

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

AGENDA

WEDNESDAY
November 19, 2014



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

Steve Pougnet, Mayor
Rick Hutcheson, Mayor Pro Tem
Ginny Foat, 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, Chief of Staff/City Clerk
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. 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 and 26.103. 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.

4:30 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: Rabbi Sally Olins, Temple Isaiah.

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. TENTATIVE TRACT MAP TO SIERRA OAKS PARTNERS, LLC, TO SUBDIVIDE AN APPROXIMATE 20-ACRE VACANT PARCEL INTO 40 SINGLE-FAMILY RESIDENTIAL LOTS AND 10 LETTERED LOTS LOCATED AT 655 WEST RAMON ROAD AND CEQA MITIGATED NEGATIVE DECLARATION (CASE TTM 36738):

RECOMMENDATION: 1) Open the public hearing and receive public testimony; and 2) Adopt Resolution No. _____, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, READOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING TENTATIVE TRACT MAP 36738 FOR THE CREATION OF A 40-LOT SUBDIVISION ON APPROXIMATELY 20 ACRES OF VACANT LAND ALONG THE SOUTH SIDE OF RAMON ROAD ABOUT 275 FEET WEST OF BELARDO ROAD, ZONE R-1-C, SECTION 22 (TTM 36738).”

1.B. APPROVE A HOTEL OPERATIONS COVENANT AGREEMENT WITH PALM SPRINGS PROMENADE, LLC FOR A 155-ROOM KIMPTON HOTEL AT THE NORTHEAST CORNER OF TAHQUITZ CANYON WAY AND BELARDO ROAD PURSUANT TO THE CITY'S HOTEL OPERATIONS INCENTIVE PROGRAM:

RECOMMENDATION: 1) Open the public hearing and receive public testimony; 2) Approve a Hotel Operations Covenant Agreement with Palm Springs Promenade, LLC for a 155-room Kimpton Hotel located at the northeast corner of Tahquitz Canyon Way and Belardo Road; and 3) Authorize the City Manager to execute all necessary documents. A_____.

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 November 19, 2014, City Council Agenda.

2.B. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the City Council Minutes of November 5, 2014.

2.C. APPROVE THE SUBMITTAL OF NOMINATION TO THE NATIONAL REGISTER OF HISTORIC PLACES FOR THE WORKS OF ALBERT FREY TO INCLUDE PALM SPRINGS CITY HALL, FIRE STATION NO. 1, AND THE TRAMWAY GAS STATION:

RECOMMENDATION: Approve the submittal of nomination to the National Register of Historic Places for Palm Springs City Hall, Fire Station No. 1, and the Tramway Gas Station.

2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF OCTOBER 2014:

RECOMMENDATION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of October 1 through October 31, 2014.

2.E. AMENDMENT NO. 2 TO AGREEMENT NO. A6401 WITH NEWCOMB|ANDERSON|MCCORMICK TO ADD FOUR ADDITIONAL GRANT FUNDED SOLAR SITES:

RECOMMENDATION: 1) Approve Amendment No. 2 to Agreement No. A6401 with Newcomb|Anderson|McCormick adding four additional City sites to the Solar RFP, increasing the agreement in the amount of \$12,088; and 2) Authorize the City Manager to execute the Amendment to the Agreement. A6401.

2.F. APPROVE CHANGE ORDER NO. 4 TO AGREEMENT NO. A6375 WITH OPTERRA ENERGY SERVICES:

RECOMMENDATION: 1) Approve Change Order No. 4 to Agreement No. A6375 with Opterra Energy Services Inc., deleting lighting at the Convention Center, upgrading components at the Airport and the Municipal Cogeneration plant, adding controls at the Police Department, and upgrading Energy Management Communication at the Sunrise complex, in the amount of \$116,660; and 2) Authorize the City Manager to execute all documents related to Change Order No. 4. A6375.

2.G. APPROVE CHANGE ORDER NO. 3 TO THE AGREEMENT WITH MATICH CORPORATION FOR THE 2014 ANNUAL ASPHALT OVERLAY AND RECONSTRUCTION PROJECT (CP 14-04):

RECOMMENDATION: 1) Approve Change Order No. 3 to Agreement No. A6565, with Matich Corporation, in the amount of \$208,859.47 for the Annual Asphalt Overlay and Reconstruction Project (CP 14-04); and 2) Authorize the City Manager to execute all necessary documents. A6565.

2.H. APPROVE CHANGE ORDER NO. 2 TO THE AGREEMENT WITH TRI-STAR CONTRACTING II, FOR THE TRACT NO. 13257 (ARNICO TRACT) PHASE 3 SEWER IMPROVEMENTS PROJECT (CP 13-26):

RECOMMENDATION: 1) Approve Change Order No. 2 to Agreement No. A6548, with Tri-Star Contracting II, in the amount of \$14,676.01, for the Arnico Tract No. 13257 Phase 3 Sewer Improvements Project (CP 13-26); and 2) Authorize the City Manager to execute all necessary documents. A6548.

2.I. GRANT OF EASEMENT TO CALTRANS FOR MAINTENANCE OF TRAFFIC SIGNAL EQUIPMENT ON CITY PROPERTY AT THE INTERSECTION OF GENE AUTRY TRAIL (HIGHWAY 111) AND DISTRICT CENTER DRIVE (RW FILE 14-24):

RECOMMENDATION: Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, GRANTING AN EASEMENT TO CALTRANS FOR MAINTENANCE OF TRAFFIC SIGNAL EQUIPMENT ON CITY PROPERTY AT THE INTERSECTION OF GENE AUTRY TRAIL (HIGHWAY 111) AND DISTRICT CENTER DRIVE, IN SECTION 18, TOWNSHIP 4 SOUTH, RANGE 5 EAST (SB&M R/W FILE 14-24)."

2.J. PALM SPRINGS PUBLIC LIBRARY BOARD OF TRUSTEES ANNUAL REPORT FOR FISCAL YEAR 2013-14:

RECOMMENDATION: Receive and file the Palm Springs Board of Library Trustees Annual Report for Fiscal Year 2013-14.

2.K. APPROVE AN AGREEMENT WITH URS CORPORATION FOR PALM SPRINGS INTERNATIONAL AIRPORT MAIN RUNWAY CONSTRUCTION MANAGEMENT:

RECOMMENDATION: 1) Approve an agreement with URS Corporation, in the amount of \$756,928, for Airport professional services including construction management, special testing, project compliance, and other aviation specific expertise as required by the Federal Aviation Administration; and 2) Authorize the City Manager to execute all necessary documents and up to ten percent (10%) of additional change orders as may be required to address unexpected changes in the project. A_____.

2.L. CALIFORNIA HERO PROGRAM TO FINANCE ENERGY AND WATER EFFICIENCY IMPROVEMENTS, AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE FOR PROPERTIES WITHIN THE CITY OF PALM SPRINGS:

RECOMMENDATION: Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONSENTING TO INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HERO PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING THE AMENDMENT TO A CERTAIN JOINT POWERS AGREEMENT RELATED THERETO." A_____.

2.M. RECONVEY AND RELEASE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS ON THE PROPERTY LOCATED AT 1036 ANDREAS PALMS DRIVE:

RECOMMENDATION: Authorize the City Manager to execute and the City Clerk cause the recordation of a Reconveyance and Release of Declaration of Covenants, Conditions, and Restrictions that affect property at 1036 Andreas Palms Drive.

- 2.N. APPROVE AN AGREEMENT EXTENSION WITH LANCE, SOLL & LUNGHARD, LLP FOR AUDITING SERVICES:**
RECOMMENDATION: 1) Approve an extension to the agreement with Lance, Soll & Lunghard, LLP for a five (5) year term in a form approved by the City Attorney with annual CPI increases; and 2) Authorize the City Manager to execute all the appropriate documents. A5960.
- 2.O. SECOND READING AND ADOPTION OF ORDINANCE NO. 1862 APPROVING PLANNED DEVELOPMENT DISTRICT (PDD) 368 IN LIEU OF A CHANGE OF ZONE FOR AN APPROXIMATELY 0.91-ACRE PARCEL LOCATED ON THE NORTH SIDE OF VISTA CHINO ROAD AT KAWEAH ROAD (260 WEST VISTA CHINO ROAD) AND CEQA NOTICE OF EXEMPTION:**
RECOMMENDATION: Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1862, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT (PDD) 368 IN LIEU OF A CHANGE OF ZONE FOR AN APPROXIMATELY 0.91-ACRE PARCEL LOCATED ON THE NORTH SIDE OF VISTA CHINO ROAD AT KAWEAH ROAD (260 WEST VISTA CHINO ROAD) AND CEQA NOTICE OF EXEMPTION."
- 2.P. SECOND READING AND ADOPTION OF ORDINANCE NO. 1863 PROPOSED ORDINANCE AMENDING THE PALM SPRINGS MUNICIPAL CODE TO REQUIRE PAYMENT OF PREVAILING WAGES FOR ALL PUBLIC WORKS PROJECTS:**
RECOMMENDATION: Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1863, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 7.06.030 OF THE PALM SPRINGS MUNICIPAL CODE TO REQUIRE PAYMENT OF PREVAILING WAGES FOR ALL PUBLIC WORKS PROJECTS."
- 2.Q. REPORT OF LOADING BRIDGE REPAIRS AT THE PALM SPRINGS INTERNATIONAL AIRPORT PURSUANT TO PALM SPRINGS MUNICIPAL CODE SECTION 7.04.040:**
RECOMMENDATION: Receive and file Report of Emergency Loading Bridge Repairs pursuant to Palm Springs Municipal Code Section 7.04.040.
- 2.R. REPORT OF EMERGENCY PROCUREMENT FOR A BUILDING DEMOLITION LOCATED AT 790 CALLE SANTA CRUZ PURSUANT TO PALM SPRINGS MUNICIPAL CODE SECTION 7.04.040:**
RECOMMENDATION: Receive and File the Report of Emergency Procurement for the demolition of a building located at 790 Calle Santa Cruz, pursuant to Palm Springs Municipal Code Section 7.04.040.

2.S. APPROVE AMENDMENT NO. 1 TO AN AGREEMENT AND ESCROW INSTRUCTIONS FOR THE SALE OF REAL PROPERTY TOTALING APPROXIMATELY 5.62 ACRES LOCATED AT THE SOUTHEAST CORNER OF ANDREAS ROAD AND CALLE EL SEGUNDO AND ASSIGNMENT FROM O & M HR, LLC TO NEXUS DEVELOPMENT CORPORATION/CENTRAL DIVISION:

RECOMMENDATION: 1) Approve Amendment No. 1 to an agreement and escrow instructions for the sale and assignment with O & M HR, LLC (assignor) and Nexus Development Corporation/Central Division (assignee) for the sale of real property located at the southeast corner of Andreas Road and Calle El Segundo; and 2) Authorize the City Manager to execute all documents to effectuate this amendment. A6103.

2.T. APPROVE PROJECT CHANGE ORDER PROCESS AND TRANSFER AN ADDITIONAL \$2,115,605 FOR EVENT CENTER AND PARKING GARAGE DEMOLITION, CONSTRUCTION AND REHABILITATION OUTSIDE THE SCOPE OF WORK CONTAINED IN THE PROJECT FINANCING AGREEMENT WITH PALM SPRINGS PROMENADE, LLC FOR THE DOWNTOWN REVITALIZATION PROJECT AT 123 NORTH PALM CANYON DRIVE:

RECOMMENDATION: 1) Approve Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADJUSTING THE BUDGET FOR FISCAL YEAR 2014-15 TO PROVIDE \$2,115,605 IN FUNDING FOR ADDITIONAL CITY-REQUESTED WORK AT THE DOWNTOWN REVITALIZATION PROJECT, SPECIFICALLY RELATED TO THE PARKING STRUCTURE AND THE EVENT CENTER;" and 2) Authorize the City Manager to execute all documents related to the Budget Resolution and the additional task items specified in the Change Order Logs. A____.

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

3. LEGISLATIVE:

3.A. DISCUSSION ON PROPOSED UPDATES TO THE VACANT BUILDING ORDINANCE:

RECOMMENDATION: Direct Staff as appropriate.

4. UNFINISHED BUSINESS:

4.A. UPDATE ON THE WATER MATTERS PROGRAM AND WATER CONSERVATION INITIATIVES:

RECOMMENDATION: Direct Staff as appropriate

4.B. PROGRESS REPORT ON THE SPECIAL ECONOMIC DEVELOPMENT FOCUS AREA INCENTIVE PROGRAM AND AUTHORIZE THE EXTENSION OF THE FACADE IMPROVEMENT PROGRAM FOR COMMERCIAL PROPERTY OWNERS OR TENANTS THROUGHOUT

THE CITY OF PALM SPRINGS AND APPROVE \$250,000 TO FUND THE PROGRAM:

RECOMMENDATION: 1) Approve the extension of the Facade Improvement Program for commercial owners and tenants throughout the City of Palm Springs, and modify the matching grant requirements for businesses located on the east side of North Palm Canyon Drive, between Tahquitz Canyon Way and Amado Road; 2) Adopt Resolution No____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR THE 2014-15 FISCAL YEAR TO PROVIDE \$250,000 FOR THE FACADE IMPROVEMENT PROGRAM;" and 3) Authorize the City Manager to execute all documents related to the Budget Resolution and the Facade Improvement Program.

5. NEW BUSINESS:

5.A. APPROVAL OF MEASURE A BOND FINANCING:

RECOMMENDATION: Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$7,000,000 PRINCIPAL AMOUNT OF 2015 LOCAL MEASURE A SALES TAX REVENUE BONDS AND AUTHORIZING INSTITUTION OF JUDICIAL VALIDATION PROCEEDINGS."

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, December 3, 2014, 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, November 19, 2014 – 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.

EXISTING LITIGATION **G.C. 54956.9(a)**

1. *Intervention911 v. City of Palm Springs*
Case No. ED CV 13-01117, United States District Court, Central District

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

Three Case(s).

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

Two 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: PSPOA and PSPMA

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

Property Address/Description: A portion of the 4.41 acre site located at Southeast Corner of Alejo Rd. and N. Palm Canyon
Agency: City of Palm Springs
City Negotiator: David Ready, City Manager or Designee
Negotiating Parties: Lawrence Rael, Palm Springs LLC
Under Negotiation: Price and Terms of Payment (Purchase)

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: Block F of the Museum Market Plaza Specific Plan
Agency: City of Palm Springs
Agency Negotiator: David Ready, City Manager or Designee
Negotiating Parties: Palm Springs Promenade, LLC
Represented By: John Wessman
Under Negotiation: Price and Terms of Payment (Easement)

Property Address/Description: 1300 Baristo Road, Palm Springs
Agency: City of Palm Springs
City Negotiator: David Ready, City Manager or Designee
Negotiating Parties: Palm Springs Unified School District
Represented By: Julie Arthur, Director of Facilities
Under Negotiation: Price and Terms of Payment (Purchase)

Property Address/Description: 6.2 acres at the Southeast corner of
Calle El Segundo and Andreas Road
Agency: City of Palm Springs
City Negotiator: David Ready, City Manager or Designee
Negotiating Parties: Rich Meaney, O & M HR, LLC
Under Negotiation: Price and Terms of Payment (Purchase)