

**CITY COUNCIL**  
AND AS SUCCESSOR AGENCY TO THE  
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF THE PALM SPRINGS  
**CITY OF PALM SPRINGS, CALIFORNIA**  
Palm Springs Convention Center  
Primrose B, 277 Avenida Caballeros  
Palm Springs, California 92262  
[www.palmspringsca.gov](http://www.palmspringsca.gov)

**ADJOURNED REGULAR AND SPECIAL MEETING AGENDA**

**July 26, 2017**



**4:00 PM CLOSED SESSION  
6:00 PM ADJOURNED REGULAR  
AND SPECIAL MEETING**

**Robert Moon, Mayor  
Ginny Foat, Mayor Pro Tem  
Geoff Kors, Councilmember  
Chris Mills, 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  
Kathleen D. Hart, MMC, Interim City Clerk  
Marcus L. Fuller, MPA, P.E., P.L.S., Assistant City Manager  
Edward Z. Kotkin, City Attorney  
Geoffrey S. Kiehl, Director of Finance and Treasurer**

Any person who wishes to provide public testimony for an Item on the Agenda MUST file a speaker card prior to the Public Testimony (Non-Public Hearing Agenda Items Only) 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 (*Primrose B*):

**PUBLIC COMMENT (*Primrose B*):** This time has been set aside for members of the public to address the City Council on items contained only on the Closed Session Agenda.

**RECESS TO CLOSED SESSION(*Mesquite D*):** See Closed Session Agenda.

## 6:00 P.M. ADJOURNED REGULAR AND SPECIAL 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.

### **1.A. TREASURER’S INVESTMENT REPORT AS OF MAY 31, 2017:**

**RECOMMENDATION:** Receive and File the Treasurer’s Investment Report as of May 31, 2017.

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.

- 1.B. REQUEST BY STACY'S @ PALM SPRINGS FOR A RESOLUTION OF PUBLIC CONVENIENCE OR NECESSITY (PCN) TO SELL BEER, WINE AND DISTILLED SPIRITS FOR ON-SITE CONSUMPTION (TYPE 48 – ON SALE GENERAL – PUBLIC PREMISES) AT A BAR/COCKTAIL LOUNGE LOCATED AT 220 EAST ARENAS ROAD, ZONE RA, (CASE 5.1415 PCN):**  
**RECOMMENDATION:** Adopt Resolution No. \_\_\_\_\_, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING THAT PUBLIC CONVENIENCE WOULD BE SERVED BY THE SALE OF BEER, WINE, AND DISTILLED SPIRITS FOR ON-SITE CONSUMPTION WITH TYPE 48 ABC LICENSE AT STACY'S @ PALMS SPRINGS BAR/COCKTAIL LOUNGE LOCATED AT 220 EAST ARENAS ROAD WITHIN CENSUS TRACT 9414.00.”
- 1.C. REJECT THE BID RECEIVED AND AUTHORIZE RE-BIDDING FOR THE PALM SPRINGS SWIM CENTER REPLASTER AND POOL REPAIR PROJECT, CP 16-06:**  
**RECOMMENDATION:**  
1) Reject the bid received on July 13, 2017, from California Commercial Pools, Inc., for the Palm Springs Swim Center Replaster and Pool Repair Project, CP 16-06.  
2) Authorize re-bidding for the Palm Springs Swim Center Replaster and Pool Repair Project, CP 16-06.
- 1.D. SECOND READING AND ADOPTION OF ORDINANCE NO. 1930, AMENDING THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO WALL HEIGHT FOR RESIDENTIAL SWIMMING POOL SAFETY ENCLOSURES:**  
**RECOMMENDATION:** Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1930, “AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN AMENDMENT TO SECTION 93.02.00(B) OF THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO WALL HEIGHT FOR RESIDENTIAL SWIMMING POOL SAFETY ENCLOSURES.”
- 1.E. SECOND READING AND ADOPTION OF ORDINANCE NO. 1931, APPROVING A DEVELOPMENT AGREEMENT WITH PS COUNTRY CLUB LLC, RELATED TO CONVERSION OF THE PALM SPRINGS COUNTRY CLUB GOLF COURSE INTO A RESIDENTIAL SUBDIVISION OF UP TO 386 RESIDENTIAL UNITS IDENTIFIED AS THE SERENA PARK PROJECT, LOCATED NORTH OF VERONA ROAD, EAST OF SUNRISE WAY, AND SOUTHWEST OF THE WHITEWATER RIVER WASH (CASE NOS. 5.1327, PDD-366, ZC, GPA, DA, MAJ AND TTM 36691):**  
**RECOMMENDATION:** Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1931, “AN

ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT WITH PS COUNTRY CLUB LLC, RELATED TO CONVERSION OF THE PALM SPRINGS COUNTRY CLUB GOLF COURSE INTO A RESIDENTIAL SUBDIVISION OF UP TO 386 RESIDENTIAL UNITS IDENTIFIED AS THE SERENA PARK PROJECT, LOCATED NORTH OF VERONA ROAD, EAST OF SUNRISE WAY AND SOUTHWEST OF THE WHITEWATER RIVER WASH (CASE NOS. 5.1327, PDD-366, ZC, GPA, DA, MAJ AND TTM 36691).”

**1.F. SECOND READING AND ADOPTION OF ORDINANCE NO. 1932 ADDING AND AMENDING THE PALM SPRINGS MUNICIPAL CODE REGARDING LOUD, UNUSUAL NOISES AND LANDSCAPE RELATED BUSINESSES, PROHIBITING GASOLINE POWERED LEAF BLOWERS AND ALTERNATIVELY ALSO PROHIBITING ELECTRICAL OR BATTERY POWERED LEAF BLOWERS IN THE CITY AS A PER SE NUISANCE COMMENCING ON JANUARY 1, 2019:**

**RECOMMENDATION:** Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1932, “AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SUBSECTION (k) TO SECTION 11.74.043 AND SECTION 5.78.050, AND AMENDING SECTION 5.78.010 OF THE PALM SPRINGS MUNICIPAL CODE, REGARDING LOUD, UNUSUAL NOISES AND LANDSCAPE RELATED BUSINESSES, PROHIBITING GASOLINE POWERED LEAF BLOWERS IN THE CITY AS A PER SE NUISANCE COMMENCING ON JANUARY 1, 2019, AND PROVIDING FOR REGULATION OF ELECTRICAL OR BATTERY POWERED LEAF BLOWERS.”

**1.G. SECOND READING AND ADOPTION OF ORDINANCE NO. 1933 AMENDING THE PALM SPRINGS MUNICIPAL CODE REGARDING *MEDICAL CANNABIS RELATED BUSINESSES AND ACTIVITIES* AND ADDING *ADULT-USE CANNABIS RELATED BUSINESSES AND ACTIVITIES*:**

**RECOMMENDATION:** Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1933, “AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 5.45 OF THE PALM SPRINGS MUNICIPAL CODE REGARDING *MEDICAL CANNABIS RELATED BUSINESSES AND ACTIVITIES* AND ADDING CHAPTER 5.55 OF THE PALM SPRINGS MUNICIPAL CODE REGARDING *ADULT-USE CANNABIS RELATED BUSINESSES AND ACTIVITIES*.”

**1.H. APPROVAL OF A PURCHASE AND SALE AGREEMENT WITH 7 IN OLIVERA, LLC, FOR A STRIP OF UNIMPROVED REAL PROPERTY ALONG THE WESTERN BOUNDARY OF TENTATIVE**

**TRACT MAP 37041 GENERALLY LOCATED AT THE NORTH EAST CORNER OF VIA OLIVERA AND THE ZANERO ROAD ALIGNMENT:  
RECOMMENDATION:**

- 1) Approve a Purchase and Sale Agreement for the sale of a strip of unimproved real property along the western boundary of proposed Tentative Condominium Tract Map 37041, including right of first refusal.
- 2) Authorize the City Manager to solicit proposals and otherwise administer the provisions of the Purchase and Sale Agreement and execute all appropriate and related documents. A\_\_\_\_\_.

**1.I. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACKNOWLEDGING COMPLIANCE WITH WRIT OF MANDATE RE PLANNED DEVELOPMENT DISTRICT (PDD) 374, THE "750 LOFTS" PROJECT LOCATED AT 750 N. PALM CANYON DRIVE, AND ORDERING RECONSIDERATION BY THE ARCHITECTURAL ADVISORY COMMITTEE AND THE PLANNING COMMISSION, CASE 5.1350 PDD 374/GPA/CUP/3.3795 MAJ TO ADDRESS THREE (3) PROJECT ISSUES INCLUDING PARKING, BUILDING HEIGHT, AND SETBACK:**

**RECOMMENDATION:** Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACKNOWLEDGING COMPLIANCE WITH WRIT OF MANDATE RE PLANNED DEVELOPMENT DISTRICT (PDD) 374, THE "750 LOFTS" PROJECT LOCATED AT 750 N. PALM CANYON DRIVE, AND ORDERING RECONSIDERATION BY THE ARCHITECTURAL ADVISORY COMMITTEE AND THE PLANNING COMMISSION OF CASE 5.1350 PDD 374/GPA/CUP/3.3795 MAJ TO ADDRESS THREE (3) PROJECT ISSUES INCLUDING PARKING, BUILDING HEIGHT, AND SETBACK."

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

**2. PUBLIC HEARINGS:**

**2.A. A REQUEST FOR COUNCILMEMBER REVIEW PURSUANT TO PALM SPRINGS ZONING CODE SECTION 94.10.00 OF AN ACTION BY THE PLANNING COMMISSION TO APPROVE A REQUEST BY WOODBRIDGE PACIFIC GROUP, ON BEHALF OF RREF DC CAMERON, FOR AN AMENDMENT TO ALLOW MINOR CHANGES TO DESIGN, COLOR, MATERIALS, REDUCTION OF MASSING AND HEIGHTS IN CERTAIN UNITS OF THE PREVIOUSLY APPROVED FINAL PDD PLANS FOR THE CAMERON PROJECT LOCATED AT 850-990 SOUTH PALM CANYON DRIVE (CASE 5.1056-PDD 314):**

**RECOMMENDATION:**

- 1) Open the public hearing and receive public testimony.

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@palm Springsca.gov](mailto:CITY.CLERK@palm Springsca.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.

2) Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING MINOR AMENDMENTS TO THE FINAL DEVELOPMENT PLANS OF PLANNED DEVELOPMENT DISTRICT (PDD) 314, AS PROPOSED BY WOODBRIDGE PACIFIC, LLC, ON BEHALF OF RREF DC CAMERON, TO ALLOW MINOR CHANGES TO DESIGN, COLOR, MATERIALS, REDUCTION OF MASSING AND HEIGHTS IN CERTAIN UNITS OF THE PREVIOUSLY APPROVED FINAL PDD PLANS FOR THE CAMERON PROJECT LOCATED AT 850-990 SOUTH PALM CANYON DRIVE."

### 3. LEGISLATIVE:

#### 3.A. AN INTERIM URGENCY ORDINANCE REGARDING "MEDICAL CANNABIS RELATED BUSINESSES AND ACTIVITIES" PURSUANT TO CHAPTER 5.45 OF THE PALM SPRINGS MUNICIPAL CODE TO BE UNDERTAKEN BY MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES PERMITTED PURSUANT TO CHAPTER 5.35 OF THE CODE (4/5<sup>THS</sup> Vote Required):

**RECOMMENDATION:** Waive the reading of the text in its entirety, read by title only, and adopt Ordinance No. \_\_\_\_\_, "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, REGARDING 'MEDICAL CANNABIS RELATED BUSINESSES AND ACTIVITIES' PURSUANT TO CHAPTER 5.45 OF THE PALM SPRINGS MUNICIPAL CODE TO BE UNDERTAKEN BY MEDICAL CANNABIS COOPERATIVES AND COLLECTIVES PERMITTED PURSUANT TO CHAPTER 5.35 OF THE CODE." (4/5<sup>THS</sup> Vote Required)

#### 3.B. A RESOLUTION ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A MEASURE APPROVING AND IMPLEMENTING A GROSS RECEIPTS TAX ON CANNABIS BUSINESS ACTIVITY AND A CULTIVATION TAX ON COMMERCIAL CANNABIS CULTIVATORS AT THE NOVEMBER 7, 2017, GENERAL MUNICIPAL ELECTION:

**RECOMMENDATION:**

1) Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A MEASURE APPROVING AND IMPLEMENTING A GROSS RECEIPTS TAX ON CANNABIS BUSINESS ACTIVITY AND A CULTIVATION TAX ON COMMERCIAL CANNABIS CULTIVATORS AT THE NOVEMBER 7, 2017 GENERAL MUNICIPAL ELECTION."

2) Approve an appropriation of \$30,000 from unappropriated General Fund Balance, to be transferred into Fund Account 001-1150-43860 (Elections) for expenditure in this matter.

**3.C. INTRODUCTION OF AN ORDINANCE IMPOSING A GENERAL TRANSACTIONS AND USE TAX, AND ADOPTION OF A RESOLUTION SUBMITTING A GENERAL TAX MEASURE TO THE ELECTORATE AT THE NOVEMBER 7, 2017 GENERAL MUNICIPAL ELECTION, WITH THE ALTERNATIVE OF INTRODUCTION OF AN ORDINANCE IMPOSING A SPECIAL TRANSACTIONS AND USE TAX, AND ADOPTION OF A RESOLUTION SUBMITTING A SPECIAL TAX MEASURE TO THE ELECTORATE AT THE NOVEMBER 7, 2017, GENERAL MUNICIPAL ELECTION:**

**RECOMMENDATION:**

- 1) Waive the reading of text in its entirety, read by title only, and introduce for first reading Ordinance No. \_\_\_\_\_, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, IMPOSING A GENERAL TRANSACTIONS AND USE TAX."
- 2) Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUBMITTING A GENERAL TAX MEASURE TO THE ELECTORATE AT THE NOVEMBER 7, 2017 GENERAL MUNICIPAL ELECTION."
- 3) Approve an appropriation of \$30,000 from unappropriated General Fund Balance, to be transferred into Fund Account 001-1150-43860 (Elections) for expenditure in this matter.

**OR**

- 4) Waive the reading of text in its entirety, read by title only, and introduce for first reading Ordinance No. \_\_\_\_\_, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA IMPOSING A SPECIAL TRANSACTIONS AND USE TAX."
- 5) Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUBMITTING A SPECIAL TAX MEASURE TO THE ELECTORATE AT THE NOVEMBER 7, 2017, GENERAL MUNICIPAL ELECTION."
- 6) Approve an appropriation of \$30,000 from unappropriated General Fund Balance, to be transferred into Fund Account 001-1150-43860 (Elections) for expenditure in this matter.

**4. UNFINISHED BUSINESS:** None.

**5. NEW BUSINESS:**

**5.A. A REQUEST FOR COUNCILMEMBER REVIEW PURSUANT TO PALM SPRINGS ZONING CODE SECTION 94.10.00 OF ACTION BY THE PLANNING COMMISSION TO APPROVE SIGN PROGRAMS FOR THE MULTI-TENANT BUILDINGS LOCATED ON BLOCK B AND BLOCK C WITHIN THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN AT**

**111 AND 175 NORTH PALM CANYON DRIVE (SIGN PROGRAM CASE NOS. 17-002 AND 17-003):**

**RECOMMENDATION:**

1) Review the proposed sign programs for conformance to the Downtown Palm Springs Specific Plan and the Palm Springs Zoning Code.

2) Adopt Resolution No.\_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AND ESTABLISHING A SIGN PROGRAM FOR THE TWO-STORY MULTI-TENANT BUILDING LOCATED ON BLOCK B OF THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN AT 175 NORTH PALM CANYON DRIVE."

3) Adopt Resolution No.\_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AND ESTABLISHING A SIGN PROGRAM FOR THE ONE (1) AND TWO-STORY MULTI-TENANT BUILDING LOCATED ON BLOCK C OF THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN AT 111 NORTH PALM CANYON DRIVE."

**5.B. EXTENSION OF THE HOTEL OPERATIONS INCENTIVE PROGRAM DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF THE VIRGIN HOTEL, LOCATED ON BLOCK B-1 OF THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN, AT THE SOUTHEAST CORNER OF BELARDO ROAD AND THE EXTENSION OF E. ANDREAS ROAD WESTWARD, UNTIL DECEMBER 31, 2019:**

**RECOMMENDATION:** Approve an extension of the Hotel Operations Incentive Program deadline for commencement of construction for the Virgin Hotel, located on Block B-1 of the Downtown Palm Springs Specific Plan, at the southeast corner of Belardo Road and the extension of E. Andreas Road westward, until December 31, 2019.

**5.C. EXTENSION OF THE HOTEL INCENTIVE PROGRAM DEADLINE FOR COMMENCEMENT OF CONSTRUCTION FOR A NEW HOTEL AT THE NORTHWEST CORNER OF BARISTO ROAD AND BELARDO ROAD, 284 S. CAHUILLA ROAD (DEVELOPER NEW CHURCH II, LLC) UNTIL MAY 31, 2018:**

**RECOMMENDATION:**

1) Consistent with and pursuant to the City's Charter power, approve an extension of the Program deadline prior to which the project of this developer must be "under construction" as that term is defined by the Program, on or before May 31, 2019, with the understanding that this project, once operational, will be entitled to the highest level of operating assistance available under the Program, to wit, seventy-five percent (75%) of the adjusted transient occupancy tax rate, as provided by the Program, payable for 30 years, or until the operator has been paid \$50,000,000, whichever event occurs first.



2) Direct staff to negotiate with the developer, and return to the Council as soon as practicable with an Operating Covenant for this project whereby a hotel that is part of the Auberge Resorts Collection will be constructed at the former Orchid Tree Hotel and church site owned by the developer. This covenant would be considered at a public hearing and recorded against the property if approved by the Council pursuant to the City's general and Charter authority, and consistent with relevant provisions of the Program.

- 5.D. AUTHORIZE ISSUANCE OF TAX ALLOCATION REFUNDING BONDS:  
RECOMMENDATION:** Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING SOLELY IN ITS CAPACITY AS THE SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY APPROVING THE ISSUANCE OF 2017 TAX ALLOCATION REFUNDING BONDS TO REFUND CERTAIN OUTSTANDING OBLIGATIONS OF THE FORMER COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS, APPROVING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENT TO INDENTURE OF TRUST, A SECOND SUPPLEMENT TO INDENTURE OF TRUST, ESCROW AGREEMENTS, BOND PURCHASE AGREEMENT AND PRELIMINARY AND FINAL OFFICIAL STATEMENTS AND PROVIDING OTHER MATTERS RELATING TO THE ISSUANCE OF THE REFUNDING BONDS."
- 5.E. APPROVAL OF A WIRELESS MARKETING AGREEMENT WITH 5 BARS COMMUNITIES DBA XG COMMUNITIES, LLC:  
RECOMMENDATION:**
- 1) In accordance with Section 7.04.020 of the Palm Springs Municipal Code, "Sole source procurement by the city," waive all competitive requirements of Title 7 finding that 5 Bars Communities dba XG Communities, LLC, has demonstrated experience and expertise in providing the required wireless marketing services through two (2) competitive qualifications based selection processes completed by the City of Sacramento in June 2016 through its Request for Qualifications (RFQ) (Q16071011005), and by the City of Fresno in May 2017 through its Request for Qualifications (RFQ) (Bid File 3503).
  - 2) Approve a Wireless Marketing and License Agreement with 5 Bars Communities dba XG Communities, LLC, for an initial term of five (5) years, subject to three (3) additional five (5) year optional terms. A\_\_\_\_\_.
  - 3) Authorize the City Manager to execute all necessary documents.
- 5.F. APPOINT TWO MEMBERS OF THE CITY COUNCIL TO AN AD HOC SUBCOMMITTEE TO ASSIST WITH THE RECRUITMENT OF THE CITY CLERK:**

**RECOMMENDATION:** Appoint two members of the City Council to an ad hoc subcommittee to assist with the recruitment of the City Clerk with a sunset date of December 31, 2017.

**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, and to prioritize and set future agenda items.

**ADJOURNMENT:** The City Council will adjourn to the next regular meeting Wednesday, September 6, 2017, 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, Kathleen D. Hart, Interim 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 9:00 p.m., on July 21, 2017, and posted on the City's website as required by established policies and procedures.

  
 KATHLEEN D. HART, MMC  
 Interim 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 meetings are webcast live on the City's website [www.palmspringsca.gov](http://www.palmspringsca.gov) and cablecast live on PSCTV Channel 17 and 26.103. Meetings are re-broadcast (following the meeting) on Thursday at 8:00 p.m., Saturday at 1:30 p.m. and Tuesday at 7:00 p.m.

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