

ONE-PS Code Enforcement and Public Works Committee Minutes, January 6, 2021, Meeting (Draft)

CEPW Committee Meeting Highlights:

- The top three categories of complaints to Code Compliance in November were Property Maintenance, Parking/Storage of Vehicles in a Residential Zone, and Refuse/Waste.
- There still is difficulty enforcing the ban on gas powered leaf blowers. In December 11 new citations were issued. The Office of Sustainability has new incentives for using battery powered leaf blowers.
- Several questions about short term rental enforcement from the Noise Work Group were answered.
- The Noise Work Group continues to meet and discuss how to present the information they have collected when the City resumes working on the Noise Ordinance.
- Four new traffic calming projects in South Palm Springs will go to the City Council for approval. They include four-way stops and crosswalks.
- A total of 71 Engineering work orders, consisting of signage evaluation and installation, restriping, and addressing blind spots were created for the year 2020. All requests that are submitted are investigated.
- The Sunrise Park restroom construction project is out to bid.

Meeting Minutes

ONE-PS Committee members in attendance: Roy Clark, David Doyle, Kathy Cohn, Mike Guerra, Christine Hammond, Bob Peterson, Peter Sipkins, David Vignolo

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City Staff in attendance: Francisco Jaime, Joel Montalvo, Janine Newbry, Patrick Tallarico, Donn Uyeno, Lt. Mike Villegas

Guests in attendance: Sheeryn Asgari, El Rancho Vista Estates; Richard Bowman, Sunmor; Ernest Cecena, Tahquitz Creek Golf; Ron Davis; Linda Futterer, Deepwell; Julie Galperen, Mountain Gate; Neil Garratt; Corinne Griswold, Gene Autry; Richard McKilligan, El Rancho Vista Estates; Julie Salazar, Little Beverly Hills

The meeting was held using Zoom orchestrated by Kathy Cohn. Co-Chairperson Roy Clark opened the meeting at 10:05 am.

Public Comments:

- Richard McKilligan reported on a house on East Paseo Barbara. It was designed by Donald Wexler. The owner died about two years ago. The owner's son moved into the house. The house is deteriorating quickly and is an eyesore. Richard provided photographs. Debris is in the yard. DWA turned off the water in the summer of 2019. Lack of water for irrigation has created a fire hazard in the yard due to dry vegetation. The neighbors believe that the occupant may be dangerous. Lt. Villegas had been notified of the situation, and he will open a case. He stated that similar problems in other parts of the city have been resolved successfully.
- Richard Bowman reported that there is a large, bright blue shade structure in the backyard of a property on E. Plaimor Avenue facing N. Easmor Circle. On one side the shade is affixed via cable to a palm tree which appears to be on city property. It dominates N. Easmor Circle visually. Lt. Villegas stated that such complaints should be reported on the Code Compliance hotline, 760-778-8434, or on the myPalmSprings app.
- Richard Bowman reported that in the area near the UPS facility on N. Commercial Road, UPS employees park and trucks are staged on residential streets. The Sunmor NOrg has reached out to UPS. It appears that there is not enough room in the area for UPS operations. Lt. Villegas will contact Richard.

Code Enforcement:

- **Monthly Report:** Janine Newbry provided the December 2020 Code Compliance report. The report listed the sources of complaints: hotline, 760-778-8434; myPalmSprings (City app); and in person. The number of calls had decreased from November. There were 394 complaints and 51 cases were opened. The top three categories of complaints were Property Maintenance, Parking/Storage of Vehicles in a Residential Zone, and

Refuse/Waste. The top neighborhood with complaints was Gene Autry. The top three categories of inquiries were Refuse/Waste, RV Parking in a Residential Zone, and COVID Issues. There was some leeway in enforcing RV parking restrictions during the holidays.

- **Staffing and Other Discussion:** (1) Lt. Villegas reported that Code Compliance has one new officer, who had been in the Police Department records department and will be in training for 1-2 months. There is still one vacancy in 2021. Currently there are eight officers, one supervisor, and one secretary (Janine). One officer specifically works on short term rentals. Lt. Villegas is forecasting staffing needs based upon the number of calls for service and the needs of the community. COVID restrictions have added to the workload. The officers are currently spread thin. (2) In response to a comment, Lt. Villegas emphasized that the Code Compliance hotline or myPalmSprings (City app) should be used for making complaints. People with complaints should not trespass onto neighbors' yards to investigate.
- **Leaf Blower Ban Enforcement:** Lt. Villegas reported that there were eleven new citations for gas powered leaf blowers in the past month. Code Compliance officers are proactive in writing citations. Patrick Tallarico reported on the Sustainability Scholarship Program which provides up to \$750 to licensed business owners for sustainability-related purchases. For gardeners and landscapers this means purchasing battery powered leaf blowers and batteries. This is in addition to a rebate program from the South Coast Air Quality Management District. Three requests have been received so far. Applications for the Sustainability Scholarships were mailed to gardeners and landscapers and are available on line. The Office of Sustainability has reached an agreement with Yoshi Lawnmower Shop to support promotion and outreach for using battery powered leaf blowers and to establish a loaner program to provide battery powered leaf blowers to gardeners and landscapers while theirs are being serviced. Two loaners are available. Members of the Sustainability Commission will perform visual audits in some neighborhoods during the month of January to assess the level of use of gas powered leaf blowers.
- **Short Term Rental Enforcement:** Several questions from the Noise Work Group had been sent to Lt. Villegas prior to the meeting. The questions and his responses follow. (1) Since Code Compliance is part of the Police Department, how are code compliance officers and police officers trained to deal with issues related to short term rentals? Do they receive the same training? Response: The primary responsibility for responding to short term rental complaints falls on Code Compliance officers. They are on call Monday and Tuesday, 7:00 am to 5:00 pm, and Wednesday through Sunday, 7:00 am to 1:00 am. The Vacation Rental hotline, 760-322-8383, should be called for short term rental complaints during these hours, not the Code Compliance hotline or the Police Department. After hours the Police Department non-emergency number, 760-327-1441, should be called for short term rental complaints. The complaint will be added to a log and Code Compliance officers will follow up. (2) How do code compliance officers and police officers cite violations, such as loud outdoor music or too many people in gatherings during this COVID time? Response: Outdoor amplified music is not allowed for short term rentals. This is an automatic violation, and a citation will be issued. Violations about general noise, such as conversation and people in pools are difficult to enforce. (3) How can citizens obtain complaint reports on issues that required a call to Code Compliance or the Police Department? Response: They can submit a public records request on line or contact Code Compliance through the hotline, 760-778-8434. (4) When Code Compliance officers or police officers are at the site of a complaint, what criteria do they use to issue fines or reports that may eventually cause a short term rental to lose its license? Response: Citations get processed through the Department of Special Program Compliance. After three violations there will be a hearing at which suspension or revoking the license will be considered. Fines are specified in municipal code and vary from violation to violation. (5) When a short term rental is owner-managed, and the owner often uses the home, bringing guests and hosting large gatherings, who is to be called when reporting a complaint? Neighbors' experience has been, when the owner is on site the Police Department is called, but that complaint is then referred to Code Compliance as the home is listed as a short term rental. This creates an issue once Code Compliance arrives and is told the owner of the property is on site. Response: Neighbors won't necessarily know who is occupying the residence. The Vacation Rental hotline should be called, as described in the response to question 2 above. Code Compliance will follow up. If it turns out that the owner is occupying the residence, outdoor music is allowed, but levels of music and other noise are controlled by the municipal noise ordinance. (6) When a noise complaint is reported, do Code Compliance or the Police Department need to measure the sound level or hear sound on the property of the complaining party? The sound may be from outdoor or inside music on the short term rental property. Neighbors' experience has shown in obtained reports, no citation was given. Does the music have to be over a certain sound decibel level before a citation is given? The information for short term rentals is "no outdoor music", and it does not include specific sound levels. Response: Outdoor amplified music is not allowed for short term rentals. Outdoor music is allowed at owner-occupied residences, but levels of music and other noise are controlled by the municipal noise

ordinance. (7) What defines a household for short term rentals? It is understood that code says three households may be on site. Is this correct? Response: At this time gatherings of three households are not allowed. This restriction was imposed by Governor Newsom. Only people from an immediate household can gather in short term rentals. Lt. Villegas emphasized that municipal code limits the number of adults in the rental to two per bedroom and the number of vehicles to one per bedroom.

- **Noise Work Group:** Mike Guerra reported that the Noise Work Group met by Zoom on December 10. It was a relatively short meeting. Greg Roberts and Ardine Thompson of the Escena neighborhood said they had set up a meeting with Jasmine Waits, the City's Special Event Coordinator. The purpose of the meeting is to discuss the loud music from events at the Air Museum. Greg and Ardine will update the group on their meeting at the next Work Group meeting. The Noise Work Group also discussed how to approach the City when a new City Manager is hired. Our concern is that if the new hire is not from inside the City then a person from the outside will not know all the outdoor amplified music noise/bass sound issues our neighborhoods have to deal with. The Work Group will probably give the new City Manager time to settle in and then either try to meet with the Manager or send a packet of important and previously-submitted documents related to amending the Noise Ordinance and noise issues in neighborhoods. The next Zoom meeting will be Thursday, January 14, 2021 at 11:00 am.

Engineering/Public Works:

- **Traffic Calming Projects approved by City Council.** (No change in status from December report. Contract negotiation is in progress.):
 - 1) Racquet Club Road (Little Tuscany) – Modification to existing traffic control devices set up.
 - 2) Seven Lakes Drive (Melody Ranch) – Standard speed limits signs installed, will add parking lines.
 - 3) South Riverside Drive (Tahquitz River) - Speed cushions will be installed.
 - 4) Tramview and Rosa Parks (Desert Highland Gateway Estates) - Speed cushions will be installed.
 - 5) Mesquite Avenue (Demuth Park) - Speed cushions and solar powered LED stop signs will be installed.
 - 6) Via Escuela (east end) – Modify existing layout due to Fire Department request.
- **New Traffic Calming Projects pending City Council approval on January 14, 2021:**
 - 1) South Palm Canyon at La Verne Way – All way stop with 3-crosswalks.
 - 2) South Palm Canyon at Murray Canyon – All way stop with 3-crosswalks.
 - 3) La Verne Way at Toledo Avenue - All way stop with 2-crosswalks.
 - 4) Toledo Avenue at Maricopa Drive – Install LED stop signs on Toledo, add east/west crosswalk.
- **Other Traffic Related Projects:**
 - 1) Indian Canyon at Rosa Parks Traffic Signal – City selected consultant to provide plans, specifications, and estimates. Project started on 09/29/20 and is on-going. No change in status from December report.
 - 2) San Rafael at Avenida Caballeros Traffic Signal - Traffic Signal design to be finished by late spring of 2021 with State funding available in July 2021 for possible construction.
 - 3) Indian Canyon at Via Escuela Traffic Signal – Will be incorporated into next Highway Safety Improvement Project (HSIP) consideration. Work order submitted to assist with sight distance issues crossing Indian Canyon.
 - 4) East Palm Canyon Drive at Rim Road Traffic Signal – Pending data collection this season to evaluate if a traffic signal will be warranted. Consultant is currently preparing report. No change in status from December report.
 - 5) Tahquitz Creek Golf Neighborhood – Currently evaluating speed limit sign installation. So far, there have been more “not in favor” votes turned in by residents.
 - 6) City Wide Speed Survey – Every 7 to 10 years the City evaluates current speed limits. The current survey started in November and will take about two months. About 200 street segments will be evaluated. No change in status from December report.
 - 7) South Palm Canyon - There is some consideration of a road diet along South Palm Canyon.
 - 8) Work orders, consisting of signage evaluation and installation, restriping, red curb, and addressing blind spots. A total of 71 work orders have been created for the year 2020, with an average of 3 work orders per work week. All requests that are submitted are investigated.

- **City Building Projects and Other Projects:**

- 1) Downtown Park – Work continues on the police substation and rock formation for the water feature. Structural repairs to the parking garage under the new park have been completed and more activity will occur on the west side of the project. No change in status from December report. In response to a question, Joel Montalvo stated that the parking structure near the park goes under Museum Way, where the Forever Marilyn statue will be located. There will be an analysis to verify if the statue’s weight can be supported.
- 2) Park Restrooms – Sunrise Park restroom project is out to bid for construction.
- 3) Gym floor replacement at James O. Jesse Desert Highland Unity Center – Site assessment complete. Working on the technical specifications. No change in status from December report.
- 4) Playground equipment resurfacing – Staff reviewed each location. Working on putting together the bid packages. No change in status from December report.
- 5) Shade Structures – Cost for 11 shade structures was higher than budgeted. Staff requested additional funding from Measure J to complete the project. Measure J authorized an additional \$280,000 for the project for a total project cost of \$320,000. Staff will be using a government contract to do the work and does not have to go out to formal bid. In progress. No change in status from December report.
- 6) Acoustic curtains at the Pavilion – Working with audio engineer for audio equipment type and spacing. Looking into black-out curtain supports.
- 7) Ballfield light conversion to LED lights (design funded) – Currently on-hold. Funds originally allocated for design, went to park shade structures, which was a higher priority for the Parks and Recreation Commission.

The meeting was adjourned at 11:22 am.

Next Meeting: Wednesday, February 3 at 10:00 am. Zoom information to be provided.