



**CITY COUNCIL  
MINUTES  
TUESDAY, JULY 7, 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, Radí, Mayor Evans  
ABSENT: None

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

**JOINT CLOSED SESSION OF CITY COUNCIL AND HOUSING AUTHORITY**

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT: THE SOUTHEAST CORNER OF WASHINGTON STREET AND HIDDEN RIVER ROAD (APNs 609-040-007, 609-040-023, 609-040-028, 609-040-029, 609-051-007 AND 609-051-003)  
CITY NEGOTIATOR: FRANK J. SPEVACEK, CITY MANAGER  
NEGOTIATING PARTIES: SANDER AND PAULA SALKIND, URBAN HOUSING COMMUNITIES AND COACHELLA VALLEY HOUSING COALITION  
UNDER NEGOTIATION: PRICE AND TERMS OF PAYMENT
2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54956.8 FOR PROPERTY LOCATED AT: SILVERROCK RESORT (APNS 770-200-026; 776-150-021; 776-150-023; 770-060-056; 770-060-057; 770-060-058; 770-060-059; 770-060-061; 770-060-062; 777-490-004; 777-490-006; 777-490-007; 777-490-012 AND 777-490-014)  
AGENCY NEGOTIATOR: FRANK J. SPEVACEK, CITY MANAGER, NEGOTIATING PARTY: SILVERROCK DEVELOPMENT, LLC.  
UNDER NEGOTIATION: PRICE AND TERMS OF PAYMENT FOR ACQUISITION AND/OR DISPOSITION OF THE PROPERTY IDENTIFIED
3. CONFERENCE WITH LABOR NEGOTIATOR, WILLIAM H. IHRKE, CITY ATTORNEY, REGARDING UNREPRESENTED EMPLOYEE FRANK J. SPEVACEK, CITY MANAGER, PURSUANT TO GOVERNMENT CODE SECTION 54957.6

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

*MAYOR EVANS RECONVENED THE CITY COUNCIL MEETING AT 4:13 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: Neeta Quinn, La Quinta – Ms. Quinn spoke about her opposition to accepting government funds for fair housing and sustainable development, and distributed printed material to the Council, which is on file with the City Clerk and available for public review.

### **CONFIRMATION OF AGENDA**

Councilmembers agreed to pull the following Consent Calendar Items for discussion and/or a separate vote: 11, 14, 16, and 22.

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

Tawny Castro, Emergency Operations Coordinator, presented an update of the City's emergency services.

### **CONSENT CALENDAR**

1. **APPROVE MINUTES OF JUNE 16, 2015**
2. **APPROVE REDUCTION OF REGULAR CITY COUNCIL MEETINGS TO ONE PER MONTH DURING AUGUST AND SEPTEMBER 2015 BY CANCELLING REGULAR MEETINGS OF AUGUST 18 AND SEPTEMBER 1, 2015**
3. **RECEIVE AND FILE REVENUE AND EXPENDITURE REPORTS FOR THE MONTHS OF MARCH, APRIL AND MAY 2015**
4. **RECEIVE AND FILE TREASURER'S REPORT FOR THE MONTH ENDED APRIL 2015**
5. **APPROVE DEMAND REGISTERS DATED MAY 29, JUNE 3, 12 AND 19, 2015**
6. **APPROVE INTERAGENCY AGREEMENT WITH RIVERSIDE COUNTY AND ACCEPT EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM FUNDS**
7. **DENY THE CLAIM FOR DAMAGES FILED BY CYNTHIA DOMINGUEZ; DATE OF LOSS - MAY 7, 2015**

8. DENY THE CLAIM FOR DAMAGES FILED BY MAYRA MARTINEZ; DATE OF LOSS - MAY 7, 2015
9. EXCUSE ABSENCES FOR PLANNING COMMISSIONERS BETTENCOURT AND WRIGHT AND COMMUNITY SERVICES COMMISSIONER JOHNSON
10. AUTHORIZE OVERNIGHT TRAVEL FOR HUMAN RESOURCES/RISK MANAGER TO ATTEND CALIFORNIA JOINT POWERS INSURANCE AUTHORITY ANNUAL EDUCATIONAL FORUM FROM SEPTEMBER 23-25, 2015 IN SAN FRANCISCO, CALIFORNIA
11. *pulled by Councilmember Osborne for separate vote >>>* APPROVE PROFESSIONAL SERVICES AGREEMENT WITH THE ALTUM GROUP FOR THE VILLAGE BUILDOUT PLAN ENVIRONMENTAL IMPACT REPORT
12. APPROVE MEMORANDUM OF UNDERSTANDING WITH COACHELLA VALLEY RESCUE MISSION TO SUPPORT OPERATIONS
13. ADOPT RESOLUTION REQUESTING COUNTY OF RIVERSIDE TO PLACE COLLECTION COSTS FOR SOLID WASTE HANDLING SERVICES AT SINGLE-FAMILY DWELLINGS ON TAX ROLLS [RESOLUTION 2015-030]
14. *pulled by Mayor Evans for comments >>>* ADOPT RESOLUTION TO EXTEND TIME TO COMPLETE OFF-SITE AND ON-SITE IMPROVEMENTS FOR PALIZADA, LOCATED SOUTH OF AVENUE 60 AND EAST OF MONROE STREET [RESOLUTION 2015-031]
15. ITEM PULLED FROM AGENDA PRIOR TO RELEASE
16. *pulled by Mayor Evans for comments and a separate vote >>>* ADOPT RESOLUTION TO EXTEND TIME TO COMPLETE ON-SITE IMPROVEMENTS FOR THE RESIDENCE CLUB AT PGA WEST DEVELOPMENT [RESOLUTION 2015-032]
17. ADOPT RESOLUTION TO EXTEND TIME TO COMPLETE OFF-SITE AND ON-SITE IMPROVEMENTS FOR A THREE LOT SUBDIVISION NORTH OF CALLE AMIGO AND EAST OF AVENIDA BERMUDAS [RESOLUTION 2015-033]
18. APPROVE OVERNIGHT TRAVEL FOR FIVE COUNCILMEMBERS AND CITY MANAGER TO ATTEND LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE IN SAN JOSE, CALIFORNIA, SEPTEMBER 30 TO OCTOBER 2, 2015
19. APPROVE CONTRACT SERVICES AGREEMENT WITH AVIR INCORPORATED FOR COUNCIL CHAMBER AUDIO/VIDEO/CONTROL SYSTEM REPLACEMENT

20. **REJECT ALL BIDS AND AUTHORIZE READVERTISEMENT OF THE INTERIOR PHASE OF THE LIBRARY 10TH ANNIVERSARY IMPROVEMENTS PROJECT**
21. **AWARD CONTRACT TO AMERICAN ASPHALT SOUTH, INC. FOR FISCAL YEAR 2015/16 SLURRY SEAL PROGRAM**
22. *pulled by Councilmember Radi for a separate vote >>>* **AWARD CONTRACT TO NEW CONSTRUCTION SOLUTIONS INC. FOR PHASE I OF THE AMERICANS WITH DISABILITIES ACT SPORTS COMPLEX AND YMCA FACILITY**
23. **AWARD CONTRACT TO RG GENERAL ENGINEERING FOR PHASE II OF THE AMERICANS WITH DISABILITIES ACT SPORTS COMPLEX AND YMCA FACILITY IMPROVEMENTS**

*Councilmember Osborne announced that he has a conflict of interest on Item No. 11 due to a business relationship with Altum Group.*

MOTION – A motion was made and seconded by Councilmembers Franklin/Radi to approve Consent Calendar Items Nos. 1-10, 12-13, 17-21 and 23 as recommended with Item Nos. 13 and 17 adopting Resolution Nos. 2015-030 and 2015-033, respectively. Motion passed unanimously.

MOTION – A motion was made and seconded by Councilmembers Radi/Franklin to approve Consent Calendar Item No. 11 as recommended.  
Motion passed: ayes 4, noes 0, absent 1 (Osborne due to conflict of interest).

PUBLIC SPEAKER: Kevin Canning representing KB Homes – Mr. Canning requested a two-year extension on Consent Calendar Item No. 14 instead of the one-year extension recommended in the staff report.

MOTION – A motion was made and seconded by Councilmembers Osborne/Radi to approve Consent Calendar Item No. 14 for a one-year extension as recommended in the staff report. Motion passed unanimously.

MOTION – A motion was made and seconded by Councilmembers Osborne/Radi to approve Consent Calendar Item No. 16 as recommended in the staff report. Motion passed unanimously.

MOTION – A motion was made and seconded by Councilmembers Franklin/Peña to approve Consent Calendar Item No. 22 as recommended in the staff report.  
Motion passed: ayes 4, noes 1 (Radi)

PUBLIC SPEAKER: Darla Burkett representing the Coachella Valley Rescue Mission – Ms. Burkett thanked the Council for their financial support and provided statistics on the number of clients being served.

## **BUSINESS SESSION**

### **1. APPROVE MEMORANDUM OF UNDERSTANDING WITH COUNTY OF RIVERSIDE FOR LIBRARY AND MUSEUM MANAGEMENT**

Deputy City Manager Hylton presented the staff report, which is on file in the City Clerk's Office.

Councilmembers discussed the length of the contract; funding sources; new bookmobile service in the northern section of the City; and success of the collaboration between the library and museum.

MOTION – A motion was made and seconded by Councilmembers Franklin/Peña to approve the Memorandum of Understanding with the County of Riverside for library and museum management for a term of five years. Motion passed unanimously.

### **2. APPOINT PRIMARY AND ALTERNATE DELEGATE FOR NEWLY CREATED EAST VALLEY COALITION**

Management Analyst Shove presented the staff report, which is on file in the City Clerk's office.

MOTION – A motion was made and seconded by Councilmembers Franklin/Peña to appoint Councilmember Osborne as La Quinta's primary delegate and Councilmember Peña as the alternate for the newly created East Valley Coalition. Councilmembers Osborne and Peña accepted the nomination. Motion passed unanimously.

### **3. INTRODUCE ORDINANCE AMENDING SEVERAL CHAPTERS OF TITLE 10 OF THE MUNICIPAL CODE RELATING TO ANIMALS**

Animal & Code Compliance Supervisor Moreno presented the staff report, which is on file in the City Clerk's Office.

Councilmembers discussed tracking dangerous dogs coming into La Quinta; enforcement abilities and penalties for dog bites; definition of dangerous versus vicious dog; City process followed after a dog bite; appeal options; Code Officers' time to confirm conditions imposed on dangerous dogs are being met; proposed micro-chipping requirements; remedies for barking dogs; maximum number of dogs permitted per address; correlating the number of dogs allowed with the size of the property and the size of the dog(s); limits posed by basing the decision on a biting dog's fate solely on the severity of injuries caused; broadening the evaluation criteria; parameters and criteria for when a biting dog can be euthanized; City's liability in dog bite cases; location of dog quarantine after biting incident; role of Hearing Officers; use of County dog behaviorist to evaluate biting dogs; estimated number of dog bite

incidents per year (24) and estimated number that are deemed vicious (12); and the need to know the legal definition between a dog bite and a dog attack.

**PUBLIC SPEAKER:** Patrick Swarthout, La Quinta – Mr. Swarthout said that his wife and her dog were attacked and bitten by a pit bull on January 29, 2015, resulting in both requiring 13 stitches each. The biting dog was permitted to serve the 10-day quarantine period in the owner’s home. Mr. Swarthout recommended that all quarantined dogs be housed at the County’s animal campus to prevent inadvertent escape. He said the dog that bit his wife is still in the Cove, which should not be allowed.

City Attorney Ihrke suggested that staff conduct further research based on the comments and suggestions of the Council and return at a later date with additional information and suggestions.

MOTION – None. Matter returned to staff for further research.

**4. RE-INTRODUCE ORDINANCE 526 AMENDING SEVERAL CHAPTERS OF MUNICIPAL CODE TITLE 5 RELATING TO BUSINESS REGULATIONS AND DELETING CHAPTERS 5.16, 5.28, 5.44, 5.52, AND 11.60**

City Clerk Maysels presented the staff report, which is on file in the City Clerk’s Office.

MOTION – A motion was made and seconded by Councilmembers Franklin/Radi to take up Ordinance No. 526 by title and number only and waive further reading thereby amending several chapters of Municipal Code Title 5 relating to business regulations and deleting Chapters 5.16, 5.28, 5.44, 5.52 and 11.60. Motion passed unanimously.

MOTION – A motion was made and seconded by Councilmembers Franklin/Radi to re-introduce Ordinance No. 526 amending several chapters of Municipal Code Title 5 relating to business regulation provisions and deleting Chapters 5.16, 5.28, 5.44, 5.52 and 11.60. Motion passed unanimously.

**STUDY SESSION**

**1. CODE COMPLIANCE/ANIMAL CONTROL STAFFING RESOURCES ASSESSMENT**

Code Compliance/Animal Control Officers Meredith, Escatel, Rodarte, Supervisor Moreno and Community Development Director Johnson presented the staff report, which is on file in the City Clerk’s Office.

Councilmembers discussed number of cases, inspections and complaints; County’s ability to enforce La Quinta’s Code; mechanics of transition from City animal control personnel to County personnel; labor hours recaptured if animal control is transferred to the County; proactive versus reactive code enforcement; complaint response time;

benefits of proactive code compliance services including short-term vacation rental education and monitoring; role of Community Service Officers in code compliance and animal control; existence of funding in 2015/16 budget to cover transitioning animal control to the County; savings to 2015/16 budget if a new animal control vehicle isn't needed; and pros and cons of contracting with the County for a one-year term versus a three-year term.

**PUBLIC SPEAKER:** Richard Gray, La Quinta – Mr. Gray asked that Code Compliance Officers help combat the West Nile virus by addressing pooled water on properties and also take notice of the many block walls in sad shape as well as crumbling patio covers.

By a consensus of the Council, staff was directed to negotiate with the County and return to the Council with a recommended contract for the County to provide animal control services, which would result in the City's Code Compliance staff having additional hours to proactively encourage and enforce Municipal Code compliance.

## **2. DISCUSS RETAINING LOBBYIST SERVICES**

Office Assistant Kinley and Chris Escobedo, Assistant to City Manager, presented the staff report, which is on file in the City Clerk's Office.

Councilmembers discussed the measurable benefits of hiring a lobbyist to keep the City informed and promote the City's positions to Sacramento legislators versus relying on staff; the scope of the League of California Cities lobbying activities and cost; the extent of the Coachella Valley Association of Government's lobbying activities in Sacramento; possibility of hiring a lobbyist on a case-by-case or month-to-month basis or jointly with a few other cities; and the part Councilmembers' contact with lawmakers plays in promoting La Quinta's interests as well as campaign contributions to legislators.

There was a consensus among Councilmembers to direct staff to issue a Request for Proposals for lobbying services which should include a request for costs on a per project basis and on a per month basis. Additionally, staff was directed to explore a joint agreement with the cities of Indian Wells and Palm Desert for lobbying services.

**PUBLIC HEARINGS** – None

## **DEPARTMENT REPORTS**

### **1. COACHELLA VALLEY ECONOMIC PARTNERSHIP (CVEP) IHUB ACCELERATOR PROJECT PLANNING GRANT REPORT**

Chris Escobedo, Assistant to City Manager, presented the department report, which is on file in the City Clerk's Office.

Councilmembers discussed the Phase 2 grant application submitted by CVEP; concerns about CVEP's ability to follow through with goals/mission; need for CVEP to clearly define its mission; possibility of CVEP engaging a consultant at the City's expense to provide focus and help CVEP develop and adhere to goals; the need for CVEP to provide a regional platform and for La Quinta to be a regional player; option of contributing the annual \$10,000 membership fee to get a seat on the CVEP board; and desire for 100 percent consensus of CVEP Board of Directors to accept and implement the recommendations of the consultant before one is hired.

Councilmembers reached a consensus to present a proposal to CVEP's Executive Board whereby CVEP hires, and La Quinta funds, an independent study to determine CVEP's purpose, structure, and measurable goals to promote economic development in the Valley if there is unanimous Board agreement to conduct such a study and accept and implement the results of the study; and held to its decision not to contribute the annual CVEP membership fee of \$10,000 at this time.

### **MAYOR'S AND COUNCIL MEMBER'S ITEMS**

Councilmember Franklin confirmed with staff that skaters and parents will have input on the design of the skate park.

Councilmember Osborne provided an update on the status of the overdue financial report from the Chamber of Commerce.

Councilmember Radi described a City marketing opportunity during the golf tournament at the Stadium course. City Manager Spevacek said that staff will provide more information for further discussion on this idea.

### **REPORTS AND INFORMATIONAL ITEMS**

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

- CVAG EXECUTIVE COMMITTEE

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

- SUNLINE TRANSIT AGENCY (just elected Chair)

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

- COACHELLA VALLEY ECONOMIC PARTNERSHIP



## **ADJOURNMENT**

There being no further business, a motion was made and seconded by Councilmembers Franklin/Radi to adjourn at 7:23 p.m. Motion passed unanimously.

Respectfully submitted,

SUSAN MAYSELS, City Clerk  
City of La Quinta, California

