

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

November 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 provide public testimony for an Item on the Agenda MUST file a speaker card prior to the Public Testimony (Non-Public Hearing Agenda Items Only) prior to that portion of the meeting. Testimony for Public Hearings will be allowed only during the Public Hearing. [Two (2) minutes per speaker]

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. [Two (2) minutes per speaker]

Any person who wishes to speak on a topic not on the agenda 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. [Two (2) minutes per speaker] 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.

Please note, any agenda item which has not been initiated by 11:00 P.M. may be continued to a subsequent meeting.

At approximately 10:00 P.M., the City Council will determine the number of speakers who wish to address the City Council during Public Comment for non-Agenda Items, and determine which agenda items will be considered before the 11:00 P.M. Adjournment time.

The City Council encourages written public testimony prior to the meeting, which provides the City Council ample time and attention for consideration. All written testimony will be provided to the City Council prior to the discussion. Written testimony may be sent via email to CityClerk@palmspringsca.gov, by fax at (760) 322-8332, or hand delivery to the City Clerk, Palm Springs City Hall, 3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262.

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 111.

ROLL CALL:

PRESENTATIONS:

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.

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.

PUBLIC TESTIMONY: (Non-Public Hearing Agenda Items ONLY)

This time has been set aside for members of the public to address the City Council only on agenda items. Two (2) minutes will be assigned to each speaker. Testimony for Public Hearings will only be taken at the time of the hearing, and General Public Comments, non-agenda items, will be taken later in the meeting.

1. 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.

1.A. APPROVE THE STREET NAME OF DESERT INN DRIVE FOR THE STREET SEGMENT PREVIOUSLY IDENTIFIED AS "MAIN STREET" IN THE DOWNTOWN PALM SPRINGS PROJECT:

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RECOMMENDATION: Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE STREET NAME OF DESERT INN DRIVE FOR THE NEW STREET SEGMENT PREVIOUSLY IDENTIFIED AS MAIN STREET IN THE DOWNTOWN PALM SPRINGS PROJECT LOCATED IMMEDIATELY NORTH OF AND PARALLEL WITH TAHQUITZ CANYON WAY BETWEEN MUSEUM DRIVE AND NORTH PALM CANYON DRIVE."

- 1.B. TREASURER'S INVESTMENT REPORT AS OF SEPTEMBER 30, 2016:**
ACTION: Receive and File the Treasurer's Investment Report as of September 30, 2016.
- 1.C. APPROVE AND AUTHORIZE SUBMITTAL OF GOVERNING BODY RESOLUTION DESIGNATING PERSONNEL TO ACT AS THE AGENT FOR THE CITY FOR THE PURPOSE OF OBTAINING FINANCIAL ASSISTANCE FROM THE FEDERAL DEPARTMENT OF HOMELAND SECURITY:**
RECOMMENDATION: 1) Approve the "Governing Body Resolution" to designate the City Manager, Assistant City Manager, and Fire Chief as signatory authority for federal financial assistance provided by the Department of Homeland Security; and 2) Direct the City Clerk to certify and transmit to the Riverside County Department of Emergency Management.
- 1.D. ACCEPT THE RESIGNATION OF GENO SEXTON FROM THE PERSONNEL BOARD:**
RECOMMENDATION: 1) Accept with regret the resignation of Geno Sexton from the Personnel Board; and 2) Direct the City Clerk to post a Notice of Vacancy for the term ending June 30, 2017.
- 1.E. APPROVAL OF A RIGHT OF WAY ACQUISITION AGREEMENT IN THE AMOUNT OF \$250,000 FOR THE SOUTH PALM CANYON DRIVE LOW WATER CROSSING BRIDGE REPLACEMENT AT ARENAS CANYON SOUTH (CP 06-18) FEDERAL AID PROJECT NO. BR-NBIL (502):**
RECOMMENDATION: 1) Approve a restated Right-of-Way Agreement for Acquisition of Flood Control and Drainage Easement, (A6839), in the amount of \$250,000 with 4348 Lockwood Avenue LLC, as to an undivided twenty-six percent (26%) interest, Michael L. Cole and Janet K. Cole, husband and wife as joint tenants, as to an undivided four percent (4%) interest, and Jogesh Kumar Vashisht and Sunita Kumar Vashisht, Trustees for the Vashisht Family Revocable Trust Dated May 2, 2001, and restated May 4, 2010, as to an undivided seventy percent (70%) interest,

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all as tenants in common; and 2) Authorize the Assistant City Manager to execute all necessary documents, open escrow, and pay for escrow, and title costs associated with the right-of-way acquisition. A6839.

1.F. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the City Council Minutes of October 27, 2016, September 21, 2016, and September 7, 2016.

1.G. AUTHORIZE A PURCHASE ORDER IN THE AMOUNT OF \$228,719.10 WITH HARRIS & ASSOCIATES TO PERFORM A COMPREHENSIVE FACILITIES CONDITION ASSESSMENT OF ALL CITY BUILDINGS (CP 16-04):

RECOMMENDATION: 1) Authorize a Purchase Order in the amount of \$228,719.10 with the City's "on-call" agreement with Harris & Associates, pursuant to Agreement No. A6444, for an Evaluation of All City Facilities (CP 16-04); and 2) Authorize the City Manager to execute all necessary documents. A6444.

1.H. APPROVE AMENDMENTS TO COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS (CVAG) REIMBURSEMENT AGREEMENTS FOR INCREASED FUNDING COMMITMENTS AND EXTENSION OF TIME TRIGGERS ASSOCIATED WITH VARIOUS PROJECTS:

RECOMMENDATION: 1) Approve Amendment No. 2 to Agreement No. A6174, Reimbursement Agreement with the Coachella Valley Association of Governments, extending time triggers and increased funding commitments for the Vista Chino Low Water Crossing Bridge project at the Whitewater River, City Project No. 10-10, Federal-aid Project No. NBIL (513); 2) Approve Amendment No. 2 to Agreement No. A5748, Reimbursement Agreement with the Coachella Valley Association of Governments, extending the time triggers to facilitate the widening of the Ramon Road and Bridge over the Whitewater River Channel, City Project No. 08-25, Federal-aid Project No. BHLS 5282 (040); 3) Approve Amendment No. 4 to Agreement No. A4394, Reimbursement Agreement with the Coachella Valley Association of Governments, extending the time triggers to facilitate the replacement and widening of the Indian Canyon Drive over Union Pacific Railroad (UPRR), City Project No. 01-11, federal-aid Project No. BRLO 5282 (017); and 4) Authorize the City Manager to execute all necessary documents. A6174. A5748. A4394.

1.I. APPROVE A SERVICES AND WORK AGREEMENT WITH THE FRIENDS OF PALM SPRINGS MOUNTAINS IN THE AMOUNT OF \$238,000:

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RECOMMENDATION: 1) Approve the Friends of Palm Springs Mountains Services and Work Agreement in the amount of \$238,000; an 2) Authorize the City Manager to execute the necessary documents. A_____.

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

2. PUBLIC HEARINGS:

2.A. FREEHOLD COMMUNITIES, LLC (AVALON 1150), TO AMEND PRELIMINARY PLANNED DEVELOPMENT DISTRICT 290, A PREVIOUSLY-APPROVED PROJECT CONSISTING OF 1,150 RESIDENTIAL UNITS, AN 18-HOLE GOLF COURSE, A CLUBHOUSE, AND A PUBLIC PARK LOCATED ALONG THE NORTH SIDE OF SAN RAFAEL DRIVE, EAST OF NORTH INDIAN CANYON DRIVE, SOUTH OF THE WHITEWATER RIVER, AND WEST OF SUNRISE WAY AND APPROVING AN ADDENDUM TO THE PREVIOUSLY-APPROVED MITIGATED NEGATIVE DECLARATION (MND) (CASE 5.0982-PDD 290):

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 AN ADDENDUM TO THE PREVIOUSLY-APPROVED MITIGATED NEGATIVE DECLARATION (MND) AND APPROVING AMENDMENTS TO PLANNED DEVELOPMENT DISTRICT 290, A PREVIOUSLY APPROVED PROJECT CONSISTING OF 1,150 RESIDENTIAL UNITS, AN 18-HOLE GOLF COURSE, A CLUBHOUSE, AND A PUBLIC PARK LOCATED ALONG THE NORTH SIDE OF SAN RAFAEL DRIVE, EAST OF NORTH INDIAN CANYON DRIVE, SOUTH OF THE WHITEWATER RIVER, AND WEST OF SUNRISE WAY (CASE 5.0982-PDD 290).

2.B. PROPOSED ORDINANCE ESTABLISHING THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS IMPROVEMENT DISTRICT, PROPOSED RESOLUTION CONFIRMING THE REPORT OF THE ADVISORY BOARD AND LEVYING THE FISCAL YEAR 2016-17 ASSESSMENT, AND CONDUCT THE PROTEST PROCEEDINGS TO THE DISTRICT:

RECOMMENDATION: 1) Open the public hearing, receive public testimony, and written and oral protests to the establishment of the Palm Springs Small Hotel Tourism Business Improvement District; 2) Waive reading of the text and introduce for first reading Ordinance No. _____,

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“AN ORDINANCE OF THE CITY OF PALM SPRINGS, ADDING CHAPTER 5.83 TO THE PALM SPRINGS MUNICIPAL CODE, ESTABLISHING THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS DISTRICT;” and 3) Adopt Resolution No. _____, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CONFIRMING THE REPORT OF THE ADVISORY COMMITTEE AND LEVYING AN ASSESSMENT FOR FISCAL YEAR 2016-17 IN CONNECTION WITH THE PALM SPRINGS TOURISM SMALL HOTEL BUSINESS IMPROVEMENT DISTRICT.”

- 2.C. APPEAL BY SUMMIT LAND PARTNERS, LLC OF THE PLANNING COMMISSION ACTION TO DENY A PLANNED DEVELOPMENT DISTRICT APPLICATION, VESTING TENTATIVE TRACT MAP APPLICATION, AND A MAJOR ARCHITECTURAL APPLICATION FOR THE DEVELOPMENT OF A 90-LOT SINGLE-FAMILY SUBDIVISION ON A 13.28 ACRE PARCEL AT THE SOUTHWEST CORNER OF EAST PALM CANYON DRIVE AND MATTHEW DRIVE:**

RECOMMENDATION: 1) Table the public hearing with no public testimony at this time; 2) Continue the public hearing to January 4, 2017; and 3) Direct the City Clerk to post a Notice of Public Hearing pursuant to law.

3. LEGISLATIVE:

- 3.A. PROPOSED ORDINANCES ADOPTING AND AMENDING THE 2016 CALIFORNIA BUILDING STANDARDS CODE (TITLE 24) INCLUDING THE 2016 CALIFORNIA FIRE CODE, THE 2016 CALIFORNIA BUILDING CODE, THE 2016 CALIFORNIA RESIDENTIAL CODE, THE 2016 CALIFORNIA PLUMBING CODE, THE 2016 CALIFORNIA MECHANICAL CODE, THE 2016 CALIFORNIA ELECTRICAL CODE, THE 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 2016 CALIFORNIA ENERGY CODE, THE 2016 CALIFORNIA EXISTING BUILDING CODE, THE 2016 CALIFORNIA HISTORIC BUILDING CODE; ADOPTING AND AMENDING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE; ADOPTING THE CITY OF PALM SPRINGS BUILDING ADMINISTRATIVE CODE; AND ADOPTING THE INTERNATIONAL FIRE CODE:**

RECOMMENDATION: 1) Waive the reading of the text and introduce for first reading Ordinance No. _____, “AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING ARTICLE I OF CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, ADOPTING BY REFERENCE, TOGETHER WITH CERTAIN ADDITIONS, AMENDMENTS AND DELETIONS, THE 2016 CALIFORNIA BUILDING

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CODE, INCLUDING APPENDICES C, I, AND J; THE 2016 CALIFORNIA RESIDENTIAL CODE, INCLUDING APPENDIX H; THE 2016 CALIFORNIA MECHANICAL CODE; THE 2016 CALIFORNIA PLUMBING CODE, INCLUDING APPENDICES A, B, D, G, I AND K; THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE, INCLUDING ALL APPENDICES; THE 2016 CALIFORNIA EXISTING BUILDING CODE; THE 2016 CALIFORNIA HISTORIC BUILDING CODE, INCLUDING APPENDIX A; THE 2016 CALIFORNIA ELECTRICAL CODE, INCLUDING ALL APPENDICES; THE 2016 CALIFORNIA ENERGY CODE, INCLUDING ALL APPENDICES; AND THE 2016 GREEN BUILDING STANDARDS CODE, INCLUDING ALL APPENDICES; AND AMENDING AND RESTATING ARTICLE IV OF CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, ADOPTING THE CITY OF PALM SPRINGS BUILDING ADMINISTRATIVE CODE;" 2) Waive the reading of text and introduce for first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING ARTICLE VI OF CHAPTER 8.04 OF THE PALM SPRINGS MUNICIPAL CODE, ADOPTING BY REFERENCE, TOGETHER WITH CERTAIN ADDITIONS, AMENDMENTS AND DELETIONS, THE 2016 CALIFORNIA FIRE CODE, INCLUDING APPENDIX CHAPTER 4 AND APPENDICES B, F, I, N, P AND Q, AND ADOPTING BY REFERENCE THE 2015 INTERNATIONAL FIRE CODE;" 3) Review proposed resolution "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, FINDING THAT CERTAIN LOCAL CONDITIONS REQUIRE AMENDMENTS, ADDITIONS AND DELETIONS TO THE CALIFORNIA BUILDING CODE, 2016 EDITION, THE CALIFORNIA RESIDENTIAL CODE, 2016 EDITION, AND THE CALIFORNIA ELECTRICAL CODE, 2016 EDITION AND THE CALIFORNIA FIRE CODE, 2016 EDITION;" and 4) Schedule a public hearing for November 16, 2016, to consider second reading and adoption of the Ordinances and Resolution in accordance with California Government Code Section 50022.3.

3.B. PROPOSED ORDINANCE RELATING TO PERMITTING TRANSPORTATION NETWORK COMPANIES TO OPERATE AT THE PALM SPRINGS INTERNATIONAL AIRPORT:

RECOMMENDATION: Waive the reading of the text and introduce for first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 16.02.015(b) OF, AND ADDING CHAPTER 16.37 TO, THE PALM SPRINGS MUNICIPAL CODE RELATING TO PERMITTING TRANSPORTATION NETWORK COMPANIES TO OPERATE AT THE PALM SPRINGS INTERNATIONAL AIRPORT."

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4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:**

5.A. **AMENDMENT NO. 1 TO AGREEMENT NO. A6773 TO THE POWER PURCHASE AGREEMENT AND PERFORMANCE GUARANTEE AGREEMENT WITH SOLARCITY CORPORATION FOR SOLAR PHOTOVOLTAIC SYSTEMS AT SUNRISE PARK (CP 15-03):**

RECOMMENDATION: 1) Approve Amendment No. 1 to the Solar Power Purchase Agreement with SolarCity Corporation for solar PV systems at Sunrise Park to reduce the size of the solar PV system from 334.8 kW to 145.08 kW maintaining a power purchase price of \$0.075 per kWh fixed for the 20 year term; 2) Approve Amendment No. 1 to the Performance Guarantee Agreement with SolarCity Corporation for solar PV systems at Sunrise Park to decrease the guaranteed total power generated; and 3) Authorize the City Manager to execute all necessary documents. A6773.

PUBLIC COMMENT: (Non-Agenda Items) This time has been set aside for members of the public to address the City Council on 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. Two (2) minutes will be assigned to each speaker. Testimony for Public Hearings will only be taken at the time of the hearing.

UPCOMING AGENDA DEVELOPMENT: This time is set aside for the City Council to prioritize and set future agenda items.

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 a Study Session, Wednesday, November 9, 2016, in the Council Chamber, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

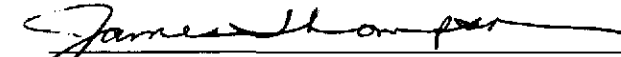
The next regular City Council meeting will be Wednesday, November 16, 2016, at 6:00 P.M. Council Chamber, City Hall, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

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AFFIDAVIT OF POSTING

State of California)
County of Riverside) ss.
City of Palm Springs)

I, James Thompson, City Clerk of the City of Palm Springs, California, hereby certify this Agenda was delivered to each member of the City Council, provided to all parties who have requested such notice, posted at City Hall before 11:30 p.m., on October 27, 2016, and posted on the City's website as required by established policies and procedures.



JAMES THOMPSON
City Clerk, City of Palm Springs, CA

PUBLIC NOTICES

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.

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.

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.

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



**CLOSED SESSION AGENDA
Wednesday, November 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. *James Warren King, III v. City of Palm Springs*
Case No. INS 1602067, Riverside County Small Claims Court, Indio Division
2. *Tore Anderson v. County of Riverside, Palm Springs Police Dept., et al.*
Case No. ED CV 15-01053 PSG, United States District Court, Central District

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

Three Case(s)

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

Three Case(s)

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

Property Address/Description:	APN 513-460-033 (Right-of-Way)
Agency:	City of Palm Springs
Agency Negotiator:	Marcus Fuller, Assistant City Manager or Designee
Negotiating Parties:	4348 Lockwood Avenue, LLC
Under Negotiation:	Price and Terms of Payment (Easement)