



# STAFF REPORT

**TO:** City Council  
**FROM:** Finance Director  
**DATE:** August 23, 2011

**SUBJECT:** AMEND THE MEASURE I FIVE YEAR PLAN THAT WAS ADOPTED ON JUNE 28, 2011 TO REFLECT CHANGES TO THE BUDGET.

**RECOMMENDATION:** Adopt Resolution No. 11-28

**ORDER OF PROCEDURE:**

Request Staff Report  
Council Questions of Staff  
Council Discussion  
Motion/Second  
Discussion of Motion  
Call the Question

Attachments

1. Resolution 11-28
2. Amended Measure I Five Year Plan

**BACKGROUND:** On June 28, 2011 the City Council adopted Resolution No. 11-19 approving the Measure I Five-Year Plan for fiscal years 2011-12 through 2015-16. The budget had not been finalized at that time, and three projects were subsequently added. Those projects were:

- 1) Contribute \$200,000 of Measure I funds to the Curb, Gutter and Sidewalk Project on Hwy 62
- 2) Overlay Baseline Road between Adobe Road and Utah Trail (\$200,000)
- 3) Overlay Adobe Road from Hwy 62 to Baseline Road (\$200,000)

To use Measure I funding for these project, it is necessary to amend the Five Year plan that was previously submitted. Resolution 11-28 accomplishes this.

**ALTERNATIVES:** N/A

**FISCAL IMPACT:** N/A

**RESOLUTION NO. 11 - 28**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TWENTYNINE PALMS AMENDING THE FIVE-YEAR MEASURE I CAPITAL IMPROVEMENT PROGRAM FOR PLAN YEARS 2012 THROUGH 2016**

**WHEREAS**, the City of Twentynine Palms by Resolution No. 11-19 on June 28, 2011 adopted the Measure I Five-Year Plan for Fiscal Years 2011-2012 through 2015-2016; and

**WHEREAS**, the City of Twentynine Palms has identified additional projects under that Plan during fiscal year 2011-2012; and

**WHEREAS**, those 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 Five-Year Capital Improvement Program for fiscal years 2011-2012 through 2015-2016 adding the following expenditures:

<u>STREETS &amp; LIMITS</u>	<u>IMPROVEMENT</u>	<u>COST ESTIMATE</u>
Adobe Rd, Encelia to Split Rock	Curb, Gutter & Sidewalk	
	Design and Engineering	\$200,000
Baseline Rd, Adobe Rd to Utah Tr.	Overlay	200,000
Adobe Rd, Baseline Rd. to Hwy 62	Overlay	200,000

**PASSED, APPROVED, AND ADOPTED** by the City Council of Twentynine Palms this 23rd day of July 2011.

\_\_\_\_\_  
Jim Harris, Mayor

Attest:

\_\_\_\_\_  
Charlene Sherwood, MMC, 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 23rd day of August 2011, by the following vote of the Council:

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

\_\_\_\_\_  
Charlene Sherwood, MMC, City Clerk

**MOUNTAIN/DESERT SUBAREA CITY/TOWN/COUNTY  
MEASURE I CAPITAL IMPROVEMENT PLAN 2011/2016**

**EXPENDITURE STRATEGY  
CITY OF TWENTYNINE PALMS**

Local Street Program (LSP): Measure I Local Streets revenues are allocated to .....

<b>YEAR</b>	<b>STREET &amp; LIMITS</b>	<b>IMPROVEMENT</b>	<b>COST ESTIMATE</b>
<b>LOCAL STREET PROJECTS (68%)</b>			
<b>2011/2012</b>	Hwy 62, Sunrise to Canyon	Widen	\$200,000
	Lear Ave, Hwy 62 to Amboy Rd.	Advanced Seal	\$110,000
	Adobe & El Paseo Median	Crosswalk Flashing Light	\$20,000
	Sullivan, Adobe to Hillside	Overlay	\$124,000
	Hatch, Sullivan to Hwy 62	Advanced Seal	\$52,000
	Amboy Rd, Utah Tr to Bagdad Hwy	Overlay	\$222,000
	Mesquite Springs, El Paseo to Two Mile Rd	Overlay	\$138,000
	Indian Trail, Mesquite Springs to Adobe	Overlay	\$44,000
	Utah Tr, Mesa Rd to Amboy Rd	Advanced Seal	\$44,000
	Utah Trail, Valle Vista to Mesa Road	Advanced Seal	\$44,000
	Sunnyvale, Sun Valley to Hillside	Reconstruct	\$200,000
	Bullion Mt. Road, Mesa Dr. to Amboy Rd.	Overlay	\$22,000
	Valle Vista, Condor to Bullion Mt.	Advanced Seal	\$132,000
	Larrea Ave, 29 Palms Hwy to Two Mile Rd	Advanced Seal	\$100,000
	Sun Valley, Hillside to Adobe Rd	Advanced Seal	\$56,000
	Condor, Mcagcc Gate to Aobe	Advanced Seal	\$104,000
	Raymond Dr, Mesquite Springs Rd to Adobe Rd	Advanced Seal	\$42,000
	Sunnyslope, Ocotillo to Aztec	Reconstruct	\$96,000
	Ocotillo Ave, Sunnyslope to Two Mile Rd	Overlay	\$55,000
	Joshua, Split Rock to Adobe	Overlay	\$83,000
	Hwy 62 Curbs, Gutters & Sidewalks, Encelia to Split Rock	Design & Engineering	\$200,000

**MOUNTAIN/DESERT SUBAREA CITY/TOWN/COUNTY  
MEASURE I CAPITAL IMPROVEMENT PLAN 2011/2016**

**EXPENDITURE STRATEGY  
CITY OF TWENTYNINE PALMS**

Local Street Program (LSP): Measure I Local Streets revenues are allocated to .....

YEAR	STREET & LIMITS	IMPROVEMENT	COST ESTIMATE
<b>LOCAL STREET PROJECTS (68%)</b>			
	Baseline Rd, Utah Trail to Adobe Road	Overlay	\$200,000
	Adobe Road, Baseline to Hwy 62	Overlay	\$200,000
	<i>Subtotal</i>		<b>\$2,488,000</b>
<b>2012/2013</b>	Sullivan Rd, Hillside Ave to Adobe Rd	Overlay	\$124,000
	Valle Vista, Adobe to Condor	Reconstruct	\$25,000
	Valle Vista, Utah Tr to Bagdad Hwy	Advanced Seal	\$22,000
	Indian Tr, Mesquite Springs Rd to Adobe Rd	Advanced Seal	\$44,000
	Valle Vista, Utah Tr to Bagdad Hwy	Advanced Seal	\$22,000
	Bagdad Hwy, Valle Vista to Mesa Dr	Advanced Seal	\$44,000
	Sullivan Rd, Hatch to Adobe	Reconstruct	\$58,000
	Cholla Ave, Valle Vista to End	Advanced Seal	\$33,000
	Amboy Rd, Bullion Mt Rd to Bagdad Hwy	Reconstruct	\$47,000
	El Paseo, Lupine Ave to Larrea	Advanced Seal	\$31,000
	Bullion Mt Rd, Valle Vista to Mesa Dr	Advanced Seal	\$22,000
	Sunnyslope, Lupine Ave to La Buena Tierra	Advanced Seal	\$32,000
	Raymond Dr, Mesquite Springs Rd to Adobe Rd	Advanced Seal	\$42,000
	<i>Subtotal</i>		<b>\$546,000</b>

**MOUNTAIN/DESERT SUBAREA CITY/TOWN/COUNTY  
MEASURE I CAPITAL IMPROVEMENT PLAN 2011/2016**

**EXPENDITURE STRATEGY  
CITY OF TWENTYNINE PALMS**

Local Street Program (LSP): Measure I Local Streets revenues are allocated to .....

<b>YEAR</b>	<b>STREET &amp; LIMITS</b>	<b>IMPROVEMENT</b>	<b>COST ESTIMATE</b>
<b>LOCAL STREET PROJECTS (68%)</b>			
<b>2013/2014</b>	Mariposa Ave, Sunnyslope to Hwy 62	Advanced Seal	\$27,000
	Baseline, Utah Tr to Wilshire Ave	Advanced Seal	\$40,000
	National Park Dr, West of Mara to Hwy 62	Advanced Seal	\$61,000
	Valle Vista, Condor Rd to Utah Tr	Reconstruct	\$26,000
	Palo Verde Ave, Desert Dunes Dr to Two Mile	Advanced Seal	\$28,000
	Bagdad Hwy, Mesa Dr to Amboy Rd	Advanced Seal	\$44,000
	Adobe Circle, Two Mile to End	Advanced Seal	\$23,000
	Split Rock Ave, El Paseo to Hwy 62	Advanced Seal	\$35,000
	Monte Vista Dr, Hwy 62 to Sullivan Rd	Advanced Seal	\$27,000
	Valle Vista, Adobe Rd to Condor Rd	Reconstruct	\$25,000
	Abronia Ave, Gorgonio to Sunnyslope	Advanced Seal	\$21,000
	Joshua Dr, Adobe Rd to Desert Knoll	Advanced Seal	\$34,000
	La Buena Tierra, Two Mile to Larrea	Advanced Seal	\$20,000
	Old Dale Rd, Hillside Ave to Adobe Rd	Advanced Seal	\$23,000
	<b>Subtotal</b>		<b>\$434,000</b>

**MOUNTAIN/DESERT SUBAREA CITY/TOWN/COUNTY  
MEASURE I CAPITAL IMPROVEMENT PLAN 2011/2016**

**EXPENDITURE STRATEGY  
CITY OF TWENTYNINE PALMS**

Local Street Program (LSP): Measure I Local Streets revenues are allocated to .....

YEAR	STREET & LIMITS	IMPROVEMENT	COST ESTIMATE
<b>LOCAL STREET PROJECTS (68%)</b>			
<b>2014/2015</b>	Didsbury Rd, Adobe Rd to End	Advanced Seal	\$16,000
	Chia Ave, Sunnyslope to Gorgonio	Advanced Seal	\$20,000
	Marine Ave, Two Mile to Paseo Dr	Advanced Seal	\$25,000
	Gorgonio, Encelia Ave to Morongo Rd	Advanced Seal	\$20,000
	Old Dale Rd, Mission Ave to Mesquite Springs Rd	Advanced Seal	\$18,000
	Sun Valley, Morongo Rd to La Buena Tierra	Advanced Seal	\$22,000
	Buena Vista Dr, Split Rock to Adobe Rd	Advanced Seal	\$23,000
	Baileya Ave, Samarkand to Two Mile	Advanced Seal	\$26,000
	Ocotillo Ave, Gorgonio to Sunnyslope	Advanced Seal	\$26,000
	Smoke Tree Ave, Buena Vista to Hwy 62	Advanced Seal	\$13,000
	Sahara Ave, Baseline to Morning Dr	Advanced Seal	\$29,000
	Saladin Ave, Baseline to Morning Dr	Advanced Seal	\$29,000
	Morongo Rd, Sunnyslope to Joshua Dr	Advanced Seal	\$26,000
	Lazy Joe, Siesta Dr to Two Mile	Advanced Seal	\$10,000
	Gorgonio, Indian Cove Rd to Lear Ave	Advanced Seal	\$10,000
	Sunnyslope, Encelia Ave to Lupine Ave	Advanced Seal	\$13,000
	Homestead Dr, Mesquite Springs Rd to Lazy Joe	Advanced Seal	\$12,000
	Desert Trail Dr, Datura Ave to Mesquite	Advanced Seal	\$13,000
	Datura Ave, Juanita Dr to Sullivan Rd	Advanced Seal	\$17,000
	<b>Subtotal</b>		<b>\$368,000</b>

**MOUNTAIN/DESERT SUBAREA CITY/TOWN/COUNTY  
MEASURE I CAPITAL IMPROVEMENT PLAN 2011/2016**

**EXPENDITURE STRATEGY  
CITY OF TWENTYNINE PALMS**

Local Street Program (LSP): Measure I Local Streets revenues are allocated to .....

YEAR	STREET & LIMITS	IMPROVEMENT	COST ESTIMATE
<b>LOCAL STREET PROJECTS (68%)</b>			
<b>2015/2016</b>	Wilshire Ave, Hwy 62 to Baseline	Reconstruct	\$46,000
	Mojave Rd, Hwy 62 to End	Reconstruct	\$39,000
	Copper Mt Rd, Hwy 62 to End	Overlay	\$131,000
	Gorgonio Dr, Adobe Rd to Desert Knoll	Advanced Seal	\$42,000
	Mojave Ave, Sunnyslope to Verbena Dr	Overlay	\$104,000
	Siesta Dr, Adobe Rd to Aztec Ave	Advanced Seal	\$12,000
	BaselineRd, Adobe Rd to Utah Tr	Reconstruct	\$43,000
	Sherman Rd, Hwy 62 to End	Reconstruct	\$27,000
	Halsey Ave, Two Mile to Joe Davis	Advanced Seal	\$11,000
	Mission Ave, Sullivan Rd to Foothill	Advanced Seal	\$11,000
	Luckie Ave, Two Mile to Joe Davis	Advanced Seal	\$31,000
	Aztec Ave, Desert Knoll to Two Mile	Overlay	\$61,000
	<b>Subtotal</b>		<b>\$558,000</b>
<b>TOTAL</b>			<b>\$4,394,000</b>

**Contact Name:** Name: Ronald Peck  
Title: Finance Director

Telephone Number: (760) 367-1972  
Resolution No. 11-19 adopted 06-28-11  
Resolution No. 11-28 amended 08-23-11

**Measure I Local Funds Estimate (5 yr.)** \$3,800,000



# STAFF REPORT

**TO:** City Council/Redevelopment Agency Board  
**FROM:** City Manager/Executive Director  
**COUNCIL MEETING:** August 23, 2011

**SUBJECT:** REDEVELOPMENT AGENCY ENFORCEABLE OBLIGATIONS PAYMENT SCHEDULE PURSUANT TO AB 1X 26.

**RECOMMENDATION:** Staff recommends the Agency Board adopt the Enforceable Obligation Payment Schedule.

## ORDER OF PROCEDURE:

Request Staff Report (Richard Warne presenting)  
Council Questions of Staff  
Public Comment  
Council Discussion  
Motion/Second  
Discussion of Motion  
Call the Question

### Attachment

**Redevelopment Agency Enforceable Obligations Payment Schedule.**

## BACKGROUND:

On June 29, 2011, Governor Brown signed several budget trailer bills to implement the State Budget for Fiscal Year 2011/2012: ABx1 26 (the "Dissolution Act") immediately suspends all new redevelopment activities and incurrence of indebtedness, and dissolves redevelopment agencies effective October 1, 2011; and ABx1 27 (the "Continuation Act") allows redevelopment agencies to avoid dissolution under the Dissolution Act if their host cities/counties elect to comply with the alternative redevelopment program described in Part 1.9 thereof. Under the Continuation Act, a redevelopment agency can continue to exist if its host community commits to making certain payments beginning in January of 2012. The legislation allows the Agency to transfer funding to the City for the purpose of making the payments.

## DISCUSSION:

The City adopted an Urgency version of the Continuation Ordinance on July 26, 2011. The City also held a first reading of a regular version of the Continuation Ordinance on July 26, 2011, and a second reading on August 9, 2011. Pursuant to the express language of the Continuation Act, the Agency's powers were restored as of the "enactment" of the ordinance. Technically, "enactment" takes place upon the passage of the motion to approve the ordinance. Therefore, based upon the language of the legislation, the Agency's powers were restored upon either the adoption of an urgency ordinance or second reading of the regular ordinance, or both.

Within 60 days of the Governor's signing of the bills, cities that were not intending to "opt in" to the Continuation Act were required to adopt an Enforceable Obligation Payment Schedule ("EOPS"). The EOPS is required to list all of a redevelopment agency's monetary obligations that are "enforceable" within the meaning of the Dissolution Act. The list is to include:

- The project name associated with the obligation.
- The payee.
- A short description of the nature of the work, product, service, facility, or other thing of value for which payment is to be made.
- The amount of payments obligated to be made, by month, through December 2011.
- Certain types of payment schedules (e.g., schedules for bond payments and employee costs) may be aggregated.

The Schedule must be adopted at a public meeting and shall be posted on the agency's or host community's website. Once adopted, the EOPS may be amended at any public meeting of the agency. After adoption or amendment, the EOPS is to be provided to the county auditor-controller, the State Controller, and the Department of Finance. Based upon the entire statutory scheme signed by the Governor, if a city chose to adopt an opt-in ordinance, it was not subject to the requirement to adopt an Enforceable Obligation Payment Schedule. For this reason, Agency staff had not anticipated preparing or presenting such a schedule.

The California Redevelopment Association, the League of California Cities, and two cities filed a legal challenge to Dissolution Act and the Continuation Act directly in the California Supreme Court. On August 11th, the Court issued an order, and on August 17 a clarifying order, indicating that it would exercise jurisdiction over the lawsuit. The Court set an expedited briefing schedule to allow it to decide the case before the first payment is due in January 2012. The Court also stayed the effectiveness of all of the Continuation Act, and some of the Dissolution Act, but not the statute requiring the preparation and adoption of the Enforceable Obligation Payment Schedule. The Court left intact the following provision contained in Health and Safety Code Section 34167(h), which provides:

*After the enforceable obligation payment schedule is adopted pursuant to Section 34169, or after 60 days from the effective date of this part [June 29, 2011], whichever is sooner, the agency shall not make a payment unless it is listed in an adopted enforceable obligation payment schedule, other than payments required to meet obligations with respect to bonded indebtedness.*

Under the totality of the legislative scheme, this provision would not have applied to the Agency because it intended to "opt in" under the Continuation Act. However, since the legislation under which it opted in is now on hold, the concern is that if no EOPS is adopted, one could argue that the Agency could make no payments after August 29, 2011. While this would be an extreme result since the City had already taken the steps to opt in, Agency staff and Agency Counsel do not wish to run the risk that payments made without such a list could be challenged at a later date. For this reason, Agency staff recommends that the Agency Board adopt the EOPS, which may be amended at a later meeting if necessary to add or modify any enforceable obligations that would be subject to Agency payments.

#### **ALTERNATIVES:**

Do not adopt the Enforceable Obligation Payment Schedule pursuant to Health & Safety Code Section 34169(g); or provide staff with alternative direction.

#### **FISCAL IMPACT:**

None for this action. The purpose of adopting the Enforceable Obligation Payment Schedule is to ensure that the Agency may be able to continue to make certain payment.

**ENFORCEABLE OBLIGATION PAYMENT SCHEDULE**  
**Per AB 26 - Section 34167 and 34169 (\*)**

	Project Name / Debt Obligation	Payee	Description	Total Due During Fiscal Year	Payments by month						
					Aug**	Sept	Oct	Nov	Dec	Total	
1)	2011 Tax Allocation Bonds Series A	U.S. Bank National Association	Bonds issued to fund non-housing projects	540,991.77	219,610.52						\$ 219,610.52
2)	2011 Tax Allocation Bonds Series B	U.S. Bank National Association	Bonds issued to fund housing projects	199,984.66	75,092.78						\$ 75,092.78
3)	Contract for Consulting Services	Rosenow Spevacek Group	Project Management and Advisory Services	150,000.00	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	15,000.00	\$ 75,000.00
4)	Employee Costs	Employees of the Agency	Payroll for Employees	136,500.00	11,375.00	11,375.00	11,375.00	11,375.00	11,375.00	11,375.00	\$ 56,875.00
5)	Employee Benefits	Employees of the Agency	Employee Benefits (Insurance & Retirement)	58,500.00	4,875.00	4,875.00	4,875.00	4,875.00	4,875.00	4,875.00	\$ 24,375.00
6)	Contract for Legal Services	Rutan and Tucker	Agency Legal Services	200,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	20,000.00	\$ 100,000.00
7)	Contract for Consulting Services	Hogle-Ireland	Agency Portion of General Plan Update	39,000.00	3,250.00	3,250.00	3,250.00	3,250.00	3,250.00	3,250.00	\$ 16,250.00
8)	City/Agency Cooperation Agreement	City of Twentynine Palms	Cooperative Agreement for Non-Housing and Housing Projects	1,350,000.00	112,500.00	112,500.00	112,500.00	112,500.00	112,500.00	112,500.00	\$ 562,500.00
9)	Contract for Engineering Services	Dokken Engineering	Engineering and Studies for Hwy 62 Imps	300,000.00			100,000.00	100,000.00	100,000.00	100,000.00	\$ 300,000.00
10)											\$ -
11)											\$ -
12)											\$ -
13)											\$ -
14)											\$ -
15)											\$ -
16)											\$ -
17)											\$ -
18)											\$ -
19)											\$ -
20)											\$ -
21)											\$ -
22)											\$ -
23)											\$ -
<b>Totals - This Page</b>				<b>\$ 2,974,976.43</b>	<b>\$ 461,703.30</b>	<b>\$ 167,000.00</b>	<b>\$ 267,000.00</b>	<b>\$ 267,000.00</b>	<b>\$ 267,000.00</b>	<b>\$ 267,000.00</b>	<b>\$ 1,429,703.30</b>
<b>Totals - Other Obligations</b>				<b>\$ 1,242,324.22</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 206,485.61</b>	<b>\$ 206,485.61</b>
<b>Grand total - All Pages</b>				<b>\$ 4,217,300.65</b>	<b>\$ 461,703.30</b>	<b>\$ 167,000.00</b>	<b>\$ 267,000.00</b>	<b>\$ 267,000.00</b>	<b>\$ 267,000.00</b>	<b>\$ 473,485.61</b>	<b>\$ 1,636,188.91</b>

\* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.)

If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.

\*\* Include only payments to be made after the adoption of the EOPS.

**OTHER OBLIGATION PAYMENT SCHEDULE**  
Per AB 26 - Section 34167 and 34169 (\*)

	Project Name / Debt Obligation	Payee	Description	Total Outstanding Debt or Obligation	Total Due During Fiscal Year	Payments by month					
						Aug**	Sept	Oct	Nov	Dec	Total
1)	Pass-Through Payment	Morongo USD	Contractural (Per Former CRL 33401)	13,469,656.00	190,322.00					95,161.00	\$ 95,161.00
2)	Pass-Through Payment	County Schools	Contractural (Per Former CRL 33401)	1,011,901.00	14,298.00					7,149.00	\$ 7,149.00
3)	Pass-Through Payment	Copper Mountain CC	Contractural (Per Former CRL 33401)	2,771,643.00	39,163.00					19,581.50	\$ 19,581.50
4)	Pass-Through Payment	Twentynine Palms Cemetery	Contractural (Per Former CRL 33401)	1,773,749.00	25,063.00					12,531.50	\$ 12,531.50
5)	Pass-Through Payment	County Free Library	Contractural (Per Former CRL 33401)	1,439,520.00	20,340.00					10,170.00	\$ 10,170.00
6)	Pass-Through Payment	County Flood Control	Contractural (Per Former CRL 33401)	1,261,893.00	17,830.00					8,915.00	\$ 8,915.00
7)	Pass-Through Payment	High Desert Memorial Hospital	Contractural (Per Former CRL 33401)	1,866,030.00	26,366.00					13,183.00	\$ 13,183.00
8)	Pass-Through Payment	County of San Bernardino	Contractural (Per Former CRL 33401)	4,372,908.00	36,759.00					18,379.50	\$ 18,379.50
9)	Statutory Payment	City of Twentynine Palms	Payments Per CRL 33607.5 and .7	5,165,500.62	42,830.22					21,415.11	\$ 21,415.11
10)	Community Remittance Payment	City of Twentynine Palms	Tax Increment Fund Transfer for Payment	829,353.00	829,353.00						\$ -
11)											\$ -
12)											\$ -
13)											\$ -
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<b>Totals - Other Obligations</b>	<b>\$ 33,962,153.62</b>	<b>\$ 1,242,324.22</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 206,485.61</b>	<b>\$ 206,485.61</b>
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\* This Enforceable Obligation Payment Schedule (EOPS) is to be adopted by the redevelopment agency no later than late August. It is valid through 12/31/11. It is the basis for the Preliminary Draft Recognized Obligation Payment Schedule (ROPS), which must be prepared by the dissolving Agency by 9/30/11. (The draft ROPS must be prepared by the Successor Agency by 11/30/11.)  
If an agency adopts a continuation ordinance per ABX1 27, this EOPS will not be valid and there is no need to prepare a ROPS.

\*\* Include only payments to be made after the adoption of the EOPS.

\*\*\* All payment amounts are estimates



# STAFF REPORT

**TO:** City Council, and City Manager  
**FROM:** Community Services Director  
**CITY COUNCIL MEETING:** August 23, 2011

**SUBJECT: APPROVAL TO AWARD CONTRACT TO HARICH ENTERPRISES IN THE AMOUNT UP TO \$128,270 FOR THE DRILLING AND INSTALLATION OF NEW WELL IN LUCKIE PARK.**

**RECOMMENDATION:** The City Council award the Well Project at Luckie Park to Harich Enterprises, in the amount of \$128,270.

Attachments

Bid Sheet

**ORDER OF PROCEDURE:**

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

**BACKGROUND:**

Last spring the City Council allocated an additional \$75,000 in Community Development Block Grant Funds (CDBG) to the drilling of a new well in Luckie Park. Due to complications with the project in 2010, the project was cancelled, with some of the funds being reallocated and used to complete the Knott's Sky Park Curb, Gutter and Sidewalk project. With the remaining funds of \$40,000 and the un-programmed funds from this year of \$26,482, Staff is able to complete the project. Staff has broken the project down into three phases with the first phase of the Luckie Park Well project being the electrical portion, which is now completed. The second phase is the drilling and installation of the well, with the fencing being the final phase.

Recently staff put together the bid packet for the drilling and installation phase of the Luckie Park Well Project and received two bids from well drillers. The first and lowest bid is from Harich Enterprises for \$151,210, and the second bid from Best Drilling and Pump in the amount of \$306,621. Staff has been discussing the project with Harich Enterprises on different ways to reduce the cost of the well, and still meet the requirements set forth in the bid proposal. By reducing the size of the casing from 14" to 12", it reduces the price to \$128,270 which enables the City to award the project.

**ALTERNATIVES:**

The first option is to award the contract to Harich Enterprises in the amount of \$128,270, with the second option being not to award the contract.

**FISCAL IMPACT:**

There is no fiscal impact to the City for this project due to the CDBG funds being dedicated to this project.

Therefore, Staff's recommendation is to approve the awarding of \$128,270 to Harich Enterprises to complete the drilling and installation phase of the Luckie Park Well Project.



**CITY OF TWENTYNINE PALMS**  
**CITY COUNCIL REPORT**  
6136 Adobe Road  
Twentynine Palms, CA 92277  
(760) 367-6799 – Fax (760) 367-5400

**To:** City Council  
**From:** Community Development Director  
**Council Meeting:** August 23, 2011

**SUBJECT:** PREPARATION OF ENVIRONMENTAL INITIAL STUDY FOR THE PROJECT PHOENIX DEVELOPMENT, OUTSIDE CONSULTANT SERVICE CONTRACT.

**RECOMMENDATION**

Authorize the City Manager to enter into a Consultant Services Contract to prepare an Initial Study in association with the Project Phoenix development.

**ORDER OF PROCEDURE**

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

**PROJECT DESCRIPTION**

Authorization to retain a consultant to prepare the California Environmental Quality Act (CEQA) mandated Initial Study for the Project Phoenix development.

**BACKGROUND**

At its regularly scheduled meeting of July 26, 2011, the City of Twentynine Palms Redevelopment Agency Board of Directors authorized staff to take the next steps necessary for the development of Project Phoenix. With this direction, staff has begun the processes need to initiate the development of the Project Phoenix development to potentially be located upon selected properties generally south of Highway 62, with outer most boundaries of between Adobe Road, Cactus Drive and Split Rock Avenue (specific properties to be decided upon by future Council action). One significant, initial step in the development review process is the City's mandatory environmental review under the California Environmental Quality Act (CEQA). The first step in this review process is the creation of an "Initial Study". This Initial Study shall determine whether or not a more detailed analysis is needed, such as a full Environmental Impact Report (EIR), or whether a Negative Declaration or Mitigated Negative Declaration will adequately identify the potential environmental impacts that may result from the development of the Project Phoenix development. *It is important to note that the Project Phoenix development shall not encompass the entire area identified above, but shall be a limited project located within the larger envelope of potential development area. The Initial Study shall examine the entire area noted above to allow flexibility of future site selection when the City and Redevelopment Agency make such a decision.*

**ANALYSIS**

As directed by the City's Redevelopment Agency Board, staff has initiated the steps necessary to allow the development of the Project Phoenix development. To accomplish this task, one of the initial steps is the completion of an evaluation of the potential environmental impacts that

such a project may have upon the site, the adjoining and surrounding properties and the community as a whole. Under the provisions of Public Resources Code (21000 et. Seq.) and the California Code of Regulations (15000 et. Seq.), any project, as defined in Section 15378 of the Code of Regulations, must receive preliminary review under the State Guidelines to Implement the California Environmental Quality Act (CEQA) (Section 15060). Unless the project can be declared by the local approving authority to be “exempt” from environmental review under the provisions detailed within Code of Regulation Sections 15300 to 15333, a preliminary review of a project must be completed using the Initial Study outlined within Appendix “G” of the State Guidelines. As the proposed Project Phoenix development can be considered a “project” under the CEQA Guidelines, and as sufficient staff resources are not currently available to complete the necessary study in the time frame needed by the City, it is proposed that an outside consultant be retained to complete the required Initial Study.

It is further noted that under the provisions of Health & Safety Code Section 34165 (h) listed below, the Redevelopment Agency may not enter into a contract for the creation of an environmental document, thus, the City of Twentynine Palms must enter into any such contract.

*34165. Notwithstanding Part 1 (commencing with Section 33000), Part 1.5 (commencing with Section 34000), Part 1.6 (commencing with Section 34050), and Part 1.7 (commencing with Section 34100), or any other law, commencing on the effective date of this part, an agency shall lack the authority to, and shall not, do any of the following:*

*(h) Prepare or have prepared a draft environmental impact report. This subdivision shall not alter or eliminate any requirements of the California Environmental Quality Act (Division 13 commencing with Section 21000) of the Public Resources Code).*

Finally, under the provisions of the Municipal Code, the City Manager may approve a contract for consultant services needed by the City with Council approval for a contract over \$15,000 and upon his own judgment if under this limit. While the proposal is to earmark an initial \$5,000 for needed environmental consultant services contract(s), which is below the City Manager’s threshold for independent judgment, it is felt that disclosure of all costs related to the Project Phoenix development shall keep both the Council and public better informed of this significant community improvement. It is believed that due to the limited size of the potential project area, and its location within a significantly developed area, that the proposed \$5,000 limit should be sufficient for the creation of the Initial Study. If, due to the uniqueness of the final properties selected for the project, the properties necessitate additional environmental analysis, that specific request shall be returned to the Council for comment and final action/authorization.

### **CEQA Environmental Review**

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) the approval of a contract to create an Initial Study for a project’s environmental review is not itself considered a “project” and, therefore, awarding a contract is not subject to CEQA regulations.

### **ALTERNATIVES**

In consideration of the issue, the Council may:

Determine that there are no outstanding issues with the proposal to retain an outside consultant to prepare the needed Initial Study and authorize the City Manger to enter into the necessary contract(s);

Determine that there are outstanding issues with the proposal to retain the specific outside consultant to prepare the needed Initial Study and direct that additional research be conducted

and presented for future Council consideration and action for the preparation of the needed Initial Study;

Determine that as the priority of the project for the community outweighs other current projects within the Community Development Department (such as the General Plan Update and Development Code Update) that the preparation of the Initial Study shall take precedence and direct staff to prepare the Initial Study.

**FISCAL IMPACT**

As detailed herein, it is requested that the Council authorize and limit an initial \$5,000 for the creation of the State required Initial Study with regard to the Project Phoenix development.



# STAFF REPORT

**TO:** City Council/Redevelopment Agency Board  
**FROM:** City Engineer  
**CITY COUNCIL MEETING:** August 23, 2011

**SUBJECT CONSIDERATION OF STATE ROUTE 62 STREET IMPROVEMENT PROJECT FROM ENCELIA AVENUE TO SPLIT ROCK AVENUE**

## RECOMMENDATION

City Council/Agency Board (1) approve the Preliminary Concept Plan for the State Route 62 Street Improvement Project and (2) authorize completion of the Environmental Document.

## ORDER OF PROCEDURE

Request Staff Report (City Engineer Pedersen)  
Council Questions of Staff  
Council Discussion  
Motion/Second  
Discussion of Motion  
Call the Question

### Attachments

**Preliminary Concept Plan**

## BACKGROUND

It has been the goal of the City Council/Redevelopment Agency Board to have curb, gutter and sidewalks installed on State Route (SR) 62 between Encelia Avenue and Split Rock Avenue. Doing so will provide missing connectivity and safety for pedestrians. In addition, consistent shoulder and median improvements will enhance bicycle and motorized vehicle safety. Median and sidewalk areas will also provide opportunities to create a "sense of place" for this area of the City through the use of aesthetic treatments. To this end, the City solicited proposals and hired Dokken Engineering to complete preliminary engineering and environmental studies for the project. By completing these early project development stages it is hoped to position the project for grant funding.

Work has progressed and staff would like to gain approval of the preliminary concept plan for the project. This will allow the CEQA review to be completed, followed by design. The Council/Board budgeted \$200,000 in Measure I Funds and \$300,000 Redevelopment Agency (RDA) FY2011-2012 to complete the environmental document and begin final engineering design.

Following is a brief project description and a strategy for delivery of the project. Concept Plans are attached and will be presented at the meeting, allowing opportunity for input and direction.

## PROJECT DESCRIPTION

The project is designed to conform to the City's arterial street standard. The typical cross section will generally consist of four, 12-foot travel lanes, eight-foot shoulders, curbs and

gutters, six foot sidewalks and medians ranging from nine to sixteen feet. In areas where restricted conditions exist, such as the existing box culvert east of Lupine Avenue, dimensions of road features may be reduced to fit within the existing structural dimensions and property boundaries, particularly if the project is phased to align improvements within available funds. The median will be used for turn lanes where needed, and enhanced aesthetically with raised medians and landscaping in remaining locations. Left turn access at some streets and driveways will be eliminated.

Additional right-of-way will be required to accommodate widening for shoulders and sidewalks. Impacts generally consist of sliver acquisitions along property frontages in the range of 1 to 15 feet. No buildings are affected for the proposed project.

The City's General Plan shows the need for SR 62 to be 6 lanes from the west City limits to Hatch Road under ultimate build out conditions (beyond 2035). Widening to that configuration at this time is not recommended or included in the currently proposed project. Project costs would substantially increase due to both right of way impacts that include several buildings, and the additional pavement width. Since the traffic projections suggest this widening is not needed for at least twenty years, and show a transition from six to four lanes somewhere between Encelia Avenue and Hatch Road, it is premature to construct six lanes between Encelia Avenue and Hatch Road, particularly given the cost and impacts. As future development occurs however, projects will be conditioned to set back from the future six lane right-of-way line to avoid increasing impacts for a future project.

The project seeks to develop a consistent design concept and "sense of place" for SR-62 by also including aesthetic improvements such as landscaped medians and bus pullouts, tourist oriented signage and lighting. As the project advances to final design, specific design elements will be chosen and shared with the public and Council/Board for input.

As a result of the addition of curb, gutter and sidewalk, a variety of drainage improvements including drainage inlets, drainage pipe, roadside ditches and manholes will be needed to remove runoff water from the road surface to a drainage outlet or injection wells. Utilities conflicts will be relocated.

## **ENVIRONMENTAL STUDIES**

SR 62 is a State highway so Caltrans is the lead agency under CEQA; however, the City is responsible for completing all studies and documentation for their review and approval. Through our contract with Dokken Engineering, the Preliminary Environmental Analysis Report was completed last year and identified seven technical studies needed for the project: Air Quality, Visual Impact, Hazardous Waste, Noise, Paleontology, Historic Property, and Natural Environment. Six of the seven studies have been completed and approved. The seventh, the Historic Property Survey Report, is anticipated to be approved this month.

As a result of the technical studies, a Draft Initial Study/Mitigated Negative Declaration has been prepared to comply with CEQA. Based on current Caltrans review times, circulation of the document for public review is anticipated in November, with approval possible by February, 2012. The technical studies have been prepared to support NEPA as well as CEQA so if federal funds are identified for the project, a Categorical Exclusion under NEPA can be quickly completed.

## **Project Costs and Delivery Strategy**

Council/Board approved \$326,000 for the environmental document and the preliminary concept plan for the project. There is approximately \$86,000 left in the budget authority and this amount

is projected to be sufficient for the completion of the environmental document and preliminary concept plan. Design, right-of-way acquisition and construction of the proposed project are estimated at a total of \$10.5 million. Although funds are not currently available for the entire project, staff continues to believe the project will be more competitive for grant funding as it becomes "shelf ready".

As indicated previously, the CEQA phase of the project is anticipated to be completed in February 2012, allowing the project to move forward into final design. Final design for the improvements included in the Concept Plan is estimated at \$980,000. Staff recommends that final design of the entire project area advance as soon as possible, maximizing the project's competitiveness for grant funding. Design, however, would progress with the ability to construct the project in phases should opportunities for funding segments present themselves.

Widening the culvert at Lupine Avenue is not included in the current project because it would add an additional \$1.6 million to project costs. Consultation is underway with Caltrans regarding project content and staff is hopeful the widening of the culvert can be handled as a separate project sometime in the future when funds are more readily available.

## **ALTERNATIVES**

The current and recommended course of action would result in an approved Concept Plan and Initial Study/Mitigated Negative Declaration (IS/MND), followed by final design. Additional funding would be needed to complete engineering, right-of-way acquisition and construction. The Council/Board could stop work after approval of the Concept Plan and IS/MND, and use the Concept Plan as a guide for conditioning future development as well as a basis for grant applications. The Council/Board could also use RDA funds for right-of-way acquisition or construction of the project.

## **FISCAL IMPACT**

Staff will continue to advance the project spending \$326,000 on preliminary design and environmental studies through the current contract with Dokken Engineering. With the approval of this action, the City Council/RDA Board is not committing to any new contractual obligation to be paid with RDA funds; rather, this is to authorize the furtherance of the design and environmental components of the State Route 62 street improvement project with a current firm under contract. As such, the requested action is not contrary to the stay order issued by the California Supreme Court in the lawsuit filed by the League of California Cities and California Redevelopment Agency challenging the validity of ABx1 26 and 27.



**CITY OF TWENTYNINE PALMS**  
**CITY COUNCIL REPORT**  
6136 Adobe Road  
Twentynine Palms, CA 92277  
(760) 367-6799 – Fax (760) 367-5400

**To:** City Council  
**From:** Community Development Director  
**Council Meeting:** August 23, 2011

**SUBJECT:** PLANNING COMMISSION REQUEST FOR TEMPORARY ALTERNATIVE MEETING SCHEDULE.

**RECOMMENDATION**

That City Council concurs with the Commission temporary rescheduling of regular meeting dates and/or provides direction to the Commission regarding an alternative meeting schedule.

**ORDER OF PROCEDURE**

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

**PROJECT DESCRIPTION**

The Planning Commission has requested guidance and concurrence from the City Council to temporarily alter its regular meeting dates from the first and third Tuesday of each month to the first and third Wednesday of each month.

**BACKGROUND**

At a special meeting on August 10, 2011, Planning Commission Chairman Bill Easter commented that due to his upcoming school schedule he questioned whether or not temporarily altering the Commission's regular meeting schedule would create difficulties or problems for other Commission members. He suggested that for approximately four months, the Commission could meet on the first and third Wednesday of each month instead of the current first and third Tuesday of each month. Following a brief discussion amongst the Commission members, although acknowledging the possibility to impact the public attending the meetings, none expressed a potential for this alternative schedule to be in direct conflict with any of their existing schedules. Further, the Commissioners expressed neutrality about the requested change, neither in favor or opposition, but instead elected to await direction from the Council.

**ANALYSIS**

Under the provisions of Development Code Section 19.02.100 "Planning Commission", the "Planning Commission shall hold regular meetings" and the "meeting schedule shall be determined by the Commission". Under this provision (provided below), the Commission is required to hold regularly scheduled meetings, but the Code does not specify the number, date or time of such meetings. Traditionally, the Commission follows the lead of the City Council in establishing its meetings, which is believed to be the reason behind having Commission meetings at 6:00 p.m., the first and third Tuesdays of each month, coordinating with the Council meetings at 6:00 p.m., the second and fourth Tuesday of each month.

## **Code Section 19.02.100 “Planning Commission”**

**“F. Planning Commission Meetings.** The Planning Commission shall hold regular meetings. The meeting schedule shall be determined by the Commission after selection of the Chair and Vice Chair. Such determination shall include the dates, time, and place of such meetings.”

In considering any temporary alteration to the Commission’s traditional meeting schedule, consideration may be given to the effects and/or impacts such a change, even temporary, would have upon applicant attendance, Council Chamber availability, advertisements for Public Hearings, recordation of the meetings, press attendance, timing of the distribution of hearing materials, staffing and most importantly, citizen attendance. Taking each in turn:

The City Clerk’s office notes that the Council Chambers are available each Wednesday evening through the end of this calendar year, and there should be no cost differential for the facility in having meetings on Wednesday verses Tuesdays.

Legal ads for future Public Hearings have not yet been posted and, therefore, identifying the meeting date as Wednesday verse Tuesday should not be difficult or detrimental to the hearing itself.

Meeting recordation by “ProVideo” (Bob Stephenson) may be problematic as Water Board meetings are on Wednesday evenings. Mr. Stephenson, however, is attempting to arrange another individual to record the Commission meetings if an alternative schedule is approved.

It is unknown whether or not temporarily changing the meeting schedule would affect the attendance of members of the press (for other meetings may conflict with the proposed change – such as the above noted Water Board meetings). However, the press does not attend each meeting, only meetings of their choice, so the affect of changing the schedule is unclear.

Distribution of meeting materials to the Commissioners for a Wednesday meeting would only result in the Commissioners having one additional day to review the material (as staff would continue to distribute agendas on the Thursday afternoon prior to the hearing week).

Finally, and arguably the most important, would be the effect upon citizen attendance. The citizens of the community have been able to attend Commission meetings on Tuesday evenings for many years. Citizens are accustomed to the current meeting dates and may have arranged their schedules so that they would be free on Tuesday evenings to attend Commission meetings where an item on the agenda sparks their interest. Attendance, however, is generally limited and provided sufficient notice is given of the temporarily alternate meeting dates on Wednesday evenings, it is a policy decision for the Council to accept what may be a minor inconvenience to some community residents. An informational outreach program should minimize confusion and allow for greater awareness of the temporarily altered meeting dates.

### **CEQA Environmental Review**

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) the proposal is not considered a “project” and, therefore, is not subject to CEQA regulations.

### **ALTERNATIVES**

In consideration of the Commission’s request to allow a temporary alteration of the Commission’s regular meeting day of the first and third Tuesdays of each month to the first and third Wednesdays of each month, the Council may affirm the request or direct that for consistency with Council meetings, conformity to past practices, convenience to the general

public or other stated or unstated reason, the Council directs that the Commission retain its current regular meeting schedule dates of Tuesday evenings.

**FISCAL IMPACT**

Regardless of the guidance given to the Commission, it is not anticipated that there would be a fiscal impact from temporarily altering or retaining the Commission's regularly scheduled meeting dates.



**CITY OF TWENTYNINE PALMS**  
**CITY COUNCIL REPORT**  
6136 Adobe Road  
Twentynine Palms, CA 92277  
(760) 367-6799 – Fax (760) 367-5400

**To:** City Council  
**From:** Community Development Director  
**Council Meeting:** August 23, 2011

**SUBJECT:** CODE PROVISIONS ADDRESSING THE RESTRICTIONS AND ALLOWANCES OF SOLAR FIELDS WITHIN THE CITY OF TWENTYNINE PALMS

**RECOMMENDATION**

That City Council provide guidance to staff on how to proceed with the issue of Code provisions addressing the restrictions and allowances for the establishment of solar fields within the City of Twentynine Palms. Staff recommends that this issue be forwarded to the Planning Commission for review and comment if the Council believes that the issue warrants further review.

**ORDER OF PROCEDURE**

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

**PROJECT DESCRIPTION**

At Council direction, staff has agendized a discussion of the standards and criteria applicable to the establishment of solar fields within the City of Twentynine Palms.

**BACKGROUND**

At its regularly scheduled meeting of August 9, 2011, Mayor Harris requested that a discussion of solar fields be placed upon the agenda for the next regularly scheduled Council meeting to allow Council members to at least initiate a discussion of this alternative energy source. Currently, with the exception of Table 19.09-A “Permitted and Conditional Uses” within the Multi-Family Residential District, each Land Use Table lists Utility and service uses and structures” as a conditionally permitted use, defining such as “including, but not limited to, reservoirs, pumping plants, electrical substations, central communications offices, sewer plants, sewer treatment facilities, solid waste disposal sites.” One exception to this is within the Community Industrial (IC) zone, which permit these uses by right-of-zone.

As alternative energy generating facilities, such as wind farms and solar fields, are not specifically listed within the Land Use Tables, and as Subsection 020 “Permitted and Conditional Uses” of each Section (Rural Living Districts, Single Family Residential Districts, Multiple Residential District, Commercial Districts and Service Commercial/Community Industrial Districts) states, in part, that “Any use not included in the table shall be considered prohibited, unless it is determined by the Community Development Director to be compatible with the values and character of the district” these facilities are not allowed within the community. One exception to this is within the Community Industrial district which allows “reservoirs, pumping plants, electrical substations, central communications offices, sewer plants, sewer treatment facilities, solid waste disposal sites” by right-of-zone. Within this district, the

Community Development Director has determined that alternative energy generating facilities are sufficiently like and similar, and/or “compatible with the values and character of the district”, to the listed use and, therefore, they may be allowed with Commission approval of a Conditional Use Permit. This interpretation, however, has not been reviewed by the Planning Commission or City Council.

## **ANALYSIS**

Council did not request staff analysis of the issue, simply that it be placed upon the agenda so that the Council may discuss the issue and decide to proceed with further review or retain the current standards as interpreted by staff (i.e., allowed with Commission approval of a Conditional Use Permit within the Community Industrial {IC} district). The Council may also determine that staff has misinterpreted the Code and as the specific use is not specifically identified within any of the Land Use Tables, this use is prohibited until such time as those Tables are amended.

With this report and agenda item, the Council has the opportunity to discuss this issue, or felt warranted, direct that the Planning Commission address this topic.

Issues that the Commission may address may pertain to where alternative energy generating facilities should be allowed (within which zoning districts it would be acceptable), under what type of review (permitted by right-of-zone, Site Plan Review, Minor Use Permit or Conditional Use Permit) they would be allowed and what standards and criteria would apply. Standards and criteria may pertain to:

1. Minimum and/or maximum lot size;
2. Proximity to sensitive uses (residential, schools, churches, historic sites, the National Park, or others as defined);
3. Separation distances between facilities;
4. Fencing, shielding or aesthetic mitigations;
5. Height limits;
6. Reflectivity limits;
7. View corridor preservation;
8. Interior setback requirements;
9. Maintenance standards;
10. Removal (at the end of the useful lifespan) assurances;
11. Remediation requirements/assurances following the usefulness of the facility;
12. Local consumption of power generated;
13. Connection to local power grid or transmission lines;
14. Security;
15. Use of limited resources (i.e., water)
16. Lighting; and
17. Other issues that may arise during the discussion of the issue.

If such facilities are allowed, standards and criteria would need to be created which address and/or weigh the potential impacts to the community against the possible benefits to the community. Obvious impacts to the community would be:

1. Aesthetics (impacts to the open desert vistas and view corridors);
2. Consumption of possibly large areas of land for long periods with an unknown return to the community;
3. Making land unavailable for other uses that may be higher employment generators for the community;
4. Removal of possibly prime residential, commercial or industrial land;

5. Use of land in a manner with limited increase in value (and, therefore, limited increase in tax base); and
6. Establishment of a use with limited employment\* and/or limited utilization of other services or facilities within the community that provide employment.

\* Recently a representative of the solar field being developed within the Dale Lake (a dry lakebed) area stated that for their 1,800 acre solar field development, three (3) persons would be employed full time once construction was complete. These three (3) employees would consist of one security guard, one maintenance worker and one cleaning staff member.

Benefits to the community would include temporary employment, additions to the available energy within the community and community contribution to the reduction in dependence on fossil fuels.

### **CEQA Environmental Review**

Pursuant to the State Guidelines to Implement the California Environmental Quality Act (CEQA) the proposal is not considered a "project" and, therefore, is not subject to CEQA regulations.

### **ALTERNATIVES**

In consideration of the issue, the Council may:

Determine that the current requirements and allowances for solar fields is adequately addressed as presently interpreted by staff;

Determine that the issue needs further discussion and direct the Commission to review a Code Amendment to address solar fields;

Provide an alternative interpretation of the Development Code as it relates to solar fields.

### **FISCAL IMPACT**

Processing an amendment to the Development Code involves staff time and City resources (for hearings, advertisements, reports and reproduction materials). Currently the City's fee schedule does not indicate a cost associated with this type of review, however, staff estimates that costs for a significant Code Amendment could range between \$3,000 and \$10,000 (inclusive of City Attorney review).