

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY  
CITY COUNCIL CHAMBERS, 6136 ADOBE ROAD  
TWENTYNINE PALMS, CALIFORNIA  
TUESDAY, FEBRUARY 10, 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 Bagley led the Pledge of Allegiance to the Flag.  
**INVOCATION** – Joseph Matoush of the Immanuel Prince of Peace Lutheran Church gave the Invocation.  
**ROLL CALL** – Councilmembers Bagley, Benton, Cole, Spear and Mayor Freshour

**2.0 SPECIAL RECOGNITION AND PRESENTATIONS**

- 2.1 Presentation by Mayor Freshour and the Action Council of Iraqi War Mural prints to the 5 Marines depicted on the newly dedicated mural.

Mayor Freshour presented Iraqi War mural prints to LCpl. Timothy W. Henderzahs, LCpl Jose A. Urena and LCpl. Ruben Muniz, Jr. Mayor Freshour thanked them for the jobs they did in Iraq, and said when their children ask them what they did in the War they can show them. He thanked Lt. Col Lopez for bringing the Marines to the meeting, and he thanked Ray Kinsman and the Action Council from the bottom of his heart for donating the mural prints to the Marines.

**3.0 ANNOUNCEMENTS**

- 3.1 Mayor Freshour announced that these proceedings will be televised on Cable T.V., Channel 6, as Follows: Wednesday, February 11, 2004 at 7:00 p.m. and Saturday, February 14, 2004 at 3:00 p.m.
- 3.2 Mayor Freshour announced that the new touch screen voting machines will be on display at City Hall until the March 2<sup>nd</sup> election.

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

- 4.1 Valerie Driscoll, Twentynine Palms, told the City Council said that the Community Development Department allowed three buildings to be built in non-compliance because of their negligence. She said that they claimed full responsibility, but she wanted to know what the consequences were going to be.

Granton Mark, Twentynine Palms, said that he is still waiting for an apology from the City Council. He said that when he sees a hazard in the City he reports it. He said that he would like details regarding the cost of a recall election, he talked about trash and the Laidlaw Company.

- 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 Bagley said that the young Marines in the mural may only live here temporarily, but the mural is a lasting tribute to their service to the country and the role they played. He said that he is very proud of them.

Mayor Pro Tem Benton said that thoughts and prayers are with the young men and women returning to Iraq and their families.

Councilmember Spear wished the Marines and Sailors following winds and fair seas.

Councilmember Cole said that he was proud of the Marines taking care of the business at hand in Iraq. He also said that the High School basketball team is finishing up their season. He said the boy's varsity team defeated the number one team in the De Anza league and the girl's team and the boy's junior varsity team is undefeated. He said that really good youth basketball is being played at the Park and Recreation level also. He encouraged everyone to get out and see some good basketball and support the kids.

Mayor Freshour thanked the Action Council from the bottom of his heart for donating the prints.

- 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 \$ 92,289.85.
- 6.3 Approval of Minutes  
RECOMMENDATION: The City Council/Redevelopment Agency approve the minutes of the January 13, 2004 City Council meeting.
- 6.4 Slurry Seal 2004 Project  
RECOMMENDATION: Award Contract to Roy Allen Slurry Seal Inc. for the amount of \$365,127.64 for the Slurry Seal 2004 Project
- 6.5 Development Code Update, Chapters 19.06 Definitions, Chapter 19.74 Noise Control and 19.82 Off Street Parking and Loading Regulations  
RECOMMENDATION: Adopt Ordinance No. 179.
- 6.6 Chamber of Commerce Report – January 2004  
RECOMMENDATION: Receive and file.

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

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

**8.0 PUBLIC HEARING**

- 8.1 General Plan Amendment from applicant Judy Beltz, seeking a change in the Land Use designation from Rural Living (RL-1) to General Commercial (CG) for the 2.39-acre parcel at 73441 Indian Trail (APN 620-121-04).

**RECOMMENDATION:** Conduct the Public Hearing, consider the Planning Commission recommendation, and take action to approve or deny the proposed General Plan Amendment.

Mayor Pro Tem Freshour opened the Public Hearing.

Judy Beltz, applicant, said that she has had the business since 1985 and would now like to develop a mini-storage, truck rental and porta-potty business at the location.

James Thornburg, Twentynine Palms, said that he is opposed to the proposed General Plan amendment.

Following further discussion, Councilmember Bagley entertained a motion, seconded by Mayor Pro Tem Benton and carried with a 4-1 roll call vote (Spear-no), to refer the matter back to the Planning Commission with the requirement that the Planning Commission review the General Plan amendment and the CUP concurrently, without the requirement that the applicant pay an additional processing fee.

## **9.0 REPORTS, REQUESTS AND COMMUNICATIONS**

### **9.1 Local Taxpayers and Public Safety Protection Act**

**RECOMMENDATION:** Receive and file information, discuss and appoint a member of the Council to represent staff.

City Manager Swigart reported the Local Taxpayers and Public Safety Protection Act will be on the ballot for the November 2004 election. He said that it is an amendment to the state constitution so that the state cannot take money from cities and counties without the approval of the voters.

With a consensus of the City Council, Mayor Freshour was appointed to represent the Council to study this issue.

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

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

**12.0 CLOSED SESSION – None**

**13.0 ADJOURN –** The City Council adjourned at 8:20 p.m. to a Workshop regarding Variance and Appeal procedures contained in the Development Code issues.

Respectfully submitted,

Charlene L. Sherwood CMC  
City Clerk