

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
CITY COUNCIL CHAMBERS, 6136 ADOBE ROAD
TWENTYNINE PALMS, CALIFORNIA
TUESDAY, AUGUST 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 – Mayor Bagley led the Pledge of Allegiance.
INVOCATION – Reverend Pat Farnham of the Desert Congregational Church gave the Invocation.
ROLL CALL - Councilmember Bagley, Benton, Spear and Mayor Freshour.
Councilmember Cole arrived at 7:17 p.m.
- 2.0 SPECIAL RECOGNITION AND PRESENTATIONS**
- 2.1 Mayor Freshour presented a City tile to Mike Duncan for his service on the Planning Commission and his dedication to the Community of Twentynine Palms.
- 2.2 Mayor Freshour presented a Proclamation to Dee Richhart, recognizing her dedication and service to the City of Twentynine Palms.
- 3.0 ANNOUNCEMENTS**
- 3.1 Mayor Freshour announced that these proceedings will be televised on Cable T.V., Channel 6, as follows: Wednesday, August 11, 2004 at 7:00 p.m. and Saturday, August 14, 2004 at 3:00 p.m.
- 3.2 Mayor Freshour announced that the Regular City Council meeting scheduled for, August 24, 2004 has been cancelled. The next regular meeting of the City Council will be held on September 14, 2004
- 4.0 PUBLIC COMMENTS** – This is the time for the public to address the City Council.
- 4.1 Fred Haas, Twentynine Palms, said that in his opinion the speed monitoring system located on Highway 62 has no real purpose.
- 5.0 CITY COUNCIL COMMENTS**
- Councilmember Bagley thanked Mike Duncan for his service on the Planning Commission. He said that the time that Dee Richhart has served as Executive Director for the Chamber of the Commerce has been extraordinary.
- Mayor Pro Tem Benton thanked Mike Duncan for doing a great job on the Planning Commission. He also congratulated Dee for her very successful career as the Executive Director for the Chamber of Commerce. He also spoke about the recent trip to the League of California Cities Conference in Monterey. He said that they learned a lot about the State budget and while they were there the Legislature passed the budget. He also said that the Governor came to speak at the Conference.
- Councilmember Spear also conveyed his thanks to Mike Duncan and Dee Richhart. Councilmember Spear said that the Neighborhood Clean-ups would begin again in September. He said the following people would be donating on a monthly basis: Rocky Moore, Grove Crank, George Croft, Steve Spear (\$100.)

and Waste Management- (\$200.) Councilmember Spear said that they need more sponsors.

Mayor Freshour said that the recent cleanup of the Hansen Tract was a learning experience for everyone. He thanked everyone who participated in the cleanup.

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 \$702,822.47.
- 6.3 Approval of Minutes:
RECOMMENDATION: The City Council/Redevelopment Agency approve the minutes of June 8, June 22 and July 13, 2004.
- 6.4 Law Enforcement Report – June 2004
RECOMMENDATION: Receive and file.
- 6.5 Chamber of Commerce Report – July 2004
RECOMMENDATION: Receive and file.
- 6.6 Treasurer’s Report – June 2004
RECOMMENDATION: Receive and file
- 6.7 Reallocation of Community Development Block Grant Funds
RECOMMENDATION: The City Council reallocate \$18,000 in Community Development Block Grant Funds (CDBG) from the Community Service Center Building/Contingency and combine it with the Luckie Park Remodel Phase II Project
- 6.8 Designation of a Voting and Alternate Delegate for the League of California Cities’ Annual Conference
RECOMMENDATION: The City Council designate Mayor Freshour as the voting delegate and Mayor Pro Tem Benton as the alternate voting delegate for the annual League of California Cities Conference, September 17, 18 and 19, 2004.
- 6.9 City Council Accept the Resignation of Mike Duncan
RECOMMENDATION: Receive and file.
- 6.10 Resolution No. 04-19 Supporting the Yes on Measure I Campaign
RECOMMENDATION: The City Council adopt Resolution No. 04-19 Supporting the Yes on Measure I Campaign.

- 6.11 Amendment of Measure I Five-Year Plan
RECOMMENDATION: The City Council adopt Resolution No. 04-21, amending the Measure I Five-Year Plan for the year 2002-2003 through 2006-2007.

Mayor Pro Tem Benton requested that item 6.4 be pulled from the Consent Calendar. Councilmember Bagley requested that item 6.10 and 6.11 be pulled from the Consent Calendar.

Mayor Pro Tem Benton abstained from check no. 35261 and 35216 on the warrant register.

Councilmember Spear abstained from item 6.4 and check no. 35262 on the warrant register.

On a motion of Councilmember Bagley, seconded by Mayor Pro Tem Benton and carried with a 4-0-1 (Cole absent) roll call vote, the City Council approved the balance of the Consent Calendar as submitted.

7.0 ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSIONS AND/OR PARTICIPATION AND /OR ADDED AGENDA ITEMS.

- 6 .4 Law Enforcement Report – June 2004
RECOMMENDATION: Receive and file.

Mayor Pro Tem Benton pointed out that the Law Enforcement report shows 95.63% of cases cleared, and the same time last year the percentage was 67.75. He said that the Sheriff's are doing a good job and deserve a pat on the back.

On a motion of Councilmember Bagley, seconded by Mayor Pro Tem Benton, and carried with a 4-0-1 (Cole absent) voice vote, item 6.4 was approved.

- 6.10 Resolution No. 04-19 Supporting the Yes on Measure I Campaign
RECOMMENDATION: The City Council adopt Resolution No. 04-19 Supporting the Yes on Measure I Campaign.

Councilmember Bagley spoke about Measure I coming up on the November ballot. He explained the concept of Measure I, stating that it is the ½ percent sales tax designated for street improvements that cannot be taken by the State of California. He said that since its inception Measure I has brought in \$6.7 million dollars with a projection of over \$27 million dollars coming in over next 30 years in the incorporated area.

- 6.11 Amendment of Measure I Five-Year Plan
RECOMMENDATION: The City Council adopt Resolution No. 04-21, amending the Measure I Five-Year Plan for the year 2002-2003 through 2006-2007.

On a motion of Councilmember Bagley, seconded by Councilmember Spear and carried with a 5-0 roll call vote the City Council approved items 6.10 and 6.11 of the Consent Calendar.

8.0 PUBLIC HEARINGS

- 8.1 Change of Zoning from Service Commercial (CS) to General Commercial, and Site Plan Review for proposed 5,219 square-foot general commercial/office facility, southwest corner of Amboy Road and Adobe Road (APN) 621-051-08). Applicant John Peruzzi Architects representing Navy Federal Credit Union.
RECOMMENDATION: Conduct the Public Hearing, introduce Ordinance No. 189, adopt Resolution 04-20, approve the Site Plan Review subject to the adoption of Ordinance No. 189, and direct staff to bring Ordinance No. 189 back for adoption.

Director Corbin presented a staff report.

Mayor Freshour opened the Public Hearing.

Grove Crank, Triad Realtors, spoke in favor of the project.

Mayor Freshour closed the Public Hearing.

Councilmember Spear said that he thinks that this project is the tip of the iceberg for future development in the City.

Councilmember Bagley said that the developers have exceeded what the City required. He said that he thinks it is an excellent plan and a great addition to the community.

City Clerk Sherwood introduced Ordinance No. 189.

On a motion of Councilmember Bagley, seconded by Councilmember Spear and carried with a 5-0 roll call vote, the City Council approved Item 8.1.

- 8.2 Revised Massage Regulations Allowing for Verifiable Experience to be Submitted for Required Training
RECOMMENDATION: Conduct the Public Hearing, introduce Ordinance No. 186 and direct Staff to bring the Ordinance back for adoption.

Director Corbin presented a staff report.

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

On a motion of Councilmember Bagley, seconded by Councilmember Spear and carried with a 5-0 roll call vote, the City Council introduced Ordinance No. 186 and directed staff to bring the Ordinance back for adoption.

- 8.3 Public Hearing on Solid Waste Collection and Disposal Ordinance
RECOMMENDATION: Receive staff report, conduct the Public Hearing, and introduce Ordinance No. 187.

Councilmember Cole presented a staff report.

Mayor Freshour opened the Public Hearing.

D.J. Masker, Twentynine Palms, said that the public needs to be educated about recycling. She said that for over seven months she has been trying to get statistics for recycling in the City, and she finally just got them tonight.

Rudy Roeleveld, Twentynine Palms, spoke in opposition to Ordinance No. 187.

Julio Merlan, said that he wanted to haul his own refuse.

Mary Jane Binge, Twentynine Palms, had questions about being taxed for trash removal on empty houses.

Mayor Freshour closed the Public Hearing.

Councilmember Cole said that people could still be self haulers. He said that there are restrictions because of AB939 which requires that 50% of trash be diverted from the landfills for recycling.

City Manager Swigart said that people can register at City Hall to be a self hauler.

City Attorney Munoz explained self hauling and said anyone can be a self hauler and it is easier now.

The City Council agreed that education about self hauling and recycling is very important.

On a motion of Councilmember Cole, seconded by Mayor Pro Tem Benton and carried with a 5-0 roll call vote, the City Council introduced Ordinance No. 187 and direct staff to bring it back for adoption.

- 8.4 Public Hearing on PERS Contract Ordinance
RECOMENNDATION: Receive staff report, Conduct Public Hearing, and introduce Ordinance No.188.

City Manager Swigart gave a staff report.

Mayor Freshour opened the Public Hearing.

Mayor Freshour closed the Public Hearing.

Following a discussion of the City Council, on a motion of Councilmember Cole, seconded by Councilmember Spear, and carried with a 4-0-1 roll call vote (Bagley-no), the City Council introduced Ordinance No. 168.

There was discussion about having a study session to review this item before the next City Council meeting.

9.0 REPORTS, REQUESTS AND COMMUNICATIONS - None

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT AGENCY

- 10.1 Planning Commissioner Vacancy and Appointment
RECOMMENDATION: 1) Fill vacancy by appointment from existing applicants' eligibility list, or 2) Direct staff to re-advertise for applicants and applications for Council consideration and appointment at a later date.

On a motion of Mayor Freshour, seconded by Councilmember Spear and carried with a 5-0 roll call vote, the City Council appointed Daniel Mintz to the Planning

Commission from the remainder of the term held by Michael Duncan. Mr. Mintz will serve until December 2006.

10.2 Selection of Public Members for Appointment to the City's Public Arts Advisory Committee (PAAC)

RECOMMENDATION: Receive Committee recommendation, Appoint 5 members to the Public Arts Advisory Committee, direct staff to conduct an organizational meeting with the PAAC.

On a motion of Councilmember Bagley, seconded by Councilmember Cole and carried with a 5-0 roll call vote, the City Council appointed the following members to the City's Public Arts Advisory Committee (PAAC).

Mayor Pro Tem said that the following were appointed to the committee: Cathy Allen, Don Carlos Andrade, Chuck Caplinger, Audrey Gillick and Ray Kinsman.

Councilmember Cole thanked all those who had participated in the selection process.

11.0 FUTURE COUNCIL-INITIATED AGENDA ITEMS –

12.0 CLOSED SESSION - None

13.0 ADJOURN – The City Council meeting adjourned at 8:45 p.m.

Respectfully submitted,

Charlene L. Sherwood CMC, City Clerk