

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 28, 2018



4:30 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
Maria 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.

4:30 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:

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. **SECOND READING OF ORDINANCE NO. 1968, REPEALING PALM SPRINGS MUNICIPAL CODE SECTION 11.16.040:**
RECOMMENDATION:
Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1968, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, REPEALING PALM SPRINGS MUNICIPAL CODE SECTION 11.16.040."
- B. **PALM SPRINGS INNOVATION HUB AND ACCELERATOR CAMPUS QUARTERLY REPORT FOR JULY 1, 2018, TO SEPTEMBER 30, 2018:**
RECOMMENDATION:
Receive and file the quarterly report from the Coachella Valley Economic Partnership for the Palm Springs Innovation Hub for the period of July 1, 2018, to September 30, 2018.
- C. **STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF OCTOBER 2018:**
RECOMMENDATION:
Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of October 1 through October 31, 2018.
- D. **APPROVAL OF AMENDMENT NO. 7 TO THE PROFESSIONAL SERVICES AGREEMENT WITH CNS ENGINEERS, INC., IN THE AMOUNT OF \$170,360.48 FOR THE RAMON ROAD WIDENING (FROM SAN LUIS REY DR. TO LANDAU BLVD.) INCLUDING THE WHITEWATER RIVER BRIDGE WIDENING, FEDERAL-AID PROJECT NO. BHLS-5282 (040) CP 08-25:**
RECOMMENDATION:
1. Approve Amendment No. 7 to the Professional Services Agreement with CNS Engineers, Inc., a California corporation, to incorporate additional engineering design and right of way services in the amount of \$170,360.48 for an increased total contract amount of \$3,402,592.23 for the Ramon Road Widening (San Luis Rey Dr. to Landau Blvd.) including the Whitewater River Bridge Widening, Federal-Aid Project No. BHLS-5282 (040) CP 08-25. A6190.
 2. Authorize the City Manager to execute all necessary documents.
- E. **ACCEPTANCE OF THE AIRPORT TICKETING RENOVATION PROJECT ENABLING PHASE 1, CP 18-02:**
RECOMMENDATION:
1. Accept the public works improvement identified as the Airport Ticketing Renovation Project Enabling Phase 1, as completed in accordance with the plans and specifications, CP 18-02.
 2. Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Airport Ticketing Renovation Project Enabling Phase 1, CP 18-02.
- F. **PURCHASE OF NEWS RACKS FOR THE DOWNTOWN/UPTOWN BUSINESS DISTRICT AREAS:**
RECOMMENDATION:
1. In accordance with Palm Springs Municipal Code Section 7.04.020 "Sole Source Procurement by the City," authorize issuance of a Purchase Order in the amount of \$38,228.47, to City News Stands of Indianapolis, IN, for the purchase of seven (7) news racks.
 2. Authorize the City Manager to execute all necessary documents.

**G. APPROVE AMENDMENT NO. 1 IN THE AMOUNT OF \$131,353 TO THE PROFESSIONAL SERVICES AGREEMENT WITH RICONDO & ASSOCIATES FOR AIRLINE LEASE AND TERMINAL CONCESSION SERVICES:
RECOMMENDATION:**

1. Approve Amendment No. 1 in the amount of \$131,353 to Professional Services Agreement No. A6938 with Ricondo & Associates.
2. Authorize the City Manager to execute all necessary documents.

**H. RECEIVE AND FILE REPORT RE: "FRIEND OF THE COURT" BRIEF FILED IN THE NINTH CIRCUIT COURT OF APPEALS, IN SUPPORT OF THE STATE OF CALIFORNIA, IN UNITED STATES v. CALIFORNIA, A FEDERAL GOVERNMENT CHALLENGE AGAINST RECENT STATE LAWS RELATED TO IMMIGRATION POLICY:
RECOMMENDATION:**

Receive and file this report along with a true and correct copy of the brief filed.

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

2. PUBLIC HEARINGS:

**A. AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, TO EXTEND A TEMPORARY MORATORIUM ON CONVERSIONS OF GOLF COURSES TO OTHER USES FOR AN ADDITIONAL FOUR (4) MONTHS TO ALLOW FOR CONSIDERATION OF APPROPRIATE AMENDMENTS TO THE GENERAL PLAN OR MUNICIPAL CODE IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65858:
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 adopt an Ordinance entitled "AN INTERIM URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, TO EXTEND INTERIM URGENCY ORDINANCE NO. 1967 FOR AN ADDITIONAL FOUR (4) MONTHS AND CONTINUE FOR THIS PERIOD A TEMPORARY MORATORIUM ON THE CONVERSION OF GOLF COURSES TO OTHER USES TO ALLOW FOR CONSIDERATION OF APPROPRIATE AMENDMENTS TO THE GENERAL PLAN OR MUNICIPAL CODE IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65858 (4/5ths Vote Required) ."

3. LEGISLATIVE:

**A. PROPOSED ORDINANCE TO ALLOW ANY AIRPORT COMMISSION MEMBER TO SERVE AS CHAIRPERSON:
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 OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 2.16.040 RELATING TO THE SELECTION OF CHAIRPERSON FOR THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION."

4. UNFINISHED BUSINESS:

A. APPROVAL OF A FINAL RELEASE OF THE PERFORMANCE TRUST DEED RELATED TO 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 the Downtown Palm Springs Project in accordance with Section 2(b)(10) of that certain Project Financing Agreement dated September 29, 2011, approved on September 7, 2011. A6144.

5. NEW BUSINESS:

A. UPDATE REGARDING RECRUITMENT EFFORTS FOR THE CITY'S BOARDS AND COMMISSIONS:

RECOMMENDATION:

1. Consider waiving the procedures in Resolution No. 18804 Section 7(b), to allow for the City Council as a whole, to participate in the screening and interview of applicants for the Historic Site Preservation Board, Measure "J" Oversight Commission, and the Planning Commission.
2. Waive the procedures in Resolution No. 18804 Section 7(b) which provide for the Mayor to select and participate in all subcommittees.
3. Provide additional 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 29, 2018, at 6:00 p.m. in the Council Chamber at 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 November 23, 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 28, 2018 – 4:30 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)

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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

EHOF Canyon View, LLC v. City of Palm Springs

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

ANTICIPATED LITIGATION

G.C. 54956.9(d)(2)

Eight (8) 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: 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)

Property Address/Description: 3.6 Acres at SE corner of Indian Canyon Drive and
San Rafael Road APN 501-031-028
Agency: City of Palm Springs as Housing Successor
City Negotiator: David Ready, City Manager or Designee
Negotiating Parties: Community Housing Opportunities Corporation
(CHOC)
Under Negotiation: Price and Terms of Payment (Sale)

CONFERENCE WITH LABOR NEGOTIATOR

G.C. 54957.6

Agency Designated
Representatives: City Manager David Ready and Attorney Peter Brown

Employee Organizations: Palm Springs Fire Management Association
Palm Springs Police Management Association
Palm Springs Police Officers Association
Service Employees International Union Local 721