

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY  
CITY COUNCIL CHAMBERS, 6136 ADOBE ROAD  
TWENTYNINE PALMS, CALIFORNIA  
TUESDAY, MARCH 23, 2004  
7:00 P.M.**

**MINUTES**

- 1.0 CALL TO ORDER** – Mayor Freshour called the meeting to order at 7:03 p.m.  
**PLEDGE OF ALLEGIANCE-** Mayor Freshour led the Pledge of Allegiance to the Flag.  
**INVOCATION** – Mayor Freshour led the Invocation.  
**ROLL CALL** – Councilmembers Bagley, Benton, Cole, Spear and Mayor Freshour.
- 2.0 SPECIAL RECOGNITION AND PRESENTATIONS**
- 2.1 The Mayor will Present City Tiles for Extraordinary Volunteerism and Service to the Community to Sandy Fleck and Dan Mintz.  
Mayor Freshour asked Dan Mintz to join him at the podium and announced that Mrs. Sandy Fleck was unable to attend. He presented Mr. Dan Mintz with a City Tile for his outstanding commitment, contribution, and volunteerism to the City and community of Twentynine Palms.
- 2.2 The Mayor will Present City Tiles to Brenda Simmons, Planning Tech and Deputy Jason Calvert for Exceptional Public Service.  
Mayor Freshour asked Brenda Simmons and Jason Calvert to join him at the podium where he presented them with City Tiles in recognition of the exceptional public service and dedicated commitment to the City and community of Twentynine Palms.
- 2.3 Mayor Freshour will appoint Mayoral Ambassadors: Guy Ballard, Kevin Brewer, Henry Mattson, and Jane and Paul Smith.  
Mayor Freshour has appointed Guy Ballard, Kevin Brewer, Henry Mattson and Paul and Jane Smith as Mayoral Ambassadors. He has no formal certificates to present tonight as he would like to speak to them in person regarding the duties he has appointed to them.
- 2.4 Recognition of a Year of Achievement for the Boys and Girls High School Basketball Teams  
Councilmember Cole asked the students to join him at the podium and then spoke regarding the Boys and Girls High School Basketball Teams. He recognized how well they represent our community at home and away, how well they display exceptional drive, talent and hard work ethics while also being outstanding students. He spoke about the boys & girls attending CIF playoffs and how exceptionally well they had done.
- 3.0 ANNOUNCEMENTS**
- 3.1 These proceedings will be televised on Cable T.V., Channel 6, as Follows: Wednesday, March 24, 2004 at 7:00 p.m. and Saturday, March 27, 2004 at 3:00 p.m.

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

4.1 Ray Kinsman, Twentynine Palms spoke regarding Action Council being asked if they would allow the Aero Space (National Defense Industry Association) to use Mural #20 – The Iraqi Freedom mural, for their brochures to hand out to those attending their Space Policy and Architectural conference to be held in July 2004. He then discussed a letter that was given to Action Council 29 by the City of Palm Desert thanking them for leading the tour of the murals in Twentynine Palms.

Anonymous, Twentynine Palms spoke about wanting the City Council to change their policy about reporting Code Violations. He believes that it should be a “tit for tat” option.

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.

Steve Spear asked Alice Lawson of Twentynine Palms BMX organization to join him at the podium to present her with their award money for cleaning the area of Sullivan Road out to Pine. \$50.00 from Grove Crank, \$100.00 from Ginger & Rocky Moore of Silver Hanger Cleaners, \$100.00 from Ashley from Waste Management and \$100.00 from Councilmember Steve Spear. Mrs. Lawson then spoke about the lease and by-laws being drawn up for the bike track.

Kevin Cole spoke about the 46<sup>th</sup> annual Boy’s & Girls Basketball tournament being held on March 27 & 28<sup>th</sup>, how it brings many visitors from out of town and these visitors come into our town to purchase fuel, stay in our local hotels, and eat at our restaurants. It is a great opportunity to support our youth. He said hello to his nephews and their friend Jenny.

Dawn Benton spoke regarding the meeting he attended at the JPA (Joint Powers Authority). He spoke about recycling and certain processes that are taken by JPA. He explained where the money comes from. He spoke about a new process going on by NIKE, recycling tennis shoe which is currently in Victorville and will be expanding real soon, and coming to Twentynine Palms.

Jim Bagley spoke about the beautiful spring season. He suggested to everyone that they have their friends and neighbors come on out to see Twentynine Palms. The dandelions are in full glory and the hills are yellow this is why we live here and we should encourage people to visit our community, our Art Gallery and our Visitors’ Center.

Glenn Freshour spoke about the newly paved streets and asked the people in the community who have teenage children to please speak to their children about not squealing their tires on the roads as it will leave a permanent bump, please let it dry.

**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 \$ 255,487.07.
- 6.3 Approval of Minutes  
RECOMMENDATION: The City Council/Redevelopment Agency approve the minutes of the March 9, 2004 City Council meeting.
- 6.4 Resolution No. 04-04 Adopting Public Arts Policy  
RECOMMENDATION: Council: 1 Adopt Resolution No. 04-04 adopting policy. 2. Direct staff to advertise for the applications for members of a 5 person committee to be appointed by the Council.
- 6.5 Treasurer's Report – January 2004  
RECOMMENDATION: Receive and file.
- 6.6 Approval of Luckie Park Ball Field Relighting Project  
RECOMMENDATION: The City Council approve the awarding of the Luckie Park Ballfield Relighting Project to R.B. Development, in the amount of \$69,200.00 in funds from Community Development Block Grant Funds Luckie Park Ballfield Relighting Project.
- 6.7 Adopt Resolution 04-03 Authorizing the Recordation of a Special Assessment Against 6810 El Sol Avenue for abating a public nuisance. APN 0616-321-08  
RECOMMENDATION: Adopt Resolution No. 04-03 directing staff to place a special assessment against 6810 El Sol Avenue in the amount of \$1,237.81, for abating a public nuisance.
- 6.8 Adopt Ordinance No. 181 for the Asset Seizure of Vehicles Illegally Transporting Waste for Un-permitted Disposal (dumping) on Public or Private lands in the City.  
RECOMMENDATION: Adopt Ordinance No. 181
- 6.9 Approval of Placement of a Memorial Honoring the Twentynine Palms Marines, Sailors and Others Who Have Given their Lives in the Service of Their Country.  
RECOMMENDATION: Council: 1. Receive donated memorial from Action Council and artist Simi Daba for placement in Veteran's Park. 2. Direct staff to

work with Action Council, Veterans groups and others on a proposed date of dedication on Memorial Day, May 30, 2004.

- 6.10 Law Enforcement Report – February 2004  
RECOMMENDATION: Receive and file
- 6.11 Proclamation for National Community Development Week April 12 – 18, 2004  
RECOMMENDATION: The City Council approve a proclamation recognizing April 12 – 18, 2004 as National Community Development Week.
- 6.12 California Department of Conservation Recycling Division Grant Funds  
RECOMMENDATION: Adopt Resolution 04-05 authorizing submittal of a grant request to the Department of Conservation by our Joint Powers Authority (the Mojave Desert and Mountain Integrated Waste Management Authority).

Councilmember Bagley requested that Item 6.7 be removed from the consent calendar and be continued to the May 25, 2004 City Council meeting.

On a motion of Councilmember Bagley, seconded by Mayor Pro Tem Benton and carried with a 5-0 roll call vote, the City Council approved the continuance of Item 6.7 to the May 25, 2004 City Council meeting.

Councilmember Spear abstained from Item 6.10 and Check # 34381 of the Warrant Register.

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.**

## **8.0 PUBLIC HEARING**

- 8.1 Appeal of Denial of Conditional Use Permit (CUP) for proposed Change of Use, Development of Indoor and Outdoor Automotive Facility and Towing Business at 73662 Homestead Drive (APNs 621-131-03,04,05).  
RECOMMENDATION: Conduct the Public Hearing and deny the Appeal based on nonconformance with the City's Municipal Code and General Plan.

Mayor Freshour opened the Public Hearing.

Hearing no requests to speak, Mayor Freshour closed the Public Hearing.

City Manager Michael Swigart gave the staff report, and recommended to the Council to affirm the Planning Commissions action and overrule the appeal.

Councilmember Spear said that he would be making his decision based on his sense of fair play and what his conscience dictates.

Councilmember Cole stated that he believed that the City Council had set reasonable standards and that the Planning Commission followed and applied those standards to this project. This is why he would vote to deny this appeal.

On a motion of Councilmember Cole, seconded by Councilmember Bagley and carried by a 4-1-0 roll call vote. The City Council approved to deny the appeal of the Conditional Use Permit (CUP) for proposed Change of Use, Development of Indoor and Outdoor Automotive Facility and Towing Business at 73662 Homestead Drive (APNs 621-131-03,04,05).

- 9.0 REPORTS, REQUESTS AND COMMUNICATIONS** - None
- 10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT AGENCY** - None
- 11.0 FUTURE COUNCIL-INITIATED AGENDA ITEMS** – To discuss the stipend of the Planning Commissioners at the April 13, 2004 meeting.
- 12.0 CLOSED SESSION** -
  - 12.1 Closed Session Pursuant to Government Code Section 54957  
Public Employees Performance Evaluation – City Manager
- 13.0 ADJOURN** – The City Council meeting adjourned at 7:40 p.m. to Closed Session which ended at 8:10 p.m. The Closed Session item was continued to the April 13, 2004 meeting.

Respectively submitted,

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Adda L. Harris, Deputy City Clerk