

**CITY OF TWENTYNINE PALMS
POLICE DEPARTMENT
MONTHLY MANAGER'S REPORT**

STATISTICS FOR NOVEMBER 2004

	Current Month	Previous Year	%Deviation	Avg. Month	FYTD
PATROL STATISTICS					
CALLS FOR SERVICE	1084	1212	-10.56%	1291	6454
REPORTED CRIMES					
Part I	51	50	2.0%	57	285
Part II	142	136	4.4%	169	844
Total	193	186	3.8%	226	1129
CASES CLEARED					
Total	171	158	8.2%	208	1042
Percentage	88.60%	84.95%	4.30%	92.29%	92.29%
CLEARED BY ARREST - ADULT					
Part I	27	25	8.00%	35	175
Part II	137	121	13.22%	163	814
CLEARED BY ARREST - JUVENILE					
Part I	3	5	-40.00%	4	18
Part II	4	7	-42.86%	7	35
TRAFFIC STATISTICS					
P.D.O	6	8	-25.00%	8	40
Injury	1	1	0.00%	3	13
Fatal	1	0	100.00%	0	1
Private Property	1	0	100.00%	1	4
TOTAL	9	9	0.00%	12	58
TRAFFIC CITATIONS					
Hazard	85	67	26.9%	55	276
Non-Hazard	17	132	-87.1%	97	487
TOTAL	102	199	-48.7%	153	763
D.U.I. ARRESTS	1	12	-91.7%	8	39
RESPONSE TIMES		CURRENT YEAR		PREVIOUS YEAR	
Emergency Response	*6.28 MIN		4.04 MIN		
Non-emergency Response	**20.76 MIN		17.99 MIN		
Average Handling Time	39.5 MIN		32.6 MIN		
PROACTIVE PATROL	TARGET RANGE		% USED		
56.24%	35 - 100%		38.14%		

* Responded to 17 calls

**Responded to 382 calls

VOLUNTEER HOURS: **TOTAL:** 265

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

PATROL SUMMARY:

During the month of November, the City patrol officers responded to 1084 calls for service. We wrote 193 reports and cleared 164 Adult crime cases and 7 Juvenile crime cases by arrest.

We currently have 9.3 patrol officers assigned to the City. Our proactive patrol time for November was 56.24%. Of that, 38.14% was productively used in officer-initiated activity.

INVESTIGATIONS SUMMARY:

The City Investigator was assigned 42 new cases this month. In addition to these new cases, there are 22 cases being investigated. In November, 1 case(s) were cleared by arrest, 3 case(s) was cleared by exceptional means, and 25 case(s) were inactivated. There have been 396 year to date cases assigned to the City Investigator.

TRAFFIC SUMMARY:

City patrol officers issued 102 traffic citations and arrested 1 person for driving under the influence.

We investigated 9 traffic collisions; of these, 6 involved property damage only and 1 accident occurred on private property. There was 1 accident involving injuries and 1 accident(s) with fatalities.

Our enforcement index was 43 : 1 based on a total of 1 DUI's and 85 hazard citations with a total of 2 injury/fatal collision.

SPECIAL TRAFFIC OPERATIONS:

On 11/23/04, Deputies conducted a Traffic Enforcement Detail, which resulted in 9 citations being issued and 1 arrest made.

On 11/29/04, Deputies conducted a Traffic Enforcement Detail, which resulted in 8 citations being issued and 2 arrests made.

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:

There were no Special Operations in the City of Twentynine Palms for the month of November.

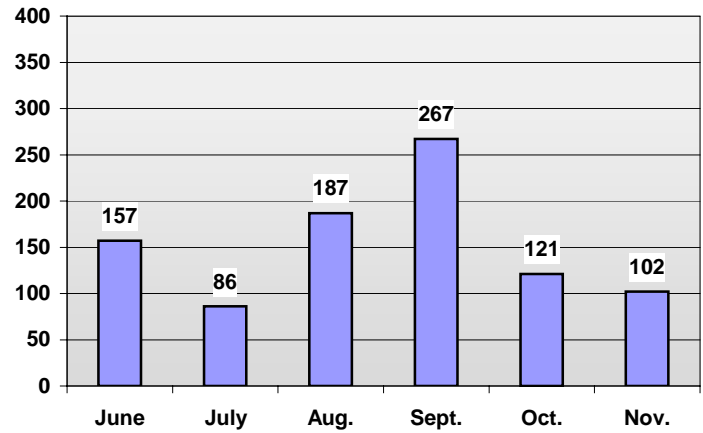
SPECIAL JUVENILE ENFORCEMENT PROJECTS:

There were no Special Juvenile Enforcement Projects in the City of Twentynine Palms for the month of November.

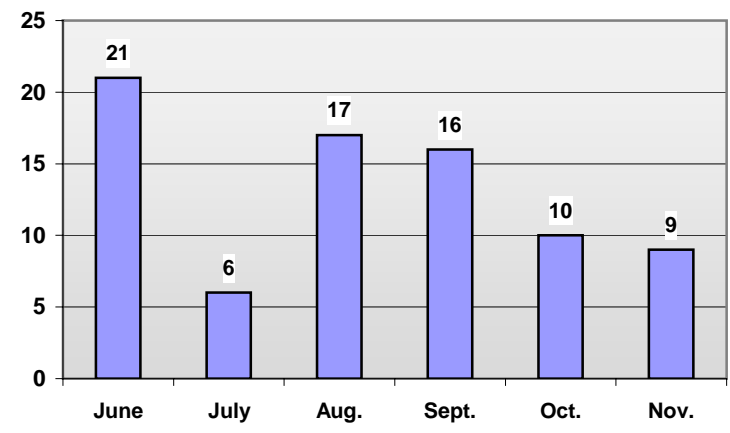
CITY OF TWENTYNINE PALMS CITIZEN PATROL UNIT:

The Citizen Patrol Unit volunteered a total of 265 hours; 4 hour(s) in training, 10 hours in administrative duties, 165 hours on patrol, 53 hours in community service, and 33 hours of miscellaneous duties.

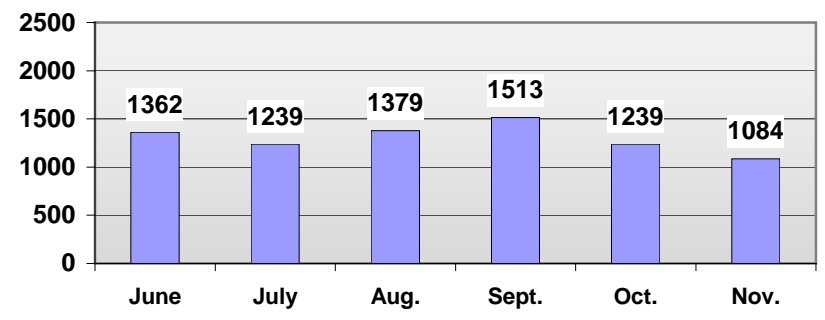
Twentynine Palms Citations



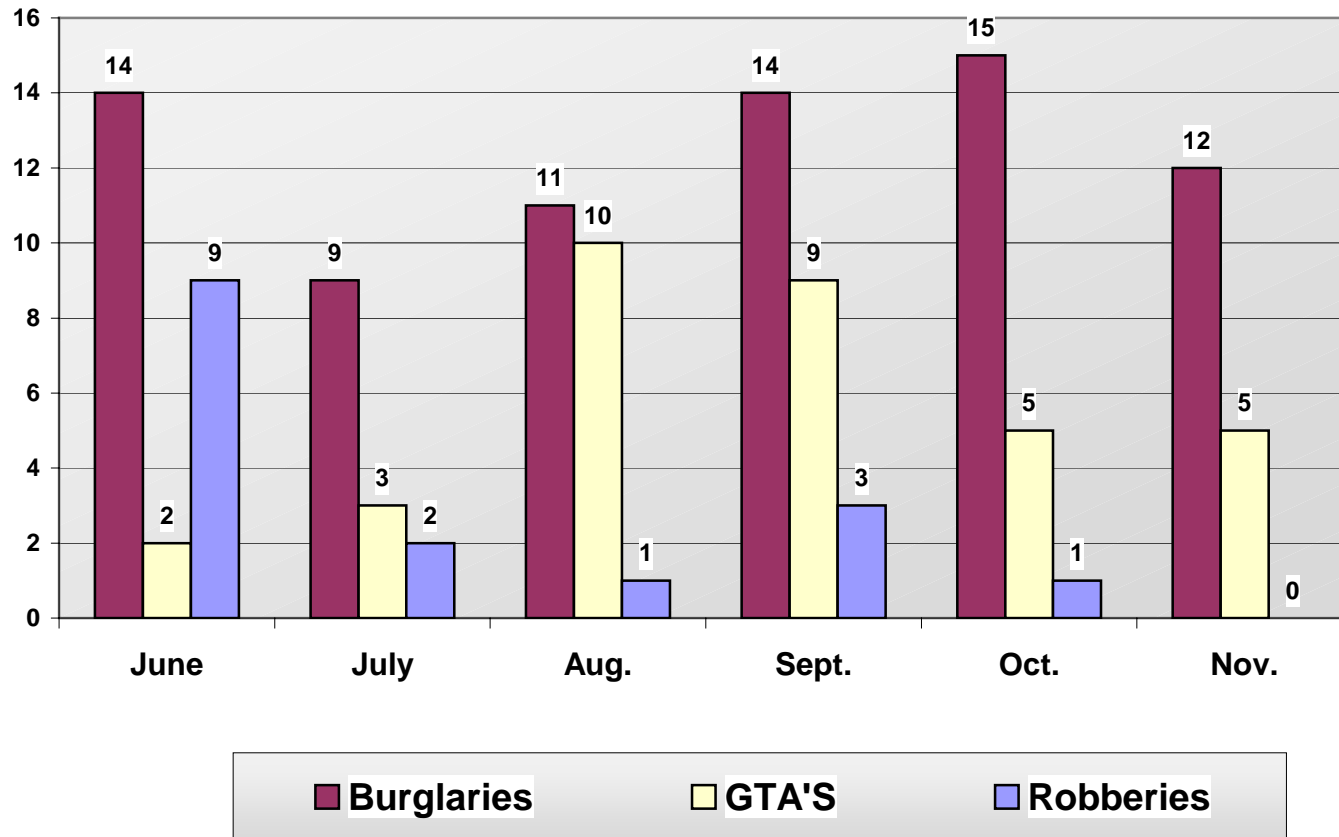
Twentynine Palms Accidents



Twentynine Palms Calls For Service



**Twentynine Palms
July 2004 to Nov. 2004**



**CITY OF TWENTYNINE PALMS
POLICE DEPARTMENT
MONTHLY MANAGER'S REPORT**

STATISTICS FOR DECEMBER 2004

	Current Month	Previous Year	%Deviation	Avg. Month	FYTD
PATROL STATISTICS					
CALLS FOR SERVICE	1063	1142	-6.92%	1253	7517
REPORTED CRIMES					
Part I	42	45	-6.7%	55	327
Part II	167	169	-1.2%	169	1011
Total	209	214	-2.3%	223	1338
CASES CLEARED					
Total	182	188	-3.2%	204	1224
Percentage	87.08%	87.85%	-0.88%	91.48%	91.48%
CLEARED BY ARREST - ADULT					
Part I	23	20	15.00%	33	198
Part II	150	160	-6.25%	161	964
CLEARED BY ARREST - JUVENILE					
Part I	4	1	300.00%	4	22
Part II	5	7	-28.57%	7	40
TRAFFIC STATISTICS					
P.D.O	10	12	-16.67%	8	50
Injury	9	8	12.50%	4	22
Fatal	0	0	0.00%	0	1
Private Property	4	4	0.00%	1	8
TOTAL	23	24	-4.17%	14	81
TRAFFIC CITATIONS					
Hazard	23	28	-17.9%	50	299
Non-Hazard	60	93	-35.5%	91	547
TOTAL	83	121	-31.4%	141	846
D.U.I. ARRESTS	9	4	125.0%	8	48
RESPONSE TIMES		CURRENT YEAR		PREVIOUS YEAR	
Emergency Response	*2.83MIN		4.64 MIN		
Non-emergency Response	**21.77 MIN		16.70 MIN		
Average Handling Time	38.8 MIN		38.0 MIN		
PROACTIVE PATROL	TARGET RANGE		% USED		
56.57%	35 - 100%		36.47%		

* Responded to 5 calls
**Responded to 356 calls

VOLUNTEER HOURS: **TOTAL:** 284

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

PATROL SUMMARY:

During the month of December, the City patrol officers responded to 1063 calls for service. We wrote 209 reports and cleared 173 Adult crime cases and 9 Juvenile crime cases by arrest.

We currently have 9.3 patrol officers assigned to the City. Our proactive patrol time for December was 56.57%. Of that, 36.47% was productively used in officer-initiated activity.

INVESTIGATIONS SUMMARY:

The City Investigator was assigned 19 new cases this month. In addition to these new cases, there are 18 cases being investigated. In December, 4 case(s) were cleared by arrest, 12 case(s) was cleared by exceptional means, and 2 case(s) were inactivated. There have been 415 year to date cases assigned to the City Investigator.

TRAFFIC SUMMARY:

City patrol officers issued 83 traffic citations and arrested 9 person(s) for driving under the influence.

We investigated 23 traffic collisions; of these, 10 involved property damage only and 4 accident occurred on private property. There was 9 accident(s) involving injuries and -0- accident(s) with fatalities.

Our enforcement index was 4 : 1 based on a total of 9 DUI's and 23 hazard citations with a total of 9 injury/fatal collision.

SPECIAL TRAFFIC OPERATIONS:

On 12/9/04, Deputies conducted Traffic Enforcement in the City of Twentynine Palms, which resulted in 7 citations being issued and 2 arrests.

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 12/05/04, Deputies along with the Department of Alcohol & Beverage Control conducted an undercover operation, which resulted in 8 arrests for furnishing alcohol to a minor under the age of 21.

On 12/8/04, Deputies conducted a Special Narcotics Enforcement Operation with NCIS.

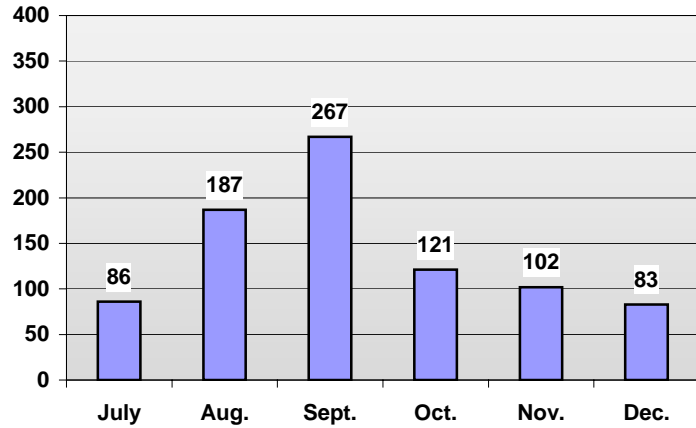
SPECIAL JUVENILE ENFORCEMENT PROJECTS:

There were no Special Juvenile Enforcement Projects in the City of Twentynine Palms for the month of November.

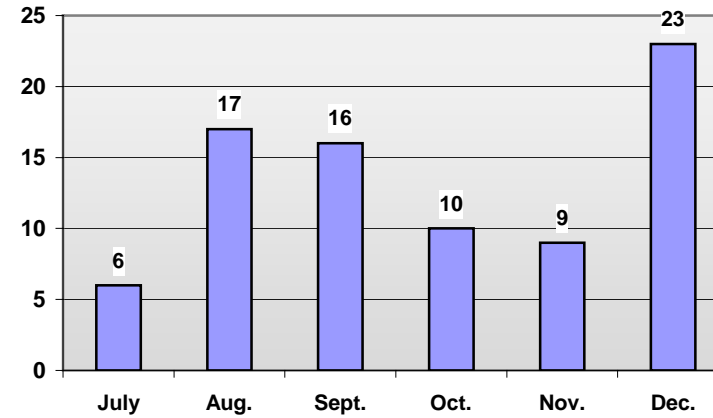
CITY OF TWENTYNINE PALMS CITIZEN PATROL UNIT:

The Citizen Patrol Unit volunteered a total of 284 hours; -0- hour(s) in training, 13 hours in administrative duties, 173 hours on patrol, 22 hours in community service, and 76 hours of miscellaneous duties.

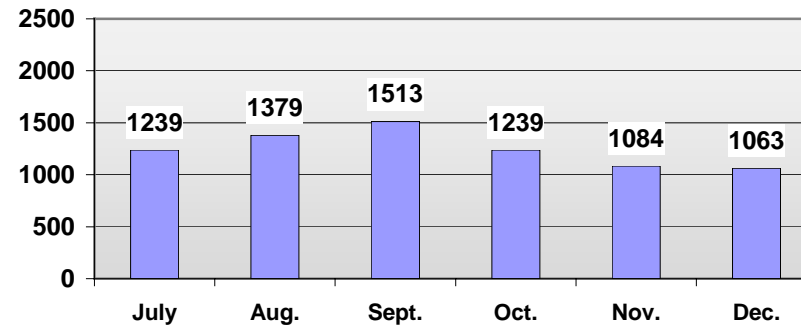
Twentynine Palms Citations



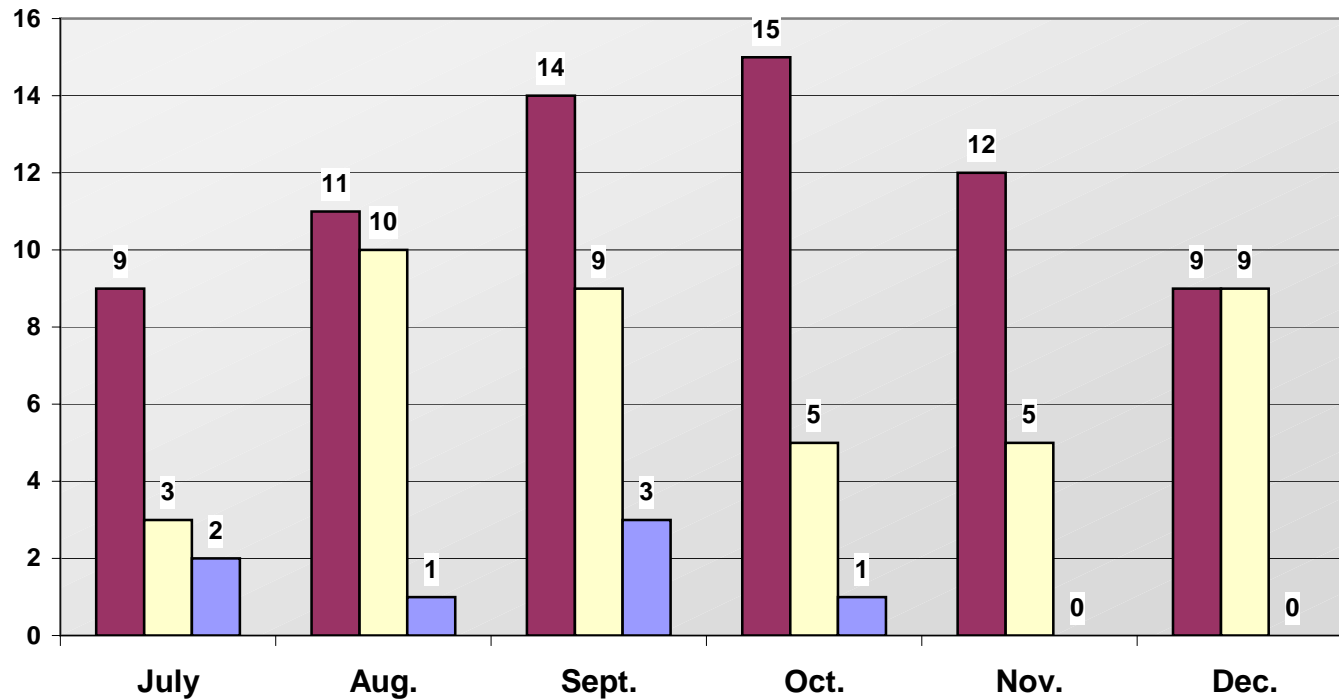
Twentynine Palms Accidents



Twentynine Palms Calls For Service



**Twentynine Palms
July 2004 to Dec. 2004**



Burglaries **GTA'S** **Robberies**

Twentynine Palms Chamber of Commerce
Phone Call/Visitor Breakdown for the Month of August 2004

Subject	Phone Calls	Walk-Ins
Assemblyman Bogh Luncheon	28	
Action Council (Post Cards)		8
Adopt a Marine	1	
Art Galleries	3	1
BLM land	2	
Camping	2	2
Chamber Business	99	13
Chamber Gift Certificates	18	
Children's Christmas Activities	1	
Demographics	2	
Directions	4	2
Email Inquiry	10	
Entertainment	2	
Gift Shop		13
Government	3	1
History		5
Information 411	43	
Internet Access		7
Joshua Tree N.P.	7	47
Light Parade	59	48
Lodging	7	3
Maps	6	18
Marine Corps Base	10	
Marketing		1
Meeting Places	1	
Miscellaneous	37	27
Missing Person	2	
Mixers	24	3
Movers	1	
Murals	2	18
Newspaper	1	
Off road rentals	1	
Packet Requests (Relocation)	7	5
Phone Books		10
Porker Run for Toys for Tots	23	
RealtorsRentals, Homes, Apartments, Business	5	3
Reporters		1
Restaurants	2	4
Road Conditions		2
Storage facilities	1	
RV Parks	4	
Sunrunner Magazine	2	
Transportation	5	2
Toys for Tots	18	
TV reception (lack of)	4	
Youth Club	1	
TOTAL	448	244

Packets Mailed

13

TWENTYNINE PALMS CHAMBER OF COMMERCE AND VISITORS BUREAU

MONTHLY RECAP REPORT: DECEMBER 2004

The Chamber records show yearly increase contacts being handled by Chamber staff. Contacts increased 33% from 2003 to 2004. Note the Web Count, this date we have had over 2600 hits since November. This is especially exciting, as it is another way to establish measurement of expanding interest of the Twentynine Palms area.

VISITOR SERVICES

New information/publications available in the Visitor Center include:

- *RV Journal, Winter 2004/2005;
- *Information sheet from Sky & Telescope for star/comet watching information;
- *The Sun Runner December 2004-January 2005 Entertainment Magazine;
- *Pamphlet on use of USMC Moto Mail Service;
- *29-Palms Marine Air Ground Task Force Training Command quick reference map;
- *MCCS Events Guide and Directory;
- *California Wildlife "Creating Partnerships for Nature Tourism" sign up sheet;
- *Creating favorite listings on Visitor Computer to include weather/road conditions, lodging, hiking, restaurants etc;
- *GSA Consumer Information Catalog;
- *January 2005 Edition of Chamber News.

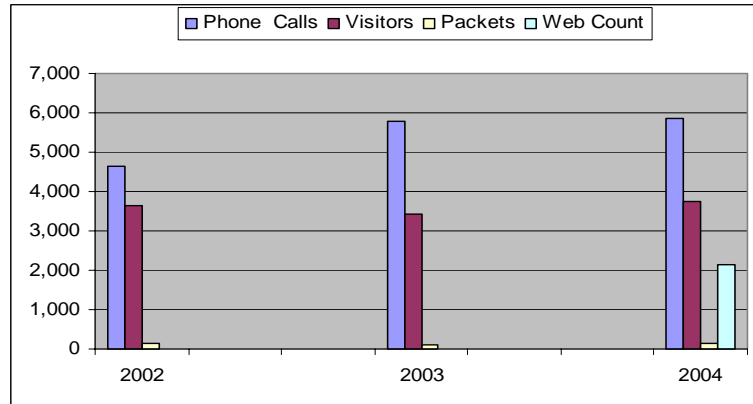
Gift Shop -

- Chamber sold over \$3,000.00 in the Certifichек program in December.
- T-shirts were the biggest item sold with City Maps coming second.

Contact Statistics: December 2004:

Phone Calls: 448
 Visitors: 244
 Web Count: 1,466
 Information Packets Mailed: 13

	Phone Calls	Visitors	Packets	Web Count
2002	4,651	3,660	154	0
2003	5,789	3,424	106	0
2004	5,846	3,756	131	2,153



MEMBER SERVICES

During December 2004:

- 1 new member
- 2 renewals

Membership currently totals 262.

Note: Most member renewals occur during June & July of each year.

Networking Opportunities:

Partnered and participated in Toys for Tots Poker Run.

December Mixer was held at Crossroads Christian Bookstore on December 16th.

January Mixer will be held at the Joshua Tree National Park Headquarters, 74885 National Park Drive, 29 Palms, from 5:00p.m. to 7:00p.m.

Luncheon with base PAO staff, City members and Chamber members to get acquainted.

Partnered with 29 Rotary and Small Business Education to present Assemblyman Russ Bough. Excellent turnout of approximately 80 attendees.

Preparing partnership with 29 Rotary and Small Business Development to present David Torres, attorney and President of the Employer's Advocacy Group, *January 19, 12 noon @ Theater 29. Please RSVP 367-3445.*

Complaint Mediation

- Woman complained that ordered fax was delivered to her and was not informed of how to use it as requested at time of order. Merchant stated that they had "tried" to instruct to her, however, "she never had or would take the time." Complainant refused instruction when merchant called to follow through on complaint.

Website www.29chamber.com

The Employment Page is up on the Website. It includes links to MCCS, SOS, CalJobs, CMC, Desert Trail, Hi-

Desert Star and Virtual 29. On CalJobs and Virtual 29 sites, job seekers can post their resumes as well as employers post open positions.

MARKETING

- Staff sent out e-mail to lodging merchants and handouts available at Chamber office regarding the "Sky and Telescope." This will foster our "dark sky" with getting to know the names of constellations and planets. It includes eight peak dates for Meteor Showers in 2005. Staff also included the Almanac readings for 29 Palms which also contains the International Space Station visibility predictions for December and January.
- Chamber staff helped prepare preliminary program for California Watchable Wildlife Project to be held January 7th, at the 29 Palms Historical Society.
- Chamber staff updated the Marine Parents site for travel plans to 29.

TOURS, CONFERENCES & MEETINGS

- Ms. Flanagan has completed her Power Point presentation regarding Rural Tourism. Arrangements for presentation to Chamber's Roundtable Session at the end of January are pending. Joshua Tree Chamber has invited Ms. Flanagan's presentation scheduled for January 11th.
- A continuing analysis of websites and publications concerning our area and their amenities are being critiqued and documented. New information has been provided to update the visit29.org website on an ongoing basis.

OTHER MARKETING

- Articles have been submitted to Blend magazine for spring edition for approval.
- All articles that were submitted to the RV Journal by Chamber staff were printed in the Winter 2004/2005 edition.
- The following articles highlighted Twentynine Palms area and events:
 - - a) Blend Magazine
 - b) Sun Runner Magazine
 - c) RV Journal
- Continue to identify local publications and travel-related publications and sites to target the Twentynine Palms area.

BUSINESS & ECONOMIC DEVELOPMENT

Chamber staff is earnestly researching the web for Marine Family sites to update any and all information needed to get and/or stay in Twentynine Palms.

LEGISLATIVE AFFAIRS

- Assemblyman Russ Bough presented a Townhall meeting sponsored by the Rotary Club, Small Business Development and Chamber. Meeting was well attended.
- Chamber staff is committed to keep merchants/employers up to date with new labor and Workers' Comp rules and regulations.

MILITARY AFFAIRS

- General and Mrs. Zilmer will host a "Thank You to Local Merchants" in February (date to be announced).
- M.A.C. Assistance Fund
The Chamber has continued to maintain a small fund of donated monies which has been set aside to assist military personnel and their families with urgent needs. Military personnel are eligible to apply for assistance upon referral from the Navy/Marine Corps Relief Society.

EVENTS

The 10th Annual Light Parade was a great success. The parade consisted of 24 entries. There was an immense turnout of curb huggers to ooh and ahh as Santa and lights traveled down Adobe and Highway 62.

January 4th, field trip is planned with Sky's the Limit Committee to the Lewis Center. A tour the observatory and discussion of plans for the Twentynine Palms location is on the agenda.

Why does rush hour have the slowest traffic?

City of Twentynine Palms
Treasurer's Report
November 30, 2004

Depository	Term	Matures	Interest Rate	Amount	Market Value	Percent of Total
Petty Cash	On Hand		N/A	\$520	\$520	0.01%
PFF Bank & Trust Checking account	Demand		0.10%	\$226,433	\$226,433	3.72%
Pacific Western Payroll Account	Demand		0.51%	\$47,442	\$47,442	0.78%
Local Agency Investment Fund	Demand		2.00%	\$5,445,400	\$5,445,400	89.55%
Total City Funds				<u>\$5,719,795</u>	<u>\$5,719,795</u>	<u>94.06%</u>
Funds Held in Trust:						
Employee deferred compensation	N/A		N/A	<u>\$361,300</u>	<u>\$361,300</u>	<u>5.94%</u>
Total Funds in the Treasurer's Custody				\$6,081,095	\$6,081,095	100.00%



STAFF REPORT

January 25, 2005

To: City Council via City Manager
From: Finance Director
Subject: Article 8 Claim

Attachments

Claim Form
Financial Reporting Form
Project Listing

RECOMMENDATION

The City Council authorize the filing of a Local Transportation Fund (LTF) Article 8, Local Streets and Roads Claim in the amount of \$447,757.

DISCUSSION

Annually, the City is allocated Local Transportation Funds to accomplish various street projects within the City. These funds can be used for a variety of street and road purposes, including widening streets or installing curbs, gutters and sidewalks or bikeways. This makes them more versatile than gas tax funds. The San Bernardino Associated Governments (SANBAG) administers the funds, and sends out application forms to the Cities each year. City Council approval of the application is required. Staff has prepared the application for the Council to review.

BACKGROUND

The LTF is financed by a .25% sales tax. The funds go through the state, the county, SANBAG and the MBTA before some of it filters down to the City. The funds are referred to as "Article 8". It is worth noting that in many counties, such as Los Angeles and Orange counties, staff and elected officials haven't even heard of Article 8 funds because the transit authority has first call on the funds, and they are taken for transit purposes before the cities see them. Fortunately, MBTA does not require all the LTF funds and the City receives these extra funds for transit-related expenditures.



STAFF REPORT

January 25, 2005

To: City Council via City Manager
From: Finance Director
Subject: City Annual Financial Report

RECOMMENDATION

The City Council receive and file the financial report.

BACKGROUND

The City Council has received, under separate cover, the financial statements for June 30, 2004. Staff recommends the Council review and file the statement.

The Comprehensive Annual Financial Report presents all the financial activities of the City for the year ended June 30, 2004 and the fund balances as of that date.

The report includes a lot of useful information. The auditors, opinion letter on pages one and two is unqualified, which means they found no material errors in the City's books. The statement of revenue and expenditures on page 18 shows that the City took in more than it paid out during the year.

The notes to the financial statements, beginning on page 24 tell a great deal about the City and its finances, and are worth the time it may take to read them.

During the course of their work, the auditors run across practices and procedures that, although not major, should be addressed. These items are detailed in a separate letter, also forwarded to the Council with the financial statements.

The letter refers to three items:

1. Vacation accruals in excess of those permitted in the personnel policy. The personnel policy is in the process of being updated, and methods of resolving this issue will be brought forward at that time.
2. The Capitalization Policy should be revised upward. Staff will bring a recommendation to the City Council to address this item by the end of May.
3. Fraud Risk Assessment is a new procedure that is recommended by the rule-making bodies for auditors. The individual in charge of the City's audit is making this

recommendation to all his audit clients. Some auditing firms are handling it differently, but from a survey, it has been determined that most auditors are addressing this issue. Staff will prepare a fraud risk assessment program for City Council review.

Staff is available to answer any question you may have.



STAFF REPORT

January 25, 2005

To: Redevelopment Agency Board via Executive Director
From: Finance Director
Subject: Redevelopment Agency Annual Financial Report

RECOMMENDATION

The Board receive and file the financial report.

BACKGROUND

The Board has received, under separate cover, the Redevelopment Agency (RDA) financial statements for the fiscal year ended June 30, 2004. Staff recommends the Board review and file the statements.

To briefly review, the RDA receives most of its income from tax increment. The tax increment results from the increase in property values since the inception of the Agency. Twenty percent of the amount received is set aside in a separate fund for improvements affecting low-to-moderate income housing. One of the major expenditures of the RDA is the pass-through of some of the taxes collected, back to the original taxing agencies (school, water, cemetery districts etc).

The RDA is also included as part of the City financial statements. The purpose of a separate audit report is to monitor compliance with the California Health and Safety code, which governs RDAs.

Page 27 of the report discloses two items of non-compliance, and the Agency responses.

Item 1: Blight Progress Report. Staff is working to prepare this report on a yearly basis.

Item 2: Time limit on indebtedness. Staff will work with the Agency attorney to amend the Redevelopment Plan.

Staff is available to answer any questions you may have.



STAFF REPORT

January 25, 2005

To: City Council via City Manager
From: Finance Director
Subject: Check Signers

Attachment

Resolution No. 05-01

Recommendation:

The City Council Adopt Resolution 05-01, authorizing check signers and other banking authority.

Discussion:

About every two years it becomes necessary to change the check signers on the City's bank accounts. In the past, the Mayor, Mayor Pro Tem, one other Council Member and the City Manager (who is also the Treasurer) were the signers. Occasionally, when several of the signers were out of the city at the same time, it has been difficult to find two signers. Staff is proposing that all City Council Members be check signers to ease the problem of finding a signer.

The resolution also includes authorization for the Finance Director and the City Manager to initiate cash transfers. The transfers are made between money market and checking accounts within each bank, not from one bank to another. This is generally used so money is in the money market account when it is not needed immediately, and transferred to checking when checks are going to be written.

The Finance Director also makes transfers to and from the Local Agency Investment Fund, where we receive a higher rate of interest. The banks are not set up to do these transfers by phone or internet at this time, but may be some time in the future.

Lastly the resolution emphasizes that transfers can only be made within these specific accounts so the funds will remain under City control.

RESOLUTION NO. 05-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS AUTHORIZING PERSONNEL TO SIGN CHECKS AND PERFORM SUCH OTHER TASKS NECESSARY TO CONDUCT THE FINANCIAL AFFAIRS OF THE CITY

WHEREAS, the City of Twentynine Palms currently has both checking and money market accounts in the two banks doing business within the City, specifically, PFF bank and Trust, and Pacific Western Bank; and

WHEREAS, the City issues checks to vendors weekly, and occasionally, checks need to be signed on short notice; and

WHEREAS, Funds are transferred between accounts within each bank and between the banks and the Local Agency Investment Fund.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Twentynine Palms as follows:

SECTION 1. The City Council of the City of Twentynine Palms designates Pacific Western Bank and PFF Bank and Trust as the institutions to perform the following banking services for the City of Twentynine Palms;

- A. Accounts Payable Checking Account
- B. Payroll Checking Account
- C. Money Market Accounts

Any two persons holding the following offices are hereby authorized to sign checks on these accounts;

- 1. Mayor
- 2. Mayor Pro Tem
- 3. City Council Member
- 4. City Manager/Treasurer

SECTION 2. The City Manager/Treasurer and the Finance Director are hereby authorized to make telephone and internet wire transfers between any of the above bank accounts and the Local Agency Investment Fund.

SECTION 3. The City Manager/Treasurer and the Finance Director are hereby authorized to make transfers between accounts within each bank individually, either by telephone or on the internet, and to make inquiries regarding the bank balances and account activity.

SECTION 4. No part of this resolution is intended to authorize any person to make any transfers of funds (money) to any bank or investment account other than those specifically referred to above, except by a City check or a bank form signed by those persons authorized to sign under section 1 of this resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of Twentynine Palms this 25th day of January, 2005.

Dawn Benton, Jr., 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 25th day of January, 2005, by the following vote of the Council:

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

Charlene Sherwood, City Clerk



STAFF REPORT

6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799 • Fax (760) 367-5400
commdev@ci.twentynine-palms.ca.us

To: City Council via City Manager
From: Community Development Director
Date: January 25, 2005
RE: PC 04-66

Letter of Public Convenience and Necessity for Young's Liquor and Deli (formerly 29 Palms Convenience Store) 3668 Adobe Road, transferring ownership to Young Kim and changing license classification from Type 43 to Type 21.

RECOMMENDATION: Direct staff to issue the Letter of Public Convenience and Necessity.

BACKGROUND: Kim Young has submitted an application to the state Alcoholic Beverage Control (ABC) for a change of ownership and change of license classification for the existing facility located in the Himalaya Plaza, northwest corner of Indian Trail and Adobe Road. Per ABC requirements, a Letter of Public Convenience and Necessity, issued by the City Council, is required.

Attachments

- Draft Letter of Public Convenience and

The existing license is a Type 43 that allows for on sale consumption and sale of beer and wine. The proposed change is to transfer the license to Young Kim and change the classification to Type 21 that allows for sale of beer, wine and liquor; onsite consumption is not allowed under a Type 21 license.

ABC requires that the applicant receive a Letter of Public Convenience and Necessity from the City. If the letter is denied by Council, the transfer of ownership of the license (and therefore the change of the license's classification) will not be approved by ABC. Section 23958.4 of the Business and Professions Code requires that the Council determine if the proposed facility is necessary for the convenience of the public. Pursuant to the City's policy, Council must consider this matter and take action to approve or deny the request.

Staff contacted the Sheriff's Department; after researching the call history of the location and the call history of the applicant's other facility (Twentynine Palms Liquor, 73777 Twentynine Palms Highway), the Department expressed no concerns regarding issuance of the letter for the transfer of ownership.

To issue the letter, the City must make both of the following findings: 1) that the proposal will provide for the convenient patronage of the public where that convenience does not already exist in the immediate area, and 2) that there is a need in the community for the facility.

The City Council may, 1) make the two required findings and direct staff to prepare and deliver the Letter of Public Convenience and Necessity, 2) deny the request, or 3) continue the matter to a future date to allow the Council additional time for consideration of the issues.



STAFF REPORT

6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799 • Fax (760) 367-5400
commdev@ci.twentynine-palms.ca.us

To: City Council
From: City Manager
Date: January 25, 2005
RE: Resolution No. 05-03 affirming the selection of Mayor Benton and Mayor Pro Tem Spear.

RECOMMENDATION: Adoption of Resolution No. 05-03.

BACKGROUND: At the December 14, 2004 meeting, the City Attorney advised Council of a technicality in state law that created a question as to whether the Mayor and Mayor Pro Tem could be selected on the same date as they were seated. The City Attorney advised that, if the selections were to be made at the December 14th meeting, it would be prudent to affirm the selections at a future meeting to ensure that the City is compliant with state law. Accordingly, draft Resolution No. 05-03 is presented for adoption.

Attachments

- Draft Resolution No. 05-03

Council action to adopt Resolution No. 05-03 formalizes and finalizes the selection made by Council at the December 14, 2004 meeting.

RESOLUTION NO 05-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, FORMALIZING AND FINALIZING SELECTION OF MAYOR AND MAYOR PRO TEM FOR CALENDAR YEAR 2005.

WHEREAS, on December 14, 2004, the City Council of the City of Twentynine Palms selected Dawn Benton, Jr., as Mayor for 2005; and

WHEREAS, on December 14, 2004, the City Council of the City of Twentynine Palms selected Steve Spear as Mayor Pro Tem for 2005; and

WHEREAS, the City Council, in adoption of Resolution 05-03, affirms the Mayor and Mayor Pro Tem selections.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Twentynine Palms as follows:

The City Council formalizes and finalizes its selection of Dawn Benton, Jr. as Mayor for 2005 and its selection of Steve Spear as Mayor Pro Tem for 2005.

PASSED, APPROVED AND ADOPTED this 25th Day of January 2005.

Dawn Benton, Jr., Mayor

STATE OF CALIFORNIA)
)ss
CITY OF TWENTYNINE PALMS)

I, Charlene L. Sherwood, City Clerk of the City of Twentynine Palms, DO HEREBY CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the City Council on the 25th day of January, 2005, and carried by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST:

Charlene L. Sherwood, City Clerk



STAFF REPORT

January 25, 2005

Attachment

Resolution No. 05-04

To: City Council via City Manager
From: Finance Director
Subject: Pre-tax Payroll Deduction Plan For Service Credit Purchases

RECOMMENDATION

The City Council adopt Resolution 05-04.

BACKGROUND

City Employees are permitted by PERS to buy extra time credit for their retirement. For instance, if an employee were planning on retiring after 20 years of service, he or she could buy enough time to have their retirement calculated on 24 years.

The extra cost of this benefit would be calculated by the PERS actuaries, and the cost could be paid to PERS over several years through payroll deductions. This amendment to the contract allows the funds deducted from the employee to be pre-tax dollars, similar to the way the City's deferred compensation plan is now handled.

The change is for the benefit of the employees, and is not a cost to the City.

RESOLUTION NO. 05-04

**EMPLOYER PICKUP RESOLUTION
PRE-TAX PAYROLL DEDUCTION PLAN
FOR SERVICE CREDIT PURCHASES
(CONTRIBUTION CODE 14)**

WHEREAS, the Board of Administration of the California Public Employees' Retirement System (CalPERS) at the April 1996 meeting approved a pre-tax payroll deduction plan for service credit purchases under Internal Revenue Code (IRC) section 414(h)(2); and

WHEREAS, the City of Twentynine Palms {Employer} has the authority to implement the provisions of IRC section 414(h)(2) and has determined that even though implementation is not required by law, the tax benefit offered by this section should be provided to those employees who are members of CalPERS; and

WHEREAS, the City of Twentynine Palms {Employer} elects to participate in the pre-tax payroll deduction plan for all employees in the following CalPERS coverage group(s):

{Membership Coverage Group(s)}

Miscellaneous

NOW, THEREFORE, BE IT RESOLVED:

- I. That the City of Twentynine Palms {Employer} will implement the provisions of IRC section 414(h)(2) by making employee contributions for service credit purchases pursuant to the California State Government Code on behalf of its employees who are members of CalPERS and who have made a binding irrevocable election to participate in the pre-tax payroll deduction plan. "Employee contributions" shall mean those contributions reported to CalPERS which are deducted from the salary of employees and are credited to individual employee accounts for service credit purchases, thereby resulting in tax deferral of employee contributions.
- II. That the contributions made by the City of Twentynine Palms {Employer} to CalPERS, although designated as employee contributions, are being paid by the City of Twentynine Palms {Employer} in lieu of contributions by the employees who are members of CalPERS.
- III. That the employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the City of Twentynine Palms {Employer} to CalPERS.

IV. That the City of Twentynine Palms {Employer} shall pay to CalPERS the contributions designated as employee contributions from the same source of funds as used in paying salary, thereby resulting in tax deferral of employee contributions.

V. That the effective date for commencement of the pre-tax payroll deduction plan cannot be any earlier than July 1, 1996, or the date the completed resolution is received and approved in CalPERS, whichever is later.

VI. That the governing body of the City of Twentynine Palms {Employer} shall participate in and adhere to requirements and restrictions of the pre-tax payroll deduction plan by reporting pre-tax payroll deductions when authorized by CalPERS for those employees of the above stated Coverage Group(s) who have elected to participate in this plan.

PASSED AND ADOPTED by the governing body of the City of Twentynine Palms {Employer} this 25th day of January, 2005. {year}

BY _____
(Signature of Official)

(Title of Official)

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. 05-04 was duly and regularly adopted by the City Council at a regular meeting of the City Council on the 25th day of January, 2005 by the following vote:

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

Charlene L. Sherwood, CMC, City Clerk



STAFF REPORT

6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799 • Fax (760) 367-5400
commdev@ci.twentynine-palms.ca.us

To: City Council via City Manager
From: Community Development Director
Date: January 25, 2005
RE: PC 04-62
Review of Chapter 19.36, Home Occupation Permits

RECOMMENDATION: Discuss and provide Planning Commission and staff direction

BACKGROUND: Per the City's Development Code, certain types of businesses can be operated under a Home Occupation Permit in a residential land use district. Typically, these are businesses that do not generate significant amounts of traffic and, because impacts are minimal, they exist without diminishing the quality of residential areas. The regulation of home-operated businesses is contained in Chapter 19.36 of the Development Code, *Home Occupation Permits*. This Chapter was originally adopted by the Council as Ordinance No. 73 on January 23, 1990 and has since been codified into the Development Code as Chapter 19.36.

Attachments

- Development Code Chapter 19.36

At the December 14, 2004 meeting, Council requested an opportunity to review and discuss operating standards contained in Section 19.36.070 of the Development Code.

Staff recommends that Council discuss Chapter 19.36, and provide direction on possible amendments to the Chapter so the matter can be taken before the Planning Commission for study and action.



STAFF REPORT

6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799 • Fax (760) 367-5400

To: City Council
From: City Manager
Date: January 25, 2005
RE: Repeal of Resolution 04-01 establishing a procedure for placing an item on the City Council meeting agenda

RECOMMENDATION: Discuss and consider action to repeal Resolution 04-01.

BACKGROUND: At the January 13, 2004 meeting Council adopted Resolution No. 04-01 which provides a means of placing items on the Council agenda. During the December 14, 2004 meeting, Council requested an opportunity to review the policy and consider revising the policy or repealing the resolution.

Attachments

- Resolution 04-01

Repeal of Resolution by minute action means that any member of the Council may place an item on a future Council agenda.



STAFF REPORT

6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799 • Fax (760) 367-5400
commdev@ci.twentynine-palms.ca.us

To: City Council via City Manager
From: Community Development Director
Date: January 25, 2005
RE: PC 04-53
Review of General Plan Land Use and Circulation Plans, right-of-way dedications and fees.

RECOMMENDATION: Conduct the Study Session and provide staff direction.

BACKGROUND: At the December 14, 2004 meeting, Council requested an opportunity to review existing methods by which the City obtains public rights-of-way.

Attachments

- City Attorney Memo

Road dedications are the legal means through which the City ensures legal access to properties. As land is divided through the subdivision process, the developer is required to provide road dedications per the established standards. Numerous properties in our city were created prior to incorporation without the necessary road dedication. In other cases, a road dedication exists but it is not the width established by the Council as the standard for the road.

To secure rights-of-way, Council has adopted policies in the General Plan and Development Code that staff implements as subdivisions are proposed and as development occurs on existing properties. While this does not solve all existing problems—that is, it does not create the needed rights-of-way throughout the City—it does secure the rights-of-way one property at a time (as development occurs) and prevents structures from being built in a future right-of-way or in a manner that is not consistent with the General Plan. Roadway development standards are found in Exhibit D on pages II-14 and II-15 of the General Plan. This exhibit shows the required width of road dedications and the width of the actual road when constructed. The Circulation Plan also classifies all roadways in the City; the classifications are Expressway, Arterial, Collector, and Local.

Per Section VII on page II-25 of the City's Circulation Plan in the General Plan, adopted by Council on May 25, 2004, rights-of-way are to be secured for new development and for intensifications of existing development. The section states:

SECURING RIGHT-OF-WAY

The inconsistent securing of adequate right-of-way prior to development can result in irregular paved road widths, reduction in roadway capacities, and limitations of the long-term viability of road segments. As the City plans for future growth, securing adequate right-of-way is a priority. For all new development and intensifications of existing

development, right-of-way needs and solutions shall be pursued in accordance with the Circulation Plan.

This requirement is also reflected in Goal #1 on page II-47 of the Circulation Plan of the General Plan. The #1 Circulation Plan goal is:

A circulation network to safely move people and goods to and through the City.

The stated purpose of Goal #1, as adopted by Council, is the safety of all residents and visitors. As required by State law, the General Plan contains policies and programs to implement the goals established in the General Plan. Policy #1.2, under Goal #1 is:

Quality standards will be applied to all new and reconstructed roadways as development occurs.

The policy is implemented through programs identified in the General Plan. Per Circulation Plan Program 1.2.1:

Streets will be constructed per standards established in the Circulation Plan when new projects are constructed or existing uses are intensified.

The above policy is also reflected in each of the zoning chapters of the Development Code. Chapters 19.07, 19.08, 19.09, 19.10, 19.12, 19.14, and 19.15, adopted by Council October 14, 2003, cover all land within the City. The Development Code sections are entitled, “Street Dedications and Improvements” and they state, in part:

Before building permits are issued for the construction of a structure or improvement which would result in an increase or change in vehicular and/or pedestrian traffic, the dedication of additional right-of-way and construction of required street improvements shall be required in accordance with the General Plan Circulation Element.

The Development Code also has text regarding the requirement for road dedications in cases where a property is intensified, whether or not a building permit is required for the development. (For a definition of *Intensification of Use*, see page 06-17 of the Development Code). An intensification of use can occur in the case of a new use being introduced to an existing building. Additionally, the Approval Authority—either Planning Commission or City Council—is required to make specific findings before approving a use permit such as a Minor Use Permit, Conditional Use Permit or Site Plan Review. Section 19.30.060 of the Development Code, for example, provides the required Findings for Approval for Conditional Use Permits. The section states, in part:

Prior to approving a Conditional Use Permit as prescribed by this Chapter, the Planning Commission shall make the following findings:

- A. That the proposed design and location of the conditional use and the conditions under which it will be operated are in accordance with the purpose of this Development Code, the zoning regulations applicable to the site, the City of Twentynine Palms General Plan, and other applicable development policies and standards of the City; and

- B. That the proposed design and location of the conditional use and the conditions under which it will be operated will not be detrimental to the public health, safety, or welfare, or materially injurious to uses, properties or improvements in the vicinity...

Based on the text in the General Plan and Development Code, staff requires a property owner to provide a road dedication when, 1) land is divided therefore creating new lots, 2) new development is proposed and the new development requires a building permit, or 3) a change of the use of a property is proposed that meets the definition of intensification as contained in Chapter 19.06 of the Development Code.

Legal Issues

The courts have upheld a city's requirement for road dedications so long as there is a nexus between the requirement and the development and there is a rough proportionality or reasonableness with regard to what is being required. Per the City's existing policy, the road dedication requirement is triggered by either development or intensification.

Development could be a new structure or expansion of an existing structure. A garage or carport, for example, provides for additional vehicles. The addition of a room to a home increases the potential occupancy. Because there is a nexus, the requirement can be defended if challenged.

We are also required to ensure that there be a reasonable relationship between what is being required and the actual development. For example, we could not require a citizen to build a portion of a major roadway just because they came in to get a building permit for a garage. If, on the other hand, they were proposing to establish a trucking business in an existing location, the City could require development of the adjacent streets because a reasonable argument can be made that there is not only a nexus (improved street to accommodate newly induced truck traffic) but also that there is a reasonable relationship, with regard to cost, between what is being proposed and what is being required to facilitate the new traffic.

Prior to adoption of the Development Code and General Plan, the City Attorney reviewed the policies stated above and concurred with the policy that eventually was adopted. As a result of the interest that has been expressed in this policy, the City Attorney has revisited the issue and has again stated that there are no legal concerns with requiring road dedications as a condition of a building permit. The City Attorney does recommend that the City perform a case-by-case analysis to ensure that the requirement for a road dedication meets the requirements of nexus and rough proportionality. A detailed discussion on this is contained in the City Attorney's attached memo.

Circulation Subcommittee

Councilmembers Cole and Spear were selected by Council to serve on a Circulation Subcommittee. The Subcommittee met on November 1, 2004 to review circulation issues. Following the discussion, the Subcommittee requested that staff present two matters to the Planning Commission for consideration and recommendation. The issues were, 1) roadway development standards, and 2) requirement for road dedications.

Planning Commission Recommendation

The Planning Commission reviewed the issues as requested by the Subcommittee at their November 16, 2004 meeting. Following review of the roadway development standards in the

General Plan (Circulation Plan Section V beginning on Page II-12), the Planning Commission recommended that they be retained as is, no modification recommended at this time.

Regarding road dedications, the Planning Commission recommends that dedications be a requirement for issuance of a residential building permit if the permit is for a change of footprint of 200 square feet or more. For commercial, institutional or industrial uses, the requirement is triggered by any expansion of footprint or as a condition of approval for a Minor Use Permit or Conditional Use Permit.

The Planning Commission's recommendation was formulated prior to staff receiving the City Attorney's recommendation that a case-by-case analysis be conducted. By adding the City Attorney's recommendation of a case-by-case analysis to the Planning Commission's recommendation, staff would be implementing a policy consistent with the General Plan, Development Code and state law.

The Planning Commission expressed concern regarding the \$100 fee that is charged for the review of road dedications. This fee is paid to the City Engineer for review of the legal description. Because it has the effect of charging people for providing a public right-of-way, the Commission recommends that Council amend the budget to include funding for the City Engineer's review. With the City's current level of building development, the City's cost would be about \$3600 per year. However, staff anticipates that building activity will double or triple in the next year, so the cost, if absorbed by the City, could be \$7000-\$10,000 annually.

Applicants are also required to design the road dedication. In some cases this is very simple and can be done by staff at the counter. Others, typically those involving a corner radius, the applicant is required to either have this expertise or hire the services a civil engineer. If council is concerned about this cost as a burden to citizens, direction could be provided to have the City Engineer prepare road dedications (for infill development) at the City's cost.

Summary

Staff recommends that Council incorporate the City Attorney's recommendation (for a case-by-case analysis) into the Planning Commission's recommendation and direct staff to implement the revised policy on future infill development. Council could also direct staff to have the City Engineer or other qualified engineer provide the design of road dedications at no cost to the applicant.