

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
CITY COUNCIL CHAMBERS, 6136 ADOBE ROAD
TWENTYNINE PALMS, CALIFORNIA
TUESDAY, JULY 12, 2005
6:00 P.M.**

MINUTES

- 1.0 CALL TO ORDER** - Mayor Benton called the meeting to order at 6:00 p.m.
PLEDGE OF ALLEGIANCE - Councilmember Klink led the Pledge of Allegiance to the Flag.
INVOCATION - Pastor Al Perez of Companerismo de Creyentes en Cristo, 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 Proclamation and City tile to Daniel Mintz, Sr. recognizing him for many years of community service and the recent completion of two successful years as the Chamber of Commerce President.
- 2.2 Mayor Benton presented a Proclamation and City tile to Jesse Allen honoring him on the occasion of his retirement. Dee Richhart, Chamber of Commerce President, also presented Mr. Allen with a plaque.

3.0 ANNOUNCEMENTS

- 3.1 Mayor Benton announced that these proceedings will be televised on Cable T.V., Channel 6, as follows: Wednesday, July 13, 2005 at 7:00 p.m. and Saturday, July 16, 2005 at 3:00 p.m.

4.0 PUBLIC COMMENTS - None

5.0 CITY COUNCIL COMMENTS

Councilmember Klink said that people should remember it is 110-115 degrees now and he reminded them that they should drink alot of water and wear a hat.

Mayor Pro Tem Spear said that at a fundraiser golf tournament held recently \$1500 was raised for the Twentynine Palms High School and \$1500 was raised for the Yucca Valley High School.

Councilmember Cole offered his thanks to Dan Mintz and Jesse Allen for their time, countless hours and money they have donated to the community.

Councilmember Bernal also offered her thanks to Dan Mintz and Jesse Allen. She reminded everyone to be careful with their pets in this heat.

Mayor Benton also extended his thanks to Dan Mintz and Jesse Allen, and he said to call him if either one of them needed anything from him.

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 \$ 386,866.53.
- 6.3 Approval of Minutes
RECOMMENDATION: The City Council/Redevelopment Agency approve the minutes of the June 28, 2005 meeting.
- 6.4 Chamber of Commerce Report – June 2005
RECOMMENDATION: Receive and file
- 6.5 Annual Resolution for Collection of Solid Waste Collection and Service on the Tax Roll
RECOMMENDATION: Adopt Resolution No. 05-20.
- 6.6 Kelo v. City of New London
RECOMMENDATION: Receive and file.
- 6.7 Lease Copier/Purchase of a Xerox Copier
RECOMMENDATION: The City Council approve the lease/purchase of a Xerox Copier.
- 6.8 Twentynine Palms Highway in the Downtown
RECOMMENDATION: Receive and file.
- 6.9 Adopt Resolution No. 05-22 Implementing the Separation Incentive
RECOMMENDATION: The City Council adopt Resolution No. 05-22 establishing the plan.

Mayor Pro Tem Spear abstained from check no. 37228 on the warrant.

Mayor Benton abstained from check no. 37230 on the warrant.

Councilmember Klink requested item 6.5 be pulled for discussion.

City Manager Swigart requested item 6.6 be pulled for discussion.

Mayor Pro Tem Spear requested item 6.7 be pulled for discussion.

On a motion of Councilmember Cole, seconded by Councilmember Klink 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

6.5 Annual Resolution for Collection of Solid Waste Collection and Service on the Tax Roll

RECOMMENDATION: Adopt Resolution No. 05-20.

City Attorney Munoz presented a staff report.

Councilmember Klink said that he had a concern about the trash bills being placed on the tax bill.

Mayor Pro Tem Spear said that this action is for the betterment of the City.

Councilmember Klink asked why the City did not go after the 1400 people that did not have trash service instead of placing everyone's bill on the tax bill.

City Attorney Munoz said that the City is saving a tremendous amount of money by placing the bill on the tax roll. He said that there were so many people not using the system that the City was going to go forward with a massive code enforcement action. He said that people should bear in mind that trash collection in the City is mandatory and that by having the bill on the tax rolls the people are having a tremendous savings.

Debra McGarrey, representing Waste Management, addressed the City Council's questions, stating that the City's recycling has gone up.

C.J. Horn, Twentynine Palms, told the City Council that people cannot claim the trash service as a tax.

Dan Mintz, Twentynine Palms, said that putting everyone's trash on the tax bill has helped in his area.

On a motion of Councilmember Cole, seconded by Mayor Pro Tem Spear and carried with a 4-0-1 roll call vote (Klink-no) the City Council approved Resolution No. 05-20 for collection of solid waste and service on the tax roll.

6.6 Kelo v. City of New London

RECOMMENDATION: Receive and file.

City Attorney Munoz presented a staff report. He said that there are many differences between what happened in Kelo and what happens in the State of California. He said with respect to a City taking private property from one person and giving it to another, the Redevelopment Agency Laws say, there must be a finding of blight. He said that part of the process is a 4/5 vote on a Resolution of Necessity by the City Council to implement the City taking private property.

Mayor Pro Tem Spear asked the City Attorney some questions for clarification.

Councilmember Cole said the Council has never gone through an eminent domain process and if the proper planning is done now he does not see the City ever going through an eminent domain situation.

On a motion of Councilmember Cole, seconded by Councilmember Klink and carried with a 5-0 voice vote, the City Council received and filed the report of Kelo v. City of New London.

6.7 Twentynine Palms Highway in the Downtown
RECOMMENDATION: Receive and file.

City Manager Swigart presented a staff report. He said the recommendation is that the City Council should proceed with the downtown specific plan this year and they should include traffic issues as an integral part of the plan, including the design of the streets, pedestrian right of ways, circulation and parking. City Manager Swigart said that he feels they can wait until the plan is done and take action at that time, however, if the City Council thinks the matter is urgent staff is prepared to move forward.

Councilmember Cole said that he has thought that in addition to the parking issues, there is also a speed issue, and he suggested that the road be turned into a two lane highway with a center turn lane or left hand turn pockets. He said that his only concern with taking parking off of the highway now is that people will go faster.

Mayor Pro Tem Spear said that he did not believe this was a routine matter and it should not have been placed on a consent calendar. He said he thinks it is an urgent matter as it addresses public safety, just as Adobe Road addressed public safety. He said that there is insufficient room for parking on the south roadway edge.

Councilmember Bernal said that she has always thought the area was too narrow for parking.

Councilmember Cole asked Councilmember Bernal and Mayor Pro Tem Spear, if they thought this would inadvertently increase speed.

Mayor Pro Tem Spear said that this is something that needs to be referred to the Chief of Police. He said that he wants to address the safety of pedestrians.

Councilmember Bernal said that you cannot see the pedestrians.

City Manager Swigart said that there are things that can be done as part of a long term plan. He said the issue on hand is if the City Council wants to deem this as an urgent matter. He suggested that there be no more findings made with a motion other than recognizing this issue as urgent.

Mayor Pro Tem Spear said that the Council has asked for things and they have not come to fruition. He wanted to know what kind of deadline they are looking at to incorporate a short-term fix, in a rapid manner, to ensure the improved safety of the citizens as they cross Tamarisk and as they drive down that roadway. He wanted to know what could be done in 90 days.

City Manager Swigart said eliminating parking, improving line of sight issues and reducing the speed again in the downtown could be done.

Mayor Pro Tem Spear asked for a bi-weekly report.

Pat Massey, Twentynine Palms, said that the lane itself to the right is not wide enough for a vehicle pulling a trailer, and he agrees that it needs to be changed.

Jim Harris, Twentynine Palms, said that he lost a car door downtown and he thinks it is hazardous driving downtown. Mr. Harris asked if the City could take a 30-day period and eliminate parking in the area. He also said that the speed sign at the bottom of Donnell Hill is a great reminder when you are speeding, but it just doesn't work that often.

Milt Merritt, Twentynine Palms, spoke to the City Council about a request he had concerning Sunrise Road.

Bill Easter, Twentynine Palms, agreed that there is a problem with the traffic downtown, and he said there is also a problem with the palm trees creating a visibility problem. He said that he was concerned that if the cars were removed from downtown it would create a ghost town. He also suggested changing the speed limit on the west side of Donnell Hill.

On a motion of Mayor Pro Tem Spear, seconded by Councilmember Cole and carried with a 5-0 voice vote, the City Council approved that the City staff will provide a report communicating what direct actions they will take, when they will take it, and when they will contact Caltrans in regards to these actions. Staff was directed to report back to the City Council the first meeting in August.

8.0 PUBLIC HEARING

- 8.1 Twentynine Palms Lighting and Landscaping Assessment District #1, - Public Hearing, Confirming Assessment and Levying Assessment for Fiscal Year 2005-2006.
RECOMMENDATION: Conduct the Public Hearing and adopt Resolution No. 05-21, confirming diagram and assessment and levying assessment for fiscal year 2005-2006.

City Manager Swigart presented a staff report.

Mayor Benton opened the Public Hearing.

Mayor Benton closed the Public Hearing.

Councilmember Cole asked if assessment districts would be the manner used for septic disposal in the future.

City Manager Swigart said that in the future a homeowners association would be set up to keep it from being a City matter.

Councilmember Klink asked how many people it would take to maintain the area.

Mayor Benton pointed out that there was a budget of \$24,000 for maintenance.

City Manager Swigart said it would take a ½ person, plus tools and a vehicle.

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. 05-21 confirming diagram and assessment and levying assessment for Fiscal Year 2005-2006.

9.0 REPORTS, REQUESTS AND COMMUNICATIONS - None

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT - None

11.0 FUTURE COUNCIL-INITIATED AGENDA ITEMS - None

12.0 CLOSED SESSION

12.1 Closed Session Pursuant to Government Code Section 54957
Public Employee Performance Evaluation – City Manager

13.0 ADJOURN – Mayor Benton adjourned the meeting to Closed Session at 7:17 p.m.

The closed session ended at 8:30 p.m. with no action being taken.

Respectfully submitted,

Charlene L. Sherwood CMC, City Clerk