AMENDED SPECIAL MEETING AGENDA
(The updates are highlighted in red text.)
August 6, 2020
3:30 PM CLOSED SESSION
5:30 PM SPECIAL MEETING

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

- Submit your public comment to the City Council electronically. Material may be emailed to cityclerk@palmspringsca.gov. Transmittal prior to the start of the meeting is required. Any correspondence received during or after the meeting will be distributed to the City Council and retained for the official record.
- You may provide telephonic comments by calling the City Clerk’s Office at (760) 323-8204 by no later than 5:00 p.m. to be added to the public comment queue. At the appropriate time, a staff member will call you so that you may provide your public testimony to the City Council.
- View the City Council meeting live at the City’s website www.palmspringsca.gov/pstv, YouTube, or Channel 17 (Spectrum).
City of Palm Springs Mission Statement: Palm Springs is an inclusive world-class city dedicated to providing excellent and responsive public services to enhance the quality of life for current and future generations.

AGENDA EN ESPAÑOL DISPONIBLE EL SÁBADO - HAGA CLIC AQUÍ

3:30 P.M. CLOSED SESSION

CALL TO ORDER:

PUBLIC COMMENT FOR CLOSED SESSION ITEMS ONLY: The City Council welcomes public input. Pursuant to State Law, the City Council may not discuss or take action on issues not on the meeting agenda (Government Code Section 54954.2). If you are compensated to communicate with City officials, you may be required to register and/or make certain disclosures as a lobbyist, please see the City Clerk for additional information.

RECESS TO CLOSED SESSION: See Closed Session Agenda.

5:30 P.M. SPECIAL MEETING

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:
PRESENTATIONS:

ACCEPTANCE OF THE AGENDA: The City Council will discuss the order of the agenda, may amend the order, add urgency items, note abstentions or "no" votes on Consent Calendar items, and request Consent Calendar items be removed from the Consent Calendar for discussion. The City Council may also remove items from the Consent Calendar prior to that portion of the Agenda.

REPORT OF CLOSED SESSION:

PUBLIC TESTIMONY: (Non-Public Hearing Agenda Items ONLY)
This time has been set aside for members of the public to address the City Council only on agenda items. Two (2) minutes will be assigned to each speaker. Testimony for Public Hearings will only be taken at the time of the hearing, and General Public Comments, non-agenda items, will be taken later in the meeting.

CITY COUNCIL, SUBCOMMITTEE, AND CITY MANAGER'S COMMENTS AND REPORTS: This time is set aside for the City Council to provide additional general comments, reports, and announcements. Additionally, this time is set aside for the City Manager to update the City Council on important items initiated by staff or previously requested by the City Council.

1. CONSEN'T CALENDAR:
The following routine matters may be acted upon by one motion. Individual items may be removed by the Council for separate discussion at this time or under Acceptance of the Agenda. The ordinance title is deemed to be read in its entirety and further reading waived on any ordinance listed on the Consent Calendar.

A. APPOINTMENTS TO THE PARKS AND RECREATION COMMISSION RECOMMENDATION:

B. AUTHORIZE THE PURCHASE OF THREE PORTABLE MESSAGE BOARDS FOR COVID-19 MESSAGING CITYWIDE RECOMMENDATION:
   1. Authorize a Purchase Order in an amount of $50,282.83 to California Barricade Inc., of Santa Ana, California, for three WANCO Portable, programmable Mini 3-Line Message Sign Boards with a hydraulic lift, solar-powered and security battery box locks.
   2. Authorize the City Manager to execute all necessary documents.
C. AMENDMENT NO. 5 TO ASSEMBLY BILL 2766 MEMORANDUM OF UNDERSTANDING BETWEEN THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS AND MEMBER JURISDICTIONS TO PROVIDE SUSTAINABLE FUNDING OF THE REGIONAL PM10 STREET SWEEPING PROGRAM

RECOMMENDATION:

1. Approve Amendment No. 5 to AB 2766 Memorandum of Understanding between the Coachella Valley Association of Governments (CVAG) and Member Jurisdictions to maintain contributions from the cities and the County at 75% to provide Sustainable Funding of the Regional PM10 Street Sweeping Program, through June 30, 2024.
2. Authorize the City Manager to execute Amendment No. 5 to the AB 2766 Memorandum of Understanding.

D. SECOND READING AND ADOPTION OF ORDINANCE NO. 2028 OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 92.29.00 TO THE PALM SPRINGS ZONING CODE TO ALLOW FOR THE ESTABLISHMENT OF FOOD DESERT OVERLAY ZONES (CASE 5.1507 ZTA)

RECOMMENDATION:

Waive the second reading of the text in its entirety, read by title only, and adopt Ordinance No. 2028, "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."

E. APPROVAL OF A LEASE AGREEMENT WITH LOS ANGELES SMSA LIMITED PARTNERSHIP FOR A NON-EXCLUSIVE USE OF GROUND SPACE AT CITY-OWNED PROPERTY LOCATED AT 3601 EAST MESQUITE DRIVE

RECOMMENDATION:

1. Approve a Lease Agreement by and between Verizon Wireless, and the City of Palm Springs for non-exclusive use of ground space at City-owned property at 3601 East Mesquite Drive.
2. Authorize the City Manager or his designee to execute all the necessary documents.

F. RESOLUTION SETTING THE REGULAR CITY COUNCIL MEETINGS FOR THE MONTHS OF SEPTEMBER AND OCTOBER 2020

RECOMMENDATION:


EXCLUDED CONSENT CALENDAR: Items removed from the Consent Calendar for separate discussion are considered at this time.

2. PUBLIC HEARINGS: NONE

3. LEGISLATIVE: NONE
4. **UNFINISHED BUSINESS:**

A. **REVIEW OPTIONS AND PROVIDE DIRECTION ON AN INTERIM DESIGN FOR PHASED CONSTRUCTION OF THE DOWNTOWN PARK, CITY PROJECT NO. 15-07**

   **RECOMMENDATION:**
   1. Delegate additional authority of $140,000 to the City Manager to approve and execute construction contract change orders with Fast-Track Construction Corporation, a California corporation, for additional work related to structural repairs to the existing underground parking garage and deck located along the west side of the Downtown Park site; and
   2. Provide direction to staff on completing the Downtown Park.

B. **CONSIDERATION OF APPROVING THE RENAMING OF CROSSLEY ROAD AND GOLF CLUB DRIVE TO LAWRENCE CROSSLEY ROAD BETWEEN EAST RAMON ROAD AND EAST PALM CANYON DRIVE (CASE 5.1376 SNC) AND DECLARING THE ACTION EXEMPT FROM CEQA**

   **RECOMMENDATION:**
   1. Direct staff as appropriate, or

C. **CONTINUED DISCUSSION AND POSSIBLE DIRECTION ON THE IMPACTS AND RESPONSE TO THE LOCAL EMERGENCY RELATED TO THE NOVEL CORONAVIRUS (COVID-19), INCLUDING CONFIRMATION OF EXISTING EMERGENCY ORDERS**

   **RECOMMENDATION:**
   1. Discuss and consider confirmation, by motion, of existing City emergency orders.
   2. Provide direction regarding potential additional or amended emergency orders.

D. **APPROPRIATE FUNDS FOR THE FISCAL YEAR 2021 BUDGET IN THE AMOUNT OF $200,000 TO CONTINUE THE INNOVATION HUB MANAGEMENT AGREEMENT WITH COACHELLA VALLEY ECONOMIC PARTNERSHIP UNTIL JUNE 30, 2021; APPROVE RENT FORGIVENESS AT 3111 E. TAQUITZ CANYON FROM JULY 1, 2020, UNTIL JUNE 30, 2021; AND AUTHORIZE THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS**

   **RECOMMENDATION:**
   1. Appropriate funds in the amount of $200,000 to continue the Innovation Hub Management Agreement with Coachella Valley Economic Partnership until June 30, 2021.
   2. Approve forgiveness of monthly rental payments for CVEP at 3111 E. Tahquitz Canyon (Agreement A6037) for a period of twelve months beginning July 1, 2020, until June 30, 2021.
   3. Authorize the City Manager to execute all necessary documents.
5. NEW BUSINESS:

A. APPROVE A FUNDING COMMITMENT OF HOMELESS HOUSING ASSISTANCE AND PREVENTION PROGRAM GRANT FUNDS IN THE AMOUNT OF $3 MILLION FOR A COUNTY OF RIVERSIDE PERMANENT SUPPORTIVE HOUSING PROJECT IN THE CITY OF PALM SPRINGS

RECOMMENDATION:

1. Approve a funding commitment for a Permanent Supportive Housing Project in the City of Palm Springs to be acquired and rehabilitated by the County of Riverside Department of Housing, Homelessness Prevention and Workforce Solutions in the amount of $3 million from the City's Homeless Housing Assistance and Prevention (HHAP) Program Grant.

2. Authorize the City Manager to execute a "funding commitment letter" to the County memorializing City Council's intent to provide $3 million in HHAP funds, with a final funding agreement submitted to the City Council for approval at a future meeting.

B. A RESOLUTION DECLARING SYSTEMIC RACISM AS A HUMAN RIGHTS AND PUBLIC HEALTH CRISIS THAT RESULTS IN DISPARITIES IN FAMILY STABILITY, HEALTH AND MENTAL WELLNESS, EDUCATION, EMPLOYMENT, ENVIRONMENTAL JUSTICE, ECONOMIC DEVELOPMENT, TRANSPORTATION, PUBLIC SAFETY, INCARCERATION, AND HOUSING, AND REAFFIRMING THE CITY COUNCIL’S COMMITMENT TO ADVANCING JUSTICE, EQUITY, DIVERSITY, AND INCLUSION IN THE CITY OF PALM SPRINGS

RECOMMENDATION:

Adopt a Resolution entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THAT SYSTEMIC RACISM IS A HUMAN RIGHTS AND PUBLIC HEALTH CRISIS THAT RESULTS IN DISPARITIES IN FAMILY STABILITY, HEALTH AND MENTAL WELLNESS, EDUCATION, EMPLOYMENT, ENVIRONMENTAL JUSTICE, ECONOMIC DEVELOPMENT, TRANSPORTATION, PUBLIC SAFETY, INCARCERATION, AND HOUSING AND REAFFIRMING THE CITY COUNCIL’S COMMITMENT TO ADVANCING JUSTICE, EQUITY, DIVERSITY, AND INCLUSION IN THE CITY OF PALM SPRINGS."

C. DISCUSSION OF CITY COUNCIL MEETING AGENDA ITEMS

PUBLIC COMMENT: (Non-Agenda Items) This time has been set aside for members of the public to address the City Council on items of general interest within the subject matter jurisdiction of the City. Although the City Council values your comments, pursuant to the Brown Act, it generally cannot take any action on items not listed on the posted agenda. Two (2) minutes will be assigned to each speaker. Public Comment for non-agenda items will occur before or at 9:00 p.m. or soon thereafter.

CITY COUNCIL AND CITY MANAGER REQUESTS, AND UPCOMING AGENDA DEVELOPMENT: This time is set aside for the City Council to make requests of staff, and/or issues of concern to Councilmembers are briefly presented, prioritized and set for future meeting dates.

ADJOURNMENT
AFFIDAVIT OF POSTING

State of California )
County of Riverside ) ss.
City of Palm Springs )

I, John Paul Maier, Chief Deputy City Clerk of the City of Palm Springs, California, hereby certify this Agenda was delivered to each member of the City Council, provided to all parties who have requested such notice, posted at City Hall before 5:00 p.m., on Friday, July 31, 2020, and posted on the City’s website as required by established policies and procedures.

_____________________________________________
John Paul Maier, MMC
Chief Deputy City Clerk

PUBLIC NOTICES

Pursuant to G.C. Section 54957.5(b)(2) the designated office for inspection of records in connection with the meeting is the Office of the City Clerk, City Hall, 3200 E. Tahquitz Canyon Way. Complete Agenda Packets are available for public inspection at: City Hall Office of the City Clerk. Agenda and staff reports are available on the City’s website www.palmspringsca.gov. If you would like additional information on any item appearing on this agenda, please contact the Office of the City Clerk at (760) 323-8204.

It is the intention of the City of Palm Springs to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, or in meetings on a regular basis, you will need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact the Office of the City Clerk, (760) 323-8204, at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.
City Council Special Meeting

Meeting Date: 08/06/2020

Subject
AGENDA EN ESPAÑOL DISPONIBLE EL SÁBADO - HAGA CLIC AQUÍ

Attachments
Spanish Agenda
AYUNTAMIENTO DE LA CIUDAD
Y COMO AGENCIA SUCESORA DE LA
AGENCIA DE REURBANIZACIÓN COMUNITARIA DE LA CIUDAD DE PALM
SPRINGS
CIUDAD DE PALM SPRINGS, CALIFORNIA

JUEVES 6 DE AGOSTO DE 2020

De conformidad con la Orden del Poder Ejecutivo n.º N-29-20, esta reunión puede realizarse mediante teleconferencia. Además, no se permitirá el acceso del público al lugar donde se realice la reunión.

- Envíe sus comentarios públicos al ayuntamiento de la ciudad en forma electrónica a la dirección cityclerk@palmspringsca.gov. Se recomienda hacer el envío antes del inicio de la asamblea. La correspondencia recibida durante la reunión o después de ella se entregará al ayuntamiento de la ciudad y se conservará para fines de registro oficial.

- Para enviar comentarios en forma telefónica, puede llamar a la oficina del secretario de la ciudad al teléfono (760) 323-8204 hasta las 5.00 PM para que se agreguen a la lista de comentarios públicos. En el momento apropiado, un miembro del personal se comunicará con usted para que brinde testimonio público ante el ayuntamiento de la ciudad.

- La asamblea del ayuntamiento de la ciudad puede verse en vivo en el sitio web de la ciudad en www.palmspringsca.gov/pstv, por YouTube o en el canal 17 (Spectrum).

3.30 P.M. REUNIÓN A PUERTAS CERRADAS

LLAMADA AL ORDEN:

COMENTARIOS PÚBLICOS SOLO PARA LOS TEMAS DE LA SESIÓN A PUERTAS CERRADAS: el ayuntamiento de la ciudad recibe los comentarios del público. Para dirigirse al ayuntamiento de la ciudad, el público puede completar una tarjeta de comentarios públicos y entregarla al secretario de la ciudad antes de la asamblea. De conformidad con la legislación estatal, el ayuntamiento de la ciudad no puede discutir ni tomar medida sobre temas que no estén incluidos en el orden del día de la asamblea (artículo 54954.2 del Código de Gobierno). Si resulta elegido para comunicarse con los funcionarios de la ciudad, es probable que se le pida que se registre y/o realice determinadas divulgaciones como cabildero. Comuníquese con el secretario de la ciudad para obtener más información.

RECESO DE LA REUNIÓN A PUERTAS CERRADAS:

5.30 P.M. ASAMBLEA EXTRAORDINARIA
LLAMADA AL ORDEN:

JURAMENTO A LA BANDERA:

LISTA DE ASISTENCIA:

PRESENTACIONES:

ACEPTACIÓN DEL ORDEN DEL DÍA:

INFORME DE LA REUNIÓN A PUERTAS CERRADAS:

TESTIMONIO PÚBLICO: (SOLO los temas del orden del día de la audiencia no pública): se reserva este momento para que los miembros del público dirijan solo los temas del orden del día al ayuntamiento de la ciudad. Cada orador dispondrá de dos (2) minutos. El testimonio para audiencias públicas solo se tomará al momento de la audiencia. El testimonio para comentarios del público en general y temas no incluidos en el orden del día se tomará posteriormente durante la asamblea.

COMENTARIOS E INFORMES DEL AYUNTAMIENTO DE LA CIUDAD, EL SUBCOMITÉ Y EL ADMINISTRADOR DE LA CIUDAD: se reserva este momento para que el ayuntamiento de la ciudad comunique otros comentarios generales, informes y anuncios. También se reserva este momento para que el administrador de la ciudad informe al ayuntamiento de la ciudad temas importantes iniciados por el personal o solicitados anteriormente por dicho ayuntamiento.

1. CALENDARIO PREESTABLECIDO: los siguientes asuntos de rutina pueden tratarse con una moción. El ayuntamiento puede eliminar algunos temas para que se discutan de manera separada en este momento o bajo Aceptación del orden del día. Se considera que se ha leído el título de la ordenanza en su totalidad y que se desestima la lectura de toda otra ordenanza incluida en el Calendario preestablecido.

A. DESIGNACIONES PARA LA COMISIÓN DE PARQUES Y RECREACIÓN

RECOMENDACIÓN: 1) Designar a Roberto Alejandro Martinez para que forme parte de la Comisión de Parques y Recreación por un período que finalizará el 30 de junio de 2021. 2) Designar a Jerry Joseph Alcorn para que forme parte de la Comisión de Parques y Recreación por un período que finalizará el 30 de junio de 2023.

B. AUTORIZAR LA COMPRA DE TRES PANELES DE MENSAJES PORTÁTILES PARA PUBLICAR MENSAJES SOBRE LA COVID-19 EN LA CIUDAD

RECOMENDACIÓN: 1) Autorizar una Orden de compra por un monto de $50.282,83 a California Barricade Inc., de Santa Ana, California, destinado a la
compra de tres mini tableros portátiles programables marca WANCO con tres líneas para mensajes, elevador hidráulico, alimentación solar y cierre de seguridad de la caja de baterías. 2) Autorizar al administrador de la ciudad a firmar todos los documentos que corresponda.

C. MODIFICACIÓN N.º 5 DEL PROYECTO DE LEY 2766, MEMORÁNDUM DE ENTENDIMIENTO AB 2766 ENTRE LA ASOCIACIÓN DE GOBIERNOS DE COACHELLA VALLEY Y LAS JURISDICCIONES MIEMBRO MEDIANTE EL QUE SE FINANCIÁ A MANERA SOSTENIBLE EL PROGRAMA REGIONAL DE BARRIDO DE CALLES PM10

RECOMENDACIÓN: 1) Aprobar la Modificación n.º 5 del Memorándum de Entendimiento AB 2766 entre la Asociación de Gobiernos de Coachella Valley (CVAG, por sus siglas en inglés) y las Jurisdicciones miembro para mantener los aportes de las ciudades y del condado en un 75 % con el propósito de financiar de manera sostenible el Programa Regional de Barrido de Calles PM10 hasta el 30 de junio de 2024. 2) Autorizar al administrador de la ciudad a firmar la Modificación n.º 5 del Memorándum de Entendimiento AB 2766.

D. SEGUNDA LECTURA Y ADOPCIÓN DE LA ORDENANZA N.º 2028 DE LA CIUDAD DE PALM SPRINGS, CALIFORNIA, MEDIANTE LA QUE SE INCORPORA EL ARTÍCULO 92.29.00 AL CÓDIGO DE ZONIFICACIÓN DE PALM SPRINGS CON EL OBJETO DE PERMITIR LA DETERMINACIÓN DE ZONAS SUPERPUESTAS CON ESCASEZ DE TIENDAS DE COMESTIBLES (CASO 5.1507 ZTA)

RECOMENDACIÓN: desestimar la segunda lectura del texto en su totalidad, leer solo el título y adoptar la Ordenanza n.º 2028 titulada “ORDENANZA DEL AYUNTAMIENTO DE LA CIUDAD DE PALM SPRINGS, CALIFORNIA, MEDIANTE LA QUE SE INCORPORA EL ARTÍCULO 92.29.00 AL CAPÍTULO 92 DEL CÓDIGO DE ZONIFICACIÓN DE PALM SPRINGS EN RELACIÓN CON LA DETERMINACIÓN DE ZONAS SUPERPUESTAS CON ESCASEZ DE TIENDAS DE COMESTIBLES”.

E. APROBACIÓN DE UN CONTRATO DE ARRENDAMIENTO CON LOS ANGELES SMSA LIMITED PARTNERSHIP REFERIDO AL USO NO EXCLUSIVO DE TERRENOS EN UN INMUEBLE QUE ES PROPIEDAD DE LA CIUDAD UBICADO EN 3601 EAST MESQUITE DRIVE

RECOMENDACIÓN: 1) Aprobar un Contrato de Arrendamiento celebrado entre Verizon Wireless y la ciudad de Palm Springs referido al uso no exclusivo de terrenos en un inmueble que es propiedad de la ciudad ubicado en 3601 East Mesquite Drive. 2) Autorizar al administrador de la ciudad, o a la persona que este designe, a firmar todos los documentos que corresponda.

2. AUDIENCIAS PÚBLICAS: NINGUNA
3. LEGISLATIVO: NINGUNO

4. NEGOCIOS INCOMPLEETOS:

A. REVISAR OPCIONES Y PROPORCIONAR INDICACIONES SOBRE EL DISEÑO TEMPORAL PARA LA CONSTRUCCIÓN EN ETAPAS DE DOWNTOWN PARK, PROYECTO DE LA CIUDAD N.º 15-07

RECOMENDACIÓN: 1) Delegar autoridad adicional por $140.000 al administrador de la ciudad para aprobar y firmar las órdenes de cambio del contrato de construcción celebrado con Fast-Track Construction Corporation, una empresa de California, en concepto de trabajos adicionales relacionados con reparaciones estructurales de un playa de estacionamiento subterráneo existente y una cubierta ubicada sobre el costado oeste de Downtown Park; y 2) Proporcionar indicaciones al personal sobre la finalización de Downtown Park.

B. CONSIDERACIÓN DE LA APROBACIÓN DEL CAMBIO DE NOMBRE DE CROSSLEY ROAD AND GOLF CLUB DRIVE A LAWRENCE CROSSLEY ROAD BETWEEN EAST RAMON ROAD AND EAST PALM CANYON DRIVE (CASO 5.1376 SNC) Y LA DECLARACIÓN DE EXENCIÓN DE LA ACTIVIDAD EN VIRTUD DE CEQA

RECOMENDACIÓN: 1) Proporcionar indicaciones al personal según corresponda o 2) Adoptar una Resolución titulada: "RESOLUCIÓN DEL AYUNTAMIENTO DE LA CIUDAD DE PALM SPRINGS, CALIFORNIA, MEDIANTE LA QUE SE HONRA EL LEGADO DE LAWRENCE CROSSLEY Y SUS APORTES A LA CIUDAD DE PALM SPRINGS Y TODA LA COMUNIDAD Y SE APRUEBA EL CAMBIO DE NOMBRE DE CROSSLEY ROAD AND GOLF CLUB DRIVE A LAWRENCE CROSSLEY ROAD BETWEEN EAST RAMON ROAD AND EAST PALM CANYON DRIVE (CASO 5.1376 SNC)".

C. DISCUSIÓN CONTINUA Y POSIBLES INDICACIONES SOBRE LOS IMPACTOS Y LA RESPUESTA A LA EMERGENCIA LOCAL RELACIONADA CON EL NUEVO CORONAVIRUS (COVID-19), INCLUSO CONFIRMACIÓN DE ÓRDENES DE EMERGENCIA EXISTENTES

RECOMENDACIÓN: 1) Discutir y considerar la confirmación, por moción, de las órdenes de emergencia existentes en la ciudad. 2) Proporcionar indicaciones sobre posibles órdenes de emergencia adicionales o modificadas.

D. DESTINAR FONDOS AL PRESUPUESTO DEL EJERCICIO ECONÓMICO 2021 POR EL MONTO DE $200.000 PARA CONTINUAR CON EL ACUERDO DE ADMINISTRACIÓN DEL CENTRO DE INNOVACIÓN CON LA ASOCIACIÓN ECONÓMICA DE COACHELLA VALLEY HASTA EL 30 DE JUNIO DE 2021; APROBAR LA CONDONACIÓN DEL ARRENDAMIENTO EN 3111 E.
TAHQUITZ CANYON DESDE EL 1 DE JULIO DE 2020 HASTA EL 30 DE JUNIO DE 2021; Y AUTORIZAR AL ADMINISTRADOR DE LA CIUDAD A FIRMAR TODOS LOS DOCUMENTOS QUE CORRESPONDA

RECOMENDACIÓN: 1) Destinar fondos por un monto de $200,000 para continuar con el Acuerdo de Administración del Núcleo de Innovación con la Asociación Económica de Coachella Valley hasta el 30 de junio de 2021. 2) Aprobar la condonación del pago del arrendamiento mensual de CVEP, ubicado en 3111 E. Tahquitz Canyon (Acuerdo A6037) durante un período de 12 meses a partir del 1 de julio de 2020 y hasta el 30 de junio de 2021. 3) Autorizar al administrador de la ciudad a firmar todos los documentos que corresponda.

5. NEGOCIOS NUEVOS:

A. APROBAR EL COMPROMISO DE FINANCIACIÓN DE LOS FONDOS DEL SUBSIDIO PARA EL PROGRAMA DE ASISTENCIA DE VIVIENDAS Y PREVENCIÓN PARA PERSONAS SIN HOGAR POR UN MONTO DE $3 MILLONES PARA UN PROYECTO PERMANENTE DE VIVIENDAS DE APOYO DEL CONDADO DE RIVERSIDE EN LA CIUDAD DE PALM SPRINGS

RECOMENDACIÓN: 1) Aprobar el compromiso de financiación de un Proyecto de Viviendas de Apoyo en la ciudad de Palm Springs, cuya adquisición y rehabilitación estará a cargo del Departamento de Vivienda, Prevención del Desamparo y Soluciones para la Fuerza Laboral del condado de Riverside por un monto de $3 millones del Subsidio del Programa de Asistencia de Viviendas y Prevención para Personas sin Hogar (HHAP, por sus siglas en inglés). 2) Autorizar al administrador de la ciudad a firmar la “carta de compromiso de financiación” dirigida al condado donde se establezca la intención del Ayuntamiento de la ciudad de proporcionar $3 millones en concepto de fondos de HHAP y el envío en una fecha futura de un acuerdo de financiación final al Ayuntamiento de la ciudad para fines de aprobación.

B. RESOLUCIÓN MEDIANTE LA QUE SE DECLARA EL RACISMO SISTÉMICO COMO UNA CRISIS DE DERECHOS HUMANOS Y SALUD PÚBLICA QUE GENERA DISPARIDAD EN LA ESTABILIDAD FAMILIAR, LA SALUD Y EL BIENESTAR MENTAL, LA EDUCACIÓN, EL EMPLEO, LA JUSTICIA AMBIENTAL, EL DESARROLLO ECONÓMICO, EL TRANSPORTE, LA SEGURIDAD PÚBLICA, EL ENCARCELAMIENTO Y LAS VIVIENDAS Y SE REAFIRMA EL COMPROMISO DEL AYUNTAMIENTO DE LA CIUDAD DE AVANZAR EN LA JUSTICIA, LA EQUIDAD, LA DIVERSIDAD Y LA INCLUSIÓN EN LA CIUDAD DE PALM SPRINGS

RECOMENDACIÓN: adoptar una Resolución titulada: “RESOLUCIÓN DEL AYUNTAMIENTO DE LA CIUDAD DE PALM SPRINGS, CALIFORNIA, MEDIANTE LA QUE SE DECLARA QUE EL RACISMO SISTÉMICO ES UNA CRISIS DE DERECHOS HUMANOS Y SALUD PÚBLICO QUE CONLLEVA
DISPARIDAD EN LA ESTABILIDAD FAMILIAR, LA SALUD Y EL BIENESTAR MENTAL, LA EDUCACIÓN, EL EMPLEO, LA JUSTICIA AMBIENTAL, EL DESARROLLO ECONÓMICO, EL TRANSPORTE, LA SEGURIDAD PÚBLICA, EL ENCARCELAMIENTO Y LAS VIVIENDAS Y SE REAFIRMA EL COMPROMISO DEL AYUNTAMIENTO DE LA CIUDAD DE AVANZAR EN LA JUSTICIA, LA EQUIDAD, LA DIVERSIDAD Y LA INCLUSIÓN EN LA CIUDAD DE PALM SPRINGS”.

COMENTARIO PÚBLICO: (temas no incluidos en el orden del día). Se reserva este momento para que los miembros del público dirijan al ayuntamiento de la ciudad los temas de interés general dentro de la competencia en razón de la materia de la ciudad. Si bien el ayuntamiento de la ciudad valora sus comentarios, de conformidad con la Ley Brown, por lo general no toma medidas en temas no incluidos en el orden del día publicado. 2) Cada orador dispondrá de dos (2) minutos. Los comentarios públicos sobre temas no incluidos en el orden del día se realizarán a las 9.00 PM, antes de esa hora o posteriormente tan pronto sea posible.

EL AYUNTAMIENTO DE LA CIUDAD Y EL ADMINISTRADOR DE LA CIUDAD SOLICITAN LA REDACCIÓN DEL PRÓXIMO ORDEN DEL DÍA: se reserva este momento para que el ayuntamiento de la ciudad presente y priorice solicitudes de personal y/o temas de interés para los miembros del ayuntamiento y defina las fechas de las próximas asambleas.

SE LEVANTA LA SESIÓN

De conformidad con el artículo 54957.5(b)(2) del Código de Gobierno, la oficina designada para la inspección de registros en relación con la asamblea es la Oficina del Secretario de la Ciudad ubicada en el ayuntamiento, 3200 E. Tahquitz Canyon Way. Los órdenes del día completos están disponibles al público en la oficina del secretario de la ciudad ubicada en el ayuntamiento. El orden del día y los informes del personal están disponibles en el sitio web de la ciudad en www.palmspringsca.gov. Si desea obtener más información sobre algún tema incluido en este orden del día, comuníquese con la Oficina del Secretario de la Ciudad al teléfono (760) 323-8204.

La ciudad de Palm Spring se compromete a cumplir con todas las disposiciones de la Ley para Estadounidenses con Discapacidades (ADA, por sus siglas en inglés). Si como asistente o participante de esta asamblea o de otras necesita ayuda especial en forma periódica más allá de la proporcionada normalmente, la ciudad intentará acomodarlo de toda manera razonable. Comuníquese con la Oficina del Secretario de la Ciudad al teléfono (760) 323-8204 al menos 48 horas antes de la asamblea para informar necesidades específicas y determinar si la acomodación es factible.
City Council Special Meeting

Meeting Date: 08/06/2020

Subject

3:30 P.M. CLOSED SESSION

Attachments

Closed Session Agenda
Pursuant to Executive Order N-29-20, this meeting may be conducted by teleconference and there will be no in-person public access to the meeting location.

PUBLIC COMMENT PERIOD FOR CLOSED SESSION ITEMS ONLY
(Time limit is two minutes per person) The City Council welcomes public input. Pursuant to State law, the City Council may not discuss or take action on issues not on the meeting agenda (Government Code Section 54954.2).

CONFERENCE WITH LEGAL COUNSEL The City Council finds, based on advice from the City Attorney, that discussion in open session of the following described matter(s) will prejudice the position of the City in existing and anticipated litigation.

EXISTING LITIGATION  Gov’t Code § 54956.9(d)(1)
Kimberly Christensen and Donavan Christensen v. City of Palm Springs, George C. Mucherson, Case No.: PSC 1901806, Superior Court of the State of California, County of Riverside

MATTERS CREATING SIGNIFICANT EXPOSURE TO LITIGATION  G C. § 54956.9(d)(2)
Four (4) matters that, under the existing circumstances, the City Attorney believes create significant exposure to litigation

DISCUSSION TO CONSIDER INITIATION OF LITIGATION  Gov’t Code § 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  Gov’t Code § 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
<table>
<thead>
<tr>
<th>Property Description</th>
<th>Agency</th>
<th>City Negotiator</th>
<th>Negotiating Parties</th>
<th>Under Negotiation</th>
</tr>
</thead>
<tbody>
<tr>
<td>APNs 680-170-051 and 680-170-014</td>
<td>City of Palm Springs</td>
<td>Marcus Fuller, City Engineer/Assistant City Manager or Designee</td>
<td>Bureau of Indian Affairs</td>
<td>Price and Terms of Payment</td>
</tr>
<tr>
<td>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 &amp; 677-540-029); Block G of parcel map 36446 (APN 513-560-048)</td>
<td>City of Palm Springs</td>
<td>David H. Ready, City Manager or Designee</td>
<td>Price and Terms of Payment</td>
<td></td>
</tr>
<tr>
<td>Property Description: APN 666-140-024 Located at 63775 Dillon Road (Former County of Riverside Fire Station No. 36)</td>
<td>City of Palm Springs</td>
<td>David Ready, City Manager or Designee</td>
<td>Riverside County</td>
<td>Price and Terms of Payment (Lease)</td>
</tr>
<tr>
<td>Property Description: 505-182-010 and 505-182-004 (Adjacent parcels located at the southwest corner of North Palm Canyon Drive and Stevens Road)</td>
<td>City of Palm Springs and Successor Agency of the Former Redevelopment Agency of the City of Palm Springs</td>
<td>David Ready, City Manager or Designee</td>
<td>Price and Terms of Payment (Sale)</td>
<td></td>
</tr>
<tr>
<td>Property Description: 3.6 Acres at SE corner of Indian Canyon Drive and San Rafael Road APN 501-031-028</td>
<td>City of Palm Springs</td>
<td>David H. Ready, City Manager or Designee</td>
<td>Community Housing Opportunities Corporation (CHOC)</td>
<td>Price and Terms of Payment (Sale)</td>
</tr>
</tbody>
</table>
CONFERENCE WITH LABOR NEGOTIATOR G.C. 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 Council Special Meeting

**Meeting Date:** 08/06/2020

**Subject**

APPOINTMENTS TO THE PARKS AND RECREATION COMMISSION

**RECOMMENDATION:**


**Attachments**

Item 1A
RECOMMENDATION:


BACKGROUND:

At the January 9, 2020, City Council Meeting a two-member Ad Hoc Subcommittee was formed to screen and interview applicants for the City’s Boards and Commissions for existing vacancies.

On July 28, 2020, the Subcommittee consisting of Councilmember Garner and Mayor Pro Tem Holstege interviewed applicants for the Parks and Recreation Commission. The Subcommittee recommends the appointment of Roberto Alejandro Martinez for a term ending June 30, 2021, and Jerry Joseph Alcorn for a term ending June 30, 2023. One position with a term ending June 30, 2020, will remain vacant at this time.

FISCAL IMPACT:

None.

Attachment:
1. Board Roster
2. Attendance Report and Nominee Applications
## Parks and Recreation Commission

<table>
<thead>
<tr>
<th>Member</th>
<th>District</th>
<th>Original Appointment</th>
<th>Term Expires</th>
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</thead>
<tbody>
<tr>
<td>Deiter Crawford</td>
<td>1</td>
<td>July 24, 2019</td>
<td>December 31, 2020</td>
</tr>
<tr>
<td>Jody Diaz</td>
<td>2</td>
<td>June 21, 2017</td>
<td>December 31, 2020</td>
</tr>
<tr>
<td>David Cohan</td>
<td>2</td>
<td>July 1, 2018</td>
<td>June 30, 2021</td>
</tr>
<tr>
<td>Charles La Morte</td>
<td>3</td>
<td>July 1, 2018</td>
<td>June 30, 2021</td>
</tr>
<tr>
<td>Travis Armstrong</td>
<td>1</td>
<td>July 6, 2016</td>
<td>June 30, 2022</td>
</tr>
<tr>
<td>Alan Bowley</td>
<td>2</td>
<td>February 17, 2016</td>
<td>June 30, 2022</td>
</tr>
<tr>
<td>Johnny Coladonato</td>
<td>3</td>
<td>March 7, 2018</td>
<td>June 30, 2022</td>
</tr>
<tr>
<td>Ellen Goodman, PSUSD</td>
<td>1</td>
<td>September 2, 2015</td>
<td>June 30, 2022</td>
</tr>
<tr>
<td>Vacancy</td>
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<td></td>
<td>June 30, 2021</td>
</tr>
<tr>
<td>Roberto Martinez</td>
<td>2</td>
<td></td>
<td>June 30, 2021</td>
</tr>
<tr>
<td>Jerry Joseph Alcorn</td>
<td>2</td>
<td></td>
<td>June 30, 2023</td>
</tr>
</tbody>
</table>

Presumed Gender Make-up of the Commission after recommended appointment:

- Male: 8
- Female: 2
# ATTENDANCE REPORT

## BOARD & COMMISSION MEMBERS

Name of Commission: Parks and Recreation Commission

Prepared By: __________________________

Period Covered: July 1, 2019-June 30, 2020

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Total No. of Meetings</th>
<th>No. of Meetings Present</th>
<th>No. of Meetings Absent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Travis Armstrong</td>
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<tr>
<td>Alan Bowley</td>
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<tr>
<td>Johnny Coladonato</td>
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<td>1</td>
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<tr>
<td>Jody Diaz</td>
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<tr>
<td>Ellen Goodman</td>
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<tr>
<td>David Cohan</td>
<td>8</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>Charles La Morte</td>
<td>8</td>
<td>7</td>
<td>1</td>
</tr>
</tbody>
</table>

Additional Information for any member with three or more consecutive absences or absences from 25% of scheduled meetings:

No meetings between March 2020 and June 2020 because of COVID-19.
Name of Commission: Parks and Recreation Commission

Prepared By: _______________________

Period Covered: July 1, 2019-June 30, 2020

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Total No. of Meetings</th>
<th>No. of Meetings Present</th>
<th>No. of Meetings Absent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deiter Crawford</td>
<td>6</td>
<td>5</td>
<td>1</td>
</tr>
</tbody>
</table>

Additional Information for any member with three or more consecutive absences or absences from 25% of scheduled meetings:

No meetings between March 2020 and June 2020 because of COVID-19.
You have a new online form submission.
Note: all answers displaying "*****" are marked as sensitive and must be viewed after your login.

CITY OF PALM SPRINGS BOARD/COMMISSION APPLICATION FORM

Please be aware the submitted information IS a public record. indicates required field.

Name of Board or Commission on which you would like to serve?
Parks and Recreation Commission

Name
Jerry Joseph Alcorn

Full Address
92262

Registered Voter in Palm Springs
Yes

Home Phone

Office Phone

Email

Employer
Self Alcorn Adaptive

Occupation
Adaptive equipment recreation specialist

Regarding the commission you are applying for, list dates of most recent meetings you have attended
None as of yet but willing and available for any and all

The following information will be used by the City Council, and/or a subcommittee thereof, to select final applicants to be interviewed by the City Council, in making recommendations to the Mayor for appointments. FACTORS TO BE CONSIDERED: Resident & registered voter in Palm Springs Background, education, experience to demonstrate knowledge and sound judgment Social, Ethnic and cultural diversity in commission membership Attendance at commission meetings prior to interview BIOGRAPHICAL SKETCH (Do not attach additional materials)

Education
College of the desert graduated with degree in alternative fuels during my junior year of high school Graduated Palm Springs High school 00 Attended Universal Technical Institute 00-01 Certified from Adaptive Sports Abuse Program for 2019-2020 training the trainer

Background/Work Experience/Civic Involvement

Describe your knowledge of the functions, regulations and procedures of the commission you'd serve
Member of national adaptive sports council with training and knowledge in adaptive sports and training new coaches and people with disabilities Willing to learn and grow with the community to help make it a more inclusive place for ALL to enjoy year round recreation

What specific attitudes, skills and expertise do you think you have to enhance the commission?
Member of adaptive sports council Paralympic sports member Vast knowledge of adaptive training equipment and skills in people with different levels of disabilities to get people out and recreating Vast knowledge of programs and nonprofits to help with programs for people with disabilities I have a continued presence and speak and go into desert regional medical center on a regular basis to help get Newly injured people active in recreational sports here in the valley

What issues or problems face the board/commission? Do you have any suggestions to address them?
More adaptive programs for people with disabilities not just cognitive but also physical disabilities too

Additional qualifications for the Rent Control Commission are: a) applicant may not be a landlord or tenant subject to the rent control ordinance; b) must submit a verified statement as to present holdings and interests in real property in the City.

Thank you,
City of Palm Springs

This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.
Name of Board or Commission on which you would like to serve? / ¿Nombre del Consejo o Comisión en el que le gustaría servir?

Parks and Recreation Commission

Name / Nombre

Roberto Alejandro Martinez

Street Address / Dirección de la calle

[Redacted]

Californiapalm springs 92262

Preferred Phone Number / Número de teléfono preferido

[Redacted]

Email / Correo electrónico

[Redacted]

Employer / Empleador

N/A

Occupation / Ocupación

student

Section Break

The following information will be used by the City Council, and/or a subcommittee thereof, to select final applicants to be interviewed. FACTORS TO BE CONSIDERED: Live, work, or go to school in Palm Springs Background, education, experience to demonstrate knowledge and sound judgment Social, ethnic and cultural diversity in commission membership La siguiente información será utilizada por el Ayuntamiento, y/o un subcomité de la misma, para seleccionar a los solicitantes finales a entrevistar. FACTORES A CONSIDERAR: Vivir, trabajar o ir a una escuela en Palm Springs Antecedentes, educación, experiencia para demostrar conocimiento y buen juicio Diversidad social, étnica y cultural en la membresía de comisiones

Regarding the commission you are applying for, list dates of most recent meetings you
have attended or watched / En cuanto a la comisión que está solicitando, enumere las fechas de las reuniones más recientes a las que ha asistido o visto

July 22nd 2019 and Feb 24th 2020

Education / Educación
I am junior at Palm Springs High School.

Background/Work Experience/Civic Involvement - Antecedentes/Experiencia laboral/Participación cívica
I volunteered for a campaign in the Nov. election.

Describe your knowledge of the functions, regulations and procedures of the commission you'd serve / Describa su conocimiento de las funciones, regulaciones y procedimientos de la comisión a la que serviría
The function of the commission is to see what the biggest problems facing Palm Spring's parks are and give ideas on how to correct them. They decide which problems to take to city council. To serve on the commission you need to be open to everyone's ideas and point of view.

What specific attitudes, skills and expertise do you think you have to enhance the commission? / ¿Qué actitudes, habilidades y experiencia específicas crees que tienes para mejorar la comisión?
I am open minded and I like listening to others ideas. I work well with others in a group. I would bring a unique perspective to the group because of my age and that I have been wheelchair bound my entire life. I frequently use the parks with my family and dog.

What issues or problems face the board/commission? Do you have any suggestions to address them? / ¿Qué problemas o problemas enfrenta la junta/comisión? ¿Tiene alguna sugerencia para abordarlos?
I think there is a lack of ideas from the youth, who use the park in a different way than the other generations. I think the commission needs to get more input from the youth who use the park. This could be done with online surveys, reaching out to the community, use of social media and apps.

Thank you,
City of Palm Springs

This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.
Subject

AUTHORIZE THE PURCHASE OF THREE PORTABLE MESSAGE BOARDS FOR COVID-19 MESSAGING CITYWIDE

RECOMMENDATION:

1. Authorize a Purchase Order in an amount of $50,282.83 to California Barricade Inc., of Santa Ana, California, for three WANCO Portable, programmable Mini 3-Line Message Sign Boards with a hydraulic lift, solar-powered and security battery box locks.

2. Authorize the City Manager to execute all necessary documents.

Attachments

Item 1B
CITY COUNCIL STAFF REPORT

DATE: August 6, 2020

CONSENT CALENDAR

SUBJECT: AUTHORIZE THE PURCHASE OF 3 PORTABLE MESSAGE BOARDS FOR COVID-19 MESSAGING CITY WIDE

FROM: David H. Ready, City Manager

BY: Department of Maintenance & Facilities

SUMMARY

This action will authorize the issuance of a purchase order for California Barricade Inc., to provide 3 WANCO Portable Mini Programmable Message Boards for $50,282.83.

RECOMMENDATION:

1. Authorize a Purchase Order in an amount of $50,282.83 to California Barricade Inc., of Santa Ana, California, for 3 WANCO Portable, programmable Mini 3-Line Message Sign Boards with a hydraulic lift, solar powered and security battery box locks;

2. Authorize the City Manager to execute all necessary documents.

BUSINESS INTEREST DISCLOSURE

A copy of the Public Integrity Disclosure Form for California Barricades Inc. is included as Attachment 1.

STAFF ANALYSIS:

Since March 2020, the City of Palm Springs has committed to taking extraordinary measures to promote a safe environment for citizens and visitors in response to the COVID-19 pandemic. The use of these portable message boards is a valuable resource to target specific locations within the City of Palm Springs. The flexibility of the 3 line programmable messages also increases the City's ability to inform the public of the most current safety measures and local requirements.
The City solicited bids from various vendors for purchase of new electronic message boards, and received the following bids:

1. California Barricade, Inc. $50,282.83
2. Tops n Barricades $51,358.43
3. Sierra Safety Company $54,774.21
4. Allied Traffic & Equipment Rentals $57,356.25
5. Dana Safety Supply $57,503.74
6. Pacific Products & Services $58,584.00

ENVIRONMENTAL IMPACT:

The requested City Council action is not a “Project” as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(a), a “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The requested action is to purchase electronic message boards, and is exempt from CEQA pursuant to Section 15378(b), in that a “Project” does not include: (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

FISCAL IMPACT:

This purchase is directly related to the COVID-19 pandemic and its cost will be submitted to FEMA for reimbursement with any local share to be funded with the City’s allocation of state CARES Act funding.

SUBMITTED:

Staci A. Schafer
Director of Maintenance & Facilities

Marcus L. Fuller, MPA, PE, PLS
Assistant City Manager

David H. Ready, Esq., Ph.D.,
City Manager

Attachments:
1. Business Disclosure Form
**PUBLIC INTEGRITY DISCLOSURE**

**APPLICANT DISCLOSURE FORM**

1. **Name of Entity**
   
   California Barricade Inc.

2. **Address of Entity (Principle Place of Business)**
   
   1550 E. Saint Gertrude Place

3. **Local or California Address (if different than #2)**

   

4. **State where Entity is Registered with Secretary of State**
   
   California

   *If other than California, is the Entity also registered in California? ☐ Yes ☐ No*

5. **Type of Entity**
   
   ☐ Corporation ☐ Limited Liability Company ☐ Partnership ☐ Trust ☐ Other (please specify)

6. **Officers, Directors, Members, Managers, Trustees, Other Fiduciaries (please specify)**

   *Note: If any response is not a natural person, please identify all officers, directors, members, managers and other fiduciaries for the member, manager, trust or other entity*

<table>
<thead>
<tr>
<th>Name</th>
<th>Officer</th>
<th>Director</th>
<th>Member</th>
<th>Manager</th>
<th>General Partner</th>
<th>Limited Partner</th>
<th>Other</th>
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<tbody>
<tr>
<td>Mark Hurst</td>
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<tr>
<td>Kellie Hurst</td>
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</table>

(CITY OF PALM SPRINGS – PUBLIC INTEGRITY DISCLOSURE

APPLICANT DISCLOSURE FORM

Page 1 of 2

(Revised 05/16/19)
7. Owners/Investors with a 5% beneficial interest in the Applicant Entity or a related entity

### EXAMPLE

**JANE DOE**

<table>
<thead>
<tr>
<th>[name of owner/investor]</th>
<th>[percentage of beneficial interest in entity and name of entity]</th>
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<tbody>
<tr>
<td>50%, ABC COMPANY, Inc.</td>
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A. Mark Hurst

<table>
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<th>[name of owner/investor]</th>
<th>[percentage of beneficial interest in entity and name of entity]</th>
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B. Kellie Hurst

<table>
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<th>[name of owner/investor]</th>
<th>[percentage of beneficial interest in entity and name of entity]</th>
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</thead>
<tbody>
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C.

<table>
<thead>
<tr>
<th>[name of owner/investor]</th>
<th>[percentage of beneficial interest in entity and name of entity]</th>
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<tbody>
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D.

<table>
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<tr>
<th>[name of owner/investor]</th>
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E.

<table>
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<th>[name of owner/investor]</th>
<th>[percentage of beneficial interest in entity and name of entity]</th>
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</table>

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

---

**Signature of Disclosing Party, Printed Name, Title**

Julie Escobar

**Date**

2020.07.30 13:43:49 -08'00

---

**PENALTIES**

Falsification of information or failure to report information required to be reported may subject you to administrative action by the City.
CONFLICT OF INTEREST AND NON-DISCRIMINATION CERTIFICATION

Conflict of Interest. Contractor acknowledges that no officer or employee of the City has or shall have any direct or indirect financial interest in this Agreement nor shall Contractor enter into any agreement of any kind with any such officer or employee during the term of this Agreement and for one year thereafter. Contractor warrants that Contractor has not paid or given, and will not pay or give, any third party any money or other consideration in exchange for obtaining this Agreement.

Covenant Against Discrimination. In connection with its performance under this Agreement, Contractor shall not discriminate against any employee or applicant for employment because of actual or perceived race, religion, color, sex, age, marital status, ancestry, national origin (i.e., place of origin, immigration status, cultural or linguistic characteristics, or ethnicity), sexual orientation, gender identity, gender expression, physical or mental disability, or medical condition (each a "prohibited basis"). Contractor shall ensure that applicants are employed, and that employees are treated during their employment, without regard to any prohibited basis. As a condition precedent to City's lawful capacity to enter this Agreement, and in executing this Agreement, Contractor certifies that its actions and omissions hereunder shall not incorporate any discrimination arising from or related to any prohibited basis in any Contractor activity, including but not limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship; and further, that Contractor is in full compliance with the provisions of Palm Springs Municipal Code Section 7.09.040, including without limitation the provision of benefits, relating to non-discrimination in city contracting.

NAME OF CONTRACTOR/VENDOR: California Barricade Inc.

NAME and TITLE of Authorized Representative:

(Print) Julie Escobar / Accounts Receivable

Signature and Date of Authorized Representative:

(Sign) Julie Escoba

(Date) 7/30/2020
Subject
AMENDMENT NO. 5 TO ASSEMBLY BILL 2766 MEMORANDUM OF UNDERSTANDING BETWEEN THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS AND MEMBER JURISDICTIONS TO PROVIDE SUSTAINABLE FUNDING OF THE REGIONAL PM10 STREET SWEEPING PROGRAM
RECOMMENDATION:

1. Approve Amendment No. 5 to AB 2766 Memorandum of Understanding between the Coachella Valley Association of Governments (CVAG) and Member Jurisdictions to maintain contributions from the cities and the County at 75% to provide Sustainable Funding of the Regional PM10 Street Sweeping Program, through June 30, 2024.

2. Authorize the City Manager to execute Amendment No. 5 to the AB 2766 Memorandum of Understanding.

Attachments

Item 1C
DATE: AUGUST 6, 2020

CONSENT CALENDAR

SUBJECT: AMENDMENT NO. 5 TO ASSEMBLY BILL 2766 MEMORANDUM OF UNDERSTANDING BETWEEN THE COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS AND MEMBER JURISDICTIONS TO PROVIDE SUSTAINABLE FUNDING OF THE REGIONAL PM10 STREET SWEEPING PROGRAM

FROM: David H. Ready, City Manager

BY: Marcus L. Fuller, Assistant City Engineer

RECOMMENDATION:

1. Approve Amendment No. 5 to AB 2766 Memorandum of Understanding (MOU) between the Coachella Valley Association of Governments (CVAG) and Member Jurisdictions to maintain contributions from the cities and the County at 75% to provide Sustainable Funding of the Regional PM10 Street Sweeping Program, through June 30, 2024.

2. Authorize the City Manager to execute Amendment No. 5 to the AB 2766 Memorandum of Understanding (MOU).

BACKGROUND:

Coachella Valley and the Salton Sea Air Basin are designated non-attainment areas for PM10, or air particulate matter less than 10 microns. The primary source of PM10 is dust-generating activities like vehicles traveling over paved or unpaved streets and through construction zones. Since the early 1990s, CVAG and its member agencies have cooperated on a Regional PM10 Street Sweeping Program – one of the most significant air quality control measures that can be taken to reduce PM10 throughout our region. This program has the added benefit of keeping all major streets in the Coachella Valley clean at a low per-mile cost due to economies of scale.

The street sweeping program is currently funded by three main sources:

(1) Reallocation of a portion of AB 2766 funds dispersed to individual jurisdictions based on vehicle license plate renewals;

(2) Grant funding from the South Coast Air Quality Management District (SCAQMD); and

(3) The Coachella Valley Air Quality Enhancement Fund managed by Riverside County, also known as Colmac funds.
The SCAQMD grant in the amount of $1,150,000 provides approximately $220,000 for each of five years for the street sweeping program. While the first year of funding was guaranteed, the remaining four years are pending a study of the street sweeping program’s efficiency and effectiveness, also funded by the grant. The grant was initially awarded to make up for a funding shortfall after funding from SCAQMD’s Mobile Air Source Pollution Reduction Review Committee ended in 2018. The Colmac funds received by the County are associated with mitigating air pollution impacts from a power plant. Since July 2010, the County has set aside $150,000 each year for the regional street sweeping program. The current term runs through Fiscal Year 2019/20, and CVAG is working with the County to request an additional five-year extension.

The remaining AB 2766 funding sent to cities and counties by the SCAQMD is generated by a surcharge on annual DMV fees and must be used to reduce air pollution generated by motor vehicles. In previous years when funding from other sources tended to fluctuate, AB 2766 contributions from CVAG member jurisdictions also ranged from 33% to 100%. In 2016, the fourth amendment to the MOU for this reallocation requested that 75% of AB 2766 funds be directed toward the regional street sweeping program. The term of the fourth amendment expired on June 30, 2020. With this fifth amendment, CVAG requests that the jurisdictional contribution level remains at 75% for the next four years, through June 30, 2024. One hundred percent of all funding goes toward the street sweeping program, currently operated by CVAG under contract with M&M Sweeping, Inc. from Thousand Palms. Amendment No. 5 to the MOU was approved by the CVAG Executive Committee on June 8, 2020. This recommendation was also reviewed and supported by the CVAG Energy & Environment Committee on May 14, 2020. Identical MOU Amendments are being circulated to all participating member agencies for approval by their respective governing bodies.

**FISCAL IMPACT:**

Adequate funding for the Regional PM-10 Street Sweeping Program is dependent upon all three funding streams – AB 2766, South Coast AQMD grant, and the Colmac allocation.

---

Marcus L. Fuller, MPA, PLS, PE  
Assistant City Manager

David H. Ready, Esq., Ph.D.  
City Manager

Attachment:

1. Amendment No. 5 to AB 2766 Memorandum of Understanding
AMENDMENT FIVE
TO
AB 2766 MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN
COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS
AND
CVAG MEMBER JURISDICTIONS

JULY 1, 2020

The AB 2766 Memorandum of Understanding (MOU) is made and entered into by and between the Coachella Valley Association of Governments (CVAG) and the CVAG member jurisdictions. The parties acknowledge that this Amendment shall be for the period starting July 1, 2020 and shall bind the parties hereunder for the entire term of the four-year amendment; through June 30, 2024.

The AB 2766 MOU is hereby amended through this Amendment Five as follows:

1) At their June 1, 2020 meeting, the Executive Committee approved to maintain CVAG’s AB 2766 formula at 75% to provide sustainable funding of the Regional PM10 Street Sweeping Program and related activities starting July 1, 2020 through June 30, 2024;

2) All other terms and conditions shall remain the same.

COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS

By: ________________________________
Title: Jeff Grubbe, CVAG Chair
Date: _____________________________

CITY (COUNTY) OF ______________________________

By: ________________________________
Title: ______________________________
Date: ______________________________
Subject
SECOND READING AND ADOPTION OF ORDINANCE NO. 2028 OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 92.29.00 TO THE PALM SPRINGS ZONING CODE TO ALLOW FOR THE ESTABLISHMENT OF FOOD DESERT OVERLAY ZONES (CASE 5.1507 ZTA)
RECOMMENDATION:

Waive the second reading of the text in its entirety, read by title only, and adopt Ordinance No. 2028, "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."

Attachments

Item 1D
DATE: August 6, 2020

CONSENT AGENDA

SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 2028 OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 92.29.00 TO THE PALM SPRINGS ZONING CODE TO ALLOW FOR THE ESTABLISHMENT OF FOOD DESERT OVERLAY ZONES (CASE 5.1507 ZTA).

FROM: David H. Ready, City Manager

BY: Development Services Department

SUMMARY:

This is the second reading of an ordinance to amend Chapter 92 of the Palm Springs Zoning Code (PSZC) to add Section 92.29.00 relative to the establishment of food desert overlay zones. The City Council approved the proposed amendment at first reading on July 23, 2020, with minor revisions.

RECOMMENDATION:

Waive the second reading of text in its entirety, read by title only, and adopt Ordinance No. 2028, "AN ORDINANCE 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."

STAFF ANALYSIS:

On July 23, 2020, Ordinance No. 2028 was introduced for first reading, as noted below:

ACTION: Waive reading of the ordinance text in its entirety, read by title only, and introduce for first reading Ordinance No. 2028, "AN ORDINANCE 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."

AYES: Councilmembers Garner, Middleton, Woods, Mayor Pro Tem Holstege, Mayor Kors
The City Council voted to introduce Ordinance No. 2028, subject to the following minor revisions:

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

The ordinance has been amended to include these items as directed by the City Council.

This report provides for the City Council to waive further reading and adopt the ordinance. The ordinance shall be effective 30 days from adoption, or as may be otherwise implemented by direction of the City Council.

SUBMITTED BY:

Flinn Fagg, AICP
Development Services Director

Marcus L. Fuller, MPA, P.E., P.L.S.
Assistant City Manager

David H. Ready, Esq., Ph.D.
City Manager

Jeffrey S. Ballinger
City Attorney

Attachments:

A. Ordinance No. 2028 (Amended)
ORDINANCE NO. 2028

AN ORDINANCE 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.

City Attorney's Summary

This Ordinance amends the Palm Springs Zoning Code to allow the Planning Commission to establish Food Desert Overlay Zones as a means to encourage the development of grocery store uses in underserved areas. This ordinance is intended to promote public health and welfare by reducing barriers to food access.

THE CITY COUNCIL FINDS AND DETERMINES AS FOLLOWS:

A. The City of Palm Springs is a charter city organized pursuant to Article XI of the California Constitution and pursuant to the authority granted the City by Sections 5 and 7 of Article XI, the City has the power to make and enforce within its limits all ordinances and regulations in respect to municipal affairs not in conflict with general laws and its own charter. Such police powers include without limitation the ability to adopt comprehensive zoning regulations and regulations upon the use of land and property within the City; and

B. Pursuant to Article XI, Section 7 of the California Constitution, the City of Palm Springs may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens; and

C. Pursuant to Section 94.07.01 of the Palm Springs Zoning Code (PSZC), the Director of Planning Services is authorized to initiate proceedings and recommend amendments to the Zoning Code; and

D. On June 10, 2020, the Planning Commission conducted a duly noticed public hearing to consider Case No. 5.1507 ZTA, an ordinance amending the Zoning Code to allow for the establishment of Food Desert Overlay Zones (the "Zoning Text Amendment") and, by a 7 to 0 vote, approved Resolution #6818 recommending approval of the Zoning Text Amendment to the City Council; and

E. Notice of a public hearing of the City Council of the City of Palm Springs to consider the Zoning Text Amendment was given in accordance with applicable law; and
F. On July 23, 2020, a duly noticed public hearing on the proposed Zoning Text Amendment was held by the City Council in accordance with applicable law where, by a 5 to 0 vote, the City Council adopted the Zoning Text Amendment; and

G. The proposed Zoning Text Amendment Ordinance is not subject to the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.) pursuant to Section 15060(c)(2) of the State Guidelines, because the Zoning Text Amendment will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is not a "project" as that term is defined in Section 15378 of the State CEQA Guidelines. As projects are submitted and reviewed for compliance with this Zoning Text Amendment, the City will conduct CEQA review as required by law; and

H. The City Council has carefully reviewed and considered all of the evidence presented in connection with the hearing on the Zoning Text Amendment, including, but not limited to, the staff report, and all written and oral testimony presented; and

I. The City Council hereby finds that approval of the proposed Zoning Text Amendment would:

1. Assist in implementing Goal LU1 of the Land Use Element of the City of Palm Springs General Plan by encouraging a balance of land uses within neighborhoods and providing positive economic results;

2. Provide high-quality sustainable commercial development in underserved neighborhoods as supported by Goal LU4 of the Land Use Element of the City of Palm Springs General Plan;

3. Encourage the development grocery store uses in existing commercial areas as currently permissible under Chapter 92 of the Palm Springs Zoning Code; and

4. Promote public health and welfare by improving access to healthy and affordable food.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. That the findings and determinations reflected above are true and correct, and are incorporated by this reference herein as the cause and foundation for the action taken by the and through this Ordinance.

SECTION 2. Add Section 92.29.00 to Chapter 92 of the Palm Springs
Municipal Code to read as follows:

**92.29.00 “FD” Food Desert Overlay Zone.**

A. Purpose. The purpose of the “FD” Food Desert Overlay Zone is to encourage the development of qualifying grocery businesses in areas within the City that are categorized as “food deserts,” which are defined as neighborhoods where residents have limited access to healthy and affordable food. The “FD” Food Desert Overlay Zone is intended to address food access issues in underserved neighborhoods by offering zoning incentives as a means to encourage new qualifying grocery store operators to locate within these neighborhoods in either rehabilitated existing structures or new structures. The establishment of the “FD” Food Desert Overlay Zone addresses public health and welfare issues by encouraging commercial uses that provide basic necessities in close proximity to disadvantaged residential areas.

B. Definitions. For the purposes of this section, certain words or phrases used in this section are defined as follows:

“Census Tract” means a small statistical subdivision of a county or equivalent entity, as defined and established by the U.S. Census Bureau.

“Household income” means the combined gross income of all members of a household, as defined and established by the U.S. Census Bureau.

“Median household income” means the income figure that divides household income in a given geographic area into two equal parts: one-half of the cases falling below the median and on-half above the median, as defined and established by the U.S. Census Bureau.

“Poverty level” means the minimum level of household resources that are adequate to meet basic needs, as defined and established by the U.S. Census Bureau.

“Qualifying grocery store” means a store with a minimum of five thousand (5,000) and a maximum of sixty thousand (60,000) square feet of gross floor area that offers a full line of dry groceries, canned goods, and perishable groceries, including meats, dairy, and produce. The incidental sale of liquor and/or alcohol products may be permitted in conjunction with a qualifying grocery store, but shall not exceed thirty percent (30%) of the floor area or sales volume.
C. Location. The "FD" Food Desert Overlay Zone may be established only in qualifying census tracts and only as an overlay to an underlying zoning district. A census tract qualifies as an eligible location for the "FD" Food Desert Overlay Zone if it meets all of the following criteria:

1. The census tract or a portion thereof is located greater than one (1) mile from an operating grocery store, with a minimum of five thousand (5,000) square feet of gross floor area that offers a full line of dry groceries, canned goods, and perishable groceries; and

2. The median household income of the census tract is at or below the median household income for the city of Palm Springs as a whole, as established by the most recent American Community Survey of the U.S. Census Bureau; and

3. The poverty level for the census tract is fifteen (15) percent or greater, as established by the most recent American Community Survey of the U.S. Census Bureau.

Upon determining that a census tract qualifies for inclusion in the "FD" Food Desert Overlay Zone, the Director shall prepare a resolution for adoption by the Planning Commission, providing the findings for establishment of the overlay zone and defining the boundaries thereof. Once approved by the Planning Commission, the resolution shall be maintained on file in the Department.

D. Zoning. A qualifying grocery store may be located in any commercial or industrial zone district within a "FD" Food Desert Overlay Zone, subject to obtaining a Conditional Use Permit as provided below.

E. Application Processing and Review. Applicants for a qualifying grocery store use within a "FD" Food Desert Overlay Zone shall be subject to the following procedures:

1. New Building Construction: For the construction of a qualifying grocery store use in a new building, applicants shall file a Conditional Use Permit application in accordance with PSZC Section 94.02.00. Upon receipt of a completed application, the City shall have sixty (60) days to act upon the application. No Major Architectural application shall be required for submittal in conjunction with the Conditional Use Permit application.

2. Renovation or Limited Expansion of an Existing Building/No
Accessory Use Requiring a CUP: When a new qualifying grocery store use is located within an existing building, no Conditional Use Permit application shall be required for that use, provided the proposed renovation/expansion of the existing building does not increase the existing gross floor area by more than twenty-five percent (25%).

3. Significant Expansion of an Existing Building/Accessory Use Requiring a CUP: When a new qualifying grocery store use is located within an existing building, and an expansion of the existing building is proposed which will increase the existing gross floor area by more than twenty-five percent (25%), the application shall be treated as one for new building construction pursuant to subsection (E)(1).

4. Accessory Uses: Accessory uses, such as gasoline sales or other similar commercial uses, may be permitted in conjunction with a qualifying grocery store use where allowed by the underlying zoning district. Where the underlying zoning district regulations require approval of a Conditional Use Permit application for the accessory use, a separate Conditional Use Permit application shall be required for the accessory use.

F. Zoning Incentives. Applicants for the establishment of a new qualifying grocery store use in a "FD" Food Desert Overlay Zone are eligible for the following incentives:

1. Waiver of Major Architectural Application. The requirement for filing a Major Architectural application, pursuant to PSZC Section 94.04.00, shall be waived for new construction or renovation/expansion of an existing structure for a qualifying grocery store use. Review of the site plan and architectural treatment for any new structures shall be conducted as part of the review of the applicable Conditional Use Permit application.

2. Flexibility in Specified Development Standards. The following development standards may be waived, reduced or relaxed upon approval of an administrative Minor Modification application pursuant to PSZC Section 94.06.01:

   a. Parking. The minimum parking requirements for a qualifying grocery store use pursuant to PSZC Section 93.06.00 may be reduced by up to thirty percent (30%).
b. Setbacks. Required side and rear yard setbacks may be reduced by up to twenty-five percent (25%) or fifteen (15) feet, whichever is less, for a qualifying grocery store structure.

c. Height. Height limits may be increased by up to fifteen percent (15%) for a qualifying grocery store structure.

d. Separation Distance. Required separation distances between commercial uses and residential zones may be reduce for the new building construction of qualifying grocery stores, subject to all of the following:

1) Any commercial building shall be located a minimum of fifteen (15) feet from any property line that abuts a residential zone;

2) A decorative six (6) foot high masonry wall shall be installed at the common property line between the commercial use and the residential zone;

3) A landscape buffer with a minimum depth of five (5) feet shall be provided along the common property line between the commercial use and the residential zone; and

4) Drought-tolerant shade trees shall be installed at twenty (20) foot intervals in the landscape buffer area along the common property line between the commercial use and the residential zone.

The landscape and buffer requirements listed above in subparagraph (d) may be waived for qualifying grocery store uses located in a renovated or expanded existing building under subsection (E)(2) as part of an Administrative Minor Modification.

SECTION 3. If any section or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.
SECTION 4. The proposed ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 21000 et. seq.) pursuant to Section 15060(c)(2) and 15060(c)(3) of the State Guidelines, because the ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment and is not a "project," as that term is defined in Section 15378 of the State Guidelines.

SECTION 5. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.


GEOFF KORS
MAYOR

ATTEST:

ANTHONY J. MEJIA, MMC
CITY CLERK
CERTIFICATION

STATE OF CALIFORNIA )
COUNTY OF RIVERSIDE ) ss.
CITY OF PALM SPRINGS )

I, ANTHONY J. MEJIA, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. ___ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on __________ and adopted at a regular meeting of the City Council held on __________ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Springs, California, this _____ day of ______________, ________.

______________________________
ANTHONY J. MEJIA, MMC
CITY CLERK
Subject
APPROVAL OF A LEASE AGREEMENT WITH LOS ANGELES SMSA LIMITED PARTNERSHIP FOR A NON-EXCLUSIVE USE OF GROUND SPACE AT CITY-OWNED PROPERTY LOCATED AT 3601 EAST MESQUITE DRIVE
RECOMMENDATION:

1. Approve a Lease Agreement by and between Verizon Wireless, and the City of Palm Springs for non-exclusive use of ground space at City-owned property at 3601 East Mesquite Drive.
2. Authorize the City Manager or his designee to execute all the necessary documents.

Attachments
Item 1E
SUMMARY:

This action is to approve an agreement for a ground lease with Los Angeles SMSA Limited Partnership, for non-exclusive use of ground space for the installation, operation and maintenance of Verizon Wireless communications equipment including a new wireless communication tower at 3601 East Mesquite Drive for a term of five (5) years with three (3) five (5) year extension options.

Los Angeles SMSA Limited Partnership is a California limited partnership. As General Partner, AirTouch Cellular Inc. is authorized to sign on behalf of the Partnership. The following officers are duly appointed, qualified and acting under delegated authority to sign on behalf of AirTouch Cellular Inc. dba Verizon Wireless: Philip French, Vice President, Network Field Engineering, James A. Wales, Executive Director – Network Field Engineering, Steve Lamb, Director – Network Field Engineering. Public Disclosure Forms are included in Attachment A.

RECOMMENDATION:

1. Approve Agreement No. _____, Lease by and between Verizon Wireless, and the City of Palm Springs for non-exclusive use of ground space at City-owned property at 3601 East Mesquite Drive.

2. Authorize the City Manager or his designee to execute all the necessary documents.

BACKGROUND:

This Lease, included in Attachment B, is for the non-exclusive use of ground space at City-owned property at 3601 East Mesquite Drive by Verizon Wireless for the purpose
of installing, operating and maintaining wireless communications equipment, including a new wireless tower. The Lease is for a five-year term with three (3) five-year extension options at a starting monthly rent of $3,300 and annual escalator of 4%.

The facilities to be constructed by Verizon include a wireless facility over 435 square feet including a new 43 foot antenna structure, three equipment cabinets, a diesel generator, and a fiber cabinet all located to the south of the Community Garden on the south side of the Demuth Community Center and approximately 40 feet northeast of an existing Sprint/Nextel wireless tower as shown on the conceptual photograph simulations included in Attachment C. Verizon will equip the facilities with antennas, wires, cables, conduits, and pipes to operate their wireless communication systems and secure all necessary electrical and telephone utility sources. In addition this agreement will provide Verizon Wireless the non-exclusive right of ingress and egress from a public right-of-way, seven (7) days a week, twenty-four (24) hours a day, over the property to and from the facilities for the purpose of installation, operations and maintenance of Verizon's communications facilities.

Also, Verizon will install or have the local utility install an electrical meter/sub-meter to measure the electrical power used by Verizon's installation and will pay for their power usage either directly to the utility or to the City. In addition, the Lease will allow Verizon the non-exclusive right of ingress and egress over the property for the purpose of installation, operations, and maintenance of their communications facilities.

The proposed communications building and antenna tower, shown in Attachment C would need to be reviewed by Planning Commission (PC) and may possibly need a variance for height. This Lease is going to the City Council first, however, to determine if there is Council interest and to establish a tenancy for the City-owned ground space to facilitate filing of an application for a Conditional Use Permit (CUP).

**STAFF ANALYSIS:**

The City has wireless communication equipment ground leases on City-owned property at various locations. Table 1 summarizes the key terms of each lease and shows current lease rates based on most recent annual escalator adjustments in order of the start year of each lease. The proposed lease with Verizon Wireless PCS, LLC is shown as the first entry on top of the table as a basis for comparison. Note that both the Verizon Wireless lease at 295 S. Indian Canyon Drive (Downtown Parking Structure) and the proposed lease are "new construction" that provide longer terms and a higher fixed annual escalator than the remaining leases which were for existing towers that were renewed following expiration of their final extension options:
### Table 1-Existing City of Palm Springs Leases

<table>
<thead>
<tr>
<th>Wireless Communications Provider/Location</th>
<th>Starting Lease Rate</th>
<th>Start Year</th>
<th>Annual Escalator</th>
<th>Current Lease Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed <strong>New</strong> Verizon Wireless Lease/3601 E. Mesquite Drive</td>
<td>$3,300</td>
<td>2020</td>
<td>4%</td>
<td><strong>Subject for Comparison</strong></td>
</tr>
<tr>
<td>Crown Castle AT&amp;T/1901 E. Baristo Road</td>
<td>$3,200</td>
<td>2019</td>
<td>3% or CPI, whichever greater</td>
<td>$3,200.00</td>
</tr>
<tr>
<td>Verizon Wireless/1901 E. Baristo Road</td>
<td>$3,300</td>
<td>2018</td>
<td>3% or CPI, whichever greater</td>
<td>$3,300.00</td>
</tr>
<tr>
<td>STC One PCS/3111 E. Tahquitz Canyon Way</td>
<td>$3,038</td>
<td>2017</td>
<td>CPI</td>
<td>$3,129.14</td>
</tr>
<tr>
<td>Sprint PCS/1901 E. Baristo Road</td>
<td>$2,950</td>
<td>2014</td>
<td>CPI</td>
<td>$3,320.28</td>
</tr>
<tr>
<td>Verizon Wireless/295 S. Indian Canyon Drive</td>
<td>$2,500</td>
<td>2012</td>
<td>4%</td>
<td>$3,163.30</td>
</tr>
<tr>
<td>T-Mobile/1901 E. Baristo Road</td>
<td>$1,500</td>
<td>2006</td>
<td>CPI w/5% cap</td>
<td>$1,981.11</td>
</tr>
<tr>
<td><em>Sprint/Nextel/3601 E. Mesquite Drive</em></td>
<td>$850</td>
<td>1998</td>
<td>20% (every 5 year term at renewal)</td>
<td>$1,612.80</td>
</tr>
<tr>
<td>T-Mobile/Sprint/4365 E. Mesquite Drive</td>
<td>$600</td>
<td>1996</td>
<td>CPI</td>
<td>$1,228.61</td>
</tr>
</tbody>
</table>

*Lease acquired through City purchase of property in 2010

A survey of other cities within the Coachella Valley was taken to compare the rates being charged for wireless tower ground leases on city-owned property. The starting rates charged by other valley cities range from $1,500 to $3,000 per month as shown in Table 2:

### Table 2-Comparison of Wireless Tower Ground Leases by other Valley Cities

<table>
<thead>
<tr>
<th>City</th>
<th>Starting Lease Rate</th>
<th>Start Date</th>
<th>Annual Escalator</th>
<th>Current Lease Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cathedral City</td>
<td>$2,250</td>
<td>2010</td>
<td>3%</td>
<td>$3,023</td>
</tr>
<tr>
<td></td>
<td>$2,500</td>
<td>2015</td>
<td>3%</td>
<td>$2,898</td>
</tr>
<tr>
<td>Palm Desert</td>
<td>$1,500</td>
<td>2001</td>
<td>3%</td>
<td>$2,630</td>
</tr>
<tr>
<td></td>
<td>$1,167</td>
<td>2002</td>
<td>3%</td>
<td>$1,987</td>
</tr>
<tr>
<td>La Quinta</td>
<td>$3,000</td>
<td>2010</td>
<td>3%</td>
<td>$4,031</td>
</tr>
<tr>
<td>Indio</td>
<td>$2,700</td>
<td>2011</td>
<td>3%</td>
<td>$3,522</td>
</tr>
<tr>
<td></td>
<td>$1,500</td>
<td>Prior to 2009</td>
<td>unknown</td>
<td>unknown</td>
</tr>
</tbody>
</table>
Research on other California cities revealed similar results with starting rents ranging from $1,500 to $3,333 per month as shown in Table 3.

**Table 3-Comparison of Wireless Tower Ground Leases by other California Cities**

<table>
<thead>
<tr>
<th>City</th>
<th>Starting Lease Rate</th>
<th>Base Year</th>
<th>Annual Escalator</th>
<th>Current Lease Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Avondale</td>
<td>$1,500</td>
<td>2013</td>
<td>3.5%</td>
<td>$1,908.42</td>
</tr>
<tr>
<td>Costa Mesa</td>
<td>$2,000</td>
<td>2011</td>
<td>3%</td>
<td>$2,609.55</td>
</tr>
<tr>
<td>Glendale</td>
<td>$3,000</td>
<td>2010</td>
<td>4%</td>
<td>$4,440.73</td>
</tr>
<tr>
<td>Orange County</td>
<td>$3,333</td>
<td>2012</td>
<td>3%</td>
<td>$4,222.56</td>
</tr>
<tr>
<td>Victorville</td>
<td>$1,500</td>
<td>2010</td>
<td>3%</td>
<td>$2,015.87</td>
</tr>
<tr>
<td>Sausalito</td>
<td>$1,850</td>
<td>2009</td>
<td>CPI w/5% cap</td>
<td></td>
</tr>
<tr>
<td>Torrance</td>
<td>$2,500</td>
<td>2015</td>
<td>Unknown</td>
<td></td>
</tr>
<tr>
<td>Southgate</td>
<td>$1,500</td>
<td>2004</td>
<td>3%</td>
<td>$2,407.06</td>
</tr>
<tr>
<td></td>
<td>$2,200</td>
<td>2015</td>
<td>4%</td>
<td>$2,676.64</td>
</tr>
<tr>
<td>Long Beach</td>
<td>$2,500</td>
<td>2013</td>
<td>3%</td>
<td>$3,074.68</td>
</tr>
<tr>
<td>Beaumont</td>
<td>$2,500</td>
<td>2015</td>
<td>Unknown</td>
<td></td>
</tr>
<tr>
<td><strong>AVERAGE</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$2,912.44</strong></td>
</tr>
</tbody>
</table>

**ENVIRONMENTAL ASSESSMENT:**

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures).

**FISCAL IMPACT:**

The Lease Agreement would provide the Agency revenue of $3,300.00/month to General Fund revenue account # 001-34624.

**SUBMITTED BY:**

Diana R. Shay
Redevelopment Coordinator

Marcus L. Fuller, MPA, P.E., P.L.S.
Assistant City Manager/City Engineer

Jay Virata, Director
Community and Economic Development

David H. Ready, Esq., Ph.D.
City Manager
Attachments:

A. Public Disclosure Documents
B. Lease Agreement
C. Photograph Simulations – Conceptual
ATTACHMENT A
Who Must File?

Applicants that are NOT a natural person or group of natural people that will be identified on the application, and seek a City approval determined by a vote of City officials. Examples include corporations, limited liability companies, trusts, etc. that seek a City Council approval, or an approval by one of the City's board or commissions.

Why Must I File?

The City of Palm Springs Public Integrity Ordinance advances transparency in municipal government and assists public officials in avoiding conflicts of interest. The City's Public Integrity Ordinance, codified in Chapter 2.60 of the municipal code, reflects the City's interest in ensuring that companies (and other legal entities that are not natural people) doing business in the community are transparent and make disclosure as to their ownership and management, and further that those companies disclose the identity of any person, with an beneficial ownership interest of five percent (5%) or more.

When Must I File?

You must file this form with the Office of the City Clerk at the same time when you file your application for a City approval determined by a vote of City officials, whether elected or appointed.
What Must I Disclose?

A. The names of all natural persons who are officers, directors, members, managers, trustees, and other fiduciaries serving trusts or other types of organizations (attorneys, accountants, etc.).

Note: (1) you must make these disclosures in relation to the applicant entity, and also in relation to any related entity that owns a part of, or makes a profit based upon the business of the applicant entity. Disclosures may include parent, subsidiary or affiliated entities of the applicant entity; (2) if any entity that is not a natural person serves the applicant entity (e.g., as a member of an applicant LLC), then all officers, directors, members, managers, trustees, etc., of the second entity must be disclosed.

B. The names of persons owning a beneficial interest of five percent (5%) or more in your entity. Owners/investors who have such an interest hold either investment power or voting power, i.e., they can (i) sell or transfer their interest, or (i) vote their interest in management decisions.

NOTE: USE ADDITIONAL PAGES AS NECESSARY

What if I Have Questions?

If you have any questions about how to complete this form, please contact:
City Attorney, Edward Z. Kotkin (email: Edward.Kotkin@palmspringsca.gov)

PENALTIES

Falsification of information or failure to report information required to be reported may subject you to administrative action by the City.
1. Name of Entity
   Los Angeles SMSA Limited Partnership, a California Limited Partnership

2. Address of Entity (Principle Place of Business)
   One Verizon Way, Basking Ridge, New Jersey 07920

3. Local or California Address (If different than #2)
   15505 Sand Canyon Ave., Bldg., D., Irvine, CA 92618

4. State where Entity is Registered with Secretary of State
   California

   If other than California, is the Entity also registered in California?  Yes  No

5. Type of Entity
   - Corporation  
   - Limited Liability Company  X Partnership  
   - Trust  
   - Other (please specify)

6. Officers, Directors, Members, Managers, Trustees, Other Fiduciaries (please specify)
   Note: If any response is not a natural person, please identify all officers, directors, members, managers and other fiduciaries for the member, manager, trust or other entity

<table>
<thead>
<tr>
<th>Entity Name</th>
<th>Officer</th>
<th>Director</th>
<th>Member</th>
<th>Manager</th>
<th>General Partner</th>
<th>Limited Partner</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>AirTouch Cellular Inc.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X General Partner</td>
<td></td>
<td></td>
</tr>
<tr>
<td>[name]</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Cellco Partnership</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X Limited Partner</td>
<td></td>
</tr>
<tr>
<td>[name]</td>
<td></td>
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</tr>
<tr>
<td>United States Investment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X Limited Partner</td>
<td></td>
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<tr>
<td>Corporation of Los Angeles</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>[name]</td>
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<tr>
<td>EXAMPLE</td>
<td>Owners/Investors with a 5% beneficial interest in the Applicant Entity or a related entity</td>
<td></td>
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</tr>
<tr>
<td>JANE DOE</td>
<td>50%, ABC COMPANY, Inc.</td>
<td></td>
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<td>[name of owner/investor]</td>
<td>[percentage of beneficial interest in entity and name of entity]</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>A.</td>
<td>AirTouch Cellular Inc.</td>
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<tr>
<td>[name of owner/investor]</td>
<td>[percentage of beneficial interest in entity and name of entity]</td>
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<tr>
<td>B.</td>
<td>Cellco Partnership</td>
<td></td>
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</tr>
<tr>
<td>[name of owner/investor]</td>
<td>[percentage of beneficial interest in entity and name of entity]</td>
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</tr>
<tr>
<td>C.</td>
<td>United States Investment Corporation of Los Angeles</td>
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<td></td>
</tr>
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<td>[name of owner/investor]</td>
<td>[percentage of beneficial interest in entity and name of entity]</td>
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<tr>
<td>D.</td>
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</tr>
<tr>
<td>[name of owner/investor]</td>
<td>[percentage of beneficial interest in entity and name of entity]</td>
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<tr>
<td>E.</td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>[name of owner/investor]</td>
<td>[percentage of beneficial interest in entity and name of entity]</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

Signature of Disclosing Party, Printed Name, Title

Date 5/1/2020

CITY OF PALM SPRINGS – PUBLIC INTEGRITY DISCLOSURE FORM
APPLICANT DISCLOSURE FORM
Page 2 of 2

(Revised 09.13.18)
LA SMSA LP d/b/a Verizon Wireless owners:

Air Touch Cellular Inc 82.3%
Cellco Partnership 12.2%
U.S. Cellular Investment Corp of LA 5.5%

Air Touch is a wholly owned subsidiary of Cellco Partnership. Cellco is a wholly owned subsidiary of VZW.

VZW = 94.5% of LA SMSA LP
U.S. Cellular = 5.5% of LA SMSA LP

List of officers and board of directors of each entity is included in this document.
1. ORGANIZATION AND MANAGEMENT

The principal activity of the Los Angeles SMSA Limited Partnership, a California Limited Partnership (Los Angeles SMSA) formed in 1984, is to provide cellular service in the Los Angeles metropolitan statistical area. Through March 2018, the financial statements included the accounts of the Los Angeles SMSA and Los Angeles Edge LLC, a wholly owned subsidiary of Los Angeles SMSA (collectively, the "Partnership"). Los Angeles Edge LLC was formed during 2015 and was a bankruptcy remote special purpose entity (SPE), created for the purpose of selling wireless device payment plan agreement receivables to third parties (see Wireless Device Payment Plans Note). The Los Angeles Edge LLC entity was dissolved on March 29, 2018 and as of this date the Partnership consists of only Los Angeles SMSA.

The partners and their respective ownership percentages of the Partnership as of December 31, 2019 were as follows:

<table>
<thead>
<tr>
<th>General Partner</th>
<th>Limited Partners</th>
</tr>
</thead>
<tbody>
<tr>
<td>AirTouch Cellular Inc.</td>
<td>40.5%</td>
</tr>
<tr>
<td>Celco Partnership</td>
<td>42.3%</td>
</tr>
<tr>
<td>United States Cellular Investment Corporation of Los Angeles</td>
<td>12.2%</td>
</tr>
<tr>
<td>Celco is an indirect, wholly-owned subsidiary of Verizon Communications Inc. (Verizon). Substantially all of the Partnership's transactions represent transactions with, or processed by, Celco and/or certain other affiliates (collectively, Verizon Wireless).</td>
<td></td>
</tr>
</tbody>
</table>

2. SIGNIFICANT ACCOUNTING POLICIES

Reclassification

Certain prior year amounts have been reclassified to conform to the current year presentation.

Use of estimates

The financial statements are prepared using U.S. generally accepted accounting principles (GAAP), which requires management to make estimates and assumptions that affect reported amounts and disclosures. Actual results could differ from those estimates.

Examples of significant estimates include: the allowance for uncollectible accounts, the recoverability of property, plant and equipment and long-lived assets, the incremental borrowing rate for the operating lease liability, beneficial interest associated with sold device payment plan agreement receivables, and fair values of financial instruments.

Revenue recognition

The Partnership earns revenue from contracts with customers, primarily by providing access to and usage of the Verizon Wireless telecommunications network and selling equipment. These revenues are accounted for under Accounting Standards Update (ASU) 2014-09, Revenue from Contracts with Customers (Topic 606), which the Partnership adopted on January 1, 2018 using the modified retrospective approach. This standard update, along with related subsequently issued updates, clarifies the principles for recognizing revenue and develops a common revenue standard for GAAP. The standard update also amended the guidance for the recognition of costs to obtain customer contracts such that incremental costs of obtaining customer contracts are deferred and amortized consistent with the transfer of the related good or service.

The Partnership also earns revenues that are not accounted for under Topic 606 from leasing arrangements (such as those from towers) and the interest on equipment financed under a device payment plan agreement when sold to the customer by an authorized agent.

Wireless services are offered through a variety of plans on a postpaid or prepaid basis. For wireless service, the Partnership recognizes revenue using an output method, either as the service allowance units are used or as time elapses, because it reflects the pattern by which the performance obligations are satisfied through the transfer of service to the customer. Monthly service is generally billed in advance, which results in a contract liability. See Revenue and Contract Costs Note for additional information. For postpaid plans where monthly usage exceeds the allowance, the overage usage represents options held by the customer for incremental services and the usage-based fee is recognized when the customer exercises the option (typically on a month-to-month basis).
<table>
<thead>
<tr>
<th>Name</th>
<th>State of Incorporation / Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Verizon Delaware LLC</td>
<td>Delaware</td>
</tr>
<tr>
<td>Verizon Maryland LLC</td>
<td>Delaware</td>
</tr>
<tr>
<td>Verizon New England Inc.</td>
<td>New York</td>
</tr>
<tr>
<td>Verizon New Jersey Inc.</td>
<td>New Jersey</td>
</tr>
<tr>
<td>Verizon New York Inc.</td>
<td>New York</td>
</tr>
<tr>
<td>Verizon Pennsylvania LLC</td>
<td>Delaware</td>
</tr>
<tr>
<td>Verizon Virginia LLC</td>
<td>Virginia</td>
</tr>
<tr>
<td>Bell Atlantic Mobile Systems LLC</td>
<td>Delaware</td>
</tr>
<tr>
<td>Callico Partnership (d/b/a Verizon Wireless)</td>
<td>Delaware</td>
</tr>
<tr>
<td>GTE LLC</td>
<td>Delaware</td>
</tr>
<tr>
<td>GTE Wireless LLC</td>
<td>Delaware</td>
</tr>
<tr>
<td>MCI Communications Corporation</td>
<td>Delaware</td>
</tr>
<tr>
<td>Verizon Americas Inc.</td>
<td>Delaware</td>
</tr>
<tr>
<td>Verizon Business Global LLC</td>
<td>Delaware</td>
</tr>
</tbody>
</table>
Table of Contents

Item 9B. Other Information
None.

PART III

Item 10. Directors, Executive Officers and Corporate Governance

Set forth below is information with respect to our executive officers.

<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
<th>Office</th>
<th>Held Since</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hans Vestberg</td>
<td>54</td>
<td>Chairman and Chief Executive Officer</td>
<td>2019</td>
</tr>
<tr>
<td>Ronan Dunne</td>
<td>56</td>
<td>Executive Vice President and Group CEO - Verizon Consumer</td>
<td>2019</td>
</tr>
<tr>
<td>Matthew D. Ellis</td>
<td>48</td>
<td>Executive Vice President and Chief Financial Officer</td>
<td>2016</td>
</tr>
<tr>
<td>Tami A. Erwin</td>
<td>55</td>
<td>Executive Vice President and Group CEO - Verizon Business</td>
<td>2019</td>
</tr>
<tr>
<td>K. Guru Gowrappan</td>
<td>39</td>
<td>Executive Vice President and Group CEO - Verizon Media</td>
<td>2019</td>
</tr>
<tr>
<td>Kyle Malady</td>
<td>52</td>
<td>Executive Vice President and Chief Technology Officer</td>
<td>2019</td>
</tr>
<tr>
<td>Christine Pambianchi</td>
<td>51</td>
<td>Executive Vice President and Chief Human Resources Officer</td>
<td>2019</td>
</tr>
<tr>
<td>Rima Qureshi</td>
<td>55</td>
<td>Executive Vice President and Chief Strategy Officer</td>
<td>2017</td>
</tr>
<tr>
<td>Craig L. Stillman</td>
<td>52</td>
<td>Executive Vice President and Chief Administrative, Legal and Public Policy Officer</td>
<td>2019</td>
</tr>
<tr>
<td>Anthony T. Skidas</td>
<td>51</td>
<td>Senior Vice President and Controller</td>
<td>2013</td>
</tr>
</tbody>
</table>

Prior to serving as an executive officer, each of the above officers has held high-level managerial positions with the Company or one of its subsidiaries for at least five years, with the exception of Hans Vestberg, who has been with the Company since 2017, Ronan Dunne, who has been with the Company since 2016, K. Guru Gowrappan, who has been with the Company since 2018, Christine Pambianchi, who has been with the Company since 2019 and Rima Qureshi, who has been with the Company since 2017. Officers are not elected for a fixed term of office and may be removed from office at any time at the discretion of the Board of Directors.

Hans Vestberg is the Chairman and Chief Executive Officer of Verizon. Mr. Vestberg joined the Company in April 2017 as Executive Vice President and President - Global Networks and Technology. He began serving in his current role of Chief Executive Officer in August 2018 and was elected Chairman in March 2019. Prior to joining Verizon, Mr. Vestberg served for six years as President and Chief Executive Officer of Ericsson, a multinational networking and telecommunications equipment and services company headquartered in Sweden.

Ronan Dunne is the Executive Vice President and Group CEO - Verizon Consumer. Mr. Dunne joined the Company in September 2016 as Executive Vice President and President of Verizon Wireless. Prior to joining Verizon, Mr. Dunne served for eight years as Chief Executive Officer of Telefonica UK Limited (O2), the second largest wireless operator in the United Kingdom.

K. Guru Gowrappan is the Executive Vice President and Group CEO - Verizon Media. Mr. Gowrappan joined the Company in April 2018 as the President and Chief Operating Officer of Oath. He began serving in his current role in October 2018. Prior to joining Verizon, Mr. Gowrappan served as the Global Managing Director of Alibaba Inc. from 2015 to 2018 and as the Chief Operating Officer for Quixey, a mobile search engine, from 2012 to 2015.

Christine Pambianchi is the Executive Vice President and Chief Human Resources Officer. Ms. Pambianchi joined the Company in July 2019. Prior to joining Verizon, Ms. Pambianchi led the Human Resources function at Corning Incorporated, a leading innovator in materials science, where she served as Executive Vice President, People and Digital, from 2018 to 2019 and as Senior Vice President, Human Resources, from 2010 to 2018.

Rima Qureshi is Executive Vice President and Chief Strategy Officer of Verizon. Ms. Qureshi joined the Company in November 2017. Prior to joining Verizon, Ms. Qureshi served as President and Chief Executive Officer of Ericsson North America from 2016 to 2017 and as Senior Vice President and Chief Strategy Officer and head of mergers and acquisitions of Ericsson from 2014 to 2016. Ms. Qureshi also served as Vice President of Ericsson’s CDMA Mobile Systems Group, Senior Vice President of Strategic Projects, Chairman of Ericsson’s Northern Europe, Russia and Central Asia Group and Chairman of Ericsson’s Modern division before becoming Chief Strategy Officer.

For other information required by this item, see the sections entitled “Governance — Item 1: Election of Directors — Nominees for Election and — Election Process, — Our Approach to Governance — Where to Find More Information on Governance at Verizon, — Our Board Composition and Structure — Board Committees — Audit Committee and — Our Approach to Strategy and Risk Oversight — Other Risk-Related Matters — Business Conduct and Ethics” in our definitive Proxy Statement to be filed with the Securities and Exchange Commission and delivered to shareholders in connection with our 2020 Annual Meeting of Shareholders, which are incorporated herein by reference.
**Agenda and Voting Recommendations**

**Item 1: Election of Directors**

The Board of Directors recommends that you vote **FOR** the election of these Director candidates.

Shareholders are being asked to elect 10 Directors. Verizon's Directors are elected for a term of one year by a majority of the votes cast in an uncontested election. Additional information about the Director candidates and their respective qualifications begins on page 5.

<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
<th>Director Since</th>
<th>Primary Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shellye L. Archambeau</td>
<td>56</td>
<td>2013</td>
<td>Former Chief Executive Officer, MetricStream, Inc.</td>
</tr>
<tr>
<td>Mark T. Bertolini</td>
<td>62</td>
<td>2015</td>
<td>Former Chairman and Chief Executive Officer, Aetna Inc.</td>
</tr>
<tr>
<td>Vittorio Colao</td>
<td>57</td>
<td></td>
<td>Former Chief Executive, Vodafone Group Plc</td>
</tr>
<tr>
<td>Melanie L. Healey</td>
<td>57</td>
<td>2011</td>
<td>Former Group President of The Procter &amp; Gamble Company</td>
</tr>
<tr>
<td>Clarence Otis, Jr.</td>
<td>62</td>
<td>2006</td>
<td>Former Chairman and Chief Executive Officer, Darden Restaurants, Inc.</td>
</tr>
<tr>
<td>Daniel H. Schulman</td>
<td>61</td>
<td>2018</td>
<td>President and Chief Executive Officer, PayPal Holdings, Inc.</td>
</tr>
<tr>
<td>Rodney E. Slater</td>
<td>64</td>
<td>2010</td>
<td>Partner, Squire Patton Boggs LLP</td>
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<tr>
<td>Kathryn A. Tesija</td>
<td>56</td>
<td>2012</td>
<td>Former Executive Vice President and Chief Merchandising and Supply Chain Officer, Target Corporation</td>
</tr>
<tr>
<td>Hans Vestberg</td>
<td>53</td>
<td>2018</td>
<td>Chairman and Chief Executive Officer, Verizon Communications Inc.</td>
</tr>
<tr>
<td>Gregory G. Weaver</td>
<td>67</td>
<td>2015</td>
<td>Former Chairman and Chief Executive Officer, Deloitte &amp; Touche LLP</td>
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Committee Membership*

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<tr>
<th></th>
<th>Independent</th>
<th>Audit</th>
<th>Corporate Governance and Policy</th>
<th>Finance</th>
<th>Human Resources</th>
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</thead>
<tbody>
<tr>
<td>Audit Committee Chair</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Ages and Committee memberships are as of March 18, 2019

* Committee Chair  Audit Committee Financial Expert
U.S. Cellular owns a 5.5% limited partnership interest in the Los Angeles SMSA Limited Partnership, and accounts for such interest by the equity method. The partnership’s financial statements were obtained by U.S. Cellular as a limited partner.
<table>
<thead>
<tr>
<th>SUBSIDIARY COMPANIES</th>
<th>STATE OF ORGANIZATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>BANGOR CELLULAR TELEPHONE, L.P.</td>
<td>DELAWARE</td>
</tr>
<tr>
<td>CALIFORNIA RURAL SERVICE AREA #1, INC.</td>
<td>CALIFORNIA</td>
</tr>
<tr>
<td>CEDAR RAPIDS CELLULAR TELEPHONE, L.P.</td>
<td>DELAWARE</td>
</tr>
<tr>
<td>CELLVEST, INC.</td>
<td>DELAWARE</td>
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<tr>
<td>CENTRAL CELLULAR TELEPHONES, LTD.</td>
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</tr>
<tr>
<td>CHAMPLAIN CELLULAR, INC.</td>
<td>NEW YORK</td>
</tr>
<tr>
<td>COMMUNITY CELLULAR TELEPHONE COMPANY</td>
<td>TEXAS</td>
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<tr>
<td>CROWN POINT CELLULAR, INC.</td>
<td>NEW YORK</td>
</tr>
<tr>
<td>DUBUQUE CELLULAR TELEPHONE, L.P.</td>
<td>DELAWARE</td>
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<tr>
<td>HARDY CELLULAR TELEPHONE COMPANY</td>
<td>INDIANA</td>
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<td>INDIANA RSA # 5, INC.</td>
<td>INDIANA</td>
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<tr>
<td>INDIANA RSA NO. 4 LIMITED PARTNERSHIP</td>
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</tr>
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<td>INDIANA RSA NO. 5 LIMITED PARTNERSHIP</td>
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</tr>
<tr>
<td>IOWA RSA # 9, INC.</td>
<td>DELAWARE</td>
</tr>
<tr>
<td>IOWA RSA # 12, INC.</td>
<td>NORTH CAROLINA</td>
</tr>
<tr>
<td>JACKSONVILLE CELLULAR PARTNERSHIP</td>
<td>NORTH CAROLINA</td>
</tr>
<tr>
<td>JACKSONVILLE CELLULAR TELEPHONE COMPANY</td>
<td>DELAWARE</td>
</tr>
<tr>
<td>KANSAS #15 LIMITED PARTNERSHIP</td>
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<td>KENOSHA CELLULAR TELEPHONE, L.P.</td>
<td>ILLINOIS</td>
</tr>
<tr>
<td>LAB465, LLC</td>
<td>WISCONSIN</td>
</tr>
<tr>
<td>MADISON CELLULAR TELEPHONE COMPANY</td>
<td>MAINE</td>
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<tr>
<td>MAINE RSA # 1, INC.</td>
<td>MAINE</td>
</tr>
<tr>
<td>MAINE RSA # 4, INC.</td>
<td>DELAWARE</td>
</tr>
<tr>
<td>MCDANIEL CELLULAR TELEPHONE COMPANY</td>
<td>DELAWARE</td>
</tr>
<tr>
<td>MINNESOTA INVCO OF RSA # 7, INC.</td>
<td>NEW YORK</td>
</tr>
<tr>
<td>NEWPORT CELLULAR, INC.</td>
<td>NEW HAMPSHIRE</td>
</tr>
<tr>
<td>NH #1 RURAL CELLULAR, INC.</td>
<td>OREGON</td>
</tr>
<tr>
<td>OREGON RSA #2, INC.</td>
<td>WISCONSIN</td>
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<tr>
<td>PCS WISCONSIN, LLC</td>
<td>WISCONSIN</td>
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<tr>
<td>RACINE CELLULAR TELEPHONE COMPANY</td>
<td>TENNESSE</td>
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<tr>
<td>TENNESSEE NO. 3, LIMITED PARTNERSHIP</td>
<td>TEXAS</td>
</tr>
<tr>
<td>TEXAHOMA CELLULAR LIMITED PARTNERSHIP</td>
<td>DELAWARE</td>
</tr>
<tr>
<td>TEXAS INVCO OF RSA # 6, INC.</td>
<td>OKLAHOMA</td>
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<tr>
<td>TOWNSHIP CELLULAR TELEPHONE, INC.</td>
<td>DELAWARE</td>
</tr>
<tr>
<td>UNITED STATES CELLULAR INVESTMENT CO. OF OKLAHOMA CITY, LLC.</td>
<td>DELAWARE</td>
</tr>
<tr>
<td>UNITED STATES CELLULAR INVESTMENT COMPANY, LLC</td>
<td>INDIANA</td>
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<tr>
<td>UNITED STATES CELLULAR INVESTMENT CORPORATION OF LOS ANGELES</td>
<td>DELAWARE</td>
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<td>UNITED STATES CELLULAR OPERATING COMPANY LLC</td>
<td>MAINE</td>
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<td>UNITED STATES CELLULAR OPERATING COMPANY OF BANGOR</td>
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<td>UNITED STATES CELLULAR OPERATING COMPANY OF CEDAR RAPIDS</td>
<td>DELAWARE</td>
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<td>UNITED STATES CELLULAR OPERATING COMPANY OF CHICAGO, LLC</td>
<td>IOWA</td>
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<tr>
<td>UNITED STATES CELLULAR OPERATING COMPANY OF DUBUQUE</td>
<td>TENNESSE</td>
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<td>UNITED STATES CELLULAR OPERATING COMPANY OF KNOXVILLE</td>
<td>OREGON</td>
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<tr>
<td>UNITED STATES CELLULAR OPERATING COMPANY OF MEDFORD</td>
<td>WASHINGTON</td>
</tr>
<tr>
<td>UNITED STATES CELLULAR OPERATING COMPANY OF YAKIMA</td>
<td>TENNESSE</td>
</tr>
<tr>
<td>UNITED STATES CELLULAR TELEPHONE COMPANY (GREATER KNOXVILLE), L.P.</td>
<td></td>
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</tbody>
</table>
U.S. Cellular Policy on Attendance of Directors at Annual Meeting of Shareholders

All directors are invited and encouraged to attend each annual meeting of shareholders, which is normally followed by a meeting of the board of directors. In general, all directors attend each annual meeting of shareholders unless they are unable to do so because of unavoidable commitments or intervening events. All of the incumbent directors attended the 2019 annual meeting.

EXECUTIVE OFFICERS

The below list does not include LeRoy T. Carlson, Jr., Micheal S. Irizarry and Kenneth R. Meyers who are also U.S. Cellular incumbent board members or nominees to the board and included in the disclosure above under "Election of Directors".

<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
<th>Position with U.S. Cellular</th>
</tr>
</thead>
<tbody>
<tr>
<td>Steven T. Campbell</td>
<td>68</td>
<td>Current Director and Executive Vice President - Chief Administrative Officer</td>
</tr>
<tr>
<td>Jay M. Ellison</td>
<td>67</td>
<td>Executive Vice President and Chief Operating Officer</td>
</tr>
<tr>
<td>Deirdre C. Drake</td>
<td>54</td>
<td>Executive Vice President and Chief Human Resources Officer</td>
</tr>
<tr>
<td>Douglas W. Chambers</td>
<td>50</td>
<td>Senior Vice President, Chief Financial Officer and Treasurer</td>
</tr>
</tbody>
</table>

Steven T. Campbell. Steven T. Campbell was appointed Executive Vice President - Chief Administrative Officer on June 24, 2019. Prior to that he was Executive Vice President - Finance, Chief Financial Officer and Treasurer since 2007. Mr. Campbell first joined U.S. Cellular in 2005 as Vice President and Controller. Mr. Campbell announced his retirement from U.S. Cellular effective June 19, 2020. Mr. Campbell is a current member of the Board of Directors of U.S. Cellular and will not be standing for election at the 2020 Annual Meeting.

Jay M. Ellison. Jay M. Ellison was appointed Executive Vice President and Chief Operating Officer in 2017. Prior to that, he was Executive Vice President-Operations since 2014 and prior to that Executive Vice President—Sales and Customer Service since 2013. Prior to that, he had been retired since 2010. Prior to his retirement, he had been Executive Vice President and Chief Operating Officer of U.S. Cellular from 2005 through 2009. He first joined U.S. Cellular in 2000 as Executive Vice President—Operations.

Deirdre C. Drake. Deirdre C. Drake was appointed Executive Vice President and Chief Human Resources Officer in May, 2018. Prior to that she was Senior Vice President - Chief Human Resources Officer since 2014. Prior to that, she was Managing Director and Chief Human Resources officer for Bank of Montreal Capital Markets between 2012 and 2014. Prior to that, she was Senior Vice President, Human Resources, of BMO Harris Bank, N.A., for more than five years.

Douglas W. Chambers. Douglas W. Chambers was appointed Senior Vice President, Chief Financial Officer and Treasurer in June, 2019. Prior to that he was Senior Vice President-Finance and Chief Accounting Officer for TDS since May, 2018. Prior to that, he was Vice President and Controller at U. S. Cellular since 2017, prior to that he was Vice President and Controller for TDS since 2015 and Assistant Controller at TDS since 2012.

Codes of Business Conduct and Ethics Applicable to Directors and Officers

U.S. Cellular has adopted a Code of Business Conduct and Ethics for Officers and Directors. The foregoing code can be found on U.S. Cellular's website, www.uscellular.com, Investor Relations—Corporate Governance.

In addition, U.S. Cellular has adopted a broad Code of Business Conduct that is applicable to all officers and employees of U.S. Cellular and its subsidiaries. The foregoing code can also be found on U.S. Cellular's website, www.uscellular.com, Investor Relations—Corporate Governance.

U.S. Cellular intends to disclose any amendments to any of the foregoing codes, by posting such information to U.S. Cellular's website. Any waivers of any of the foregoing codes for directors or executive officers will be approved by U.S. Cellular's board of directors or an authorized committee thereof, as applicable, and disclosed on either the website or in a Form 8-K. There were no such waivers in 2019.
U.S. Cellular's Board of Directors

PROPOSAL 1

ELECTION OF DIRECTORS

The terms of all incumbent directors will expire at the 2020 Annual Meeting. The board of directors' nominees for election as directors are identified in the table below. Each of the nominees has consented to be named and serve if elected. The age of the following persons is as of the date of this 2020 Proxy Statement.

To be Elected by Holders of Common Shares

<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
<th>Position with U.S. Cellular and Principal Occupation</th>
<th>Served as Director since</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gregory P. Joselowicz</td>
<td>67</td>
<td>Director of U.S. Cellular, Former Chairman, Chief Executive Officer and President of Borders Group, Inc. and former Chief Executive Officer of the Jewel-Osco division of American Stores Company</td>
<td>2009</td>
</tr>
<tr>
<td>Cecelia D. Stewart</td>
<td>61</td>
<td>Director of U.S. Cellular, Former President of U.S. Consumer and Commercial Banking of Citigroup Inc.</td>
<td>2013</td>
</tr>
</tbody>
</table>

To be Elected by Holders of Series A Common Shares

<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
<th>Position with U.S. Cellular and Principal Occupation</th>
<th>Served as Director since</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leroy T. Carlson, Jr.</td>
<td>73</td>
<td>Chairman and Director of U.S. Cellular and Director and President and Chief Executive Officer of TDS, the parent of U.S. Cellular</td>
<td>1984</td>
</tr>
<tr>
<td>Walter C. Dennis</td>
<td>66</td>
<td>Director of U.S. Cellular and Partner, Sidley Austin LLP, Chicago, Illinois and Director of TDS</td>
<td>1989</td>
</tr>
<tr>
<td>Ronald E. Daly</td>
<td>73</td>
<td>Director of U.S. Cellular, Former President and Chief Executive Officer of Oce-USA Holding, Inc. and former President of the Printing Solutions division of R.R. Donnelley, Inc.</td>
<td>2004</td>
</tr>
<tr>
<td>Henry J. Hatzak, Jr.</td>
<td>63</td>
<td>Director of U.S. Cellular, Managing Director of Sawdust Capital, LLC and former Executive Vice President at CDW Corporation</td>
<td>2003</td>
</tr>
<tr>
<td>Michael S. Irizarry</td>
<td>58</td>
<td>Executive Vice President and Chief Technology Officer - Engineering and Information Services of U.S. Cellular</td>
<td>N/A</td>
</tr>
<tr>
<td>Kenneth R. Meyer</td>
<td>66</td>
<td>Director, President and Chief Executive Officer of U.S. Cellular and Director of TDS</td>
<td>1999</td>
</tr>
<tr>
<td>Peter L. Sendas</td>
<td>61</td>
<td>Director of U.S. Cellular and Executive Vice President and Chief Financial Officer of TDS</td>
<td>2014</td>
</tr>
<tr>
<td>Kurt B. Thraus</td>
<td>61</td>
<td>Director of U.S. Cellular and Senior Vice President and Chief Information Officer of TDS</td>
<td>2014</td>
</tr>
</tbody>
</table>

Your board of directors unanimously recommends a vote "FOR" the above nominees.

The board of directors does not have any specific, minimum qualifications that must be met by a nominee, or any specific qualities or skills that are necessary for directors to possess. The U.S. Cellular board believes that substantial judgment, diligence and care are required to identify and select qualified persons and it does not believe that it would be appropriate to place limitations on its own discretion.

8
ATTACHMENT B
CITY OF PALM SPRINGS

WIRELESS COMMUNICATIONS FACILITIES SITE LEASE

This Communications Site Facilities Lease (the "Lease") is made and entered into this _____ day of ________, 2020, by and between the CITY OF PALM SPRINGS (herein "LESSOR" or "City"), and Los Angeles SMSA Limited Partnership, d/b/a Verizon Wireless (herein "LESSEE"). LESSOR and LESSEE are at times hereinafter collectively referred to as "Parties" or individually as the "Party".

RECITALS

WHEREAS, LESSOR is the fee title owner of property located at 3601 Mesquite Ave. in the City of Palm Springs, California (the "Property") described more particularly in Exhibit A attached hereto, which description is fully incorporated herein by this reference; and

WHEREAS, LESSEE desires to lease space on the Property from LESSOR on the terms and conditions herein in order to install and operate a wireless telecommunications site.

LEASE

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants, conditions, and agreements contained herein, the receipt and sufficiency of which is hereby acknowledged, the Parties to this Lease do hereby agree as follows:

1. LEASED PREMISES:

1.1 DEMISE: LESSOR leases to LESSEE a portion of the Property as more particularly described in Exhibit B (the "Premises"), attached hereto and incorporated herein by this reference for the installation, operation, repair and maintenance of LESSEE's wireless communications facility and uses incidental thereto (the "Facilities").

1.2 LESSEE ACCESS: LESSOR shall provide LESSEE, LESSEE's employees, agents, and sub-contractors access to the Premises after LESSEE provides LESSOR with 24 hours notice. Provided, however, that in the event of an "emergency or special circumstance", which would leave the Facilities inoperable during normal non-business hours, LESSEE may access the Property at any time to make necessary repairs and shall provide notice to LESSOR as soon as reasonably practicable. For purposes of this Lease, the phrase "emergency or special circumstance" shall be interpreted to mean situations of imminent risk of harm to persons or property, automobile accidents or natural disasters, including, but not limited to flooding, wind, and earthquakes.

2. USE OF LEASED PREMISES: To the extent provided in this Lease, LESSEE may use the Premises to facilitate provision of wireless communication services, including the transmission and the reception of communication signals of various frequencies. Subject to the terms and
conditions of this Lease, LESSEE may install, construct, maintain, repair, replace and operate on the Premises the Facilities depicted and/or described in general in Exhibit C, attached hereto and incorporated herein by reference, as approved by LESSOR in writing prior to taking such actions. To the extent reasonable, LESSOR shall cooperate with LESSEE in applying for and obtaining all licenses, permits, and any and all other necessary approvals that may be required for LESSEE's use of the Premises.

3. LEASE TERM:

3.1 INITIAL TERM: The initial term of this Lease shall be the first day of the month after LESSEE begins installation of LESSEE's Facilities (the "Commencement Date") and shall continue for five (5) years from that date (the "Initial Term") unless terminated pursuant to Section 8 hereinbelow.

3.2 RENEWAL TERM: This Lease shall automatically be extended for three (3) additional five (5) year terms (each, a "Renewal Term") unless LESSEE terminates it at the end of the then current term by giving LESSOR written notice of the intent to terminate at least 3 months prior to the end of the then current term. The Initial Term and the Renewal Term(s) shall be collectively referred to herein as the "Term."

4. PAYMENT OF RENT: At the Commencement Date, LESSEE agrees to pay to LESSOR, the amounts set forth in this section, each month in advance, on the first of each month, as rental for the Premises for the Term of the Lease, payable to the City of Palm Springs, 3200 East Tahquitz Canyon Way, Palm Springs, California 92262, Attn: Accounts Receivable, Finance Department. In addition, LESSEE agrees to do and perform all other covenants and agreements contained in this Lease.

4.1 BASE RENTAL PAYMENT: The Base Rental Payment under this Lease shall be determined based upon the number of wireless communications carriers operating equipment on the Facilities. LESSEE shall pay LESSOR $3,300 per month (the "LESSEE Rent") payable on the first day of the month, in advance, to LESSOR or to such other person, firm, or place as LESSOR may, from time to time, designate in writing at least 30 days in advance of any LESSEE Rent payment date by notice given in accordance with Paragraph 17.9 below for each month. In addition, in the event LESSEE elects to sublease space on the Facilities, LESSEE shall pay LESSOR an additional $1,000 per month for each carrier operating wireless communication equipment on the Facilities in addition to LESSEE ("Additional Carrier Component"). The sum of the LESSEE Rent and the Additional Carrier Component shall be referred to as the "Base Rental" herein. If the Commencement Date is a date other than the first day of the month, the Base Rental for the first calendar month shall be paid on the Commencement Date and prorated on the basis of the number of actual days in such partial month.

4.2 ANNUAL INCREASES: Commencing on the first annual anniversary of the Commencement Date and on each annual anniversary of the Commencement Date
thereafter, the LESSEE Rent shall be increased by an amount equal to four percent (4%) of the LESSEE Rent in effect during the immediately preceding lease year.

4.3 **INTENTIONALLY OMITTED.**

4.4 **LATE CHARGE:** LESSEE acknowledges that late payment by LESSEE to LESSOR of Base Rental will cause LESSOR to incur costs not contemplated by this Lease, the exact amount of such costs being extremely difficult and impracticable to fix. Such costs include, without limitation, processing and accounting charges. Therefore, if any installment of Base Rental due from LESSEE is not received by LESSOR within ten (10) days of becoming due, LESSOR shall pay to LESSOR an additional sum of three percent (3%) of the overdue Base Rental as a late charge. The Parties agree that this late charge represents a fair and reasonable estimate of the costs that LESSOR will incur by reason of such late payment by LESSEE. Acceptance of any late charge shall not prevent LESSOR from exercising any of the other rights and remedies available to LESSOR.

4.5 **ADDITIONAL CONSIDERATION:** As consideration to the LESSOR for entering into this Lease, in addition to the rental payments specified above, within sixty (60) days of the Commencement Date of this Lease, LESSEE shall pay to the LESSOR the one-time sum of TWO THOUSAND FIVE HUNDRED DOLLARS ($2,500), which shall be deemed to equal the cost to LESSOR of the legal fees and administration required to consider, negotiate, and enter into this Lease. Such payment shall not be refunded or reimbursed to LESSEE for any reason, regardless of whether LESSEE terminates the Lease pursuant to its provisions or proceeds with construction of the Facilities.

4.6 **VERIFICATION OF RENT:** Once per calendar year, LESSOR may submit a written request to LESSEE for a business summary report pertaining to LESSEE's rent obligations for the prior twelve (12) month period, and LESSEE shall provide such written accounting to LESSOR within sixty (60) days after LESSEE's receipt of such written request.

5. **PROPERTY TAXES:** LESSEE recognizes and understands that this Lease may create a possessory interest subject to property taxation pursuant to Revenue and Taxation Code section 107.7 and that LESSEE may be subject to the payment of property taxes levied on such interest. LESSEE shall timely pay all property taxes and assessments directly attributable to LESSEE's possessory interest in the Premises. In no event shall LESSOR be liable for any property taxes and assessments owed as a result of this Lease. If LESSEE fails to make property taxes and assessments when due, LESSOR may, but shall not be obligated to, pay such amounts, and LESSEE shall reimburse LESSOR all such amounts plus LESSOR's reasonable out of pocket administrative costs of such payments and collection costs if any.

6. **LESSOR INSPECTION AND ENTRY; ACCESS FOR INSPECTIONS:**
6.1 LESSOR and/or its authorized representatives shall have the right to enter the Premises upon reasonable prior notice to LESSEE (which shall not be less than twenty-four (24) hours unless the LESSOR determines that exigent circumstances warrant a shorter period of time, so long as such entrance does not unreasonably interfere with LESSEE's use of the Premises):

A. To determine whether the Premises are in good condition and whether LESSEE is complying with its obligations under this Lease.

B. To do any necessary maintenance and to make any restoration to the Premises that LESSOR has the right or obligation to perform.

C. To serve, post, or keep posted any notices required or allowed under the provisions of this Lease.

D. To run electric or telephone conductors, pipes, conduits, or ductwork where necessary or desirable over, under, or through the Premises upon prior written notice to LESSEE and in a manner which will not unreasonably interfere with LESSEE's use of the Premises; provided that in the event of an emergency that constitutes an imminent threat of physical harm to persons or property, prior written notice shall not be required but LESSOR will provide notice as soon as possible following such emergency.

6.2 LESSOR shall not be liable in any manner for any inconvenience, disturbance, loss of business, or nuisance arising out of LESSOR's entry on the Premises as provided in this section, except for damage resulting from the acts or omissions of LESSOR or its authorized representatives. LESSEE shall not be entitled to an abatement or reduction of rent if LESSOR exercises any rights reserved in this section.

7. **CONSTRUCTION AND MAINTENANCE OF FACILITIES AND PREMISES:**

7.1 **LESSEE'S CONSTRUCTION:** LESSEE shall have the right to install, construct, maintain, repair, replace, and operate the Facilities on the Premises that are depicted in Exhibit C. The Parties intend that the antennas and appurtenances related thereto which are a part of the Facilities shall be constructed and maintained (1) on a monopole; (2) in such manner as to make the cabinetry blend into the surroundings; and (3) in such a manner that the Facilities will not interfere with the LESSOR's use of the Property for public park and community center purposes. Therefore, construction by LESSEE of any improvement, structure or work on the Premises shall be permitted only upon the express written consent of the LESSOR, which LESSOR may either grant or withhold in its reasonable discretion.

7.2 **CONSTRUCTION OF IMPROVEMENTS:** All improvements to the Premises shall be made in a good and workmanlike manner, at LESSEE's expense, in accordance with the requirements of all laws, ordinances, and regulations applicable thereto, including zoning requirements and building code requirements of the City of Palm Springs, and any municipal or other governmental agency...
having jurisdiction over the Premises and Facilities at the time the improvements are constructed. LEasser agrees to cooperate with LESSEE in connection with applying for any municipal permits for the construction of the aforementioned improvements. It is understood and agreed that such cooperation shall not be implied to include any expenditures of funds on the part of LEasser or any implied promise or warranty that such permits, discretionary, or otherwise, will be issued to LEasser. LEasser shall provide reasonable notice to the LEasser prior to entering the Premises for purposes of constructing the Facilities, and shall coordinate the scheduling and logistics of same with the LEasser to avoid any interference with the LEasser's operations at the Property. Once construction commences, any and all improvements made by LEasser with respect to the installation of the Facilities shall be diligently pursued to completion.

7.3 MECHANIC'S LIENS: LEasser shall not allow or permit to be enforced against the Premises, or any part thereof, and shall defend, indemnify, and hold LEasser harmless from any mechanic's, material suppliers', contractors', tax, or subcontractors' liens arising from any claim, for damage, or growing out of the work of any construction, repair, restoration, replacement, or improvement made by or alleged to have been made by or on behalf of LEasser. LEasser shall pay or cause to be paid all of such liens, claims, or demands before any action is brought to enforce the same against the Premises. If LEasser shall in good faith contest the validity of any such claim, lien, or demand, then LEasser shall, at its expense, defend itself and LEasser against same and shall pay and satisfy any settlement or adverse judgment that may be entered thereupon prior to the execution thereof. In the event of any such contest, LEasser shall provide LEasser with a security bond in a form and amount LEasser deems sufficient to allow the lien of record to be discharged as a matter of law.

7.4 CARE DURING CONSTRUCTION: LEasser shall exercise great care during construction. All applicable City standards and specifications shall be followed. LEasser's Public Works Director shall approve all work in writing prior to commencement.

7.5 LESSEE MAINTENANCE OF FACILITIES AND PREMISES: LEasser's maintenance of the Facilities and Premises shall include, but is not limited to:

A. Maintenance of all landscaping installed by LEasser, if any;

B. Repairs and/or replacements to LEasser's Facilities caused by acts of third parties, including theft, graffiti, and intentional acts;

C. Maintaining, in good, clean, safe, and sanitary condition and repair, all of LEasser's personal property. All Facilities on the Property must be maintained in a first-class condition without rust, paint, or surface deterioration. All maintenance must conform to the standards utilized by LEasser, which standards are provided in writing to LEasser in advance; and
D. All work necessary to comply with Federal, State, County, municipal, and other governmental agencies and bodies having jurisdiction.

7.6 RELOCATION: In the event relocation is necessary due to public improvements, LESSEE will pay for relocation, provided that LESSOR provides a suitable alternate location for the Facilities at the Property. LESSEE shall relocate the Facilities within six (6) months of LESSOR's notice thereof.

7.7 ABANDONMENT: If use of the Facilities is abandoned for at least two (2) months and LESSEE fails to pay Base Rental during such period, LESSEE or its designee shall be responsible for removing the Facilities and returning the Premises to their original condition as reasonably approved by LESSOR. LESSOR shall provide notice to LESSEE of said abandonment. In the event LESSEE fails to comply with this provision in regard to the removal of the Facilities and restoration of the Premises within ten (10) days of said notice, LESSOR shall have the right to remove the Facilities and LESSEE relinquishes any and all rights thereto, said Facilities shall become the property of LESSOR by virtue of LESSEE's abandonment hereunder.

8. TERMINATION:

8.1 LESSOR'S RIGHT TO TERMINATE:

A. LESSOR may pursue any remedies available to it under applicable law, including, but not limited to, the right to terminate this Lease, upon the earliest of any of the following events:

1. LESSEE's failure to pay rent within fifteen (15) days of the date such payment is due;

2. LESSEE's failure to comply with any term, covenant, or condition of this Lease after LESSEE has been given written notice of the violation and has had thirty (30) days to cure same or, if such default is not curable within such thirty (30) day period, has not proceeded to commence such cure within such thirty (30) day period and diligently proceeds to completion;

3. Interference by the Facilities with other electrical or radio frequency equipment installed on or around the Property as of the Commencement Date, which interference is not cured by LESSEE within ten (10) days following written notice thereof, or, if such default is not curable within such ten (10) day period, has not proceeded to commence such cure within such ten (10) day period and diligently proceeds to completion; or
4. Interference with LESSOR's operations, or use of the Property by LESSOR or third parties after LESSEE has been given written notice of the violation and has had thirty (30) days to cure same or, if such default is not curable within such thirty (30) day period, has not proceeded to commence such cure within such thirty (30) day period and diligently proceeds to completion.

B. Additionally, upon a finding by LESSOR's City Council that the Premises are needed for other public purposes, LESSOR shall have the right, after the expiration of the Initial Term, to terminate this Lease without liability upon one (1) year's written notice of termination to LESSEE.

8.2 LESSEE'S RIGHT TO TERMINATE: LESSEE may terminate this Lease due to LESSOR's failure of proper ownership or authority to enter into the Lease, or in the event of LESSOR's default hereunder.

8.3 RETURN OF PREMISES UPON TERMINATION: Except as otherwise provided herein, LESSEE shall at its sole expense remove all of LESSEE's Facilities within sixty (60) days following expiration or termination of this Lease. Upon the expiration or termination of this Lease, LESSEE shall surrender the Premises to LESSOR in a condition at least as good as existed on the date LESSEE executes this Lease, less ordinary and reasonable wear and tear. The Parties intend that LESSEE shall not remove or destroy any improvements to the Premises that, subsequent to surrender of the Premises by LESSEE, will benefit or be of use to LESSOR. Therefore, within twenty (20) days prior to the expiration or termination of this Lease, LESSOR may request that LESSEE not remove or destroy all or any portion of the LESSEE's Facilities, and, except for any electrical (other than lighting), mechanical, computer, or similar equipment (including antennas), LESSEE shall not remove the portion of the LESSEE's Facilities that is the subject of LESSOR's request. LESSEE shall thereafter execute any and all documents as are reasonably required to evidence that title to such improvements have been transferred to LESSOR, in their "as-is" condition without warranty of merchantability or fitness for a particular purpose.

9. INTERFERENCE:

9.1 LESSEE'S OBLIGATIONS: Prior to occupancy of the Premises and operation of the Facilities by LESSEE or its agents, assigns or LESSEE's employees, LESSEE agrees to:

A. Install, construct, maintain, repair, replace, and operate the Facilities on the Premises in accordance with the plans and specifications set forth in Exhibit C attached hereto, unless otherwise approved by LESSOR, which approval shall not be unreasonably withheld, conditioned or delayed. If LESSOR does not respond in writing to LESSEE within ten (10) days following LESSEE's request for approval, such request will be deemed to have been approved by LESSOR.
B. Install or cause to be installed, all equipment according to generally accepted standard engineering practices and in a good and workmanlike manner.

C. Use all feasible efforts to investigate the cause of, and mitigate any interference caused by, LESSEE on existing radio frequency equipment of LESSOR following written notification of interference from LESSOR.

9.2 SUBSEQUENT PROPERTY LEASES: LESSOR agrees to include in all leases between LESSOR and future lessees of the Property a covenant that the lessee shall not interfere with other electrical or radio frequency equipment previously installed on the Property and that if the lessee is not able to mitigate the interference, the lease shall provide for termination thereof. Likewise, LESSOR will not permit or allow the installation of any future equipment which (i) results in technical interference problems with LESSEE's then existing equipment or (ii) encroaches onto the Premises.

9.3 NON-INTERFERENCE: LESSEE's communication equipment and the use thereof shall not interfere with the use of any other communication or similar equipment of any kind and nature owned or operated by LESSOR or other occupants of the Property existing as of the Commencement Date, except as may be permitted by applicable laws; provided, however that subsequent to the installation by LESSEE of the Facilities, LESSOR agrees not to install and to exercise commercially reasonable effort to not allow installation of new equipment on the Property if such equipment causes interference with LESSEE's operations. All interference claims shall be settled in accordance with the then prevailing interference rules and regulations promulgated by the Federal Communications Commission.

10.0 DESTRUCTION OF PREMISES: If either the Premises or the Property is destroyed or damaged as a result of a catastrophic event to the extent that, in LESSEE's reasonable discretion, LESSEE may no longer use the Premises for the intended purposes, LESSEE may elect to either:

A. Terminate this Lease, effective upon the date of the damage or destruction, by delivering written notice within ninety (90) days of the date of the damage or destruction and a request to terminate; or

B. Upon consent of LESSOR, which shall not be unreasonably withheld, conditioned or delayed, use a portion of the Premises specified by LESSOR for operation of a communications facility on a temporary basis until such time as the LESSEE's Facilities on the Premises are repaired or reconstructed so that LESSEE can resume the operation of a communications facility from the Premises. If LESSEE elects to continue this Lease and in the event that LESSOR unreasonably delayed its consent for LESSEE to install the temporary facility in order for LESSEE to continue its operation, Base Rental shall abate for the period of non-use. Any such repair or reconstruction shall be completed in an expeditious manner.
11. **UTILITIES AND PROVISION OF SERVICE:** LESSEE shall determine the availability of and shall, at its sole cost and expense, cause to be installed in, on, and about the Premises all facilities necessary to supply thereto all electricity, telephone, and other similar services required to service the Premises. LESSOR shall allow LESSEE to have its own electrical metering equipment installed. LESSEE shall obtain all necessary approvals for the installation of the meter. An electrical plan shall be submitted to LESSOR for approval, which approval shall not be unreasonably withheld, conditioned or delayed prior to commencement of such work. LESSOR agrees to cooperate with LESSEE in its efforts to obtain such utility service. During the Initial Term and the Renewal Term, LESSEE agrees to pay directly to the servicing utility when due all charges for electricity, telephone and all other utility services of every kind and nature supplied to and used by LESSEE on the Premises or for the Facilities. LESSOR shall be responsible for its electrical and other utility service and for the regular payment of electrical and other utility charges attributable to the Property other than the Premises.

12. **INDEMNIFICATION AND INSURANCE:**

12.1 **INDEMNIFICATION:** Neither LESSOR nor any other officer or employee of LESSOR shall be responsible for any damage or liability occurring by reason of any acts or omissions on the part of LESSEE or its officers or employees under or in connection with their activities under this Lease. It is also understood and agreed that to the fullest extent permitted by law, LESSEE shall indemnify, defend (with counsel reasonably acceptable to LESSOR), protect and hold harmless LESSOR and its officers, agents and employees ("LESSOR's Parties") from and against any and all claims, demands, judgments, actions, damages, losses, penalties, liabilities, costs and expenses (including, without limitation, reasonable attorneys' fees and court costs) arising at any time directly or indirectly from or in connection with (i) any default in the performance of any obligation by LESSEE to be performed under the terms of this Lease, (ii) LESSEE's use of the Premises, or (iii) the conduct of LESSEE's business or any activity, work or things done, permitted or allowed by LESSEE in or about the Premises, except to the extent caused by LESSOR or LESSOR's Parties' gross negligence or willful misconduct. The obligations of LESSEE under this section shall survive the expiration or earlier termination of this Lease.

12.2 **ASSUMPTION OF RISK:** LESSEE, as a material part of the consideration to LESSOR, hereby assumes all risk of damage to the Premises, including, without limitation, injury to persons in, upon or about the Premises during LESSEE's use of the Premises, arising from any use of the LESSEE's Facilities or other activities of LESSEE or LESSEE's agents, employees, guests, tenants, subtenants, licensees, contractors, or invitees (collectively "LESSEE's Parties") on the Premises. LESSEE hereby waives all claims with respect thereof against LESSOR, except as otherwise stated in this Lease or to the extent caused by LESSOR or LESSOR's Parties' gross negligence or willful misconduct. LESSOR shall not be liable for any injury to LESSEE's Facilities, Premises, or injury to or death of any of LESSEE's Parties, or injury to LESSEE's Facilities, or injury to or death of any
other person in or about the Premises from any cause unless caused by the gross negligence or willful misconduct of the LESSOR or LESSOR's Parties.

12.3 **INSURANCE:**

A. LESSEE agrees, at its sole expense, and at all times during the term of this Lease, to maintain in full force a policy of commercial general liability insurance in an amount of Two Million and 00/100 DOLLARS ($2,000,000.00) per occurrence for bodily injury and property damage and $4,000,000.00 general aggregate, including contractual liability written by one or more responsible insurance companies authorized to do business in the State of California. Such policies shall insure against liability for injury to persons or death of any person or persons and damage to property resulting from or arising out of LESSEE's use and occupancy of the premises and the operations conducted thereon in connection with the existence of the Facilities. LESSEE also agrees to maintain in full force and effect Commercial Automobile Liability coverage in an amount of $1,000,000.00 combined single limit, each accident for bodily injury and property damage, covering all owned, hired and non-owned autos; and Workers' Compensation insurance as required by the state in which the work or Site is located and Employer's Liability insurance with a limit of $1,000,000 each accident for bodily injury, $1,000,000 disease-each employee and $1,000,000 disease-policy limit with respect to all employees, if any, engaged in the performance of work on the Premises. Coverage for the Workers' Compensation and Employer's Liability must include a waiver of subrogation endorsement in favor of LESSOR.

B. All insurance required under this Lease shall be primary and non-contributory with any insurance or License Policy of self-insurance that may be maintained by LESSOR. LESSEE shall use commercially reasonable efforts to provide at least thirty (30) days written notice to LESSOR of cancellation of any required coverage that is not replaced. LESSOR, its elected officials, officers, authorized volunteers and employees shall be included as additional insureds as their interests may appear under this Lease on LESSEE's commercial general liability and commercial automobile liability policies, and such blanket additional insured endorsement shall be provided to LESSOR prior to the commencement of any work. Concurrently with the execution of this Lease, LESSEE will provide LESSOR with a certificate(s) of insurance verifying such insurance and a blanket additional insured endorsement and shall provide proof of continuing insurance as required herein on an annual basis thereafter. LESSEE shall ensure that its contractors and any subcontractors performing any installation of the Communications Facility, including modifications to the Communications Facility as applicable or other work on the Premises, will provide substantially the same insurance as required of LESSEE in this Section 12, and shall ensure that all insurance certificates
and endorsements required hereunder are provided by its contractors and subcontractors.

13. **DAMAGE OR DESTRUCTION OF IMPROVEMENTS TO PREMISES:** LESSOR shall have no duty or obligation to rebuild the Facilities or the improvements thereon if such Facilities or improvements are substantially damaged during the Term, in whole or in part by any casualty. Unless otherwise terminated in accordance with this Lease, LESSEE shall maintain, and if damaged during the Term, shall reconstruct the Facilities at LESSEE's expense.

14. **ASSIGNMENT AND SUBLEASING:**

14.1 **ASSIGNMENT:** LESSEE shall not voluntarily assign or transfer its interest under this Lease or in the Premises without first obtaining the prior written consent of LESSOR, which consent shall be not unreasonably withheld, delayed or conditioned. LESSEE shall pay LESSOR Five Hundred Dollars ($500.00) to (a) review and/or consent to any assignment or transfer of any of LESSEE's interests under this Lease or in the Premises or (b) to review, acknowledge, or consent to any other request of LESSEE for any other purpose. The transfer of the rights and obligations of LESSEE to a parent, subsidiary, or other affiliate of LESSEE, or to any successor in interest or entity acquiring fifty-one (51%) or more of LESSEE's membership interests or assets, shall not be deemed an assignment and LESSOR's consent shall not be required for such transfer. Any assignment without LESSOR's consent (when such consent is required) shall be voidable and, at LESSOR's election, shall constitute cause for exercise of LESSOR's remedies under applicable law, including termination of the Lease. No consent to any assignment shall constitute a further waiver of the provisions of this section. Notwithstanding the foregoing, it is understood that LESSEE shall not be released from liability hereunder by virtue of any assignment. As a condition precedent to any such assignment which requires LESSOR's consent, LESSEE agrees to provide written notice to LESSOR of its intention to assign at least thirty (30) days before the proposed effective date of any such proposed assignment which notice shall include the identity of the proposed assignee, copies of the proposed assignment documentation and current financial statements of the proposed assignee. As a further condition precedent to any assignment, the assignee must assume, in writing, all of LESSEE's obligations under this Lease.

14.2 **SUBLEASING:** LESSEE shall not sublease any portion of the Premises except as expressly provided herein. LESSEE shall be permitted to sublease portions of the Premises to a wholly-owned subsidiary of LESSEE, provided LESSEE provides LESSOR with express written notice of such sublease.

14.3 **COLLOCATION:** LESSEE shall reasonably cooperate with future communications operators that would request collocation as long as there is no interference to LESSEE's use of the Premises and no adverse impact on LESSOR from an operational, maintenance, and repair standpoint.
15. **RENEWAL/HOLDING OVER:** Upon the expiration or termination of this Lease, LESSEE shall surrender the Premises to LESSOR. If LESSEE shall remain in possession of the Premises after the expiration or termination of the Lease, with the consent of LESSOR, either express or implied, such holding over shall be construed to create a month to month tenancy subject to all the covenants, conditions, and obligations hereof, and LESSEE hereby agrees to pay LESSOR, as holdover rent, an amount equal to one hundred twenty-five percent (125%) of the Base Rental, as theretofore adjusted by the Cost of Living Adjustments. Nothing above shall be construed to give LESSEE any rights to so hold over and to continue in possession of the Premises after the expiration of the Term without the express consent of LESSOR.

16. **ENVIRONMENTAL:** LESSEE and its agents, employees, or contractors subcontractors or other representatives shall not bring upon the Premises, or permit or authorize any other person or entity to bring upon the Property, including the Premises, any hazardous materials, hazardous substances, hazardous wastes, pollutants, asbestos, polychlorinated biphenyls (PCBs), petroleum or other fuels (including crude oil or any fraction or derivative thereof). Notwithstanding the foregoing, LESSEE may bring such fuels and lubricants onto the Premises as may be required for operation of construction vehicles during construction and backup power for generators during, maintenance or repair of the LESSEE's Facilities and de minimus amounts of other hazardous materials typically found in items or equipment commonly used for wireless telecommunications purposes. In addition, LESSEE may also bring onto the Premises, any lead-acid batteries, cleaning solvents, and other chemicals necessary for proper utilization and maintenance of the LESSEE's Facilities. In bringing any materials or substance onto, or using any materials and substances on, the Premises, LESSEE shall comply with all federal, State, and local government laws, regulations, and rules. LESSEE shall be solely responsible for any damages or costs incurred by LESSOR due to any environmental contamination, arising from the presence or use on LESSEE's behalf of any hazardous materials or substances that LESSEE, its agents, employees, contractors, subcontractors or other representatives bring onto the Premises. Notwithstanding the foregoing or any other provision in the Lease, LESSEE shall not be liable for or responsible for addressing any environmental condition, including the release of hazardous materials, that existed on or beneath the Property before the execution of the Lease, or that otherwise does not result from LESSEE's activities at the Premises.

17. **MISCELLANEOUS:**

17.1 **COVENANT AGAINST DISCRIMINATION:** In connection with its performance under this Lease, LESSEE shall not discriminate against any employee or applicant for employment because of actual or perceived race, religion, color, sex, age, marital status, ancestry, national origin (i.e., place of origin, immigration status, cultural or linguistic characteristics, or ethnicity), sexual orientation, gender identity, gender expression, physical or mental disability, or medical condition (each a "prohibited basis"). LESSEE shall ensure that applicants are employed, and that employees are treated during their employment, without regard to any prohibited basis. As a condition precedent to LESSOR's lawful capacity to enter this Lease, and in executing this Lease, LESSEE certifies that its actions and omissions hereunder shall not incorporate any discrimination arising from or related to any prohibited basis in any LESSEE activity, including but not limited to the following: employment, upgrading, demotion or transfer; recruitment or
recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship; and further, that LESSEE is in full compliance with the provisions of Palm Springs Municipal Code Section 7.09.040, including without limitation the provision of benefits, relating to non-discrimination in city contracting.

17.2 **NO WAIVER:** No covenant, term, or condition thereof shall be deemed waived, except by written consent of the Party against whom the waiver is claimed. Any waiver or the breach of any covenant, term or condition shall not be deemed to be a waiver of any preceding or succeeding breach of the same or any other covenant, term, or condition. Acceptance by LESSOR of performance other than full performance by LESSEE after the time the performance shall have become due shall not constitute a waiver by LESSOR of the breach or default of any covenant, term, or condition unless otherwise expressly agreed to by LESSOR in writing.

17.3 **ATTORNEY’S FEES AND COSTS:** If either Party hereto shall bring any action for any relief against the other, declaratory or otherwise, arising out of this Lease, including any suit by LESSOR for the recovery of rent or possession of the Premises, the prevailing Party shall be entitled to have and recover from the other Party the prevailing Party’s reasonable fees and costs (including reasonable attorneys' fees), which shall be deemed to have accrued on the commencement of such action and shall be paid whether or not such action is prosecuted to a judgment.

17.4 **NO JOINT VENTURE:** Neither LESSOR, nor any of its employees, shall have any control over the manner, mode or means by which LESSEE, its agents or employees use the Premises or Facilities described herein, except as otherwise set forth herein. LESSOR shall have no voice in the selection, discharge, supervision or control of LESSEE’s employees, servants, representatives or agents, or in fixing their number, compensation or hours of service. LESSEE shall perform all covenants herein as a tenant of LESSOR and shall remain at all times as to LESSOR a tenant with only such obligations as are consistent with that role. LESSEE shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of LESSOR. LESSOR shall not in any way or for any purpose become or be deemed to be a partner of LESSEE in its business or otherwise or a joint venturer or a member of any joint enterprise with LESSEE.

17.5 **INTERPRETATION:** The Parties hereto agree that all provisions hereof are to be construed as both covenants and conditions as though the words imparting such covenants and conditions were used in each separate section hereof. The captions of the sections and subsections of this Lease are for convenience only and shall not be deemed to be relevant in resolving any questions of interpretation or construction.

17.6 **INTEGRATION AND GOVERNING LAW:** This Lease represents the entire understanding of LESSOR and LESSEE as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to
those matters covered by this Lease. This Lease shall be governed by the laws of
the State of California and construed as if drafted by both LESSOR and LESSEE.
Any action, arbitration, mediation, hearing or other proceeding related to this Lease
shall be conducted only in the County of Orange.

17.7 LEASE BINDING ON HEIRS AND ASSIGNS: Each of the terms, covenants, and
conditions of this Lease shall extend to, be binding upon, and inure to the benefit of
not only LESSOR and LESSEE, but each of their respective heirs, representatives,
administrators and assigns. Whenever in this Lease reference is made to either
LESSOR or LESSEE, the reference shall be deemed to include, whenever applicable,
the heirs, legal representatives, and assigns of each of the Parties, the
same as if in every case expressed.

17.8 CORPORATE AUTHORITY: Each party executing this Lease on behalf of a
corporation represents and warrants that he or she is duly authorized to execute and
deliver this Lease on behalf of said corporation, in accordance with a duly adopted
resolution of the Board of Directors of said corporation and that this Lease is
binding upon said corporation in accordance with its terms.

17.9 NOTICES: Any written notices required pursuant to this Lease shall be made by
certified or registered mail, return receipt requested, or reliable overnight courier
and delivered to the following address:

To LESSOR: City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262
Attn: City Clerk

Copy to: City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262
Attn: Jeffrey S. Ballinger, City Attorney

To LESSEE: Los Angeles SMSA Limited Partnership,
dba Verizon Wireless
180 Washington Valley Road
Bedminster, New Jersey 07921
Attention: Network Real Estate

17.10 AMENDMENTS: This Lease may not be modified, altered, or amended except in
writing signed by both LESSOR and LESSEE. LESSOR authorizes and
acknowledges that the City Manager has been granted signature authority by
LESSOR to execute future amendments and extensions to this Lease for periods
not more than two (2) years each and provided that the City Manager shall not have
the authority to approve a decrease in the rental rate without the prior approval of
the City Council for LESSOR. LESSOR represents and warrants to LESSEE that
the City Manager has the full right and authority to enter into amendments to this
Lease and bind LESSOR, and that any such amendment signed by the City Manager on behalf of LESSOR will be enforceable in accordance with its terms and conditions.

[SIGNATURE PAGE FOLLOWS]
IN WITNESS WHEREOF, the Parties hereto have caused this Lease to be executed by their duly authorized officers.

LESSOR

THE CITY OF PALM SPRINGS

By: ____________________________
    David Ready, City Manager

LESSEE

LOS ANGELES SMSA LIMITED PARTNERSHIP, DBA VERIZON WIRELESS

By: ____________________________
By: AIRTOUCH CELLULAR INC.
    Its: GENERAL PARTNER

ATTEST

______________________________
City Clerk

APPROVED AS TO FORM:

______________________________
Jeffrey S. Ballinger, City Attorney
EXHIBIT A

DESCRIPTION OF THE PROPERTY

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 10 IN SECTION 19, TOWNSHIP 4 SOUTH, RANGE 5 EAST, SAN BERNARDINO BASE AND MERIDIAN, AS SHOWN ON MAP OF PALM VALLEY COLONY LANDS, ACCORDING TO MAP THEREOF ON FILE IN BOOK 14 PAGE 652 OF MAPS, RECORDS OF SAN DIEGO COUNTY, CALIFORNIA, BEING IN THE CITY OF PALM SPRINGS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF TRACT NO. 7290, AS SHOWN BY MAP ON FILE IN BOOK 87 PAGES 5 THROUGH 7, INCLUSIVE OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

THENCE SOUTH 0° 11’ 45” EAST, ALONG THE WESTERLY BOUNDARY LINE OF SAID TRACT NO. 7290, A DISTANCE OF 36.14 FEET TO A POINT ON THE ARC OF A NONTANGENT CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 500.00 FEET, SAID POINT BEING A POINT IN THE CENTERLINE OF MESQUITE AVENUE;

THENCE WESTERLY ALONG THE WESTERLY EXTENSION OF THE CENTERLINE OF MESQUITE AVENUE AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 4° 36’ 23”, A DISTANCE OF 40.20 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY LINE OF SAID LOT 10, SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE RETRACTING SOUTHEASTERLY ALONG THE ARC OF SAID 500.00 RADIUS CURVE, THROUGH A CENTRAL ANGLE OF 31° 33’ 29”, A DISTANCE OF 275.40 FEET;

THENCE TANGENT TO SAID CURVE SOUTH 53° 38’ 23” EAST, A DISTANCE OF 110.98 FEET;

THENCE SOUTH 36° 21’ 37” WEST, A DISTANCE OF 483.78 FEET;

THENCE NORTH 53° 38’ 23” WEST, A DISTANCE OF 73.09 FEET TO THE WESTERLY LINE OF SAID LOT 10;

THENCE NORTH 0° 11’ 45” EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 507.65 FEET TO THE TRUE POINT OF BEGINNING.

APN: 680-120-032
EXHIBIT B

DESCRIPTION OF THE LEASED PREMISES

PROPOSED VERIZON WIRELESS EQUIPMENT AREA
BEING A PORTION OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED ON THAT "GRANT DEED" PER INSTRUMENT NO. 182811, RECORDED ON AUGUST 29, 1978 ON FILE AT THE RIVERSIDE COUNTY, CALIFORNIA RECORDER'S OFFICE, LYING WITHIN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 5 EAST, S.B.B.&M., RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF SOUTH MOUNTAIN VIEW DRIVE AND MESQUITE AVENUE; THENCE DEPARTING SAID CENTERLINE INTERSECTION, SOUTH 36°21'37" WEST, 400.20 FEET; THENCE NORTH 53°38'23" WEST, 81.37 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°00'00" EAST, 2.50 FEET; THENCE NORTH 90°00'00" WEST, 12.00 FEET; THENCE NORTH 00°00'00" EAST, 20.00 FEET; THENCE NORTH 90°00;00" EAST, 12.00 FEET TO POINT "A"; THENCE SOUTH 00°00'00" WEST, 17.50 FEET TO THE POINT OF BEGINNING. CONTAINING 240 SQUARE FEET MORE OR LESS.

PROPOSED VERIZON WIRELESS EQUIPMENT AREA
BEING A PORTION OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED ON THAT "GRANT DEED" PER INSTRUMENT NO. 182811, RECORDED ON AUGUST 29, 1978 ON FILE AT THE RIVERSIDE COUNTY, CALIFORNIA RECORDER'S OFFICE, LYING WITHIN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 5 EAST, S.B.B.&M., RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE ABOVEMENTIONED POINT "A", THENCE NORTH 90°00'00" EAST, 13.00 FEET; THENCE SOUTH 00°00'00" EAST, 15.00 FEET; THENCE NORTH 90°00'00" WEST, 13.00 FEET; THENCE NORTH 00°00'00" EAST, 15.00 FEET TO THE POINT OF BEGINNING. CONTAINING 195 SQUARE FEET MORE OR LESS.

PROPOSED VERIZON WIRELESS NON-EXCLUSIVE ACCESS & UTILITY EASEMENT
BEING A PORTION OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED ON THAT "GRANT DEED" PER INSTRUMENT NO. 182811, RECORDED ON AUGUST 29, 1978 ON FILE AT THE RIVERSIDE COUNTY, CALIFORNIA RECORDER'S OFFICE, LYING WITHIN THE NORTHWEST QUARTER (NW 1/4) OF SECTION 19, TOWNSHIP 4 SOUTH, RANGE 5 EAST, S.B.B.&M., RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A STRIP OF LAND 5.00 FEET, LYING 2.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE ABOVEMENTIONED POINT "A", THENCE NORTH 90°00'00" EAST, 23.67 FEET; THENCE NORTH 00°20'06" WEST, 19.71 FEET TO POINT "B" AND THE POINT OF TERMINUS.
TOGETHER WITH A STRIP OF LAND 12.00 FEET, LYING 6.00 FEET ON EACH SIDE OF
THE FOLLOWING DESCRIBED CENTERLINE:
BEGINNING AT THE AFOREMENTIONED POINT “B”; THENCE NORTH 89°39'54"
EAST, 19.05 FEET TO THE BEGINNING OF A 12.00 FOOT RADIUS CURVE, THENCE
ALONG SAID CURVE TO THE LEFT, CONCAVE NORTHWesterLY, THROUGH A
CENTRAL ANGLE OF 55°41'02", AN ARC LENGTH OF 11.66 FEET; THENCE NORTH
33°58'52" EAST, 254.51 FEET TO THE BEGINNING OF A 12.00 FOOT RADIUS CURVE;
THENCE ALONG SAID CURVE TO THE RIGHT, CONCAVE SOUTHERLY, THROUGH A
CENTRAL ANGLE OF 92°22'45", HAVING AN ARC LENGTH OF 19.35 FEET; THENCE
SOUTH 53°38'23" EAST, 30.57 FEET TO THE BEGINNING OF A 12.00 FOOT RADIUS
CURVE; THENCE ALONG SAID CURVE TO THE LEFT, CONCAVE NORTHERLY,
THROUGH A CENTRAL ANGLE OF 90°00'00", HAVING AN ARC LENGTH OF 18.85
FEET; THENCE NORTH 36°21'37" EAST, 70.07 FEET TO A POINT ON THE CENTERLINE
OF SAID MESQUITE AVENUE AND THE POINT OF TERMINUS.
THE SIDELINES OF THIS STRIP ARE TO BE LENGTHENED OR SHORTENED AS TO
INTERSECT AND BE PERPENDICULAR TO THE POINT OF BEGINNING AND TO THE
POINT OF TERMINUS.
CONTAINING 5,306 SQUARE FEET MORE OR LESS.
EXHIBIT C

DESCRIPTION OF THE FACILITIES

PROJECT DRAWINGS
(See Attached)
ATTACHMENT C
PROPOSED INSTALLATION OF (12) VERIZON WIRELESS ANTENNAS ON AN NEW 45’ ANTENNA STRUCTURE. PROPOSED INSTALLATION OF AN EQUIPMENT COMPound ENCLOSED WITH 8’ WROUGHT IRON FENCE.
PROPOSED INSTALLATION OF (12) VERIZON WIRELESS ANTENNAS ON AN NEW 43' ANTENNA STRUCTURE.
PROPOSED INSTALLATION OF AN EQUIPMENT COMPOUND ENCLOSED WITH 8' WROUGHT IRON FENCE.
Subject
RESOLUTION SETTING THE REGULAR CITY COUNCIL MEETINGS FOR THE MONTHS OF SEPTEMBER AND OCTOBER 2020
RECOMMENDATION:


Attachments
Item 1F
CITY COUNCIL STAFF REPORT

DATE: AUGUST 6, 2020

CONSENT CALENDAR

SUBJECT: RESOLUTION SETTING THE REGULAR CITY COUNCIL MEETINGS FOR THE MONTHS OF SEPTEMBER AND OCTOBER 2020

FROM: David H. Ready, City Manager

BY: Anthony J. Mejia, City Clerk

RECOMMENDATION:

Adopt a Resolution 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. 24785"

BACKGROUND:

The Palm Springs City Charter Section 307 authorizes the City Council to adopt a resolution or ordinance to establish the dates and times for its regular meetings.

On November 6, 2019, and March 19, 2020, the City Council discussed and set its regular meetings for the months of September and October 2020 to the first and third Thursday of each month. Due to certain event cancellations, staff recommends that the City Council consider returning to its regular meeting schedule of the second and fourth Thursday at 5:30 p.m. for the months of September and October, as outlined in Attachment 1.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

Anthony J. Mejia, MMC
City Clerk

David H. Ready, Esq., Ph.D.
City Manager

Attachment:

1. Draft Resolution

ITEM NO. 1F
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING THE CITY COUNCIL REGULAR MEETING PLACE, DAYS, AND TIME AND RECINDING RESOLUTION NO. 24785

WHEREAS, Section 307 of the Palm Springs City Charter requires that regular meetings of the City Council be established by ordinance or resolution; and

WHEREAS, the City Council desires to modify its regular meeting place, days, and times from the second and fourth Thursday of each month at 6:00 p.m. to be the second and fourth Thursday of each month at 5:30 p.m., unless otherwise rescheduled or cancelled.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Regular meetings of the City Council shall be held in the City, at City Hall, 3200 East Tahquitz Canyon Way, on the second and fourth Thursday of each month at the hour of 5:30 p.m. When the regular meeting falls on a legal holiday, the meeting shall be held on the following day unless otherwise determined by the City Council at a regular meeting of the City Council.

SECTION 2. Regular meetings of the City Council acting as the governing boards of the successor agency, housing authority, and/or financing authority, shall be held in the City, at City Hall, 3200 East Tahquitz Canyon Way, on the second and fourth Thursday of each month at the hour of 5:30 p.m. When the meeting falls on a legal holiday, the meeting shall be held on the following day unless otherwise determined by the City Council acting as the governing boards.

SECTION 3. Closed sessions of the City Council and/or the governing boards as provided in this resolution may be conducted prior to the 5:30 p.m. business portion of regular meetings and as noticed from time to time on the agenda for such meetings. The time scheduled will depend upon the number of items to be considered and the complexity of the issues to be discussed. If necessary, closed sessions not completed prior to the business portion of the meeting will be considered at the conclusion of the business portion of the meeting, or as otherwise determined by the City Council.

SECTION 4. The City Council has cancelled and/or rescheduled certain meetings as outlined in Exhibit A.

SECTION 5. Resolution No. 24685 is hereby rescinded and replaced.

SECTION 6. The City Clerk of the City of Palm Springs shall certify to the passage and adoption of this resolution and its approval by the City Council and shall cause the same to be listed in the records of the City.
ADOPTED this __ day of ______, 2020.

ATTEST:

______________________________
David H. Ready, City Manager

Anthony J. Mejia, MMC
City Clerk

CERTIFICATION

STATE OF CALIFORNIA  )
COUNTY OF RIVERSIDE  ) ss.
CITY OF PALM SPRINGS  )

I, ANTHONY J. MEJIA, City Clerk of the City of Palm Springs, hereby certify that Resolution No. ___ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on ____________________, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

______________________________
Anthony J. Mejia, MMC
City Clerk
City of Palm Springs
2020 City Council Meetings Dates

The City Council meetings are typically held on the second and fourth Thursday of each month at 5:30 p.m. in the City Hall, Council Chamber, located at 3200 East Tahquitz Canyon Way, Palm Springs, California. This schedule is subject to change.

<table>
<thead>
<tr>
<th>CURRENT MEETING DATES</th>
<th>PROPOSED MEETING DATES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thursday, August 13, 2020</td>
<td>Cancelled</td>
</tr>
<tr>
<td>Thursday, August 27, 2020</td>
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<tr>
<td>Thursday, September 3, 2020</td>
<td>Thursday, September 10, 2020</td>
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<td>Thursday, September 17, 2020</td>
<td>Thursday, September 24, 2020</td>
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<tr>
<td>Thursday, October 15, 2020</td>
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<tr>
<td>Thursday, November 26, 2020</td>
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<td>Thursday, December 10, 2020</td>
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<tr>
<td>Thursday, December 24, 2020</td>
<td>Cancelled</td>
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<tr>
<td>Thursday, January 14, 2021</td>
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<tr>
<td>Thursday, January 28, 2021</td>
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</tbody>
</table>

Approved by the City Council on __/__/2020
Subject
REVIEW OPTIONS AND PROVIDE DIRECTION ON AN INTERIM DESIGN FOR PHASED CONSTRUCTION OF THE DOWNTOWN PARK, CITY PROJECT NO. 15-07

RECOMMENDATION:

1. Delegate additional authority of $140,000 to the City Manager to approve and execute construction contract change orders with Fast-Track Construction Corporation, a California corporation, for additional work related to structural repairs to the existing underground parking garage and deck located along the west side of the Downtown Park site; and
2. Provide direction to staff on completing the Downtown Park.

Attachments

Item 4A
DATE: August 6, 2020

SUBJECT: REVIEW OPTIONS AND PROVIDE DIRECTION ON AN INTERIM DESIGN FOR PHASED CONSTRUCTION OF THE DOWNTOWN PARK, CITY PROJECT NO. 15-07

FROM: David H. Ready, City Manager

BY: Development Services Department

SUMMARY:

This is a request for the City Council to provide direction to Staff on how to proceed with the Downtown Park. In its adoption of the Fiscal Year 2020/2021 budget on June 30, 2020, City Council directed Staff to defer construction of the originally approved design, and to proceed with a modified or interim design to realize $3,000,000 in savings that were redirected to the Restricted CalPers Reserve. In accordance with that direction, Staff has prepared several options for phased approach to construction of the Downtown Park for City Council consideration with the corresponding estimated costs. At the City’s direction, the City’s contractor, Fast-Track Construction (“FTC”), has deferred all work associated with the Downtown Park except for completion of the Police Substation/Restroom Building and structural repairs to the existing parking garage.

RECOMMENDATION:

1. Delegate additional authority of $140,000 to the City Manager to approve and execute construction contract change orders with Fast-Track Construction Corporation, a California corporation, for additional work related to structural repairs to the existing underground parking garage and deck located along the west side of the Downtown Park site; and

2. Provide direction to staff on completing the Downtown Park.

BUSINESS PRINCIPAL DISCLOSURE:

A business disclosure form for Fast-Track Construction Corporation is included as Attachment 1.
BACKGROUND:

On October 2, 2019, the City Council awarded the construction contract for the Downtown Park, City Project No. 15-07, (the “Project”). A copy of the related staff report is included as Attachment 2.

During the City Council’s consideration of the Fiscal Year 2020/2021 budget, Staff was requested to provide an overview of the current costs incurred on the Downtown Park, as well as options for proceeding with an interim design at a reduced cost. At that time, the following information was provided:

- **Funds Budgeted:** $ 8,900,000
  - Measure J $ 5,250,000
  - Quimby $ 3,650,000
- **Original Contract Awarded:** $ 7,600,000
  - Measure J $ 4,180,000
  - Quimby $ 3,420,000
- **Additional Use of Funds:** $ 1,210,000
  - Contingency $ 760,000 (10%)
  - Construction Management $ 425,000
  - Project Administration $ 25,000

Options presented at that time included:

#1 Complete the Downtown Park as originally designed

Original Contract: $ 7,600,000
Change Orders to date: $ 400,000
Potential delay claim: $ 300,000
Parking garage repairs: $ 750,000

**Total adjusted contract:** $ 9,050,000

Construction Management: $ 425,000
Project Administration: $ 25,000

**Total Option 1 Cost:** $ 9,500,000

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1 An additional $650,000 in the Quimby Fund was reserved for use by the Downtown Park if required.
2 This is an estimate only, as the City’s contractor is delayed the potential claim increases.
3 The initial estimate to complete the parking garage repairs was $750,000.
4 Completing the Downtown Park will require use of the additional $650,000 Quimby Funds reserved for the project.
#2 Complete a Modified (or Interim) Downtown Park

Costs incurred to date: $2,590,000
Complete Police Substation/Restroom Building: $1,300,000
Complete limited desert landscape / lawn area: $1,000,000
Complete parking garage repairs: $750,000
Potential delay claim: $300,000

**Total adjusted contract:** $6,040,000

Construction Management: $325,000

**Total Option 2 Cost:** $6,365,000

Paid from Quimby: $4,300,000
Paid from Measure J: $2,065,000

**Measure J Funds remaining:** $3,185,000

On June 30, 2020, the City Council adopted the revised Fiscal Year 20/21 Budget that incorporated Option 2 and redirected $3,000,000 from the Measure J Fund to the General Fund Restricted CalPers Reserve. At that time, the Mayor and Mayor Pro Tem were appointed liaisons to coordinate with Staff on developing the phased or interim design to be completed for the Downtown Park at an estimated budget of $1,000,000.

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5 Includes estimated $600,000 of pre-purchased materials that cannot be returned; if water feature and other elements are not constructed, the materials cannot be used. Warranties on materials will lapse.
6 Includes originally designed sedimentary finish on south and east elevations, and finish of interior for use by PSPD as a substation.
7 This is the budget amount for determining how to phase and construct an interim park design.
8 The initial estimate to complete the parking garage repairs was $750,000.
9 Contract requires payment of overhead and other costs for delays caused by City.
10 Pursuing Option 2 to realize maximum Measure J savings require use of the additional $650,000 Quimby Funds reserved for the project – this approach will be implemented in transferring $3,000,000 in projected savings from the Measure J Fund to the General Fund Restricted CalPers Reserve.
STAFF ANALYSIS:

Staff requested the Downtown Park designer, Rios-Clementi-Hale Studies (RCHS), to develop two alternative schematic designs for initial review by the Council liaisons as follows:

**Alternative #1** – Large Turf Area with very minimal landscaping, trees, or walkways as represented in Figure 1 on the following page. This Alternative will develop a simple park with large level turf area, and uncompacted decomposed granite (DG) areas with very minimal landscape, and a few palm trees for shading. As a caveat: uncompacted DG is not suitable for ADA access as it is not firm and stable; compacted DG is ADA acceptable, but more expensive due to soil preparation and compaction methods, leading to more cost that is not salvaged if original design were to be implemented later.

This Alternative would not allow for phasing of the improvements, in that, as shown in Figure 1 future construction of the originally designed improvements will require removal of these interim improvements. Turf/irrigation will be removed where walkways or landscaped areas are shown in the original design.

In developing a flat and level site, this Alternative will require the City to pay FTC to remove additional stockpiled soil that is required for the originally designed rock “outcrop” on the north side of the park for the water feature element.

In proceeding in the future with completion of the original design (by separate contractor following a public bid process), the City will be required to pay a future contractor for import of this additional soil to construct the rock “outcrop” and water feature.

The preliminary estimate to construct Alternative #1 was $1,000,000 with a final cost to be determined through negotiation of a Change Order with FTC.
Figure 1 - Alternative #1 Schematic
Alternative #2 – Smaller Turf Area with minimal landscaping, more trees, and some walkways as represented in Figure 2 on the following page. This Alternative will develop a simple park with a smaller level turf area, and larger area of uncompacted decomposed granite (DG) areas with very minimal landscape, but with more palm trees planted in accordance with the original design for shading. As a caveat: uncompacted DG is not suitable for ADA access as it is not firm and stable; compacted DG is ADA acceptable, but more expensive due to soil preparation and compaction methods, leading to more cost that is not salvaged if original design were to be implemented later.

This Alternative allow for better phasing of the improvements, in that, as shown in Figure 2 future construction of the originally designed improvements will require removal of most of the turf area, but the palm tree grove, landscape areas, and walkways are consistent with the original design.

In developing a flat and level site, this Alternative will require the City to pay FTC to remove additional stockpiled soil that is required for the originally designed rock “outcrop” on the north side of the park for the water feature element.

In proceeding in the future with completion of the original design (by separate contractor following a public bid process), the City will be required to pay a future contractor for import of this additional soil to construct the rock “outcrop” and water feature.

The preliminary estimate to construct Alternative #2 was also $1,000,000\textsuperscript{11} with a final cost to be determined through negotiation of a Change Order with FTC.

\textsuperscript{11} The smaller turf area and related irrigation system is a trade-off for the cost of the palm trees and compacted DG walkways leading to an approximately equal estimate between Alternatives #1 and #2.
Figure 2 – Alternative #2 Schematic
On July 22, 2020, Staff presented the Council liaisons with Alternatives #1 and #2. Following the discussion of the preliminary options, the Council liaisons directed Staff to consider alternative options as further identified herein.

**Option 1 - Fence Off Park and Stop Construction**

Option 1 is the most cost-effective option, but leaves the site incomplete, including completing the exterior “shell” of the Police Substation/Restroom Building. This Option 1 should be selected if the original design will not be constructed. The advantage of Option 1 is that it allows for the City to conclude its current contract after completion of the exterior “shell” of the Police Substation/Restroom Building and the parking garage repairs, fence the site for security, and either: (1) postpone completion of the Downtown Park until such time as funding is appropriated, allowing for re-bid of the work and a confirmed public bid cost to complete the improvements; or (2) proceed in a different direction and fully develop an alternative design for the Downtown Park, allowing for re-bid of the work and a confirmed public bid cost to complete the improvements. The estimated cost for Option 1:

**Costs incurred to date:** $2,590,000

- Complete Police Substation/Restroom “Shell”: $400,000
- Stabilize site / perimeter fencing: $250,000
- Complete parking garage repairs: $500,000
- Potential delay claim: $400,000

**Total adjusted contract:** $4,140,000

**Construction Management:** $325,000

**Total Option 1 Cost:** $4,465,000

**Paid from Quimby:** $4,300,000

**Paid from Measure J:** $165,000

**Measure J Funds remaining:** $5,085,000

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12. Includes estimated $600,000 of pre-purchased materials that cannot be returned; if water feature and other elements are not constructed, the materials cannot be used. Warranties on materials will lapse.

13. Limited to completion of exterior block walls, exterior windows and doors, and roof; excludes any finish on exterior walls, and excludes completion of the interior. The building will not be habitable until completed later but allows for re-purposing of building to other suitable uses as may be determined by the City Council.

14. Site will be stabilized for dust control and secured with perimeter fencing; access will be prohibited. Excess material stockpiled onsite will remain.

15. FTC has provided its pricing to complete the parking garage repairs that are anticipated to cost approximately $500,000 - less than the prior estimate of $750,000.

16. Contract requires payment of overhead and other costs for delays caused by City, estimate has been increased to account for elimination of majority of work from contract.

17. Pursuing Option 1 to realize maximum Measure J savings require use of the additional $650,000 Quimby Funds reserved for the project.
Option 2 - Complete East Side Per Original Design – Phase West Side

Option 2 is intended to provide the most strategic approach to phasing construction of the Downtown Park by avoiding construction of interim improvements that conflict with the original design and would be removed upon completion of it. Option 2 includes completion of the Police Substation/Restroom Building (with standard stucco painted exterior finish in lieu of the more expensive sedimentary “rock wall” finish\textsuperscript{18}). The westerly side of the site will be stabilized and fenced for security, to be completed later. The easterly side of the site will be completed in accordance with the original design. Option 2 is only recommended to the extent the City Council will complete the original design later, and its advantage is that it allows for the most strategic phasing, however, at an increased cost. An exhibit for Option 2 is included as Attachment 3. The estimated cost for Option 2 is shown:

| Costs incurred to date:                      | $2,590,000\textsuperscript{19} |
| Complete Police Substation/Restroom Building: | $1,100,000                      |
| Complete Option 2:                          | $1,750,000\textsuperscript{20} |
| Complete parking garage repairs:            | $500,000\textsuperscript{21}   |
| Potential delay claim:                      | $400,000\textsuperscript{22}   |
| **Total adjusted contract:**                | **$6,340,000**                  |
| Construction Management:                    | $325,000                        |
| **Total Option 1 Cost:**                    | **$6,665,000**                  |
| Paid from Quimby:                           | $4,300,000\textsuperscript{23} |
| Paid from Measure J:                        | $2,365,000                      |
| Measure J Funds remaining:                  | $2,885,000                      |

\textsuperscript{18} RCHS strongly recommends the originally designed sedimentary “rock wall” finish be deferred until such time as all of it is constructed integral with the rock “outcrop” and water feature elements to ensure all of the finish is consistent in materials and colors to be constructed at one time by one contractor.
\textsuperscript{19} Includes estimated $600,000 of pre-purchased materials that cannot be returned; if water feature and other elements are not constructed, the materials cannot be used. Warranties on materials will lapse.
\textsuperscript{20} Westerly portion will be stabilized for dust control and secured with perimeter fencing; access will be prohibited. Excess material stockpiled onsite will remain.
\textsuperscript{21} FTC has provided its pricing to complete the parking garage repairs that are anticipated to cost approximately $500,000 – less than the prior estimate of $750,000.
\textsuperscript{22} Contract requires payment of overhead and other costs for delays caused by City, estimate has been increased to account for elimination of majority of work from contract.
\textsuperscript{23} Pursuing Option 2 to realize maximum Measure J savings require use of the additional $650,000 Quimby Funds reserved for the project.
**Option 3 - Complete Downtown Park “Groundscape” with No Landscaping**

Option 3 is intended to provide a strategic approach to phasing construction of the Downtown Park by avoiding construction of interim improvements that conflict with the original design and would be removed upon completion of it. Option 3 includes completion of the Police Substation/Restroom Building (with standard stucco painted exterior finish in lieu of the more expensive sedimentary “rock wall” finish\(^24\)). All walkways are constructed of compacted DG (to be removed at a future date with concrete walkways); all landscaped areas will be completed with uncompacted DG with irrigation systems installed now for future use later. Turf area and irrigation installed per original design. Option 3 is only recommended to the extent the City Council will complete the original design later, and its advantage is that it allows for strategic phasing, however, there is no landscaping, palm or other trees for shading. An exhibit for Option 3 is included as Attachment 4. The estimated cost for Option 3 is shown:

<table>
<thead>
<tr>
<th>Costs incurred to date:</th>
<th>$ 2,590,000(^{25})</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete Police Substation/Restroom Building:</td>
<td>$ 1,100,000</td>
</tr>
<tr>
<td>Complete Option 3:</td>
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<td>Complete parking garage repairs:</td>
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<td>Construction Management:</td>
<td>$ 325,000</td>
</tr>
<tr>
<td><strong>Total Option 1 Cost:</strong></td>
<td><strong>$ 5,665,000</strong></td>
</tr>
<tr>
<td><strong>Paid from Quimby:</strong></td>
<td><strong>$ 4,300,000(^{29})</strong></td>
</tr>
<tr>
<td><strong>Paid from Measure J:</strong></td>
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</tr>
<tr>
<td><strong>Measure J Funds remaining:</strong></td>
<td><strong>$ 3,885,000</strong></td>
</tr>
</tbody>
</table>

\(^{24}\) RCHS strongly recommends the originally designed sedimentary “rock wall” finish be deferred until such time as all of it is constructed integral with the rock “outcrop” and water feature elements to ensure all of the finish is consistent in materials and colors to be constructed at one time by one contractor.

\(^{25}\) Includes estimated $600,000 of pre-purchased materials that cannot be returned; if water feature and other elements are not constructed, the materials cannot be used. Warranties on materials will lapse.

\(^{26}\) Excess material stockpiled onsite will be removed, requiring import at a later date and additional cost.

\(^{27}\) FTC has provided its pricing to complete the parking garage repairs that are anticipated to cost approximately $500,000 – less than the prior estimate of $750,000.

\(^{28}\) Contract requires payment of overhead and other costs for delays caused by City, estimate has been increased to account for elimination of majority of work from contract.

\(^{29}\) Pursuing Option 3 to realize maximum Measure J savings require use of the additional $650,000 Quimby Funds reserved for the project.
Option 4 – Option 3 with Additional Landscaping

Option 4 adds to Option 3 by incorporating some of the landscaping and palm trees from the original design, and is intended to provide a strategic approach to phasing construction of the Downtown Park by avoiding construction of interim improvements that conflict with the original design and would be removed upon completion of it. Option 4 includes completion of the Police Substation/Restroom Building (with standard stucco painted exterior finish in lieu of the more expensive sedimentary “rock wall” finish). All walkways are constructed of compacted DG (to be removed at a future date with concrete walkways); all landscaped areas will be completed with uncompacted DG with irrigation systems installed now for future use later; however, some palm and other trees will be installed. Turf area and irrigation installed per original design. Option 4 is only recommended to the extent the City Council will complete the original design later, and its advantage is that it allows for strategic phasing, however, there is no landscaping, and limited palm or other trees for shading. An exhibit for Option 4 is included as Attachment 5. The estimated cost for Option 4 is shown:

Costs incurred to date: $2,590,000
Complete Police Substation/Restroom Building: $1,100,000
Complete Option 4: $1,000,000
Complete parking garage repairs: $500,000
Potential delay claim: $400,000
Total adjusted contract: $5,590,000
Construction Management: $325,000
Total Option 1 Cost: $5,915,000
Paid from Quimby: $4,300,000
Paid from Measure J: $1,615,000
Measure J Funds remaining: $3,635,000

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30 RCHS strongly recommends the originally designed sedimentary “rock wall” finish be deferred until such time as all of it is constructed integral with the rock “outcrop” and water feature elements to ensure all of the finish is consistent in materials and colors to be constructed at one time by one contractor.
31 Includes estimated $600,000 of pre-purchased materials that cannot be returned; if water feature and other elements are not constructed, the materials cannot be used. Warranties on materials will lapse.
32 Excess material stockpiled onsite will be removed, requiring import at a later date and additional cost.
33 FTC has provided its pricing to complete the parking garage repairs that are anticipated to cost approximately $500,000 – less than the prior estimate of $750,000.
34 Contract requires payment of overhead and other costs for delays caused by City, estimate has been increased to account for elimination of majority of work from contract.
35 Pursuing Option 4 to realize maximum Measure J savings require use of the additional $650,000 Quimby Funds reserved for the project.
Additional items for Council consideration include the removal of the stockpile of soil on the site that was to be used for the rock “outcrop” and water feature; standard colored stucco finish in lieu of sedimentary “rock wall” finish; and pre-cast concrete seating blocks. These items can be added to or subtracted from the various options with the corresponding estimated costs:

- Remove Excess Soil Stockpile: $100,000
- Sedimentary Wall Finish: $200,000
- Colored Stucco Finish: $50,000
- Pre-Cast Sedimentary Seating Blocks: $250,000

Parking Garage Repairs

The existing underground parking garage extends along the west side of the Downtown Park site; the deck or roof of the parking garage is the floor or ground of the area located to the left of the red line in the drawing shown in Figure 3 below.

![Figure 3](image_url)

The design of the Downtown Park includes structural retrofit of the parking garage deck to support the additional weight of the improvements to be constructed above it. These structural improvements include new steel beams and related supports.
Prior to starting construction of the Downtown Park, certain cracks were identified in the concrete beams that support the deck extending across the parking garage. Upon further review, it was determined that additional structural repairs will be required to prevent further fatigue cracking. In consultation with the structural engineer, a design was prepared to install new vertical concrete columns to support the beams, and to inject epoxy into the fatigue cracking. Other improvements include adding fireproofing to the steel beams, and performing repairs to the waterproofing on the parking garage deck.

FTC has provided to Staff a proposal to perform the required structural repairs as follows:

- Construct new concrete columns: $175,000
- Epoxy injection on beams: $100,000
- Fireproofing of steel beams: $100,000
- Waterproofing / repairs to deck: $125,000

Total: $500,000

As part of its action to award a construction contract to FTC, the City Council delegated authority to the City Manager to approved construction contract change orders (“CCOs”) in an amount not to exceed $760,000 (or 10% of the contract). During construction, three CCOs have been approved and issued:

- CCO1 – Complete various miscellaneous work requested by City not shown on the plans; $13,097.13
- CCO2 – Design, install and rent structural steel shoring system to support parking garage deck; $329,828.12
- CCO3 – Complete additional SCE utility improvements required by SCE, remove excess soil above parking garage deck; $49,662.62

The original contract amount of $7,600,000 has been increased by $392,587.87 through the three CCOs approved to date. Implementing the required parking garage structural repairs at a cost of $500,000 will increase the total of CCOs issued to approximately $900,000 exceeding the City Manager’s delegated authority by $140,000. Staff recommends the City Council increase the delegated authority by $140,000 to a maximum of $900,000 to accommodate these anticipated CCOs for the parking garage structural repairs.

ENVIRONMENTAL IMPACT:

Pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) was prepared and circulated for this project. The DEIR was released for review on October 22, 2008. Notices of the reports were sent to all applicable agencies and published in accordance with CEQA. Comments were received by the City and responses to comments were provided in the Final Environmental Impact Report (FEIR). The FEIR determined that the project would result in post-mitigation significant effects on aesthetics/visual resources, regional air quality, and cultural resources. However, the
City Council concluded that the benefits of the Specific Plan implementation would outweigh the potential adverse effects. Findings and a Statement of Overriding Considerations were adopted as part of the EIR certification and Specific Plan approval.

In 2012, the City prepared Addendum #1 to the FEIR for the Specific Plan. Addendum #1 was prepared to evaluate the revised Downtown Revitalization Plan ("Downtown Palm Springs"), as well as the approval of a parcel map to realign property boundaries, the dedication of public streets and abandonment of certain rights-of-way, and acceptance of public easements. Addendum #1 evaluated the potential visual and aesthetic impacts that could result from the proposed changes and found that the overall effects would be no more significant than those associated with the implementation of the adopted Specific Plan. No other environmental impacts were expected to result that were not analyzed and mitigated in the previously certified FEIR, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program. Addendum #1 was adopted by City Council on October 17, 2012.

In 2015, the City prepared Addendum #2 to the FEIR to evaluate the potential environmental impacts of the changes to the Specific Plan identified in the Amendment, which included various revisions and updates to the Specific Plan, the development of Block E as the Downtown Park, and a Major Architectural Review for the development of a hotel use of up to 75 feet located on Block B-1 (Case No. 3.3908 MAJ). The environmental analysis concluded that the potential environmental impacts associated with the revised Specific Plan identified in the Amendment were substantially consistent with the impacts previously analyzed in the certified FEIR and in Addendum #1 approved in 2012. No changes were proposed that would require major revisions to the previously certified FEIR, and it was determined that the revised Specific Plan identified in the Amendment will ultimately reduce the overall intensity and density previously allowed within the originally adopted Specific Plan. It was also determined that the potential environmental impacts associated with the revised Specific Plan identified in the Amendment will result in the same or reduced environmental impacts when compared to those analyzed in either the previously certified FEIR or Addendum #1 approved in 2012. The City determined that none of the components of the revised Specific Plan identified in the Amendment will result in a significant effect not previously identified in the certified FEIR or Addendum #1 approved in 2012. The Findings and Statement of Overriding Considerations adopted by the City in 2009 are consistent with the environmental analysis provided in Addendum #2. On March 2, 2016, the City Council adopted Resolution No. 23977 confirming, ratifying, and adopting the findings and conclusions of Addendum #2 to the FEIR.
FISCAL IMPACT:

As noted in the staff report, each Option identified has a corresponding cost and resulting Measure J savings, summarized as follows:

<table>
<thead>
<tr>
<th>Option</th>
<th>Cost</th>
<th>Measure J Savings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option 1:</td>
<td>$4,465,000</td>
<td>$5,085,000</td>
</tr>
<tr>
<td>Option 2:</td>
<td>$6,665,000</td>
<td>$2,885,000</td>
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<tr>
<td>Option 3:</td>
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<td>$3,885,000</td>
</tr>
<tr>
<td>Option 4:</td>
<td>$5,915,000</td>
<td>$3,635,000</td>
</tr>
</tbody>
</table>

These estimates are preliminary and dependent upon Staff's negotiation of resulting change orders with FTC.

As part of a separate item, Staff will present its final close out revenue projections for the prior 2019/2020 Fiscal Year, which at the time of preparing this staff report is still under review.

SUBMITTED:

Flinn Fagg, AICP
Director of Development Services

Marcus L. Fuller, MPA, PLS, PE
Assistant City Manager

David H. Ready, Ph.D.
City Manager

Attachments:
1. Business Disclosure
2. 10-2-19 City Council Staff Report
3. Option 2 Exhibit
4. Option 3 Exhibit
5. Option 4 Exhibit
**PUBLIC INTEGRITY DISCLOSURE APPLICANT DISCLOSURE FORM**

1. **Name of Entity**
   Fast Track Construction Corporation

2. **Address of Entity (Principle Place of Business)**
   5711 W Slauson Ave #170 Culver City CA 90230

3. **Local or California Address (if different than #2)**

4. **State where Entity is Registered with Secretary of State**
   California

   *If other than California, is the Entity also registered in California?* □ Yes □ No

5. **Type of Entity**
   □ Corporation □ Limited Liability Company □ Partnership □ Trust □ Other (please specify)
   □ Corporation

6. **Officers, Directors, Members, Managers, Trustees, Other Fiduciaries (please specify)**
   Note: If any response is not a natural person, please identify all officers, directors, members, managers and other fiduciaries for the member, manager, trust or other entity

<table>
<thead>
<tr>
<th>Name</th>
<th>Officer □ Director □ Member □ Manager [name]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Richard Tyler- CEO/RMO</td>
<td>□ General Partner □ Limited Partner</td>
</tr>
<tr>
<td></td>
<td>□ Other</td>
</tr>
<tr>
<td>Ryan Radebach: President</td>
<td>□ General Partner □ Limited Partner</td>
</tr>
<tr>
<td></td>
<td>□ Other</td>
</tr>
<tr>
<td>Randy Tyler: Secretary</td>
<td>□ General Partner □ Limited Partner</td>
</tr>
<tr>
<td>Angela Grant: Treasurer</td>
<td>□ General Partner □ Limited Partner</td>
</tr>
<tr>
<td></td>
<td>□ Other</td>
</tr>
</tbody>
</table>

**CITY OF PALM SPRINGS – PUBLIC INTEGRITY DISCLOSURE APPLICANT DISCLOSURE FORM**
Page 1 of 2
7. Owners/Investors with a 5% beneficial interest in the Applicant Entity or a related entity

<table>
<thead>
<tr>
<th>A.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Randy Tyler</td>
<td>None</td>
</tr>
<tr>
<td>[name of owner/investor]</td>
<td>[name of official with whom owner/investor has material financial relationship]</td>
</tr>
</tbody>
</table>

FOR RELATIONSHIP A, EXPLANATION OF THE RELATIONSHIP:

None

<table>
<thead>
<tr>
<th>B.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Richard Tyler</td>
<td>None</td>
</tr>
<tr>
<td>[name of owner/investor]</td>
<td>[name of official with whom owner/investor has material financial relationship]</td>
</tr>
</tbody>
</table>

FOR RELATIONSHIP B, EXPLANATION OF THE RELATIONSHIP:

None

<table>
<thead>
<tr>
<th>C.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>[name of owner/investor]</td>
<td>[name of official with whom owner/investor has material financial relationship]</td>
</tr>
</tbody>
</table>

FOR RELATIONSHIP C, EXPLANATION OF THE RELATIONSHIP:

None

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

Signature of Disclosing Party, Printed Name, Title

[Signature]

Ryan Radebach-President

Date

9-12-19

CITY OF PALM SPRINGS – PUBLIC INTEGRITY DISCLOSURE
APPLICANT DISCLOSURE FORM
Page 2 of 2

DOWNTOWN PARK RE-BID
CITY PROJECT NO. 15-07
July 2019
Attachment 2
City Council Staff Report

Date: October 2, 2019

Subject: AWARD OF A CONSTRUCTION CONTRACT TO FAST-TRACK CONSTRUCTION CORPORATION, IN THE AMOUNT OF $7,600,000 FOR THE DOWNTOWN PARK, CITY PROJECT NO. 15-07, AND RELATED ACTIONS

From: David H. Ready, City Manager

Initiated by: Marcus L. Fuller, Assistant City Manager/City Engineer

SUMMARY

This item will allow Council to consider actions relating to construction of the Downtown Park, City Project No. 15-07.

RECOMMENDATION:

1. Uphold the City Engineer’s decision to reject the bid protest submitted by Robert Clapper Construction Services, Inc., and waive any informality in the apparent low bid submitted by Fast-Track Construction Corporation, a California corporation;

2. Award a construction contract (Agreement No. ____ ) to Fast-Track Construction Corporation, a California corporation, in the amount of $7,600,000 for the Downtown Park, City Project No. 15-07;

3. Authorize a Purchase Order in the amount not to exceed $425,000 with the City’s “on-call” professional consulting services firm, Willdan Engineering, a California corporation, pursuant to Agreement No. 6688, for construction management and inspection services related to the Downtown Park, City Project No. 15-07;

4. Authorize the City Manager to approve and execute construction contract change orders up to a cumulative amount of $760,000 (10% of construction contract); and

5. Authorize the City Manager to execute all necessary documents.
BUSINESS PRINCIPAL DISCLOSURE:

Business disclosure forms for Fast-Track Construction Corporation and Willdan Engineering are included as Attachment 1.

BACKGROUND:

On July 24, 2019, the City Council authorized staff to re-advertise and solicit bids for the Downtown Park, City Project No. 15-07, (the "Project").

STAFF ANALYSIS:

On July 25, 2019, the City issued a Notice Inviting Bids to re-bid the Project, and was advertised in the Desert Sun, submitted Notice Inviting Bids to plan rooms1, and provided the contract documents available free of charge to all interested contractors. Subsequently, on September 12, 2019, the Procurement and Contracting Division received 3 construction bids from the contractors listed in Table 1.

<table>
<thead>
<tr>
<th>Company</th>
<th>Location</th>
<th>Bid Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fast-Track Construction Corp.</td>
<td>Culver City</td>
<td>$7,600,000</td>
</tr>
<tr>
<td>Robert Clapper Const. Serv.</td>
<td>Rialto, CA</td>
<td>$10,920,000</td>
</tr>
<tr>
<td>C.S. Legacy Const. Inc.</td>
<td>Ontario, CA</td>
<td>$13,684,359</td>
</tr>
</tbody>
</table>

Table 1

The low bid from Fast-Track Construction Corporation ("FTCC") of $7,600,000 is 3.4% over the engineer’s estimate of $7,350,000.

Bid Protest

Section 7.08.030 “Bid Protests” of the Palm Springs Municipal Code (PSMC) provides bidders an opportunity to protest the City’s consideration of award to the apparent low bidder, by filing a written protest within five working days of bid opening. The City’s bid protest procedure emphasizes that “The purpose of the bid protest procedures in this Section is to protect the public interest. The bid protest procedures are not intended to give losing bidders an opportunity to evaluate the bid or proposal of the winning bidder to have the award of contract overturned to secure the award of contract for itself.”

---

1 A Plan Room is a “library” where construction professionals may view bidding documents (blueprints and specifications) for projects seeking price estimates for specific construction products or services. There are 9 various plan rooms in southern California where the City submits its bid documents to ensure all contractors within the area are aware of the bid solicitation.
On September 17, 2019, Robert Clapper Construction Services, Inc., ("RCCS"), filed a written bid protest in accordance with Section 7.08.030 of the PSMC. A copy of the bid protest submitted by RCCS is included as Attachment 2.

The bid protest claims several reasons for finding the apparent low bidder (FTCC) non-responsive, which include:

- FTCC failed to list trades for any of the work in the Restroom/Police Substation Building;
- FTCC is missing scope pertinent to the project;
- FTCC failed to list required subcontractors;
- Failure to list "more than a dozen trades" provides FTCC an unfair advantage, and allows FTCC to bid-shop;

RCCS requests the City to reject FTCC's bid as non-responsive, and determine the bid submitted by RCCS as the lowest responsive bid.

FTCC requested and received a copy of the bid protest submitted by RCCS. FTCC provided a response to RCCS's bid protest, included as Attachment 3.

The City Engineer in consultation with the City Attorney's office reviewed RCCS's bid protest, completed its independent legal analysis, and determined the bid protest was without legal merit. The City Engineer issued his decision to reject RCCS's bid protest by letter issued on September 23, 2019, included as Attachment 4. The City's findings generally include the following:

- Failure to list subcontractors does not render FTCC's bid nonresponsive or give FTCC an unfair competitive advantage;
- In its response, FTCC states its intention to self-perform all work not performed by listed subcontractors, except for subcontracted work with a value of less than ½% of FTCC's bid pursuant to Public Contract Code § 4106;
- FTCC has not requested to withdraw its bid pursuant to Public Contract Code section 5100 et seq. for a material mistake alleged by RCCS relating to its failure to list subcontractors or include required scope in its bid;
- FTCC complied and is responsive in its completion of the bidder's list of subcontractors in that FTCC listed an amount exceeding the 5% minimum self-performance;
- FTCC is not prevented from self-performing more than the minimum amount listed in its bid.

As a matter of public record, staff recommends the City Council formally uphold the City Engineer's decision to reject the bid protest filed by RCCS, waive any informality in the low bid submitted by FTCC, and award a construction contract to FTCC. A copy of a construction contract with FTCC is included as Attachment 5.
Construction Management Services

Willdan Engineering was awarded an “on-call” contract by the City Council on April 1, 2015. Willdan Engineering has effectively provided the City with construction management and inspection services for a variety of projects over the last four years.

Willdan Engineering reviewed the construction drawings and technical specifications, and based on the construction schedule of 9 months, has provided a proposal to provide the required construction management and inspection services at a budgeted cost of $321,335. A copy of the Willdan Engineering proposal is included as Attachment 6.

However, during the bidding process, contractors advised the City that its 9-month construction schedule was insufficient time to complete the project. Therefore, staff amended the bid to allow 12-months for construction. This fact will require additional services provided by Willdan Engineering, and staff recommends the City Council authorize issuance of a Purchase Order in an amount not to exceed $425,000 to Willdan Engineering for construction management and inspection services pursuant to their on-call agreement for a period of 12-months.

City Council Approval of Contingency Funds

Given the size, complexity, and scope of the Project, staff recommends that the City Council delegate authority to the City Manager to approve and execute construction contract change orders up to a cumulative amount of 10% of the contract amount equivalent to $760,000. In consultation with Willdan Engineering, the City Engineer will carefully evaluate any additional or extra work claims represented by FTCC, and if valid, submit to the City Manager for his approval. In this way, work can proceed uninterrupted as the City Manager and City Engineer administratively process construction contract change orders up to the authority specifically delegated herein by the City Council. However, all change orders under this granted authority will be placed on the City Council agenda as a “receive and file” to keep Council Members apprised of the change order amounts and expenditure rationale.

ENVIRONMENTAL IMPACT:

Pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) was prepared and circulated for this project. The DEIR was released for review on October 22, 2008. Notices of the reports were sent to all applicable agencies and published in accordance with CEQA. Comments were received by the City and responses to comments were provided in the Final Environmental Impact Report (FEIR). The FEIR determined that the project would result in post-mitigation significant effects on aesthetics/visual resources, regional air quality, and cultural resources.
However, the City Council concluded that the benefits of the Specific Plan implementation would outweigh the potential adverse effects. Findings and a Statement of Overriding Considerations were adopted as part of the EIR certification and Specific Plan approval.

In 2012, the City prepared Addendum #1 to the FEIR for the Specific Plan. Addendum #1 was prepared to evaluate the revised Downtown Revitalization Plan ("Downtown Palm Springs"), as well as the approval of a parcel map to realign property boundaries, the dedication of public streets and abandonment of certain rights-of-way, and acceptance of public easements. Addendum #1 evaluated the potential visual and aesthetic impacts that could result from the proposed changes and found that the overall effects would be no more significant than those associated with the implementation of the adopted Specific Plan. No other environmental impacts were expected to result that were not analyzed and mitigated in the previously certified FEIR, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program. Addendum #1 was adopted by City Council on October 17, 2012.

In 2015, the City prepared Addendum #2 to the FEIR to evaluate the potential environmental impacts of the changes to the Specific Plan identified in the Amendment, which included various revisions and updates to the Specific Plan, the development of Block E as the Downtown Park, and a Major Architectural Review for the development of a hotel use of up to 75 feet located on Block B-1 (Case No. 3.3908 MAJ). The environmental analysis concluded that the potential environmental impacts associated with the revised Specific Plan identified in the Amendment were substantially consistent with the impacts previously analyzed in the certified FEIR and in Addendum #1 approved in 2012. No changes were proposed that would require major revisions to the previously certified FEIR, and it was determined that the revised Specific Plan identified in the Amendment will ultimately reduce the overall intensity and density previously allowed within the originally adopted Specific Plan. It was also determined that the potential environmental impacts associated with the revised Specific Plan identified in the Amendment will result in the same or reduced environmental impacts when compared to those analyzed in either the previously certified FEIR or Addendum #1 approved in 2012. The City determined that none of the components of the revised Specific Plan identified in the Amendment will result in a significant effect not previously identified in the certified FEIR or Addendum #1 approved in 2012. The Findings and Statement of Overriding Considerations adopted by the City in 2009 are consistent with the environmental analysis provided in Addendum #2.

On March 2, 2016, the City Council adopted Resolution No. 23977 confirming, ratifying, and adopting the findings and conclusions of Addendum #2 to the FEIR.

No further environmental analysis is required associated with the Downtown Park.
FISCAL IMPACT:

The final construction budget for the Project is shown in the following Table.

<table>
<thead>
<tr>
<th>Project Element</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Administration</td>
<td>$25,000</td>
</tr>
<tr>
<td>Construction Engineering/Design Support &amp; Inspection</td>
<td>$425,000</td>
</tr>
<tr>
<td>Construction Contract</td>
<td>$7,600,000</td>
</tr>
<tr>
<td>Contingency (10%)</td>
<td>$760,000</td>
</tr>
<tr>
<td><strong>Total Project Cost</strong></td>
<td><strong>$8,810,000</strong></td>
</tr>
</tbody>
</table>

The Project is funded through a variety of sources as shown in the following Table.

<table>
<thead>
<tr>
<th>Fund Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measure J Fund</td>
<td>$5,250,000</td>
</tr>
<tr>
<td>Quimby Park Fees</td>
<td>$3,650,000</td>
</tr>
<tr>
<td><strong>Total Budgeted Funds</strong></td>
<td><strong>$8,900,000</strong></td>
</tr>
</tbody>
</table>

A budget of $90,000 remains available for additional contingencies should they arise.

SUBMITTED:

Marcus L. Fuller, MPA, P.E., P.L.S.  
Assistant City Manager/City Engineer

David H. Ready, Esq., Ph.D.  
City Manager

Attachments:

1. Business Disclosure Forms
2. RCCS Bid Protest
3. FTCC Response to Bid Protest
4. City Engineer Decision Regarding Bid Protest
5. Contract
6. Willdan Engineering Proposal

Attachments 1-6 have been removed to reduce the size of Staff Report.
Attachment 3
1.1. DG paths (Stabilized, use different color with wood edging to distinguish paths)  
(Total approx - 20,517 sf)  
DG (Stabilized in Palm Grove area only, per original plans. Remaining temporary areas can be unstabilized - areas could be used for temp. events)  
(Total approx - 8,974 sf)  
SHADE LAWN (Approx - 2,509 sf)  
PLANTED MOUNDS (Per original plans to extent possible within budget.) (Approx - 7,946 sf)  
PRECAST CONCRETE SEDIMENTARY SEATING BLOCKS (Per original plans in Palm Grove area only - 50% of full Contract amount)  
PALM GROVE TREE PLANTING (Install as many palms per original plans as budget allows)  
WEST SIDE OF SITE DEFERRED AND FENCED OFF (Approx - 23,100 sf)

DOWNTOWN PARK PHASE 1 MODIFIED SCOPE: OPTION 2
Attachment 4
UNSTABILIZED DG (Total Approx - 40,423 sf)
STABILIZED DG (Total approx - 16,263 sf)
LAWN (Approx - 6,950 sf)

*Only minimal lighting to be used where necessary for safety
Attachment 5
MODIFY SINK DESIGN SO PRECAST BLOCKS NOT REQUIRED

COMPLETE SUBSTATION/RESTROOM BUILDING WITH FOLLOWING VE ITEMS:
- DEFER SEDIMENTARY FINISH / FINISH WITH TEMP. STUCCO
- DEFER PLANTER BEHIND BUILDING AND POUR STANDARD GREY CONCRETE FOR POTENTIAL BIKE STORAGE.
- VE BATHROOM TILE SPEC AND OTHER INTERIOR ITEMS/FINISHES

DOWNTOWN PARK PHASE 1 MODIFIED SCOPE: OPTION 4

UNSTABILIZED DG (w/ option to include grading mounds and minimal planting along Museum Way and Belardo Way (Total Approx - 37,000 sf)

STABILIZED DG paths (use different color DG with wood edging to distinguish paths) (Total approx - 22,000 sf)

LAWN (Approx - 6,950 sf)

PALM GROVE TREE PLANTING (Install as many palms and other shade trees in park interior areas per original plans as budget allows. Installing trees only in interior areas would allow for ease of potential future installation of precast sedimentary seating blocks in mounded buffer planting areas at park east and south perimeter. Seating blocks at center shade lawn area would be omitted.

*Only minimal lighting to be used where necessary for safety

DOWNTOWN PARK PHASE 1 MODIFIED SCOPE: OPTION 4
City Council Special Meeting

Meeting Date: 08/06/2020

4. B.

Subject
CONSIDERATION OF APPROVING THE RENAMING OF CROSSLEY ROAD AND GOLF CLUB DRIVE TO LAWRENCE CROSSLEY ROAD BETWEEN EAST RAMON ROAD AND EAST PALM CANYON DRIVE (CASE 5.1376 SNC) AND DECLARING THE ACTION EXEMPT FROM CEQA

RECOMMENDATION:

1. Direct staff as appropriate, or

Attachments

Item 4B
SUMMARY

The City Council has requested reconsideration of the Street Name Change application to rename Crossley Road and Golf Club Drive to Lawrence Crossley Road.

RECOMMENDATION:

1. Direct staff as appropriate, or


BACKGROUND INFORMATION:

<table>
<thead>
<tr>
<th>Prior Actions</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>04/22/15</td>
<td>The Department of Planning Services received a petition from residents of the Lawrence Crossley Neighborhood Organization and the Palm Springs Black History Committee to rename Crossley Road and Golf Club Drive to Lawrence Crossley Road.</td>
</tr>
<tr>
<td>05/13/15</td>
<td>The Planning Commission discussed the Street Name Change application and requested the Planning Director to initiate the renaming process.</td>
</tr>
</tbody>
</table>
## Prior Actions

<table>
<thead>
<tr>
<th>Date</th>
<th>Action Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>05/27/15</td>
<td>The Planning Commission continued the discussion of the Street Name Change application and its impacts to residents on Golf Club Drive. Staff was requested to report back with the number of addresses impacted along Golf Club Drive.</td>
</tr>
<tr>
<td>06/10/15</td>
<td>The Planning Commission adopted Resolution #6507, establishing a public hearing date of July 22, 2015 for discussion of the Street Name Change application.</td>
</tr>
<tr>
<td>07/09/15</td>
<td>Notices were mailed to 709 addresses regarding the Planning Commission public hearing on the proposed name change.</td>
</tr>
<tr>
<td>07/22/15</td>
<td>The Planning Commission voted 7 to 0 to recommend approval of the Street Name Change application.</td>
</tr>
<tr>
<td>09/02/15</td>
<td>The City Council received a report on the Planning Commission's recommendation to approve the Street Name Change application.</td>
</tr>
<tr>
<td>02/17/16</td>
<td>The City Council considered the Street Name Change application and appointed an ad hoc subcommittee to further consider the Street Name Change application as well as other methods of honoring Lawrence Crossley.</td>
</tr>
<tr>
<td>07/23/20</td>
<td>The City Council requested to reconsider the Street Name Change application at its August 6, 2020, meeting.</td>
</tr>
</tbody>
</table>

## ANALYSIS:

The request to change the name of Crossley Road and Golf Club Drive was previously initiated by the residents of the Lawrence Crossley Neighborhood Organization and the Palm Springs Black History Committee. A petition was delivered to the Department of Planning Services on April 22, 2015, signed by 318 residents of the City supporting the name change request. The Planning Commission initiated discussion on the matter at its May 13, 2015, meeting.

The proposed name, “Lawrence Crossley Road,” is to honor the contributions of Lawrence Crossley, a prominent African-American businessman and developer. Mr. Crossley first came to Palm Springs in the mid-1920’s to work as a chauffeur for P.T. Stevens, developer of the El Mirador Hotel. Mr. Crossley was one of Stevens’ most trusted employees, and began managing many of his projects. Mr. Crossley was responsible for the design of the El Mirador golf course, and later managed the Whitewater Mutual Water Company. Over time, Mr. Crossley became a successful businessman, and developed a subdivision off 34th Avenue originally built for African-American families. He was a trusted friend of Chief Francisco Patencio of the Agua Caliente Band of Cahuilla Indians, and became an advocate for Native American rights. Mr. Crossley died in 1961.\(^1\)

Crossley Road and Golf Club Drive have a combined length of approximately 1.37 miles, and serve as a Secondary Thoroughfare (undivided and divided) as classified by the Circulation Element of the City's General Plan. The street runs north/south, and begins at East Ramon Road and ends at East Palm Canyon Drive. The northern segment of the street is named Crossley Road, and changes to Golf Club Drive south of the intersection at 34th Avenue. An exhibit showing the limits of the proposed street name change is included as Attachment 1.

Street names are reviewed and approved by a number of public agencies, including the City of Palm Springs Police and Fire Departments, the Riverside County Sheriff’s Department, and the U.S. Postal Service. The proposed change of name to Lawrence Crossley Road has been reviewed by these agencies and no concerns have been noted.

The proposed change of street name will impact addressing, mailings and wayfinding for existing residents and business owners. The number of residents and businesses impacted by this change is described below for each of the street segments:

**Crossley Road**
- Number of properties addressed on Crossley Road (includes both developed and undeveloped parcels): 26
- Number of existing businesses addressed on Crossley Road: 8

**Golf Club Drive**
- Number of residential properties addressed on Golf Club Drive: 216
- Number of existing businesses addressed on Golf Club Drive: 12

PSMC Chapter 14.08 establishes the procedures for processing Street Name Change applications. Upon receipt of an application, the Planning Commission was required to adopt a Resolution of Intention at least 30 days prior to a noticed public hearing to consider the change of name. The Resolution of Intention (Resolution #6507) was adopted by the Planning Commission at the meeting of June 10, 2015, setting a public hearing date for July 22, 2015.

For the noticed public hearing held by the Planning Commission on July 22, 2015, PSMC Chapter 14.08 required that notices be posted in three public places along the affected street at least 10 days prior to the scheduled hearing, and a newspaper ad must be published 15 days prior to the hearing. In accordance with these requirements, prior to the Planning Commission’s July 22, 2015, public hearing, Staff posted four signs along the Crossley Road and Golf Club Drive rights-of-way and placed an ad in the Desert Sun newspaper.

Although not required by code, prior to the Planning Commission’s consideration of the application in 2015, individual hearing notices were sent to 709 addresses of property owners within 500 feet of the Crossley Road/Golf Club Drive right-of-way. Notices were
also sent at that time to all known businesses and the homeowners' associations of condominium complexes adjacent to Crossley Road and Golf Club Drive. In reply, Staff received a total of 59 comment letters and emails in response to the Planning Commission's public hearing notices; of those comments, one respondent was in support of the change and 58 respondents were in opposition to the proposed name change.

The Planning Commission held the formal public hearing on the application on July 22, 2015. Upon taking public testimony and reviewing the submitted petition and written correspondence on the matter, the Planning Commission voted 7 to 0 to recommend approval of the application. As a condition of the approval, the Planning Commission recommended that dual street signs be in place for a period of five years to assist in the transition to the new street name.

The City Council received a report of the Planning Commission's recommendation at its September 2, 2015, meeting. Although the City Council did not formally act at that time, the City Council subsequently considered the application at its February 17, 2016, meeting, and appointed an ad hoc subcommittee to further consider the Street Name Change application as well as other methods of honoring Lawrence Crossley.

A copy of the February 17, 2016, staff report is included as Attachment 2; all prior public comments received up to the City Council's consideration of this item on February 17, 2016, is on file with the City Clerk's office.

Staff notes that the procedure outlined in Chapter 14.08 of the PSMC is intended for a citizen-initiated street name change application. The City Council has full discretion in accordance with state law to initiate, determine and approve the renaming of City streets at any time it desires. A public hearing is not required.

At the July 23, 2020, City Council Meeting, Councilmember Garner requested Staff to schedule reconsideration of the Street Name Change application for the August 6, 2020, meeting. Staff mailed a dual-language notice of the item to all property owners, tenants and businesses located within 500 feet from Crossley Road or Golf Club Drive; approximately 1,600 notices were mailed. Notice was also provided through the Office of Neighborhood Involvement to organized neighborhoods.

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2 California Government Code Section 34091.1 only requires the adoption of a Resolution to facilitate a street name change, and states: *Whenever the legislative body finds that a name should be adopted and applied to any city street, or that the existing name of any city street should be changed, the legislative body may adopt a resolution designating a name for, or change the name of, such street.*
The City Council may provide direction to staff on the item, or alternatively approve the street name change by adoption of the proposed Resolution. To the extent the City Council desires to approve the street name change, the Planning Commission’s recommendation of placing dual street name signs for a period of 5 years has been retained and is included in the Resolution.

ENVIRONMENTAL IMPACT:

The requested City Council action is not a “Project” as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(a), a “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The requested action is to consider a street name change application, and is exempt from CEQA pursuant to Section 15378(b), in that a “Project” does not include: (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

FISCAL IMPACT:

Certain costs may be incurred by residents and business owners in revising their addresses to reflect the revised street name. Costs estimated at less than $10,000 will be incurred by the City to purchase and install new street name signs.

SUBMITTED

Finn Fagg, AICP
Director of Development Services

Marcus L. Fuller, MPA, PE, PLS
Assistant City Manager

David H. Ready, Esq., Ph.D.,
City Manager

Attachments:
1. Vicinity Map
2. February 17, 2016, City Council staff report
3. Resolution
Attachment 1
Attachment 2
City Council Staff Report

DATE: February 17, 2016

UNFINISHED BUSINESS

SUBJECT: REPORT ON THE PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A STREET NAME CHANGE APPLICATION FROM CROSSLEY ROAD AND GOLF CLUB DRIVE TO LAWRENCE CROSSLEY ROAD BETWEEN EAST RAMON ROAD AND EAST PALM CANYON DRIVE (CASE 5.1376 SNC)

FROM: David H. Ready, City Manager

BY: Office of the City Manager

SUMMARY

On September 2, 2015, the City Council received a report on the Planning Commission's recommendation for approval of a street name change request to rename Crossley Road and Golf Club Drive to Lawrence Crossley Road (from Ramon Road to E. Palm Canyon Drive). At that time, the City Council did not take action upon submission of the Planning Commission's recommendation. At the request of Council Member Foat, this item has been resubmitted for City Council consideration.

RECOMMENDATION:

Direct staff as appropriate.

BACKGROUND:

Chapter 14.08 of the Palm Springs Municipal Code ("PSMC") regulates the process to consider and approve street name changes. The City allows any person to initiate a street name change request through a petition and hearing before the City's Planning Commission, (see PSMC 14.08.020). Alternatively, the Planning Commission may, for any reason it deems in the public interest and necessity, recommend a street name change to the City Council without a petition and hearing (see PSMC 14.08.110). Chapter 14.08 does not provide for a street name change to be initiated by the City Council.
Upon a recommendation of approval for a street name change made by the Planning Commission, Section 14.08.100 of the PSMC states that: The city council may, pursuant to California Government Code Section 34091.1, take such action as it deems appropriate upon the recommendation of the commission, and failure to take action within sixty days after submission of the commission’s recommendation shall be deemed denial of the application.

A full background on the original request to rename Crossley Road and Golf Club Drive to Lawrence Crossley Road (from Ramon Road to E. Palm Canyon Drive) is included as part of the September 2, 2015, City Council staff report included as Attachment 1. As noted at that time, the intent of the staff report was to file a report of the Planning Commission’s recommendation of the street name change, and to the extent that the City Council wished to take affirmative action on the requested street name change, specific direction by the City Council to take action on the item was required, with direction to staff to schedule a Public Hearing for approval of the request.

At that time, the City Council did not direct staff to schedule a Public Hearing to consider formal approval of the street name change. As a result, in accordance with PSMC Section 14.08.100, the application for the street name change was deemed denied.

At the February 3, 2016, City Council meeting, Council Member Foat requested that this item be scheduled for City Council reconsideration. If City Council desires to reconsider the requested street name change, staff recommends that the City Council direct staff to return the application to the Planning Commission for reconsideration at a future Planning Commission public hearing, and upon the Commission’s recommendation (if approved), the item will be scheduled for action by the City Council at a future public hearing before the City Council. Public comment letters received since the September 2, 2015, Council meeting are included as Attachment 2.

ENVIRONMENTAL IMPACT:

The requested City Council action is not a “Project” as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(a), a “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The requested action is to receive a report on the Planning Commission’s recommendation on a street name change application, and is exempt from CEQA pursuant to Section 15378(b), in that a “Project” does not include: (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

1 California Government Code Section 34091.1 only requires the adoption of a Resolution to facilitate a street name change, and states: Whenever the legislative body finds that a name should be adopted and applied to any city street, or that the existing name of any city street should be changed, the legislative body may adopt a resolution designating a name for, or change the name of, such street.
administrative activities of governments that will not result in direct or indirect physical changes in the environment.

FISCAL IMPACT:

None.

SUBMITTED:

Marcus L. Fuller, MPA, P.E., P.L.S.  David H. Ready, Esq., Ph.D.
Assistant City Manager/City Engineer  City Manager

Attachments:

1. September 2, 2015, staff report

Prior public comments are available and on file with the City Clerk's Office.
ATTACHMENT 1
CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 2, 2015 CONSENT CALENDAR

SUBJECT: REPORT ON THE PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A STREET NAME CHANGE APPLICATION FROM CROSSLEY ROAD AND GOLF CLUB DRIVE TO LAWRENCE CROSSLEY ROAD BETWEEN EAST RAMON ROAD AND EAST PALM CANYON DRIVE (CASE 5.1376 SNC).

FROM: David H. Ready, City Manager
BY: Department of Planning Services

SUMMARY

The City Council is receiving this report on a request for a Street Name Change application to rename Crossley Road and Golf Club Drive to Lawrence Crossley Road. The Planning Commission held a public hearing on the application at their meeting of July 22, 2015, and recommended approval of the request to the City Council. Pursuant to Palm Springs Municipal Code (PSMC) Section 14.08.100, the City Council may take such action as it deems appropriate upon the recommendation of the Planning Commission, and failure to take action within 60 days after submission of the Planning Commission's recommendation shall be deemed denial of the application. Should City Council wish to take affirmative action on the street name change request, specific direction to schedule a public hearing on the item is required.

RECOMMENDATION:

1. Receive and file the report on the Planning Commission's recommendation for approval on a street name change of Crossley Road and Golf Club Drive to Lawrence Crossley Road (from Ramon Road to E. Palm Canyon Drive), (Case No. 5.1376 SNC).

2. If Council desires to further consider the requested name change, staff recommends waiving the 60-day requirement for City Council action on the street name change application pursuant to PSMC Section 14.08.100, and direction to schedule a noticed public hearing for a future meeting date.
BACKGROUND INFORMATION:

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ANALYSIS:

The request to change the name of Crossley Road and Golf Club Drive was initiated by the residents of the Lawrence Crossley Neighborhood Organization and the Palm Springs Black History Committee. A petition was delivered to the Department of Planning Services on April 22, 2015, signed by 318 residents of the City supporting the name change request. The Planning Commission initiated discussion on the matter at the May 13, 2015, Planning Commission meeting.

The proposed name, "Lawrence Crossley Road," is to honor the contributions of Lawrence Crossley, a prominent African-American businessman and developer. Mr. Crossley first came to Palm Springs in the mid-1920's to work as a chauffeur for P.T. Stevens, developer of the El Mirador Hotel. Mr. Crossley was one of Stevens' most trusted employees, and began managing many of his projects. Mr. Crossley was responsible for the design of the El Mirador golf course, and later managed the Whitewater Mutual Water Company. Over time, Mr. Crossley became a successful businessman, and developed a subdivision off 34th Avenue originally built for African-American families. He was a trusted friend of Chief Francisco Patencio of the Agua Caliente Band of Cahuilla Indians, and became an advocate for Native American rights. Mr. Crossley died in 1961.¹

Crossley Road and Golf Club Drive have a combined length of approximately 1.37 miles, and serve as a Secondary Thoroughfare (undivided and divided) as classified by the Circulation Element of the City’s General Plan. The street runs north/south, and begins at East Ramon Road and ends at East Palm Canyon Drive. The northern segment of the street is named Crossley Road, and changes to Golf Club Drive south of the intersection at 34th Avenue.

Street names are reviewed and approved by a number of public agencies, including the City of Palm Springs Police and Fire Departments, the Riverside County Sheriff’s Department, and the U.S. Postal Service. The proposed change of name to Lawrence Crossley Road has been reviewed by these agencies and no concerns have been noted.

The proposed change of street name will impact addressing, mailings and wayfinding for existing residents and business owners. The number of residents and businesses impacted by this change is described below for each of the street segments:

**Crossley Road**
- Number of properties addressed on Crossley Road (includes both developed and undeveloped parcels): 26
- Number of existing businesses addressed on Crossley Road: 8

**Golf Club Drive**
- Number of residential properties addressed on Golf Club Drive: 216
- Number of existing businesses addressed on Golf Club Drive: 12

PSMC Chapter 14.08 establishes the procedures for processing Street Name Change applications. Upon receipt of an application, the Planning Commission must adopt a Resolution of Intention at least 30 days prior to a noticed public hearing to consider the change of name. The Resolution of Intention (Resolution #6507) was adopted by the Planning Commission at the meeting of June 10, 2015. For the noticed public hearing, the code requires that notices be posted in three public places along the affected street at least 10 days prior to the scheduled hearing, and a newspaper ad must be published 15 days prior to the hearing. In accordance with these requirements, staff posted four signs along the Crossley Road and Golf Club Drive rights-of-way and placed an ad in the Desert Sun newspaper.

Although not required by code, individual hearing notices were sent to 709 addresses of property owners within 500 feet of the Crossley Road/Golf Club Drive right-of-way. Notices were also sent to all known businesses and the homeowners' associations of condominium complexes adjacent to Crossley Road and Golf Club Drive. Staff received a total of 59 comment letters and emails in response to the public hearing notices; of those comments, one respondent was in support of the change and 58 respondents were in opposition to the proposed name change. Additional correspondence has been
received since the Planning Commission hearing and is included as an attachment to this report.

The Planning Commission held the formal public hearing on the application on July 22, 2015. Upon taking public testimony and reviewing the submitted petition and written correspondence on the matter, the Planning Commission voted 7 to 0 to recommend approval of the application. As a condition of the approval, the Planning Commission recommended that dual street signs be in place for a period of five years to assist in the transition to the new street name.

PSMC 14.08.100 identifies the action to be taken by the City Council with regard to street name changes, and states:

The city council may, pursuant to California Government Code Section 34091.1, take such action as it deems appropriate upon the recommendation of the commission, and failure to take action within sixty days after submission of the commission's recommendation shall be deemed denial of the application. (Ord. 814 § 10, 1971: prior code § 7691)

The intent of this staff report is to file a report of the Planning Commission's recommendation of the street name change. To the extent that the City Council wishes to take affirmative action on the street name change, specific direction by the City Council to take action on the item will be required. Although a Public Hearing on the item is not required by California Government Code Section 34091.1, staff recommends that to the extent the City Council wishes to take affirmative action on the item, that a Public Hearing on the item be scheduled at a future date, and that for the purposes of compliance with the 60-day time limit for taking action on the item required by PSMC 14.08.100, that such time limit be waived by nature of the City Council's action taken with the filing of this report and the direction so given to schedule a public hearing on the matter. Alternatively, absent specific direction to staff to take affirmative action on the item, after the filing of this report and the lapse of 60-days from the Planning Commission's recommendation adopted July 22, 2015, pursuant to PSMC 14.08.100, the action will be deemed denied.

2 California Government Code Section 34091.1 only requires the adoption of a Resolution to facilitate a street name change, and states: Whenever the legislative body finds that a name should be adopted and applied to any city street, or that the existing name of any city street should be changed, the legislative body may adopt a resolution designating a name for, or change the name of, such street.
ENVIROMENTAL IMPACT:

The requested City Council action is not a "Project" as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(a), a "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The requested action is to receive a report on the Planning Commission's recommendation on a street name change application, and is exempt from CEQA pursuant to Section 15378(b), in that a "Project" does not include: (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

FISCAL IMPACT:

No impact at this time.

SUBMITTED

Flinn Fagg, AICP
Director of Planning Services

Marcus L. Fuller, MPA, PE, PLS
Assistant City Manager/City Engineer

David H. Ready, Esq., Ph.D.,
City Manager

Attachments:

1. Vicinity Map
4. Planning Commission Resolution #6507 to consider the Street Name Change application
5. Desert Sun news article on Lawrence Crossley – February 28, 2015
6. Petition from Lawrence Crossley Road supporters (submitted April 22, 2015) – On File, in the City Clerk's Office
7. Correspondence received for the July 22, 2015 Planning Commission meeting – On File, in the City Clerk's Office
Commissioner Weremiuk, seconded by Commissioner Middleton and unanimously carried on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko

2F. CITY OF PALM SPRINGS FOR AN AMENDMENT TO THE PALM SPRINGS ZONING CODE (PSZC) CHAPTER 93.20 AND SECTION 93.15.01 TO ALLOW PORTABLE OPEN SIGNS AND OUTDOOR DISPLAYS IN THE SUNNY DUNES COMMERCIAL DISTRICT C-M (COMMERCIAL MANUFACTURING) ZONE (CASE 5.1372 ZTA). (FF)

Planning Director Fagg provided an overview of the proposed zone text amendment as outlined in the staff report.

Vice-Chair Klatchko opened the public hearing:

JOY BROWN-MEREDITH, said many of these businesses on Sunny Dunes lack visibility of signage and spoke in favor.

There being no further speakers the public hearing was closed.

ACTION: To recommend approval to the City Council.

Motion: Commissioner Middleton, seconded by Commissioner Lowe and unanimously carried on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk, Vice-Chair Klatchko

3. UNFINISHED BUSINESS:

3A. A PROPOSED RESOLUTION OF INTENTION TO CHANGE THE NAME OF CROSSLEY ROAD TO LAWRENCE CROSSLEY ROAD AND TO ESTABLISH THE DATE OF THE PUBLIC HEARING FOR THE PLANNING COMMISSION MEETING OF JULY 8, 2015 (CASE 5.1376 SNC). (FF)

Planning Director Fagg presented the proposed street name change to consider renaming Crossley Road and Golf Club Drive to Lawrence Crossley Road.

ACTION: Adopt a Resolution of Intention to change the name of Crossley Road to Lawrence Crossley Road and establish a Public Hearing date.
Motion: Commissioner Roberts, seconded by Commissioner Lowe.

Commissioner Roberts verified that this motion does not include Golf Club Drive; that it's about the residential community and does not put want to put a hardship on the business community.

Planning Director Fagg verified that the resolution does include Golf Club Drive.

The Commission discussed the impact of the street name change to Golf Club Drive and deliberated.

COMMISSIONER ROBERTS WITHDREW HIS MOTION.

Commissioner Calerdine requested that broader language be included in the public hearing notice to allow an opportunity to get the Golf Club homeowners comments.

Commissioner Middleton said she would like to see this name change to Lawrence Crossley. However, she expressed concern that opposition would be stirred up on the southern side of the road since no feedback has been received from them.

Commissioner Calerdine suggested providing outreach to the two major condominium complexes on Golf Club Drive.

ACTION: Approve the resolution of intention to change the name of Crossley Road and Golf Club Drive to Lawrence Crossley Road and establish a public hearing date.

Motion: Commissioner Weremiuk, seconded by Commissioner Middleton and carried 4-2-0 on a roll call vote.

AYES: Commissioner Lowe, Commissioner Middleton, Commissioner Weremiuk, Vice-Chair Klatchko
NOES: Commissioner Calerdine, Commissioner Roberts

PLANNING COMMISSION REPORTS, REQUESTS AND COMMENTS:

The Commission discussed and/or commented on the following items:

1. Request by the Planning Commission for a long-term Senior Planner position was submitted to City Council for consideration;
2. Turf removal and monopole co-location review by the AAC;
3. Update on the Downtown project landscape subcommittee review;
4. Developer update on the progress of the Downtown project.
1A. APPROVAL OF MINUTES: JUNE 24, 2015

ACTION: Approve the minutes of June 24, 2015, as amended.

Motion: Vice-Chair Roberts, seconded by Commissioner Weremiu and carried 4-0-0 on a roll call vote.

AYES: Commissioner Lowe, Commissioner Middleton, Commissioner Weremiu, Vice-Chair Roberts
ABSTAIN: Commissioner Calerdine, Commissioner Donenfeld, and Chair Klatchko.

2. PUBLIC HEARINGS:

2A. CONT’D - 750 LOFTS, LLC FOR A MIXED-USE HOTEL DEVELOPMENT ON A 1.13-ACRE PARCEL LOCATED AT 750 NORTH PALM CANYON DRIVE, ZONE C-1/R-3/PDD 104 / RESORT COMBINING ZONE / LAS PALMAS BUSINESS HISTORIC DISTRICT HD-1 (CASE 5.1350 RGD 374 GPA/CUP AND 3.3795 MAJ.) (KL)

Director Fagg reported that staff is requesting a continuance to the meeting Aug. 12, 2015, to respond to the comments received relative to the recirculated initial study.

ACTION: Continue to date certain of August 12, 2015.

Motion: Commissioner Lowe, seconded by Commissioner Middleton and unanimously carried on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Donenfeld, Commissioner Lowe, Commissioner Middleton, Commissioner Weremiu, Vice-Chair Roberts, Chair Klatchko

2B. CITY OF PALM SPRINGS FOR A REQUEST TO CONSIDER A STREET NAME CHANGE THE NAME FOR CROSSLEY ROAD AND GOLF CLUB DRIVE TO LAWRENCE CROSSLEY ROAD BETWEEN EAST RAMON ROAD AND EAST PALM CANYON DRIVE (CASE 5.1376 SNC). (FF)

Planning Director Fagg provided background information the proposed street name change.

Assistant Planner Mlaker presented an overview on the proposed street name change as outlined in the staff report.

The Commission asked technical questions relating to:
• Is Crossley Tract a neighborhood organization?
• Number of years allowed for dual street names and implications associated with this matter.
• Length of time for update on GPS and navigation systems.
• Costs associated with the street name changes.
• Fee required for upgrade on vehicle navigation systems.

Chair Klatchko opened the public hearing:

JEFFREY FOWLER, resides on Golf Club Drive, noted this change would be costly for businesses on Golf Club Drive; however, encouraged adding the name Lawrence Crossley to a new street in the city.

JAMES KING, provided details regarding street name changes made in Riverside and requested approval.

CLEMENT LUMLEY, said the change is important and requested the street name change include the entire street from Hwy. 111 to Ramon Road.

DANIEL ALGAZI, DA Computers, explained that older GPS systems will never be updated.

TRAE DANIEL, spoke about Lawrence Crossley's achievements in the city and indicated that people will be inconvenienced for a short period of time.

There being no further speakers the public hearing was closed.

Commissioner Roberts commented that although this would be a major inconvenience he is in support of changing the entire street name.

Commissioner Middleton noticed that this will be a big inconvenience to homeowners and suggested keeping dual names for 2 - 3 years from East Palm Canyon to Ramon Road.

Commissioner Calerdine noted that this would be a major inconvenience and suggested the dual street names for at least 5 years so that all mapping systems will include the name change.

Commissioner Lowe supports that Lawrence Crossley needs to be recognized but more than just having a street named after him. He noted the significant impacts on businesses and suggested a stronger recognition could be done such as a naming new street possibly Main Street (downtown) for more coverage and no impact on businesses.
Commissioner Weremiuk concurred with Commissioner Lowe and suggested a plaque would be greater recognition or naming the proposed Main Street downtown.

ACTION: Recommend approval to the City Council subject to:

- Dual sign names for a period of five years.
- Consideration of renaming the proposed Main Street in the downtown.

Motion: Commissioner Calerdine, seconded by Chair Klatchko and unanimously carried on a roll call vote.

AYES: Commissioner Calerdine, Commissioner Donenfeld, Commissioner Lowe, Commissioner Middleton, Commissioner Weremiuk, Vice-Chair Roberts, Chair Klatchko

3. NEW BUSINESS:

3A. VA CONSULTING FOR A ONE-YEAR TIME EXTENSION FOR A PREVIOUSLY APPROVED PLANNED DEVELOPMENT DISTRICT 317, (PDD 317) TO CONSTRUCT 75 SINGLE-FAMILY RESIDENCES, 155 TOWN-HOMES AND AN ACTIVITY CENTER ON APPROXIMATELY 80 ACRES OUT OF A 117-ACRE SITE LOCATED ON THE WEST SIDE OF SOUTH PALM CANYON DRIVE AT BOGART TRAIL, ZONE PD 317, SECTION 34 (CASE 5.1070-PDD 317). (ER)

Principal Planner Robertson presented the time extension request as outlined in the staff report. He reported that the project was recently acquired by new ownership.

Commissioner Donenfeld questioned if it is appropriate to extend the entitlements for a project that has changed (new tentative tract map and PDD).

MAX VAHID, VA Consulting, representing the property owner, clarified that this project is a modification of the existing approved map with a reduction of the townhomes. He indicated that the flood system is still a part of the project and would like to keep the current entitlements in case the new one is not approved.

MIKE COLE, owner & managing partner, explained that a significant amount of money has been spent on submittal of the new map that includes a reduction in density. He stated that the commitments that came with the project - the storm drain and debris basin are a critical part of the project and it has taken them a while to look at the economics and market place to determine that they could remove the townhomes. He said realistically they are looking two years out until construction begins.
RESOLUTION NO. 6507

A RESOLUTION OF INTENTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA, TO CHANGE THE NAME OF CROSSLEY ROAD AND GOLF CLUB DRIVE TO LAWRENCE CROSSLEY ROAD AND ESTABLISHING A PUBLIC HEARING DATE FOR CONSIDERATION OF THE STREET NAME CHANGE (CASE 5.1376 SNC).

THE PLANNING COMMISSION FINDS AND DETERMINES AS FOLLOWS:

A. On April 22, 2015, residents of the Lawrence Crossley Neighborhood organization and the Palm Springs Black History Committee appeared before the Planning Commission and submitted a petition requesting that the Planning Commission consider renaming Crossley Road and Golf Club Drive to Lawrence Crossley Road.

B. On May 13, 2015, the Planning Commission received a report from the Department of Planning Services regarding the number of property owners that would be impacted and the costs associated with the street name change, and continued the item to the June 10, 2015 meeting for further investigation.

C. The Planning Commission carefully reviewed and considered all of the evidence presented at its meeting of June 10, 2015, including but not limited to the staff report, supporting memos, and all written and oral testimony presented, and directed staff to initiate the public hearing process for the street name change pursuant to the requirements of Palm Springs Municipal Code (PSMC) Chapter 14.08.

THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS RESOLVES:

SECTION 1. Pursuant to PSMC Section 14.08.050, the Planning Commission hereby adopts this resolution of intention to change the name of Crossley Road and Golf Club Drive to Lawrence Crossley Road and sets the public hearing date to consider Case 5.1376 SNC for July 22, 2015.

SECTION 2. Pursuant to PSMC Section 14.08.060, the Director of Planning Services shall publish this resolution of intention to change the name of Crossley Road and Golf Club Drive to Lawrence Crossley Road in a newspaper of general circulation at least 15 days prior to the July 22, 2015 public hearing date.

SECTION 3. Pursuant to PSMC Section 14.08.070, the Director of Planning Services shall provide for posting of this resolution of intention in at least three (3) public places along Crossley Road and Golf Club Drive at least 10 days prior to the July 22, 2015 public hearing date.
SECTION 4. Pursuant to PSMC Section 14.08.080 and 14.08.090, the Planning Commission shall hear and consider the proposal to change the name of Crossley Road and Golf Club Drive to Lawrence Crossley Road, and any objections to the proposal, at the July 22, 2015 public hearing. At the conclusion of the public hearing, the Planning Commission shall make a recommendation to the City Council on the proposal.

SECTION 5. Pursuant to PSMC Section 14.08.110, the Planning Commission hereby waives the requirement for an application fee for the street name change application.

ADOPTED this 10th day of June, 2015.

AYES: 4, Commissioner Weremiuk, Commissioner Middleton, Commissioner Lowe and Vice-Chair Klatchko

NOES: 2, Commissioner Calerdine and Commissioner Roberts

ABSENT: None

ABSTAIN: None

ATTEST: CITY OF PALM SPRINGS, CALIFORNIA

[Signature]

Flinn Fagg, AICP
Director of Planning Services
Lawrence Crossley, an African-American Palm Springs developer, came to the village in the mid-1920s from New Orleans to work for P.T. Stevens as his chauffeur and handyman. He soon became one of Stevens' most trusted employees, managing many of his mentor's projects.

Stevens developed the El Mirador Hotel, a Spanish Colonial Revival-style resort hotel that became one of the most fashionable destinations for the Hollywood set who flocked to the desert during the late 1920s. Stevens insisted that the El Mirador Hotel operate without restrictive guest policies.

Crossley was responsible for designing the golf course that was connected with the hotel.

Crossley's earnings grew as he got involved in other projects for Stevens like managing the Whitewater Mutual Water Company. He hired family members to supervise the opening and closing of the floodgates that brought irrigation water into the north end of the village. The open floodgates allowed water to flood over and then...
large yards of estate homes as well as many small ranches.

He invested his accumulated earnings in a restaurant, laundromat, a tea and cosmetics company, and a housing development mainly marketed to members of the African-American and Mexican-American communities.

He also developed two trailer parks, one called Crossley Corners in Palm Springs and the other, Tramview in Cathedral City. Tramview Trailer Park was developed 20 years before the Palm Springs Aerial Tramway was completed.

As a much-trusted confidante of the Agua Caliente Band of Cahuilla Indians and a friend of Chief Francisco Patencio, Crossley was regularly invited to join meetings that discussed tribal issues and was welcomed at tribal rituals.

During the 1950s, a conservatorship program was initiated to protect the interests of local Native Americans. Worried that many of the Indians would become prey to shifty outside developers, local judges and other community leaders initiated a conservatorship program. Crossley was appointed as a conservator during this period. The conservatorship program came under scrutiny after Crossley's death.
ATTACHMENT 6

Petition from Lawrence Crossley Road supporters (submitted April 22, 2015) – On File, in the City Clerk's Office
ATTACHMENT 7

Correspondence received for the July 22, 2015 Planning Commission meeting – On File, in the City Clerk’s Office
Petition to Amend the Name of Crossley Road to

LAWRENCE CROSSLEY ROAD

Petition summary and background
To recognize Palm Springs pioneer LAWRENCE CROSSLEY and the contributions of the African American community to the growth and development of Palm Springs and the Coachella Valley in the past 100 years; to conform to and continue the City and Valley tradition of honoring individuals by naming streets for them using both their first and last name, i.e. Dinah Shore Drive, Gene Autry Trail, Kirk Douglas Way.

LAWRENCE CROSSLEY’S, as well as John Nobles’ of Indio, long term impact on the Coachella Valley comes from the way each man shaped the Valley’s social structures and demographics.

A trumpet player from New Orleans, Lawrence Crossley came to Palm Springs in the 1920’s as the chauffeur and handyman of Hollywood mogul Prescott Stevens. One of the first, if not the first, African American men to settle in Palm Springs, Lawrence Crossley became one of the city’s most powerful businessmen despite being handicapped at the outset by discriminatory housing restrictions in Palm Springs. He managed Whitewater Mutual Water Company; built the first golf course, at El Mirador Hotel, where he was also an investor; and was one of the developers of the Movie Colony and Las Palmas communities. He owned trailer parks, a laundromat, restaurants, and real estate that included the Crossley Tract on the east side of today’s Tahquitz Creek Golf Resort. He was a confidant of the Agua Caliente Band of Cahuilla Indians and worked to help the Agua Caliente take advantage of their treaty rights for the use and development of their own land.

Action petitioned for
We, the undersigned, are concerned citizens who urge the Palm Springs Planning Commission and City Council to act now to AMEND THE NAME OF CROSSLEY ROAD TO LAWRENCE CROSSLEY ROAD.

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<td>Suzanne Delgado</td>
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<tr>
<td>Dave Shaw</td>
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<td>Thomas Tripp</td>
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<td>1458 E. Adobe Way</td>
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<td>Rob surgey</td>
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<td>Linda Geistlinger</td>
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<td>Tony Vaccaro</td>
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<tr>
<td>Nate Otto</td>
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<td>William Freiberg</td>
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<td>Amanda Villarreal</td>
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<td>Norman Vaughn</td>
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<tr>
<td>James McDermott</td>
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<td>2950 N. 60th St Pk</td>
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<td>Cindi Warner</td>
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<tr>
<td>Kathy Dinsel</td>
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<td>Sylvia Loflin</td>
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<td>Doug Baxter</td>
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LAWRENCE CROSSLEY ROAD

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Petition to Amend the Name of Crossley Road to

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Printed Name | Signature | Address | Date
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Joy Meredith | [Signature] | 1066 E El Alameda | 3/12/15
Julie Bogue | [Signature] | 624 S. Beverly Dr, P.S. 92264 | 3/12/15
Morgan Willard | [Signature] | 557 Brady Dr Ps 92264 | 7/12/15
Sheila Carson | [Signature] | 755 Camino Sue 92263 | 3/12/16
Alex Caron | [Signature] | 4551 Mesa Tin Ane 91265 | 3/12/15
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Petition to Amend the Name of Crossley Road to

LAWRENCE CROSSLEY ROAD

| Petition summary and background | To recognize Palm Springs pioneer LAWRENCE CROSSLEY and the contributions of the African American community to the growth and development of Palm Springs and the Coachella Valley in the past 100 years; to conform to and continue the City and Valley tradition of honoring individuals by naming streets for them using both their first and last name, i.e. Dinah Shore Drive, Gene Autry Trail, Kirk Douglas Way. LAWRENCE CROSSLEY’S, as well as John Nobles’ of Indio, long term impact on the Coachella Valley comes from the way each man shaped the Valley’s social structures and demographics. A trumpet player from New Orleans, Lawrence Crossley came to Palm Springs in the 1920’s as the chauffeur and handyman of Hollywood mogul Prescott Stevens. One of the first, if not the first, African American men to settle in Palm Springs, Lawrence Crossley became one of the city’s most powerful businessmen despite being handicapped at the outset by discriminatory housing restrictions in Palm Springs. He managed Whitewater Mutual Water Company; built the first golf course, at El Mirador Hotel, where he was also an investor; and was one of the developers of the Movie Colony and Las Palmas communities. He owned trailer parks, a laundromat, restaurants, and real estate that included the Crossley Tract on the east side of today’s Tahquitz Creek Golf Resort. He was a confidant of the Agua Caliente Band of Cahuilla Indians and worked to help the Agua Caliente take advantage of their treaty rights for the use and development of their own land. |
| Action petitioned for | We, the undersigned, are concerned citizens who urge the Palm Springs Planning Commission and City Council to act now to AMEND THE NAME OF CROSSLEY ROAD TO LAWRENCE CROSSLEY ROAD. |

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<td>Charly H.</td>
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Petition to Amend the Name of Crossley Road to

LAWRENCE CROSSLEY ROAD

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Petition to Amend the Name of Crossley Road to

**LAURENCE CROSSLEY ROAD**

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<td>Joe Ann</td>
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<td>752 Gateway</td>
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<td>Berta Jones</td>
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<td>Dan Craig</td>
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<td>Margie Kirkman</td>
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<tr>
<td>Mark Pacheco</td>
<td>Mark Pacheco</td>
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<td>Laverne Washi</td>
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<td>Ruth Coleman</td>
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<td>Ch Mather</td>
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<tr>
<td>Vanessa Del Rio</td>
<td>Vanessa Del Rio</td>
<td>279 W. Ave Pies Way P.S CA</td>
<td>2/28/15</td>
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<tr>
<td>Tjez Taylor</td>
<td>Tjez Taylor</td>
<td>145 W. Bon Air P.S</td>
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<tr>
<td>Marie Lucy</td>
<td>Marie Lucy</td>
<td>295 W Summer Rd</td>
<td>2/28/15</td>
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<td>Printed Name</td>
<td>Signature</td>
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</tr>
<tr>
<td>Fenita Hickwood</td>
<td>L. Monette-Kibler</td>
<td>1618 Bush Place</td>
<td>2-28/16</td>
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<tr>
<td>Stacy Blake</td>
<td></td>
<td>1072 Gateway Dr.</td>
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</tr>
<tr>
<td>Romaine Pyles</td>
<td></td>
<td>510 W. Sumner Ave</td>
<td>9/28/15</td>
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<tr>
<td>Debra Gilchrist</td>
<td>Debra Gilchrist</td>
<td>510 W. Sumner Blvd</td>
<td>2/28/15</td>
</tr>
<tr>
<td>Linda String</td>
<td></td>
<td>477 W. Seminary</td>
<td>2/28/15</td>
</tr>
<tr>
<td>Elizabeth Deane</td>
<td>Elizabeth Deane</td>
<td>2950 N. 10th St., Apt. 1</td>
<td>2/28/15</td>
</tr>
<tr>
<td>John Barty</td>
<td></td>
<td>22840 S. SW 1st Ave, Apt. 15</td>
<td>9/28/15</td>
</tr>
</tbody>
</table>
Petition to Amend the Name of Crossley Road to

**LAWRENCE CROSSLEY ROAD**

| Petition summary and background | To recognize the contributions of the African American community to the growth and development of Palm Springs and the Coachella Valley in the past 100 years, and, in particular, Palm Springs pioneer Lawrence Crossley; to conform to and continue the City and Valley tradition of honoring individuals by naming streets for them using both their first and last names, i.e. Dinah Shore Drive, Gene Autry Trail, Kirk Douglas Way. **LAWRENCE CROSSLEY'S** (and John Nobles') long term impact on the Coachella Valley comes from the way each man shaped the Valley's social structures and demographics. A trumpet player from New Orleans, Lawrence Crossley came to Palm Springs in the 1920's as the chauffeur and handyman of Hollywood mogul Prescott Stevens. One of the first African American men to settle here, he became one of the city's most powerful businessmen despite being handicapped at the outset by discriminatory housing restrictions in Palm Springs. He managed Whitewater Mutual Water Company; built the first golf course, at El Mirador Hotel, where he was also an investor; and was one of the developers of the Movie Colony and Las Palmas communities. He owned trailer parks, a laundromat, restaurants, and real estate that included the Crossley Tract on the east side of today's Tahquitz Creek Golf Resort. He was a confidant of the Agua Caliente Band of Cahuilla Indians and worked to help the Agua Caliente take advantage of their treaty rights to the use and development of their own land. |
| Action petitioned for | We, the undersigned, are concerned citizens who urge the Palm Springs Planning Commission and City Council to act now to AMEND THE NAME OF CROSSLEY ROAD TO LAWRENCE CROSSLEY ROAD. |

<table>
<thead>
<tr>
<th>Printed Name</th>
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<th>Date</th>
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<tbody>
<tr>
<td>Paul Lewis</td>
<td></td>
<td>1100 E. Arenas Pl.</td>
<td>4/2/15</td>
</tr>
<tr>
<td>G. Stevens</td>
<td></td>
<td>580 Las Vegas Pl</td>
<td>4/2/15</td>
</tr>
<tr>
<td>Donna Hallis</td>
<td></td>
<td>145 Gateway Pl.</td>
<td>4/2/15</td>
</tr>
<tr>
<td>Jason Fredrich</td>
<td></td>
<td>3, Waverly Sands Place</td>
<td>4/2/2015</td>
</tr>
<tr>
<td>Regina Jones</td>
<td></td>
<td>449 E. Arenas Rd. 206</td>
<td>4/2/2015</td>
</tr>
<tr>
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<tr>
<td>Sheila Scott</td>
<td>Sheila Scott</td>
<td>1800 Smoke Tree</td>
<td>4-2-15</td>
</tr>
<tr>
<td>Bonnie Robinson</td>
<td>Bonnie Robinson</td>
<td>232 Avenue Deer</td>
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<tr>
<td>John Hollis</td>
<td>John Hollis</td>
<td>245 21st Way</td>
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<tr>
<td>Joe Booty</td>
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<td>500 W. San Rafael Apt 63</td>
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<tr>
<td>Janet Maceri</td>
<td>Janet Maceri</td>
<td>520 S. Highland Rd.</td>
<td>4-2-15</td>
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<tr>
<td>Anthony Maceri</td>
<td>Anthony Maceri</td>
<td>3884 E Calle San Ramon Palm Springs</td>
<td>4-2-15</td>
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<tr>
<td>Antonio Bellant</td>
<td>Antonio Bellant</td>
<td>1225 Smoke Tree</td>
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<tr>
<td>Dawn Greene</td>
<td>Dawn Greene</td>
<td>850 E Vista Church #5</td>
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<td>Marie Bustin</td>
<td>Marie Bustin</td>
<td>3800 E Calle De Rancia</td>
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<td>Edwin Perez</td>
<td>Edwin Perez</td>
<td>2490 E. Tanquez Canyon</td>
<td>4-2-15</td>
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<tr>
<td>Lars Tilberg</td>
<td>Lars Tilberg</td>
<td>527 Jueden P.S. de Pasado</td>
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<tr>
<td>Charles Sachs</td>
<td>Charles Sachs</td>
<td>335 W. Mirabel</td>
<td>4-2-15</td>
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<td>Debbie Kahlman</td>
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<td>Rodrick Lee</td>
<td>Rodrick Lee</td>
<td>2100 E Desert Park #1</td>
<td>4-3-15</td>
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<td>Shota Gray</td>
<td>Shota Gray</td>
<td>389 Palm View</td>
<td>4-3-15</td>
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<td>Peter Astauskas</td>
<td>Peter Astauskas</td>
<td>2059 Desert Freeway</td>
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<tr>
<td>Leonard Stevens</td>
<td></td>
<td>2659 Desert Breeze Way</td>
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<tr>
<td>Kathleen Thompson</td>
<td></td>
<td>3733 Vide Rd Palm Springs CA</td>
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<tr>
<td>Jason Thompson</td>
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<td>3733 N. Video Rd</td>
<td>92262</td>
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<tr>
<td>Quan Skinner</td>
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<td>3967 El Dorado Blvd Apt 2</td>
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<tr>
<td>Lawanda Penn Berkeley</td>
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<td>751 N. Los Feliz Ave W 1113</td>
<td>92262</td>
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<tr>
<td>Connie Wright</td>
<td></td>
<td>6668 4th St Apt C DH 5</td>
<td>92240</td>
</tr>
<tr>
<td>James C. Anderson</td>
<td></td>
<td>395 W. Sunnyside Ave PSC</td>
<td>92262</td>
</tr>
</tbody>
</table>
**Petition to Amend the Name of Crossley Road to**

**LAWRENCE CROSSLEY ROAD**

| Petition summary and background | Petition to Amend the Name of Crossley Road to LAWRENCE CROSSLEY ROAD. To recognize the contributions of the African American community to the growth and development of Palm Springs and the Coachella Valley in the past 100 years, and, in particular, Palm Springs pioneer Lawrence Crossley; to conform to and continue the City and Valley tradition of honoring individuals by naming streets for them using both their first and last names, i.e. Dinah Shore Drive, Gene Autry Trail, Kirk Douglas Way. LAWRENCE CROSSLEY'S (and John Nobles) long term impact on the Coachella Valley comes from the way each man shaped the Valley's social structures and demographics. A trumpet player from New Orleans, Lawrence Crossley came to Palm Springs in the 1920's as the chauffeur and handyman of Hollywood mogul Prescott Steves. One of the first African American men to settle here, he became one of the city's most powerful businessmen despite being handicapped at the outset by discriminatory housing restrictions in Palm Springs. He managed Whitewater Mutual Water Company; built the first golf course, at El Mirador Hotel, where he was also an investor; and was one of the developers of the Movie Colony and Las Palmas communities. He owned trailer parks, a laundromat, restaurants, and real estate that included the Crossley Tract on the east side of today's Tahquitz Creek Golf Resort. He was a confidant of the Aqua Caliente Band of Cahuilla Indians and worked to help the Agua Caliente take advantage of their treaty rights to the use and development of their own land. |
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<tr>
<td>Travis James</td>
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<td>560 Rosa Parks Rd</td>
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<td>Maxine Holland</td>
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<td>451 w Palm Dr.</td>
<td>P.S. 2/28/15</td>
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<tr>
<td>Carol Gates</td>
<td></td>
<td>3100 palm way</td>
<td>E 2/28/15</td>
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<tr>
<td>Patricia Shields</td>
<td></td>
<td>1-98 E Jay (1/1)</td>
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<tr>
<td>Issac Shields</td>
<td></td>
<td>1798 E Joyce Dr.</td>
<td>P.S. 2/28/15</td>
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Petition to Amend the Name of Crossley Road to

LAWRENCE CROSSLEY ROAD

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<tr>
<td>Alonso Murray</td>
<td></td>
<td></td>
<td>2/3/14</td>
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<tr>
<td>Kenneth Williams</td>
<td></td>
<td></td>
<td>1/7/15</td>
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Attachment 3
A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF PALM SPRINGS, CALIFORNIA,
HONORING THE LEGACY OF LAWRENCE
CROSSLEY AND HIS POSITIVE CONTRIBUTIONS
TO THE CITY OF PALM SPRINGS AND THE
GREATER COMMUNITY BY APPROVING THE
RENAMING OF CROSSLEY ROAD AND GOLF
CLUB DRIVE TO LAWRENCE CROSSLEY ROAD
BETWEEN EAST RAMON ROAD AND EAST PALM
CANYON DRIVE (CASE 5.1376 SNC).

THE CITY COUNCIL FINDS AND DETERMINES AS FOLLOWS:

A. On April 22, 2015, residents of the Lawrence Crossley Neighborhood
organization and the Palm Springs Black History Committee appeared before
the Planning Commission and submitted a petition requesting that the
Planning Commission consider renaming Crossley Road and Golf Club Drive
to Lawrence Crossley Road.

B. On May 13, 2015, the Planning Commission of the City of Palm Springs
(“Planning Commission”) received a report from the Department of Planning
Services regarding the number of property owners that would be impacted
and the costs associated with the street name change, and continued the
item to the May 27, 2015 meeting for further investigation.

C. On May 27, 2015, the Planning Commission voted to continue discussion of
the street name change to June 10, 2015, to allow Staff to report back with
the number of residents impacted by the name change along Golf Club Drive.

D. On June 10, 2015 the Planning Commission carefully reviewed and
considered all of the evidence including but not limited to the staff report,
supporting memos, and all written and oral testimony presented, and
approved a Resolution of Intention (Resolution No. 6507) to change the name
of Crossley Road and Golf Club Drive to Lawrence Crossley Road, directed
Director of Planning Services to publish and post Resolution of Intention, and
set a date for public hearing to consider the proposed street name change for
July 22, 2015 pursuant to the requirements of Palm Springs Municipal Code
(PSMC) Chapter 14.08.

E. On July 22, 2015, the Planning Commission held a public hearing to consider
changing the name of Crossley Road and Golf Club Drive to Lawrence
Crossley Road (Case No. 5.1376 SNC). After consider public testimony
provided in writing and verbally, the Planning Commission voted unanimously
to recommend approval of the street name change to the City Council subject
to placement of dual street name signs for a period of five years, and to
consider renaming the proposed Main Street in the downtown (subsequently
named Museum Way).
THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The findings and determinations are true and correct, and are incorporated by this reference herein as the cause and foundation for the action taken by and through this Resolution.

SECTION 2. The City Council hereby publicly recognizes Lawrence Crossley and all his achievements for the City of Palm Springs and the greater community by approving the renaming of Crossley Road and Golf Club Drive to Lawrence Crossley Road extending from E. Ramon Road to E. Palm Canyon Drive.

SECTION 3. The City Manager is hereby directed to place dual street name signs identifying Crossley Road and Golf Club Drive as Lawrence Crossley Road for a period of five (5) years, after which the original street name signs of Crossley Road and Golf Club Drive shall be removed.

SECTION 4. This action approving the renaming of Crossley Road and Golf Club Drive to Lawrence Crossley Road extending from E. Ramon Road to E. Palm Canyon Drive, is not subject to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) pursuant to Section 15378(a) of the State Guidelines, because the action taken by this Resolution is considered organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

SECTION 5. The City Clerk shall certify to the passage and adoption of this Resolution, and this Resolution shall take effect immediately upon its adoption.


David H. Ready, Esq., Ph.D.
City Manager

ATTEST:

Anthony J. Mejia, City Clerk
CERTIFICATION

STATE OF CALIFORNIA  )
COUNTY OF RIVERSIDE  ) ss.
CITY OF PALM SPRINGS  )

I, ANTHONY J. MEJIA, City Clerk of the City of Palm Springs, hereby certify that Resolution No. ___ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on August 6, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____________________________________
Anthony J. Mejia, City Clerk
City of Palm Springs, California
Subject
CONTINUED DISCUSSION AND POSSIBLE DIRECTION ON THE IMPACTS AND RESPONSE TO THE LOCAL EMERGENCY RELATED TO THE NOVEL CORONAVIRUS (COVID-19), INCLUDING CONFIRMATION OF EXISTING EMERGENCY ORDERS

RECOMMENDATION:

1. Discuss and consider confirmation, by motion, of existing City emergency orders.
2. Provide direction regarding potential additional or amended emergency orders.

Attachments
Item 4C
SUMMARY

This agenda item provides for the City Council's consideration of the various impacts and responses that the City has taken related to the local emergency caused by COVID-19. The item also provides an opportunity for the City Council to discuss and confirm the various emergency orders that the City Manager/Director of Emergency Services has issued, and possibly provide direction for additional emergency orders.

RECOMMENDATION:

1. Discuss and consider confirmation, by motion, of existing City emergency orders.
2. Provide direction regarding potential additional or amended emergency orders.

BACKGROUND:

On March 4, 2020, Governor Gavin Newsom declared a State of Emergency due to the number of confirmed cases of COVID-19 in the state of California.

On March 14, 2020, the City Manager, acting as the City's Director of Emergency Services, issued a "Declaration of the Existence of a Local Emergency," relating to the spread of COVID-19, pursuant to his authority identified in PSMC section 2.20.050(a)(1). This was done in light of the rapidly changing conditions related to COVID-19, and emerging positive cases and community spread of COVID-19 in the Coachella Valley. A copy of the City Manager's Declaration is included in Attachment 1.
In addition, the City Manager/Director of Emergency Services subsequently issued the following orders, pursuant to the authority granted by PSMC 2.20.05(a)(6):

<table>
<thead>
<tr>
<th>Date</th>
<th>Order Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 25</td>
<td>(1) all construction projects be suspended, except for those defined as “Essential Construction Projects”; (2) where possible, parties are to use remote video-conferencing technology to conduct inspections; (3) a definition of Essential Construction Projects; (4) construction sites with Essential Construction Projects must prepare and post “Social Distancing Protocol”; (5) all employees working on Essential Construction Projects must follow the Social Distancing Protocol at their respective construction sites, as well as any social distancing and protective standards or guidelines established by City, County, State and Federal authorities; (6) any active building permits that are not qualified as Essential Construction projects be suspended; (7) the City will continue to process and review active building permit applications, but will not issue any building permits until the Order is lifted, unless the permit is for an Essential Construction Project; (8) any building permit for any project that is deferred will be automatically extended for a period equal to March 14, 2020 to the date the City of Palm Springs declares the end of the state of emergency.</td>
</tr>
<tr>
<td>May 7, 2020</td>
<td>(1) public trails within the City shall remain open until further notice, provided people using the trail maintain a minimum space of 6 feet from other persons not from the same household; (2) golf courses may be re-opened, if operated pursuant to “Park and Play” rules, as well as additional City regulations; (3) open recreation areas and fields may be used provided people maintain a minimum space of 6 feet from other persons not from the same household; (4) pickle ball courts may be re-opened, if they follow City regulations; (5) facilities within the public parks, including child play equipment, basketball courts, tennis courts, and pickle ball courts were ordered closed and no person shall enter upon or use such facilities until a subsequent order from the Emergency Services Director is issued.</td>
</tr>
<tr>
<td>May 9, 2020</td>
<td>Applies to any in-person shopping operations. Limits occupancy to 40% of normal occupancy limit.</td>
</tr>
</tbody>
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### July 1 Incorporating State’s Stay at Home Order/ Enhanced Face Covering Requirements

<table>
<thead>
<tr>
<th>Grocery and other business workers</th>
<th>Requires a designated entrance and exit for those establishments with 2 public doors. Requires plexiglass shields at all points of sale. Establishments must refuse service to any person who is not wearing a face covering. Recommends that only one household member shop at a time.</th>
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</thead>
<tbody>
<tr>
<td>May 22, 2020 Pools</td>
<td>City no longer regulated swimming pools in privately owned communities by way of any emergency order. (amends May 7, 2020 order with regard to such pools)</td>
</tr>
<tr>
<td>July 30, 2020 Bar/Restaurant closure by midnight</td>
<td>Requires those bars, restaurants and breweries that are allowed to operate to be closed by midnight to 5:00am the next morning. Only workers who are necessary to close, clean and open the facility may be in the facility during that time. Does not apply to drive-through or take out operations.</td>
</tr>
</tbody>
</table>

A copy of these emergency orders from the City Manager/Director of Emergency Services is included as Attachment 2. During a declared emergency, Palm Springs Municipal Code section 2.20.050(a)(6)(A) authorizes the City Manager/Director of Emergency Services to make and issue rules and regulations on matters related to the protection of life and property as affected by such emergency. However, that section requires the City Council to confirm those emergency orders. Therefore, it is recommended that the City Council, by motion, confirm the above-referenced existing emergency orders, including any modifications that the City Council may believe to be warranted.

In addition to the existing emergency orders, the City Council may wish to consider additional emergency measures to address arising COVID-19 issues. For instance, at the July 24, 2020 City Council meeting, the County’s Health Officer, Dr. Kaiser (who
also serves as the City’s designated health officer) informed the City Council and public that it was his belief that social gatherings are likely a cause for the continued community spread of the COVID virus. These social gatherings can occur at business establishments, such as bars and restaurants, as well as at residences, including vacation rentals.

According to the State’s COVID-19 webpage, “gatherings” are prohibited by State public health directives. (https://covid19.ca.gov/search/?q=gatherings#gsc.tab=0&gsc.q=gatherings&gsc.page=1) “Gatherings” are defined by the State as “meetings or other events that bring together persons from multiple households at the same time for a shared or group experience in a single room, space, or place such as an auditorium, stadium, arena, large conference room, meeting hall, or other indoor or outdoor space.” The term “household” is not formally defined by the State, however, it is generally understood to mean those persons who have been cohabitating for some period of time, either before or during the pandemic.

CONCLUSION:

It is recommended that the City Council, by motion, confirm the City Manager’s emergency orders, as may be modified by the City Council, and provide direction as to any additional protective measures that the City Council feels are warranted.

ENVIRONMENTAL IMPACT:

In accordance with Section 21080(b)(4) of the California Public Resources Code, the California Environmental Quality Act (CEQA) is not applicable to any actions necessary to prevent or mitigate an emergency

FISCAL IMPACT:

This action is not anticipated to result in any fiscal impact to the City of Palm Springs.

SUBMITTED:

David H. Ready, Esq., Ph.D.  
City Manager  
Jeff Ballinger  
City Attorney

Attachments:

1. Declaration of a Local Emergency (March 14, 2020)
2. Existing Emergency Orders
DECLARATION OF THE EXISTENCE OF A LOCAL EMERGENCY
CITY OF PALM SPRINGS

March 14, 2020

WHEREAS, Palm Springs Municipal Code section 2.20.050(a)(1) empowers the City Manager, acting as the Director of Emergency Services, to proclaim the existence or threatened existence of a local emergency when the City is exposed to an actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City and the City Council is not in session; and

WHEREAS, the City Manager, as Director of Emergency Services of the City of Palm Springs, does hereby find that:

1. Threatened existence of conditions of extreme peril to the health and safety of persons in Palm Springs are present as a result of the increasing spread of novel coronavirus (COVID-19) across the state; and

2. The federal Centers for Disease Control and Prevention has confirmed multiple cases of individuals who have severe respiratory illness caused by a novel coronavirus, called COVID-19, as well as deaths caused by this illness; and

3. The World Health Organization declared COVID-19 a pandemic; and

4. On March 4, 2020 California Governor Newsome declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

5. The increase of reported cases and deaths associated with COVID-19 has also prompted the County of Riverside on March 10, 2020 to proclaim a local and public health emergency; and

6. A proclamation of a local emergency will assist in a coordinated public health response to reduce transmission and illness severity, provide assistance to health care providers, coordinate and mitigate public services that may be disrupted from this emergency, and mitigate any other effects of this emergency on the citizens of the City; and
7. Under California Government Code section 8630(b) and Palm Springs Municipal Code section 2.20.050(a)(1), a proclamation of local emergency must be ratified by the City Council within seven (7) days to remain in effect.

NOW, THEREFORE, IT IS HEREBY DECLARED, that a local emergency now exists throughout the City; and

IT IS FURTHER DECLARED AND ORDERED that during the existence of said local emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, ordinances, and resolutions of the City of Palm Springs.; and

IT IS FURTHER DECLARED AND ORDERED that, without limiting the nature of the foregoing, the City Manager, as Director of Emergency Services, is empowered:

(A) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency;

(B) To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property, and to bind the City for the fair value thereof and, if required immediately, to commandeer the same for public use;

(C) To require emergency services of any City officer or employee and, in the event of the proclamation of a state of emergency in Riverside County, to command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered disaster service workers;

(D) To requisition necessary personnel or material to any City department or agency; and

(E) To execute all of his ordinary power as City Manager, all of the special powers conferred upon him by Chapter 2.20 of the Palm Springs Municipal Code or by resolution or emergency plan pursuant thereto adopted by the City Council, all powers conferred upon him by any statute, by any agreement approved by the City Council, and by any other lawful authority.

March 14, 2020

David H. Ready,  
City Manager/Director of Emergency Services

APPROVED AS TO LEGAL FORM:

Jeffrey S. Ballinger, City Attorney
ATTACHMENT 2
CITY OF PALM SPRINGS
LOCAL EMERGENCY
AMENDED SUPPLEMENTARY ORDER
ESSENTIAL CONSTRUCTION PROJECTS

April 25, 2020

WHEREAS, on March 14, 2020, pursuant to the City of Palm Springs Municipal Code section 2.20.050(a)(1), the City Manager, acting as the Director of Emergency Services, declared the existence of a local emergency within the City of Palm Springs, due to the threat presented by the COVID-19 pandemic, which declaration was subsequently ratified by the Palm Springs City Council on March 19, 2020; and

WHEREAS, on March 19, 2020, the State of California imposed a “shelter in place” order, which required all persons in California to stay at home, unless they are essential workers; and

WHEREAS, pursuant to Palm Springs Municipal Code section 2.20.050(a)(6), the Director of Emergency Services is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council; and

WHEREAS, on April 7, 2020, the Director of Emergency Services issued an emergency order related to essential/non-essential construction projects; and

WHEREAS, the Director of Emergency Services is authorized to revise his emergency declaration and related orders, as the situation evolves.

NOW, THEREFORE, IT IS HEREBY DECLARED AND ORDERED, that:

1. Construction projects have the potential of exposing the City’s Building Inspectors to the COVID-19 virus. Therefore, all residential and commercial construction projects, except those defined in this Supplementary Order as “Essential Construction Projects”, shall be suspended until further notice. In addition to the Social Distancing Protocols set forth below, whenever possible,
inspections shall be conducted via remote video-conferencing technology, such as Skype, Zoom, Facetime, etc.

2. "Essential Construction Projects" are limited to the following:

a. Projects immediately necessary to the maintenance, operation, or repair of "Essential Infrastructure," including airports, utilities (including water, sewer, gas, and electrical), oil refining, roads and highways, public transportation, solid waste facilities (including collection, removal, disposal, and processing facilities), cemeteries, mortuaries, crematoriums, and telecommunications systems (including the provision of essential global, national, and local infrastructure for internet, computing services, business infrastructure, communications, and web-based services);

b. Projects associated with "Healthcare Operations," including creating or expanding Healthcare Operations, provided that such construction is directly related to the COVID-19 response. Healthcare Operations is defined to include hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services, and excludes fitness and exercise gyms and similar facilities. Healthcare Operations also includes veterinary care and all healthcare services provided to animals. This exemption for Healthcare Operations construction shall be construed broadly to avoid any interference with the delivery of healthcare, broadly defined;

c. Affordable housing that is or will be income-restricted, including multi-unit or mixed-use developments containing at least 10% income-restricted units;

d. Public works projects if specifically designated as an "Essential Governmental Function" by the lead governmental agency undertaking them;

e. Shelters and temporary housing, but not including hotels or motels;

f. Projects immediately necessary to provide critical non-commercial services to individuals experiencing homelessness, elderly persons, persons who are economically disadvantaged, and persons with special needs;

g. Construction necessary to ensure that existing construction sites that must be shut down under this Supplementary Order are left in a safe and secure manner, but only to the extent necessary to do so; and

h. Construction or repair necessary to ensure that residences are safe, sanitary, or habitable to the extent such construction or repair cannot reasonably be delayed; and
i. Construction or repair necessary to ensure that buildings containing “Essential Businesses” as defined in the State Shelter in Place Order, as interpreted and implemented by Riverside County, are safe, sanitary, or habitable to the extent such construction or repair cannot reasonably be delayed; and

j. Construction of new single family or multiple-unit housing projects (including accessory dwelling units), including construction of related accessory structures (i.e., pools, patio covers, etc.).

k. Construction of accessory structures (i.e., pools, patio covers, etc.) at existing residences, where the scope of the work occurs primarily to the exterior of the building/structure.

l. Construction or installation of new solar photovoltaic systems or battery storage systems.

m. Demolition or interior remodel within existing residential buildings, but only if such building is entirely vacant and not occupied.

n. Demolition or interior remodel within existing commercial buildings, but only if such building is entirely vacant and not occupied and has no business or commercial activity occurring inside such building.

o. Removal and replacement of roofing and roof structures on existing residential or commercial buildings.

3. All construction sites where “Essential Construction Projects” will proceed must have prepared and posted by no later than 11:59 p.m. on April 8, 2020 a “Social Distancing Protocol.” The Social Distancing Protocol must be substantially in the form attached to this Supplementary Order as Appendix A. The Social Distancing Protocol must be posted at or near the entrance of the relevant site, and shall be easily viewable by the public and employees. A copy of the Social Distancing Protocol must also be provided to each employee performing work at the construction site. All construction sites where construction will occur shall implement the Social Distancing Protocol and provide evidence of its implementation to any authority enforcing this Supplementary Order upon demand. The Social Distancing Protocol must explain how the construction site is achieving the following, as applicable:

a. Limiting the number of people who can enter into the site at any one time to ensure that people in the site can easily maintain a minimum six-foot distance from one another at all times;

b. Where lines or crowds may form at a site, marking six-foot increments at a minimum, establishing where individuals should stand to maintain adequate social distancing;
c. Providing hand sanitizer, soap and water, or effective disinfectant at or near the entrance of the site and in other appropriate areas for use by employees and the public;

d. Regularly disinfecting high-touch surfaces;

e. Posting a sign at the entrance of the site informing all employees and the public that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another (including while having meals/breaks); sneeze and cough into one's elbow; not shake hands or engage in any unnecessary physical contact; and

f. Any additional social distancing measures then being implemented (see the Centers for Disease Control and Prevention's guidance at: https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html).

4. All employees working on “Essential Construction Projects” must follow the required Social Distancing Protocol at their respective construction sites, and other social distancing and protective standards or guidelines as may be promulgated from time to time by City, County, State and federal authorities.

5. In furtherance of this Supplementary Order, unless expressly qualifying as “Essential Construction Projects,” the following types of construction projects with active building permits, or with pending building permit applications, to be suspended by this order until termination of the local emergency, include, but are not limited to, the following:

   a. Demolition and/or interior remodel of any space within an existing dwelling unit, or any addition thereto, where such dwelling unit is occupied;

   b. Demolition and/or interior remodel of any space within a commercial building, or completion of “tenant improvements” (TI's), or any addition thereto, where such building is occupied or has business or commercial activities occurring therein.

6. In furtherance of this Supplementary Order, the City will continue to process the review and approval of all currently active building permit applications during the effectiveness of this Supplementary Order. However, issuance of building permits for construction projects not considered “Essential Construction Projects” will be deferred until such time as this Supplementary Order is terminated. Any building permit for any project that is deferred by this Supplementary Order shall automatically be extended by a period that is equal to the time period that begins on March 14, 2020 and ends on the day that the City of Palm Springs declares the end of this local state of emergency.

   IT IS FURTHER DECLARED AND ORDERED, that the City’s code enforcement or peace officers shall be authorized to enforce this order. Such enforcement shall
begin with informing applicable businesses of the requirements of this order. In the event a business is found in violation of this order, after previously being informed of the requirements of this order, the City may impose administrative fines, pursuant to Palm Springs Municipal Code sections 1.06.040 and 2.20.100 and City Council Resolution 24738, dated March 19, 2020. The citing officer shall be entitled to exercise his/her discretion in determining the amount of any such fine, having taken into consideration the severity of the violation. In addition, continued violations of this order may result in the closure of any construction site that violates this order.

IT IS FURTHER DECLARED AND ORDERED, this order is a temporary emergency measure, which is effective immediately and shall remain in effect unless and until modified or superseded by the Director of Emergency Services, City Council or any county, state or federal order or declaration.

April 25, 2020

David H. Ready,
City Manager/Director of Emergency Services

APPROVED AS TO LEGAL FORM:

Jeffrey S. Ballinger, City Attorney
EXHIBIT “A”

Social Distancing Protocol
Appendix A: Social Distancing Protocol

Measures To Keep People At Least Six Feet Apart (check all that apply to the facility)

☐ Placing signs outside the store reminding people to be at least six feet apart, including when in line.

☐ Placing tape or other markings at least six feet apart in customer line areas inside the store and on sidewalks at public entrances with signs directing customers to use the markings to maintain distance.

☐ Separate order areas from delivery areas to prevent customers from gathering.

☐ All employees have been instructed to maintain at least six feet distance from customers and from each other, except employees may momentarily come closer when necessary to accept payment, deliver goods or services, or as otherwise necessary.

☐ Optional—Describe other measures: 

Measures To Prevent Unnecessary Contact (check all that apply to the facility):

☐ Preventing people from self-serving any items that are food-related.

☐ Lids for cups and food-bar type items are provided by staff; not to customers to grab.

☐ Bulk-item food bins are not available for customer self-service use.

☐ Not permitting customers to bring their own bags, mugs, or other reusable items from home.

☐ Providing for contactless payment systems or, if not feasible, sanitizing payment systems regularly.

Describe: 

☐ Optional—Describe other measures (e.g. providing senior-only hours): 

text

Measures To Increase Sanitization (check all that apply to the facility):

☐ Disinfecting wipes that are effective against COVID-19 are available near shopping carts and shopping baskets.

☐ Employee(s) assigned to disinfect carts and baskets regularly.

☐ Hand sanitizer, soap and water, or effective disinfectant is available to the public at or near the entrance of the facility, at checkout counters, and anywhere else inside the store or immediately outside where people have direct interactions.

☐ Disinfecting all payment portals, pens, and styluses after each use.

☐ Disinfecting all high-contact surfaces frequently.

☐ Optional—Describe other measures: 

* Any additional measures not included here should be listed on separate pages, which the business should attach to this document.

You may contact the following person with any questions or comments about this protocol:

Name:  Phone number: 
CITY OF PALM SPRINGS
LOCAL EMERGENCY
AMENDED SUPPLEMENTARY ORDER
TRAILS, GOLF COURSES, PARKS AND RECREATIONAL FACILITIES,
INCLUDING POOLS, TENNIS COURTS AND PICKLE BALL COURTS

May 7, 2020

WHEREAS, on March 14, 2020, pursuant to the City of Palm Springs Municipal Code section 2.20.050(a)(1), the City Manager, acting as the Director of Emergency Services, declared the existence of a local emergency within the City of Palm Springs, due to the threat presented by the COVID-19 pandemic, which declaration was subsequently ratified by the Palm Springs City Council on March 19, 2020; and

WHEREAS, on March 19, 2020, the State of California imposed a “shelter in place” order, which required all persons in California to stay at home, unless they are essential workers; and

WHEREAS, pursuant to Palm Springs Municipal Code section 2.20.050(a)(6), the Director of Emergency Services is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council; and

WHEREAS, on March 24, the Director of Emergency Services issued an emergency order related to trails, golf courses, parks and other outdoor recreational facilities; and

WHEREAS, on April 25, the Director of Emergency Services issued an Amended Supplementary Order related to tennis and pickle ball courts and swimming pools in privately owned communities; and

WHEREAS, the Director of Emergency Services is authorized to revise his emergency declaration and related orders, as the situation evolves.
NOW, THEREFORE, IT IS HEREBY DECLARED AND ORDERED, that:

1. Public trails within the City of Palm Springs jurisdiction shall remain open to the public, until further notice; provided, however, that persons using such trails shall implement social distancing, including maintaining a minimum space of 6 feet from other persons not from the same household.

2. Golf courses within the City of Palm Springs (whether public or private) may (but are not required to) be re-opened, subject to compliance with the following rules:

**City-Owned Golf Courses**

(A) In order to open for play, all public golf courses shall fully implement the "Park and Play: Making Your Course Social Distance Ready" Program developed by the National Golf Course Owners Association and attached to this Order as "Exhibit A". In the event the same subject is covered by both the Park and Play Program and the following rules, then the more strict rule shall apply. For example, where the Park and Play **encourages** golfers to pay in advance over the phone or credit card, and the rules below **require** such remote transactions; the rules below shall govern and the golf courses shall require remote transactions.

(B) Prior to re-opening, each golf course must provide a written plan for re-opening to the City Manager, demonstrating a plan for ensuring compliance with this order, including, without limitation, how the golf course will be protecting its staff and guests from the potential spread of COVID-19.

(C) The golf course must ensure that all persons, including, without limitation, employees, customers, vendors and any other visitors, must wear face coverings while at such location. However, a face covering must be available, but its use discretionary, when playing golf, if the golfers always stay more than six feet from each other, where players are limited to household members, or when a medical provider has advised a face covering should not be used. Such golf course shall not permit entry by any person onto the golf course property unless such person is wearing a face covering. Face coverings need not be "masks", but can include scarves (dense fabric, without holes), bandanas, neck gaiters, or other fabric face coverings.

(D) Social distancing (6ft min.) must be maintained by all persons at the golf course, including, without limitation, employees, customers, vendors and any other visitors.

(E) Only one (1) person is allowed per golf cart, unless all of the occupants of the golf cart are all members of the same household, or unless a player has a disability and cannot safely ride alone.

(F) Golf course management must remove all flags at all cups.
throughout course, unless an alternative arrangement is established that will avoid the touching of such flags. The golf course must raise each cup at least one inch (1") above the ground, so that the players can count it when the ball hits the cup.

(G) Rounds must be reserved in advance by phone or online. Appointment only. No "walk-ins". Players may still be allowed to pay in-person, if allowed by the golf course operator.

(H) The clubhouse, pro shop and restaurant (and any bar) remain closed. Food "take out" service is allowed. No beverage cart service shall be allowed.

(I) Increase the frequency of routine cleaning, sanitization and disinfection of all locations, especially all common and high traffic areas, and frequently touched surfaces, including restrooms and golf carts.

(J) Recommend the removal trash bins from all locations on the course. Trash cans at other locations (i.e., commercial collection, restrooms are to remain and be serviced).

(K) Remove rakes from the course and allow players to temporarily play these areas as non-hazards. Golf courses must establish a rule that permits players to place their golf ball in any bunker on the course.

(L) The golf course must remove all ice chests that have the potential for sharing, including those on golf carts and elsewhere throughout the golf course. Players may bring their own small personal ice chests. Players may use such personal ice chests for water, juice and soft drinks, but not alcoholic beverages.

(M) Remove all sand & seed bottles.

(N) A strong recommendation is made that all persons who are 65 years or older, have a chronic underlying health condition, or have a compromised immune system self-quarantine themselves at home.

(O) Indoor events are prohibited, without exception.

(P) No rental of golf clubs, without exception.

(Q) Along the course, any ball hit into the out of bounds area adjacent to a private home is a "lost ball" and may not be recovered. Any player crossing the property line of a private home will be subject to eviction from the course, and barred from future play on the course during the duration of the local emergency.

(R) Golf course operators must provide non-medical face covering, hand sanitizer and gloves for employees, at the expense of the golf course operator.

**Private Golf Courses**

(A) In order to open for play, all private golf courses shall fully implement the "Park and Play: Making Your Course Social Distance Ready" Program developed by the National Golf Course Owners
Association and attached to this Order as “Exhibit A”. In the event the same subject is covered by both the Park and Play Program and the following rules, then the more strict rule shall apply. For example, where the Park and Play encourages golfers to pay in advance over the phone or credit card, and the rules below require such remote transactions; the rules below shall govern and the golf courses shall require remote transactions.

(B) Prior to re-opening, each golf course must provide a written plan for re-opening to the City Manager, demonstrating a plan for ensuring compliance with this order, including, without limitation, how the golf course will be protecting its staff and guests from the potential spread of COVID-19.

(C) The golf course must ensure that all persons, including, without limitation, employees, customers, vendors and any other visitors, must wear face coverings while at such location. However, a face covering must be available, but its use discretionary, when playing golf, if the golfers always stay more than six feet from each other, where players are limited to household members, or when a medical provider has advised a face covering should not be used. Such golf course shall not permit entry by any person onto the golf course property unless such person is wearing a face covering. Face coverings need not be “masks”, but can include scarves (dense fabric, without holes), bandanas, neck gaiters, or other fabric face coverings.

(D) Social distancing (6ft min.) must be maintained by all persons at the golf course, including, without limitation, employees, customers, vendors and any other visitors.

(E) Only one (1) person is allowed per golf cart, unless all of the occupants of the golf cart are all members of the same household, or unless a player has a disability and cannot safely ride alone.

(F) Golf course management must remove all flags at all cups throughout course, unless an alternative arrangement is established that will avoid the touching of such flags. The golf course must raise each cup at least one inch (1") above the ground, so that the players can count it when the ball hits the cup.

(G) Rounds must be reserved in advance by phone or online. Appointment only. No “walk-ins”. Players may still be allowed to pay in-person, if allowed by the golf course operator.

(H) The clubhouse, pro shop and restaurant (and any bar) remain closed. Food “take out” service is allowed. No beverage cart service shall be allowed.

(I) Increase the frequency of routine cleaning, sanitization and disinfection of all locations, especially all common and high traffic areas, and frequently touched surfaces, including restrooms and golf carts.

(J) Recommend the removal of trash bins from all locations on the
course. Trash cans at other locations (i.e., commercial collection, restrooms are to remain and be serviced).

(K) Remove rakes from the course and allow players to temporarily play these areas as non-hazards. Golf courses must establish a rule that permits players to place their golf ball in any bunker on the course.

(L) The golf course must remove all ice chests that have the potential for sharing, including those on golf carts and elsewhere throughout the golf course. Players may bring their own small personal ice chests. Players may use such personal ice chests for water, juice and soft drinks, but not alcoholic beverages.

(M) Remove all sand & seed bottles.

(N) Play is for members only; no walk-ins.

(O) This order is permissive in nature, and shall not be interpreted as requiring any golf course owner/operator to make its private golf course facilities available for play.

(P) A strong recommendation is made that all persons who are 65 years or older, have a chronic underlying health condition, or have a compromised immune system self-quarantine themselves at home.

(Q) Indoor events are prohibited, without exception.

(R) No rental of golf clubs, without exception.

(S) Along the course, any ball hit into the out of bounds area adjacent to a private home is a “lost ball” and may not be recovered. Any player crossing the property line of a private home will be subject to eviction from the course, and barred from future play on the course during the duration of the local emergency.

(T) Golf course operators must provide non-medical face covering, hand sanitizer and gloves for employees, at the expense of the golf course operator.

3. Open recreation areas and fields located within public parks in the City of Palm Springs shall remain open to the public; provided, however, that persons using such parks shall implement social distancing, including maintaining space a minimum space of 6 feet from other persons not from the same household. Use of open recreation areas or fields in such parks by groups of individuals coordinating events or gatherings of persons not within the same household is prohibited.

4. Also, facilities within public parks and within the common area of any private HOA, apartment complex, hotel, motel, timeshare or country club, including, without limitation, child play equipment, and basketball courts, in the City of Palm Springs are hereby ordered closed and shall remain closed to the public until subsequent order from the Emergency Services Director. No person shall enter upon or use such facilities until subsequent order from the Emergency Services Director. Notwithstanding the foregoing, tennis courts and pickle ball courts may
(but are not required to) be re-opened, subject to compliance with the following rules:

**City-Owned Tennis Courts and Pickle Ball Courts**

(A) Social distancing (6ft min.) must be maintained by all persons at the tennis court property, including, without limitation, players, employees, customers, vendors and any other visitors.

(B) The tennis/pickle ball court operator must ensure that all persons, including, without limitation, employees, customers, vendors and any other visitors, must wear face coverings while at such location. However, a face covering must be available, but its use discretionary, when playing, if the players always stay more than six feet from each other, where players are limited to household members, or when a medical provider has advised a face covering should not be used. Such operator must not permit entry by any person onto the property unless such person is wearing a face covering. Face coverings need not be "masks", but can include scarves (dense fabric, without holes), bandanas, neck gaiters, or other fabric face coverings.

(C) Singles play only is allowed; provided, however, that the City Manager/Director of Emergency Services may, allow for doubles if he determines that: social distancing and any other protective measures deemed appropriate can safely be practiced.

(D) No use of drinking fountains is permitted. Such fountains must be restricted from access.

(E) Play reservations must be made in advance, by phone or online. Appointment only. No "walk-ins". Appointments must be made the day before.

- 30 minutes block times for Pickle ball
- 45 minutes block times for Tennis

(F) All public seating will be blocked off or removed, to avoid gatherings of people.

(G) No gatherings are allowed around the courts.

(H) No group lessons/classes will be provided.

(I) Courts will be monitored by Parks and Recreation Department staff (on rotation), in order to monitor compliance with this order. Parks/Rec. staff will work with City Code and Police Dept. for enforcement, if needed.

(J) A strong recommendation is made that all persons who are 65 years or older, have a chronic underlying health condition, or have a compromised immune system self-quarantine themselves at home.

**Private Tennis Courts and Pickle Ball Courts**

(A) Social distancing (6ft min.) must be maintained by all persons at the tennis court property, including, without limitation, players, employees, customers, vendors and any other visitors.

(B) The tennis/pickle ball court operator must ensure that all persons,
including, without limitation, employees, customers, vendors and any other visitors, must wear face coverings while at such location. However, a face covering must be available, but its use discretionary, when playing, if the players always stay more than six feet from each other, where players are limited to household members, or when a medical provider has advised a face covering should not be used. Such operator must not permit entry by any person onto the property unless such person is wearing a face covering. Face coverings need not be "masks", but can include scarves (dense fabric, without holes), bandanas, neck gaiters, or other fabric face coverings. This provision is not intended to require court operators to add or increase staffing necessarily, but instead may be enforced in any manner deemed reasonably acceptable to such operator, including, without limitation, posting notices at appropriate locations.

(C) Singles play only is recommended.
(D) Play is for members only; no walk-ins.
(E) No use of drinking fountains is permitted. Such fountains must be restricted from access.
(F) This order is permissive in nature, and shall not be interpreted as requiring any tennis/pickle ball court owner/operator to make its facilities available for play.
(G) A strong recommendation is made that all persons who are 65 years or older, have a chronic underlying health condition, or have a compromised immune system self-quarantine themselves at home.

5. On May 6, 2020, Riverside County issued guidance regarding private community Pools, entitled Community Pool Guidance—COVID-19, attached hereto as Exhibit "B". This order incorporates such guidance from Riverside County. The requirement for a written disinfection plan is not intended to require community pool owners or managers to add or increase staffing necessarily, but instead may be enforced in any manner deemed reasonably acceptable to such owner/manager, including, without limitation, posting notices at appropriate locations. This order shall not be interpreted as requiring any HOA, apartment complex, hotel, motel, or country club to make its private community pool facilities available to residents/occupants. Every owner or manager of any private property on which such pools are located shall post notices in prominent locations advising users of the applicable rules contained in this emergency order. Such notices shall be in English and Spanish.

IT IS FURTHER DECLARED AND ORDERED, that pursuant to Palm Springs Municipal Code sections 1.06.040 and 2.20.100 and City Council Resolution dated March 19, 2020, the City may impose administrative fines for violations of this order. With regard to recreational facilities located on private property, the City's Director of Emergency Services may impose such administrative fines on any owner or manager,
or both, of such private property, and may, in addition to such fines, order the closure of such recreational facilities on a facility-by-facility basis, property-by-property basis, or on a City-wide basis, should repeat violations of this order occur.

IT IS FURTHER DECLARED AND ORDERED, this order is a temporary emergency measure, which is effective immediately and shall remain in effect unless and until modified or superseded by the Director of Emergency Services, City Council or any county, state or federal order or declaration.

May 7, 2020

David H. Ready,
City Manager/Director of Emergency Services

APPROVED AS TO LEGAL FORM:

Jeffrey S. Ballinger, City Attorney
EXHIBIT A
PARK and PLAY Program:

Making Your Course Social Distance Ready

If your golf course is open, use this list of measures to implement a “Park and Play” program at your course. These measures align with the Center for Disease Control and Prevention’s (CDC) “social distancing” and sanitation practices, and have been reviewed and approved by a physician at the Infectious Diseases Society of America. Once adopted by your staff and your customers, these measures will allow your course to continue operations, help the public feel more comfortable, and set expectations on near term limitations during this trying time.

☐ Encourage golfers to pay in advance over the phone with a credit card, or book online, show up to a pre-positioned sanitized cart, and proceed to the first tee without personal contact.
☐ Place appropriate signage outside the pro-shop and clubhouse entries briefly outlining the social distancing guidelines in place.
☐ Place appropriate signage on carts and around the clubhouse with the phone number to call in food orders with an explanation that credit card transactions are requested.
☐ Eliminate sit-down food and beverage services, and recommend customers use pre-order “take-out” or “to go” services only. Consider offering cart-to-cart delivery if feasible.
☐ Encourage golfers to ride one person per golf cart, if possible.
☐ Direct players to leave the pin in the cup at all times. You can also raise the cup up an inch above the green surface and count it when the ball hits it. This is a good time for “gimmies.”
☐ Follow all guidance to not exceed gathering limits established by local and state authorities.
☐ Conduct no indoor events if possible.
☐ Remove ball washing stations or place out of usable areas.
☐ Remove all trash cans from the golf course.
☐ Remove rakes from the course and temporarily play these areas as non hazards. Put a local rule in place that permits placing your golf ball in any bunker on the course.
☐ Spread out driving range stations to separate customers.
☐ Remove all water stations from the course and either provide bottled water or advise them to purchase beverages prior to tee off.
☐ Remove bulk scorecard, pencil and tee holders from starter areas. Only issue when requested.
☐ After play, ask golfers to go directly to their carts and park them in designated areas.
☐ Ask your customers to personally dispose of any trash they may have in the nearby receptacles.
☐ Ask golfers to leave the golf course immediately after playing to eliminate congestion/gathering on the property or in the parking lot.

Preparing Your Facility

☐ Eliminate walk-up tee times and require tee times be made in advance, while encouraging advance pay. Update your website to indicate this.
☐ Provide clear professional signage informing guests of operational changes and encourage recommended sanitation practices.
☐ Increase the frequency of routine cleaning, sanitization and disinfection of all locations, especially all common and high traffic areas, and frequently touched surfaces.
☐ Increase the number of hand sanitizer stations throughout the clubhouse, especially entry points and lobby.
☐ Increase frequency of HVAC system filter changing, and schedule more frequent cleaning of the system.
☐ Do not provide rental clubs during this period but, if necessary, ensure sanitation prior to issuance.
☐ Remove all non-essential devices from the range, such as bag stands or den caddies. Place balls on the range for your customers so they can be accessed using a club.
☐ Remove all merchandise items, normally smaller accessories, from your counter and place them out of reach of any customers that may be inside.
☐ Minimize indoor seating in bar and restaurant as these seating should be limited and spread out for those awaiting “to go” orders only.
☐ Ensure golf carts and other rental equipment are properly sanitized prior to issuing to customers.
☐ Ensure approved antimicrobial products are used for all sanitation procedures.
☐ Disconnect or remove water dispenser/cooler; this includes on-course units unless they offer foot control activation. Consider providing bottled water to players.
☐ Remove sand containers, coolers or anything from a golf cart that could be “shared.” This includes scorecards, tees, pencils and towels—these items should not be offered during this time.
☐ Short Game and Putting Practice Areas: Remove shag bags and devices that collect or push balls (such as PVC piping) from the area. Place alignment sticks, or stakes on the green as targets, and/or turn the cups upside down and leave in the hole. Remove all flags and institute a “bring your own practice balls policy.”
☐ Remove bar stools if the bar is open for “to go” service; do not promote seating.
☐ If portable restrooms are used, they must include hand washing stations with foot-activated devices adjacent to the units.
☐ Ensure range balls are cleaned thoroughly with soap after every pick up prior to making available for customers.
☐ Update your website to indicate you are participating in the “Park and Play” program.

Preparing Your Staff
☐ Ensure staff are trained on hygiene, sanitation and food handling to learn about epidemic prevention and control.
☐ Ensure staff can recognize the symptoms of COVID-19 and know how to act responsibly if they detect or exhibit symptoms.
☐ Provide protective face masks and gloves to all staff, especially those who handle cash or credit cards.
☐ Encourage golfers and staff to replace handshakes with other touch-less forms of greeting.

If your golf course is located in a state that is still allowing access to the golf course, consider implementing this program.

Ronnie Miles
Director of Advocacy
National Golf Course Owners Association
rmiles@ngcoa.org
843-471-2714

Park And Play: Making Your Course Social Distance Ready
EXHIBIT B
DEPARTMENT OF ENVIRONMENTAL HEALTH
County of Riverside
DISTRICT ENVIRONMENTAL SERVICES

Community Pool Guidance – COVID-19

We wish to thank and commend the many property managers and homeowners associations (HOAs) that have closed pools, spas, and barbeque areas in an effort to slow the spread of COVID-19 and protect residents. These guidelines are being provided so that managers, HOAs, and residents can make responsible decisions for the potential use of community pools and spas. If a property management company or HOA decides to open the pool, it is recommended to do the following:

CREATE A DISINFECTION PLAN
- Create a written disinfection plan that identifies frequently touched surfaces, a schedule, and designated person to complete disinfection tasks
- Use an EPA approved disinfectant on commonly touched surfaces, including but not limited to:
  - Pool Area - gate, latch, tables, chairs, drinking fountain, pool handrails, and countertops
  - Shared Restroom - door handles, light switches, faucets, latches, and dispensers

POST SIGNAGE
- Post signage reminding residents to wash their hands frequently with soap and water, cover coughs and sneezes, and to avoid the pool area if they are experiencing symptoms of illness including a fever of 100°F or above, sore throat, runny nose, chills, not feeling well, sneezing, coughing, abdominal pain, or diarrhea

IMPLEMENT PHYSICAL DISTANCING PROTOCOLS AND HAND HYGIENE RECOMMENDATIONS
- Six feet separation is required, and swimmers should limit themselves to lanes
- No large groups or pool parties allowed. Families are permitted from the same household
- Implement scheduled time slots for use on the busiest days to control the flow of users
- Close the spa or limit use to 1 person or household at a time (post signage)
- Lounge chairs and/or tables should be properly distanced. If they cannot be distanced, they should be secured and stored
- Remind residents to wear a cloth face covering when traveling through common areas of the property where it may not be possible to maintain physical distancing, including to and from the pool, barbeque area, and shared restrooms
- Provide, or ask that residents bring hand sanitizer
- Frequently check shared restrooms to ensure they are stocked with hand soap and paper towels

Safe water, sanitation, and hygiene are essential to protecting human health during disease outbreaks. There is no evidence that COVID-19 can be spread to humans through the use of pools and spas; however, maintaining good chlorine levels in our community pools may help to prevent its spread.

For more information regarding health and safety requirements for community pools and spas visit:
http://www.rivcoeh.org/OurServices/PoolsSpasWaterFeatures.
CITY OF PALM SPRINGS
LOCAL EMERGENCY
SUPPLEMENTARY ORDER
PROTECTION OF EMPLOYEES AND CUSTOMERS
OF GROCERY STORES, DRUG STORES
AND OTHER IN-PERSON SHOPPING ESTABLISHMENTS

May 9, 2020

WHEREAS, on March 14, 2020, pursuant to the City of Palm Springs Municipal Code section 2.20.050(a)(1), the City Manager, acting as the Director of Emergency Services, declared the existence of a local emergency within the City of Palm Springs, due to the threat presented by the COVID-19 pandemic, which declaration was subsequently ratified by the Palm Springs City Council on March 19, 2020; and

WHEREAS, on March 19, 2020, the State of California imposed a “shelter in place” order, which required all persons in California to stay at home, unless they are essential workers; and

WHEREAS, pursuant to Palm Springs Municipal Code section 2.20.050(a)(6), the Director of Emergency Services is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council; and

WHEREAS, on April 25, 2020, the City Manager/Director of Emergency Services issued an emergency order providing for the protection of workers and employees of grocery and drug stores; and

WHEREAS, the Director of Emergency Services is authorized to revise his emergency declaration and related orders, as the situation evolves.

NOW, THEREFORE, IT IS HEREBY DECLARED AND ORDERED, that:

1. In order to ensure worker and customer safety, the following protective measures shall be implemented in all in-person shopping establishments within the City of Palm Springs. For purposes of this order, “in-person shopping
establishments" or "establishment" shall include grocery stores, drug stores and any other retail store in which in-person shopping (as opposed to curbside pickup or delivery) is practiced. "Grocery stores" include any retail operations that include a significant portion of floor area to groceries. In addition, "drug retail stores" shall include licensed cannabis dispensaries.

(A) Limit the number of consumers in a store at any given time to 40 percent of the establishment's occupancy limit. The remainder of this order is effective immediately, provided however, that the occupancy limit provided in this subparagraph (A) shall be effective upon confirmation by the City Fire Department of the existing occupancy limit for each location and notification of such occupancy limit to each location.

(B) For establishments with two (2) public entrances, designate one entrance and one exit for such establishment, in order to help with crowd control.

(C) One employee must be assigned to the entrance and exit of an establishment, to help mitigate the amount of customers inside the establishment at any given time.

(D) Maintain personnel onsite to enforce social distancing measures and to safeguard employees from unruly customers. In the event that the Emergency Services Director finds that establishment’s personnel cannot, or are not, adequately enforcing such rules, the Emergency Services Director may, on a case by case basis or on a City-wide basis, require establishments to engage licensed security guards to perform such functions.

(E) Establishments should allow for sufficient amount of time overnight to allow for establishments to be properly sanitized and restocked.

(F) Install Plexiglas shields at all points of sale whenever possible.

(G) Follow all Cal-OSHA guidelines.

(H) Inform all employees, in writing, of what precautions will be taken when an employee tests positive for COVID-19 and, to the best of its ability, inform affected employees without violating HIPPA when a coworker within a establishment tests positive for COVID-19.

(I) Provide non-medical face covering, hand sanitizer and gloves for employees, at the expense of the employer.

(J) Allow paid time for employees to wash hands as specified by Cal-OSHA guidelines.
(K) Establishments shall adhere to a policy of not serving any person who is not wearing a face covering.

(L) Placing tape or other markings at least six feet apart in customer line areas, whether inside or outside of the building (including on any sidewalks at the public entrance of the establishment), with signs directing customers to use the markings to maintain distance.

2. IT IS FURTHER DECLARED AND ORDERED, that all establishments covered by this order shall clearly post signs outside of the establishment, and in the establishment, to remind people to:

(A) Recommend having one household member shop at a time.

(B) Adhere to social distancing throughout the establishment — not just at check out.

(C) Properly discard their own PPE. Do not leave it in the establishment or shopping carts.

(D) Adhere to limits of people in establishments.

(E) Adhere to special shopping times for seniors.

(F) Treat employees with respect. If a customer is concerned with an item being out of stock, please visit the service desk.

(G) Remind customers that they must wear face coverings.

IT IS FURTHER DECLARED AND ORDERED, that the City’s code enforcement or peace officers shall be authorized to enforce this order. Such enforcement shall begin with informing establishment of the requirements of this order. It shall be the responsibility of every owner and operator of any establishment to comply with this order. In the event an establishment is found in violation of this order, after previously being informed of the requirements of this order, the City may impose administrative fines, pursuant to Palm Springs Municipal Code sections 1.06.040 and 2.20.100 and City Council Resolution 24738, dated March 19, 2020. The citing officer shall be entitled to exercise his/her discretion in determining the amount of any such fine, having taken into consideration the severity of the violation. In addition, continued violations of this order may result in the closure of any establishment that violates this order.
IT IS FURTHER DECLARED AND ORDERED, this order is a temporary emergency measure, which is effective immediately and shall remain in effect unless and until modified or superseded by the Director of Emergency Services, City Council or any county, state or federal order or declaration.

May 9, 2020

[Signature]
David H. Ready,
City Manager/Director of Emergency Services

APPROVED AS TO LEGAL FORM:

[Signature]
Jeffrey S. Ballinger, City Attorney
WHEREAS, on March 14, 2020, pursuant to the City of Palm Springs Municipal Code section 2.20.050(a)(1), the City Manager, acting as the Director of Emergency Services, declared the existence of a local emergency within the City of Palm Springs, due to the threat presented by the COVID-19 pandemic, which declaration was subsequently ratified by the Palm Springs City Council on March 19, 2020; and

WHEREAS, on March 19, 2020, the State of California imposed a “shelter in place” order, which required all persons in California to stay at home, unless they are essential workers; and

WHEREAS, pursuant to Palm Springs Municipal Code section 2.20.050(a)(6), the Director of Emergency Services is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council; and

WHEREAS, on March 24, the Director of Emergency Services issued an emergency order related to trails, golf courses, parks and other outdoor recreational facilities; and

WHEREAS, on April 25, the Director of Emergency Services issued an Amended Supplementary Order related to tennis and pickle ball courts and swimming pools in privately owned communities; and

WHEREAS, on May 7, 2020, the Director of Emergency Services issued an Amended Supplementary Order related to tennis and pickle ball courts and swimming pools in privately owned communities; and

WHEREAS, the Director of Emergency Services is authorized to revise his
emergency declaration and related orders, as the situation evolves.

NOW, THEREFORE, IT IS HEREBY DECLARED AND ORDERED, that:

1. The following language, including the Exhibit “B”, is hereby deleted from the May 7, 2020 Amended Supplementary Order, regarding private community pools:

On May 6, 2020, Riverside County issued guidance regarding private community pools, entitled Community Pool Guidance—COVID-19, attached hereto as Exhibit “B”. This order incorporates such guidance from Riverside County. The requirement for a written disinfection plan is not intended to require community pool owners or managers to add or increase staffing necessarily, but instead may be enforced in any manner deemed reasonably acceptable to such owner/manager, including, without limitation, posting notices at appropriate locations. This order shall not be interpreted as requiring any HOA, apartment complex, hotel, motel, or country club to make its private community pool facilities available to residents/occupants. Every owner or manager of any private property on which such pools are located shall post notices in prominent locations advising users of the applicable rules contained in this emergency order. Such notices shall be in English and Spanish.

2. The City of Palm Springs therefore no longer regulates swimming pools in privately owned communities by way of any emergency order.

May 22, 2020

[Signature]

David H. Ready,
City Manager/Director of Emergency Services

APPROVED AS TO LEGAL FORM:

Jeffrey S. Ballinger, City Attorney
WHEREAS, on March 14, 2020, pursuant to the City of Palm Springs Municipal Code section 2.20.050(a)(1), the City Manager, acting as the Director of Emergency Services, declared the existence of a local emergency within the City of Palm Springs, due to the threat presented by the COVID-19 pandemic, which declaration was subsequently ratified by the Palm Springs City Council on March 19, 2020; and

WHEREAS, on March 19, 2020, the Governor of the State of California ordered all individuals living in the State of California to stay home or at their place of residence, except as need to maintain continuity of operations of the federal critical infrastructure sectors, as described in said order; and

WHEREAS, pursuant to Palm Springs Municipal Code section 2.20.050(a)(6), the Director of Emergency Services is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council; and

WHEREAS, on April 7, 2020, the City Manager/Director of Emergency Services issued an emergency order that incorporated by reference the Governor's Shelter in Place Order (Executive Order N-33-20); and

WHEREAS, on May 8, 2020, the Riverside County Board of Supervisors rescinded three (3) of the four (4) remaining County Health Officer emergency orders, including those that required face coverings generally and social distancing; and

WHEREAS, on May 9, 2020, the City Manager/Director of Emergency Services amended this order to require face coverings and social distancing generally; and
WHEREAS, on June 5, 2020, the City Manager/Director of Emergency Services amended this order to address face covering requirements and exceptions under newly issued re-opening State Guidelines; and

WHEREAS, the Director of Emergency Services is authorized to revise his emergency declaration and related orders, as the situation evolves.

NOW, THEREFORE, IT IS HEREBY DECLARED AND ORDERED, that:

1. Executive Order N-33-20 (Shelter in Place), dated March 19, 2020 is hereby incorporated into this order as though fully set forth herein, and shall be deemed to be an order of the City of Palm Springs Director of Emergency Services within the City of Palm Springs.

2. The City of Palm Springs Director of Emergency Services’ order contained in Section 1, above, shall be subject to the following, whether issued prior to, or following, the date of this order:
   (a) any other Executive Order(s) issued by the Governor of the State of California;
   (b) any order(s) issued by Riverside County Public Health Officer or Emergency Services Director, as well as any clarifying guidance issued by Riverside County; and
   (c) any other emergency order issued by the City of Palm Springs Director of Emergency Services.

3. All persons, including Essential Workers, must wear face coverings, such as scarves (dense fabric, without holes), bandanas, neck gaiter, or other fabric face coverings. All persons, including Essential Workers, are discouraged from using Personal Protective Equipment (PPE), such as N95 masks, for non-medical reasons.

   Face coverings must be worn in public settings, such as:
   - Waiting in line to go inside a store
   - Outdoors, standing, walking, hiking, bicycling or running, on any sidewalk that is adjacent to any business establishment.
   - In fitness centers (including gyms, yoga studios, and dance fitness studios). Face coverings must be worn at all times within such locations, including while exercising.
   - Shopping at a store
   - Picking up food, or in-person dining, at a restaurant that is allowed to be open.
   - Picking up, or in-person shopping for, retail goods at a retail store
   - On public transportation (or waiting for it)
   - In a taxi or rideshare vehicle
   - Seeking healthcare
• Going into facilities allowed to stay open
• Working at a job that interacts with the public
• Children 2 years and older should be encouraged to wear a face covering when around others closer than 6 feet. When they do, they must be supervised by an adult.

Face coverings are NOT required to be worn by people who are:
• At home
• In the car alone or with members of their own household
• Seated at a table or bar at a restaurant that is allowed to be open. However, if an employee (such as a waiter/waitress, etc.) approaches the table/bar, each person at the table/bar must put on his/her face covering while the employee is present at the bar/table.
• Children under the age of 2 years, due to the risk of suffocation.
• Outdoors, standing, walking, hiking, bicycling or running, at a location other than on a sidewalk adjacent to a business establishment. However, people must comply with social distancing during these activities, including maintaining at least 6 feet of distance from other people. People should also have a face covering readily accessible.
• Those with a health condition whose medical provider has advised against wearing a face covering and can provide documentation. However, such persons must wear a protective face shield, similar to the following:

Businesses (whether for profit or not for profit) must:
• Require their workers, contractors, owners, and volunteers to wear a face covering at the workplace and when performing work off-site;
• Post a sign at a conspicuous location at each entrance to the business, advising of the requirement to wear face coverings and practice social distancing;
• Every hotel, motel, vacation rental, or timeshare must post signage, advising of the face covering and social distancing rules applicable within the City of Palm Springs. Such signage must be posted at a conspicuous location at every entrance and exit to such building, as well as on the inside of the door of every hotel/motel/timeshare room. For vacation rentals, such signage must be posted on or next to the main door on the inside.
• Take reasonable steps to keep people who are not wearing a face
covering from entering the business; and
• Refuse service to anyone not wearing a face covering.

4. All persons are required to engage in "social distancing" by maintaining a
six-foot separation from all persons except for members of their same household and
medical providers with the appropriate personal protection equipment.

5. Persons who are 65 or older and/or have chronic underlying health
conditions or a compromised immune system are at severely increased risk from the
virus and therefore must limit exposure to a greater degree, take more care and be
much more cautious while engaging in essential activities.

IT IS FURTHER DECLARED AND ORDERED, that pursuant to Palm Springs
Municipal Code sections 1.06.040 and 2.20.100 and City Council Resolution 24738,
dated March 19, 2020, the City may impose administrative fines for violations of this
order. The citing officer shall be entitled to exercise his/her discretion in determining the
amount of any such fine, having taken into consideration the severity of the violation. In
addition, continued violations of this order by any business may result in the closure of
any facility, or revocation of any applicable permit/certificate, including the
establishment's City business license.

IT IS FURTHER DECLARED AND ORDERED, this order is a temporary
emergency measure, which is effective immediately and shall remain in effect unless
and until modified or superseded by the Director of Emergency Services, City Council or
any county, state or federal order or declaration.

July 1, 2020

David H. Ready,
City Manager/Director of Emergency Services

APPROVED AS TO LEGAL FORM:

Jeffrey S. Ballinger, City Attorney
CITY OF PALM SPRINGS
LOCAL EMERGENCY
SUPPLEMENTARY ORDER
ORDERING RESTAURANTS, BARS, WINERIES AND BREWERIES
TO CLOSE BY 12:00AM (MIDNIGHT)

July 29, 2020

WHEREAS, on March 14, 2020, pursuant to the City of Palm Springs Municipal Code section 2.20.050(a)(1), the City Manager, acting as the Director of Emergency Services, declared the existence of a local emergency within the City of Palm Springs, due to the threat presented by the COVID-19 pandemic, which declaration was subsequently ratified by the Palm Springs City Council on March 19, 2020; and

WHEREAS, on March 19, 2020, the Governor of the State of California ordered all individuals living in the State of California to stay home or at their place of residence, except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as described in said order; and

WHEREAS, pursuant to Palm Springs Municipal Code section 2.20.050(a)(6), the Director of Emergency Services is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council; and

WHEREAS, the Director of Emergency Services is authorized to revise his emergency declaration and related orders, as the situation evolves.

NOW, THEREFORE, IT IS HEREBY DECLARED AND ORDERED, that:

1. Effective at noon on Friday, July 31, 2020, to the extent allowed to be operating pursuant to state, county and local orders, all restaurants, bars, wineries, distilleries and breweries shall thereafter be closed from 12:00 a.m. (midnight) until 5:00 a.m. every day. Only staff needed to close, open or clean shall be in the facility between the hours of 12:00 a.m. (midnight) and 5:00 a.m. This order does not apply to drive-through or pick up operations.
IT IS FURTHER DECLARED AND ORDERED, that pursuant to Palm Springs Municipal Code sections 1.06.040 and 2.20.100 and City Council Resolution 24738, dated March 19, 2020, the City may impose administrative fines for violations of this order. The citing officer shall be entitled to exercise his/her discretion in determining the amount of any such fine, having taken into consideration the severity of the violation. In addition, continued violations of this order by any business may result in the closure of any facility, or revocation of any applicable permit/certificate, including the establishment’s City business license.

IT IS FURTHER DECLARED AND ORDERED, this order is a temporary emergency measure, which is effective at noon on Friday, July 31, 2020 and shall remain in effect unless and until modified or superseded by the Director of Emergency Services, City Council or any county, state or federal order or declaration.

July 29, 2020

David H. Ready,
City Manager/Director of Emergency Services

APPROVED AS TO LEGAL FORM:

Jeffrey S. Ballinger, City Attorney
Subject

APPROPRIATE FUNDS FOR THE FISCAL YEAR 2021 BUDGET IN THE AMOUNT OF $200,000 TO CONTINUE THE INNOVATION HUB MANAGEMENT AGREEMENT WITH COACHELLA VALLEY ECONOMIC PARTNERSHIP UNTIL JUNE 30, 2021; APPROVE RENT FORGIVENESS AT 3111 E. TAHQUITZ CANYON FROM JULY 1, 2020, UNTIL JUNE 30, 2021; AND AUTHORIZE THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS

RECOMMENDATION:

1. Appropriate funds in the amount of $200,000 to continue the Innovation Hub Management Agreement with Coachella Valley Economic Partnership until June 30, 2021.
2. Approve forgiveness of monthly rental payments for CVEP at 3111 E. Tahquitz Canyon (Agreement A6037) for a period of twelve months beginning July 1, 2020, until June 30, 2021.
3. Authorize the City Manager to execute all necessary documents.

Attachments

Item 4D
CITY COUNCIL STAFF REPORT

DATE: August 6, 2020

OLD BUSINESS

SUBJECT: APPROPRIATE FUNDS FOR THE FISCAL YEAR 2021 BUDGET IN THE AMOUNT OF $200,000 TO CONTINUE THE INNOVATION HUB MANAGEMENT AGREEMENT WITH COACHELLA VALLEY ECONOMIC PARTNERSHIP UNTIL JUNE 30, 2021; APPROVE RENT FORGIVENESS AT 3111 E. TAHQUITZ CANYON FROM JULY 1, 2020, UNTIL JUNE 30, 2021; AND AUTHORIZE THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS

FROM: David H. Ready, City Manager

BY: Community & Economic Development

SUMMARY:

At the July 23, 2020, City Council meeting, Joe Wallace, Chief Executive Officer of the Coachella Valley Economic Partnership (CVEP) provided the City Council with a presentation on CVEP and the Palm Springs Innovation Hub (iHub) activities (ATTACHMENT 1). Following the presentation the City Council requested staff consider funding CVEP through June 30, 2021.

RECOMMENDATION:

1. Appropriate funds in the amount of $200,000 to continue the Innovation Hub Management Agreement with Coachella Valley Economic Partnership until June 30, 2021;

2. Approve forgiveness of monthly rental payments for CVEP at 3111 E. Tahquitz Canyon (Agreement A6037) for a period of twelve months beginning July 1, 2020, until June 30, 2021; and

3. Authorize the City Manager to execute all necessary documents.

BACKGROUND:

The COVID-19 pandemic had forced the City to declare a state of fiscal emergency. The projected deficit of $48 million required several measures be taken to reduce City expenses. This included elimination of funding for CVEP and iHub.
CVEP, a membership based organization, was first established in the early 1990's to foster industrial development throughout the desert region. After the recession of 2008 the CVEP Board formed a coalition of business leaders throughout the valley to create the Coachella Valley Economic Blueprint which established the following goals:

- Regionalism
- Economic Diversification
- Workforce Excellence
- Quality of Place

In advancing the goals of the Blueprint, CVEP lobbied the nine cities and the county to support the organization through membership fees. The City of Palm Springs has continued paying membership fees since 2011.

Furthermore, under a Memorandum of Understanding (MOU) with the State outlining requirements for designated iHubs, the City agreed to comply with the following iHub requirements:

1. Coordinate and participate in five (5) keynote speaker series seminars annually with national and regional partners focused on supporting start-up and emerging technology entrepreneurs that provide advice on starting a business including financing, marketing and planning. Such participation will be in the form of attendance, financial or in-kind sponsorship, participation as a panelist or moderator during the event;

2. Coordinate and support through direct or indirect funding an annual innovation event in partnership with GO-Biz that demonstrates research and partnerships that have evolved out of local universities or research laboratories through the Innovation Hub;

3. Through partner networks provide workshops, seminars, and conferences that assist 20 startup and emerging companies annually;

4. Provide up to five (5) letters of support and commitments to partner network that support further grant applications for programs focused on iHub activities annually; and,

5. Provide in person and or electronic introductions to local municipalities for start-up and emerging technology companies to receive business assistance in the form of streamlining permitting process, access to innovation hub partner networks, and business assistance where appropriate.
The City's iHub designation requires that the iHub Program be managed under a non-profit with 501(c)(3) status. CVEP has provided these services and served as the non-profit host managing the iHub Program on behalf of the City since 2011 under a Consulting Services Agreement (iHub Agreement), subject to budget availability.

STAFF ANALYSIS:

The iHub Agreement was most recently amended in 2018 extending the term for 5 years, such that it would end June 30, 2023, and increasing the compensation from $196,500 annually to $200,000 annually. The CVEP membership fee was also recently increased in 2018 from $100,000 to $125,000 annually. Payments to CVEP for the iHub Agreement and CVEP Membership total $325,000.

CVEP also rents two buildings from the City which serve as the CVEP Headquarters at 3111 E. Tahquitz Canyon and the iHub Accelerator Campus at 2901 E. Alejo Road. The projected rent to be paid to the City and Airport for Fiscal Year 2021 is as follows:

<table>
<thead>
<tr>
<th>Facility</th>
<th>Annual Rent</th>
</tr>
</thead>
<tbody>
<tr>
<td>CVEP HQ Offices</td>
<td>$65,100</td>
</tr>
<tr>
<td>iHub Accelerator Campus</td>
<td>62,400</td>
</tr>
<tr>
<td>Total</td>
<td>$127,500</td>
</tr>
</tbody>
</table>

The proposed 2021 revised budget is as follows:

<table>
<thead>
<tr>
<th>CVEP Headquarters and Membership</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agreement/Lease</td>
</tr>
<tr>
<td>----------------------------------</td>
</tr>
<tr>
<td>CVEP HQ Office Lease</td>
</tr>
<tr>
<td>CVEP Membership</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>iHub Facility and Operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agreement/Lease</td>
</tr>
<tr>
<td>----------------------------------</td>
</tr>
<tr>
<td>iHub Management Agreement</td>
</tr>
<tr>
<td>iHub Accelerator Campus Lease</td>
</tr>
</tbody>
</table>
Approval of this action would help ensure CVEP is able to continue the critical role it plays in fostering entrepreneurship and attracting firms to enhance and diversify the local economy. City representatives on the CVEP Board of Directors would also retain their status as voting members.

BUSINESS PRINCIPAL DISCLOSURE:

According to information provided on the Coachella Valley Economic Partnership’s website, its Board of Directors includes: Chair: Randy Florence; US Bank Vice-Chair: Holly Lassak; Massage Envy Treasurer: Rick Axelrod; LifeStream Blood Bank Secretary: Joel Kinnamon; College of the Desert Immediate Past Chair: Jan Harnik, City of Palm Desert; Richard Balocco City of Indian Wells; Josh Bonner Greater Coachella Valley Chamber of Commerce; Mark Carnevale City of Cathedral City; Sandra Cuellar Charter Communications; Jennifer Cusack Southern California Edison; Grace Garner City of Palm Springs; Rosa Maria Gonzales Imperial Irrigation District; Robert Griffith City of Desert Hot Springs; Kristi Hanson KHA Arhitects; Tamara Hedges UCR Palm Desert Center; Gary Honts Desert Care Network; Todd Hooks Agua Caliente Band of Cahuilla Indians; Christine Hunter Hunter | Johnsen; Erin Klink Pacific Western Bank; Amanda Kramer Wells Fargo Bank; Paulina Larson Palm Springs Life; Julie Makinen The Desert Sun; Deborah McGarrey Southern California Gas Company; John McMullen iHub Radio; Richard Oliphant Oliphant Enterprises; Oscar Ortiz City of Indio; Lee Osborne, Osborne Rincon; Patrick Sinclair California Alliance for Renewable Energy Solutions; Phil Smith Sunrise Company; Joaquin Tijerina Riverside County EDA; Jerry Upham Gulf California Broadcasting; Ted Weill City of Rancho Mirage; Ken Wheat Eisenhower Medical Center; and Scott White Greater Palm Springs CV.

FISCAL IMPACT:

Approval of this item would authorize the appropriation of $200,000 from General Fund Balance to be added to the Fiscal Year 2021 Budget.

SUBMITTED:

Jay Virata, Director
Community & Economic Development

David H. Ready, Esq., Ph.D.
City Manager

Attachments:

1. CVEP / PSiHub Presentation
CVEP Mission & Activities

CVEP’s Mission is to Identify and Advocate for the Economy of the Coachella Valley to Elevate to a Higher Level and a More Diverse Business Base that is Essential and not Dependent on Tourism and Hospitality.

- Active Mentoring of Entrepreneurship through the Innovation Hub Program
- Conduct Seminars (English and Spanish) in Financial Literacy and Best Business Practices
- Direct Assistance to Retain, Expand or Attract Businesses as Appropriate and Practical
- Identify and Advocate for things Needed for Future Prosperity and Diversification
  - Comprehensive University that offers STEM (Science, Technology, Engineering and Mathematics) Degrees
  - State of the Art Bandwidth
  - Venture Capital or Angel Investment for Local Start ups
Palm Springs Innovation Hub

Established July 2011

• Founding Documents for CA iHub Originated in Palm Springs

• One of Six Original iHubs Commissioned by the State of California (Now there are 16)

• Operating Budget $200,000 per year (started at $175,000 per year)
  • 86 Start-up Companies Accepted to Date, 35 still in Program 3/31/2020
  • 23 Patents, $30M Equity Investments, 200 jobs created to date

• Accelerator Campus Established Fall 2013, Refurbishment Completed 2015.
  • $2 million capital improvements. $1 million Measure J, $1 million raised by CVEP
  • Total PS iHub Investments to Date: $3.625 million

• Will the Palm Springs iHub Program be a COVID19 Casualty?
Relevance of CVEP and the Palm Springs iHub

Diversification of the Economy is Visibly Needed More Than Ever

- CVEP is the only entity of any kind in the Coachella Valley with a mission to diversify and elevate the economy

- Automation Trend is Accelerated by weaknesses exposed by COVID19. This will hit our hospitality industry, restaurants, agriculture, education and even logistics

- Large Cities are seeing outmigration due to costs, hassles of living, and safety issues

- Greater Palm Springs is ideally located to attract talented highly paid telecommuters

- It is time to double down on the investments needed to foster a prosperous future

- CVEP is already expanding into advocacy for access to higher education including partnering with COD’s Palm Springs Campus

- Let’s find a way to Keep the Palm Springs iHub in Operation
Subject
APPROVE A FUNDING COMMITMENT OF HOMELESS HOUSING ASSISTANCE AND PREVENTION PROGRAM GRANT FUNDS IN THE AMOUNT OF $3 MILLION FOR A COUNTY OF RIVERSIDE PERMANENT SUPPORTIVE HOUSING PROJECT IN THE CITY OF PALM SPRINGS
RECOMMENDATION:

1. Approve a funding commitment for a Permanent Supportive Housing Project in the City of Palm Springs to be acquired and rehabilitated by the County of Riverside Department of Housing, Homelessness Prevention and Workforce Solutions in the amount of $3 million from the City's Homeless Housing Assistance and Prevention (HHAP) Program Grant.

2. Authorize the City Manager to execute a "funding commitment letter" to the County memorializing City Council's intent to provide $3 million in HHAP funds, with a final funding agreement submitted to the City Council for approval at a future meeting.

Attachments

Item 5A
CITY COUNCIL STAFF REPORT

DATE: AUGUST 6, 2020

NEW BUSINESS

SUBJECT: APPROVE A FUNDING COMMITMENT OF HOMELESS HOUSING ASSISTANCE AND PREVENTION PROGRAM GRANT FUNDS IN THE AMOUNT OF $3 MILLION FOR A COUNTY OF RIVERSIDE PERMANENT SUPPORTIVE HOUSING PROJECT IN THE CITY OF PALM SPRINGS

FROM: David H. Ready, City Manager

BY: Community & Economic Development

SUMMARY

The City has received a request from the County of Riverside to consider partnering in the acquisition of a hotel in the City of Palm Springs for rehabilitation and conversion into a permanent supportive housing project. The County intends to also apply to the State for additional funding through their “Project Homekey” program as well as several other funding sources.

RECOMMENDATION:

1. Approve a funding commitment for a Permanent Supportive Housing Project in the City of Palm Springs to be acquired and rehabilitated by the County of Riverside Department of Housing, Homelessness Prevention and Workforce Solutions in the amount of $3 million from the City's Homeless Housing Assistance and Prevention (HHAP) Program Grant; and

2. Authorize the City Manager to execute a “funding commitment letter” to the County memorializing City Council’s intent to provide $3 million in HHAP funds, with a final funding agreement submitted to the City Council for approval at a future meeting.

BACKGROUND:

In recent years, a renewed focus on addressing affordable housing and homelessness has produced new sources of funding. This, combined with financial assistance being made available to communities struggling with the devastating impacts of COVID-19, has created a unique opportunity to provide new permanent supportive housing.

ITEM NO.: 5A
Project Homekey Funding

The State of California has received funding through the federal Coronavirus Aid Relief Funds (CRF) and will be allocating $550 million, plus $50 million of State General Fund, to fund the Project Homekey program (Homekey). Administered by the State Department of Housing and Community Development, Homekey was established to protect Californians experiencing homelessness who are at high risk for serious illness and are impacted by COVID-19. This is to be accomplished through the purchase and rehabilitation of housing, hotels, motels, vacant apartment buildings, and other buildings and convert them into interim or permanent, long-term housing.

According to the Homekey Program 2020 Notice of Funding Availability, Eligible Homekey Projects are:

- Acquisition or rehabilitation of motels, hotels, or hostels
- Master leasing of properties
- Acquisition of other sites and assets, including purchase of apartments or homes, adult residential facilities, residential care facilities for the elderly, manufactured housing, and other buildings with existing residential uses that could be converted to permanent or interim housing
- Conversion of units from nonresidential to residential in a structure with a certificate of occupancy as a motel, hotel, or hostel
- The purchase of affordability covenants and restrictions for units
- Relocation costs for individuals who are being displaced as a result of rehabilitation of existing units
- Capitalized operating subsidies for units purchased, converted, or altered with funds provided pursuant to Health and Safety Code section 50675.1.1.

Hotel conversion is seen as a cost-effective method for providing affordable housing, particularly in markets where hotel demand is limited. While this is not the case in Palm Springs, there are several hotel or motel properties that have either been closed for extended periods of time or have had limited operations, and the COVID-19 pandemic has created a fair amount of market uncertainty, making hotel acquisitions at this time more feasible. Furthermore, with site work and construction already complete, hotel rehabilitation projects avoid the significant capital improvement and related costs associated with construction of new housing projects.

Homekey funding has been allocated into geographic regions. Riverside County projects are included in the Southern California Region (excluding Los Angeles) and will compete with projects from the counties of Imperial, Orange, San Bernardino, and Ventura for a total allocation of $55,577,740. The County will contribute approximately $10.4 million of their No Place Like Home program resources, and at this time is requesting a funding commitment in the amount of $3 million as the local match for the Homekey Funding application.
Homeless Housing Assistance and Prevention (HHAP) Funding

The City Council Affordable Housing & Homelessness Subcommittee (Mayor Kors/Mayor Pro Tem Holstege), working with State Assembly Member Chad Mayes, secured from the Governor a $10 million earmark from the HHAP program specifically for the City of Palm Springs to improve its homelessness and affordable housing infrastructure.

Working with Barbara Poppe and Associates, a highly regarded expert consulting firm addressing homelessness, affordable housing, public health, and anti-poverty strategies, the City held a planning session earlier this year to determine how to best leverage and utilize the City's HHAP funds. As a result of the Planning Session, the City Council established the following goals for using the $10 million HHAP grant:

1. New permanent supportive housing, bridge housing, crisis stabilization housing, innovative low-cost models that can be deployed quickly – to provide individuals with a place of their own, an address to provide when seeking employment, and a sense of dignity.
2. Rental assistance – to keep people in the place where they live, help individuals avoid homelessness.
3. Access points – to direct individuals to services, utilize regional resources and support.
4. Storage – to store/protect an individual’s belongings while they search for assistance or look for work, so they won't have the stigma of using shopping carts to bring their belongings with them all the time.

It is important to note, permanent supportive housing units are permanent residences and was a top priority at the City Council's Planning Session for the use of the HHAP funding. As pointed out in the County Letter, one of the biggest frustrations for homeless outreach and service providers is the lack of permanent housing units. Homekey and HHAP funding can be utilized to create the affordable housing units that are critically needed in Palm Springs.

STAFF ANALYSIS:

It is the County's intention to apply for Homekey funds to purchase and rehabilitate a hotel in the City of Palm Springs. While they have not made a final determination on the exact location, the County has narrowed the search to three properties: 1) Travel Lodge - 1269 E. Palm Canyon Dr.; 2) Quality Inn - 390 S. Indian Canyon Dr.; and 3) Ivy Palm - 2000 N. Palm Canyon Dr., as shown on the following map.
The County estimates it will create 65 to 80 new permanent supportive housing units. It is anticipated these units will serve very low income individuals whose incomes are below 30% of the Area Median Income, or $15,840 annually (according to the California Department of Housing and Community Development for Riverside County). With the availability of the state’s Homekey funds that the County is pursuing, coupled with the City’s HHAP funds, the City has a unique opportunity to leverage the County’s resources with a portion of the City’s HHAP grant funds to create new affordable housing units in Palm Springs.

Creating new permanent supportive housing units contributes towards meeting the City’s Regional Housing Needs Allocation goals (RHNA). It should be noted that a significant increase from the current 5th Cycle RHNA goals (covering the period of
1/1/14 through 10/1/2021) to the 6th Cycle RHNA goals (covering the period of 10/1/2021 – 1/1/2029) has been proposed by the State. This is the result of the State’s efforts to create more affordable housing and the allocation methodology utilized by the Southern California Association of Governments. Under the current plan for the 6th Cycle RHNA goals, the City of Palm Springs’ RHNA goals may increase more than nine times – making it even more important to create new affordable housing units when the opportunities arise.

Regional Housing Needs Allocation Goals

<table>
<thead>
<tr>
<th>Production/Goal Category</th>
<th>Very Low Income Households (0-50% AMI)</th>
<th>Low Income Households (50-80% AMI)</th>
<th>Moderate Income Households (80-120% AMI)</th>
<th>Above Moderate Income Households (120%+ AMI)</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>5th Cycle RHNA Goals</td>
<td>63</td>
<td>43</td>
<td>50</td>
<td>116</td>
<td>272</td>
</tr>
<tr>
<td>(2014-2021 RHNA)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6th Cycle RHNA Goals</td>
<td>543</td>
<td>407</td>
<td>461</td>
<td>1,142</td>
<td>2,553</td>
</tr>
<tr>
<td>(2021-2029 RHNA)</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

New permanent supportive housing units (approximately 65 – 80 units) would be counted toward the very low income household category, which is one of the most difficult categories to satisfy.

Project Cost

The proposed Funding Commitment is only a preliminary approval of funding and is meant to assist the County with securing Homekey funds from the State to acquire, rehabilitate, and convert a hotel in Palm Springs into a permanent supportive housing project. Until the County selects a hotel for acquisition, the acquisition and rehabilitation costs, and the project feasibility and reasonableness cannot yet be determined. The County has indicated a willingness to contribute approximately $10.4 million of its No Place Like Home Funds which serves persons who are homeless, chronically homeless, or at risk of chronic homelessness. It is expected the County application for Homekey funding will be for approximately $10-$15 million for acquisition of the hotel and part of the rehabilitation costs.

The City’s contribution of $3 million in HHAP funds may also be used for the rehabilitation costs, rental assistance, and employment programs. The HHAP guidelines require that 50% of the HHAP funds be contractually obligated on or before May 31, 2023, and that 100% of the HHAP funds be expended by June 30, 2025.

Before the release of any funds, the County will be required to submit a detailed project budget, and provide evidence that all necessary financing and funding to pay all acquisition and development costs of the Project have been secured. In the Funding Commitment, Staff will include provisions that if the County is not successful in acquiring a hotel in Palm Springs, or securing additional required funds, the City’s funding commitment of $3 million of its HHAP grant funds will be terminated. In addition,
covenants will also be recorded which protect the interest of the City in the permanent supportive housing units developed.

Project Entitlements

Pursuant to Government Code Section 53090, the County of Riverside is generally exempt from local regulation in carrying out its responsibilities as authorized under state law. This extends to uses of land, in that projects constructed or developed by the county are not subject to local zoning regulations, unless the county consents to such regulations. In this instance, the development of new permanent supportive housing units by the County of Riverside would not be subject to the City's zoning regulations or discretionary review process.

Furthermore, the City's Transitional and Supportive Housing Ordinance (PSZC Section 93.23.19), adopted in 2019, defines supportive housing facilities as a residential use of property, and is subject to only those restrictions that apply to other residential dwellings in the same zone. Consequently, any supportive housing facility located in a residential zone would generally not require discretionary approvals, but would be subject to applicable development standards such as setback requirements, height limits, lot coverage, and density limitations.

FISCAL IMPACT:

The proposed recommendation would commit $3 million of the City's $10 million Homeless Housing Assistance and Prevention program grant funds for the County's acquisition and rehabilitation of an existing hotel property in Palm Springs for use as a permanent supportive housing project in the City of Palm Springs. The remaining balance of the Homeless Housing Assistance and Prevention program grant funds of $7 million will be available for other eligible uses.

SUBMITTED:

Jay Virata, Director
Community & Economic Development

Marcus L. Fuller, MPA, P.E., P.L.S.
Assistant City Manager

David H. Ready, Esq., Ph.D.
City Manager

Attachments: Riverside County Housing, Homelessness Prevention and Workforce Solutions Letter
ATTACHMENT 1

Riverside County Housing, Homelessness Prevention and Workforce Solutions Letter
July 28, 2020

Honorable Geoff Kors
City of Palm Springs
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

Dear Mayor Kors,

We are writing you today to present what we feel is a great opportunity for the County of Riverside, the Coachella Valley and the City of Palm Springs. As you are probably aware, Governor Newsom has announced a bold initiative called Project Home Key to create thousands of permanent housing units throughout the State of California. This will be achieved by the acquisition and rehabilitation of hotels, motels or apartment buildings. More specifically, the Governor is asking for these units to be utilized for permanent supportive housing for our most vulnerable unhoused residents.

The County of Riverside has been placed in a geographic group that includes, Imperial, Orange, San Bernardino and Ventura Counties with a combined State CARES Act allocation of $55 million. Riverside County is actively looking at opportunities throughout the County and have identified a few properties in Palm Springs that would fit the criteria. The purpose of this letter is to request the approval by the City of Palm Springs for the County of Riverside to move forward with the acquisition of one of these sites for the creation of between 65 to 80 permanent supportive housing units. Additionally, we are asking that the City contribute $3 million from the $10 million Homeless Housing, Assistance, and Prevention Program (HHAP) allocation the City received this year.

One of the biggest frustrations for the County’s homeless programs, as well as our local homeless service providers, is the lack of permanent housing units. Organizations and programs in the Valley like CVRM, CV Housing First, Martha’s Village, Jewish Family Services, and others are doing amazing work in outreach, access to services and temporary placement of formerly unhoused Coachella Valley residents. However, the successful throughput is hampered by the lack of permanent units. Project Home Key is exactly the type of opportunity that can assist with successful permanent housing placement.

As you are aware, in her January 31, 2020 report to the City of Palm Springs, Barbara Poppe’s number one recommendation for allocating portions of the HHAP grant were for permanent supportive housing solutions. In fact, her suggested allocation of $5 million for efforts such as hotel/motel conversions was the largest amount within the recommended spending categories. In addition to Barbara’s extensive knowledge on the success of projects like these, we also have plenty of other examples of how these types of conversions provide a successful pathway to ending homelessness for many.

The County has not made a final determination of an exact location, but we have narrowed the search down to three properties. Under consideration that are available for sale and would meet the guidelines are the Travel Lodge, the Quality Inn and the Ivy Palm. After viewing the properties and assessing advantages and challenges, the County’s preferred site would be the Ivy Palm. This site would allow us to provide a good stock of permanent
supportive housing units, transitional units, and the restaurant on site would be a great workforce development opportunity.

The County appreciates that that the City of Palm Springs involves its residents in development decisions, and we would request that a special city council meeting be called for public comments and council action as soon as possible. Due to the CARES Act funding stipulations, all monies received from Project Home Key need to be expended by December 31, 2020. This is an extremely tight timeline, but with quick action and collaboration we are confident we can make this work.

While this pandemic has been hard on our entire County, we realize the devastating effect it has had on the City of Palm Springs. If anything good came out of this, it is opportunities like Project Home Key that present us with the ability to leverage State dollars to address the long-fought battle to address housing our residents who are on the street. We look forward to partnering and collaborating with you to make this a success. I am available for any questions or if you would like to discuss further, my direct line is 951.955.1309 or via email at hmarshall@rivco.org.

Respectfully,

Heidi Marshall
Director
Housing, Homelessness Prevention and Workforce Solutions
A RESOLUTION DECLARING SYSTEMIC RACISM AS A HUMAN RIGHTS AND PUBLIC HEALTH CRISIS THAT RESULTS IN DISPARITIES IN FAMILY STABILITY, HEALTH AND MENTAL WELLNESS, EDUCATION, EMPLOYMENT, ENVIRONMENTAL JUSTICE, ECONOMIC DEVELOPMENT, TRANSPORTATION, PUBLIC SAFETY, INCARCERATION, AND HOUSING, AND REAFFIRMING THE CITY COUNCIL’S COMMITMENT TO ADVANCING JUSTICE, EQUITY, DIVERSITY, AND INCLUSION IN THE CITY OF PALM SPRINGS.

RECOMMENDATION:

Adopt a Resolution entitled, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THAT SYSTEMIC RACISM IS A HUMAN RIGHTS AND PUBLIC HEALTH CRISIS THAT RESULTS IN DISPARITIES IN FAMILY STABILITY, HEALTH AND MENTAL WELLNESS, EDUCATION, EMPLOYMENT, ENVIRONMENTAL JUSTICE, ECONOMIC DEVELOPMENT, TRANSPORTATION, PUBLIC SAFETY, INCARCERATION, AND HOUSING AND REAFFIRMING THE CITY COUNCIL’S COMMITMENT TO ADVANCING JUSTICE, EQUITY, DIVERSITY, AND INCLUSION IN THE CITY OF PALM SPRINGS.”

Attachments

Item 5B
CONSIDERATION OF A RESOLUTION DECLARING SYSTEMIC RACISM AS A HUMAN RIGHTS AND PUBLIC HEALTH CRISIS THAT RESULTS IN DISPARITIES IN FAMILY STABILITY, HEALTH AND MENTAL WELLNESS, EDUCATION, EMPLOYMENT, ENVIRONMENTAL JUSTICE, ECONOMIC DEVELOPMENT, TRANSPORTATION, PUBLIC SAFETY, INCARCERATION, AND HOUSING, AND REAFFIRMING THE CITY COUNCIL'S COMMITMENT TO ADVANCING JUSTICE, EQUITY, DIVERSITY, AND INCLUSION IN THE CITY OF PALM SPRINGS

FROM: David H. Ready, City Manager

BY: Marcus L. Fuller, Assistant City Manager

SUMMARY

As requested by the City Council, the proposed Resolution will declare systemic racism as a human rights and public health crisis and reaffirm the City’s non-discrimination policies.

RECOMMENDATION:

Adopt Resolution No. ___, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THAT SYSTEMIC RACISM IS A HUMAN RIGHTS AND PUBLIC HEALTH CRISIS THAT RESULTS IN DISPARITIES IN FAMILY STABILITY, HEALTH AND MENTAL WELLNESS, EDUCATION, EMPLOYMENT, ENVIRONMENTAL JUSTICE, ECONOMIC DEVELOPMENT, TRANSPORTATION, PUBLIC SAFETY, INCARCERATION AND HOUSING AND REAFFIRMING THE CITY COUNCIL'S COMMITMENT TO ADVANCING JUSTICE, EQUITY, DIVERSITY, AND INCLUSION IN THE CITY OF PALM SPRINGS.”

BACKGROUND:

The City Council has considered how the City can do more to advance equity, diversity, and inclusion in our community. This resulted in a special meeting held on July 18, 2020, with the express purpose of having a listening session on policing, racism, discrimination and related issues.
Many cities and Counties are taking the additional step of formally declaring systemic racism as a human rights and public health crisis. This action would allow Palm Springs to join with other communities in officially declaring this crisis and affirming its efforts to eliminate systemic racism.

ENVIRONMENTAL IMPACT:

The requested City Council action is not a “Project” as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(a), a “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The requested is exempt from CEQA pursuant to Section 15378(b), in that a “Project” does not include: (5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

FISCAL IMPACT:

Not analyzed.

SUBMITTED

Marcus L. Fuller, MPA, PE, PLS
Assistant City Manager

David H. Ready, Esq, Ph.D.,
City Manager

Attachments:
1. Resolution
Attachment 1
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DECLARING THAT SYSTEMIC RACISM IS A HUMAN RIGHTS AND PUBLIC HEALTH CRISIS THAT RESULTS IN DISPARITIES IN FAMILY STABILITY, HEALTH AND MENTAL WELLNESS, EDUCATION, EMPLOYMENT, ENVIRONMENTAL JUSTICE, ECONOMIC DEVELOPMENT, TRANSPORTATION, PUBLIC SAFETY, INCARCERATION AND HOUSING AND REAFFIRMING THE CITY COUNCIL'S COMMITMENT TO ADVANCING JUSTICE, EQUITY, DIVERSITY, AND INCLUSION IN THE CITY OF PALM SPRINGS

THE CITY COUNCIL FINDS AND DETERMINES AS FOLLOWS:

A. The City Council of the City of Palm Springs ("City Council") acknowledges societal inequities along racial lines that have resulted in vastly different living and social conditions and access to opportunities.

B. the compounding effects of the COVID-19 pandemic and resulting economic disruption have exposed the gross inequities that exist in our society.

C. The City Council recognizes that systemic racism resulting from the inherent biases and prejudices within social and political organizations, groups, or institutions continue to create barriers to success for people of color.

D. Systemic racism negatively impacts the social determinants of health, such as socioeconomic status, education, neighborhood and physical environment, employment, and social support networks, as well as access to health care.

E. The City Council seeks to lead and/or join efforts to reverse the effects of the inequitable policies, processes, and practices of the past, and recognizes that it has a role to play in understanding and communicating the impacts that planning decisions have on low income families, communities of color, and other disadvantaged communities.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The findings and determinations are true and correct, and are incorporated by this reference herein as the cause and foundation for the action taken by and through this Resolution.
SECTION 2. The City Council stands in solidarity with those working toward a fair and just society, and with those calling for systemic change to eliminate all barriers that reduce opportunity and undermine City residents' shared values and ability to thrive; and the City Council affirms its commitment to meaningfully advance justice, equity, diversity, and inclusion; and the City Council declares its intent to end racial and social disparities, strengthen the way it engages and convenes to protect and expand community voice and power, and work in partnership with others to close the gap of racial injustice and better serve our communities of color, and in so doing, serve all the people of the community.


__________________________________________
David H. Heady, Esq., Ph.D.
City Manager

ATTEST:

__________________________________________
Anthony J. Mejia, City Clerk
CERTIFICATION

STATE OF CALIFORNIA )
COUNTY OF RIVERSIDE ) ss.
CITY OF PALM SPRINGS )

I, ANTHONY J. MEJIA, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on August 6, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

__________________________________________
Anthony J. Mejia, City Clerk
City of Palm Springs, California
City Council Special Meeting

Meeting Date: 08/06/2020

Subject
DISCUSSION OF CITY COUNCIL MEETING AGENDA ITEMS