

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
CITY COUNCIL CHAMBERS, 6136 ADOBE ROAD
TWENTYNINE PALMS, CALIFORNIA
TUESDAY, MAY 10, 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 - Councilmember Klink led the Pledge of Allegiance to the Flag.
INVOCATION - Pastor Perry Ford of the Spirit and Truth Worship Center gave the Invocation.
ROLL CALL - Councilmembers Bernal, Cole, Klink, Spear and Mayor Benton.

2.0 SPECIAL RECOGNITION AND PRESENTATIONS

- 2.1 Proclamation Recognizing National Law Enforcement Appreciation Week – Blue Ribbon Week.

Crime Prevention Officer Linda Drott of the San Bernardino County Sheriff's Department accepted a Proclamation from Mayor Benton recognizing National Law Enforcement Appreciation Week/Blue Ribbon Week. She presented the City Council with blue ribbons, and asked the community to wear or display blue ribbons to show support for Law Enforcement.

3.0 ANNOUNCEMENTS

- 3.1 Mayor Benton announced that these proceedings will be televised on Cable T.V., Channel 6, as follows: Wednesday, May 11, 2005 at 7:00 p.m. and Saturday, May 14, 2005 at 3:00 p.m.

4.0 PUBLIC COMMENTS

- 4.1 Patrick Massey, Twentynine Palms, spoke to the City Council about the deteriorating condition of Adobe Road from Amboy Road to the Main Gate aboard the Base. He said that the lobbyist was able to obtain \$4 million dollars for roadwork there, and he wondered what the status is.

City Manager Swigart said the City had received \$3.6 million dollars for road reconstruction. He said that the amount is going to be increased to \$4.2 million dollars, and the City will be receiving additional funding to place power lines underground. City Manager Swigart said that Congressman Lewis was very instrumental in getting the money for the City.

5.0 CITY COUNCIL COMMENTS

Councilmember Klink said that he attended a meeting with Assemblyman Bogh. He said he had spoke to Assemblyman Bogh about the left turn lane between Sunrise and Canyon. Councilmen Klink said Assemblyman Bogh would be placing a call to Caltrans and he will follow up with Assemblyman Bogh on this issue.

Mayor Pro Tem Spear said Mac Dube has recently undergone surgery, and he asked that everyone keep him in their thoughts and prayers.

Councilmember Cole said Caltrans Representative Ann Meyer is moving to a different area in the Caltrans organization. He said she worked with the City on small projects and he hopes the new person will be able to push the projects through faster.

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 \$256,443.46
- 6.3 Approval of Minutes
RECOMMENDATION: The City Council/Redevelopment Agency approve the minutes of the April 26, 2005 meeting.
- 6.4 Application of Red Curbs Prohibiting Parking on West Side of Adobe Road, North of Two Mile Road.
RECOMMENDATION: Receive and file.
- 6.5 Approval of Luckie Park Sidewalk Project
RECOMMENDATION: The City Council approve the awarding of the Luckie Park Sidewalk Improvement Project to J.P.G.C., in the amount of \$123,806.80 in funds from the Robert-Z'Berg-Harris Grant.
- 6.6 Treasurers Report – March 2005
RECOMMENDATION: Receive and file.
- 6.7 Renewal of Delegate Agency Agreement
RECOMMENDATION: The City Council approve the Delegate Agency Agreement between the City of Twentynine Palms and the County of San Bernardino for Community Development Block Grant (CDBG) funding allocation and distribution.
- 6.8 Chamber of Commerce Report - April 2005
RECOMMENDATION: Receive and file.

Mayor Pro Tem Spear requested item 6.4 be pulled from the Consent Calendar for discussion.

Mayor Benton abstained from check number 36807 on the warrant register.

On a motion of Councilmember Cole, seconded by Mayor Pro Tem Spear 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.

6.4 Application of Red Curbs Prohibiting Parking on West Side of Adobe Road, North of Two Mile Road.

RECOMMENDATION: Receive and file.

Mayor Pro Tem Spear said that this issue was not about what was done, but how it was done. He said the prior owner never told the new owner about the danger there and he said that there is no document to establish why the curb should be red. Mayor Pro Tem Spear said that they should establish protocol to adhere to.

Councilmember Klink asked if the curb is going to remain red.

Mayor Pro Tem Spear said it is unsafe and will remain red.

Randy Surrant, owner of the Cactus Tavern, thanked the City Council for providing him with an answer to this issue.

On a motion of Councilmember Cole, seconded by Mayor Pro Tem Spear and carried with a 5-0 voice vote, the City Council approved item 6.4 of the Consent Calendar.

8.0 PUBLIC HEARING

8.1 Correction of General Plan Map, changing Land Use Designations from Multi-family Residential (RM) to General Commercial (CG) for property identified as APN 623-033-08.

RECOMMENDATION: Conduct the Public Hearing and Approve Corrections to the Land Use Map.

City Manager Swigart presented a staff report.

Mayor Benton opened the Public Hearing. There were no requests to speak and Mayor Benton closed the Public Hearing.

On a motion of Councilmember Cole, seconded by Councilmember Klink, and carried with a 5-0 roll call vote, the City Council adopted Resolution No. 05-09 approving corrections to the Land Use Map.

8.2 Adoption of Municipal Code Chapter 12.67 Establishing Truck Routes within the City.

RECOMMENDATION: Conduct the Public Hearing, Introduce Ordinance No. 195, and direct staff to bring the matter back to the City Council for adoption.

City Manager Swigart presented a staff report. He said that the Provost Marshall, Chief of Police and Large Trucking Companies would be notified of the changes, and information would be placed on the City's web-site.

Mayor Benton opened the Public Hearing. There were no requests to speak and Mayor Benton closed the Public Hearing.

On a motion of Councilmember Klink, seconded by Councilmember Bernal and carried with a 5-0 roll call vote, the City Council introduced Ordinance No. 195 adopting Municipal Code Chapter 12.67 establishing truck routes within the City and directed staff to bring the matter back to the City Council for adoption.

8.3 Appeal of Planning Commission's Decision Requiring Street Improvements for Minor Subdivision at Utah Trail and Rocky Road for Applicant Brooks Bauer, APN 0590-111-08.

RECOMMENDATION: Per General Plan Circulation Element Street Improvement Requirements, Deny the Appeal.

City Manager Swigart presented a staff report.

Councilmember Cole asked what the width of the street would be if it were paved.

City Manager Swigart said the road would be 28 feet wide.

Mayor Pro Tem Benton opened the Public Hearing.

Brooks Bauer, applicant, told the City Council that he did not think his request to construct two houses in that area is unreasonable. He said the 5-acre parcel that he bought is zoned for 2 ½ acres per residence. He said that if he were required to pave the road 28 feet wide, 1320 feet long he would not build anything on it because it would not be economically feasible. He said he did not believe the City would want to maintain a road like that because the road would wash right out.

City Manager Swigart said that they are looking at two issues. The first issue is appeal by Mr. Bauer of the determination that he has to put a roadway in front of his home. The other issue is that, at the time a building permit is issued there will be a roadway requirement. He said the issue will be going before the Planning Commission and they will study it.

Bauer requested that the City Council make a decision tonight, because if they allow him to start and then they say pave it he might as well pack his bags. He said that he would go broke trying to pave it.

Diane Stevens, Twentynine Palms, spoke in opposition to the Planning Commissions recommendation.

Richard Wooten, Twentynine Palms, spoke in opposition to the Planning Commissions recommendation.

Patrick Massey, Twentynine Palms, spoke in opposition to the Planning Commissions recommendation.

Bob Richards, Twentynine Palms, said if the traffic is going to increase they need to pave it, and he said increased dust becomes a major nuisance.

Rich Meyer, Twentynine Palms, spoke in favor of the Planning Commissions recommendation.

James Mooney, Twentynine Palms, asked the Council if the parcel is four acres and if it is, isn't that changing the density, and he also asked where the easement would be if the road was paved.

D.J. Masker asked for clarification on dimensions of the road. She said if there is a delay in deciding this issue, she would ask for the opportunity for citizens to see where houses had been built on dirt roads in the past two years. She said the beach people are living here and they are not building for the military.

Bud Wiederhold, Twentynine Palms, spoke in opposition to the Planning Commission recommendation.

Mayor Benton closed the Public Hearing.

Councilmember Bernal commented on the differences between a private road and a dedicated road, and asked why Rocky Road was referenced as a local street.

City Manager Swigart said based on the Code requirements each parcel developed would have the street paved adjacent to that property.

Councilman Cole said that he thinks the Planning Commission needs to look at this item again.

Mayor Pro Tem Spear said that he has been on Rocky Road late at night and the road is as real challenge to negotiate. He said that the Waste Management trucks do not go up that road. He said a thorough truck is used so the large trucks are not ruined on that road. He said they are talking about non-engineers laying asphalt down on something that is as bad as that road, and then the City takes responsibility for.

Mayor Benton said that he enjoys the rural flavor of living on a dirt road, and he said his neighbors like it as well. He said that most people who live on dirt roads do so because they choose to.

Following further discussion, a motion was made by Mayor Pro Tem Spear, seconded by Councilmember Bernal and carried with a 5-0 roll call vote, the City Council granted the appeal requested by Brooks Bauer.

9.0 REPORTS, REQUESTS AND COMMUNICATIONS - None

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT AGENCY - None

11.0 FUTURE COUNCIL - INITIATED AGENDA ITEMS -

11.1 Councilmember Cole requested a Resolution from our City supporting a mandate to recoup the attorney fees for frivolous lawsuits.

12.0 CLOSED SESSION - None

13.0 ADJOURN - The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Charlene L. Sherwood CMC, City Clerk