



**Thursday, July 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, July 23, 2020, at 5:05 p.m., in the Council Chamber, City Hall, located at 3200 E. Tahquitz Canyon Way, Palm Springs, California.

**PLEDGE OF ALLEGIANCE:**

City Clerk Anthony Mejia 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, contact tracing, testing issues, and impacts of private gatherings and responded to City Council inquiries.

Gabrielle Amster, representing the Palm Springs Animal Shelter, presented an update on adoptable pets at the animal shelter.

Mayor Kors announced that Proclamations have been issued declaring July 2020 as Parks and Recreation Month and commemorating the 30<sup>th</sup> Anniversary of the Americans with Disabilities Act.

Joe Wallace, representing Coachella Valley Economic Partnership (CVEP), presented an update on the mission and activities of the Innovation Hub (iHub). In response to City Council inquiry, Mr. Wallace advised that efforts are being made to establish a Joint Powers Authority to help stabilizing their funding sources; discussed the success of the iHub, job creation, and outside investments into incubator businesses; noted that CVEP continues to advocate for high speed internet and bringing a four year university to the Coachella Valley.

**ACCEPTANCE OF THE AGENDA:**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER MIDDLETON, CARRIED 5-0, to remove Consent Calendar Item Nos. 1H, 1M, and 1N for separate discussion.

**REPORT OF CLOSED SESSION:**

The Regular Closed Session of the City Council of July 23, 2020, was called to order by Mayor Kors at 3:00 p.m., with all members present.

On a motion by Mayor Pro Tem Holstege, seconded by Councilmember Middleton, carried 5-0, to add to the Closed Session agenda property negotiations for 2901 E. Alejo Road (see *italicized* verbiage), based on the finding that the matter came to the attention of the City after the posting of the agenda and there is a need for immediate action.

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):

City of Palm Springs v. O&M HR, LLC,

Case No. PSC 1701804, 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):

Six (6) 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 two (2) 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:	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:	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:	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:	APN 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)
<i>Property Description:</i>	<i>2901 E. Alejo Road, APN 502-100-029</i>
<i>Agency:</i>	<i>City of Palm Springs</i>
<i>City Negotiator:</i>	<i>David H. Ready, City Manager or Designee</i>
<i>Negotiating Parties:</i>	<i>Coachella Valley Economic Partnership (CVEP)</i>
<i>Under Negotiation:</i>	<i>Price and Terms of Payment (Lease)</i>

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

City Negotiator: 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  
All Unrepresented Employees

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:**

The following individuals spoke on Item 5B, citing the positive aspects of Frank Bogert's character and voiced opposition to the removal of his statue from City Hall:

David Christian  
Susan Smith  
Sean Wood  
Courtnee Novales  
Gerri Chaney  
Amado Salinas II  
Kitty Hayes  
Mike Johnson  
Bernadine Siva  
Negie Bogert  
Doni Hubbard

Francine McDougall, speaking on Item 4A, spoke about observing many residents not complying with face coverings and social distancing; opined that many small businesses will not survive another shutdown and encouraged enforcement, especially in public areas, to avoid another lockdown.

Jeffrey Bernstein, speaking on Item 4A, spoke on the impacts of the pandemic on his business; urged that the City Council enforce regulations and educate residents and tourist about COVID-19 safety precautions.

Deena Ensworth, speaking on Item 4A, urged that the City Council increase enforcement of COVID-19 regulations.

Steve Barkal, speaking on Item 4A, opined that it is unrealistic to shut down the City as a response to the COVID-19 pandemic; urged the City Council to focus on education and enforcement of the regulations.

Jennifer Lynch, speaking on Item 5A, Attorney representing the Applicant, pointed out that there are no other cannabis-related businesses on the same block as their proposed business; opined that the proposed business would help revitalize the area and repurpose the former bus terminal building.

Nick Wolin, speaking on Item 5A, Applicant, spoke on his experience and qualifications to operate a cannabis-related business, noting that his business will repurpose and improve the former bus terminal building.

Edwin Ramoran, speaking on Item 5B, spoke on the historical impacts of racism and discrimination and the need to confront the issue today; asserted that the amount of opposition to the removal of the Frank Bogert statue is evidence of white patriarchy.

Detlef Oehmig, speaking on Item 4A, voiced opposition to shutting down the tourism market, including hotels, noting that he cannot afford to be unemployed.

Nicholas Baker, speaking on Item 4A, recommended that vacation rentals be required to post information about local COVID-19 regulations in each unit; spoke in support of businesses refusing service to anyone not wearing a face covering.

Marilyn Goureau, speaking on Item 4A, voiced concern regarding the ability to keep guest, residents, and employees safe in relation to vacation rentals.

Stephen Monkarsh, speaking on Item 4A, reported on the safety precautions implemented at his business to protect clients and employees; spoke on the importance of tourism on the local economy.

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

Councilmember Middleton reported that the SunLine Transit Agency has launched a pilot program to provide taxi cabs to help people travel to bus stops; requested that staff agendaize consideration of funding the CVEP iHub for the next City Council meeting.

Councilmember Woods provided an update on the activities of the Coachella Valley Mountain Conservancy and the Living Desert Zoo and Gardens, noting that the Living Desert is now offering entrance discounts to SNAP recipients.

Councilmember Garner encouraged residents to apply to serve on the City's Boards and Commissions; thanked the community for participating in the Listening Session on July 18, 2020.

Mayor Pro Tem Holstege reported on the activities of the COVID-19 Working Group, Coachella Valley Association of Governments (CVAG) Homelessness Committee and its Housing First Program; announced the upcoming District 4 Town Hall Meeting.

Mayor Kors provided an update on the Desert Community Energy Board meeting; advised that a letter was sent from the City to the State expressing concern related to the CARES Act funding allocation to counties and cities, noting that larger cities received a disproportionate amount of funding regardless of actual economic impacts and losses; requested that staff agendize consideration of prioritizing park projects and potential site locations for a permanent supportive housing project for the next City Council meeting.

## **1. CONSENT CALENDAR:**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to approve the consent calendar, with the removal of Item Nos. 1H, 1M, and 1N for separate discussion.

### **A. APPROVAL OF MINUTES**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to approve the City Council Meeting Minutes of June 11 and June 12, 2020.

### **B. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to adopt Resolution No. 24782 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF PAYROLL WARRANTS/ DISBURSEMENTS FOR THE PERIOD ENDING 06-27-2020 TOTALING \$2,215,577.47 AND ACCOUNTS PAYABLE WARRANTS DATED 06-25-2020 TOTALING \$4,576,188.80, IN THE AGGREGATE AMOUNT OF \$6,791,766.27, DRAWN ON BANK OF AMERICA.

### **C. TREASURER'S INVESTMENT REPORT AS OF MAY 31, 2020**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to receive and file the Treasurer's Investment Report as of May 31, 2020.

### **D. LOCAL EMERGENCY RELATING TO THE INCREASING SPREAD OF THE NOVEL CORONAVIRUS 2019 PANDEMIC (COVID-19) - EXPENDITURE UPDATE**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to receive and file COVID-19 pandemic expenditure update.

**E. REQUEST BY MAYORS AGAINST LGBTQ DISCRIMINATION TO JOIN IN AN AMICUS CURIAE BRIEF WITH THE CITY OF NEW YORK IN SUPPORT OF THE CITY OF PHILADELPHIA BEFORE THE U.S. SUPREME COURT IN THE FULTON V. CITY OF PHILADELPHIA CASE, CHALLENGING LGBTQ DISCRIMINATION POLICIES OF A FAITH-BASED FOSTER CARE AGENCY**

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

1. Approve the City of Palm Springs joining as amicus curiae brief filed by the City of New York before the United States Supreme Court in the Fulton v. City of Philadelphia case.
2. Authorize the City Attorney to sign on to such brief on behalf of the City of Palm Springs.

**F. APPROVAL OF TRACT MAP 37807 WITH GLENWOOD MANAGEMENT GROUP, LLC INDIAN, AN ILLINOIS LIMITED LIABILITY COMPANY FOR PROPERTY LOCATED AT 2150 NORTH ZANJERO ROAD, IN SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to adopt Resolution No. 24783 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING TRACT MAP 37807 WITH GLENWOOD MANAGEMENT GROUP, LLC INDIAN, AN ILLINOIS LIMITED LIABILITY COMPANY, FOR PROPERTY LOCATED AT 2150 NORTH ZANJERO ROAD, IN SECTION 3, TOWNSHIP 4 SOUTH, RANGE 4 EAST."

**G. APPROVAL OF PROGRAM SUPPLEMENT AGREEMENT NO. U90 WITH THE STATE OF CALIFORNIA FOR USE OF STATE FUNDS FOR THE DEVELOPMENT OF A LOCAL ROAD SAFETY PLAN (LRSP), STATE-AID PROJECT NO. LRSPL-5282(050), CITY PROJECT NO. 20-21**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to adopt Resolution No. 24784 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENT NO. U90 TO ADMINISTERING AGENCY-STATE AGREEMENT FOR STATE-FUNDED PROJECTS NO. 00164S WITH THE STATE OF CALIFORNIA, IN THE AMOUNT OF \$72,000 FOR THE DEVELOPMENT OF A LOCAL ROAD SAFETY PLAN, STATE-AID PROJECT NO. LRSPL-5282(050), CITY PROJECT NO. 20-21."

**H. AWARD A CONSTRUCTION CONTRACT TO ELECNOR BELCO ELECTRIC INC., A CALIFORNIA CORPORATION, IN THE AMOUNT OF \$2,847,759 AND APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH KOA CORPORATION FOR CONSTRUCTION MANAGEMENT, INSPECTION AND MATERIALS TESTING SERVICES FOR THE HIGHWAY SAFETY IMPROVEMENT PROJECT (CYCLE 7), FEDERAL-AID PROJECT NO. HSIPL-5282 (046), CITY PROJECT NO. 15-32**

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

**I. ACCEPTANCE OF THE POLICE DEPARTMENT REMODEL REBID, CITY PROJECT NO 15-05**

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

1. Accept the public works improvement identified for the Police Department Remodel Rebid, City Project No. 15-05, 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 Police Department Remodel Rebid, City Project No. 15-05.

**J. REJECT ALL BIDS RECEIVED FOR THE AIRPORT PASSENGER BOARDING BRIDGES PROJECT, AUTHORIZE STAFF TO RE-BID AIRPORT PASSENGER BOARDING BRIDGES, CITY PROJECT NO. 19-34 AND ACCEPT FEDERAL AVIATION ADMINISTRATION AIP GRANT #58 No. 3-060181-058-2020**

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

1. Reject the bids received on June 23, 2020 for the Airport Passenger Boarding Bridges, City Project No. 19-34.
2. Authorize staff to re-bid the Airport Passenger Boarding Bridges, City Project No. 19- 34, excluding the refurbishment option.
3. Accept the Federal Aviation Administration (FAA) Airport Improvement AIP Grant #58 in the amount of \$7,919,014 for the Palm Springs International Airport (PSP).
4. Authorize the City Manager to execute all necessary documents.

**K. APPROVAL OF VARIOUS ACTIONS REQUIRED TO COMPLETE CONSTRUCTION OF THE PALM SPRINGS INTERNATIONAL AIRPORT TICKETING HALL EXPANSION, FAA AIP GRANT NO. 3-06-0181-054- 2016, IFB NO. 19-03**

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

1. Authorize the City Manager to approve and execute construction contract change orders to Swinerton Builders, a California corporation, for an additional \$1,810,800.41 up to a cumulative amount not to exceed \$3,500,000.
2. Authorize an increase of \$500,000 to Purchase Order No. 20-0400 with the City's "on-call" professional aviation consulting services firm, RS&H California, Inc., a California corporation, pursuant to Agreement No. 7148, for construction management services.
3. Authorize a Purchase Order in an amount not to exceed \$300,000 with the City's "on-call" professional aviation consulting services firm, WSP USA, Inc., a New York corporation, pursuant to Agreement No. 7149.
4. Authorize the City Manager to execute all necessary documents.

**L. STAFF AUTHORIZED AGREEMENTS AND PURCHASE ORDERS FOR THE MONTH OF JUNE 2020**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to receive and file the report of Staff Authorized Agreements and Purchase Orders for the period of June 1, 2020, through June 30, 2020.

**M. RESOLUTION SETTING THE REGULAR CITY COUNCIL MEETING TO THE SECOND AND FOURTH THURSDAY OF EACH MONTH AT 5:30 P.M.**

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

**N. ADOPTION OF TRAFFIC IMPACT ANALYSIS GUIDELINES FOR VEHICLE MILES TRAVELED AND LEVEL OF SERVICE ASSESSMENT TO COMPLY WITH SENATE BILL 743 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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

**O. APPOINTMENTS TO THE LIBRARY BOARD OF TRUSTEES**

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 4-0 (COUNCILMEMBER GARNER ABSTAINED), to:

1. Appoint Melissa Cronin to the Library Board of Trustees for a term ending June 30, 2021.
2. Appoint Juanita Garner to the Library Board of Trustees for a term ending June 30, 2023.

**EXCLUDED CONSENT CALENDAR:****H. AWARD A CONSTRUCTION CONTRACT TO ELECNOR BELCO ELECTRIC INC., A CALIFORNIA CORPORATION, IN THE AMOUNT OF \$2,847,759 AND APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH KOA CORPORATION FOR CONSTRUCTION MANAGEMENT, INSPECTION AND MATERIALS TESTING SERVICES FOR THE HIGHWAY SAFETY IMPROVEMENT PROJECT (CYCLE 7), FEDERAL-AID PROJECT NO. HSIPL-5282 (046), CITY PROJECT NO. 15-32**

In response to City Council inquiry, Assistant City Manager Fuller advised that a map will be available to the City Council and public on the City's website identifying intersections that have protected left-turn signals.

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

1. Uphold the City Engineer's decision to reject the bid protest submitted by Alfaro Communications Construction Inc., and waive any informality in the apparent low bid submitted by Elecnor Belco Electric, Inc., a California corporation.
2. Award a construction contract to Elecnor Belco Electric Inc., a California Corporation, in the amount of \$2,847,759 for the Highway Safety Improvement Project (Cycle 7), Federal-Aid Project No. HSIPL-5282 (046), City Project No. 15-32. A8583
3. Delegate authority to the City Manager to approve and execute construction contract change orders up to \$142,388 with all change orders reported to the City Council.
4. Approve Professional Services Agreement with KOA Corporation, a California Corporation, in the amount of \$360,000 for construction management, inspection, and materials testing services for the Highway Safety Improvement Project (Cycle 7), Federal-Aid Project No. HSIPL-5282 (046), City Project No.15-32. 5) Authorize the City Manager to execute all necessary documents. A8584

**M. RESOLUTION SETTING THE REGULAR CITY COUNCIL MEETING TO THE SECOND AND FOURTH THURSDAY OF EACH MONTH AT 5:30 P.M.**

In response to City Council inquiry, City Clerk Mejia advised that the City Council must establish its regular meeting dates and times by Resolution or Ordinance, noting that the new start time of 5:30 p.m. can be rescinded in the future.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY MAYOR KORS, CARRIED 5-0, to adopt Resolution No. 24785 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE REGULAR MEETING PLACE, DAYS, AND TIMES AND RESCINDING RESOLUTION NO. 24674."

**N. ADOPTION OF TRAFFIC IMPACT ANALYSIS GUIDELINES FOR VEHICLE MILES TRAVELED AND LEVEL OF SERVICE ASSESSMENT TO COMPLY WITH SENATE BILL 743 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

In response to City Council inquiries, Planning Services Director Fagg advised that the new traffic analysis guidelines will be incorporated in the Circulation Element of the General Plan; stated that the local Level of Service standards will remain the same.

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

1. Adopt Resolution No. 24786 entitled, "A RESOLUTION OF CITY COUNCIL OF THE CITY OF PALM SPRINGS CALIFORNIA, APPROVING THE CITY OF PALM SPRINGS TRAFFIC IMPACT GUIDELINES FOR VEHICLE MILES TRAVELED AND LEVEL OF SERVICE ASSESSMENT TO COMPLY WITH SENATE BILL 743 AND THE CALIFORNIA ENVIRONMENTAL QUALITY ACT."
2. Direct to staff to return to City Council with an update after one year.

**2. PUBLIC HEARINGS:**

**A. APPEAL BY LEGACY PALM SPRINGS, INC, OF THE PLANNING COMMISSION ACTION TO DENY A ONE (1) YEAR EXTENSION OF TIME FOR A PLANNED DEVELOPMENT DISTRICT TO CONSTRUCT A THREE-STORY, ONE HUNDRED FOURTEEN (114) BED ASSISTED LIVING FACILITY WITH ACCESSORY COMMERCIAL USES LOCATED AT 1000 NORTH PALM CANYON DRIVE, ZONE PD 357, SECTION 3 (CASE 5.1237 PD 357)**

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

Mayor Kors opened the Public Hearing.

Todd Pratt, Applicant, advised that this will be a joint venture between the property owner and Evolution Strategic Partners, noting that they will be partnering with Frontier Management to operate the proposed assisted-living facility.

Matt Bousquette, asserted that the City is littered with half-completed development projects, noting that this site has stalled for the past eight years; urged the City Council to direct the developer to return to City Council with realistic and executable plans rather than extending the entitlements.

Todd Pratt, Applicant, noted that all of Evolution Strategic Partners' projects have been completed and operating successfully; advised that the project will generate approximately 500 construction jobs and 100 permanent jobs. In response to City Council inquiry, Mr. Pratt summarized the equity partnerships, noting that Evolution Strategic Partners typically invests 10-20% of the project costs and summarized the overall financing plan; stated that the joint venture operating agreement and management agreement are typically executed after the project financing has been finalized; summarized the project timeline, noting that design, permitting, construction, and leasing would take approximately four years.

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

Mayor Kors spoke on the growing demand for more assisted-living facilities, pointing out that no other development project would move any quicker than the proposed project.

In response to City Council comment, Director Fagg advised that the applicant needs to make significant progress, or they will be required to seek another time extension from the Planning Commission or lose their entitlements.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to adopt Resolution No. 24787 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, GRANTING THE APPEAL FILED BY LEGACY PALM SPRINGS, INC., AND OVERTURNING THE PLANNING COMMISSION DENIAL OF A ONE (1) YEAR EXTENSION OF TIME FOR A PLANNED DEVELOPMENT DISTRICT TO CONSTRUCT A THREE-STORY, ONE HUNDRED FOURTEEN (114) BED ASSISTED LIVING FACILITY WITH ACCESSORY COMMERCIAL USES LOCATED AT 1000 NORTH PALM CANYON DRIVE."

**B. REQUEST BY THE CITY OF PALM SPRINGS TO ADD SECTION 92.29.00 TO THE PALM SPRINGS ZONING CODE TO ALLOW FOR THE ESTABLISHMENT OF FOOD DESERT OVERLAY ZONES (CASE 5.1507 ZTA)**

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

Mayor Kors opened and closed the Public Hearing, there being no one desiring to speak.

In response to City Council inquiries, Director Fagg pointed out that grocery retailers typically seek existing retail or warehouse spaces which would not require architectural review; advised that the City Council could offer relaxation of development standards as another incentive to attract grocery retailers; advised that the City Council could cap alcohol sales to a percentage of overall store square footage; noted that applicants receive a discount when processing multiple applications at the same time, such as a grocery store and gas station, and that vehicle charging stations are permitted without a separate application.

Councilmember Garner stressed the importance that Food Deserts need access to fresh fruits, vegetables, and other products, noting the challenges with smaller convenient and liquor stores not offering the products needed by residents.

Councilmember Woods voiced opposition to waiving the Conditional Use Permit (CUP) requirement for accessory gas stations.

Councilmember Holstege expressed concern that the City Council is not providing enough incentives to attract a grocery retailer to Food Deserts; suggested that a separate CUP should be required for gas stations.

Following discussion, MOTION BY COUNCILMEMBER WOODS, SECOND BY MAYOR PRO TEM HOLSTEGE, CARRIED 5-0, to introduce Ordinance No. 2028 entitled, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 92.29.00 TO CHAPTER 92 OF THE PALM SPRINGS ZONING CODE RELATING TO THE ESTABLISHMENT OF FOOD DESERT OVERLAY ZONES," with the following amendments.

- Modify the poverty level criterion from 20% down to 15%.
- Increase maximum size of qualifying grocery store from 40,000 square feet to 60,000 square feet.
- Define accessory alcohol sales use to no more than 30% of floor area or sales.
- Require separate Conditional Use Permit application for accessory gas sales use.

**RECESS/RECONVENE**

The City Council recessed at 9:15 p.m. and reconvened at 9:30 p.m. with all members present.

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

Assistant Director of Engineering Services Montalvo presented the staff report; explained that the Districts were formed by private developments so that the City could assess the area's residents to maintain the landscaping and street lighting.

Mayor Kors opened and closed the Public Hearing, there being no one desiring to speak.

City Clerk Mejia reported the City Clerk's Office received no written or oral protests on the proposed assessment; stated this does not constitute a majority protest and that the City Council may proceed with adopting the proposed resolution.

MOTION BY COUNCILMEMBER MIDDLETON, SECOND BY COUNCILMEMBER WOODS, CARRIED 5-0, to adopt Resolution No. 24788 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE ENGINEER'S REPORT AND ORDERING THE CONTINUED OPERATION AND MAINTENANCE OF IMPROVEMENTS FOR 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 ORDERING THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS RELATED THERETO FOR FISCAL YEAR 2020/2021."

**3. LEGISLATIVE:**

**A. 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. In response to City Council inquiries, City Attorney Ballinger advised that no changes are proposed to the moratorium other than extending the sunset date to September 30, 2020.

Councilmember Garner spoke on the importance of extending the moratorium to help protect residents from eviction during the COVID-19 pandemic.

Councilmember Woods encouraged residents to contact Lift to Rise if they are struggling to pay rent due to an economic loss related to COVID-19.

Mayor Pro Tem Holstege requested that staff post information about rental assistance programs on the City's website.

Mayor Kors recommended that Mayor Pro Tem Holstege and himself facilitate a webinar for local businesses, landlords and renters on available programs and resources.

MOTION BY MAYOR PRO TEM HOLSTEGE, SECOND BY COUNCILMEMBER GARNER, CARRIED 5-0, to adopt Urgency Ordinance No. 2029 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."

#### **4. UNFINISHED BUSINESS:**

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

Councilmember Woods announced his recusal related to short-term vacation rentals due to a financial conflict of interest as he operates a homeshare; left the City Council meeting.

Mayor Kors stated that vacation rental owners and agencies have suggested that the City Council increase the fines for vacation rental noise violations from \$500 to \$1,000. City Attorney Ballinger opined that increasing the fine for vacation rental noise violations should not be enacted as an emergency order.

Councilmember Middleton expressed concern that vacation rentals are being shared by members of differing households; spoke on the need for a system to track such information and ensuring that vacation rental operators are enforcing the requirement that vacation rentals only be rented to members of the same household. City Attorney Ballinger confirmed that under the State's orders that gatherings of multiple households in a vacation rental is prohibited and spoke on the challenges of enforcing such a restriction.

Mayor Kors recommended that the City increase its education and outreach relative to the prohibition on multiple households sharing a vacation rental.

Councilmember Middleton requested that staff meet with stakeholders to develop a set of recommendations for the City Council's consideration relative to enforcement of the prohibition on multiple households sharing a vacation rental.

Mayor Pro Tem Holstege pointed out that the City has limited enforcement resources, noting that the vacation rental associations can assist in proactively educating their members and guest about such restrictions.

Mayor Kors requested that staff solicit recommendations from stakeholders relative to vacation rental guests utilizing common area amenities in condominium complexes, such as community pools, and the impacts to residents.

Councilmember Woods returned to the City Council meeting.

City Attorney Ballinger discussed companies that have pedicab permits and reported they have been advised that operation of multiple passenger pedicabs are prohibited under the State's orders.

City Council discussion ensued relative to whether restaurants should be required to close by a set time. In response to City Council inquiry, Police Chief Reyes spoke on the Police Department and Code Enforcement Division's efforts to enforce state and local regulations related to COVID-19 and the impacts on staffing; opined that the Police Department cannot sustain the present pace of enforcement, especially on weekends.

Councilmember Middleton noted that the City is enforcing COVID-19 regulations better than most other cities, acknowledging that the City Council needs to step back and be cognizant of the demands being placed on the Police Department.

Councilmember Garner and Mayor Kors pointed out that the City Manager/Emergency Service Director is empowered to enact new emergency orders if he deems necessary, including setting a time by which all restaurants must close.

Mayor Pro Tem Holstege requested that future agenda items relative to the COVID-19 orders be more specific as to what topics will be discussed by the City Council.

Councilmember Woods encouraged residents to speak to their neighbors about the importance of wearing face coverings in public and maintaining social distancing.

The City Council took no formal action on this agenda item.

## 5. NEW BUSINESS:

### **A. COMMUNITY DEVELOPMENT LLC (DBA: CO-DVLP DISPENSARY) REQUESTING AN ADMINISTRATIVE MINOR MODIFICATION FOR RELIEF FROM THE MINIMUM SEPARATION DISTANCE REQUIREMENT FOR A CANNABIS DISPENSARY AT 315 NORTH INDIAN CANYON DRIVE (CASE 7.1604 AMM)**

Councilmember Holstege announced that she has a financial conflict of interest as her husband is a real estate broker with a listing in the subject area; left the City Council meeting.

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

During the course of discussion, the City Council agreed that the proposed project will significantly improve the existing building and revitalize the immediate area. Councilmember Middleton noted that she will support the proposed project due to the improvements it will bring to the immediate area but cited concerns that the cannabis industry is overbuilding; requested that staff analyze how many cannabis dispensaries can economically survive and report back to the City Council.

MOTION BY COUNCILMEMBER GARNER, SECOND BY COUNCILMEMBER WOODS, CARRIED 4-0 (MAYOR PRO TEM HOLSTEGE RECUSED), to adopt Resolution No. 24789 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 317 NORTH INDIAN CANYON DRIVE (CASE 7.1604AMM)."

Mayor Pro Tem Holstege returned to the City Council meeting.

**B. DISCUSSION AND NEXT STEPS REGARDING THE LISTENING SESSION ON POLICING, RACISM, DISCRIMINATION, AND OTHER RELATED MATTERS**

Councilmember Garner and Mayor Pro Tem Holstege thanked those who attended the listening session and discussed issues and requests from the community during the meeting.

During the course of discussion, the City Council provided direction as follows:

- Move forward with the street renaming for Lawrence Crossley.
- Declare systemic racism as a public health crisis.
- Provide anti-racism and implicit bias training for City Council, Boards and Commissions, staff and the business community.
- Address One-PS boundaries to be inclusive of all residents.
- Address gates in the El Mirador neighborhood.
- Request that the Human Rights Commission form a coalition to address some issues noted.
- Move forward with the third-party review of police policies and practices and formation of a community group.
- Actively recruit and hire minorities for City jobs.
- Create economic development incentives for minority-owned businesses.
- Develop a workforce development program.
- Issue an apology for Section 14.
- Review CVRA Working Group recommendations.
- Address recommendations in the Loma Linda Community Health Assessment.

The City Council requested that staff agendize the Lawrence Crossley street renaming for the City Council meeting of August 6, 2020.

Mayor Kors asked staff to place the Attorney General's report on Section 14 on the City's website.

Councilmember Garner volunteered to serve as a liaison to staff to develop a timeline for the remaining issues to be addressed by the City Council.

Councilmember Garner and Mayor Kors volunteered to serve as liaisons for the selection process of a third-party consultant to review police policies and practices.

Councilmember Middleton stated that location of the Frank Bogert statue needs to be addressed.

**C. APPROVE AMENDMENT NO. 1 TO CONSULTING SERVICES AGREEMENT NO. 8452 WITH MVR CONSULTING FOR GRANT APPLICATION PREPARATION AND COORDINATION SERVICES RELATED TO THE STATE PARKS LAND AND WATER CONSERVATION FUND PROGRAM - DEMUTH DOG PARK PROJECT**

City Manager Ready presented the staff report.

Discussion ensued relative to: 1) whether the City has funding available to match the grant, if awarded, and the potential for private fundraising, and 2) soliciting input from the Parks and Recreation Commission, Measure J Commission, and stakeholders on the prioritization of park projects.

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

1. Approve Amendment No. 1 in the amount of \$10,980 to Consulting Services Agreement No. A8452 with MVR Consulting for a total contract amount of \$35,970. **A8452**
2. Authorize the City Manager to execute all documents.

**PUBLIC COMMENT:**

Edwin Ramoran, discussed the need to discuss class and power when addressing racism and policing and spoke about the naming of Demuth Park.

Darryl Terrell, spoke about decreased restaurant sales and requested that the City Council consider enacting an emergency order that would limit the fees a third-party delivery service may charge a restaurant during the current COVID-19 emergency.

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

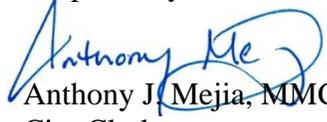
It was agreed that the following issues would be agendized for the August 6, 2020, City Council meeting:

- Proposed Site Locations for Permanent Supportive Housing Project
- Lawrence Crossley Street Renaming
- Preliminary Update on the Budget
- CVEP iHub Funding and Budget Implications

**ADJOURNMENT:**

The City Council adjourned at 12:01 a.m., in memory of Fredrick “Fritz” Collins.

Respectfully submitted,

  
Anthony J. Mejia, MMC  
City Clerk

APPROVED BY CITY COUNCIL: 09/24/2020