

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

February 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 Channels 17, 26.103, and 121. 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. **PROPOSED ORDINANCE 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:**

RECOMMENDATION: 1) Open the public hearing and receive public testimony; and 2) Waive the reading of the ordinance text in its entirety and read by title only and introduce on first reading Ordinance No. _____, “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.”

1.B. WESSMAN HOLDINGS, LLC, FOR THE ESTABLISHMENT OF A PLANNED DEVELOPMENT DISTRICT IN-LIEU OF ZONE CHANGE, INCLUDING PRELIMINARY AND FINAL DEVELOPMENT PLANS, FOR A 39-LOT DETACHED SINGLE-FAMILY RESIDENTIAL PROJECT CONSISTING OF TWO-STORY DETACHED HOMES WITH GARAGES AND PRIVATE YARD AND POOL AREAS AT 1501 S. BELARDO ROAD, ZONE R-3 (CASE 5.1310 PDD 365 AND TTM 36548):

RECOMMENDATION: 1) Open the public hearing and receive public testimony; 2) Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND APPROVING CASE 5.1310 PDD 365; A PLANNED DEVELOPMENT DISTRICT IN LIEU OF A CHANGE OF ZONE TO ESTABLISH DEVELOPMENT STANDARDS, DENSITY AND TYPE OF RESIDENTIAL UNITS; PRELIMINARY AND FINAL DEVELOPMENT PLANS FOR THE CONSTRUCTION OF (39) DETACHED SINGLE FAMILY RESIDENCES AND ONE GUEST UNIT; AND APPROVING CASE TTM 36548 FOR THE SUBDIVISION OF ROUGHLY 6.37-ACRES INTO (39) RESIDENTIAL LOTS, COMMON AREA AND PRIVATE STREETS; FOR THE PROPERTY AT 1501 SOUTH BELARDO ROAD (WEST SIDE OF SOUTH BELARDO ROAD, APPROXIMATELY 500 FEET SOUTH OF THE MORONGO ROAD INTERSECTION);" and 3) Waive the reading of the ordinance text in its entirety and read by title only and introduce on first reading Ordinance No. _____, "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."

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 February 19, 2014, City Council Agenda.

2.B. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the City Council Minutes of January 15, 2014, January 17, 2014, January 29, 2014, and February 5, 2014.

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 PAYROLL WARRANTS FOR THE PERIOD ENDED 01-18-14 BY WARRANTS NUMBERED 418468 THROUGH 418484 TOTALING \$31,792.97, LIABILITY CHECKS NUMBERED 1068596 THROUGH 1068619 TOTALING \$115,036.64, FIVE WIRE TRANSFERS FOR \$48,835.11 AND THREE ELECTRONIC ACH DEBITS OF \$1,076,485.45, IN THE AGGREGATE AMOUNT OF \$1,272,150.17, 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 CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1068620 THROUGH 1068751, IN THE AGGREGATE AMOUNT OF \$834,894.19, 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 1068752 THROUGH 1068920, IN THE AGGREGATE AMOUNT OF \$1,658,906.59, 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 PAYROLL WARRANTS FOR THE PERIOD ENDED 02-01-14 BY WARRANTS NUMBERED 418485 THROUGH 418502 TOTALING \$32,304.81, LIABILITY CHECKS NUMBERED 1068921 THROUGH 1068944 TOTALING \$113,362.39, FIVE WIRE TRANSFERS FOR \$58,890.11 AND THREE ELECTRONIC ACH DEBITS OF \$1,210,535.23, IN THE AGGREGATE AMOUNT OF \$1,415,092.54, 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 CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1068945 THROUGH 1069044, IN THE AGGREGATE AMOUNT OF \$1,029,640.81, DRAWN ON BANK OF AMERICA."

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

RECOMMENDATION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of January 2014.

2.E. SECOND READING AND ADOPTION OF ORDINANCE NO. 1844 AMENDING PALM SPRINGS MUNICIPAL CODE SECTION 8.05.125, TO CHANGE FROM PRE-1945 TO PRE-1969, THE AGE OF BUILDINGS ELIGIBLE FOR UP TO A SIX MONTH STAY OF DEMOLITION:

RECOMMENDATION: Waive the reading of the full text of the ordinance and adopt Ordinance No. 1844, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 8.05.125 OF, AND ADDING SUBSECTION (c) TO SECTION 8.05.020 OF, THE PALM SPRINGS MUNICIPAL CODE, RELATING TO CLASS 3 HISTORIC STRUCTURES/SITES."

2.F. AWARD OF CONTRACT FOR DEMUTH PARK EAST PARKING LOT REPAIRS PROJECT (14-01):

RECOMMENDATION: 1) Approve an agreement with J.B. Paving and Engineering for the construction of Demuth Park East Parking Lot Repairs Project in the amount of \$39,639 (CP 14-01); and 2) Authorize the City Manager to execute all necessary documents. A_____.

2.G. AWARD A FIVE-YEAR AGREEMENT FOR PARKING ENFORCEMENT SERVICES TO ACE PARKING MANAGEMENT, INC.:

RECOMMENDATION: 1) Approve an agreement with Ace Parking Management Inc. for Downtown Parking Control and Enforcement Services for an estimated cost of \$137,077.20 per year, inclusive of base costs, required equipment and software, staffing, and variable expenses, for five years, and two (2) two-year options to extend the agreement; and 2) Authorize the City Manager to execute all necessary documents. A_____.

2.H. RATIFY AND APPOINT THE NOMINATION OF THE CITY OF DESERT HOT SPRINGS TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING JANUARY 31, 2015:

RECOMMENDATION: Reappoint Jan Pye, as the City of Desert Hot Springs representative, to the Palm Springs International Airport Commission for the term ending January 31, 2015.

2.I. APPROVE AN AGREEMENT WITH BSN SPORTS FOR THE PURCHASE OF T-SHIRTS, SWEATSHIRTS, JACKETS, CAPS, AND JERSEYS:

RECOMMENDATION: 1) Approve an agreement for the purchase of T-shirts, sweatshirts, jackets, caps, and jerseys from BSN Sports on a unit price basis, not to exceed \$20,000 per year, for a three (3) year period

with two (2) one-year optional renewals; and 2) Authorize the City Manager to execute all necessary documents. A_____.

2.J. APPOINT TWO MEMBERS OF THE CITY COUNCIL TO THE AD HOC CITY COUNCIL WATER CONSERVATION SUBCOMMITTEE:

RECOMMENDATION: Appoint Councilmember Lewin and Mayor Pougnet to the ad hoc City Council Water Conservation Subcommittee.

2.K. AMENDMENT NO. 1 TO AGREEMENT NO. A4502 WITH THOMAS A. AND EILEEN C. ADAMO, GRANTING THE NON-EXCLUSIVE USE OF TWELVE (12) PARKING SPACES IN THE DOWNTOWN PARKING STRUCTURE ON SOUTH INDIAN CANYON DRIVE ON BEHALF OF FISHERMAN'S GRILL AND BAR AT 243 SOUTH INDIAN CANYON DRIVE:

RECOMMENDATION: 1) Approve Amendment No. 1 to Agreement No. A4502 with Thomas A. and Eileen C. Adamo, granting the non-exclusive use of twelve (12) parking spaces in the downtown parking structure on behalf of Fisherman's Grill and Bar located at 243 South Indian Canyon Drive; and 2) Authorize the City Manager to execute all necessary documents. A4502.

2.L. APPROVAL OF A LEASE AGREEMENT, IN FURTHERANCE OF CONVEYANCE, WITH PRAETOR INVESTMENTS, LLC FOR THE DEVELOPMENT OF A 200-ROOM DOLCE HOTEL AT THE NORTHEAST CORNER OF CALLE ALVARADO AND AMADO ROAD:

RECOMMENDATION: 1) Approve a lease agreement, in furtherance of conveyance, with Praetor Investments, LLC for the development of a 200-room Dolce Hotel at the northeast corner of Calle Alvarado and Amado Road; and 2) Authorize the City Manager to execute all necessary documents. A_____.

2.M. AMENDMENT NO. 1 TO AGREEMENT NO. A6205 WITH MUNISERVICES LLC FOR BUSINESS LICENSE DISCOVERY AND ASSESSMENT SERVICES:

RECOMMENDATION: 1) Approve Amendment No. 1 to Agreement No. A6205 with MuniServices LLC to provide City Business License Tax Discovery and Assessment Services for an additional three (3) years plus a one-year optional extension; and 2) Authorize the City Manager to execute all necessary documents. A6205.

2.N. APPROVAL OF PROPOSED SURPLUS SCHOOL PROPERTY PURCHASE PLAN:

RECOMMENDATION: 1) Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE SURPLUS SCHOOL PROPERTY PURCHASE PLAN;" and 2) Authorizing 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 THE PALM SPRINGS MUNICIPAL CODE PERTAINING TO SITTING OR LYING ON SIDEWALKS IN DOWNTOWN PALM SPRINGS:

RECOMMENDATION: Waive the reading of the ordinance text in its entirety and read by title only and introduce on first reading Ordinance No. _____, "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."

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS:

5.A. DISCUSSION OF A MULTI-YEAR STRATEGIC ACTION PLAN FOR CITY CAPITAL IMPROVEMENTS AND QUALITY OF LIFE ENHANCEMENTS RELATED TO MEASURE J FUNDING AND OTHER POTENTIAL FUNDING OPTIONS:

RECOMMENDATION: Direct the City Council Subcommittee and City Staff as appropriate.

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, March 5, 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, February 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. *Czersale Hilton v. City of Palm Springs et al.*
Case No. RIC 1120506, Riverside Superior Court, Riverside Division

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

Three Case(s).

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

Three 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	Parcel 6 of Tentative Tract Map No 36446
Agency:	City of Palm Springs
Agency Negotiator:	David Ready, City Manager or Designee
Negotiating Parties:	Palm Springs Promenade, LLC John Wessman
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: 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: APN 669-353-001 (Jiminez Circle and Rosa Parks)
Agency: City of Palm Springs
Agency Negotiator: David Ready, City Manager or Designee
Negotiating Parties: Joseph Stickney, Calimesa, CA
Under Negotiation: Price and Terms of Payment (Sale)