Negotiation	Price and Terms of Payment (Purchase)
Property Address/Description:	1300 Baristo Road, Palm Springs
Agency:	City of Palm Springs
City Negotiator:	David Ready, City Manager or Designee
Negotiating Parties:	Julie Arthur, Palm Springs Unified School District
Under Negotiation:	Price and Terms of Payment (Purchase)