

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

April 17, 2019



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

Robert Moon, Mayor
Geoff Kors, Mayor Pro Tem
Christy Gilbert Holstege, Councilmember
Lisa Middleton, 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
Anthony J. Mejia, MMC, City Clerk
Marcus Fuller, MPA, P.E., P.L.S., Assistant City Manager
Jeffrey S. Ballinger, City Attorney
Nancy Pauley, 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 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:****ROLL CALL:****PRESENTATIONS:**

Submission of Report Regarding Electronic Security Camera and Intercom Installation at City Hall.

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 FEBRUARY 28, 2019:**
RECOMMENDATION:
Receive and File the Treasurer's Investment Report as of February 28, 2019.
- B. **ADMINISTRATIVE APPEALS BOARD HEARING DECISIONS:**
RECOMMENDATION:
Receive and file the Administrative Appeals Board decisions from the March 27, 2019, hearings.
- C. **INITIATION OF ANNEXATION NO. 20 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES):**
RECOMMENDATION:
Adopt a Resolution entitled "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. 20, CANYON VIEW, TRACT MAP NO. 36969."
- D. **STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF MARCH 2019:**
RECOMMENDATION:
Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of March 1 through March 31, 2019.
- E. **A RESOLUTION IDENTIFYING THE PROJECTS TO BE FUNDED BY SENATE BILL 1 (SB 1): THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017, FOR FISCAL YEAR 2019-20:**
RECOMMENDATION:
Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, IDENTIFYING THE PROJECT(S) TO BE FUNDED BY SENATE BILL 1 (SB 1), THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017."
- F. **REVISE GANN APPROPRIATIONS LIMIT FOR FISCAL YEAR 2018-19:**
RECOMMENDATION:
Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REPEALING AND REPLACING RESOLUTION NO. 24437 ADOPTING AN APPROPRIATIONS LIMIT FOR THE FISCAL YEAR ENDING JUNE 30, 2019."
- G. **AMENDMENT NO. 1 TO THE 2018-19 ALLOCATED POSITIONS AND COMPENSATION PLAN TO RENAME THE DEPARTMENT OF VACATION RENTAL COMPLIANCE TO SPECIAL PROGRAM COMPLIANCE AND TO ADD ONE EXECUTIVE PROGRAM ADMINISTRATOR:**
RECOMMENDATION:
1. Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDMENT NO. 1 TO THE ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2018-19, ADOPTED BY RESOLUTION NO. 24434.
 2. Authorize the City Manager to execute all documents necessary to effectuate this action.

- H. **APPROVAL OF A TAKE-OVER AGREEMENT WITH WESTERN SURETY COMPANY, A SOUTH DAKOTA CORPORATION, FOR THE POLICE DEPARTMENT REMODEL REBID, CP 15-05:**
RECOMMENDATION:
1. Approve a Takeover Agreement with Western Surety Company, a South Dakota corporation, allowing for completion of the Police Department Remodel Rebid, CP 15-05, by a replacement contractor. A_____.
 2. Authorize the City Attorney to review and approve final changes to the Takeover Agreement in coordination with legal counsel for Western Surety Company and the City's special legal counsel.
 3. Authorize the City Manager to execute all necessary documents.
- I. **BOYS AND GIRLS CLUB OF PALM SPRINGS FOR AN ART MURAL ON THE WEST ELEVATION OF THE EXISTING BUILDING LOCATED AT THE BOYS AND GIRLS CLUB AT 450 SOUTH SUNRISE WAY, CASE 19-001 MUR:**
RECOMMENDATION:
Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN ART MURAL ON THE WEST ELEVATION OF AN EXISTING BUILDING LOCATED AT 450 SOUTH SUNRISE WAY, CASE 19-001 MUR."
- J. **APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:**
RECOMMENDATION:
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 03-09-2019 BY WARRANTS NUMBERED 420649, 420651, 420653 THROUGH 420668 TOTALING \$49,619.96, CLAIMS, DEMANDS AND LIABILITY CHECKS NUMBERED 1104706 THROUGH 1105342 TOTALING \$5,263,940.75, FOUR WIRE TRANSFERS FOR \$85,579.44, AND EIGHT ELECTRONIC ACH DEBITS OF \$1,617,236.97 IN THE AGGREGATE AMOUNT OF \$7,016,377.12, DRAWN ON BANK OF AMERICA."
- K. **AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT FOR LEGAL COUNSEL WITH CLYDE & COMPANY US, LLP:**
RECOMMENDATION:
1. Approve Amendment No. 2 to Professional Services Agreement No. A6990 with Clyde & Co. US, LLP, for legal services related to the South Coast Air Quality Management District and operation of the City's municipal co-generation plant, for an increase of one hundred thousand dollars (\$100,000) for a total not to exceed budget of two hundred fifty thousand dollars (\$250,000).
 2. Authorize the City Manager to execute all necessary documents.
- L. **APPROVAL OF MINUTES:**
RECOMMENDATION:
Approve the City Council Meeting Minutes of November 27, 2018, November 28, 2018, November 29, 2018, and December 5, 2018.

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

2. PUBLIC HEARINGS:**A. AMENDMENT TO THE PALM SPRINGS ZONING CODE RELATIVE TO THE HEIGHT AND SETBACK STANDARDS FOR COMMERCIAL WIND ENERGY CONVERSION SYSTEMS (WECS) CASE 5.1469 ZTA:****RECOMMENDATION:**

1. Open the Public Hearing and receive public testimony.
2. 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 COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PALM SPRINGS ZONE CODE SECTION 93.23.07 FOR THE DEVELOPMENT STANDARDS FOR COMMERCIAL WIND ENERGY CONVERSION SYSTEMS (WECS) RELATIVE TO TOWER HEIGHTS AND ADJUSTMENTS TO SETBACKS, CASE 5.1469 ZTA."

B. PUBLIC HEARING UNDER SECTION 53083 OF THE CALIFORNIA GOVERNMENT CODE TO APPROVE A HOTEL OPERATING COVENANT WITH NEW CHURCH II, LLC, FOR THE ORCHID TREE HOTEL, LOCATED AT THE NORTHWEST CORNER OF BARISTO ROAD AND BELARDO ROAD, 284 S. CAHUILLA ROAD; AND EXTEND THE HOTEL INCENTIVE PROGRAM DEADLINE FOR COMMENCEMENT OF CONSTRUCTION TO EXPIRE**NOVEMBER 9, 2019:****RECOMMENDATION:**

1. Open the Public Hearing and receive public testimony.
2. Approve an Operations Covenant with New Church II, LLC located at the Northwest Corner of Baristo Road and Belardo Road, 284 S. Cahuilla Road. The Operations Covenant (i) would be recorded against the property pursuant to and consistent with Palm Springs Municipal Code Section 5.26.050, (ii) would provide the Project with seventy-five percent (75%) of the adjusted transient occupancy tax rate, payable for thirty (30) years or until the operator has been paid fifty million dollars (\$50,000,000), whichever event occurs first, and (iii) change the requirement that the hotel be an Auberge Resorts Collection hotel to instead be a Luxury Hotel defined as a hotel which provides physical features and operational services equivalent to, or exceeding, those of a similarly sized American Auberge Resorts hotel, including, but not limited to the finishes, furniture, flooring, fixtures, room size, services, quality of services, and amenities; as determined by a nationally recognized hotel valuation company. The hotel valuation company is to be hired by the City and paid for by Developer.
3. Approve an extension of the Project's deadline for commencement of construction under the Hotel Operations Incentive Program from May 31, 2019, to November 9, 2019. If the Planning Commission and/or City Council extend the land use requirements for commencement of construction beyond November 9, 2019, a one time "automatic" extension of the Project's Hotel Operations Incentive Program deadline to commence construction will be extended to be the same deadline as the land use entitlement requirements for commencement of construction.
4. Authorize the City Manager to execute all necessary documents.

3. LEGISLATIVE:**A. DISCUSSION AND INTRODUCTION OF MODIFICATIONS TO THE VACATION RENTAL AND HOMESHARE ORDINANCE:****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 COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING AND RESTATING CHAPTER 5.25 OF THE

PALM SPRINGS MUNICIPAL CODE RELATING TO VACATION RENTALS AND HOMESHARES, IN ITS ENTIRETY, AND REVISING PALM SPRINGS MUNICIPAL CODE SECTION 3.24.020 REGARDING TRANSIENT OCCUPANCY TAX.”

4. **UNFINISHED BUSINESS:**

A. **STATUS UPDATE ON HISTORIC PLAZA THEATER RENOVATIONS:**

RECOMMENDATION:

Receive report from Council Subcommittee (Moon/Roberts) on status of project, establishment of Fundraising Steering Committee, and provide direction to staff as appropriate.

B. **ADOPTION OF A RESOLUTION ESTABLISHING PROCEDURES FOR THE SELECTION OF A MAYOR AND MAYOR PRO TEM:**

RECOMMENDATION:

Adopt a Resolution entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING PROCEDURES FOR THE SELECTION OF A MAYOR AND MAYOR PRO TEM.”

5. **NEW BUSINESS:**

A. **DISCUSS OPTIONS FOR ADDRESSING DOCKLESS MICRO-MOBILITY DEVICES SUCH AS ELECTRIC SCOOTERS AND DOCKLESS BICYCLES IN THE CITY OF PALM SPRINGS:**

RECOMMENDATION:

Direct staff as appropriate.

B. **AMENDMENT TO ACE PARKING MANAGEMENT, INC., SERVICES AGREEMENT AT PALM SPRINGS INTERNATIONAL AIRPORT:**

RECOMMENDATION:

1. Approve Amendment No. 2 to Agreement No. A6826 with ACE Parking Management, Inc. (in a form acceptable to the City Attorney) in an amount not to exceed \$62,000 for additional compensation related to California’s minimum wage increase costs for the current contract year of February 1, 2019, through January 31, 2020 (this time frame will be reduced pending completion of the RFP process for a new contract).
2. Authorize the City Manager to execute all necessary documents.

C. **REQUEST FOR CITY COUNCIL CONSIDERATION OF A RESOLUTION IN SUPPORT OF THE IMPERIAL AND RIVERSIDE COUNTY JOINT MEMORANDUM OF UNDERSTANDING ON THE SALTON SEA:**

RECOMMENDATION:

Provide direction to 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.

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, April 18, 2019, at 5:30 p.m. in the Council Chamber at City Hall, 3200 E. 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 April 12, 2019, 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, April 17, 2019 – 4:00 P.M.

City Hall, Small Conference Room
3200 East Tahquitz Canyon Way,
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

Gov't Code § 54956.9(d)(1)

Tanner Altizer v. City of Palm Springs

Case No. PSC 1902390, Superior Court, Riverside County

Brent Kideckel v. Steve Huffman, Huff, et al.

Case No. PSC 1902394, Superior Court, Riverside County

Mariposa Landscapes Inc. v. City of Palm Springs

Case No. PSC 1902404 Superior Court, Riverside County

Krystle Vega v. City of Palm Springs

Case No. PSC 1804222, Superior Court, Riverside County

MATTERS CREATING SIGNIFICANT EXPOSURE TO LITIGATION

G C. § 54956.9(d)(2)

Four (4) matters that, under the existing circumstances, the City Attorney believes creates significant exposure to litigation.

DISCUSSION TO CONSIDER INITIATION OF LITIGATION

Gov't Code § 54956.9(d)(4)

Under existing facts and circumstances, there are three (3) matters the City Council has decided or may decide to initiate litigation.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Gov't Code § 54956.8

Property Address/Description: Convention Center, 277 N. Avenida Caballeros
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: SMG/AEG
Under Negotiation: Price and Terms of 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 or Purchase)

Property Address/Description: 538 North Palm Canyon Drive, Palm Springs
Agency: City of Palm Springs
City Negotiator: David Ready, City Manager or Designee
Negotiating Parties: W. Layne, President
Palm Canyon Theatre
Under Negotiation: Price and Terms of Payment (Lease)

Property Address/Description: 550 North Palm Canyon Drive, Palm Springs
Agency: City of Palm Springs
City Negotiator: David Ready, City Manager or Designee
Negotiating Parties: Jonathan Cassie, President
Desert Arts Center
Under Negotiation: Price and Terms of Payment (Lease)