



CITY COUNCIL/SUCCESSOR AGENCY JOINT MEETING MINUTES

Thursday, November 3, 2022

1:30 p.m.

City Hall Council Chamber

44950 Eldorado Drive, Indian Wells, CA 92210

Present: Mayor Reed
Mayor Pro Tem Griffith
Council Member Sanders
Council Member Balocco
Council Member Bernheimer

Unofficial

A. CONVENE THE CITY COUNCIL AND SUCCESSOR AGENCY JOINT MEETING, PLEDGE OF ALLEGIANCE AND ROLL CALL

Mayor Reed convened the Special City Council and Successor Agency Joint meeting at 1:30 p.m. on November 3, 2022, in the City Hall Council Chamber.

B. APPROVAL OF THE FINAL AGENDA

City Attorney Todd Leishman requested Item #F- City Attorney Reports be move before Item #G-Public Comments.

A motion was made by Council Member Balocco, seconded by Council Member Sanders to Approve the Agenda as Amended. The motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders

NOES: 0

C. PROCLAMATIONS AND PRESENTATIONS

C.1 Recognition of Indian Wells Historic Preservation Foundation President Adele Ruxton

Mayor Pro Tem Griffith presented a plaque to Indian Wells Historic Preservation Foundation President Adele Ruxton for her years of service

and thanked her on behalf of the City of Indian Wells. Ms. Adele Ruxton thanked the City for the recognition.

C.2 Indian Wells Mini Muster Plaque Recognition by Mike Lewis

Mr. Mike Lewis, Palm Desert Historical Society representative, provided background on the establishment of Mini Muster. Mr. Lewis presented plaque to Indian Wells Mayor Griffith and Fire Station 55 Battalion Chief Matthew Kotz.

C.3 The Living Desert Capital Campaign Project Update by President/CEO Allen Monroe

Mr. Allen Monroe, Living Desert Chief Executive Officer thanked the City for operational support over the years. Mr. Monroe outlined the impacts of the City's support, highlighted global conservation efforts to protect endangered species, new lion ridge project, and special indoor event center to open in Fall of 2025.

D. CITY ATTORNEY REPORTS AND COMMENTS

City Attorney Todd Leishman provided a reminder that State Law prohibits any campaigning activities within 100 feet of a designated voting location. Mr. Leishman stated an official ballot drop box is located in the City Hall reception counter, therefore no campaigning activities are allowed within City Hall Chambers, lobby and front entrance.

E. PUBLIC COMMENTS

Mr. Clive Weightman and Mr. Michael Douglas, residents, expressed concerns relating to excessive noise at the Hyatt Regency Indian Wells. Mr. Lloyd Shigenaga, Mrs. Sue Shigenaga, and Ms. Carol Kent, residents, submitted written public comments expressing concerns relating to excessive noise at the Hyatt Regency Indian Wells.

F. CITY MANAGER'S REPORTS

City Manager Christopher Freeland reported Sheriff Department has been addressing the excessive noise violations at the Hyatt and staff has contacted Hyatt to inform them of the code violations. Mr. Freeland read an apology letter from Hyatt Indian Wells General Manager Dan Johnson.

There was discussion on sheriff personnel training on noise decimeters and ordinance. Lieutenant David Wright reported City has ordered equipment to monitor and enforce noise ordinance. Lieutenant Wright encouraged residents call non-emergency number for violations 760-836-3215. Mayor Reed requested

memo be provided by the City Attorney clarifying the decimal noise reading location.

Mr. Freeland reported Planning Commission study session to discuss passive park is scheduled on December 7, 2022. Mr. Freeland reported Indian Wells Golf Resort is hosting Celebrity Golf League being held on April 11-12, 2023 and May 2-3, 2023.

Deputy City Manager Peter Castro shared marketing material relating to the upcoming Indian Wells Winterfest event being held at the Indian Wells Golf Resort from November 22, 2022 through January 1, 2023. Mr. Castro reported resident Welcome Back party is being held on November 15, 2022 at 5:30 and Tree Light Ceremony on November 18, 2023 at the Indian Wells Golf Resort.

G. CONSENT CALENDAR

Mayor Pro Tem Griffith requested Consent Item G.6 Grants-in-Aid Committee Recommendations for FY 2022-23 Grants-in-Aid Program funding be pulled for further discussion.

G.1 Findings to Hold Remote Teleconference/Virtual Meetings and Hybrid Meetings for All City Legislative Bodies, in Accordance with Assembly Bill 361

It was determined to **APPROVE** remote teleconference/virtual and hybrid meetings for all City legislative bodies by finding that a statewide state of emergency is currently in place and that state and local officials have imposed or recommended measures to promote social distancing in connection with COVID-19; and

AUTHORIZE City Manager to implement teleconference/virtual or hybrid public meetings as needed in accordance with Assembly Bill 361.

A motion was made by Council Member Sanders, seconded by Council Member Balocco to Approve the Recommendation. The motion carried by the following vote:

AYES 5 – Balocco, Bernheimer, Griffith, Reed Sanders
NOES 0 –

G.2 Ordinance Amending Chapter 3.23 Pertaining to the Collection of Transportation Uniform Mitigation Fees

It was determined to **ADOPT** Ordinance No. 746 to read as follows:

ORDINANCE NO. 746

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS AMENDING CHAPTER 3.23 OF THE INDIAN WELLS MUNICIPAL CODE PERTAINING TO THE COLLECTION OF TRANSPORTATION UNIFORM MITIGATION FEES.

A motion was made by Council Member Sanders, seconded by Council Member Balocco to Approve the Recommendation. The motion carried by the following vote:

AYES 5 – Balocco, Bernheimer, Griffith, Reed Sanders
NOES 0 –

G.3 Approval to Restructure the Golf Resort’s Fiscal Year 2022-23 Capital Improvement Plan

It was determined to **APPROVE** restructuring the Golf Resort’s Fiscal Year 2022-23 Capital Improvement Plan without the need for additional funding.

A motion was made by Council Member Sanders, seconded by Council Member Balocco to Approve the Recommendation. The motion carried by the following vote:

AYES 5 - Balocco, Bernheimer, Griffith, Reed Sanders
NOES 0 -

G.4 Annual Developer Impact Fee Report

It was determined to **APPROVE** the Annual Developer Impact Fee Report submitted for the Fiscal Year 2021-22.

A motion was made by Council Member Sanders, seconded by Council Member Balocco to Approve the Recommendation. The motion carried by the following vote:

AYES 5 - Balocco, Bernheimer, Griffith, Reed Sanders
NOES 0 -

G.5 Accepting State Mandate Annual Fire Inspections in Compliance with SB 1205

It was determined to **ADOPT** Resolution No. 2022-39 to read as follows:

RESOLUTION NO. 2022-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF Indian Wells, CALIFORNIA, ACKNOWLEDGING RECEIPT OF A REPORT MADE BY THE FIRE CHIEF OF RIVERSIDE COUNTY FIRE DEPARTMENT REGARDING COMPLIANCE WITH THE ANNUAL INSPECTION OF CERTAIN OCCUPANCIES PURSUANT TO SECTIONS 13146.2 and 13146.3 OF THE CALIFORNIA HEALTH AND SAFETY CODE.

A motion was made by Council Member Sanders, seconded by Council Member Balocco to Adopt Resolution. The motion carried by the following vote:

AYES 5 - Balocco, Bernheimer, Griffith, Reed Sanders

NOES 0 -

G.6 Grants-in-Aid Committee Recommendations for FY 2022-23 Grants-in-Aid Program Funding

Council Member Balocco recused himself from the discussion due to funding for Desert Arc as he is the current Chief Executive Officer. Mayor Pro Tem Griffith thanked resident Committee members for their work in reviewing applications. Council Member Bernheimer abstained from grant funding to Desert Cancer Foundation as he was past president and current board member of the foundation.

It was determined to **APPROVE** Grants-in-Aid Committee funding recommendations totaling \$159,256 for the organizations listed in this staff report for Fiscal Year 2022-23; and

AUTHORIZE and **DIRECT** the City Manager to execute contracts for same.

A motion was made by Mayor Pro Tem Griffith, seconded by Council Member Sanders to Approve the Recommendation. The motion carried by the following vote:

AYES 4 - Bernheimer, Griffith, Reed Sanders
 NOES 0 -
 RECUSED 1 - Balocco

H. PUBLIC HEARINGS

H.1 Adopting by Reference the 2022 Edition of California Building Standards Code and Other Uniform Codes

Mayor Reed opened the public hearing at 2:31 p.m. to hear testimony in favor of or against Ordinance No. 747; hearing none, Mayor Reed closed the public hearing.

It was determined to **ADOPT** Ordinance No. 747 to read as follows:
 ORDINANCE NO. 747

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, REPEALING AND RECASTING TITLE 16 OF THE INDIAN WELLS MUNICIPAL CODE; ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24); INCLUDING THE 2022 CALIFORNIA BUILDING CODE (INCORPORATING AND AMENDING THE 2021 INTERNATIONAL BUILDING CODE); THE 2022 CALIFORNIA MECHANICAL CODE (INCORPORATING AND AMENDING THE 2021 UNIFORM MECHANICAL CODE); THE 2022 CALIFORNIA PLUMBING CODE (INCORPORATING AND AMENDING THE 2021 UNIFORM PLUMBING CODE); THE 2022 CALIFORNIA ELECTRICAL CODE (INCORPORATING AND AMENDING THE 2020 NATIONAL ELECTRICAL CODE); THE 2022 CALIFORNIA ENERGY CODE; THE 2022 CALIFORNIA HISTORICAL BUILDING CODE; THE 2021 UNIFORM SWIMMING POOL, SPA & HOT TUB CODE; THE 2022 CALIFORNIA FIRE CODE (INCORPORATING AND AMENDING THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE); THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE; THE 2022 CALIFORNIA GREEN BUILDING STANDARDS CODE; AND THE 2022 CALIFORNIA RESIDENTIAL CODE (INCORPORATING AND AMENDING THE 2021 INTERNATIONAL RESIDENTIAL CODE); TOGETHER WITH CERTAIN ADDITIONS, INSERTIONS, DELETIONS AND CHANGES THERETO; and

FIND the adoption is Categorically Exempt from CEQA pursuant to Section 1506 (b)(3).

A motion was made by Council Member Balocco, seconded by Council Member Bernheimer to Adopt Ordinance. The motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders
NOES 0 -

I. GENERAL BUSINESS

I.1 An Ordinance Adopting an Urgency Ordinance Amending Chapter 21.85 of the Indian Wells Municipal Code Relating to Accessory Dwelling Units and Junior Accessory Dwelling Units, and Determining the Action to be Exempt from CEQA

Todd provided an overview of the ADU Urgency Ordinance compliance requirements and highlighted changes to state law.

It was determined to **ADOPT** Urgency Ordinance No. 748 to read as follows:

URGENCY ORDINANCE NO. 748

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS AMENDING CHAPTER 21.85 OF THE CITY OF INDIAN WELLS MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND DETERMINING THE ACTION TO BE EXEMPT FROM CEQA; and

FIND that under California Public Resources Code section 21080.17, the California Environmental Quality Act ("CEQA") does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California's ADU law and which also regulates JADUs, as defined by section 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State's ADU law.

A motion was made by Council Member Sanders, seconded by Council Member Balocco to Adopt Ordinance. The motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders
NOES 0 -

I.2 Amendment to Employment Agreement for City Manager

It was determined to **APPROVE** Fourth Amendment to the Employment Agreement for City Manager Christopher Freeland.

A motion was made by Council Member Sanders, seconded by Mayor Pro Tem Griffith to Approve the Recommendation. The motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders
NOES 0 -

I.3 Recommendation to Approve Resolution Amending the Community Assistance Funding Policy

It was determined to **APPROVE** Amending the Community Assistance Funding Policy.

A motion was made by Council Member Bernheimer, seconded by Council Member Sanders to Approve the Recommendation. The motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders
NOES 0 -

I.4 Children's Discovery Museum of the Desert One-Time Funding Request for Fiscal Year 2022-23

Ms. Cindy Burreson, Children's Discovery Museum Chief Executive Officer thanked the Council for consideration to fund capital improvement efforts.

It was determined to **APPROVE** one-time funding request of \$25,000 to the Children's Discovery Museum for Fiscal Year 2022-23.

A motion was made by Council Member Sanders, seconded by Mayor Reed to Approve the Recommendation. The motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders
NOES 0 -

I.5 Adoption of (1) an EIR Addendum and (2) a Resolution of Necessity for the Acquisition of Real Property (APN 633-360-002)

City Attorney Todd Leishman provided an overview of the hearing relating to the EIR Addendum and Resolution of Necessity for Acquisition of Real

Property. City Clerk Angelica Avila confirmed the City did receive proof that the required notice was provided. City Manager Christopher Freeland provided an overview of the state mandate relating to affordable housing and gave an overview of the history leading up to the acquisition.

Mayor Reed opened for public comments. City Clerk Angelica Avila stated the City received written objections including objections received today by the property owner which were shared with the Council for consideration, and in addition the City received a written request to be heard from the property owner Attorney. Owner Attorney Mr. Michael Kehoe, Attorney representing owner, spoke on behalf of the property owner in objection to City's intent to acquire the vacant land. Mr. Ty Peabody, resident, and former Council Member submitted written public comment in opposition of the acquisition of the vacant land. Mr. Ivan Moad, resident, spoke in opposition of the acquisition and expressed concerns relating transparency. Mayor Reed closed public comments.

Mayor Reed recessed the meeting and reconvened at 3:30 p.m. City Attorney Guillermo gave an overview of the acquisition and the intent of the project.

It was determined to **ADOPT** Resolution No. 2022-41 to read as follows:

RESOLUTION NO. 2022-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF INDIAN WELLS, CALIFORNIA, ADOPTING AN ADDENDUM TO THE CERTIFIED EIR FOR THE 1996 UPDATE TO THE CITY OF INDIAN WELLS GENERAL PLAN (SCH# 94092037) WITH REGARD TO THE PROPOSED RESOLUTION OF NECESSITY FOR THE ACQUISITION OF APN 633-360-002; and

ADOPT Resolution of Necessity No. 2022-42 to read as follows:

RESOLUTION NO. 2022-42

RESOLUTION OF NECESSITY FOR THE ACQUISITION OF A FEE INTEREST IN CERTAIN REAL PROPERTY, BY EMINENT DOMAIN, LOCATED ON THE NORTHEAST CORNER OF MILES AVENUE AND WARNER TRAIL, IN THE CITY OF INDIAN WELLS, MORE PARTICULARLY DESCRIBED AS ASSESSOR PARCEL NO. 633-360-002, IN RIVERSIDE COUNTY, CALIFORNIA, FOR an AFFORDABLE HOUSING, PUBLIC PARKING, RECREATION FACILITIES AND OPEN

SPACE PROJECT.

A motion was made by Council Member Bernheimer, seconded by Council Member Sanders to Adopt Resolutions. The motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders
NOES 0 -

J. SUCCESSOR AGENCY CONSENT CALENDAR

J.1 Annual Recognized Obligation Payment Schedule 2023-24

It was determined to **FIND** that this action is exempt under the California Environmental Quality Act per Section 15061(e) (3) of the guidelines – Review for Exemption; and

ADOPT Resolution SA No. to read as follows:

RESOLUTION SA NO. 2022- 01

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE DISSOLVED REDEVELOPMENT AGENCY OF THE CITY OF INDIAN WELLS, CALIFORNIA, APPROVING AND ADOPTING A DRAFT OF THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(I).

A motion was made by Council Member Balocco, seconded by Council Member Sanders to Approve the Recommendation. The motion carried by the following vote:

AYES: 5 - Balocco, Bernheimer, Griffith, Reed, Sanders
NOES 0 -

K. COUNCIL MEMBER'S REPORTS AND COMMENTS

K.1 COUNCIL MEMBER BERNHEIMER

Council Member Bernheimer reported attending Coachella Valley Economic Partnership Summit and provided statistic information relating to population growth in the Coachella Valley..

K.2 COUNCIL MEMBER BALOCCO

Council Member Balocco reported Cove Commission appointed its new Chair for the Commission. He reported Marketing Committee discussed the Winterfest event. He reported Public Safety Committee provided an overview of quarterly reports.

K.3 COUNCIL MEMBER SANDERS

Council Member Sanders reported Coachella Valley Economic Summit was well attended and provided engaging presentations.

K.4 MAYOR PRO TEM GRIFFITH

Mayor Pro Tem Griffith reported Grants In Aid Committee determined funding allocations to the different organizations. She reported Desert Community foundation AND First Bank is developing a Coachella Valley Giving Day that will allow the community to log on and give organizations of their choice. She reported Marketing Committee continues to meet to plan and discuss Winterfest in Indian Wells. She reported Historic Preservation Foundation hosted events on October 14, 2022, and October 15, 2022 to honor the owners of the Cavanagh Adobe home which is 100 years old. She further reported attending an event at the Tennis Garden to tour the behind the scenes of the tennis garden.

K.5 MAYOR REED

Mayor Reed reported Sunline Transit Agency has reached an agreement with the Union representing the drivers which has been rejected.

L. ADJOURNMENT

At 3:43 p.m., Mayor Griffith ADJOURNED the City Council meeting to a regularly scheduled meeting of the City Council to be held at 1:30 p.m. on December 15, 2022, in the City Hall Council Chamber.

Respectfully Submitted,

Angelica Avila, CMC
City Clerk