

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

AGENDA

February 7, 2018



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

Robert Moon, Mayor
J. R. Roberts, Mayor Pro Tem
Christy Gilbert Holstege, Councilmember
Geoff Kors, Councilmember
Lisa Middleton, 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
Anthony J. Mejia, MMC, City Clerk
Marcus Fuller, MPA, P.E., P.L.S., Assistant City Manager
Edward Z. Kotkin, 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.

4:00 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.

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, SUBCOMMITTEE, AND CITY MANAGER'S COMMENTS AND REPORTS: This time is set aside for the City Council to provide additional general comments, reports, and announcements. 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.

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.

**A. TREASURER'S INVESTMENT REPORT AS OF NOVEMBER 30, 2017:
RECOMMENDATION:**

Receive and File the Treasurer's Investment Report as of November 30, 2017.

- B. ADMINISTRATIVE APPEALS BOARD HEARING DECISIONS:
RECOMMENDATION:**
Receive and file the Administrative Appeals Board decisions from the January 4, 2018, hearings.
- C. PALM SPRINGS INNOVATION HUB AND ACCELERATOR CAMPUS QUARTERLY AND ANNUAL REPORTS:
RECOMMENDATION:**
Receive and file the fourth quarter report from the Coachella Valley Economic Partnership for the Palm Springs Innovation Hub for the period of October 1 to December 31, 2017, and the annual report for the period of November 1, 2016 to December 31, 2017.
- D. INCREASE IN PURCHASE ORDER NO. 18-0303 TO \$25,742 AND RATIFICATION OF EMERGENCY ACTION BY CITY MANAGER TO PAY INVOICES IN THE AMOUNT OF \$4,297.75 WITH TELOS IDENTIFICATION MANAGEMENT SOLUTIONS, INC. FOR CRIMINAL RECORDS HISTORY CHECKS, RAP BACK LIFETIME SUBSCRIPTION, AND ANNUAL RECORDS MAINTENANCE FEE:
RECOMMENDATION:**
1. Approve an increase in Purchase Order No. 18-0303 to \$25,742 with Telos Identity Management Solutions, LLC, for criminal records history checks, RAP Back Lifetime Subscription, and annual records maintenance fee.
 2. Ratify the emergency action taken by the City Manager to pay invoices in the amount of \$4,297.75 with Telos Identity Management Solutions, LLC, for services rendered in November and December of 2017 under Purchase Order No. 18-0303.
 3. Authorize the City Manager to execute all necessary documents.
- E. AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT NO. A6191 WITH CNS ENGINEERS, INC., IN THE AMOUNT OF \$74,863.95, FOR THE VISTA CHINO LOW WATER CROSSING BRIDGE REPLACEMENT AT THE WHITEWATER RIVER, FEDERAL-AID PROJECT NO. BR-NBIL (513), CP 10-10:
RECOMMENDATION:**
1. Approve Amendment No. 3 to Professional Services Agreement No. A6191 with CNS Engineers, Inc., to incorporate additional preliminary engineering design services in the amount of \$74,863.95 for an increased total contract in the amount of \$1,513,347.90 for the Vista Chino Low Water Crossing Bridge Replacement at the Whitewater River, Federal-Aid Project BR-NBIL (513), CP 10-10.
 2. Authorize the City Manager to execute all necessary documents.
- F. APPROVAL OF MINUTES:
RECOMMENDATION:**
Approve the City Council Meeting Minutes of July 26, 2017, and November 29, 2017.
- G. SECOND READING AND ADOPTION OF ORDINANCE NO. 1950, AMENDING THE PALM SPRINGS MUNICIPAL CODE RELATING TO REGULATION, PERMITTING REQUIREMENTS, OPERATIONAL RULES, PASSENGER LOADING AND UNLOADING, AND PENALTIES FOR TRANSPORTATION NETWORK COMPANIES OPERATING AT THE PALM SPRINGS INTERNATIONAL AIRPORT:
RECOMMENDATION:**
Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1950 entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 16.37.005, 16.37.010, 16.37.015, 16.37.025 AND 16.37.040 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO REGULATION, PERMITTING REQUIREMENTS, OPERATIONAL RULES, PASSENGER LOADING AND UNLOADING, AND PENALTIES FOR

TRANSPORTATION NETWORK COMPANIES OPERATING AT THE PALM SPRINGS INTERNATIONAL AIRPORT.”

H. SECOND READING AND ADOPTION OF ORDINANCE NO. 1951, ADDING CHAPTER 5.41 TO THE PALM SPRINGS MUNICIPAL CODE REGARDING REGULATION OF PEDICABS ON CITY STREETS:

RECOMMENDATION:

Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1951 entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 5.41 TO THE PALM SPRINGS MUNICIPAL CODE REGARDING REGULATION OF PEDICABS ON CITY STREETS."

I. SECOND READING AND ADOPTION OF ORDINANCE NO. 1952, AMENDING PALM SPRINGS MUNICIPAL CODE CHAPTER 2.55 RELATING TO THE OFFICE OF NEIGHBORHOOD INVOLVEMENT:

RECOMMENDATION:

Waive the reading of the ordinance text in its entirety and adopt Ordinance No. 1952 entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 2.55 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO THE OFFICE OF NEIGHBORHOOD INVOLVEMENT."

J. APPROVAL OF TRACT MAP 36737 AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH VIA OLIVERA, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY:

RECOMMENDATION:

Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TRACT MAP 36737 AND AN ASSOCIATED SUBDIVISION IMPROVEMENT AGREEMENT WITH VIA OLIVERA, A CALIFORNIA LIMITED LIABILITY COMPANY, FOR PROPERTY LOCATED AT 199 WEST VIA OLIVERA, IN SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST."

K. ENGAGEMENT OF LEGAL COUNSEL, SHEPPARD, MULLIN, RICHTER & HAMPTON LLP: RECOMMENDATION:

1. Approve a Professional Services Agreement with Sheppard, Mullin, Richter & Hampton LLP, a California limited liability partnership, in a form substantially similar to that published with this staff report, subject to minor modification, within the reasonable discretion of the City Attorney, A_____ (ATTACHMENT A).
2. Authorize the City Manager to execute all necessary documents.

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

2. PUBLIC HEARINGS:

A. AVALON 1150, LLC, REQUESTING A STREET NAME CHANGE FROM AVALON WAY TO MIRALON WAY AT THE MIRALON DEVELOPMENT LOCATED AT 801 EAST SUNRISE PARKWAY, ZONE PDD 290, SECTION 35 (CASE 5.0982 - TTM 31848-SNC):

RECOMMENDATION:

1. Open the public hearing and receive public testimony.
2. Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A REQUEST OF A STREET NAME CHANGE FROM AVALON WAY TO MIRALON WAY WITHIN THE MIRALON DEVELOPMENT LOCATED AT 801 EAST SUNRISE PARKWAY."

- B. **SIX-MONTH REVIEW OF THE CONDITIONAL USE PERMIT ISSUED FOR WELL IN THE DESERT, LOCATED AT 441 SOUTH CALLE ENCILIA, LSC ZONE (CASE 5.1419 CUP):
RECOMMENDATION:**
Review conformance to the conditions of approval and impacts to surrounding properties, and provide direction to staff accordingly.

3. **LEGISLATIVE:**

- A. **PROPOSED ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING CHAPTER 2.60 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO PUBLIC INTEGRITY:
RECOMMENDATION:**
1. Waive the reading of the ordinance text in its entirety, read by title only, and introduce for first reading an Ordinance entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING CHAPTER 2.60 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO PUBLIC INTEGRITY."
 2. Appoint a new standing City Council subcommittee for public integrity issues.
 3. Receive and file this report, and provide direction as desired.

4. **NEW BUSINESS:**

- A. **APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE CLASS II AND CLASS III BICYCLE LANES, FEDERAL-AID PROJECT NO. CML-5282 (044), CP 14-14:
RECOMMENDATION:**
1. Confirm the roadway reclassifications (road diets) from 4-lane roadways to 2-lane divided roadways with Class II bicycle lanes identified as "Minor Mobility Corridors" approved by City Council on July 6, 2016, for the following streets: Camino Real (E. Palm Canyon Dr. to La Verne Way), Crossley Road (Ramon Road to 34th Avenue) La Verne Way (S. Palm Canyon Dr. to Twin Palms Dr.), and San Rafael Dr. (N. Palm Canyon Dr. to Sunrise Way).
 2. Approve the plans, specifications and estimate and authorize staff to advertise and solicit bids for the Class II and Class III Bicycle Lanes Project, CP 14-14.
- B. **DOWNTOWN PALM SPRINGS SPECIFIC PLAN – PARKING MANAGEMENT PROGRAM:
RECOMMENDATION:**
1. Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING A PARKING MANAGEMENT PROGRAM FOR THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN, INCLUDING A MAXIMUM 4-HOUR PARKING TIME LIMIT FOR PUBLIC PARKING SPACES, DESIGNATING CERTAIN AREAS AS EMPLOYEE PARKING SPACES WITH A MAXIMUM 12-HOUR PARKING TIME LIMIT, AND AUTHORIZING CLOSURE OF THE PARKING FACILITIES FROM 3:00 AM TO 6:00 AM."
 2. Approve the First Amendment to Contract Services Agreement No. A6497 with Ace Parking Management, Inc., in the amount of \$68,654 annually for a total contract amount of \$205,732 annually, and extending the term thereof by two years through March 18, 2023;
 3. Approve the Street Level Parking and Parking Garage Way-finding Master Sign Plan for "Downtown Palm Springs," dated October 5, 2017, prepared by Best Signs, Inc.
 4. Authorize the City Manager to designate on-street parking spaces for time-limited parking (3 hour or 20 minute loading).

5. Authorize the City Manager to redesignate all 2-hour time-limited on-street parking spaces within the City to a 3-hour time limit.
6. Authorize the City Manager or designee to take all steps necessary to execute these actions.

**C. AWARD OF A CONSTRUCTION CONTRACT TO ALL AMERICAN ASPHALT IN THE AMOUNT OF \$1,172,319.95, AND APPROVAL OF A PURCHASE ORDER IN AN AMOUNT NOT TO EXCEED \$60,000 TO INTERWEST CONSULTING GROUP FOR CONSTRUCTION MANAGEMENT, INSPECTION, AND MATERIALS TESTING SERVICES FOR THE 2017 ANNUAL SLURRY SEAL PROJECT, CP 17-02:
RECOMMENDATION:**

1. Award a construction contract to All American Asphalt, a California corporation, in the amount of \$1,172,319.95 for the 2017 Annual Slurry Seal Project, City Project No. 17-02, A_____.
2. Delegate authority to the City Manager to approve and execute construction contract change orders up to \$117,232 with all change orders reported to the City Council.
3. Authorize a Purchase Order to Interwest Consulting Group, pursuant to On-Call Agreement No. A6686, in an amount not to exceed \$60,000 for construction management, inspection and materials testing services for the 2017 Annual Slurry Seal Project, CP 17-02.
4. Authorize the City Manager to execute all necessary documents.

**D. CONSIDERATION OF AN ORDINANCE RELATED TO THE RECYCLING AND DIVERSION OF DEBRIS GENERATED FROM CONSTRUCTION AND DEMOLITION PROJECTS:
RECOMMENDATION:**

1. Provide direction to staff as appropriate.
2. Establish a City Council Ad-Hoc Subcommittee specific to developing the final draft Construction and Demolition Ordinance for a limited term expiring December 31, 2018.

5. UNFINISHED BUSINESS:

**A. VILLAGEFEST RULES AND REGULATIONS:
RECOMMENDATION:**

Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE REVISED VILLAGEFEST RULES AND REGULATIONS TO BE EFFECTIVE FEBRUARY 8, 2018.

**B. REVIEW AND APPOINT LIAISONS TO CITY BOARDS AND COMMISSIONS:
RECOMMENDATION:**

Determine whether the City Council desires to appoint a City Council Liaison to each of the City Commissions and Boards and provide direction 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.

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, prioritized and set for future meeting dates.

ADJOURNMENT: The City Council will adjourn to the next regular meeting Wednesday, February 21, 2018, 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.

AFFIDAVIT OF POSTING

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

I, ANTHONY J. MEJIA, 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 5:00 p.m., on February 2, 2018, and posted on the City's website as required by established policies and procedures.


ANTHONY J. MEJIA, MMC
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
AND AS SUCCESSOR AGENCY TO THE
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF THE PALM SPRINGS



CLOSED SESSION AGENDA
Wednesday, February 7, 2018 – 4:00 p.m.

City Hall, Small Conference Room
3200 East Tahquitz Canyon Way, Palm Springs
Palm Springs, CA 92262

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)**

Lockwood Ave LLC et al v. City of Palm Springs
Case No. RIC1703102, Riverside Superior Court, Riverside Division

City of Palm Springs v. O & M HR, LLC, et al.,
Case Number PSC 1701804, Riverside Superior Court, Palm Springs Division

Lee H. Brandenburg and Diane M. Brandenburg, Individually and as Trustees of the Brandenburg Revocable Trust and 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

Wessman Holdings, LLC v. City of Palm Springs
Case No. PSC1606436, Riverside Superior Court, Palm Springs Division

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

6 Cases

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

3 Cases

PUBLIC EMPLOYEE PERFORMANCE EVALUATION **G.C. 54957(b)(1)**

City Attorney

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

G.C. 54956.8

Property Address/Description: State Highway 111
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: John Bulinski, Caltrans District 8 Director
Under Negotiation: Price and Terms of Payment (Relinquishment)

Property Address/Description: 980 E. Tahquitz Canyon Way, APN 508-056-010
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: Palm Springs Unified School District; Sandra Lyon, Superintendent
Under Negotiation: Price and Terms of Payment (Lease)

Property Address/Description: 1901 E. Baristo Road, APN 502-200-001, -002
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: Andrew Starke, Palm Springs Power Baseball Club
Under Negotiation: Price and Terms of Payment (Lease)

CONFERENCE WITH LABOR NEGOTIATOR

G.C. 54957.6

Agency Designated
Representatives: City Manager David Ready and Attorney Peter Brown

Employee Organizations: Management Association of Palm Springs
Palm Springs Fire Safety
Palm Springs Fire Management
Palm Springs Police Management Association
Palm Springs Police Officers Association
Service Employees International Union Local 721