

PRELIMINARY MINUTES
REGULAR PALM DESERT CITY COUNCIL MEETING
THURSDAY, APRIL 30, 2020
CITY OF PALM DESERT, CALIFORNIA
(VIRTUAL MEETING)

I. CALL TO ORDER - 3:00 P.M.

Mayor Nestande convened the meeting at 3:00 p.m.

II. ROLL CALL

All Councilmembers and those listed as present participated by teleconference.

Present:

Councilmember Jan C. Harnik
Councilman Sabby Jonathan
Mayor Pro Tem Kathleen Kelly
Councilmember Susan Marie Weber
Mayor Gina Nestande

Also Present:

Lauri Aylaian, City Manager
Robert W. Hargreaves, City Attorney
Andy Firestine, Assistant City Manager
Grace L. Rocha, Acting City Clerk
Lori Carney, Director of Administrative Services
Ryan Stendell, Director of Community Development
Janet M. Moore, Director of Finance/City Treasurer
Tom Garcia, Director of Public Works
Stephen Y. Aryan, Risk Manager
M. Gloria Sanchez, Acting Deputy City Clerk

III. ORAL COMMUNICATIONS - A (CLOSED SESSION ITEMS)

None

IV. ADJOURN TO CLOSED SESSION

Request for Closed Session:

- A. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8:

- 1) Property: Lease Property - Parkview Professional Office Complex -
73710 Fred Waring Drive, Suite No. 219
Agency Negotiator: Lauri Aylaian/Janet Moore/City of Palm Desert
Other Party Negotiator: Michael A. Peroni/The Altum Group
Property Owner: City of Palm Desert
Under Negotiation: Price Terms of Payment
 - 2) Property: 10 Acres/North Sphere (APN 694-120-028)
(Between Portola Avenue and Cook Street)
Agency Negotiator: Lauri Aylaian/Ryan Stendell/City of Palm Desert
Other Party Negotiator: Danavon L. Horn/Palm Communities
Property Owner: City of Palm Desert
Under Negotiation: Price Terms of Payment
- B. Conference with Legal Counsel regarding existing litigation pursuant to Government Code Section 54956.9(d)(1):
- 1) Lorraine Salas and Karina Quintanilla v. City of Palm Desert, Riverside County Superior Court, Case No. PSC 1903800
- C. Conference with Legal Counsel regarding significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2):
Number of potential cases: 2

With City Council concurrence, Mayor Nestande adjourned the meeting to Closed Session of the City Council at 3:02 p.m. She reconvened the meeting at 4:06 p.m.

V. RECONVENE REGULAR MEETING - 4:00 P.M.

A. REPORT ON ACTION FROM CLOSED SESSION.

Mr. Hargreaves reported that on the litigation matter Lorraine Salas and Karina Quintanilla v. City of Palm Desert, which is the California Voting Rights action. There was a previous settlement that has been amended to reflect concurrence on NDC No. 7 map for districting. On the matter of Ranked Choice Voting, it was originally set to be implemented for the November 2020 election, but the plaintiffs have graciously agreed to extend it until 2022 due to the coronavirus pandemic. The City Council voted unanimously to approve those amendments to the settlement agreement with the stipulated judgment

Mayor Pro Tem Kelly added she and Councilman Jonathan served on the subcommittee on this matter, and she wanted to thank him for his resourcefulness and dedication in helping to come to this outcome. She enthusiastically thanked the plaintiffs for collaborating to assess the

appropriate implementation for ranked choice voting as they have shown a true interest in what's best for the community, and it's highly appreciated.

**VI. PLEDGE OF ALLEGIANCE TO THE FLAG OF
THE UNITED STATES OF AMERICA - Councilmember Jan C. Harnik**

VII. INVOCATION/INSPIRATION - Mayor Pro Tem Kathleen Kelly

Mayor Nestande requested consideration of the Mayor's signature on a letter to the Public Health Officer for Riverside County, Riverside County Supervisor, and Governor Gavin Newsom relating to their plan for opening businesses and services. She explained the Mayor of La Quinta asked her to sign onto the letter and she would like to sign off and include fellow Councilmembers.

Mr. Hargreaves pointed out this item came about after the posting of the agenda, and there is a timeliness aspect requiring this to be addressed now rather than deference. He was comfortable with Council making those findings by a 4/5ths vote.

On a motion by Jonathan, second by Harnik, and 5-0 vote of the City Council (AYES: Harnik, Jonathan, Kelly, Weber, and Nestande; NOES: None), consideration for Mayor's signature on letters relating to the reopening of businesses and services was added to the agenda and placed under Section XIV - New Business - Item C.

Mayor Nestande noted The Living Desert (TLD) documents were distributed yesterday to the City Council. A week ago she and State Assemblyman Chad Mayes and the Mayor of Indian Wells wrote a letter to the County Supervisor and Public Health Official asking for the reopening of The Living Desert and attached their 8-page preparedness. She went on to say TLD is losing \$22,000 a day in fixed cost, which includes feeding the animals. This situation lends itself to the open space similar to how golf is being allowed to be played. The letter was sent out on Friday, because time was of the essence. In hindsight, perhaps it would be best if the entire Council signed off on the letter, because she knew all were passionate about TLD. She added the letter of support now has to go to the Governor's office, because legal counsel from Riverside County said they didn't have jurisdiction and the law was unclear in that respect.

On a motion by Kelly, second by Harnik, and 5-0 vote of the City Council (AYES: Harnik, Jonathan, Kelly, Weber, and Nestande; NOES: None), consideration for letter of support for the reopening of The Living Desert was added to the agenda and placed under Section XIV - New Business - Item D.

Councilmember Harnik requested consideration of a donation of \$10,000 to F.I.N.D. Food Bank during this time of need in the community and the Coachella Valley.

Mr. Hargreaves understands the request came after the posting of the agenda, and by its very nature, the timeliness issue of the substantial need of the community.

On a motion by Harnik, second by Nestande, and 5-0 vote of the City Council (AYES: Harnik, Jonathan, Kelly, Weber, and Nestande; NOES: None), consideration of a donation to FIND Food Bank in the amount of \$10,000 was added to the agenda and placed under Section XIV - New Business - Item E

VIII. AWARDS AND PRESENTATIONS

- A. RECOGNITION OF GREG GRITTERS FOR HIS SERVICE TO THE CITY OF PALM DESERT AND ITS CITIZENS' SUSTAINABILITY COMMITTEE, 2013-2020.

On behalf of the City Council, Mayor Nestande thanked Mr. Gritters for his service, stating the City Clerk's Office will be sending him an engraved crystal clock as a token of the City's appreciation.

Councilmember Harnik stated she had the opportunity and pleasure of working with Mr. Gritters on the Sustainability Committee, adding he was a great asset to the City in that capacity.

IX. ORAL COMMUNICATIONS - B

MR. BRAD ANDERSON, Rancho Mirage, CA, communicated via e-mail and his comments were read into the record. In summary, he was saddened to hear the majority of the City Council chose to "do nothing," and decided to remain a member of the Desert Community Energy (DCE); three DCE board members voiced great concerns over the low income based Southern California Edison's programs for cost saving to participating members in those programs; claimed there was intentional attempt to have the company "Lift to Rise," granted a contract for services being issued by the Coachella Valley Association of Governments (CVAG), given they were the highest bidder.

X. CONSENT CALENDAR

PALM DESERT CITY COUNCIL

- A. MINUTES of the Regular City Council Meeting of April 16, 2020.

Rec: Approve as presented.

This item was withdrawn from the agenda.

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- B. CLAIMS AND DEMANDS AGAINST THE CITY TREASURY - Warrants Dated 2/28/20, 3/6/20, 3/12/20, 3/20/20, 3/27/20-3/31/20, and 4/3/20 - Qty. 2.

Rec: Approve as presented.

- C. CLAIMS AND DEMANDS AGAINST THE CITY/HOUSING TREASURIES - Warrants Dated 3/13/20, 3/17/20, and 3/27/20-3/31/20 (**Joint Consideration with the Palm Desert Housing Authority - see Item L below**).

Rec: Approve as presented.

- D. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE by Living Desert Gardens, 47900 Portola Avenue, Palm Desert.

Rec: Receive and file.

- E. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE by Lunas Pizza, Bar and Grill LLC, 75046 Gerald Ford Drive, Suite B101, Palm Desert.

Rec: Receive and file.

- F. APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE by Sweet Basil California Eatery, 73655 El Paseo, Suite L & M, Palm Desert.

Rec: Receive and file.

- G. REQUEST FOR AUTHORIZATION to Release the Faithful Performance Traffic Signal Bond in the Amount of \$400,000 and the Labor and Materials Traffic Signal Bond in the Amount of \$200,000 for the Spanish Walk Project and Accept a Cash Deposit in the Amount of \$21,520 (D.R. Horton, Corona, CA, Applicant).

Rec: By Minute Motion, authorize the release of the faithful performance traffic signal bond in the amount of \$400,000 and the labor and materials traffic signal bond in the amount of \$200,000 for the Spanish Walk Project and accept a cash deposit in the amount of \$21,520.

- H. RATIFICATION of Mayor's Approval of, and Signature on, A Letter to Governor Gavin Newsom Requesting Approval of Coronavirus Aid, Relief, and Economic Security (CARES) Act funding for cities with populations under 500,000 to aid in recovery from the COVID-19 Pandemic; and authorization of Mayor to Sign Similar Correspondence to other State or Nationally Elected Officials When Drafted by the League of California Cities or the National League of Cities and recommended by the City Manager.

Rec: By Minute Motion: 1) Ratify Mayor's approval of, and signature on, letter to Governor Gavin Newsom requesting approval of Coronavirus Aid, Relief, and Economic Security (CARES) Act funding for cities with populations under 500,000 to aid in recovery from the COVID-19 pandemic; 2) authorize Mayor to sign similar correspondence to other state or nationally elected officials when drafted by the League of California Cities or the National League of Cities and recommended by the City Manager.

SUCCESSOR AGENCY TO THE PALM DESERT REDEVELOPMENT AGENCY

- I. MINUTES of the April 16, 2020, Regular Meeting of the Board of Directors of the Successor Agency to the Palm Desert Redevelopment Agency.

Rec: Approve as presented.

- J. CLAIMS AND DEMANDS AGAINST SUCCESSOR AGENCY TREASURY - Warrant Dated 3/13/20.

Rec: Approve as presented.

PALM DESERT HOUSING AUTHORITY

- K. MINUTES of the Housing Authority Meeting of April 16, 2020.

Rec: Approve as presented.

- L. CLAIMS AND DEMANDS AGAINST THE CITY/HOUSING TREASURIES - Warrants Dated 3/13/20, 3/17/20, and 3/27/20-3/31/20 (Joint Consideration with the Palm Desert City Council - see Item C above).

Rec: Approve as presented.

Staff requested Item A be withdrawn from the agenda.

Upon motion by Weber, second by Harnik, and 5-0 vote of the City Council (AYES: Harnik, Jonathan, Kelly, Weber, and Nestande; NOES: None), remainder of Consent Calendar was approved as presented.

XI. CONSENT ITEMS HELD OVER

None

XII. RESOLUTIONS

None

XIII. ORDINANCES

A. For Introduction:

1. ORDINANCE NO. 1356 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, ADDING SECTION 2.38.040 TO CHAPTER 2.38, TO THE PALM DESERT MUNICIPAL CODE RELATING TO ELECTION OF CITY COUNCIL MEMBERS BY DISTRICTS AND RANKED CHOICE VOTING.

Mayor Pro Tem Kelly noted the Ordinance includes the effective date of November 22 for implementation of ranked choice voting.

Mr. Hargreaves reported the adoption of the Ordinance has been two parts. The first part is pursuant to the settlement agreement relating to district voting with the NDC No. 7 map with the Core District and with one councilmember representation, and the surrounding area is the second district. He noted terms will be staggered in the next election and two in the following election. The second part relates to the nature of voting, but due to the recent changes, ranked choice voting will not be implemented until 2022. The City will go forward in 2020 with the two districts mentioned. He said this was the first reading of the Ordinance, and the second reading for adoption will take place on May 14, 2020.

Mayor Pro Tem Kelly moved to waive further reading and pass to second reading Ordinance No. 1356. Motion was seconded by Weber.

Councilman Jonathan suggested an alternative name to indicate that the district is at the core of the City.

Mayor Pro Tem Kelly responded the point of adding "core" is that the district encompasses more than just the Civic Center because there are no residents there. The point for using the word "core," is to connote it is the core of the City, surrounding the Civic Center. She believed all three words modify the word "district."

Councilman Jonathan offered this has been a difficult and challenging process, so he thanked all the residents that came and offered their input and opinion, because it helped shape the final result. At the end of the day, he is hopeful and believes the City crafted a method for

moving forward that brings tremendous balance for all concerns that have been expressed.

Mayor Nestande called for the vote and the motion carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Weber, and Nestande; NOES: None).

B. For Adoption:

None

XIV. NEW BUSINESS

A. REQUEST FOR AUTHORIZATION OF ACTIONS RELATED TO FORMATION OF, THE LEVY AND COLLECTION OF ASSESSMENTS IN, AND CALLING FOR AN ASSESSMENT BALLOT PROCEEDINGS FOR THE PRESIDENT'S PLAZA PROPERTY AND BUSINESS IMPROVEMENT DISTRICT - FISCAL YEAR 2020/2021.

Ms. Moore stated these sets of actions is to initiate the formation and renewal of the President's Plaza parking area; it's a two-year renewal. Council is also being asked to renew the Management District Plan, including the intent to levy and ballot for collection of that levy. This item was on the previous agenda when staff talked about doing this assessment district for a two-year term until the project is actually underway.

Councilman Jonathan asked if the purpose of limiting the assessment to two years is essentially to get through the construction of the parking lot.

Mr. Garcia answered yes. He said once the two parking lots are constructed, staff will come back for a new assessment to cover the increased cost of the maintenance.

Councilman Jonathan was glad, because the fees collected has created a tremendous underfunding for the appropriate level of maintenance. He expects future assessments will cover both the current maintenance and the full maintenance cost.

Mr. Garcia has indicated to property owners that there will be increases in maintenance cost to avoid getting into this position again.

Councilmember Weber understands property owners still have to vote on this assessment.

Ms. Moore agreed, stating a third party handles the balloting and based on a majority vote of 51% of the balloted property owners.

Councilman Jonathan moved to waive further reading and adopt: 1) Resolution No. 2020-39, initiating proceedings for the formation of the President's Plaza Property and Business Improvement District, and to levy and collection of assessments, pursuant to the provisions of part 7 of division 18 of the California Streets and Highways Code, for Fiscal Year 2020/2021; 2) Resolution No. 2020-40, describing proposed improvements and services, approving the Management District Plan, and preliminarily approving the Engineer's Report, regarding the proposed formation/re-establishment of the President's Plaza Property and Business Improvement District, pursuant to the provisions of part 7 of division 18 of the California Streets and Highways Code, for Fiscal Year 2020/2021; 3) Resolution No. 2020-41, declaring the City's intention to form the President's Plaza Property and Business Improvement District, to levy and collect assessments therein, and calling for an assessment ballot proceeding to submit to the qualified property owners within that district the question of levying district assessments, commencing Fiscal Year 2020/2021. Motion was seconded by Kelly and carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Weber, and Nestande; NOES: None)

- B. REQUEST FOR APPROVAL OF A TEMPORARY CONSTRUCTION ACCESS EASEMENT AGREEMENT WITH DESERT COMMUNITY DISTRICT FOR CONSTRUCTION OF THE SAN PABLO AVENUE STREETScape IMPROVEMENTS PHASE 2 PROJECT (CONTRACT NO. C38820C, PROJECT NO. 681-20) (Desert Community College District, Applicant).

Project Manager Randy Bowman stated this item was authorization for a Temporary Construction contract between the City and College of the Desert for the City to build San Pablo Phase 2 adjacent to the eastern boundary of the College property. There will be a need to blend in grading of soil and also reconstruction of their entrance on San Pablo Avenue where the new roundabout will go. This temporary construction access will provide the City the ability for the contractor to do the work needed. He noted there is no permanent easement or permanent right-of-way associated with College of the Desert for this project.

Councilmember Harnik moved to, by Minute Motion: 1) Approve Contract No. C38820C, a Temporary Construction Access Easement Agreement with Desert Community College District, Palm Desert, California, for construction of the San Pablo Avenue Streetscape Improvements Phase 2 Project (Project No. 681-20); 2) Authorize the City Manager to execute the agreement. Motion was seconded by Kelly and carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Weber, and Nestande; NOES: None).

PLEASE NOTE ITEMS C, D, AND E, WERE ADDED TO THE AGENDA UNANIMOUSLY (5-0 VOTE) AT THE CONVENING OF THIS MEETING.

- C. CONSIDERATION OF MAYOR OF PALM DESERT SIGNATURE ON A LETTER TO THE PUBLIC HEALTH OFFICER FOR RIVERSIDE COUNTY, RIVERSIDE COUNTY BOARD OF SUPERVISORS, AND POTENTIALLY GOVERNOR GAVIN NEWSOM RELATING TO THEIR PLAN FOR REOPENING BUSINESSES AND SERVICES.

Mayor Nestande noted City Council has received a copy of the letter signed by Mayor Evans and other mayors from around the Coachella Valley. She has added her name to the letter, but she is happy to include all Councilmembers names to it. However, Mayor Evans from the City of La Quinta and others want to send the letter out first thing in the morning.

Councilman Jonathan said it appears he and Mayor Nestande requested to add this to the agenda at the same time. He became aware of the letter and felt it was appropriate for Palm Desert to join the effort and have the Mayor and/or the rest of the Councilmembers to cosign it. The letter calls for the reopening of businesses on May 4, however, it doesn't mean the City will throw the doors open, because he expects it will be measured and health cautious. He believed it was time for the focus, with regard to the pandemic, to include the impact on business owners, many of whom are mom and pop businesses. Beyond the business owners, there are thousands of employees and their families that have been impacted. He supports adding the City's signature to the two letters.

Mayor Pro Tem Kelly agreed and supported the goals expressed by Councilman Jonathan, because they resonate with her, but she has concerns whether this particular letter and the way it's phrased are helpful. Some of the other materials supplied to Council established that the County has a task force to help them determine how to safely reopen. It struck her that it would be most constructive if Palm Desert expresses its support for the full utilization of that task force by reaching out to encourage collaboration from the various chambers in order to make the case to the County that the Coachella Valley is ready to safely reopen. It's a different kind of letter than one that makes a demand for specific procedures to be in place by Monday. Her preference would be to take a more constructive approach that is more likely to achieve the City's objective. She is also concerned that this letter represents there is a noncompliance to existing orders within the Coachella Valley, which she has not witnessed. She has seen 100% compliance when shopping, so she would rather see the City reach out to the chambers and make the case that the Coachella Valley can be trusted.

Councilmember Harnik has read the letters and she can appreciate everyone wanting to turn the economy around and to support those mom and pop businesses in the Valley. The Living Desert letter, which will be considered next, is solution based; it provides a pathway for reopening. This letter is demanding of the Governor, whom the City will later be asking for a Cal State University campus in Palm Desert. A letter that demonstrates we are in this together would be more effective. She suggested reaching out to CVERT, a recovery team, to fashion a letter that provides solutions, saying we are in this together, but also taking a regional approach. She noticed that half the region was not signing onto this letter, which she believed was needed in order to be successful. While she appreciates and feels the frustration in the letter, it has an edge that was not positive in its approach. For the City to say to the Governor and Supervisor Perez to act by May 4, which is Monday, is not realistic. She pointed out that California has done a great job of squashing the curb by being proactive, which is why we're in a good place today. By continuing to respect the order and using face coverings is more effective and a better result. The Greater Coachella Valley also sent a letter, but they offered solutions as well.

Mayor Nestande stated that originally everyone was told to shelter in place for three or four weeks in the middle of March to avoid overrunning the hospitals or run out of ventilators or have people dying on the streets. Everyone complied, but it seems the timeline keeps getting extended with no end in sight. Today, it's April 30, and now we're hearing the middle of May, later we might hear the end of May. She believes citizens have been cooperating and they need to see there is a little bit of push back. She doubts the Governor will read the letter and/or be persuaded to reopen. The letter is to get in front of him about how many cities are ready and wanting to reopen. She just heard in the news the City of Newport Beach City Council voted 5-0 to not close their beaches in defiance of the Governor's orders. The more cities from southern California start speaking out, the better the outcome. She agreed other letters can be sent out, but a date certain on reopening the economy was needed. She said it's not lives versus money, it's lives versus lives, and every day we wait, we're pushing people into poverty. Studies have shown an increase in suicide and domestic violence, stating shelter in place has so many unintended consequences, and she wants to do something to push back a little bit, knowing Governor Newsome will probably not read the letter.

Councilmember Weber noted this is not the type of letter the City of Palm Desert would prepare, but it is factual. She asked who prepared the letter and when was the letter going out. She said the letter should elaborate that the Coachella Valley is not San Francisco and agreed their rules should not be applied to the desert's wide open spaces.

Mayor Nestande responded the letter was prepared in conjunction with State Assembly Chad Mayes, who is the best contact to reach the Governor. Secondly, the letter is going out tomorrow, but she asked for it to be on the agenda to garner other Council support.

Councilman Jonathan offered this wasn't a time to be cautious about hurting anyone's feeling, but to take action to protect and benefit the residents. At the end of the day, the crux of the letter states, "we are collectively requesting Riverside County and the State to provide its plan for reopening businesses and services." The Governor has not provided any timeline or data for when reopening will occur. By coincidence, the editorial in today's Desert Sun made the exact same points and urged the Governor to put forth a specific plan based on metrics.

Mayor Pro Tem Kelly clarified she's not worried about hurting someone's feeling. She wants to be effective and doesn't want the City to use communication that makes you feel good because you vented. In order to be effective, the City has to acknowledge that the people receiving this letter do care about the economy, which of course they do. Secondly, that the City address specific issues where it can speak constructively to help them reach the conclusion warranted. Therefore, this was not about hurting feelings, but about being effective.

Councilmember Harnik agreed with Mayor Pro Tem Kelly's comments. As stated by Councilmember Weber, this letter was not Palm Desert style. There is no point in telling somebody to make something happen by May 4, which won't happen. Why ask and demand for something that won't be accomplished. Why not take two more days to compose an effective letter that offers solutions and helps people understand we are in this together. Further, she couldn't believe this was written by Assemblyman Chad Mayes.

Mayor Nestande explained the letter was a collaboration and she was not a part of it. She was brought in at the last minute, and she still stands by it. She plans on putting her name on it, but understands it may not be from the City Council.

Councilman Jonathan said there will be a vote and if there is a majority, it will authorize the Mayor to sign on behalf of the City. He couldn't understand the relevance to who wrote the letter. He agreed we needed to work together to send a message. He said this type of communication to the County and State is not unique to the Coachella Valley. This kind of request is being made throughout the State. He believed you can send this letter and continue to work on other committees, task forces, organizations, chambers, etc., because it will take all to get through this crisis.

Councilman Jonathan moved to, by Minute Motion, approve Mayor of Palm Desert signature on a letter to the Public Health Officer for Riverside County, Riverside County Board of Supervisors, and Governor Gavin Newsom relating to their plan for reopening businesses and services. Motion was seconded by Nestande.

MR. BRAD ANDERSON, Rancho Mirage, CA, communicated via e-mail and his comments were read into the record supporting the letters to be sent to political members. He believed there was an overreach by State leaders and they are solely responsible for the damages caused. He asked that the letter should demand that the cities in the Coachella Valley to operate without dictating and mandating suspension of American liberties. He claimed that science was clear that face coverings, especially manufactured cloth, homemade and/or industry, will cause personal hygiene issues to the wearer and has no preventive effectiveness on viruses.

Mayor Nestande called for the vote and the motion carried by a 3-2 vote (AYES: Jonathan, Weber, and Nestande; NOES: Harnik and Kelly).

D. CONSIDERATION FOR LETTER OF SUPPORT TO THE STATE TO ALLOW FOR THE REOPENING OF THE LIVING DESERT.

Mayor Nestande noted the letter and supporting documents that were distributed to the City Council. The letter is asking for The Living Desert to be allowed to be open using similar standards that were applied for opening up the golf courses, including the hiking trails around the Valley. She said State Assemblyman Chad Mayes, Mayor of Indian Wells, and herself, sent a letter to Supervisor Perez. However, they don't have jurisdiction or legal authority, because the law isn't clear at the State level whether they can open TLD by a County mandate. Therefore, it has to be approved by the State, and she would like to have her colleague's approval on a new letter that will end up going to the State.

Mayor Pro Tem Kelly said this was a beautiful letter and it accomplishes everything she asked for in the last conversation. It outlines the issues and provides detailed solution. It's precisely the right way to be an effective advocate, and she whole heartedly supports this letter.

Councilmember Harnik concurred. The letter is solution oriented and outlines a plan. It is eloquent, kind, and it's a reflection of how Palm Desert does things.

Councilman Jonathan agreed, stating there are many ways to be effective, and he's proud the City is exhibiting the breath of effectiveness.

Ms. Aylaian pointed out the letter is addressed to Riverside County Supervisor Manuel Perez, therefore, she suggesting authorizing the Mayor to sign letters to the appropriate parties.

Councilman Jonathan moved to, by Minute Motion, authorize the Mayor to sign a letter of support to the appropriate parties for the reopening of The Living Desert. Motion was seconded by Weber and carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Weber, and Nestande; NOES: None).

E. CONSIDERATION OF A DONATION TO FIND (Food In Need of Distribution) FOOD BANK IN THE AMOUNT OF \$10,000.

Councilmember Harnik stated it's clear there is a great need for the reasons spoken about in the two previous agenda items, and this was an opportunity for Council to take care of the community.

Mayor Nestande moved to, by Minute Motion, authorize a donation to FIND Food Bank in the amount of \$10,000. Motion was seconded by Harnik.

Councilman Jonathan understands the desire and intent, but he's concerned about the appearance of spending money, even though it's not a significant amount, and the message that when the City is facing an economic and financial emergency. Pointing out Council just went through a budget study session and learning the City stands to lose 30% to 40% of its General Fund revenue in the next 15 months. Also, he wonders why the City is selecting one organization over others that are also responding to the pandemic.

Councilmember Harnik agrees the City will have a shortfall, but there are community members who have been hit harder and are going to bed hungry. Although the City has a reserve and it will be impacted, the fund includes a line item for emergencies, and a donation \$10,000 is the perfect time to utilize those funds. Secondly, the organization FIND is the one that does most of the distribution of food to all other food banks. They have the most efficient model and it's up and running.

Mayor Nestande asked if the City would be reimbursed by FEMA (Federal Emergency Management Agency) for any of these costs.

Ms. Aylaian answered yes, stating the cost will be eligible to submit to FEMA for 75% reimbursement. However, the Finance Director has some concerns that the reimbursement is not as certain.

Ms. Moore explained that FEMA reimbursements are generally at 75% of eligible costs, however, there is a fixed amount available. When there is not enough funds, there is often a criteria. She shared this information with the City Manager to cause pause on these types of issues, because Palm Desert

would not be as high on the list as maybe communities that are challenged that their FEMA request would be in the millions. Right now, Palm Desert's request is at about \$100,000 based on the fact that there are only certain things that are eligible. Staff has already submitted for reimbursement, and the City is now waiting until it has a better sense of all of the money spent in the next few weeks on this pandemic.

Councilmember Weber questioned how we arrived at the \$10,000 donation, because it seems like a drop in the bucket for what they really need. She added FIND has expanded their food distribution and is running out of food, which is why this was an emergency as stated previously by the City Attorney.

Councilmember Harnik agreed, given FIND is the food bank that gives to all the pantries and does all the distribution. She said it was an easy number to find in the City's budget, and perhaps after the budget study session, there will be more funds available. She said FIND was serving more than 100,000 people, and the need is continuing to grow.

Mayor Nestande called for the vote and the motion carried by a 5-0 vote (AYES: Harnik, Jonathan, Kelly, Weber, and Nestande; NOES: None).

XV. CONTINUED BUSINESS

None

XVI. OLD BUSINESS

None

XVII. PUBLIC HEARINGS

None

XVIII. MAYOR AND COUNCILMEMBER REPORTS & REMARKS TO THE COMMUNITY

A. Councilmember Jan C. Harnik Committee Reports and General Comments.

1. Business Incentive Account - recalled that in March, there was a halt to the \$2 million business incentive account in order to reevaluate today's needs and use those funds efficiently. She noticed in other cities there seems to be an emphasis on hotels and restaurants. Moving forward, she would like to see a criteria for the use of these funds, because the City has construction related businesses and

boutiques that are hurting. Therefore, staff needs to look at the whole spectrum as to who may need the help. She wants staff to ensure businesses are filing for benefits afforded to them, and they are to provide a roadmap for success.

Councilman Jonathan noted he and Mayor Pro Tem Kelly serve on the Economic Subcommittee, which is planning on meeting next week. He encouraged Councilmembers to send the subcommittee an email with any of their ideas about what can be worked on as they will be forthcoming to the City Council with a recommendation.

2. Palm Desert High School Seniors - challenged staff and Councilmembers to come up with ideas to help seniors celebrate their graduation. She noted the McCallum Theatre is planning on projecting some type of celebration on their tower. She suggested an Instagrammable moment out at Westfield Mall or print something on the *Brightside* Newsletter, etc.

Mayor Nestande agreed, stating she's seen residents place flyers and banner in front of their yards recognizing their senior. She suggested the City doing something similar.

Councilman Jonathan pointed out that efforts are already underway, stating he has been coordinating with City staff, because Desert Sands Unified School District reached out to the City. He said Marketing Manager Thomas Soule is researching a number of options, some already mentioned. He urged Councilmembers to call Mr. Soule if they had other ideas to offer.

B. Councilman Sabby Jonathan Committee Reports and General Comments.

1. Desert Willow - thanked Mayor Nestande for being instrumental in the reopening of the golf course. He said they reopened in a very measured manner and health conscious. Like The Living Desert, they were bleeding money every day. More important, it provides residents a recreational opportunity that will hopefully lead to better health.

C. Mayor Pro Tem Kathleen Kelly Committee Reports and General Comments.

1. SunLine Transit - reported SunLine is moving ahead with purchase of property adjacent to their primary facility which will be used for a solar installation. The intent is for that solar power to be the energy source for operation of the hydrogen reduction of hydrogen fuel cell and materials for the buses. It has an excellent chance of providing a perfect example of complete energy generation system of micro grid,

even in this current time. Because of grant funding, it will be possible to move forward with this project.

D. Councilmember Susan Marie Weber Committee Reports and General Comments.

1. Applaud's City Departments and Staff - commented she liked that the City operated like a private business, in that it's able to turn on a dime to make decisions. She applauds the Finance Department and Department Heads for being able to work with Council on the budget when the numbers are changing even up to the last minute. She believes it's taking a toll on staff, yet they keep smiling and working their tails off. She heard from a member of the public that was very impressed that he was able to reach the person he needed, and staff was able to provide the answers.

E. Mayor Gina Nestande Committee Reports and General Comments.

None

F. City Council Requests for Action.

None

G. City Council Consideration of Travel Requests/Reports.

None

XIX. STAFF REPORTS AND REMARKS

A. City Manager

Ms. Aylaian reminded the City Council of the second Budget Study Session that is scheduled for Monday, May 4, 2020, at 1:30, which will be livestreamed and held virtually.

B. City Attorney

None

C. City Clerk

None

D. Public Safety

1. Fire Department

None

2. Police Department

None

XX. ADJOURNMENT

With City Council concurrence, Mayor Nestande adjourned the meeting at 5:31 p.m.

GINA NESTANDE, MAYOR

ATTEST:

GRACE L. ROCHA, ACTING CITY CLERK
CITY OF PALM DESERT, CALIFORNIA