

**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](http://www.palmspringsca.gov)

**AGENDA**

May 18, 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.*

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**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](http://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.

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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:** 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. CONSIDERATION OF THE VACATION OF PORTIONS OF CALLE ENCILIA RIGHT-OF-WAY BETWEEN AMADO ROAD AND TAHQUITZ CANYON WAY, AND A PORTION OF ANDREAS ROAD RIGHT-OF-WAY BETWEEN CALLE ENCILIA AND CALLE EL SEGUNDO, IN SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST AND CEQA DETERMINATION (FILE R 15-12):**

**RECOMMENDATION:** 1) Continue the public hearing from May 4, 2016, and receive public testimony; and 2) Adopt Resolution No. \_\_\_\_\_, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE AND INTEREST IN PORTIONS OF THE PUBLIC RIGHT-OF-WAY DEDICATED FOR CALLE ENCILIA BETWEEN AMADO ROAD AND TAHQUITZ CANYON WAY, AND PORTIONS OF THE PUBLIC RIGHT-OF-WAY DEDICATED FOR ANDREAS ROAD BETWEEN CALLE ENCILIA AND CALLE EL SEGUNDO, IN SECTION 14, TOWNSHIP 4 SOUTH, RANGE 4 EAST, FILE R15-12, AND APPROVING A DETERMINATION THAT THE MITIGATED NEGATIVE DECLARATION

PREVIOUSLY APPROVED AND CERTIFIED BY RESOLUTION NO. 18461 REMAINS VALID AND THAT NO FURTHER ENVIRONMENTAL REVIEW PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) IS REQUIRED.”

**1.B. APPLICATION BY TODD HAYES FOR A PROPOSED DESIGNATION OF 1164 NORTH CALLE ROLPH *THE BEL VISTA RESIDENCE* AS A CLASS 1 HISTORIC SITE AND NOTICE OF EXEMPTION FROM CEQA (CASE HSPB 100):**

**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 RESIDENCE AT 1164 NORTH CALLE ROLPH “THE BEL VISTA RESIDENCE” A CLASS 1 HISTORIC SITE, ZONE R-1-C, APN 507-124-012 (CASE HSPB 100).”

**1.C. PUBLIC HEARING IN ACCORDANCE WITH STREETS AND HIGHWAYS CODE SECTION 100.22 TO CONSIDER APPROVAL OF A FREEWAY AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR STATE HIGHWAY ROUTE 10 (INTERSTATE 10) FROM DIABLO ROAD TO INDIAN CANYON DRIVE:**

**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 FREEWAY AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR STATE HIGHWAY ROUTE 10 (INTERSTATE 10), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF PALM SPRINGS.”

**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 SUB-COMMITTEE REPORTS AND UPDATES:** This time is set aside for City Council sub-committees 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 May 18, 2016, City Council Agenda.

**2.B. APPROVE AMENDMENT NO. 1 TO CONSULTING SERVICES AGREEMENT NO. A5336 WITH EVERGREEN RECYCLING SOLUTIONS FOR TECHNICAL ASSISTANCE AND PROFESSIONAL SERVICES ON SOLID WASTE AND RECYCLING ISSUES:**

**RECOMMENDATION:** 1) Approve Amendment No. 1 to Agreement No. A5336 with Evergreen Recycling Solutions for municipal solid waste management and recycling consulting services, in an amount not to exceed \$100,000 for two years, beginning July 1, 2016, and ending on June 30, 2018; and 2) Authorize City Manager to execute all necessary documents. A5336.

**2.C. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF APRIL 2016:**

**RECOMMENDATION:** Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of April 1 through April 30, 2016.

**2.D. APPROVAL OF RIGHT OF WAY ACQUISITION AGREEMENTS FOR ASSESSORS PARCEL NUMBER (APN) 669-070-003, FOR THE INDIAN CANYON DRIVE WIDENING & BRIDGE REPLACEMENT FEDERAL AID PROJECT NO. BRLO 5282 (017) (CP 01-11):**

**RECOMMENDATION:** 1) Approve a Right-of-Way Agreement for Acquisition of Real Property Interest and Escrow Instructions, in the amount of \$21,184 with Mary Sheila Comeau, Anita Comeau and Michele Comeau, as Trustees of the J. Laurent Leger Comeau and Mary Sheila Comeau Revocable Living Trust dated March 13, 1990 – Survivor's Trust, as to an undivided 1/3 interest; Mark E. Fredenburg and Elizabeth J. Fredenburg, Trustees of the Fredenburg Revocable Living Trust dated September 30, 1993, as to an undivided 1/3 interest; and Heather Jacques Brown and Stephen G. Brown, Trustees of the Heather Jacques Brown and Stephen G. Brown Revocable Living Trust dated January 10, 1995, as to an undivided 1/3 interest; 2) Approve a Temporary Construction Easement Agreement, in the amount of \$8,416 with Mary Sheila Comeau, Anita Comeau and Michele Comeau, as Trustees of the J. Laurent Leger Comeau and Mary Sheila Comeau Revocable Living Trust dated March 13, 1990 – Survivor's Trust, as to an undivided 1/3 interest; Mark E. Fredenburg and Elizabeth J. Fredenburg, Trustees of the Fredenburg Revocable Living Trust dated

September 30, 1993, as to an undivided 1/3 interest; and Heather Jacques Brown and Stephen G. Brown, Trustees of the Heather Jacques Brown and Stephen G. Brown Revocable Living Trust dated January 10, 1995, as to an undivided 1/3 interest; and 3) Authorize the City Manager to execute all necessary documents, open escrow, and pay for associated escrow and title costs associated with the right-of-way acquisitions. A\_\_\_\_. A\_\_\_\_.

**2.E. APPROVAL OF LOT LINE ADJUSTMENT NO. 16-03 ACCEPTING THE ADDITION OF A PORTION OF LAND TO BE INCLUDED AS PART OF CITY OWNED PROPERTY IDENTIFIED AS LOT "R" OF TRACT MAP 30046 (APN 512-330-023):**

**RECOMMENDATION:** 1) Approve Lot Line Adjustment No. 16-03, adjusting the boundary between Lot 2 of Tract Map 30046 owned by Alta Verde Sereno, LLC, and Lot R of Tract Map 30046 owned by the City of Palm Springs, whereby Lot R will increase in size by 235 square feet; 2) Authorize the City Engineer to approve Lot Line Adjustment No. 16-03; and 3) Authorize the City Clerk to attach a Certificate of Acceptance for the additional real property being transferred from Alta Verde Sereno, LLC to the City of Palm Springs via Lot Line Adjustment No. 16-03.

**2.F. AGREEMENT WITH TRANSCEND TECHNOLOGIES GROUP TO PROVIDE ELECTRONIC BENEFITS ADMINISTRATION SERVICES:**

**RECOMMENDATION:** 1) Approve an agreement with Transcend Technologies Group to provide electronic benefits administration services for three years; and 2) Authorize the City Manager to execute all necessary documents. A\_\_\_\_.

**2.G. AWARD A CONTRACT SERVICES AGREEMENT TO UNIVAR USA, INC. IN THE AMOUNT OF \$60,012 FOR SWIMMING POOL CHEMICALS AT THE PALM SPRINGS SWIM CENTER:**

**RECOMMENDATION:** 1) Award a contract to Univar USA Inc. for the delivery of Hydrochloric Acid 15% at \$2.39 per gallon and Sodium Hypochlorite 12.5% at \$1.68 per gallon on an as-needed basis for an amount not to exceed \$60,012 annually; and 2) Authorize the City Manager to execute all necessary documents. A\_\_\_\_.

**2.H. SUSTAINABILITY MASTER PLAN:**

**RECOMMENDATION:** Receive the Master Plan for Sustainability in preparation for the Joint Meeting with the Sustainability Commission on June 8, 2016.

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

**3. LEGISLATIVE:**

**3.A. PROPOSED ORDINANCE RELATING TO HOURS OF OPERATION AND MEDICAL CANNABIS CULTIVATION FACILITIES FOR PERMITTED MEDICAL CANNABIS COLLECTIVES AND COOPERATIVES:**

**RECOMMENDATION:** 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 SECTIONS 5.35.210.D.2, 5.35.340.C.1, AND CHAPTER 3.35 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO HOURS OF OPERATION AND MEDICAL CANNABIS CULTIVATION FACILITIES FOR PERMITTED MEDICAL CANNABIS COLLECTIVES AND COOPERATIVES."

**3.B. PROPOSED INTERIM URGENCY ORDINANCE IMPOSING INTERIM REGULATIONS FOR THE INSTALLATION AND MAINTENANCE OF TEMPORARY SIGNS (4/5TH VOTE REQUIRED):**

**RECOMMENDATION:** Alternative A, waive the reading of the ordinance text in its entirety and adopt Ordinance No. \_\_\_\_\_, "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, IMPOSING INTERIM REGULATIONS FOR THE INSTALLATION AND MAINTENANCE OF TEMPORARY SIGNS IN THE CITY OF PALM SPRINGS, SUBJECT TO CERTAIN EXCEPTIONS, AND SUSPENDING ENFORCEMENT OF SECTIONS 93.20.07, 93.20.08, 93.20.09.B.5, AND 93.20.10.C.4 OF THE PALM SPRINGS MUNICIPAL CODE, FOR A PERIOD OF NINE MONTHS;" or Alternative B, waive the reading of the ordinance text in its entirety and adopt Ordinance No. \_\_\_\_\_, "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, IMPOSING INTERIM REGULATIONS FOR THE INSTALLATION AND MAINTENANCE OF TEMPORARY SIGNS IN THE CITY OF PALM SPRINGS, SUBJECT TO CERTAIN EXCEPTIONS, AMENDING SECTION 93.20.09.B.5 OF, AND SUSPENDING ENFORCEMENT OF SECTIONS 93.20.07, 93.20.08, AND 93.20.10.C.4 OF THE PALM SPRINGS MUNICIPAL CODE, FOR A PERIOD OF NINE MONTHS."

**3.C. PROPOSED ORDINANCE AMENDING THE TEMPORARY SUSPENSION OF REGULATORY ORDINANCES:**

**RECOMMENDATION:** 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 SECTIONS 6.12.030 AND 6.12.040 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO THE TEMPORARY SUSPENSION OF REGULATORY ORDINANCES."

**4. UNFINISHED BUSINESS:**

**4.A. CONTINUED DISCUSSION AND DIRECTION ON THE FISCAL YEAR 2016-17 BUDGET AND RESERVE POLICY:**

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

**4.B. CONTINUED DISCUSSION ON CITY ATTORNEY SERVICES:**

**RECOMMENDATION:** Direct City Staff as appropriate.

**4.C. DISCUSSION REGARDING THE LEGAL SERVICE AGREEMENT WITH THEODORA ORINGHER PC AND OTHER OUTSIDE LEGAL SERVICES CONTRACTS:**

**RECOMMENDATION:** Direct the City Attorney and City Staff as appropriate.

**5. NEW BUSINESS:**

**5.A. APPOINTMENT OF CITY COUNCIL AD HOC SUBCOMMITTEES FOR AFFORDABLE HOUSING, CITY HALL OFFICE SPACE PLANNING, AND CAPITAL IMPROVEMENT PROJECTS FUND RAISING:**

**RECOMMENDATION:** 1) Appoint two-members of the City Council to an ad hoc City Council Subcommittee for Affordable Housing; 2) Appoint two-members of the City Council to an ad hoc City Council Subcommittee for City Hall Office Space Planning; and 3) Appoint two-members of the City Council to an ad hoc City Council Subcommittee for Capital Improvement Projects Fund Raising.

**5.B. CONSIDERATION OF A CITY COUNCIL PUBLIC COMMENT LETTER IN RESPONSE TO THE ENVIRONMENTAL ASSESSMENT PREPARED FOR THE EAGLE MOUNTAIN BOUNDARY STUDY INCLUDING POSSIBLE WITHDRAWAL FOR JOSHUA TREE NATIONAL PARK:**

**RECOMMENDATION:** 1) Consider the adoption of Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS CALIFORNIA, URGING THE RETURN OF THE MAXIMUM AMOUNT OF THE BUREAU OF LAND MANAGEMENT'S EAGLE MOUNTAIN LANDS BACK TO JOSHUA TREE NATIONAL PARK AND A FULL ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR THE EAGLE CREST PUMPED STORAGE PROJECT'S TRANSMISSION LINE SO THAT LAND USE MANAGERS AND DECISION MAKERS CAN FULLY UNDERSTAND THE POTENTIAL ADVERSE IMPACT OF THIS PROJECT ON GROUNDWATER, SPECIES, AND THE ECOLOGICAL INTEGRITY OF JOSHUA TREE NATIONAL PARK;" and 2) Consider City Council approval and submission of a public comment letter of support to the National Parks Service endorsing Preferred Alternative C for the transfer of Eagle Mountain land from the U.S. Bureau of Land Management to the National Park Service, and requesting that the U.S.

Bureau of Land Management conduct a full and comprehensive Environmental Impact Statement for construction of off-site electrical transmission lines associated with the Eagle Mountain Pumped Storage Hydroelectric Project.

**5.C. APPROVAL OF A SUBORDINATION AGREEMENT WITH THE CALIFORNIA HOUSING FINANCE AGENCY IN CONNECTION WITH THEIR LOAN TO PALOS VERDES VILLAS, A MULTI-FAMILY HOUSING DEVELOPMENT:**

**RECOMMENDATION:** Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A SUBORDINATION AGREEMENT WITH COURTYARD PARTNERS - PALM SPRINGS, L.P. AND THE CALIFORNIA HOUSING FINANCE AGENCY TO FACILITATE A LOAN MODIFICATION AND REFINANCE OF PALOS VERDES VILLAS, A 98-UNIT RESIDENTIAL APARTMENT COMPLEX."

**5.D. APPROVAL OF AMENDMENT NO. 2 IN THE AMOUNT OF \$206,500 TO CONSULTING SERVICES AGREEMENT NO. A6757 WITH INTERACTIVE DESIGN CORPORATION FOR THE FIRE STATION NO. 4 REHABILITATION PROJECT (CP 15-25):**

**RECOMMENDATION:** 1) Approve the concept of expanding Fire Station No. 4 by approximately 1,200 square feet to address separation of sleeping quarters, decontamination areas, and general ADA compliance issues, as part of the Fire Station No. 4 Rehabilitation (CP 15-25) with final design review of the expansion subject to the City's Major Architectural Review process; 2) Approve Amendment No. 2 to Agreement No. A6757 in the amount of \$206,500 for a total amount of \$250,300 with Interactive Design Corporation for the Fire Station No. 4 Rehabilitation (CP 15-25); and 3) Authorize the City Manager to execute all necessary documents. A6757.

**5.E. DISCUSSION ON SMOKING REGULATIONS FOR COMMERCIAL OUTDOOR PATIOS SUCH AS RESTAURANTS AND BARS AND OTHER PUBLIC PLACES:**

**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 the next regular meeting Wednesday, June 1, 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, May 18, 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. *Alexander M. Wernicke v. City of Palm Springs et al.*  
Case No. INC 1208381, Riverside County Superior Court, Indio Division
2. *Jeanette Jaime v. City of Palm Springs*  
Case No. 5:15-cv-01953-AB, United States District Court, Central Division
3. *Eloy Jacobo v. City of Palm Springs*  
Case No. INC 1302171, Riverside Superior Court, Indio Division
4. *People for Proper Planning v. City of Palm Springs et al.*  
Case No. PSC 1401656, 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)**

Three Case(s)