

LA QUINTA CITY COUNCIL
MINUTES
FEBRUARY 20, 2007

A regular meeting of the La Quinta City Council was called to order at the hour of 3:00 p.m. by Mayor Adolph.

PRESENT: Council Members Henderson, Kirk, Osborne, Sniff, Mayor Adolph
ABSENT: None

PUBLIC COMMENT – None

CLOSED SESSION

Mayor Adolph did not participate in Item No. 1 due to a potential conflict of interest.

1. Conference with the City's real property negotiator, Douglas R. Evans, pursuant to Government Code Section 54956.8 concerning potential terms and conditions of acquisition of an interest in real property identified as APN 775-220-021. Property Owner/Negotiator: Crowne Pointe Partners, LLC, Louis Swart.

Council recessed to the Redevelopment Agency and to Closed Session to and until the hour of 4:00 p.m.

4:00 P.M.

The City Council meeting was reconvened with no decisions being made in Closed Session which require reporting pursuant to Government Code Section 54957.1 (Brown Act).

Mayor Adolph led the audience in the Pledge of Allegiance.

PUBLIC COMMENT

Ellen Burr, 47-923 Montero, addressed the relationship between Centex Homes and the La Quinta Resort; questioned the Resort's intention for pool access; and suggested the Council look into the matter before making any decisions.

CONFIRMATION OF AGENDA – Confirmed

ANNOUNCEMENTS

City Attorney Jenson announced the Mayor did not participate in the Closed Session due to his residence being in close proximity to the project.

PRESENTATIONS

Greg Whitney, the new Vice President of Operations for Coachella Valley Economic Partnership, presented brief highlights from Dr. John Husing's 2006 Coachella Valley Economic Report.

Mayor Adolph questioned the completion date of the report. Mr. Whitney stated the report was completed in late October 2006 and will entail a two-year timeline.

WRITTEN COMMUNICATIONS**1. WRITTEN CORRESPONDENCE FROM CVAG REGARDING FORMATION OF AN ENERGY CONSERVATION SUBCOMMITTEE.**

Council Member Kirk gave an update of CVAG's primary purpose to encourage cities to the east and west to participate in the subcommittee and volunteered to represent the City of La Quinta.

It was the consensus of the City Council to bring this item back at a future meeting.

APPROVAL OF MINUTES

MOTION – It was moved by Council Members Sniff/Henderson to approve the City Council Minutes of February 6, 2007, as submitted. Motion carried unanimously.

CONSENT CALENDAR

- 1. APPROVAL OF DEMAND REGISTER DATED FEBRUARY 20, 2007.**
- 2. RECEIVE AND FILE TRANSMITTAL OF TREASURER'S REPORT DATED DECEMBER 31, 2006.**
- 3. RECEIVE AND FILE TRANSMITTAL OF REVENUE & EXPENDITURES REPORT DATED DECEMBER 31, 2006.**

4. **AUTHORIZATION FOR OVERNIGHT TRAVEL FOR THE FINANCE DIRECTOR AND TWO INVESTMENT ADVISORY BOARD MEMBERS TO ATTEND THE 2007 CALIFORNIA MUNICIPAL TREASURERS ASSOCIATION (CMTA) CONFERENCE TO BE HELD IN LONG BEACH, CALIFORNIA, MAY 2-4, 2007.**
5. **ADOPTION OF A RESOLUTION GRANTING CONDITIONAL APPROVAL OF A FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR TRACT MAP 31681-3, ANDALUSIA, CORAL OPTION I, LLC. (See separate action below.)**
6. **ADOPTION OF A RESOLUTION GRANTING CONDITIONAL APPROVAL OF A FINAL MAP FOR PARCEL MAP 34766, SUE LEIDNER, CALIFORNIA RECONVEYANCE COMPANY. (RESOLUTION NO. 2007-013)**
7. **ACCEPTANCE OF OFF-SITE IMPROVEMENTS ASSOCIATED WITH TRACT MAP 29053-3, FIORE AT RENAISSANCE, TRANS WEST HOUSING. INC.**
8. **AUTHORIZATION FOR OVERNIGHT TRAVEL FOR THE PUBLIC WORKS DIRECTOR TO ATTEND THE 2007 PUBLIC WORKS OFFICERS INSTITUTE TO BE HELD IN MONTEREY, CALIFORNIA, MARCH 13-16, 2007.**
9. **DENIAL OF CLAIM FOR DAMAGES FILED BY MICHAEL MOREIN – DATE OF LOSS: JANUARY 19, 2007.**
10. **APPROVAL TO APPROPRIATE FUNDS FROM THE MAINTENANCE FACILITY DEVELOPMENT IMPACT FEE (DIF), AND APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT (PSA) WITH PB AMERICAS, INC. FOR THE MAINTENANCE YARD MASTER PLAN, PROJECT NO. 2006-05.**
11. **APPROVAL OF AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT (PSA) BETWEEN NAI CONSULTING AND THE CITY FOR CONTINUED PROJECT MANAGEMENT AND CONTRACT ADMINISTRATIVE SUPPORT. (See separate action below.)**
12. **ADOPTION OF A RESOLUTION APPROVING SALARY RANGE ADJUSTMENTS FOR DEPARTMENT DIRECTOR CLASSIFICATIONS. (RESOLUTION NO. 2007-014)**
13. **APPROVAL OF A HOUSING RELOCATION PLAN FOR 46-176 DUNE PALMS ROAD.**

MOTION – It was moved by Council Members Sniff/Henderson to approve the Consent Calendar as recommended and amended with the exception of Item Nos. 5 and 11, and with Item Nos. 6, and 12 being approved by **RESOLUTION NOS. 2007-013 and 2007-014** respectively. Motion carried unanimously.

Item No. 5

MOTION – It was moved by Council Members Osborne/Henderson to approve Consent Item No. 5, Adoption of **Resolution No. 2007-015** granting conditional approval of a Final Map and Subdivision Improvement Agreement for Tract Map 31681-3, Andalusia, Coral Option I, LLC. Motion carried with Council Member Kirk abstaining due to potential conflict of interest.

Item No. 11

MOTION – It was moved by Council Members Kirk/Henderson to approve Consent Item No. 11, approval of an amendment to the Professional Services Agreement (PSA) between NAI Consulting and the City for continued Project Management and Contract Administrative Support. Motion carried with Council Member Osborne abstaining due to potential conflict of interest.

BUSINESS SESSION

1. CONSIDERATION OF THE VISTA SANTA ROSA SPHERE OF INFLUENCE.

Community Development Director Evans presented the staff report.

Community Development Director Evans explained the differences between the per capita and per square foot formulas; modeling of permit fees; and the drive from developers to implement a Mello Roos tax in response to Council Member Kirk.

TK Redevelopment Consultant Spevacek explained how the amount of \$50,000 was derived; the cost change per unit if no agreement with the County; and discussed the uses for Mello Roos and Community Facilities District taxes in response to Council Member Kirk.

In response to Mayor Adolph, Redevelopment Consultant Spevacek explained two direct ways to fund the proposed annexation 1) an up-front fee charged at the time building permits are pulled to create an annuity, 2) creating a Community Facilities District, 3) a combination of an up-front fee and a Community Facilities District.

Redevelopment Consultant Spevacek confirmed the \$50,000 per unit figure applies to the annexation as a standalone project in response to Council Member Henderson. Community Development Director Evans stated there is a potential of working on a case-by-case basis with the County.

Tom Noya, Managing Partner of LLC, stated the organization is currently in review of the fiscal study and their goal is to submit a plan in the next 30 days.

Robert Wilkinson, 44-300 Camino Azul, questioned if the one-time fees were factored into the fiscal analysis. City Manager Genovese clarified the Quimby and DIF funds cannot legally be used for operating costs.

Brett Kelly, 81-400 Natural Drive, stated the \$50,000 per unit cost is astronomical and requested the opportunity to study the report with staff and derive a true cost.

John Powell, 77-407 Boxridge Place, Indian Wells, submitted a binder of annexation documents to the City and has been waiting for a response; addressed the Fiscal Management Review Analysis and stated the analysis does not accurately reflect the financial status of the city and requested a complete response.

Joe Broido, 77-510 Calle Nogales, addressed problems of the statistical analysis; changes in the State will occur based on income and encouraged the Council to focus on the city as it is.

Rudy Guerrero, suggested joint meetings between developers and staff be scheduled to review and discuss the issues of the reports.

Gayle Cady, 82-831 Avenue 54, VSR, questioned what fiscal plan or accommodation has been established by the city for prior annexations.

Consultant Spevacek stated under current circumstances we have no agreement with the County or special fund set up; the city would receive no revenue from annexation; and stated this is not the first annexation into the city that has resulted in a deficit to the city.

Council Member Osborne stated there is an opportunity to discuss the issues and how this may work out.

Council Member Sniff stated there must be a change in attitude or direction from the County where both the City and County could benefit from

annexing the area; and must be open to continue to review proposals from the private sector.

Council Member Henderson cautioned that ideas come and go, and may give some essence of the thinking of legislators in Sacramento and explained the appropriations of revenue and the theory of freezing the State income tax, and any future growth in property tax be allocated to cities for public safety.

Council Member Kirk agreed with Council comments and addressed cross-subsidies relating to sales tax and property tax revenue; addressed levels of service and associated costs to Vista Santa Rosa; commented on California levels of service; concerned of Redevelopment funding allocation; and conveyed his unfavorable opinion to Community Service Districts.

Mayor Adolph stated property owners in Vista Santa Rosa inquire to develop in the City of La Quinta and conveyed concern of Avenue 62 ending at Monroe.

Council Member Sniff moved to direct staff to not pursue the annexation, except to continue the financial analysis with the Vista Santa Rosa sphere of influence, and to notify the Council of meaningful changes or action of the County. Motion failed due to a lack of a second.

MOTION – It was moved by Council Members Kirk/Henderson to 1) give staff approximately 30 days to work with the development community to review fiscal models and prepare an analysis report, 2) direct staff to continue pursuing an MOU with the County on entitlement and planning, 3) begin looking into the City's relationship with the Thermal Redevelopment Agency, 4) continue to participate in the Avenue 62 efforts, and 5) and continue to pursue and evaluate annexation of the southwest quadrant. Motion carried 4-1, Council Member Sniff dissenting.

2. CONSIDERATION OF MID-YEAR BUDGET REPORT FOR FISCAL YEAR 2006/2007.

Finance Director Falconer presented the staff report.

Council Member Henderson referred to Page 8 of the staff report, and questioned the revenue source for the Museum listed under library expenditure. Finance Director Falconer stated a balance has been built up from prior years, and that not all of \$2.7 million will be used this fiscal year, and the revenue is from tax increment funds.

MOTION – It was moved by Council Members Henderson/Osborne to: 1) approve new appropriations totaling \$888,381 from the General Fund and \$3,199,967 from other City funds, as outlined in Attachment Nos. 1-5; 2) approve new estimated revenues totaling \$1,367,679 for the General Fund and \$1,141,240 from other City funds as outlined in Attachment Nos. 1-5; and receive and file the Mid-Year Budget Report. Motion carried unanimously.

3. CONSIDERATION OF TWO CITY COUNCIL MEMBERS TO SERVE ON THE CIVIC CENTER ART PURCHASE COMMITTEE.

There were no changes to the staff report as submitted and on file in the City Clerk's Office.

Mayor Adolph expressed concern of the need to purchase and the room to display additional art; and questioned if the Library is available. Community Services Director Hylton stated there is space available at the Library to display wall art.

MOTION – It was moved by Council Members Sniff/Henderson to appoint Council Member Osborne and Mayor Adolph to serve on the Civic Center Art Purchase Committee to select Civic Center Art during the La Quinta Arts Festival, and authorize spending up to \$7,500. Motion carried unanimously.

4. CONSIDERATION OF INVITATION TO PARTICIPATE IN THE CHARITY GOLF TOURNAMENT AT THE CLASSIC CLUB ON MONDAY, APRIL 30, 2007, BENEFITING CSUSB-PALM DESERT CAMPUS STUDENTS.

There were no changes to the staff report as submitted and on file in the City Clerk's Office.

In response to Mayor Adolph, staff confirmed the donation is applied to scholarship for La Quinta students.

Council Member Kirk stated he requested a representative from the CSUSB-Palm Desert Campus to arrive a 3 p.m., however, no representative is present.

MOTION – It was moved by Council Members Kirk/Sniff to participate in the Charity Golf Tournament at the Classic Club at the \$2,500 level with the money to be used for scholarships for La Quinta students.

Council Member Henderson indicated she would not support the motion because this is outside of the City's grant process, and only one of many golf tournaments the City will be asked to participate in.

Motion carried 4-1, Council Member Henderson dissenting.

STUDY SESSION

1. DISCUSSION OF CITY COUNCIL GOALS AND THE FISCAL YEAR 2006/2007 ANNUAL FINANCIAL MANAGEMENT REVIEW.

City Manager Genovese presented the staff report.

Council Member Kirk questioned the intent of the last bullet item on Page 13 regarding Redevelopment General Fund Loan Principle and Interest Payments. City Manager Genovese explained this item is listed to continue the Redevelopment payments of loans.

Mayor Adolph stated there are 37 goals and a number of them have been completed and congratulated staff for the completion of goals; and encouraged staff to continue to strive in completing the remaining goals.

Council Member Kirk suggested staff be more aggressive on energy conservation for development; explore the feasibility of placing utilities underground; and analyze the DIF transportation fee and whether there is a need to join the TUFF program.

Council Member Henderson suggested a dedicated staff member be assigned to interface with citizens to emphasize and improve communications with citizens.

Council Member Sniff suggested to look at public safety issues and the number of police officers; increase the general fund to carry without any income for a year; and review the relationships with Riverside County pertaining to service.

Council Member Osborne stated he has doubts of accuracy relating to the five-year general fund balance; suggested to continue to increase emergency fund balances; and stated he is not in favor with a citywide park user fees.

Council Member Osborne suggested the City obtain control of Hwy 111 from Caltrans and/or improve relationship.

2. DISCUSSION OF GOLF CART PLAN REVISED AREA, STAGE 1, PHASE 1 FOR THE VILLAGE AND SURROUNDING AREAS.

Community Development Director Evans presented staff report

Community Development Director Evans stated the program must be revisited with Council if desired to establish golf cart paths north of Hwy 111 as many improvements will be needed in response to Council Member Osborne.

Council Member Sniff stated it may be useful to conduct a survey of how many golf carts will utilize the paths and how many residents have a golf cart.

Council Member Henderson questioned what will be at the end of the path at Eisenhower. Community Development Director Evans explained the accesses to the path and potential community uses.

Community Development Director Evans stated the multi-purpose trails around SilverRock Resort will be utilized in the Golf Cart Plan and the City may need to retrofit certain areas for dust control; confirmed there will be a charging station in Old Town La Quinta and staff is reviewing technology on the need to relocate the station with development in response to Council Member Kirk.

In response to Mayor Adolph, Community Development Director Evans stated a City staff member will be assigned to file registrations with the DMV; and explained the next step is to finalize the ordinance and present to Council at a public hearing

REPORTS AND INFORMATIONAL ITEMS

CVAG Transportation Committee – Council Member Kirk reported the Committee approved a reimbursement to the City of Indio for Madison Street improvements.

League of California Cities – Council Member Henderson reported the League is working closely with the Jarvis organization for language of the eminent domain issue.

C. V. Conservation Commission – Council Member Sniff reported the Commission discussed the various County official representatives were not an elected official and the issue will be discussed at the next meeting.

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All other reports were noted and filed.

DEPARTMENT REPORTS – None

MAYOR AND COUNCIL MEMBERS' ITEMS

Council Member Osborne thanked the Community Services staff for the production of the bike path brochure; and stated no parking signs were installed on Avenue 54 between Jefferson Street and Madison Street, and questioned the need for more than 42 signs in a one mile stretch.

Mayor Adolph stated Council Member Henderson and he attended the La Quinta Arts Festival poster unveiling; and reported he participated in the Riverside County Fair and Date Festival Parade to represent La Quinta.

COUNCIL RECESSED TO AND UNTIL 7:00 P.M.

7:00 P.M.

PUBLIC COMMENT – None

PRESENTATIONS – None

PUBLIC HEARINGS

1. **CONTINUED PUBLIC HEARING TO CONSIDER ADOPTION OF RESOLUTIONS OF THE CITY COUNCIL CERTIFYING ENVIRONMENTAL ASSESSMENT 2006-579, APPROVING SPECIFIC PLAN 2006-081 FOR DESIGN GUIDELINES AND DEVELOPMENT STANDARDS, TENTATIVE TRACT MAP 35060 FOR THE SUBDIVISION OF 28.33 ACRES INTO 74 RESIDENTIAL LOTS WITH AMENITY AND STREET LOTS, AND SITE DEVELOPMENT PERMIT 2006-873 FOR LOT SIZE, SETBACKS, AND DENSITY, FOR THE PROPERTY LOCATED ON WASHINGTON STREET AND NORTHWEST OF THE AVENUE 48 TERMINUS. APPLICANT: LAING LUXURY HOMES.**

Planning Manager Johnson presented the staff report.

Public Works Director Jonasson presented additional information relating to the installation of the traffic signal at Lake La Quinta Drive, Condition No. 52, relating to grading.

The Mayor declared the **PUBLIC HEARING OPEN** at 7:14 p.m.

AJ Jarvis, Laing Luxury Homes, reviewed design change conditions relating to allowing 10-12 feet berm height along Washington, removal of 12 ft. wide golf path requirement along Washington, maintain drainage into the basin, add condition flexibility during pad development to lower elevation, remove six foot sound wall on south side.

Council Member Osborne confirmed the sidewalks will be reduced to 8 ft. according to Item No. 2 of the letter submitted.

Council Member Kirk confirmed the pads abutting Laguna De La Paz property have been reduced on an average of 3 ft. and the developer is requesting the ability to lower the pads further as needed.

Mat Friedman, 41-481 Vista de La Paz, stated he is impressed with the developer's willingness to work with residents; conveyed his opposition to having two large walls, an existing and new wall; and suggested a pony wall be installed.

Bill Bobb, 48-613 Paseo Terrazo, stated he is delighted of the improvement in development from the Fox Homes proposal.

There being no requests to speak, the Mayor declared the **PUBLIC HEARING CLOSED** at 7:25 p.m.

Council Member Osborne requested to amend the conditions to allow a maximum height of 10 feet for the frontage berm.

Council Member Sniff agreed with the Council that the height of the tower was not an issue.

Council Member Henderson stated her concern of the joint use between the residents and the church of the traffic signal at Lake La Quinta Drive; and was pleased the developer is coming to an agreement with the church.

Council Member Kirk stated he is pleased on the progress the developer has made in resolving the issue with the neighboring residents and the St. Francis of Assisi Church; and supports enabling flexibility of Public Works staff to complete the project.

Mayor Adolph announced that he met with Tom Ward, who is in full agreement with the issue but must sell it to the Bishop; questioned who will pay for the signal.

RESOLUTION NO. 2007-016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, CERTIFYING A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT PREPARED FOR SPECIFIC PLAN 2006-081, TENTATIVE TRACT MAP 35060, AND SITE DEVELOPMENT PERMIT 2006-873.

It was moved by Council Members Sniff/Henderson to adopt Resolution No. 2007-016 as submitted. Motion carried unanimously.

RESOLUTION NO. 2007-017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, APPROVING DEVELOPMENT STANDARDS, PRINCIPLES, GUIDELINES, AND PROGRAMS FOR THE DEVELOPMENT OF 74 HOMES LOCATED AT THE NORTHWEST CORNER OF WASHINGTON STREET AND AVENUE 48 (EXTENDED). (SPECIFIC PLAN 2006-081 – LAING LUXURY HOMES).

It was moved by Council Members Henderson/Sniff to adopt Resolution No. 2007-017 as submitted. Motion carried unanimously.

RESOLUTION NO. 2007-018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, APPROVING THE SUBDIVISION OF APPROXIMATELY 28.33 ACRES INTO 74 RESIDENTIAL LOTS AND MISCELLANEOUS LOTS (TENTATIVE TRACT MAP 35060 – LAING LUXURY HOMES).

It was moved by Council Members Osborne/Sniff to adopt Resolution No. 2007-018, as amended (amended conditions as stated). Motion carried unanimously.

RESOLUTION NO. 2007-019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, APPROVING SITE DEVELOPMENT PERMIT 2006-873, ALLOWING DEVELOPMENT OF 74 SINGLE FAMILY HOMES ON 28.33 ACRES LOCATED AT THE NORTHWEST CORNER OF WASHINGTON STREET AND AVENUE 48 (EXTENDED) (LAING LUXURY HOMES).

It was moved by Council Members Kirk/Sniff to adopt Resolution No. 2007-019 as amended (with amended conditions and increasing the tower height as originally proposed). Motion carried unanimously.

2. **PUBLIC HEARING TO CONSIDER ADOPTION OF RESOLUTIONS OF THE CITY COUNCIL CERTIFYING ENVIRONMENTAL ASSESSMENT 2006-573, APPROVING SITE DEVELOPMENT PERMIT 2006-865 FOR THE ARCHITECTURAL AND LANDSCAPING PLANS FOR A SIGNATURE POOL FACILITY FOR THE PROPERTY LOCATED ON THE WEST SIDE OF AVENIDA OBREGON APPROXIMATELY 150 FEET SOUTH OF AVENIDA FERNANDO ON THE LA QUINTA RESORT GROUNDS. APPLICANT: CNL DESERT RESORTS, LLP.**

Principal Planner Sawa, presented the staff report. Community Development Director Evans address the letter submitted by the applicant regarding resolution of the Eisenhower berm issue, installation of enhanced landscaping plan be reviewed by the ALRC.

Tony Lacachiato, Impact Sciences, reviewed the addendum to the Environmental Impact Report.

Public Works Director Jonasson, requested an additional condition be added to increase the turn pocket from 80 ft. to 120 ft.

Community Development Director Evans stated the consultant evaluated the proposed use and concluded, since the project is not intended for public use and only for destination resort use, additional parking would not be required; and further a survey was conducted which resulted in 70% of the parking was utilized during a Saturday, a high of 52% and low of 37% use in response to Council Member Osborne.

Council Member Osborne questioned if discussion of conducting a three-year parking study, once it is built has taken place. Community Development Director Evans stated if the current parking situation is not sufficient, the developer is willing to submit a bond to enable the City to conduct additional parking studies.

In response to Council Member Osborne, Community Development Director Evans stated if the City were to observe the traffic and/or parking is not sufficient, or upon investigating complaints, the implementation of a gate would be mandated

Community Development Director Evans explained the noise model created and used by the consultant in response to Council Member Osborne.

In response to Council Member Sniff, Community Development Director Evans explained the primary user of the signature pool will be hotel guests who will already be parked at the hotel and will access the water park by walking; secondary user will be members who will drive to the site and the resort does provide shuttle service throughout the hotel grounds; and stated the signature pool would not be accessible by the public.

Community Development Director Evans stated the total acreage of the project is 4.7 acres; stated there is limited bay parking near the entrance of the signature pool; explained the developer is proposing a wrought iron fence around the perimeter of the Morgan House; stated the depth of the lazy river is 4 feet; and explained the Kirchner house site is the Tennis building in response to Council Member Sniff.

In response to Council Member Henderson, Community Development Consultant Lacachiatto explained staff requested the amendment. Community Development Director Evans stated the cost was charged to the applicant; explained Public Works, Building & Safety and the Community Development Departments reviewed and accepted the reports.

Community Development Director Evans explained the Morgan House is buffered by a hedge, gate, fencing, Children play area and the tennis courts;

stated the turn-outs are proposed for all types of traffic and the intent is to minimize traffic flow; and confirmed the plans have been reviewed by the Fire Department in response to Council Member Henderson.

In response to Council Member Henderson, Community Development Director Evans explained the tenants on the west side are being serviced from the parking courtyards; stated there is no proposed development in the Palm grove area; and stated the current total number of social members of the facility over and above the hotel guest is 928, including parking with 511 golf and 417 non-golf memberships.

Community Development Director Evans stated it is the City's police for staff to make a recommendation to the Planning Commission; and explained the criteria of a recommendation by staff to deny the project in response to Council Member Kirk.

In response to Council Member Henderson, Community Development Director Evans explained it would be cost prohibitive to retrofit the Morgan House.

Community Development Director Evans explained the Morgan House and other structures on the property will be reviewed for retrofitting at a later time and this issue is independent from the proposed project.

In response to Mayor Adolph, Community Development Director Evans explained widening Avenida Obregon would enable citizens to drive faster and that the current street width would enforce traffic calming.

City Attorney Jenson stated the Addendum, along with the Environmental Impact Report is sufficient for the Council to make a decision on whether to approve the project in response to Mayor Adolph.

Mayor Adolph expressed his concern of the legal accountability due to the transfer of ownership. Community Development Director Evans stated this process is a land use entitlement and all conditions of approval, benefits and liabilities will be transferred to the new owner.

In response to Mayor Adolph, Community Development Director Evans explained a meeting between the applicant, Laguna de La Paz Homeowners' Association, and their attorney was held prior to the Planning Commission meeting.

The Mayor declared the **PUBLIC HEARING OPEN** at 8:49 p.m.

Paul McCormick, LQ Resort and Club, introduced Rich Sentaloe EDSA, who explained the design features.

Mr. McCormick explained the lazy river is propelled at 3 to 4 miles per hour and is 36 inches deep in response to Council Member Sniff.

In response to Mayor Adolph, Mr. McCormick explained the rock features are made of shotcrete, which is durable.

Mr. McCormick stated the lazy river is as wide as 12 feet and as narrow as 10 feet throughout the river in response to Council Member Henderson.

In response to Council Member Sniff, Mr. McCormick explained a hidden staircase will be used to access the top of the rock feature and a rail will be installed for safety.

Mr. McCormick explained the waterslides are enclosed from the rock formation with an opening to the pool in response to Council Member Henderson.

Mr. McCormick explained screen planting will be utilized along the fencing along the north side of the property in response to Council Member Osborne.

In response to Council Member Kirk, Mr. McCormick explained the slides will be engineered to accommodate the modest height of 28 feet.

David Urban, CNL Hotels and Resorts, gave a presentation of the proposed project. Stated the purchase by Morgan Stanley is of the entire organization and not just one resort; and addressed issues of Avenida Obregon improvements and traffic safety; usage by members; occupancy of 1950; and noise from the facility.

In response to Mayor Adolph, Mr. John Pena, stated he personally spoke to Steve Robbins from CVWD regarding installing landscape improvements along the berm on Eisenhower. Council Member Henderson requested the landscape improvement be reviewed by the ALRC; expressed her concern for the intentions of the entire sloped area; and making improvement around the corner.

In response to Council Member Kirk, Mr. Urban stated a zone change would be required to utilize the Date grove for parking or extending Avenida Obregon.

Wayne Garnett, 74-399 Hwy 111, Palm Desert, representing the Enclave, Mountain Estates, Los Estados, and La Quinta Estatas, addressed issue of the term "water park"; the hours of operation; stated the applicant should have submitted a CUP and not a site plan; and requested the Council to deny the item.

In response to Council Member Osborne, City Attorney Jenson explained the difference between a site development permit and a conditional use permit; and stated a conditional use permit is not required for this project.

Community Development Director Evans stated the logical extension of an accessory use applied to the signature pool which fell in the pool/spa definition and explained the project is an extension and accessory of the pool in response to Council Member Kirk.

In response to Council Member Henderson, Community Development Director Evans explained the difference between the application for a site plan and a conditional use permit.

Bill McCann, 79-205 Fox Run, a member of the La Quinta Resort; summarized concerns of residents regarding the impact to the Resort Villas, the Environmental Impact Report, infrastructure, traffic impact to Avenida Fernando and Obregon, pedestrian traffic, aesthetics, and property values.

Mayor Adolph called a recess at 10:26 p.m. and reconvened the meeting at 10:44 p.m.

The following spoke or submitted a Request to Speak form in **favor** of the project:

Mark Moran, PO 1305, Consultant to CNL and Hilton Hotels

Dan Hewitson, 80074 Montgomery Dr, Bermuda Dunes

Linda Evan Bender, 47-905 Villa Ferenza, Chair La Quinta Chamber of Commerce

Mary Dunguns, Desert Adventures

Richard Olin, 1022 Sierra Way, Palm Springs

Bill Bobb, 48-613 Paseo Terazo

John Levin, 73-576 Pinyon Street

Jan Pfeiffer, 78-116 Calle Norte

Stacy Crary, 3060 Vincential Rd., Palm Springs

John Hanson, 3015 Sequoia Dr. N, Palm Springs

Jeff Scott, 3015 Sequoia Dr. N., Palm Springs

Shaun Sleeper, 1333 S. Belardo Rd., Palm Springs

Greg Rowland, 27 International Blvd., Rancho Mirage

Todd Maulding, 78-650 Avenue 42, Bermuda Dunes
Michael Islava, 49-499 Eisenhower Dr.
Lev Lipschutz, 74-539 Moss Rose Drive, Palm Desert
Robert Osterberg, 78-441 Runaway Bay, Bermuda Dunes
Joel T. Cutler, 3050 N. Sunrise Way, Palm Springs
Brad Benkey, 79-247 Bermuda Dunes Drive, Bermuda Dunes
Craig Freeman, 83-555 Lumley Ave.
Mike Leones, 83-225 Greenbrier, Indio
Mike Shaff, 77-605 Alcot Circle, Palm Desert
Jesus Ariedondo, 32-449 Sifting Sands, Cathedral City
Tom Schmitz, 6 Calle Lantana, Palm Desert
Jon Levin, Palm Deser
Bill Jameson, 78-420 Via Caliente
Clark Langwell, 44-415 Camino Lavanda
Raymond Castro, 52-990 Avenida Diaz
Ana Medina, 83-499 Letapatue, Coachella
Artemio Olivarez
51-875 Avenida Villa
Mark Morgan, PO Box 1305
Roger Swadish, Muierfeild Rd
Kurt Bjorcman, 45-040 Bridgette Way
Mitchell Cazier, 35-102 Vista Del Aqua, Rancho Mirage
Shelli Stivers, 44960, Malia Circle
Jackie Mathews, 49-130 Escalante St.
Marian Torres, 39-103 Burton Dr., Rancho Mirage
Molly Winge, 45322 Shaugnessy Dr., Indio
Jim Burke, 48-255 Monroe Street, Indio
Rick Middleton, 52-205 Avenida Carranza
Cristian Cascio, 78-695 La Torres Avenue
Angie Avalos, 84-511 Calle Cathron, Coachella
Ivis Rose, 74-624 Driftwood Dr., Palm Desert
Gene Darr, 79-850 Riviera
Mike Casey, 51-660 Avenida Villa
John Issa, 41-094 Stimson Ct., Indio
Michael Afloarei, 78-455 Via Sevilla
Dave Doerr, 45-215 Desert Hills Ct.
Jim Garvis, 74-350 Fairway Dr., Palm Desert
Kimberly Lynch, 78-675 Bradford Circle
Mario Irmera, 47-383 Manteca Ct., Indio
Lisa Barrett, 48-199 San Jacinto Ln., Coachella
David Folkeson, La Quinta
Margo Jouter, 44-489 Town Center Way, Palm Desert
Henri Gluzerman, 70-200 Chappel Rd., Rancho Mirage
John Prater, 201 Augusta Dr., Palm Desert

Kim Nillsson, 74-794 Lennon Pl., Palm Desert
Mary Dungs, 74-794 Lennon Pl., Palm Desert
Kimberly Lynch, Bradford Circle

The following spoke or submitted a Request to Speak form in **opposition** of the project:

Edwin & Carol Lynn Mittelbush, 77-333 Calle Mazatlan,
Marie Mack, 74-399 Hwy 111, Ste M
Carl Geist, 50-062 Avenida Vista Benita
Richard Garnett, 76-910 Ave Fernando
Jack McDonald, 49-035 Calle Flora,
Tom & Jean Laverte, 48-805 Via Linda
William & Gloria Dodd, 48-690 Villa Sierra
Frank Hill, 49-921 Avenida Vista Bonita
Leslie & Richard Frederick, 49-875 Avenida Obregon
Bill & Lillian Bresnahan, 78-425 Calle Felipe
Steve Davis, 77-500 Avenida Fernando
Scott Holms
Dennis Lopresti, 78-120 Calle Norte
Ruth Utti, 76-946 Calle Mazatlan
Joseph McVeigh, 77-240 Avenida Fernando
Ruthann & Phil Maschka, 77-213 Calle Mazatlan
Pat Howard, 76-982 Calle Mazatlan
Dick Bylski, 76-980 Avenida Fernando
Elaine Reynolds, 49-294 Avenida Vista Bonita
Rick Lantz, 79-720 Citrus Street
Phyllis Rochelle, 77-245 Loma Vista
Louise & William McCann, 79-205 Fox Run
Karen Miller, 76-944 Calle Mazatlan
Kay Wolff, 77-227 Calle Ensenada
Richard Grund, 48-810 Via Linda
John Rosling, 48-785 Via Linda
Jim Parry, 49-654 Avenida Vista Bonita
Leigh Charlton, 79-359 Cetrino
Bill Puget, 77-600 Avenida Fernando
Peter & Pam McKroy, 52-788 Claret Cove
Don Bruzzone, 79-165 Liga
Dr. Brittner, 76-920 Avenida Fernando
Floyd & Kathy Turnquist, 77-181 Calle Flora
Maureen Mulligan-McCormack, 77-315 Avenida Fernando
Carol Calhoun
Wayne Guralnick, 74-399 Hwy 111
Gayle McDonald, 49-035 Calle Flora

Michael McKenna, 76-485 Avenida Fernando
William Coblenz, 77-323 Avenida Fernando
Louise McCann, 79-205 Fox Run
Peter & Pam McElroy, 52-788 Claret Cove
Scott Holmes, 78-030 Calle Cadiz
Timmie & Hayes O'Brien, 48-840 Eisenhower Drive
Nancy White, 49-951 Avenida Vista Bonita
John Jonides, 50-820 Mango
Jan & Ron Olson, 77-905 Lorado Court
Beverly Fauvre, 77-490 Loma Vista
Jay Green, 77-285 Loma Vista
Morgan Levine, 49-506 Jackson, Indio
Patti Palma, 76-995 Avenida Fernando
Linda Bender, 47-905 Via Firenze
Elaine Williamsen, 78-198 Calle Norte
Mary Jane O'Connor, 77-343 Avenida Fernando
Bernie Alioto, 77-331 Avenida Fernando

Hans Forschner, Navcon Engineering, explained the noise model used for the Noise Survey conducted on behalf of the Laguna De La Paz Homeowners' Association and the impacts to the surrounding residents; and stated the level of noise generated from the Signature Pool will be similar to being adjacent to an elementary school.

In rebuttal, Mr. Richard Zilinga, attorney for applicant, addressed the context of a resort with residences; reviewed an agreement, acknowledgement and addendum for the Villa units at the Resort. Council Member Kirk questioned if there is documentation for the Tennis Villas. Mr. Zilinga replied no and stated there is documentation for the Spa Villas only.

Mr. Zilinga demonstrated the process of noticing and outreach toward the surrounding residents; explained noise level study conducted and additional noise control measures requested by the HOA; addressed statements made in letter submitted by Marie Mack; stated willing to close night time movies and wave pool during January 1 and March 15; addressed a court order issue relating to parking on Avenida Obregon by a resident.

There being no additional requests to speak, the Mayor declared the **PUBLIC HEARING CLOSED** at 12:56 a.m.

In response to Council Member Henderson, Community Development Director Evans discussed the issue of showing night time movies at the wave pool and stated the applicant is currently showing movies at the existing pool area.

Council Member Sniff conveyed concerns of the prime season as January 1 to March 15; the project being more than a pool, but not as extensive as a water park; the signature pool fitting into the ambiance and attractiveness the resort has had.

La Quinta Resort Manager McCormick stated the Resort will be reinvesting in other amenities on the grounds as opposed to any incentives to the members.

In response to Council Member Henderson, Mr. McCormick stated the water issue has been scrutinized and a monitoring system can be implemented if desired by the City.

Council Member Kirk stated this is a fantastic project for occupancy, and questioned if this is the location for this particular use; thanked the applicant and opponents for their presentations; agreed there are impacts to the surrounding residents; disagreed with the opponents' counsel regarding the environmental analysis; prefers additional steps be taken to mitigate issues and concerns.

City Attorney Jenson, stated the City Council could condition the applicant be required to obtain a condition of approval.

Council Member Henderson agreed there are impacts; would rather look at water and greenery instead of green concrete; questioned the conditions of the 80 to 120 ft. turn around; and conveyed concerns of including improvements around the corner at the berm on Washington Street; and supports a monitoring plan be in place for the water issue. Council Member Henderson further questioned if the City can require an annual report regarding water discharges. Public Works Director Jonasson stated either staff or the CVWD will receive a report regarding storm water discharges.

Community Development Director Evans stated no increase to code enforcement issues have occurred on Avenida Obregon in response to Council Member Henderson.

Council Member Henderson suggested to add a condition to review the hours of operation after one year of full operation; and questioned the meaning of "closing" the signature pool if noise exceeds permissible levels established by city ordinance. In response, Mr. Sentaloe stated the signature pool would close and proceed with the City's normal practice to review the violation.

Council Member Osborne stated all issues will be monitored; the function of the hotel is to make money and to increase occupancy; challenge is to accommodate the residents around the hotel; suggested the hotel purchase the Villas to mitigate the effects to those residents; and requested a CUP be issued prior to operation.

Council Member Sniff stated the project is lowering to the standards of the Resort; unsure the signature pool enhances the Resort; temperatures in June, July, and August exceed 110 degrees and water in lazy river will become hot.

Mayor Adolph stated two issues need clarification: the requirement of a CUP; and report on whether Ave. Obregon is a public or private street.

RESOLUTION NO. ~~2007-020~~

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, CERTIFYING AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT (EIR NO. 41) AND SUBSEQUENT CEQA COMPLIANCE DOCUMENTS, FOR LA QUINTA COVE GOLF CLUB REVISED SPECIFIC PLAN 121-E (1975), PREPARED FOR SITE DEVELOPMENT PERMIT 2006-865, AND APPROVING DEVELOPMENT PLANS FOR A SIGNATURE POOL FACILITY LOCATED ON THE WEST SIDE OF AVENIDA OBREGON ON THE LA QUINTA RESORT GROUNDS (CNL DESERT RESORT, LLP).

It was moved by Council Members Henderson/Osborne to adopt Resolution No. ~~2007-020~~ as amended (including the conditions stated). **Motion failed** by a vote of 2-3, Council Members Sniff/Kirk and Mayor Adolph dissenting.

MOTION – It was moved by Council Members Kirk/Osborne to continue the public hearing for CNL Desert Resorts to March 20, 2007. Motion carried unanimously.

ADJOURNMENT

There being no further business, it was moved by Council Members Osborne/Sniff to adjourn. Motion carried unanimously.

Respectfully submitted,

VERONICA J. MONTECINO, City Clerk
City of La Quinta, California