

CITY COUNCIL
AND AS SUCCESSOR AGENCY TO THE
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF THE PALM SPRINGS
CITY OF PALM SPRINGS, CALIFORNIA
Council Chamber, 3200 East Tahquitz Canyon Way, Palm Springs, California 92262
www.palmspringsca.gov

AGENDA

May 3, 2017



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

Robert Moon, Mayor
Ginny Foat, Mayor Pro Tem
Geoff Kors, Councilmember
Chris Mills, 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
Kathleen D. Hart, MMC, Interim City Clerk
Marcus L. Fuller, MPA, P.E., P.L.S., 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 CITY.CLERK@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:

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.

REPORT OF CLOSED SESSION:

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.

CITY COUNCIL AND CITY MANAGER’S COMMENTS AND REPORT: This time is set aside for the City Council to provide additional general comments, reports, and announcements are briefly presented. Additionally, 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.

CITY COUNCIL SUBCOMMITTEE REPORTS: This time is set aside for the City Council to provide subcommittee reports.

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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 Acceptance of the Agenda. The ordinance title is deemed to be read in its entirety and further reading waived on any ordinance listed on the Consent Calendar.

1.A. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the City Council Minutes of April 19, 2017, April 5, 2017, March 15, 2017, March 1, 2017, February 27, 2017, January 19, 2017, and January 4, 2017.

1.B. 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 PAYROLL WARRANTS FOR THE PERIOD ENDED 03-25-2017 BY WARRANTS NUMBERED 419883 THROUGH 419896 TOTALING \$25,015.16, LIABILITY CHECKS NUMBERED 1091290 THROUGH 1091293 TOTALING \$1,439.79, FIVE WIRE TRANSFERS FOR \$2,585.53, AND THREE ELECTRONIC ACH DEBITS OF \$1,427,045.98 IN THE AGGREGATE AMOUNT OF \$1,456,086.46, 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 1091294 THROUGH 1091391 IN THE AGGREGATE AMOUNT OF \$3,459,955.81, 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 1091392 THROUGH 1091536 IN THE AGGREGATE AMOUNT OF \$1,717,531.46, DRAWN ON BANK OF AMERICA."

1.C. TREASURER'S INVESTMENT REPORT AS OF MARCH 31, 2017:

RECOMMENDATION: Receive and File the Treasurer's Investment Report as of March 31, 2017.

1.D. ACCEPTANCE OF GRANT FROM THE CALIFORNIA BOARD OF STATE AND COMMUNITY CORRECTIONS (BSCC) IN THE AMOUNT OF \$69,197:

RECOMMENDATION:

1) Approve the acceptance of a grant award from the California Board of State and Community Corrections (BSCC) in the amount of \$69,197.

A _____.

2) Authorize the City Manager to execute all necessary documents.

1.E. APPROVE AN AGREEMENT WITH R&R JANITORIAL IN THE AMOUNT OF \$373,520.88, FOR JANITORIAL SERVICES AT VARIOUS CITY FACILITIES, REQUEST FOR PROPOSALS NO. 02-17:

RECOMMENDATION:

- 1) Award an initial three (3) year contract services agreement for janitorial services for various city facilities to R&R Janitorial, in the amount of \$373,520.88, with fixed pricing valid through June 30, 2020, with two (2) additional one-year extensions through June 30, 2022, with fixed pricing subject to an annual CPI adjustment. A_____.
- 2) Authorize the City Manager to approve and execute Contract Change Orders up to an additional cumulative amount of \$50,000 annually during the term of the agreement for additional / optional janitorial services in accordance with the fixed pricing identified in Schedule II – Options Pricing Sheet.
- 3) Authorize the City Manager to execute all necessary documents.

1.F. INITIATION OF ANNEXATION NO. 17 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES):

RECOMMENDATION: Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY INTO A COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES FOR CITY OF PALM SPRINGS COMMUNITY FACILITIES DISTRICT NO. 2005-1, (PUBLIC SAFETY SERVICES), ANNEXATION NO. 17, 64 @ THE RIV, TRACT MAP NO. 37210."

1.G. ACCEPTANCE OF THE PALM SPRINGS LIBRARY SHADE STRUCTURE, CP 15-27:

RECOMMENDATION:

- 1) Accept the public works improvement identified as the Palm Springs Library Shade Structure, as completed in accordance with the plans and specifications, CP 15-27. A6865.
- 2) Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Palm Springs Library Shade Structure, CP 15-27.

1.H. APPROVAL OF RIGHT OF WAY ACQUISITION AGREEMENTS WITH GRANITE CONSTRUCTION COMPANY FOR ASSESSORS PARCEL NUMBER (APN) 669-100-001 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 with Granite Construction Company, in the amount of \$23,258, for acquisition of 1,633 square feet of right-of-way

and 21,595 square feet of slope easement across the property identified as APN 669-100-001. A_____.

2) Approve a Temporary Construction Easement Agreement with Granite Construction Company, in the amount of \$44,960.40, for rental for a period of five (5) years, of 59,947 square feet of a portion of the property identified as APN 669-100-001. A_____.

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.

1.I. AUTHORIZATION OF PAYMENT TO SOUTHERN CALIFORNIA EDISON IN AN AMOUNT NOT TO EXCEED \$75,000 FOR UTILITY UPGRADES AT THE ANIMAL SHELTER ASSOCIATED WITH THE SOLAR PHOTOVOLTAIC SYSTEM:

RECOMMENDATION: Authorize payment to Southern California Edison in an amount not to exceed \$75,000 to upgrade the existing SCE transformer serving the City's Animal Shelter.

1.J. SECOND READING AND ADOPTION OF ORDINANCE NO. 1924, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY IDENTIFIED AS ANNEXATION NO. 16, MIRALON, TRACT MAP NO. 31848 INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES):

RECOMMENDATION: Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1924, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN A COMMUNITY FACILITIES DISTRICT, INCLUDING CERTAIN ANNEXATION TERRITORY IDENTIFIED AS ANNEXATION NO. 16, MIRALON, TRACT MAP NO. 31848 INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES)."

1.K. SECOND READING AND ADOPTION OF ORDINANCE NO. 1925, AMENDING THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO THE CRITERIA AND PROCEDURES FOR THE REVIEW OF EXTENSION OF TIME (EOT) APPLICATIONS:

RECOMMENDATION: Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1925, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AMENDMENTS TO CHAPTER 94.00 OF THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO THE CRITERIA AND PROCEDURES FOR THE REVIEW OF EXTENSION OF TIME (EOT) APPLICATIONS."

1.L. SECOND READING AND ADOPTION OF ORDINANCE NO. 1926, AMENDING THE DEFINITION OF "ESTATE HOME" IN SECTION 5.25.030 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO ESTATE HOMES AS VACATION RENTALS:

RECOMMENDATION: Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1926, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE DEFINITION OF "ESTATE HOME" IN SECTION 5.25.030 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO ESTATE HOMES AS VACATION RENTALS."

1.M. REJECT ALL BIDS RECEIVED FOR THE POLICE DEPARTMENT REMODEL, CP 15-05:

RECOMMENDATION:

1) Reject the bids received on April 4, 2017, from Doug Wall Construction Inc., and Future DB International Inc., for the Police Department Remodel, CP 15-05.

2) Authorize re-bidding the Police Department Remodel, CP 15-05.

1.N. A RESOLUTION REQUIRING ELIMINATION OF THE EVENT AREA FROM PLANNED DEVELOPMENT DISTRICT PDD-374, THE "750 LOFTS" PROJECT, CONFIRMING CONFORMITY WITH THE CITY'S MUNICIPAL CODE WITH REGARD TO PARKING, AND OTHERWISE AFFIRMING APPROVAL OF PDD-374:

RECOMMENDATION: Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REQUIRING ELIMINATION OF THE EVENT AREA FROM PLANNED DEVELOPMENT DISTRICT PDD-374, THE "750 LOFTS" PROJECT, CONFIRMING CONFORMITY WITH THE CITY'S MUNICIPAL CODE WITH REGARD TO PARKING, AND OTHERWISE AFFIRMING APPROVAL OF PDD-374."

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

2. PUBLIC HEARINGS:

2.A. INTERIM URGENCY ORDINANCE (EXTENDING INTERIM ORDINANCE NO. 1923) REQUIRING THE IMPOSITION OF CERTAIN TENANT RELOCATION AND PROTECTION AS A CONDITION OF APPROVAL OF DISCRETIONARY LAND USE ENTITLEMENTS BY THE CITY OF PALM SPRINGS TO APRIL 5, 2018, AND MAKING APPROPRIATE FINDINGS UNDER CEQA (4/5THS Vote Required):

RECOMMENDATION:

1) Open the public hearing and receive public testimony.

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 CITY.CLERK@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.

2) Waive the reading of the text in its entirety, read by title only, and adopt Interim Urgency Ordinance No. _____, "AN INTERIM URGENCY ORDINANCE (EXTENDING INTERIM ORDINANCE NO. 1923) OF THE CITY OF PALM SPRINGS, CALIFORNIA, REQUIRING THE IMPOSITION OF CERTAIN TENANT RELOCATION AND PROTECTION AS A CONDITION OF APPROVAL OF DISCRETIONARY LAND USE ENTITLEMENTS BY THE CITY OF PALM SPRINGS TO APRIL 5, 2018, AND MAKING APPROPRIATE FINDINGS UNDER CEQA (4/5THS Vote Required).

3. **LEGISLATIVE:** None

4. **UNFINISHED BUSINESS:**

4.A. **DISCUSSION ON THE CV LINK AND DIRECTION ON THE DRAFT ENVIRONMENTAL IMPACT REPORT:**

RECOMMENDATION: Provide direction to the Mayor as the City's representative to the CVAG Executive Committee, relative to a Special CVAG Meeting on May 15, 2017, to consider approval of the CV Link DEIR.

5. **NEW BUSINESS:**

5.A. **AIRPORT TERMINAL TICKETING WING RENOVATION SCHEMATIC DRAWINGS REVIEW:**

RECOMMENDATION:

- 1) Approve acceptance of the Airport Terminal Ticketing Schematic Design.
- 2) Authorize proceeding with the Design Development phase.
- 3) Authorize proceeding with the bid on the Terminal Phase 1 Enabling Project estimated to cost approximately \$1,300,000.

5.B. **APPROVAL OF AN AMENDED AND RESTATED WIRELESS COMMUNICATIONS SITE LEASE AGREEMENT WITH STC ONE, LLC FOR NON-EXCLUSIVE USE AT 3111 TAHQUITZ CANYON WAY:**

RECOMMENDATION:

- 1) Approve an Amended and Restated Wireless Communications Facilities Site Lease by and between STC One, LLC, for lease of tower and ground space at an existing City owned wireless communication tower located at 3111 Tahquitz Canyon Way, for a period of 15 years (inclusive of an initial term of five (5) years and two optional five (5) year extensions). A4161.
- 2) Approve a Memorandum of Amended and Restated Wireless Communications Facilities Site Lease, and authorize the City Clerk to record with the Riverside County Recorder's Office.
- 3) Authorize the City Manager to execute all necessary documents.

5.C. CITY COUNCIL AD HOC SUBCOMMITTEE UPDATE, DISCUSSION, AND REVIEW OF THE PALM SPRINGS WALK OF STARS AGREEMENT:

RECOMMENDATION:

- 1) Receive update from the City Council Walk of Stars Ad Hoc Subcommittee (Mayor Moon and Councilmember Roberts).
- 2) Direct the City Council Walk of Stars Ad Hoc Subcommittee and City staff as appropriate.

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

RECOMMENDATION:

- 1) Consider waiving the procedures in Resolution No. 18804 Section 7(b), to allow for the City Council as a whole, to participate in the screening and interview of applicants for the Historic Site Preservation Board, Measure "J" Oversight Commission and the Planning Commission.
- 2) Waive the procedures in Resolution No. 18804 Section 7(b), that provides for the Mayor to select and participate in all subcommittees.
- 3) Appoint two-member ad hoc City Council Subcommittees to screen and interview applicants for the following Commissions and Boards:

Administrative Appeals Board	Personnel Board
Airport Commission	Public Arts Commission
Board of Appeals	Rent Review Commission
Board of Library Trustees	Sustainability Commission
Human Rights Commission	VillageFest Board
Parks and Recreation Commission	

5.E. CONTINUED DISCUSSION AND DIRECTION ON THE FISCAL YEAR 2017-18 BUDGET:

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

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.

CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT: This time is set aside for the City Council to make requests of staff and/or issues of concern to Councilmembers are briefly presented, and to prioritize and set future agenda items.

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ADJOURNMENT: The City Council will adjourn to a special meeting Wednesday, May 9, 2017, at 6:00 p.m., in Smoketree A-E, Palm Springs Convention Center at 277 North Avenida Caballeros, Palm Springs.

AFFIDAVIT OF POSTING

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

I, Kathleen D. Hart, Interim 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 April 27, 2017, and posted on the City's website as required by established policies and procedures.



KATHLEEN D. HART, MMC
 Interim City Clerk

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, (760) 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
AND AS SUCCESSOR AGENCY TO THE
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF THE PALM SPRINGS



CLOSED SESSION AGENDA
Wednesday, May 3, 2017 – 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. Dennis A. Cunningham and Andrea C. Cunningham individually, and in their capacities as Trustees of the Cunningham Family Trust Dated 12/14/2000 v. City of Palm Springs et. al.
Case No. PSC1606147, Riverside Superior Court, Palm Springs Division
2. Amy Marschak v. City of Palm Springs; Erik Larson et al
Case 5:17-CV-00055, United States Court, Central District of California
3. Menocal v. City of Palm Springs
Case No. PSC160100, Riverside Superior Court, Palm Springs Division
4. Thomas Alan Grossman vs. City of Palm Springs et al
Case No. PSC1406472, Riverside Superior Court, Palm Springs Division
5. Advocates for Better Community Development vs. City of Palm Springs
Case No. RIC 1512884, Riverside Superior Court, Riverside Division

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

3 Case(s)

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

2 Case(s)

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

Property Address/Description:	APN 666-140-024, 63775 Dillon Road
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	Riverside County Economic Development Agency
Under Negotiation:	Price and Terms of Payment (Acquisition)