

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

March 6, 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.

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
Peter N. King, General Counsel
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, 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: Palm Springs Air Force ROTC Junior Color Guard.

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. 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 12-29-2018 BY WARRANTS NUMBERED 420569 THROUGH 420582 TOTALING \$30,516.05, LIABILITY CHECKS NUMBERED 1103531 THROUGH 1103549 TOTALING \$73,530.75, FOUR WIRE TRANSFERS FOR \$73,934.91, AND FOUR ELECTRONIC ACH DEBITS OF \$1,469,422.15 IN THE AGGREGATE AMOUNT OF \$1,647,403.86, 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 CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1103550 THROUGH 1103802 IN THE AGGREGATE AMOUNT OF \$2,526,227.86, DRAWN ON BANK OF AMERICA."
3. 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 01-12-2019 BY WARRANTS NUMBERED 420583 THROUGH 420596 TOTALING \$25,151.41, LIABILITY CHECKS NUMBERED 1103803 THROUGH 1103821 TOTALING \$58,184.83, FOUR WIRE TRANSFERS FOR \$60,954.07, AND EIGHT ELECTRONIC ACH DEBITS OF \$1,521,153.77 IN THE AGGREGATE AMOUNT OF \$1,665,444.08, DRAWN ON BANK OF AMERICA."
4. Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1103822 THROUGH 1104096 IN THE AGGREGATE AMOUNT OF \$4,994,903.65, DRAWN ON BANK OF AMERICA."

**B. TREASURER'S INVESTMENT REPORT AS OF JANUARY 31, 2019:
RECOMMENDATION:**

Receive and File the Treasurer's Investment Report as of January 31, 2019.

**C. ACCEPT THE RESIGNATION OF ASHLEY DUNPHY FROM THE BOARD OF LIBRARY TRUSTEES FOR THE TERM ENDING JUNE 30, 2019:
RECOMMENDATION:**

1. Accept with regret the resignation of Ashley Dunphy from the Board of Library Trustees.
2. Direct the City Clerk to post a notice of vacancy for the term ending June 30, 2019.

**D. REPORT ON COMPLIANCE WITH THE CITY'S NON-DISCRIMINATION POLICY WITH CONTRACTS AND PURCHASE ORDERS:
RECOMMENDATION:**

Receive and file.

**E. APPROVE THE COOPERATIVE PURCHASE OF VIGILANT SOLUTIONS INTELLIGENCE LED POLICING PACKAGE WITH A THREE CAMERA MOBILE LICENSE PLATE READER SYSTEM, EXTENDED HARDWARE WARRANTY, AND HOSTING FEES:
RECOMMENDATION:**

1. Approve the cooperative purchase of the Vigilant Solutions Intelligence Led Policing Package with a three camera Mobile License Plate Reader System mounted on a marked Palm Springs Police Department patrol car for \$22,478.33, plus an extended hardware warranty plan for \$6,300 and hosting fees for \$6,300, for a total not to exceed amount of \$35,078.33. A_____.
2. Authorize the City Manager to execute any necessary documents to effectuate the purchase.

- F. **HUMAN RIGHTS COMMISSION 2017-18 REPORT: RECOMMENDATION:**
Receive and file the report prepared submitted by the Human Rights Commission on work completed from July 2017 through December 2018.
- G. **APPROVAL OF AMENDMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT WITH CNS ENGINEERS, INC., IN THE AMOUNT OF \$44,683.33 FOR THE SOUTH PALM CANYON DRIVE BRIDGE REPLACEMENT AT TAHQUITZ CREEK CHANNEL, CP 12-02, FEDERAL-AID PROJECT NO. BRLS-5282 (042): RECOMMENDATION:**
1. Approve Amendment No. 4 to the Professional Services Agreement with CNS Engineers, Inc., to incorporate additional environmental and right of way services in the amount of \$44,683.33 for an increased total contract amount of \$1,260,140.92 for the South Palm Canyon Bridge Replacement at Tahquitz Creek Channel, CP 12-02, Federal Aid Project No. BRLS-5282 (042). A6594.
 2. Authorize the City Manager to execute all necessary documents.
- H. **APPROVAL INCREASE TO PURCHASE ORDER NO. 16-0923 IN AN AMOUNT NOT TO EXCEED \$38,402 WITH DAVID VOLZ DESIGN LANDSCAPE ARCHITECTS, INC., FOR THE WELWOOD MURRAY MEMORIAL LIBRARY COURTYARD IMPROVEMENTS, CP 16-02: RECOMMENDATION:**
1. Approve increase to Purchase Order No. 16-0923 with David Volz Design Landscape Architects Inc., a California corporation, to finalize requested design and security revisions in the amount of \$38,402 for a total amount of \$54,128 for the Welwood Murray Memorial Library Courtyard Improvements, CP 16-02. A6786.
 2. Authorize the City Manager to execute all necessary documents.
- I. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1981 AMENDING PALM SPRINGS ZONING CODE SECTIONS 91.00.10, 92.01.01, AND 93.23.14, RELATING TO ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES, CASE 5.1447 ZTA: RECOMMENDATION:**
Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1981, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PALM SPRINGS ZONING CODE SECTIONS 91.00.10, 92.01.01, AND 93.23.14, RELATING TO ACCESSORY DWELLING UNITS IN RESIDENTIAL ZONES, CASE 5.1447 ZTA."
- J. **CITY COUNCIL REPORT REGARDING THE CITY'S MEASURES TO ALLEVIATE CONDITIONS WHICH LED TO ADOPTION OF INTERIM URGENCY ORDINANCE NO. 1969 – A TEMPORARY MORATORIUM ON CONVERSIONS OF GOLF COURSES FOR OTHER USES: RECOMMENDATION:**
Adopt and issue the attached City Council Report to the public describing the City's measures to alleviate the conditions which led to the adoption of Interim Urgency Ordinance No. 1967 – a temporary moratorium on conversions of golf courses for other uses.
- K. **PALM SPRINGS INNOVATION HUB AND ACCELERATOR CAMPUS QUARTERLY REPORT FOR OCTOBER 1, 2018, TO DECEMBER 31, 2018: RECOMMENDATION:**
Receive and file the quarterly report from the Coachella Valley Economic Partnership for the Palm Springs Innovation Hub for the period of October 1, 2018, to December 31, 2018.

L. REQUEST FOR CITY COUNCIL CONSIDERATION AND APPROVAL OF A RESOLUTION IN SUPPORT OF THE IMPERIAL AND RIVERSIDE COUNTY 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 AND RESCINDING RESOLUTION NO. 24521."

M. APPROVAL OF MINUTES:

RECOMMENDATION:

Approve the City Council Meeting Minutes of May 2, 2018, and May 16, 2018.

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

2. PUBLIC HEARINGS:

A. REQUEST FOR APPROVAL OF AN ANNUAL UPDATE TO THE PALM SPRINGS ZONING CODE, CASE 5.1466 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 COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN ANNUAL UPDATE TO THE PALM SPRINGS ZONING CODE, CASE 5.1466 ZTA."

3. LEGISLATIVE:

A. INTRODUCE AN ORDINANCE TO AMEND THE PALMS SPRINGS MUNICIPAL CODE RELATING TO PUBLIC INTEGRITY DISCLOSURE REQUIREMENTS:

RECOMMENDATION:

Waive the reading of the ordinance text in its entirety, read by title only, and introduce an Ordinance entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PALM SPRINGS MUNICIPAL CODE SECTION 2.60.040 "DUTIES OF OFFICIALS" RELATING TO PUBLIC INTEGRITY DISCLOSURE REQUIREMENTS."

4. UNFINISHED BUSINESS:

A. UPDATE ON RECENT ACTIVITIES RELATED TO THE DESERT COMMUNITY ENERGY'S COMMUNITY CHOICE AGGREGATION PROGRAM AND COUNCIL INPUT ON THE DEFAULT OPTIONS THAT MAY BE OFFERED TO RATE PAYERS:

RECOMMENDATION:

Direct staff as appropriate.

B. ADOPTION OF A RESOLUTION ESTABLISHING PROCEDURES FOR THE SELECTION OF A MAYOR AND MAYOR PRO TEM:

RECOMMENDATION:

Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ESTABLISHING PROCEDURES FOR THE SELECTION OF A MAYOR AND MAYOR PRO TEM."

5. NEW BUSINESS:

A. DECLARATION OF LOCAL EMERGENCY AND REPORT OF EMERGENCY DEBRIS REMOVAL, CLEAN-UP, ROAD REPAIRS, BUILDING REMEDIATION AND REPAIRS RELATED TO THE FEBRUARY 14, 2019, FLOOD PURSUANT TO SECTION 20168 OF THE CALIFORNIA PUBLIC CONTRACT CODE AND SECTION 7.04.040 OF THE PALM SPRINGS MUNICIPAL CODE:

RECOMMENDATION:

Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING A LOCAL EMERGENCY PURSUANT TO SECTION 20168 OF THE CALIFORNIA PUBLIC CONTRACT CODE, PALM SPRINGS MUNICIPAL CODE SECTION 7.04.040, AND CITY CHARTER SECTION 300; AUTHORIZING THE CITY MANAGER TO AWARD CONTRACTS AND ISSUE PURCHASE ORDERS WITHOUT COMPETITIVE SOLICITATION FOR BIDS PURSUANT TO SECTION 22050 OF THE CALIFORNIA PUBLIC CONTRACT CODE, AS NECESSARY TO IMMEDIATELY AND EXPEDITIOUSLY ADDRESS THE LOCAL EMERGENCY."

B. PUBLIC ART RELOCATION OF THE SCULPTURES, BUTCH, ITHIEL AND SQUEEZE BY ARTIST JOHN CLEMENT TO THE TAHQUITZ CANYON WAY MEDIAN BETWEEN FARRELL DRIVE AND EL CIELO ROAD:

RECOMMENDATION:

1. Discuss and direct staff as appropriate regarding the relocation of three public art sculptures: Butch, Ithiel and Squeeze by John Clement currently located at: the intersection of North Palm Canyon Drive and Via Lola; 777 East Tahquitz Canyon Way, Regal Cinemas property; and 538 North Palm Canyon Drive, Palm Canyon Theatre.
2. Direct staff as appropriate.

C. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) REQUEST FOR PROPOSAL (RFP) PROCESS DISCUSSION FOR THE UNITED STATES DEPARTMENT OF HOUSING & URBAN DEVELOPMENT FISCAL YEAR 2019-20, CDBG PROGRAM, 45TH PROGRAM YEAR:

RECOMMENDATION:

Review the CDBG Application/RFP process and direct staff appropriately.

D. GENERAL FUND ENDING FISCAL YEAR 2017-18 AND GENERAL FUND MID-YEAR FISCAL YEAR 2018-19 BUDGET UPDATE:

RECOMMENDATION:

Receive and file.

E. AWARD A CONSTRUCTION CONTRACT TO METRO VIDEO SYSTEMS INC., IN THE AMOUNT OF \$399,240 FOR THE KEYLESS ENTRY SYSTEM, PHASE 1, CITY HALL, POLICE DEPARTMENT AND CITY YARD/FLEET BUILDINGS, CP 14-23: RECOMMENDATION:

1. Award a construction contract to Metro Video Systems, Inc., a California corporation, for Bid Schedules A, B, and C, in the amount of \$399,240 for the Keyless Entry System Phase 1, City Hall, Police Department and City Yard/Fleet Building, CP 14-23. A_____.
2. Delegate authority to the City Manager to approve and execute construction contract change orders up to \$40,000.
3. Authorize the City Manager to execute all necessary documents.

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, March 20, 2019, 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 March 1, 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. 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, March 6, 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

G.C. 54956.9(d)(1)

4348 Lockwood Ave LLC et al v. City of Palm Springs
Case No. RIC 1703102, Superior Court of the State of California, County of Riverside

Timothy A. Garrett v. City of Palm Springs
Case No. PSC 1702958, Superior Court of the State of California, County of Riverside

ANTICIPATED LITIGATION

G.C. 54956.9(d)(2)

Three (3) Cases

INITIATION OF LITIGATION

G.C. 54956.9(d)(4)

Nine (9) Cases

PUBLIC EMPLOYEE APPOINTMENT

G.C. 54957

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 or Purchase)

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 Ready, City Manager or Designee
Negotiating Parties: State of California Caltrans
Under Negotiation: Price and Terms of Payment (Relinquishment)

Property Address/Description: Carriage House Property (0.5 acres) on a Portion of APN 513-070-009 Known as the O'Donnell Golf Course
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: Tracy Conrad
Under Negotiation: Price and Terms of Payment (Lease or Purchase)

CONFERENCE WITH LABOR NEGOTIATOR

G.C. 54957.6

Agency Designated
Representatives: City Manager David Ready and Legal Services Ad Hoc Subcommittee

Unrepresented Employee:
Employee Organizations: City Attorney/Interim City Attorney
Management Association of Palm Springs
Palm Springs Firefighters Association
Palm Springs Fire Management
Palm Springs Police Management Association
Palm Springs Police Officers Association
Service Employees International Union Local 721
Unrepresented Employees