

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

December 16, 2015



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

Robert Moon, Mayor
Chris Mills, Mayor Pro Tem
Ginny Foat, Councilmember
Geoff Kors, Councilmember
J.R. Roberts, 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: Palm Springs Air Force ROTC Junior Color Guard.

INVOCATION: Reverend Kevin Johnson, Bloom of the Desert United Church of Christ.

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. REVIEW AND EVALUATION OF APPLICATIONS AND AWARD A SIXTH PERMIT FOR A MEDICAL CANNABIS COOPERATIVE OR COLLECTIVE AND CEQA EXEMPTION DETERMINATION:

RECOMMENDATION: 1) Open the public hearing and receive public testimony, and award a permit to operate a medical cannabis cooperative or collective subject to Conditions of Approval; and 2) Adopt Resolution No. _____, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN APPLICATION BY [INSERT NAME] FOR A PERMIT TO OPERATE A MEDICAL CANNABIS COLLECTIVE OR COOPERATIVE AT [INSERT ADDRESS], CALIFORNIA, 9226_ (ZONE ____).”

1.B. CONSIDERATION OF AN AMENDMENT TO THE MUSEUM MARKET PLAZA SPECIFIC PLAN AND ADDENDUM NO. 2 TO THE FINAL ENVIRONMENTAL IMPACT REPORT (CASE NO. 5.1204 SP A-1):

RECOMMENDATION: 1) Open the public hearing and receive public testimony; 2) Provide direction to staff as appropriate; 3) Continue the

public hearing to January 6, 2016; and 4) Direct the City Clerk to post a Notice of Continued Public Hearing pursuant to law.

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 December 16, 2015, City Council Agenda.

2.B. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the City Council Minutes of December 2, 2015.

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 CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1081408 THROUGH 1081588 IN THE AGGREGATE AMOUNT OF \$2,068,434.95, 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 10-10-2015 BY WARRANTS NUMBERED 419307 THROUGH 419324 TOTALING \$24,345.12, LIABILITY CHECKS NUMBERED 1081589 THROUGH 1081607 TOTALING \$101,996.65, FIVE WIRE TRANSFERS FOR \$58,440.46, AND THREE ELECTRONIC ACH DEBITS OF \$1,157,373.44 IN THE AGGREGATE AMOUNT OF \$1,342,155.67, 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 1081608 THROUGH

1081703 IN THE AGGREGATE AMOUNT OF \$688,983.54, 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 1081704 THROUGH 1081853 IN THE AGGREGATE AMOUNT OF \$4,579,232.83, 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 10-24-2015 BY WARRANTS NUMBERED 419325 THROUGH 419337 TOTALING \$20,400.54, LIABILITY CHECKS NUMBERED 1081854 THROUGH 1081856 TOTALING \$1,784.07, FIVE WIRE TRANSFERS FOR \$386.76, AND THREE ELECTRONIC ACH DEBITS OF \$1,338,398.19 IN THE AGGREGATE AMOUNT OF \$1,360,969.56, DRAWN ON BANK OF AMERICA;” 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 1081857 THROUGH 1082017 TOTALING \$1,222,067.88 AND ONE WIRE TRANSFER FOR \$182,946.86 IN THE AGGREGATE AMOUNT OF \$1,405,014.74, DRAWN ON BANK OF AMERICA;” 7) 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 1082018 THROUGH 1082122 IN THE AGGREGATE AMOUNT OF \$1,579,750.92, DRAWN ON BANK OF AMERICA;” 8) 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 11-07-2015 BY WARRANTS NUMBERED 419338 THROUGH 419352 TOTALING \$22,259.74, LIABILITY CHECKS NUMBERED 1082123 THROUGH 1082141 TOTALING \$91,795.58, FIVE WIRE TRANSFERS FOR \$58,770.46, AND THREE ELECTRONIC ACH DEBITS OF \$1,229,354.39 IN THE AGGREGATE AMOUNT OF \$1,402,180.17, DRAWN ON BANK OF AMERICA;” 9) 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 1082142 THROUGH 1082221 IN THE AGGREGATE AMOUNT OF \$2,835,287.47, DRAWN ON BANK OF AMERICA;” and 10) 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 1082222 THROUGH 1082385 IN THE AGGREGATE AMOUNT OF \$3,858,028.67, DRAWN ON BANK OF AMERICA.”

2.D. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTHS OF OCTOBER AND NOVEMBER 2015:

RECOMMENDATION: Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of October 1 to November 30, 2015.

2.E. TREASURER'S INVESTMENT REPORT AS OF OCTOBER 31, 2015:
RECOMMENDATION: Receive and File the Treasurer's Investment Report as of October 31, 2015.

2.F. DECLARE A VACANCY ON THE PLANNING COMMISSION FOR THE UNEXPIRED TERM ENDING JUNE 30, 2017, AS J.R. ROBERTS WAS ELECTED TO THE CITY COUNCIL:

RECOMMENDATION: 1) Declare a vacancy on the Planning Commission; and 2) Direct the City Clerk to post a notice of vacancy for the unexpired term ending June 30, 2017.

2.G. APPROVE FACILITY USE AGREEMENT WITH SUN COMMUNITY FEDERAL CREDIT UNION FOR OFFICE SPACE AT THE CITY CORPORATION YARD LOCATED AT 425 NORTH CIVIC DRIVE:

RECOMMENDATION: 1) Approve a Facility Use Agreement in a form acceptable to the City Attorney with Sun Community Federal Credit Union, ("SCFCU"), for lease of office space at the City Corporation Yard located at 425 North Civic Drive; and 2) Authorize the City Manager or his designee to execute the agreement. A_____.

2.H. ACCEPTANCE OF THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES ACCOUNT (SLESA) GRANT FROM THE STATE OF CALIFORNIA FOR \$100,000, APPROVE AN EXPENDITURE PLAN AND APPROPRIATION:

RECOMMENDATION: 1) Accept the State of California Supplemental Enforcement Services Account (SLESA) Grant and Expenditure Plan in the amount of \$100,000; 2) Direct the Director of Finance/City Treasurer to fund the Appropriation; and 3) Authorize the City Manager to execute any documents to effectuate the acceptance of the grant. A5765.

2.I. AUTHORIZE AN INCREASE IN THE AMOUNT OF \$14,935 TO PURCHASE ORDER 15-1259 ISSUED TO HARRIS & ASSOCIATES FOR THE DEMUTH PARK ADA ACCESS IMPROVEMENTS (CP 15-15):

RECOMMENDATION: 1) Authorize an increase in the amount of \$14,935 to Purchase Order 15-1259 with Harris & Associates for revised total amount of \$39,860 for the Demuth Park ADA Access Improvements (CP 15-15); and 2) Authorize the City Manager to execute all necessary documents. A6444.

2.J. ACCEPT THE FISCAL YEAR 2015-16 STATE HOMELAND SECURITY PROGRAM GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY VIA THE CALIFORNIA GOVERNOR'S

**OFFICE OF EMERGENCY SERVICES AND THE RIVERSIDE COUNTY
OFFICE OF EMERGENCY SERVICES IN THE AMOUNT OF \$7,511:**

RECOMMENDATION: 1) Accept a grant from the California Governor's Office of Emergency Services through the Riverside County Office of Emergency Services in the amount of \$7,511; and 2) Authorize the City Manager to execute all necessary documents.

2.K. ACCEPT THE FISCAL YEAR 2015-16 EMERGENCY MANAGEMENT PERFORMANCE GRANT FROM FEDERAL EMERGENCY MANAGEMENT AGENCY VIA THE CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES AND THE RIVERSIDE COUNTY EMERGENCY MANAGEMENT DEPARTMENT IN THE AMOUNT OF \$13,637 AND AUTHORIZE THE PURCHASE OF A SATELLITE INTERNET SYSTEM FOR THE MOBILE COMMAND POST:

RECOMMENDATION: 1) Accept the Fiscal Year 2015-16 Emergency Management Performance Grant through the California Governor's Office of Emergency Services in the amount of \$13,637; 2) Authorize the purchase of a satellite internet dish system in an amount not to exceed \$45,000 through a competitive bid process; and 3) Authorize the City Manager to execute all necessary documents.

2.L. ACCEPT THE RESIGNATION OF VICTOR YEPELLO FROM THE SUSTAINABILITY COMMISSION:

RECOMMENDATION: 1) Accept with regret the resignation of Victor Yepello; and 2) Direct the City Clerk to post a notice of vacancy for the unexpired term ending June 30, 2016.

2.M. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE JAMES O. JESSIE DESERT HIGHLAND UNITY CENTER OUTDOOR PERFORMANCE STAGE AND OUTDOOR BALL FIELD LIGHTING PROJECT (CP 14-18):

RECOMMENDATION: 1) Approve an additional budget appropriation of \$225,000 from the Measure J Capital Improvement Fund contingency reserve to Account No. 260-4500-59401; 2) Approve the plans, specifications and estimate; and 3) Authorize staff to advertise and solicit bids for the James O. Jessie Desert Highland Unity Center Outdoor Performance Stage and Outdoor Ball Field Lighting Project (CP 14-18).

2.N. ACCEPTANCE OF FIRE STATION NO. 2, 911 MEMORIAL IMPROVEMENTS PROJECT (CP 15-13):

RECOMMENDATION: 1) Accept the public works improvement identified as Fire Station No. 2, 911 Memorial Improvements (CP 15-13) as completed; and 2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for Fire Station No. 2, 911 Memorial Improvements (CP 15-13). A6746.

2.O. AWARD A CONSTRUCTION CONTRACT TO MATICH CORPORATION IN THE AMOUNT OF \$754,385 FOR THE RAMON ROAD PAVEMENT REHABILITATION PROJECT (CP 14-02) FEDERAL AID PROJECT NO. STPLN-5282 (043):

RECOMMENDATION: 1) Reject the lowest bid received from R-JS General Construction as non-responsive; 2) Waive any informality (non-responsiveness), and award a construction contract to Matich Corporation in the amount of \$754,385 for the Ramon Road Pavement Rehabilitation Project (CP No. 14-02) Federal Aid Project No. STPLN-5282 (043); 3) Authorize the City Manager to approve and execute construction contract change orders up to an additional amount of \$75,000; and 4) Authorize the City Manager to execute all necessary documents. A_____.

2.P. APPROVE THE PURCHASE OF A PORTABLE GROUND POWER UNIT FOR PASSENGER LOADING GATES:

RECOMMENDATION: 1) Approve the purchase and delivery of one new portable Ground Power Unit (GPU) from Graybar Electric in the amount of \$36,826.39; and 2) Authorize the City Manager to execute all necessary documents, including the Purchase Order.

2.Q. AMENDMENT NO. 3 TO AGREEMENT NO. A3613 WITH THE PALM SPRINGS AIR MUSEUM TO ACCOMMODATE IMPROVEMENTS AND EXPANSION:

RECOMMENDATION: 1) Approve Amendment No. 3 to the Palm Springs Air Museum Lease Agreement No. A3613 with rental credits, not to exceed \$205,000, for road and aircraft apron leasehold improvements, a boundary easement to accommodate the improvements, and concession fee abatement for a new restaurant; and 2) Authorize the City Manager to execute all necessary documents. A3613.

2.R. APPROVE THE SECOND AMENDMENT TO AND ASSIGNMENT AND ASSUMPTION OF A SUBDIVISION IMPROVEMENT AGREEMENT (A5393) BETWEEN LV PALM SPRINGS VILLAGE, LLC, (ASSIGNOR), AVALON LAND HOLDINGS, LLC, (ASSIGNEE), AND THE CITY OF PALM SPRINGS REGARDING TRACT MAP NO. 31848-1 (AVALON), NORTH INDIAN CANYON DRIVE AND SUNRISE PARKWAY:

RECOMMENDATION: 1) Approve a Second Amendment to and Assignment and Assumption of Subdivision Improvement Agreement for Tract Map 31848-1 ("Avalon"), between LV Palm Springs Village, LLC, as Assignor, Avalon Land Holdings, LLC, as Assignee, and the City of Palm Springs; and 2) Authorize the City Manager to execute all necessary documents. A5393.

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. REVIEW AND APPOINT CITY COUNCIL SUBCOMMITTEES AND CITY COUNCIL LIAISONS TO OUTSIDE ORGANIZATIONS AND CITY COMMISSIONS AND BOARDS:

RECOMMENDATION: 1) Review, Reappoint and/or Appoint City Council Subcommittees and Liaisons to Outside Organizations and City Council Liaisons to certain City Commissions and Boards; and 2) Adopt FPPC Form 806, authorize the City Manager to prepare and execute FPPC Form 806 *Public Official Appointments*, and direct the City Clerk to post on the City's website as required.

5.B. APPOINTMENT OF CITY COUNCIL SUBCOMMITTEES TO SCREEN COMMISSION AND BOARD APPLICATIONS, TO DETERMINE QUALIFIED APPLICANTS TO FILL VACANCIES ON CITY BOARDS AND COMMISSIONS:

RECOMMENDATION: Direct staff as to the process the City Council uses to consider appointments to City commissions and boards.

5.C. REQUEST BY AHMAD DIAB FOR A RESOLUTION OF PUBLIC CONVIENCE OR NECESSITY (PCN) TO SELL BEER, WINE, AND DISTILLED SPIRITS (TYPE 21 ALCOHOLIC BEVERAGE CONTROL LICENSE) AT AN EXISTING GAS STATION LOCATED AT 3600 EAST RAMON ROAD (CASE 5.0789 PCN):

RECOMMENDATION: Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVIENCE IN ORDER TO SELL BEER, WINE, AND DISTILLED SPIRITS (TYPE 21 STATE ALCOHOLIC BEVERAGE CONTROL LICENSE) FOR THE PROPERTY LOCATED AT 3600 EAST RAMON ROAD, WITHIN CENSUS TRACT 9412.00."

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, January 6, 2016, 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.

~ ~ **HAPPY HOLIDAYS FROM THE CITY OF PALM SPRINGS** ~ ~

**CITY COUNCIL
CITY OF PALM SPRINGS, CALIFORNIA
AND AS SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY**



CLOSED SESSION AGENDA
Wednesday, December 16, 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. *City of Palm Springs as Successor Agency et al. v. Ana Matosantos et al.*
Case No. 34-2013-80001440, Sacramento Superior Court, Sacramento Division.

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

Four Case(s)

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

Four Case(s)

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

Property Address/Description:	342 and 344 North Palm Canyon Drive
Agency:	Successor Agency
City Negotiator:	David Ready, City Manager or Designee
Negotiating Parties:	Shane Murphy, BRC Advisors for Atelier Zinque, LLC
Under Negotiation:	Price and Terms of Payment (Sale)