



STAFF REPORT

TO: City Council
FROM: City Manager
DATE: January 19, 2011
FOR COUNCIL MEETING: January 25, 2011

SUBJECT: Procedure for Placing an Item on an Agenda

RECOMMENDATION: That the City Council consider the request by Mayor Pro Tem Cole regarding the procedure for Council members placing items on the agenda.

DISCUSSION:

Mayor Pro Tem Cole has requested that the City Council review the procedures for placing an item on the agenda.

The current practice is that any Councilmember may request an item be placed on a future agenda with the City Manager working to schedule the item in a timely fashion.

City Manager City Attorney City Engineer Finance Director Department Head



STAFF REPORT

TO: City Council
FROM: City Manager
DATE: January 18, 2011
FOR COUNCIL MEETING: January 25, 2011

SUBJECT: Planning Commission Training

RECOMMENDATION: That City Council consider the request by Councilmember Corbin regarding the training of Planning Commissioners.

DISCUSSION:

Attached is correspondence from Councilmember Corbin requesting consideration of requiring Planning Commissioners to attend related training programs.

FISCAL IMPACT:

Currently, Planning Commissioners are invited (at city expense) to attend the League of California Cities Planner's Institute each year. In the past, not all Commissioners have attended each year. This year, \$3,500 has been allocated for this purpose. If all commissioners attended, the cost is estimated to be \$5,000 - \$7,000.

Review of Staff Report:

City Manager

Fin Director

City Engineer

Department Head

----- Forwarded Message

From: Jay Corbin <jcorbin29@gmail.com>

Date: Mon, 17 Jan 2011 20:57:37 -0800

To: "Tooker, John" <jtooker@29palms.org>

Subject: January 25th meeting

John,

Good morning!

I would like the Council to consider a policy requiring Planning Commissioners to attend the League of California Cities Planners Institute each year. Following each Institute, the Commissioners would prepare a brief description of the sessions they attended and provide their written evaluation of the benefit they received.

If, from time to time, Commissioners are unable to attend, they may instead participate in equivalent training such as attendance at one-day UCLA-Extension Public Policy classes. I just went online and seven excellent classes are offered this quarter, including CEQA and Climate Change, Designing and Implementing Effective Zoning Ordinances, Endangered Species, The Art and Economics of Building Green and Subdivision Map Act a 2011 Update. Two of these classes anytime during the year could substitute for attendance at the Planners Institute if they are unable to attend. A brief report to the Council on each class would be provided by the Commissioner following attendance.

I am requesting that this be on the 1/25 Council Agenda for discussion and possible action. Please call or email if you have any questions.

As you know, I will be in Sacramento this week so unable to meet with you Wednesday.

Thank you,

Jay



STAFF REPORT

TO: City Council
FROM: Finance Director
DATE: January 18, 2011
FOR COUNCIL MEETING OF: January 25, 2011

SUBJECT: Membership in California State Association of Counties Excess Insurance Authority (CSAC-EIA).

RECOMMENDATION: That City Council adopt Resolution No. 11-02 authorizing the Mayor to act as the City's authorized representative for CSAC-EIA.

ORDER OF PROCEDURE:

Request Staff Report (Ron Peck Presenting)
Council Questions of Staff
Council Discussion
Motion/Second
Discussion of Motion
Call the Question (voice vote)

| Attachments |
|---------------------------------|
| Resolution No. 11-02 |
| CSAC-EIA Joint Powers Agreement |
| CSAC-EIA Dental MOU |

BACKGROUND: The City has been purchasing dental insurance for its employees through Alliant Insurance Services. Alliant is now associated with CSAC-EIA, and the City can get the same coverage for less premium. In order to do this, the City needs to join CSAC-EIA. In order to Join, the City Council will need to pass resolution 11-02 authorizing the mayor to execute documents on behalf of the City. The Mayor will then sign the attached Joint Powers Agreement with CSAC-EIA and the Memorandum of Understanding to join the dental program.

ALTERNATIVES: Staff is open to questions or suggestions.

FISCAL IMPACT: Savings on dental premiums of approximately \$3,500 annually.

Review of Staff Report:

City Manager

City Attorney

Finance Dir.

Department Head

RESOLUTION NO. 11- 02

**A RESOLUTION DELEGATING AUTHORITY TO THE MAYOR TO ACT ON
BEHALF OF THE CITY OF TWENTYNINE PALMS**

WHEREAS, the CSAC Excess Insurance Authority (Authority) has determined that it is necessary for each member of the Authority to delegate to a person[s] or position[s] authority to act on the member's behalf in matters relating to the member and the Authority; and

WHEREAS, except as to those actions that must be approved by the City Council, such delegation of authority is necessary in order to carry out the purposes and functions of the Authority with its members; and

WHEREAS, in order to ensure a person[s] or position[s] is delegated with authority to act on the member's behalf in matters relating to the member and the Authority, action by the member's governing body is necessary; and

NOW THEREFORE, BE IT RESOLVED by the City Council as follows:

Except as to actions that must be approved by the City Council, the Mayor is hereby appointed to act in all matters relating to the member and the Authority.

PASSED AND ADOPTED by the City Council of the City of Twentynine Palms this 25th day of January, 2011, by the following vote:

AYES:
ABSENT:
NOES:

Jim Harris, Mayor

ATTEST:

Charlene L. Sherwood MMC, City Clerk



Adopted: October 26, 2009

MEMORANDUM OF UNDERSTANDING DENTAL PROGRAM

This Memorandum of Understanding (hereinafter "Memorandum") is entered into by and between the CSAC Excess Insurance Authority (hereafter "Authority") and the participating entities (hereafter Members) that are signatories to this Memorandum.

1. **CREATION OF THE PROGRAM.** There is hereby created by this Memorandum the Dental Program (hereafter "Program").
2. **JOINT POWERS AGREEMENT.** Except as otherwise provided herein, all terms used shall be as defined in Article 1 of the Joint Powers Agreement Creating the CSAC Excess Insurance Authority (hereafter "Agreement"), and all other provisions of the Agreement not in conflict with this Memorandum shall apply.
3. **PURPOSE.** The Program is formed for the purpose of establishing a self-insured pool and group purchase pool for administrative services related to the Program.
4. **GOVERNING COMMITTEE.** The EIA Employee Benefits Committee (hereafter "Committee") shall have full authority to determine all matters affecting the Program and its members, including, but not limited to, approval of new members, and premium/rate setting. A majority of members of the Committee must be members of the Program.

A majority of the members of the Committee shall constitute a quorum for the transaction of business. All actions of the Committee shall require the affirmative vote of a majority of the members of the Committee.

Except as otherwise provided herein, the Committee shall be authorized to do such acts as are reasonably necessary to further the purposes of this Memorandum and implement its provisions.

The Committee when necessary to fulfill the purposes of this Memorandum, shall meet on the call of the Chair of the Committee as provided in Article 12 of the Agreement and Article VI of the Bylaws of the Authority (hereinafter referred to as the "Bylaws").

Any meeting of the Committee shall be subject to the applicable provisions of Government Code §54950 et seq., commonly known as the "Brown Act."

5. **PREMIUM.** Initial premiums upon entry into the Program for both Pool members and Self-Insured Members shall be established by Delta Dental of California (hereafter "Delta Dental") in consultation with the Committee, actuaries and/or other consultants.
6. **MEMBERSHIP.** Membership in the Program consists of either of the following:
 - a. A "Pool Member" is defined as a Member who joins the Program and is part of the self-insured pooled Program, or
 - b. A "Self-Insured Member" is defined as a member who participates in the group purchase Program for administrative services and is fully responsible for their own dental Program.
7. **MINIMUM PARTICIPATION LEVEL.** The Committee shall establish a minimum participation level in order for the Program to become effective. The Memorandum shall not be binding upon any Member unless the minimum level of participation is reached to begin the Program. This Memorandum shall remain in force should the participation level subsequently fall below the minimum established by the Committee.
8. **PROGRAM PARTICIPATION.** Adoption of this Memorandum by a Member allows for participation in the Program. Participation in the Program may be in either the Self-Insured Pool or the Group Purchase Pool. A Member shall be entitled to participate in the Program until it has withdrawn in accordance with the provisions of paragraph 17 of this Memorandum.
9. **RENEWALS.** Renewal rate action will be determined by the Committee with assistance from Delta Dental, actuarial or other consultants for the Pool Members. The renewal action for the Self-Insured Member will be determined by the Member in conjunction with assistance from Delta Dental, actuaries and/or other consultants. Pool Members that have Legacy Premium Stabilization Funds (see paragraph 11.a.) may use those funds to offset renewal rate increases.
10. **BILLINGS AND LATE PAYMENTS.** Billing dates, payment due dates, and any late fees and/or penalties will be set by the Committee. All Members will receive separate notification of any changes in due dates and/or penalty fees at least 30 days prior to effective date of any such change.

Notwithstanding any other provisions to the contrary regarding late payment of invoices or cancellation from a Program, at the discretion of the Committee,

any Member that fails to pay an invoice when due may be given a ten (10) day written notice of cancellation.

11. **PREMIUM STABILIZATION FUNDS.** Premium Stabilization Funds as set forth apply only to Pool MEMBERS.
 - a. Legacy Premium Stabilization Fund. Current Delta Dental Member who are fully insured with Delta Dental are required to have their stabilization funds (if any) transferred to the EIA upon entry into the Program. These funds will be accounted for individually for the Member's use. If the Member leaves the Program with a fund balance remaining, those funds remain in the Program and the Member has no equity rights to those funds.
 - b. Program Premium Stabilization Fund. The Program Stabilization Fund shall consist of accumulated excess reserves (in excess of the required Incurred But Not Reported (IBNR) and margin requirements) generated by the Program with all years combined on a go forward basis. The Committee shall have authority to determine the use of these funds. These funds are not Member specific and they are separate from the Legacy Premium Stabilization Funds
12. **STABILIZATION INTEREST.** Interest generated by both premium stabilization funds are available for the Committee to use for any purpose, including administrative fees, rate offsets, or claim payments.
13. **DIVIDENDS AND ASSESSMENTS (Applicable to Pool Members Only).** Should the Program not be adequately funded for any reason, pro-rata assessments to the Members may be utilized to ensure the approved funding level for applicable policy periods. Any assessments, which are deemed necessary to ensure approved funding levels, shall be made upon the approval of the Committee in accordance with the following:
 - a. Any dividends or assessments shall be based upon the preceding three years of percent of contribution for losses for Pooled Members only.
 - b. Self-Insured Members shall not be eligible for dividends or assessments.
14. **APPROVAL OF NEW MEMBERS – APPLICATION TO THE PROGRAM.** Any public entity wishing to become a Member of the Program shall make application

to and be approved by a majority vote of the Committee in a manner prescribed by them. The Committee shall develop specific criteria for accepting new members.

15. **COVERAGE DOCUMENTS.** Coverage documents shall be issued by Delta Dental to each individual Member and Delta Dental shall determine coverage for each Member in the Program. Coverage shall be governed in accordance with these documents. Any changes to the benefits are as determined by the Member subject to Delta Dental, Committee, actuarial, and/or other consultants pricing requirements.
16. **CLAIMS ADMINISTRATION.** The Committee shall authorize the retention of the services of Delta Dental to provide claims services for the Program.
17. **WITHDRAWAL.** Withdrawal of a Member from the Program shall be as follows:
 - a. Pool Member. After becoming a participant in the Program a Pool Member may withdraw from the Program at the end of a policy year only if it provides the AUTHORITY with sixty (60) days written notice prior to the end of the policy year.
 - b. Self-Insured Member. After becoming a participant in the Program a Self Insured Member may withdraw from the Program at the end of their specific policy year period by giving the Authority sixty (60) days written notice prior to the end of their specific policy year period.
18. **LIASION WITH THE AUTHORITY.** Each Member shall maintain staff to act as liaison with the Authority and Delta Dental and between the Member and the Authority's and Delta Dental's designated representative
19. **DISPUTES.** The Committee shall first determine any question or dispute with respect to the rights and obligations of the parties to this Memorandum, however, all final determinations shall be in accordance with Article 31 of the AGREEMENT.
20. **ADMINISTRATION COSTS.** The Authority shall be entitled to assess annual administration costs associated with the Program. Administrative costs for the Program shall be determined through the Authority's budget process. The source of the funds for the Program will be administrative charges, interest earnings or a combination of both.

21. **COMPLETE AGREEMENT.** Except as otherwise provided herein, this Memorandum constitutes the full and complete agreement of the Members.
22. **SEVERABILITY.** Should any provision of this Memorandum be judicially determined to be void or unenforceable, such determination shall not affect any remaining provision.
23. **AMENDMENT OF MEMORANDUM.** This Memorandum may be amended by a majority vote of the Committee and signature on the Memorandum by the Member's designated representative, or alternate who shall have authority to execute this Memorandum.
24. **EFFECTIVE DATE.** This Memorandum shall become effective on the first effective date of coverage for the Member and upon approval by the Committee and the signing of this agreement by the Members and Chief Executive Officer of the Authority.
25. **EXECUTION IN COUNTERPARTS.** This Memorandum may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the undersigned have executed the Memorandum as of the date set forth below.

Dated: October 26, 2009



CSAC Excess Insurance Authority
Michael D. Fleming, Chief Executive Officer

Dated: _____

Name _____

Member Entity _____



STAFF REPORT

TO: City Council
FROM: City Manager
DATE: January 18, 2011
FOR COUNCIL MEETING: January 25, 2011

SUBJECT: Arborist's Report

RECOMMENDATION: That the City Council:

- 1) Receive an arborist's report concerning the status of city trees and recommendations for their proper maintenance.
- 2) Direct Staff to include the implementation costs of Phase I in recommendations associated with the mid-year Budget report.

ORDER OF PROCEDURE:

Request Staff Report (John Tooker Presenting)
Council Questions of Staff
Request Public Comment
Council Discussion
Motion/Second
Discussion of Motion
Call the Question

BACKGROUND:

Recently the City retained a licensed arborist to evaluate the condition of city trees. The attached is a summary of the arborist's findings and includes rough estimates of cost associated with the implementation of the results.

The report includes recommendations for immediate action (Phase I) and subsequent phases as well.

FISCAL IMPACT:

The implementation of Phase I recommendations are estimated to cost between \$35,000 - \$45,000. Staff recommends that Council consideration of the costs associated with Phase I be included as part of the mid-year Budget report which is currently scheduled for next month.

Review of Staff Report:

City Manager

Fin. Director

City Engineer

Department Head

IMMEDIATE COURSE OF ACTION

PHASE ONE: Removal of trees that are imposing a immediate safety hazard.

Several trees exhibit severe safety threats in several location throughout the City and should be removed. These trees, of imposing size and various stages of death, are either hanging over real property, over areas where pedestrians are present or where patrons utilize park features. This will include the removal of some Elm and White Mulberry trees in Knotts Sky Park, City Hall, but primarily on the perimeter of Luckie Park. These trees are infringing the power lines. Remove the following:

1. Two trees at City Hall, north of the building
2. Two trees at the Library
3. Approximately 37 trees at Luckie Park
4. Two trees at Knotts Sky Park

PHASE TWO: Pruning, Thinning, and Crowning, Recommended to follow immediately after Phase one.

There are several trees through out the Park that crowd and inhibit the growth of others. These trees should be removed to save ones with potential. In an effort to stimulate some foliage, pruning of the remaining trees should remove at least 40% of woody die off. Dead wood should be considered a safety hazard.

PHASE THREE: Preventive Tree Maintenance.

Reevaluate the remaining trees at City Hall and Luckie Park within a 12 to 18 month period to decide if more aging trees should be removed. Replacement trees should be considered in this phase as to regenerate aesthetic value, especially to Luckie Park.

APPROXIMATE COST PER TREE:

| | |
|--|----------|
| Large tree removal with stumps ground out and large surface roots removed: | \$850.00 |
| Medium tree removal with stumps removed and surface roots removed: | \$500.00 |
| Small trees removed and stumps dug out: | \$250.00 |

Pruning of large, medium, and small trees should average \$100.00 per tree. There should be some volume to this order of at least 200 trees with a good size mix. Very large trees can cost \$500.00 and very small trees \$35.00. The Elms and Ashes with heights of 60 to 75 feet would be in the \$400.00 to \$500.00 range. The same varieties at 40 to 60 feet should be priced \$200 to 400.00. Smaller trees, with less canopy and sizes between 25 and 40 feet vary from \$100.00 to \$200.00.

APPROXIMATE COST TO THE CITY:

Phase one: The removal of 43 trees at \$35,000.00 - \$45,000.00

Phase two: The trimming, pruning, crowning, of 158 trees \$15,000.00 - \$25,000.00

Phase three: Final stage preventive tree maintenance on all 158 trees \$0 - \$5,000

Note: Prices might not accommodate (higher or lower) fluctuating dump fees, haul costs, travel, permits, traffic control and costs associated with city mandates.

Submitted by: Lori Abdelnour
Certified Arborist WE8688A
51650 Avenida Bermudas
La Quinta, CA 92253



City of Twentynine Palms
STAFF REPORT
6136 Adobe Road
Twentynine Palms, CA 92277
(760) 367-6799, Fax (760) 367-5400

To: City Council
From: Community Development Director
Date Prepared: January 18, 2011

For Council Hearing Of: January 25, 2011

Subject: PC 11-05 – A request to transfer funds between Code Enforcement accounts and to authorize the expenditure of funds for the abatement of a Planning Commission declared Public Nuisance.

RECOMMENDATION

That the City Council authorize the transfer of funds between Code Enforcement accounts and authorize the expenditure from the *Dangerous Building Abatement Fund* (Fund 65-0115, 4548) for the abatement of the Planning Commission declared Public Nuisance at 5025 Adobe Road.

ORDER OF PROCEDURE

Request Staff Report (Charles LaClaire Presenting)
Council Questions of Staff
Council Discussion
Motion/Second
Discussion of Motion
Call the Question (Voice Vote)

PROJECT DESCRIPTION

PC 11-05 – A request from the Community Development Department to transfer funds between two Code Enforcement fund accounts (*Illegal Dump Cleanup* fund {65-0115, 4549} and *Dangerous Building Abatement* fund {65-0115, 4548}) and authorization to expend funds from the *Dangerous Building Abatement* fund (65-0115, 4548) for the abatement of the Planning Commission declared Public Nuisance at 5025 Adobe Road, Twentynine Palms.

DISCUSSION

With the adoption of the City's Annual Budget in June, 2010, the City Council provided \$10,000 within the *Illegal Dump Cleanup* fund (65-0115, 4549) of which \$2,000 has been expended to date and \$5,000 within the *Dangerous Building Abatement* fund (65-0115, 4548) which is virtually depleted, for Code Enforcements activities. These funds, and the amounts therein, were based upon past years experience for activities in Code Enforcement. Under past direction and legal guidance, funds within the *Illegal Dump*

Review of Staff Report:

City Manager City Attorney Finance Director Department Head

Cleanup fund may only be used to remove rubbish and debris from a private or public (right-of-way) property when it can be demonstrated that the property owner is not the responsible party for the dumping and the property owner(s) cannot be contacted or is/are unable or unwilling to remove the noted materials (whereas funds from the *Dangerous Building Abatement* account may be used to remove material from a property when it has been demonstrated that it was placed there by the owner or resident {with an abatement lean placed upon the property to recuperate the funds when the property is sold}).

Within the current fiscal year, more Code Enforcement activities within the Dangerous Building Abatement category has occurred than was anticipated with the creation of the 2010/11 budget and less Illegal Dump Cleanup has occurred. Illegal Dumping is one of Code Enforcements top priorities because of the devastating visual blight that piles of rubbish can bring to neighborhoods and the City as a whole.

On January 4, 2011, the Planning Commission was requested to consider a declaration of Public Nuisance for the property located at 5025 Adobe Road (APN 0621-221-09). At that Commission meeting, the Commission unanimously adopted a Resolution declaring the property as a Public Nuisance and directed staff to contact the property owner, give that individual ten (10) days to resolve the Nuisance and if the property owner elected not to address the Nuisance, the Resolution ordered staff to proceed with the clean-up of the property.

It is noted that at the December 7th Public Hearing, staff informed the Commission that it had received a letter from Mr. Ed Meyer, Business Manager for the property owner, alleging a variety of issues that staff wished to investigate before the Commission proceeded with the Hearing (that letter was provided to the Commission at the Public Hearing on December 7, 2010). As requested by staff, the Commission opened and continued the Public Hearing to the Commission's regularly scheduled meeting of January 4, 2011. Between December 7, 2010 and January 4, 2011, many items were addressed by the property owner (such as the removal of the mobile home, the painting of the window board-ups, and removal of some debris), however by the January Hearing, significant weeds, a large collection of debris and junk, and scrap wood, metal and tires remained upon the property to support the Commission's declaration of a Public Nuisance.

Under the above direction from the Commission, staff is requesting funds to abate the property noted above. As the estimate is \$4,600, staff is requesting Council authorization to expend this sum to address the identified Public Nuisance. To accomplish this cleanup, staff is requesting that the Council authorize the transfer of a total of \$6,000 from the *Illegal Dump Cleanup* fund (65-0115, 4549) to the *Dangerous Building Abatement* fund (65-0115, 4548). This would provide sufficient funds within the *Illegal Dump Cleanup* fund to abate the Public Nuisance at 5025 Adobe Road, leaving roughly \$1,400 within the fund for other future abatements, and leaving roughly \$2,000 within the *Illegal Dump Cleanup* fund.

For the Mid-Year Budget Review, an evaluation of funding needs shall be complete and at that time alternative funds may be requested for either of the *Illegal Dump Cleanup* fund or *Dangerous Building Abatement* fund, or both, or a combination of these two

funds accounts into one Code Enforcement account.

Incidents of Illegal Dumping have declined during the current fiscal year, leaving a fund balance of approximately \$8,000.00 in the *Illegal Dump Cleanup* fund. Further, the City is currently, most likely due to the continuing economic slump, experiencing an increase in owner/tenants walking away from residential properties leaving junk and rubbish scattered around the grounds. At this time Code Enforcement's actions against vacant or abandoned properties has depleted the \$5,000.00 allocated to the *Dangerous Building Abatement* fund which may forestall the abatement of other future nuisance abatements. A transfer of funds between Code Enforcement accounts will allow the Community Development Department to immediately pursue identified nuisances while preparing an analysis of Code Enforcement funds for the upcoming Mid-Year Budget review.

FISCAL IMPACT

The action of transferring \$6000.00 from the *Illegal Dump Cleanup* account into the *Dangerous Building Abatement* account will result in the expenditure of these accounts for the abatement of nuisances within the City with no immediate impact on the budget. These abatement funds, however, shall be returned to the City at a future point, thus although this action shall result in the expenditure of funds within this fiscal year, the City shall experience a return of these funds within a future fiscal year, thus reducing the fiscal impact upon the City.

Staff will assess the need to allocate additional funds to the *Illegal Dump Cleanup* and/or the *Dangerous Building Abatement* account as part of the mid-year budget report next month.