



Thursday, December 5, 2019
Minutes of the Special Meeting of the City Council
of the City of Palm Springs

CALL TO ORDER:

A Special Meeting of the Palm Springs City Council was called to order by Mayor Kors on Thursday, December 5, 2019, at 6:00 p.m., in Primrose A, Palm Springs Convention Center, located at 277 North Avenida Caballeros, Palm Springs, California.

PLEDGE OF ALLEGIANCE:

Mayor Kors led the Pledge of Allegiance.

ROLL CALL:

Present: Councilmembers Grace Elena Garner, Lisa Middleton, Dennis Woods; Mayor Pro Tem Christy Holstege; and Mayor Kors

Absent: None.

City Staff

Present: David H. Ready, City Manager; Elizabeth Hull, Deputy City Attorney; Marcus Fuller, Assistant City Manager; and Anthony J. Mejia, City Clerk, were present at Roll Call. Other staff members presented reports or responded to questions as indicated in the minutes.

REPORT OF CLOSED SESSION:

The Special Closed Session of the City Council of December 5, 2019, was called to order by Mayor Kors at 5:00 p.m., with all members present.

The meeting convened into Closed Session to discuss the following items as listed on the Regular Closed Session Meeting Agenda:

CONFERENCE WITH LEGAL COUNSEL – EXPOSURE TO LITIGATION, Pursuant to Government Code Section 54956.9(d)(2):

One (1) matters that, under the existing circumstances, the City Attorney believes creates significant exposure to litigation.

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION, Pursuant to Government Code Section 54956.9(d)(4):

Under existing facts and circumstances, there is one (1) matter the City Council has decided or may decide to initiate litigation.

Deputy City Attorney Hull reported that the City Council received briefings and provided direction to staff regarding the agendaized Closed Session Items, but did not take any reportable action.

1. PUBLIC HEARING:**A. REQUEST BY THE AGUA CALIENTE BAND OF CAHUILLA INDIANS FOR AN ADMINISTRATIVE REVIEW AND CONFORMITY REPORT FOR THE PALM SPRINGS ARENA, A 252,000 SQUARE-FOOT MULTI-SPORT AND ENTERTAINMENT ARENA, TO BE LOCATED ON A 14.74-ACRE SITE AT THE NORTHEAST CORNER OF NORTH CALLE ENCILIA AND EAST AMADO ROAD IN SECTION 14 (CASE 5.1496)**

In response to City Council inquiry, Deputy City Attorney Hull explained the Tribe's rights as a sovereign nation, noting that the Tribe could override the City's recommendations related to the Arena.

Police Chief Reyes, Fire Chief Nalder, Planning Services Director Fagg, and Assistant City Manager Fuller narrated a PowerPoint presentation and summarized their recommendations for mitigating impacts from the proposed arena and responded to City Council inquiries.

Tim Leiweke, CEO of Oak View Group, and Robert Norvell and Scott McCracken, of Populous, and Mike Bates, of the Mobility Group, narrated a PowerPoint presentation reviewing the proposed arena design, layout, and results of the parking and transportation study.

In response to City Council inquiries, Mr. Bates advised that the parking study utilized parking data collected in May and incorporated parking data from previous Coachella Valley Association of Governments (CVAG) parking studies; advised that other cities have worked with ridesharing companies to implement geofencing to restrict pick-ups from residential areas during peak times.

In response to City Council inquiries, Mr. Leiweke explained that paid parking at the arena is a part of the economic model for the success of the arena, noting that if the prices are too high it may result in dispersion; advised that parking will be available for pre-sale and that tickets can include instructions on preferred parking lots and directions; pointed out that traffic control measures will be used to address traffic impacts and to minimize delays before and after events; advised that many cities with an arena prefer shared parking models to prevent large surface parking lots going unused for the majority of time; stated that no government subsidy is being sought to finance the construction of the arena.

Mayor Kors opened the Public Hearing.

Jorge Gutierrez, voiced opposition to the proposed arena, citing concerns related to size and massing, increased traffic, decreased public safety response times, increased greenhouse gas emissions, and impacts to public health.

Dan Terzian, expressed concern that the arena will negatively impact neighborhood parking; urged that alternative sites be evaluated.

Daryl Terrell, opined that the developer should be responsible for any increased public safety costs and should mitigate any negative impacts to residents; recommended that the developer implement a local hiring preference.

David Bronat, voiced disappointment that the arena project was not discussed with the community earlier in the planning process; opined that Palm Springs is not a large city and does not need an arena.

J.R. Roberts, expressed concerns related to a lack of parking for the arena and too many major events occurring on weekends in the Downtown; stated that free parking is a unique amenity for resident and tourists and should be preserved.

David Austin, spoke on the need to address traffic, parking, and pedestrian safety; impacts to emergency vehicle response times; and ensuring that the Tribe and developer are responsible for increased costs to the City.

Jeffrey Bernstein, spoke in support of the arena project, noting that it will be an economic benefit and increase business activities; opined that the Tribe and developer should be responsible for increased public safety costs and addressing insufficient arena parking.

Sue Logan, stressed the need to address insufficient parking at the arena, noting that adjacent neighborhoods are already impacted by major events at the convention center.

David Freedman, urged that the developer work to reduce potential greenhouse gas emissions, secure renewable energy, install bike racks and electric vehicle charging stations, implement zero waste practices, and install high efficient landscaping and irrigation.

Chas Migliore, recommended that shuttle buses be utilized for pick-ups throughout the Coachella Valley.

Steven Levine, urged that alternate sites be considered, noting that people will be reluctant to pay for parking.

Michael Kain, voiced concern that the arena will negatively impact the quality of life for nearby residents.

Earl Hoover, opined that the arena is being rushed, without adequate review by the public and City staff; suggested that the City could withhold access to easements, water, and sewer connections.

Mark Gelhaus, urged that parking and security for adjacent neighborhoods be addressed.

Susan Ames, expressed concerns related to view impacts, noise impacts, and quality of life for adjacent neighborhoods.

Terry Jones, suggested that the arena should be relocated along Interstate-10.

Bruce Hoban, asserted that the lack of parking caused by the arena will result in businesses installing perimeter fencing around private parking lots and require that customers validate their parking.

Dr. Charles Gonzales, voiced concern related to parking impacts.

Danielle Cowan, expressed concern related to circulation, traffic congestion, and parking.

David Doyle, urged residents to be positive and work towards finding solutions.

Mark Strickland, opined that the arena will detract residents from going downtown to patronize restaurants and businesses; pointed out that there are not large businesses which could accommodate a shared parking model.

Frank Tysen, asserted that the arena will have significant environmental impacts and will alter the character of the City.

Cary Brazeman, stated that he is leading an effort to submit a California Environmental Quality Act challenge to the project if it moves forward; suggested that the City should conduct its own environmental and project impact studies.

Joy Brown Meredith, urged that everyone continue to work towards finding solutions to mitigate negative impacts.

David Feltman, pointed out that arena attendees may be staying at vacation rentals or hotels outside of downtown which will help disperse traffic; voiced concern that rideshare vehicles will line-up along the street for pick-ups after an event.

George Champa, expressed concern that the arena will negatively impact traffic circulation and quality of life.

Brian Beach, voiced opposition to directing traffic onto Alejo Road, noting existing circulation and congestion concerns.

Sheri Diamond, spoke against the proposed arena, noting that residents moved to Palm Springs to avoid big city traffic and parking impacts.

MEETING RECESS

The City Council recessed at 9:00 p.m. and reconvened at 9:08 p.m., with all members present.

In response to City Council inquiry, Deputy City Attorney Hull explained the Land Use Agreement between the City and Agua Caliente Band of Cahuilla Indians, noting that it provides authority for the City to consult and provide comments on tribal projects, but does not provide authority to deny the project; noted that the project is not subject to the California Environmental Quality Act and that water and sewer connections are ministerial actions based on capacity.

Councilmember Middleton spoke on the importance of mitigating impacts to public safety, health and safety concerns, parking, and fiscal impacts to the general fund; noted that active shooting incidents are a risk to every community and the arena could be a significant target, opining that it would be detrimental to the project and the City to just meet minimum public safety service standards; urged Oak View Group to utilize public transportation and to begin discussion with SunLine Transit Agency; stressed the need to invest locally by utilizing a local hiring program with union labor and prevailing wage; requested that the arena coordinate its events with the City, Convention Center, and other groups to mitigate multiple events on the same weekend; stated that additional costs associated with the arena for traffic mitigation, parking enforcement, and public safety services should not be an obligation of the General Fund.

Councilmember Woods spoke on the sovereignty of the Tribe and the need for cooperation in mitigating impacts to public safety services.

Councilmember Garner addressed the need to fund increased demands on public safety services; agreed on the importance of a local hiring program and use of public transportation to mitigate circulation and parking impacts; suggested that if parking meters are necessary for the downtown, that the City develop a resident parking program to exempt residents from paid parking.

Mayor Pro Tem Holstege spoke on the need to mitigate impacts to quality of life, public safety, and sustainability and climate impacts; voiced support for a local hiring program with living wages and a local vendor program; requested an opportunity to review an economic impact report which demonstrates the local impacts and benefits; requested that staff ensure that the proposed resolution address the need to mitigate pedestrian lighting and crosswalks, noise, rideshare locations, security, and traffic and pedestrian control.

Mayor Kors spoke on the history and positive relationship between the City and Tribe, noting the uniqueness of the Land Use Agreement; urged that the City and Oak View Group conduct regular meetings with residents and stakeholders to address their concerns; pointed out that addressing parking and circulation are equally important to the City and the success of the project; requested that the City Council establish an Ad Hoc Subcommittee regarding the arena project; voiced support for a local hiring program; requested that the Oak View Group parking consultant work closely with the City's parking consultant to utilize parking data collected during peak tourist season.

MOTION BY COUNCILMEMBER GARNER, SECOND BY MAYOR KORS, CARRIED 5-0, to adopt Resolution No. 24684 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ISSUING A CONFORMITY REPORT TO THE AGUA CALIENTE BAND OF CAHUILLA INDIANS FOR THE PALM SPRINGS ARENA PROJECT, A 252,000 SQUARE FOOT MULTI-SPORT AND ENTERTAINMENT ARENA, TO BE LOCATED ON A 14.74-ACRE SITE AT THE NORTHEAST CORNER OF NORTH CALLE ENCILIA AND EAST AMADO ROAD IN SECTION 14," with the addition of the following conditions added by the City Council, based on their comments:

- The Applicant and staff shall hold regular meetings to coordinate the development and implementation of the Project Operation Plan, the Transportation Management Plan, and Parking Management Plan.
- The Applicant, with assistance of City staff, shall schedule and hold regular stakeholder meetings with area Neighborhood Organizations, adjacent Homeowner Associations, and downtown merchants to address issues relative to the development and operation of the arena facility.
- The Applicant shall establish a policy for local hiring preference in the construction and staffing of the arena facility, and shall establish a policy for the use of local vendors and businesses.
- The data used as the basis for the Transportation and Parking Management Plans shall be updated to include data collected during the peak tourist season (November through April).
- The Parking Management Plan shall be amended to include transit options as a component of the plan. The plan shall also identify locations adjacent to the arena facility for transit stops and rideshare pick-up/drop-off locations.
- The Project Operation Plan shall coordinate arena events with events held at the Convention Center and general City-wide special events and parades; the Project Operation Plan shall be updated on an annual basis.
- The costs necessary to provide the additional police and fire services for arena events shall be provided at the expense of the Applicant; General Fund monies shall not be used for the additional public safety costs necessary to service arena events.
- The Transportation Management Plan and the Parking Management plan shall address pedestrian safety issues, including adequate lighting for pedestrians, crosswalk improvements, and traffic control at intersections and crosswalks.
- Staff shall evaluate the project for noise impacts, both during construction and operations, and shall work with the Applicant to mitigate any noise impacts.
- The Parking Management Plan shall evaluate options to exempt local residents from the costs of on-street parking.
- Project shall incorporate solar energy into the design and be compliant with the City's sustainability programs.

ADJOURNMENT:

The City Council adjourned at 9:45 p.m.

Respectfully submitted,


Anthony J. Mejia, MMC
City Clerk

APPROVED BY CITY COUNCIL: 01/09/2020