



STAFF REPORT

February 14, 2006

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 March 22-23, 2006 in Perris, California by Ritchie Brothers Auctioneers.

BACKGROUND:

Following 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.

The Hyster trailer has a cracked sub-frame and cannot be repaired due to DOT standards. The Interstate trailer is too narrow and short to allow equipment to be transported. The GMC stakebed truck has a bad motor along with a faulty breaking system.

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 placed in the Capital Equipment Fund.

Equipment	Serial Number
1970 Hyster Trailer	15286
2000 Interstate Trailer	1JKBST16XYA001284
1980 GMC Stakebed	1GTE6D1F8BV596365



STAFF REPORT

February 14, 2006

TO: City Council via City Manager

FROM: Bobby Matz, Public Works Superintendent

SUBJECT: Authorization to Purchase Tilt Equipment Trailer

RECOMMENDATION:

The City Council authorize the purchase of a Zeiman tilt equipment trailer from D3 Equipment in Fontana, and allocate funds in the amount of \$17,994.25 from Gas Tax account number 22-1004-4508.

BACKGROUND:

Since 2000, the Public Works Department has been using a 1970 Hyster tilt trailer to move equipment to various locations. Since then the sub-frame has developed cracks and cannot be repaired according to DOT standards.

Staff is recommending that the City Council approve the purchase of the Zeiman tilt trailer from D3 Equipment in the amount of \$17,994.25 and allocate funds from Gas Tax account number 22-1004-4508.

Bids for Tilt Trailer

D3 Equipment	\$ 17,994.25
Econoline	\$ 18,950.00
Hyster Trailer (phone quote)	\$ 26,115.08
Big Tex Trailers	No Bid

TWENTYNINE PALMS CHAMBER OF COMMERCE AND VISITORS BUREAU

MONTHLY RECAP REPORT: January, 2006

California Desert National Parks Workshop for Business Leaders held on January 24, 2006, was informative and well attended. The goal of the workshop was to develop initiatives that enable California Desert businesses and communities to work to improve funding for the California desert national parks.

Guest speakers representing various desert communities and businesses, representatives from Governor Schwarzenegger and Senator Feinstein's office were also present.

The Chamber's first meeting for downtown merchants had over 30 individuals in attendance. The purpose of the merchant meetings is to obtain recommendations and ideas regarding downtown revitalization, which will be forwarded to the City.

The Chamber Board of Directors and staff wish to thank the City for our new website. The site is professional looking and user friendly. The Content Management tool will be extremely useful in keeping the site updated ourselves.

Mr. Steve Brown, publisher of The Sun Runner has been appointed the Chamber Board of Directors. Mr. Brown will be sworn in on March 16, 2006, at the regular Board meeting.

VISITOR SERVICES

New information/publications available in the Visitor Center include:

- Chamber 29 News-February Edition
- February 2006 SBA classes;
- Keeping California Open for Business;
- EDD Sample Forms Guide;
- 2006 Labor Law Posters;
- "Within Reach," California State University, San Bernardino;
- Theatre 29's 2006 Season brochure;
- News Follies Flash.

Gift Shop -

- Sales in Gift Shop for December 2005: \$44.50

January New Members: 4

Total Chamber Members: 240

Contact Statistics: January 2006:

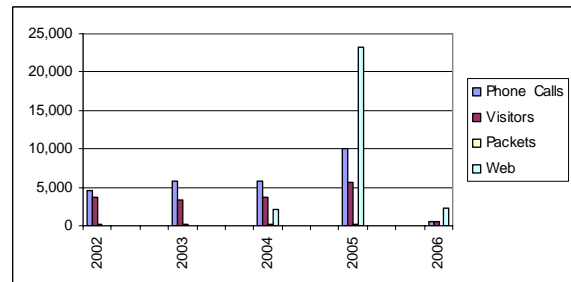
Phone Calls: 553

Visitors: 490

Web Count: 2,204

Information Packets Mailed: 9

	Phone Calls	Visitors	Packets	Web
2002	4,651	3,660	154	0
2003	5,789	3,424	106	0
2004	5,846	3,756	131	2153
2005	9,991	5,623	116	23,244
2006	553	490	9	2,204



MARKETING

- Chamber staff has completed a comprehensive e-mail listing of Coachella concierges, major US city travel agents and state Chambers of Commerce for e-news letters regarding events and things to do in the Morongo Basin;
- Preparing for submission of articles with information regarding Spring Events to newspapers, magazines, and clubs;

TOURS, CONFERENCES & MEETINGS

- Chamber and 29 Rotary partnership “State of the County” address by First District Supervisor Postmus, January 11, 2006;
- Chamber co-sponsored the California Desert National Parks Workshop for Business Leaders, January 24, 2006, Yucca Valley;
- Chamber Event committee met for planning stages of the Street Fair and Car Show;
- Chamber sponsored “Downtown Revitalization” meeting with downtown merchants, January 27, 2006, 7AM @ Wonder Garden Cafe;

OTHER MARKETING

Chamber will capitalize event information regarding the following:

- Additional “Downtown Revitalization” meeting will be held on Friday, February 10th, 7AM at the Wonder Garden Café.
- Mixer at City Hall, February 16, 5pm to 7pm;

The following articles highlighted Twentynine Palms area and events:

- *Tripadvisor, highlighted Sunnyvale Garden Suites and Circle C Lodge by travelers;*
- *“That looks like Joshua Tree to Me!” Flicker Photo Sharing;*
- *Googlism “Where is 29 palms?”*
- *Foto Time, photo essay on JTNP;*
- *JTNP Picture Page, sandy-travels.com;*
- *JTNP Trails, Trails.com;*
- *“There’s Something in the Rocks,” away.com*
- *Deployment at Twentynine Palms was aired on Weekend America, January 28th;*
- *“Beans in Twentynine Palms, beans-around-the-world.com;*
- *Tour the Oases (sic) of Palm Springs, DesertOnline.com;*
- *JTNP What to See and Do, ONroute.com;*
- *JTNP, americansouthwest.net;*
- *Twentynine Palms, 43places.com;*
- *Climb Joshua Tree National Park, totalescape.com;*
- *JTNP, gorp.away.com;*
- *LA Dog Lover’s Escapes, JTNP, gorp.away.com;*

- *Desert Delights: JTNP, Top 10 Winter Family Getaways, trip ideas away.com;*
- *Hostage training scenario tests PMO, dcmilitary.com;*
- *Economic Impacts of Visitor Spending JTNP, National Parks Conservation Association;*
- *Military, Twentynine Palms, Ca., globalsecurity.org;*
- *200 Mile Adventure Rides, Joshua Tree An American mystery, American Rider;*
- *“deserts”, California Official State Visitor’s Guide;*

NETWORKING

- “2005-2006 Chamber Business Plan” presented to Kiwanis, January 10, 2006;
- Chamber Staff participated in “Mock Interviews” @ High School, January 11th and 12th;
- Basin Wide Foundation Breakfast, January 5, 2006;
- Three Chamber Tourism Committee met January 18, 2006;
- California Desert National Parks Workshop for Business Leaders held on January 24, 2006,
- Curves Mixer, January 19th, 2006;
- O’Connor’s benefit dinner, January 19th, 2006.

BUSINESS & ECONOMIC DEVELOPMENT

- Chamber will sponsor “Downtown Revitalization” meeting with downtown merchants, February 10, 2006, 7AM @ Wonder Garden Cafe;

LEGISLATIVE AFFAIRS

MILITARY AFFAIRS

.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

- Chamber’s “Downtown Revitalization” meeting with downtown merchants, February 10, 2006, 7AM @ Wonder Garden Cafe;

- Chamber Board of Directors meeting, Thursday February 16th, 12 noon;
- Mixer at City Hall, February 16th 5pm-7pm;
- Reach Out 29's Parade of Homes, Sunday, February, 19th, 1pm-5pm

Twentynine Palms Chamber of Commerce
Phone Call/Visitor Breakdown for the Month of January 2006

Subject	Phone Calls	Walk-Ins
Action Council	2	
Art Galleries	8	
Bank	1	
Camping	13	30
Certifichecks		7
Chamber Business	96	72
Demographics	10	3
Directions	22	20
Email Inquiry	13	5
Entertainment	25	12
Gift Shop	8	9
Golf	5	10
Government	7	
Information 411	60	10
Internet Access		7
Job Information		2
Joshua Tree N.P.	43	17
Lodging	52	30
Maps	11	15
Marine Base	16	7
Marketing		
Miscellaneous	62	37
Mixers	4	3
Murals	4	20
Museum	2	
Newspaper	5	5
Packet Requests (Relocation/Visitor)	13	28
Phone Books		58
Pioneer Days	2	
RealtorsRentals, Homes, Apartments, Business	15	15
Restaurants	20	
Road Conditions	2	35
RV Parks	9	15
Street Fair/Car Show		
Sunrunner Magazine	6	7
Toys for Tots		
Transportation	17	
Weather		
Women of 29 Palms Calendars		11
TOTAL	553	490

Packets Mailed

9



STAFF REPORT

February 14, 2006

To: City Council via City Manager
From: Finance Director
Subject: Loans for Equipment Purchases

RECOMMENDATION

The City Council approve two actions:

1. For the Capital Purchases Fund, approve the loan of \$63,554.38 to the General Fund, and \$56,968.03 to the Gas Tax Fund.
2. For the General Fund and Gas Tax Fund, approve the acceptance of the loan and the terms.

BACKGROUND

The City Council, at the meeting of October 25, 2005 approved the purchase of two mowers for the parks to be purchased by the General Fund, and a tractor to be purchased by the Gas Tax Fund.

The staff reports did not mention financing, but the intent was for the Capital Purchases Fund to provide the loan financing, and for the loans to be repaid over a period of five years at the rate previously established of 2% over the monthly rate the City would receive on funds invested in the Local Agency Investment Fund of the State.

Action by the City Council will finalize the loans.

RESOLUTION NO. 06-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, AUTHORIZING ADJUSTMENTS TO THE BUDGET FOR FISCAL YEAR 2005 - 2006

WHEREAS, During the course of business for the fiscal year 2005 – 2006 the City Council authorized purchases of goods and services that were known to be in excess of the amounts budgeted; and

WHEREAS, those purchases were made with the knowledge that there were sufficient balances available in the various funds to cover the costs involved; and

WHEREAS, the intent of the City Council was to appropriate the necessary funds at a later date;

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Twentynine Palms makes the following adjustments to the budget of the fiscal year ended June 30, 2006 :

<u>Fund Name</u>	<u>Account #</u>	<u>Account Name</u>	<u>Amount</u>
General Fund			
	01-0000-3210	Planning Fees	\$-200,000
	01-0000-3230	Building Permits	-250,000
	01-0000-3245	Interest	-43,000
	01-0000-3990	Other Financing Sources	-65,555
	01-0120-4841	Skateboard Park	60,000
	01-0120-4850	Swimming Pool Decking	285,000
	01-0120-4893	Park Maintenance Equipment	65,555
	01-0204-4362	Building and Safety Contract	134,500
	01-0204-4363	Engineering Contract	150,000
Capital Projects Fund			
	10-0000-3476	Bucky Bucklin Park	\$-233,000
	10-1008-4924	Bucky Bucklin Park	-233,000
Gas Tax Fund			
	22-0000-3990	Other Financing Sources	\$-56,968
	22-1004-4508	Capital Equipment	56,968
Measure I – Regional/Arterial			
	24-0000-3456	SANBAG Supplemental Allocation	\$-507,000
	24-1007-4907	Two Mile Road Adobe to Sunrise	507,000
Article 3 Fund			
	30-1005-4802	MBTA - CNG Station	\$50,000

PASSED, APPROVED, AND ADOPTED on the 14th day of February, 2006.

Kevin Cole, 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 14th day of February, 2006, by the following vote of the Council:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:

Charlene Sherwood, City Clerk



STAFF REPORT

February 14, 2006

To: City Council via City Manager
From: Finance Director
Subject: Mid-year Budget Review

RECOMMENDATION

The City Council receive and file the budget review, and adopt Resolution No. 06-01 reflecting changes to the budget based on six months of operations.

BACKGROUND

The purpose of this report is to update the City Council on the City's financial activities for the first half of the fiscal year, a copy of the Revenue and Expenditure Summary for December is included.

The City is in the first year of a two-year budget cycle. There have been some actions taken that have an effect on the budget, therefore, Resolution No. 06-01 is included to fund those actions and some other changes. A commentary on the highlights and necessary changes by fund follows:

General Fund Revenue

Property taxes are at 45% of budget, the first half of the collections are forwarded from the County over a period of three months, we received another \$150,000 in January, bringing the taxes well within budget.

The Triple Flip is a one-for-one exchange of sales taxes for property taxes. It will be distributed in two installments, January and May, totaling \$188,644.

Transient Occupancy (Bed) taxes are collected quarterly, the amount shown is for the period July to September, so there are still three quarters to be collected. By all indications, these taxes should be well within budget by the end of the year.

Franchise fees are collected differently for each franchisee, the annual fees for Edison and the gas company are deposited to our checking account on April 15, so, the revenue doesn't catch up with the budget until then.

The property tax/motor vehicle in lieu tax, as you recall, is the result of the decision by the State to no longer collect the 1% property tax on motor vehicles. The State then agreed to reimburse the cities and counties for the amount they would have otherwise collected. The City received \$946,000 in January as the first installment, the remainder will be received in May.

Planning and Engineering Fees have exceeded budget by \$95,000. A budget adjustment will be made for the revenue and the related expenditures. See Resolution 06-01.

Building and Road permits are in a similar situation, over budget by \$180,000. A budget adjustment will be made for the revenue and the related expenditures. See Resolution 06-01.

Interest income is also over budget and will be included in the adjustment. See Resolution 06-01.

The COPS and CLEEP program revenue will be adjusted at year-end to equal expenditures by those programs in the law enforcement department.

The LLEBG program no longer applies to smaller cities, therefore, we will not be receiving these funds.

General Fund Expenditures

Capital Outlay has had some changes that will be added with the budget adjustment:

When the City Council approved the bid for the improvements to Luckie Park pool, the staff report noted that the general fund would need to contribute \$285,000 to the effort. See Resolution 06-01.

The City Council approved the purchase of some park maintenance equipment at the October 25 meeting, amounting to \$65,555. A budget amendment is proposed, increasing revenue (other financing sources) and expenditures because the funds were borrowed from the Capital Purchases Fund. See Resolution 06-01, and a separate staff report regarding the loan.

The City Council approved the contract for improvements to the skateboard park at the December 13 meeting, the staff report noted that the general fund would need to contribute \$60,000 to the effort. See Resolution 06-01.

Building and Safety, will have to be adjusted to equal 90% of the Planning and Engineering fees, and 67% of the Building fees. See Resolution 06-01.

Capital Projects Fund

The City has received an additional grant of \$233,000 for the Bucky Bucklin Park, a budget amendment for the revenue and expenditures will be proposed. See Resolution 06-01.

Gas Tax Fund

The City Council approved the purchase of a tractor at the October 25 meeting, amounting to \$56,968. A budget amendment is proposed, increasing revenue (other financing sources) and expenditures because the funds were borrowed from the Capital Purchases Fund. See Resolution 06-01, and a separate staff report regarding the loan.

Measure I, Regional Fund

The City is going to receive \$507,000 additional funding from SANBAG that is not earmarked specifically as Measure I funds, but the City engineer thinks the Two Mile Road project is under-budgeted based on current costs, and suggest we use this new money for that purpose. See Resolution 06-01.

Article 3 Fund

The City Council, at the January 24 meeting, approved the use of \$50,000 in AB2766 funds to install an improved CNG station at the City Public Works Yard. See Resolution 06-01.

City of Twentynine Palms
Treasurer's Report
December 31, 2005

Depository	Term	Matures	Interest Rate	Amount	Market Value	Percent of Total
Petty Cash	On Hand		N/A	\$800	\$800	0.01%
PFF Bank & Trust Checking account	Demand		0.73%	\$157,067	\$157,067	2.14%
Pacific Western Payroll Account	Demand		0.70%	\$120,080	\$120,080	1.63%
Local Agency Investment Fund	Demand		3.81%	\$6,630,175	\$6,630,175	90.26%
Total City Funds				<u>\$6,908,122</u>	<u>\$6,908,122</u>	<u>94.04%</u>
Funds Held in Trust:						
Employee deferred compensation	N/A		N/A	<u>\$437,683</u>	<u>\$437,683</u>	<u>5.96%</u>
Total Funds in the Treasurer's Custody				\$7,345,805	\$7,345,805	100.00%

NOTES:

- 1) All the above investments are in compliance with the City's Investment Policy, except for the deferred compensation, for which the employees choose their own investment vehicles.
- 2) The City has sufficient funds to meet its expenditure requirements for the next six months.



Staff Report

Attachments: Eligible Proposal List

FEBRUARY 14, 2006

TO: CITY COUNCIL AND CITY MANAGER

FROM: COMMUNITY SERVICES DIRECTOR

SUBJECT: SELECTION OF A COMMITTEE TO DEVELOP A PRIORITY LIST OF COMMUNITY DEVELOPMENT BLOCK GRANT PROPOSALS

RECOMMENDATION

The City Council select a committee to prioritize the submission of eligible Community Development Block Grant Projects for allocation of funds for 2006-2007.

BACKGROUND

Annually, the County of San Bernardino requests applications for use of Community Development Block Grant (CDBG) funds within the City of Twentynine Palms. Various community or governmental organizations throughout the City submit applications for CDBG funds. The deadline for submittal of applications for 2006-2007 was in December of 2005.

All projects are sent to the Economic and Community Development Department (ECD) and are reviewed for validity, and meeting application guidelines. Once reviewed, all projects that are deemed acceptable by ECD are sent back to the City for funding prioritization. The City received the Community Development Block Grant Projects the first week of February.

A workshop will be held prior to the February 14, 2006, City Council meeting to allow the City Council to hear all the project proposals. Staff is inviting the City Council to submit a prioritized list to staff, listing their projects in order and the amount of funds allocated toward that project. Also, staff is asking Council to appoint two Councilpersons to form and sit on a committee with staff, to prioritize the lists and make a recommendation for funding to the City Council at the February 28, 2006, regular City Council Meeting.

The Economic and Community Development Department has indicated that the City should receive approximately \$150,000.00 to allocate toward projects in Twentynine Palms. Of the \$150,000, approximately \$22,500 can be awarded to Community Service Projects. The \$150,000 is \$8,000 less than last year. The ultimate funding decision for use of the Community Development Block Grant funds within the City, will be determined by the City Council.

Once the City Council prioritizes the CDBG projects for funding, the projects are sent to the County Board of Supervisors for their approval in April, with funds becoming available in July.

The eligibility list, which gives a brief summary and project cost of each application are attached. Copies of the actual applications are available for review in the Council's office.



CITY OF TWENTYNINE PALMS
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: Community Development Director via City Manager
Date: February 14, 2006
RE: PC 02-55 – Memorandum of Understanding (MOU) between the City of Twentynine Palms and Caltrans for the Implementation of Improvements along the State Hwy 62 Corridor

RECOMMENDATION: Authorize Mayor to execute the Memorandum of Understanding (MOU).

BACKGROUND:

The City has been working with Caltrans on the State Hwy 62 widening project since 1996. The project has not progressed in a satisfactory manner, the City therefore has requested that Caltrans enter into a Memorandum of Understanding regarding this project. The MOU envisions a construction start date of April 2008 and a completion date of July 2008. These are the dates that Caltrans has determined are achievable. Relevant sections of the Capital Improvement Program and 2005 Budget have been attached.

- | Attachments |
|---------------------------------|
| 1. Draft MOU |
| 2. Chronology |
| 3. Draft PSR |
| 4. Capital Improvement Program |
| 5. 2005 Budget, Measure I Funds |

PROJECT DESCRIPTION

The objective of this project is to improve highway safety through the construction of a two way continuous left turn median.

The City has previously committed \$300,000 to this project, Caltrans has committed \$1 million. Caltrans has determined that the cost of the project exceeds \$1.3 million. In order to keep the project under \$1 million, which the maximum funding allowed under this non-competitive project classification, the project limits have been revised from 1.0 mile in length to 0.75 miles in length. Caltrans has stated that if the requirement for Caltrans participation exceeds \$1.0 million, then the project would become a competitive project, and would not likely be funded. The new project limits are Canyon Road to Easy Street. The remaining Easy Street to Sunrise segment would be completed in 2009 as a Caltrans Local (Minor) Project.

General Plan

This segment of State Hwy 62 is designated as an Arterial (104' ROW) by the General Plan.

Environmental Clearance

Caltrans is responsible for completion of the CEQA documentation for this project.

Approval Authority

The City Council, as legislature, has the authority to enter into agreements with other public agencies.

February 14, 2006
Memorandum of Understanding (MOU)
City of Twentynine Palms and Caltrans for the
Implementation of Improvements along the State Hwy 62 Corridor

This MOU is intended to serve as a summary of the general understandings, agreements, financial contributions and conclusions between the City of Twentynine Palms (City) and California Department of Transportation (Caltrans) on the State Hwy 62 (SH62) widening project.

Whereas the SH62 project is intended to widen the roadway through the addition of a continuous two-way, left turn lane; and

Whereas, the project was initiated in 1996; and

Whereas, the SH62 project is jointly funded, and;

Whereas, the original project limits were from Canyon Road to Sunrise Road (1.0 mile); and

Whereas, the project costs from the original project exceed the amount allowed as a Minor project; and

Whereas, the project limits are being revised to maintain the project as a Minor project; and

Whereas, the original project limits were from Canyon Road to Easy Street (0.75 mile); and

Whereas, the project will be a Minor A+ project with the maximum contribution from Caltrans of \$1 million and with a City contribution of \$300,000; and

Whereas, the City and Caltrans intends for construction to commence in April 2008 and diligently pursue completion of SH62 construction by July 2008; and

Whereas, the City and Caltrans intends for construction to commence on the East Street to Sunrise Road portion in 2009.

Now, Therefore, City and Caltrans acknowledge the following:

1. Caltrans will proceed with the following delivery schedule for SH62 Improvements.
 - PA/ED approval (including regulatory permits) – 9/06
 - R/W Cert - 12/07
 - PS&E approval - 10/07
 - RTL - 12/07
 - Start Construction – 04/08
 - CCA – 07/08

City and Caltrans agree to pursue all necessary project delivery steps to help meet the target dates noted above. City and Caltrans will evaluate the schedule status on a monthly basis and obtain approval from appropriate party(s) on necessary strategies to make up any lost time from the previous month.

2. Caltrans agrees to pursue expedited review/approval from HQ structures.
3. Caltrans will review all necessary design exceptions as expeditiously as possible, if any.

CITY OF TWENTYNINE PALMS

Kevin Cole
Mayor

Date

CALTRANS

Patricia Romo
Deputy District Director, Design

Date

Michael Perovich
Director, District 8

Date



CITY OF TWENTYNINE PALMS
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: Community Development Director via City Manager
Date: February 14, 2006
RE: PC 05-29 - An appeal by Sean Pulliam of the Conditions of Approval, specifically conditions # E3, E4, E5, E12 and E19, of Tentative Parcel Map 17060, which approved the subdivision of 10 acres into four parcels, located at the northwest corner of Indian Trail and Utah Trail, on APN #0621-281-20, Zone RL 2.5, Section 9.

RECOMMENDATION: Affirm the action of the Planning Commission and deny the appeal.

BACKGROUND: On January 10, 2006, the City Council held a public hearing on this matter. At that meeting, the City Council took testimony from the public, closed the public hearing, and continued the item to a time when the entire City Council would be present.

Attachments

1. City Council staff report of January 10, 2006
2. Correspondence
3. Hand out



CITY OF TWENTYNINE PALMS
STAFF REPORT
6136 Adobe Road
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Commdev@ci.twentynine-palms.ca.us

To: City Council
From: Community Development Director via City Manager
Date: January 10, 2006
RE: PC 05-29 - An appeal by Sean Pulliam of the Conditions of Approval, specifically conditions # E3, E4, E5, E12 and E19, of Tentative Parcel Map 17060, which approved the subdivision of 10 acres into four parcels, located at the northwest corner of Indian Trail and Utah Trail, on APN #0621-281-20, Zone RL 2.5, Section 9.

RECOMMENDATION: The Planning Commission recommends that the City Council open the Public Hearing, take testimony, uphold the Conditions of Approval and deny the appeal.

BACKGROUND: Pursuant to Section 19.46 of the Development Code, the applicant is appealing the Conditions of Approval. The applicant seeks relief from conditions requiring street improvements on Utah Trail and Indian Trail, installation of street lights and construction of a Class I bike path on Utah Trail adjacent to the development. The applicant contends that these conditions are “economic discrimination.”

Attachments

- Planning Commission report
- Vicinity Map
- USGS Map
- Appeal application
- Appeal letter
- Conditions of Approval

The parcel map would subdivide ten acres into four (4)-lots. The project is located west of Utah Trail, north of Indian Trail on APN # 0621-281-20. The zoning for the property is Rural Living 2.5 minimum parcel size (RL 2.5). The proposed use, low-density single family residential uses, are allowed in the RL 2.5 Land Use District.

On August 15, 2005, Tentative Parcel Map 17060 was approved by the City Manager acting as the Community Development Director, pursuant to Section 19.94.110 of the Development Code (Review and Approval Authority).

On September 6, 2005, the applicant appealed the following conditions:

- E3. All streets shall be improved to City standards with curb, gutter, sidewalk and street pavement.
- E4. All streets abutting the development shall be improved a minimum half-street width of 40 feet with curb, gutter and sidewalk on the development side.
- E5. Streets adjacent to the property shall be improved as follows:
 - Utah Trail adjacent to the property shall be improved to the City’s half-width Arterial street standards.
 - Indian Trail adjacent to the property shall be improved to the City’s half-width Arterial street standards.

- E12. Streetlights shall be required and shall conform to City's standards for such.
- E19 Class I bike path shall be constructed along Utah Trail adjacent to the development. Additional easements shall be required for construction of bike path.

On 2005, the Planning Commission held a public hearing, upheld the conditions of approval and denied this appeal. The applicant then appealed this action.

SUMMARY

The project is located at the intersection of Indian Trail and Utah Trail, both of which are General Plan designated Arterial roadways. Arterials transport large volumes of intra-city traffic. An Arterial provides circulation within a defined geographic area, providing access and connections between other Arterials and is also designed to route local traffic from Expressways to their destination and vice versa. Arterials feature 104' wide right of ways, with 52' wide half streets.

Recently, an applicant appealed conditions requiring street improvements on "Local" streets. Streets not designated by the General Plan are deemed to be "Local" streets. Local streets require 60' of right of way and have a paving width of 36' feet. The City Council has found that, in one instance where lots of very low density, were located on Local streets, street improvements may be deferred without damage to the City's General Plan Circulation Element. This did not establish precedent, as the subject property was not located on an Arterial roadway.

The legal basis for requiring conditions of approval was established by the courts in the case entitled City of Buena Park V Boyar. In the case, the courts ruled that a City may impose conditions of approval when granting discretionary approval, in order to assure that a project is consistent with the General Plan. In this case, conditions were imposed to assure that the Pulliam Tentative Parcel Map would be consistent with the General Plan. Without these conditions, the project would not be consistent with the General Plan

In the case of Dolan v City of Tigard, the United States Supreme Court found that there must be a connection between the project and the condition. In the case of this project, the four proposed residential lots created by the project, will result in additional traffic, therefore, street improvements to the General Plan standard are required.

The applicant contends that these conditions are "economic discrimination". However, the applicant has provided no evidence to this effect. Furthermore, the conditions are consistent with the policies of the General Plan and Development Code and with other map approvals in the vicinity and throughout the community under similar conditions.

GENERAL PLAN REQUIREMENTS

The purpose of the Circulation Plan is to establish a standard for the development and improvement of the transportation network and a long-range plan, which ensures the community vision. Goals, policies, and programs established in the Plan are to be implemented to ensure the orderly development of effective circulation systems in the twenty-year period from adoption through the year 2020.

The City of Twentynine Palms General Plan Circulation Element requires the orderly development of required infrastructure, including the construction of underground utilities (water, 05-29 Appeal CC SR1

gas, electricity, sewage treatment), curb, gutter, sidewalks and roads, by the private sector. This requirement is generally implemented as a condition of approval placed upon new development as a means of minimizing the environmental impacts of new development, in exchange for the right to develop property in a manner consistent with the Land Use Element.

The General Plan designates Indian Trail and Utah Trail as Arterials adjacent to the project site.

Arterials are intended to transport large volumes of intra-city traffic. An Arterial provides circulation within a defined geographic area, providing access and connections between other Arterials and/or Expressways. These streets distribute traffic to Collectors within the City and provide efficient access to nearby destinations. Some vehicles may use Arterials as through routes, but the primary function of an Arterial is to route local traffic from Expressways to their destination and vice versa. Arterials are designed with a 104-foot wide right-of-way consisting of a minimum of four traffic lanes, two parking lanes and 12-foot wide continuous left turn lane and/or median strip.

Eliminating these conditions would result in a project that is inconsistent with the General Plan. Government Code Section 66474 states that a City must deny a map that is inconsistent with the General Plan.

DEVELOPMENT CODE REQUIREMENTS

Pursuant to Section 19.96 of the Development Code, the project was approved with conditions, according to the following General Subdivision Standards:

19.96.010 Circulation. The street pattern of the proposed subdivision shall conform to the Circulation Element of the City's General Plan; and

19.96.040 Street Layout - Street layout and design shall be consistent with the Circulation Element of the General Plan and surrounding developments.

The appeal, which requests the elimination of these conditions of approval, would result in a project inconsistent with these Development Code requirements.

APPEALS

Appeals must be filed in a timely basis. The code provision below addresses this topic:

19.46.030 Filing Appeals. - Appeals shall only be considered if filed within ten (10) consecutive calendar days following the date of action for which the Appeal is made. If the last day to act falls on a non-business day, the following business day shall be deemed to be the last day to act.

The appeal was not filed within ten days of the approval. The appeal was filed on September 6, 2005, 21 days after the project was approved. Therefore, the appeal was not filed in a timely basis and should not be considered by the City Council.

FINDINGS:

Based on the aforementioned facts, the Planning Commission adopted the following findings in denying this appeal:

1. The project is located at the intersection of Indian Trail and Utah Trail, both of which are General Plan Circulation Element designated Arterial roadways.

2. Arterial roadways require dedication of 104' wide right of ways, with 52' wide half streets.
3. A tentative parcel map that is inconsistent with the General Plan must be denied (Government Code Section 66474).
4. The project was approved with conditions requiring completion of the General Plan circulation element street improvement requirements (Government Code Section 66474).
5. The street pattern of the proposed subdivision shall conform to the Circulation Element of the City's General Plan (Development Code 19.96.010 Circulation).
6. Street layout and design shall be consistent with the Circulation Element of the General Plan and surrounding developments (Development Code 19.96.040 Street Layout).
7. The conditions of approval are consistent with the General Plan.
8. The conditions of approval are consistent with the Development Code.
9. The project, a tentative parcel map, will generate additional traffic in the area.
10. The conditions are related and directly proportional to the project impacts.
11. Infrastructure improvements have previously required on other projects, and under similar conditions.
12. A nexus exists between the project's circulation impacts and the conditions of approval.
13. The conditions of approval are appropriate and proportionate for the size and scale of the project.
14. On August 15, 2005, Tentative Parcel Map 17060 was approved by the City Manager acting as the Community Development Director, pursuant to Section 19.94.110 of the Development Code (Review and Approval Authority).
15. On September 6, 2005, the applicant filed an appeal.
16. The appeal was not filed within ten days of approval.
17. The appeal was not initially filed within the required timeframe.
18. The appeal is without merit.
19. The appeal has no basis in fact.
20. The action of the approval of Tentative Parcel Map # 17060 with conditions is final, as the appeal was not filed on a timely basis.
21. No relevant precedent on the topic of this appeal exists.
22. The applicant has provided no evidence of economic discrimination.
23. The approval and application of conditions does not constitute economic discrimination.