



Thursday, March 19, 2020
Minutes of the Regular Meeting of the City Council
of the City of Palm Springs

Pursuant to Executive Order N-29-20, by Governor Newsom, this meeting was conducted by teleconference and there was no in-person public access to the meeting location.

CALL TO ORDER:

A Regular Meeting of the Palm Springs City Council was called to order by Mayor Kors on Thursday, March 19, 2020, at 6:00 p.m., in the Council Chamber, City Hall, located at 3200 E. Tahquitz Canyon Way, Palm Springs, California.

PLEDGE OF ALLEGIANCE:

Mayor Kors led the Pledge of Allegiance.

ROLL CALL:

Present: Councilmembers Grace Elena Garner, Lisa Middleton, Dennis Woods; Mayor Pro Tem Christy Holstege; and Mayor Geoff Kors

Absent: None.

City Staff

Present: David H. Ready, City Manager; Jeffrey Ballinger, City Attorney; Marcus Fuller, Assistant City Manager; and Anthony J. Mejia, City Clerk, were present at Roll Call. Other staff members presented reports or responded to questions as indicated in the minutes.

PRESENTATIONS:

ACCEPTANCE OF THE AGENDA:

MOTION BY MAYOR PRO TEM HOLSTEGE, SECOND BY COUNCILMEMBER GARNER, CARRIED 5-0, to add to the agenda Item No. 5C, related to COVID-19, based on the findings that the matter came to the attention of the City after the posting of the agenda and there is a need for immediate action.

MOTION BY MAYOR PRO TEM HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to remove Consent Calendar Item No. 1CC for separate discussion and deletion of Item Nos. 1E, 1R, 1V, 1X, and 1Y from the agenda.

REPORT OF CLOSED SESSION:

The Regular Closed Session of the City Council of March 19, 2020, was called to order by Mayor Kors at 4:30 p.m., with all members present.

The meeting convened into Closed Session to discuss the following items as listed on the Regular Closed Session Meeting Agenda:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION, Pursuant to Government Code Section 54956.9(d)(1):

David Edwin Bell v. City of Palm Springs

Case No. RIC 1901178, Superior Court of the State of California, County of Riverside

CONFERENCE WITH LEGAL COUNSEL – MATTERS CREATING SIGNIFICANT EXPOSURE TO LITIGATION, Pursuant to Government Code Section 54956.9(d)(2):

Seven (7) matters that, under the existing circumstances, the City Attorney believes creates significant exposure to litigation.

CONFERENCE WITH LEGAL COUNSEL – DISCUSSION TO CONSIDER INITIATION OF LITIGATION, Pursuant to Government Code Section 54956.9(d)(4):

Under existing facts and circumstances, there are three (3) matters the City Council has decided or may decide to initiate litigation.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR, Pursuant to Government Code Section 54956.8:

Property Address/Description:	225 El Cielo Road, Palm Springs CA
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	
Under Negotiation:	Price and Terms of Payment (Lease)

Property Address/Description:	3400 Tahquitz Canyon Way, Palm Springs (portions of airport)
Agency:	City of Palm Springs
City Negotiator:	David H. Ready, City Manager or Designee
Negotiating Parties:	Chief Planning and Development Officer, Agua Caliente Band of Cahuilla Indians
Under Negotiation:	Price and Terms of Payment (Lease)

Property Address/Description: 502-210-023 (2 acre portion located at the northwest corner of East Baristo Road and El Cielo Road)
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties:
Under Negotiation: Price and Terms of Payment (Lease)

Property Address/Description: 505-182-010 and 505-182-004 (Adjacent parcels located at the southwest corner of North Palm Canyon Drive and Stevens Road)
Agency: City of Palm Springs and Successor Agency of the Former Redevelopment Agency of the City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties:
Under Negotiation: Price and Terms of Payment (Sale)

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
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: Community Housing Opportunities Corporation (CHOC)
Under Negotiation: Price and Terms of Payment (Sale)

Property Address/Description: 233 West Tramview Road (APN 501-401-010)
Agency: Palm Springs Housing Successor Agency
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties:
Under Negotiation: Price and Terms of Payment (Sale)

Property Address/Description: APN 501-401-039 (El Dorado Boulevard)
Agency: Palm Springs Housing Successor Agency
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties:
Under Negotiation: Price and Terms of Payment (Sale)

Property Address/Description: 980 E. Tahquitz Canyon Way, Palm Springs CA
Agency: City of Palm Springs
City Negotiator: David H. Ready, City Manager or Designee
Negotiating Parties: Chief Planning and Development Officer, Agua Caliente Band of Cahuilla Indians
Under Negotiation: Price and Terms of Payment (Sale)

Property Address/Description: 980 E. Tahquitz Canyon Way, Palm Springs CA
 Agency: City of Palm Springs
 City Negotiator: David H. Ready, City Manager or Designee
 Negotiating Parties: Chief Planning and Development Officer, Agua Caliente Band of Cahuilla Indians
 Under Negotiation: Price and Terms of Payment (Sale)

Property Address/Description: Boulders Property (Lots 1-45 of Tract Map 31095/APNs 504-150-011 through -055); Crescendo Property (APN 504-040-046); Rimrock Property (APN 681-480-011); Gene Autry Property (APNs 677-540-028 & 677-540-029); Block G of parcel map 36446 (APN 513-560-048)
 Agency: City of Palm Springs
 City Negotiator: David H. Ready, City Manager or Designee
 Negotiating Parties: Grit Development, LLC and Palm Springs Promenade, LLC
 Under Negotiation: Price and Terms of Payment

Property Address/Description: APNs 677-444-010; 677-444-013; and 67470 Sarah Street, Cathedral City, CA 92234
 Agency: City of Palm Springs
 City Negotiator: Marcus Fuller, City Engineer/Assistant City Manager or Designee
 Negotiating Parties: Luis A. Avila Paz, Rosario Avila and Maria Avila
 Under Negotiation: Price and Terms of Payment

Property Address/Description: APNs 680-170-051 and 680-170-014
 Agency: City of Palm Springs
 City Negotiator: Marcus Fuller, City Engineer/Assistant City Manager or Designee
 Negotiating Parties: Bureau of Indian Affairs
 Under Negotiation: Price and Terms of Payment

CONFERENCE WITH LABOR NEGOTIATOR, Pursuant to Government Code Section 54957.6:

Agency Designated Representatives: City Manager David Ready
 Perry Madison, Director of Human Resources
 Bryan Reyes, Chief of Police
 Peter Brown, Attorney
 Employee Organizations: Palm Springs Police Officers Association
 Palm Springs Police Management Association
 Management Association of Palm Springs

City Attorney Ballinger reported that the City Council received briefings and provided direction to staff regarding the agendaized Closed Session Items but did not take any reportable action.

PUBLIC TESTIMONY:

David Bell, speaking on Item 1Q, voiced support for the proposed resolution related to tow fees; opined that vehicles storage fees should be paid by perpetrators when they are found guilty of a crime.

Daryl Terrell, speaking on Item 5C, suggested that the City Council adopt a temporary rental assistance program, eviction moratorium for residential and commercial rentals, one-year extension for land use entitlements, and a small business payroll grant program.

Mario Gonzales, speaking on Item 5C, owner of El Patron Tacos and Restaurant, spoke on the impacts of the business closures and urged the City Council to take measured actions and to work towards mitigating financial impacts.

Florence Perchuk, speaking on Item 5C, expressed concern regarding food shortages and urged the City Council to consider a food distribution site within Palm Springs.

Ginny Weissman, speaking on Item 5C, New Harmony Habitat for Senior People and Pets, spoke about her advocacy for affordable housing developments, noting that her company could assist the City with building emergency housing for the homeless.

Maribel Nunez, speaking on Item 5C, recommended that the City Council suspend enforcement of parking and street sweeping regulations, ease penalties related to code enforcement, and work with utility companies to waive late fees and suspend disconnections due to nonpayment.

Matthew Bousquette, speaking on Item 5C, stated that he is a small commercial landlord and that an eviction moratorium will negatively impact his finances; suggested that the City Council require banks to suspend late fees, interest, and foreclosure proceedings during the pandemic.

Dami Sanchez, speaking on Item 5C, suggested that the City utilize vacant motels as temporary homeless shelters.

CITY COUNCIL, SUBCOMMITTEE, AND CITY MANAGER'S COMMENTS AND REPORTS:

Mayor Kors provided updates on the State's and County's recent orders related to the coronavirus; advised that the Coachella Valley Association of Governments Executive Committee held a special meeting to discuss possible regional actions related to the coronavirus; expressed gratitude to City staff, public safety personnel, healthcare providers, and essential business workers for their efforts during the coronavirus pandemic; noted that the emergency overnight shelter has moved to the Palm Springs High School gymnasium and that the County is beginning to offer the homeless with motel vouchers.

Councilmember Garner spoke on the need to support the Asian-American community, noting a rise in reported hate crimes due to misinformation regarding the coronavirus; noted that the animal shelter is still allowing for adoption and fostering of pets.

Councilmember Middleton provide an update on actions taken by Sunline Transit Agency in response to the coronavirus, noting that the Buzz Trolley service has been suspended at this time.

Director of Library Services Kays announced the availability of free digital resources to the public, noting that residents of the Coachella Valley may obtain a library card online.

Assistant City Manager Fuller encouraged residents and business owners to contact the Palm Springs Disposal Service regarding customer-relief packages for those impacts by the coronavirus.

1. CONSENT CALENDAR:

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to approve the consent calendar, with the removal of Consent Calendar Item No. 1CC for separate discussion and the deletion of Item Nos. 1E, 1R, 1V, 1X, and 1Y from the agenda.

A. APPROVAL OF MINUTES

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to approve the City Council Meeting Minutes of January 30 and February 13, 2020.

B. KEITH SPRINGER FOR A MAJOR ARCHITECTURAL APPLICATION TO REMODEL AN EXISTING COMMERCIAL BUILDING, INCLUDING A 1,250-SQUARE-FOOT ADDITION, FOR A CANNABIS DISPENSARY AND TRANSPORTATION BUSINESS LOCATED AT 290 WEST SAN RAFAEL PLACE, ZONE M-1, SECTION 34 (CASE 3.3904 MAJ)

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24730 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CASE NO. 3.3904 MAJ; A MAJOR ARCHITECTURAL APPLICATION TO REMODEL AND EXPAND AN EXISTING COMMERCIAL-INDUSTRIAL BUILDING FOR A CANNABIS BUSINESS LOCATED AT 290 WEST SAN RAFAEL PLACE."

C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24731 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDING 02-22-2020 BY WARRANTS NUMBERED 420989 THROUGH 421002 TOTALING \$26,153.13 CLAIMS, DEMANDS AND LIABILITY CHECKS NUMBERED 1111808 THROUGH 1112179 TOTALING \$6,220,554.85, FOUR WIRE TRANSFERS FOR \$71,901.19, AND FIVE ELECTRONIC ACH DEBITS OF \$1,767,474.34 IN THE AGGREGATE AMOUNT OF \$7,936,172.09, DRAWN ON BANK OF AMERICA."

D. APPROVAL OF PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) AND AUTHORIZATION TO BID THE KEYLESS ENTRY SYSTEM (PHASE II), CITY PROJECT NO. 19-23

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to approve the plans, specifications and estimate; and authorize staff to advertise and solicit bids for the Keyless Entry System (Phase II), City Project No. 19-23.

E. RESOLUTION AMENDING THE BUDGET FOR FISCAL YEAR 2019-20 FOR AMENDMENTS TO THE CITY OF PALM SPRINGS GENERAL PLAN SCOPE OF WORK AND AN UPDATE TO THE AIRPORT LAND USE COMPATIBILITY PLAN

This item was deleted from the agenda at the request of City Council.

F. SECOND READING AND ADOPTION OF AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, DELETING SECTION 10.20.060 AND 10.20.070 REGARDING REDEEMING ANIMALS AND ADDING SECTIONS 10.04.035, 10.04.040 AND 10.24.045 ESTABLISHING BREEDING PERMITS REGULATIONS AND PENALTIES FOR VIOLATION OF THE REGULATIONS

This item was deleted from the agenda at the request of staff.

G. APPROVAL OF AGREEMENT WITH FRONTIER TO UPGRADE PHONE LINES AND INTERNET CONNECTION

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to:

1. In accordance with Palm Springs Municipal Code Section 7.04.030 "Special Expertise Procurement" approve the purchase of a 3-year agreement with Frontier Communications totaling \$4,440.99 a month for the next 3 years, in an amount not to exceed \$159,875.64 plus applicable taxes and initial startup fee of \$1,750 over the 3 year contract period.
2. Authorize the City Manager to execute all necessary documents.

H. APPROVAL OF THE FISCAL YEAR 2020/2021 CSA 152 SPECIAL ASSESSMENT RATE

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to:

1. Adopt Resolution No. 24732 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, MAKING FINDINGS AND REAFFIRMING THE ESTABLISHMENT AND SETTING OF RATES FOR COUNTY SERVICE AREA 152 FOR FISCAL YEAR 2020/2021 TO FUND THE CITY'S NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT IN ORDER TO OPERATE AND MAINTAIN THE CITY'S DRAINAGE AND FLOOD CONTROL SYSTEMS."

I. APPROVAL OF SERVICE AGREEMENT WITH SPECTRUM ENTERPRISE FOR INCREASED CAPACITY INTERNET CONNECTIVITY

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to:

1. In accordance with Palm Springs Municipal Code Section 7.04.030 "Special Expertise Procurement" approves the purchase of a 3-year agreement with Spectrum Enterprise totaling \$1,699 a month for the next 3 years, in an amount not to exceed \$61,164 plus applicable taxes over the 3-year contract period.
2. Authorize the City Manager to execute all necessary documents.

J. APPROVAL OF A NOTICE TO PROCEED TO VEOLIA WATER WEST OPERATING SERVICES, INC. IN THE AMOUNT OF \$241,500 FOR THE FIRE SPRINKLERS AND FIRE ALARM SYSTEMS UPGRADE PROJECT AT THE WASTEWATER TREATMENT PLANT, CITY PROJECT NO. 20-14

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to:

1. Authorize the City Engineer to issue a Notice to Proceed to Veolia Water West Operating Services, Inc., in an amount not to exceed \$241,500 for the Fire Sprinklers and Fire Alarm Systems Upgrade Project at the Wastewater Treatment Plant, City Project No. 20-14.
2. Authorize the City Manager to execute all necessary documents.

K. ACCEPTANCE OF THE MUNICIPAL COMPLEX COGENERATION PLANT RETROFIT FOR COOLING UNITS, CITY PROJECT NO. 18-16

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to:

1. Accept the public works improvement identified as the Municipal Complex Cogeneration Plant Retrofit for Cooling Units, City Project No. 18-16 as completed in accordance with the plans and specifications.
2. Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Municipal Complex Cogeneration Plant Retrofit for Cooling Units, City Project No. 18-16.

L. AWARD THE PURCHASE OF NINE COMPLETE SETS OF MORNING PRIDE® BRAND TURNOUT GEAR TO OUTFIT NINE FIREFIGHTERS

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to:

1. Award per IFB 20-03 the purchase of nine sets of Morning Pride® brand Turnout Gear required by NFPA 1971, which include: jackets, pants, and boots, from Fire Etc., of San Diego, CA in the amount of \$29,263.98 including applicable sales tax and shipping costs.
2. Authorize the City Manager to execute all necessary documents.

M. RATIFY THE NOMINATIONS OF THE CITIES OF DESERT HOT SPRINGS AND INDIO TO THE PALM SPRINGS INTERNATIONAL AIRPORT COMMISSION

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to:

1. Reappoint Jan Pye, representing the City of Desert Hot Springs, to the Palm Springs International Airport Commission for a term ending February 28, 2022.
2. Reappoint Jhan Schmitz, representing the City of Indio, to the Palm Springs International Airport Commission for a term ending March 31, 2023.

N. APPOINTMENT TO THE HUMAN RIGHTS COMMISSION

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to:

1. Appoint Peter Augustus Owen and Donna Shepherd to the Human Rights Commissions for terms ending June 30, 2020.
2. Appoint Edwin Ramoran to the Human Rights Commission for a term ending June 30, 2022.

O. TREASURER'S INVESTMENT REPORT AS OF JANUARY 31, 2020

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to receive and file the Treasurer's Investment Report as of January 31, 2020.

P. APPROVE THE SUBMITTAL OF THE NOMINATION OF THE THOMAS O'DONNELL GOLF HOUSE, O'DONNELL GOLF COURSE, AND ASSOCIATED BUILDINGS TO THE NATIONAL REGISTER OF HISTORIC PLACES

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to approve the submittal of the nomination to the National Register of Historic Places.

Q. ADOPT A RESOLUTION APPROVING MAXIMUM RATES THAT TOW SERVICE PROVIDERS CAN CHARGE, AND AN ASSOCIATED VEHICLE TOWING ADMINISTRATIVE COST RECOVERY FEE FOR THE PALM SPRINGS POLICE DEPARTMENT

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to:

1. Adopt Resolution No. 24733 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING MAXIMUM RATES THAT TOW SERVICE PROVIDERS CAN CHARGE, AND AN ASSOCIATED VEHICLE TOWING ADMINISTRATIVE COST RECOVERY FEE FOR THE PALM SPRINGS POLICE DEPARTMENT."
2. Approve an Amendment to Agreements A6280, A6281, and A6282, for Official Police Tow Service Agreements for As-Needed Vehicle Towing and Storage Services to conform to the proposed Resolution.
3. Authorize the City Manager to execute all necessary documents.

R. AUTHORIZE A PURCHASE ORDER IN THE AMOUNT OF \$30,000 WITH MARKS ARCHITECTS INC., A CALIFORNIA CORPORATION, DBA URRUTIA MARKS ARCHITECTS FOR CIVIL ARCHITECTURAL DESIGN SERVICES FOR THE DEMUTH PARK ADA ACCESS PHASE 2, CITY PROJECT NO. 19-24

This item was deleted from the agenda at the request of City Council.

S. APPROVAL OF FIVE (5) PROFESSIONAL SERVICES AGREEMENTS FOR ON-CALL HISTORIC RESOURCE ASSESSMENT SERVICES

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to:

1. Approve an Agreement with Architectural Resources Group, for on-call historic resource assessment services for an initial three (3) year term, subject to two (2) additional one (1) year extensions approved at the discretion of the City.
2. Approve an Agreement with Chattel Associates, for on-call historic resource assessment (CEQA) services for an initial three (3) year term, subject to two (2) additional one (1) year extensions approved at the discretion of the City.
3. Approve an Agreement with GPA Consulting for on-call historic resource assessment services for an initial three (3) year term, subject to two (2) additional one (1) year extensions approved at the discretion of the City.
4. Approve an Agreement with Historic Resources Group, for on-call historic resource assessment services for an initial three (3) year term, subject to two (2) additional one (1) year extensions approved at the discretion of the City.
5. Approve an Agreement with North Wind Resource Consulting, Inc., for on-call historic resource assessment services for an initial three (3) year term, subject to two (2) additional one (1) year extensions approved at the discretion of the City.
6. Authorize the City Manager to execute all necessary documents.

T. ACCEPTANCE OF THE GENE AUTRY TRAIL AT VISTA CHINO DUAL LEFT TURN LANES, CITY PROJECT NO. 14-13, FEDERAL-AID PROJECT NO. CMLN-5282(045)

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to:

1. Accept the public works improvement identified as the Gene Autry Trail at Vista Chino Dual Left Turn Lanes, City Project No. 14-13, Federal-Aid Project No. CMLN-5282(045) as completed in accordance with the plans and specifications.
2. Authorize the City Engineer to execute and file for recordation with the Riverside County Recorder a Notice of Completion for the Gene Autry Trail at Vista Chino Dual Left Turn Lanes, City Project No. 14-13, Federal-Aid Project No. CMLN-5282(045).

U. ADOPT A RESOLUTION IDENTIFYING THE PROJECTS TO BE FUNDED BY SENATE BILL 1 (SB 1): THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017, FOR FISCAL YEAR 2020-21

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24734 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2020-21 FUNDED BY SENATE BILL 1 (SB 1), THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017."

V. AWARD A CONSTRUCTION CONTRACT TO TRUELINE CONSTRUCTION & SURFACING, INC., A CALIFORNIA CORPORATION, IN THE AMOUNT OF \$65,600 FOR PICKLEBALL & TENNIS COURT RESURFACING, CITY PROJECT NO. 20-11

This item was deleted from the agenda at the request of City Council.

W. APPROVAL OF GRANT OF EASEMENT TO SOUTHERN CALIFORNIA EDISON ACROSS CITY-OWNED REAL PROPERTY IDENTIFIED BY ASSESSORS PARCEL NUMBER 677-260-022 LOCATED AT THE SOUTHWEST CORNER OF GENE AUTRY TRAIL AND TACHEVAH DRIVE (ENGINEERING FILE R 20-03-3605)

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to authorize the City Manager to execute a Grant of Easement to Southern California Edison Company for underground electrical supply systems and communications systems across a portion of the property identified by Assessor's Parcel Number 677-260-022 located at the southwest corner of Gene Autry Trail and Tachevah Drive.

X. APPROVAL OF A PURCHASE ORDER IN THE AMOUNT OF \$150,000 WITH HARRIS AND ASSOCIATES FOR ON-CALL PROJECT MANAGEMENT AND ENGINEERING COORDINATION (A8402)

This item was deleted from the agenda at the request of City Council.

Y. AWARD OF A CONSTRUCTION CONTRACT TO LIMBACH CO., LP, A DELAWARE LIMITED LIABILITY COMPANY, IN THE AMOUNT OF \$244,811 FOR THE CITY YARD CHILLER REPLACEMENT, CITY PROJECT NO 19-21

This item was deleted from the agenda at the request of City Council.

Z. AIRPORT ADVERTISING CONCESSION CONTRACT SERVICES CONTRACT EXTENSION TO LAMAR AIRPORT ADVERTISING

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to:

1. Approve a contract services agreement extension with Lamar Airport Advertising Company for a term of two years including the responsibility by the firm to commit up to \$200,000 in expenses for the current program's capital improvements and maintenance.
2. Authorize the City Manager to execute all necessary documents.

AA. RESCHEDULING OF THE REGULAR CITY COUNCIL MEETINGS OF OCTOBER 2020

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24735 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE REGULAR MEETING PLACE, DAYS, AND TIMES."

BB. AWARD A CONSTRUCTION CONTRACT TO YELLOW JACKET DRILLING SERVICES, LLC, IN THE AMOUNT OF \$142,400 AND AUTHORIZATION OF A PURCHASE ORDER TO RS&H CALIFORNIA, INC., RELATED TO THE AIRPORT ENVIRONMENTAL BORING AND DRILLING, CITY PROJECT NO. 19-32, AS REQUIRED TO COMPLY WITH THE STATE WATER BOARD ORDER WQ 2019-0005-DWQ

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to:

1. Waive any informality and award a construction contract to Yellow Jacket Drilling Services, LLC, an Arizona limited liability company, in the amount of \$142,400 for the Airport Environmental Boring and Drilling, City Project No. 19-32.
2. Authorize a Purchase Order in an amount not to exceed \$200,000 with the City's "on-call" professional aviation consulting services firm, RS&H California, Inc., a California corporation, pursuant to Agreement No. 7148, for professional services to perform testing and analysis of groundwater at the Palm Springs International Airport, as required by State Water Board Order WQ 2019-0005-DWQ.
3. Authorize the City Manager to execute all necessary documents.

CC. APPROVAL TO PROCEED WITH DESIGN AND INSTALLATION OF NEW TRAFFIC SIGNALS AT THE INTERSECTION OF INDIAN CANYON DRIVE AND ROSA PARKS ROAD, AND AT THE INTERSECTION OF SAN RAFAEL DRIVE AND AVENIDA CABALLEROS

This item was excluded from the Consent Calendar. Please refer to Page 14 of these minutes for a summary of the action.

EXCLUDED CONSENT CALENDAR:

CC. APPROVAL TO PROCEED WITH DESIGN AND INSTALLATION OF NEW TRAFFIC SIGNALS AT THE INTERSECTION OF INDIAN CANYON DRIVE AND ROSA PARKS ROAD, AND AT THE INTERSECTION OF SAN RAFAEL DRIVE AND AVENIDA CABALLEROS

Assistant City Manager Marcus Fuller presented the staff report.

Councilmembers Garner and Woods commended staff for moving ahead with this project and thanked residents for bringing the problem to the City's attention.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24736 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING THE CITY ENGINEER TO PROCEED WITH THE INSTALLATION OF NEW TRAFFIC SIGNALS AT THE INTERSECTION OF INDIAN CANYON DRIVE AND ROSA PARKS ROAD, AND AT THE INTERSECTION OF SAN RAFAEL DRIVE AND AVENIDA CABALLEROS IN ACCORDANCE WITH SECTION 12.16.030 OF THE PALM SPRINGS MUNICIPAL CODE."

2. PUBLIC HEARINGS:**A. REQUEST BY BRANDON MCCURLEY, ON BEHALF OF PARKER PALM SPRINGS II, LLC, FOR AN AMENDMENT TO PLANNED DEVELOPMENT DISTRICT 58 (POD 58) TO INCLUDE THIRTY-TWO (32) HOTEL UNITS AND ACCESSORY USES WITH A MAXIMUM HEIGHT NOT TO EXCEED TWO (2)-STORIES, ASSOCIATED PARKING LOTS, AND LANDSCAPING ON THE UNDEVELOPED 3.7-ACRE PORTION OF THE PROPERTY AND A PROPOSED INCLUSION OF A 3.53-ACRE PARCEL CURRENTLY ZONED R-3 INTO PLANNED DEVELOPMENT DISTRICT 58 IN LIEU OF A CHANGE OF ZONE, AT 4200 EAST PALM CANYON DRIVE, ZONE PD (POD 58)/R-3, SECTION 30 (CASE 5.927 POD 58 AMENDMENT & CASE 3.2451 MAJ)**

Councilmember Garner announced her recusal due to a business conflict of interest and left the City Council Meeting.

Director of Planning Services Fagg narrated a PowerPoint presentation and responded to City Council inquiries.

Mayor Kors opened the public hearing.

Michael MacDonald, Project Architect, summarized the merits of the proposed project and efforts to mitigate impacts to the neighborhoods; urged the City Council to approve the project.

Aftab Dada, representing PS Resorts, spoke in support of the project, noting that the Palm Springs Parker is one of the City's most successful hotels.

There being no others desiring to speak, Mayor Kors closed the public hearing.

Councilmember Middleton noted that the applicant and representatives of the Canyon Sands Homeowners Association have worked collaboratively to address neighborhood concerns, resulting in broad support through the community; spoke in favor of the project's architecture.

In response to City Council inquiry, Director of Planning Services Fagg summarized the public notification process for residents on tribal allottee land, noting that staff will initiate a direct re-noticing to the residents, including information on how to participate in the City Council meeting remotely, for the second reading of the proposed ordinance.

Councilmember Woods recommended the addition of a Condition of Approval to require that the applicant fund the cost of providing angled parking along the Cherokee Way frontage of the property.

MOTION BY COUNCILMEMBER WOODS, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 4-0 (WITH COUNCILMEMBER GARNER RECUSED), to:

1. Adopt Resolution No. 24737 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A MAJOR ARCHITECTURAL REVIEW APPLICATION FOR THE CONSTRUCTION OF THIRTY-TWO (32) HOTEL UNITS WITH A MAXIMUM HEIGHT NOT TO EXCEED TWO (2)-STORIES, ASSOCIATED PARKING LOTS, AND LANDSCAPING ON THE UNDEVELOPED 3.7-ACRE PORTION OF THE PROPERTY LOCATED AT 4200 EAST PALM CANYON DRIVE, ZONE PD (POD 58)/R-3, SECTION 30 (CASE 3.2451 MAJ)," with the following addition:
 - a. Condition of Approval ENG 52: The applicant shall be required to fund the cost of providing angled parking along the Cherokee Way frontage of the property, subject to a determination by the City Engineer that angled parking is feasible.
2. Introduce Ordinance No. 2019 entitled, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PLANNED DEVELOPMENT DISTRICT 58 (POD 58) TO INCLUDE A 3.53-ACRE PORTION OF THE PARKER PALM SPRINGS PROPERTY CURRENTLY ZONED R- 3 INTO THE PLANNED DEVELOPMENT DISTRICT 58 IN LIEU OF A CHANGE OF ZONE (CASE 5.927 POD 58 AMENDMENT)." City Clerk Mejia read the ordinance by title.

Councilmember Garner returned to the meeting via teleconference.

B. REQUEST BY THE CITY OF PALM SPRINGS FOR APPROVAL OF THE ANNUAL UPDATE OF THE PALM SPRINGS ZONING CODE (CASE 5.1466 ZTA)

Director of Planning Services Fagg presented the staff report.

Mayor Kors opened and closed the public hearing, there being no one desiring to speak.

MOTION BY COUNCILMEMBER WOODS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to introduce Ordinance No. 2020 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. INTRODUCTION OF AN ORDINANCE TO ADD CHAPTER 8.105 TO THE PALM SPRINGS MUNICIPAL CODE RELATING TO AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

This item was deleted from the agenda at the request of staff.

4. UNFINISHED BUSINESS:**A. DISCUSS RESPONSE TO BIKE SHARE PROGRAM REQUEST FOR PROPOSAL AND DIRECT STAFF AS APPROPRIATE**

This item was deleted from the agenda at the request of staff.

5. NEW BUSINESS:**A. DISCUSSION OF CURRENT, PLANNED, AND POTENTIAL ADDITIONAL ACTIONS TO ADDRESS CLIMATE CHANGE**

This item was deleted from the agenda at the request of staff.

B. AUTHORIZE THE PURCHASE OF A CLOUD BASED ENTERPRISE RESOURCE PLANNER (ERP) FROM TYLER TECHNOLOGIES, INC.

City Manager Ready presented the staff report.

Councilmembers Middleton and Wood voiced support for moving forward with the project, noting that it will enable residents to conduct more business online and streamline the City's business practices.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to:

1. In accordance with Section 7.09.010 "Cooperative Purchasing Programs," of the Palm Springs Municipal Code, authorize the purchase of a Cloud Based Enterprise Resource Planner (ERP) from Tyler Technologies, Inc., a Delaware corporation, pursuant to the Cooperative Purchasing Contract 10515-TTI, for an initial amount of \$1,593,838, with an allowance of up to 10% additional cost (not to exceed \$159,383.80), and \$458,186 annually thereafter for an initial term of five years and a total of \$3,585,965.80, inclusive of annual maintenance over the five year term.
2. Authorize the City Manager to execute all necessary documents.

RECESS/RECONVENE

The City Council recessed at 7:50 p.m. and reconvened at 8:05 p.m.

C. ADOPTION OF A RESOLUTION RATIFYING THE CITY MANAGER'S DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY RELATED TO THE INCREASING SPREAD OF THE NOVEL CORONAVIRUS (COVID-19), AND CONSIDERATION OF RELATED ACTIONS

City Manager Ready presented the staff report, requesting that the City Council ratify the declaration of a local emergency related to the coronavirus.

Councilmember Middleton requested that staff analyze the Governor's recent order to shelter in place to ensure that the City's orders are consistent and to implement more stringent orders if deemed necessary; noted that the City has an older population than the State as a whole.

In response to City Council inquiry, City Attorney Ballinger advised that the City is required to enforce the most stringent order whether issued by the State, County, or City; stated that City staff will continue to monitor new State and County orders and will make appropriate actions as conditions change; recommended that the City Council forward any public inquiries to the City Manager and/or City Attorney for appropriate response.

DISCUSSION OF ECONOMIC MEASURES TO IMPLEMENT TO SUPPORT LOCAL BUSINESSES DURING THE EXISTENCE OF A LOCAL EMERGENCY RELATED TO THE INCREASING SPREAD OF THE NOVEL CORONAVIRUS (COVID-19), AND CONSIDERATION OF RELATED ACTIONS

City Manager Ready and Assistant City Manager Fuller summarized the projected financial impacts to the City's budget due to the coronavirus.

Councilmember Middleton provided a brief update on potential impacts to the rate of return for CalPERS investments due to impacts of the coronavirus.

Mayor Kors noted that the City is working with Find Food Bank for a centralized distribution site in Palm Springs.

Mayor Pro Tem Holstege requested that a broader discussion of the impacts to the City's budget be agendaized for an upcoming meeting, noting that consideration of the City's Grants and Sponsorships Program should be included in that discussion.

Councilmember Garner requested that staff evaluate the possibility of reducing or waiving City fees and charges and requested that staff work with Desert Community Energy regarding projected rate increases.

Mayor Kors noted that the City will be issuing an additional mailer to all residents in regards to Desert Community Energy and the available rate options; requested that staff coordinate a presentation on programs available to residents and business impacted by the coronavirus.

Councilmember Woods spoke on the importance of the City acting as a conduit for residents and businesses to become aware of the State and Federal programs intended to help individuals and businesses during this pandemic.

Councilmember Middleton noted that the Federal government has extended the tax deadline for 90 days, noting that it would benefit residents if the County deferred property tax payments for at least 90 days.

The City Council directed staff to suspend enforcement of street sweeping and parking violations; requested that staff provide an update on the number of business licenses renewals anticipated over the next several months.

TEMPORARY MORATORIUM ON EVICTIONS FOR NONPAYMENT OF RENT DURING COVID-19 PANDEMIC

City Attorney Ballinger summarized the proposed temporary moratorium on evictions for non-payment of rent during the COVID-19 pandemic.

In response to City Council inquiry, City Attorney Ballinger noted that the U.S. Department of Housing and Urban Development (HUD) has taken limited action to limit foreclosures on HUD insured mortgages; advised that the State and Federal government have not made any indication of imposing a moratorium on foreclosures, noting that the City would have limited authority to impose such regulations.

Councilmember Middleton opined that the City's moratorium should not intervene in pending eviction proceedings which are unrelated to nonpayment of rent due to the coronavirus.

Councilmember Garner and Mayor Pro Tem Holstege spoke on the limited financial resources of many residents, noting that protections need to be enacted to ensure that residents are not evicted during the ongoing pandemic.

During the course of discussion, the City Council determined that the proposed moratorium should be limited to a two-week period, pending a determination of whether the State or Federal government will impose a broader moratorium; requested that staff refine the ordinance verbiage so that it narrows applicability of the ordinance to those impacted by the pandemic.

MOTION BY MAYOR PRO TEM HOLSTEGE, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to:

1. Adopt Resolution No. 24738 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF - PALM SPRINGS, CALIFORNIA, RATIFYING THE CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES' DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY RELATED TO THE INCREASING SPREAD OF NOVEL CORONAVIRUS (COVID-19) PURSUANT TO PALM SPRINGS MUNICIPAL CODE SECTION 2.20.020, AND CITY CHARTER SECTION 300; AND AUTHORIZING THE CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES TO ISSUE ORDERS AND IMPLEMENT SUCH MEASURES AS NECESSARY TO IMMEDIATELY AND EXPEDITIOUSLY ADDRESS THE LOCAL PUBLIC HEALTH EMERGENCY."
2. Adopt Urgency Ordinance No. 2021 entitled, "AN URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ENACTING A TEMPORARY MORATORIUM ON EVICTION NOTICES."

PUBLIC COMMENT:

Daryl Terrell, spoke on the importance of the community standing together to combat the impacts of the coronavirus.

CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT:

Mayor Kors recommended that future City Council meetings be limited to critical issues and those issues related to the City's response to the pandemic; requested that staff agendize consideration of extending the terms of Board and Commission Members where terms are set to expire on June 30, 2020.

ADJOURNMENT:

The City Council adjourned at 9:45 p.m.

Respectfully submitted,


Anthony J. Mejia, MMC
City Clerk

APPROVED BY CITY COUNCIL: 04/23/2020