

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

January 9, 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
Edward Z. Kotkin, City Attorney
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 (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. 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. RATIFY AND REAPPOINT THE NOMINATION OF THE CITY OF COACHELLA TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION FOR THE TERM ENDING JUNE 30, 2021:**RECOMMENDATION:**

Reappoint Bill Pattison, as the City of Coachella representative, to the Palm Springs International Airport Commission for the term ending June 30, 2021.

- B. **REQUEST BY PALM GROVE GROUP, LLC, FOR AN ART MURAL INSTALLATION AT THE ARRIVE PALM SPRINGS HOTEL AT 1551 NORTH PALM CANYON DRIVE, CASE 18-005 MUR:**

RECOMMENDATION:

Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN ART MURAL ON AN EXISTING SCREENING WALL AT THE ARRIVE PALM SPRINGS HOTEL ADJACENT TO THE WEXLER'S @ ARRIVE RESTAURANT AT 1551 NORTH PALM CANYON DRIVE, CASE 18-005 MUR."

- C. **APPROVAL OF AMENDMENT NO. 5 IN THE AMOUNT OF \$25,000 TO CONSULTING SERVICES AGREEMENT NO. A6757 WITH INTERACTIVE DESIGN CORPORATION FOR THE FIRE STATION NO. 4 REHABILITATION, CP 15-25:**

RECOMMENDATION:

1. Approve Amendment No. 5 to Agreement No. A6757 in the amount of \$25,000 for a total amount of \$481,469 with Interactive Design Corporation for the Fire Station No. 4 Rehabilitation, CP 15-25.
2. Authorize the City Manager to execute all necessary documents.

- D. **CONSIDERATION OF THE 2019 CITY COUNCIL MEETING SCHEDULE:**

RECOMMENDATION:

Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE CANCELLATION AND RESCHEDULING OF CERTAIN CITY COUNCIL MEETINGS AND ESTABLISHING THE RESCHEDULED MEETINGS AS REGULAR MEETINGS OF THE CITY COUNCIL."

- E. **ACCEPTANCE OF PUBLIC IMPROVEMENTS AND AUTHORIZATION TO RELEASE SUBDIVISION IMPROVEMENT SECURITIES FOR THE "DAKOTA DEVELOPMENT," TRACT MAP 36548:**

RECOMMENDATION:

Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING ACCEPTANCE OF THE SUBDIVISION IMPROVEMENTS ASSOCIATED WITH TRACT MAP 36548 AND AUTHORIZING RELEASE OF SECURITIES REQUIRED BY THE SUBDIVISION IMPROVEMENT AGREEMENT WITH DAKOTA PS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY FOR PROPERTY LOCATED ON THE WEST SIDE OF BELARDO ROAD SOUTH OF MORONGO ROAD, IN SECTION 22, TOWNSHIP 4 SOUTH, RANGE 4 EAST." A6626.

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

2. **PUBLIC HEARINGS:**

- A. **PROPOSED INTRODUCTION OF AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 94.08.10 OF THE PALM SPRINGS ZONING CODE, PROVIDING FOR A FIRST AMENDMENT TO THE VIRGIN HOTEL DEVELOPMENT AGREEMENT WITH DTPS B-3, LLC, REVISING THE PERFORMANCE SCHEDULE FOR CONSTRUCTION PROPOSED ON BLOCK B-1 OF THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN, LOCATED AT THE NORTHEAST CORNER OF MUSEUM WAY AND BELARDO ROAD, ZONE CBD, SECTION 15, CASE 5.1427 DA AMENDMENT:**

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, AMENDING SECTION 94.08.10 OF THE PALM SPRINGS ZONING CODE, PROVIDING FOR A FIRST AMENDMENT TO THE VIRGIN HOTEL DEVELOPMENT AGREEMENT WITH DTPS B-3, LLC, REVISING THE PERFORMANCE SCHEDULE FOR CONSTRUCTION PROPOSED ON BLOCK B-1 OF THE DOWNTOWN PALM SPRINGS SPECIFIC PLAN, LOCATED AT THE NORTHEAST CORNER OF MUSEUM WAY AND BELARDO ROAD, ZONE CBD, SECTION 15, CASE 5.1427 DA AMENDMENT."
3. Approve Amendment No. 1 to that certain "Operations Covenant and Declaration of Covenants and Restrictions for the Virgin Hotel approved on November 29, 2017.
4. Authorize the City Manager to execute the amended Development Agreement with DTPS B-3, LLC.

**B. 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 reintroduce on first reading Ordinance No. 1970, "AN ORDINANCE OF THE CITY COUNCIL 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)."

**C. AMENDMENT TO THE PALM SPRINGS ZONING CODE (PSZC) TO ESTABLISH DEFINITIONS AND STANDARDS FOR TRANSITIONAL AND SUPPORTIVE HOUSING, CASE 5.1460 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 on first reading an Ordinance entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING SECTION 93.23.19 OF THE PALM SPRINGS ZONING CODE RELATING TO TRANSITIONAL AND SUPPORTIVE HOUSING (CASE 5.1460 ZTA)."

**D. AMENDMENT TO THE PALM SPRINGS ZONING CODE (PSZC) TO ESTABLISH PROCEDURES RELATING TO REASONABLE ACCOMMODATIONS, CASE 5.1459 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 SECTION 93.23.18 OF THE PALM SPRINGS ZONING CODE RELATING TO REASONABLE ACCOMMODATIONS (CASE 5.1459 ZTA)."

**E. AMENDMENT TO THE PALM SPRINGS ZONING CODE (PSZC) TO ESTABLISH DENSITY BONUS PROVISIONS FOR AFFORDABLE HOUSING, CASE 5.1458 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 SECTION 93.23.17 OF THE PALM SPRINGS ZONING CODE RELATING TO DENSITY BONUSES FOR AFFORDABLE HOUSING (CASE 5.1458 ZTA)."

3. **LEGISLATIVE:** None.

4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:**

**A. PROJECT UPDATE OF THE CITYWIDE HISTORIC CONTEXT STATEMENT AND SURVEY FINDINGS, CASE 5.1328:
RECOMMENDATION:**

Receive and file the Citywide Historic Context Statement and Survey Findings document.

**B. MEMORANDUM OF UNDERSTANDING WITH THE PALM SPRINGS POLICE OFFICERS' ASSOCIATION:
RECOMMENDATION:**

1. Adopt a Resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A MEMORANDUM OF UNDERSTANDING RELATIVE TO WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT FOR EMPLOYEES IN THE PALM SPRINGS POLICE OFFICERS' ASSOCIATION FOR THE PERIOD OF DECEMBER 16, 2018, THROUGH JUNE 30, 2020, SUBJECT TO ASSOCIATION EXECUTING THE MEMORANDUM OF UNDERSTANDING."
2. Authorize the City Manager to execute the Memorandum of Understanding (MOU) and all documents necessary to effectuate the above action, including the allocation and compensation plans, agreements, contracts, and any non-substantial MOU language or reorganization.

**C. APPOINTMENT OF VARIOUS COMMISSIONERS AND BOARD MEMBERS AS PART OF THE 2018 ANNUAL RECRUITMENT PROCESS:
RECOMMENDATION:**

1. Appoint Kathy Weremiuk and David Kelly to the Board of Library Trustees for the terms ending June 30, 2021.
2. Reappoint Terri Andrade and Denise Chappell to the Human Rights Commission for the terms ending June 30, 2021.
3. Reappoint Doug Donenfeld for a term ending June 30, 2021, appoint Maria Song and Grace Garner to the Planning Commission for the terms ending June 30, 2021.
4. Appoint Darrell Baum to the VillageFest Board for the term ending June 30, 2021.

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, January 23, 2019, 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 January 4, 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, January 9, 2019 – 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)

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

Lundberg v. City of Palm Springs

Case No. PSC 1801228, Superior Court of the State of California, County of Riverside

City of Palm Springs v. O & M HR, LLC, et al.,

Case No. PSC 1701804, Superior Court of the State of California, County of Riverside

NDC Equities Downtown PS, LLC v. City of Palm Springs

Case No. PSC 1807579, Superior Court of the State of California, County of Riverside

Ascensio et al. v. City of Palm Springs

Case No. PSC 1807953, Superior Court of the State of California, County of Riverside

EHOFF Canyon View, LLC v. City of Palm Springs

Case No. PSC 1806289, Superior Court of the State of California, County of Riverside

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, Superior Court of the State of California, County of Riverside

ANTICIPATED LITIGATION

G.C. 54956.9(d)(2)

Ten (10) Cases

INITIATION OF LITIGATION

G.C. 54956.9(d)(4)

Four (4) Cases

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: 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