

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
May 6, 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. 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: Boy Scout Troop 262.

INVOCATION: Pastor David Sanger, Our Savior's Community 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) AND CEQA CATEGORICAL EXEMPTION:

RECOMMENDATION: 1) Open the public hearing and receive public testimony; 2) Waive the reading of the ordinance text in its entirety and read by title only; and 3) Introduce on first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 91.00.10 AND 93.23.14, AND REPEALING SECTIONS 92.00.01.C.10, 92.01.01.D.3, 92.02.01.C.7, AND 92.03.01.C.1, OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO ACCESSORY SECOND DWELLING UNITS."

1.B. PROPOSED ORDINANCE RELATING TO THE PERMITTED LOCATIONS AND DEVELOPMENT STANDARDS OF MEDICAL

CANNABIS CULTIVATION FACILITIES AND MEDICAL CANNABIS COOPERATIVES OR COLLECTIVES AND CEQA CATEGORICAL EXEMPTION:

RECOMMENDATION: 1) Open the public hearing and receive public testimony; 2) Introduce on first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTERS 91, 92, AND 93 OF, THE PALM SPRINGS ZONING CODE RELATING TO THE PERMITTED LOCATIONS AND DEVELOPMENT STANDARDS OF MEDICAL CANNABIS CULTIVATION FACILITIES AND MEDICAL CANNABIS COOPERATIVES OR COLLECTIVES."

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 May 6, 2015, City Council Agenda.

2.B. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the City Council Minutes of April 15, 2015.

2.C. ACCEPT THE RESIGNATION OF ORLANDO GOTAY FROM THE SUSTAINABILITY COMMISSION:

RECOMMENDATION: 1) Accept with regret the resignation of Orlando Gotay from the Sustainability Commission; and 2) Direct the City Clerk to post a notice of vacancy for the unexpired term ending June 30, 2017.

2.D. CITY TREASURER'S INVESTMENT REPORT AS OF MARCH 31, 2015:

RECOMMENDATION: Receive and File the City Treasurer's Investment Report as of March 31, 2015.

- 2.E. AUTHORIZE THE ISSUANCE OF A BLANKET PURCHASE ORDER TO VALLEY MAIL DELIVERY ON AN ANNUAL BASIS:**
RECOMMENDATION: 1) Authorize the issuance of a Blanket Purchase Order to Valley Mail Delivery for mail processing and related services, on an annual basis at the per unit prices subject to an annual CPI adjustment; and 2) Authorize the City Manager to execute all necessary documents.
- 2.F. PALM SPRINGS HUMAN RIGHTS COMMISSION ANNUAL REPORT FOR FISCAL YEAR 2013-14:**
RECOMMENDATION: Receive and File the Human Rights Commission Annual Report for 2013-14.
- 2.G. APPROVE THE COOPERATIVE PURCHASE, INSTALLATION AND FIVE YEAR SERVICE AGREEMENT OF VOICESHIELD EQUIPMENT SATELLITE BASED PHONE SYSTEM, FROM TELEIRA RESILIENT COMMUNICATIONS:**
RECOMMENDATION: 1) Award the purchase of the VoiceShield equipment, installation, and five year service agreement from Teleira Resilient Communications Inc., based on the Riverside County cooperative purchase RFP#HSARC-279, in the total amount of \$62,375; and 2) Authorize the City Manager to approve the purchase order and the Teleria Service Agreement. A_____.
- 2.H. APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE AGUA CALIENTE BAND OF CAHUILLA INDIANS REGARDING THE USE OF THE TRIBAL MOBILE FUEL TRAILER:**
RECOMMENDATION: 1) Approve a five year Agreement with the Agua Caliente Band of Cahuilla Indians, to store and respond the Tribal Mobile Fuel Trailer, and refuel the Tribal Mobile Emergency Operations Center as needed; and 2) Authorize the City Manager to execute the Agreement. A_____.
- 2.I. APPROVE FAA GRANT NO. 3-06-0181-052-2015 AND AWARD CONSTRUCTION CONTRACT FOR THE PALM SPRINGS INTERNATIONAL AIRPORT TECHNOLOGY SYSTEMS REPLACEMENT AND SECURITY DOOR INSTALLATION PROJECT:**
RECOMMENDATION: 1) Approve FAA AIP Grant No. 3-06-0181-052-2015 in the total amount of \$4,079,346; 2) Award the construction contract for the Airport Technology System and Security Door Project, to Johnson Controls Inc., the lowest responsive bidder, in the amount of \$3,934,346 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.J. SUMMARY VACATION OF A PORTION OF A 10 FEET WIDE PUBLIC UTILITY EASEMENT IN LOTS 1, 3, 6, 7, 11, 12, 17, 20, 23, 25, 26, 29, 30, & 33 LOCATED WITHIN TRACT MAP NO. 32233, RECORDED IN**

BOOK 441 OF MAPS, PAGE 21-26, INCLUSIVE, IN SECTION 7, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R 15-05:

RECOMMENDATION: Adopt Resolution No. _____ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUMMARILY VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE AND INTEREST IN A PORTION OF A 10 FEET WIDE PUBLIC UTILITY EASEMENT LOCATED IN LOTS 1, 3, 6, 7, 11, 12, 17, 20, 23, 25, 26, 29, 30, & 33 LOCATED WITHIN TRACT MAP NO. 32233, RECORDED IN BOOK 441 OF MAPS, PAGE 21-26, INCLUSIVE, IN SECTION 7, TOWNSHIP 4 SOUTH, RANGE 5 EAST; FILE R 15-05."

2.K. APPROVE A FIVE-YEAR LEASE AGREEMENT WITH XEROX FINANCIAL SERVICES AND COST PER IMAGE AND MAINTENANCE AGREEMENT WITH IMAGE SOURCE FOR TWENTY-FIVE NEW XEROX COPIERS:

RECOMMENDATION: 1) Approve a five-year lease agreement with Xerox Financial Services LLC via the WSCA cooperative purchasing program for 25 new Xerox copiers in the amount of \$59,935.57 per year, including taxes, with a \$1 buy-out option at end of lease.; 2) Approve a five-year cost per image and maintenance agreement with Image Source via the WSCA cooperative purchasing program at the unit prices of \$0.0049 cost per copy for black and white and \$0.049 cost per copy for color; and 3) Authorize the City Manager to execute all necessary documents. A____. A____.

2.L. APPROVAL OF PROPOSAL FOR AN AMOUNT NOT TO EXCEED \$52,920 FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES BY WILLDAN ENGINEERING, FOR THE MEASURE J FUNDED BICYCLE CORRIDORS, PHASE I PROJECT, CITY PROJECT NO. 13-32:

RECOMMENDATION: 1) Approve the proposal from Willdan Engineering, pursuant to On-Call Agreement No. 6688, for an amount not to exceed \$52,920 to provide construction management and inspection services for the Measure J funded Bicycle Corridors, Phase I project, City Project No. 13-32; and 2) Authorize the City Manager to execute all necessary documents. A6688.

2.M. REPEAL RESOLUTION NO. 23757 REGARDING THE PREVIOUS APPROVAL OF THE HISTORIC SITE CERTIFICATE OF APPROVAL AND REFER 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 REFER TO THE PLANNING COMMISSION FOR HEARING AND RECOMMENDATION TO COUNCIL (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);" and 2) Refer the project, including all related applications to the Planning Commission for further public hearing, review, and recommendation for Council consideration.

2.N. AWARD A CONSTRUCTION CONTRACT TO ABOUD DIAMOND CONSTRUCTION, INC., IN THE AMOUNT OF \$414,000 FOR THE DESERT HIGHLAND UNITY CENTER GYM AIR CONDITIONING IMPROVEMENTS (CITY PROJECT NO 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, City Project No. 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, City Project No. 14-15; 3) Award a construction contract to Abboud Diamond Construction, Inc., a California corporation, in the amount of \$414,000 for the Desert Highland Unity Center Gym Air Conditioning Improvements, City Project No. 14-15; and 4) Authorize the City Manager to execute all necessary documents. A_____.

2.O. APPROVE A NON-BINDING MEMORANDUM OF AGREEMENT WITH THE ALUMINAIRE HOUSE FOUNDATION FOR THE PURPOSE OF NEGOTIATING A LEASE OF CITY PROPERTY FOR USE AS THE SITE OF THE ALUMINAIRE HOUSE:

RECOMMENDATION: 1) Approve a non-binding Memorandum of Agreement with the Aluminaire House Foundation; and 2) Authorize the City Manager to execute the Memorandum of Agreement. A_____.

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

3. LEGISLATIVE:

3.A. PROPOSED ORDINANCE ADDING CHAPTER 6.15 TO THE PALM SPRINGS MUNICIPAL CODE AND REPEALING URGENCY

ORDINANCE NO. 1864, RELATING TO MOBILE FOOD VENDING VEHICLES AND CEQA DETERMINATION:

RECOMMENDATION: 1) Waive reading the full text of the ordinance and introduce by title only Ordinance No. _____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 6.15 TO, AMENDING SUBSECTION (a) OF SECTION 12.12.055 OF, AND REPEALING SECTIONS 6.08.140 AND 12.28.100 OF, THE PALM SPRINGS MUNICIPAL CODE, AND REPEALING URGENCY ORDINANCE NO. 1864 RELATING TO MOBILE FOOD VENDING VEHICLES."

3.B. PROPOSED ORDINANCE AMENDING TITLE 9 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO SUBDIVISIONS AND LAND AND CONDOMINIUM CONVERSIONS AND CEQA DETERMINATION:

RECOMMENDATION: 1) Waive reading the full text of the ordinance and introduce by title only Ordinance No. _____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE TITLE OF TITLE 9 OF, AND AMENDING SECTIONS 9.61.010, 9.61.020, 9.61.030, AND 9.62.020 OF, THE PALM SPRINGS MUNICIPAL CODE RELATING TO SUBDIVISIONS OF LAND AND CONDOMINIUM CONVERSIONS."

4. UNFINISHED BUSINESS: None.

5. NEW BUSINESS:

5.A. PRESENTATION OF THE PRELIMINARY FISCAL YEAR 2015-16 BUDGET FOR THE GENERAL FUND AND VARIOUS SPECIAL FUNDS AND FISCAL YEAR 2014-15 THIRD QUARTER FINANCIAL REVIEW:

RECOMMENDATION: Direct 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, May 20, 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, May 6, 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.

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

1. *Eloy Jacobo v. City of Palm Springs*
Case No. INC 1302171, Riverside Superior Court, Indio Division
2. *Leonard Albrecht et al. v. County of Riverside*
Case No. PSC 1501100, Riverside Superior Court, Palm Springs Division

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: 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)

Property Address/Description: Modular Building, 480 Tramview Road, Palm Springs
Agency: City of Palm Springs
City Negotiator: David Ready, City Manager or Designee
Negotiating Parties: Riverside County Office of Education
Under Negotiation: Price and Terms of Payment (Purchase)