

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY  
CITY COUNCIL CHAMBERS, 6136 ADOBE ROAD  
TWENTYNINE PALMS, CALIFORNIA  
TUESDAY, MARCH 9, 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-** Mayor Pro Tem Benton led the Pledge of Allegiance to the Flag.  
**INVOCATION** – Pastor Grover Fletcher of the Wonder Valley Community Church gave the Invocation.  
**ROLL CALL** – Councilmembers Bagley, Benton, Spear and Mayor Freshour. Councilmember Cole arrived at 7:10 p.m.

**2.0 SPECIAL RECOGNITION AND PRESENTATIONS**

- 2.1 The Mayor will present Certificates of Recognition to Citizen on Patrol Volunteers  
Mayor Freshour asked San Bernardino County Sheriffs Officer Vera Littleton to join him at the podium. He read an article about what it means to be a volunteer to the audience. Certificates were presented to Fran Gibson-7,504 hrs., Roy Gibson-4,820 hrs., Eldie Hardy-3,499 hrs., and Audrie Denham-1,904 hrs.

- 2.2 Mayor Freshour will present a City Tile to Retiring Sergeant Major and Mrs. Steven Clarke.

Mayor Freshour presented a City tile to Sergeant Major Steven Clarke and Mrs. Sandy Clarke. He thanked the Clarke's for their involvement in the community and wished them luck in Florida after they retire. Sergeant Major Clarke expressed his thanks to the Mayor, the City Council and the people of the City of Twentynine Palms for this recognition.

- 2.3 Frank Orlett, Manager, Waste Management, will give a presentation to the City Council Regarding Waste Managements Community Outreach Programs.

Ms. Deborah McGarrey, Municipal Marketing Manager and Mr. Frank Orlett, District Manager of Waste Management, spoke briefly to the City Council about the upcoming events scheduled to introduce Waste Management to the citizens. Ms. McGarrey displayed the information packages that citizens will be receiving which will explain about the Waste Management Services. Everyone was invited to a Barbecue at Luckie Park on March 13<sup>th</sup>. Mr. Orlett expressed thanks to the Rio Ranch Market for providing the food for the picnic, and he thanked Theatre 29 for cooking the food for the barbecue.

Mayor Freshour, on behalf of the City Council, welcomed Waste Management to the community.

### **3.0 ANNOUNCEMENTS**

- 3.1 Mayor Freshour announced that these proceedings will be televised on Cable T.V., Channel 6, as Follows: Wednesday, March 10, 2004 at 7:00 p.m. and Saturday, March 13, 2004 at 3:00 p.m.
- 32 Mayor Freshour announced that there will be a Chamber Mixer from 5 – 7 p.m. Thursday, March 18 at Theatre 29.

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

- 4.1 Ms. Valerie Driscoll, Twentynine Palms, spoke to the City Council about variances. She said that negligence should be treated with stronger penalties.
- 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 next community clean-up will be on March 27<sup>th</sup>. In the neighborhood of the Hollywood Video, on Buena Vista. The 29 Palms High School Select Choir is the group that will be participating in the clean-up.

Councilmember Bagley said that the recent rain is good and will provide many wildflowers.

Mayor Freshour said that the slurry seal projects are beginning and he asked people be aware of cones and barricades in the street, and to cooperate with the people performing the work.

Councilmember Cole encouraged everyone to attend the Waste Management picnic at Luckie Park on March 27<sup>th</sup>.

### **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 \$ 177,966.96.
- 6.3 Approval of Minutes  
RECOMMENDATION: The City Council/Redevelopment Agency approve the minutes of the February 24, 2004 City Council meeting.
- 6.4 Chamber of Commerce Report – February 2004  
RECOMMENDATION: Receive and file.
- 6.5 Development Code Update, Chapters 19.56 Community Care Facilities  
RECOMMENDATION: Adopt Ordinance No.180.
- 6.6 Thomas Towing Conditional Use Permit Application and Appeal  
RECOMMENDATION: 1. Direct the Planning Commission and Community Development Department to process the resubmitted land use application without additional fee; 2. Set Public Hearing for the appeal for the Council meeting of March 23, 2004.
- 6.7 City Facilities and Beverages  
RECOMMENDATION: Authorize the City Manager to establish criteria for and approve applications for service of alcoholic beverages at certain city properties.

Councilmember Bagley requested that item 6.7 be removed from the consent calendar for further discussion, at the request of D.J. Masker.

On a motion of Mayor Pro Tem Benton, seconded by Councilmember Bagley and carried with a 5-0 roll call vote, the City Council approved the balance of the Consent Calendar.

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

- 7.1 6.7 City Facilities and Beverages  
RECOMMENDATION: Authorize the City Manager to establish criteria for and approve applications for service of alcoholic beverages at certain city properties.

D.J. Masker, Twentynine Palms, said that she wanted the City Manager to explain to the public why a policy should be established to approve alcohol at some City facilities.

City Manager Swigart gave a staff report. He said that as the Community Center and Theatre 29 develop, there will be a greater demand to serve alcohol at receptions, dinners and other private functions. He said a policy is needed to approve the applications to serve alcoholic beverages at these facilities. He said that an issued permit would require that applications are consistent with the requirements of the Alcoholic Beverage Commission, Police Department and with the issuance and indemnification requirements of the City's Joint Powers Risk Management Association.

On a motion of Councilmember Bagley, seconded by Councilmember Cole and carried with a 5-0 voice vote, the City Council authorized the City Manager to establish criteria for and approve applications for service of alcoholic beverages at certain city properties.

**8.0 PUBLIC HEARING**

- 8.1 Ordinance for the Asset Seizure of Vehicles Illegally Transporting Waste for Unpermitted Disposal (dumping) on Public or Private lands in the City.  
RECOMMENDATION: Receive draft ordinance, conduct first reading and public hearing; pass to adoption and 2<sup>nd</sup> reading.

City Manager Swigart presented a staff report.

Mayor Freshour opened the Public Hearing.

Al Marquez, of the Joshua Tree Municipal Advisory Committee, spoke in favor of draft Ordinance No.181.

Valerie Driscoll, Twentynine Palms, spoke in favor of the draft Ordinance No. 181.

Mayor Freshour closed the Public Hearing.

Councilmember Bagley said that he was not interested in gaining assets for the City. He said that this is a pervasive problem County wide.

Councilmember Cole asked where the vehicles would be stored.

City Manager Swigart said that they would be towed to a storage area authorized to accept seized vehicle.

On a motion of Councilmember Bagley, seconded by Councilmember Spear and carried with a 5-0 roll call vote, the City Council directed the City Clerk to read Ordinance No. 181 by title only, thereby introducing Ordinance No.181.

- 8.2 Public Hearing Regarding Prioritization for Funding of Community Development Block Grant (CDBG) Applications for Fiscal Year 2004 – 2005.  
RECOMMENDATION: The Public Hearing be opened and public comments be received and after consideration of the subcommittee’s recommendation and public comments, the City Council approve funding for the Fiscal Year 2004 – 2005 Community Development Block Grant program.

Community Services Director Council (Director Council) presented a staff report.

Mayor Freshour opened the Public Hearing.

McArthur Wright, Twentynine Palms, asked questions about how a person applies for CDBG funds.

Councilmember Cole explained that the CDBG funds come from the county.

Councilmember Cole and Councilmember Spear thanked the sub committee for the recommendations that they made.

On a motion of Councilmember Bagley, seconded by Councilmember Spear and carried with a 5-0 roll vote, the City Council approved the funding for the Fiscal Year 2004 – 2005 Community Development Block Grant program.

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

**10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT AGENCY**

10.1 Formation of an Ad-Hoc Subcommittee to Review the Causes of the Recent Recall Effort

RECOMMENDATION: Council: 1. Determine if such an inquiry is needed  
2. Define mission, if any 3. Appoint two members of the Council to serve as an ad-hoc subcommittee.

Councilmember Spear said that the recall effort was a significant event in the Morongo Basin. He suggested that they should look past the recall to see if there are lessons that can be learned.

Mayor Freshour appointed Councilmembers Cole and Spear to the ad-hoc committee to provide the parameters of what the ad-hoc committee will do, and review ways to improve things that the City does. Mayor Freshour requested the committee make a report in 60 days.

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

**12.0 CLOSED SESSION – None**

**13.0 ADJOURN – The City Council meeting adjourned at 8:08 p.m.**

Respectfully submitted,

Charlene L. Sherwood CMC  
City Clerk