

# TWENTYNINE PALMS CHAMBER OF COMMERCE AND VISITORS BUREAU

## MONTHLY RECAP REPORT: MAY 2008

### VISITOR SERVICES

New information/publications available in the Visitor Center include:

- June 2008 Chamber Newsletter;

### GIFT SHOP:

- Sales in Gift Shop for May 2008: \$27.00

**May New Members: 2**

**Total Chamber Members:**

**Contact Statistics: April 2008:**

Phone Calls: **815**  
Visitors: **410**  
Information Packets: **5**

### May stats for 29chamber.com

Successful requests: **228,921**  
Average successful requests per day: **7,896**  
Successful requests for pages: **116,452**

### May stats for visit29.org:

Successful requests: **59,178**  
Average successful requests per day: **2,042**  
Successful requests for pages: **15,100**

### MARKETING

#### Tours, Conferences & Meetings

- Real Estate Association presentation, May 9, 2008;
- California Desert Visitor's Association Cultural and Heritage Workshop, May 28, 2008;
- Pelican Diner June 2, 2008
- National Parks June 4, 2008
- Street Fair and Car Show, June 6, 2008
- State of the State June 13, 2008
- Annual Installation and Awards, June 21, 2008

#### Other Marketing

Chamber will capitalize event information regarding the following:

- Street Fair and Car Show
- California Desert Visitor's Association Cultural and Heritage Workshop, May 28, 2008
- Profile created with directoryM

- Submission to *Canadian Traveler* magazine's June issue
- "Three Perfect Days in Twentynine Palms" uploaded to IgoUgo
- Submission to *SouthwestBlend*
- Update to SuitesOnline.Net
- Two submissions to CALTIA for California Campgrounds
- Submission to Yellow Book USA
- Event submission to visitcalifornia.com

The following articles highlighted Twentynine Palms area and events:

- "A Hushed Oasis of Art in the Desert" The Washington Post
- "Munkii's goList" on TripAdvisor
- Reviews of Motel 6, Holiday Inn Express, Sunnyvale Garden Suites Hotel, Roughly Manor on TripAdvisor

### NETWORKING

- Chamber Mixer sponsored by Archifacts and Sky's the Limit on May 15, 2008

### BUSINESS & ECONOMIC DEVELOPMENT

#### LEGISLATIVE AFFAIRS

- Council Connections, May 13 2008

#### MILITARY AFFAIRS

- M.A.C. Assistance Fund, the Chamber has donated the fund to the ASYMCA.

#### EVENTS

- Chamber Board of Directors meeting, June 19, 2008, 12PM, chamber conference room;
- Chamber Mixer will be sponsored by, Reach Out Morongo Basin, June 19, 2008, 5pm-7pm;
- Council Connections, Chamber Conference Room, June 26, 2008 at 6pm



# STAFF REPORT

**TO:** City Council via City Manager  
**FROM:** Finance Director  
**DATE:** June 10, 2008

**SUBJECT:** Amendment of the Measure I Five-year Plans for fiscal years 2006-07 through 2009-10 and 2007-08 through 2009-10.

**RECOMMENDATION:** The City Council adopt Resolution Nos. 08-12 and 08-17 amending the Plans.

Attachments

Resolution No. 08-12  
Resolution No. 08-17

**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)

**BACKGROUND:** Measure I funding requires the City to submit a Five-year Plan each year, outlining intended expenditures. The expenditures are audited each year, and compared to the current plan. The City received a negative comment on the 2006-07 audit for an \$8,000 item that was not on the plan. During 2007-08 we have work on several projects not on the plan. Therefore, resolutions 08-12 and 08-17 are necessary to bring the actual work done into agreement with the original plans that were submitted for those years.

**ALTERNATIVES:** If the projects are not amended, the City will have an exception on the Measure I Audit, and have to make the amendments later.

**FISCAL IMPACT:** None.

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Review of Staff Report: \_\_\_\_\_  
City Manager      City Attorney      City Engineer      Department Head

**RESOLUTION NO. 08 - 12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS AMENDING THE FIVE-YEAR MEASURE I CAPITAL IMPROVEMENT PROGRAM FOR PLAN YEARS 2007 THROUGH 2010**

**WHEREAS**, the City of Twentynine Palms by Resolution No. 06-13 on May 23, 2006 adopted the Measure I Five-Year Plan for Fiscal Years 2006-2007 through 2009-2010; and

**WHEREAS**, the City of Twentynine Palms has expended funds under that Plan during fiscal year 2006-2007; and

**WHEREAS**, some expenditures made were not included in the original Plan; and

**WHEREAS**, the Plan may be amended for such contingencies.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Twentynine Palms hereby Amends the Measure I Four-Year Capital Improvement Program for fiscal years 2006-2007 through 2009-2010 adding expenditures for the improvement of El Rey Ave., from Highway 62 to Nicholson Drive in the amount of \$8,000 to the Local Roads for fiscal year 2006-2007.

**PASSED, APPROVED, AND ADOPTED** by the City Council of Twentynine Palms this 10th day of June 2008.

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Elaine Bernal, Mayor

Attest:

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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 June 2008, by the following vote of the Council:

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

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Charlene Sherwood, CMC, City Clerk

**RESOLUTION NO. 08 - 17**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS AMENDING THE THREE-YEAR MEASURE I CAPITAL IMPROVEMENT PROGRAM FOR PLAN YEARS 2008 THROUGH 2010**

**WHEREAS**, the City of Twentynine Palms by Resolution No. 07-15 on May 22, 2007 adopted the Measure I Three-Year Plan for Fiscal Years 2007-2008 through 2009-2010; and

**WHEREAS**, the City of Twentynine Palms has expended funds under that Plan during fiscal year 2007 -2008; and

**WHEREAS**, some expenditures made were not included in the original Plan; and

**WHEREAS**, the Plan may be amended for such contingencies.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Twentynine Palms hereby Amends the Measure I three-Year Capital Improvement Program for fiscal years 2007-2008 through 2009-2010 adding the following expenditures:

<u>STREETS &amp; LIMITS</u>	<u>IMPROVEMENT</u>	<u>COST ESTIMATE</u>
Regional/ Arterial Funds, 2007-2008		
Amboy Rd., Adobe Rd. to Utah Tr.	Overlay	\$160,000
Utah Tr., Joe Davis Rd. to Highway 62	Overlay	88,000
National Park Dr.	Median berms	31,000
Adobe Rd. at El Paseo Dr.	Install crosswalk & Concrete median	75,000
Local Funds, 2007-2008		
El Rey Ave, Highway 62 to Nicholson	Reconstruct	50,000
Homestead Dr., Smoketree to Manana	Overlay	25,000
Desert Knoll Ave., Buena Vista to Highway 62	Overlay	30,000

**PASSED, APPROVED, AND ADOPTED** by the City Council of Twentynine Palms this 10th day of June 2008.

\_\_\_\_\_  
Elaine Bernal, 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 June 2008, by the following vote of the Council:

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

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Charlene Sherwood, CMC, City Clerk



# STAFF REPORT

**TO:** City Council via City Manager  
**FROM:** Community Development Director  
**DATE:** June 10, 2008

**SUBJECT:** Ordinance No. 216, Adoption of San Bernardino County Food Establishment Grading System.

**RECOMMENDATION:** Conduct the second reading of Ordinance No. 216.

**ORDER OF PROCEDURE:**

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

Attachments

1. Ordinance #216
2. SB County Staff Report

**BACKGROUND:**

On May 27, 2008, the City Council voted to approve the first reading of this ordinance. In 2004, San Bernardino County established the Food Establishment Grading System. This system provides for annual inspections which a grading system for food establishments and requires the posting of a letter grade card, including a summary inspection report at each establishment. The grade must be clearly visible to the general public and all patrons.

The County inspects all restaurants in the county. However, restaurants located in cities which have not adopted the rating system are not required to post the ratings. Adoption of the rating system would require posting of restaurant grades in all restaurants. The system is described in detail in the attached San Bernardino County Staff Report.

This City of Twentynine Palms is one of five cities in the county that has not adopted this rating system. A recent story in the Press Enterprise found that cities which adopted this rating system had a higher restaurant scores than those cities which did not adopt the system. The proposal to adopt the rating system is within the police powers of the city as restaurant quality is a matter of public health, safety and welfare. Therefore, staff has determined that it is in the public's interest to adopt the rating system

**ALTERNATIVES:**

Take no action.

**FISCAL IMPACT:**

None.

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Review of Staff Report:

\_\_\_\_\_ City Manager

\_\_\_\_\_ City Attorney

\_\_\_\_\_ City Engineer

\_\_\_\_\_ Department Head

**RESOLUTION NO 08-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, ADOPTING THE SAN BERNARDINO COUNTY FOOD ESTABLISHMENT RATING SYSTEM.**

WHEREAS, Pursuant to Health and Safety Code § 13715, food establishments shall be subject to a grading system; and

WHEREAS, San Bernardino County is the entity responsible for the inspection and rating of food establishments within the county; and

WHEREAS, it is determined to be in the interest of the public health that a food establishment rating system be adopted by the City of Twentynine Palms.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Twentynine Palms formally adopts the San Bernardino County Food establishment rating system.

PASSED, APPROVED AND ADOPTED this 13<sup>th</sup> Day of May 2008.

\_\_\_\_\_  
Elaine Bernal, Mayor

STATE OF CALIFORNIA            )  
  )ss  
CITY OF TWENTYNINE PALMS    )

I, Charlene L. Sherwood, City Clerk of the City of Twentynine Palms, DO HEREBY CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the City Council on the 13<sup>th</sup> day of May, 2008, and carried by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST:

Charlene L. Sherwood, City Clerk

## **ORDINANCE NO. 216**

### **AN ORDINANCE OF THE CITY OF TWENTYNINE PALMS ADOPTING BY REFERENCE SAN BERNARDINO COUNTY ORDINANCE NO. 3930, RELATING TO INSPECTION GRADING OF FOOD ESTABLISHMENTS.**

WHEREAS, The County of San Bernardino provides inspections related to food establishments in the City of Twentynine Palms, and has adopted Ordinance No. 3930, which regulates the inspection and rating of food establishments within the County; and

WHEREAS, Pursuant to Government Code § 50022.9, a city may enact an ordinance which adopts by reference a county ordinance or code; and

WHEREAS, The City of Twentynine Palms wishes to adopt San Bernardino County Ordinance No. 3930 in order to further its interest in ensuring the public health, welfare, and safety by providing a standard measure by which the public may gauge the cleanliness, sanity, and quality of food provided in local food establishments.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS DOES ORDAIN AS FOLLOWS:**

#### **SECTION 1: ADOPTION BY REFERENCE OF COUNTY ORDINANCE 3930**

Ordinance No. 3930 of the County of San Bernardino, relating to inspection grading of food establishments, is hereby adopted by reference with the same force and effect as though set out herein in full, without in any way limiting the forgoing.

#### **SECTION 2: VIOLATIONS**

A Letter Grade Card issued to a food establishment pursuant to Ordinance 3930 shall not be defaced, marred, camouflaged, hidden, or removed. It shall be unlawful to operate a food establishment unless the Letter Grade Card issued pursuant to Ordinance 3930 is posted. Removal of the Letter Grade Card issued pursuant to Ordinance 3930 is a violation of this Ordinance and may result in the suspension or revocation of the public health permit issued pursuant to Ordinance 3930.

#### **SECTION 3: PENALTIES**

(A) Any person, firm, partnership, corporation or other entity violating any provision of this Ordinance shall be guilty of an infraction or misdemeanor as hereinafter specified. Each day or portion thereof such violation is in existence shall be a new and separate offense.

(B) Any person so convicted shall be:

(1) of an infraction offense and punished by a fine not exceeding \$100.00 and not less than \$50.00 for a first offense;

(2) Guilty of an infraction offense and punished by a fine not exceeding \$200.00 and not less than \$100.00 for a second offense;

(3) The third and any additional offenses shall constitute misdemeanors and shall be punishable by fines not exceeding \$1,000.00 and not less than \$500.00 or six months in jail, or both;

(4) Notwithstanding the above, a first or second offense may be charged and prosecuted as a misdemeanor in the discretion of the prosecuting attorney.

(C) Payment of any fine or service of a jail sentence herein provided shall not relieve a person, firm, partnership, corporation, or other entity from the responsibility of correcting the condition resulting from the violation.

(D) In addition to the above penalties, the Court may order that the guilty party reimburse the City, or the County if the County is acting on behalf of the City, for all of its costs of investigating, analyzing, inspecting, abating and prosecuting the enforcement action against the guilty party. The Court shall fix the amount of any such reimbursement upon submission of proof of such costs by the City, or as appropriate the County.

(E) The owner, manager, and operator of every activity or facility subject to this Ordinance shall be responsible for any violation of this Ordinance by an employee.

#### **SECTION 4: COPY OF ORDINANCE 3930 TO BE MAINTAINED BY CITY CLERK**

A copy of the Ordinance 3930 (including a copy as it may be codified into the San Bernardino County Code) shall be maintained in the office of the City Clerk of the City of Twentynine Palms and shall be made available for public inspection so long as the provisions of this Ordinance are in force.

#### **SECTION 5: SEVERABILITY**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or effective. To this end the provisions of this Ordinance are declared to be severable.

#### **SECTION 6: POSTING OF ORDINANCE**

The City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner provided for in the Twentynine Palms Municipal Code.

PASSED, APPROVED, AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
ELAINE BERNAL, MAYOR

STATE OF CALIFORNIA )

COUNTY OF SAN BERNARDINO ) ss

CITY OF TWENTYNINE PALMS )

I, Charlene L. Sherwood, City Clerk of the City of Twentynine Palms, California, do hereby certify that the foregoing Ordinance was adopted at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

\_\_\_\_\_  
CHARLENE L. SHERWOOD, CITY CLERK



# STAFF REPORT

**TO:** Board of Directors  
**FROM:** Executive Directors  
**DATE:** June 10, 2008

**SUBJECT:** Request for RDA Assistance: Jelly Donut Building Renovation

**RECOMMENDATION:** The staff recommendation is that the Council receives staff report and provides direction.

**ORDER OF PROCEDURE:**

Request Staff Report (Michael Tree Presenting)  
Council Questions of Staff  
Public Comment  
Council Discussion & Direction

<p><i>Attachment</i></p> <p>1. Applicant Proposal</p>
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**BACKGROUND:** The Twentynine Palms Redevelopment Agency has identified the need to facilitate building improvements within the downtown business district. The purpose is to address deteriorating buildings and improve economic activity within the Redevelopment Project Area.

To date the Agency has entered into one property improvement agreement with John and Karon Masterson. This transaction involved building and parking lot renovations with the Agency agreeing to fund \$121,000. The Mastersons, however, have not elected to proceed with this project.

Ms. Rose Kuot, the owner of Jelly Donut, has submitted a request for \$229,040 of Redevelopment Agency funding to:

- Install new facades, doors and windows on the existing Jelly Donut building. The improvements would incorporate the City's Desert Southwest Design Guidelines.
- Replace the existing restroom with new facilities that conform to all current codes.
- Upgrade the electric and fire safety systems.
- Install a new air conditioning and heating system.

Attachment 1 presents Ms. Kuot's proposal. Donald C. Kennedy prepared it with assistance from Commercial Diversified, Inc.; Commercial Diversified, Inc. is proposed to be the general contractor.

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Review of Staff Report: \_\_\_\_\_  
City Manager      City Attorney      City Engineer      Department Head

The anticipated cost for these improvements is \$229,040. Ms. Kuot's proposes to borrow up to \$22,900 to provide matching funds. It should be noted that the costs are preliminary in that the improvement plans are preliminary, and the costs do not include prevailing wages. This project would require prevailing wages. This may increase costs by at least 20% or \$46,000.

Staff, RSG, and Agency legal counsel have been formulating building and façade improvement program guidelines for Agency Board review. However, this application was submitted prior to completing these guidelines, and staff felt that in fairness to the applicant, her request should be brought to the Agency Board before the guidelines are completed.

Staff believes that these improvements would benefit the downtown area. This property is highly visible and would benefit from these improvements. The challenges with approving this request are as follows:

- The adopted December 2007 Agency Five Year Implementation Plan Update allocated \$700,000 for building and infrastructure improvements in the downtown area. The requested assistance would pledge 33% of these funds; other downtown property owners have indicated that they will also be submitting applications. The \$700,000 allocation was made because that was an amount that the Agency could fund while leaving sufficient funds to underwrite other redevelopment and economic development initiatives. If this request were approved, the Agency would have to reduce participation in other improvement efforts, or reallocate fund pledged to other programs.
- The cost estimates do not include prevailing wages and are based upon preliminary improvement plans. Project costs will increase due to prevailing wages, and may also increase, as the improvement plans are refined. If the Agency Board elects to approve this request, a maximum funding amount should be set. Any additional costs would be borne by the owner. Further, given the amount of assistance requested, staff would recommend that the assistance and performance be secured by a trust deed, and that the owner agree to a minimum of a five-year operating covenant. This means that the owner would agree to continue the business operation for at least five years or the assistance, plus interest, would have to be repaid.
- The owner is proposing to provide up to \$22,900 in matching funds or 10% of the preliminary cost estimate. Most redevelopment agencies require 25% to 50% in matching funds. The challenge in Twentynine Palms is that the current business climate is not healthy enough for some downtown business owners to generate sufficient funds to both support business operations and fund building improvements. Further, many of the downtown buildings suffer from deferred maintenance, and if improvements are made, they must comply with the new building, and health and safety codes. Compliance will increase improvement costs.

These improvements would certainly benefit the downtown area by improving a building that is high visibility location. Staff supports providing some level of funding to this endeavor. However, before staff can recommend moving forward with this request it is seeking the following direction from the Agency Board:

- Does the Agency Board want to have property owners financially participate in building and façade improvements, and if so, to what level. Staff recommends a minimum of a 25% owner participation level.
- Does the Board wish establish a maximum amount of assistance the Agency would provide per request or evaluate each request on a case-by-case basis? Given the Agency's current budget, staff would recommend a maximum per case participation amount of \$75,000. With a 25% owner match, this would facilitate \$100,000 of improvements.

With this direction, staff can then work with the owner to see if this project can proceed. We would also work with other downtown property owners to see if this level of funding can support an active façade and building improvement program.



# STAFF REPORT

**TO:** City Council  
**FROM:** Community Development Director via City Manager  
**DATE:** June 10, 2008

**SUBJECT:** PC 08-30 – An application by Bettencourt Properties for approval of the issuance by the California Statewide Communities Development Authority of multifamily housing revenue bonds in the aggregate principal amount of approximately \$3,000,000, the proceeds of which will be applied to the financing of the acquisition and rehabilitation of a 48-unit multifamily residential rental facility commonly known as the El Paseo Apartments located at 72952 El Paseo Drive, RM Zone, T1N, R9E, Section 29.

**RECOMMENDATION:** Conduct the Public Hearing, consider public comment, find the project Categorical Exempt pursuant to CEQA, adopt Resolution 08-21, and approve the issuance of housing revenue bonds by the California Statewide Communities Development Authority.

#### Attachments

1. Resolution 08-21
2. Housing Bond Application
3. Correspondence

#### ORDER OF PROCEDURE:

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

#### BACKGROUND:

The City Council is being asked to adopt a resolution which would approve the issuance of multifamily housing revenue bonds by the California Statewide Communities Development Authority (“CSCDA”) for the purpose of financing the acquisition and rehabilitation of a multifamily residential housing facility to be located in the City (the “Project”). The purpose of the resolution is to allow the financing to meet a requirement of the Internal Revenue Code of 1986. The adoption of this resolution is the first step in the process of financing the proposed Project. Prior to the issuance of bonds the Project will need to receive “private activity bond” allocation from the California Debt Limit Allocation Committee and CSCDA will be required to adopt a resolution which would approve the execution and delivery of certain bond documents that would reflect the terms of the bonds.

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Review of Staff Report:

\_\_\_\_\_ City Manager

\_\_\_\_\_ City Attorney

\_\_\_\_\_ City Engineer

\_\_\_\_\_ Department Head

The Internal Revenue Code of 1986 (the “Code”) requires that the “applicable elected representatives” of the jurisdiction in which a project to be financed with “private activity bonds” is to be constructed adopt a resolution approving the issuance of such “private activity bonds” after holding a public hearing which has been noticed in a newspaper of general circulation in such jurisdiction. The City Council is being asked to hold such public hearing which has been noticed as required by the Code. The proposed resolution would act as the approval by the “applicable elected representatives” with respect to the proposed Project. The CDLAC application for “private activity bond” allocation for a multifamily housing project requires the inclusion of the approval resolution. If the City Council adopts this resolution, CSCDA will proceed with the submission to CDLAC of an application for “private activity bond” allocation for the purpose of financing the acquisition and construction of the Project.

As announced in the published notice, this hearing is simply an opportunity for all interested persons to speak or to submit written comments concerning the proposal to issue the debt and the nature or location of the Project. There is no obligation on the part of the City Council to respond to any specific comments made or submitted.

The City would not be a party to the financing documents. As set forth in Section 9 of the Amended and Restated Joint Exercise of Powers Agreement of CSCDA, the debt would not be secured by any form of taxation, or by any obligation of either the City or CSCDA. Neither would the debt represent or constitute a general obligation of either the City or CSCDA. Pursuant to the governing California statutes and the JPA Agreement, a member of CSCDA is not responsible for the repayment of obligations incurred by CSCDA. The debt would be payable solely from amounts received pursuant to the terms and provisions of financing agreements to be executed by the Developer of the proposed facility. In the financing documents the Developer will also provide comprehensive indemnification to CSCDA and its members, including the City.

The City’s membership in the Authority bears with it no cost or other financing obligation, but serves as a public acknowledgement by the host jurisdiction of the project financing.

**CRIME FREE HOUSING:**

The applicant has met with the Sherriff Department and has expressed a willingness to cooperate with the San Bernardino County Sheriff Department to implement the Crime Free Multi-Family Housing program following rehabilitation of the units. An update on this topic will be presented at this meeting.

**COVENT FOR AFFORDABILITY UNDER REDEVELOPMENT:**

The Redevelopment Agency is exploring the possibility of working with the applicant to secure housing affordability covenants in order to meet the affordable housing obligations under the Redevelopment Agency. An update on this topic will be presented at this meeting.

**ENVIRONMENTAL ANALYSIS:**

Pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities), the project which consists of the issuance by the State of California of multi-family housing bonds for the maintenance and rehabilitation of an existing 48 unit apartment complex is Categorically Exempt from further environmental review under the California Environmental Quality Act (CEQA).

**ALTERNATIVES:**

Take no action. Recommend that the State of California not issue the bonds.

**APPLICANT STATEMENT:**

The following summary narrative was provided by the applicant.

Through utilizing the tax-exempt bond financing structure it allows the developer to apply for federal Low-Income Housing Tax Credits (LIHTC) under the IRS Section 42 tax credit program administered in California by the California Debt Limitation Committee and the California Tax Credit Allocation Committee. These federal subsidies, along with the subordination of the existing federal USDA Rural Development debt will allow the property to have a significant rehabilitation, preserve the affordable housing that currently exists in Twentynine Palms and help meet the City's future affordable housing requirements. Due to the federal LIHTC subsidies and subordinated federal debt, along with the allocation of low-interest tax-exempt bonds, the property will likely enjoy significantly higher improvements without the displacement of residents of Twentynine Palms than if the property is denied funding and is sold to a buyer who would pursue a market rate structure.

The City of Twentynine Palms has no financial liability with respect to the tax-exempt bonds and is required by federal and state law to hold a public hearing in order for the bonds to be allocated to the property.

**FISCAL IMPACT:**

None. Bonds issued by the State of California, are backed by the State, and have no impact on the City's credit rating.

**CITY OF TWENTYNINE PALMS  
CITY COUNCIL  
RESOLUTION NO. 08-21**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS FOR THE PURPOSE OF FINANCING THE ACQUISITION AND REHABILITATION OF THE EL PASEO APARTMENTS LOCATED AT 72852 EL PASEO DRIVE.**

**WHEREAS**, the California Statewide Communities Development Authority (the "Authority") is authorized by the laws of the State of California (the "Law") to execute and deliver multifamily housing revenue obligations for the purpose of financing the acquisition, construction and rehabilitation of multifamily residential rental facilities located within the area of operation of the Authority which are to be occupied, in part, by very low and low income tenants; and

**WHEREAS**, Bettencourt Properties, Inc. or a limited liability company or other limited partnership to be formed by Bettencourt Properties, Inc. (the "Borrower") has requested the Authority issue and deliver multifamily housing revenue obligations in the anticipated principal amount of \$3,000,000 (the "Obligations"), the proceeds of which may only be used for the purpose of financing the acquisition and rehabilitation of a 48-unit multifamily residential rental facility commonly known as the El Paseo Apartments (the "Project") located at 72952 El Paseo Drive in the City of Twentynine Palms, California (the "Project"); and

**WHEREAS**, the Obligations which are expected to be issued and delivered to finance the acquisition and rehabilitation of the Project would be considered "qualified exempt facility bonds" under Section 142 (a) of the Internal revenue Code of 1986, as amended (the "Code"), and Section 147(f) of the Code requires that the "applicable elected representative" with respect to the Project hold a public hearing on the issuance and delivery of the Obligations; and

**WHEREAS**, the City Council of the City of Twentynine Palms as the "applicable elected representatives" to hold said public hearing, has held said public hearing at which all those interest in speaking with respect to the proposed financing of the Project were heard.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The City Council hereby finds and determines that the foregoing recitals are true and correct.
2. For purposes of the requirements of the Code only, the City Council hereby approves the proposed financing of the Project by the Authority with the proceeds of the Obligations.
3. The issuance and delivery of the Obligations shall be subject to the approval of and execution by the Authority of all financing documents relating thereto to which the Authority is a party and subject to the sale of the Obligations by the Authority.

4. The adoption of this Resolution is solely for the purpose of meeting the requirements of the Code and shall not be construed in any other manner, the City nor its staff having fully reviewed or considered the financial feasibility of the Project or the expected financing or operation of the Project with regards to any State of California statutory requirements, and such adoption shall not obligate (i) the City to provide financing to the Borrower for the acquisition, rehabilitation and development of the Project or to issue the Obligations for purposes of such financing; or (ii) the City, or any department of the City, to approve any application or request for, or take any other action in connection with, any environmental, General Plan, zoning or any other permit or other action necessary for the acquisition, rehabilitation, development or operation of the Project.

5. The City Clerk of the City shall forward a certified copy of this Resolution and a copy of the affidavit of publication of the public hearing notice to:

Thomas A. Downey  
Jones Hall, A Professional Law Corporation  
650 California Street, 18<sup>th</sup> Floor  
San Francisco, California 94108

6. This resolution shall take effect upon its adoption.

APPROVED AND ADOPTED THIS 10th DAY OF JUNE, 2008.

AYES: COUNCIL MEMBER:

NOES: COUNCIL MEMBER:

ABSENT: COUNCIL MEMBER:

ABSTAIN: COUNCIL MEMBER:

\_\_\_\_\_  
Honorable Elaine Bernal, Mayor

ATTEST:

Charlene L. Sherwood, City Clerk, I hereby certify that the foregoing is a true copy of Resolution No. 08-21 duly adopted by the City Council of the City of Twentynine Palms in a meeting held on the 10<sup>th</sup> day of June 2008, in Twentynine Palms, California. Dated this 10th day of June 2008.

\_\_\_\_\_  
Charlene L. Sherwood CMC, City Clerk

## ORDINANCE NO. 212

### **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA TO AMEND CHAPTER 19.85 OF THE TWENTYNINE PALMS MUNICIPAL CODE TO AUTHORIZE THE IMPOSITION OF A CITYWIDE STREET IMPROVEMENT IMPACT FEE, TO DELETE DEFERRAL PROVISIONS, AND TO RENAME THE CHAPTER.**

WHEREAS, pursuant to Sections 66001 et seq. of the Government Code, the City may impose a fee as a condition of approval of a development project to mitigate the impacts of such development; and

WHEREAS, the City has prepared a Street Improvement Impact Fee Study, in compliance with the provisions of Sections 66001 *et seq.* of the Government Code; and

WHEREAS, the City's Development Code presently authorizes the City to assess a local street improvement impact fee in connection with the issuance of a development permit for construction of a new single-family residence or new second dwelling unit with a kitchen; and

WHEREAS, the City Council has determined that the construction of new multi-family dwellings creates the need for storm water drainage control and increases the amount of pedestrian traffic flowing in the City as a result of increased density in residential areas from such new dwelling units, and increases traffic City-wide as a result of residents utilizing City roadway curbs, gutters and sidewalks; and

WHEREAS, the City Council has determined that new commercial, industrial, and public use development creates a need for storm water drainage control and increases the amount of traffic flowing in the City as a result of new pedestrian activity and car trips to and from the new development, and also increases residential traffic because it creates jobs for employees who are likely to live within the City; and

WHEREAS, the City Council has determined that the construction of curbs, gutters, sidewalks and connecting pavement in accordance with the City of Twentynine Palms General Plan Circulation Element has a reasonable relation to and is necessary to mitigate the impact for storm water drainage control and of such increased traffic resulting from new multi-family dwellings and commercial/industrial/public use development; and

WHEREAS, the City Council has determined that the cost of constructing curbs, gutters, sidewalks and connecting pavement along the frontage of a lot on which new

construction is to be constructed is roughly proportional to the impact of such development project, regardless of whether such improvements already exist along the frontage of such a lot because new development on such lots will create the need for storm water drainage control and increase traffic and circulation city wide; and

WHEREAS, the City Council has determined that the cost of constructing curbs, gutters, and sidewalks is approximately \$75 per linear foot of frontage and that this cost is the reasonable cost of providing the sidewalk, curb and gutter facilities; and

WHEREAS, the City Council previously established a Local Street Improvement Fund (Ordinance No. 200) to pay for the construction of curbs, gutters, and sidewalks in residential neighborhoods of the City, in accordance with the City of Twentynine Palms General Plan Circulation Element; and

WHEREAS, the City Council desires to impose a Citywide Street Improvement Fee and to establish an additional and separate fund for fees paid by new multi-family residential development and new commercial/industrial/public use development to pay for the construction of curbs, gutters, and sidewalks on streets throughout the City, in accordance with the City of Twentynine Palms General Plan Circulation Element; and

WHEREAS, the City Council desires to impose a Street Improvement Impact Fee on development projects located on streets which have already been improved, in order to mitigate the City-wide traffic impacts of such development; and

WHEREAS, the City Council desires to give the Planning Commission discretion to impose conditions of approval in lieu of requiring payment of the Street Improvement Impact Fee; and

WHEREAS, the City Council of the City of Twentynine Palms held a duly noticed Public Hearing on May 13, and 27 and June 10, 2008 to receive and consider public comment.

**NOW, THEREFORE, the City Council of the City of Twentynine Palms does ordain as follows:**

**SECTION 1.** Chapter 19.85 of the Twentynine Palms Municipal Code is hereby renamed “PUBLIC IMPROVEMENTS - DELAYING, DEFERRING, STREET IMPROVEMENT IMPACT FEE.”

**SECTION 2.** Section **19.85.040** of the Twentynine Palms Municipal Code is hereby amended to read as follows:

**19.85.040 Street Improvement Impact Fee**

(A) Establishment. In lieu of requiring the construction of the street improvements required by Sections 19.07.060, 19.08.060, 19.14.060, 19.09.060, 19.10.090, 19.12.090,

and 19.15.050 of the Municipal Code, a street improvement impact fee may be assessed, at the discretion of the City Engineer, in connection with the issuance of a development permit for new construction.

(B) Calculation of Fee. The amount of the fee shall be calculated according to the length of street frontage of the lot on which the development is to occur. The fee to be assessed in connection with the issuance of a permit for construction of a new single-family residence or new second dwelling unit with a kitchen shall be based upon the length of street frontage of the lot on which the development is to occur, up to 150 feet of frontage. For all other development, the fee shall be calculated based upon the total street frontage of the lot on which the development is to occur. Subject to the adjustment provision in subdivision “(C)” below, the fee for fiscal year 2006-2007 shall be \$75 per linear foot of street frontage.

(C) Adjustment of Fee. In order to account for increased construction costs relating to material and labor, the fee in subdivision “(B)” shall be increased by an inflation factor of three percent (3.0%) each following fiscal year after fiscal year 2006-2007.

(D) Collection. The amount of fees due hereunder shall be determined at the time of approval of a development permit for new construction. The fee shall be paid no later than the issuance of a building permit for such development and no building permits shall be issued authorizing the construction or establishment of any units without payment of the fee.

(E) Creation of Separate Funds; Purpose and Use of Street Improvement Impact Fees.

(1) Upon the effective date of this ordinance, the City Finance Director shall create a separate account (the “Local Street Improvement Fund”) into which all fees assessed in connection with the issuance of permits for construction of a new single-family residence or new second dwelling unit with a kitchen shall be placed. The Local Street Improvement Fund shall be used solely for the purpose of constructing curbs, gutters, sidewalks and connecting pavement on streets fronting residentially zoned property in accordance with the City of Twentynine Palms General Plan Circulation Element. Because development subject to this fee will have traffic impacts on a citywide basis, the fees are not required to be used to construct street improvements on the same street from which they are received.

(2) Upon the effective date of this ordinance, the City Finance Director shall create a separate account (the “Citywide Street Improvement Fund”) into which all revenue raised by this ordinance, other than that designated for the Local Street Improvement Fund, shall be placed. The Citywide Street Improvement Fund shall be used solely for the purpose of constructing curbs, gutters, sidewalks and connecting pavement on streets within the City of Twentynine Palms, in accordance with the City of Twentynine Palms General Plan Circulation Element. Because development subject to this fee will have traffic impacts on a citywide

basis, the fees are not required to be used to construct street improvements on the same street from which they are received.

(3) The City's Finance Director shall file a report with the City Council no later than \_\_\_\_\_, 200\_ [insert date that is 180 days after end of the next fiscal year], and at least once a year thereafter which shall contain both of the following: (i) the amount of funds collected and expended under this ordinance; and (ii) the status of any project required or authorized to be funded to carry out the purposes set forth herein.

(F) Discretionary Project Approvals. For any project for which Planning Commission approval is required, the Planning Commission shall have the discretion to either require the construction of street improvements or require the payment of the street improvement impact fee.

**SECTION 3.** The City Council finds that the Street Improvement Impact Fee Study and Citywide Street Improvement Impact Fee Study prepared in connection with the Street Impact Fee is accurate and is supported by substantial evidence in the record. The Council further finds, based on the contents of the Fee Study, the public testimony, the staff presentation and the contents of the staff report, that the imposition of the Citywide Street Impact Fee bears a rational relationship to the use and type of development on which the fee is imposed and that there is no substantial evidence to the contrary. The Citywide Street Impact Fee is the reasonable cost of providing the sidewalk, curb and gutter facilities.

**SECTION 4.** If any court of competent jurisdiction holds any section, subsection, sentence, phrase, or portion of this ordinance invalid or unconstitutional, such determination shall not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have enacted this ordinance and each section, subsection, sentence, clause or phrase hereof irrespective of any determination of invalidity.

**SECTION 5.** The adoption of this ordinance is statutorily exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15273 of the State CEQA Guidelines (14 C.C.R. § 15273), and is additionally and independently exempt from CEQA analysis 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."

**SECTION 6.** This ordinance shall become effective thirty (30) days after its passage and adoption. Within fifteen (15) days of the date of adoption of this ordinance, the City Clerk shall post a copy of said ordinance in places designated for such posting

and shall certify to the same. The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published as required by law.

APPROVED, ADOPTED AND SIGNED this \_\_\_\_ day of \_\_\_\_\_,  
200\_\_.

ATTEST:

\_\_\_\_\_  
CITY CLERK of the City of Twentynine  
Palms, California

\_\_\_\_\_  
MAYOR of the City of Twentynine Palms,  
California

STATE OF CALIFORNIA )

COUNTY OF SAN BERNARDINO )ss

CITY OF TWENTYNINE PALMS )

I, \_\_\_\_\_, City Clerk of the City of Twentynine Palms, California, do hereby certify that Ordinance No. \_\_\_\_\_ was regularly introduced at the meeting of \_\_\_\_\_, 2008, the reading in full thereof unanimously waived, and was adopted by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
CITY CLERK

## ORDINANCE NO. 213

### **ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS, CALIFORNIA, AMENDING SECTIONS 19.07.060, 19.08.060, 19.09.060, 19.10.090, 19.12.090, 19.14.060 AND 19.15.050 OF THE TWENTYNINE PALMS MUNICIPAL CODE, RELATING TO STREET DEDICATIONS AND IMPROVEMENTS.**

WHEREAS, the City Council has determined that the construction of new dwelling units, including new single family residences and second dwelling units with kitchens, increases the amount of vehicular traffic flowing into residential neighborhoods of the City as a result of increased density in residential areas from such new dwelling units and increases traffic city-wide as a result of residents utilizing roadways and sidewalks; and

WHEREAS, the City Council has determined that the construction of new multi-family dwellings increases the amount of vehicular traffic flowing in the City as a result of increased density in multi-family residential districts from such new dwelling units and increases traffic city-wide as a result of residents utilizing roadways and sidewalks; and

WHEREAS, the City Council has determined that new commercial, industrial, and public use development increases the amount of vehicular traffic flowing in the City as a result of new car trips to and from the new development, and also increases residential traffic because it creates jobs for employees who are likely to live within the City; and

WHEREAS, the City Council has determined that the construction of street improvements is necessary to mitigate the impact of the increased traffic resulting from the development described above; and

WHEREAS, the City Council has determined that the cost of constructing street improvements along the frontage of a lot on which new construction is to be constructed is roughly proportional to the impact, throughout the City, of such development project, regardless of whether such improvements already exist along the frontage of such a lot because new development on such lots will increase traffic and circulation city wide; and

WHEREAS, the City Council has determined that a property owner should not be required to pay for the cost of street improvements where the property owner has already paid such cost; and

WHEREAS, Sections 19.07.060, 19.08.060, 19.09.060, 19.10.090, 19.12.090, 19.14.060 and 19.15.050 of the City's Municipal Code currently require that certain street improvements be made as a condition of approval of development projects; and

WHEREAS, pursuant to Sections 66001 *et seq.* of the Government Code, the City may impose a fee as a condition of approval of a development project; and

WHEREAS, the City Council previously adopted Ordinance No 200, which authorized the imposition of a Local Street Improvement Impact Fee as a condition of approval on the construction of new single family residences and new second dwelling units with kitchens; and

WHEREAS, the City has prepared a Citywide Street Improvement Impact Fee Study, in compliance with the provisions of Sections 66001 *et seq.* of the Government Code, which recommends the imposition of a street improvement impact fee on multi-family, commercial, industrial, and public use; and

WHEREAS, the City Council has adopted Ordinance No \_\_\_\_, which authorizes the imposition of a Citywide Street Improvement Impact Fee on all new development within the City; and

WHEREAS, the City Council desires to give City staff the authority to require the payment of a Citywide Street Improvement Impact Fee, in lieu of requiring the construction of street improvements as a condition of approval for certain development projects; and

WHEREAS, the City Council desires to impose the Local or Citywide Street Improvement Impact Fee (as the case may be) on new development projects located on streets which have already been improved with funds from the Local or Citywide Street Improvements Impact Fee or other public funds, in order to mitigate the City-wide traffic impacts of such development; and

WHEREAS, the City Council of the City of Twentynine Palms held a duly noticed Public Hearing on April 22, 2008 to receive and consider public comment.

**NOW, THEREFORE, the City Council of the City of Twentynine Palms does ordain as follows:**

**SECTION 1.** Part (A) of Sections **19.07.060**, **19.08.060**, and **19.14.060** of the Twentynine Palms Municipal Code are hereby amended so that Part (A) of each section reads as follows:

A. Before building permits are issued for the construction of a new single-family residence or new second dwelling unit with a kitchen, the dedication of additional right-of-way and construction of required street improvements in accordance with the General Plan Circulation Element shall be required. "Street improvements" mean any or all concrete curbs, gutters, sidewalks, driveway approaches, and drainage structures; asphalt curbs; asphalt paving; connecting pavement; , and related improvements such as

back-filling and preparation of the road surface to rough grade, and the placement of paving, unless otherwise approved pursuant to Chapter 19.85 *Public Improvements – Delaying, Deferring, Street Improvement Impact Fee*. Property owners constructing a new single-family residence or new second dwelling unit with a kitchen shall be responsible for the construction of required improvements along the street frontage of their lot, up to a maximum of 150 feet. If street improvements existed prior to approval of the new development, and were paid for with funds from the Local or Citywide Street Improvement Impact Fee or other public funds, the property owner shall be responsible for the payment of a Local Street Improvement Impact Fee, in accordance with Section 19.85.040. The requirements of this Section shall not apply if the property owner or the property owner’s predecessor in interest previously constructed the improvements required by this Section or paid the Local Street Improvement Fee.

**SECTION 2.** Parts (A) and (B) of Sections **19.09.060**, **19.10.090**, **19.12.090** and **19.15.050** of the Twentynine Palms Municipal Code are hereby amended so that Parts (A) and (B) of each section reads as follows:

A. Before building permits are issued for the construction of a structure or improvement, the dedication of additional right-of-way and construction of required street improvements in accordance with the General Plan Circulation Element shall be required. “Street improvements” mean any or all concrete curbs, gutters, sidewalks, driveway approaches, and drainage structures; asphalt curbs; asphalt paving; connecting pavement; and related improvements such as back-filling and preparation of the road surface to rough grade, and the placement of paving, unless otherwise approved pursuant to Chapter 19.85 *Public Improvements – Delaying, Deferring, Street Improvement Fee*. If street improvements existed prior to approval of the new development, and were paid for with funds from the Local or Citywide Street Improvement Impact Fee or other public funds, the property owner shall be responsible for the payment of a Citywide Street Improvement Impact Fee, in accordance with Section 19.85.040. The requirements of this Section shall not apply if the property owner or the property owner’s predecessor in interest previously constructed the improvements required by this Section or paid the Local Street Improvement Fee.

B. Before occupancy shall be granted for any such building or improvement, the Building Official shall determine the following:

1. That all of the required dedications have been provided.
2. That all of the required street improvements have either been installed or that a cash deposit, surety bond or other form of surety acceptable to the City Council in an amount equal to the estimated cost of the street has been posted with the City to assure the installation of said street improvements. In lieu of requiring the installation of street improvements otherwise required by this Section, a Citywide Street

Improvement Impact Fee may be assessed in accordance with Section 19.85.040, at the discretion of the City Engineer.

**SECTION 3.** If any court of competent jurisdiction holds any section, subsection, sentence, phrase, or portion of this ordinance invalid or unconstitutional, such determination shall not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have enacted this ordinance and each section, subsection, sentence, clause or phrase hereof irrespective of any determination of invalidity.

**SECTION 4.** The adoption of this ordinance is statutorily exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Section 15273 of the State CEQA Guidelines (14 C.C.R. § 15273), and is additionally and independently exempt from CEQA analysis 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.”

**SECTION 5:** This ordinance shall become effective thirty (30) days after its passage and adoption. Within fifteen (15) days of the date of adoption of this ordinance, the City Clerk shall post a copy of said ordinance in places designated for such posting and shall certify to the same. The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published as required by law.

APPROVED, ADOPTED AND SIGNED this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

ATTEST:

\_\_\_\_\_  
CITY CLERK of the City of Twentynine  
Palms, California

\_\_\_\_\_  
MAYOR of the City of Twentynine Palms,  
California

STATE OF CALIFORNIA )

COUNTY OF SAN BERNARDINO )ss

CITY OF TWENTYNINE PALMS )

I, \_\_\_\_\_, City Clerk of the City of Twentynine Palms, California, do hereby certify that Ordinance No. \_\_\_\_\_ was regularly introduced at the meeting of \_\_\_\_\_, 2008, the reading in full thereof unanimously waived, and was adopted by the following vote:

AYES:

NOES:

ABSENT:

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CITY CLERK



# STAFF REPORT

**TO:** City Council  
**FROM:** City Manager  
**DATE:** June 10, 2008

**SUBJECT:** Update on Joshua Tree National Park Visitor Center Planning

**RECOMMENDATION:** The recommendation is that the City Council receives the staff report and provides direction as appropriate.

**ORDER OF PROCEDURE:**

Request Staff Report (Michael Tree Presenting)  
Council Questions of Staff  
Public Comment  
Council Discussion & Direction

**BACKGROUND:** The City of Twentynine Palms is home to the headquarters of Joshua Tree National Park, which receives nearly 1.2 million visitors annually. The City has been working as a partner with the National Park Service to construct a new, modern Joint Use Visitors/Cultural Center.

On May 19<sup>th</sup> and May 20<sup>th</sup> staff from Joshua Tree National Park hosted a Pre-Design Workshop at the Joshua Tree National Park Visitors Center in Twentynine Palms. In attendance were Joshua Tree National Park staff, National Park Service staff, City staff, Marine Base staff, members from the Joshua Tree National Park Association, and the architectural firm of RNT from San Diego.

Joshua Tree National Park Superintendent Curt Sauers will be present at the City Council meeting to provide a brief summary of the workshop and future planning efforts.

**ALTERNATIVES:** N/A

**FISCAL IMPACT:** N/A

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Review of Staff Report: \_\_\_\_\_  
City Manager      City Attorney      City Engineer      Department Head



# STAFF REPORT

**TO:** City Council  
**FROM:** City Manager  
**DATE:** June 10, 2008

**SUBJECT:** Discussion on General Plan Elements

**RECOMMENDATION:** The recommendation is that the City Council receives the staff report and provides direction.

## ORDER OF PROCEDURE:

Request Staff Report (Frank Spevacek of RSG Presenting)  
Council Questions of Staff  
Public Comment  
Council Discussion & Direction

**BACKGROUND:** The City Council and Planning Commission held a joint meeting on May 10<sup>th</sup> to discuss the:

- General Plan Community workshop and survey results;
- Community workshop input regarding reducing development within:
  - alluvial fans
  - natural drainage courses
  - wildlife corridors and habitats
  - mesquite bosque
  - hillsides/mountains
  - earthquake fault zones
  - adjoining the National Park
- Community input regarding establishing buffer zones between Twentynine Palms and adjoining communities;
- Community input regarding increasing development standards; and
- Evaluating environmental impacts associated with General Plan updates.

After considerable discussion, the Council and Planning Commission directed staff to outline an approach and the cost to identify the impacts the above actions would have on private property. The Council/Commission discussion surfaced concerns about reducing property owner development opportunities if the City limited development. Further, public input indicated that the land in these areas may have limited development potential due to the topography, soils conditions, and drainage.

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Review of Staff Report:

\_\_\_\_\_ City Manager

\_\_\_\_\_ City Attorney

\_\_\_\_\_ City Engineer

\_\_\_\_\_ Department Head

In order to assess the potential impacts limiting development and increasing development standards may have, the City Council directed staff to have RSG outline the steps, time period, and costs associated with this analysis.

RSG projects that this endeavor would cost \$18,000 and 90 days to complete. The results would be presented at a joint City Council/Planning Commission workshop that could be scheduled in mid-September. Specific tasks would include:

- Holding a scoping meeting with staff and selected community members to gain their knowledge regarding the landforms in the above areas.
- Using the information obtained from the scoping meetings, survey these areas to identify the natural features that might limit development due to physical and soils conditions that would significantly increase development costs.
- Calculate the acreage that may not be developed in these areas due to the physical conditions identified through the scoping meeting and field survey.
- Calculate the number of units that may not be developed in these areas because of the physical limitations.
- Prepare maps and tables that delineate each area and identify the properties that may have limited development potential.
- Assemble hillside protection ordinances, development guidelines and regulations, and other like regulations from cities that have similar physical features, or have dealt with the issues under discussion in City of Twentynine Palms, and summarize their “best practices” features.
- Identify the General Plan modifications required to implement development imitations within these areas if the City elected to do so.
- Consult with planning firms to identify the cost to modify the General Plan and the cost to prepare an environmental impact report for these modifications.
- Prepare a report that summarizes the survey findings, identifies the physical features of the areas studied, the properties within these areas that may limited development potential due to topographical or soils conditions, the resulting reduction in dwelling units and population, and measures other communities have implemented to limit or control development, and the General Plan modifications required to implement these measures and the anticipated cost.

This information can then be used by the City Council and Planning Commission to provide direction regarding the scope of potential General Plan amendments. During this process, staff would schedule meetings with the City Council and Planning Commission to provide updates and seek input.

RSG does have the staff resources to undertake this assignment. Their staff includes land planners who prepare general plan land use elements and specific plans. Further, they provide

affordable housing construction management and development services. This experience will be applied when reviewing the physical features of the properties in these areas.

**FISCAL IMPACT:** This endeavor will cost \$18,000 to undertake. It can be performed per the existing contract the Redevelopment Agency has with RSG. Since a majority of these areas are located within the Redevelopment Project Area, the Agency may fund a pro rata share of this cost.



# STAFF REPORT

**TO:** City Council  
**FROM:** City Manager  
**DATE:** June 10, 2008

**SUBJECT:** Discussion on Schedule A of Law Enforcement Services Contract

**RECOMMENDATION:** The recommendation is that the City Council receives the staff report and provides direction.

**ORDER OF PROCEDURE:**

Request Staff Report (Michael Tree Presenting)  
Council Questions of Staff  
Public Comment  
Council Discussion & Direction

*Attachments*

1. Schedule A
2. Memo from Police Chief Providing Descriptions of Line Items in Schedule A

**BACKGROUND:** At the May 27, 2008 City Council meeting staff was directed to bring back Schedule A of the Law Enforcement Services Contract with the County of San Bernardino to the June 10, 2008 City Council meeting for discussion.

Attached to the staff report is Schedule A, as well as a memo from the Police Chief providing brief descriptions of the line items in Schedule A.

**ALTERNATIVES:** N/A

**FISCAL IMPACT:** N/A

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Review of Staff Report:

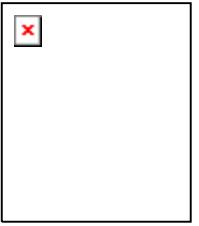
\_\_\_\_\_   
City Manager

\_\_\_\_\_   
City Attorney

\_\_\_\_\_   
City Engineer

\_\_\_\_\_   
Department Head

# INTEROFFICE MEMO



**DATE** May 29, 2008

PHONE

**FROM** Donnie Miller, Captain  
Morongo Basin Station

**TO** Michael Tree, City Manager  
City of Twentynine Palms

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**SUBJECT** FISCAL YEAR 08/09 SCHEDULE "A"

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Per your request I am submitting explanations of the Schedule "A".

1. When there is a dual operation the Sheriff's Department does not charge for the Captains' position.
2. The .38 percent of the Lieutenant's position is based on a formula of the amount of employee's the Lieutenant is required to supervisor per the contract.
3. The 1.63 of the Sergeant's position is based on a formula of the amount of employee's the Sergeants are required to supervise per the contract.
4. The 1.11 percent of the Detective/Corporal position is based on a formula to provide a full time detective and a percentage of a corporal supervisor.
5. The 9.30 Deputy position is based on the formula for minimum staffing for a 4/10 work schedule. This includes relief deputies at no additional cost to the city.
6. The Traffic Deputy position is a full time 40 hour week with no relief. When the Traffic Deputy is off there is no replacement.
7. The School Resource Officer position is a 40 hour week with no relief. When the School Resource Officer is off there is no replacement.
8. The 2.28 of the Office Specialist is a formula based on the amount of clerical work performed to support the city's law enforcement personnel.
9. The .26 percentage of the Motor Pool Assistant is a formula base on the requirements to provide maintenance for the city's law enforcement vehicles.
10. The 4.00 marked units are defined as 4 fully equipped marked patrol vehicles that are the required minimum to properly field the patrol staff 24/7. The cost is a lease of the vehicles which includes full replacement and insurance. Fuel and maintenance will be billed to the city quarterly.

11. The 1.00 marked units (grant purchase) is a marked patrol vehicle that was purchased from the city's COPS grant funds. The cost is insurance only and does include replacement.
12. The 1.00 unmarked unit is defined as a plain sheriff's vehicle utilized by the city's detective. The cost is a lease of the vehicle which includes insurance and replacement.
13. The 2.00 Citizen Patrol unit costs include only insurance. These vehicles were purchased by the city and have no built in replacement. Fuel and maintenance will be billed to the city quarterly.
14. The dispatch services cost is a calculated percentage based on a formula to properly provide appropriate dispatch services to the city's jurisdiction. It is based on staffing levels and the amount of calls for service generally received.
15. The 3.00 radar unit cost includes repair and maintenance of three radar units used in traffic enforcement.
16. The 5.50 HT's (portable handheld radios) costs include the purchase and replacement of the radios.
17. The 5.50 HT's (access & maintenance) includes the monthly service fee and repairs.
18. The 14 Tasers replacement includes the purchase and replacement that is amortized over 4 years which is the estimated life expectancy.
19. Administrative Support is defined as support such as Sheriff's Payroll, Bureau of Administration, Accounts Payable and the Automotive Division. This is a percentage charged to Deputy's and Detective only.
20. Facility Costs is defined as percentage paid for office space in the county building.
21. Office Automation is defined as amortized costs of PC's and software.
22. Service and Supplies is defined as supplies needed to support the staff. This is a calculated rate based on the amount of deputies.
23. Vehicle insurance is liability insurance based on the type of vehicle.
24. Personal Liability and Bonding are based on the classification of employees listed in the Schedule "A".

25. County Administrative costs are a calculated cost of salary and benefits.  
The administrative cost is for the County (not the Sheriff's Office) to recover for services provided to the cities as result of the contract.

In addition to the Schedule "A" the city is billed quarterly for fuel and vehicle maintenance, overtime and on call pay.



# STAFF REPORT

**TO:** City Council  
**FROM:** City Manager  
**DATE:** June 10, 2008

**SUBJECT:** Update on Caltrans Road Widening Project

**RECOMMENDATION:** Staff recommendation is that the City Council receives staff report and provides direction.

**ORDER OF PROCEDURE:**

Request Staff Report (Michael Tree Presenting)  
Council Questions of Staff  
Request Public Comment  
Council Discussion & Direction

**BACKGROUND:** For several years the City has been working with Caltrans to have constructed a two-way turn lane, which would require road widening from Canyon Road to Sunrise Road on HWY 62. Due to cost constraints the scope of the project was narrowed from Canyon Road to Easy Street. The City, Caltrans, and SANBAG staff continue to work together to locate funding for the Easy Street to Sunrise Road segment.

Staff will meet with Caltrans and SANBAG on June 10, 2008 to discuss the progress of the overall project. A review of the project status will be provided at the City Council meeting.

**ALTERNATIVES:** N/A

**FISCAL IMPACT:** N/A

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Review of Staff Report:

\_\_\_\_\_   
City Manager

\_\_\_\_\_   
City Attorney

\_\_\_\_\_   
City Engineer

\_\_\_\_\_   
Department Head



# STAFF REPORT

**TO:** City Council via City Manager  
**FROM:** City Engineer  
**DATE:** June 10, 2008

**SUBJECT:** Adobe Road Crosswalk and Raised Median Project

## RECOMMENDATION:

1. Accept the completed work on the Adobe Road Crosswalk Median Project Contract with Joe Putrino General Contractor for the amount of \$52,047.
2. Direct the City Clerk to file a Notice of Completion, and notify surety to exonerate contract bonds.
3. Direct the Finance Director to release the retention after 30 days if no claims are filed against the contractor.

### Attachments

- Notice of Completion

## 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 February 26, 2008, the Council Award a contract to Joe Putrino General Contractor for the Adobe Road Crosswalk Median Project. The project included constructing a raised median south side of the intersection where this “island” provides a location for pedestrians to stand while crossing the 4-lane facility.

**ALTERNATIVES:** Amend report.

**FISCAL IMPACT:** The project was included in the current fiscal year’s budget.

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Review of Staff Report:

\_\_\_\_\_ City Manager

\_\_\_\_\_ City Attorney

\_\_\_\_\_ City Engineer

\_\_\_\_\_ Department Head

Recording Requested by:  
City of Twentynine Palms

When Recorded mail to:

CITY OF TWENTYNINE PALMS  
Engineering Division  
6136 Adobe Road  
Twentynine Palms, CA 92277

FOR RECORDER'S USE ONLY

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**Notice of Completion**

NOTICE IS HEREBY GIVEN, that

1. The undersigned, Richard H. Pedersen is the duly appointed and qualified City Engineer of the City of Twentynine Palms, a municipal corporation of the State of California, and which is located within the County of San Bernardino, in said State, and the address of the undersigned is 6136 Adobe Road, Twentynine Palms, California 92277.
2. That on the 26th day of February, 2008 and pursuant to approval of the City Council of the said City, the City entered into a contract with Joe Putrino General Contractor, whose address is \_\_\_\_\_, for the construction of the Adobe Road Crosswalk Median Project, in the City of Twentynine Palms, and in accordance with the City of Twentynine Palm's Plans and Specifications.
3. That all of the said work or improvement was located at 6136 Adobe Road within in said City.
4. That all of the said work or improvement contemplated in and under said contract was accepted by Council action on June 10, 2008.
5. That the Surety on the Performance Bond of said Contractor and the surety on the Labor and Material Bond of said Contractor, under said contract, was and is \$45,465 and \$22,732.

The undersigned, being the first duly sworn, says: That is the duly appointed and qualified City Engineer of the City of Twentynine Palms, the political subdivision of the state of California which conducted the proceedings for the improvement located at 6136 Adobe Road, in said City, described or referred to in the foregoing Notice; and that he has read the foregoing "Notice of Completion;" and knows the contents thereof, and that the facts recited therein are true.

\_\_\_\_\_  
City Engineer of the City of Twentynine Palms, California

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



# STAFF REPORT

**TO:** City Council via City Manager  
**FROM:** City Engineer  
**DATE:** June 10, 2008

**SUBJECT:** Twentynine Palms Lighting and Landscaping Assessment District #1, Engineer's Annual Report, and Levy of Assessment for FY 2008-2009

## RECOMMENDATION:

- 1) Adopt Resolution No.08-\_\_\_\_, (A Resolution of the City Council of the City Twentynine Palms Directing the Filing 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.08-\_\_\_\_, (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 2008-2009).

- |  |
|--|
| <p>Attachments</p> <ul style="list-style-type: none"><li>• Resolution Initiating Proceedings</li><li>• Engineer's Report</li><li>• Resolution of Intention</li></ul> |
|--|

## 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.

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.

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Review of Staff Report: \_\_\_\_\_  
City Manager      City Attorney      City Engineer      Department Head

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. (Note: the Engineer's Report has all ready been filed and is made a part of this agenda item for the Council's review and approval). 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 fiscal year. The recommended procedures comply with all requirements of Proposition 218.

As indicated within the engineer's report, the proposed net amount to be assessed is \$23,740.10 or \$179.85 per parcel per year. The assessment is for Fiscal Year 2008-2009 and will be placed on the tax rolls in August of 2008. 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. 08-\_\_

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)

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.

APPROVED and ADOPTED this 10th day of June, 2008.

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MAYOR

ATTEST:

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CITY CLERK

(SEAL)

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 \_\_\_\_\_, 2008

Char 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 \_\_\_\_\_, 2008

Char 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 2008-2009**

**• 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. Contengency/Administration	<u>\$1,130.48</u>
<b>TOTAL</b>	<b>\$23,740.10</b>
<b>Last year's actual costs</b>	<b>\$ 0.00</b>
	(developer was responsible)
	Balance
Last Year's Reserve Fund	\$47,480.20
Surplus / Deficit	<u>\$23,740.10</u>
<b>Total Reserve Fund</b>	<b>\$71,220.30</b> (3 year's reserve is recommended)
Estimate for FY 2008/2009:	\$23,740.10
Number of lots:	132
<b>Proposed Cost per lot per year (FY2008/2009):</b>	<b>\$179.85</b>
Last fiscal years assessment per lot per year:	\$179.85



# PART D

## ASSESSMENT ROLL

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

RESOLUTION NO. 08-\_\_

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 2008-2009

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

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 2008-2009. 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 2008-2009. 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 8th day of July 2008, 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.

APPROVED and ADOPTED this 10th day of June, 2008.

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MAYOR

ATTEST:

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CITY CLERK

(SEAL)