

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
CITY COUNCIL CHAMBERS, 6136 ADOBE ROAD
TWENTYNINE PALMS, CALIFORNIA
TUESDAY, OCTOBER 26, 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 Bagley led the Pledge of Allegiance to the Flag.
INVOCATION – Pat Farnham of Desert Congregational Church gave the Invocation.
ROLL CALL – Councilmembers Bagley, Benton, Cole, Spear and Mayor Freshour

2.0 SPECIAL RECOGNITION AND PRESENTATIONS

- 2.1 Copper Mountain College Presentation Regarding Measure C-Eva Kinsman and Kindred Murillo to Present
Mrs. Eva Kinsman, representing Copper Mountain College, spoke to the City Council about the benefits that the passage of Measure C would bring to the College and the community. She encouraged everyone to vote yes on Measure C.
- 2.2 Neighborhood Clean-Up Award Presentation for September 2004. Ms. Lisa Leonard to accept on behalf of the Marine Corp Base YMCA.
Councilmember Spear presented the Marine Corp Base Center YMCA with a check in the amount of \$100 from Councilmember Spear, \$100 from Mike Duncan and Triad Realty and \$200 from Waste Management. Councilmember Spear introduced Ms. Lisa Leonard and the children who participated in the September clean-up at Miller Fairgrounds.
- 2.3 Recognition of Red Ribbon Week
RECOMMENDATION: The City Council adopt Resolution No. 04-31 Recognizing October 23 through 31, 2004 as Red Ribbon Week in the City of Twentynine Palms.

On a motion of Councilmember Bagley, seconded by Mayor Pro Tem Benton and carried with a 5-0 roll call vote, the City Council adopted Resolution No. 04-31, recognizing October 23 through 31, 2004 as Red Ribbon Week.

3.0 ANNOUNCEMENTS

- 3.1 Mayor Freshour announced that these proceedings will be televised on Cable T.V., Channel 6, as Follows: Wednesday 27, 2004 at 7:00 p.m. and October 30, 2004 at 3:00 p.m.

4.0 PUBLIC COMMENTS

Alex Martinez, District Attorney, spoke to the City Council about the importance of voting no on Proposition 66. He said that if Proposition 66 passes, 26,000 dangerous prisoners will be eligible for immediate release from prison within one to two years.

5.0 CITY COUNCIL COMMENTS

Councilmember Cole thanked everyone involved for the help in cleaning up the fairgrounds for the Pioneer Day events. He also thanked everyone who participated in the City Wide Cleanup on October 23rd. Councilmember Cole said that Copper Mountain College is a jewel, and he encouraged everyone to vote yes on Measure C.

Councilmember Spear thanked the Council for excusing him from the last Council meeting. He said that he had attended his son Jay's graduation from Army boot camp in Fort Benning, GA. Councilmember Spear also encouraged everyone to vote.

Councilmember Bagley encouraged everyone to vote, and he said he is thankful for the opportunity to serve the City in the capacity that he has.

Mayor Pro Tem Benton said that people should be careful of children on Halloween night. He also said thank you, to those involved in the City Wide Clean-up. Mayor Pro Tem Benton also encouraged everyone to get out and vote, and he said he endorses Proposition 1A and Measure I.

Mayor Freshour thanked everyone who participated in the City wide Clean-up. He said that he saw washers, dryers and car parts being brought in that day.

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 \$ 706,956.95.
- 6.3 Law Enforcement Report – September 2004
RECOMMENDATION: Receive and file.
- 6.4 Resolution of Support for Measure C, a General Obligation Bond Measure for the Copper Mountain College District
RECOMMENDATION: The City Council adopt Resolution No. 04-27.
- 6.5 Treasurer's Report – September 2004
RECOMMENDATION: Receive and file.
- 6.6 Resolution Supporting Proposition 1A and Opposing Propositions 68 and 70
RECOMMENDATION: The City Council adopt Resolution No. 04-30.
- 6.7 Development Code Amendment, Implementing Revised Design Requirements for Residential Development in the Rural Living (RL), Single Family Residential (RS), Multi-family Residential (RM), and Open Space Residential (OSR) Land Use Districts.
RECOMMENDATION: The City Council take action to adopt Ordinance No. 190.
- 6.8 Accept the Final Map for Tract No. 16729-1
RECOMMENDATION: The City Council move to accept the final map, securities and agreements for Tract Map No. 16729-1.
- 6.9 Formation of Twentynine Palms Lighting and Landscaping Assessment District #1, L-1, Engineer's Report, and Levy of Assessment for Applicant, Penca Capital, LLC (tract No. 16729).
RECOMMENDATION: 1) Adopt Resolution No. 04-28 (Initiating proceedings for an annexation of territory into the Twentynine Palms Landscaping and Lighting Assessment District No.1) 2) Receive and approve the engineer's report as filed or as amended 3) Receive and approve the Landowner's consent, 4) Adopt Resolution No. 04-29, (Declaring the Council's intention to annex territory into the Twentynine Palms Lighting and Landscaping Assessment District No.1, ordering improvement, and to levy and collect assessments pursuant to the Lighting and Landscaping Act of 1972).

Councilmember Spear abstained from item 6.3 and check no. 35713 on the warrant register.

Mayor Pro Tem Benton abstained from check no. 35717 on the warrant register.

Mayor Pro Tem Benton requested item 6.8 be pulled from the consent calendar for discussion.

Michael Collins, Twentynine Palms, requested that item 6.6 be pulled discussion.

Councilmember Bagley requested that item 6.6 be pulled for discussion.

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.

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

6.8 Accept the Final Map for Tract No. 16729-1

RECOMMENDATION: The City Council move to accept the final map, securities and agreements for Tract Map No. 16729-1.

Community Development Director Corbin (Director Corbin) presented a staff report. He said that It is staff's recommendation that this item not be approved until the applicant provides proof from San Bernardino County for verification of the approval of the septic system.

Ms. Shannon Alton, Project Manager for Penca Corporation, spoke to the City Council. She said that they do have the approval from their engineer on both the soil and percolation testing. She said that they do feel confident that they will get the approval from the County and at this time they are asking to be able to move forward with their construction.

Mayor Freshour clarified to the representatives from Penca that if they do not receive the approval from San Bernardino County, all construction will come to a screeching halt.

Councilmember Cole said that he was concerned with the way that they were headed. He said that the Penca Corporation could stop building the homes and sell the lots individually.

Mayor Freshour said that they would have a difficult time selling anything if there was a problem with percolation.

Councilmember Bagley said if the City were saying it would not issue certificates of occupancy until the final environmental conditions have been met it would preclude anyone from occupying the property. He said that Penca would need to make that disclosure.

On a motion of Councilmember Bagley, seconded by Councilmember Spear and carried with a 4-1 roll call vote (Cole-no), the City Council approved the Final Map for Tract 1672 9-1.

6.6 Resolution Supporting Proposition 1A and Opposing Propositions 68 and 70

RECOMMENDATION: The City Council adopt Resolution No. 04-30.

Councilmember Bagley spoke about Proposition 68 and Proposition 70. He said that Prop. 68 is written by gambling interests who want to put in casinos at a more wholesale level in California. He said that Proposition 70 is being financed by some tribes who already have gambling casinos that don't want to let other Indian operations off of the reservation. He said that the City of Twentynine Palms has an Indian Reservation within its jurisdiction, and that is why the City has an interest in the Propositions. He said that the League of California Cities and the Governor of California do not think that these propositions are the way to go.

On a motion of Councilmember Bagley, seconded by Councilmember Cole and carried with a 5-0 voice vote, the City Council adopted Resolution No. 04-30 supporting Proposition 1A and opposing Propositions No. 68 and 70.

8.0 PUBLIC HEARING - None

9.0 REPORTS, REQUESTS AND COMMUNICATIONS

9.1 City Operations Report

RECOMMENDATION: Councilmember Spear to present report.

Councilmember Spear read the City Operations Report written by Councilmember Cole and himself. He said that two areas were identified to discuss. The first issue is in regards to City generated correspondence. The subcommittee agreed that the vast majority of the City's interaction with the public and the business community is professional. He said the subcommittee would address any deviations from that professional standard as they may occur.

The second issue the sub committee discussed was fiscal accountability. He said it was agreed that there was no policy in place for accountability of taxpayer money that is spent for various reason. He said a meeting was held with Councilmembers Spear and Cole, the City Manager and Finance Director. He said at that meeting the City Manager and Finance Director was given direction to draft a financial accountability policy.

Councilmember Spear said that they would meet with the City Manager again and report back to the City Council in December

9.2 Discussion of City Council support for Proposition 1A, Measure C and Measure I.

RECOMMENDATION:

Councilmember Bagley explained Proposition 1A, stating that it would mean that the State cannot take money from the cities without paying it back. They can only borrow money twice and they have to pay back entirely from the first time before they can borrow a second time. He said that Proposition 1A also states that the State has to have our permission to borrow money or they cannot do it.

Councilmember Bagley also spoke on Measure I, the reauthorization of the ½ cent sales tax. The reauthorization says that the ½ cent sales tax will come back specifically to the City of Twentynine Palms where 70% of the money will be spent on highways, 25% in a discretionary fund where it can be applied to local roads or way we want to and 5% for senior citizens and transit projects. Councilmember Bagley said that in the last 13 years Measure I has brought in 7.6 million dollars to the City of Twentynine Palms.

Councilmember Cole spoke about Measure C, stating that a large portion of it would go for vocational training. He said this will continue to benefit us economically and culturally for many, many years as the college continues to grow. He encouraged everyone to support Measure C.

Councilmember Spear said that Measure C will improve the lives of those who live in the basin.

Mayor Freshour endorsed Measure C, stating that we are growing, and as we grow our needs become more diverse. He said if we hope to attract industry here we need a skilled labor force and we need to improve our school and Measure C is the instrument to do that.

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT AGENCY - None

11.0 FUTURE COUNCIL-INITIATED AGENDA ITEMS – None

12.0 CLOSED SESSION – None

13.0 ADJOURN – The City council meeting adjourned at 8:10 p.m.

Respectfully submitted,

Charlene L. Sherwood CMC, City Clerk