

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
CITY COUNCIL CHAMBERS, 6136 ADOBE ROAD
TWENTYNINE PALMS, CALIFORNIA
TUESDAY, JANUARY 27, 2004
7:00 P.M.**

MINUTES

- 1.0 CALL TO ORDER** – Mayor Freshour called the meeting to order at 7:00 p.m.
PLEDGE OF ALLEGIANCE- Councilmember Spear led the Pledge of Allegiance to the flag.
INVOCATION – Henry Mattson, Retired, Lutheran
ROLL CALL – Councilmembers Bagley, Benton, Cole, Spear and Mayor Freshour
- 2.0 SPECIAL RECOGNITION AND PRESENTATIONS** - None
- 3.0 ANNOUNCEMENTS**
- 3.1 Mayor Freshour announced that these proceedings will be televised on Cable T.V., Channel 6, as Follows: Wednesday, January 28, 2004 at 7:00 p.m. and Saturday, January 31, 2004 at 3:00 p.m.
- 4.0 PUBLIC COMMENTS** – This is the time for the public to address the City Council on issues.
- 4.1 Granton Mark, Twentynine Palms, said that he wanted an apology from the City Council for being rude to him. He said that item 4.1 should be phrased the same way on the Planning Commission agenda.
- 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 subject.
- Councilmember Spear said that the Twentynine Palms High School Golf Team cleaned up trash from Adobe Road to Amboy and Utah Trail. He said that the amount is now up to \$400 per clean up, with Grove Crank of Triad Realty now donating \$100 per month.
- Councilmember Bagley encouraged the community to attend the mural dedication on Saturday, January 31, 2004. He also said that the Jr. and Sr. High School students would be having a showing at the Art Gallery.
- 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 \$230,760.97.
- 6.3 Approval of Minutes
RECOMMENDATION: The City Council/Redevelopment Agency approve the minutes of the December 9, 2003 and January 13, 2004 City Council meetings.
- 6.4 Law Enforcement Report – December 2003
RECOMMENDATION: Receive and file.
- 6.5 Treasurer's Report – November / December 2003
RECOMMENDATION: Receive and file.
- 6.6 Development Code Update, Review of Chapters 19.54 Bed and Breakfast Inns, 19.62 Flood Management Regulations, 19.64 Hillside Grading, Clearing and Plant Removal, 19.85 Public Improvements – Delaying or Deferring, 19.86 Nonconforming Uses, 19.92 Nuisance Abatement
RECOMMENDATION: Adopt Ordinance No. 178.

Councilmember Cole requested item 6.6 be pulled from the Consent Calendar for discussion.

Councilmember Spear abstained from item 6.4 and check # 34076 of the Warrant Register. Mayor Pro Tem Benton abstained from check # 34078.

On a motion of Councilmember Bagley, seconded by Councilmember Spear and carried with a 5-0 roll call vote, the balance of the Consent Calendar was approved.

7.0 ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION AND /OR ADDED AGENDA ITEMS.

- 7.1 6.6 Development Code Update, Review of Chapters 19.54 Bed and Breakfast Inns, 19.62 Flood Management Regulations, 19.64 Hillside Grading, Clearing and Plant Removal, 19.85 Public Improvements – Delaying or Deferring, 19.86 Nonconforming Uses, 19.92 Nuisance Abatement
RECOMMENDATION: Adopt Ordinance No. 178.

Councilmember Cole said that he wanted to pull this item for discussion. He said that he thought that "appeal of deferral" should be added to the text on page 85-1 with the deferral coming to the City Council after the request is heard by the City Manager.

Councilmember Cole asked what the cost of an appeal to the City Council is.

City Manager Swigart said the cost to appeal to the City Council is \$250.

Councilmember Spear asked if the City Manager had the power to modify appeal.

City Manager Swigart said the City Manager has the authority to defer.

On a motion of Councilmember Cole, seconded by Mayor Pro Tem Benton and carried with a 5-0 roll call vote, the City Council approved item 6.6

8.0 PUBLIC HEARING

- 8.1 Development Code Update, Chapters 19.06 Definitions and 19.82 Off Street Parking and Loading Requirements.

RECOMMENDATION: Conduct the Public Hearing, introduce Ordinance No. 179, and direct staff to bring the matter back to the City Council for adoption.

Director Corbin presented his staff report.

Councilmember Spear had questions concerning Definitions. He also said that the City should develop its own parking downtown, as recommended by the Planning Commission.

Councilmember Spears had questions regarding definitions. Mayor Freshour said that those would be addressed later in the meeting.

Mayor Freshour opened the Public Hearing.

Rocky Moore, Twentynine Palms, said that a lot of work and effort was involved on the part of the Planning Commission. He said that the parking requirements should begin at City Hall.

Bill Easter, Twentynine Palms, said that he agreed that the City should develop parking downtown.

Mayor Freshour closed the Public Hearing.

On a motion of Councilmember Bagley, seconded by Councilmember Cole and carried with a 5-0 roll call vote, the City Council directed City Clerk Sherwood to read Ordinance No. 179 by title only, thereby introducing Ordinance No. 179.

9.0 REPORTS, REQUESTS AND COMMUNICATIONS

9.1 The City Manager will present an oral report to the City Council regarding the confiscation of vehicles involved in the commission of a crime.

RECOMMENDATION: Give direction to staff.

City Manager Swigart reported that the City Attorney has been reviewing this issue.

Councilmember Spear said that an ordinance should not be broad, but should specify illegal dumping.

Mayor Freshour suggested that Waste Management be contacted as to how to dispose of larger items such as mattresses and sofas so that people would not throw them in the desert.

City Manager Swigart asked the City Council if the consensus is to specify illegal dumping.

The consensus of the City Council was to specify illegal dumping.

City Manager Swigart said that a draft ordinance would be prepared and be brought forward.

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT AGENCY - None

11.0 FUTURE COUNCIL-INITIATED AGENDA ITEMS

Mayor Freshour said that at this time he would like to address Councilmember Spears' concerns about Definitions from Item 8.1.

The City Council discussed the applicability of terms not defined in the Chapter. They also discussed the need for a definition for Gated Community.

The City Council agreed that the draft text for the Chapter on Off-Street Parking and Loading Regulations is satisfactory.

It was consensus of the City Council that any term not defined in this Chapter, or for any term used as part of a definition that is not defined elsewhere in this Chapter, the applicable definition of the term shall apply.

With a consensus of the City Council, a workshop will be scheduled on a future agenda for a discussion of Development Code Issues.

12.0 CLOSED SESSION – None

13.0 ADJOURN – The City Council meeting adjourned at 8:35 p.m.

Respectfully submitted,

Charlene L. Sherwood CMC, City Clerk