



**CITY COUNCIL  
MINUTES  
TUESDAY, MAY 5, 2015**

A regular meeting of the La Quinta City Council was called to order at 3:02 p.m. by Mayor Evans.

PRESENT: Councilmembers Franklin, Osborne, Peña, Radi, Mayor Evans  
ABSENT: None

**PUBLIC COMMENT ON MATTERS NOT ON AGENDA** – None

**CLOSED SESSION**

1. **CONFERENCE WITH LABOR NEGOTIATOR, TERRY DEERINGER, REGARDING NEGOTIATIONS WITH THE LA QUINTA CITY EMPLOYEES' ASSOCIATION PURSUANT TO GOVERNMENT CODE SECTION 54957.6 MEET AND CONFER PROCESS**

*COUNCIL RECESSED TO CLOSED SESSION AT 3:03 P.M.*

*MAYOR EVANS RECONVENED THE CITY COUNCIL MEETING AT 4:00 P.M. WITH ALL MEMBERS PRESENT. NO ACTIONS WERE TAKEN IN CLOSED SESSION THAT REQUIRES REPORTING PURSUANT TO GOVERNMENT CODE SECTION 54957.1 (BROWN ACT).*

Councilmember Peña led the audience in the pledge of allegiance.

**PUBLIC COMMENT ON MATTERS NOT ON AGENDA**

PUBLIC SPEAKER: Jeanne Gatherum, La Quinta – Ms. Gatherum, on behalf of La Quinta Middle School, thanked the Council for their donation.

PUBLIC SPEAKER: Gregory Mangus, La Quinta – Mr. Mangus said that a traffic signal is needed on Jefferson Street between Indio Boulevard. and Fred Waring Drive, and the median landscaping is too overgrown for good visibility. He asked that the fund deposited by the developer for a traffic signal be used, and the City negotiate with the City of Indio to have them contribute their portion.

**CONFIRMATION OF AGENDA**

City Manager Spevacek suggested that Public Hearing Item No. 2 be taken up before Public Hearing Item No. 1. Councilmember Osborne requested that Consent Calendar Item No. 12 be moved to Business Session Item No. 3 for discussion and separate vote. Councilmember Franklin requested that consent Calendar Item Nos. 17, 22 and 24 be moved to Business Session Item Nos. 4, 5 and 6 respectively. Council concurred.

## **ANNOUNCEMENTS, PRESENTATIONS AND WRITTEN COMMUNICATIONS**

Mayor Evans presented a proclamation to Sandy Neja in recognition of April as Mental Health Month.

Mark Johnson, Director of Engineering for the Coachella Valley Water District, presented a PowerPoint on Valley water resources.

## **CONSENT CALENDAR**

1. **APPROVE MINUTES OF APRIL 7, 2015**
2. **APPROVE DEMAND REGISTERS FOR APRIL 3, 10, 17, 20 AND 24, 2015**
3. **EXCUSE MEETING ABSENCES FOR INVESTMENT ADVISORY BOARD MEMBER DONAIS AND COMMUNITY SERVICES COMMISSIONER ENGEL**
4. **DENY CLAIM FOR DAMAGES FILED BY MJP GAL PROPERTIES, DATE OF LOSS – SEPTEMBER 8, 2014**
5. **DENY CLAIM FOR DAMAGES FILED BY HACIENDAS OF LA QUINTA, DATE OF LOSS – SEPTEMBER 8, 2014**
6. **DENY CLAIM FOR DAMAGES FILED BY JANET MAGUIRE, DATE OF LOSS – SEPTEMBER 8, 2014**
7. **DENY CLAIM FOR DAMAGES FILED BY MICHAEL AND LUCINDA ROBSON, DATE OF LOSS – SEPTEMBER 8, 2014**
8. **DENY CLAIM FOR DAMAGES FILED BY PAUL AND JEAN FOCHELLI, DATE OF LOSS – SEPTEMBER 8, 2014**
9. **DENY CLAIM FOR DAMAGES FILED BY RON OLSON, DATE OF LOSS – SEPTEMBER 8, 2014**
10. **DENY CLAIM FOR DAMAGES FILED BY OMAR ADRIAN VIVAS, et al; DATE OF LOSS – OCTOBER 11, 2014**
11. **ADOPT RESOLUTION TO REAFFIRM ADOPTION OF ANNUAL ASSESSMENT FOR COUNTY SERVICE AREA 152, AUTHORIZE RIVERSIDE COUNTY TO CONTINUE TO LEVY ASSESSMENTS, AND INDEMNIFY AND HOLD THE COUNTY HARMLESS FOR LEVYING ASSESSMENTS ON CITY PARCELS [RESOLUTION 2015-012]**
12. *pulled and moved to Business Session >>>* **APPROVE CONTRACT EXTENSION WITH SANTA FE BUILDING MAINTENANCE FOR FISCAL YEAR 2015/2016 JANITORIAL SERVICES**

13. **APPROVE PLANS, SPECIFICATIONS, AND ENGINEER'S ESTIMATE, AND SOLICIT BIDS FOR JEFFERSON STREET AT AVENUE 52 ROUNDABOUT IMPROVEMENTS PROJECT**
14. **SECOND READING AND ADOPTION OF ORDINANCE NO. 524 AMENDING MULTIPLE CHAPTERS OF TITLE 1 AND TITLE 2 OF THE MUNICIPAL CODE**
15. **ACCEPT GRANT OF DRAINAGE EASEMENT AND AGREEMENT FOR DRAINAGE PURPOSES ON HORSESHOE ROAD FROM INDIAN SPRINGS GOLF CLUB**
16. **APPROVE AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT WITH PSOMAS AND APPROPRIATE FUNDS FOR ON-CALL CONSTRUCTION INSPECTION SERVICES**
17. *pulled and moved to Business Session >>>* **APPROPRIATE FUNDING AND AWARD CONTRACT TO GRANITE CONSTRUCTION COMPANY TO CONSTRUCT ADAMS STREET SIGNAL AND STREET IMPROVEMENT PROJECT**
18. **APPROVE COMMUNITY SERVICES COMMISSION WORK PLAN FOR 2015/2016**
19. **APPROVE CORRESPONDENCE TEMPLATES FOR BUSINESS DEVELOPMENT INITIATIVES**
20. **APPROVE SPECIFICATIONS AND BID DOCUMENTS AND AUTHORIZE ADVERTISEMENT FOR BIDS FOR PARK LANDSCAPE MAINTENANCE SERVICES**
21. *pulled for a separate vote by Councilmember Osborne due to a conflict resulting from a business relationship with NAI consulting >>>* **APPROVE AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT WITH NAI CONSULTING FOR PROJECT MANAGEMENT AND CONTRACT ADMINISTRATIVE SUPPORT SERVICES**  
*Councilmember Osborne recused himself because of his professional relationship with NAI Consulting.*
22. *pulled and moved to Business Session >>>* **APPROPRIATE FUNDING AND INCLUDE MONROE STREET PAVEMENT REHABILITATION PROJECT IN FISCAL YEAR 2014/2015 CAPITAL IMPROVEMENT PLAN**
23. **ADOPT RESOLUTIONS TO 1) APPROVE PRELIMINARY ENGINEER'S REPORT FOR FISCAL YEAR 2015/2016 LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT 89-1, AND 2) DECLARE INTENT TO LEVY ANNUAL ASSESSMENTS FOR LANDSCAPE AND LIGHTING ASSESSMENT DISTRICT 89-1 [RESOLUTIONS 2015-013 and 2015-014]**

**24. *pulled and moved to Business Session >>> ESTABLISH ADVISORY COMMITTEE TO EVALUATE THE CITY'S FINANCIAL NEED AND ADVERTISE TO FILL VACANCIES***

PUBLIC SPEAKER: Tom Brohard, La Quinta – Mr. Brohard spoke in support of staff's recommendation in Consent Calendar Item No. 22 regarding the Monroe Street pavement rehabilitation project.

MOTION – A motion was made and seconded by Councilmembers Franklin/Radi to approve Consent Calendar Item No. 21 as recommended.  
Motion passed: ayes 4, noes 0, abstain 1 (Osborne).

Councilmember Osborne stated that the Council is well aware of the negative position in the Landscape and Lighting Assessment District (AD 89-1). He clarified that the cost of parks maintenance and operation is not included in AD 89-1 expenditures; park costs were removed from AD 89-1 about fifteen years ago.

Councilmember Radi said it is important to discuss AD 89-1 budget because the deficit must be addressed. He said that new sources of funding must be found because the \$35 fee established in 1989, still being assessed, is equivalent to about \$56 in today's money. He also noted that the \$60,000 that AD 89-1 spends on water highlights the need to repurpose the landscaping.

Councilmember Franklin said that the Community Services Workplan duties should include more interaction with the Council on items that the Council is trying to promote in the community. She said that there is a need to strengthen the liaison between the Council and the Commission.

Councilmember Franklin requested that staff confirm the statement at the end of consent Calendar Item No. 19 template regarding the Chamber of Commerce. Mayor Evans said she had minor edit suggestions to the template and will confirm the statement.

MOTION – A motion was made and seconded by Councilmembers Osborne/Peña to approve Consent Calendar Items Nos. 1-11, 13-16, 18-20, and 23 as recommended, with Item Nos. 11 and 23 adopting Resolutions 2015-012, 2015-013 and 2015-014 respectively. Motion passed unanimously.

**BUSINESS SESSION**

**1. APPROVE AN ART PURCHASE AGREEMENT WITH JANE DEDECKER AND NATIONAL SCULPTORS GUILD FOR DESIGN AND INSTALLATION OF A SCULPTURE AT THE SEELEY DRIVE ROUNDABOUT**

Deputy City Manager Hylton presented the staff report, which is on file in the City Clerk's office. Paula Simons, Member of the Community Services Commission, explained the Commission's review process and selection reasoning.

MOTION – A motion was made and seconded by Councilmembers Franklin/Osborne to approve the Art Purchase Agreement with Jane Dedecker and National Sculptors Guild for design and installation of a sculpture at the Seeley Drive roundabout.  
Motion passed unanimously.

**2. APPROVE SILVERROCK RESORT FISCAL YEAR 2015/2016 ANNUAL PLAN**

Golf, Parks & Facilities Manager Steve Howlett presented the staff report, which is on file in the City Clerk's office.

MOTION – A motion was made and seconded by Councilmembers Radi/Franklin to approve the SilverRock Resort Fiscal Year 2015/2016 Annual Plan.  
Motion passed unanimously.

**3. Consent Calendar Item No 12 >>> APPROVE CONTRACT EXTENSION WITH SANTA FE BUILDING MAINTENANCE FOR FISCAL YEAR 2015/2016 JANITORIAL SERVICES**

Councilmembers waived the staff report presentation.

Councilmembers Osborne, Radi and Peña agreed that it was preferable to rebid the contract rather than extend the existing contract for one year in order to give local firms another opportunity to win the contract.

Mayor Evans and Councilmember Franklin noted that although the existing contractor's office is outside the Valley, all the workers are local; in the last bidding cycle, no local firm had the resources to perform the work; the existing contractor is performing well; and the contract included the ability to extend the term for one year, after which, it must be rebid.

MOTION – A motion was made and seconded by Councilmembers Osborne/Radi to direct staff to prepare and release a Request for Proposals for public building maintenance, returning to Council with a recommended selection at a July meeting.  
Motion passed: ayes 3, noes 2 (Franklin and Evans dissenting)

**4. Consent Calendar Item No. 17 >>> APPROPRIATE FUNDING AND AWARD CONTRACT TO GRANITE CONSTRUCTION COMPANY TO CONSTRUCT ADAMS STREET SIGNAL AND STREET IMPROVEMENT PROJECT**

**PUBLIC SPEAKER:** David Drake, La Quinta – Mr. Drake said he was speaking as a representative of the developer, Mr. Shovlin. He expressed concerns that rebidding the project would cause a delay beyond the November 1, 2015 agreed upon completion date. He explained that the retail center tenants would suffer if construction was underway during the last months of the fourth quarter.

MOTION – A motion was made and seconded by Councilmembers Franklin/Radi to appropriate funding and award a contract to Granite Construction Company to construct the Adams Street signal and street improvements project. Motion passed unanimously.

5. **Consent Calendar Item No. 22 >>> APPROPRIATE FUNDING AND INCLUDE MONROE STREET PAVEMENT REHABILITATION PROJECT IN FISCAL YEAR 2014/2015 CAPITAL IMPROVEMENT PLAN**

Councilmember Franklin said that the Monroe Street pavement is not horrible and it does not warrant spending City money on a temporary fix that will be ripped up as developments along the street are completed.

MOTION – A motion was made and seconded by Councilmembers Osborne/Radi to appropriate funding and include Monroe Street pavement rehabilitation in Fiscal Year 2014/2015 Capital Improvement Plan.

Motion Passed: ayes 4, noes 1 (Franklin dissenting)

6. **Consent Calendar Item No. 24 >>> ESTABLISH ADVISORY COMMITTEE TO EVALUATE THE CITY'S FINANCIAL NEED AND ADVERTISE TO FILL VACANCIES**

MOTION – A motion was made and seconded by Councilmembers Radi/Franklin to establish an advisory committee to evaluate the City's financial need and advertise to fill vacancies, allowing one member to be a non-resident La Quinta business owner and with the committee's recommendations returning to Council in January 2016.

Motion passed unanimously.

*PUBLIC HEARINGS WERE TAKEN UP NEXT BY COUNCIL DUE TO THE LATENESS OF THE HOUR.*

**PUBLIC HEARINGS**

2. **ADOPT RESOLUTION FOR TIME EXTENSION FOR A CONDITIONAL USE AND SITE DEVELOPMENT PERMIT FOR A RETAIL AND MEDICAL OFFICE DEVELOPMENT LOCATED AT THE NORTHEAST CORNER OF WASHINGTON STREET AND FRED WARING DRIVE [RESOLUTION 2015-016]**

*COUNCILMEMBER OSBORNE RECUSED HIMSELF DUE TO THE PROXIMITY OF HIS RESIDENCE TO THIS PROJECT AND LEFT THE DAIS*

Associate Planner Jay Wu presented the staff report, which is on file in the City Clerk's Office.

MAYOR EVANS DECLARED THE PUBLIC HEARING OPEN AT 6:08 P.M.

PUBLIC SPEAKER: Marvin Roos, Developer Representative – Mr. Roos explained the reasons the developer needed an extension.

MAYOR EVANS DECLARED THE PUBLIC HEARING CLOSED AT 6:12 P.M.

**MOTION** – A motion was made and seconded by Councilmembers Radi/Franklin to adopt RESOLUTION 2015-016 entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, APPROVING A FOURTH TIME EXTENSION FOR A MEDICAL OFFICE COMPLEX AND RETAIL STORES LOCATED ON THE NORTHEAST CORNER OF WASHINGTON AND FRED WARING DRIVE

Motion passed: ayes 4, noes 0, absent 1 (Osborne)

*COUNCILMEMBER OSBORNE RETURNED TO THE DAIS.*

- 1. ADOPT RESOLUTION FOR A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND ASSOCIATED MITIGATION MONITORING PROGRAM FOR AN ENVIRONMENTAL ASSESSMENT, SPECIFIC PLAN, TENTATIVE PARCEL MAP, TENTATIVE TRACT MAP, AND SITE DEVELOPMENT PERMIT, FOR DEVELOPMENT OF 78 SINGLE-FAMILY HOMES ON 39.8 ACRES, LOCATED ON THE SOUTH SIDE OF AVENUE 54, ONE QUARTER MILE EAST OF MADISON STREET [RESOLUTION 2015-015]**

Principal Planner Wally Nesbit presented the staff report, which is on file in the City Clerk's Office.

Councilmembers questioned staff on the specifics of Coachella Valley Water District's (CVWD's) approval; the result if canal water is diverted from the project in the future; City responsibility and liability regarding water supplied to the project; findings regarding a deceleration lane; number and location of entrances; irrigation plan; and optimum lake size for irrigation and retention.

MAYOR EVANS DECLARED THE PUBLIC HEARING OPEN AT 6:30 P.M.

DEVELOPER: Developer and Developer's consultants (listed below) summarized the project.

Paul DePalatis, Director of Planning Services, MSA Consulting, Inc.

Ron Gregory, President & CEO, Ron Gregory Associates, Inc.

Mark Majer, Director, MDM Investment Group

Michael Tidus, Land Use Attorney, Jackson, DeMarco, Tidus, Peckenpaugh

Richard McGuire, Principal, Waterscapers

Councilmembers questioned the Developer on the irrigation consumption calculations; lake evaporation; lake lining; lake depth; and percentage of lake used for irrigation.

PUBLIC SPEAKER: Lynne Rogers, La Quinta – Ms. Rogers said she loves La Quinta and approval of this project is irresponsible and would make the City look very bad given the serious drought conditions.

PUBLIC SPEAKER: Doug Hassett, La Quinta – Mr. Hassett expressed concern about possible future diversion of water from this project and land subsidence issues. He suggested that the science and data need further examination before he would be satisfied with a project that includes a lake.

PUBLIC SPEAKER: Mishael Patton, La Quinta – Ms. Patton said she wants La Quinta to be a model city and forward thinking. She expressed concern that permitting the lake will be an embarrassing decision that will be regretted later. She advised the Council to be cautious and conservative.

PUBLIC SPEAKER: Kay Wolffe, La Quinta – Ms. Wolffe provided information and data about evaporation for the planned lake and pools, and questioned the need for a 4.7 acre lake since the larger the water surface, the greater the evaporation. Ms. Wolffe questioned the effectiveness of the lake as a retention basin when a large storm event occurs and the possibility of pumping needed Colorado River water directly from the canal. She requested that the Council continue the item so La Quinta can get it right and set an example.

PUBLIC SPEAKER: Jeff Smith, La Quinta – Mr. Smith, speaking as a representative of the Cove Neighborhood Association, asked that the matter be continued because the image of desert dwellers as water wasters is true to a large degree; the distinction between potable and non-potable water is not relevant; the true purpose of the lake is recreation and as a landscape feature, which is untenable in this historic drought; and a decision should be postponed until the State and CVWD develop standards to address this dynamic situation for the sake of the City's image and responsible water use.

PUBLIC SPEAKER: Chris English, La Quinta – Mr. English questioned why the Planning Commission and staff approved this project. He provided information on the Colorado River and Lake Mead's water levels and suggested the Developer build the lake but until Colorado River water recovers, use the lakebed for trails or as a desertscape. In the meantime, he said a small reservoir with pressure tanks for irrigation can be installed.

In response to Councilmembers' questions, the Developer's consultants said that the net lake size of 4.7 acres is not needed for irrigation but it's not just an irrigation reservoir, it's most important purpose is as a retention basin and as such, meets the County's requirements for a 100-year storm. He said that when stormwater flows into the lake it will be used for irrigation and canal water will be turned off.

In response to Councilmembers' questions, Mark Johnson explained CVWD's approval process for the project, which is from a water resource standpoint. He said that the project complies with CVWD's ordinance, which is the most stringent landscape ordinance in California and includes calculations on surface water evaporation. Regarding potable versus non-potable water, he said the project reduces the demand on the aquifer, which contributes to CVWD's water management goal of reversing the aquifer overdraft by 2021. Mr. Johnson noted that the Governor's restrictions are short term – until February 2016 – whereas CVWD has done long term planning to ensure the Valley has an ongoing supply of water. He explained that an aerial view of the Valley will demonstrate that newer developments are brown; the developments created in the 1970s and 1980s are where the water is going and what needs to be corrected. Mr. Johnson pointed out that the Colorado River water is governed by the U.S. Bureau of Reclamation, it is not a California State resource, nor does the State have any jurisdiction or control over it. Lastly, Mr. Johnson reminded the audience that due to water agreements dating back to the 1930s and 1940s, CVWD is in a supreme position,



meaning that water delivering to Nevada and Arizona would be reduced well before CVWD's contracted supply.

In response to Councilmembers' questions, Mr. Johnson said that he is confident that the Governor cannot cut CVWD's Colorado River allocation but the State can reduce the water the Valley gets from the State Water Project. That amount is currently 20 percent, which the State has not cut back.

In response to Mayor Evans, Mr. Johnson explained that this will be the first project in the district to install dual piping – one set for domestic and one for non-potable water with two meters for each residence. The sizing of the lake for irrigation and retention is an engineering calculation similar to all the farms in the Valley, which have irrigation ponds to settle out silt, a filter, and a pressurized system to pump the water to fields.

In response to Councilmember Osborne, Mr. Johnson said that the U.S. Government agreement dates back to 1934 and 1947 and, although it's possible that the federal government could impose changes or restrictions, it has never done so and the "shortage criteria" protocol in the agreement requires Nevada and Arizona to cut back first, and then only if the shortage becomes dire, is the Valley required to cut back.

**PUBLIC SPEAKER:** Doug Hassett, La Quinta – Mr. Hassett said that he does not think La Quinta should wait for the state or federal government to impose restriction but to be forward thinking now.

**DEVELOPER:** Mark Majer, MDM Investment Group – Mr. Majer explained the innovation of the project and the substantial potable water savings of the design of approximately 15 million gallons or 66 percent annually.

**MAYOR EVANS DECLARED THE PUBLIC HEARING CLOSED AT 7:40 P.M.**

In response to Councilmember Osborne, Mr. Johnson said that all 78 homes will be required to have a sprinkler system and the systems are hooked up to the domestic water lines.

Councilmember Franklin said she evaluates the project first by the numbers, which show great decreases in potable water use over the existing 100 percent aquifer water use; it meets CVWD's strict criteria; it's a beautiful project that compliments everything around it; continuing the hearing does not accomplish anything because we already know what the Governor's goal are; and relying on Mr. Johnson's statement regarding CVWD's contract with the federal government, the non-potable water is not threatened. Ms. Franklin said it's a beautiful project that she hopes will go forward.

Councilmember Radi said he would be more comfortable if CVWD explicitly put the City in the clear should the non-potable water supply cease or decrease – clearance and assurance is needed from CVWD especially since this is the first of this type of project and it is the entity controlling the water.

Councilmember Peña said that this project warrants a continuance until we know more from the Governor and answers to questions raised. He said he doesn't want La Quinta

to become the poster child for misuse of water in California, and although the project is very nicely designed, he would be reluctant to approve anything with the word “lake” in it. The project does not make sense at this time. Mr. Peña said he approaches this cautiously and would like more answers from the State Water Board. He recalled meeting with Merv Griffin years ago to review Mr. Griffin’s plans for the property and it certainly did not include 78 homes on his estate. Another 78 homes right next to the homes at Griffin Ranch is not something the City needs at this point in its development.

Councilmember Osborne noted that the holding pond or lake is a design that has worked very well for the farmers out here so he can appreciate what the developer is doing and understands CVWD’s position that it’s preferable to have a non-potable water source for irrigation but questions the need for a 4.7 acre lake to do it. Although the numbers speak for themselves regarding potable water savings, perception is a huge issue and the Council cannot be blind to that because the facts regarding potable versus non-potable will be in the small print. Mr. Osborne recalled the Council meeting where Mr. Griffin presented his view for an equestrian-centered project on this site, but times have changed. He stated that he doesn’t know that a continuance would accomplish anything for anyone because all involved must follow the rules as they are known at this point in time and if they change, then all must comply. He continues to struggle with perception with the country and the state watching the desert and believes the project could do with a lake half the size.

Councilmember Radi pointed out that farming use is very different from this multi-purpose lake with a recreation component. He said a continuance may provide time for more information, which would benefit the Council and the 78 future homeowners. Mr. Radi said he hoped it would allow the City to obtain legal assurances from CVWD.

MAYOR EVANS DECLARED THE PUBLIC HEARING REOPENED AT 7:58 P.M.

In response to Councilmember Radi, Mark Johnson said that this project went through the normal approval process for a development with under 500 units, and received the regular approval document. Mr. Johnson said he would have to consult CVWD’s legal counsel to see if some additional legal assurances could be given to the City.

Councilmember Radi explained that since this is a new system, he is concerned that the Colorado River water will be discontinued for some reason and 78 homeowners will march into City Hall blaming the Council for approving the lake design. He thinks this unique situation calls for more from CVWD beyond the standard approval form.

DEVELOPER: Michael Titus of Jackson, DeMarco, Tidus, Peckenpaugh – Mr. Titus explained Colorado River water rights arrangements and the engineering reasons for the 4.7 acre size of the lake. He stated that there are four points to consider: (1) when the water district issues a “will serve” letter, it’s a statement that it has the water, (2) when a representative comes to the City’s public hearing, he is making representations to the Council, on record that the district has the water forever, (3) one of the conditions of approval on this project says that if something changes in the future, the Developer must abide by it, and (4) final engineering has to go back to CVWD for another look and if staff doesn’t feel they can serve the project, the District does not have to. The risk to the City is de minimis because the City is relying on CVWD to supply the water and its

judgment that it can do it. Mr. Titus said that a City cannot be expected to substitute its expertise with a water district's when that is the water district's job.

In response to Councilmember Radi, City Attorney Ihrke said that the oral testimony from the representative of CVWD received by the Council tonight is evidence that CVWD has affirmatively said it can serve this project, but it is not a legally binding agreement that addresses *what ifs* such as a reduction or cut off of non-potable water.

DEVELOPER: Paul DePalatis, MSA Consulting, Inc. - Mr. DePalatis said that should the Colorado River water source for the lake ever be reduced, there are two backup sources: existing onsite well and existing domestic water from street lines so the lake will never go dry. He noted that any development option short of a moratorium will use more water.

PUBLIC SPEAKER: Kay Wolffe, La Quinta – Ms. Wolffe said a continuance would be an opportunity to answer the questions the Council and community have raised and to seek compromise. She explained that this is a wonderful project but is out of proportion with the image desired for the City. Ms. Wolffe suggested that the developer could rework the lake, perhaps make it a little smaller and deeper.

DEVELOPER: Mark Majer, MDM Investment Group – Mr. Majer explained that the lake must be the size planned because of development constraints such as preservation of estate at its fixed elevation with four high retaining walls surrounding the property, the property must drain to the southeast, there must be minimum differences between pad elevations across the site, and there must be lake capacity for a 100-year storm event, while maintaining the one-foot buffer between the lake surface during a 100-year event and the lowest homesite pad.

Councilmember Radi explained that his concerns are all about getting clarity, not about stopping or changing development.

MAYOR EVANS DECLARED THE PUBLIC HEARING CLOSED AT 8:17 P.M.

Mayor Evans said that if this project came before the Council two months ago, the Council would approve it because the property is zoned for homes in the General Plan, it meets the high quality standards of design, and the Council would be commending the developer for this innovation. Two months ago the Council would have been the stewards, leaders, and trendsetters by approving the first project using this system in CVWD's district. She said that is still the message. Ms. Evans noted that the City-owned Civic Center Park is drawing from the aquifer. She said she's extremely conscious of the perception of what La Quinta represents and how the City embraces advances such as dark skies, no building on the mountain, rejection of all but high quality projects, etc. There is no question that the perception aspect is a concern she said, but it's a matter of education based on the facts. No guarantees about the Governor's future actions are possible, but the project meets current City standards, it meets CVWD's ordinance, and goes above and beyond. Ms. Evans said that approval of this project takes steps ahead of the Governor; it will be the new norm and will be a challenge to all future developers. She suggested that the source of water should now be a question the Council asks of every new development. Regarding safeguards, she

noted that the project will not be done before February 2016 when the Governor lifts restrictions, it must still go through another round of reviews and approvals and CVWD's approval is the City's safeguard. Ms. Evans views this project as an opportunity for the City to be a leader, to go beyond simple water cutbacks, nonuse of fountains, night watering, etc., because that is not enough. It is a beautiful design; she does not support a continuance. She pointed out that there is already a 2.1-acre lake that has been supplied by the aquifer because La Quinta loves the house that's there and the person who built it and wants it preserved as an attraction for the City.

Councilmember Peña clarified planned parking accommodations for the development.

Councilmember Radi noted that this project presents a choice between doing nothing, an ugly 88-home tract sucking from aquifer or this beautiful project.

**MOTION** – A motion was made and seconded by Councilmembers Osborne/Franklin to adopt Resolution No. 2015-015, including the revised language distributed by staff just prior to the meeting:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, CERTIFYING A MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND ASSOCIATED MITIGATION MONITORING PROGRAM AND APPROVING A SPECIFIC PLAN, TENTATIVE PARCEL MAP, TENTATIVE TRACT MAP, AND SITE DEVELOPMENT PERMIT, FOR THE ESTATES AT GRIFFIN LAKE

Motion passed: ayes 4, noes 1 (Peña dissenting).

## **STUDY SESSION**

### **1. DISCUSS LOGO UPDATE / BRAND REFRESHMENT**

**MOTION** – by unanimous voice vote the Council moved this item to the meeting of May 19, 2015.

## **REPORTS AND INFORMATIONAL ITEMS**

La Quinta's representative for 2015, Mayor Evans, reported on her participation in the following organizations' meeting:

- CVAG COACHELLA VALLEY CONSERVATION COMMISSION
- CVAG EXECUTIVE COMMITTEE
- GREATER PALM SPRINGS CONVENTION & VISITORS BUREAU
- SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

La Quinta's representative for 2015, Councilmember Franklin, reported on her participation in the following organizations' meeting:

- JACQUELINE COCHRAN REGIONAL AIRPORT AUTHORITY
- SUNLINE TRANSIT AGENCY

La Quinta's representative for 2015, Councilmember Osborne, reported on his participation in the following organization's meeting:

- EAST VALLEY ECONOMIC DEVELOPMENT COMMITTEE

La Quinta's representative for 2015, Councilmember Radi, reported on his participation in the following organizations meeting:

- COACHELLA VALLEY ECONOMIC PARTNERSHIP
- CVAG TRANSPORTATION COMMITTEE
- HOMELESSNESS COMMITTEE
- RIVERSIDE COUNTY TRANSPORTATION COMMISSION

### **DEPARTMENT REPORTS**

Department Reports were received and filed. Copies are available in the City Clerk's office.

### **MAYOR'S AND COUNCIL MEMBER'S ITEMS** – None

### **ADJOURNMENT**

There being no further business, a motion was made and seconded by Councilmembers Franklin/Radi to adjourn at 8:47 p.m. Motion passed unanimously.

Respectfully submitted,

SUSAN MAYSELS, City Clerk  
City of La Quinta, California

