



STAFF REPORT

DATE: JUNE 27, 2006

TO: CITY COUNCIL VIA CITY MANAGER

FROM: COMMUNITY SERVICES DIRECTOR

SUBJECT: APPROVE THE AWARDING OF THE BID FOR CURB, GUTTER, SIDEWALK AND STREET IMPROVMENTS TO COMMERCIAL DIVERSIFIED IN THE AMOUNT OF \$33,062.50

RECOMMENDATION

The City Council approve the awarding of the Historical Society bid for curb, gutter, ADA sidewalk and road improvements to Richard Cobalis of Commercial Diversified in the amount of \$33,062.50

BACKGROUND

In 2005, the First District awarded the Twentynine Palms Historical Society \$36,000 in Community Development Block Grant funds. The funds are to be used for the start of the curb, gutter, sidewalk, and street improvements at the Old School House. After the Economic and Community Developments environmental review, the project was approved to proceed. In April, City staff requested that Charles Abbott and Associates start the surveying of the property and design the bid package.

The bid package was advertised locally over the past several weeks, with three companies requesting bid documents. On June 15th the bidding was closed, with the City receiving two bids, the first and lowest bid from Commercial Diversified for \$33,062.50, and the second bid from J.P.G.C. in the amount of \$50,465.00. The City engineer's estimate for this section was \$33,000.00. The City's engineer's estimate to perform the entire curb, gutter, sidewalk, and street improvements for the entire Historical Society project is approximately \$125,000.00.

Therefore, Staff's recommendation is that the City Council approve the awarding of the first phase of the Historical Society curb, gutter, sidewalk, and street improvements to Commercial Diversified in the amount of \$33,062.50.



STAFF REPORT

June 27, 2006

To: City Council via City Manager
From: Finance Director
Subject: Emergency Operations Plan

RECOMMENDATION

The City Council adopt Resolutions No. 06-18 and 06-19.

BACKGROUND

The City adopted an emergency operations plan using the California Standardized Emergency Management System (SEMS) in 1997. The plan was re-written and updated in 2003. The current update, that the City Council has received under separate cover addresses two issues; 1) corrections to the 2003 plan that have been suggest by the State and 2) the integration of the National Incident Management System (NIMS).

There are two resolutions; No. 06-18 adopts the plan under SEMS, and No. 06-19 adopts it under NIMS. The Federal Government decided that, as a result of hurricane Katrina, it needed a uniform emergency management system that could be used throughout the country. California was far ahead of most other states with the SEMS plan, so the Feds borrowed heavily from SEMS in writing NIMS, therefore, there are only a few adjustments that have to be made to be in compliance.

There is some training that all City Council members and staff will need to take, either on-line at the FEMA website, or in classes. There will be more on this within the next month. For now, the City Council should adopt the updated emergency plan and it will be forwarded to the State for review.

RESOLUTION NO. 06-18

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TWENTYNINE PALMS ADOPTING THE EMERGENCY OPERATIONS
PLAN**

WHEREAS, the City of Twentynine Palms is required by State law to review its Emergency Operations Plan (the Plan) every three years; and

WHEREAS, the State Office of Emergency Services will review and approve the revised Plan; and

WHEREAS, the State Office of Emergency Services may recommend changes to the Plan as submitted; and

WHEREAS, the City Council does not foresee any problems with accepting the State recommendations.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Twentynine Palms hereby adopts the City of Twentynine Palms Emergency Operations Plan, consisting of, Volume 1, The Plan, Volume 2, Position checklists, The Citizen Corps Program Annex and The Terrorism Annex as presented, subject to recommended changes by the State Office of Emergency Services.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Twentynine Palms this 27th day of June, 2006.

Kevin Cole, Mayor

ATTEST:

Charlene Sherwood, CMC, City Clerk

I hereby certify that the foregoing Resolution No. 06-18 was duly adopted by the City Council of the City of Twentynine Palms at a regular meeting thereof, held on the 27th day of June, 2006, by the following vote of the Council:

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

Charlene Sherwood, CMC, City Clerk

RESOLUTION NO. 06 - 19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS TO INTEGRATE THE NATIONAL INCIDENT MANAGEMENT SYSTEM INTO THE CITY'S EMERGENCY MANAGEMENT SYSTEM

WHEREAS, the President in Homeland Security Directive-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System, which would provide a consistent nationwide approach for federal, state, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from disasters, regardless of cause, size, or complexity; and

WHEREAS, California pioneered the development of standardized incident management systems to respond to a variety of catastrophic disasters, including fires, earthquakes, floods, and landslides; and

WHEREAS, in the early 1970s, the California fire service, in partnership with the federal government, developed the formative emergency incident command system that has become the model for incident management nationwide; and

WHEREAS, in 1993, California was the first state to adopt a statewide Standardized Emergency Management System for use by every emergency response organization, and implemented a system to ensure the continual improvement of the Standardized Emergency Management System; and

WHEREAS, California emergency management professionals have contributed their expertise to the development of the new National Incident Management System; and

WHEREAS, it is essential for responding to disasters that federal, state, local, and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the California Standardized Emergency Management System substantially meets the objectives of the National Incident Management System; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System nationwide; and

WHEREAS, the Governor of the State of California has directed his Office of Emergency Services and Office of Homeland Security in cooperation with the Standardized Emergency Management System Advisory Board to develop a program to integrate the National Incident Management System, to the extent appropriate, into the state's emergency management system.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Twentynine Palms will integrate the National Incident Management System, to the extent appropriate, into the City's Emergency Management System; and

BE IT FURTHER RESOLVED, that the City Council of the City of Twentynine Palms utilizes the National Incident Management System which shall be consistent with the integration of the National Incident Management System and the Standardized Emergency Management System in California; and

BE IT FURTHER RESOLVED, that a copy of this resolution is forwarded to the Governor's Office of Emergency Services.

PASSED, APPROVED, AND ADOPTED by the City Council of Twentynine Palms this 27th day of June 2006.

Kevin Cole, Mayor

ATTEST:

Charlene L. Sherwood, CMC City Clerk

I hereby certify that the foregoing Resolution No. 06-19 was duly adopted by the City Council of the City of Twentynine Palms at a regular meeting thereof, held on the 27th day of June, 2006, by the following vote of the Council:

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

Charlene L. Sherwood, CMC City Clerk



STAFF REPORT

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

June 27, 2006

To: City Council via City Manager
From: Gary Blackman, Code Enforcement Officer
RE: Adobe Heights neighborhood cleanup

Another successful neighborhood cleanup was held on June 17, 2006. The cleanup began with 175 general letters to all of the residents of the neighborhood, informing them of the requirements and the date of the cleanup. The general letters were followed up with 35 letters to specific residents and property owners where violations were observed.

The Adobe Heights neighborhood is encompassed by Twentynine Palms Highway on the south, the County Flood Control on the north, Ocotillo Avenue on the west, and Marine Avenue on the east.

Waste Management provided two roll off containers at Mesquite Avenue and Joshua Drive on Saturday, June 17th. Traffic to the containers was light, with only the first two containers being filled during the morning. Total weight of the junk and rubbish dumped is not available yet.

A follow-up inspection will be made of the neighborhood and letters will be sent to any property owners and residents where violations still exist.

RESOLUTION NO. 06-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA HONORING MICHAEL R. SWIGART ON HIS RETIREMENT

WHEREAS, Michael R. Swigart, will retire on June 30, 2006, after a total of 30 years of outstanding and meritorious service to the State of California; and

WHEREAS, Michael assumed his duties as the City Manager for the City of Twentynine Palms on August 27, 2002; and

WHEREAS, Michael's approach to management has been entrepreneurial, and he has enabled and facilitated the Council's major objectives and provided the City with outstanding management; and

WHEREAS, Michael is credited with developing a financial and operational plan that kept the City in the black during a period when the State of California, experiencing fiscal crisis, took almost 20% of the City's revenues. The plan enabled the Council to keep basic City services in place by focusing on the essential operations of the City; and

WHEREAS, Michael helped develop a Strategic Plan, Capital Improvement Plan and the City's first proactive two- year budget and has trebled the City's reserves; and,

WHEREAS, Michael helped revise the General Plan, helped develop a revised and more user-friendly development code to guide new development and construction, developed a neighborhood beautification program, put in place programs to stimulate development in the downtown and infill areas, began the Downtown Revitalization Study and beautified National Park Drive; and

WHEREAS, Michael helped develop a revised contract for solid waste management that reduced customer cost while doubling service capacity; and

WHEREAS, Michael's diligent work has demonstrated his ability to advance to positions of increasing responsibility throughout his many years of service, and Michael has served the people of the City of Twentynine Palms and the State of California with fairness and dedication.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Twentynine Palms, does hereby deem Michael R. Swigart as City Manager Emeritus. We also extend Michael R. Swigart our sincere and grateful appreciation for his dedicated service to the City of Twentynine Palms and the State of California, and extend our congratulations on his well-earned retirement. Our best wishes to him and his family for continued success, happiness and good health in the years to come.

PASSED, APPROVED, AND ADOPTED this 27th day of June, 2006 by the following vote:

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

Kevin Cole, Mayor

ATTEST:

Charlene L. Sherwood CMC City Clerk

RESOLUTION NO. 06-22

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE
PALMS APPOINTING A CITY MANAGER**

WHEREAS, the City of Twentynine Palms was incorporated on November 23, 1987 as a general law city of the State of California; and

WHEREAS, the City by ordinance has adopted a Council/Manager form of government; and

WHEREAS, after a search and interviews with a number of candidates, the City council has selected a City Manager.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS DOES RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Michael S. Tree is appointed to the position of City Manager effective July 1, 2006, in accordance with the terms of the agreement approved on May 9, 2006 by this Council.

PASSED, APPROVED AND ADOPTED this 27th day of June, 2006 by the following vote:

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

Kevin Cole, Mayor

ATTEST:

Charlene L. Sherwood CMC, City Clerk

RESOLUTION NO. 06 - 23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS APPOINTING A CITY TREASURER

WHEREAS, the City of Twentynine Palms was incorporated on November 23, 1987, as a general law city of the State of California; and

WHEREAS, a new City Manager now has been appointed.

WHEREAS, it is necessary that the City Manager be appointed as City Treasurer in order that the affairs of the City may be properly administer;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS DOES RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Michael S. Tree is hereby appointed City Treasurer of the City of Twentynine Palms, effective July 1, 2006, to serve at the pleasure of the City Council.

Section 2. The City Treasurer is required to supply a bond for which the City will pay the premium. The City presently has an employee bond that includes the Treasurer, therefore, the requirement is fulfilled.

PASSED, APPROVED, AND ADOPTED by the City Council of Twentynine Palms this 27th day of June 2006.

Kevin Cole, Mayor

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

ATTEST:

Charlene L. Sherwood, CMC City Clerk



CITY OF TWENTYNINE PALMS
STAFF REPORT
6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799 • Fax (760) 367-5400
plantech@ci.twentynine-palms.ca.us

To: City Council via City Manager
From: Community Development Technician
Date: June 27, 2006
RE: PC 06-18 - Correction of General Plan Land Use Map, changing the Land Use Designation from Office Commercial (CO) to Multi-family Residential (RM) for the area commonly known as Specific Plan #3, generally located north of Twentynine Palms Highway, south of Gorgonio Drive, east of Mesquite Avenue and West of Desert Knoll Avenue, T1N, R9E, Section 28

RECOMMENDATION: That the City Council adopt the resolution and approve the General Plan Amendment/Change of Zone.

BACKGROUND: Recent inquiry by property owner Karen Harper for clarification regarding the General Plan Land Use Designation (zoning) of a parcel in the above-referenced area, led to staff determination that the General Plan Land Use Map inaccurately depicts this property as Office Commercial (CO). The land use designation of a three-block section was designated Multi-family Residential, Specific Plan #3 on January 24, 1989. This area was inadvertently identified as CO on the map adopted October 23, 2001.

Attachments

- Locator Map
- Specific Plan 3 and Map
- April 18, 2006 Minutes
- Resolution

The Planning Commission, at their April 18, 2006 meeting, recommended correction of this error through a General Plan Amendment/Change of Zone.

The City Council may amend the map to reflect:

- The specific plan zoning established prior to the October 21, 2001 change;
- Adopt zoning represented on the current map;
- Adopt zoning represented on the current map with the Specific Plan #3 overlay;
- Repeal Specific Plan #3 overlay; or
- Provide an alternative zoning plan.

Because the City's General Plan Land Use Map specifies zoning, changing the General Plan designation will change the zoning for this area.

As review authority, the Planning Commission conducted a public hearing and formulated a recommendation to the City Council to approve the General Plan Amendment/Change of Zoning.

Street Improvements

No development is proposed, therefore the requirement for street improvements is not triggered.

General Plan Issues

Section VI (B) of the General Plan Land Use Plan sets the following standards for Multi-family Residential (RM) properties:

Multi-Family Residential (RM)

The RM category is depicted by the letters "RM" on the Land Use map. These territories are intended to serve the housing needs of non-long term residents or residents not needing or desiring a single family, detached household situation. However, diverse residential development may occur: this may include single-family units, duplexes, apartment complexes, and mobile home parks. This designation is most suitable for planned communities, affordable and senior housing, where smaller units are appropriate.

The following policies and standards shall apply to the RM districts:

- The density of any proposed development is to be not more than eight units per(gross) acre. However a twenty-five percent (25%) density bonus may be granted for development of affordable housing pursuant to Section 65915 of the California Government Code.
- Unit design will strive for individual privacy for each unit.
- As a means of minimizing wind and water erosion, grading and removal of native vegetation on parcels one acre or larger shall be limited to pad areas for structures, necessary, driveways, and uses permitted in the RM Land Use Districts. In cases where native vegetation is removed, landscaping reflecting a desert theme, utilizing drought resistant plants, is highly recommended. Desert landscaping may be complemented by rock and other architectural features related to the Desert Southwest design (e.g. wagon wheels, statues, dry fountains, etc.)
- Institutional uses, such as churches, lodges and schools appropriate in the RM district.
- Safe recreational areas for both adults and children shall be provided onsite on any proposed multi-family project exceeding ten dwelling units.
- Lighting for safety and security will be provided.
- All projects will be designed to create safe and open walkways and driveways utilized for ingress and egress.
- Applicants for multi-family projects shall demonstrate, through traffic studies or other suitable evidence, that the anticipated vehicular traffic can be accommodated by the existing and proposed roadway system.

- Concrete curb, gutter, and sidewalks are required along rights-of-way for all new projects in all RM zones.
- Bus benches and shelters shall be designed into the large-scale projects when service is available or planned.
- Home occupations may be permitted in the RM District only when the use will not interfere or impact the residential integrity of the district.
- I-5 Bed and board facilities may be allowed. Such uses shall not conflict with the residential character of the district.
- The use of solar energy is encouraged; actively, for the heating of water and passively, by designing window exposure and eaves overhang, allow warming or shading, thereby conserving other energy sources.
- All new projects will install underground utilities.
- Off-street parking shall be required as specified in the Development Code.

Section VII (C) of the General Plan Land Use Plan sets the following standards for Office Commercial properties:

Office Commercial (CO)

The Office Commercial category shall be designated by the letters “CO” on the Land Use Map of the General Plan. The intent of the CO designation is to provide areas of professional services, offices and small retail outlet, intermixed with residential uses. Uses shall be those which do not generate high volumes of traffic and which, generally do not depend on impulse customers. Residential development will consist of single-family units and duplexes.

Typically uses would be medical offices, insurance, real estate, legal and government services, tourist courts/cabins, hair salons, art galleries, and other similar types of uses. Ancillary commercial facilities to support these services, such as coffee shops, cafes, gift shops, copying services, and newsstands, are permitted on a scale generally smaller than that found in the CG districts. The CO territory may provide a buffer between more intense commercial areas and residential uses of the RS & RM categories.

The following policies and standards shall apply in the CO district:

- Office/Professional uses are encouraged to be established in clusters and contain categories that are similar or mutually supporting.
- Building designs may either be Desert Southwest pursuant to the Design Guidelines adopted by the City, or residential in nature.
- Balconies, open stairways, window pop-outs and generous eave overhangs are

encouraged.

- As a means of minimizing wind and water erosion, grading and removal of native vegetation on parcels one acre or larger shall be limited to pad areas for structures, necessary driveways, and uses permitted in the CO land use district. In cases where native vegetation is removed, landscaping reflecting a desert theme, utilizing drought resistant plants, is highly recommended.
- Signs shall be low key, such as sand blasted wood, or other material with low intensity or indirect lighting.
- Direct solar energy, primarily for water heating, is strongly advocated, with passive solar design for heating and shading integrated in to the project design.
- Lighting should be modest, sufficient for evening visibility, but not excessive or glaring.
- All new projects shall install underground utilities.
- Concrete curb, gutter, and sidewalks are required along all rights-of-way for all new projects in all CO zones.
- Off street parking shall be provided.

Specific Plan #3

Section 19.150.030 of the Development Code (Specific Plan #3) states:

- A. Purpose. The purpose of Specific Plan #3 is to reclassify a Land Use designation of RM 3,000, which is inconsistent with the General Plan and Community Plan; to an entitlement in compliance with said General Plan and Community Plan.
- B. Recitals.
 - 1. The territory in Specific Plan #3 shall be governed by the regulations of the RM Land Use classifications except as otherwise stated in this Specific Plan.
 - 2. Entitlement.
 - A. Each lot over 7,200 sq. ft. or greater shall have a minimum entitlement of two units
 - B. Each lot with a net area of less than 7,200 sq. ft. shall have a maximum entitlement of one unit.
 - C. Proposed development that combine lots or utilize lots larger than 10,000 sq. ft. net, shall have a maximum entitlement of 1) two units per lot for each lot 7,200 sq. ft.

(net) or greater in size and one unit per each lot less than 7,200 sq. ft. (net) in size; or 2) one unit per 5,000 sq. ft. (net) of territory, which of the two alternatives is greater.

3. Those lots smaller than 7,200 sq. ft. (net) containing more than one unit shall be deemed legal not-conforming uses.
4. This Specific Plan renders the territory encompassed herein, consistent with the General Plan and Community Plans of the City of Twentynine Palms.

General Plan Amendment Procedure

Section 19.20.070 of the Development Code sets forth required Findings for General Plan Amendments. The Section states:

Prior to approving a General Plan amendment as prescribed by this Chapter, the City Council shall make the following Findings:

- A. That the amendment is consistent with the intent of the goals and policies of the General Plan as a whole, and is not inconsistent with any element thereof; and
- B. That the amendment prescribes reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses; and
- C. That the amendment provides reasonable property development rights while protecting environmentally sensitive land uses and species; and
- D. That the amendment provides for the protection of the general health, safety, or welfare of the community.

Section 19.20.080 of the Development Code states the City Council's approval of a General Plan amendment shall be in the form of a Resolution. Accordingly, staff will prepare a draft Resolution for consideration, which contains the above reference Findings.

CEQA

The action is exempt from CEQA pursuant to Section 15305, Minor Alterations in Land Use Limitations. No further environmental review is required under state law.

Approval Authority

The City Council, is the Approval Authority for this General Plan Amendment/Zone Change.

CITY OF TWENTYNINE PALMS
CITY COUNCIL
RESOLUTION NO. 06-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING PC 06-18 – AMENDING THE GENERAL PLAN LAND USE MAP, CHANGING THE LAND USE DESIGNATION FROM OFFICE COMMERCIAL (CO) TO MULTI-FAMILY RESIDENTIAL, FOR THE AREA COMMONLY REFERRED TO AS SPECIFIC PLAN #3, GENERALLY LOCATED NORTH OF TWENTYNINE PALMS HIGHWAY, SOUTH OF GORGONIO DRIVE, EAST OF MESQUITE AVENUE AND WEST OF DESERT KNOLL AVENUE, T1N, R9E, SECTION 28.

WHEREAS, a recent inquiry by a property owner for clarification regarding the General Plan Land Use Designation (zoning) of a parcel in the above-referenced area, led staff to determination that the General Plan Land Use Map inaccurately depicts an area of Specific Plan #3 as Office Commercial (CO); and

WHEREAS, the land use designation of Specific Plan #3 was designated as Multi-family Residential Specific Plan #3, on January 24, 1989; and

WHEREAS, the purpose of Specific Plan #3 was to reclassify a Land Use designation of RM 3,000, which was inconsistent with the General Plan and Community Plan; to a Land Use designation in compliance with said General Plan; and

WHEREAS, this area was inadvertently misidentified as Office Commercial (CO) on the General Plan Land Use Map adopted October 23, 2001; and

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA) Guidelines, this action is exempt from CEQA pursuant to Section 15305, Minor Alterations in Land Use Limitations. No further environmental review is required under state law; and

WHEREAS, a public hearing notice for the Planning Commission public hearing was published in a newspaper of record and notice was mailed to all property owners located within 300 feet of the project site; and

WHEREAS, a public hearing was held by the Planning Commission on April 18, 2006; and

WHEREAS, the Planning Commission, at their April 18, 2006 meeting, voted to recommend that the City Council approve a General Plan Amendment/Change of Zone; and

WHEREAS, public hearing notice for the City Council public hearing was published in a newspaper of record and notice was mailed to all property owners located within 300 feet of the project site; and

WHEREAS, a public hearing was held by the City Council on June 27, 2006; and

WHEREAS, pursuant to Section 19.20.070 of the Development Code, which sets forth the required Findings for General Plan Amendments, the City Council hereby finds:

- A. That the amendment is consistent with the intent of the goals and policies of the General Plan as a whole, and is not inconsistent with any element thereof; and
- B. That the amendment prescribes reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses; and
- C. That the amendment provides reasonable property development rights while protecting environmentally sensitive land uses and species; and
- D. That the amendment provides for the protection of the general health, safety, or welfare of the community.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Twentynine Palms adopts a Categorical Exemption pursuant to the California Environmental Quality Act (CEQA), and approves the General Plan Amendment.

APPROVED AND ADOPTED THIS 27th DAY OF June, 2006

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Kevin Cole, Mayor

ATTEST:

Charlene L. Sherwood CMC, City Clerk

I hereby certify that the foregoing is a true copy of Resolution No. _____ duly adopted by the City Council of the City of Twentynine Palms in a meeting held on the _____ day of _____, _____, in Twentynine Palms, California.

Dated this _____ day of _____, _____.

Charlene L. Sherwood, City Clerk



STAFF REPORT

June 27, 2006

To: City Council via City Manager
From: Finance Director
Subject: Adoption of Ordinance No. 199

RECOMMENDATION

The City Council conduct the public hearing, introduce Ordinance No. 199, and direct staff to bring the matter back to the City Council for adoption.

BACKGROUND

When the Twentynine Palms Redevelopment Agency (the "Agency") was established, the Agency's time limit for establishing loans, advances and indebtedness was set at 40 years. Later amendments to the California Community Redevelopment Law changed this timeframe to 20 years for redevelopment agencies established before 1994 (such as the Agency), but also permitted agencies to eliminate altogether the time limit for establishing loans, advances and indebtedness. The City Attorney has recommended that the Agency adopt an ordinance eliminating the time limit for the Agency to establish loans, advances, and indebtedness.

Ordinance No. 199 will bring the Twentynine Palms Redevelopment Agency into compliance with the changes in the Community Redevelopment Law by eliminating the time limit for establishing loans, advances and indebtedness.

ORDINANCE NO. 199

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS AMENDING THE REDEVELOPMENT PLAN FOR THE FOUR CORNERS REDEVELOPMENT PROJECT PURSUANT TO SENATE BILL 211 AS CODIFIED IN HEALTH & SAFETY CODE SECTION 33333.6(e)(2)(B)

THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS DOES ORDAIN AS FOLLOWS:

SECTION 1. The Redevelopment Plan for the Four Corners Redevelopment Project Area, as existing on the date hereof (hereinafter, the “Plan” or “Project Area,” as applicable) is hereby amended to delete from the Plan any and all time limits stated in the Plan that purport to place on the Twentynine Palms Redevelopment Agency any time deadline on the establishment of loans, advances, and indebtedness with respect to the Plan or Project Area.

SECTION 2. The foregoing amendment to the Plan is effected pursuant to the authority established by Senate Bill 211, effective January 1, 2002, which is codified in pertinent part in California Health & Safety Code Section 33333.6(e)(2)(B), which states in pertinent part: “On or after January 1, 2002, a redevelopment plan may be amended by a legislative body by adoption of an ordinance to eliminate the time limit on the establishment of loans, advances, and indebtedness required by this section prior to January 1, 2002. In adopting an ordinance pursuant to this subparagraph, neither the legislative body nor the agency is required to comply with [Health & Safety Code] Section 33354.6, Article 12 (commencing with [Health & Safety Code] Section 33450), or any other provision of this part relating to the amendment of redevelopment plans, except that the agency shall make the payment to affected taxing entities required by [Health & Safety Code] Section 33607.7.”

SECTION 3. Enactment of this Ordinance is exempt from the California Environmental Quality Act (Pub. Res. Code §21000 *et seq.*) (“CEQA”) pursuant to the terms of Health & Safety Code Section 33333.6(e)(2)(B), and further pursuant to CEQA Guidelines Section 15378(b)(4) [Title 14 CCR §15378(b)(4)] because it is a fiscal activity which does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

SECTION 4. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subdivision, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that one or more sections, subdivisions, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unconstitutional.

SECTION 5. Except as amended hereby, the Plan shall remain in full force and effect according to its terms.

SECTION 6. All required proceedings and considerations precedent to the adoption of this Ordinance have been regularly taken in accordance with applicable law.

SECTION 7. The City Manager shall notify the appropriate public entities of the adoption of this Ordinance.

SECTION 8. The City Clerk is authorized and directed to post or publish this Ordinance or a summary thereof in accordance with procedures normally taken.

PASSED, APPROVED, and ADOPTED this 11th day of July, 2006, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kevin Cole, Mayor
City of Twentynine Palms, California

ATTEST:

Charlene L. Sherwood CMC, City Clerk
City of Twentynine Palms, California

(City Seal)

APPROVED AS TO FORM:

A. Patrick Muñoz, City Attorney
City of Twentynine Palms, California