

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

March 2, 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 Mission Statement: Palm Springs is an inclusive world-class city dedicated to providing excellent and responsive public services to enhance the quality of life for current and future generations.

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: Rev. 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. 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) Public Testimony was closed on February 3, 2016; 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. HOTEL INCENTIVE PROGRAM, THE PALM GROVE GROUP (THE ARRIVE HOTEL), 1551 NORTH PALM CANYON DRIVE:

RECOMMENDATION: 1) Open the public hearing and receive public testimony; 2) Approve a Hotel Operations Covenant Agreement with the Palm Grove Group, LLC (Arrive Hotel) located at 1551 North Palm Canyon Drive, pursuant to provisions of Chapter 5.26 of the Municipal Code, placing restrictions upon the use and operation of the Hotel for a 10-year period and 50% share of the new transient occupancy tax collected; and 3) Authorize the City Manager to execute all necessary documents. A_____.

1.C. 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) The Public Testimony portion was closed on February 3, 2016; 2) Review the final revisions to the Museum Market Plaza Specific Plan as directed to staff by the City Council at its February 3, 2016, meeting; 3) Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING ADDENDUM NO. 2 TO THE PREVIOUSLY-CERTIFIED ENVIRONMENTAL IMPACT REPORT FOR, AND AMENDING THE MUSEUM MARKET PLAZA SPECIFIC PLAN, REDESIGNATED AS THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN;" 4) Waive the reading of the ordinance text in its entirety and introduce for first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE MUSEUM MARKET PLAZA SPECIFIC PLAN, AND REDESIGNATING IT AS THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN;" and 5) Direct the City 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 timely construction of public and private improvements, and vesting of certain entitlements pursuant to the scope of final changes to the Museum Market Plaza Specific Plan.

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.

CITY COUNCIL SUBCOMMITTEE REPORTS AND UPDATES: This time is set aside for City Council subcommittees to provide brief reports and updates.

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 March 2, 2016, City Council Agenda.

2.B. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the City Council Minutes of February 17, 2016, and February 24, 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 CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1083529 THROUGH 1083637 IN THE AGGREGATE AMOUNT OF \$1,266,428.60, 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 01-30-2016 BY WARRANTS NUMBERED 419436 THROUGH 419451 TOTALING \$28,423.53, LIABILITY CHECKS NUMBERED 1083638 THROUGH 1083656 TOTALING \$89,019.35, FIVE WIRE TRANSFERS FOR \$55,939.10, AND THREE ELECTRONIC ACH DEBITS OF \$1,252,896.23 IN THE AGGREGATE AMOUNT OF \$1,426,278.21, DRAWN ON BANK OF AMERICA;" and 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 1083657 THROUGH 1083769 IN THE AGGREGATE AMOUNT OF \$945,189.59, DRAWN ON BANK OF AMERICA."

2.D. TREASURER'S INVESTMENT REPORT AS OF JANUARY 31, 2016:

RECOMMENDATION: Receive and File the Treasurer's Investment Report as of January 31, 2016.

2.E. APPOINTMENT TO THE PERSONNEL BOARD TO FILL AN UNEXPIRED TERM:

RECOMMENDATION: Appoint Eugenio (Geno) Ochoa Sexton to the Personnel Board for the term ending June 30, 2017.

2.F. AMENDMENT NO. 5 IN THE AMOUNT OF \$97,185 TO CONSULTING SERVICES AGREEMENT NO. A6401 FOR THE CITYWIDE SOLAR PROJECT WITH NEWCOMB/ANDERSON/MCCORMICK, INC. (CP 15-03):

RECOMMENDATION: 1) Approve Amendment No. 5 to Agreement No. A6401, increasing the contract amount by \$97,185, for a total not to exceed \$343,398, with Newcomb/Anderson/McCormick, Inc., for construction inspection and management services; and 2) Authorize the City Manager to execute all necessary documents. A6401.

2.G. APPROVAL OF TIME EXTENSIONS OF SUBDIVISION IMPROVEMENT AGREEMENTS FOR VARIOUS PROJECTS:

RECOMMENDATION: Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING TIME EXTENSIONS OF VARIOUS SUBDIVISION IMPROVEMENT AGREEMENTS."

Agreement No. A4814, Tract Map 28966, extended to June 18, 2017

Agreement No. A5086, Tract Map 32233-1, extended to April 2, 2017

Agreement No. A5089, Tract Map 32233-4, extended to April 2, 2017

Agreement No. A5246, Tract Map 33561, extended to April 2, 2018

Agreement No. A6476, Tract Map 32233-5, extended to August 10, 2018

Agreement No. A6626, Tract Map 36548, extended to November 4, 2017

2.H. APPROVAL OF AN ENCROACHMENT LICENSE AGREEMENT ISSUED BY THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT FOR THE TAHQUITZ CREEK TRIANGLE GATEWAY (CP 14-16):

RECOMMENDATION: 1) Approve an Encroachment License Agreement issued by the Riverside County Flood Control and Water Conservation District for the construction, operation, and maintenance of public trail improvements for recreational purposes for the Tahquitz Creek Triangle Gateway (CP 14-16); and 2) Authorize the City Manager to execute all necessary documents. A_____.

2.I. APPROVE A "DOWNTOWN" CLASS 3 BICYCLE ROUTE LOOP ALONG PALM CANYON DRIVE AND INDIAN CANYON DRIVE BETWEEN ALEJO ROAD AND RAMON ROAD:

RECOMMENDATION: Approve establishment of a "Downtown" Class 3 bicycle route loop along Palm Canyon Drive and Indian Canyon Drive between Alejo Road and Ramon Road, including installation of appropriate signage and painting of greenback "sharrow" markings as required by the City Engineer.

2.J. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE TAHQUITZ CANYON WAY AND CIVIC DRIVE TRAFFIC SIGNAL INSTALLATION (CP 15-21):

RECOMMENDATION: 1) Approve the plans, specifications, and estimate; and 2) Authorize staff to advertise and solicit bids for the Tahquitz Canyon Way and Civic Drive Traffic Signal Installation (CP 15-21).

2.K. AUTHORIZE THE PURCHASE OF 15 NEW REPLACEMENT VEHICLES FOR THE POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$800,000:

RECOMMENDATION: 1) Authorize the purchase of 15 new replacement vehicles for the Police Department (conventional gasoline [non-CNG] vehicles), including required outfitting, to replace Units 200506, 201706, 202206, 203107, 204207, 204407, 204807, 205806, 207007, 207808, 209406, 2D0707, 2D0907, 2D1708, and 2D4907, in an amount not to exceed \$800,000; and 2) Authorize staff to conduct the appropriate bid processes, or utilize cooperative purchase contracts if available, in accordance with Procurement procedures; and 3) Authorize the City Manager to execute all necessary documents, including Purchase Orders for the new replacement vehicles, in a total cumulative amount not to exceed \$800,000.

2.L. CHANGE ORDER NO. 1 TO AGREEMENT NO. A6796 IN THE AMOUNT OF \$135,398 WITH ATOM ENGINEERING CONSTRUCTION INC. FOR THE PALM SPRINGS ENTRY SIGNS (CP 13-31):

RECOMMENDATION: 1) Authorize an additional appropriation from Measure J Unscheduled Capital Projects in the amount of \$130,000 for the Palm Springs Entry Signs; 2) Approve Contract Change Order No. 1 in the amount of \$135,398 with AToM Engineering Construction Inc. for a revised total contract amount of \$498,398 for the Palm Springs Entry Signs (CP 13-31); and 3) Authorize the City Manager to execute all necessary documents. A6796.

2.M. AWARD A CONSTRUCTION CONTRACT TO M. BREY ELECTRIC, INC. IN THE AMOUNT OF \$399,000 FOR THE JAMES O. JESSIE DESERT HIGHLAND UNITY CENTER OUTDOOR PERFORMANCE STAGE AND OUTDOOR BALL FIELD LIGHTING PROJECT (CP 14-18):

RECOMMENDATION: 1) Authorize an additional appropriation from Measure J Capital Project Fund reserve in the amount of \$170,000; 2) Waive any informality (non-responsiveness), and award a construction contract to M. Brey Electric, Inc., in the amount of \$399,000 for the James O. Jessie Desert Highland Unity Center Outdoor Performance Stage and Outdoor Ball Field Lighting Project (CP 14-18); 3) Authorize the City Manager to approve and execute construction contract change orders up to an additional amount of \$40,000; and 4) Authorize the City Manager to execute all necessary documents. A_____.

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

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS:

- 4.A. DISCUSSION ON CITY ATTORNEY SERVICES:
RECOMMENDATION:** Direct staff as appropriate.

5. NEW BUSINESS:

- 5.A. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE CITY COUNCIL CHAMBER AUDIO/VISUAL SYSTEM UPGRADE (CP 15-06):**

RECOMMENDATION: 1) Receive a presentation on the various elements of the audio/visual equipment upgrade for the Large Conference Room and City Council Chamber; 2) Approve the aesthetic design of the reconstructed City Council dais; 3) Approve the plans, specifications and estimate; and 4) Authorize staff to advertise and solicit bids for the City Council Chamber Audio/Visual System Upgrade (CP 15-06).

- 5.B. RESCIND APPROVAL OF CONSTRUCTION CONTRACT CHANGE ORDER AUTHORITY OF \$2,500,000 FOR CERTAIN ADDITIONAL STREETS TO BE INCLUDED IN THE 2015 PAVEMENT REHABILITATION PROJECT (CP 15-01), AND AUTHORIZE BIDDING OF THE ADDITIONAL STREETS AS A NEW CAPITAL IMPROVEMENT PROJECT, THE 2016 PAVEMENT REHABILITATION PROJECT (CP 16-01):**

RECOMMENDATION: 1) Rescind the authority granted by the City Council on May 20, 2015, to the City Manager to approve a Construction Contract Change Order in an amount not to exceed \$2,500,000 to include various additional streets as part of the scope of the 2015 Pavement Rehabilitation Project (CP 15-01); and 2) Approve the plans, specifications, and estimate; and 3) Authorize staff to advertise and solicit bids for the 2016 Pavement Rehabilitation Project (CP 16-01).

- 5.C. PRELIMINARY OVERVIEW OF THE FISCAL YEAR 2016-17 GENERAL FUND BUDGET:**

RECOMMENDATION: Direct the City Council Finance and Budget 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 the next regular meeting Wednesday, March 16, 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, March 2, 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(d)(1)**

1. *City of Palm Springs v. Desert Water Cooperative*
Case No. PSC 1503636, Riverside County Superior Court, Palm Springs Division
2. *City of Palm Springs v. Palm Springs Green*
Case (not assigned), Riverside County Superior Court, Palm Springs Division

EXPOSURE TO LITIGATION **G.C. 54956.9(d)(2)**

Four Case(s)

INITIATION OF LITIGATION **G.C. 54956.9(d)(4)**

Five Case(s)

CONFERENCE WITH LABOR NEGOTIATOR **G.C. 54957.6**

City Negotiator: David Ready, City Manager or Designee
Perry Madison, Director of Human Resources
Employee Organizations: PS Police Safety and PS Police Management

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)