

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 3, 2016



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: Girl Scout Troop 1744.

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. **ROBERT HERSCU OF SOUTH PALM CANYON, LLC, APPEALING THE DECEMBER 9, 2015, DECISION OF THE PLANNING COMMISSION TO DENY A REQUEST FOR A ONE-YEAR EXTENSION OF TIME FOR A PREVIOUSLY APPROVED MIXED-USE PLANNED DEVELOPMENT DISTRICT CONSISTING OF 125 CONDOMINIUM UNITS AND APPROXIMATELY 39,000-SQUARE FEET OF COMMERCIAL RETAIL SPACE ON A 2.67-ACRE SITE LOCATED AT 440-490 SOUTH PALM CANYON DRIVE (PDD 311):**

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, UPHOLDING THE PLANNING COMMISSION DECISION TO DENY A REQUEST FOR A ONE-YEAR EXTENSION OF TIME FOR A PREVIOUSLY APPROVED MIXED-USE PLANNED DEVELOPMENT DISTRICT CONSISTING OF 125 CONDOMINIUM UNITS AND APPROXIMATELY 39,000-SQUARE FEET OF COMMERCIAL RETAIL

SPACE ON A 2.67-ACRE SITE LOCATED AT 440-490 SOUTH PALM CANYON DRIVE, ZONE CBD (PDD 311).”

1.B. PS TEAM, LLC, ON BEHALF OF THE OWNER, AIC CAPITAL, LLC FOR A TENTATIVE PARCEL MAP (TPM) TO SUBDIVIDE A 0.46-ACRE PARCEL INTO TWO PARCELS AT 2732 NORTH CARDILLO ROAD AND ADOPTING A CEQA CLASS 32 CATEGORICAL EXEMPTION (CASE TPM 36958):

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, APPROVING A TENTATIVE PARCEL MAP (TPM) TO SUBDIVIDE A 0.46-ACRE PARCEL INTO TWO LOTS AND ADOPTING A CLASS 32 (INFILL) CATEGORICAL EXEMPTION UNDER CEQA FOR PROPERTY LOCATED AT 2732 NORTH CARDILLO ROAD (ZONE R-1-C / RGA-6) (CASE TPM 36958).”

1.C. HISTORIC DISTRICT DESIGNATION FOR THE SANDCLIFF CONDOMINIUMS AND ADOPTING A CLASS 31 CATEGORICAL EXEMPTION UNDER CEQA FOR PROPERTY LOCATED AT 1800 BARONA ROAD (CASE HSPB 93 / HD 5):

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, DESIGNATING THE SANDCLIFF GARDEN APARTMENT HOMES CONDOMINIUMS AS HISTORIC DISTRICT NO. 5 AND ADOPTING A CLASS 31 CATEGORICAL EXEMPTION UNDER CEQA FOR PROPERTY LOCATED AT 1800 BARONA ROAD (CASE HSPB 93 / HD 5).”

1.D. 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, receive public testimony, continue the public hearing to a date uncertain, and direct the City Clerk to re-notice the public hearing.
2. Consider and review the scope of changes to the Museum Market Plaza Specific Plan proposed by Palm Springs Promenade, LLC, to the City Council subcommittee:
 - (a) Revise Block A1 from a developable parcel for up to 123,500± square feet of commercial and residential purposes with an allowable maximum height of 60 feet to a permanently City-owned public parking lot with 74± parking spaces, with an allowance for one level of above ground parking;
 - (b) Revise Block B1 to allow development of a hotel use with a

- maximum height of 69 feet (reduced from previously proposed maximum height of 75 feet);
- (c) Revise Block C (excluding the vested and permitted Block C1) to reduce the allowable development of commercial/hotel/residential uses from 102,000± square feet to 52,000± square feet, reduce the maximum allowable height from 60 feet to 40 feet, and increase building setbacks for the “annex building” along Main Street and N. Palm Canyon Drive to 30 feet;
 - (d) Revise Block D to reduce the maximum allowable height from 60 feet to 40 feet;
 - (e) Revise Block F to designate for commercial purposes (ground floor) and residential purposes (upper floors), and increase the allowable maximum height from 60 feet to 68 feet;
 - (f) Revise Block G to designate for commercial purposes (ground floor) and residential purposes (upper floors), and increase the allowable maximum height from 60 feet to 68 feet;
 - (g) Revise Block K to eliminate the extension of Main Street (for vehicular traffic) through Block K, and require the adaptive reuse and preservation of the existing Town & Country Center in connection with the development of a new hotel use subject to review and approval pursuant to a Planned Development District.
3. Direct staff as appropriate on the scope of changes to the Museum Market Plaza Specific Plan to be incorporated into an Amendment of the Specific Plan.
 4. Direct staff to revise and update the environmental analyses prepared for Addendum No. 2 to the Final Environmental Impact Report to incorporate the scope of final changes to the Museum Market Plaza Specific Plan.
 5. Direct the Council subcommittee to coordinate with staff and Palm Springs Promenade, LLC, to discuss the terms and conditions of a draft Development Agreement related to the City’s acquisition of Block A1 (0.87 acres) for \$1 and vesting of certain entitlements pursuant to the scope of final changes to the Museum Market Plaza Specific Plan.
 6. Direct staff to submit the final revised Amendment to the Museum Market Plaza Specific Plan, the updated environmental analyses prepared for Addendum No. 2 to the Final Environmental Impact Report, and the draft Development Agreement for further public review by the City’s Planning Commission in accordance with the Palm Springs Zoning Code.

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 3, 2016, City Council Agenda.

2.B. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the City Council Minutes of January 13, 2016.

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 CLAIM AND DEMAND BY WARRANT NUMBERED 1082986 IN THE AMOUNT OF \$1,374,854.51, 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 1082987 THROUGH 1083155 IN THE AGGREGATE AMOUNT OF \$1,806,633.75, 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 CLAIM AND DEMAND BY WARRANT NUMBERED 1083156 IN THE AMOUNT OF \$10,500.00, 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 01-02-2016 BY WARRANTS NUMBERED 419405 THROUGH 419417 TOTALING \$20,990.20, LIABILITY CHECKS NUMBERED 1083157 THROUGH 1083176 TOTALING \$90,594.36, FIVE WIRE TRANSFERS FOR \$56,964.10, AND THREE ELECTRONIC ACH DEBITS OF \$1,299,197.74, IN THE AGGREGATE AMOUNT OF \$1,467,746.40, 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 CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1083177 THROUGH

1083287, IN THE AGGREGATE AMOUNT OF \$886,858.38, 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 1083288 THROUGH 1083399 IN THE AGGREGATE AMOUNT OF \$1,785,022.04, 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 PAYROLL WARRANTS FOR THE PERIOD ENDED 01-16-2016 BY WARRANTS NUMBERED 419418 THROUGH 419435 TOTALING \$27,420.74, LIABILITY CHECKS NUMBERED 1083400 THROUGH 1083418 TOTALING \$87,586.05, FIVE WIRE TRANSFERS FOR \$56,914.10, AND THREE ELECTRONIC ACH DEBITS OF \$1,149,761.94 IN THE AGGREGATE AMOUNT OF \$1,321,682.83, DRAWN ON BANK OF AMERICA;” and 8) 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 1083419 THROUGH 1083528 IN THE AGGREGATE AMOUNT OF \$2,467,517.24, DRAWN ON BANK OF AMERICA.”

2.D. ACCEPT THE RESIGNATION OF CHERYL HOUK FROM THE PARKS & RECREATION COMMISSION:

RECOMMENDATION: 1) Accept with regret the resignation of Cheryl Houk from the Parks & Recreation Commission; and 2) Direct the City Clerk to post a Notice of Vacancy for the term ending June 30, 2016.

2.E. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE FIRE STATION NO. 4 REHABILITATION PROJECT (DEMOLITION & ABATEMENT) (CP 15-25):

RECOMMENDATION: 1) Approve the plans, specifications, and estimate; and 2) Authorize staff to advertise and solicit bids for the Fire Station No. 4 Rehabilitation Project (Demolition & Abatement) (CP 15-25).

2.F. TREASURER’S INVESTMENT REPORT AS OF DECEMBER 31, 2015:

RECOMMENDATION: Receive and File the Treasurer’s Investment Report as of December 31, 2015.

2.G. RESCIND AND APPROVE A REVISED SECOND AMENDMENT TO AND ASSIGNMENT/ASSUMPTION OF THE SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT MAP NO. 31848-1 (AVALON):

RECOMMENDATION: 1) Rescind approval of the Second Amendment to and Assignment and Assumption of the Subdivision Improvement Agreement for Tract Map 31848-1 (“Avalon”), A5393, between LV Palm Springs Village, LLC, Avalon Land Holdings, LLC, and the City of Palm

Springs, approved December 16, 2015; 2) Approve a revised Second Amendment to and Assignment and Assumption of the Subdivision Improvement Agreement for Tract Map 31848-1 ("Avalon"), A5393, between LV Palm Springs Village, LLC, Avalon 1150, LLC, and the City of Palm Springs; and 3) Authorize the City Manager to execute all necessary documents. A5393.

2.H. RATIFICATION OF THE ANNUAL ADJUSTMENT OF THE ACCESS LINE RATE APPROVED BY THE VOTERS BY MEASURE "G" PURSUANT TO PALM SPRINGS MUNICIPAL CODE § 3.39.050:

RECOMMENDATION: Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, RATIFYING THE ANNUAL ADJUSTMENT OF THE ACCESS LINE RATE PURSUANT TO PALM SPRINGS MUNICIPAL CODE § 3.39.050 APPROVED BY THE VOTERS BY MEASURE G."

2.I. AWARD A CONSTRUCTION CONTRACT TO ALL AMERICAN ASPHALT, INC. IN THE AMOUNT OF \$391,500 FOR THE SAFE ROUTES TO SCHOOL PROJECT (CP 08-10), FEDERAL AID PROJECT NO. SRTS-5282 (039):

RECOMMENDATION: 1) Award a construction contract to All American Asphalt, Inc. in the amount of \$391,500 for the Safe Routes to School Project (CP 08-10), Federal Aid Project No. SRTS-5282 (039); and 2) Authorize the City Manager to approve and execute construction contract change orders up to an additional amount of \$39,150; and 3) Authorize the City Manager to execute all necessary documents. A_____.

2.J. FISCAL YEAR 2014-15 COMMUNITY FACILITIES DISTRICTS 2005-1 AND 2007-1 ANNUAL ACCOUNTABILITY REPORTS:

RECOMMENDATION: Receive and file the Fiscal Year 2014-15 Community Facilities Districts 2005-1, Public Safety Services, and 2007-1, Tribal Land, Annual Accountability Reports.

2.K. AMENDMENT NO. 3 TO AGREEMENT NO. A6465 WITH URRUTIA ARCHITECTS IN THE AMOUNT OF \$51,330 AND AMENDMENT NO. 3 TO AGREEMENT NO. A6503 WITH TRITON TECHNOLOGY SOLUTIONS, INC. IN THE AMOUNT OF \$9,090 FOR THE POLICE DEPARTMENT REMODEL (CP 15-05):

RECOMMENDATION: 1) Approve Amendment No. 3 to the Consulting Services Agreement No. A6465 with Urrutia Architects in the amount of \$51,330 for a revised total contract amount of \$184,380 for the Police Department Remodel Project (CP 15-05); 2) Approve Amendment No. 3 to Agreement No. A6503 with Triton Technology Solutions, Inc. in the amount of \$9,090 for a revised total contract amount of \$74,680 for the Police Department Remodel Project (CP 15-05); and 3) Authorize the City Manager to execute all necessary documents. A6465. A6503.

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. **DISCUSSION OF TURF MAINTENANCE AND POTENTIAL IMPROVEMENTS TO THE PALM SPRINGS DOG PARK AND APPOINT AN AD HOC COUNCIL SUBCOMMITTEE:**

RECOMMENDATION: 1) Appoint Councilmember Foat and Mayor Moon to the City Council ad hoc subcommittee for the Dog Park; and 2) Provide direction to staff as appropriate.

5.B. **DESIGNATION OF A DELEGATE REPRESENTATIVE AND ALTERNATE REPRESENTATIVE FOR THE 2016 SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG) GENERAL ASSEMBLY MAY 5 AND 6, 2016:**

RECOMMENDATION: Appoint a Member of the City Council as the Delegate Representative and appoint a Member of the City Council as the Alternate Delegate Representative for the 2016 SCAG General Assembly in La Quinta, California on May 5 and 6, 2016.

5.C. **APPOINTMENT OF A CITY COUNCIL AD HOC SUBCOMMITTEE FOR THE PALM SPRINGS INTERNATIONAL FILM FESTIVAL:**

RECOMMENDATION: Appoint two-members of the City Council to an ad hoc subcommittee for the Palm Springs International Film Festival.

5.D. **AWARD OF CONTRACT FOR PARKING LOT MANAGEMENT SERVICES AT PALM SPRINGS INTERNATIONAL AIRPORT:**

RECOMMENDATION: 1) Approve a five-year agreement with ACE Parking Management, Inc. for parking lot management services at the Palm Springs International Airport for the period February 1, 2016, through January 31, 2021; and 2) Authorize the City Manager to execute all necessary documents. A_____.

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 the next regular meeting Wednesday, February 17, 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.

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



CLOSED SESSION AGENDA
Wednesday, February 3, 2016 – 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. *Lisa Masi and Antoinette Senatore v. City of Palm Springs*
Case No. INC 1301987, Riverside County Superior Court, Indio Division
2. *City of Palm Springs v. Luna Crest Inc.*
Case No. PSC 1404912, Riverside County Superior Court, Palm Springs 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: 441 S. Calle Encilia, Palm Springs (508-094-015)
Agency: City of Palm Springs
City Negotiator: David Ready, City Manager or Designee
Negotiating Parties: Bureau of Indian Affairs
Martin Massiello, Chief Operating Officer
Under Negotiation: Price and Terms of Payment (Lease and/or Purchase)

Property Address/Description: APN 635-060-011 Vacant 40 acre parcel Dunn's Rd.
Agency: City of Palm Springs
City Negotiator: David Ready, City Manager or Designee
Negotiating Parties: Aenaes Valley Ranch, LLC
Jim Platt, Owner
Under Negotiation: Price and Terms of Payment (Purchase)