

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
CITY COUNCIL CHAMBERS, 6136 ADOBE ROAD
TWENTYNINE PALMS, CALIFORNIA
TUESDAY, MAY 11, 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- Master Kelly Green led the Pledge of Allegiance to the Flag.
INVOCATION – Pastor Grover Fletcher of Wonder Valley Community Church gave the Invocation.
ROLL CALL - Councilmembers Benton, Spear and Mayor Freshour. Councilmembers Bagley and Cole had an excused absence.

2.0 SPECIAL RECOGNITION AND PRESENTATIONS

- 2.1 Proclamation Recognizing National Police Week (Blue Ribbon Week).
Lieutenant Miller of the San Bernardino County Sheriff's Department accepted a Proclamation from Mayor Freshour recognizing National Police Week, the week of May 10th. Lieutenant Miller gave the City Council and staff blue ribbons and asked that the community wear or display blue ribbons to show support of National Police Week.
- 2.2 Mayor Freshour presented Henry Mattson with a certificate recognizing him as a Mayoral Ambassador.
- 2.3 Palm Vista Elementary 3rd Grade students will read the essays they wrote about the City.

The following students from Mrs. Patterson's Class at Palm Vista Elementary School read an essay to the City Council about what they liked about their hometown: Kelly Green, Angel Feskanich, Lindsey Blinsmon, Anthony Richard, Marcel Castillo and Summer Mark.

3.0 ANNOUNCEMENTS

- 3.1 Mayor Freshour announced that these proceedings will be televised on Cable T.V., Channel 6, as Follows: Wednesday, May 12, 2004 at 7:00 p.m. and Saturday, May 15, 2004 at 3:00 p.m.

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

- 4.1 Jim Harris, Twentynine Palms, said that in order for him to build a carport on his property on Via Allegra, he must deed 30 feet of property to the City. He said after that he would be charged \$100. to record the deed. He said that he feels this is extortion and something needs to be changed.

Don Brackett, Twentynine Palms, said that a 150' x 150' dog run should be put up at Luckie Park. He said that he would help organize an event to raise funds to buy the dog run.

Anonymous, Twentynine Palms, spoke to the City Council about people driving with their high beams on.

- 4.2 Public comments on specific agenda items will be deferred until consideration of the item on the agenda.

5.0 CITY COUNCIL COMMENTS

Mayor Pro Tem Benton said that his thoughts and prayers are with the soldiers in Iraq.

Councilmember Spear echoed Mayor Pro Tem Benton's thoughts regarding the soldiers in Iraq and asked that people also remember the soldiers and sailors in Afghanistan. He also said that work on the lighted crosswalk at Hwy. 62 and Tamarisk has begun. Councilmember Spear said that he and his wife will be attending the Pops Concert at the Twentynine Palms High School.

Mayor Freshour said that people should be aware that vehicles can get very hot and children can get injured if left unattended. He also said that people should keep an eye on children when using swimming pools. Mayor Freshour said that Mrs. Freshour is interested in a program that involves recycling used Nike sneakers. He said if anyone is interested in recycling they should contact himself, or Mrs. Freshour.

6.0 CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR

- 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.

City Clerk Sherwood read Ordinance No. 182 by title only, introducing the Ordinance.

- 6.2 Warrant and Payroll Register
RECOMMENDATION: Receive and file registers totaling \$ 103,124.71.

- 6.3 Approval of Minutes
RECOMMENDATION: The City Council/Redevelopment Agency approve the minutes of the April 27, 2004 City Council meeting.

- 6.4 Lease of Two Copiers
RECOMMENDATIONS: The City Council approve the lease of two copiers from The Image Source.

- 6.5 Chamber of Commerce Report – April 2004
RECOMMENDATION: Receive and file.

6.6 Resolution 04-09 Opposing Senate Bill 744

RECOMMENDATION: The City Council approve Resolution No. 04-09 opposing Senate Bill 744 (Dunn) which transfers local land use authority to the California Department of Housing and Community Development (HCD) the authority to overrule local decisions.

Councilmember Spear abstained from check number 34715 under Item 6.2.

On a motion of Mayor Pro Tem Benton, seconded by Councilmember Spear and carried with a 3-0 roll call vote, (Bagley, Cole absent) the City council approved the Consent Calander as submitted

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

8.0 PUBLIC HEARINGS

8.1 Development Code Update, Chapters 19.49 Outdoor Dining Facilities

RECOMMENDATION: Conduct the Public Hearing, introduce Ordinance No.182, and direct staff to bring the matter back to the City Council for adoption.

Community Development Director (Director Corbin) presented his staff report.

Councilmember Spear asked if there is a mechanism in place to address the issue of providing an area for smokers, so the non-smokers, are not offended by the smokers.

Director Corbin referred to Chapter 19.49, section 19.49.030, and said text could be inserted there to set thresholds for parking requirements.

Mayor Pro Tem Benton asked if the only changes were to place the outdoor dining area in a setback area, an a requirement to get at Conditional Use Permit.

Director Corbin said that allowances for establishing an outdoor dining area is elsewhere in the code.

Director Corbin said that the key change between the draft and the current code is that currently a Minor Use Permit is not required, if there is no waiter service. The draft code would require it unless modified by the City Council.

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

On a motion of Councilmember Spear, seconded by Mayor Pro Tem Benton and carried with a 3-0 roll call vote (Bagley and Cole absent, the City Council approved the recommendations, with the following modifications: outdoor facilities greater than 200 square feet will trigger a review at a higher level, and under 200 square can be done at staff level.

8.2 Business License Application from Betty Barnett

RECOMMENDATION: Council denial of the Business License based upon implementing a court's decision, specific conditions of probation, and a recommendation from the Sheriff's Department.

Director Corbin presented his staff report, and read probation terms 16 and 17 to the City Council.

Mayor Freshour opened the Public Hearing.

Erick Turner, Twentynine Palms, said that he was opposed to a denial of Betty Barnett's business license.

Mayor Freshour closed the Public Hearing.

On a motion of Mayor Pro Tem Benton, seconded by Councilmember Spear and carried with a 3-0 roll call vote (Bagley and Cole absent), the City Council denied a Business License for Betty Barnett.

Councilmember Spear said it is possible for Mrs. Barnett to ask the Court to modify her conditions of probation so that she could obtain a business license in the future.

9.0 REPORTS, REQUESTS AND COMMUNICATIONS - None

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT AGENCY

10.1 Appointment of Ad Hoc Committee to Study Fire Department Issues

RECOMMENDATION: The City Council will appoint two Councilmembers to sit on the Ad Hoc Committee.

Mayor Freshour appointed Mayor Pro Tem Benton and Councilmember Spear to sit on the Ad Hoc Committee to study Fire Department issues.

11.0 FUTURE COUNCIL-INITIATED AGENDA ITEMS

11.1 Councilmember Spear requested an ad-hoc subcommittee be formed to examine the circulation element. Mayor Freshour said that this item will be placed on a future agenda.

12.0 CLOSED SESSION - None

13.0 ADJOURN - The City Council meeting adjourned at 7:45 p.m.

Respectfully submitted,

Charlene L. Sherwood CMC
City Clerk