

**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](http://www.palmspringsca.gov)

**REGULAR MEETING AGENDA**

May 22, 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.*

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**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](mailto: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:**

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

Receive and file the Administrative Appeals Board decisions from April 24, 2019.

**B. 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 03-23-2019 BY WARRANTS NUMBERED 420652 AND 420669 THROUGH 420682 TOTALING \$32,510.65, CLAIMS, DEMANDS AND LIABILITY CHECKS NUMBERED 1105343 THROUGH 1105430 TOTALING \$1,249,443.49, ZERO WIRE TRANSFERS FOR \$0.00, AND EIGHT ELECTRONIC ACH DEBITS OF \$1,636,479.49 IN THE AGGREGATE AMOUNT OF \$2,918,433.63, 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 PAYROLL WARRANTS FOR THE PERIOD ENDED 04-20-2019 BY WARRANTS NUMBERED 420683 THROUGH 420710 TOTALING \$48,445.92, CLAIMS, DEMANDS AND LIABILITY CHECKS NUMBERED 1105431 THROUGH 1105980 TOTALING \$5,396,405.96, EIGHT WIRE TRANSFERS FOR \$139,613.88, AND TWELVE ELECTRONIC ACH DEBITS OF \$3,260,184.62 IN THE AGGREGATE AMOUNT OF \$8,844,650.38, DRAWN ON BANK OF AMERICA."

**C. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF  
APRIL 2019:**

**RECOMMENDATION:**

Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of April 1 through April 30, 2019.

**D. SECOND READING AND ADOPTION OF ORDINANCE NO. 1988, AMENDING THE PALM  
SPRINGS MUNICIPAL CODE REVISING THE PRIMA FACIE SPEED LIMIT ON MESQUITE  
AVENUE BETWEEN EL CIELO ROAD AND VELLA ROAD:**

**RECOMMENDATION:**

Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1988, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PALM SPRINGS MUNICIPAL CODE SECTION 12.20.020 REVISING THE PRIMA FACIE SPEED LIMIT ON MESQUITE AVENUE BETWEEN EL CIELO ROAD AND VELLA ROAD."

**E. SECOND READING AND ADOPTION OF ORDINANCE NO. 1989, AUTHORIZING  
ISSUANCE OF AIRPORT REVENUE BONDS AND PROVIDING FOR PROCEDURES AND  
TERMS:**

**RECOMMENDATION:**

Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1989, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE ISSUANCE OF AIRPORT REVENUE BONDS FOR THE PURPOSE OF FINANCING APPROVED PROJECTS AT THE PALM SPRINGS INTERNATIONAL AIRPORT, AND PROVIDING THE PROCEDURES AND MATERIAL TERMS FOR THE ISSUANCE OF SUCH BONDS."

**F. RESOLUTION OF INTENTION TO LEVY ASSESSMENTS FUNDING THE PALM SPRINGS  
SMALL HOTEL TOURISM BUSINESS IMPROVEMENT DISTRICT AND SETTING A TIME  
AND PLACE FOR THE PUBLIC HEARING:**

**RECOMMENDATION:**

Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO LEVY ASSESSMENTS FUNDING THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS IMPROVEMENT DISTRICT, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING."

**G. APPROVAL OF A DEPOSIT AGREEMENT TO PAY FOR CONSULTING SERVICES FOR FORMATION OF CANYON VIEW DEVELOPMENT COMMUNITY FACILITIES DISTRICT FOR CERTAIN DEFERRED PUBLIC IMPROVEMENTS:  
RECOMMENDATION:**

1. Approve a Deposit Agreement with EHOV Canyon View, LLC, a Delaware limited liability company, relating to professional consulting costs required in the formation of a Community Facilities District for financing of certain deferred public improvements required for Vesting Tentative Tract Map 36969, the "Canyon View" project.
2. Authorize the City Manager to execute all necessary documents.

**H. PROGRAM SUPPLEMENTAL AGREEMENT NO. M014-R1 WITH THE STATE OF CALIFORNIA FOR USE OF REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) FUNDS AND NATIONAL HIGHWAY PERFORMANCE (NHPP) FUNDS AS PART OF THE HIGHWAY BRIDGE PROGRAM (HPB) FOR THE INDIAN CANYON DRIVE WIDENING & BRIDGE REPLACEMENT, CP 01-11, FEDERAL-AID PROJECT NO. BRLO 5282(017):  
RECOMMENDATION:**

1. Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. M014-R1 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECT NO. 08-5282F15 WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$759,587 FOR USE OF REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) FUNDS AND NATIONAL HIGHWAY PERFORMANCE (NHPP) FUNDS AS PART OF THE HIGHWAY BRIDGE PROGRAM (HPB) FOR THE INDIAN CANYON DRIVE WIDENING & BRIDGE REPLACEMENT, CP 01-11, FEDERAL AID PROJECT NO. BRLO 5282(017)."
2. Authorize the City Manager to execute all necessary documents.

**I. AMENDMENT NO. 6 TO PROFESSIONAL SERVICES AGREEMENT NO. A4461 WITH DOKKEN ENGINEERING, FOR ADDITIONAL RIGHT-OF-WAY SUPPORT SERVICES FOR THE INDIAN CANYON DRIVE WIDENING & BRIDGE REPLACEMENT, CP 01-11, FEDERAL-AID PROJECT NO. BRLO 5282(017):  
RECOMMENDATION:**

1. Approve Amendment No. 6 to Professional Services Agreement No. A4461, in the amount of \$190,250, for a new not to exceed amount of \$1,580,850 with Dokken Engineering.
2. Authorize the City Manager to execute all necessary documents.

**J. AWARD A CONSTRUCTION CONTRACT TO KINCAID INDUSTRIES, INC., IN THE AMOUNT OF \$113,500 FOR THE DESIGN AND INSTALLATION OF A FIRE SPRINKLER SYSTEM AT THE DEMUTH COMMUNITY CENTER AND AUTHORIZE AMENDMENT NO. 1 TO PURCHASE ORDER 19-0614 IN THE AMOUNT OF \$20,000 TO INTERACTIVE DESIGN CORPORATION FOR THE DEMUTH COMMUNITY CENTER LIFE SAFETY IMPROVEMENTS, CP 19-14:  
RECOMMENDATION:**

1. Award a construction contract to Kincaid Industries, Inc., a California Corporation, in the amount of \$113,500 for the Demuth Community Center Life Safety Improvements, CP 19-14. A\_\_\_\_\_.
2. Approve Amendment No. 1 to Purchase Order 19-0614 in the amount of \$20,000 to Interactive Design Corporation for the Demuth Community Center Life Safety Improvements.

3. Authorize the City Manager to pay Desert Water Agency for its costs to install fire service improvements to the Demuth Community Center in the estimated amount not to exceed \$40,000.
4. Authorize the City Manager to approve and execute construction change orders up to a cumulative amount of \$50,000 for the Demuth Community Center Life Safety Improvements, CP 19-14.
5. Authorize the City Manager to execute all necessary documents.

**K. MOTION ADOPTED BY SUSTAINABILITY COMMISSION TO REAFFIRM COMMITMENT TO OPEN SPACE:**

**RECOMMENDATION:**

Receive and file.

**L. PALM SPRINGS PUBLIC LIBRARY THREE-YEAR STRATEGIC PLAN:**

**RECOMMENDATION:**

Receive and file.

**M. AUTHORIZATION TO REDUCE SUBDIVISION IMPROVEMENT SECURITIES FOR THE "ICON" TRACT NO. 36725:**

**RECOMMENDATION:**

Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING A REDUCTION OF SECURITIES ASSOCIATED WITH TRACT MAP 36725 AND AUTHORIZING REDUCTION OF SECURITIES REQUIRED BY THE SUBDIVISION IMPROVEMENT AGREEMENT WITH FAR WEST INDUSTRIES, A CALIFORNIA CORPORATION, FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF NORTH PALM CANYON AND ALVARADO ROAD, IN SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST. A7028."

**N. APPROVAL OF MINUTES:**

**RECOMMENDATION:**

Approve the City Council Meeting Minutes of January 9, 2019, January 23, 2019, February 6, 2019, February 13, 2019, February 20, 2019, February 28, 2019, March 6, 2019, March 20, 2019, April 3, 2019, April 17, 2019, April 18, 2019, April 22, 2019, and May 1, 2019.

**O. CONSIDERATION OF THE 2019 CITY COUNCIL 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."

**P. ACCEPTANCE OF THE 2018 PAVEMENT REHABILITATION, CP 18-01:**

**RECOMMENDATION:**

1. Accept the public works improvement identified for the 2018 Pavement Rehabilitation as completed in accordance with the plans and specifications, CP 18-01. A7164.
2. Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the 2018 Pavement Rehabilitation, City Project No. 18-01.

**Q. APPROVE AN EXTENSION OF THE SECURITY SERVICES AGREEMENT WITH US SECURITY ASSOCIATES, INC. AN ALLIED UNIVERSAL COMPANY, FOR UNARMED SECURITY SERVICES, NOT TO EXCEED FOUR MONTHS, AT CITY-OWNED FACILITIES EFFECTIVE JULY 1, 2019, THROUGH OCTOBER 31, 2019:  
RECOMMENDATION:**

1. Approve an extension of the Unarmed Security Services Agreement with US Security Associates, Inc., an Allied Universal Company in an amount not to exceed \$115,300 for the fourth month term. A6557.
2. Authorize the City Manager to execute all necessary documents.

**R. REPORT FROM THE PALM SPRINGS PUBLIC ARTS COMMISSION ON ART EXPENDITURES AND ACTIVITIES:  
RECOMMENDATION:**  
Receive and File.

**S. RESOLUTION DECLARING THE CITY COUNCIL’S COMMITMENT TO THE RESTORATION OF HISTORIC PLAZA THEATER AND DEDICATING FUTURE USE OF THE THEATER FOR THE PALM SPRINGS INTERNATIONAL FILM FESTIVAL:  
RECOMMENDATION:**  
Adopt a Resolution entitled “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THE CITY COUNCIL’S COMMITMENT TO THE RESTORATION OF THE HISTORIC PLAZA THEATER AND DEDICATING FUTURE USE OF THE THEATER FOR THE PALM SPRINGS INTERNATIONAL FILM FESTIVAL.”

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

**2. PUBLIC HEARINGS:**

**A. DELINQUENT WASTE DISPOSAL CHARGES:  
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, DETERMINING CERTAIN WASTE DISPOSAL ACCOUNTS TO BE DELINQUENT AND DIRECTING THE PLACEMENT OF THESE ACCOUNTS ON THE PROPERTY TAX ROLLS FOR COLLECTION."

**B. 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. Provide direction to staff on proposed modifications to the draft ordinance.
3. Continue the Public Hearing to June 5, 2019, and direct the City Clerk to post a Notice of Continuance pursuant to established procedures.

**C. CONSIDER REVOCATION OR MODIFICATION OF A CONDITIONAL USE PERMIT ISSUED TO FURY INVESTMENTS, INC. FOR ZELDA’S NIGHTCLUB LOCATED AT 611 SOUTH PALM CANYON DRIVE (CASE 5.1279 CUP):  
RECOMMENDATION:**

1. Open the public hearing and receive public testimony.

2. Adopt a resolution modifying the CUP entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MODIFYING A CONDITIONAL USE PERMIT FOR THE NIGHTCLUB USE AT 611 SOUTH PALM CANYON DRIVE, APN NO. 513-290-014, CASE 5.1279 CUP." Or
3. As an alternative, adopt a resolution revoking the CUP entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REVOKING A CONDITIONAL USE PERMIT FOR THE NIGHTCLUB USE AT 611 SOUTH PALM CANYON DRIVE, APN NO. 513-290-014, CASE 5.1279 CUP."

**D. ADOPTION OF A RESOLUTION OF NECESSITY FOR THE ACQUISITION BY EMINENT DOMAIN OF PERMANENT RIGHT-OF-WAY EASEMENTS, PERMANENT SLOPE EASEMENTS, AND TEMPORARY CONSTRUCTION EASEMENTS IN A PORTION OF CERTAIN REAL PROPERTY FOR THE CONSTRUCTION OF THE INDIAN CANYON DRIVE WIDENING & BRIDGE REPLACEMENT, FEDERAL-AID PROJECT NO. BRLO 5282 (017) CP 01-11:**

**RECOMMENDATION:**

1. Open the Public Hearing to consider the adoption of a resolution of necessity, including providing all parties interested in the affected property and their attorneys, or their representatives, an opportunity to be heard on the issues relevant to the resolution of necessity.
2. Make the following findings as hereinafter described in this report:
  - a) The public interest and necessity require the proposed project.
  - b) The project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury.
  - c) The real property to be acquired is necessary for the project.
  - d) The offer of just compensation has been made to the property owner.
3. Adopt a Resolution entitled "A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, FOR THE ACQUISITION BY EMINENT DOMAIN OF PERMANENT RIGHT OF WAY EASEMENT, PERMANENT SLOPE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT INTERESTS IN PORTIONS OF REAL PROPERTY LOCATED SOUTH OF GARNET AVENUE AND WEST OF INDIAN CANYON DRIVE, MORE PARTICULARLY DESCRIBED AS ASSESSOR'S PARCEL NO. 669-100-001, FOR THE INDIAN CANYON DRIVE WIDENING & BRIDGE REPLACEMENT, CP 01-11, FEDERAL-AID PROJECT NO. BRLO 5282 (017), IN PALM SPRINGS, RIVERSIDE COUNTY, CALIFORNIA."

**E. CONSIDER VACATION OF A PORTION OF THE RIGHT-OF-WAY FOR BARONA ROAD IN SECTION 25, TOWNSHIP 4 SOUTH, RANGE 4 EAST, S.B.M., (ENG. FILE R 19-01-2086):**  
**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, VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE AND INTEREST IN A PORTION OF THE PUBLIC RIGHT-OF-WAY DEDICATED FOR BARONA ROAD LOCATED BETWEEN ANZA TRAIL AND JACARANDA ROAD, IN SECTION 25, TOWNSHIP 4 SOUTH, RANGE 4 EAST, FILE R 19-01-2086, AND APPROVING A DETERMINATION THAT THE ACTION IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)."

**F. CONSIDER VACATION OF A PORTION OF THE RIGHT-OF-WAY FOR W PALM CANYON DRIVE AT EAST PALM CANYON DRIVE IN SECTION 26, TOWNSHIP 4 SOUTH, RANGE 4 EAST, S.B.M., (ENG. FILE R 18-13):**  
**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, VACATING AND ABANDONING ALL OF ITS RIGHT, TITLE AND INTEREST IN A PORTION OF THE PUBLIC RIGHT-OF-WAY DEDICATED FOR W PALM CANYON DRIVE LOCATED AT THE INTERSECTION OF EAST PALM CANYON DRIVE IN SECTION 26, TOWNSHIP 4 SOUTH, RANGE 4 EAST, FILE R 18-13, AND APPROVING A DETERMINATION THAT THE ACTION IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)."

3. **LEGISLATIVE:**

A. **PROPOSED ORDINANCE AMENDING THE PALM SPRINGS MUNICIPAL CODE RELATED TO THE "PLACING OF WASTE AND RECYCLABLES IN STREET":**

**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 SECTION 6.04.110 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO THE "PLACING OF WASTE AND RECYCLABLES IN STREET."

B. **PROPOSED ORDINANCE AMENDING THE PALM SPRINGS MUNICIPAL CODE REGARDING NONCONSENSUAL TOW FEES:**

**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 SECTION 11.82.070(b) OF THE PALM SPRINGS MUNICIPAL CODE, REGARDING NONCONSENSUAL TOW FEES."

4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:**

A. **APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE DOWNTOWN PARK, CP 15-07:**

**RECOMMENDATION:**

Approve the plans, specifications and estimate; and authorize staff to advertise and solicit bids for the Downtown Park, CP 15-07.

B. **PRELIMINARY OVERVIEW OF THE FISCAL YEAR 2019-20 AND FISCAL YEAR 2020-21 COMPREHENSIVE BUDGET:**

**RECOMMENDATION:**

Provide direction to Staff on any changes to the Preliminary FY 2019-20 and FY 2020-21 budget.

C. **REVIEW OF THE CITYWIDE USER FEE STUDY / COST ALLOCATION PLAN, AND COMPREHENSIVE FEE SCHEDULE FOR FISCAL YEAR 2019-20:**

**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 Joint Measure J Commission Meeting Thursday, May 23, 2019, at 5:30 p.m. in the Council Chamber 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 May 17, 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](http://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, May 22, 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)**

*Marilyn Aronson v. City of Palm Springs, Mariposa Landscape*

Case No. PSC1902825, Superior Court of the State of California, County of Riverside

*Anne Pomije v. City of Palm Springs*

Case No. PSC1902858, Superior Court of the State of California, County of Riverside

*4348 Lockwood Ave v. City of Palm Springs*

Case No. RIC1703102, Superior Court of the State of California, County of Riverside

*Joseph W. Sullivan v. City of Palm Springs*

Case No. PSC1801928, Superior Court of the State of California, County of Riverside

*Victoria Jasper v. City of Palm Springs*

Case No. PSC1806120, Superior Court of the State of California, County of Riverside

*Guillermo Gonzalez v. City of Palm Springs*

Case No. PSC1800138, Superior Court of the State of California, County of Riverside

**MATTERS CREATING SIGNIFICANT EXPOSURE TO LITIGATION      G C. § 54956.9(d)(2)**

Five (5) 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:	Real property located south of Garnet Ave. and West of Indian Canyon Dr. (APN 669-100-001)
City Negotiator(s):	Marcus L. Fuller, Asst. City Manager/City Engineer and Mark Easter, Deputy City Attorney
Negotiating Parties:	Granite Construction Company, Garnet Solar Power Generation Station 1, LLC
Under Negotiation:	Price and Terms of Acquisition