



Tuesday, June 30, 2020
Minutes of the Adjourned 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:

An Adjourned Regular Meeting of the Palm Springs City Council was called to order by Mayor Kors on Tuesday, June 30, 2020, at 6:30 p.m., in the Council Chamber, City Hall, located at 3200 E. Tahquitz Canyon Way, Palm Springs, California.

PLEDGE OF ALLEGIANCE:

City Manager David Ready 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.

PUBLIC HEARINGS:

2A. ADOPTION OF THE REVISED FISCAL YEAR 2020-2021 COMPREHENSIVE BUDGET

Mayor Kors announced that the State has recently awarded approximately \$598,000 to the City in response to COVID-19; noted that the State has awarded big cities most of the available funding without regard to a city's loss of revenue or impacts from COVID-19.

City Manager Ready presented the staff report; noted that Transient Occupancy Tax (TOT) revenue data typically lags a couple months and a better accounting of revenues will be available in July/August; noted that additional revenues have been identified from the Downtown Redevelopment Project and license/permit fees.

Mayor Kors reviewed a proposal developed with Councilmember Middleton including moving to a modified Downtown Park Project for additional savings, recommending \$850,000 for Police body-worn cameras, and \$150,000 for an independent consultant to review the Police Department's practices and policies.

Councilmember Middleton noted that this will be a rolling budget with opportunities to review and modify the budget as needed; spoke about future uncertainties and the importance of proceeding with a budget based on prudence and caution.

Councilmember Garner agreed with the need to purchase body-worn cameras and the conduct of an independent review of the Police Department's practices and policies, noting that a community advisory group should be formed to assist with the review process.

Mayor Pro Tem Holstege noted that it was agreed at the last meeting that the Police Department would identify funding to purchase body-worn cameras within its proposed budget; recommended funding the iHub Accelerator Campus for three months; voiced opposition to a modified Downtown Park design, noting that funding is available from Measure J funds.

Mayor Kors noted that the Joint Measure J and Parks and Recreation Subcommittee unanimously recommended that the City Council proceed with a modified Downtown Park design as a cost-saving measure.

Councilmember Woods noted the COVID-19 pandemic seems to be worsening, which will have additional financial impacts on the City; stressed the need to review City departments to eliminate inefficiencies and redundancies; acknowledged that the City has already made significant investments in the Downtown Park, noting that he does not want any infrastructure already built to be removed.

Assistant City Manager Fuller noted that the police substation and restroom building would proceed under a modified Downtown Park design; advised that staff would move forward with designing a modified landscape plan for City Council review for a later date.

Councilmember Woods questioned the benefits of the iHub program, noting that the City could use those funds to invest in high speed internet infrastructure or other services which benefit the business community; requested that the Coachella Valley Economic Partnership (CVEP) present an update on the activities of the iHub at a future meeting.

Mayor Kors recommended funding the iHub for one month, pending a presentation on their activities at the next City Council meeting.

Councilmember Middleton discussed the modified Downtown Park proposal and the challenges with philanthropy during the pandemic; opined that the modified Downtown Park proposal is the best option to pursue at this time.

Councilmember Garner agreed with funding the iHub for one month, pending a presentation to the City Council; spoke on the importance of filling the vacant Economic Development positions; opined that if the modified Downtown Park design is pursued, the savings should be used to benefit the residents rather than going back to reserves; suggested that the Downtown Park savings should be used to improve existing neighborhood parks.

Mayor Pro Tem Holstege voiced concerns regarding cuts to Measure J funded projects and about the cost and timeline for a redesign of the Downtown Park; concurred that the vacant Economic Development positions should be filled as an investment in the diversification of the economy.

City Manager Ready noted that recruitments for vacant Economic Development positions did not produce viable candidates but that recruitment efforts will continue; advised that any salary savings from the unfilled positions will return to the General Fund.

Assistant City Manager Fuller discussed phasing park construction to minimize overlaps and waste of any interim improvement; offered to work with City Council liaisons to review the park plans and schedule.

Mayor Kors and Mayor Pro Tem Holstege volunteered to serve as liaisons regarding the redesign for a modified Downtown Park. Mayor Kors stated that he would appreciate feedback and recommendations from the Measure J Commission and Parks and Recreation Commission regarding the modified Downtown Park.

Councilmember Woods expressed a desire for the City's Boards and Commissions to become working groups, suggesting that the Parks and Recreation Commission could review other cities' model programs related to fundraising and sponsorships for park improvements.

Mayor Pro Tem Holstege noted that she will vote against the motion as she does not believe the budget reflects the community's values and resident concerns have not been addressed; noted that it was previously agreed that the purchase of body-worn cameras would be funded by the Police Department's budget; urged that the City Council should move forward with completing the Downtown Park.

City Manager Ready and Police Chief Reyes advised that they evaluated the Police Department budget for the purchase of body-worn cameras, and it was determined that several sworn officers and support staff positions would have to be eliminated.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-2 (WITH COUNCILMEMBER GARNER AND MAYOR PRO TEM HOLSTEGE VOTING NO), to:

1. Fund \$225,000 for Economic Development Department positions, \$150,000 for an independent consultant related to a review of the Police Department, \$80,000 for the Skate Park operator, \$27,000 for Coachella Valley Economic Partnership, and \$850,000 for police body cameras.
2. Move forward with a modified Downtown Park design, resulting in a savings of \$3,000,000 to be held in reserves.

(City Council action continued on the next page)

3. Consider allocating \$3,000,000 towards parks once projected revenues exceed expenditures. Staff will provide an update regarding the fund balance after the close of the 2019/20 fiscal year, anticipated to be the first meeting of September 2020.
4. Adopt Resolution No. 24775 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A REVISED ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2020-2021 ADOPTED BY RESOLUTION 24635; AND ADOPTING THE PUBLICLY AVAILABLE PAY SCHEDULES."
5. Adopt Resolution No. 24776 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING A REVISED BUDGET FOR FISCAL YEAR 2020-2021 AND SUCH OTHER MATTERS AS REQUIRED."
6. Adopt Resolution No. 24777 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ACTING SOLELY IN ITS CAPACITY AS THE SUCCESSOR AGENCY TO THE PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY, APPROVING THE SUCCESSOR AGENCY BUDGET FOR FISCAL YEAR 2020-2021, AND OTHER SUCH MATTERS AS REQUIRED."
7. Adopt Resolution No. 24778 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN APPROPRIATIONS LIMIT FOR THE FISCAL YEAR ENDING JUNE 30, 2021."

MEETING RECESS:

The City Council recessed at 8:33 p.m. and reconvened at 8:45 p.m., with all Councilmembers present.

2B. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) 2020 FIVE-YEAR CONSOLIDATED PLAN, 2020-2021 ANNUAL ACTION PLAN, CITIZEN PARTICIPATION PLAN AND CDBG 2020-2021 BUDGET ADOPTION, AND AUTHORIZATION FOR SUBMISSION TO THE UNITED STATES DEPARTMENT OF HOUSING & URBAN DEVELOPMENT, FOR THE FISCAL YEAR 2020-2021 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, 45TH PROGRAM YEAR, COMMUNITY DEVELOPMENT BLOCK GRANT - CORONA VIRUS (CDBG-CV); AND, AUTHORIZING THE CITY MANAGER TO EXECUTE ALL SUBRECIPIENT AGREEMENTS

Mayor Kors recommended discussing the State's allocation of \$598,000 for COVID-19 response and continuing the Public Hearing on CDBG allocations to the next meeting.

MOTION BY MAYOR KORS, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to continue the Public Hearing to the City Council meeting of July 9, 2020.

LEGISLATIVE**3A. CONSIDERATION OF EXTENSION OF TEMPORARY MORATORIUM ON EVICTIONS RESULTING FROM NONPAYMENT OF RENT WHEN SUCH NONPAYMENT WAS CAUSED BY THE COVID-19 PANDEMIC**

City Attorney Ballinger presented details of the staff report.

During the course of discussion, the City Council highlighted various financial assistance programs currently available to residents, landlords, and small businesses and the importance of extending this ordinance to protect tenants from eviction.

MOTION BY COUNCILMEMBER GARNER, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to adopt Urgency Ordinance No. 2027 entitled, "AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXTENDING A TEMPORARY MORATORIUM ON EVICTIONS RESULTING FROM NONPAYMENT OF RENT WHEN SUCH NONPAYMENT WAS CAUSED BY THE COVID-19 PANDEMIC, AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY." City Clerk Mejia read the ordinance by title. The extension shall be for a period of one month.

UNFINISHED BUSINESS**4A. CONTINUED DISCUSSION AND POSSIBLE DIRECTION ON THE IMPACTS AND RESPONSE TO THE LOCAL EMERGENCY RELATED TO THE NOVEL CORONAVIRUS**

City Manager Ready presented the staff report, noting that staff will begin moving towards issuing citations and fines for non-compliance with the State and City regulations related to COVID-19.

Discussion ensued relative to: 1) the challenges of enforcing the prohibition of multiple households sharing a vacation rental; 2) the need for the County to step up its enforcement of COVID-19 regulations; 3) the prioritization of police resources in regard to enforcement of businesses versus individuals; and 4) the need to educate people that not wearing a face covering as a political statement endangers others in proximity.

Mayor Pro Tem Holstegen and Mayor Kors discussed providing face coverings to hotels and businesses for distribution to patrons, noting that the County may have a supply.

In response to City Council inquiry, City Attorney Ballinger noted that State COVID-19 regulations prohibit entertainers from performing in restaurants.

The City Council directed staff to prepare an order which requires: 1) face coverings in public when walking on a sidewalk adjacent to businesses, 2) face coverings must be worn at all times inside fitness centers, 3) restaurant patrons must wear a face covering when an employee approaches the table; 4) posting of City regulations in every hotel room and vacation rental, 5) the use of face shields for individuals unable to wear face coverings, as a reasonable accommodation. Furthermore, the City Council directed staff to develop a robust messaging campaign to inform residents and tourists of the City's regulations related to face coverings and social distancing.

NEW BUSINESS**5A. GLOBAL GO LLC (CALIBLISS) REQUESTING AN ADMINISTRATIVE MINOR MODIFICATION FOR RELIEF FROM THE MINIMUM SEPARATION DISTANCE REQUIREMENT FOR A CANNABIS DISPENSARY/ LOUNGE AT 562 SOUTH INDIAN CANYON DRIVE (CASE 7.1601 AMM)**

Planning Services Director Fagg narrated a PowerPoint presentation; confirmed that the applicant was aware of the minimum separation distance requirements prior to moving forward with the review process; advised that the odor control plan will need to address protecting tenants within the same building as well as the neighborhood.

Councilmembers Middleton and Garner expressed concern that the idea that the cannabis industry would be a great revenue generator has failed to materialize and that the City Council should be cautious in granting waivers until the industry stabilizes.

Mayor Kors expressed concern regarding the proximity of the proposed business in relation to another cannabis-related business being less than 100 feet away; stated that he wants strong tenant protections for the businesses located on the second floor of the building.

Councilmember Garner pointed out that existing cannabis-related businesses may have relied on the City's minimum separation distance requirements when selecting their desired location and that City Council's waivers may impact their competitive edge.

Mayor Pro Tem Holstege discussed the number of vacant storefronts in the area, noting that this is a legally permitted business; agreed with the need for tenant protections for the businesses located on the second floor of the building; noted that the City Council has been clear that businesses should not rely upon approval or denial of a distance waiver.

Councilmember Woods noted that the building has been underutilized for many years and this could be an opportunity to update the buildings façade; pointed out that most letters of opposition cited concerns related to business competition rather than quality of life issues.

Councilmember Middleton suggested revisiting of the minimum separation distance requirements may be an appropriate discussion in terms of addressing the broad area of cannabis dispensaries in the City; noted that the staff's recommendation is denial of the waiver as they cannot make the necessary findings to grant the distance waiver.

In response to City Council inquiry, Ivy Bader, representing the Applicants, noted that the existing tenants have submitted letters of support for the project; advised that the applicants agree to make substantial façade improvements and that existing tenants will not face rent increases beyond the annual consumer price index (CPI) adjustment for the duration of their tenancy; stated that they have submitted their odor control plan for review and received approval.

In reply to City Council inquiry, Director Fagg reported the applicant has submitted items for their administrative permit, including the odor control plan, but staff will not process nor approve it until the distance waiver is decided upon.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER GARNER, FAILED 2-3 (WITH COUNCILMEMBER WOODS, MAYOR PRO TEM HOLSTEGE, AND MAYOR KORS VOTING NO), to deny the distance waiver for the project.

MOTION BY MAYOR PRO TEM HOLSTEGE, SECOND BY COUNCILMEMBER WOODS, CARRIED 3-2 (WITH COUNCILMEMBERS GARNER AND MIDDLETON VOTING NO), to adopt Resolution No. 24779 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN ADMINISTRATIVE MINOR MODIFICATION FOR RELIEF FROM THE MINIMUM SEPARATION DISTANCE REQUIREMENT FOR A CANNABIS DISPENSARY LOCATED AT 562 SOUTH INDIAN CANYON DRIVE (CASE 7.1601 AMM)," as amended:

- a. Applicant shall provide tenant protections to ensure that existing tenants will not be evicted without cause and lease increases shall not exceed the annual Consumer Price Index.
- b. Applicant shall provide enhanced building façade improvements to the first and second floor.

PUBLIC COMMENT:

The following speakers voiced opposition to the removal of the Frank Bogert statue at City Hall:

Robin Rodriguez

Dottie Wilder

Harriet Henderson Harris

Patricia Saleh

Edwin Ramoran, voiced support for the removal of the Frank Bogert statue at City Hall; spoke on the importance of diversity, inclusivity, and fight against systemic racism.

Brad Anderson, asserted that the City Council is misinforming people regarding face coverings and voiced opposition to the closure of bars and fitness centers.

Luke Lobelkarimi, urged the City Council to grant a one-year extension for the ROTC program at Palm Springs High School. City Clerk Mejia offered to follow-up with Mr. Lobelkarimi to provide contact information for the Palm Springs Unified School District.

David Weiner, requested that the City Council agenda consideration of removing the Frank Bogert statue from City Hall.

Daryl Terrell, commended the City Council for their efforts to protect the community and urged the public to wear a mask.

Maribel Nunez, voiced concern regarding increased unemployment and the militarization of police departments; urged the City Council to implement priority-based budgeting going forward; noted that the City Council previously agreed that the Police Department would need to fund the purchase of body-worn cameras within its own budget.

Zack Solomon, expressed disappointment in the approved budget; stated he will continue to work with others to ensure the budget reflects the will of the people and discussed the need for Police reform.

Lauren Wolfer, urged the City Council to consider a shutdown of short-term vacation rentals, hotels, and indoor dining in restaurants.

CITY COUNCIL AND CITY MANAGER REQUESTS AND UPCOMING AGENDA DEVELOPMENT:

Mayor Kors requested that staff agendize amendments to the vacant building ordinance; requested that staff agendize consideration of taking a position on Senate Bill 1410, COVID-19 Emergency: Tenancies.

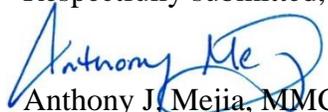
Councilmember Garner requested that staff agendize the Animal Shelter's pet license fee and pet holding times for a future meeting; requested that a presentation from the Animal Shelter be agendized for July 23, 2020; requested that staff agendize discussion and direction regarding public comment on non-agendized items.

Councilmember Middleton requested that staff agendize consideration of supporting AB 2218, Transgender Wellness and Equity Fund; requested that the City Council author a letter to legislative representatives regarding the State's funding allocation to cities on a per capita basis in response to COVID-19. Mayor Kors and Councilmember Middleton volunteered to draft a response letter for City Council consideration.

ADJOURNMENT:

The City Council adjourned at 12:00 a.m.

Respectfully submitted,


Anthony J. Mejia, MMC
City Clerk

APPROVED BY CITY COUNCIL: 09/10/2020