

PALM SPRINGS CITY COUNCIL
MINUTES
WEDNESDAY, JUNE 13, 2007
CITY COUNCIL CHAMBER

CALL TO ORDER: Mayor Oden called the meeting to order at 6:10 P.M.

PLEDGE OF ALLEGIANCE: Assistant City Manager Wilson led the Pledge.

ROLL CALL:

PRESENT: Councilmember Foat, Councilmember McCulloch, Mayor Pro Tem Pougnet, and Mayor Oden.

ABSENT: Councilmember Mills.

ALSO PRESENT: City Manager Ready, City Attorney Holland, City Clerk Thompson.

PRESENTATIONS:

Police Chief Gary Jeandron briefed the City Council on a recent violent crime in the City.

Mikel Oglesby and Eunice Lovi from SunLine Transit Agency presented the City Council information on SunLine bus routes.

REPORT OF CLOSED SESSION: City Attorney Holland stated the meeting was called to order at 4:30 P.M. and the City Council recessed into Closed Session to discuss matters on the Closed Session agenda. No reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

City Clerk Thompson stated staff has requested Item 2.C. be removed from the Consent Calendar for separate discussion.

ACTION: Accept the Agenda as amended. **Motion Mayor Pro Tem Pougnet, seconded by Councilmember McCulloch and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember McCulloch, Mayor Pro Tem Pougnet, and Mayor Oden.

NOES: None.

ABSENT: Councilmember Mills.

1. PUBLIC HEARINGS:

1.A. REQUEST FROM KEN LEVIN TO APPEAL THE DECISION OF THE PLANNING COMMISSION TO UPHOLD THE DECISION OF THE DIRECTOR OF PLANNING SERVICES TO ALLOW RELIEF FROM

PALM SPRINGS ZONING CODE SECTION 93.06.00(E)(4) FOR THE COLONY PALMS HOTEL LOCATED AT 572 N. INDIAN CANYON DRIVE:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated June 13, 2007.

Mayor Oden opened the public hearing, and the following speakers addressed the City Council.

KEN LEVIN, Appellant, provided information on his appeal with respect to current road conditions, traffic, congestion and parking.

STEVE OHREN, Applicant Colony Palms Hotel, provided background information on the setback reduction for the Colony Palms Hotel.

ELIZABETH WICKSON, Palm Springs, stated her concerns with respect to the parking at the Colony Palms Hotel, and lack of concern of the Planning Commission to the needs of the private homeowners in the neighborhood.

No further speakers coming forward, the public hearing was closed.

Councilmember McCulloch requested staff address the noticing of the public hearing.

Mayor Oden commented on the reduction of the setback.

Councilmember Foat requested staff address the number of lost parking spaces and the conforming parking spaces.

ACTION: Adopt Resolution No. 21932, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION TO UPHOLD THE DECISION OF THE DIRECTOR OF PLANNING SERVICES TO ALLOW RELIEF FROM PALM SPRINGS ZONING CODE SECTION 93.06.00 (E) (4) FOR THE COLONY PALMS HOTEL LOCATED AT 572 N. INDIAN CANYON DRIVE." **Motion Mayor Pro Tem Pougnet, seconded by Mayor Oden and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember McCulloch, Mayor Pro Tem Pougnet, and Mayor Oden.

NOES: None.

ABSENT: Councilmember Mills.

1.B. CASE NO. 5.1157, CONDITIONAL USE PERMIT APPLICATION BY WELL IN THE DESERT TO OPERATE A FOOD DISTRIBUTION FACILITY LOCATED AT 202 WEST SAN RAFAEL DRIVE:

David Newell, Assistant Planner, provided background information as outlined in the staff report dated June 13, 2007.

Mayor Oden opened the public hearing, and the following speakers addressed the City Council.

VIC GAINER, Applicant, provided background information on the request by the Well in the Desert, the aspects and components of the program, commented on the 17 Conditions of Approval and requested the City Council allow a 180-day extension for the condition that requires a striping and parking plan, and requested the City Council approve the CUP.

ARNOLD GALVAN, commented on the condition of the proposed site, parking, concerns of the clientele, and requested the City Council deny the CUP.

GREG SCHROEDER, stated this is the wrong site for this program in this residential neighborhood, commented on the clientele, and requested the City Council not approve the CUP.

RICK BERNARDIN, Palm Springs, spoke in opposition to the Well in the Desert at this location, and stated the immediate area is zoned residential.

DENNIS ZUVICH, Palm Springs, commented on the development in the neighborhood, and spoke in opposition to the Well in Desert operating at this location.

NED PHILLIPPE, Palm Springs, expressed concerns with parking and traffic impacts, along with the clientele, and requested the City Council deny the CUP to the Well in the Desert.

ROBIN CRAIG RANCOURT, Palm Springs, stated his opposition to the operation of the Well in the Desert at this location, and commented on the lack of parking and restrooms.

JOY SMITH, Palm Springs, commented on the Planning Commission hearing, expressed concerns with respect to parking, traffic and restrooms, and spoke in opposition to the CUP at this location.

GREGORY GERBER, Palm Springs, stated this location is not the best place for this facility.

LAWRENCE SALAMEH, stated he owns a business in the neighborhood which has improved, and spoke against the CUP at this location for the Well in the Desert.

RODELL HENSHAW, Palm Springs, commented on the poor paving of the street, the neighborhood and the clientele, and spoke in opposition.

LENA WEINSTEIN, Palm Springs, commented on the neighborhood, and spoke in opposition to the CUP for the Well in the Desert.

JOSE PORTILLO, Palm Springs, commented on problems in the neighborhood and spoke in opposition to the CUP at this location.

GARY COVINGTON, stated they are the property owners across the street, and stated the project would affect their project in a negative way, expressed concerns with respect to parking, and spoke in opposition to the CUP at this location.

PATRICIA COOPER, Palm Springs, commented on the Planning Commission vote, the improvements to the neighborhood, and spoke in opposition to the CUP at this location.

JOHN TYMON, Palm Springs, commented on the homeless and the working poor, parking, and recommended other locations.

MARK INGRAM, Palm Springs, commented on physical problems with the building, the parking, and the temporary nature of the program.

RUSSELL COWARD, Palm Springs, stated he has a business in the neighborhood, commented on the street conditions and parking, expressed concerns with the Well at the Desert in this location, and stated his opposition to the CUP at this location.

WILLIE JAMES HOLLAND, SR., commented on the neighborhood, expressed concerns with seniors and children, and requested the City Council address the problem.

ROBERT MARTIN, Palm Springs, read a letter submitted by Barbara Hill, against the CUP at this location.

ROBERT STRONG, stated he is building a home in the area, expressed concerns with trash, and spoke in support of a better location for this program.

RICK JOHNSON, stated concerns with parking and traffic, and spoke in opposition of the CUP at this location.

UNNAMED SPEAKER, commented on the neighborhood.

VIC GAINER, Rebuttal, commented on programs of the Well in the Desert, commented on the conditions of approval for the parking.

No further speakers coming forward, the public hearing was closed.

The City Council recessed at 8:07 P.M.
The City Council reconvened at 8:15 P.M.

Mayor Oden commented on the temporary locations for the Well in the Desert and programs, on the neighborhood and the neighborhood issues.

Mayor Pro Tem Pougnet requested staff address if any amendments to zoning are required for the site, the Planning Commission vote to include 30-days for the parking requirements, adding two conditions for a trash enclosure and health permits, requested the Applicant compare the sites.

Councilmember Foat stated the proposed program is not a feeding program, and commented on the current site.

Councilmember McCulloch commented on the type of program at the Well in the Desert, commented on the neighborhood and the parking issues, expressed concerns of having Planning Commission and City Council hearings on the same day, and commented about the fees.

Mayor Pro Tem Pougnet commented on the current location of the Well in the Desert.

Councilmember Foat requested staff address and place on a future agenda the waiver of fees paid by the Well in the Desert.

ACTION: Deny the request for a Conditional Use Permit at 202 San Rafael Drive, Zone M-1, Section 34, and direct staff to return with a proper enactment resolution denying the CUP. **Motion Mayor Pro Tem Pougnet, seconded by Mayor Oden and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember McCulloch, Mayor Pro Tem Pougnet, and Mayor Oden.
NOES: None.
ABSENT: Councilmember Mills.

1.C. PROPOSED RESOLUTION ADOPTING MODIFICATIONS TO CERTAIN USER FEES AND CHARGES AND ADOPTING THE COMPREHENSIVE FEE SCHEDULE FOR FISCAL YEAR 2007-08:

ACTION: 1) Continue the Public Hearing to June 27, 2007; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Mayor Pro Tem Pougnet, seconded by Councilmember McCulloch and unanimously carried 4-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember McCulloch, Mayor Pro Tem Pougnet, and Mayor Oden.

NOES: None.

ABSENT: Councilmember Mills.

Mayor Oden left the meeting at 8:45 P.M., Mayor Pro Tem Pougnet presided over the remainder of the meeting.

PUBLIC COMMENT:

JOHN TYMON, Palm Springs, commented on large trucks in residential areas and the Belardo Bridge.

WILLIE JAMES HOLLAND SR., expressed concerns with the crime in the Desert Highland neighborhood.

COUNCILMEMBER COMMENTS AND REQUESTS: None.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., and 2.B. **Motion Councilmember Foat, seconded by Councilmember McCulloch and unanimously carried 3-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember McCulloch, and Mayor Pro Tem Pougnet.

NOES: None.

ABSENT: Councilmember Mills and Mayor Oden.

2.A. REPORT ON POSTING OF THE AGENDA:

ACTION: Receive and file Report on the Posting of the June 13, 2007, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of June 7, 2007. **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR

2.C. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS EXPRESSING CONCERN OVER THE COACHELLA VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT'S PROPOSED INCREASE IN THE MOSQUITO, FIRE ANT AND DISEASE ASSESSMENT FOR THE 2007-08 FISCAL YEAR:

SHARON LOCK, provided an update on the Board of Trustees vote not to increase the assessment, the Budget, and other areas she will bring up to the Board of Trustees.

Councilmember Foat thanked Ms. Lock for being on top of the issues with the District and the budget.

Councilmember McCulloch thanked Ms. Lock and all of the Boards and Commissions.

ACTION: Adopt Resolution No. 21933, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, EXPRESSING CONCERN OVER THE COACHELLA VALLEY MOSQUITO AND VECTOR CONTROL DISTRICT'S PROPOSED INCREASE IN THE MOSQUITO, FIRE ANT AND DISEASE ASSESSMENT FOR THE 2007-08 FISCAL YEAR." **Motion Councilmember McCulloch, seconded by Councilmember Foat and unanimously carried 3-0 on a roll call vote.**

AYES: Councilmember Foat, Councilmember McCulloch, and Mayor Pro Tem Pougnet.

NOES: None.

ABSENT: Councilmember Mills, and Mayor Oden.

SS. STUDY SESSION:

SS1. PROPOSED ORDINANCE PROHIBITING SMOKING IN CITY PARKS:

Sharon Heider, Director of Parks and Recreation, provided background information on the County of Riverside Smoke-Free Parks programs and initiatives.

Councilmember McCulloch stated the presentation had opinions, and requested more data on second-hand smoke, laws against littering of cigarette butts, and commented on the lack of data to support the conclusions.

Councilmember Foat requested staff address how the City would enforce such a policy.

Mayor Pro Tem Pougnet requested staff address if the other cities have addressed the data and the enforcement issues, and recommended with further facts, the City Council review with all members present.

No action taken.

COUNCILMEMBER COMMENTS AND REPORTS:

Councilmember McCulloch commented on an information sheet with respect to the public hearing process, and commented on decorum in Council Chamber.

Councilmember Foat commented on the CVAG Executive Committee Meeting on the homeless and economically disadvantaged.

Mayor Pro Tem Pougnet commented on the recent violent crime that occurred in the City.

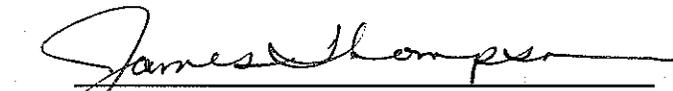
ADJOURNMENT: The City Council adjourned at 9:14 P.M. to a Regular Meeting, Wednesday, June 20, 2007, at 6:00 p.m. in the Council Chamber, City Hall, preceded by a Closed Session at 4:30 p.m., Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

**APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS
20th DAY OF JUNE, 2007.**



MAYOR

ATTEST:



City Clerk