

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

December 5, 2018



4:00 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
Marla 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 CITYCLERK@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: Boy Scout Troop 262.

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. TREASURER'S INVESTMENT REPORT AS OF OCTOBER 31, 2018:**RECOMMENDATION:**

Receive and File the Treasurer's Investment Report as of October 31, 2018.

- B. REINSTATEMENT OF J. DOUGLAS DONENFELD TO THE PLANNING COMMISSION FOR THE TERM ENDING DECEMBER 31, 2018:**
RECOMMENDATION:
Reinstate J. Douglas Donenfeld to the Planning Commission for a term ending December 31, 2018.
- C. APPROVAL OF PARCEL MAP 36706, TRIPALMSVIEW PROPERTIES, LLC:**
RECOMMENDATION:
Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PARCEL MAP 36706, FOR PROPERTY LOCATED AT 555 NORTH VIA MONTE VISTA, IN SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST."
- D. REQUEST FOR CITY COUNCIL CONSIDERATION AND APPROVAL OF A RESOLUTION IN SUPPORT OF THE IMPERIAL AND RIVERSIDE COUNTIES JOINT MEMORANDUM OF UNDERSTANDING ON THE SALTON SEA:**
RECOMMENDATION:
Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, IN SUPPORT OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF IMPERIAL AND THE COUNTY OF RIVERSIDE ON THE SALTON SEA."
- E. AUTHORIZE A PURCHASE ORDER IN THE AMOUNT OF \$48,797 WITH RS&H CALIFORNIA, INC., A CALIFORNIA CORPORATION, FOR ARCHITECTURAL DESIGN SERVICES ASSOCIATED WITH THE PALM SPRINGS INTERNATIONAL AIRPORT TICKETING WING RENOVATION PROJECT:**
RECOMMENDATION:
1. Authorize a Purchase Order in the amount of \$48,797 with the City's "on-call" professional aviation consulting services firm, RS&H California, Inc., a California corporation, pursuant to Agreement No. A7148, for constructability review and preliminary construction management services related to the Palm Springs International Airport Ticketing Wing Renovation Project.
 2. Authorize the City Manager to execute all necessary documents.

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 AMENDMENTS TO CHAPTER 8.05 OF THE PALM SPRINGS MUNICIPAL CODE RELATIVE TO PROCEDURES FOR ALTERATION AND DEMOLITION OF HISTORIC BUILDINGS AND STRUCTURES, AND GENERAL REVISIONS TO HISTORIC PRESERVATION STANDARDS, CASE 5.1454:**
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 on first reading an Ordinance entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 8.05 OF THE PALM SPRINGS MUNICIPAL CODE RELATIVE TO PROCEDURES FOR ALTERATION AND DEMOLITION OF HISTORIC BUILDINGS AND STRUCTURES, AND GENERAL REVISIONS TO HISTORIC PRESERVATION STANDARDS, CASE 5.1454 ZTA."

- B. COUNCIL CALL-UP OF THE NOVEMBER 14, 2018, DECISION BY THE PLANNING COMMISSION TO APPROVE A ONE-YEAR TIME EXTENSION OF THE ENTITLEMENTS RELATED TO THE ORCHID TREE HOTEL PROJECT BY NEW CHURCH II, LLC, FOR THE 3.1-ACRE SITE LOCATED AT 222 SOUTH CAHUILLA ROAD (CASE 5.1345 CUP, HSPB 23, HSPB 72 & 3.0678 MAJ):**
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, APPROVING A ONE-YEAR EXTENSION OF TIME FOR CASE NOS. 5.1345 CUP AND 3.0678 MAJ FOR THE ADAPTIVE RE-USE OF EXISTING HISTORIC STRUCTURES AND CONSTRUCTION OF NEW HOTEL BUILDINGS TO OPERATE A HOTEL, RESTAURANT, AND SPA ON A 3.1-ACRE SITE LOCATED AT 222 SOUTH CAHUILLA ROAD."

- C. COUNCIL CALL-UP OF A PROJECT PREVIOUSLY APPROVED BY THE PLANNING COMMISSION FOR RADIO PS PROPERTIES, LLC FOR A CONDITIONAL USE PERMIT; ADOPTION OF A MITIGATED NEGATIVE DECLARATION; AND A MAJOR ARCHITECTURAL APPLICATION FOR THE CONSTRUCTION OF A 10,504-SQUARE FOOT CANNABIS CULTIVATION FACILITY LOCATED AT 3573 NORTH ANZA ROAD, ZONE M-1, SECTION 34 (CASE 5.1441 CUP AND 3.4073 MAJ):**
RECOMMENDATION:

1. Table the Public Hearing with no testimony at this time, and continue the Public Hearing to December 19, 2018.
2. Direct the City Clerk to post a Notice of Continuance pursuant to established procedures.

3. LEGISLATIVE:

- A. AN URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTERS 2.05, APPEAL TO CITY COUNCIL, 2.40, PERSONNEL, 2.50, ADMINISTRATIVE APPEALS BOARD, 8.80, VACANT BUILDINGS; BLIGHTED PROPERTY, 10.18, DANGEROUS AND VICIOUS ANIMALS, AND 11.72, PUBLIC NUISANCES, OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO REPLACING THE ADMINISTRATIVE APPEALS BOARD WITH AN INDEPENDENT HEARING OFFICER; AND A REGULAR ORDINANCE TO, IN ADDITION TO THE AMENDMENTS PROPOSED IN THE URGENCY ORDINANCE, AMEND CHAPTER 2.40 TO REPLACE THE PERSONNEL BOARD WITH AN INDEPENDENT HEARING OFFICER. *(Majority vote required for standard ordinance; four-fifths (4/5ths) vote required for urgency ordinance):***
RECOMMENDATION:

1. Adopt an Ordinance entitled "AN URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTERS 2.05, APPEAL TO CITY COUNCIL, 2.50, ADMINISTRATIVE APPEALS BOARD, 8.80, VACANT BUILDINGS; BLIGHTED PROPERTY, 10.18, DANGEROUS AND VICIOUS ANIMALS, AND 11.72, PUBLIC NUISANCES, OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO REPLACING THE ADMINISTRATIVE APPEALS BOARD WITH AN INDEPENDENT HEARING OFFICER."
2. Introduce an Ordinance entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTERS 2.05, APPEAL TO CITY COUNCIL, 2.40, PERSONNEL, 2.50, ADMINISTRATIVE APPEALS BOARD, 8.80, VACANT BUILDINGS; BLIGHTED PROPERTY, 10.18, DANGEROUS AND VICIOUS ANIMALS, AND 11.72, PUBLIC NUISANCES, OF THE PALM SPRINGS MUNICIPAL CODE, RELATING TO REPLACING THE ADMINISTRATIVE APPEALS BOARD AND THE PERSONNEL BOARD WITH AN INDEPENDENT HEARING OFFICER."

4. **UNFINISHED BUSINESS:** None.
5. **NEW BUSINESS:**
 - A. **DISCUSSION REGARDING ADDITIONAL PICKLEBALL COURTS AT VARIOUS PARKS:
RECOMMENDATION:**
Direct staff as appropriate.
 - B. **AMENDMENTS TO THE PURCHASE AND SALE AGREEMENT AND SERVICES AGREEMENT WITH SELENE PALM SPRINGS, LLC, FOR THE DREAM HOTEL PROJECT LOCATED AT THE NORTHEAST CORNER OF CALLE ALVARADO AND EAST AMADO ROAD:
RECOMMENDATION:**
 1. Approve Amendment No. 9 to the Purchase and Sale Agreement (A6329) with Selene Palm Springs, LLC, a California limited liability company, related to the Dream Hotel Project.
 2. Approve Amendment No. 3 to the Services Agreement (A6329) with Selene Palm Springs, LLC, a California limited liability company, related to the Dream Hotel Project.
 3. Authorize the City Manager or designee to take all steps needed to execute these actions.
 - C. **REVIEW AND MAKE APPOINTMENTS TO CITY COUNCIL REPRESENTATIVES TO EXTERNAL ORGANIZATIONS:
RECOMMENDATION:**
 1. Review and make appointments to the City Council Representatives to External Organizations.
 2. Authorize the City Clerk to prepare and execute FPPC Form 806 *Public Official Appointments*, and direct the City Clerk to post on the City's website as required.
 - D. **APPOINTMENT OF MAYOR PRO TEMPORE FOR THE TERM ENDING DECEMBER 2019:
RECOMMENDATION:**
Appoint a member of the Palm Springs City Council as Mayor Pro Tempore for the term ending December 2019.

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 Regular Meeting on Wednesday, December 19, 2018, at 6:00 p.m. in the Council Chamber at City Hall, preceded by Closed Session, Small Conference Room 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 November 30, 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, December 5, 2018 – 4:00 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

EHOFF 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