



STAFF REPORT

TO: City Council
FROM: Richard Pedersen, City Engineer
DATE: July 8, 2008

SUBJECT: Bagley Avenue Improvement Project

RECOMMENDATION:

Award the contract for the "Bagley Avenue Improvement Project" to Cooley Construction, Inc. for the amount of \$498,410.38.

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 (roll call vote)

SUMMARY:

On June 19, 2008, bids were received for the "Bagley Avenue Improvement Project."

The project includes re-construction of Bagley Avenue from Split Rock Avenue north to Two Mile Road, and Mesquite Springs Road from Two Mile Road north to Homestead Drive by pulverizing existing asphalt pavement, removal of sub-grade, installing of new asphalt pavement and traffic striping.

BACKGROUND:

The purpose of this project is to improve the asphalt pavement condition by pulverizing existing and installing new asphalt pavement.

The following are the bid results:

<u>Company</u>	<u>Bid Amount</u>
Cooley Construction, Inc.	\$498,410.38
Match Corporation	\$563,563.00
Granite Construction	\$828,720.00

Review of Staff Report:

City Manager

City Attorney

City Engineer

Department Head

Cooley Construction has completed similar projects for the City. Staff is satisfied that Cooley Construction is qualified to do the work under this contract.

ALTERNATIVES: N/A

FISCAL IMPACT: N/A



STAFF REPORT

TO: Agency Board
FROM: Assistant Director of RDA via Executive Director
DATE: July 8, 2008

SUBJECT: PC 05-71 – Approval of contract with qualified land use planning firm for the preparation of the Downtown Economic Revitalization Specific Plan.

RECOMMENDATION: Authorize the Agency Director to sign a contract with Pacific Municipal Consultants (PMC) in the amount of \$94,200, with a 10% contingency, for a total amount not to exceed \$103,620, to complete the plan based upon the attached Scope of Work.

ORDER OF PROCEDURE:

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

Attachments
1. PMC Proposal including Scope of Work

SUMMARY: Following the June 24, 2008 Joint Study Session of City Council and Planning Commission, staff was directed to reschedule this item for the next available City Council meeting. As discussed at that meeting, completion of the Downtown Economic Revitalization Specific Plan remains the Planning Commission’s top priority. At the meeting, the City Manager mentioned that completion of the plan is necessary for prioritization, programming and implementation of physical improvements by the Agency in the downtown area.

On January 22, 2008, the Redevelopment Agency Board directed staff to issue a request for qualifications (RFQ) for planning firms to submit their qualifications to complete the Downtown Specific Plan. The RFQ was issued. Six proposals from qualified firms were received. Four firms were interviewed. Two firms were asked to provide detailed approaches to complete the plan. Based upon the interviews, experience of the firms and proposed cost estimates, staff recommends that PMC be awarded the contract. The project team has completed over 100 downtown plans. It is anticipated that the scope of work will take approximately four months to complete. To reduce costs, CEQA review and compliance will be staff responsibility.

FISCAL IMPACT: The RDA Five Year Implementation Plan included \$100,000 for downtown planning efforts.

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

TWENTYNINE PALMS CHAMBER OF COMMERCE AND VISITORS BUREAU

MONTHLY RECAP REPORT: June 2008

VISITOR SERVICES

New information/publications available in the Visitor Center include:

- July 2008 Chamber Newsletter;
- U.S. Naval Museum and Technology;
- California State Park Visitor Welcome Kit;
- California Travel and Tourism Commission, Flip Facts;
- The Sun Runner Magazine, June/July;
- RV Journal, Summer 2008 Edition;
- California Visitor Guide and Travel Planner;

Gift Shop -

- Sales in Gift Shop for June 2008: \$92.00

June New Members: 1

Total Chamber Members: 241

Contact Statistics: June 2008:

Phone Calls: 833

Visitors: 539

Information Packets: 4

June 2008 stats for 29chamber.com

Successful requests: 230,755

Average successful requests per day: 9,222

Successful requests for pages: 128,565

Average successful requests for pages per day: 5,138

June 2008 stats for visit29.org:

Successful requests: 47,292

Average successful requests per day: 1,891

Successful requests for pages: 12,665

Average successful requests for pages per day: 506

MARKETING

- Preparing and submitting informational articles to California Tourist and Travel Commission,
- Uploaded to visitcalifornia.com information about Oasis of Murals, Old Schoolhouse Museum and Theater 29;
- Preparing articles and submissions for fall events to newspapers, magazines and websites;

Tours, Conferences & Meetings

Other Marketing

- California Desert Visitor's Association held a Workshop in Twentynine Palms on May 28, 2008. There were over 60 desert regions represented. Attendees who came the evening before were treated to a delightful reception by the 29 Palms Inn and Sky's the Limit hosted a Night Sky Party at the Observatory location. Syndee Slayton facilitated discussion to identify venues and itinerary work for a publication the CDVA plans to produce later this year.
- Street Fair and Car Show was held downtown on Friday, June 6, 2008. There were 68 vehicles for the People's Choice Awards and 15 vendors along the street.
- Chamber's Annual Awards and Installation Dinner were held Saturday, June 21, 2008 at the Elks Lodge.

The following articles highlighted Twentynine Palms area and events:

- Palms Springs Calendar of events, "The Trickeries of Scapin," May/June
- TripAdvisor, Roughly Manor, May 23, 2008;
- Trip Advisor, "Good hotel, nice staff, great breakfast," Holiday Inn Express, May 28, 2008
- California Motorcycle Roads and Tours, "San Bernardino," June 2008;
- Oh, Ranger! "Joshua Tree National Park, June 2008;
- Military Avenue, "29 Palms Hotels:, June 2008;
- Artdaily.org, "An-My Le: Small Wars at Lois & Richard Rosenthal Center for Contemporary Art," June 2008;
- Usmc.yuku.com "Welcome to the USMC Family & Friends Support Center," June 2008;
- Thought Experiments Blog, "Hidden Valley," June 2, 2008;
- Thought Experiments Blog, "Bikers, Bars and Bog Roll," June 2, 2008;

- L.A. Times, "Readers Recommend: Joshua Tree Retreat, Oaxaca restaurant," June 1, 2008;
- Press Enterprise.com, "Roadside Attraction," June 2, 2008;
- Eco-chick.com, "Wind Farms Beauty or the Beast," June 3, 2008;
- TripAdvisor, "Lovin the harmony," June 3, 2008;
- Desertusa.com, "Joshua Tree NP to Host Public Forum on Cultural Heritage June 11, 2008," June 5, 2008;
- Janson.com, "Timeless: A National Parks Odyssey" premieres on PBS," June 5, 2008;
- Digitalmedianet, "21, Square Miles of 3G Network for Southern California's On-the-go," June 6, 2008,
- Archiblog.info, "Prefab Friday, Joshua Tree," June 6, 2008;
- TripAdviosr, "It's fun to be here," The Rib Company, June 7, 2008;
- Rock Climbing Forum, "Top Roping in Joshua Tree," June 7, 2008;
- Music Nation, "Chad Van Ryes, Hendersonville, TN," June 9, 2008;
- wwe.com, "McMahon's Million Dollars," June 9, 2008;
- The Greenville Sun, TN, "Local Wrestling Fan Wins \$75,000 In McMahon's Million." June 9, 2008;
- WrestlingInc.com, "WWE Touts Million-Dollar Giveaway Winners," June 10, 2008;
- Contests.aabout.com, "WWE Million Dollar Mania To Continue for a Second Week!," June 10, 2008;
- Miami Herald, "Raw fans win ad money," June 10, 2008,
- Restaurant News, "WWE® Fans Win RAW(R) Money," June 10, 2008;
- Streetinsider.com, "WWE® Fans Win RAW® Money on USA Network's Monday Night RAW," June 10, 2008;
- Sky Sports, "McMahon splashes the cash," June 10, 2008;
- Business Wire, "WWE® Fans Win RAW® Money,," June 10, 2008;
- San Francisco Examiner, "WWE® Fans Win RAW® on USA Network's 'Monday Night RAW,'" June 10, 2008;
- Pr-inside.com, "WWE® Fans Win RAW® Money," June 10, 2008;
- Multichannel.com, "Monday Night RAW' Fans Share First 1 Million Giveaway," June 10, 2008;
- Sunspots, "WWE fans win RAW money," June 10, 2008;
- Google Ladling, " Street View turns 1, keeps on growing," June 10, 2008;
- Contests.about.com Winning the \$2 Prize in the WWE Million Dollar Mania Sweepstakes? Not So Bad After All!" June 11, 2008;
- Trip Advisor, "Amazing, Honest, Upfront & Helpful," Harmony Hotel, June 11, 2008;
- The Desert Sun, "Joint Chiefs Chairman visiting Twenty-nine Palms," June, 17, 2008;
- Oh! Ranger! "Don't trash Joshua Tree National Park," June 18, 2008;
- Trip Advisor, "What a gem!!!" Harmony Hotel, June 18, 2008;
- Press Enterprise, "Spouses of deployed Marines At Twentynine Palms enjoy evening of wine tasting," June 20, 2008;
- TripAdvisor, "Sweet and Simple," June 21, 2008;
- Seattle Times, "Camp among the boulders of Joshua tree (sic)," June 22, 2008;
- InSight, Palm Springs Art Museum, "An-My Le", July 2008;

NETWORKING

- California Desert Visitor Association, May 28, 2008;
- Chamber Mixer sponsored by Reach out Morongo Basin, June 19, 2008;
- Council Connections, June 26, 2008;

BUSINESS & ECONOMIC DEVELOPMENT

- Morongo Chambers of Commerce were invited to participate with MCAGCC to produce a Morongo Basin "Quality of Life Video." MCAGCC will gift the with a 60 second video that can be used

LEGISLATIVE AFFAIRS

None

MILITARY AFFAIRS

- MCAGCC will have open gate aboard base on July 4th starting 4:pm. Fireworks will start at dusk.
- M.A.C. Assistance Fund, the Chamber has continued to maintain a small fund of donated monies which has been set aside to assist military personnel and their families with urgent needs. Military personnel are eligible to apply for assistance upon referral from the Navy/Marine Corps Relief Society.

EVENTS

- Basin Wide Foundation Breakfast, July 3, 7AM;
- Chamber will be closed on July 4, 2008;
- MCAGCC will have open gate aboard base on July 4th starting 4PM. Fireworks show will start at dusk;
- Chamber Directors Retreat, July 12, 2008, 8AM;
- Grand Opening at Morongo Basin Cultural Arts Association, July 15, 2008, 11AM, Joshua Tree;
- Chamber Board of Directors meeting, July 17 2008, 12PM, chamber conference room;

June 2008

	Walkins	Calls
Action Council		
Adopt A Marine/Unit		
Art Galleries		
Bank		
Camping		
Chamber Business	132	140
Demographics	1	2
Developers		5
Directions	3	4
Employment		4
Entertainment		5
Gift Shop		
Golf		
Government		
Information 411	30	40
Internet Access		
Joshua Tree National Park	15	20
Laundromat		
Light Parade/Tree Lighting		
Lodging		1
Maps	1	
Marketing		
Marine Base		15
Misc. Information	125	150
Mixers		54
Murals	3	2
Packet Requests		
Phone Books	7	6
Pioneer Days	3	3
Realtors/Rentals	5	3
Reporters		
Resturants	2	5
Road Conditions		
RV Parks		5
Street Fair/Car Show	161	60
Sun Runner		
Transportation		1
Weather		2
Wild Flowers		
Casino	2	5
Installation Dinner	28	120
Housing		10
CDVA	25	70
Total	543	732

Packet Requests	4
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STAFF REPORT

TO: City Council via City Manager
FROM: Code Enforcement Officer
DATE: July 8, 2008

SUBJECT: PC 08-05 Appeal of Planning Commission's declaration of a Public Nuisance and Order to Repair or Demolish the building at 6648, 6650, and 6652 Smoketree Avenue (APN 0617-123-13). (Continued Public Hearing from May 27, 2008)

RECOMMENDATION: Continue the Public Hearing, consider comments from the public and the property owner, review the estimate and timetable for repairs of the property, and stay the demolition order to January 13, 2009.

SUMMARY: At a City Council hearing on May 27, 2008, the Council heard arguments from the appellant Dorothy Erbacher and her counsel, who petitioned the City Council to overturn the Planning Commission's Order of Repair or Demolition of the property. After reviewing the record and public testimony and hearing all of the evidence and arguments, the Council made a motion directing the appellant return in thirty (30) days with a written report detailing all of the repairs to be made to the property that will bring the property to livable standards. The Council's Motion also states that failure to comply with the City Council Direction shall result in immediate demolition.

On June 23, 2008 the appellant, Dorothy Erbacher, submitted a detailed estimate for repair of the building, and on June 25, she submitted a timetable for the repairs. The appellant also reports that the junk and rubbish has been removed from the interiors of the apartments.

The property owner proposes to obtain a Building Permit on or before August 1, 2008, have windows and doors repaired by August 15, 2008, have porch roof repaired by August 31, 2008, exterior will be painted by September 15, 2008, interior doors and holes in walls patched and painted as needed by September 30, 2008, repair vanities, sinks, and toilets by October 15, 2008, replace vinyl in kitchen and repair kitchen cabinets by November 7, 2008, new carpet by November 30, 2008, with general

Attachments

- Locator Map
- April 26, 2007 letter
- May 29, 2007 Notice to Abate
- August 6, 2007 letter
- August 22, 2007 Notice to Abate
- October 25, 2007 Pre-Abatement Photos
- December 19, 2007 Post Abatement Photos
- March 5, 2008 letter of Planning Commission Hearing
- April 7, 2008 Planning Commission's Order to Abate by Demolition or Repair
- May 19, 2008 photos
- Contractor's proposal for repairs.
- Property owners timetable for repairs.

Review of Staff Report: _____

City Manager

City Attorney

City Engineer

Department Head

clean up and end of repairs by December 10, 2008. In order to track continued progress on this abatement, Staff will schedule inspections at all of these milestones.

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)

BACKGROUND: This property's history of code violations are chronicled below:

- April 19, 2007. Initial complaint received regarding junk and rubbish at the property. At this time only the front unit of the tri-plex was occupied.
- April 26, 2007. The owner of the property (Dorothea Erbacher) and the property manager (Myra Hayes), were sent letters directing them to remove the junk and rubbish from the property within two weeks (May 11, 2007).
- May 29, 2007. The rubbish had not been removed and a Notice to Abate was sent by certified mail (return receipt requested) to the property owner and manager. The apartments were also posted with the Notice.
- June 25, 2007. The rubbish was removed and the case was closed.
- July 31, 2007. The City received a new complaint that the septic system was malfunctioning and wastewater was backing up in the yard. The property was inspected and the condition was confirmed.
- August 6, 2007. A third letter was mailed to the property owner, property manager, and residents, directing that the septic system be repaired within ten days or the property would be red-tagged and the owner or manager cited.
- August 21, 2007. At a re-inspection the septic was no longer draining wastewater above ground. Rubbish was observed on the property. A person living in an RV trailer was ordered to cease living there, and a dangerous electrical connection to the RV was observed.
- August 22, 2007. A second Notice to Abate was sent by certified mail to the owner of the property at four potential addresses. The Notice was also sent to the property manager and residents. The apartments and the RV were also posted with the Notice.
- August 30, 2007. At a re-inspection of the property the resident of the RV was cited for unlawfully living in an RV on residentially zoned property.

- September 19, 2007. A re-inspection revealed that the RV had been removed from the property.
- September 24, 2007. A re-inspection revealed that rubbish was present and an Abatement Warrant was obtained from the Superior Court in Joshua Tree.
- Between October 25, 2007 and November 4, 2007, the City abated the property, removing the junk and rubbish, capping off the unsafe electrical connection, sealing a gray water drain, and boarding up the two back units. Someone was living in the front unit, therefore it could not be boarded up.
- October 29, 2007. A re-inspection revealed that there wasn't any water service to the property. Property was red-tagged as uninhabitable.
- January 31, 2008. Staff observed that the boarded up apartments were again open, and the property had a large quantity of junk and rubbish on it. Staff contacted the person that admitted to this and ordered her to re-board up the property and remove the junk and rubbish. She did not do this and on February 4, 2008 she was cited.
- February 4, 2008. The property manager was cited for renting the substandard property; the resident of the front unit was cited for not having water service and for junk and rubbish. The property was in the process of being cleaned by one of the persons cited.
- February 12, 2008. The City Council confirmed abatement costs of \$2,941.00, and informed the Community Development Director that they would like to have the building demolished if the nuisance continues.
- March 5, 2008. A fifth letter was sent by certified mail (return receipt requested) to the property owner and the possible property manager (Myra Hayes). The letter informed them that the property once again had junk and rubbish on it, and that a public hearing had been scheduled for April 1, 2008 before the Planning Commission to determine if the property is a nuisance, and the manner of its abatement.
- March 20, 2008. During an inspection with the Building Inspector the following unsanitary and substandard conditions were observed on the property: Roofing shingles were missing, the porch roof support poles were failing and one was missing entirely. Some of the support poles were split and shattered, and were not attached to the concrete porch. If one more porch roof support pole fails the entire porch roof could fall. Water heaters to the back two apartments were missing, the water heater to the front unit was inoperative and its enclosure was missing its door. There weren't any water heater enclosures for the back two units. One of the breaker boxes was missing a cover plate. Most of the units' interior rooms were missing doors and electrical outlet cover plates. The front unit's furnace appeared to be inoperative, and most of the windows were broken. The sink was not connected to the wall, and there weren't any faucets or drain

plumbing. The bathroom sink was inoperable, the carpet was black with filth, and the back door was nailed shut. The middle apartment's furnace appeared to be inoperable, and there wasn't any front door. Most of the windows were broken, a water heater was lying on the kitchen floor with a lot of other rubbish, and there was so much trash inside that it was hard to see the floor. The kitchen did not have a sink or counter top, and the bathroom did not have a sink or stool. The back apartment did not have a front door, most of the windows were broken, and the interior doors were missing. There was so much rubbish inside the apartment that it would be unsafe to walk there. The furnace could not be found because of the depth of rubbish. The toilet was full of excrement and there were two large holes in the walls. The shower was full of junk, the walls of all the units had peeling and faded paint, and there was graffiti on some of the interior walls.

- March 31, 2008. All of the apartments were boarded up on an emergency basis.
- April 1, 2008. Planning Commission hearing where the property was declared to be a Public Nuisance and the Commission ordered the property to be repaired within thirty days or Staff was directed to demolish the nuisance.
- April 7, 2008. Planning Commission's Notice to Abate by Repair or Demolition sent to property owner.
- April 24, 2008. Staff received a phone call from the property owner, Dorothea Erbacher, who said she only just received a Notice and had not known of any of the City's proceedings concerning her property. This occurred because her property tax records had an incorrect apartment number for her address. The property owner does not want to repair the building at this time, but does not want it demolished. She would like to leave it boarded up as it is now. The property owner filed an appeal to bring this matter before the City Council.
- May 19, 2008. Photos of the property.
- May 22, 2008. A Staff Report, with accompanying attachments, was sent to the property owner's correct mailing address and to her attorney by certified mail (return receipt requested). The Staff Report sent to the property owner was returned to the City "unclaimed".
- May 27, 2008. At a City Council hearing the Council heard arguments from the property owner and her counsel who petitioned the Council to overturn the Planning Commissions Order of Repair or Demolition. The Council directed the property owner to return in thirty days with a written report of the repairs to be made to the property to make it habitable, with the warning that failure to comply would result in demolition of the property.
- June 4, 2008. A letter reminding the property owner of the Council's requirements and the date of the City Council Hearing was sent to the property owner and her attorney by certified mail (return receipt requested).

- June 26, 2008. The property owner has submitted an estimate for the initial repairs to the property.
- The property owner has not yet paid the confirmed costs of the initial abatement (\$2,941.00), or the subsequent re-board up (\$600.00), for a total abatement cost to the City of \$3,541.00.

Approval Authority

The City Council is the Approval Authority for appealing the decisions and orders of the Planning Commission.

ALTERNATIVES: The City Council may take the following actions: (a) Affirm the Planning Commissions declaration that the building known as 6648, 6650, and 6652 Smoketree Avenue is a public nuisance and adopt a resolution directing Code Enforcement to abate the building by demolition including removing the slab and either collapsing and filling in the septic tank or removing it and filling the excavation; (b) Require the property owner to obtain a Building Permit within a time frame to be specified by the Council, and allow the property owner six months to repair the building after issuance of the Building Permit, pursuant to the submitted timetable; (c) Rescind the Planning Commissions order of repair or demolition, and allow the property to remain boarded up.

FISCAL IMPACT: Current fiscal impact:

- Previous abatement cost of \$2,941.00 that was previously confirmed by the Council, and subsequent re-board up cost of \$600.00, neither of which have been paid by the property owner;
- 1.6 hours of legal consultation;
- Mailing and public notice costs of approximately \$327.00; and
- Community Development Department Staff costs of \$530.00.

Should the Council order the demolition of the building, the fiscal impact would include the cost of the demolition, City fees, a warrant fee, and re-inspection fees. Following the demolition, the abatement costs would be brought before the City Council for confirmation of costs and a resolution directing Staff to place a Special Assessment against the property for all of the unpaid costs of abatement. The City would recover these costs of abatement when the annual taxes are paid.

If the order of the Planning Commission is to be rescinded, and the property is to be left boarded up, there would not be any additional costs.

If the property owner is allowed to repair the building, there would not be any further costs to the City.



STAFF REPORT

TO: City Council via City Manager
FROM: City Engineer
DATE: July 8, 2008

SUBJECT: Adoption of Ordinances No. 212 and 213—Street Improvement Impact Fee

RECOMMENDATION: The recommendation is that the City Council receives the staff report, conducts the public hearing, and introduces Ordinances No. 212 and 213.

ORDER OF PROCEDURE:

Request Staff Report (Richard Pedersen Presenting)
Council Questions of Staff
Open Public Hearing
Close Public Hearing
Council Discussion
Direct Clerk to Read Ordinances by Title Only
Motion/Second
Discussion of Motion
Call the Question (roll call vote)

Attachments

1. Ordinance No. 212
2. Ordinance No. 213
3. Report of Citywide Street Improvement Impact Fee Study

BACKGROUND: At the January 22, 2008 City Council meeting the Council received a staff report on the current Street Improvement Impact Fee. At that meeting staff was directed to prepare ordinances to (1) permit the payment of a Street Improvement Impact Fee for the construction of street improvements resulting from newly constructed non-residential and multi-family residential development, (2) impose a Street Improvement Impact Fee on development projects located on streets which have already been improved, and were paid for with funds from the Street Improvement Impact Fee or other public funds, and (3) eliminate the deferral option for street improvements.

At the February 26, 2008 City Council meeting the Council discussed briefly draft Ordinances 212 and 213 and then asked staff to schedule a study session to more thoroughly review the issue as a whole.

At the March 19, 2008 study session the City Council received a history of the Street Improvement Impact Fee and provided comment on draft Ordinances 212 and 213. The City Attorney made revisions to the ordinances per the direction of the Council and the ordinances were subsequently introduced at the April 22, 2008 City Council meeting with direction to staff to bring them back for adoption at the May 13, 2008 meeting.

At the May 13, 2008 City Council meeting the Council received the staff report, opened the public hearing, took testimony of public, some of whom were concerned about the elimination of

Review of Staff Report:

_____ City Manager

_____ City Attorney

_____ City Engineer

_____ Department Head

the deferral option for street improvements, and then continued the public hearing to the May 27, 2008 City Council meeting to further take public comments and discuss the elimination of the deferral requirement from the development code on street improvements.

On May 27, 2008 the City Council discussed the potential elimination of the deferral option. At that meeting staff received direction from the Council to retain the deferral option in the Development Code, with the requirement that future applications for deferrals be considered by the Planning Commission who will provide a recommendation to the City Council.

This item has been re-noticed for this public hearing.



STAFF REPORT

TO: City Council via City Manager
FROM: Community Development Director
DATE: July 8, 2008

SUBJECT: PC 08-20 – Ordinance No. 215 amending Chapters 19.07 (Rural Living), 19.08 (Single Family), and 19.12 (Service Commercial and Industrial District) of the Municipal Code.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, adopt a Categorical Exemption pursuant to CEQA, introduce Ordinance No. 215 and read by title only.

ORDER OF PROCEDURE:

Request Staff Report (Alex Meyerhoff Presenting)
Council Questions of Staff
Open Public Hearing
Close Public Hearing
Council Discussion
Direct Clerk to Read Ordinance by Title Only
Motion/Second
Discussion of Motion
Call the Question (roll call vote)

Attachment • Ordinance No. 215

BACKGROUND: The proposed Amendment includes the following elements:

- Chapter 19.07 (Rural Living) to allow garage conversions;
- Chapter 19.08 (Single Family) to allow garage conversions; and
- Chapter 19.12 (Service Commercial and Industrial District) to amend land uses.

The Amendments to Chapters 19.07 and 19.08 would allow the conversion of garages into habitable living areas. The Amendments to Chapter 19.12 changed the designation of a number of auto-repair related businesses. On April 15, 2008, following a series of study session, the Planning Commission voted to recommend approval of these amendments. On May 13, 2008, the City Council opened and continued a public hearing on this topic.

California Environmental Quality Act

The proposed amendments are exempt from further environmental review under CEQA.

Approval Authority

The City Council is the Approval Authority for this Zoning Ordinance Amendment.

ALTERNATIVES:

The City Council may: approve the amendments; amend the draft Ordinance to meet the City Council's objectives; or take no action. Garage conversions to habitable areas are prohibited in many cities, as they can cause parking to migrate to the streets.

FISCAL IMPACT: None.

Review of Staff Report:

_____ City Manager

_____ City Attorney

_____ City Engineer

_____ Department Head

ORDINANCE NO. 215

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS CALIFORNIA, AMENDING CHAPTERS 19.07.090, 19.08.090, TO ALLOW GARAGE CONVERSIONS, AND AMENDING CHAPTER 19.12 TO AMEND THE LAND USE TABLE TO THE TWENTYNINE PALMS MUNICIPAL CODE.

WHEREAS, the City Council has determined that the Development Code presently does not allow for the conversion of garages for use as habitable structures in the RL and RS zones; and

WHEREAS, the City Council has determined that the Development Code should be amended related to auto repair and related uses in the CS and IC zones; and

WHEREAS, the City Council has determined that the Development Code should be amended to establish Planned Development Districts to allow for flexibility in land use planning, ensuring the highest quality of development, while maintaining the public health, safety and welfare.

WHEREAS, the City Council conducted a duly noticed public hearing on July 8, 2008.

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

Section 1: Section 19.07.090(K) of the Twentynine Palms Municipal Code is hereby amended to read as follows:

The minimum parking requirement for a new single-family residence shall be a two-car garage. The minimum parking requirement for a multi-family structure, where permitted, shall be one covered space and one open space per dwelling unit; covered parking shall be either a carport with solid roof covering or a garage. Building permits shall be required for garage conversions, however a minimum of two parking spaces must be provided on site.

Section 2: Section 19.08.090(K) of the Twentynine Palms Municipal Code is hereby amended to read as follows:

The minimum parking requirement for a new single-family residence shall be a two-car garage. The minimum parking requirement for a multi-family structure, where permitted, shall be one covered space and one open space per dwelling unit; covered parking shall be either a carport with solid roof covering or a garage. Building permits shall be required for garage conversions, however a minimum of two parking spaces must be provided on site.

Section 3: Table 19.12-A of the Twentynine Palms Municipal Code is hereby amended to read:

USE	CS	IC	NOTES
<i>Automotive repair - major (i.e., engine and transmission repair/rebuild, etc.)</i>	<i>€ P</i>	<i>€ P</i>	<i>A wall made of block, masonry, or other similar material, minimum six (6) feet in height, must be installed to separate use from adjacent properties. Outdoor storage must be screened.</i>
<i>Body, paint, and upholstery shops</i>	<i>€ P</i>	<i>€ P</i>	
<i>Motor vehicle sales, new and used</i>	<i>C</i>	<i>- P</i>	<i>May include sales display area and repair</i>

PASSED AND ADOPTED THIS ___ DAY OF ____, 2008

Elaine Bernal, Mayor

CERTIFICATION:

I, Charlene L. Sherwood, City Clerk of the City of Twentynine Palms, do hereby certify that the foregoing Ordinance No. 215 was introduced and placed upon first reading at a regular meeting of the City Council on the 8th day of July 2008. That thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ___ day of ___ 2008, 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 via City Manager
FROM: Recreation Superintendent PAAC Liaison
DATE: July 8, 2008

SUBJECT: Appointment of Pat Flanagan to Public Art Advisory Committee (PAAC) Board

RECOMMENDATION:

1. Approve the Public Art Advisory Committee's recommendation to appoint Pat Flanagan to the vacant Board position
2. Audrey Gillick and Larry Bowden will be at the meeting if any further information is requested.

Attachments

- Pat Flanagan's letter of interest.
- Cathy Allen's letter of resignation.

BACKGROUND: On January 21, 2008, Cathy Allen submitted her resignation from the PAAC Board. After proper noticing and advertising two community members requested to be considered for the appointment. Marilyn Fernald subsequently removed her request before the interviews were conducted due to health reasons.

Pat Flanagan is a very motivated person and is excited about the opportunity to work with the PAAC. She also brings a strong community connection with her.

The PAAC sub committee of Audrey Gillick, Chuck Caplinger and Larry Bowden were impressed with Pat's enthusiasm and desire to participate.

FISCAL IMPACT: None

Review of Staff Report:

City Manager

City Attorney

City Engineer

Department Head