



**Thursday, June 11, 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, June 11, 2020, at 6:25 p.m.

**PLEDGE OF ALLEGIANCE:**

Police Chief Reyes 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:**

Mayor Kors displayed a photo of a billboard dedicated to the Palm Springs 2020 Senior Class and invited the following students to make remarks regarding graduation:

- Santiago Karam Padilla, Valedictorian, Palm Springs High School
- Araceli Flores, Senior Class President, Palm Springs High School
- Gurneesh Sina, Valedictorian, Desert Chapel High School
- Makenzie Zarres, ASB President, Desert Chapel High School

Greg Rodriguez, representing the County of Riverside, provided an update regarding regional efforts, programs, and services to assist homeless persons during the COVID-19 pandemic.

Tom Kirk, representing the Coachella Valley Association of Governments, presented an update regarding the status of the CV Link and future expansion plans.

**ACCEPTANCE OF THE AGENDA:**

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER GARNER, CARRIED 5-0, to accept the order of the agenda with Consent Calendar Item No. 1M pulled for separate discussion.

**REPORT OF CLOSED SESSION:**

The Regular Closed Session of the City Council of June 11, 2020, was called to order by Mayor Kors at 4:00 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):

Lavenant v. City of Palm Springs

Case No. 5:17-cv-02267, United States District Court, Central District of California

Marilyn Aronson v. City of Palm Springs, Mariposa Landscape

Case No PSC 1902825, Superior Court of the State of California, County of Riverside

Kelvin Hernandez Roman et al. v. Chad F. Wolf et al.

Case No. 5:20-cv-00768-TJH-PVC (amicus curia request), United States District Court, Eastern District of California

PCG-SP Venture I LLC v. Gavin Newsom et al.

Case No. 5:20-cv-01138, United States District Court, Central District of California

4348 Lockwood Avenue LLC et al. v. City of Palm Springs et al.,

Case No. RIC 1703102, 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.

Gov't Claim, dated May 11, 2020, from Wright Construction Engineering Corp.

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 five (5) 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 Description:	APN 666-140-024 Located at 63775 Dillon Road (Former County of Riverside Fire Station No. 36)
Agency	City of Palm Springs
City Negotiator:	David Ready, City Manager or Designee
Negotiating Parties:	Riverside County
Under Negotiation:	Price and Terms of Payment (Lease)
Property 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 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
Property Description:	Palm Springs Visitor's Center (APN 504-040-053)
Agency:	City of Palm Springs
City Negotiator:	Marcus Fuller, City Engineer/Assistant City Manager or Designee
Negotiating Parties:	Coachella Valley Association of Governments (CVAG)
Under Negotiation:	Price and Terms of Payment
Property 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

Property 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:	
Under Negotiation:	Price and Terms of Payment (Sale)
Property 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)

**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:	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 All Unrepresented Employees

City Attorney Ballinger announced that the City Council voted 5-0 to direct staff to sign onto an amicus brief in the matter of Kelvin Hernandez Roman et al. v. Chad F. Wolf et al.; 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 4D, urged the City Council to direct Homeowners Associations (HOA) to reopening pools and comply with COVID-19 regulations regarding gatherings and short-term vacation rentals.

The following individuals spoke on Item 4D, urging the City Council to authorize the reopening of VillageFest with proper health and safety protocols:

Christina Bjenning

James Hermes

Mark Cherry

Gaylen McKinzie, speaking on Item 4D, spoke in support of reopening the City's Aquatic Center.

Dorothy Wilder, speaking on Item 4A, spoke on the high standards expected of first responders and healthcare workers, opining that they should be paid higher wages.

Maribel Nunez, speaking on Item 4B, recommended that the City Council authorize a portion of the \$10 million state grant for homelessness to be allocated for a rental assistance program; stated that racism does exist in Palm Springs, noting the issue with tamarisk trees at Tahquitz Creek Golf Course.

Patricia Breslin, speaking on Item 4C, urged the City Council to allow bars and restaurants to reopen with expanded outdoor footprints.

John Wadlund, speaking on Item 4D, voiced support for the reopening of the City's skate park with proper health and safety protocols.

Isaac Garza, speaking on Item 4A, voiced opposition to budget reductions for tree pruning and maintenance, opining that proper maintenance is a matter of public safety.

Zack Solomon, speaking on Item 4A and 4B, voiced support for allocating a portion of the \$10 million state grant for homelessness for a rental assistance program; conveyed support for reallocating police department funding for social service programs.

Edwin Ramoran, speaking on Item 4A and 4B, spoke on the need to fund a rental assistance program, community centers, social services, and body-worn cameras for police officers.

David Weiner, speaking on Item 4A, encouraged the City Council to review the Police Department's budget to determine if funding could be reallocated in a manner that would benefit the community; spoke on the history of racism in Palm Springs.

Naomi Soto, speaking on Item 4A, spoke on the need for police reform and investments in public health and responding to the economic crisis caused by COVID-19; voiced concern regarding the long-term budget increases for police officer salaries, benefits, and overtime.

Luz Gallegos, urged the City Council to enact a rental assistance program for Palm Springs residents.

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

Councilmember Garner reported on the rally held by Young Justice Advocates in support of Black Lives Matter and the need to fight against racism; urged businesses to create an anti-racism environment and to work towards better reflecting the community; spoke on the history of racism in Palm Springs and the need for structural reform to better support residents and their quality of life.

Mayor Pro Tem Holstege stated that residents have long called upon the City Council to address the history of racism in Palm Springs; spoke on the need for the City Council to work with the community to further address systemic racism; requested that staff schedule a community listening session regarding racism and discrimination.

Councilmember Middleton spoke on the importance of hearing from people with different political views, life experiences, races, and religions to ensure that we all learn from each other; noted that police officers have been requested to take on increased responsibilities and acknowledged their sacrifices.

Councilmember Woods discussed the recent Black Live Matter protest, noting that there is a desire to listen and implement changes to better the City of Palm Springs.

Mayor Kors requested that the City Council adjourn tonight's meeting in memory of Dr. Frank Ercoli, Dr. Ron Fragan and Michael Malone and read their obituaries; thanked Councilmember Garner for her comments and inquired whether Councilmember Garner and Mayor Pro Tem Holstege would volunteer to serve as liaisons to staff regarding the Listening Session.

Councilmember Garner and Mayor Pro Tem Holstege volunteered to serve as liaisons to staff regarding the Listening Session.

**1. CONSENT CALENDAR:**

MOTION BY COUNCILMEMBER GARNER, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to approve the consent calendar, with the removal of Item No. 1M for separate discussion.

**A. APPROVAL OF MINUTES**

MOTION BY COUNCILMEMBER GARNER, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to approve the City Council Meeting Minutes of April 23, 2020, May 7, 2020, and May 18, 2020.

**B. ANNUAL LEVY OF ASSESSMENTS FOR VARIOUS CITYWIDE STREET LIGHTING AND PARKWAY MAINTENANCE DISTRICTS, FISCAL YEAR 2020/2021**

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

1. Adopt Resolution No. 24761 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDERING THE PREPARATION OF AND GIVING PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT REGARDING STREET LIGHTING MAINTENANCE DISTRICT NO. 3, AND PARKWAY MAINTENANCE DISTRICTS NO. 6A, 6C, 7, 8, 9, AND 10 (ZONES 1 AND 2), AND LANDSCAPE MAINTENANCE DISTRICT NO. 12, TO ESTABLISH ANNUAL ASSESSMENTS AND THE LEVY AND COLLECTION RELATED THERETO FOR FISCAL YEAR 2020/2021."
2. Adopt Resolution No. 24762 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO CONDUCT A PUBLIC HEARING ON JULY 23, 2020, REGARDING STREET LIGHTING MAINTENANCE DISTRICT NO. 3, AND PARKWAY MAINTENANCE DISTRICTS NO. 6A, 6C, 7, 8, 9, AND 10 (ZONES 1 AND 2), AND LANDSCAPE MAINTENANCE DISTRICT NO. 12, AND TO LEVY AND COLLECT ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2020/2021."

**C. 2020 BIENNIAL NOTICE FOR CITY STAFF TO REVIEW THE CONFLICT OF INTEREST CODE PURSUANT TO THE POLITICAL REFORM ACT**

MOTION BY COUNCILMEMBER GARNER, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24763 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REQUIRING CITY STAFF TO REVIEW THE CONFLICT OF INTEREST CODE AND SUBMIT THE 2020 BIENNIAL NOTICE AS REQUIRED UNDER THE POLITICAL REFORM ACT."

**D. ACCEPTANCE OF THE 2019 PAVEMENT REHABILITATION, CITY PROJECT NO. 19-01**

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

1. Accept the public works improvement identified as the 2019 Pavement Rehabilitation, City Project No. 19-01 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 2019 Pavement Rehabilitation, City Project No. 19-01.

**E. APPROVAL OF VARIOUS ACTIONS WITH THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS RELATING TO CONSTRUCTION OF THE CV LINK WITHIN PALM SPRINGS**

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

1. Approve a License Agreement by and between the City of Palm Springs and the Coachella Valley Association of Governments to allow the use of the parcel adjacent to the Palm Springs Visitor Center (A.P.N. 504- 040-053) for the construction of the Visitor's Center Access Point for the CV Link. A8554
2. Approve a Cooperative Agreement by and between the Coachella Valley Association of Governments and the City of Palm Springs for CV Link Multi-Use Path Project in the City of Palm Springs (the "Sunrise Connector"), approve the plans, specifications and estimate, and authorize bidding of the CV Link "Sunrise Connector." A8555
3. Authorize the City Engineer to issue encroachment permits for the construction of the CV Link across City properties and within City rights-of-way.
4. Authorize the City Manager to execute all necessary documents.

**F. REQUEST FOR APPROVAL OF MILLS ACT HISTORIC PROPERTY PRESERVATION AGREEMENT FOR A CLASS 1 HISTORIC SITE LOCATED AT 181 WEST MERITO PLACE (HSPB #121/HD-8)**

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

1. Approve a Mills Act Historic Property Agreement between the City of Palm Springs, Douglas MacBeth and L. Stanley Deen and the Merito Manor Community Association, for 181 West Merito Place a Class 1 Historic Site (HSPB #121 HD-8). A8556
2. Authorize the City Manager to execute the Agreement.
3. Direct the City Clerk to record the Agreement.

**G. ACCEPT AND FILE THE ANNUAL PROGRESS REPORT (APR) FOR CALENDAR YEAR 2019 REGARDING THE IMPLEMENTATION OF THE CITY'S HOUSING ELEMENT TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

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

1. Receive and file the annual progress report for calendar year 2019 regarding implementation of the City's Housing Element to the California Department of Housing and Community Development.
2. Direct staff to make no changes to the report filed on April 1, 2020, with the California Department of Housing and Community Development and the Governor's Office of Planning and Research.

**H. TERMINATION OF A CONSTRUCTION CONTRACT (A8486) WITH PAVEMENT COATINGS CO., A CALIFORNIA CORPORATION, FOR THE 2020 SLURRY SEAL, CITY PROJECT NO 19-02**

MOTION BY COUNCILMEMBER GARNER, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to authorize the City Engineer to issue a Notice of Termination prior to Expiration of Term per Article 2 of Agreement (A8486) with Pavement Coatings Co., for the 2020 Slurry Seal, City Project No. 19-02.

**I. ACCEPTANCE OF THE FIRE SPRINKLER SYSTEM AT THE DEMUTH COMMUNITY CENTER, CITY PROJECT NO. 19-14**

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

1. Accept the public works improvements identified as the Fire Sprinkler System at the Demuth Community Center, City Project No. 19-14, 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 Fire Sprinkler System at the Demuth Community Center, City Project No. 19-14.

**J. APPROVE ANNUAL INSURANCE POLICY RENEWALS FOR THE CITY'S INSURANCE PORTFOLIO FOR FISCAL YEAR 2020-21**

MOTION BY COUNCILMEMBER GARNER, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24764 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AUTHORIZING KEENAN & ASSOCIATES AS THE CITY'S BROKER OF RECORD, TO PURCHASE PROPERTY, EARTHQUAKE/FLOOD (DIFFERENCE IN CONDITION), EXCESS LIABILITY, EXCESS WORKERS COMPENSATION, AIRPORT OWNERS AND OPERATORS LIABILITY, VILLAGE FEST LIABILITY, MULTI-MEDIA LIABILITY, AIRCRAFT HULL LIABILITY, CRIME/FIDELITY, AND CYBER LIABILITY INSURANCE POLICIES FROM VARIOUS CARRIERS FOR POLICY YEAR 2020-2021, EFFECTIVE JULY 1, 2020."

**K. AGREEMENT WITH KEENAN & ASSOCIATES FOR THIRD-PARTY LIABILITY CLAIMS ADMINISTRATOR SERVICES**

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

1. Approve Agreement with Keenan and Associates for third-party liability claims administration (TPA) services, through June 30, 2025. A8557
2. Authorize the City Manager to execute all necessary documents.

**L. AMENDMENT NO. 3 TO AIRPORT CAR RENTAL CONCESSIONAIRES AGREEMENT**

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

1. Approve Amendment No. 3, providing an extension consisting of a one-year term, to all airport rental car concession agreements doing business as eight (8) car rental agencies at PSP which includes: Avis/Budget Car Rental, LLC; The Hertz Corporation; Enterprise Rent-A-Car, LLC d/b/a Alamo/National Car Rental; Enterprise Rent-A-Car Company of Los Angeles, and Dollar/Thrifty Rent-A-Car.
2. Authorize the City Manager to execute all necessary documents.

**M. RESOLUTION SUPPORTING ASSEMBLY CONSTITUTION AMENDMENT NO. 5, A CONSTITUTIONAL AMENDMENT FOR THE NOVEMBER 3, 2020, ELECTION, TO REPEAL PROPOSITION 209 AND REINSTATE AFFIRMATIVE ACTION IN PUBLIC CONTRACTING, HIRING AND PUBLIC EDUCATION**

This item was excluded from the Consent Calendar. Please refer to Page 11 of these minutes for a summary of that action.

**N. RESOLUTION OF INTENTION TO LEVY ASSESSMENTS FUNDING THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS IMPROVEMENT DISTRICT AND SETTING A TIME AND PLACE FOR THE PUBLIC HEARING**

MOTION BY COUNCILMEMBER GARNER, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to adopt Resolution No. 24760 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING ITS INTENTION TO LEVY ASSESSMENTS FUNDING THE PALM SPRINGS SMALL HOTEL TOURISM BUSINESS IMPROVEMENT DISTRICT, AND SETTING JUNE 25, 2020, FOR THE PUBLIC HEARING."

**O. APPROVAL TO EXTEND AGREEMENT NO. A6683 WITH SOCIAL LAND MAINTENANCE, INC., FOR ROADSIDE MAINTENANCE OF SPECIFIED CITY STREETS AND RIGHT-OF-WAYS, TRANSIENT CAMP AND SHOPPING CART CLEAN-UP IN THE AMOUNT OF \$95,823.72**

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

1. Approve a six-month extension to the Contract Services Agreement No. A6683 with SoCal Land Maintenance, Inc. in the amount of \$95,823.72 for the 2020/2021 fiscal year, terminating on October 21, 2020.
2. Authorizing the City Manager to approve and execute all necessary documents.

**EXCLUDED CONSENT CALENDAR:**

**M. RESOLUTION SUPPORTING ASSEMBLY CONSTITUTION AMENDMENT NO. 5, A CONSTITUTIONAL AMENDMENT FOR THE NOVEMBER 3, 2020, ELECTION, TO REPEAL PROPOSITION 209 AND REINSTATE AFFIRMATIVE ACTION IN PUBLIC CONTRACTING, HIRING AND PUBLIC EDUCATION**

Mayor Kors requested that letters be sent to Assembly Member Chad Mayes thanking him for his support of the proposed Constitutional Amendment and to State Senator Melendez and Senate Pro Tem Atkins requesting their support of the same.

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

1. Adopt Resolution No. 24765 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, SUPPORTING ASSEMBLY CONSTITUTION AMENDMENT NO. 5, A CONSTITUTIONAL AMENDMENT FOR THE NOVEMBER 3, 2020 ELECTION, TO REPEAL PROPOSITION 209 AND REINSTATE AFFIRMATIVE ACTION IN PUBLIC CONTRACTING, HIRING AND PUBLIC EDUCATION."
2. Authorize the City staff to transmit such support to the authors of Assembly Constitution Amendment No. 5.

**2. PUBLIC HEARINGS:****A. REQUEST TO AMEND THE CONDITIONS OF APPROVAL FOR THE CONDITIONAL USE PERMIT FOR THE WELL IN THE DESERT FACILITY AT 441 S. CALLE ENCILIA TO ALLOW THE INSTALLATION OF AN OUTDOOR SHADE STRUCTURE (CASE 5.1419 CUP)**

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

In response to City Council inquiries, Police Captain Kovaleff discussed the calls for police service associated with the Well in the Desert and their ongoing compliance and cooperation with the Police Department; advised that the crisis response teams have focused their attention on the Sunrise Park area, noting that they work cooperatively with the Police Department.

Mayor Kors opened the Public Hearing.

Arlene Rosenthal, Applicant, stated that she previously emailed her support for the proposal.

James Gavin, voiced opposition to the proposal, citing concerns related to inadequate lighting and increased crime in the area.

There being no other speakers, Mayor Kors closed the Public Hearing.

In response to City Council inquiries, Director Fagg advised that Code Compliance has confirmed that exterior lighting is operational and that additional lighting could be required for the proposed shade structure; advised that the Well in the Desert does not have adequate space to provide property storage unless it expands to the adjacent vacant building; summarized the differences between a temporary and permanent shade structure, noting that the overall maximum occupancy limit will not increase; suggested

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER GARNER, CARRIED 5-0, to adopt Resolution No. 24766 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AMENDMENT TO THE CONDITIONS OF APPROVAL FOR THE WELL IN THE DESERT FACILITY, LOCATED AT 441 SOUTH CALLE ENCILIA, ZONE LSC (APN: 508-094-015)." The City Council approved an amendment to Condition No. PLN 19 to allow a permanent outdoor shade structure, with appropriate lighting, to be constructed in accordance with the submitted plans, and allow the outdoor area to be used by patrons only while mandatory social-distancing protocols are in place or during extreme weather events. The City Council further directed the applicant to ensure compliance with the CUP and provided staff with discretion to determine appropriate signage regarding loitering. The City Council requested that staff coordinate a community meeting to discuss the impact of the shade structure and provide monthly reports on calls for service in the affected area.

**B. PROPOSED ORDINANCE AMENDING PALM SPRINGS ZONING CODE SECTIONS 91.00.10 AND 93.06.00 RELATING TO THE REQUIREMENTS FOR ELECTRIC VEHICLE CHARGING STATIONS (CASE 5.1505 ZTA)**

Planning Services Director Fagg narrated a PowerPoint presentation. In response to City Council inquiry, Director Fagg summarized the different types of charging stations, the ability of owners to charge for the service, costs for prewiring and construction and allowing waiver for affordable multi-family units and duplexes.

Mayor Kors opened the Public Hearing.

David Freedman, spoke in support of the ordinance and urged the City Council to approve.

There being no other speakers, Mayor Kors closed the Public Hearing.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to introduce Ordinance No. 2025 entitled, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTIONS 91.00.10 AND 93.06.00 OF THE PALM SPRINGS ZONING CODE RELATING TO THE REQUIREMENTS FOR ELECTRIC VEHICLE CHARGING STATIONS." City Clerk Mejia read the ordinance by title.

**RECESS/RECONVENE:**

The City Council recessed at 9:05 p.m. and reconvened at 9:15 p.m., with all members present.

**3. LEGISLATIVE:**

**A. AN URGENCY ORDINANCE AMENDING CERTAIN PROVISIONS OF THE CITY OF PALM SPRINGS MUNICIPAL CODE, REGARDING ENFORCEMENT OF THE PALM SPRINGS MUNICIPAL CODE AND EMERGENCY ORDERS ISSUED BY THE CITY OF PALM SPRINGS, INCLUDING REVOCATION OF BUSINESS LICENSES**

City Attorney Ballinger presented the staff report and responded to City Council inquiries.

During the course of discussion, the City Council stressed the importance for businesses to comply with COVID-19 regulations for the health and safety of patrons, noting that the proposed ordinance is intended for businesses which repeatedly fail to comply with laws and regulations.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER GARNER, CARRIED 5-0, to adopt Ordinance No. 2026 entitled, "AN URGENCY ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CERTAIN PROVISIONS OF THE CITY OF PALM SPRINGS MUNICIPAL CODE (PSMC), REGARDING ENFORCEMENT OF THE PALM SPRINGS MUNICIPAL CODE AND EMERGENCY ORDERS ISSUED BY THE CITY OF PALM SPRINGS, INCLUDING REVOCATION OF BUSINESS LICENSES." City Clerk Mejia read the ordinance by title.

**4. UNFINISHED BUSINESS:****A. OVERVIEW OF THE REVISED FISCAL YEAR 2020-2021 COMPREHENSIVE BUDGET**

City Manager Ready presented the staff report.

By consensus, the City Council directed staff to move forward with scheduling a Public Hearing regarding the revised Fiscal Year 2020-21 Comprehensive Budget for the City Council meeting of June 25, 2020.

**B. DISCUSSION OF COMMUNITY DEVELOPMENT BLOCK GRANT 2020 - 2024 FIVE-YEAR CONSOLIDATED PLAN, 2020-2021 ANNUAL ACTION PLAN, CITIZEN PARTICIPATION PLAN AND CDBG 2020-2021 BUDGET**

Community and Economic Development Director Virata narrated a PowerPoint presentation and responded to City Council inquiries.

Mayor Pro Tem Holstege noted that the County of Riverside has implemented rental, business, and non-profit assistance programs; spoke on the need to provide local assistance to small businesses to prevent their permanent closure.

Councilmember Garner spoke on the importance of continuing to fully fund the Find Food Bank distribution sites within Palm Springs; agreed with the need for developing a local assistance program for small businesses; questioned the appropriateness of a 20 percent administration fee; expressed a desire for the funds to be used to provide tangible resources for the community.

Director Virata noted that a business assistance program utilizing the City's CDBG funding would assist approximately 14-22 businesses given the City's limited funding allocation; advised that the 20 percent administration fee is authorized by statute, noting that serves to reimburse the City for administering the program; stated that non-profits have expressed a need for personal protective equipment, assistance with their food distribution programs, purchasing of new software or hardware to accommodate social distance or virtual services, facility upgrades, or funding for additional staff.

Mayor Kors and Mayor Pro Tem Holstege agreed to contact local non-profits to discuss their priority funding needs.

**C. UPDATE ON THE TEMPORARY EXPANSION OF OUTDOOR DINING AREAS, FOR BUSINESSES IMPACTED BY THE NOVEL CORONAVIRUS (COVID-19)**

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

Councilmember Woods reported the initiative would be applied on a City-wide level; noted it is a trial run and reported it has been observed to work effectively at Tac/Quila; noted that patrons are required to wear a face covering and practice social distancing and addressed the need for education to ensure compliance; reported there are still issues to be addressed, including establishing design guidelines and considering allowing retail stores to participate in the program.

MOTION BY COUNCILMEMBER WOODS, SECOND BY COUNCILMEMBER GARNER, CARRIED 5-0, to authorize staff to waive the fee for Land Use Permits for temporary outdoor dining areas.

**D. CONTINUED DISCUSSION AND POSSIBLE DIRECTION ON THE IMPACTS AND RESPONSE TO THE LOCAL EMERGENCY RELATED TO THE NOVEL CORONAVIRUS**

City Manager Ready presented a report and addressed steps taken by the City to inform and educate the public that all businesses in the City require face coverings; asked for direction regarding the possibility of allowing doubles play for tennis and pickleball and reopening of the aquatics center, skate park, community centers, and library; opined that it may be appropriate to reopen the Visitor's Center now that hotels and vacation rentals are authorized to operate.

In response to City Council inquiries, City Attorney Ballinger reviewed the County's list of facilities which are authorized to reopen, noting that youth and team sports are still not allowed; noted that the City Council could authorize the reopening of the aquatics center, skate park and community centers; agreed to contact the State and County regarding their direction related to the reopening of the library.

In response to City Council inquiry, Parks and Recreation Director Alvarado addressed the potential reopening of the community centers and the areas which could be used with proper social distancing protocols.

In response to City Council inquiry, City Manager Ready and Assistant City Manager Fuller advised that personal protective equipment has been ordered and that City Hall could be ready for reopening within a week.

Councilmember Middleton expressed a desire to allow in-person City Council meetings as soon as practicable.

Mayor Kors recommended that the Convention Center be utilized rather than Council Chambers when in-person meetings are ready to resume.

Mayor Pro Tem Holstege recommended that staff evaluate a phased approach toward allowing in-person City Council meetings.

Mayor Kors requested that City Attorney Ballinger research and report back to the City Council regarding the reopening of VillageFest.

The City Council agreed that doubles play for tennis and pickleball should be allowed; directed staff to move forward with reopening City facilities when legally authorized to do so and if it can be done safely.

## **5. NEW BUSINESS: None.**

### **PUBLIC COMMENT:**

Juan Espinoza, expressed concerns with the Palm Springs Police Department ignoring issues of racism and excessive force and discussed his experience with racism growing up in the City.

Elizabeth Dolores, spoke about holding Police Officers accountable for inappropriate behavior; requested that Police Chief Reyes publicly renounce the death of George Floyd and meet with the community to discuss what the Police Department is doing to combat racism, police brutality, and misconduct.

Edwin Ramoran, commended Councilmember Garner for her remarks about the history of racism in Palm Springs; discussed Philippines Independence Day and invited Council to attend the event.

Daryl Terrell, spoke about the City's history with racial discrimination; noted that police officers have been tasked with many responsibilities, noting there is a need to make structural changes.

Lauren Wolfer, stated that it is shameful that the Palm Springs Police Officers Association would rather bully an elected official over her support for greater transparency in the policing than stand in solidarity against systemic racism and police brutality.

Brad Anderson, referenced a report about Mayor Pro Tem Holstege writing a letter to the Board of Supervisors regarding policing; noted there was a negative spin placed on the report and opined it was a political ploy.

### **CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT:**

Councilmember Middleton requested that staff agendize consideration of taking a position on the California Schools and Local Communities Funding Act ballot measure.

Mayor Kors recommended that the City Council review the list of potential study sessions to determine whether the City Council desires to move forward with scheduling of a topic.

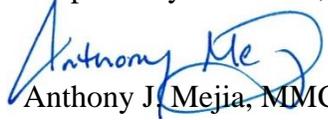
The City Council agreed to agendize consideration of waiving the mid-year update to the Statements of Economic Interest and Public Integrity Disclosure forms for designated filers.

Mayor Pro Tem Holstege requested that the City Council consider participating in Plastic Free July; noted that the City Council still needs to discuss a polystyrene and plastic waste ordinance; requested that staff coordinate a Listen Session to hear from the community about their lived experiences related to racial inequality.

**ADJOURNMENT:**

The City Council adjourned at 11:20 p.m., to an Adjourned Regular meeting on June 12, 2020, at 8:30 p.m. for Closed Session. The City Council adjourned the meeting in memory of Dr. Frank Ercoli, Dr. Ron Fragan, and Michael Malone.

Respectfully submitted,

  
Anthony J. Mejia, MMC  
City Clerk

APPROVED BY CITY COUNCIL: 07/23/2020