

**CITY COUNCIL**  
AND AS SUCCESSOR AGENCY TO THE  
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF THE PALM SPRINGS  
**CITY OF PALM SPRINGS, CALIFORNIA**

*Council Chamber, City Hall*  
**3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262**

[www.palmspringsca.gov](http://www.palmspringsca.gov)

**AGENDA**

**September 26, 2017**



**4:00 PM CLOSED SESSION  
6:00 ADJOURNED REGULAR  
MEETING**

**Robert Moon, Mayor**  
**Ginny Foat, Mayor Pro Tem**  
**Geoff Kors, Councilmember**  
**Chris Mills, 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**  
**Kathleen D. Hart, MMC, Interim 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](mailto: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. ADJOURNED 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. TREASURER'S INVESTMENT REPORT AS OF JULY 31, 2017:  
RECOMMENDATION:**

Receive and File the Treasurer's Investment Report as of July 31, 2017.

- B. SECOND READING AND ADOPTION OF ORDINANCE NO. 1936, AMENDING THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO THE REQUIREMENTS FOR HOTEL RESTAURANT FACILITIES IN THE R-2, R-3 AND R-4 ZONE DISTRICTS:**  
**RECOMMENDATION:** Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1936, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN AMENDMENT TO SECTIONS 92.03.01(C), 92.04.01(D), AND 92.05.01(D) OF THE PALM SPRINGS ZONING CODE (PSZC) RELATING TO THE REQUIREMENTS FOR HOTEL RESTAURANT FACILITIES IN THE R-2, R-3 AND R-4 ZONE DISTRICTS."
- C. SECOND READING AND ADOPTION OF ORDINANCE NO. 1937, AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN ANNEXATION NO. 17 TO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SAFETY SERVICES):**  
**RECOMMENDATION:** Waive the second reading of the ordinance text in its entirety, read by title only, and adopt Ordinance No. 1937, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING ANNEXATION NO. 17, 64 @ THE RIV, TRACT MAP NO. 37210, INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1, (PUBLIC SAFETY SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX, AND SUBMITTING THE LEVY OF A SPECIAL TAX TO QUALIFIED ELECTORS."
- D. ACCEPT THE RESIGNATION OF MARK ACKER FROM THE PARKS AND RECREATION COMMISSION:**  
**RECOMMENDATION:**
1. Accept with regret the resignation of Mark Acker from the Parks and Recreation Commission; and
  2. Direct the City Clerk to post a notice of vacancy for the term ending June 30, 2018.
- E. ACCEPT THE RESIGNATION OF DAVE DARRIN FROM THE PARKS AND RECREATION COMMISSION:**  
**RECOMMENDATION:**
1. Accept with regret the resignation of Dave Darrin from the Parks and Recreation Commission; and
  2. Direct the City Clerk to post a notice of vacancy for the term ending June 30, 2018.
- F. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:**  
**RECOMMENDATION:**
1. Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 07-29-2017 BY WARRANTS NUMBERED 420018, 420020 THROUGH 420035 TOTALING \$30,105.94 LIABILITY CHECKS NUMBERED 1093767 THROUGH 1093786 TOTALING \$80,196.09, FIVE WIRE TRANSFERS FOR \$61,551.87, AND THREE ELECTRONIC ACH DEBITS OF \$1,437,054.91 IN THE AGGREGATE AMOUNT OF \$1,608,908.81, DRAWN ON BANK OF AMERICA;"
  2. Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1093787 THROUGH 1093902 IN THE AGGREGATE AMOUNT OF \$2,499,698.73, DRAWN ON BANK OF AMERICA;"
  3. Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1093903 THROUGH 1094026 IN THE AGGREGATE AMOUNT OF \$2,691,967.87, DRAWN ON BANK OF AMERICA;"

4. Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 08-12-2017 BY WARRANTS NUMBERED 420036 THROUGH 420051 TOTALING \$25,987.07 LIABILITY CHECKS NUMBERED 1094027 THROUGH 1094046 TOTALING \$78,652.91, FIVE WIRE TRANSFERS FOR \$61,836.87, AND THREE ELECTRONIC ACH DEBITS OF \$1,328,253.78 IN THE AGGREGATE AMOUNT OF \$1,494,730.73, DRAWN ON BANK OF AMERICA;"
5. Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1094047 THROUGH 1094177 IN THE AGGREGATE AMOUNT OF \$1,286,240.12, DRAWN ON BANK OF AMERICA;"
6. Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1094178 THROUGH 1094288 IN THE AGGREGATE AMOUNT OF \$1,106,796.59, DRAWN ON BANK OF AMERICA;"
7. Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 08-26-2017 BY WARRANTS NUMBERED 420052 THROUGH 420068 TOTALING \$27,607.44 LIABILITY CHECKS NUMBERED 1094289 THROUGH 1094308 TOTALING \$79,471.00, FIVE WIRE TRANSFERS FOR \$72,391.95, AND THREE ELECTRONIC ACH DEBITS OF \$1,341,663.20 IN THE AGGREGATE AMOUNT OF \$1,521,133.59, DRAWN ON BANK OF AMERICA;"
8. Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1094309 THROUGH 1094454 IN THE AGGREGATE AMOUNT OF \$1,614,130.28 DRAWN ON BANK OF AMERICA;" and
9. Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1094455 THROUGH 1094561 IN THE AGGREGATE AMOUNT OF \$1,658,252.84, DRAWN ON BANK OF AMERICA."

**G. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF AUGUST 2017:**

**RECOMMENDATION:**

Receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of August 1 through August 31, 2017.

**H. ACCEPTANCE OF THE MIZELL SENIOR CENTER SHADE CANOPY, CP 15-12:**

**RECOMMENDATION:**

1. Accept the public works improvement identified as the Mizell Senior Center Shade Canopy, CP 15-12, as completed in accordance with the plans and specifications, A6876; and
2. Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Mizell Senior Center Shade Canopy, CP 15-12.

**I. AWARD A CONSTRUCTION CONTRACT TO CONDOR, INC. IN THE AMOUNT OF \$384,000 FOR THE PALM SPRINGS SWIM CENTER REPLASTER AND POOL REPAIR PROJECT, CP 16-06:**

**RECOMMENDATION:**

1. Award a construction contract to Condor, Inc., a California corporation, in the amount of \$384,000 for the Palm Springs Swim Center Replaster and Pool Repair Project, CP 16-06;

2. Authorize the City Manager to approve and execute construction contract change orders up to an additional amount of \$38,400; and
3. Authorize the City Manager to execute all necessary documents. A\_\_\_\_\_.

**J. AWARD PURCHASE OF GAS MASKS AND GAS MASK FILTERS FOR ALL POLICE DEPARTMENT SWORN PERSONNEL:  
RECOMMENDATION:**

1. Award the purchase of 100 Avon brand gas masks and 200 gas mask filters for PSPD sworn personnel from Adamson Police Products of Los Alamitos, CA in the amount of \$44,855.00 including applicable sales tax and delivery.
2. Authorize the City Manager to execute all necessary documents.

**K. TRANSFER AND ASSIGNMENT OF ROA CAPITAL LLC D/B/A MEDICAL PROPERTIES II PALM SPRINGS, LLC LEASEHOLD INTEREST IN LEASES NOS. A2528, A2529, A2636 TO CMK CIELO, LLC:  
RECOMMENDATION:**

1. Approve the Non-Disturbance, Estoppel and Ground Lessor's Consent Agreement with CMK CIELO, LLC;
2. Approve the Assignment and Assumption of Lease Agreement Nos. A2528, A2529, and A2636 and related Consents to Assignment; and
3. Authorize the City Manager to execute all necessary documents as required.

**L. REVISED RENTAL RATE SCHEDULE FOR AIRPORT CAR RENTAL CONCESSIONAIRES:  
RECOMMENDATION:**

1. Approve the revised rental rate schedule and authorize replacement of the rental rate schedule that was embedded in the amendments which the City Council approved on June 21, 2017, for all five Airport car rental concessionaires; and
2. Authorize the City Manager to execute all necessary documents.

**M. APPOINT COUNCILMEMBER KORS AS BOARD MEMBER/CITY LIAISON TO THE COMMUNITY CHOICE AGGREGATION PROGRAM AND COACHELLA VALLEY COMMUNITY ENERGY AUTHORITY:  
RECOMMENDATION:**

Appoint Councilmember Kors as Board Member/City Liaison to the Community Choice Aggregation Program and Coachella Valley Community Energy Authority.

**N. APPROVAL OF MINUTES:  
RECOMMENDATION:**

Approve the City Council Minutes of May 17, 2017, and June 7, 2017.

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

2. **PUBLIC HEARINGS:** None.
3. **LEGISLATIVE:** None.
4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:**

- A. **A REQUEST BY FREEHOLD COMMUNITIES, LLC, TO AMEND A PREVIOUSLY APPROVED SPECIAL SIGN DISTRICT FOR THE MIRALON RESIDENTIAL DEVELOPMENT, LOCATED ON THE NORTH SIDE OF SAN RAFAEL DRIVE, EAST OF NORTH INDIAN CANYON DRIVE, SOUTH OF THE WHITEWATER RIVER, AND WEST OF SUNRISE WAY, CASE SP 06-114 AMND:**

**RECOMMENDATION:**

Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE NO. SP 06-114 AMND TO AMEND A PREVIOUSLY APPROVED SPECIAL SIGN DISTRICT FOR THE MIRALON RESIDENTIAL PROJECT LOCATED ALONG THE NORTH SIDE OF SAN RAFAEL DRIVE, EAST OF NORTH INDIAN CANYON DRIVE, SOUTH OF THE WHITEWATER RIVER AND WEST OF SUNRISE WAY, CASE SP 06-114 AMND, ZONE PDD 290, SECTION 35."

- B. **REQUEST FOR EARLY CONSTRUCTION START TIMES FOR CERTAIN WORK ACTIVITIES AT THE ANDAZ HOTEL CONSTRUCTION SITE FROM NOVEMBER 1, 2017, THROUGH APRIL 30, 2018:**

**RECOMMENDATION:**

Approve the requested early construction time of 12:00 AM for nine specific dates between November 1, 2017, and April 30, 2018, for the Andaz Hotel construction.

- C. **AMENDMENT TO THE FISCAL YEAR 2017-18 BUDGET TO INCORPORATE THE 2017 ANNUAL SLURRY SEAL PROJECT, TO BE FUNDED BY SENATE BILL 1 (SB 1), THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017, CP 17-02:**

**RECOMMENDATION:**

1. Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2017-18, ADOPTED BY RESOLUTION 24238, TO INCORPORATE THE 2017 ANNUAL SLURRY SEAL PROJECT, CP 17-02, TO BE FUNDED BY SB 1, THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017;"
2. Amend the Fiscal Year 2017-18 Budget to include an appropriation of \$263,599 of SB1-RMRA (Gas Tax) Funds for Fiscal Year 2017-18; and
3. Amend the Fiscal Year 2017-18 Budget to include a new capital improvement project to be funded with SB1-RMRA (Gas Tax) Funds, identified as the 2017 Annual Slurry Seal Project, CP 17-02.

**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, October 4, 2017, 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, Kathleen D. Hart, Interim 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 11:30 p.m., on September 21, 2017, and posted on the City's website as required by established policies and procedures.

  
KATHLEEN D. HART, MMC  
Interim 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](http://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, September 26, 2017 – 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)**

*Smith and Haberman v. Andrew Adler and Alta Verde Sereno, LLC, et al.*  
Case No. PSC 1606441, Riverside Superior Court, Palm Springs Division

*City of Palm Springs v. Kenneth Irwin Jr.*  
Case No. PSC1606276, Riverside Superior Court, Palm Springs Division

*James Walters vs. City of Palm Springs et al*  
Case No. PSC1604870, Riverside Superior Court, Palm Springs Division

**EXPOSURE TO LITIGATION** **G.C. 54956.9(d)(2)**

3 Cases

**INITIATION OF LITIGATION** **G.C. 54956.9(d)(4)**

2 Cases

**CONFERENCE WITH REAL PROPERTY NEGOTIATOR** **G.C. 54956.8**

Property Address/Description: Intersection of Zanjero Road and Rochelle Road  
APN 504-260-024  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: William Hamlin, Gray1 Del Mar, LLC  
Under Negotiation: Price and Terms of Payment (Acquisition)



Property Address/Description: 285 N. Indian Canyon Dr., APN 513-091-003  
Agency: City of Palm Springs  
City Negotiator: David H. Ready, City Manager or Designee  
Negotiating Parties: Successor Agency of the Redevelopment Agency  
Under Negotiation: Price and Terms of Payment (Acquisition)

Property Address/Description: APN's 508-034-011, 508-034-012, 508-034-013,  
508-034-013 (Amado Road and Calle Alvarado)  
Agency: Community Redevelopment Agency  
Agency Negotiator: David Ready, Executive Director or Designee  
Negotiating Parties: Lauri Kibby representing Oasi Group  
Under Negotiation: Price and Terms of Payment (Purchase)