

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

REGULAR MEETING AGENDA

November 14, 2018



3:30 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
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.

3:30 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. 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.

- California Voting Rights Act Ad Hoc Subcommittee Discussion: Potential Waiver of Attorney-Client Privilege

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 SEPTEMBER 30, 2018:**RECOMMENDATION:**

Receive and File the Treasurer's Investment Report as of September 30, 2018.

B. ADMINISTRATIVE APPEALS BOARD HEARING DECISIONS:**RECOMMENDATION:**

Receive and file the Administrative Appeals Board decisions from the August 27, 2018, September 12, 2018, September 21, 2018, and October 22, 2018, hearings.

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 PAYROLL WARRANTS FOR THE PERIOD ENDED 08-25-2018 BY WARRANTS NUMBERED 420443 THROUGH 420457 TOTALING \$27,388.43, LIABILITY CHECKS NUMBERED 1101171 THROUGH 1101174 TOTALING \$1,493.64, SEVEN ELECTRONIC ACH DEBITS OF \$1,506,213.29 IN THE AGGREGATE AMOUNT OF \$1,535,095.36, 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 1101175 THROUGH 1101318 IN THE AGGREGATE AMOUNT OF \$1,883,311.36, 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 CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1101319 THROUGH 1101435 IN THE AGGREGATE AMOUNT OF \$1,631,691.36, 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 PAYROLL WARRANTS FOR THE PERIOD ENDED 09-08-2018 BY WARRANTS NUMBERED 420458 THROUGH 420470 TOTALING \$19,938.00, LIABILITY CHECKS NUMBERED 1101436 THROUGH 1101455 TOTALING \$79,050.70, FOUR WIRE TRANSFERS FOR \$60,083.49, AND FIVE ELECTRONIC ACH DEBITS OF \$1,444,405.31 IN THE AGGREGATE AMOUNT OF \$1,603,477.50, 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 1101456 THROUGH 1101549 IN THE AGGREGATE AMOUNT OF \$789,052.16, DRAWN ON BANK OF AMERICA."
6. 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 1101550 THROUGH 1101682 IN THE AGGREGATE AMOUNT OF \$2,723,261.51, DRAWN ON BANK OF AMERICA."
7. 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 09-22-2018 BY WARRANTS NUMBERED 420471 THROUGH 420481 TOTALING \$18,061.83, LIABILITY CHECKS NUMBERED 1101683 THROUGH 1101701 TOTALING \$79,481.08, FOUR WIRE TRANSFERS FOR \$67,344.58, AND FIVE ELECTRONIC ACH DEBITS OF \$1,422,152.06 IN THE AGGREGATE AMOUNT OF \$1,587,039.55, DRAWN ON BANK OF AMERICA."
8. 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 1101702 THROUGH 1101830 IN THE AGGREGATE AMOUNT OF \$792,646.78, DRAWN ON BANK OF AMERICA."

- D. **ACCEPT THE RESIGNATION OF JAMES REED FROM THE ADMINISTRATIVE APPEALS BOARD FOR THE TERM ENDING JUNE 30, 2019:**
RECOMMENDATION:
1. Accept with regret the resignation of James Reed from the Administrative Appeals Board, effective November 15, 2018.
 2. Direct the City Clerk to post a notice of vacancy for the term ending June 30, 2019.
- E. **ACCEPTANCE OF THE CITY COUNCIL CHAMBER AUDIO/VISUAL SYSTEM UPGRADE, CP 15-06:**
RECOMMENDATION:
1. Accept the public works improvement identified as the City Council Chamber Audio/Visual System Upgrade as completed in accordance with the plans and specifications, CP 15-06. A6964.
 2. Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the City Council Chamber Audio/Visual System Upgrade, CP 15-06.
- F. **ENGAGEMENT OF SPECIAL LEGAL COUNSEL; MICHAEL REITER, ESQ., MILLIGAN, BESWICK, LEVINE AND KNOX LLP:**
RECOMMENDATION:
1. Approve a Professional Services Agreement, with Milligan, Beswick, Levine and Knox, a California Limited Liability Partnership, for special legal counsel services in code enforcement and other municipal law practice areas determined on a case-by-case basis, including without limitation complex code enforcement, cost recovery, and receivership, 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____.
 2. Authorize the City Manager to execute all necessary documents.
- G. **WAIVER OF FEES FOR ENCROACHMENT PERMITS RELATED TO PROPERTY OWNER SIDEWALK REPAIR:**
RECOMMENDATION:
Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING WAIVER OF FEES FOR ENCROACHMENT PERMITS ISSUED TO PROPERTY OWNERS PERFORMING REPAIRS TO CITY STREETS AND SIDEWALKS ADJACENT TO THEIR PROPERTY."
- H. **ACCEPTANCE OF THE AIRPORT AIRFIELD LIGHTING PROJECT, CP 17-07:**
RECOMMENDATION:
1. Accept the public works improvement identified as the Airfield Lighting Project as completed in accordance with the plans and specifications, CP 17-07.
 2. Authorize approval of Change Orders Nos. 10 and 11 in the amount of \$118,874.22 for work performed by the contractor and approved by the City's Construction Management firm URS. A7000.
 3. Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Airfield Lighting Project, CP 17-07.

- I. **APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH DOKKEN ENGINEERING IN THE AMOUNT OF \$93,100 FOR DESIGN SERVICES FOR THE INDIAN CANYON DRIVE WIDENING & BRIDGE REPLACEMENT, CP 01-11:**
RECOMMENDATION:
1. In accordance with Palm Springs Municipal Code Section 7.04.030 "Special Expertise Procurement," approve a Professional Services Agreement with Dokken Engineering in the amount of \$93,100 for design services related to the Indian Canyon Drive Widening & Bridge Replacement, CP 01-11. A_____.
 2. Authorize the City Manager to execute all necessary documents.
- J. **CITY COUNCIL REPORT REGARDING THE CITY'S MEASURES TO ALLEVIATE CONDITIONS WHICH LED TO ADOPTION OF INTERIM URGENCY ORDINANCE NO. 1967 – A TEMPORARY MORATORIUM ON CONVERSIONS OF GOLF COURSES FOR OTHER USES:**
RECOMMENDATION:
Adopt and issue the attached City Council Report to the public describing the City's measures to alleviate the conditions which led to the adoption of Interim Urgency Ordinance No. 1967 – a temporary moratorium on conversions of golf courses for other uses.
- K. **CONSIDERATION OF THE 2019 CITY COUNCIL/SUCCESSOR AGENCY MEETING SCHEDULE:**
RECOMMENDATION:
Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE CANCELLATION AND RESCHEDULING OF CERTAIN CITY COUNCIL MEETINGS AND ESTABLISHING THE RESCHEDULED MEETINGS AS REGULAR MEETINGS OF THE CITY COUNCIL."
- L. **APPROVAL OF A RESOLUTION OF PUBLIC CONVENIENCE OR NECESSITY REQUEST BY MICHAEL LAWRENCE CONSBRUCK AND DWIGHT JAMES MORTENSEN FOR A TYPE 48 (ON SALE GENERAL) LIQUOR LICENSE FOR A PROPOSED WINE BAR AND COCKTAIL LOUNGE WITHIN AN EXISTING COMMERCIAL BUILDING LOCATED AT 600 EAST TAHQUITZ CANYON WAY, ZONE REO OF SECTION 14 SPECIFIC PLAN (CASE 5.1451 PCN):**
RECOMMENDATION:
Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING THAT THE PUBLIC CONVENIENCE WOULD BE SERVED BY THE ISSUANCE OF AN ON-SALE LIQUOR LICENSE (TYPE 48) AT THE COMMERCIAL PROPERTY LOCATED AT 600 EAST TAHQUITZ CANYON WAY, WITHIN CENSUS TRACT NO. 9414."
- M. **MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR A CLASS 1 HISTORIC SITE LOCATED AT 1855 SANDCLIFF ROAD, HSPB 93/HD-5:**
RECOMMENDATION:
1. Approve a Mills Act Historic Property Agreement with Bruce E. Phillips Trust and Sandcliff Homeowners Association, for 1855 Sandcliff Road, a Class 1 Historic Site, HSPB 93/HD-5. A_____.
 2. Authorize the City Manager to execute the agreement.
 3. Direct the City Clerk to record the agreement.

N. ACCEPTANCE OF THE CLASS II AND CLASS III BICYCLE LANES, FEDERAL-AID PROJECT NO. CML-5282 (044), CP 14-14: RECOMMENDATION:

1. Accept the public works improvement identified Class II and Class III Bicycle Lanes as completed in accordance with the plans and specifications, Federal Aid Project No. CML-5282 (044), CP 14-14. A7125.
2. Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Class II and Class III Bicycle Lanes, Federal Aid Project No. CML-5282 (044), CP 14-14.

O. APPROVAL OF PROGRAM SUPPLEMENT NO. N038 REV. 1, WITH THE STATE OF CALIFORNIA FOR USE OF HBP FEDERAL-AID FUNDS FOR THE SOUTH PALM CANYON BRIDGE REPLACEMENT OVER TAHQUITZ CREEK (BRIDGE NO. 56C-0408), CP 12-02, FEDERAL-AID PROJECT NO. BRLS-5282 (042). RECOMMENDATION:

1. Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT NO. N038 REV. 1 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS NO. 08-5282R WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$1,860,901 FOR THE SOUTH PALM CANYON BRIDGE REPLACEMENT OVER TAHQUITZ CREEK, CITY PROJECT NO. 12-02, FEDERAL-AID PROJECT NO. BRLS-5282 (042)." A6452.
2. Authorize the City Manager to execute all necessary documents.

P. AUTHORIZATION OF AN INCREASE TO THE PURCHASE ORDERS FOR FIRE ENGINE MAINTENANCE AND REPAIRS WITH SOUTH COAST EMERGENCY VEHICLE SERVICE: RECOMMENDATION:

Authorize the issuance of individual Purchase Orders in an amount not to exceed \$200,000 annually with South Coast Emergency Vehicle Service related to heavy mechanical maintenance and repairs on the City's fleet of fire engines and aerial ladder trucks.

Q. AGREEMENT WITH PALM SPRINGS UNIFIED SCHOOL DISTRICT FOR LAW ENFORCEMENT SERVICES FROM PALM SPRINGS POLICE DEPARTMENT FOR A SCHOOL RESOURCE OFFICER: RECOMMENDATION:

1. Approve an agreement with Palm Springs Unified School District to provide a full-time police officer (School Resource Officer) on the campus of the Palm Springs High School and Desert Learning Academy, for one year expiring at the end of the 2018-19 school year. A5553.
2. Authorize the City Manager to execute all necessary documents.

R. APPROVAL OF AMENDMENT NO. 4 IN THE AMOUNT OF \$25,000 TO PROFESSIONAL SERVICES AGREEMENT NO. A6132 WITH MICHAEL FONTANA AND ASSOCIATES FOR ON-CALL FACILITY CONSTRUCTION OWNER REPRESENTATIVE SERVICES: RECOMMENDATION:

1. Approve Amendment No. 4 to Agreement No. A6132 increasing the contract amount by \$25,000, for a total not to exceed \$200,000, with Michael Fontana and Associates for On-Call Facility Construction Owner Representative Services.
2. Authorize the City Manager to execute all necessary documents.

S. APPROVAL OF MINUTES:

RECOMMENDATION:

Approve the City Council Meeting Minutes of October 3, 2018, October 4, 2018, October 17, 2018, and October 18, 2018.

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

2. PUBLIC HEARINGS:

**A. COUNCIL CALL-UP OF A PROJECT PREVIOUSLY APPROVED BY THE PLANNING COMMISSION FOR RADIO PS PROPERTIES, LLC FOR A CONDITIONAL USE PERMIT; ADOPTION OF A MITIGATED NEGATIVE DECLARATION; AND A MAJOR ARCHITECTURAL APPLICATION FOR THE CONSTRUCTION OF A 10,504-SQUARE FOOT CANNABIS CULTIVATION FACILITY LOCATED AT 3573 NORTH ANZA ROAD, ZONE M-1, SECTION 34, CASE 5.1441 CUP AND 3.4073 MAJ:
RECOMMENDATION:**

- 1. Open the Public Hearing and receive testimony.
- 2. Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT; ADOPTION OF A MITIGATED NEGATIVE DECLARATION; AND A MAJOR ARCHITECTURAL APPLICATION FOR THE CONSTRUCTION OF A 10,504-SQUARE FOOT CANNABIS CULTIVATION FACILITY.

Or

- 3. As an alternative, deny the applications and adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, TO DENY A CONDITIONAL USE PERMIT; ADOPTION OF A MITIGATED NEGATIVE DECLARATION; AND A MAJOR ARCHITECTURAL APPLICATION FOR THE CONSTRUCTION OF A 10,504-SQUARE FOOT CANNABIS CULTIVATION FACILITY."

**B. ADOPTION OF A RESOLUTION ESTABLISHING ANNUAL CANNABIS RELATED BUSINESS AND ACTIVITIES PERMIT RENEWAL FEE:
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, ESTABLISHING ANNUAL CANNABIS RELATED BUSINESS AND ACTIVITIES PERMIT RENEWAL FEE."

3. LEGISLATIVE:

**A. INTRODUCTION OF AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, REPEALING PALM SPRINGS MUNICIPAL CODE SECTION 11.16.040 AND DISCUSSION OF POTENTIAL NEW FIREARMS REGULATIONS:
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, REPEALING PALM SPRINGS MUNICIPAL CODE SECTION 11.16.040."
- 2. Discuss potential new firearm regulations, including but not limited to a potential prohibition of firearms at certain public gatherings, and provide direction to staff.

4. UNFINISHED BUSINESS:**A. APPROVE MEMORANDUM OF UNDERSTANDING WITH SUNLINE TRANSIT AGENCY FOR BUZZ TROLLEY SERVICE:
RECOMMENDATION:**

1. Approve a Memorandum of Understanding with SunLine Transit Agency for BUZZ Trolley Service, for an annual amount of \$356,500, with a proration to the City's first payment to SunLine to reflect a starting date after December 1, 2018. A ____.
2. Authorize the City Manager to agree upon the date when SunLine operation of the BUZZ Trolley will commence, and to execute all necessary documents.

5. NEW BUSINESS:**A. REVIEW OF AN ASSESSMENT OF THE PLAZA THEATER COMPLETED BY M. ARTHUR GENSLER & ASSOCIATES:
RECOMMENDATION:**

Provide direction to staff as appropriate.

**B. APPROVAL OF A FINAL RELEASE OF THE PERFORMANCE DEED OF TRUST FOR BLOCK A-1, BLOCK D, BLOCK F, AND BLOCK G OF THE DOWNTOWN PALM SPRINGS PROJECT:
RECOMMENDATION:**

Authorize the City Manager to execute a Substitution of Trustee and Deed of Full Reconveyance by and between the City of Palm Springs (Beneficiary) and Palm Springs Promenade, LLC, (Trustor) for Block A-1, Block D, Block F, and Block G. A6144.

**C. AUTHORIZATION OF A PURCHASE ORDER TO MWH CONSTRUCTORS, INC., IN THE AMOUNT NOT TO EXCEED \$300,000 FOR AN UPDATE TO THE CITY OF PALM SPRINGS WASTEWATER TREATMENT PLANT CAPITAL REPAIR AND REHABILITATION PLAN, AND PREPARATION OF A CORRESPONDING SEWER RATE STUDY:
RECOMMENDATION:**

1. Appoint an Ad-Hoc Subcommittee relating to the Wastewater Enterprise focused on an update to the WWTP CIP and corresponding Rate Study with a sunset date of December 31, 2019.
2. Authorize a Purchase Order in the amount not to exceed \$300,000 with MWH Constructors, Inc., pursuant to the City's "on-call" agreement for wastewater engineering, construction management and inspection services. A6687.
3. Authorize the City Manager to execute all necessary documents.

**D. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE 2018 SLURRY SEAL, CP 18-02:
RECOMMENDATION:**

Approve the plans, specifications and estimate and authorize staff to advertise and solicit bids for the 2018 Slurry Seal, CP 18-02.

**E. APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE PALM SPRINGS FIREFIGHTERS ASSOCIATION AND ADOPTING SALARY AND BENEFIT CONDITIONS FOR UNREPRESENTED EMPLOYEES:
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 PALM SPRINGS FIREFIGHTERS ASSOCIATION, FOR THE PERIOD OF JULY 1, 2018, THROUGH JUNE 30, 2021, SUBJECT TO ASSOCIATION EXECUTING THE MEMORANDUM OF UNDERSTANDING, AND ADOPTING SALARY AND BENEFIT CONDITIONS OF EMPLOYMENT FOR UNREPRESENTED EMPLOYEES SIMILAR TO THOSE OF THE MANAGEMENT EMPLOYEE ASSOCIATION."

- 2. Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDING THE EMPLOYER-EMPLOYEE RELATIONS RESOLUTION NO. 16438 AND AS PREVIOUSLY AMENDED BY RESOLUTION NOS. 17793 AND 24276 FOR THE FIREFIGHTER UNIT NAME CHANGE AND CLASSIFICATIONS OF FIREFIGHTER PARAMEDIC, FIRE ENGINEER PARAMEDIC, AND FIRE CAPTAIN PARAMEDIC."
- 3. 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 plans, agreements and contracts, and any non-substantial MOU language or reorganization.

F. **CONSIDERATION OF SCHEDULING A JOINT MEETING WITH THE PLANNING COMMISSION AND ADDITIONAL SPECIAL MEETINGS RELATED TO DISTRICTING AND BOARD AND COMMISSION INTERVIEWS:**
RECOMMENDATION:
 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 a Special Meeting on Thursday, November 15, 2018, at 6:00 p.m. in the Council Chamber at City Hall, preceded by Closed Session, Small Conference Room at 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 November 9, 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, November 14, 2018 – 3:30 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)

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).

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. RIC 1703102, Riverside County Superior Court, Riverside Division

EHOFF Canyon View, LLC v. City of Palm Springs

Case No. PSC 1806289, Riverside County Superior Court, Palm Springs Division

Sabordo and Huerto v. City of Palm Springs

Case No. PSC 1602732, Riverside County Superior Court, Palm Springs Division

ANTICIPATED LITIGATION

G.C. 54956.9(d)(2)

Eight (9) Cases Including:

Robolights 2018-19

INITIATION OF LITIGATION

G.C. 54956.9(d)(4)

Two (2) Cases

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

G.C. 54957(b)(1)

City Attorney

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: State Highway 111, Vista Chino and Gene Autry Trail
Within the Boundaries of the City of Palm Springs
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: State of California, Caltrans
Under Negotiation: 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 or Purchase)

CONFERENCE WITH LABOR NEGOTIATOR

G.C. 54957.6

Agency Designated
Representatives:

City Manager David Ready and Attorney Peter Brown

Employee Organizations:

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