



**Wednesday, August 26, 2020
Minutes of the Regular Meeting of the
Administrative Appeals Board**

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

CALL TO ORDER

A Regular Meeting of the Palm Springs Administrative Appeals Board was called to order by Chair Paonessa on Wednesday, August 26, 2020, at 5:30 p.m.

PLEDGE OF ALLEGIANCE

Chair Paonessa led the Pledge of Allegiance.

ROLL CALL

Present: Board Members Oliver Cleary, Stephen Moses, Wayne Sinclair, Vice Chair Jocelyn Kane, and Chair Michael Paonessa.

Alternate Board Members Robert Findley and Ken Hedrick.

Absent: None.

City Staff

Present: Jill Tremblay, Deputy City Attorney; Patrick Clifford, Executive Programs Administrator; Code Compliance Officer Kristi Smith, and John Paul Maier, Chief Deputy City Clerk were present at Roll Call.

1. ACCEPTANCE OF THE AGENDA

By consensus, the Board accepted the Agenda as presented.

PUBLIC COMMENT

None.

APPEAL HEARINGS**2. APPEAL OF THE ADMINISTRATIVE DECISION THAT ARMON BOOTH AND TINA BOOTH ARE PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS AND THE ADMINISTRATIVE FINE OF \$5,000 FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 2345 S CHEROKEE WAY UNIT 113, PALM SPRINGS, CALIFORNIA**

Executive Program Administrator Clifford presented the staff report, summarized staff's investigatory methods and issuance of the citation, and responded to Board inquiries.

Chair Paonessa opened the Appeal Hearing.

Tina Booth, Appellant, advised that she utilized a professional property management company and had an agreement with Oasis Villa Hotel for the short-term rental of her unit; stated that Oasis Villa Hotel holds a valid permit for the property and she was advised that a secondary permit would not be necessary; noted that she received an offer to enter into a Compliance Plan from the City but that staff did not respond to her follow-up inquiries.

There being no others desiring to speak on this item, Chair Paonessa closed the Appeal Hearing.

Vice Chair Kane expressed concern regarding the lack of response by former City staff in relation to the Compliance Plan and that the delay has resulted in the appellant's case remaining unresolved. Mr. Clifford stated that he did not have a record of inquiries or notifications from the appellant to former City staff.

MOTION BY BOARD MEMBER MOSES to defer deciding on the matter for 30 days to allow staff and the appellant to reach an amicable agreement. The motion died due to lack of a second. Board Member Cleary opined that Mrs. Booth has provided a enough evidence to support dismissal of the citation.

MOTION BY BOARD MEMBER CLEARY, SECOND BY BOARD MEMBER MOSES, CARRIED 5-0, to adopt Resolution No. 0172 entitled, "A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, ON THE APPEAL OF ARMON BOOTH AND TINA BOOTH REGARDING THE PROPERTY LOCATED AT 2345 S CHEROKEE WAY, UNIT 113, PALM SPRINGS, CALIFORNIA," overturning administrative citation AB0148 and the administrative decision that Armon Booth and Tina Booth are permanently ineligible to operate a Vacation Rental in the City of Palm Springs, including the property located at 2345 S Cherokee Way, Unit 113, Palm Springs and the fine of \$5,000.

3. APPEAL OF THE ADMINISTRATIVE DECISION THAT KEVIN WU IS PERMANENTLY INELIGIBLE TO OPERATE A VACATION RENTAL IN THE CITY OF PALM SPRINGS AND THE ADMINISTRATIVE FINE OF \$5,000 FOR OPERATING AN UNREGISTERED VACATION RENTAL PROPERTY LOCATED AT 2700 E. MESQUITE AVE UNIT F35, PALM SPRINGS, CALIFORNIA

Executive Program Administrator Clifford presented the staff report, summarized staff's investigatory methods and issuance of the citation, and responded to Board inquiries. Code Compliance Officer Kristi Smith provided a brief overview of the citation process.

Chair Paonessa opened the Appeal Hearing.

Kevin Wu, Appellant, stated that he lives at the property and advertised the unit for extra income; advised that he was unaware of the City's regulations and immediately removed the advertisements upon receiving the citation.

There being no others desiring to speak on this item, Chair Paonessa closed the Appeal Hearing.

MOTION BY VICE CHAIR KANE, SECOND BY BOARD MEMBER MOSES, CARRIED 5-0, to adopt Resolution No. 0173 entitled, "A RESOLUTION OF THE ADMINISTRATIVE APPEALS BOARD OF THE CITY OF PALM SPRINGS, CALIFORNIA, ON THE APPEAL OF KEVIN WU REGARDING THE PROPERTY LOCATED AT 2700 E. MESQUITE AVE UNIT F35, PALM SPRINGS, CALIFORNIA," upholding administrative citation AB0260 and administrative decision that Kevin Wu is permanently ineligible to operate a Vacation Rental in the City of Palm Springs, including the property located at 2700 E Mesquite Ave, Unit F35, Palm Springs and the fine of \$5,000.

OTHER BUSINESS:

4. APPROVAL OF MINUTES

MOTION BY BOARD MEMBER MOSES, SECOND BY VICE CHAIR KANE, CARRIED 5-0, to approve the minutes for the Regular Meeting of July 22, 2020, as amended.

5. BOARD MEMBER COMMENTS AND REQUESTS

By consensus, the Board requested that the City Attorney's Office provide a memo clarifying questions related to case settlements:

1. Can the City negotiate and settle a case with the homeowner?
2. Is there a compliance agreement program in place with the City?

6. CITY ATTORNEY'S REPORTS AND COMMENTS

None.

7. CITY CLERK'S REPORTS AND FUTURE MEETING DATES

Chief Deputy City Clerk Maier notified the Board that the next scheduled meeting will be held on September 23, 2020.

ADJOURNMENT

The Administrative Appeals Board meeting adjourned at 7:00 p.m.

Respectfully submitted,

John Paul Maier, MMC
Chief Deputy City Clerk

APPROVED BY THE ADMINISTRATIVE APPEALS BOARD: __/__/2020