

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY  
CITY COUNCIL CHAMBERS, 6136 ADOBE ROAD  
TWENTYNINE PALMS, CALIFORNIA  
TUESDAY, MARCH 8, 2005  
7:00 P.M.**

**MINUTES**

- 1.0 CALL TO ORDER** – Mayor Benton called the meeting to order at 7:00 p.m.  
**PLEDGE OF ALLEGIANCE-** Mayor Pro Tem Spear led the Pledge of Allegiance to the Flag.  
**INVOCATION** – Pastor Grover Fletcher of the Wonder Valley Community Church gave the Invocation.  
**ROLL CALL** – Councilmembers Bernal, Cole, Klink, Spear and Mayor Benton

**2.0 SPECIAL RECOGNITION AND PRESENTATIONS**

- 2.1 Mayor Benton presented a Certificate of Appreciation to Mrs. Ginnielee Shrake in the memory of Myrtle Capps and her generous donation to the Palms and Paws Animal Shelter. Mayor Benton said that Myrtle Capps had taught in the MUSD for 26 years. She loved animals, and had adopted a dog from Palms N Paws Animal Shelter. Mayor Benton said that a bronze plaque in Ms. Capps memory will hang in the newly renovated kennel area.

**3.0 ANNOUNCEMENTS**

Mayor Benton announced that these proceedings will be televised on Cable T.V., Channel 6, as follows: Wednesday, March 9, 2005 at 7:00 p.m. and Saturday, March 12, 2005 at 3:00 P.M.

**4.0 PUBLIC COMMENTS**

Donn Brackett, Twentynine Palms, said that he would be hosting a 30 minute talk show on Channel 6 that would be senior oriented. He said that Mayor Benton would be the first guest on the show.

Granton Mark, Twentynine Palms, said that the City should ask Caltrans about how to construct berms, and he said that there is a sign at the library that may be a safety hazard.

**5.0 CITY COUNCIL COMMENTS**

Councilmember Klink said thank goodness for the sun after so much rain. He said people should go to the National Park because the wildflowers are coming out. He said thank you to the audience for attending the meeting tonight.

Mayor Pro Tem Spear said thank you to all of the ministers and citizens who have joined together in prayer for the service members who are overseas. He said that his son will be flying home from Afghanistan after a year of fighting the war against terrorism. He said thank God he's safe and he probably owes it to the prayers of the ministers and the citizens.

Mayor Benton reminded everyone to drink lots of water as the days get warmer.

**6.0 CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR**

- 6.1 Waive the Reading of Ordinance and Approve the 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 register totaling \$ 89,032.73.
- 6.3 Hazard Mitigation Plan  
RECOMMENDATION: The City Council adopt Resolution No. 05-07 adopting the City Hazard Mitigation Plan.
- 6.4 Treasurer's Report – January 2005  
RECOMMENDATION: Receive and file.
- 6.5 Approval of Minutes  
RECOMMENDATION: The City Council/Redevelopment Agency approve the minutes of February 22, 2005.
- 6.6 Chamber of Commerce Report – February 2005  
RECOMMENDATION: Receive and file.

On a motion of Councilmember Cole, seconded by Councilmember Klink and carried with a 5-0 roll call vote, the Consent Calendar was approved as submitted.

**7.0 ITEMS REMOVED FROM CONSENT CALENDAR - None.**

**8.0 PUBLIC HEARINGS**

- 8.1 Public Hearing Regarding Prioritization for Funding of Community Development Block Grant (CDBG) Applications for Fiscal year 2005-2006.  
RECOMMENDATION: The Public Hearing be opened and public comments be received and after consideration of the subcommittee's recommendation and public comments, the City Council approve funding for the Fiscal Year 2005 -2006 CDBG program.

Community Services Director Randy Council (Director Council) presented a staff report. He read the list of recommendations the sub committee of Mayor Pro Tem Spear and Councilmember Klink were recommending to the City Council.

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

Councilmember Cole questioned the figure of \$4600 for the San Bernardino Sexual Assault program.

Director Council said that organization will be getting more funds from other organizations.

Mayor Benton opened the Public Hearing.

A representative from the Twentynine Palms BMX Track spoke to the City Council about the BMX Program and said that she hoped the City Council would approve of their funding.

Gary Daigneault, representing Theater 29, said that he hoped the City Council would consider the request of Theater 29.

Mayor Benton closed the Public Hearing.

Mayor Pro Tem Spear said that he and Councilmember Klink looked at all of the requests for funding with interest. He said that they owe a debt of gratitude to D.J. Masker for her help with the Senior Center funding information.

Councilmember Cole said that he has served on the CDBG sub committee in the past and he understands how difficult it is to come up with a list for funding. He thanked everyone who came out and made presentations to the City Council, and he also thanked the sub committee for their work.

On a motion of Councilmember Cole, seconded by Councilmember Klink and carried with a 5-0 roll call vote, the City Council approved the funding for the Fiscal Year 2005-2006 CDBG Program.

- 8.2 Development Code Update, Review of Chapters 19.07 Rural Living (RL), 19.08 Single Family Residential (RS), 19.09 Multi-family Residential (RM) 19.10 Commercial Districts (CG, CO, CT and CN), 19.12 Service Commercial (CS) and Community Industrial IC), 19.14 Open Space Residential (OSR), 19.15 Public (P), 19.20 General Plan Amendments, 19.40 Application Process and Submittal Requirements, 19.44 Public Hearing Notice, 19.48 Accessory Uses, 19.66 Commercial Vehicle Parking, and 19.70 Lighting Standards.

RECOMMENDATION: Conduct the Public Hearing, consider the Planning Commission recommendation, introduce Ordinance No. 194, and direct staff to bring Ordinance No. 194 back for adoption.

City Manager Swigart reported to the City Council that staff is not prepared to have a public hearing at this time. He suggested that because this is a noticed public hearing the City Council take public comments and continue the item to the April 12, 2005 City Council meeting.

Mayor Benton opened the Public Hearing.

Jim Thompson, Twentynine Palms Fire Chief, spoke to the City Council about the provision in the Development Code relating to underground utilities. He said that if the requirements are lessened as is recommended it would be a huge step backwards and a danger to firefighters.

Dan O'Brien, Twentynine Palms, said he is concerned with the draft ordinance. He said that the old ordinance is good, but the problem is with enforcement. He said the most important issue is safety and the ordinance should stay the same.

Esther Herbert, Twentynine Palms, said that the proposed ordinance is an excellent one. She said that paragraph D-5 regarding light trespass had been omitted and should be reworded and put back in.

On a motion of Councilmember Cole, seconded by Councilmember Klink and carried with a 5-0 voice vote, the City Council approved continuing this item to the April 12, 2005 City Council meeting.

9.0 **REPORTS, REQUESTS AND COMMUNICATIONS – None**

10.0 **LEGISLATIVE/COUNCIL/REDEVELOPMENT AGENCY**

- 10.1 Planning Commission Appointment/Reappointment  
RECOMMENDATION: Appointment/Reappointment of Planning Commissioners

Councilmember Cole reported that the sub committee of himself and Mayor Pro Tem Spear failed to reach a recommendation to the City Council that was unanimous. He said that the interviews for Planning Commissioners went well but they could not agree on a unanimous recommendation.

Mayor Pro Tem Spear said that he and Councilmember Cole recommended that the City Council appoint a new sub committee.

Councilmember Cole thanked the seated Planning Commissioner's for staying on until a decision is made.

The consensus of the City Council was to appoint Mayor Benton and Councilmember Bernal as the new sub committee to select Planning Commissioners.

10.2 Presentation Regarding the City Council/Manager Form of Government, the Brown Act, and Other Related Items.

RECOMMENDATION: The City Council receive the presentation.

City Manager Swigart presented a PowerPoint presentation to the City Council regarding the City Council/Manager form of Government. City Attorney Munoz presented a PowerPoint presentation to the City Council regarding the Brown Act.

**11.0 FUTURE COUNCIL-INITIATED AGENDA ITEMS - None**

**12.0 CLOSED SESSION**

12.1 Closed Session Pursuant to Government Code Section 54956.9(b)  
Anticipated Litigation, one case

13.0 **ADJOURN** – The City Council meeting adjourned to Closed Session at 8:25. p.m. The Closed Session adjourned at 10:00 p.m. with the City Council providing direction to the City Attorney and City Manager.

Respectfully submitted,

Charlene L. Sherwood CMC, City Clerk