



STAFF REPORT

June 22, 2004

To: City Council via City Manager
From: Finance Director
Subject: Fee Schedule

ATTACHMENTS

- Resolution 04-11
- Fees Schedule

Recommendation:

The City Council approve the Fee Schedule for fiscal year 2004-2005 by the adoption of Resolution 04-11.

Discussion:

The accompanying fee schedule is the annual update. The City department heads have reviewed the fees their department charges for various services and recommended changes as appropriate.

RESOLUTION NO. 04-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS SETTING FEES FOR FISCAL YEAR 2004/2005

WHEREAS, the City of Twentynine Palms has set fees for the operation and provision of governmental services to the public; and

WHEREAS, annually the City Council reviews the appropriateness of those fees and makes modifications when warranted based on the cost of providing the services; and

WHEREAS, the City Council has determined that the fees as set forth in the attached Fee Schedule are reflective of the cost of providing governmental services to the public;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Twentynine Palms establishes as fees for Fiscal Year 2004/2005 those detailed in the attached Fee Schedule which is incorporated as part of this resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of Twentynine Palms this 22nd day of June, 2004.

Glenn Freshour, Mayor

Attest:

Charlene Sherwood, City Clerk

I hereby certify that the foregoing resolution was duly adopted by the City Council of the City of Twentynine Palms at a regular meeting thereof, held on the 22nd day of June, 2004, by the following vote of the Council:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

Charlene Sherwood, City Clerk



STAFF REPORT

June 22, 2004

To: City Council via City Manager
From: Finance Director
Subject: Purchase of 2003 Econoline Van

Attachment

Dealer Quote

Recommendation:

The City Council approve the purchase of a 2003 Ford Econoline van.

Discussion:

The Recreation Department lost a van in an accident about a month ago. With the upcoming summer programs and other trips, the van has to be replaced. The department has been researching comparable vehicles and has found a 2003 van that will make a good replacement.

A copy of the quote from the dealer is attached. The cost is \$23,365. The City received \$11,121 for the van that was totaled, and will receive some more if anyone is interested in buying that van for salvage. Staff has discussed a down payment of \$11,000 and financing the remainder over two to three years at 4.15% to 4.55%. Although the rate is very good, it is more than twice as much as the City is now receiving on funds invested in the State Local Investment Fund.

Staff recommends the City purchase the van outright. The revenue for the current year is coming in well, and we will have enough revenue in excess of the budget that this expenditure can safely be made. In July a budget amendment will be proposed to adjust to expected income and expenditures.

**CITY OF TWENTYNINE PALMS
POLICE DEPARTMENT
MONTHLY REPORT TO CITY MANAGER
MAY 2004**

PATROL SUMMARY:

During the month of May, the City patrol officers responded to 1343 calls for service. We wrote 209 reports and cleared 177 Adult crime cases and 8 Juvenile crime cases by arrest.

We currently have 9.3 patrol officers assigned to the City. Our proactive patrol time for May was 59.90%. Of that, 45.47% was productively used in officer-initiated activity.

INVESTIGATIONS SUMMARY:

The City Investigator was assigned 31 new cases this month. In addition to these new cases, there are 22 cases being investigated. In May, 4 case(s) were cleared by arrest, 3 case(s) were cleared by exceptional means, and 22 case(s) were inactivated. There have been 187 year to date cases assigned to the City Investigator.

TRAFFIC SUMMARY:

City patrol officers issued 216 traffic citations and arrested 9 people for driving under the influence.

We investigated 7 traffic collisions; of these, 5 involved property damage only and -0- accident occurred on private property. There were 2 accidents involving injuries and -0- accident(s) with fatalities.

Our enforcement index was 46 : 1 based on a total of 9 DUI's and 82 hazard citations with a total of 2 injury/fatal collisions.

SPECIAL TRAFFIC OPERATIONS:

On 05/08/04, deputies conducted Traffic Saturation Patrol in the City resulting in 21 citations being issued.

On 05/17/04, deputies conducted Traffic Saturation Patrol in the City resulting in 23 citations being issued.

On 05/20/04, deputies conducted Traffic Saturation Patrol in the City resulting in 27 citations being issued

MOTORCYCLE ENFORCEMENT TEAM:

The Off-Highway Vehicle Enforcement Team devoted -0- hours this month to patrol the back roads for safety violations and nuisance complaints.

SPECIAL OPERATIONS:

On 05/15/04, deputies conducted a Sex Registrant Compliance Check, which resulted in 4 arrests.

On 05/22/04, deputies conducted a Probation Compliance Sweep, which resulted in 5 arrests.

SPECIAL JUVENILE ENFORCEMENT PROJECTS:

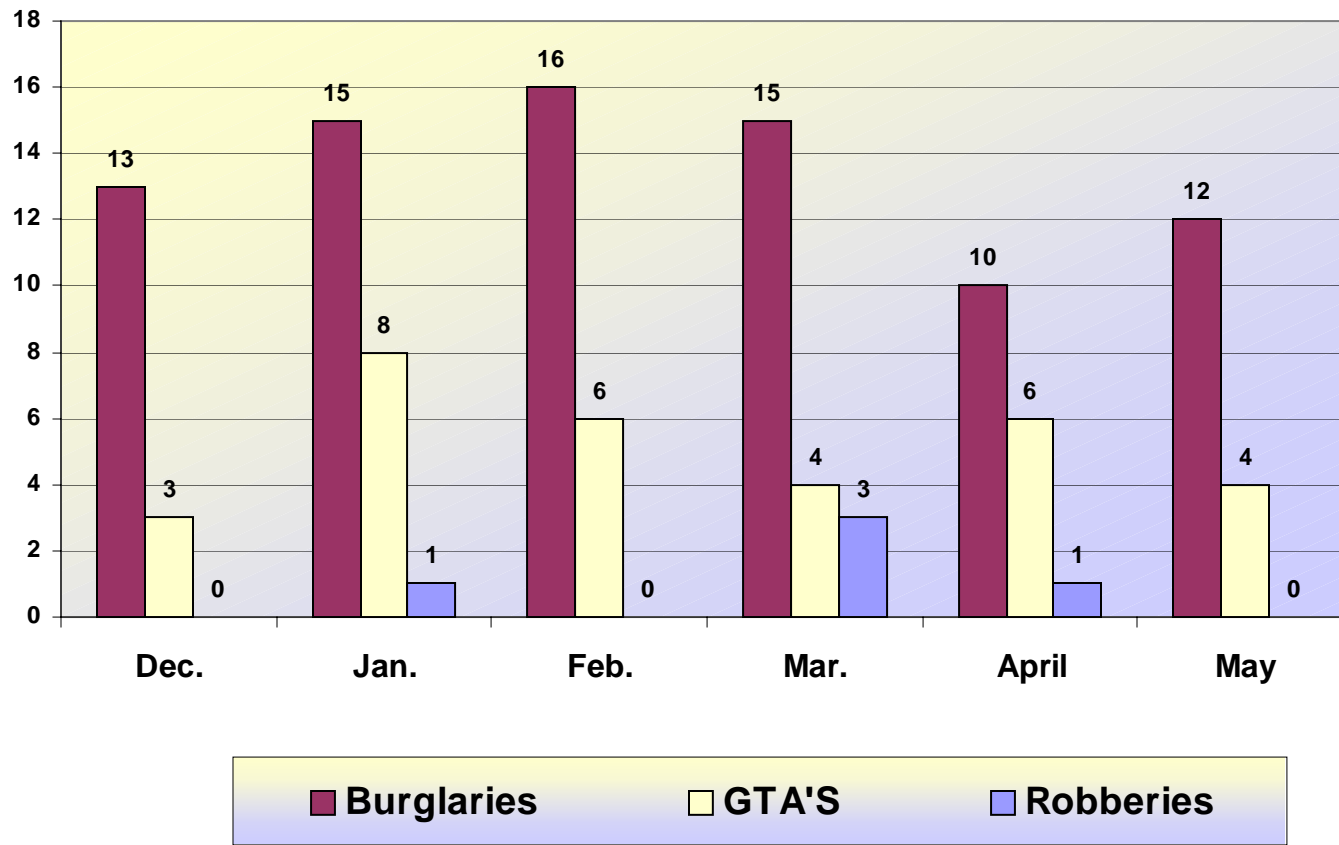
On 05/05/04, a Clean Sweep Operation was conducted at Twentynine Palms High School.

On 05/28/04, a Clean Sweep Operation was conducted at Twentynine Palms High School.

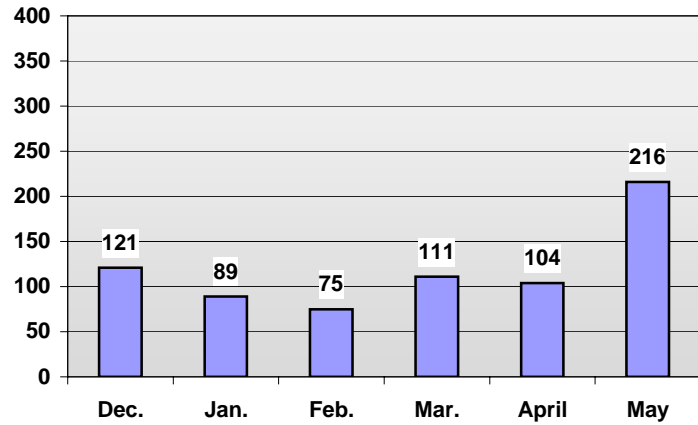
CITY OF TWENTYNINE PALMS CITIZEN PATROL UNIT:

The Citizen Patrol Unit volunteered a total of 534 hours; 137 hours in training, 22 hours in administrative duties, 266 hours on patrol, -0- hours in community service, and 109 hours of miscellaneous duties.

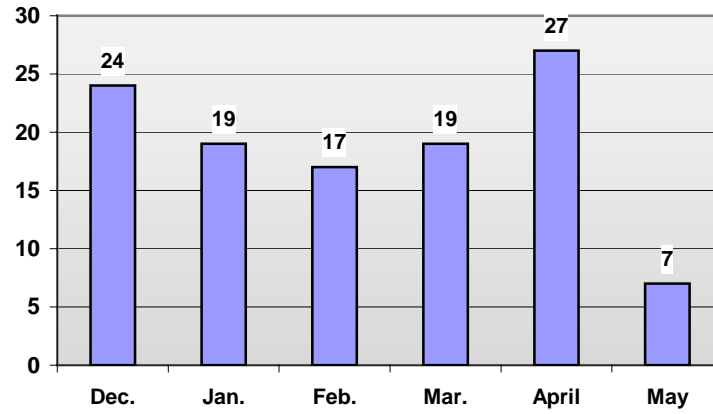
**Twentynine Palms
Dec. 2003 to May 2004**



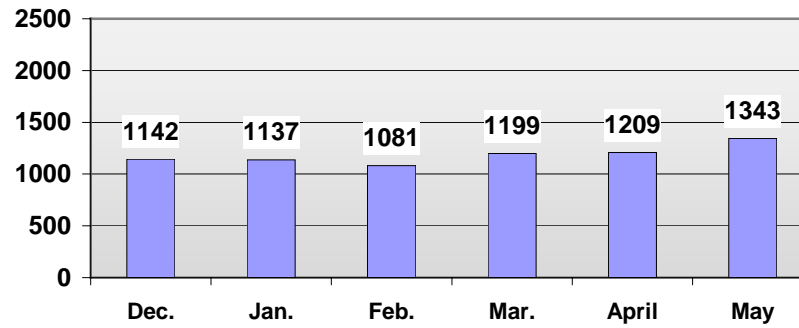
Twentynine Palms Citations



Twentynine Palms Accidents



Twentynine Palms Calls For Service





STAFF REPORT

June 22, 2004

To: City Council via City Manager
From: Finance Director
Subject: PERS Resolution of Intent

Attachment

Resolution No. 04-18

Recommendation:

The City Council Adopt Resolution 04-18, declaring its intent to change to a Public Employees' Retirement System (PERS) formula of 2.5% at 55.

Discussion:

The employees have expressed an interest in converting the PERS retirement formula to 2.5% at 55, from the current 2% at 55. In return, the employees would forego the cost of living increase that has been budgeted for the year 2004-05.

Staff has received the calculations from PERS, and the increase in the City's contribution will be 2.549% of payroll. The cost of living increase in the budget is 1.8%. The difference, taking into account that the PERS increase will take effect in the middle of August would be 1/3 of one percent, or \$3,301 to the General Fund budget for the 2004-05 budget.

If the City Council approves the resolution of intent, staff will hold a secret ballot election on June 28, to determine if the employees wish to have 1% of their salaries withheld to fund their portion of the increase. The process would stop if the majority of the employees decide not to contribute.

This Resolution starts the process, it's adoption directs that an election be held and that an actuarial report be prepared for Council and that, pending a positive election by the employees, a Public Hearing be conducted by Council at which the Council would consider an Ordinance amending the PERS contract. This Resolution is a first step in notifying PERS of Council's intent should matters be favorable and the election final financial report be satisfactory to Council.

RESOLUTION NO. 04-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA TO APPROVE AN AMENDEMNT TO THE CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL CITY OF TWENTYNINE PALMS

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve and amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 21354.4 (2.5 @ 55 Full Formula) for lcoal miscellaneous members.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Twentynine Palms

PASSED, APPROVED, AND ADOPTED, by the City Council of the City of Twentynine Palms does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, at a regular meeting held on the 22nd day of June, 2004. A copy of said amendment being attached hereto, as an "Exhibit A" and by there reference made a part hereof.

Glenn Freshour, Mayor

ATTEST:

Charlene L. Sherwood, CMC
City Clerk

I, Charlene L. Sherwood, City Clerk of the City of Twentynine Palms, do hereby certify that the foregoing Resolution No. 04-18 was duly and regularly adopted by the City Council at a regular meeting of the City Council on the 22nd day of June, 2004, by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

Charlene L. Sherwood, CMC
City Clerk



STAFF REPORT

June 15, 2004

TO: City Council via City Manager

FROM: Public Works Superintendent

SUBJECT: Surplus Equipment

RECOMMENDATION:

The City Council declare the following City vehicles / equipment surplus, and allow the sale of this equipment at public auction on September 6, 2004 in Perris, California by Ritchie Brothers Auctioneers.

BACKGROUND:

Attached is a list of equipment / vehicles that was purchased from State Surplus yards, and other sources years ago. The majority of this equipment is either out dated/ red tagged or is no longer being used by the City Public Works Department.

Staff is recommending that the City Council declare said vehicles / equipment surplus and authorize the disposal at a public auction to highest bidder. Any proceeds obtained from the sale of the equipment will be used toward the purchase of new equipment. Estimated value of items is \$30,000.00.

Equipment	Serial Number
1988 Ford F350	1FDF37M0JKB37300
1983 Belshe Equip. Trailer	12139P
1995 Mark Rite Stripping Machine	5193003
1967 Caterpillar Grader 12-E	99E8367
2000 Caterpillar Rubber Tired Roller	7BJ19369
1991 Ace Tiller	00321
1985 Gilcrest Pro Paver 8-13	2813814
1990 Champion Steel Wheel Roller	X100550X
2001 Ford F-150 Truck Bed	Long Bed
1967 Air Greaser	616701



STAFF REPORT

To: City Council
From: City Manager
Date: June 22, 2004

Subject: Amendment of Municipal Code to provide for staff level denial, suspension or revocation of a Business License.

RECOMMENDATION: Conduct the Public Hearing and adopt Ordinance No. 185.

BACKGROUND: At the June 8, 2004 meeting, Council conducted a public hearing, modified the required findings in the draft text, and directed staff to bring Ordinance No. 185 back for adoption.

Attachments

- Draft Ordinance No. 185
- Municipal Code Chapter 5.01

Per Section 5.01.120 of the Municipal Code as modified by Council, the City Manager is authorized to deny, suspend or revoke a Business License if a finding can be made that the business and/or applicant is not authorized by local, state or federal law, or by terms of parole or probation or by current court order to engage in the business as applied for. An application can be denied if it is determined to be fraudulent in any manner.

Additionally, the City Manager may suspend or revoke a Business License if any of the following findings can be made:

The Business License was obtained by misrepresentation or fraud; or

The business is being operated in violation of an applicable local, state or federal law; or

The license holder is not authorized by local, state or federal law to engage in the business activity; or

The draft text provides an opportunity for an applicant to appeal, without fee, any action by the City Manager to deny, suspend or revoke a Business License. In the event of an appeal, the action would be referred to Council and Council's action would be final.

Attached is Ordinance No. 185 with Attachment "A," the proposed modification to Section 5.01.120 as directed by Council at the June 8, 2004 meeting. New text that is proposed is shown in *italics* and text proposed for deletion is shown in ~~strikeout~~.

Staff recommends that Council conduct the Public Hearing and adopt Ordinance No. 185. If adopted at this time, it becomes effective on July 22, 2004.

ORDINANCE NO. 185

AN ORDINANCE OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA
REVISING MUNICIPAL CODE CHAPTER 5.01, BUSINESS LICENSES, REVISING
PROCEDURES FOR DENIAL, SUSPENSION, OR REVOCATION OF A BUSINESS
LICENSE AND ESTABLISHING AN APPEAL PROCEDURE FOR SUCH ACTIONS.

WHEREAS, pursuant to Section 16000 (B) and (D) of the Business and Professions Code, the City may regulate business transacted and carried on within its boundaries; and

WHEREAS, such licensing promotes the public health, safety, and welfare by providing consumer protection and comprehensive business listing; and

WHEREAS, Chapter 5.01 of the City's Municipal Code establishes the City's Business Licensing requirements and procedures; and

WHEREAS, the City Council has determined that provisions for denial, revocation and suspension of a Business License should be revised; and

WHEREAS, the City Council of the City of Twentynine Palms held a duly noticed Public Hearing on June 22, 2004 to receive and consider public comment; and

WHEREAS, the City Council considered all public comment before taking action.

NOW, THEREFORE, the City Council of the City of Twentynine Palms hereby ordains as follows:

SECTION 1: Ordinance No.185 establishing revisions to Chapter 5.01 of the City's Municipal Code, attached hereto as "Exhibit A" is hereby adopted.

SECTION 2: That on June 22, 2004, the City Council found adoption of the Ordinance exempt from the California Environmental Quality Act.

SECTION 3: This Ordinance shall be effective 30 days from the date of its adoption and the City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published as required by law.

PASSED AND ADOPTED this 22nd day of June, 2004.

Glenn Freshour, Mayor

ATTEST:

Charlene L. Sherwood, City Clerk

CERTIFICATION

I, Charlene L. Sherwood, City Clerk of the City of Twentynine Palms, California, do hereby certify that the foregoing Ordinance No. 185 was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 8th day of June 2004. That thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 22nd day of June 2004, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN COUNCILMEMBERS:

Charlene L. Sherwood, City Clerk

Draft text for revised Municipal Code
Section 5.01.120. Denial, Suspension and Revocation of License

~~(A) Where any business is or imminently may become dangerous or detrimental to the public health, safety and welfare, the City Council upon recommendation of the City Treasure may refuse to grant the license. Denial of a license shall be subject to the requirements of notice and hearing set on in subsection (C) The City Manager may refuse to grant a Business License if a finding can be made that:~~

- ~~1. The business and/or applicant is not authorized by local, state or federal law, or by terms of parole or probation or by current court order to engage in the business as applied for, or~~
- ~~2. The Business License application is determined to be fraudulent in any manner.~~

~~(B) A license may be suspended or revoked by the City Council after recommendation by the City Treasurer, upon a determination by the Council that the business is or imminently may become detrimental to public health, safety or welfare or creates a public nuisance, that the business premises are not in good or sanitary condition or create a public nuisance, that the person to whom the license was issued or his employees, agents or volunteers has violated the terms of the license, this Ordinance or any local, state or federal law or regulation applicable to the business; or that the license was obtained by fraudulent representation. Suspension or revocation of a license shall be subject to the requirements of notice and hearing in subsection (C).~~

~~(C) Upon written recommendation from the City Treasurer to the City Council for denial, suspension or revocation of a business license, the City Clerk shall give written notice to the applicant or license holder of such recommendation and shall set a public hearing before the City Council on such matter not less than 15 days from the date of the notice. Notice shall be served personally or by certified mail. At the time set for hearing, the applicant or license holder may present any and all facts to show why the license should not be denied, suspended or revoked and the Council shall hear and consider all the testimony pro and con.~~

~~(D) At the close of the hearing or within 30 days thereafter, the City Council shall determine whether or not to deny, suspend or revoke the license or to grant the license based on certain stated conditions. Notice of the decisions shall be served on the applicant or license holder personally or by certified mail and shall be effective on the date of service.~~

~~(B) A Business License may be suspended or revoked by the City Manager if any of the following findings can be made:~~

- ~~1. The business and/or applicant is not authorized by local, state or federal law, or by terms of parole or probation or by current court order to engage in the business as applied for, or~~
- ~~2. The Business License was obtained by misrepresentation or fraud; or~~
- ~~3. The business is being operated in violation of an applicable local, state or federal law; or~~

4. *The license holder is not authorized by local, state or federal law to engage in the business activity.*

(C) Action by the City Manager to deny, suspend or revoke a business license may be appealed to the City Council. Action of the City Council shall be final.