

LA QUINTA CITY COUNCIL
MINUTES
DECEMBER 15, 2009

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 Evans, Franklin, Henderson, Sniff, Mayor Adolph

ABSENT: None

PUBLIC COMMENT – None

CLOSED SESSION

1. Conference with City's real property negotiator, Douglas R. Evans, pursuant to Government Code Section 54956.8 concerning potential terms and conditions of acquisition and/or disposition of real properties identified as APNs: 773-078-016, -017, -006, and -007. Property Owner/Negotiator: Kimberly Lee.

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

Brian Burr, 54-640 Avenida Velasco, spoke on the issue of graffiti in city parks and the costs the City incurs to remove the graffiti. He asked for a coordinated effort to go after the perpetrators for monetary damages.

Mayor Adolph asked if he was referring to the pocket parks in the Cove. Mr. Burr stated not only the pocket parks but the entire City including stop signs and tennis courts.

CONFIRMATION OF AGENDA

Council Member Franklin requested Consent Item No. 20 be taken up for comment and separate vote.

ANNOUNCEMENTS – None

PRESENTATIONS

Joanna Wickman, Museum Manager, and Beth Foley, Manager of the Lá Quinta Library presented the quarterly report.

Council Member Henderson stated she had the opportunity to tour the library with affiliates of the La Quinta Hotel and announced filming of the Indian basket display will be shown at the Hotel. Ms. Wickman further announced staff is working with a videographer to compile a short film of the La Quinta Museum.

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Mayor Adolph presented the 2009 B.E.S.T. APWA National Public Works Award to Public Works Director Jonasson and staff for La Quinta's National Public Works Week celebration and student outreach program; and acknowledged students from La Quinta High School who volunteered time to work with the Public Works staff during the event.

Council Member Sniff suggested a letter be sent to the students in congratulations for their efforts.

WRITTEN COMMUNICATIONS

1. **WRITTEN CORRESPONDENCE FROM A. J. SUTTON, STEWARDS OF THE FRED WOLFF BEAR CREEK NATURE PRESERVE, DATED NOVEMBER 24, 2009, REQUESTING THE ADDING OF ADDITIONAL LAND.**

Council Member Henderson suggested this matter be referred to staff and report back for discussion. In response to Mayor Adolph, City Manager Genovese confirmed it would be an extension of the current designation..

2. **WRITTEN CORRESPONDENCE FROM MILTON OLANDER DATED DECEMBER 4, 2009, REQUESTING A WAIVER OF RESIDENCY REQUIREMENT TO SERVE ON THE INVESTMENT ADVISORY BOARD.**

Council Member Sniff stated there should be no deviation of the rules.

Mayor Adolph stated the residency requirement is understood by all Council Members but this is something that was unforeseen by the Commissioner; and inquired if it is the desire of the Council to make an appointment to the Board.

Council Member Henderson suggested staff submit applications on file for review without interviews; explained the City did not have a residency requirement for Commissioners previously, but it is necessary since the City has grown. She requested that language on the application be clarified regarding the residency requirement. City Manager Genovese confirmed that the City Council desires to review current applications on file and not advertise for applicants.

APPROVAL OF MINUTES

MOTION – It was moved by Council Members Sniff/Franklin to approve the City Council Minutes of December 1, 2009, as submitted. Motion carried unanimously.

CONSENT CALENDAR

1. **APPROVAL OF DEMAND REGISTER DATED DECEMBER 15, 2009.**
2. **RECEIVE AND FILE TREASURER'S REPORT DATED OCTOBER 31, 2009.**
3. **RECEIVE AND FILE REVENUE & EXPENDITURES REPORT DATED OCTOBER 31, 2009.**
4. **APPROVAL OF THE DECLARATION OF SURPLUS PROPERTY.**
5. **ADOPTION OF A RESOLUTION AMENDING THE TRAVEL AND EXPENSE POLICY FOR CITY COUNCIL MEMBERS, MEMBERS OF CITY LEGISLATIVE BODIES, AND CITY EMPLOYEES. (RESOLUTION NO. 2009-102)**
6. **DENIAL OF CLAIM FOR DAMAGES FILED BY FARMERS INSURANCE/ LAGUNA DE LA PAZ – DATE OF LOSS: OCTOBER 23, 2009.**

7. APPROVAL OF PLANS, SPECIFICATIONS, AND ENGINEER'S ESTIMATE (PS&E) AND AUTHORIZATION TO ADVERTISE FOR BIDS THE TRAIL AT THE FRED WOLFF BEAR CREEK NATURE PRESERVE, PROJECT NO. 2008-05.
8. ADOPTION OF A RESOLUTION APPROVING A SIDE LETTER AGREEMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF LA QUINTA AND THE LA QUINTA CITY EMPLOYEES' ASSOCIATION REGARDING AN ALTERNATE WORK WEEK SCHEDULE. (RESOLUTION NO. 2009-103)
9. ADOPTION OF A RESOLUTION REGARDING AN ALTERNATE WORK WEEK SCHEDULE FOR MANAGEMENT, CONTRACT MANAGEMENT, AND CONFIDENTIAL EMPLOYEES. (RESOLUTION NO. 2009-104)
10. ADOPTION OF A RESOLUTION TO EXTEND THE TIME FOR COMPLETION OF THE OFFSITE IMPROVEMENTS FOR TRACT MAP 30092, PIAZZA SERENA, K. HOVNANIAN FORECAST HOMES, INC. (RESOLUTION NO. 2009-105)
11. ADOPTION OF A RESOLUTION TO EXTEND THE TIME FOR COMPLETION OF THE ONSITE IMPROVEMENTS FOR TRACT MAP 30092, PIAZZA SERENA, K. HOVNANIAN FORECAST HOMES, INC. (RESOLUTION NO. 2009-106)
12. ADOPTION OF A RESOLUTION TO EXTEND THE TIME FOR COMPLETION OF THE OFFSITE IMPROVEMENTS FOR TRACT MAP 31852, POLO ESTATES, RINDLESBACH CONSTRUCTION, INC. (RESOLUTION NO. 2009-107)
13. ADOPTION OF A RESOLUTION TO EXTEND THE TIME FOR COMPLETION OF THE ONSITE IMPROVEMENTS FOR TRACT MAP 31852, POLO ESTATES, RINDLESBACH CONSTRUCTION, INC. (RESOLUTION NO. 2009-108)
14. APPROVAL OF ANNUAL CONTINUING DISCLOSURE FOR THE CITY OF LA QUINTA 2000-1 ASSESSMENT DISTRICT FOR FISCAL YEAR END JUNE 30, 2009.
15. APPROVAL OF ANNUAL DISTRICT INFORMATION SHEETS FOR THE CITY OF LA QUINTA ASSESSMENT DISTRICT NO. 97-1 FOR FISCAL YEAR END JUNE 30, 2009.

16. APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT (PSA) WITH DUDEK TO PREPARE THE PLANS, SPECIFICATIONS, AND ENGINEER'S ESTIMATE (PS&E) OF PROBABLE CONSTRUCTION COSTS FOR THE VILLAGE AREA SIDEWALK INFILL IMPROVEMENTS, PROJECT NO. 2009-19.
17. AUTHORIZATION TO REJECT ALL BIDS AND RE-ADVERTISE FOR BID THE HIGHWAY 111 TRAFFIC SIGNAL EQUIPMENT REPLACEMENT AND INTERCONNECT PROJECT, PROJECT NO. 2008-16.
18. ADOPTION OF A RESOLUTION SUPPORTING EXTENDED PRODUCER RESPONSIBILITY FOR DISPOSAL OF WASTE. (RESOLUTION NO. 2009-109)
19. APPROVAL OF A REQUEST FOR PROPOSALS (RFP) TO OBTAIN PROFESSIONAL ENGINEERING SERVICES TO PREPARE THE PLANS, SPECIFICATIONS, AND ENGINEER'S ESTIMATE (PS&E) OF PROBABLE CONSTRUCTION COSTS FOR THE DUNE PALMS ROAD IMPROVEMENTS, PROJECT NO. 2009-04.
20. AUTHORIZATION FOR OVERNIGHT TRAVEL FOR ONE MEMBER OF THE CITY COUNCIL TO ATTEND THE INTERNATIONAL COUNCIL OF SHOPPING CENTERS SPRING CONFERENCE KNOWN AS RECon IN LAS VEGAS, NEVADA, MAY 23-25, 2010. (See separate action below.)
21. AUTHORIZATION FOR OVERNIGHT TRAVEL FOR ONE MEMBER OF THE CITY COUNCIL TO ATTEND THE NATIONAL LEAGUE OF CITIES OFFICERS AND BOARD OF DIRECTORS PLANNING MEETING IN WASHINGTON, DC, JANUARY 7-9, 2010.

MOTION – It was moved by Council Members Sniff/Evans to approve the Consent Calendar as recommended and amended with the exception of Item No. 20 and with Item Nos. 5, 8-13, and 18 being approved by **RESOLUTION NOS. 2009-102 through 2009-109** respectively. Motion carried unanimously.

Item No. 20

Council Member Franklin asked if it is necessary for staff to attend and provide a booth.

Mayor Adolph stated it is a matter of being present at the conference, making the City known to developers and businesses, and recruiting them to come to La Quinta. He explained the Cities of Indio and Coachella, along

with other cities in the Valley, have booths at the conference; and stated it is important to promote the City.

Council Member Henderson explained several years ago staff scheduled appointments in advance with potential merchants.

Council Member Franklin explained her inquiry was regarding the necessity of the expenditure for the conference.

Council Member Sniff stated there is no harm to participate in the conference as it is already budgeted.

MOTION – It was moved by Council Members Sniff/Henderson to authorize overnight travel for one member of the City Council to attend the International Council of Shopping Centers Spring Conference known as RECon in Las Vegas, Nevada, May 23-25, 2010. Motion approved unanimously.

BUSINESS SESSION

1. CONSIDERATION OF AN EXTENSION OF THE MEMORANDUM OF UNDERSTANDING WITH THE COUNTY OF RIVERSIDE FOR MANAGEMENT OF THE LIBRARY AND MUSEUM.

Community Services Director Hylton presented the staff report.

In response to Council Member Henderson, Community Services Director Hylton confirmed the authorization is to negotiate a five-year contract.

Linda Williams, 52-519 Avenida Juarez, President of the La Quinta Historical Society, stated the professionalism and resources Library Systems and Services Inc. (LLSI) bring to the museum is good and encouraged the City Council to approve this item.

Theresa Gallivan, Interim Riverside County Librarian, stated she would like to continue providing services for the La Quinta Museum.

In response to Council Member Sniff, Ms. Gallivan confirmed the County manages other museums, such as the Edward Dean Museum in Cherry Valley.

Council Member Sniff asked how much La Quinta history is provided in the Museum. Ms. Gallivan explained staff works closely with people in the

community and stakeholders. Ms. Foley further explained staff takes pride in making the exhibits and art fit the community; stated the museum provides a variety of exhibits and they are open to suggestions.

Council Member Sniff stated the Museum has a lack of historical programs on La Quinta. Ms. Foley explained a recent exhibit displayed on the main floor featured Frank Capra and the La Quinta Hotel, and they have a new exhibit about the Desert Club downstairs.

Council Member Sniff questioned there being a sense of proportion of the legitimate history of La Quinta. Ms. Wickman explained the downstairs gallery is dedicated to La Quinta and its history.

Council Member Sniff stated he does not sense a strong presentation of the history of the City since its establishment.

Council Member Henderson stated the Historical Society is currently videotaping interviews regarding the history of La Quinta. Ms. Wickman confirmed that will become part of the display.

Mayor Adolph stated the City has put on diversified programs at the museum which has brought in quite an amount of the public.

MOTION – It was moved by Council Members Sniff/Evans to authorize staff to negotiate a five-year extension with a five-year option to the Memorandum of Understanding (MOU) with the County of Riverside for Library and Museum management. Motion carried unanimously.

2. CONSIDERATION OF CITY COUNCIL REORGANIZATION.

City Clerk Montecino presented the staff report.

MOTION - It was moved by Council Members Sniff/Henderson to select Council Member Franklin to serve as Mayor Pro Tempore. Motion carried unanimously.

3. CONSIDERATION OF CITY COUNCIL STANDING COMMITTEE AND OTHER AGENCY APPOINTMENTS.

City Clerk Montecino presented the staff report.

Mayor Adolph entertained any changes of appointments requested by the City Council and there were none.

MOTION – It was moved by Council Members Sniff/Evans to continue with the current appointments of the City Council standing committees. Motion carried unanimously.

4. **CONSIDERATION OF AN ORDINANCE AMENDING TITLE 8, CHAPTER 13, OF THE LA QUINTA MUNICIPAL CODE RELATING TO WATER EFFICIENT LANDSCAPING AND IRRIGATION SYSTEM DESIGN.**

Principal Planner Mogensen presented the staff report.

Council Member Henderson inquired about exempt projects. Principal Planner Mogensen stated specific exemptions include: mined-land reclamation projects, public gardens and arboretums, plant collections, designated historical sites, and ecological restoration projects.

Council Member Sniff asked if this will adversely affect any current landscaping or require any modifications. Planning Director Johnson explained a modification would only be required if there is a change in landscape plans, and new projects would be subject to the new requirements.

Council Member Henderson asked if this would result in a cost to the City as an unfunded mandate. Planning Director Johnson explained there is additional review time of staff for rehabilitation project and staff is reviewing to address this unfunded mandate.

MOTION - It was moved by Council Members Sniff/Evans to take up Ordinance No. 476 by title and number only and waive further reading. Motion carried unanimously.

ORDINANCE NO. 476

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, AMENDING THE LA QUINTA MUNICIPAL CODE TITLE 8, CHAPTER 8.13, UPDATING THE CITY'S WATER EFFICIENT LANDSCAPING ORDINANCE.

It was moved by Council Members Sniff/Evans to introduce Ordinance No. 476 on first reading. Motion carried by the following vote:

AYES: Council Members Evans, Franklin, Henderson, Sniff,
Mayor Adolph
NOES: None
ABSTAIN: None
ABSENT: None

5. **CONSIDERATION OF A "COMMUNITY VIDEO SHOWCASE PROGRAM" IN CONJUNCTION WITH THE NATIONAL LEAGUE OF CITIES AND CGI COMMUNICATIONS.**

Economic Development Project Manager Powell presented the staff report.

Council Member Franklin asked if the program would not go into effect for the City unless sponsorships are sold. Economic Development Project Manager Powell stated they were not able to solicit sponsors for some cities but still produced videos.

Council Member Evans noted specific types of businesses or entities were mentioned and asked how businesses not in the City would be solicited and controlled on the City's website. Economic Development Project Manager Powell explained that decision is made by the City; and CGI Communications is willing to work with staff to solicit sponsorships. Assistant City Manager-Development Services Evans further explained the City Council can direct staff to include specification of businesses in the contract; and if CGI Communications feels that is too difficult, staff would recommend that the City Manager not sign the contract. He added, however, that staff feels this is a cooperative program.

Council Member Henderson asked if the contract would come back to the City Council for approval. Assistant City Manager-Development Services Evans stated it can be brought back for approval if City Council desires.

Council Member Evans conveyed her likes of the program and video; expressed concern about defining criteria, such as businesses in good standing, etc., for those who pay sponsorships.

Mayor Adolph stated the program must be monitored; and suggested the decision be left up to the City Manager to determine what is correct for the City.

Council Member Henderson stated she is more comfortable in restricting sponsorships to businesses in the City.

Council Member Sniff questioned the program being practical because the City receives nothing for it; stated it is a mistake and the City should not participate in the program; and stated he will not support the program as the City will have no control.

Mayor Adolph asked if the City would have control. Assistant City Manager-Development Services Evans explained how the website and video would be set up; stated staff would be able to review the text, images, and clips. Mayor Adolph asked if the contract could be cancelled at anytime by either party and if the City would be able to withdraw from the program if it is unhappy with CGI. Assistant City Manager-Development Services Evans stated staff can look into including a 30-day cancellation clause for the two-year contract, but CGI Communications may have concerns with it.

Council Member Henderson stated she sees no problem with the program; and stated after hearing concerns expressed by the City Council, the City Manager can monitor the program.

Council Member Sniff reiterated that he sees no significant value in the program.

Council Member Evans stated this is a free program and an opportunity to showcase the City and businesses; stated this is technology the public wants in previewing the area before visiting here.

Mayor Adolph asked if they can showcase individual businesses. Economic Development Project Manager Powell explained staff can recommend certain types of sponsorships and staff has the final approval of what sponsors are added to the website.

Council Member Franklin asked who would be reviewing the videos. Assistant City Manager-Development Services Evans stated staff can have Furino Greene look at it under their retainer; and any graphics, radio or video produced would be reviewed by Economic Development Project Managers Casillas and Powell, with City Manager's final approval. Council Member Franklin requested the City Council review the contract before execution.

MOTION - It was moved by Council Members Henderson/Evans to authorize participation in a "Community Video Showcase Program" in conjunction with the National League of Cities and CGI Communications, Inc. with consideration of the comments made by the City Council, and to direct staff to bring the contract back for City Council approval. Motion carried by a vote of 4-1, Council Member Sniff dissenting.

STUDY SESSION

Upon consensus, the City Council took up Study Session Item No. 2 at this time.

2. DISCUSSION OF OPTIONS REGARDING THE WIDENING OF FRED WARING DRIVE BETWEEN ADAMS STREET AND PORT MARIA ROAD.

Public Works Director Jonasson presented the staff report.

Patty Romo, County of Riverside, presented an update on the activities and discussions of this project; reviewed benefits and impacts of each of the three alternatives; requested the City Council approve Alternative No. 1 as the "Locally Preferred Alternative"; reviewed artist renderings of the project with Alternative No. 1; stated the County is able to fund the project with Alternative No. 1.

Council Member Franklin asked if Alternative No. 1 would require the City to amend the General Plan. Public Works Director Jonasson stated it would require an amendment as we would be losing a bike lane, and other items. Council Member Franklin inquired about the road width under Alternative No. 1 for the westbound side and what specified in the General Plan. Public Works Director Jonasson explained Attachment 4 of the staff report depicts the General Plan lane configuration of 13, 12, and 11-foot outside lanes with an 8-foot bike lane. He confirmed the widths of the west/eastbound lanes are just short of the General Plan requirement.

In response to Council Member Franklin, City Manager Genovese confirmed a General Plan Amendment could be taken up at a later time.

Council Member Sniff asked how La Quinta residents would be impacted. Public Works Director Jonasson outlined some of the concerns in the staff report; and stated traffic would be closer to residents in the La Quinta Palms development. He stated motorists in general would have all of the driveways accessing directly onto Fred Waring Drive; the City does not have this configuration on any of its arterial roads, and there is a concern about residents entering the roadway safely.

Council Member Sniff asked if the City would require indemnification for law suits and a sound wall. Ms. Romo stated the County is willing to include an indemnification clause; stated the County has conducted noise level studies and determined traffic will raise the noise level by two decibels, and in order to mitigate, the County is willing to use rubberized asphalt to reduce the noise level.

Council Member Sniff stated residents who are affected need a solution and the quicker the better.

Mayor Adolph stated he recalls receiving one letter in opposition to moving traffic closer to residents on the south side. He asked if any additional letters have been received to which Public Works Director Jonasson responded, "No."

Council Member Henderson referenced a letter the City Council received from a resident on the south side of the street that was in support of Alternative No. 1, and asked about the County's efforts to contact residents on the south side. Molt Solama, representing the County, stated he contacted the resident in support of the proposal as well as another woman and invited them to attend the Bermuda Dunes Community Council meeting to review the project. Council Member Henderson questioned why La Quinta residents would go to a Bermuda Dunes Community Council meeting. Mr. Solama explained he was making a presentation and extended the invitation to the residents on the north side as well as La Quinta Palms residents.

Council Member Henderson stated she agrees a decision needs to be made but is disappointed with the County's effort to meet with residents on the south side. She polled the audience as to how many of them are residents of La Quinta on the south side or County residents on the north side of Fred Waring Drive. She also addressed the use of rubberized asphalt and the need to conduct regular maintenance. She stated what we are faced with here today is this huge dollar figure and we must take that into consideration; stated she is unsure Alternative No. 1 can be completed sooner; and requested staff address the suggestion of a four-lane highway instead of six lanes.

City Manager Genovese explained a four-lane highway was discussed with the County, and requested Mr. Kirk further address the issue.

Tom Kirk, Executive Director of Coachella Valley Association of Governments (CVAG), stated CVAG does not support a four-lane option; and stated this is the last project that has not been constructed with the original Measure A funding. Council Member Henderson asked if there would be a legal issue with Measure A funding should the Council determine that a four-lane highway is sufficient. Mr. Kirk stated he has not asked legal counsel to review that issue but explained the intent of Measure A is to build a six-lane roadway, and this is the last segment. He confirmed the project will be funded as the highest priority under Alternative No. 1.

Council Member Henderson asked how much is left of the Measure A funds. Mr. Kirk stated he does not know the balance under the original Measure A funding and the new Measure A is reviewed by the Riverside County Transportation Commission; and stated he does not have all the data in from all projects under the original Measure A.

Council Member Evans inquired about a cost factor for Alternative No. 3. Ms. Romo stated it is approximately \$12 million. Council Member Evans asked why a no-cost-to-the-City factor does not apply to Alternative Nos. 2 and 3. Ms. Romo stated it is due to economics noting the cost to the County under Alternative 1 is approximately \$1 million, and under Alternative 2 it is approximately \$5 million; stated the County has the ability to fund \$1 million but not \$5 million at this time; and since CVAG funds 75% of the project, she expects they would have a more difficult time funding 75% of the higher amount.

In response to Mayor Adolph, Ms. Romo stated turf is not proposed in the median as the County understands the need for low maintenance. Mayor Adolph asked if this is the only section of Fred Waring Drive between Washington Street and Jefferson Street that is not six lanes. Public Works Director Jonasson confirmed this is the last portion of the widening improvements on Fred Waring Drive to six lanes.

Richard Savich, 43-955 Port Maria Road, Bermuda Dunes, stated the portion of Old Harbor to Port Maria on Fred Waring Drive has not been addressed; and expressed concern that the residents in that area have not been considered. Public Works Director Jonasson stated the County plans to continue the street to that area; and explained the two houses between those streets will remain and there is no impact for La Quinta. Mr. Savich stated residents turn right onto Fred Waring Drive then make an immediate left at the end of the median which produces a safety hazard.

Ron Rowell, 79-320 Fred Waring Drive, spokesperson for residents on the north side of Fred Waring Drive, stated the residents support Alternative No. 1; stated noise issues will exist regardless of what improvements are made; and stated he sympathizes with residents on the south side. He encouraged the City Council to make a decision.

Mayor Adolph asked if the County had disclosed the possibility of widening the road to residents on the north side, to which Mr. Rowell responded, "No." Mayor Adolph stated the City Council was concerned when the County approved the plans for homes on the north side. Mr. Rowell stated he has attempted to discuss this matter with the residents on the south side.

Council Member Henderson asked what the current speed limit is on Fred Waring Drive and what the maximum could be when widened to six lanes. Public Works Director Jonasson stated the speed limit can be up to 55 m.p.h.

Nazir Lalani, City Traffic Engineer, recommended a speed limit survey be conducted after the widening is completed, and stated the highest legal limit for that section of the road would be 55 M.P.H. if not posted.

Ron Rowell noted Alternative No. 1 would provide for a lane in front of the homes to allow acceleration/deceleration onto the roadway.

Nancy Kever, President of the La Quinta Palms Homeowners' Association, stated the residents have not been contacted by the County and were not informed of the meeting in Bermuda Dunes; stated there is not a lot of right-of-way in front of their homes on the south side; stated many of the residents rent or are part-time residents; and stated residents on the south side have been aware of the road widening project.

In response to Council Member Henderson, Public Works Director Jonasson reported some of the electrical poles are in the landscaping or right-of-way, and some would be moved behind the sidewalk; and explained the deceleration lane to La Quinta Palms would be reduced in width.

Council Member Henderson stated staff has explained that not all of the street will be moved. Ms. Kever stated the portion that needs to be moved is in front of the community; and asked if the landscaping will be against the wall. Public Works Director Jonasson stated it does not appear the widening would require moving of the wall, and the sidewalk will be replaced closer to the wall.

Council Member Franklin stated the City Council wants input from all the residents. She commented on the need to all work together and stated it is more difficult for the residents who have to be relocated.

Council Member Henderson invited the residents to be involved with discussions to derive solutions to accommodate everyone.

Council Member Evans commented on the importance of being good City partners; stated this is a matter of moving forward for the overall safety and to bring fruition to the plan for traffic flow; and we must move forward and collaborate with everyone involved.

Public Works Director Jonasson clarified that a portion of the sidewalk comes within five feet of the current property wall, which may necessitate moving a portion of the wall.

Mr. Kirk stated the City's focus must be on its residents on the south side and the residents on the north side, along with the taxpayers who funded Measure A. He explained CVAG would not be supportive of doing a \$22 million project when a \$6 million alternative would suffice; requested the City Council to move forward and support Alternative No. 1.

Council Member Sniff conveyed support for Mr. Kirk's comments and stated action needs to be taken now for a solution.

Mayor Adolph asked if a sound wall is planned on the south side. Public Works Director Jonasson explained the County would have to conduct an environmental review. City Manager Genovese stated if the City Council chooses to move forward with Alternative No. 1, there would need to be an agreement with the County for a sound wall.

Council Member Henderson stated a sound wall has already been discussed, along with maintenance for the rubberized road; and stated the sound wall would need to be established under City standards.

Ms. Romo explained the sound wall will depend on a sound study as part of the requirements of the environmental documents.

Mr. Kirk stated if the City Council decides on Alternative No. 1, the City would have leverage over the project as the City Council must approve moving the centerline.

City Attorney Jenson explained the City Council is not making a binding decision at this time but only giving direction in order for an environmental document to be prepared. City Manager Genovese further explained an agreement with certain conditions will be presented at a later date where this issue can be imposed.

Council Member Franklin confirmed the City Council is in agreement with proceeding with Alternative No. 1, and including all issues discussed by the City Council.

Council recessed to and until 7:00 P.M.

7:00 P.M.**PUBLIC COMMENT** – None**PRESENTATIONS** – None**PUBLIC HEARINGS**

Mayor Adolph and Council Member Franklin recused themselves from participating in Public Hearing Nos. 1 and 2 due to a potential conflict of interest because of the proximity of their residences to the project.

- 1. CONTINUED PUBLIC HEARING TO CONSIDER ADOPTION OF RESOLUTIONS FOR: 1) CERTIFICATION OF A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR ENVIRONMENTAL ASSESSMENT 2008-601; 2) APPROVAL OF SPECIFIC PLAN 83-002, AMENDMENT NO. 7; 3) APPROVAL OF TENTATIVE TRACT MAP 36139; AND 4) APPROVAL OF SITE DEVELOPMENT PERMIT 2008-907 TO SUBDIVIDE THE PROJECT SITE AND CONSTRUCT THE PGA WEST GOLF VILLAS, A 54-UNIT RESIDENTIAL DEVELOPMENT CONSISTING OF SINGLE FAMILY ATTACHED DUPLEX UNITS AND COMMUNITY CENTER FOR PROPERTY LOCATED ON THE WEST SIDE OF PGA BOULEVARD BETWEEN AVENUE 54 AND AVENUE 58. APPLICANT: PYRAMID PROJECT MANAGEMENT, LLC.**

Planning Director Johnson presented the staff report and stated Pyramid Project Management, LLC has requested a 90-day continuance.

Mayor Pro Tem Henderson noted the public hearing remains open.

Rob Bernheimer, representing the applicant, stated a majority of the residents desire a better tennis experience, and Pyramid wants to provide a better experience of tennis, clubhouse, and dining for the residents; stated more time is needed to mitigate issues and requested City staff attend the meetings. He explained starting over with new plans would push the project to the summer.

Ken Hoepfner, Vice President of Pyramid Group, emphasized their commitment to complete the improvements and provide quality facilities, and requested the City Council approve the continuance.

Gary Lesser, 81-640 Tiburon Drive, stated Pyramid has tried to push the project through without communicating the facts to the residents; over 130 residents have expressed their objection to the project and Pyramid's lack of communication; and requested the City Council deny the applicant's request for a continuance.

Dick Mills, 81-600 Tiburon Drive, stated he helped to form an ad hoc committee to advise residents and members about the improvements and the ad hoc committee requested Pyramid withdraw their plans but they rejected the request. He requested the City Council deny the continuance for the following reasons: 1) the only communication from Pyramid was a notice stating the public hearing was continued, 2) Pyramid has accomplished nothing since the October 15, 2009 hearing, 3) the PGA West residents have not been informed of the proposal details, and 4) the applicant has no credibility as they have made false and misleading statements to the Planning Commission. He referenced comments made by Planning Commissioners regarding communication with PGA residents from Pyramid, feedback received from the residents, and untrue statements made by Pyramid concerning an agreement; and requested the City Council deny the request of continuance.

Steve Wise, 57-419 Colonial, stated the project plans were formulated with little or no input from PGA West residents; the ad hoc committee has urged Pyramid to conduct a survey and meet with PGA West residents to get their support for plans that can be resubmitted for City Council consideration; stated a 90-day continuance is not enough time to resolve the issues and suggested the project be continued for 9-12 months.

Penni Sturgill, 57-605 Ballybunion, requested the City Council consider comments and requests made by Mr. Mills to work with the owners of PGA West.

Bruce Franklin, 81-060 Kingston Heath, thanked the ad hoc committee for an excellent presentation; stated credibility and honesty are extremely important which Pyramid has not displayed; explained misrepresentations made by Pyramid to the Planning Commission; must consider the credibility and honesty of the developer and suggested the matter be denied and presented to the Planning Commission again.

Council Member Sniff made a motion to deny the request for continuance. Motion died for lack of a second.

Council Member Evans conveyed confusion about the representation of the ad hoc committee members individually; stated she is torn whether they are

representing the residents as valid points were made; structure is needed if the continuance is granted as neither side has progressed with communicating with each other; suggested staff administer meetings; and agreed a different communication process would have been preferred from the beginning of this project; must move forward and determine if this project is viable.

Mayor Pro Tem Henderson stated the credibility factor is important and stopping everything now and starting over may not bring credibility; the power of the voice of the residents can be used within the next 90 days and if no progress has been made when this item is brought back at that time, the City Council will not review this matter favorably; does not see an issue with addressing this matter in March 2010; Pyramid has a proposal on paper and should address the needs of the residents; and is supportive of the 90-day continuance.

Mr. Wise stated the ad-hoc committee does not claim to represent all of the PGA West members because it has not communicated with all of them, but the City Council has received an overwhelming response against this project from the residents; and to continue a project that has been ill-conceived is a mistake. He suggested the project be started again with facts communicated to the membership.

Mr. Bernheimer stated there has been no intentional misrepresentation, but there have been misunderstandings regarding past statements at the Planning Commission meetings. He stated the plan that was presented before the City Council is the same plan presented to the Planning Commission, except for minor changes made at the request of the residents; stated Pyramid mistakenly took positive feedback from a number of the residents to move forward with the project; there are opportunities to learn from one another if we work together; if the continuance is denied it will stop the process of all working together; and further stated progress can be made with the City sitting at the table.

James Cox, 55-914 Braeburn, stated the ad hoc committee received over 120 emails from residents but clarified the ad hoc committee does not represent the membership at this time.

Mayor Pro Tem Henderson stated most residents have communicated with Pyramid by email; concerns and issues have been brought to the table; and the residents' power and strength is stronger now; suggestions made by the ad-hoc committee are great; residents must be willing to meet with Pyramid as well.

Mr. Mills requested the City Council look back on what has occurred from October 15 to December 15 as no contact or communication has been made by Pyramid; and stated the developer has no credibility. Mayor Pro Tem Henderson asked if a meeting with Pyramid was scheduled and then cancelled. Mr. Mills confirmed and explained Pyramid met with only three people and not the majority of the membership; Pyramid has not done anything since the last 60 days. He urged the City Council to deny the continuance.

Council Member Sniff stated if progress in the project cannot be made in 60 days then why would it in 90 days; stated sometimes you must get to the point and deal with it, keeping in mind what has or has not been accomplished in the specified time; stated the Easter holiday is typically the end of the season and some residents begin to leave the Valley; the sense of the audience is generally not in favor of continuing this matter for another 90 days; and both the developer and residents need some kind of conclusive answer.

Mayor Pro Tem Henderson stated she is not happy this is before the City Council again for another continuance; and communications from both sides have been erratic.

Council Member Sniff stated the developer has not demonstrated a significant obligation to communicate with the residents within the last 60 days and he is not confident that communication will occur in the next 90 days.

Mayor Pro Tem Henderson stated the next two and half weeks will be a challenge for both the developer and the residents.

MOTION - It was moved by Council Members Evans/Sniff to deny the request for a 90-day continuance.

Mayor Pro Tem Henderson stated she would have liked to have seen the developer make use of the time but it appears it will not happen; therefore, she will support the motion.

Motion carried unanimously.

2. CONTINUED PUBLIC HEARING TO CONSIDER ADOPTION OF A RESOLUTION APPROVING PLANS FOR THE REMODEL AND EXPANSION OF THE PGA WEST PRIVATE CLUBHOUSE LOCATED ON THE WEST SIDE OF PGA BOULEVARD BETWEEN AVENUE 54 AND AVENUE 58. APPLICANT: PYRAMID PROJECT MANAGEMENT, LLC.

Rob Bernheimer, Pyramid Project Management, LLC, stated the applicant is not prepared to move forward due to the denial of the continuance and withdraws their application at this time.

Mayor Pro Tem Henderson recessed the City Council meeting.

Mayor Adolph reconvened the meeting.

STUDY SESSION continued

1. DISCUSSION OF TURF REDUCTION AND LANDSCAPE PLANS FOR FISCAL YEAR 2009-2010 GREEN PROJECTS.

Golf and Park Landscape Manager Howlett presented the staff report.

Mr. Tom Doczi, TKG, presented the master plan for replacing turf around the Civic Center, Police Substation, and Fire Station No. 34 with water efficient landscaping.

Council Member Henderson asked if there is a product on the market that addresses the clogging of drip systems and questioned the maintenance cost for the drippers. Mr. Doczi stated typically the water goes through a valve with a strainer to clean the water before it reaches the sprinkler head, and the maintenance would be concentrated at the valve and not the sprinkler head.

Mayor Adolph stated he does not believe we are in a critical water shortage stage; the color of the turf depicted in the presentation will not be true after planting; addressed omitted plants where drip heads are placed; stated some turf, or artificial turf, is needed; and stated it will take many years to recover the expense for replacing the landscaping.

Community Services Director Hylton stated the trees would remain on the Civic Center Campus. Mayor Adolph stated the trees at the Fire Station will be new and of a small caliper. Mr. Doczi explained some mature trees will be installed throughout the new plantings.

Community Services Director Hylton explained the funding sources for the Civic Center Campus is from AB 939 funds and not from the General Fund; and further explained the savings would be in water reduction, not in dollars.

Council Member Sniff stated Mr. Doczi's original design for the Civic Center Campus was inadequate and revised by the City. He assumes one purpose of the program is to save water, which is fine, but noted there is turf at SilverRock Resort and at all of the parks; and if turf is bad, then it is bad everywhere. He takes some offense to removing the turf and is searching for a compelling reason to support the staff recommendation. He does not understand where the funding is coming from or why it is necessary to change the landscaping. He does not believe this project is necessary to utilize water judiciously as we are not out of water; and conveyed opposition to the staff recommendation.

Council Member Franklin requested desert gravel in areas where there are erosion problems; suggested more desert gravel and less turf on new projects that come before the City Council; and suggested replacing turf with artificial turf.

Council Member Evans stated she feels the landscape changes will enhance the Civic Center Campus. She questioned the idea that the public would review the desert-scape at the Police Substation when trying to determine how to landscape their properties; and suggested the Civic Center Campus enhancement be done in phases.

Council Member Henderson thanked staff for bringing this proposal forward at the City Council's request. She is supportive of enhancements at the Civic Center Campus and suggested pathways be included in the desert-scape for residents crossing to the Campus on Avenida La Fonda. She does not believe this project will take away from the beauty of the Civic Center Campus; requested some turf remain at the City Hall monument; stated the Fire Station would be a good demonstration of desert-scape, and suggested retaining more turf; agrees something should be done at the Police Substation especially in the backyard; supports the proposal of the Civic Center, suggested modifying the Police Substation proposal, and agreed there is much turf at the Fire Station; and expressed concern about the growth of date palm trees proposed at the City monument.

Mayor Adolph confirmed the consensus of the City Council is for some turf to remain in the proposal.

Community Services Director Hylton, stated more sod can be incorporated; addressed drainage issues on the slopes at the Civic Center Campus with walk areas from across the street on Avenida La Fonda; explained staff's intent was not to remove turf from the parks, and that this proposal was brought forward at the City Council's request.

Council Member Franklin addressed the landscaping at the corner of Avenida La Fonda and Washington Street, and requested staff review pricing to utilize artificial turf in that area.

Council Member Evans asked if the landscape changes at the Civic Center Campus would impact the Arts Festival event. Community Services Director Hylton confirmed there would be no impact to the use of the park area during the event.

Golf and Park Landscape Manager Howlett confirmed the inclusion of the parkway areas in front of the Senior Center.

Mayor Adolph stated he is surprised the area west of the Senior Center was not addressed.

REPORTS AND INFORMATIONAL ITEMS

Riverside County Transportation Committee – Council Member Henderson reported on a joint meeting with the Executive Committee and stated TUMF and Measure A funding sources are down; and assured the City Council the freeway interchanges are still on line.

CVAG Executive Committee – Mayor Adolph reported the Committee approved funds for I-10 interchanges at Bob Hope Drive, Ramon Road, and Indian Avenue. They also approved a request for funding from the Riverside County Transportation Committee for signal interconnects at Adams Street, Dune Palms Road, and Miles Avenue, as well as the Eisenhower Street interconnect, and a new signal at Madison Street and Avenue 54.

SunLine Transit Agency – Mayor Adolph reported traffic centers will be discussed in January 2010 by both the Cities of Indio and Coachella.

Bob Hope Classic Fund Distribution Committee – Mayor Adolph reported he was assigned to interview two entities for funding requests, which includes Martha's Village and C.V. Educational Foundation.

* * * * *

All other reports were noted and filed.

DEPARTMENT REPORTS

Council Member Evans inquired about a "Check the Welfare Call" on the Police Report. Assistant Police Chief Huskey explained it is a courtesy call the department makes when someone voices concern about a neighbor not being seen.

MAYOR AND COUNCIL MEMBERS' ITEMS

Mayor Adolph reported he attended the ribbon cutting for the La Quinta Art Gallery that is oddly combined with a dentist office.

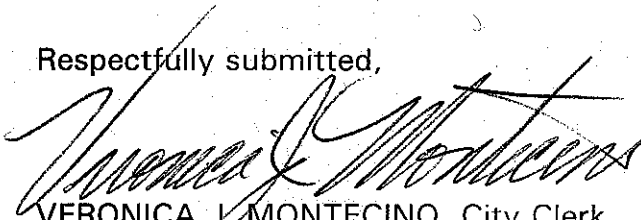
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Council Member Evans requested the City Council address the possibility of making a donation to Martha's Village and the Coachella Valley Rescue Mission for the Christmas holiday. Mayor Adolph suggested the City Manager be given the latitude to provide the same as was given for the Thanksgiving holiday. Council concurred.

ADJOURNMENT

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

Respectfully submitted,



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