

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
CITY COUNCIL CHAMBERS, 6136 ADOBE ROAD
TWENTYNINE PALMS, CALIFORNIA
TUESDAY, APRIL 26, 2005
7:00 P.M.**

MINUTES

- 1.0 CALL TO ORDER** - Mayor Benton called the meeting to order at 7:03 p.m.
PLEDGE OF ALLEGIANCE - Mayor Pro Tem Spear led the Pledge of Allegiance to the Flag.
INVOCATION - Pastor Al Perez of the Companerismo de Creyentes en Christo gave the Invocation.
ROLL CALL - Councilmembers Bernal, Klink, Spear and Mayor Benton.
Councilmember Cole had an excused absence.

2.0 SPECIAL RECOGNITION AND PRESENTATIONS

- 2.1 Mayor Benton presented a Proclamation and City Tile to John Masterson in honor of his long standing service and dedication on the Planning Commission and his dedication to the Community of Twentynine Palms. Mr. Masterson said that he enjoyed representing the people of the City and he said that it did not seem like he had been on the Planning Commission for 13 years.
- 2.2 Pastor Al Perez accepted a Proclamation from Mayor Benton recognizing May 5, 2005 as the National Day of Prayer. Pastor Perez invited each of the Councilmembers to attend the National Day of Prayer Services on May 5th at 11:00 a.m. in Veterans Park, adjacent to City Hall.
- 2.3 City Wide Clean Up Day Report and Presentation of Awards
Adda Harris, Community Clean Up Coordinator, asked Deborah McGarrey, representing Waste Management and Mayor Benton to join her at the podium. Ms. Harris reported the results of the April 9th Community Clean Up Day. She said that there was over 55 tons of trash collected.

Ms. Harris announced the following winners in this years' competition for Buck a Bag:

Over 18 years of age category:

1 st Place	Reach Out 29	562 bags	\$762.00
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Under 18 years of age category:

1 st Place	Cadet Corps	425 bags	\$525.00
2 nd Place	Boy Scout Troop #77	70 bags	\$170.00

- 2.4 Sky's the Limit Presentation
City Manager Swigart reported that this presentation is to present a conceptual review of the Sky's the Limit Observatory project. He said that the Planning Commission will approve the project and the City Council will approve the City park.

Community Services Director Randy Council (Director Council) gave a brief staff report and said that a new site map is included with the Council's information.

Ann Congdon, Design Consultant for the project, and Bill Souder, amateur astrologist, spoke to the Council about the basic design concepts and answered questions from the Councilmembers.

Director Council said that the final adoption of the project would be brought forward to the Planning Commission at a later date.

3.0 ANNOUNCEMENTS

- 3.1** These proceedings will be televised on Cable T.V., Channel 6, as follows: Wednesday, April 27, 2005 at 7:00 p.m. and Saturday, April 30, 2005 at 3:00 P.M.
- 3.2** Mayor Benton announced that B & B Auto is the 2nd group to sign up for the Adopt a City Street Program. He said that they would be cleaning the street from Wiltshire to Baseline Road.
- 3.3** Mayor Benton thanked the Chamber of Commerce for recognizing the Public Works Department with their annual special recognition award for exceptional support to the City of Twentynine Palms and the Chamber of Commerce.

4.0 PUBLIC COMMENTS

- 4.1** Valerie Driscoll, Twentynine Palms, asked when the Councilmembers would provide information regarding 16" eaves being utilized on overhangs instead of 18" eaves. She asked if the codes were being selectively enforced.

Steve Flock, Twentynine Palms, spoke to the City Council about illegal dumping of trash stating the City Council should look at the process and give it more priority.

Deborah McGarrey, representing Waste Management, reported that there would be an Electronic Waste Collection at the Waste Management Offices on Amboy Road on May 14th from 9:00 am to 2:00 p.m.

Minister Oakley, representing OM Inc., said that his organization is interested in purchasing the "Al Swinger" property on Cholla Avenue to create a Club for high risk youth. He said that he is in need of money and resources.

- 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 Klink thanked John Masterson for his contributions to the Planning Commission and the City. He suggested people get their Sky's the Limit Bumper Stickers. He reminded people that they should be sure to drink plenty of water.

Mayor Pro Tem Spear thanked Radio Station Z107.7 for giving the community the best information about when troops are returning to the Morongo Basin.

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 \$1,268,356.75.
- 6.3 Development Code Updates, 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: Adopt Ordinance 194.
- 6.4 Approval of Minutes
RECOMMENDATION: The City Council/Redevelopment Agency approve the minutes of the April 12, 2005 meeting.
- 6.5 Law Enforcement Report – March 2005
RECOMMENDATION: Receive and file report.
- 6.6 Reallocation of Community Development Block Grant Funds
RECOMMENDATION: The City Council reallocate \$6,000 in Community Development Block Grant funds (CDBG) from the Luckie Park Pool and Restroom Project to the Patriotic Hall Kitchen Cabinets Projects.
- 6.7 Purchase of Patrol Vehicle
RECOMMENDATION: The City Council approve the acquisition of a fully equipped four-wheel drive patrol vehicle including first year operational costs in the amount of \$ 49,368.30 from the Supplemental Law Enforcement Services Fund (SLESF) Grant Program.
- 6.8 Purchase of 1997 Case 821B Loader
RECOMMENDATION: The City Council authorize the purchase of a 1997B Case Loader Model No. 821B. Funds have been allocated for

upgrade of equipment from the Gas Tax Budget Account No.22-1004-4508 in the amount of \$79,196.25.

Mayor Pro Tem Spear abstained from check number 36789 on the warrant register. Mayor Pro Tem Spear also abstained from item 6.5 and 6.7 on the consent calendar.

Mayor Benton abstained from check number 36615 on the warrant register.

Councilmember Klink requested item 6.6 be pulled from the consent calendar for discussion.

On a motion of Councilmember Spear, seconded by Councilmember Bernal and carried with a 4-0-1 (Cole-absent) 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.

- 7.1 6.6 Reallocation of Community Development Block Grant Funds
RECOMMENDATION: The City Council reallocate \$6,000 in Community Development Block Grant funds (CDBG) from the Luckie Park Pool and Restroom Project to the Patriotic Hall Kitchen Cabinets Projects.

Councilmember Klink asked if the money could be used for other projects.

Director Council reported that the allocation being discussed was from a prior year.

On a motion of Councilmember Klink, seconded by Councilmember Bernal and carried with a 4-0-1 (Cole-absent) roll call vote Item 6.6 of the Consent Calendar was approved as submitted.

8.0 PUBLIC HEARING

- 8.1 Continued from the April 12, 2005 the Appeal of Conditions of Approval (Right of Way Dedications) for Conditional Use Permit (CUP) for Intensification of Use, Adding a Towing Business to Existing Facilities, 72878 Twentynine Palms Highway (APN 6218-151-67 and 68).
RECOMMENDATION: Present Appeal to City Council for a Decision Regarding Right of Way Dedications.

City Manager Swigart gave a staff report and said that the applicant, Carol Smith, is appealing the conditions. He said that the staff recommendation is to deny the Planning Commission action; however, the City Council can overturn the Planning Commission action and grant the appeal.

City Manager Swigart said there is a secondary recommendation from Mayor Pro Tem Spear, stated in a memo which was previously distributed at the last City Council meeting which noted that the Planning Commission at the City Council's direction is studying road dedications and is preparing a policy recommendation for the Council's consideration.

City Manager Swigart recommended rather than deal with this appeal as a one-time action, the Council can recognize that the conditional use permit has already been issued and the applicant can continue on in this business. He said that the Council could make their decision regarding this right of way dedication consistent with whatever long term general policy determination they make in June when the road dedication item goes before the Council. City Manager Swigart said after the Council makes a determination of what they would like to do about the right of way dedications it would then come back on the Consent Calendar consistent with their determination. City Manager Swigart said this would give the Council the opportunity to develop a policy that all applicants would have to be consistent with it.

City Manager Swigart said that Councilmember Cole had read Mayor Pro Tem Spear's report and he concurs with that recommendation and believes it would be good to wait for a decision on this matter until the policy is determined.

Mayor Benton opened the Public Hearing.

Carol Smith, applicant, said she would like to refer to this item as "the utilization of the site". She said it is important to know this property is not being used as a storage, but is a dispatch office. She said this year she has 7 full-time and 3 part-time employees, up from 4 full-time and 2 part-time employees, not including the tow business. She said this is good news for her as well as the City of Twentynine Palms. She asked that she be allowed to continue to grow in her business and would like to continue to serve the community of Twentynine Palms.

Mayor Pro Tem Spear said that even if this item was deferred the tow trucks will stay based on the decision made by the Planning Commission, and will not affect her business.

Albert G. "Bud" Calvert, Twentynine Palms, said that he would like to encourage a favorable approval for this applicant.

Mayor Benton closed the Public Hearing.

On a motion of Mayor Pro Tem Spear, seconded by Councilmember Klink and carried with a 4-0-1 roll call vote (Cole-absent), the City Council approved continuing this item until such a time the Council receives a recommendation and adopts a new policy from the Planning Commission regarding Right of Way dedications.

9.0 REPORTS, REQUESTS AND COMMUNICATIONS – None

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT AGENCY – None

10.0 FUTURE COUNCIL-INITIATED AGENDA ITEMS

10.1 Councilmember Klink said that he would like to receive information and discuss term limits for City Councilmembers.

10.2 Mayor Pro Tem Spear asked for information for Mr. Surrat regarding red curbing at this business. He said traffic reports from the Sheriff's and the City Engineer are supposed to be received in regards to whether it is a proper red curb zoning.

12.0 CLOSED SESSION – None

13.0 ADJOURN – The City Council meeting adjourned at 8:08 p.m.

Respectfully submitted,

Charlene L. Sherwood CMC
City Clerk