

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY  
CITY COUNCIL CHAMBERS, 6136 ADOBE ROAD  
TWENTYNINE PALMS, CALIFORNIA  
TUESDAY, NOVEMBER 25, 2003  
7:00 P.M.**

**MINUTES**

**1.0 CALL TO ORDER** – Mayor Bagley called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE** - Mayor Pro Tem Freshour led the Pledge of Allegiance to the Flag.

**INVOCATION** - Pastor Grover Fletcher of the Wonder Valley Community Church gave the Invocation.

**ROLL CALL** – Councilmembers Benton, Cole, Freshour, Spear and Mayor Bagley.

**2.0 SPECIAL RECOGNITION AND PRESENTATIONS**

**2.1 Community Clean Up Day Tonnage and Buck-A-Bag Report**

**RECOMMENDATION:** The Mayor, Community Clean Up Coordinator and a Representative from Sierra Environmental Services will present awards to the first, second and third place winners.

Adda L. Harris, Community Clean Up Coordinator, reported the results of the October 25<sup>th</sup> Community Clean Up Day. She said that there were over 62 tons of trash collected, and she also congratulated the Girl Scout Troops for being first in the Buck-A-Bag competition.

Mayor Bagley, Councilmember Spear, George Croft, Rocky Moore, Mike Collins and Ashley Calvert joined Ms. Harris at the podium to present awards to the following winners: 1<sup>st</sup> place – Girl Scout Troops, 306 bags, \$1312.00, 2<sup>nd</sup> place- Cadet Corps, 280 bags, \$710.00, and 3<sup>rd</sup> Reach Out 29, 220 bags, \$540.00. Mayor Bagley congratulated all of the groups that participated and said that he is proud of all the participants.

**3.0 ANNOUNCEMENTS**

3.1 Mayor Bagley announced that these proceedings will be televised on Cable Television, Channel 6 as follows: Wednesday, November 26, at 7:00 p.m. and Saturday, November 29, 2003 at 3:00 p.m.

3.2 Mayor Bagley announced that City Offices will be closed on November 27<sup>th</sup> and 28<sup>th</sup> in Observance of the Thanksgiving Holiday.

**4.0 PUBLIC COMMENTS** – This is the time for the public to address the City Council on issues.

4.1 Mr. Merl Travers, Twentynine Palms, said that he is the Public Relations Director for Recall29. He also mentioned the Sheriffs report in the Desert Trail and he said that there should be term limits for the Councilmembers. He said that if the recall is successful he will become a candidate for City Council.

Mr. Dan Mintz, President of the Chamber of Commerce, reported that the Pioneer Days Parade was a great success. He also spoke of the upcoming Chamber of Commerce events.

Mr. George Croft, Twentynine Palms, spoke to the City Council about redevelopment in the downtown area.

- 4.2 Public comments on specific agenda items will be deferred until consideration of the item on the agenda.

**5.0 CITY COUNCIL COMMENTS** - This is the time for comments from the City Councilmembers on any subjects.

Councilmember Cole said that he attended a Junior High School Civic Class regarding the City. He congratulated the High School Volleyball Team for making it to the second round of CIF. He said that the High School Football did well also. Councilmember Cole said that the Junior All American Football Teams have been wearing the new uniforms which the City helped purchase. He congratulated Mr. Dave Horn for the success of the Junior All American Football teams this year.

Councilmember Spear addressed individual issues from Rocky Moore, George Croft, and Jeri Hagman. He said that this November marks the second year of the Neighborhood Cleanup Program. He said that the next neighborhood clean-up will be take place on Enceila Avenue by the Boy Scouts.

Councilmember Benton said that it was an honor to speak at the Veterans Day Ceremony and he thanked Cindy Villescas and staff for the work put into organizing the event. He said that next year the event will be held in Yucca Valley.

Mayor Bagley asked that citizens shop locally, especially during the holidays. He said that we now have a new Governor and things are not stable and he suggested people write letters to their representatives.

**6.0 CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR** - All matters listed under the Consent Calendar are to be considered routine by the City Council/Redevelopment Agency and will be enacted by one motion in the form listed. Any item may be removed from the Consent Calendar and considered separately by the City Council under item number 7.0 on the agenda. The public will be given an opportunity to comment on consent Calendar items prior to the City Council action (roll call vote).

At this time, the City Clerk will read the title(s) of the ordinance(s) listed herein except those that are removed for separate action.

- 6.1 Waive the Reading of Ordinances and Approve Reading by Title Only  
RECOMMENDATION: The City Council Approve the reading by title only of all ordinances and that further reading of such ordinances be waived.
- 6.2 Warrant and Payroll Register  
RECOMMENDATION: Receive and file registers totaling \$ 594,503.07.

- 6.3 Approval of Minutes  
RECOMMENDATION: The City Council/Redevelopment Agency approve the minutes of the October 28, 2003 meeting.
- 6.4 Chamber of Commerce Report - October 2003  
RECOMMENDATION: Receive and file.
- 6.5 League of California Cities Report  
RECOMMENDATION: Receive and file.
- 6.6 Treasurer's Report - September 2003  
RECOMMENDATION: Receive and file.
- 6.7 Submission of Applications for the Fiscal Year 2004 - 2005 Community Development Block Grants (CDBG)  
RECOMMENDATION: The City Council approve the submission of projects for the Community Development Block Grants (CDBG) for Fiscal Year
- 6.8 Law Enforcement Report - October 2003  
RECOMMENDATION: Receive and file.

Councilmember Spear abstained from items 33710 and 33795 of the warrant and payroll register.

On a motion of Mayor Pro Tem Freshour, seconded by Councilmember Cole and carried with a 5-0 roll call vote the balance of the Consent Calendar was approved as submitted.

**7.0 ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION AND / OR ADDED AGENDA ITEMS - None**

**8.0 PUBLIC HEARNGS - None**

**9.0 REPORTS, REQUESTS AND COMMUNICATIONS – None**

**10.0 LEGISLATIVE / COUNCIL / REDEVELOPMENT**

- 10.1 Incentives for Revitalization, Resolution Establishing Redevelopment Project Area Infill Incentives  
RECOMMENDATION: Discuss, adopt resolution establishing a Redevelopment Project Area infill incentives enabling Redevelopment Agency to pay for certain building permits for new construction on "infill" lots.

Councilmember Benton left the Council Chambers due to a possible conflict of interest.

Mayor Pro Tem Freshour presented a report to the Councilmembers.

Councilmember Spear said that he thought the process of establishing Redevelopment Project Area incentives should begin the next day.

Mayor Bagley said that the City will recoup the monies in two years. He said that the City should waive the fees for certain building permits.

Councilmember Cole said that it is a good plan for the use of Redevelopment Agency loan money.

Mayor Bagley opened the Public Hearing.

Mitch Mitchell, Twentynine Palms, said that he thinks it s a great idea.

George Croft, Twentynine Palms, said that there is prime community property on the corner of AM/PM. He said that the City should talk to Action 29 to purchase the property for the park.

Holly Griffin, Twentynine Palms, asked if this would be for paved roads. Councilmember Freshour responded yes, some.

Mayor Bagley closed the Public Hearing.

On a motion of Councilmember Cole, seconded by Mayor Pro Tem Freshour and carried with a 4-0-1 voice vote (Benton-abstained), the City Council adopted RDA Resolution No. 03-01 establishing a Redevelopment Project Area infill incentives enabling Redevelopment Agency to pay for certain building permits for new construction on "infill" lots.

Councilmember Benton returned to the Council Chambers at 7:30 p.m.

#### 10.2 Waste Collection Franchise

RECOMMENDATION: Discuss, identify issues, give direction to staff to bring back documents necessary to effectuate (1) a transfer from Sierra to Waste Management and (2) a new franchise agreement with Waste Management for hearing and adoption by the City Council December 9<sup>th</sup>.

Councilmember Cole presented a report of the changes that will take place if the City Council approves the new franchise agreement with Waste Management. He spoke about the problems with the performance of Sierra Environmental Services, the history of rate issues, and presented a summary of the new agreement with Waste Management. He explained that the containers used currently would be used for recyclables and a larger 96 gallon container would be provided for household trash. Councilmember Cole said that Senior Citizens would be charged \$13.97 per month and would have a smaller 64 gallon container.

Mr. Frank Orlett, Waste Management Manager, spoke to the City Council about the new franchise agreement and said that he is looking forward at serving the City of Twentynine Palms.

Councilmember Benton asked if Sierra Environmental Servies (SES) was responsible for finding Waste Management. City Manager Swigart said, yes.

City Manager Swigart said that an excellent job was done by City Attorney Patrick Munoz in developing the draft agreement.

Councilmember Spear stressed that it is not a tax being imposed.

Mayor Bagley asked for public comments

Mitch Mitchell, Twentynine Palms, said that property owners with more property would be passing the cost onto the renters.

Dan Mintz, Twentynine Palms, asked if there would be a fee for a vacant lot. City Attorney Munoz said no there would not be a fee for vacant lots.

Brian Hoffman, Twentynine Palms, asked if SES was offered the franchise agreement.

Michael Collins, Twentynine Palms, asked if the 801 Housing Area and the annexed portion would be affected by the new franchise agreement. The answer was that the 801 area would be affected and the annexed portion would not be.

Holly Griffin, Twentynine Palms, asked about rates for grand parents raising grandchildren. City Attorney Munoz responded that they would receive the senior citizen discount.

Mac Dube, Twentynine Palms, said that a few years ago residents were at odds with Waste Management, and he thought that they were placed on probationary status. He asked if Waste Management was placed on probation how long would they be on it. He said that the business management of Waste Management seemed positive, and there is more bang for the buck.

Frank Orlett, Waste Management Manager, said that he was unaware of any probationary status.

Staff was given direction to bring back documents necessary to effectuate (1) a transfer from Sierra to Waste Management and (2) a new franchise agreement with Waste Management for hearing and adoption by the City Council on December 9, 2003.

10.3 Overview of Business License, Zoning Review Process  
RECOMMENDATION: Receive and file.

Community Development Director Corbin (Director Corbin) gave an overview of the business license, and zoning review process.

Rocky Moore, Twentynine Palms, said that the zoning review process is not fair or adequate.

Mayor Bagley said that what Mr. Moore was talking about was not on the agenda.

Holly Griffin, Twentynine Palms, said there is confusion regarding Wonder Garden Café. She said that staff determined it was not an expansion or intensification, and Conditional Use Permit was not needed.

Mayor Bagley said that The Wonder Garden Café is not on the agenda tonight.

10.4 Status of Parking Code Updates  
RECOMMENDATION: Receive and file.

Director Corbin reported on the status of the Parking Code Updates.

Mayor Bagley said that six public hearings had been held regarding the parking code updates.

Director Corbin said that a public hearing would be held on January 6, 2004 to formalize the recommendation from the Planning Commission to the City Council.

Mayor Bagley said that the appeal process is to begin with staff, go before the Planning Commission for an appeal, and if not satisfied continue with the City Council.

Council member Cole said that a professional parking study had been conducted and he thought that they should let the process continue. He said that there is no need to discuss this until the Planning Commission looks at it.

**11.0 FUTURE COUNCIL-INITIATED AGENDA ITEMS -**

- 11.1 Councilmember Spear requested that the City Council discuss repealing, suspending, annulling or amending the Parking Code ordinance.

**12.0 CLOSED SESSION - None**

**13.0 ADJOURN** – The City Council meeting adjourned at 9:55 p.m.

Respectfully submitted,

Charlene L. Sherwood CMC, City Clerk