



STAFF REPORT

TO: City Council via City Manager
FROM: Finance Director
DATE: July 10, 2007

SUBJECT: Article 8 Claim

RECOMMENDATION:

The City Council authorize the filing of a Local Transportation Fund (LTF) Article 8, Local Streets and Roads Claim in the amount of \$722,477

ORDER OF PROCEDURE:

Request Staff Report (Ron Peck Presenting)
Request Public Comment
Council Questions of Staff
Council Discussion
Motion/Second
Discussion of Motion
Call the Question (roll call vote)

Attachments

- Claim Form
- Financial Reporting Form
- Project Listing

BACKGROUND:

The LTF is financed by a .25% sales tax. The funds go through the state, the county, SANBAG and the MBTA before they filter down to the City. The funds are referred to as "Article 8". The City has received \$1,500,000 over the last two years, which is being invested in street projects.

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.

ALTERNATIVES: None

FISCAL IMPACT: City will receive \$722,477 for street projects.

Review of Staff Report: _____
City Manager City Attorney City Engineer Department Head



STAFF REPORT

TO: City Council
FROM: City Manager
DATE: July 10, 2007

SUBJECT: Adoption of Ordinance No. 206 To Comply With Requirements of SB 53 By Describing That The Twentynine Palms Redevelopment Agency Does Not Currently Have Authority To Acquire Real Property by Eminent Domain

RECOMMENDATION: The City Council conduct the public hearing, introduce Ordinance No. 206, and direct staff to bring the item back to the City Council for adoption.

ORDER OF PROCEDURE:

Request Staff Report (Michael Tree Presenting)
Council Questions of Staff
Open Public Hearing
Request Public Comment
Close Public Hearing
Council Discussion
Motion/Second
Discussion of Motion
Call the Question (roll call vote)

Attachments

1. SB 53
2. Ordinance No 206

BACKGROUND: Senate Bill 53, signed by the Governor in September 2006, requires the City Council to adopt an ordinance by July 31, 2007, that restates the eminent domain authority of the City's Redevelopment Agency ("Agency"). The ordinance does not change the Agency's eminent domain powers or lack thereof.

Per the California Community Redevelopment Law, the original redevelopment plan of the City, which was adopted in 1993, authorized the use of eminent domain only until 2005. The Agency has not taken action to renew these powers.

ALTERNATIVES: None

FISCAL IMPACT: None

Review of Staff Report:

City Manager

City Attorney

City Engineer

Department Head

ORDINANCE NO. 206

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS TO COMPLY WITH REQUIREMENTS OF SENATE BILL 53, CHAPTER 591 OF STATUTES OF 2006, AS CODIFIED IN CALIFORNIA HEALTH AND SAFETY CODE SECTION 33342.7, BY DESCRIBING THAT THE TWENTYNINE PALMS REDEVELOPMENT AGENCY DOES NOT CURRENTLY HAVE AUTHORITY TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN AND THEREFORE CURRENTLY HAS NO PROGRAM TO ACQUIRE REAL PROPERTY BY EMINENT DOMAIN

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

Section 1: Declaration of Purpose.

A. The Twentynine Palms Redevelopment Agency (the "Agency") is organized and existing under the California Community Redevelopment Law which is codified at Health and Safety Code Section 33000 *et seq.* (the "CRL").

B. By adoption of Ordinance No. 114 on December 28, 1993, the City Council of the City of Twentynine Palms, in compliance with the CRL and other applicable law, adopted the Redevelopment Plan for the 4 Corners Redevelopment Project Area, as may have been amended from time to time with technical amendments as authorized by the CRL (the "Redevelopment Plan").

C. By enactment of Senate Bill 53 (Stats.2006, Ch. 591), the CRL was amended to add Health and Safety Code Section 33342.7 to require that communities with redevelopment plans adopted prior to January 1, 2007 must adopt an ordinance prior to July 1, 2007, that contains a description of the redevelopment agency's program to acquire real property by eminent domain. It is the purpose and intent of the City Council, with the adoption of this Ordinance, to comply with Senate Bill 53 by describing that the Agency currently does not have a program to acquire real property by eminent domain because the Redevelopment Plan currently does not authorize the Agency to acquire real property by eminent domain.

Section 2: The Twentynine Palms Redevelopment Agency Does Not Currently Have A Program to Acquire Real Property By Eminent Domain.

A. The authority of the Agency to acquire real property by the use of the power of eminent domain, as set forth in Section 600.11 of the Redevelopment Plan, expired as of December 28, 2005 pursuant to the applicable provisions and requirements of the CRL. Therefore the Agency does not currently have authority to acquire real property by the use of the power of eminent domain and therefore the Agency does not currently have any program to acquire real property by eminent domain. The foregoing limitation on the Agency's authority may be changed only by amending the Redevelopment Plan pursuant to the CRL.

B. Nothing in this Ordinance is intended to, or shall, act to limit or extend the authority of the Agency or the City as may be provided in the Redevelopment Plan or the CRL or other applicable law or regulation.

Section 3: Adoption of Ordinance Exempt from the California Environmental Quality Act. The City Council finds and determines that the adoption of this Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines Section 15061(b)(3) [14 C.C.R. § 15061(b)(3)] which sets forth the rule that “CEQA” applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” This Ordinance merely restates Redevelopment Plan provisions and does not cause or implement any specific application or project. The City Clerk is hereby authorized to file a Notice of Exemption with the County of San Bernardino pursuant to CEQA Guidelines Section 15062(c).

Section 4: Required Proceedings. All required proceedings and considerations precedent to the adoption of this Ordinance have been regularly taken in accordance with applicable law.

Section 5: Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid by a final judgment of a 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.

Section 6: Ordinance Not To Be Codified. This Ordinance shall not be codified in the Municipal Code but shall be an uncodified ordinance.

Section 7: Publication/Posting. The City Clerk is authorized and directed to post or publish this Ordinance or a summary thereof in accordance with legal requirements.

Section 8: Effectiveness. This Ordinance shall take effect thirty (30) days after its adoption.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2007, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joel A. Klink, Mayor
City of Twentynine Palms, California

ATTEST:

City Clerk
City of Twentynine Palms, California

(City Seal)

APPROVED AS TO FORM:

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



STAFF REPORT

TO: City Council via City Manager
FROM: City Engineer
DATE: July 10, 2007

SUBJECT: Twentynine Palms Lighting and Landscaping Assessment District #1, Engineer's Annual Report, and Levy of Assessment for FY 2007-2008

RECOMMENDATION:

- 1) Adopt Resolution No.07-21, (A Resolution of the City Council of the City of Twentynine Palms directing the Filing of the Annual Report for the Twentynine Palms Landscaping and Lighting Assessment District No. 1).
- 2) Receive and approve the engineer's report as filed or as amended.
- 3) Adopt Resolution No.07-22, (A Resolution of the City Council of the City of Twentynine Palms declaring its intention to order improvements, and to levy and collect assessments pursuant to the Lighting and Landscaping Act of 1972 for Fiscal Year 2007-2008).

- | |
|-------------------------------------|
| Attachments |
| • Resolution Initiating Proceedings |
| • Engineer's Report |
| • Resolution of Intention |

ORDER OF PROCEDURE:

Request Staff Report (Richard Pedersen Presenting)
Council Questions of Staff
Request Public Comment
Council Discussion
Motion/Second
Discussion of Motion
Call the Question (voice vote)

BACKGROUND: On October 26, 2004, the City Council approved Tentative Tract Map No. 16729 for applicant, Penca Capital, LLC. Per the conditions of approval, the applicant was required to set up a lighting and landscape assessment district. The purpose of the assessment district is to provide a funding mechanism for the ongoing maintenance of the improvements in the public right of way including parkway landscaping, retention basin landscaping, the perimeter block wall and street lighting at the new subdivision.

Review of Staff Report:

_____ City Manager

_____ City Attorney

_____ City Engineer

_____ Department Head

The Landscaping and Lighting Act of 1972 permits the installation, maintenance and servicing of landscaping and lighting through annual special assessments on real property benefiting from the improvement, such as those described above for Tract 16729.

For levying annual assessments, it is necessary that the City Council adopt the initial resolution describing improvements and ordering the engineer to file a report. Second, the City Council should approve the report as filed, or the Council may modify and then approve the report, and; third, adopt a resolution of intention to levy assessments and set a date for a public hearing.

The resolution of intention declares to the affected property owners that the City intends to levy and collect assessments within the district for next fiscal year. The resolution also gives notice of the time and place for the public hearing of the proposed assessment.

The annual assessments for each annexed territory or location of the Assessment District are indicated in Part B of the Engineer's Report. There is no increase in the assessments from the original amounts set up for this district for this current fiscal year. The recommended procedures comply with all requirements of Proposition 218.

As indicated within the engineer's report, the proposed amount to be assessed is \$23,740.10 or \$179.85 per parcel per year. The assessment is for Fiscal Year 2007-2008 and will be placed on the tax rolls in August of 2007. The Council may approve the attached report as submitted or amend the report prior to approval.

ALTERNATIVES: Amend report.

FISCAL IMPACT: There is no financial impact to the City.

RESOLUTION NO. 07-21

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TWENTYNINE PALMS DIRECTING THE
FILING OF THE ANNUAL REPORT FOR THE CITY
OF TWENTYNINE PALMS LANDSCAPING AND
LIGHTING ASSESSMENT DISTRICT NO. 1**

**ASSESSMENT DISTRICT NO. 1
(Pursuant to the Landscaping and Lighting Act of 1972)**

WHEREAS The City Council of the City of Twentynine Palms hereby resolves as follows:

Section 1: The City Engineer, the person designated by this Council as the Engineer of Work for Assessment District No. 1, is hereby directed to file an annual report in accordance with provisions of the Landscaping and Lighting Act of 1972.

Section 2: This Resolution is adopted pursuant to Section 22622 of the Streets and Highway Code.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2007.

Joel A. Klink, Mayor

ATTEST:

Charlene L. Sherwood CMC, City Clerk

(SEAL)

I, Charlene L. Sherwood, hereby certify that the forgoing Resolution No. 07-21 was duly adopted by the City Council of the City of Twentynine Palms at a regular meeting thereof, held on the ____ day of ____ 2007, by the following vote of the Council:

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

Charlene L. Sherwood CMC, City Clerk

ENGINEER'S REPORT
CITY OF TWENTYNINE PALMS

ASSESSMENT DISTRICT NO. 1

The undersigned respectfully submits the enclosed report as directed by City Council.

Richard Pedersen, P.E.
Engineer of Work

By _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was filed with me on the _____ day of _____, 2007

Charlene L. Sherwood
City Clerk, City of Twentynine Palms,
San Bernardino County,
State of California
By _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Twentynine Palms, California, on the _____ day of _____, 2007

Charlene L. Sherwood,
City Clerk, City of Twentynine Palms,
San Bernardino County,
State of California
By _____

ENGINEER'S REPORT
CITY OF TWENTYNINE PALMS

ASSESSMENT DISTRICT NO. 1

TABLE OF CONTENTS

- PART A - General Description of Improvement. Plans and specification for the improvements are filed with the City Clerk. Although separately bound, the plans and specifications are a part of this report and are included in it by reference.
- PART B- An estimate of the cost of the improvements.
- PART C- A diagram showing all of the parcels of real property within this assessment district.
- PART D- Assessment Roll. An assessment of the estimated cost of the improvements on each benefited parcel of land within the assessment district.

PART A

PLANS AND SPECIFICATIONS

L-1

TRACT NUMBER: 16729

LOCATION: North of El Paseo Road, West of Encelia Avenue

DESCRIPTION: Plans and specifications for the improvements are those prepared by Pope and Associates. Landscape Architects, dated August 5, 2004. These plans and specifications have been filed separately with the Clerk of the City of Twentynine Palms and are incorporated in this report by reference. In summary, the improvements consist of landscaping generally of native shrubs, vines, low perennials other decorative bushes, decorative rock, and a perimeter wall. Improvements include streetlights.

Perimeter parkway landscaping is bounded by the face of curb and the face of the perimeter wall along the along the perimeter of Tract 16729. In addition, to the parkway landscaping, a landscaped retention basin located at the corner of El Paseo Road and Encelia Avenue is included within the landscape maintenance district.

PART B
ESTIMATE OF COST FOR FY 2007-2008

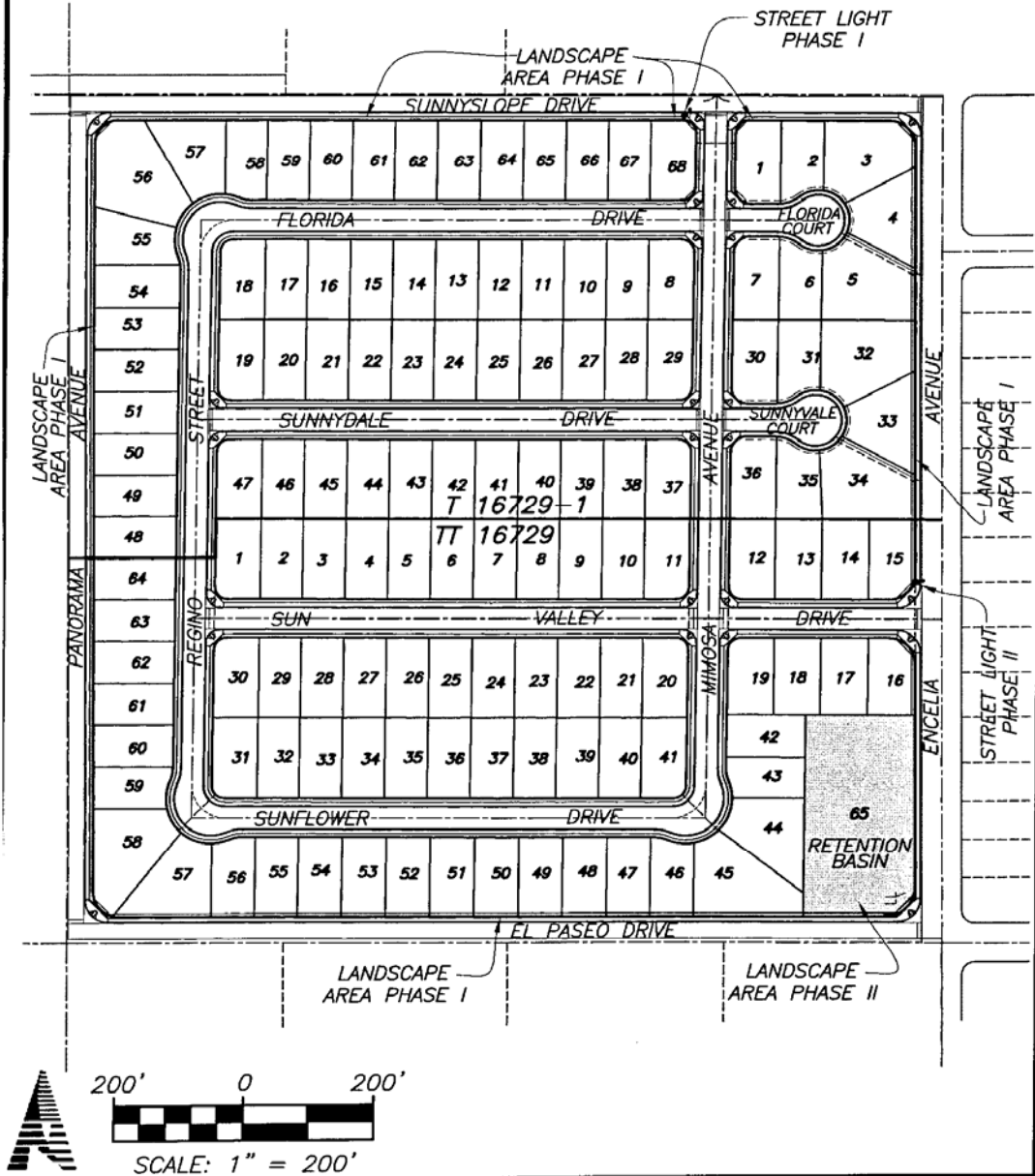
• L-1 Tract 16729

<u>ITEM DESCRIPTION</u>	<u>ANNUALCOST</u>
1. Maintenance	\$20,236.70
2. Water consumption	\$1,804.92
3. Electrical Service	\$468.00
4. Publishing/Notices/ Misc.	\$100.00
5. Contingency/Administration	<u>\$1,130.48</u>
TOTAL	\$23,740.10
Last year's actual costs	<u>\$ 0.00</u>
	(developer is still responsible)
Balance	
Last Year's Reserve Fund	\$23,740.10
Surplus / Deficit	<u>\$23,740.10</u>
Total Reserve Fund	\$47,480.20 (staff recommends 3 year's reserve)
Estimate for FY 2007/2008:	\$23,740.10
Number of lots:	132
Proposed Cost per lot per year (FY2007/2008):	\$179.85
Last fiscal years assessment per lot per year:	\$179.85

PART C

EXHIBIT "F"
CITY OF TWENTYNINE PALMS, COUNTY OF SAN BERNARDINO
TRACT NO. 16729-1 AND TENTATIVE
TRACT NO. 16729

DESIGNED BY
Warner Engineering



V:\9461\06\EXHIBIT F.dwg 9/24/2004 11:17:26 AM PBT

PART D

ASSESSMENT ROLL

Reference Number	Tract No.	Assessor's Parcel Numbers	Assessment /lot /year
L-1	Tract 16729-1 Tract 16729	0715-271- (1-68) and 0715-281- (1-64)	\$179.85

RESOLUTION NO. 07-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS DECLARING ITS INTENTION TO ORDER IMPROVEMENTS AND TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR 2007-2008

**ASSESSMENT DISTRICT NO. 1
(Pursuant to the Landscaping and Lighting Act of 1972)**

WHEREAS The City Council of the City of Twentynine Palms hereby resolves as follows:

Section 1: The City Council intends to levy and collect assessments within Assessment District No. 1 during fiscal 2007-2008. The area of land to be assessed is located in the City of Twentynine Palms, San Bernardino County.

Section 2: The improvements to be made in this assessment district are generally described as follows:

Improvements may include but not be limited to, ground cover, shrubbery, and other landscaping, irrigation equipment, separate water meters, street lights, drainage structures and the continued maintenance, operation and servicing of those improvements as deemed necessary.

Section 3: In accordance with this Council's resolution directing the filing of an annual report, the City Engineer, Engineer of Work, has filed with the City Clerk the report required by the Landscaping and Lighting Act of 1972. The City Council has received and reviewed the written report from the Assessment Engineer regarding the proposed levy and assessment for fiscal year 2007-2008. All interested persons are referred to that report for a full and detailed description of the improvement, the boundaries of the assessment district and the proposed assessment upon assessable lots and parcels of land within the assessment district.

Section 4: On Tuesday, the 31st day of July 2007, at the hour of 6:00 o'clock p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the Council Chamber of the City Council located at 6136 Adobe Road, City of Twentynine Palms, California.

Section 5: The assessment for all locations is not proposed to increase from any previous year.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2007.

Joel A. Klink, Mayor

ATTEST:

Charlene L. Sherwood CMC, City Clerk

(SEAL)

I, Charlene L. Sherwood, hereby certify that the forgoing Resolution No. 07-22 was duly adopted by the City Council of the City of Twentynine Palms at a regular meeting thereof, held on the 26th day of June 2007, by the following vote of the Council:

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

Charlene L. Sherwood CMC, City Clerk



STAFF REPORT

TO: City Council via City Manager
FROM: Finance Director
DATE: July 10, 2007

SUBJECT: Public Agency Risk Sharing Authority of California (PARSAC) Changes to Governing Documents.

RECOMMENDATION: The City Council approve the changes by adopting Resolution No. 07-20.

ORDER OF PROCEDURE:

Request Staff Report (Ron Peck Presenting)
Request Public Comment
Council Questions of Staff
Council Discussion
Motion/Second
Discussion of Motion
Call the Question (Roll call vote)

Attachments
PARSAC Joint Powers Agreement
Summary of Changes
Resolution No. 07-20

BACKGROUND: The City has been a member of PARSAC for over fifteen years. PARSAC wanted to streamline its governing documents. A committee was formed to review all the documents and recommend changes. The outcome was that two documents, the participation agreements for both the liability and workers compensation programs, were eliminated and incorporated into one document, the Joint Powers Agreement.

There were some changes made; the most noteworthy were:

1. Previously, to be a member of PARSAC, a city had to participate in the liability program. In order to encourage more participation in the workers compensation program, that has been changed to allow membership in workers compensation only.
2. The PARSAC Board has approval authority over third party administrators.
3. Workers compensation premiums will now be paid at the beginning of the year, rather than quarterly.

ALTERNATIVES: The City could shop for other coverage, but the changes are not substantial enough to warrant that.

FISCAL IMPACT: Loss of some interest because of paying the entire workers compensation premium up front.

Review of Staff Report: _____
City Manager City Attorney City Engineer Department Head

RESOLUTION NO. 07-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING THE AMENDED JOINT POWERS AGREEMENT OF THE PUBLIC AGENCY RISK SHARING AUTHORITY OF CALIFORNIA (PARSAC)

WHEREAS, the City of Twentynine Palms is a Member Entity of the Public Agency Risk Sharing Authority of California (PARSAC), a joint powers agency providing risk management services, claims pooling and joint insurance benefits to its members; and

WHEREAS, the City Council approved the Joint Powers Agreement creating PARSAC, dated May 31, 1996 which was revised and restated by Resolution No. 2007-04 adopted by a majority of the PARSAC Board of Directors on May 31, 2007; and

WHEREAS, Article XXIX of the Joint Powers Agreement provides that the Agreement may be amended by a two-thirds vote of the Board of Directors present and voting at any duly convened meeting; and

WHEREAS, notice of the proposed amendment was mailed to all Member Entities on April 27, 2007, providing at least thirty (30) days notice of the proposed amendments as required by the Joint Powers Agreement; and

WHEREAS, article XXVIII of the Agreement provides that amendments shall become effective immediately; and

WHEREAS, the City Council has reviewed the materials provided by PARSAC on the amendment to the Joint Powers Agreement and summary of the latest changes thereto; and

WHEREAS, Article XX of the revised Joint Powers Agreement requires each Member Entity to establish, by resolution, a "Fund Balance Reserve" equal to three times its self insured retention

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Twentynine Palms that the Amended Joint Powers Agreement of the Public Agency Risk Sharing Authority of California dated May 31, 2007 is hereby accepted. The City Manager is hereby directed to execute the Agreement and take any other necessary steps related thereto.

BE IT FURTHER RESOLVED that the City will maintain in the Risk Management Proprietary Fund, a reserve equal to or exceeding three times the self insured retention.

PASSED, APPROVED, AND ADOPTED on the 10th day of July, 2007.

Joel A. Klink, Mayor

ATTEST:

Charlene Sherwood, CMC, 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 10th day of July, 2007, by the following vote of the Council:

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

Charlene Sherwood, CMC, City Clerk



STAFF REPORT

TO: City Council via City Manager
FROM: City Clerk
DATE: July 10, 2007

SUBJECT: Designation of a Voting and Alternate Delegate for League of California Cities' Annual Conference.

RECOMMENDATION:

The City Council designates the Mayor and Mayor Pro Tem as voting delegate and alternate for the League of California Cities Annual Conference in Sacramento September 5, 6, 7, and 8, 2007.

Attachments Voting Designate/ Alternate Form
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ORDER OF PROCEDURE:

- Request Staff Report (Michael Tree, City Manager Presenting)
- Request Public Comment
- Council Questions of Staff
- Council Discussion
- Motion/Second
- Discussion of Motion
- Call the Question (voice vote)

BACKGROUND:

The Annual League of California Cities' Conference will be held in Sacramento from September 5-8, 2007. To expedite the conduct of the business at this important policy-making meeting, each City Council should designate a voting representative and an alternate who will be registered at the Annual Business Meeting.

Review of Staff Report: _____
City Manager City Attorney City Engineer Department Head



STAFF REPORT

TO: City Council via City Manager
FROM: City Engineer
DATE: July 10, 2007

SUBJECT: Accept the Final Map for Tract Map No. 17168-1

RECOMMENDATION:

Move to accept the final map, securities and agreements for Tract Map No. 17168-1.

ORDER OF PROCEDURE:

- Request Staff Report (Richard Pedersen Presenting)
- Council Questions of Staff
- Request Public Comment
- Council Discussion
- Motion/Second
- Discussion of Motion
- Call the Question (voice vote)

- | Attachments |
|---|
| <ul style="list-style-type: none"> • Copy of Map • Resolution 07-25 • Subdivision Improvements Agreement • Improvement Security |

BACKGROUND: The applicant has not completed all required improvements but, as allowed by the Development Code and the Conditions of Approval, has signed Agreements for Construction of Improvements and provided security to guarantee completion of these improvements. The City Attorney has reviewed and approved the agreements and bond packages. The security amounts provided are indicated below:

Tract 17168-1	Performance	Labor and Materials
Streets	\$ 181,100	\$90,550
Drainage Facilities	\$ 17,550	\$ 8,775
Landscape	\$ 41,910	\$20,955
Sewer Plant	\$500,000	\$250,000
Sewer Facility	\$33,000	\$16,500
Survey Monuments	\$ 5,040 (Cash deposit only)	N/A

No eminent domain procedures are necessary for this project

ALTERNATIVES: Amend report.

FISCAL IMPACT: There is no financial impact to the City.

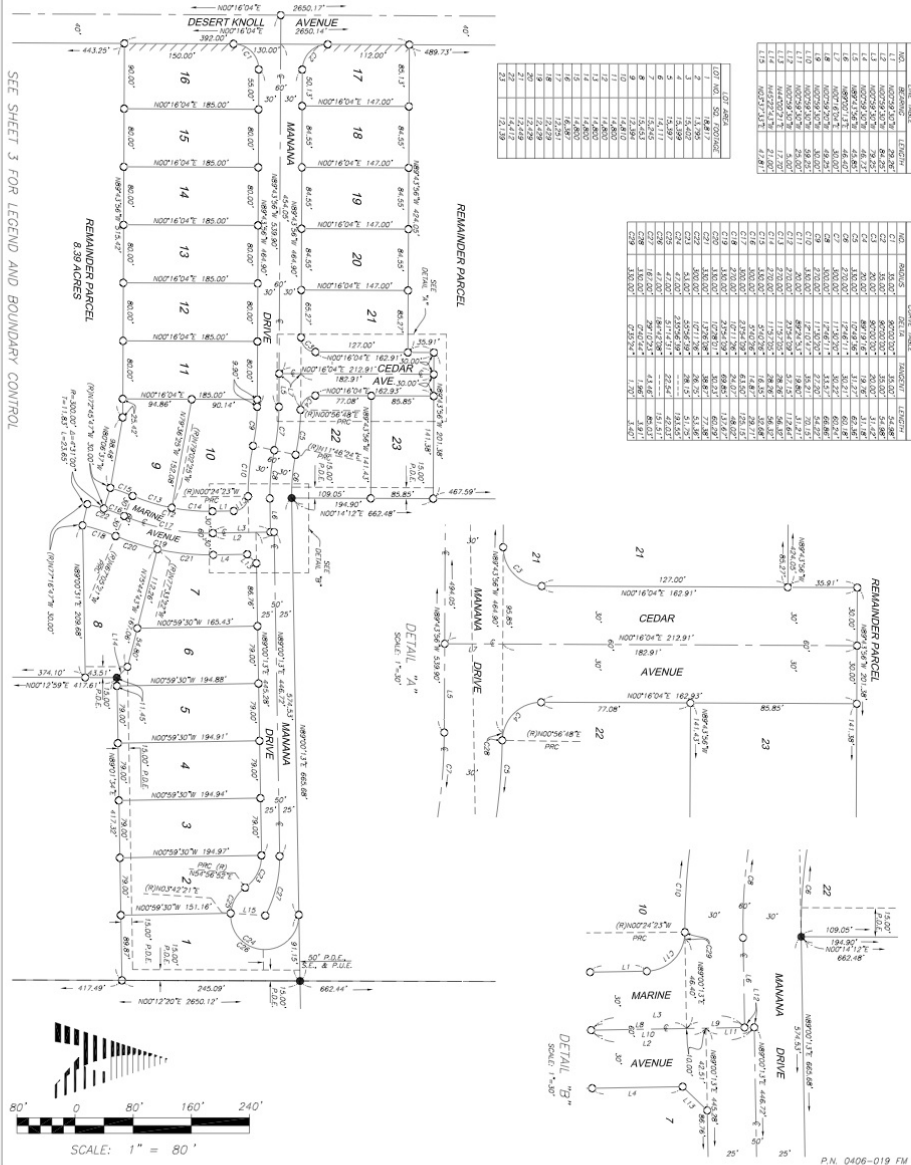
Review of Staff Report: _____
City Manager City Attorney City Engineer Department Head

IN THE CITY OF TWENTYNINE PALMS, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA.

TRACT NO. 17168-1

BEING A SUBDIVISION OF A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 9 EAST, S.B.B.& M.

Warner engineering YUCCA VALLEY, CA
FEBRUARY 2006



RESOLUTION NO. 07-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, APPROVING FINAL TRACT MAP NO. 17168-1, THE SUBDIVISION IMPROVEMENT AGREEMENT AND RELATED IMPROVEMENT SECURITIES.

WHEREAS, On September 6, 2005, the Planning Commission approved Tentative Tract Map No. 17168; and

WHEREAS, the applicant has complied with all conditions of approval, as amended hereby, required prior to Final Map approval for Tentative Tract Map 17168; and

WHEREAS, the City Engineer and Director of Community Development have reviewed Final Tract Map 17168-1 and find it to be in substantial conformance with Tentative Tract Map 17168 and to be technically correct; and

WHEREAS, the applicant has executed and submitted for City Council approval of a Subdivision Improvement Agreement for City Council approval per Section 66462 and 66662.5 of the Subdivision Map Act which is included herein as Attachment A.

WHEREAS, the applicant has submitted for City Council approval improvement security for private and public improvements required by TTM 17168-1 which are included herein as Attachment B.

THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. That the City Council does hereby approve Final Tract Map 17168-1 pursuant to Section 66458 of the Subdivision Map Act.

Section 2. That the City Council does hereby approve the Subdivision Improvement Agreement, included as Attachment A to this resolution, per Section 66462 and 66462.5 of the Subdivision Map Act.

Section 3. That the City Council does hereby approve the improvement security for the private and public improvements required by TTM 17168 and included as Attachment B to this resolution.

Section 4. That the City Clerk shall certify the adoption of this Resolution and so note on the Final Map.

PASSED, APPROVED, AND ADOPTED this 10th day of July, 2007.

Joel Klink, Mayor

ATTEST:

CHAR SHERWOOD, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF TWENTYNINE PALMS)

I, CHAR SHERWOOD, City Clerk of the City of Twentynine Palms, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 07-25 adopted by the City Council of the City of Twentynine Palms, California, at a regular meeting thereof held on the 10th day of July, 2007 by the following vote:

AYES:

NOES:

ABSENT:



STAFF REPORT

TO: City Council
FROM: Community Development Director via City Manager
DATE: July 10, 2007

SUBJECT: A General Plan Amendment and Change of Zone to the Land Use Map:

8.1 PC 06-95 – From RS-4 (Single Family Residential) to CS (Service Commercial) for APNs 0621-061-03, and 0621-061-11, located south of Callie Todd Lane, east of Desert Queen Avenue, west of Adobe road and north of Samarkand Drive, T1N, R9E Section 20, SBBM.

Attachments

1. Ordinance No. 207
2. Locator Maps
3. Planning Commission Staff reports

8.2 PC 07-02 – From RL-2.5 (Rural Living) to CG (General Commercial), for a 2.89 acre parcel, APN# 0622-301-13, located at the north-east corner of the intersection of Adobe Road and Valle Vista Road, T1N, R9E, Section 4, SBBM

RECOMMENDATION: The Planning Commission recommends that the City Council conduct the continued Public Hearing, close the hearing, consider public comment, adopt the CEQA findings, Deny 8.1 (PC 06-95) and Amend the General Plan and Land Use and Zoning Map for 8.2 (PC 07-02), and introduce Ordinance 207.

ORDER OF PROCEDURE:

Request Staff Report (Meyerhoff Presenting)
Open Public Hearing
Request Public Comment
Close Public Hearing
Council Questions of Staff
Council Discussion
Motion/Second
Discussion of Motion
Call the Question (Roll call vote)

BACKGROUND:

On June 12, 2007, the City Council conducted and continued the public hearing on this matter to July 10, 2007 and closed the public hearing and sent PC 05-81 (Beltz) back to the Planning Commission for review.

Pursuant to Section 65358 of the Government Code, if it is deemed to be in the public interest, the legislative body (City Council) may amend all or part of a General Plan. No element of a General Plan may be amended more that four times in one calendar year.

Regarding, PC 06-95, Dennis Peterson, owner and operator of American Self Storage, representing adjacent land owners Robert W. Applegate and Samuel and Harriet Kodish, proposes a General Plan Amendment and change of zoning for the currently vacant parcels. Present zoning for the property is RS-4. The applicant proposes to have the zoning designation changed to CS. No development is proposed at this time. It is anticipated that, should this application be approved, at a future date, Mr. Petersen may apply for an expansion of American Self Storage. One letter was received in opposition to this amendment. On June 6, 2007, the Planning Commission voted 4-0 (Easter absent) to recommend denial of this General Plan Amendment.

Regarding PC 07-02, Greg Bolinger of JGD Development has submitted an application for a General Plan Amendment and Change of Zone from RL-2.5 (Rural Living) to CG (General Commercial), for a 2.89 acre parcel, APN# 0622-301-13, which is located on the north-east corner of the intersection of Adobe Road and Valle Vista Road, T1N, R9E, Section 4, SBBM. The site is also designated as PR-BH (Mesquite Bosque and Dunes overlay). Development is not included in this application for a General Plan Amendment and Change of Zone, as no development is proposed at this time. Should this application be approved, the applicant intends to build a shopping center on the larger 95.4 acre site, which will be subject to environmental review under the California Environmental Quality Act (CEQA). On June 5, 2007 the Planning Commission voted 4-0 (Easter absent) to recommend approval of this General Plan Amendment.

CEQA:

Initial Studies were prepared and routed to the responsible agencies for each of these projects. The Initial Studies were attached and environmental issues were summarized in the staff reports for each item, and were previously provided to the City Council under separate cover.

ALTERNATIVES: The City Council has several alternatives:

1. Approve the General Plan Amendments and Changes of Zone in whole or in part; or
2. Deny the General Plan Amendment.

FISCAL IMPACT: None.

ORDINANCE NO. 207

AN ORDINANCE OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, AMENDING THE GENERAL PLAN AND CHANGING THE ZONING DESIGNATION FROM RS-4 (SINGLE FAMILY RESIDENTIAL) TO CS (SERVICE COMMERCIAL) FOR PROPERTY IDENTIFIED AS APN# 0621-061-03, AND 0621-061-11, AND FROM RL-2.5 (RURAL LIVING) TO CG (GENERAL COMMERCIAL) FOR PROPERTY IDENTIFIED AS APN# 0622-301-13.

The City of Twentynine Palms makes the following findings:

WHEREAS, the subject sites are identified on the General Plan Land Use Map as Single Family Residential, and Rural Living.

WHEREAS, the City Council finds that the General Plan Amendment and Change of Zoning are in compliance with the adopted General Plan Land Use Map.

WHEREAS, sufficient traffic circulation systems are in place adjacent to the site and in the vicinity of the site, and the City Council finds that the adequate infrastructure exists to serve future development in the area.

WHEREAS, the City Council finds that the Planning Commission conducted duly notice public hearings, received testimony regarding the proposed projects, and recommended approval of the General Plan amendment and Changes of Zoning, and the City Council has considered the recommendation of the Planning Commission before taking action.

WHEREAS, the City Council conducted duly notice public hearings on June 12, and July 10, 2007, and received testimony regarding the proposed project, and the City Council finds that opportunity has been extended to citizens wishing to review and comment upon the projects.

WHEREAS, the City Council finds that the review process has provided opportunity for all interested agencies to consider and comment on the proposals.

WHEREAS, the City Council finds that the proposed action will not result in an adverse effect on wildlife resources or the public health safety and welfare.

WHEREAS, the City Council finds that the proposed action is consistent with the City's adopted General Plan.

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

SECTION 1: That on July 10, 2007, the City Council adopted a Negative Declaration pursuant to the California Environmental Quality Act, because it determined that based on the conclusions reached in the Initial Study, adoption of the Ordinance would not result in an adverse environmental impact.

SECTION 2: Ordinance No. 207, Amending the General Plan and Changing the Zoning from Single Family Residential (RS-4) to Service Commercial (CS) for APN# 0621-061-03, and 0621-061-11, and from RL-2.5 (Rural Living) to CG (General Commercial), for APN# 0622-301-13.

SECTION 3: The General Plan Land Use and Zoning Map shall be amended to reflect the General Plan Amendment and Change of Zoning for the parcels as identified as APN# 0621-061-03, APN# 0621-061-11 and APN# 0622-301-13

SECTION 4: This Ordinance shall be effective 30 days from the date of its adoption and the City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published as required by law.

PASSED AND ADOPTED THIS 10TH DAY OF JULY, 2007

Joel Klink, Mayor

CERTIFICATION:

I, Charlene L. Sherwood, City Clerk of the City of Twentynine Palms, do hereby certify that the foregoing Ordinance No. 207 was introduced and placed upon first reading at a regular meeting of the City Council on the 10th day of July 2007. That thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 24th day of July 2007, by the following vote, to wit:

AYES: COUNCIL MEMBER:

NOES: COUNCIL MEMBER:

ABSENT: COUNCIL MEMBER:

ABSTAIN: COUNCIL MEMBER:

Charlene L. Sherwood, City Clerk



STAFF REPORT

TO: City Council
FROM: Code Enforcement Officer via City Manager
DATE: July 10, 2007

SUBJECT: PC 06-141 – The Code Enforcement Division is seeking City Council confirmation of the costs of abating the public nuisance at 72649 Sullivan Road (APN 0616-171-19), and adoption of Resolution # 07-24 directing the recordation of a Special Assessment against the property to recover the City's cost of abatement.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, confirm costs of abatement in the amount of \$2,545 for the washing, painting, and boarding up of the burned out residence at 72649 Sullivan Road, and adopt Resolution # 07-24 directing the recordation of a Special Assessment against the property to recover the City's cost of abatement if the bill is not paid.

ORDER OF PROCEDURE:

Request Staff Report (Alex Meyerhoff presenting)
Council Questions of Staff
Request Public Comment
Council Discussion
Motion/Second
Discussion of Motion
Call the Question (voice vote)

BACKGROUND: On May 1, 2006, this residence was burned in a fire, and was no longer habitable. The structure was partially boarded up, and there was a lot of junk and rubbish on the property.

On May 22, 2006, a letter was sent to the owner of the property, Jack Richardson. The letter advised him of the fire damaged building and the junk and rubbish, and directed him to board up the building within ten (10) days, and remove the junk and rubbish within thirty (30) days.

Attachments

- Locator Maps
- May 22, 2006, letter to Property Owner
- August 14, 2006, Notice to Abate junk
- August 18, 2006, signed Consent to Abate
- September 22, 2006, letter to property owner
- October 26, 2006, letter to property owner
- November 29, 2007, pre-abatement photos
- June 5, 2007, itemized abatement bill
- June 19, 2007, letter advising property owner of hearing before Planning Commission
- June 27, 2007, post abatement photos
- Resolution # 07-24

Review of Staff Report:

_____ City Manager

_____ City Attorney

_____ City Engineer

_____ Department Head

The property was inspected on June 13, 2006. The building was secure but the junk and rubbish had not been removed.

On August 14, 2006, the City began receiving complaints concerning the nuisance being a danger to children. The house was posted with a Notice to Abate, and copies of the Notice were sent to the owner by Certified Mail. The Notice directed the owner that if he failed to remove the junk and rubbish and secure the structure within thirty (30) days, the City would abate the property. The letter was returned to sender, unclaimed.

In response to repeated complaints concerning the dangerous property, the City offered to remove the junk and rubbish at no cost to the property owner. The property owner agreed, and signed a Consent to Abate warrant. The junk and rubbish was removed on August 24 and 25, 2006.

Even though the immediate problem of junk and rubbish was eliminated, the burned out building remained a nuisance because of the unsightly blackened stucco and unpainted board up lumber. The property owner made no efforts to repair, demolish, or paint the structure. On September 22, 2006, a letter was sent to the owner by Certified Mail. The letter directed the owner to repair the structure to code or demolish it within thirty (30) days. The letter went on to advise the owner that if he did not make substantial progress towards bringing the property into compliance, a Public Hearing before the Planning Commission would be scheduled for January 2, 2007 where the manner of abatement would be determined. The structure was not brought into compliance.

On January 2, 2007, a Public Hearing was held before the Planning Commission, with the property owner in attendance. The Planning Commission ordered the property owner to paint the structure no later than January 23, 2007.

The owner did not paint the structure as ordered by the Planning Commission, and Code Enforcement obtained an Abatement Warrant directing the City to wash, paint, and secure the building. This abatement was executed between May 14 - 17, of 2007.

ALTERNATIVES: The City Council can take any of the following actions: (a) Take no action; (b) Approve the total abatement cost of \$2,545.00 as submitted and adopt Resolution # 07-24 directing the recordation of a Special Assessment against the property in this amount; or (c) Make an adjustment in the cost of abatement and adopt Resolution # 07-24 directing the recordation of a Special Assessment against the property for the adjusted cost of abatement.

FISCAL IMPACT: Expenditure of \$1,745.00 for the abatement. The abatement cost of \$1,745.00 and Code Enforcement fees of \$800.00 will be recovered when the annual taxes are paid.

CITY COUNCIL RESOLUTION NO. 07-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, DIRECTING THAT THE CONFIRMED OUTSTANDING COSTS OF ABATEMENT IN THE AMOUNT OF \$2,545.00 BE ASSESSED AGAINST THE PROPERTY LOCATED AT 72649 SULLIVAN ROAD (APN 0616-171-19), AS A SPECIAL ASSESSMENT, PURSUANT TO CITY MUNICIPAL CODE CHAPTER 19.92.

WHEREAS, on January 2, 2007, a Public Hearing was held before the Planning Commission where the burned out structure at 72649 Sullivan Road was deemed to be a public nuisance. The Planning Commission ordered the property owner to paint the structure and notified the owner that if the work was not complete by January 23, 2007, the City would take action to abate the same and seek reimbursements from the property owner for the costs associated therewith; and

WHEREAS, the property owner did not paint the structure as ordered by the Planning Commission, and Code Enforcement obtained an Abatement Warrant directing the City to have the structure washed, painted, and secured; and

WHEREAS, the abatement was executed between May 14 - 17, of 2007 for a total bill of \$2,545; and

WHEREAS, at a public hearing of the City Council on July 10, 2007, the Council confirmed abatement costs in the amount of \$2,545.00 pursuant to City Municipal Code Chapter 19.92. This abatement cost is submitted and charged to the property owner(s), payable by said owner(s) of the property, or by the beneficiary of any trust deed or by any other interested party; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Twentynine Palms hereby confirms and adopts pursuant to City Municipal Code Chapter 19.92 an abatement cost in the amount of \$2,545.00 for the abatement of 72649 Sullivan Road (APN 0616-171-19), in the City of Twentynine Palms. The City Council further resolves that the cost of the abatement of said nuisance shall be paid by the owner of the premises, beneficiary of any trust deed concerning the premises, or any other party interested in the property within ten (10) days following the confirmation of cost hearing, or said charges shall constitute a Special Assessment on the real property upon which the public nuisance was abated.

BE IT FURTHER RESOLVED that the property in this Resolution is located in the City of Twentynine Palms, County of San Bernardino, State of California.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to file with the Assessor and Tax Collector of San Bernardino County, certified copies of this Resolution, and shall record said

Resolution with the San Bernardino County Recorder.

APPROVED AND ADOPTED THIS _____ DAY OF _____, 2007

AYES:COUNCIL MEMBERS:

NOES:COUNCIL MEMBERS:

ABSENT:COUNCIL MEMBERS:

Joel Klink, Mayor

ATTEST:

Charlene L. Sherwood, City Clerk

I hereby certify that the foregoing is a true copy of Resolution No. 07-24 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

TO: City Council
FROM: City Manager
DATE: July 10, 2007

SUBJECT: Intersection at Mesquite Springs Road and Wildcat Way

RECOMMENDATION: Receive report and provide direction as appropriate

ORDER OF PROCEDURE:

Request Staff Report (Danny Chow Presenting)
Council Questions of Staff
Request Public Comment
Council Discussion and Direction

BACKGROUND: The subject intersection is located at the southeast corner of Twentynine Palms High School. Due to the height of this crest, there is concern regarding the line of sight between the vehicle waiting at Wildcat Way and the vehicle on northbound Mesquite Springs Road approaching the intersection, which creates a potentially unsafe condition.

The City Council approved funding in FY 06-07 for the study and redesign, if necessary, of Mesquite Springs Road approaching the abovementioned intersection. Danny Chow, Assistant City Engineer, has evaluated the segment of the roadway and will present to the City Council the options available to improve site distance for the waiting vehicle at Wildcat Way prior to entering into the intersection.

ALTERNATIVES: The Council can provide alternative design direction to staff.

FISCAL IMPACT: The fiscal impact to the City varies depending on the alternative selected. Cost estimates will be presented at the meeting.

Review of Staff Report: _____
City Manager City Attorney City Engineer Department Head



STAFF REPORT

TO: Twentynine Palms City Council/Redevelopment Agency Board of Directors
FROM: City Manager/Executive Director
DATE: July 10, 2007

SUBJECT: Owner Participation Agreement (“OPA”) between the Twentynine Palms Redevelopment Agency (the “Agency”) and John and Karon Masterson (the “Owners”) for the Rehabilitation of Commercial Buildings.

RECOMMENDATION: Acting as the Agency, approve OPA between the Agency and the Owners in the amount of \$78,900, and adopt Resolution 07-03. Acting as the City Council adopt Resolution 07-23.

ORDER OF PROCEDURE:

Request Staff Report (Michael Tree Presenting)
Board Questions of Staff
Request Public Comment
Board Discussion
Motion/Second
Discussion of Motion
Call the Question (roll call vote)

Attachments

1. Owner Participation Agreement

BACKGROUND: Over the past decade the Agency has entered into many Owner Participation Agreements. Such agreements have included assistance to local businesses such as AM/PM convenience market, Desert Ranch Market, the local Yucca Valley Chrysler Center, etc.

On April 18, 2007, staff received an application by the Owners for redevelopment funds to improve the exteriors of the following commercial buildings:

<i>Billing Address</i>	<i>Current Business Name</i>
73511 Twentynine Palms HWY	Wonder Garden Café
73515 Twentynine Palms HWY	Wonder Garden Health Foods
73519 Twentynine Palms HWY	The Boardwalk

Additionally, the Owners seek to improve a parking lot located on parcel 615-115-9 immediately behind the Wonder Garden Café.

Review of Staff Report: _____
City Manager City Attorney City Engineer Department Head

Envisioned by the Owners are new exteriors that will brighten and create interest in the commercial area of the downtown. Specifically, the Owners are committing to the repair of damaged walls, the refurbishing of doors, the replacing of security windows, the painting of the buildings, the installation of awnings, the paving of parking areas, the construction of curb and gutter adjacent to the parking areas, and the replacement of lighting to a more decorative, efficient, and night sky compatible product.

To accomplish the rehabilitation with redevelopment funding the OPA was negotiated and prepared (see Attachment #1). The OPA provides that the Agency will provide the Owners assistance in the form of a rehabilitation loan, with the loan amount being up to a maximum of \$78,900. The Owners can seek portions of the loan from the Agency once they have completed a portion of the rehabilitation work, and have presented the Agency with evidence of the completion and evidence of the cost to complete the work.

In providing rehabilitation assistance to the Owners the Agency is completing several goals as outlined in its Five Year Implementation Plan, which include the following:

- The elimination of physical and environmental deficiencies, such as street improvements and lack of developed parking
- The encouragement, promotion, and assistance in the development and expansion of local commerce.
- The achievement of a physical environment reflecting a high level of concern for architectural design principles deemed important to community and property owners.
- To provide a procedural and financial mechanism by which the Agency can assist with revitalization and enhancement of the community.
- To ensure the community maintains a competitive position with surrounding communities.
- Enhancing the downtown by providing improvements on the alley south of the highway, beautifying and eliminating blight, and providing for improvements to the parking.

Within the Five Year Implementation Plan the Agency has budgeted for \$121,000 for Owner Participation Agreements to rehabilitate commercial buildings and \$433,000 to enhance the downtown area, which includes the improving of off-street parking. Both accounts are without expenditure at this time.

In return for the rehabilitation loan the Owners are agreeing to, among other things:

1. Be responsible for the successful completion of the items called out in the project description for each of the three buildings (see Attachment No. 7 within the OPA) within 6 months from commencement.
2. Secure at its own expense any and all permits and approvals which may be necessary by City or any other governmental agency affected by construction.
3. Operate permitted businesses during hours customary for such businesses within the three rehabilitated commercial buildings for a period of three consecutive years.
4. Provide easement to allow for public parking on parking lot for a period of three years.

When all conditions of the OPA have been met, including the conclusion of the three year operating period, the loan provided to Owners by Agency for the purpose of rehabilitating the

three buildings will be forgiven. If said conditions are not met in full then Owners will be responsible for repayment of the loan as per the conditions of the OPA.

The OPA provides that one of the Agency's conditions to providing any portion of the loan to the Owners is that the Owners are required to sign and record (i) the Agreement Containing Covenants Affecting Real Property ("Regulatory Agreement") (Attachment No. 4 to the OPA) and a Deed of Trust (Attachment No. 6 to the OPA) against all of the subject properties. The Regulatory Agreement ensures that the properties will be maintained and operated for the three-year covenant period referenced above; and the Deed of Trust secures the repayment of the Agency's loan in the event the Owners default under the OPA or any of the attachments and are thus required to repay the loan.

As indicated above, the improvements to be funded with the Agency loan include installation of curb and gutter, and paving of an alleyway, all of which are publicly owned improvements. The California Redevelopment Law requires that prior to an agency funding publicly owned improvements the City Council must consent to such expenditure, and that both the Agency and City Council must make certain findings. The findings required to be made are set forth in the Resolutions (to be available on or before the date of the meeting).

ALTERNATIVES: The Agency can choose to modify the OPA or reject the OPA.

FISCAL IMPACT: \$78,900 in Agency funding.