

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

**AGENDA**

**October 4, 2017**



**4:00 PM CLOSED SESSION**  
**6:00 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. 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. PURCHASE TWO (2) X-SERIES ADVANCED CARDIAC LIFE SUPPORT MONITOR/DEFIBRILLATORS FROM ZOLL MEDICAL CORPORATION IN THE AMOUNT OF \$57,860.22:  
RECOMMENDATION:**

1. Purchase two ZOLL X-Series ACLS Monitor/Defibrillators, accessory equipment and a one year warranty utilizing Riverside County contract discount pricing in the amount of \$57,860.22 from ZOLL Medical Corporation; and
2. Authorize the City Manager to execute all necessary documents.

**B. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE S. PALM CANYON DRIVE AND LA PLAZA SAFETY BOLLARD INSTALLATION, CP 15-29:**

**RECOMMENDATION:**

Approve the plans, specifications and estimate, and authorize staff to advertise and solicit bids for the S. Palm Canyon Drive and La Plaza Safety Bollard Installation, CP 15-29.

**C. CHANGE ORDER NO. 1 TO AGREEMENT NO. A7024 WITH AL MILLER & SONS ROOFING COMPANY, INC. IN THE AMOUNT OF \$175,900 FOR THE PALM SPRINGS ROOF REPAIR AND REPLACEMENT PROJECT, CP 16-05:**

**RECOMMENDATION:**

1. Approve Contract Change Order No. 1 in the amount of \$175,900 to the construction contract with Al Miller & Sons Roofing Company, Inc., to add the Police Department scope of work as part of the Palm Springs Roof Repair and Replacement Project, CP 16-05, A7024; and
2. Authorize the City Manager to execute all necessary documents.

**D. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE MEASURE J COMMUNITY PROJECTS, SIDEWALK GAP CLOSURE IMPROVEMENTS, CP 15-31:**

**RECOMMENDATION:**

1. Approve the plans, specifications and estimates, CP 15-31; and
2. Authorize staff to advertise and solicit bids for the Measure J Community Projects, Sidewalk Gap Closure Improvements, CP 15-31.

**E. ACCEPTANCE OF THE PAVEMENT OVERLAY AND RECONSTRUCTION PROJECT, CP 15-01:**

**RECOMMENDATION:**

Accept the public work of improvement identified as the Pavement Reconstruction and Overlay Project, CP 15-01, as completed in accordance with the plans and specifications, A6710.

**F. RANGE SERVICES AGREEMENT WITH THE MOUNT SAN JACINTO WINTER PARK AUTHORITY, PALM SPRINGS AERIAL TRAMWAY ARMED SECURITY:**

**RECOMMENDATION:**

1. Approve a facilities use "range services" agreement with the Mount San Jacinto Winter Park Authority providing for Palm Springs Aerial Tramway Armed Security to train at the Palm Springs Police Department's Firing Range, with projected revenue to the City in an amount of approximately \$2,370.00, with a term extending until September 30, 2020, A\_\_\_\_; and
2. Authorize the City Manager to execute all necessary documents.

**G. APPOINTMENT TO THE BOARD OF APPEALS WITH NO TERM ENDING:**

**RECOMMENDATION:**

Appoint Gregg A. Mandinach to the Board of Appeals with no term ending.

- H. **REQUEST BY WABI SABI JAPAN LIVING, LLC, (D/B/A WABI SABI) FOR A RESOLUTION OF PUBLIC CONVENIENCE OR NECESSITY (PCN) FOR A TYPE 20 – OFF SALE BEER AND WINE; AND TYPE 42 – ON-SALE BEER AND WINE FOR PUBLIC PREMISES AT THE RETAIL STORE LOCATED AT 258 NORTH PALM CANYON DRIVE, ZONE CBD, CASE 5.1425 PCN:  
RECOMMENDATION:**

Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DETERMINING THAT PUBLIC CONVENIENCE WOULD BE SERVED BY THE ISSUANCE OF ALCOHOLIC BEVERAGE CONTROL LICENSE TYPES 20 AND 42 AT 258 NORTH PALM CANYON DRIVE WITHIN CENSUS TRACT NO. 446.06."

- I. **APPROVAL OF MINUTES:**

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

- J. **APPROVE REIMBURSEMENT AGREEMENTS WITH THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS (CVAG), FOR FUNDING CONTRIBUTIONS TO VARIOUS PROJECTS RELATED TO THE 2017 CVAG BICYCLE AND PEDESTRIAN SAFETY PROGRAM AND APPROVE PURCHASE ORDERS TO ALBERT A. WEBB ASSOCIATES FOR DESIGN SERVICES FOR CERTAIN PROJECTS:  
RECOMMENDATION:**

1. Approve a Reimbursement Agreement for funding contribution from Coachella Valley Association of Governments' (CVAG) Bicycle and Pedestrian Safety Program for 2017 in the amount of \$1,989,000 for the Palm Canyon Drive Pedestrian Enhancements in Downtown Project, CP 17-07, A\_\_\_\_\_;
2. Approve a Reimbursement Agreement for funding contribution from Coachella Valley Association of Governments' (CVAG) Bicycle and Pedestrian Safety Program for 2017 in the amount of \$2,000,000 for the Indian Canyon Drive Pedestrian Enhancements in Downtown Project, CP 17-08, A\_\_\_\_\_;
3. Approve a Reimbursement Agreement for funding contribution from Coachella Valley Association of Governments' Bicycle and Pedestrian Safety Program for 2017 in the amount of \$1,255,500 for the East Palm Canyon/South Palm Canyon Drive Pedestrian Enhancements Project, CP 17-09, A\_\_\_\_\_;
4. Approve a Reimbursement Agreement for funding contribution from Coachella Valley Association of Governments' (CVAG) Bicycle and Pedestrian Safety Program for 2017 in the amount of \$516,000 for installation of traffic signals at Vista Chino (Hwy 111) and Via Miraleste, CP 17-03, and North Palm Canyon Drive (Hwy 111) and Via Escuela, CP 17-05, A\_\_\_\_\_;
5. Reserve the amount of \$2,000,000 from the Measure J Fund in the 2018-19 Fiscal Year for the Measure J Community Projects (Traffic Hot Spots 2.0 Program) to be used for the required CVAG local match for the 2017 Bicycle and Pedestrian Safety Program projects;
6. Authorize a Purchase Order to Albert A. Webb Associates pursuant to On-Call Agreement No. A6443 in the amount of \$259,620 for design services for the Palm Canyon Drive Pedestrian Enhancements in Downtown, CP 17-07;
7. Authorize a Purchase Order to Albert A. Webb Associates pursuant to On-Call Agreement No. A6443 in the amount of \$199,960 for design services for the Indian Canyon Drive Pedestrian Enhancements in Downtown, CP 17-08;
8. Authorize a Purchase Order to Albert A. Webb Associates pursuant to On-Call Agreement No. A6443 in the amount of \$140,800 for design services for the East Palm Canyon/South Palm Canyon Pedestrian Improvements, CP 17-09; and
9. Authorize the City Manager to execute all necessary documents.

**K. APPROVAL OF A PURCHASE AND SALE AGREEMENT WITH GRAY 1 DEL MAR, LLC FOR PARCELS OF UNIMPROVED REAL PROPERTY WITHIN THE BOUNDARY OF TENTATIVE TRACT MAP 37309 GENERALLY LOCATED AT THE INTERSECTION OF ZANJERO ROAD AND ROCHELLE ROAD:  
RECOMMENDATION:**

1. Approve a Purchase and Sale of Right of Way with Gray 1 Del Mar, LLC including a provision for right of first refusal, A\_\_\_\_; and
2. Authorize the City Manager to solicit proposals and otherwise administer the provisions of the Purchase and Sale Agreement and execute all appropriate and related documents.

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

**2. PUBLIC HEARINGS:**

**A. APPLICATION BY WILLIAM F. STEWART FOR CLASS ONE HISTORIC SITE DESIGNATION OF THE "CARL E. HAYMOND RESIDENCE," LOCATED AT 1415 NORTH CAMINO DEL CENTRO, CASE HSPB 107:  
RECOMMENDATION:**

1. Open the public hearing and receive public testimony; and
2. Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING THE CARL E. HAYMOND RESIDENCE LOCATED AT 1415 NORTH CAMINO DEL CENTRO AS A CLASS 1 HISTORIC SITE, HSPB 107, ZONE R-1-A, APN 505-192-008."

**3. LEGISLATIVE:**

**A. PROPOSED ORDINANCE ADDING TO THE PALM SPRINGS MUNICIPAL CODE REGARDING REGULATION OF PEDICABS ON CITY STREETS:  
RECOMMENDATION:**

Waive the reading of the text in its entirety, read by title only, and introduce for first reading Ordinance No. \_\_\_\_\_, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 5.41 TO THE PALM SPRINGS MUNICIPAL CODE REGARDING REGULATION OF PEDICABS ON CITY STREETS."

**4. UNFINISHED BUSINESS:**

**A. INDIAN CANYON DRIVE TWO-WAY CONVERSION, CP 13-13:  
RECOMMENDATION:**

1. Approve the conceptual drawings for the Indian Canyon Drive Two-Way Conversion, including curb pop-outs and pedestrian crossing enhancements at all intersections, including the traffic "round-about" option at Camino Parocela, and excluding raised medians; and
2. Authorize Albert A. Webb & Associates to proceed with final design of the Indian Canyon Drive Two-Way Conversion, CP 13-13.

**B. GRANT AGREEMENT IN THE AMOUNT OF \$484,100 FROM THE COACHELLA VALLEY MOUNTAINS CONSERVANCY FOR THE RESTORATION OF CITY OWNED PROPERTY ON DUNN ROAD AND AUTHORIZE REQUEST FOR BID FOR SERVICES RELATED TO THE RESTORATION WORK ASSOCIATED WITH THE PROPERTY, APN 635-060-011, CP 17-04:  
RECOMMENDATION:**

1. Approve a Grant Agreement in the amount of \$484,100 with the State of California (Coachella Valley Mountains Conservancy), Proposition 1 Grant Agreement Grant No. 3850-P01-0008 (Phase 2) Implementation, A\_\_\_\_\_;
2. Approve the plans, specifications and estimate and authorize staff to advertise and solicit bids for the Dunn Road Property Restoration Project (APN No. 635-060-011), CP 17-04; and
3. Authorize the City Manager to execute all necessary documents.

**C. IMPLEMENTATION UPDATE AND PLAN, CITY COUNCIL SUBCOMMITTEE REPORT, ETHICS AND TRANSPARENCY:**

**RECOMMENDATION:**

Receive and file this report, and instruct the Subcommittee and/or City Attorney and Staff to undertake action consistent with its terms, and/or any additional City Council direction agreed upon during discussion, and present a report at the meeting of October 18, 2017.

**5. NEW BUSINESS:**

**A. AWARD A CONSTRUCTION CONTRACT TO HAL HAYS CONSTRUCTION INC. IN THE AMOUNT OF \$3,381,830 FOR THE POLICE DEPARTMENT REMODEL PROJECT, CP 15-05: RECOMMENDATION:**

1. Waive any informality (non-responsiveness), and award a construction contract to Hal Hays Construction Inc. for Bid Schedules Project 100 (Training Center), Project 200 (Lobby and Records Department), Project 300 (Detective Bureau), for a total amount of \$3,381,830 for the Police Department Remodel, CP 15-05, A\_\_\_\_\_;
2. In accordance with Section 7.09.010 "Cooperative Purchasing Programs" of the Palm Springs Municipal Code, approve a Purchase Order with G/M Business Interiors in the amount of \$492,471.47 inclusive of all applicable taxes and shipping pursuant to the Cooperative Purchasing Contract with San Bernardino County, Contract No. 16-156;
3. In accordance with Section 7.09.010 "Cooperative Purchasing Programs" of the Palm Springs Municipal Code, approve a Purchase Order with Norix Group, Inc., in the amount of \$3,744.22 inclusive of all applicable taxes and shipping, pursuant to the Cooperative Purchasing Contract with Los Angeles County, Contract #MA-IS-1540050-1;
4. Delegate authority to the City Manager to approve Contract Change Orders in the total cumulative amount of 5% of the contract amount (\$169,091.50);
5. Authorize a Purchase Order to Willdan Engineering, pursuant to On-Call Agreement No. A6688, in the amount of \$202,480 for construction management and inspection services for the Police Department Remodel, CP 15-05; and
6. Authorize the City Manager to execute all necessary documents.

**B. DISCUSSION REGARDING PROPOSED CHANGES TO PALM SPRINGS MUNICIPAL CODE CHAPTER 5.81 RELATING TO ART MURALS ON PRIVATE PROPERTY: RECOMMENDATION:**

Discuss the proposed ordinance revisions and provide direction to staff.

**C. DISCUSSION REGARDING PROPOSED MANDATORY SOLAR INSTALLATION REQUIREMENTS FOR RESIDENTIAL CONSTRUCTION: RECOMMENDATION:**

Discuss the proposed solar ordinance and provide direction to staff 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:**

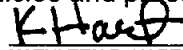
This time is set aside for the City Council to make requests of staff and/or issues of concern to Councilmembers are briefly presented, and to prioritize and set future agenda items.

**ADJOURNMENT:** The City Council will adjourn to the next regular meeting on Wednesday, October 18, 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 28, 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 PALM SPRINGS**



**CLOSED SESSION AGENDA**  
Tuesday, October 4, 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)**

*City of Palm Springs v. Kenneth Irwin Jr.*  
Case No. PSC1606276, 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)**

1 Case

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

Property Address/Description:	538 North Palm Canyon Dr., APN 505-325-003
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	Palm Canyon Theatre
Under Negotiation:	Price and Terms of Payment

Property Address/Description:	4449 N. Indian Canyon Dr., APN 669-330-047
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	Desert Community College District
Under Negotiation:	Price and Terms of Payment (Acquisition)