

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 2, 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. 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: Boy Scout Troop 262.

INVOCATION: Rev. Amanda Burr, United Methodist 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. **DOS PALMAS DEVELOPMENT LLC FOR TENTATIVE PARCEL MAP 36693 TO SUBDIVIDE ONE LARGE PARCEL INTO TWO LOTS RESULTING IN A 10,070-SQUARE FOOT LOT AND A REMAINDER LOT APPROXIMATELY 58,831-SQUARE FEET AT THE CORNER OF EAST SUNNY DUNES ROAD AND SOUTH SUNRISE WAY (CASE TPM 36693):**

RECOMMENDATION: 1) Continue the public hearing from March 5, 2014, and receive public testimony; and 2) Adopt Resolution No. _____, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP 36693 TO SUBDIVIDE ONE LARGE PARCEL INTO TWO LOTS RESULTING IN A 10,070 SQUARE FOOT LOT AND A REMAINDER LOT APPROXIMATELY 58,831 SQUARE FEET AT THE CORNER OF EAST SUNNY DUNES ROAD AND SOUTH SUNRISE WAY, ZONE R-1-C AND RMHP, SECTION 23 (CASE TPM 36693).”

1.B. PALM SPRINGS, LLC FOR AN AMENDMENT TO A PREVIOUSLY APPROVED PRELIMINARY PLANNED DEVELOPMENT DISTRICT (PPD) 324 TO CONSTRUCT A MIXED USE DEVELOPMENT CONSISTING OF A 150 ROOM HOTEL WITH ANCILLARY RETAIL, PARKING STRUCTURE, AND VESTING TENTATIVE TRACT MAP 34190 AT 414 NORTH PALM CANYON DRIVE (CASE 5.1091 PDD 324):
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, FINDING THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION NUMBER 2006109031 AS SUFFICIENT AND APPROPRIATE ENVIRONMENTAL DOCUMENTATION FOR THE PROPOSED AMENDMENT TO PLANNED DEVELOPMENT DISTRICT 324, APPROVING AN AMENDMENT TO PLANNED DEVELOPMENT DISTRICT 324 AND VESTING TENTATIVE TRACT MAP 34190, PALM SPRINGS, LLC, FOR THE DEVELOPMENT OF A 150 ROOM HOTEL, ANCILLARY COMMERCIAL RETAIL AND FREE STANDING PARKING STRUCTURES ON THE APPROXIMATELY 4.1 ACRE PARCEL LOCATED AT THE SOUTHEAST CORNER OF ALEJO ROAD AND NORTH PALM CANYON DRIVE (CASE 5.1091 PDD 324).”

1.C. CONDUCT A PUBLIC HEARING UNDER CALIFORNIA GOVERNMENT CODE SECTION 53083 TO APPROVE 11 SPECIAL ECONOMIC DEVELOPMENT FOCUS INCENTIVE AREAS PROGRAM GRANT AGREEMENTS:

RECOMMENDATION:

- 1) Open the public hearing and receive public testimony.
- 2) Approve an Economic Development Focus Incentive Areas Program Grant with Appetito PS, LLC located at 1700 South Palm Canyon Drive in the amount of \$145,740. A_____.
- 3) Approve an Economic Development Focus Incentive Areas Program Grant with Miggy’s Cantina, LLC (Hacienda Cantina); located at 1555 South Palm Canyon Drive in the amount of \$250,000. A_____.
- 4) Approve an Economic Development Focus Incentive Areas Program Grant with Arrive Enterprises, LLC as the management entity for a collection of businesses located at 1539, 1541, 1541½, 1551, and 1566 North Palm Canyon Drive (Bacchanal Italian Restaurant, Reservoir Restaurant, and Sandfish Whiskey and Sushi Bar) in the amount of \$250,000. A_____.
- 5) Approve an Interior Remodel Grant Agreement with Geoff McIntosh, Bernie’s Lounge and Supper Club, at 292 East Palm Canyon Drive in the amount of \$25,000. A_____.

- 6) Approve an Interior Remodel Grant Agreement with Julie Montante, Dollar Plus, at 555 South Palm Canyon Drive in the amount of \$25,000. A_____.
- 7) Approve an Interior Remodel Grant Agreement with Neil Castren, The New York Company Restaurant, at 1260 South Palm Canyon Drive in the amount of \$25,000;
- 8) Approve an Interior Remodel Grant Agreement with Costa Nichols, Go Deli Market, at 611 South Palm Canyon Drive, Suite 22, in the amount of \$25,000. A_____.
- 9) Approve an Interior Remodel Grant Agreement with Mirsad Terzic, Miro's Restaurant, at 1555 South Palm Canyon Drive in the amount of \$25,000. A_____.
- 10) Approve an Interior Remodel Grant Agreement with Daniel Doiron, 78 Degrees at the D, at 2249 North Palm Canyon Drive in the amount of \$25,000. A_____.
- 11) Approve an Interior Remodel Grant Agreement with Reginald Hall, Mama Ola's Soul Food, at 410 San Rafael in the amount of \$25,000. A_____.
- 12) Approve an Interior Remodel Grant Agreement with Jaime Kowal, Ernest Coffee, at 140 West Via Lola, Suite 1101, in the amount of \$25,000. A_____.
- 13) Authorize the City Manager to execute all necessary documents.

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 2, 2014, City Council Agenda.

2.B. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the City Council Minutes of March 19, 2014.

2.C. TRANSMITTAL OF THE DRAFT 2014 PARKS AND RECREATION MASTER PLAN:

RECOMMENDATION: 1) Receive and file the Draft 2014 Parks and Recreation Master Plan; and 2) Direct the City Manager to place discussion on the Draft Plan on a future City Council agenda along with the recommendations from the Parks and Recreation Commission.

2.D. SECOND READING AND ADOPTION OF ORDINANCE NO. 1848 AMENDING CHAPTER 5.25 OF THE PALM SPRINGS MUNICIPAL CODE REGARDING VACATION RENTAL REGULATIONS AND RELATED ADMINISTRATIVE CITATION PROCEDURES:

RECOMMENDATION: Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1848, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING CHAPTER 5.25 OF, AND AMENDING SECTION 1.06.030 OF, THE PALM SPRINGS MUNICIPAL CODE RELATING TO VACATION RENTALS."

2.E. SECOND READING AND ADOPTION OF ORDINANCE NO. 1849 ADOPTING REGULATIONS FOR THE USE OF SINGLE-USE CARRYOUT PLASTIC BAGS BY RETAIL ESTABLISHMENTS:

RECOMMENDATION: Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1849, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 6.09 TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO THE PROHIBITION OF SINGLE-USE CARRYOUT PLASTIC BAGS BY RETAIL ESTABLISHMENTS."

2.F. RE-ADOPTION OF ORDINANCE NOS. 1845, 1846, AND 1847:

RECOMMENDATION: 1) Waive the reading of the full text of the ordinance and re-adopt by title only Ordinance No. 1845, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 1.01.110, PARAGRAPH A.20 OF SECTION 92.15.01, PARAGRAPH A.6 OF SECTION 92.10.01, PARAGRAPH A.5

OF SECTION 92.17.1.01, AND SECTION 93.23.15 OF, AND ADDING CHAPTER 5.35 TO, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO REGULATIONS FOR MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES IN THE CITY;” 2) Waive the reading of the full text of the ordinance and re-adopt by title only Ordinance No. 1846, “AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PLANNED DEVELOPMENT DISTRICT PDD 365 IN LIEU OF A CHANGE OF ZONE FOR A ROUGHLY 6.37 ACRE PARCEL ON THE WEST SIDE OF SOUTH BELARDO ROAD, APPROXIMATELY 500 FEET SOUTH OF THE MORONGO ROAD INTERSECTION;” and 3) Waive the reading of the full text of the ordinance and re-adopt by title only Ordinance No. 1847, “AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 12.12.050 OF, AND ADDING SECTION 12.12.055 TO, THE PALM SPRINGS MUNICIPAL CODE, PERTAINING TO SITTING OR LYING ON SIDEWALKS IN DOWNTOWN PALM SPRINGS.”

- 2.G. TREASURER’S INVESTMENT REPORT AS OF FEBRUARY 28, 2014:**
RECOMMENDATION: Receive and file the Treasurer’s Investment Report as of February 28, 2014.
- 2.H. CVAG REIMBURSEMENT AGREEMENT FOR THE SOUTH PALM CANYON BRIDGE REPLACEMENT AT TAHQUITZ CREEK CHANNEL PROJECT (CP 12-02):**
RECOMMENDATION: 1) Approve a reimbursement agreement with the Coachella Valley Association of Governments for the South Palm Canyon Bridge Replacement at Tahquitz Creek Channel (CP 12-02); and 2) Authorize the City Manager to execute all necessary documents.
A_____.
- 2.I. CVAG REIMBURSEMENT AGREEMENT FOR THE EAST PALM CANYON BRIDGE REHABILITATION AT PALM CANYON WASH (CP 12-04)**
RECOMMENDATION: 1) Approve a reimbursement agreement with the Coachella Valley Association of Governments for the East Palm Canyon Bridge Rehabilitation at Palm Canyon Wash Project (CP12-04); and 2) Authorize the City Manager to execute all necessary documents.
A_____.
- 2.J. AMENDMENT NO. 1 TO AGREEMENT NO. A6174, CVAG REIMBURSEMENT AGREEMENT, FOR THE VISTA CHINO DRIVE BRIDGE PROJECT AT THE WHITEWATER RIVER PROJECT (CP 10-10):**
RECOMMENDATION: Approve Amendment No. 1 to Agreement No. A6174, a Reimbursement Agreement with the Coachella Valley Association of Governments, for the Vista Chino Low Water Crossing

Bridge Project at the Whitewater River Project (CP 10-10); and
2) Authorize the City Manager to execute all necessary documents.
A6174.

2.K. ACCEPT THE RESIGNATION OF STEPHANIE ARRACHE FROM THE ADMINISTRATIVE APPEALS BOARD:

RECOMMENDATION: 1) Accept with regret the resignation of Stephanie Arrache; and 2) Direct the City Clerk to post a notice of vacancy for the unexpired term ending June 30, 2014.

2.L. ASSESSMENT OF CURRENT CONDITIONS OF THE HISTORIC PLAZA THEATER:

RECOMMENDATION: Receive and file the Assessment of the Current Conditions of the Historic Plaza Theater Report.

2.M. APPROVE A FIVE-YEAR LEASE/PURCHASE AGREEMENT WITH DELL COMPUTER COMPANY TO LEASE 100 DESKTOP COMPUTERS INCLUDING SOFTWARE FOR THE POLICE DEPARTMENT:

RECOMMENDATION: 1) Approve a five-year lease/purchase with Dell Computer Company, LLC, to lease 100 desktop computers, including all software, in the amount of \$33,789.39 per year, and a total amount of \$154,983.00 for the five-year term; and 2) Authorize the City Manager to execute all necessary documents, subject to final review and approval by the City Attorney. A_____.

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 A CITY COUNCIL AD HOC SUBCOMMITTEE FOR THE HISTORIC PLAZA THEATER:

RECOMMENDATION: Appoint two-members of the City Council to an ad hoc City Council Subcommittee for the Historic Plaza Theater.

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, April 16, 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 2, 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. *David Robertson v. City of Palm Springs*
Case No. INC 1301091, Riverside Superior Court, Indio Division

EXPOSURE TO LITIGATION

G.C. 54956.9(b)

Four 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: 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: 1450 Baristo Road, Palm Springs
Agency: City of Palm Springs
Agency 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: 980 E. Tahquitz Canyon Way, Palm Springs
Agency: City of Palm Springs
Agency 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: 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)