

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY  
CITY COUNCIL CHAMBERS, 6136 ADOBE ROAD  
TWENTYNINE PALMS, CALIFORNIA  
TUESDAY, DECEMBER 9, 2003  
7:00 P.M.**

**MINUTES**

**1.0 CALL TO ORDER** – Mayor Bagley called the meeting to order at 7:02 p.m.

**PLEDGE OF ALLEGIANCE-** Councilmember Kevin Cole led the Pledge of Allegiance to the Flag.

**INVOCATION** - R.A. Harris, of the Helping Hands Continuation Care Ministry gave the invocation.

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

**2.0 SPECIAL RECOGNITION AND PRESENTATIONS**

2.1 City Website Unveiling  
**RECOMMENDATION:** The City Manager will present the new City of Twentynine Palms website.

City Manager, Michael Swigart unveiled the City's new website at [www.ci.twentynine-palms.ca.us](http://www.ci.twentynine-palms.ca.us) to the City Council.

2.2 Comments by Outgoing Mayor Jim Bagley, and Presentation of the Mayor's Recognition Award.

Mayor Jim Bagley asked John and Karon Masterson to join him at the podium and presented them with the Mayor's Recognition Award. John and Karon Masterson received City tiles recognizing their continuous commitment to our community. Mayor Bagley reported on the highlights from 2002-2003.

2.3 Selection of Mayor and Mayor Pro Tem  
**RECOMMENDATION:** The City Council selected a Mayor and Mayor Pro Tem, with the term to end in December 2004 (roll call vote).

On a motion of Councilmember Spear, seconded by Councilmember Cole and carried with a 5 – 0 roll call vote, Mayor Pro Tem Glenn Freshour was nominated and selected to serve as Mayor and Councilmember Dawn Benton Jr. was nominated and selected as Mayor Pro Tem.

Newly elected Mayor Glenn Freshour presented former Mayor Bagley with a gavel for his service as Mayor to our City in the year 2003.

**A Brief recess occurred to change the seating of the Mayor and Mayor Pro Tem.**

**3.0 ANNOUNCEMENTS**

3.1 Mayor Freshour reminded the audience of proper meeting etiquette and warned the audience that if it was not followed they would be asked to leave or be removed from the Chambers.

- 3.2 Mayor Freshour announced that these proceedings will be televised on Cable Television, Channel 6 as follows: Wednesday, December 10, at 7:00 p.m. and Saturday, December 13, 2003 at 3:00 p.m.
- 3.3 Mayor Freshour announced that the Winter Light Parade will be held on Saturday, December 13, 2003 at 5:30p.m. For more information please call the Chamber of Commerce at 367-3445.
- 3.4 Mayor Freshour announced that the December 23, 2003, regular City Council meeting will be cancelled. The next regular City Council meeting will be held on January 13, 2004.
- 3.5 Mayor Freshour announced that the City offices will be closed on December 25, 2003 and January 1, 2004 in observance of the Christmas and New Year Holidays.

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

- 4.1 This is the time for the public to address the City Council on issues within the jurisdiction of the City Council that are not on this agenda.

Dan Mintz, Twentynine Palms, President of the Chamber of Commerce spoke regarding the Development 101 Program and mentioned what a great job Community Development Director Corbin had done. He said it was a great event and thanked the Holiday Inn Express for their courtesy. Mr. Mintz invited the community to the annual Chamber of Commerce Christmas Mixer on Monday, December 15, 2003. He said that the Workman's Compensation Fraud Seminar being held by the Chamber of Commerce and the Twentynine Palms Rotary Club, would be held on December 17, 2003.

George Croft, Twentynine Palms, welcomed Mayor Freshour to his newly appointed office. He mentioned that he does not support Recall 29, however, he does support change. Mr. Croft stated that he would be giving paper work to Gary Daigneault, regarding businesses that may have been turned down by our Community Development Department. He asked the City Council if it would be possible to make some change in the Community Development office.

Curt Sauer, Twentynine Palms, Superintendent of the Joshua Tree National Park, told the City Council that he is now a resident of Twentynine Palms. He spoke about how well the people of our Community support the Joshua Tree National Monument. Mr. Sauer pledged to continue the excellent relationship that Mr. Ernie Quintana started with the Citizens of the Morongo Basin and the Community of Twentynine Palms. Mr. Sauer thanked City Manager Michael Swigart for his courtesy in helping him adjust to our community.

Rocky Moore, Twentynine Palms, welcomed the new Mayor and applauded some of the things that he has seen come out of the new City Council in the last few months. Mr. Moore referenced a meeting with the City Manager which he said the results were unfavorable and wanted the City Council to be aware of the situation.

Merle Travers, Twentynine Palms, asked the Mayor why the camera was not facing him. He announced that he is no longer immediately associated with Recall 29. and spoke of himself and five other people who will be taking over the City. Mr Travers said he would change the City budget to produce a competition skate board without laying employees off to do it.

Richard Velasco, Parlier, California spoke of how his City is now in litigation due to the fact that they did not do a background search on their City Manager and how much heartache it has caused them.

Holly Griffin, Twentynine Palms, spoke to the City Council about Columbia University, of San Raphael, and how this University was ordered closed and how it was referred to as a giant scam and a diploma mill. She spoke about how the former Interim City Manager was responsible for doing the background check on the City Manager and said the City Council has a huge responsibility to address this issue.

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 spoke about the difficult year the city has had and what a difficult budget year this has been, saying we have limited staff by one third yet managed to accomplish a great deal. Councilmember Cole reiterated on the highlights of the accomplishments that former Mayor Bagley spoke of and added our new lobbyist, preschool, the summer floods, Veterans' troops, the huge deployment of our population and the state budget crisis. He then thanked the City Manager and staff for accomplishing great things this year.

Councilmember Spear commented that he has learned a lot about City government during his first year as a Councilmember, and there is much more to learn. He spoke about how the City would be moving into a 21<sup>st</sup> Century waste system thanks to the hard work of the City Attorney Patrick Munoz, Sierra Environmental, Waste Management, and our City Manager.

Councilmember Bagley said that our city is a great place to live and if you would like to make a positive difference, there are unlimited possibilities to do so. He mentioned how distressed he was to hear the negative things that are coming out in our meetings from the community. He asked the people of the community if they had time to make a difference in Twentynine Palms to join the Chamber of Commerce, Historical Society, Art Gallery or any of the service clubs as they are involved in doing something positive for this community. He said, he is proud of this community, proud of the people who live in our community and encouraged everyone to take advantage of the volunteer opportunities and really make a difference. He then thanked the City Manager and staff for their hard work and support. Councilmember Bagley wished the community a Merry Christmas and encouraged the community to shop local.

Mayor Pro Tem Benton thanked the citizens of Twentynine Palms for electing him into office. He said he feels he can make the hard decisions that need to be made and that the Council has made many hard decisions that affect peoples lives. He stated how he was thankful to live in Twentynine Palms and that most of his family lives in our community. He wished the citizens of Twentynine Palms as well as staff a Merry Christmas.

Mayor Freshour stated that his perception of the City since its incorporation in 1987, is his single comment for the evening. In the last year, he feels that they have accomplished more than any previous City Council. He said in the process of moving forward they are going to make some people upset, but that the City is going forward, and it's going forward fast.

**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).

- 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 \$ 60,740.78.
- 6.3 Chamber of Commerce Report – November 2003  
RECOMMENDATION: Receive and file.
- 6.4 Establishment of a Citizen Corps  
RECOMMENDATION: The City Council adopt Resolution 03-22 establishing a Citizen Corps.

On a motion of Councilmember Bagley, seconded by Councilmember Cole and carried with a roll call vote of 5-0, 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 HEARING**

- 8.1 Development Code Update, Review of Revised Chapter 19.46 Appeals and Chapter 19.94 through 19.112, Subdivision Regulation.  
RECOMMENDATION: Conduct the Public Hearing, Introduce Ordinance No. 177, and direct staff to bring the matter back to the City Council for adoption.

Community Development Director Jay Corbin presented the Staff Report.

Councilmember Spear spoke regarding Item 8.1, of Chapter 19.46.050. The item was further discussed between Council and staff. Mayor Freshour presented a question on page 46-2, 19.46.040 A, which was then clarified by the City Manager.

Mayor Freshour opened the Public Hearing.

Holly Griffin, Twentynine Palms, said there is selective enforcement of the Development Code and asked that staff provide the City Council with a copy of the development code, or supply them to anyone that applied or inquired at the counter. Councilmember Spear stated that this monthly report has just become available to the public. She then asked how the public could obtain a copy. Mayor Freshour stated the public could just stop at the front desk and request one.

Mayor Freshour closed the Public Hearing.

City Manager Michael Swigart made a recommendation to make some changes, with corrections of appeals. He then stated that Ordinance No. 177 will be reviewed by the City Attorney and would come back before the Council with such changes.

City Manager Michael Swigart spoke again enforcing that this is what we want subject to a final legal review.

On a motion of Councilmember Spear, seconded by Councilmember Cole and carried with a 5-0 roll call vote, the City Council introduced Ordinance No. 177, directing staff to bring the matter back to the City Council for adoption with recommended changes.

## 9.0 REPORTS, REQUESTS AND COMMUNICATIONS –

### 9.1 Transfer of Solid Waste Handling Franchise

RECOMMENDATION: The City Council 1) Adopt Resolution No. 03-24 approving the assumption and assignment agreement between Sierra Environmental Services and Waste Management, 2) Adopt Resolution No. 03-25 approving the transfer of the existing solid waste franchise from Sierra Environmental Services to Waste Management, and 3) Adopt Resolution 03-26 requesting the County of San Bernardino tax assessor to place collection of costs for solid waste handling services at Single Family Dwellings on the County tax rolls.

Councilmember Cole gave his report to Council and displayed the new 96 gallon containers. He then stated the former containers will now be used for recycling.

City Manager Michael Swigart spoke regarding the Franchise Agreement.

City Attorney, Patrick Munoz explained the three resolutions allowing the new trash system. Mr. Munoz said the roll out of the new two cart system is due to occur in June, when the tax assessor's office takes over the billing.

Councilmember Spear read a letter from Mac Dube regarding the transfer to Waste Management. He spoke in favor of the new Waste Management Agreement.

On a motion of Councilmember Cole seconded by Councilmember Bagley and carried with a 5-0 roll call vote, the City Council adopted Resolution No. 03-24 approving the assumption and assignment agreement between Sierra Environmental Services and Waste Management.

On a motion of Councilmember Cole seconded by Councilmember Spear and carried with a 5-0 roll call vote, the City Council adopted Resolution No. 03-25 approving the transfer of the existing solid waste franchise from Sierra Environmental Services to Waste Management.

On a motion of Councilmember Cole seconded by Councilmember Spear and carried with a 5-0 roll call vote, the City Council adopted Resolution No. 03-26 requesting the County of San Bernardino tax assessor to place collection of costs for solid waste handling services at Single Family Dwellings on the County tax rolls.

### 9.2 Downtown Illuminated Crosswalk Project

RECOMMENDATION: The City Council award a contract to Pete and Sons Construction for the amount of \$62,000 for the downtown illuminated crosswalk project.

Community Development Director Jay Corbin presented a report to the Councilmembers awarding the bid to Pete and Sons Construction for the downtown illuminated Crosswalk at Tamarisk Avenue, along with the optional bid item, The Adobe Road Crosswalk at El Paseo Drive.

On a motion of Councilmember Bagley seconded by Councilmember Benton and carried with a 5-0 roll call vote, the City Council awarded the contract to Pete and Sons Construction for the amount of \$62,000.00 for the Downtown Illuminated Crosswalk Project.

- 9.3 Emergency Operations Plan  
RECOMMENDATION: The City Council adopt Resolution No. 03-23, updating the City Emergency Operations Plan (EOP), subject to any changes that may be recommended by the State Office of Emergency Services.

City Manager Michael Swigart presented a report to the City Council regarding the Emergency Operations Plan.

On a motion of Councilmember Bagley and seconded by Councilmember Spear and carried with a 5-0 roll call vote the Resolution No. 03-23 updating the City Emergency operations Plan (EOP), subject to any changes that may be recommended by the State Office of Emergency Services.

- 9.4 Parking Ordinance: Repeal, Suspend, Annul, Amend.  
RECOMMENDATION: Give direction as to action.

City Manager Michael Swigart gave a report to the City Council regarding the City's Downtown Parking requirements.

George Croft, Twentynine Palms spoke regarding the parking standards, codes, and ordinances.

The City Council discussed the status of the Parking Code.

Councilmember Spear entertained a motion to consider suspending the provisions of deed recording as well as officially suspending the provisions of double stripped parking and hooked/looped parking.

The motion died due to a lack of a second.

**10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT AGENCY – None**

**11.0 FUTURE COUNCIL-INITIATED AGENDA ITEMS – None**

**12.0 CLOSED SESSION**

- 12.1 Closed Session Pursuant to Government Code Section 54956.9  
Potential Litigation – 1 case

- 12.2 Closed Session Pursuant to Government Code Section 54957  
Public Employees Performance Evaluation – City Manager

**13.0 ADJOURN – The City Council meeting adjourned at 9:20 p.m. to Closed Session which ended at 9:54 p.m. with no action taken.**

Respectfully Submitted,

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Adda L. Harris, Deputy City Clerk