

CITY COUNCIL
AND AS SUCCESSOR AGENCY TO THE
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALM SPRINGS
JOINT MEETING WITH THE MEASURE J COMMISSION
CITY OF PALM SPRINGS, CALIFORNIA

Council Chamber, City Hall
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262
www.palmspringsca.gov

AGENDA

May 2, 2018



4:00 PM CLOSED SESSION
6:00 PM JOINT MEETING
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
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) 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 (*Council Chamber*): 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 (*Small Conference Room*): See Closed Session Agenda.

**6:00 P.M. JOINT MEETING
CITY COUNCIL AND THE MEASURE J COMMISSION**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE: Palm Springs Air Force ROTC Junior Color Guard.

ROLL CALL:

PUBLIC COMMENT:

This time has been set aside for members of the public to address the City Council and Measure J Commission only on the Joint Meeting agenda item. Two (2) minutes will be assigned to each speaker.

- A. **REVIEW OF CITY CAPITAL IMPROVEMENT PROJECTS AND MEASURE J RECOMMENDATIONS:**
RECOMMENDATION:
Direct Staff as appropriate.

ADJOURNMENT: The Measure J Commission will adjourn and the City Council will continue with the Regular Meeting.

REGULAR CITY COUNCIL MEETING

CALL TO ORDER:

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 COMMENT: (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. MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR CLASS 1 HISTORIC SITE LOCATED AT 1323 SOUTH DRIFTWOOD DRIVE, HSPB 110: RECOMMENDATION:

1. Approve a Mills Act Historic Property Preservation Agreement with Mark Garrison and Jane Garrison, for 1323 South Driftwood Drive, a Class 1 Historic Site, HSPB 110. A ____.
2. Authorize the City Manager to execute the Agreement.
3. Direct the City Clerk to record the Agreement.

B. APPROVE THE PURCHASE AND INSTALLATION OF NEW CARPET TILES FOR AIRPORT MAIN TERMINAL BAGGAGE CLAIM AREA: RECOMMENDATION:

1. Approve the purchase and installation of new carpet tiles and additional "attic stock" for the Airport's main terminal baggage claim area, as per the specifications in Invitation for Bids (IFB) 18-04, to Del's Flooring Contractors Inc. of Palm Desert, CA, in the total amount of \$139,340.36.
2. Authorize the City Manager to execute all necessary documents.

C. APPROVAL OF PROFESSIONAL SERVICES AGREEMENTS FOR ON-CALL AVIATION CONSULTING SERVICES (ARCHITECTURAL, ENGINEERING, ENVIRONMENTAL, PLANNING, CONSTRUCTION MANAGEMENT, AND MISCELLANEOUS SERVICES) ASSOCIATED WITH THE PALM SPRINGS INTERNATIONAL AIRPORT CAPITAL IMPROVEMENT PROGRAM: RECOMMENDATION:

1. Approve Agreement No. A ____ with M. Arthur Gensler & Associates, Inc., a California corporation, for on-call professional aviation consulting services associated with the Palm Springs International Airport Capital Improvement Program, for a term of five years.
2. Approve Agreement No. A ____ with RS&H California, Inc., a California corporation, for on-call professional aviation consulting services associated with the Palm Springs International Airport Capital Improvement Program, for a term of five years.
3. Approve Agreement No. A ____ with WSP USA, Inc., a New York corporation, for on-call professional aviation consulting services associated with the Palm Springs International Airport Capital Improvement Program, for a term of five years.
4. Authorize the City Manager to execute all necessary documents.

- D. APPROVAL OF A REQUEST TO EXTEND THE PREVIOUSLY APPROVED EARLY CONSTRUCTION START TIME FOR WORK ACTIVITIES AT THE ANDAZ HOTEL CONSTRUCTION SITE FROM MAY 1, 2018, THROUGH SEPTEMBER 30, 2018:**
RECOMMENDATION:
Approve the requested early construction time of 4:00 AM between May 1, 2018, and September 30, 2018, for the Andaz Hotel construction.
- E. APPOINTMENT TO THE VILLAGEFEST BOARD FOR THE UNEXPIRED TERM ENDING JUNE 30, 2019:**
RECOMMENDATION:
Appoint Chris Campbell to the VillageFest Board for the unexpired term ending June 30, 2019.
- F. APPROVAL OF A RESOLUTION AUTHORIZING REIMBURSEMENT OF CERTAIN PUBLIC EXPENDITURES ASSOCIATED WITH THE DREAM HOTEL THROUGH PUBLIC FINANCING VIA CSCDA BOND PROCEEDS:**
RECOMMENDATION:
Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS OFFICIAL INTENT TO REIMBURSE PROJECT EXPENDITURES WITH BOND PROCEEDS AND RELATED ACTIONS."
- G. AMENDMENT NO. 2 TO CONSULTING SERVICES AGREEMENT NO. A5336 WITH EVERGREEN RECYCLING SOLUTIONS FOR TECHNICAL ASSISTANCE AND PROFESSIONAL SERVICES ON SOLID WASTE AND RECYCLING ISSUES:**
RECOMMENDATION:
1. Approve a Consulting Services Agreement Amendment with Evergreen Recycling Solutions for municipal solid waste management and recycling consulting services, in an amount not to exceed \$150,000 for three years, beginning July 1, 2018, and ending on June 30, 2021.
 2. Authorize City Manager to execute all the necessary documents.
- H. PALM SPRINGS INNOVATION HUB AND ACCELERATOR CAMPUS QUARTERLY REPORT FOR JANUARY 1, 2018, TO MARCH 31, 2018:**
RECOMMENDATION:
Receive and file the first quarterly report from the Coachella Valley Economic Partnership for the Palm Springs Innovation Hub for the period of January 1, 2018, to March 31, 2018.
- I. AUTHORIZE THE PURCHASE OF ONE NEW TENNANT M30 DIESEL CYLINDRICAL SCRUBBER-SWEEPER TO MAINTAIN THE NEW DOWNTOWN PARKING STRUCTURE:**
RECOMMENDATION:
1. Authorize the cooperative purchase of one (1) new Tennant M30 Diesel Cylindrical Floor Scrubber-Sweeper from Aviate Enterprises Incorporated in an amount not to exceed \$71,852.41 inclusive of shipping and applicable sales tax.
 2. Authorize the City Manager to execute all necessary documents.
- J. AUTHORIZE THE PURCHASE OF FOUR (4) REPLACEMENT TRUCKS AND TWO (2) GENERAL SERVICE VEHICLES FOR AIRPORT OPERATIONS DIVISION, POLICE DEPARTMENT, VACATION RENTAL COMPLIANCE DEPARTMENT AND ONE (1) REPLACEMENT TRACTOR FOR THE PARK MAINTENANCE DIVISION IN AN AMOUNT NOT TO EXCEED \$410,000:**
RECOMMENDATION:

1. Authorize the purchase of four (4) new Ford or Chevrolet trucks (alternative fuel equivalent) vehicle and outfitting for the Airport Operations Division not to exceed \$220,000.
2. Authorize the purchase of one (1) new Ford Explorer XLT vehicle and outfitting for the Police Department not to exceed \$56,000.
3. Authorize the purchase of one (1) new Chevrolet Volt (Hybrid) vehicle and outfitting for the Vacation Rental Compliance Department not to exceed \$40,000.
4. Authorize the purchase of one (1) new Ford or Chevrolet Truck (alternative fuel equivalent) vehicle and outfitting for the Vacation Rental Compliance Department not to exceed \$56,000.
5. Authorize the purchase of one (1) new Bobcat Skid Steer (alternative fuel equivalent) tractor for the Maintenance & Facilities Department (Park Maintenance Division) to replace Unit 300603 not to exceed \$38,000.
6. Authorize staff to conduct the appropriate bid processes, or utilize cooperative purchase contracts if available, in accordance with Procurement procedures and authorize the City Manager to execute all necessary documents, including Purchase Orders for the new replacement vehicles and equipment, in a total cumulative amount not to exceed \$410,000.

**K. AMENDMENT TO AGREEMENT NO. A6017 FOR TRANSIENT OCCUPANCY TAX COMPLIANCE PROGRAM AUDITING SERVICES WITH MUNISERVICES, LLC:
RECOMMENDATION:**

1. Approve Amendment No. 2 to Agreement No. A6017 with MuniServices, LLC to provide the City Transient Occupancy Tax Compliance Program Services, adding and clarifying language relating to the confidentiality of information, and extending the term of the agreement for three additional years ending June 30, 2021, with the option for adding one additional year.
2. Authorize the City Manager to execute all necessary documents.

**L. AGREEMENT FOR PLACEMENT OF PUBLIC ARTWORK TITLED "ISABELLE" ON PRIVATE PROPERTY AND GRANT OF EASEMENT BETWEEN THE CITY OF PALM SPRINGS AND DTSP C-15, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY:
RECOMMENDATION:**

1. Accept the public artwork identified as "Isabelle" located at 100 West Tahquitz Canyon Way at Block C of the Downtown Revitalization Project.
2. Approve an Agreement for Placement of Artwork on Private Property and Grant of Easement with DTSP C-15, LLC, a California limited liability company. A_____.
3. Authorize the City Manager to execute all necessary documents.
4. Direct the City Clerk to record the Agreement.

**M. APPROVAL OF MINUTES:
RECOMMENDATION:** Approve the City Council Meeting Minutes of March 7, 2018.

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

2. **PUBLIC HEARINGS:**

- A. **REQUEST BY THE CITY OF PALM SPRINGS FOR A ZONE TEXT AMENDMENT TO MAKE MINOR MODIFICATIONS AND CORRECTIONS TO SECTIONS 93.20.00 THROUGH 93.20.13 OF THE PALM SPRINGS ZONING CODE (PSZC) RELATIVE TO THE CITY'S SIGN ORDINANCE, CASE 5.1416-A 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 OF PALM SPRINGS, CALIFORNIA, ADOPTING MINOR MODIFICATIONS AND CORRECTIONS TO SECTIONS 93.20.00 THROUGH 93.20.13 OF THE PALM SPRINGS ZONING CODE RELATIVE TO THE CITY'S SIGN ORDINANCE (CASE 5.1416-A ZTA)."

- B. **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CERTAIN PORTIONS OF RESOLUTION NO. 23854, MODIFYING CERTAIN USER FEES AND CHARGES BY IMPLEMENTING A CONSUMER PRICE INDEX INCREASE AND ADOPTING THE COMPREHENSIVE FEE SCHEDULE FOR FISCAL YEAR 2018-19:
RECOMMENDATION:**

- 1. Open the continued Public Hearing and receive public testimony.
- 2. Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PORTIONS OF RESOLUTION NO. 23854, MODIFYING CERTAIN USER FEES AND CHARGES BY IMPLEMENTING A CONSUMER PRICE INDEX INCREASE AND ADOPTING THE COMPREHENSIVE FEE SCHEDULE FOR FISCAL YEAR 2018-19."

- 3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:**

- A. **APPROVAL OF TIME EXTENSIONS OF VARIOUS SUBDIVISION IMPROVEMENT AGREEMENTS FOR TM 28966, TM 32233-1, TM 32233-4, AND TM 33561:
RECOMMENDATION:**

Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING TIME EXTENSIONS OF SUBDIVISION IMPROVEMENT AGREEMENTS FOR TM 28966, TM 32233-1, TM 32233-4, AND TM 33561."

- B. **APPROVAL OF TIME EXTENSIONS OF VARIOUS SUBDIVISION IMPROVEMENT AGREEMENTS FOR TM 32233, TM 32233-2, TM 32233-5, TM 36548, AND TM 36738:
RECOMMENDATION:**

Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING TIME EXTENSIONS OF SUBDIVISION IMPROVEMENT AGREEMENTS FOR TM 32233, TM 32233-2, TM 32233-5, TM 36548, AND 36738."

5. NEW BUSINESS:

A. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE 2018 PAVEMENT REHABILITATION, CP 18-01:

RECOMMENDATION:

Approve the plans, specifications and estimate and authorize staff to advertise and solicit bids for the 2018 Pavement Rehabilitation, CP 18-01.

B. DISCUSSION OF PARKS AND RECREATION FEE SCHEDULES:

RECOMMENDATION:

- 1. Discuss the Parks and Recreation Commission fee recommendations.
- 2. Direct staff as appropriate.

C. CONSIDERATION OF SCIP PUBLIC FINANCING FOR THE RESIDENTIAL DEVELOPMENT PROJECTS KNOWN AS CANYON VIEW AND VIBE:

RECOMMENDATION:

Provide direction to staff as appropriate.

D. DISCUSSION OF VEHICLE ELECTRIC CHARGERS AT CITY FACILITIES:

RECOMMENDATION:

Direct 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 the next regular meeting Wednesday, May 16, 2018, at 6:00 p.m. Council Chamber, City Hall, preceded by Closed Session, Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

AFFIDAVIT OF POSTING

State of California)
 County of Riverside) ss.
 City of Palm Springs)

I, CYNTHIA A. BERARDI, Chief Deputy City Clerk of the City of Palm Springs, California, hereby certify this Agenda was delivered to each member of the City Council, provided to all parties who have requested such notice, posted at City Hall before 5:00 p.m., on April 27, 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, May 2, 2018 – 4:00 p.m.

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

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)

Lee H. Brandenburg and Diane M. Brandenburg, Individually and as Trustees of the Brandenburg Revocable Trust and Dennis A. Cunningham and Andrea C. Cunningham individually, and in their capacities as Trustees of the Cunningham Family Trust Dated 12/14/2000 v. City of Palm Springs et al.
Case No. PSC1606147, Riverside Superior Court, Palm Springs Division

City of Palm Springs v. O & M HR, LLC, et al.,
Case Number PSC 1701804, Riverside Superior Court, Palm Springs Division

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

ANTICIPATED LITIGATION

G.C. 54956.9(d)(2)

Nine (9) Cases

Including one (1) Case Re: Response to Letter From Kevin Shenkman, Esq., received March 5, 2018 (California Voting Rights Act of 2001)

Including one (1) Case Re: Tamarisk Tree Removal, Lawrence Crossley Neighborhood

INITIATION OF LITIGATION

G.C. 54956.9(d)(4)

Six (6) Cases

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

G.C. 54957(b)(1)

City Manager

City Attorney

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

G.C. 54956.8

Property Address/Description: 980 E. Tahquitz Canyon Way, APN 508-056-010
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: Palm Springs Unified School District; Sandra Lyon, Superintendent
Under Negotiation: Price and Terms of Payment (Lease)

Property Address/Description: 4449 N. Indian Canyon Dr., APN 669-330-047
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: Desert Community College District
Under Negotiation: Price and Terms of Payment (Acquisition)

CONFERENCE WITH LABOR NEGOTIATOR

G.C. 54957.6

Agency Designated
Representatives: City Manager David Ready and Attorney Peter Brown
Employee Organizations: Management Association of Palm Springs
Palm Springs Fire Safety
Palm Springs Fire Management
Palm Springs Police Management Association
Palm Springs Police Officers Association
Service Employees International Union Local 721