



City of La Quinta

CITY / SA/ HA/ FA MEETING DATE: APRIL 7, 2015

ITEM TITLE: APPROVE AMENDMENT NO. 1 TO CONTRACT SERVICES AND REVOCABLE LICENSE AGREEMENT WITH LA QUINTA FARMS FOR PM10 STABILIZATION AT SILVERROCK RESORT

AGENDA CATEGORY:

BUSINESS SESSION:

CONSENT CALENDAR: 3

STUDY SESSION:

PUBLIC HEARING:

RECOMMENDED ACTION:

Approve an amendment with La Quinta Farms to extend their service contract for one year.

EXECUTIVE SUMMARY:

- In 2012, the City and La Quinta Farms ("Contractor") entered into a Contract Services and Revocable License Agreement ("Agreement") for PM10 services at SilverRock Resort ("SilverRock"). The term of this original Agreement expires June 30, 2015.
- Pursuant to the Agreement, the City and Contractor may extend the term for two additional one-year terms upon mutual agreement.
- An amendment to the original Agreement (Attachment 1) will extend the term for one additional year (July 1, 2015 through June 30, 2016).

FISCAL IMPACT:

The Agreement is \$285,000 annually. Funding is included each year in the Public Works operating budget for PM10 services at SilverRock.

BACKGROUND/ANALYSIS:

SilverRock consists of 520 acres. Approximately 290 acres of the property remain undeveloped. Since 2004, PM10 measures have been in place for dust control and Air Quality Management District ("AQMD") compliance.

In 2005, staff worked closely with AQMD to determine the best options to stabilize the undeveloped property. The options included water truck service, chemical stabilization, vegetative stabilization (at AQMD's suggestion), and contracting the property for agricultural use.

On March 6, 2012, staff presented a report to the City Council for management options of the undeveloped SilverRock property. Due to the nature and the historic difficulty in obtaining suitable bids for this project, City Council allowed for negotiations with the parties listed in the report per the La Quinta Municipal Code, Title 3, Chapter 3.30, Section 3.30.070. Staff was directed to negotiate a Contract Services Agreement with La Quinta Farms in the amount of \$285,000 to maintain the undeveloped property with a new Revocable License Agreement for farming.

A revocable license for growing and selling fruits and vegetables on the corner of Jefferson Street and Avenue 52 was included. This section of the Agreement was discontinued after the first year due to residents' complaints about dust at the neighboring Codorniz development. A farm operation requires extended periods of exposed ground. Staff worked with the contractor and residents to find a compromise, but the complaints continued until the farm operation was discontinued and the area treated for long term PM10 stabilization.

The Agreement includes;

- Plant and grow 45 acres of rye grass for tournament parking each year.
- Install above-ground irrigation as needed throughout the property.
- Plant eighty acre sections of Sudan grass each year.
- Remove tumble weeds and debris throughout the undeveloped property regularly.
- Daily water truck operation.
- Remove aquatic and riparian weeds from the storm channel retention area as needed.

ALTERNATIVES:

Staff is not recommending an alternative at this time due to the pending development at SilverRock. As the developer and City determine areas of construction, the developer will oversee the PM10 control for their project area. Once these areas are determined, new specifications will be developed for PM10 contract services.

Report prepared by: Steve Howlett, Golf, Parks, & Facilities Manager
Report approved for submission by: Edie Hylton, Deputy City Manager

Attachment: 1. Amendment No. 1

**AMENDMENT NO. 1 TO CONTRACT SERVICES AND REVOCABLE
LICENSE AGREEMENT WITH LA QUINTA FARMS, LLC FOR PM10
SERVICES AT SILVERROCK RESORT**

THIS AMENDMENT NO. 1 TO THE CONTRACT SERVICES AND REVOCABLE LICENSE AGREEMENT WITH LA QUINTA FARMS FOR PM10 SERVICES AT SILVERROCK RESORT ("Amendment No. 1") is made and entered into as of the 1st day of July, 2015 ("Effective Date"), by and between the CITY OF LA QUINTA ("City"), a California municipal corporation, and LA QUINTA FARMS, LLC ("Contractor").

RECITALS

- A. On or about July 1, 2012 the City and Contractor entered into a Contract Services and Revocable License Agreement for PM10 services at SilverRock Resort. The term of this original agreement expires June 31, 2015.
- B. Pursuant to Article 3, 3.4 Term of the original Agreement, the City and Contractor may extend the term of the agreement for two (2) additional one-year terms upon mutual agreement by both parties.
- C. Contractor and City now wish to amend the original Agreement to extend the term for one (1) additional year, July 1, 2015 through June 31, 2016.

AMENDMENT

In consideration of the foregoing Recitals and the covenants and promises hereinafter contained, and for good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the parties hereto agree as follows:

As provided in Article 3, 3.4 Term of the existing Contract Services and Revocable License Agreement, the City of La Quinta and La Quinta Farms, LLC have agreed to extend the term of the agreement for one (1) year, commencing July 1, 2015 through June 31, 2016.

In all other respects, the original agreement shall remain in effect.

IN WITNESS WHEREOF, the City and Contractor have executed this Amendment No. 1 to the Agreement on the respective dates set forth below.

CITY: CITY OF LA QUINTA a California municipal corporation

Frank J. Spevacek, City Manager

Dated

ATTEST:

Susan Maysels, City Clerk

APPROVED AS TO FORM:

William Irke, City Attorney

CONTRACTOR: LA QUINTA FARMS, LLC

By

Name

Title

AMM

Joe MARION

Owner/President

Dated

3-9-15
