

PALM SPRINGS CITY COUNCIL
MINUTES
WEDNESDAY, MARCH 7, 2007
CITY COUNCIL CHAMBER

CALL TO ORDER: Mayor Pro Tem Pougnet called the meeting to order at 6:19 P.M.

PLEDGE OF ALLEGIANCE: Boy Scout Troop 262, led the Pledge.

INVOCATION: Mayor Pro Tem Pougnet requested a moment of silent reflection.

ROLL CALL:

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

ABSENT: Mayor Oden.

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

PRESENTATIONS:

Police Chief Gary Jeandron administered the Oath of Office to Police Officers Luciano Colantuono, Michael Iseminger, and Randall Tackett, and presented the new Officers to the City Council.

REPORT OF CLOSED SESSION: City Attorney Holland stated that at 5:00 P.M. the meeting was called to order and the City Council recessed into Closed Session to discuss items on the posted Closed Session agenda. No reportable actions were taken.

ACCEPTANCE OF THE AGENDA:

Councilmember Foat requested Item 2.L. be removed from the Consent Calendar for separate discussion.

Mayor Pro Tem Pougnet requested Items 2.G. and 2.M. be removed from the Consent Calendar for separate discussion.

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

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

NOES: None.

ABSENT: Mayor Oden.

1. PUBLIC HEARINGS:

1.A. CASE NO. 5.1091, AMENDMENT TO PLANNED DEVELOPMENT DISTRICT 324 FOR THE ESTABLISHMENT OF A SPECIAL SIGN

DISTRICT (SP 07-023), AS PROVIDED BY SECTION 93.20.5C8 OF THE PALM SPRINGS ZONING CODE, TO CREATE A CONSTRUCTION SIGNAGE PROGRAM FOR THE DOWNTOWN "PORT LAWRENCE" RESIDENTIAL/RETAIL PROJECT LOCATED AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALEJO ROAD:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated March 7, 2007, and stated he has received a request from the Applicant today to only address the fence signage and to continue the billboard signage.

Mayor Pro Tem Pougnet opened the public hearing, and the following speakers addressed the City Council.

LAWRENCE RAEL, Applicant, noted that he has requested that the sign boards be continued and not discussed at this time, and briefly outlined the proposal to amend the Planned Development District for fence signage and graphics.

DOUG HUDSON, Project Architect, commented on the background of the project and the design process.

JOY MEREDITH, Palm Springs, spoke in support of the signage program and screening, and the benefits to downtown.

SCOTT LYLE, Palm Springs, spoke in support of the signage program.

LEA GOODSELL, spoke in support of the proposed signage and construction fencing.

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

Councilmember Foat commented on and requested the Developer address the use of selected graphics as opposed to a depiction of the project, and requested staff clarify if the Developer may use a streetscape on the construction fencing.

Councilmember Mills commented on the amount of text allowed in the signage program, and the previous direction of the City Council included some images and a rendering of the future project above the fence line, he expressed concerns with respect to the lack of details related to the request, and requested further detail of the proposed signage proposal.

Mayor Pro Tem Pougnet requested staff address the proposed materials to be used.

Councilmember McCulloch stated that the Council is considering a temporary project allowing 20% for the text which then leaves a balance 80%, which should be divided into 40% for the art and graphics, and 40% for a depiction of the project.

Councilmember Foat requested the City Attorney address if the City Council may stipulate in the Resolution or the Conditions of Approval that this is a "pilot project" so the City would not be held to this "standard" for future projects.

City Attorney Holland stated that such verbiage or other language indicating a unique situation, and for that purpose we are using this specific approach on this project could be incorporated into the Resolution.

Mayor Pro Tem Pougnet requested the Applicant address the materials to be used, and if the direction of the City Council was acceptable to the Developer.

LAWRENCE RAEL, Applicant, indicated the materials and the design will be consistent with the overall excellent quality of the proposed project, and any item or material that is unacceptable to the City Council will be removed.

Councilmember McCulloch further clarified that the intent of his recommendation for the 20% limitation of text, would provide that a depiction of bank with a sign of a bank, would not be included in the text limitation.

Director Ewing recommended that Condition No. 7 be removed with respect to Billboards, and they are not under consideration at this time.

Councilmember Mills expressed concerns that what the City Council approves will set an example and precedent for future requests, recommends that the text be allocated per street frontage, stated it is the responsibility of the City Council to ensure the quality and durability of the materials, and stated the City Council should have additional information on the materials.

ACTION: Adopt Resolution No. 21840, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AN AMENDMENT TO CASE NUMBER 5.1091, AMENDING PLANNED DEVELOPMENT DISTRICT 324 TO ESTABLISH A SIGN DISTRICT (SP 07-023) FOR TEMPORARY CONSTRUCTION SIGNAGE AT THE SOUTHEAST CORNER OF NORTH PALM CANYON DRIVE AND ALEJO ROAD" *as amended to include only the fencing portion of the*

*sign district and deleting Condition No. 7; providing that only 20% shall be used for text, of the remaining 80%, up to 40% may be used for a depiction of the building as approved by staff. **Motion Councilmember McCulloch, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.***

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

NOES: None.

ABSENT: Mayor Oden.

Councilmember Foat requested the Billboard portion of the district be continued and returned to the City Council on March 21, 2007.

Councilmember Mills indicated that it would be difficult to determine and approve the billboard request over 6 feet, if the City Council does not know how staff approved the fence portion under 6 feet, and questioned if staff will be prepared by March 21, 2007.

ACTION: Continue the public hearing for the request to allow Billboards in the newly established Sign District (SP07-023) to March 21, 2007; and direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Councilmember Foat, seconded by Councilmember McCulloch and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Oden.

1.B. PRIME URBAN, BRIAN LUCAS - CASE NO. 5.1113 GENERAL PLAN AMENDMENT, TO VACATE A PAPER STREET, PLANNED DEVELOPMENT DISTRICT 329, AND TENTATIVE TRACT MAP 34829, FOR THE DEVELOPMENT OF 174 CONDOMINIUM UNITS AND APPROXIMATELY 32,274 SQUARE FEET OF COMMERCIAL/RETAIL SPACE ON 15.12 ACRES, LOCATED ON THE SOUTH SIDE OF RACQUET CLUB ROAD BETWEEN NORTH PALM CANYON DRIVE AND NORTH INDIAN CANYON DRIVE:

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated March 7, 2007.

David Barakian, City Engineer, requested the City Council modify Condition No. 104 to read "The Applicant shall apply to the City for the vacation of Zanjero Road and Rochelle Road. Prior to the vacation public hearing, the Developer shall coordinate with each public utility company and determine specific requirements as to the abandonment and/or

relocation of existing underground facilities that may exist within the public right-of-way to be abandoned. Prior to the public hearing, the Developer shall provide to the City Engineer a letter of approval regarding the proposed abandonment of Rochelle Road and Zanjero Road rights-of-way from each public utility agency."

Councilmember Foat requested staff address the change in Condition No. 104 which requires another public hearing, and how that affects the action of Council at this public hearing.

Councilmember Foat requested in the future that staff include with the City Council Staff Report the Planning Commission Minutes, the questions and answers brought up by the Planning Commission, along with modifications, additions, or deletions of Conditions made by the Planning Commission.

Mayor Pro Tem Pougnet opened the public hearing, and the following speakers addressed the City Council.

BRIAN LUCAS, Applicant, provided historical background information of the project, commented that this project would be a "gateway" to the City, and noted the development of the architecture and the site plan.

DAVID HECT, Architect, provided background information on the planning principals used to develop the project, and noted a correction in the staff report to the overall acreage and density per acre.

DOUG HUDSON, expressed his concerns and stated the Applicant and Architect have been amenable to change for a better project, and read a letter of concern from Kathryn Mailer, owner of the Grace Miller House, which is a Class 1 Historic Site.

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

Councilmember Foat requested staff address if the unit was removed, what is currently on the site and what has been demolished, commented on the constant use of Planned Development Districts and requested staff address the public benefit, visitor parking for the town homes, and the entrances and circulation in relation to the gating.

Councilmember Mills requested staff and the Applicant address the units with the underground parking, stacked units at grade, the landscaping over the parking deck, access to the live-work units, the type of consideration to views and vistas, the average setback for the Eastern portion of the project, and the function of the live-work unit as a separate space.

Mayor Pro Tem Pougnet requested the Applicant address the height of the residential units of 24 feet, outcomes and responses at the community meeting with neighbors, and the current fencing of the site.

Councilmember Foat requested the Applicant address the height and the view corridors, and commented on counting a private yard and a driveway as open space.

Councilmember McCulloch commented on the system of Planned Development Districts, and the City Council micro-managing every detail of these proposed developments.

Councilmember Mills commented on the Architectural Advisory Board, and stated he sees lack of concern in some areas such as circulation, the main entry, live-work set up not to succeed as live-work but as a condominium project, and expressed concerns with the North elevation of the retail building, and other aspects of the project.

The City Council recessed at 8:17 P.M.
The City Council reconvened at 8:25 P.M.

Councilmember Mills requested staff address if this was a preliminary site plan, and if the City Council would see the project again as a final for architectural approval.

Councilmember McCulloch requested the City Attorney comment if the City Council could submit written comments and review.

Councilmember Foat commented on the concept of having a City Council subcommittee review the project.

Councilmember Mills requested the Applicant address the concept of the City Council approving the site plan as preliminary and the project returning to the City Council for final and architectural approval.

MOTION: Continue the public hearing to March 21, 2007. **Motion by Councilmember Foat failed for lack of a second.**

The City Council discussed the Planned Development District process and the previous process which allowed for preliminary site plan approval.

MOTION: 1) Adopt "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, AND APPROVING CASE NO. 5.1113-GPA, PLANNED DEVELOPMENT DISTRICT 329, AND TENTATIVE TRACT

MAP 34829 FOR A PROPOSAL TO DEVELOP A 174 CONDOMINIUM UNIT COMPLEX WITH APPROXIMATELY 32,274 SQUARE FEET OF COMMERCIAL USE ON 15.12 ACRES LOCATED ALONG THE SOUTH SIDE OF RACQUET CLUB ROAD BETWEEN NORTH PALM CANYON DRIVE AND NORTH INDIAN CANYON DRIVE;" and 2) Adopt Resolution No. 21842, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING THE MITIGATED NEGATIVE DECLARATION, AND APPROVING CASE NO. 5.1113 GENERAL PLAN AMENDMENT TO REMOVE A PAPER STREET, ZANJERO ROAD FROM THE CITY'S GENERAL PLAN CIRCULATION ELEMENT" *amending Condition No. 104*. **Motion Mayor Pro Tem Pougnet, seconded by Councilmember McCulloch and failed 2-2 on a roll call vote.**

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

MOTION: Restudy the project from a site plan standpoint based on comments made by the City Council, and the return to the City Council for approval of the site plan, and then the project is run through the final Planned Development District Process. **Motion Councilmember Mills, seconded by Councilmember Foat and failed 2-2 on a roll call vote.**

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

ACTION: 1) Continue the Public Hearing to March 21, 2007; and 2) Direct the City Clerk to post a Notice of Continued Public Hearing. **Motion Councilmember Mills, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

PUBLIC COMMENT:

FRANK GAYDOS, commented on Item 3.A. increasing the density of Snow Creek, and commented on finding funds to purchase parcels in the area, but willing sellers have not come forward.

MICHAEL BRAUN, commented on Item RA2., and requested staff and the City Council provide a scope of work for Nexus and the fee.

JOY MEREDITH, Palm Springs, thanked City employees and the City Manager for their work and response to the Community.

JOAN MARTIN, Palm Springs, commented on Item 3.A. regarding the zoning modifications to the Snow Creek area.

JONO HILDER, Palm Springs, Save our Mountains, stated that the information presented by David Baron is less than adequate to modify the zoning in the Snow Creek area, and requested a full economic analysis at the owner's cost.

VICTORIA DOYLE, Palm Springs, commented on Item 3.A. modifying the zoning in the Snow Creek area, and presented several letters signed by residents not to change the zoning.

SCOTT LYLE, commented on the historical zoning of the property in the Snow Creek area, and requested the City down zone to 600 units.

DAVID BARON, outlined the previous comments during the Chino Cone hearing, and stated the City Council would be interested in increasing the density based on the cost of extra required improvements, and requested an increase of the density to 2.5 units per acre.

JOAN TAYLOR, stated her opposition to the initiation of the Zone Text Amendment to increase the density of the Snow Creek area.

COUNCILMEMBER COMMENTS AND REQUESTS: None.

CITY MANAGER'S REPORT: None.

2. CONSENT CALENDAR:

ACTION: Approve Items 2.A., 2.B., 2.C., 2.D., 2.E., 2.F., 2.H., 2.I., 2.J., 2.K., and 2.N. **Motion Councilmember Foat, seconded by Councilmember McCulloch and unanimously carried 4-0 on a roll call vote.**

2.A. REPORT ON POSTING OF THE AGENDA:

ACTION: Receive and file the Report on the Posting of the March 7, 2007, City Council Agenda. **Approved as part of the Consent Calendar.**

2.B. APPROVAL OF MINUTES:

ACTION: Approve the City Council Minutes of February 15, 2007, and February 21, 2007. **Approved as part of the Consent Calendar.**

2.C. APPROVAL OF PAYROLL WARRANTS, CLAIMS AND DEMANDS:

ACTION: 1) Adopt Resolution No. 21841, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA,

APPROVING PAYMENT OF PAYROLL WARRANTS FOR THE PERIOD ENDED 2-10-07 BY WARRANTS NUMBERED 411514 THROUGH 411572 TOTALING \$87,017.05, LIABILITY CHECKS NUMBERED 1019174 THROUGH 1019206 TOTALING \$139,976.71, THREE WIRE TRANSFERS FOR \$78,484.17 AND THREE ELECTRONIC ACH DEBITS OF \$938,496.52 IN THE AGGREGATE AMOUNT OF \$1,243,974.45 DRAWN ON BANK OF AMERICA;" 2) Adopt Resolution No. 21842, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1019207 THROUGH 1019481 IN THE AGGREGATE AMOUNT OF \$3,508,615.38 DRAWN ON BANK OF AMERICA;" and 3) Adopt Resolution No. 21843, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING PAYMENT OF CLAIMS AND DEMANDS BY WARRANTS NUMBERED 1019482 THROUGH 1019484 IN THE AGGREGATE AMOUNT OF \$10,567.79 DRAWN ON BANK OF AMERICA." **Approved as part of the Consent Calendar.**

2.D. TREASURER'S INVESTMENT REPORT AS OF JANUARY 31, 2007:

ACTION: Receive and file the Treasurer's Investment Report as of January 31, 2007. **Approved as part of the Consent Calendar.**

2.E. AMENDMENT NO. 5 TO THE ALLOCATED POSITIONS AND COMPENSATION PLAN FOR FISCAL YEAR 2006-07:

ACTION: Adopt Resolution No. 21844, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING AMENDMENT NO. 5 TO THE ALLOCATED POSITIONS AND COMPENSATION PLAN ADOPTED BY RESOLUTION NO. 21612." **Approved as part of the Consent Calendar.**

2.F. STAFF AUTHORIZED AGREEMENTS FOR THE PERIOD FEBRUARY 1 THROUGH FEBRUARY 28, 2007:

ACTION: Receive and file the Staff Authorized Agreements covering the period February 1 through February 28, 2007. **Approved as part of the Consent Calendar.**

2.H. DECLARE PARKS AND RECREATION COMMISSION APPOINTIVE POSITION AS VACANT PURSUANT TO CITY CHARTER SECTION 605(c) AND PSMC SECTION 2.06.010(f):

ACTION: 1) Declare the Parks and Recreation Commission appointive office held by Max Hassan vacant; and 2) Direct the City Clerk to post a Notice of Vacancy. **Approved as part of the Consent Calendar.**

- 2.I. APPROVE A PURCHASE ORDER FOR THE 2007 FOURTH OF JULY CELEBRATION FIREWORKS WITH PYRO SPECTACULAR IN AN AMOUNT NOT-TO-EXCEED \$34,000:**
ACTION: 1) Adopt Minute Order No. 8010, Approving a purchase order with Pyro Spectacular, Inc. to produce the fireworks display for the 2007 Fourth of July Celebration at Palm Springs Stadium in an amount not-to-exceed \$34,000; and 2) Authorize the City Manager to execute all necessary documents. **Approved as part of the Consent Calendar.**
- 2.J. AMENDMENT NO. 1 TO AGREEMENT NO. A5275 WITH ENGINEERING RESOURCES OF SOUTHERN CALIFORNIA, INC. FOR THE PALM SPRINGS STORM DRAIN LINES 6A, 8, 20C, AND 20CA, CITY PROJECT 05-20:**
ACTION: 1) Adopt Minute Order No. 8011, Approving Amendment No. 1 to Agreement No. A5275 with Engineering Resources of Southern California, Inc. for the Palm Springs Storm Drain Lines 6A, 8, 20C, and 20CA, in the amount of \$46,930 for a total revised contract amount of \$342,410, City Project 05-20; and 2) Authorize the City Manager to execute all necessary. A5275. **Approved as part of the Consent Calendar.**
- 2.K. AMENDMENT NO. 1 TO AGREEMENT NO. A5123 WITH MSA CONSULTING, INC. IN THE AMOUNT OF \$7,011.05 FOR ADDITIONAL PROFESSIONAL SERVICES FOR THE PREPARATION OF A JOINT ENVIRONMENTAL IMPACT REPORT FOR CASE NO. 5.1042 PD-311 TTM 33514, FOR MIXED USE DEVELOPMENT AT 450 SOUTH PALM CANYON DRIVE:**
ACTION: 1) Adopt Minute Order No. 8012, Approving Amendment No. 1 to Agreement No. A5123 with MSA Consulting, Inc. in the amount of \$7,011.05, for a total contract price of \$112,011.05, for additional professional services for the preparation of a joint Environmental Impact Report for Case No. 5.1042, PD-311, TTM 33514 an application for the Palm Canyon Project to develop a mixed use development at 450 South Palm Canyon Drive; and 2) Authorize the City Manager to execute all necessary documents. A5123 **Approved as part of the Consent Calendar.**
- 2.N. INITIATION OF ZONE TEXT AMENDMENT TO SECTION 94.06.01A (MINOR MODIFICATIONS) OF THE PALM SPRINGS ZONING CODE RELATED TO SETBACKS ON MAJOR AND SECONDARY THOROUGHFARES:**
ACTION: Initiate a Zone Text Amendment pursuant to Section 94.07.01.A.1.b to revise the regulations for granting Minor Modifications to setbacks on Major and Secondary Thoroughfares (Section 94.06.01.A). **Approved as part of the Consent Calendar.**

EXCLUDED CONSENT CALENDAR:

2.G. FINAL MAP 31525 AND A SUBDIVISION IMPROVEMENT AGREEMENT WITH K. HOVNANIAN'S FOUR SEASONS AT PALM SPRINGS, LLC FOR 70 SINGLE FAMILY HOMES LOCATED AT 4000 NORTH SUNRISE WAY:

Mayor Pro Tem Pougnet stated there was previous discussion with respect to the park, and requested staff clarify leaving out Lot G the 7 acre parcel.

City Attorney Holland stated Lot G is a 7 acre parcel and will be included within the subdivision as an open space lot, commented on the annexation of the lettered lots in the subdivision, and indicated the discussion will continue with respect to Lot G.

ACTION: 1) Adopt Resolution No. 21845, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, APPROVING FINAL MAP 31525 FOR PROPERTY LOCATED AT 4000 NORTH SUNRISE WAY, IN SECTION 36, TOWNSHIP 3 SOUTH, RANGE 4 EAST, AND APPROVING A SUBDIVISION IMPROVEMENT AGREEMENT WITH K. HOVNANIAN'S FOUR SEASONS AT PALM SPRINGS, LLC;" and 2) Authorize the City Manager to execute all necessary documents. A5439. **Motion Mayor Pro Tem Pougnet, seconded by Councilmember Foat and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Oden.

2.L. CHANGE ORDER NO. 3 TO AGREEMENT NO. A4382 WITH GENSLER, FOR ADDITIONAL STRUCTURAL DESIGN SERVICES IN AN AMOUNT NOT-TO-EXCEED \$12,000 FOR THE AIRPORT HOLDROOM PROJECT, CP05-010, AIP 38:

Councilmember Foat requested staff address the overall project at the Airport and the number of Change Orders, stated staff is approaching this project piece meal, and requested the City Council be provided a comprehensive review of all change orders and what is needed to complete the project.

ACTION: 1) Adopt Minute Order No. 8013, Approving Change Order No. 3 to Agreement No. 4382 (Amendment No. 11) with Gensler for additional structural design services in an amount not to exceed \$12,000 for the Airport Holdroom Project, CP05-010, AIP 38, subject to approval by the Federal Aviation Administration; and 2) Authorize the City Manager to execute all necessary

documents. A4382. **Motion Councilmember Mills, seconded by Councilmember McCulloch and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Oden.

2.M. TERMINATION OF A DEVELOPMENT AGREEMENT DATED FEBRUARY 4, 2004, BETWEEN FAIRFIELD RESORTS, INC. (NOW KNOWN AS WYNDHAM VACATION RESORTS INC.) AND THE CITY OF PALM SPRINGS AND AUTHORIZE THE RELEASE OF CERTAIN COVENANTS AND RESTRICTIONS RELATED TO OBLIGATIONS AND BENEFITS OF THE DEVELOPMENT AGREEMENT:

Mayor Pro Tem Pougnet requested the City Attorney address what would happen if the property would not change hands.

ACTION: 1) Adopt Minute Order No. 8014, Ordering the termination of the Development Agreement between Wyndham Vacation Resorts, Inc., formerly known as Fairfield Resorts, Inc., and the City of Palm Springs, subject to the condition that the termination shall become effective upon the close of the sale of the property from Wyndham Vacation Resorts Inc. to The Trails at Palm Springs, LLC and City approval of a development agreement or other entitlements for the development of the site for the benefit of the Trails at Palm Springs or its successor or designee; and 2) Authorize the City Manager to execute appropriate releases and other documentation, including the Declaration of Covenants, Conditions, and Restrictions dated April 7, 2003, between SCHLPS, LLC, the Agency, and the City, as the City Attorney may approve or recommend as reasonably necessary to evidence the termination of the Development Agreement. A4823. **Motion Councilmember McCulloch, seconded by Mayor Pro Tem Pougnet and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Oden.

THE CITY COUNCIL RECESSED AT 9:20 P.M. AS THE CITY OF PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY.

RA3. JOINT ITEM OF THE PALM SPRINGS CITY COUNCIL AND THE CITY OF PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY - REPAYMENT AND RE-LENDING OF CRA LOANS:

ACTION: 1) Approve the prior loan, repayments and the new loans (at 6% interest) from the General Fund to Merged Area #1 Capital Projects of

\$1,466,785 and Merged Area #2 Capital Projects of \$545,000, effective March 7, 2007; 2) Adopt Resolution No. 21846, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2006-07;" and 3) Adopt Resolution No. 21847, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2006-07." **Motion Councilmember Foat, seconded by Councilmember Mills and unanimously carried 4-0 on a roll call vote.**

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

NOES: None.

ABSENT: Mayor Oden.

THE CITY OF PALM SPRINGS COMMUNITY REDEVELOPMENT AGENCY
ADJOURNED AT 9:21 P.M. AND THE CITY COUNCIL RECONVENED.

3. LEGISLATIVE:

3.A. INITIATION OF ZONE TEXT AMENDMENT TO SECTION 92.21.1.04 ("ESA-SP" ZONE - PROPERTY DEVELOPMENT STANDARDS) OF THE PALM SPRINGS ZONING CODE RELATED TO THE MAXIMUM ALLOWABLE DENSITY OF PLANNING AREA 9 ("SNOW CREEK"):

Craig Ewing, Director of Planning Services, provided background information as outlined in the staff report dated March 7, 2007.

Councilmember Mills requested staff address the status of the project and how it is handled within the Multi-Species Plan and agreement, and commented on the all weather bridge.

Councilmember McCulloch requested staff comment on the status of the MSCHP, and stated it is not an issue as the Plan is being re-circulated, commented on the previous zoning and how we got to where we are presently, stated he does not believe this to be an up zoning of the property.

Councilmember Foat stated the City Council will reconsider the requests and feels the City Council does not have enough information to initiate the zone text amendment.

Mayor Pro Tem Pougnet stated he does not have enough information from the staff report and the letter from the Applicant, requested staff do more research on the previous zoning.

Councilmember McCulloch requested staff address changes to the MSHCP, commented on the legal "taking," and commented on the previous down-zoning.

Councilmember Mills requested staff provide a report on the previous zoning and General Plan, including the zoning at the time when the property owner purchased the property along with previous zoning.

ACTION: Continue the Item and direct staff to prepare an overview of the density and zoning over the years, including the zoning at the time the property was purchased by the owner, and how the property and zoning relates to MSHCP, and return to the City Council for further discussion.
Motion Councilmember Mills, seconded by Mayor Pro Tem Pougnet and carried 3-1 on a roll call vote.

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

4. **UNFINISHED BUSINESS:** None.

5. **NEW BUSINESS:** None.

COUNCILMEMBER COMMENTS AND REPORTS:

Councilmember Foat commented on the report to the College of the Desert, and thanked staff and Ed Torres, and provided a report on the CVAG Homeless Committee.

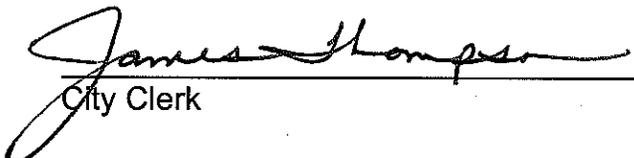
ADJOURNMENT: The City Council adjourned at 9:47 P.M. to a Study Session, Wednesday, March 14, 2007 at 6:00 P.M. in the Council Chamber, City Hall, preceded by a Closed Session at 5:00 P.M., in the Small Conference Room, City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

APPROVED BY A MOTION OF THE PALM SPRINGS CITY COUNCIL THIS 21st DAY OF MARCH, 2007.



MAYOR

ATTEST:



City Clerk