

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
CITY COUNCIL CHAMBERS, 6136 ADOBE ROAD
TWENTYNINE PALMS, CALIFORNIA
TUESDAY, JUNE 8, 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 – Pastor Frank Ferrandini of the First Assembly of God Church gave the Invocation.
ROLL CALL - Bagley, Benton, Cole, Spear and Freshour

2.0 SPECIAL RECOGNITION AND PRESENTATIONS

- 2.1 The Mayor will present Jim Pulliam, President of Copper Mountain College a City tile, recognizing his retirement

Mayor Freshour presented Jim Pulliam, President of Copper Mountain College with a City tile recognizing his many years of service and dedication to the people of Twentynine Palms.

- 2.2 The Mayor will Present Certificates of Recognition for the Citizen on Patrol Volunteers

Mayor Freshour presented a Certificate of Recognition to the following members of Citizens on Patrol: Madonna Sherman – 1914 hours, Wayne Sherman – 1005 hours and Rocky Tucker – 139 hours. Mayor Freshour thanked everyone for the time that they have donated to make the City of Twentynine Palms a safer place.

3.0 ANNOUNCEMENTS

- 3.1 Mayor Freshour announced that these proceedings will be televised on Cable T.V., Channel 6, as Follows: Wednesday, June 9, 2004 at 7:00 p.m. and Saturday, June 12, 2004 at 3:00 p.m.
- 3.2 Mayor Freshour announced that City Offices will be closed on Friday, June 12, 2004, for a National Day of Mourning, as declared by President Bush in honor of President Ronald Reagan.

4.0 PUBLIC COMMENTS

- 4.1 Michael Cazaneau, Twentynine Palms, asked the city council what the progress is on Tamarisk and Highway 62. He said that the project began in April and traffic in that area is always moving over 35 mph.

Henry Mattson, Twentynine Palms, said that he is glad that things in the community are improving. He said that Twentynine Palms is a great place to live.

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

5.0 CITY COUNCIL COMMENTS

Councilmember Spear said that the presentation of monies for the Neighborhood Clean up will be at the next meeting on June 22, 2004.

Councilmember Cole congratulated the Chamber of Commerce for the successful Street Fair. He also congratulated all of the recent Graduates.

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.
- 6.2 Warrant and Payroll Register
RECOMMENDATION: Receive and file registers totaling \$ 121,993.99.
- 6.3 Approval of Minutes
RECOMMENDATION: The City Council/Redevelopment Agency approve the minutes of the May 25, 2004 City Council meeting.
- 6.4 Completion of Development Code update, adoption of the General Plan Land Use Map as the City's Zoning Map. Adoption of Ordinance No. 183
RECOMMENDATION: Adopt Ordinance 183.
- 6.5 Chamber of Commerce Report – May 2004
RECOMMENDATION: Receive and file.
- 6.6 Adoption of Election Resolution No. 04-14 Calling and Giving Notice of a General Municipal Election, and Requesting Consolidation of the Municipal Election with the Statewide General Election
RECOMMENDATION: The City Council adopt Resolution No. 04-14, a Resolution Calling and Giving Notice of a General Municipal Election on November 2, 2004, and requesting consolidation of the Municipal Election with the Statewide General Election.
- 6.7 Two Mile Road Overlay and Utah Trail Widening and Overlay Project
RECOMMENDATION: Award Contract to Yeager Skanska, Inc for the amount of \$640, 850.10 for the “Two Mile Road Overlay and Utah Trail Widening and Overlay Project.”
- 6.8 Slurry Seal 2004 Project

RECOMMENDATION: 1. Accept the completed work on the Slurry Seal 2004 Project by Roy Allen Slurry Seal Inc. for the amount of \$443,159.27, 2) Authorize filing of a Notice of Completion, and notify surety to exonerate contract bonds.

6.9 Approval of Measure I Five-Year Plan

RECOMMENDATION: The City Council adopt Resolution No. 04-07, amending the Measure I Five-Year Plan for the Year 2003-2004 through 2007-2008.

6.10 Approval of Measure I Five Year Plan

RECOMMENDATION: The City Council approve the Measure I Five-Year Plan for the Fiscal Years 2004-2005 through 2008-2009 with the adoption of Resolution No. 04-08.

Councilmember Spear requested that item 6.7 and item 6.8 be pulled from the Consent Calendar.

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 balance of the Consent Calendar as submitted.

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

6.7 Two Mile Road Overlay and Utah Trail Widening and Overlay Project

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RECOMMENDATION: 1. Accept the completed work on the Slurry Seal 2004 Project by Roy Allen Slurry Seal Inc. for the amount of \$443,159.27, 2) Authorize filing of a Notice of Completion, and notify surety to exonerate contract bonds.

Following a brief discussion and clarification on these two items, Councilmember Cole made a motion, seconded by Councilmember Spear and carried with 5–0 roll call vote, item 6.7 and 6.8 were approved by the City Council.

8.0 PUBLIC HEARINGS

8.1 Amendment of Municipal Code to Provide for Staff Level Denial, Suspension or Revocation of a Business License.

RECOMMENDATION: Conduct the Public Hearing, Introduce Ordinance No. 185, and direct staff to bring the matter back for adoption.

City Manager Swigart presented a staff report.

Mayor Freshour opened the Public Hearing.

Jim Harris, Twentynine Palms, spoke in opposition to Ordinance No. 185.

Jerri Hagman, Twentynine Palms, spoke in opposition to Ordinance No. 185.

Fred Hoss, Twentynine Palms, spoke in opposition to Ordinance No. 185.

Mayor Freshour closed the Public Hearing.

Councilmember Bagley clarified to Mrs. Hagman that anyone who thinks that they have been unjustly denied a business license can come before the City Council and appeal any decision made by the City Manager.

Councilmember Spear said that the Code has worked very nicely since 1991 in this City. He said that a grievance should be addressed to the City Council.

Councilmember Cole said that he has no problem with the new Ordinance.

Councilmember Spear suggested the following new text be inserted into the Ordinance: A business license may be denied, suspended or revoked by the City Manager, or staff if a finding can be made that the business and/or applicant is not authorized by state or federal law or by terms of parole or probation or by current court order to engage in the business that is in current operation or that has been applied for.

Mayor Freshour said that there is a degree of protection that keeps the shams out with this Ordinance.

Mayor Freshour said that the findings for Section A should be deleted and Councilmember Spear's wording should be added.

On a motion of Councilmember Bagley, seconded by Councilmember Spear and carried with a 5-0 roll call vote, Ordinance No. 185 was read by title only and introduced, and with the suggestions being implemented into Section A of the draft ordinance.

On a motion of Mayor Pro Tem Benton, seconded by Councilmember Cole and carried with a 5-0 voice vote the City Council approved Section B with findings 4, 6, and 7.

On a motion of Mayor Pro Tem Benton, seconded by Councilmember Spear and carried with a 5-0 voice vote the City Council removed the following wording from Section C: pursuant to Chapter 19.46 of the Development Code, and added the decision of the City Council shall be final. The City Council directed staff to bring Ordinance No. 185 back for adoption.

8.2 Budget for Fiscal Year 2004-05

RECOMMENDATION: The City Council approved the Budget for 2004-05 by adoption of Resolution No. 04-10, the Fee Schedule with the adoption of Resolution No. 04-11, the Spending Limit with the adoption of Resolution 04-12, as well as approve the Law Enforcement Contract, the Investment Policy, The Wage and Classification Scale and the Capital Improvement Program.

City Manager Swigart presented a staff report. He requested that Resolution

No. 04-11, pertaining to the Fee Schedule be continued until the June 22nd meeting. There was a consensus of the City Council.

Mayor Freshour opened the Public Hearing.

Granton Mark, Twentynine Palms, asked the City Council why Caltrans and the City are sharing the cost of repairs on Hwy. 62.

Director Corbin said that it is a 50/50 split in the cost.

D.J. Masker, Twentynine Palms, congratulated the staff and the City Council on what she said was the best budget she has seen from the City since it's incorporation.

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, (Councilmember Spear abstained from voting on the Law Enforcement contract) the City Council approved the Budget for 2004-05 by adoption of Resolution No. 04-10, the Spending Limit with the adoption of Resolution 04-12, approval of the Law Enforcement Contract, the Investment Policy, The Wage and Classification Scale and the Capital Improvement Program.

City Manager Swigart said that Finance Director Peck and his department did an excellent job in putting this years budget together.

- 9.0 REPORTS, REQUESTS AND COMMUNICATIONS - None**
- 10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT AGENCY - None**
- 11.0 FUTURE COUNCIL-INITIATED AGENDA ITEMS –**
- 12.0 CLOSED SESSION - None**
- 13.0 ADJOURN – The City Council meeting adjourned at 8:28 p.m.**

Respectfully submitted,

Charlene L. Sherwood CMC, City Clerk