



Thursday, April 23, 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, April 23, 2020, at 6:05 p.m.

PLEDGE OF ALLEGIANCE:

Mayor Pro Tem Holstege 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:

Dr. Cameron Kaiser, Riverside County Health Officer, presented an update on COVID-19 cases, deaths, recoveries, testing and testing locations and the success of social distancing efforts. In response to City Council inquiry, Dr. Kaiser confirmed that the Governor's Shelter at Home order instructs people 65 years of age or older to refrain from non-essential activities, including golf.

Sustainability Manager Tallarico provided an update on Earth Day celebrations and activities.

ACCEPTANCE OF THE AGENDA:

By consensus, the City Council agreed to reorder the agenda to consider Item Nos. 4A and 5A following consideration the Consent Calendar. For the convenience of these minutes, Item Nos. 4A and 5A are listed in their natural order.

MOTION BY MAYOR PRO TEM HOLSTEGE, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to remove Consent Calendar Item Nos. 1I, 1K, and 1L for separate discussion.

REPORT OF CLOSED SESSION:

The Regular Closed Session of the City Council of April 23, 2020 was called to order by Mayor Kors at 3:00 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):

Maria Sabordo v. City of Palm Springs,
Case No. PSC1602732, 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):

Eight (8) 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:	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 (Lease)

Property Address/Description: APN 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 Ready, City Manager or Designee

Negotiating Parties: Bureau of Indian Affairs

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: 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:

Under Negotiation: Price and Terms of Payment

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

Agency Designated Representatives: David Ready, City Manager or Designee
 Perry Madison, Director of Human Resources
 Bryan Reyes, Chief of Police
 Peter Brown, Attorney

Employee Organizations: Management Association of Palm Springs
 Palm Springs Firefighters Association
 Palm Springs Fire Management
 Palm Springs Police Management Association
 Palm Springs Police Officers Association
 Public Employees 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:

Lisa Lenes, speaking on Item 4A, urged the City Council to align its regulations with the County of Riverside regarding private shared-use pools; requested that the City Council contact federal legislators to expedite the CARES Act stimulus checks.

Marcia Delano, speaking on Item 4A, questioned when the City Council may ease the restrictions on private shared-use pools.

Nancy Jayne, stated that she is being forced to move and questioned whether the City has any protections for renters. City Clerk Mejia advised that he will follow-up with her to discuss potential resources after the City Council meeting.

James Egan, speaking on Item 4A, expressed concern regarding the re-opening of Tahquitz Creek Golf Course, noting that he and his husband have underlying health conditions making them vulnerable to the coronavirus and their residence abuts the golf course.

Susan Byron, speaking on Item 4A, urged the City Council to allow the re-opening of golf courses and private shared-use pools.

Nate Otto, speaking on Item 4A, requested that the City Council rescind its restrictions on the installation of residential solar panels.

Matthew Naylor, speaking on Item 4A, asserted that the City's orders discriminate against certain sectors of the construction industry, noting that residential developments are allowed to operate but single-family residential improvements are suspended.

Stephen Moses, speaking on Item 4A, urged the City Council to allow golf courses to re-open.

David Feltman, speaking on Item 4A, reported that bicyclists and walkers are not wearing face coverings or practicing social distancing when exercising on golf courses and requested that the City increase patrols of these areas to enforce current orders.

Aron Valarde, United Food and Commercial Workers (UFCW) Local 1167, speaking on Item 4A, voiced support for the proposed order for the protection of grocery and retail drug store employees and customers; suggested that the order should require employers to provide employees with proper Personal Protective Equipment (PPE).

Maribel Nunez, speaking on Item 4A and 5A, suggested that golf courses should not re-open at this time or additional worker protections should be enacted; spoke in opposition to declaring a fiscal emergency and urged the City Council to refrain from considering layoffs or furloughs.

Rheanna Wadlow, speaking on Item 4A, requested that the City Council allow the use of private shared-use pools.

Darlene Backlund, speaking on Item 4A, requested that the City Council allow the use of private shared-use pools.

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

Councilmember Garner announced dates and locations of food distribution sites within Palm Springs.

Councilmember Woods reported on his attendance at the SunLine Transit Agency Board Meeting.

Mayor Pro Tem Holstege reported on her attendance at the League of California Cities Policy Committee meeting and other regional meetings and events; requested that staff agendize a presentation by the Coachella Valley Association of Governments regarding efforts to address homelessness amidst the COVID-19 pandemic.

Councilmember Middleton expressed gratitude to residents who have complied with the rules and regulations related to COVID-19 and those volunteering to help others.

Mayor Kors reported on his attendance at various meetings and briefings related to COVID-19; provided an update on Desert Community Energy, noting that residents have the option to opt-down to the Desert Energy Saver Plan or opt-out of the service; noted that City permits and licenses will be extended for the duration of the City mandated closures.

1. CONSENT CALENDAR:

MOTION BY COUNCILMEMBER WOODS, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to approve the consent calendar, with the removal of Item Nos. 1I, 1K, and 1L for separate discussion.

A. APPROVAL OF MINUTES

MOTION BY COUNCILMEMBER WOODS, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to approve the City Council Meeting Minutes of March 17 and March 19, 2020.

B. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS

MOTION BY COUNCILMEMBER WOODS, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24750 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDING 03-21-2020 AND 04-04-2020 BY WARRANTS NUMBERED 421017 THROUGH 421045 TOTALING \$44,662.73 CLAIMS, DEMANDS AND LIABILITY CHECKS NUMBERED 1112470 THROUGH 1112900 TOTALING \$5,820,875.59, EIGHT WIRE TRANSFERS FOR \$140,514.04, AND TEN ELECTRONIC ACH DEBITS OF \$3,224,980.50 IN THE AGGREGATE AMOUNT OF \$9,231,032.86, DRAWN ON BANK OF AMERICA."

C. TREASURER'S INVESTMENT REPORT AS OF FEBRUARY 29, 2020

MOTION BY COUNCILMEMBER WOODS, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to receive and file the Treasurer's Investment Report as of February 29, 2020.

D. ACCEPTANCE OF PUBLIC IMPROVEMENTS AND AUTHORIZATION TO RELEASE SUBDIVISION IMPROVEMENT SECURITIES FOR THE "ESCENA DEVELOPMENT - BEAZER HOMES," TRACT MAP 32233

MOTION BY COUNCILMEMBER WOODS, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24742 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING ACCEPTANCE OF THE SUBDIVISION IMPROVEMENTS ASSOCIATED WITH TRACT MAP 32233 AND AUTHORIZING RELEASE OF SECURITIES REQUIRED BY THE SUBDIVISION IMPROVEMENT AGREEMENT WITH CDCG ESCENA LLC, A DELAWARE LIMITED LIABILITY COMPANY AND BEAZER HOMES HOLDINGS CORPORATION, A DELAWARE CORPORATION, (A6417), FOR PROPERTY LOCATED AT THE NORTHEAST SIDE OF PASSAGE STREET, IN SECTION 7, TOWNSHIP 4 SOUTH, RANGE 5 EAST."

E. REQUEST FOR APPROVAL OF MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR A CLASS 1 HISTORIC SITE LOCATED AT 1690 RIDGEMORE DRIVE (HSPB #130)

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

1. Approve a Mills Act Historic Property Preservation Agreement between the City of Palm Springs and The Bonnett - Krog Family Trust, a Class 1 Historic Site (HSPB #130). **A8522**
2. Authorize the City Manager to execute the Agreement.
3. Direct the City Clerk to record the Agreement.

F. APPROVAL OF A NOTICE TO PROCEED TO VEOLIA WATER WEST OPERATING SERVICES, INC. IN THE AMOUNT OF \$117,632 FOR THE BIOSOLIDS HANDLING AREA UPGRADE PROJECT AT THE WASTEWATER TREATMENT PLANT, CITY PROJECT NO. 20-15

MOTION BY COUNCILMEMBER WOODS, 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 \$117,632, for the design of the Biosolids Handling Area Upgrade Project at the Wastewater Treatment Plant, City Project No. 20-15.
2. Authorize the City Manager to execute all necessary documents.

G. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTHS OF FEBRUARY AND MARCH 2020

MOTION BY COUNCILMEMBER WOODS, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of February and March 2020.

H. ACCEPTANCE OF THE CITY-WIDE TRAFFIC SIGN REPLACEMENT PROGRAM, CITY PROJECT NO. 18-12

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

1. Accept the public works improvement identified as the City-wide Traffic Sign Replacement Program, City Project No. 18-12, 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 City-wide Traffic Sign Replacement Program, City Project No. 18-12.

I. APPROVE A RESOLUTION AUTHORIZING THE CITY OF PALM SPRINGS' PARTICIPATION IN THE COUNTY OF RIVERSIDE MORTGAGE CREDIT CERTIFICATE (MCC) PROGRAM

This item was excluded from the Consent Calendar. Please refer to Page 9 of these minutes for a summary of that action.

J. RENEW AGREEMENT NO. A6680 WITH CALIFA GROUP FOR PALM SPRINGS PUBLIC LIBRARY AND WELWOOD MURRAY MEMORIAL LIBRARY ADVANCED NETWORK (DATA) SERVICES

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

1. Renew agreement with Califa Group to provide advanced network (data) services at the Palm Springs Public Library and Welwood Murray Memorial Library through June 30, 2025. **A6680**
2. Authorize the City Manager to execute all necessary documents.

K. REQUEST BY COUNTY OF SANTA CLARA AND CITY OF CHICAGO TO JOIN IN AN AMICUS CURIAE BRIEF BEFORE THE U.S. SUPREME COURT INVOLVING THE AFFORDABLE CARE ACT (ACA) - CALIFORNIA V. TEXAS

This item was excluded from the Consent Calendar. Please refer to Page 10 of these minutes for a summary of that action.

L. ADOPTION OF A RESOLUTION AUTHORIZING THE CITY OF PALM SPRINGS TO ENTER INTO AN AGREEMENT WITH THE GOVERNOR'S OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT TO RECEIVE STATE EQUITY GRANT FUNDING

This item was excluded from the Consent Calendar. Please refer to Page 10 of these minutes for a summary of that action.

M. AWARD OF A CONSTRUCTION CONTRACT TO ELECNOR BELCO ELECTRIC, INC., A CALIFORNIA CORPORATION, IN THE AMOUNT OF \$460,000 FOR THE INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF TAHQUITZ CANYON WAY AND CIVIC DRIVE, CITY PROJECT NO. 15-21

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

1. Approve the modification of the existing Tahquitz Canyon Way landscaped medians including relocation of three palm trees as necessary to extend the existing left-turn pockets at Civic Drive as recommended by the City Engineer.
2. Award a construction contract to Elecnor Belco Electric, Inc., a California corporation, in the amount of \$460,000 for Base Bid Schedule and Additive Bid Schedule 1 for the Tahquitz Canyon Way and Civic Drive Traffic Signal Installation, City Project No. 15-21. **A8524**
3. Authorize the City Manager to approve and execute construction contract change orders up to a cumulative amount of \$46,000 (10% of construction contract).
4. Authorize the City Manager to execute all necessary documents.

N. PROPOSED RESOLUTION DESIGNATING ALL PARKING SPACES CONNECTED TO AN ELECTRIC VEHICLE CHARGING DEVICE LOCATED ON OFF-STREET PARKING FACILITIES OWNED OR OPERATED BY THE CITY AND ON PUBLIC STREETS FOR THE EXCLUSIVE PURPOSE OF PARKING AND CHARGING AN ELECTRIC VEHICLE THAT IS CONNECTED FOR ELECTRIC CHARGING PURPOSES, AND ESTABLISHING A CIVIL PENALTY AMOUNT FOR VIOLATION OF CALIFORNIA VEHICLE CODE SECTION 22511.1 (A)-(B) AND AMENDING THE MASTER BAIL SCHEDULE TO REFLECT STATE LAW

MOTION BY COUNCILMEMBER WOODS, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24745 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DESIGNATING ALL PARKING SPACES CONNECTED TO AN ELECTRIC VEHICLE CHARGING DEVICE LOCATED ON OFF-STREET PARKING FACILITIES OWNED OR OPERATED BY THE CITY AND ON PUBLIC STREETS FOR THE EXCLUSIVE PURPOSE OF PARKING AND CHARGING AN ELECTRIC VEHICLE THAT IS CONNECTED FOR ELECTRIC CHARGING PURPOSES, AND ESTABLISHING A CIVIL PENALTY AMOUNT FOR VIOLATION OF CALIFORNIA VEHICLE CODE SECTION 22511.1 (A)-(B) AND AMENDING THE MASTER BAIL SCHEDULE TO REFLECT STATE LAW."

O. REPORT OF EMERGENCY PURCHASE OF A PORTABLE SHOWER/RESTROOM TRAILER FOR PALM SPRINGS FIRE DEPARTMENT PURSUANT TO PALM SPRINGS MUNICIPAL CODE SECTION 7.04.040

MOTION BY COUNCILMEMBER WOODS, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to receive and file a Report of Emergency Purchase of a Portable Shower/Restroom Trailer for the Palm Springs Fire Department pursuant to Palm Springs Municipal Code Section 7.04.040.

EXCLUDED CONSENT CALENDAR:

I. APPROVE A RESOLUTION AUTHORIZING THE CITY OF PALM SPRINGS' PARTICIPATION IN THE COUNTY OF RIVERSIDE MORTGAGE CREDIT CERTIFICATE (MCC) PROGRAM

In response to Mayor Pro Tem Holstege, staff agreed to investigate whether the program's criteria and rules can be modified to reflect the home prices in Palm Springs to further enable residents to utilize this program,

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

1. Adopt Resolution No. 24743 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING PARTICIPATION IN THE RIVERSIDE COUNTY MORTGAGE CREDIT CERTIFICATE (MCC) PROGRAM."
2. Authorize the City Manager to execute all necessary documents.

K. REQUEST BY COUNTY OF SANTA CLARA AND CITY OF CHICAGO TO JOIN IN AN AMICUS CURIAE BRIEF BEFORE THE U.S. SUPREME COURT INVOLVING THE AFFORDABLE CARE ACT (ACA) - CALIFORNIA V. TEXAS

Councilmember Middleton highlighted the City's support of the subject amicus brief; explained the action attempts to overturn the ACA.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER GARNER, CARRIED 5-0, to:

1. Approve the City of Palm Springs joining as amicus curiae brief filed by the County of Los Angeles and City of Chicago before the United States Supreme Court in the following case: California v. Texas, 945 F.3d.355 (Jan. 9, 2020).
2. Authorize the City Attorney to sign on to such brief on behalf of the City of Palm Springs.

L. ADOPTION OF A RESOLUTION AUTHORIZING THE CITY OF PALM SPRINGS TO ENTER INTO AN AGREEMENT WITH THE GOVERNOR'S OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT TO RECEIVE STATE EQUITY GRANT FUNDING

In response to City Council inquiry, Special Program Compliance Director Goedhart advised that the staff is working with the City of Coachella and the College of the Desert regarding the educational portion of the grant.

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

1. Adopt Resolution No. 24744 entitled, "ADOPTION OF A RESOLUTION AUTHORIZING THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, TO ENTER INTO AN AGREEMENT WITH THE GOVERNOR'S OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT TO RECEIVE STATE EQUITY GRANT FUNDING." **A8523**
2. Authorize the City Manager to execute all documents consistent with this Resolution.

2. PUBLIC HEARINGS:

- A. COUNCIL CALL-UP OF THE MARCH 25, 2020, DECISION BY THE PLANNING COMMISSION REGARDING THE ORCHID TREE PROJECT BY NEW CHURCH 11, LLC INVOLVING A GENERAL PLAN AMENDMENT, VARIANCE, MAJOR ARCHITECTURAL APPLICATION, AND CONDITIONAL USE PERMIT TO (1) RE-CLASSIFY A PORTION OF ARENAS ROAD IN THE CIRCULATION ELEMENT OF THE 2007 GENERAL PLAN; (2) RENOVATE TWO HISTORIC PROPERTIES FOR ADAPTIVE RE-USE; AND (3) DEMOLISH AND RECONSTRUCT ONE AND TWO-STORY STRUCTURES ON A 3.65-ACRE SITE FOR THE OPERATION OF A HOTEL WITH ACCESSORY SPA, RESTAURANT AND MEETING SPACE LOCATED AT 222 S. CAHUILLA ROAD, ZONE R-3 (CASE 5.1345 CUP, GPA, HSPB 23, HSPB 72, 3.0678 MAJ & 6.656 VAR)**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to continue the Public Hearing to the City Council meeting of May 7, 2020.

- B. REQUEST BY THE CITY OF PALM SPRINGS TO AMEND PALM SPRINGS ZONING CODE SECTION 91.00.10, 93.13.00, AND 93.23.14 RELATIVE TO THE DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS (CASE 5.1447 ZTA)**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to continue the Public Hearing to the City Council meeting of May 7, 2020.

- C. CROWN CASTLE (AT&T WIRELESS) FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY CONSISTING OF A FIFTY-FIVE FOOT (55') TALL MONOPOLE AND A VARIANCE TO EXCEED THE MAXIMUM ANTENNA HEIGHT WITHIN THE RIMROCK SHOPPING CENTER LOCATED AT 4711 EAST PALM CANYON DRIVE, ZONE CON (CASE NO. 5.1227 CUP & 6.554)**

Planning Services Director Fagg narrated a PowerPoint presentation. In response to City Council inquiry, Director Fagg explained that a mono-pole is not recommended for this location, due to an existing utility easement which prevents the planting of palm trees adjacent to the proposed cellular tower.

Mayor Kors opened the Public Hearing.

Racheal Davidson, representing the Applicant, reported the proposed site is critical to improving network coverage throughout the City.

There being no others desiring to speak, Mayor Kors closed the Public Hearing.

Councilmember Woods suggested that City staff, Planning Commission, and Public Arts Commission work cooperatively to encourage the installation of creative and artistic treatments for cell towers in the future.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to adopt Resolution No. 24746 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CASE NO. 5.1227 TO INSTALL A FIFTY-FIVE FOOT HIGH WIRELESS COMMUNICATIONS ANTENNA AND VARIANCE CASE NO. 6.554 TO EXCEED MAXIMUM ANTENNA HEIGHT FOR THE PROPERTY LOCATED AT 4711 EAST PALM CANYON DRIVE."

D. AT&T WIRELESS MOBILITY FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A WIRELESS COMMUNICATIONS FACILITY CONSISTING OF A FIFTY-FOUR FOOT (54') TALL MONOPALM AND A VARIANCE TO EXCEED THE MAXIMUM ANTENNA HEIGHT PERMITTED WITHIN THE INDIAN CANYONS GOLF RESORT LOCATED AT 1097 EAST MURRAY CANYON DRIVE, ZONE W (CASE NOS. 5.1486 CUP & 6.557 VAR)

Planning Services Director Fagg narrated a PowerPoint presentation and requested that the City Council modify Condition of Approval ADM-6 to include maintenance requirements for damaged palm fronds.

Mayor Kors opened the Public Hearing.

Melissa Francisco, representing the Applicant, advised that the cell tower will be upgraded to provide 4G coverage; spoke on the possibility of collocating cell towers and upgrading the cell tower to provide 5G coverage in the future.

There being no others desiring to speak, Mayor Kors closed the Public Hearing.

Councilmember Middleton spoke on the importance of overlapping cellular coverage during emergencies.

Mayor Pro Tem Holstege spoke on the importance of upgrading cellular coverage to higher speeds, such as 5G.

MOTION BY COUNCILMEMBER WOODS, SECOND BY COUNCILMEMBER GARNER, CARRIED 5-0, to adopt Resolution No. 24747 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA APPROVAL OF A CONDITIONAL USE PERMIT, CASE NO. 5.1486, TO THE CITY COUNCIL FOR THE INSTALLATION OF A FIFTY-FOUR FOOT HIGH COMMERCIAL COMMUNICATIONS ANTENNA STRUCTURE AND OF A VARIANCE APPLICATION, CASE NO. 6.557, TO EXCEED THE MAXIMUM ANTENNA HEIGHT FOR THE PROPERTY LOCATED AT 1097 EAST MURRAY CANYON DRIVE (CASE NOS. 5.1486 CUP & 6.557 VAR)."

3. LEGISLATIVE: None.

4. UNFINISHED BUSINESS:

A. ADOPTION OF A RESOLUTION RATIFYING THE CITY MANAGER/ EMERGENCY SERVICES DIRECTOR'S DECLARATION OF EXISTENCE OF A LOCAL EMERGENCY RELATED TO THE INCREASING SPREAD OF THE NOVEL CORONAVIRUS (COVID-19), CONFIRMING THE RULES AND REGULATIONS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES, AND PROVIDING DIRECTION REGARDING AN EMERGENCY ORDER FOR THE PROTECTION OF GROCERY AND RETAIL DRUG STORE EMPLOYEES AND CUSTOMERS

City Attorney Ballinger presented the staff report and responded to City Council inquiries; requested City Council direction regarding pools, golf courses, tennis courts, and pickleball; clarified that individual Homeowner Associations (HOA) would not be required to reopen recreational courts.

In response to City Council inquiries, Parks and Recreation Director Alvarado summarized the process for reopening public tennis and pickleball courts; recommended restricting available hours, implementing a reservation system, providing staff monitors, and limiting to singles play.

Councilmember Middleton noted the value of being consistent with County and State orders, except for specific reasons; opined that those who do not have access to HOA or private clubs should be able to enjoy tennis and pickleball and recommended that HOAs and private clubs only allow singles-play for tennis and pickleball.

Mayor Kors added that players should be encouraged to bring their own tennis/pickle balls to avoid cross-contamination.

Mayor Pro Tem Holstege and Councilmember Garner discussed the differences in the State and County orders in relation to golf, tennis, pickleball, hiking and walking; voiced concerns about reopening public courts too soon and staff exposure to COVID-19.

Councilmember Woods noted that protocols put in place to protect the public and believed the City would be in step with the rest of the valley, should it reopen golf, tennis and pickleball; noted that residents need outlets to release energy and exercise.

In response to City Council inquiry, Police Chief Reyes recommended that HOA and Club Managers be responsible for enforcement of rules and regulations for golf, tennis, and pickleball. City Attorney Ballinger confirmed that the City could place the responsibility for enforcement upon HOAs and Club Managers; responded to an inquiry, noting that the County continues to recommend that seniors and vulnerable populations continue to shelter at home and only engage in essential activities.

Councilmember Middleton urged that strict limits be implemented regarding how close a golfer may approach a private residence to retrieve golf balls; opined that the City should not be judgmental about residents' recreational choices, noting her support for being consistent with State and County rules, insofar as there are penalties for violations. The City Council agreed there should be penalties if an HOA or Club incur multiple violations of the proposed rules.

Councilmembers Middleton and Garner volunteered to serve as liaison to assist staff with the developing plans for the reopening of golf courses, tennis and pickleball courts.

Following discussion, the City Council agreed to delay the reopening of golf courses, tennis and pickleball courts for two weeks and directed staff to develop a comprehensive plan, including public health analysis and comparison of other cities' procedures for reopening of these activities.

The City Council agreed that private community pools may reopen consistent with the County's guidelines.

Assistant City Manager Fuller requested that the City Council consider and provide direction regarding construction activities, noting that the City's current order allows for the continuation of "essential construction" which has been interpreted to be new housing construction and their accessory structures if they have an existing building permit; questioned whether construction of pools, accessory structures, remodels, and solar systems for existing homes should be allowed, suggesting that remodels would only be allowed if the home is currently vacant. In response to City Council inquiry, Mr. Fuller cautioned against conducting mandatory inspections via virtual meetings with a follow-up inspection after the City's orders are lifted.

During the course of discussion, the City Council agreed that "essential construction" should include new residential projects, accessory structures such as pools, patios, and solar systems for existing homes, and interior remodels of vacant buildings. The City Council further directed that employers and contractors should be responsible for posting safety protocols in English and Spanish at construction sites.

City Attorney Ballinger summarized the proposed order related to protections for grocery and retail drug store employees, noting that the UFCW Local 1167 has proposed additional protections for the City Council's consideration.

Councilmember Middleton discussed the UFCW's recommendation requiring security personnel at grocery stores, opining that she is inclined to allow stores to determine the appropriate security personnel at their own discretion; recommended that the order be modified to state that stores may not serve customers who are not wearing a face covering.

Mayor Pro Tem Holstege requested that the order clarify that social distancing protocols must be extended to line queues outside of the store and specify that employers must allow handwashing as required in the Cal-OSHA guidelines.

Discussion followed regarding directing staff to address appropriate occupancy for each grocery stores, incorporating Cal-OSHA safety requirements for grocery stores, and requiring employers to provide hand sanitizer as appropriate.

MOTION BY MAYOR PRO TEM HOLSTEGE, SECOND BY COUNCILMEMBER GARNER, CARRIED 5-0, to adopt Resolution No. 24748 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 WITHIN THE CITY OF PALM SPRINGS DUE TO THE EXTREME PERIL TO THE SAFETY OF THE RESIDENCE RELATED TO THE INCREASED SPREAD OF THE NOVEL CORONAVIRUS (COVID-19), RATIFYING, IN PART, THE RULES AND REGULATIONS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES, AND TAKING OTHER ACTIONS RELATING THERETO."

RECESS

The City Council recessed at 9:25 p.m. and reconvened at 9:40p.m. with all Councilmembers present via teleconference.

5. NEW BUSINESS:

A. DISCUSSION OF POTENTIAL BUDGET IMPACTS ASSOCIATED WITH THE NOVEL CORONAVIRUS (COVID-19) AND CONSIDERATION OF A DECLARATION OF A FISCAL EMERGENCY

City Manager Ready narrated a PowerPoint presentation and responded to City Council inquiries.

Mayor Kors and Councilmember Woods expressed concern that the budget impacts may be greater than projected and recommended that staff develop a worst-case scenario for City Council consideration.

Councilmember Middleton reported on the uncertainties in the severity and the length of the current crisis, sharing data regarding consumer confidence, retail sales, stock market volatility and recovery projections from various sources and noted the need for careful consideration and regular monitoring.

In response to City Council inquiry, City Attorney Ballinger reviewed the purpose of declaring a Fiscal Emergency, noting that it impresses upon members of the public and staff about the seriousness of the City's financial situation, but does not give the City Council additional legal powers.

Mayor Pro Tem Holstege pointed out that this is an opportunity to reassess the local economy, workforce, and businesses and that the City Council should make medium- and long-term recovery plans.

Mayor Kors noted that he and Mayor Pro Tem Holstege serve as the liaisons for business retention and economic development and there will be a need to work with business leaders and experts to develop a recovery plan.

MOTION BY COUNCILMEMBER WOODS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to adopt Resolution No. 24749 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, UNANIMOUSLY DECLARING A FISCAL EMERGENCY RELATED TO THE CORONAVIRUS (COVID-19) PANDEMIC."

PUBLIC COMMENT: None.

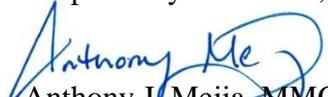
CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT:

City Manager Ready requested that the City Council schedule a Special Meeting for continued discussion of the City's budget.

ADJOURNMENT:

The City Council adjourned at 11:12 p.m.

Respectfully submitted,


Anthony J. Mejia, MMC
City Clerk

APPROVED BY CITY COUNCIL: 06/11/2020