

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

April 16, 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: 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:

1.A. APPROVE TWO HOTEL OPERATIONS COVENANT AGREEMENTS WITH THE WALTER FAMILY PARTNERSHIP (HILTON PALM SPRINGS) AND TWO BLACK FLATCOATS, INC. (SPARROWS HOTEL) 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 Walter Family Partnership (Hilton Palm Springs) located at 400 East Tahquitz Canyon Way; 3) Approve a Hotel Operations Covenant Agreement with Two Black Flatcoats, Inc. (Sparrows Hotel) located at 1330 East Palm Canyon Drive; and 4) Authorize the City Manager to execute all necessary documents. A____. 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 April 16, 2014, City Council Agenda.

2.B. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the City Council Minutes of April 2, 2014.

2.C. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF INDIO TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION:

RECOMMENDATION: Reappoint Jack Horner, as the City of Indio representative, to the Palm Springs International Airport Commission for the term ending March 19, 2015.

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

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

2.E. AMENDMENT NO. 1 TO AGREEMENT NO. A6465 WITH URRUTIA A.I.A. AND ASSOCIATES, INC. FOR DESIGN SERVICES FOR THE POLICE DEPARTMENT REMODEL PROJECT:

RECOMMENDATION: 1) Approve Amendment No. 1 to Agreement No. A6465 with Urrutia A.I.A. and Associates Inc. adding architectural and engineering design services for the remodel of the officers locker room/restrooms to the Police Department Remodel Project in the amount of \$24,800 for a total project design cost of \$104,500; and 2) Authorize the City Manager to execute all necessary documents. A6465.

2.F. ACCEPT FAA GRANT NO. 3-06-0818-051-2014 FOR AIRPORT PROJECTS, AMEND FISCAL YEAR 2013-14 BUDGET, AWARD PROFESSIONAL SERVICES CONTRACT FOR THE DESIGN OF RUNWAY 13/31 PAVEMENT REHABILITATION AND DESIGN OF TERMINAL SYSTEMS IMPROVEMENTS:

RECOMMENDATION: 1) Approve acceptance of Federal Aviation Administration (FAA) AIP Grant in an amount not to exceed \$5,500,000 for

the design and bid of main runway rehabilitation and design, bid, and construction of terminal system improvements; 2) Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR THE FISCAL YEAR 2013-14;" 3) Approve Amendment No. 5 to Agreement No. A6256 with Parsons Brinckerhoff, Inc. for the design and bid services on the runway rehabilitation and terminal system improvements in the amount not to exceed \$1,552,745.45; and 4) 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 scope of the project. A_____. A6256.

2.G. SPECIAL CHANGE ORDER AND CONTRACTING AUTHORITY FOR THE DOWNTOWN REVITALIZATION PROJECT:

RECOMMENDATION: Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, GRANTING THE CITY MANAGER LIMITED SPECIAL CHANGE ORDER AND CONTRACTING AUTHORITY TO ENSURE THE TIMELY AND/OR SAFE COMPLETION OF THE DOWNTOWN REVITALIZATION PROJECT."

2.H. 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 1069633 THROUGH 1069790, IN THE AGGREGATE AMOUNT OF \$1,789,104.30, 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 PAYROLL WARRANTS FOR THE PERIOD ENDED 3-15-14 BY WARRANTS NUMBERED 418543 THROUGH 418561 TOTALING \$34,393.17, LIABILITY CHECKS NUMBERED 1069791 THROUGH 1069814 TOTALING \$112,112.24, FIVE WIRE TRANSFERS FOR \$48,625.90, AND THREE ELECTRONIC ACH DEBITS OF \$1,099,717.93 IN THE AGGREGATE AMOUNT OF \$1,294,849.24, 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 1069815 THROUGH 1069971, IN THE AGGREGATE AMOUNT OF \$770,896.47, 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 1069972 THROUGH 1070088 IN THE AGGREGATE AMOUNT OF \$1,978,068.56, DRAWN ON BANK OF AMERICA;" 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 3-29-14 BY WARRANTS NUMBERED 418562 THROUGH 418580 TOTALING \$35,736.73, LIABILITY CHECKS NUMBERED 1070089 THROUGH 1070112 TOTALING \$111,284.73, FIVE WIRE TRANSFERS FOR \$72,075.90, AND THREE ELECTRONIC ACH DEBITS OF \$1,126,775.99 IN THE AGGREGATE AMOUNT OF \$1,345,873.35, DRAWN ON BANK OF AMERICA;" and 6) 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 1070113 THROUGH 1070289 IN THE AGGREGATE AMOUNT OF \$2,037,103.18, DRAWN ON BANK OF AMERICA."

2.I. APPROVAL OF TRACT MAP 32233 AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH CDCG ESCENA LLC AND BEAZER HOMES HOLDINGS CORP. FOR A 72-LOT SINGLE FAMILY RESIDENTIAL UNIT TRACT MAP LOCATED ON 14.374 ACRES ON THE NORTHEAST SIDE OF PASSAGE STREET:

RECOMMENDATION: 1) Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TRACT MAP 32233 FOR PROPERTY LOCATED ON THE NORTHEAST SIDE OF PASSAGE STREET, IN SECTION 7, TOWNSHIP 4 SOUTH, RANGE 5 EAST, AND APPROVING A SUBDIVISION IMPROVEMENT AGREEMENT WITH CDCG ESCENA LLC AND BEAZER HOMES HOLDINGS CORP;" and 2) Authorize the City Manager to execute all necessary documents. A_____.

2.J. AUTHORIZE MEASURE J FUNDING OF THE MAINTENANCE OF TRASH RECEPTACLES AND DOG STATIONS AT FIVE CITY TRAILHEADS:

RECOMMENDATION: Authorize Measure J funds for the annual maintenance of trash receptacles and dog stations installed at five City trailheads.

2.K. APPROVE THE DONATION OF TWO POLICE DEPARTMENT FORD CROWN VICTORIA VEHICLES TO COLLEGE OF THE DESERT PUBLIC SAFETY ACADEMY:

RECOMMENDATION: 1) Waive the Public Auction requirement in Section 7.07.020 (3) of the Municipal Code for Disposition of Surplus Property and authorize the donation of Ford Crown Victoria equipment number 203006-2006, and Ford Crown Victoria equipment number 208807-2007; 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 SECTION 11.74.041 OF, AND REPEALING EXCEPTION (5) OF SECTION 8.04.220 OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO HOURS OF OPERATION OF REGULAR MOWING OR GROOMING OF GOLF COURSES, GRASS TENNIS COURTS, GRASS CROQUET COURTS, AND LAWN BOWLING AREAS:

RECOMMENDATION: Waive the reading of the ordinance text in its entirety and read by title only and introduce Ordinance No. _____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 11.74.041 OF, AND REPEALING EXCEPTION (5) OF SECTION 8.04.220 OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO HOURS OF OPERATION OF REGULAR MOWING OR GROOMING OF GOLF COURSES, GRASS TENNIS COURTS, GRASS CROQUET COURTS, AND LAWN BOWLING AREAS."

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS:

5.A. AWARD CONTRACT TO ABOUD DIAMOND CONSTRUCTION, INC. FOR THE WELWOOD MURRAY MEMORIAL LIBRARY REMODEL PROJECT IN THE AMOUNT OF \$1,100,000 (CP 13-03):

RECOMMENDATION: 1) Approve and award the contract for the Welwood Murray Memorial Library Remodel Project (CP 13-03) to Abboud Diamond Construction, Inc., in the amount of \$1,100,000; 2) Authorize the Director of Finance & Treasurer to transfer funds from Measure J Unscheduled Reserves to cover Welwood Murray Memorial Library remodel project shortfall; 3) Grant Special Change Order Authority to the Special Projects Coordinator, up to the total amount of 5% of the awarded construction contract amount subject to regular reporting to and consultation with the City Manager; and 4) Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AWARDED A CONTRACT FOR THE WELWOOD MURRAY MEMORIAL LIBRARY REMODEL PROJECT AND FINDING THE WORK TO BE PERFORMED WILL DIRECTLY CONTRIBUTE TO THE LIBRARY USE OF THE WELWOOD MURRAY MEMORIAL LIBRARY." A_____.

5.B. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID FOR THE 2014 ANNUAL ASPHALT OVERLAY AND RECONSTRUCTION PROJECT (CP 14-04):

RECOMMENDATION: 1) Approve the Plans, Specifications, and working details for the 2014 Annual Overlay and Reconstruction Project and authorize staff to advertise and solicit bids (CP 14-04); and 2) Approve additional Measure J funds in the amount of \$300,000 of street

improvements at Via Las Palmas (from Vista Vespero to Via Monte Vista), Sonora Drive (from S. Palm Canyon Drive to Calle Palo Fierro), and San Rafael Drive (from Virginia Street to North Indian Canyon Drive) as recommended by the Palm Springs Neighborhood Involvement Committee (PSNIC).

5.C. TRANSMITTAL OF THE FISCAL YEAR 2014-15 BUDGET FOR GENERAL FUND AND GOLF FUND AND CONTINUED DISCUSSION OF A MULTI-YEAR STRATEGIC ACTION PLAN FOR CITY CAPITAL IMPROVEMENTS AND QUALITY OF LIFE ENHANCEMENTS RELATED TO MEASURE J FUNDING:

RECOMMENDATION: Direct staff as appropriate.

5.D. APPOINTMENT OF CITY COUNCIL SUBCOMMITTEES TO SCREEN COMMISSION AND BOARD APPLICATIONS, TO DETERMINE QUALIFIED APPLICANTS AS PART OF THE 2014 ANNUAL RECRUITMENT OF CITY BOARDS AND COMMISSIONS:

RECOMMENDATION: 1) Waive the procedures in Resolution No. 18804 Section 7(b), for the 2014 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 2014 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 Commission and Boards:

Administrative Appeals Board	Personnel Board
Airport Commission	Public Arts Commission
Board of Appeals	Rent Review Commission
Board of Library Trustees	Sustainability Commission
Human Rights Commission	VillageFest Board
Parks and Recreation Commission	

5.E. APPOINT TWO MEMBERS OF THE CITY COUNCIL TO THE AD HOC CITY COUNCIL PUBLIC SAFETY FACILITY SUBCOMMITTEE:

RECOMMENDATION: Appoint two members of the City Council to the ad hoc City Council Public Safety Facility Subcommittee.

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 7, 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, April 16, 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. *People for Proper Planning v. City of Palm Springs et al.*
Case No. PSC 1401656, Riverside Superior Court, Palm Springs Division
2. *People for Proper Planning v. City of Palm Springs et al.*
Case No. PSC 1300345, Riverside Superior Court, Palm Springs Division
3. *Advocates for Better Community Development/F. Tysen v. City of Palm Springs*
Case No. INC 1303538, Riverside Superior Court, Indio Division
4. *People v. Bahama Palm Springs, LLC*
Case No. PSC 1401853, Riverside Superior Court, Palm Springs Division
5. *Allan Estella DeVillena, Beatriz Orozco, et al. v. City of Palm Springs*
Case No. ED CV 13-00610 VAP, United States District Court, Central District
6. *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)

Four 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:	All City Bargaining Units/Unrepresented Employees

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

G.C. 54956.8

Property Address/Description: 310 acre site APN's 505-020-027, 505-020-029, 505-020-031, and 505-020-035
Agency: City of Palm Springs
Agency Negotiator: David Ready, City Manager or Designee
Negotiating Parties: Shadowrock Palm Springs Development LLC
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)

Property Address/Description: A portion of the 4.41 acre site located at Southeast Corner of Alejo and North 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)