

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

SPECIAL AND REGULAR MEETING AGENDA

(This agenda includes an additional Consent Calendar Item 1.G.)

October 3, 2018



4:30 PM CLOSED SESSION
6:00 PM SPECIAL AND
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
Marla L. Pendleton, CPA, Interim 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 FOR CLOSED SESSION ITEMS ONLY (Council Chamber): The City Council welcomes public input. Members of the public may address the City Council by completing a public comment card and giving it to the City Clerk prior to the meeting. Pursuant to State Law, the City Council may not discuss or take action on issues not on the meeting agenda (Government Code Section 54954.2).

RECESS TO CLOSED SESSION (Small Conference Room): See Closed Session Agenda.

6:00 P.M. SPECIAL AND 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. ACCEPT THE RESIGNATION OF DAVID VOGEL FROM THE MEASURE J OVERSIGHT COMMISSION FOR THE TERM ENDING DECEMBER 31, 2018:
RECOMMENDATION:**

1. Accept with regret the resignation of David Vogel from the Measure J Oversight Commission.
2. Direct the City Clerk to post a notice of vacancy for the term ending December 31, 2018.

**B. ACCEPT THE RESIGNATION OF JESSICA SPRY FROM THE SUSTAINABILITY COMMISSION FOR THE TERM ENDING DECEMBER 31, 2018:
RECOMMENDATION:**

1. Accept with regret the resignation of Jessica Spry from the Sustainability Commission.
2. Direct the City Clerk to post a notice of vacancy for the term ending December 31, 2018.

**C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:
RECOMMENDATION:**

1. Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1100626 THROUGH 1100717 IN THE AGGREGATE AMOUNT OF \$2,120,783.96, DRAWN ON BANK OF AMERICA."
2. Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1100718 THROUGH 1100895 IN THE AGGREGATE AMOUNT OF \$2,294,877.06, DRAWN ON BANK OF AMERICA."
3. Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 08-11-2018 BY WARRANTS NUMBERED 420402, AND 420424 THROUGH 420442 TOTALING \$35,023.34, LIABILITY CHECKS NUMBERED 1100896 THROUGH 1100915 TOTALING \$78,778.78, FOUR WIRE TRANSFERS FOR \$60,070.99, AND NINE ELECTRONIC ACH DEBITS OF \$1,398,752.23 IN THE AGGREGATE AMOUNT OF \$1,572,625.34, DRAWN ON BANK OF AMERICA."
4. Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1100916 THROUGH 1101063 IN THE AGGREGATE AMOUNT OF \$2,375,570.59, DRAWN ON BANK OF AMERICA."
5. Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1101064 THROUGH 1101170 IN THE AGGREGATE AMOUNT OF \$1,051,522.35, DRAWN ON BANK OF AMERICA."

**D. COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS' (CVAG) HOUSING FIRST PROGRAM EVALUATION:
RECOMMENDATION:**

Receive and file the independent assessment of the CVAG Housing First Program Evaluation prepared by Health Assessment and Research for Communities (HARC).

**E. APPROVE A NOTICE TO PROCEED TO VEOLIA WATER WEST OPERATING SERVICES, INC., IN THE AMOUNT OF \$33,017:
RECOMMENDATION:**

Authorize the City Engineer to issue a Notice to Proceed to Veolia Water West Operating Services, Inc., in the amount of \$33,017 for the construction of the sewer lateral for the Fire Station No. 4 Remodel and Expansion, part of CP 15-25.

F. APPROVAL OF MINUTES:

RECOMMENDATION: Approve the City Council Meeting Minutes of September 20, 2018.

G. CITY COUNCIL REPORT RE CITY'S MEASURES TO ALLEVIATE CONDITIONS WHICH LED TO ADOPTION OF INTERIM URGENCY ORDINANCE NO. 1963 – A TEMPORARY MORATORIUM ON DEMOLITION OR SUBSTANTIAL ALTERATION OF UNDESIGNATED STRUCTURES BUILT BEFORE 1969 (CLASS 3 STRUCTURES):**RECOMMENDATION:**

Adopt and issue the attached City Council Report to the public describing the City's Measures to alleviate the conditions which led to adoption of Interim Urgency Ordinance No. 1963 - a temporary moratorium on demolition or substantial alteration of undesignated structures built before 1969.

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

2. PUBLIC HEARINGS:**A. J5 INFRASTRUCTURE ON BEHALF OF AT&T MOBILITY FOR A CONDITIONAL USE PERMIT TO INSTALL A WIRELESS COMMUNICATIONS FACILITY CONSISTING OF TWELVE 8-FOOT TALL PANEL ANTENNAS ON THE ROOF OF AN EXISTING WAREHOUSE BUILDING LOCATED AT 770 SOUTH GENE AUTRY TRAIL, ZONE M-1, SECTION 20, (CASE 5.1438 CUP):****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 CONDITIONAL USE PERMIT (CUP) APPLICATION, CASE NO. 5.1438-CUP, FOR THE INSTALLATION AND OPERATION OF TWELVE UNMANNED EIGHT (8) FOOT TALL COMMERCIAL WIRELESS COMMUNICATION ANTENNAS ON THE ROOF OF AN EXISTING WAREHOUSE BUILDING LOCATED AT 770 SOUTH GENE AUTRY TRAIL, CASE NO. 5.1438-CUP."

3. LEGISLATIVE:**A. INTRODUCTION OF AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 6.11 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO TOBACCO RETAILER PERMITS:****RECOMMENDATION:**

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, ADDING CHAPTER 6.11 OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO "TOBACCO RETAILER PERMITS."

4. UNFINISHED BUSINESS:**A. MEASURE J CAPITAL FUND FISCAL YEAR 2018-19 BUDGET APPROPRIATIONS:**
RECOMMENDATION:

Provide direction to staff as appropriate.

5. NEW BUSINESS:

- A. **APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT NO. A7071 IN THE AMOUNT OF \$82, 500 WITH RIOS CLEMENTI HALE STUDIOS ASSOCIATED WITH THE DOWNTOWN PARK, CP 15-07:
RECOMMENDATION:**
1. Approve Amendment No. 1 to the Professional Services Agreement No. A7071 in the amount of \$82,500 with Rios Clementi Hale Studios, a California corporation, for professional landscape architectural and related design services including the Schematic Design, Design Development, Construction Documents/Permitting, Bidding, Construction Observation, and Warranty Phases for the Downtown Park, CP 15-07.
 2. Authorize the City Manager to execute all necessary documents.
- B. **REVIEW OF PRELIMINARY LANDSCAPE PLAN FOR THE 14TH AND 15TH FAIRWAYS OF THE TAHQUITZ CREEK "LEGENDS" GOLF COURSE:
RECOMMENDATION:**
- Provide direction to staff as appropriate.
- C. **PURCHASE OF NEW TRASH/RECYCLING BINS AND NEWS RACKS FOR THE DOWNTOWN/UPTOWN BUSINESS DISTRICT AREAS:
RECOMMENDATION:**
1. In accordance with Palm Springs Municipal Code Section 7.09.010 "Cooperative Purchasing Programs," authorize issuance of a Purchase Order in the amount of \$298,938.10 to Forms and Surfaces, Inc., of Pittsburgh, PA, for the purchase of 140 combination trash and recycling receptacles.
 2. In accordance with Palm Springs Municipal Code Section 7.04.020 "Sole Source Procurement by the City," authorize issuance of a Purchase Order in the amount of \$33,121.41, to City News Stands of Indianapolis, IN, for the purchase of seven (7) news racks.
 3. Authorize City Manager to execute all necessary documents.
- D. **MEMORANDUM OF UNDERSTANDING WITH THE MANAGEMENT ASSOCIATION OF PALM SPRINGS:
RECOMMENDATION:**
1. Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) RELATIVE TO WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR EMPLOYEES IN THE MANAGEMENT ASSOCIATION OF PALM SPRINGS, FOR THE PERIOD JULY 1, 2018, THROUGH JUNE 30, 2021, SUBJECT TO ASSOCIATION EXECUTING THE MEMORANDUM OF UNDERSTANDING."
 2. Authorize the City Manager to execute the Memorandum of Understanding (MOU) and all documents necessary to effectuate the above action, including the allocation and compensation plan and any non-substantial MOU language or reorganization. A5573.
- E. **DISCUSSION OF UPCOMING MEETING SCHEDULE:
RECOMMENDATION:**
- Provide direction to staff as appropriate.
- F. **COUNCILMEMBER REPORTS ON LEAGUE OF CALIFORNIA CITIES CONFERENCE:
RECOMMENDATION:**
- Receive an update on the League of California Cities Conference.

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 a Study Session on Thursday, October 4, 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, CYNTHIA A. BERARDI, Chief Deputy 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 September 28, 2018, and posted on the City's website as required by established policies and procedures.


CYNTHIA A. BERARDI, CMC
Chief Deputy 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, October 3, 2018 – 4:30 p.m.

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

PUBLIC COMMENT PERIOD FOR CLOSED SESSION ITEMS ONLY

(Time limit is two minutes per person)

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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)**

4348 Lockwood Ave LLC et al v. City of Palm Springs
Case No. RIC1703102, Riverside Superior Court, Riverside Division

ANTICIPATED LITIGATION **G.C. 54956.9(d)(2)**

Seven (7) Cases Including:

Threat Dated 8.14.18 by Michel & Associates on behalf of California Rifle & Pistol Association, Incorporated

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

Six (6) Cases

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

Property Address/Description:	Vineyard Parking Lot, APNs 513-153-029, 513-153-015, 513-153-016, Northeast Corner of Belardo Rd. and Baristo Rd.
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	New Church II, LLC, a Nevada limited liability company
Under Negotiation:	Price and Terms (Lease)

Property Address/Description: Baristo Parking Structure, APNs 513-154-044, 513-154-045, 513-154-046, 513-154-047, 513-154-048, 275 South Indian Canyon Dr.
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: New Church II, LLC, a Nevada limited liability co.
Under Negotiation: Price and Terms (Lease)

Property Address/Description: Plaza Mercado Parking Lot, APNs 513-143-017, Northeast Corner of Belardo Rd. and Arenas Rd.
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: New Church II, LLC, a Nevada limited liability co.
Under Negotiation: Price and Terms (Lease)

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: 1433 and 1455 North Indian Canyon Dr.
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: Ken Agee
Under Negotiation: Terms of Payment (Substitution of Trustor)

Property Address/Description: 538 North Palm Canyon Dr.
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: Charles Yates and Se Layne
Under Negotiation: Price and Terms of Payment (Lease)

Property Address/Description: 550 North Palm Canyon Dr.
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: Ian Cooke and Debra Ann Mumm
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:

Palm Springs Firefighters Association
Palm Springs Fire Management Association
Palm Springs Police Management Association
Palm Springs Police Officers Association
Service Employees International Union Local 721
Unrepresented Employees