

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
CITY COUNCIL CHAMBERS, 6136 ADOBE ROAD
TWENTYNINE PALMS, CALIFORNIA
TUESDAY, MAY 09, 2006
6:00 P.M.**

MINUTES

- 1.0 CALL TO ORDER** – Mayor Cole called the meeting to order at 6:00 p.m.
PLEDGE OF ALLEGIANCE – Councilmember Benton led the Pledge of Allegiance.
INVOCATION - Bishop Layne Gardner, El Paseo Ward; Church of Jesus Christ of Latter Day Saints gave the Invocation.
ROLL CALL – The following Councilmembers were present: Benton, Bernal, Klink, Spear and Mayor Cole.

**Closed Session – Pursuant to Government Code Section 54957
Personnel Issue, City Manager Recruitment**

The City Council went into closed session at 6:04 p.m. After the Closed Session City Attorney Patrick Munoz announced the City Council had appointed Michael Tree as the new City Manager upon the retirement of City Manager Michael Swigart.

Michael Tree addressed the City Council stating that his job will be to fulfill the wishes of the City Council.

Mayor Cole said that Michael Tree has done a fantastic job at the Morongo Basin Transit Authority and he is sure that he will continue to do so as City Manager.

2.0 SPECIAL RECOGNITION AND PRESENTATIONS

2.1 Proclamation Recognizing National Law Enforcement Week (Blue Ribbon Week).

San Bernardino County Sheriff's Specialist Anita Baker presented the City Council with Blue Ribbons recognizing Law Enforcement Week.

Mayor Cole read a Proclamation in support of Law Enforcement Week in the City of Twentynine Palms.

3.0 ANNOUNCEMENTS

- 3.1** Mayor Cole announced these proceedings will be televised on Cable T.V., Channel 6, as follows: Wednesday, May 10 at 7:00 p.m. and Saturday, May 13, 2006 at 3:00 p.m.

4.0 PUBLIC COMMENTS

Granton Mark, Twentynine Palms, spoke to the City Council about Waste Managements bills being placed on the tax rolls. He also said that he has not had any trash containers.

Dee Ritchhart, President Twentynine Palms Chamber of Commerce, spoke to the City Council about the Branding Survey. She said that people can access the survey by going to the Chamber of Commerce website. Ms. Ritchhart announced that the Chamber Mixer will be held on May 18th at the Old School House Museum and the Street Fair will be on June 2nd.

Mr. Anonymous, Twentynine Palms, said that the P.A. system does not work very well. He also said that he would like someone to come and speak to the City Council and the public about the Brown Act.

5.0 CITY COUNCIL COMMENTS

Councilmember Spear said that he might miss the next meeting because his son Jay is returning from Baghdad.

Mayor Pro Tem Klink said that kids are our future, and we should take good care of them.

Mayor Cole said that the Luckie Park Pool is opening soon. He said that there have been major renovations to the pool and there are many amenities to the parks and people should thank staff for the improvements.

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 Register

RECOMMENDATION: Receive and file register totaling \$1,015,316.32.

6.3 Approval of Minutes

RECOMMENDATION: The City Council/Redevelopment Agency approve the minutes of the April 25, 2006 meeting.

6.4 Budget Amendments

RECOMMENDATION: The City Council/Redevelopment Agency a.) approve the amendments to the budget for Fiscal Year 2005/2007 and establish the wage scale for 2006/2007 by adoption of Resolution No. 06-05, b.) amend the Fee Schedule for Fiscal Year 2006/2007 by the adoption of Resolution No. 06-06, c.) establish the Proposition 4 spending limit for Fiscal Year 2006/2007 by adoption of Resolution No. 06-07, d.) approve the City Investment Policy e.) adopt the Sheriff's Contract Schedule "A" for the Fiscal Year 2006/2007, in the amount of \$2,004,603, and f.) approve the Capital Investment Plan. The City Council may act on these items all in one motion.

6.5 Article 8 Claim

RECOMMENDATION: The City Council authorize the filing of a Local Transportation Fund (LTF) Article 8, Local Streets and Roads Claim in the amount of \$583,785.

- 6.6 Amendment to Expense Reimbursement Policy
RECOMMENDATION: Adopt Amendment to the Expense Reimbursement Policy.
- 6.7 Chamber of Commerce Report – April 2006
RECOMMENDATION: Receive and file.
- 6.8 Community Development Block Grants (CDBG) Funding for Fiscal Year 2006/2007
RECOMMENDATION: Receive and file.

Councilmember Spear abstained from Item No. 6.2, Check No. 39032 on the Consent Calendar.

Mayor Cole requested Item 6.4, Budget Amendments, be continued to the May 23, 2006 City Council Meeting.

On a motion of Councilmember Spear, seconded by Councilmember 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

On a motion of Councilmember Benton, seconded by Councilmember Spear and carried with a 5-0 roll call vote, Item 6.4 was continued to the May 23, 2006 City Council meeting.

8.0 PUBLIC HEARINGS - None

9.0 REPORTS, REQUESTS AND COMMUNICATIONS - None

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT

- 10.1 Burrtec - Waste Management Franchise Agreement Transfer
RECOMMENDATION: The City Council approve the transfer of the franchise to Burrtec Waste and Recycling Services subject to terms of new agreement with Burrtec.

City Attorney Munoz presented a staff report to the City Council.

Mac Dube, Twentynine Palms, said that he hopes that the good storm clean-up remains the same.

Granton Mark, Twentynine Palms, said that the City should run the trash service like the school district runs the school busses.

Jay Corbin, Twentynine Palms, told the City Council that he likes the new trash receptacles that have been placed on Adobe Road and Highway 62.

Mr. Johnson, Twentynine Palms, said that he has had problems with the Waste Management trucks leaving automotive fluid in his driveway. He said that he would like Waste Management to clean it up. He also said that the Waste Management trucks are dilapidated.

City Attorney Munoz suggested that Mr. Johnson call him so that they could discuss his concerns.

Councilmember Benton said that Mayor Cole and Councilmember Spear were on the trash task force, and he said that they did a great job.

Mayor Pro Tem Klink also agreed that the Burrtec contract is a good one, and that the AB939 requirements have been met. He said that the 96 gallon recycle containers will be great.

On a motion of Mayor Pro Tem Klink, seconded by Councilmember Spear, and carried with a 5-0 roll call vote, the City Council approved the transfer of the franchise to Burrtec Waste and Recycling Services subject to terms of the new franchise agreement with Burrtec.

10.2 City Manager Employment Agreement

RECOMMENDATION: The City Council take action as appropriate.

City Attorney Munoz presented a staff report to the City Council and went over the City Manager Michael Tree's Employment Agreement.

Liz Meyer, Twentynine Palms, said that Morongo Basin Transit Authority has made great strides under Michael Tree. She said congratulations to the City Council and to Michael Tree in his new position.

Mayor Cole said that Michael Tree is a local resident and already lives in Twentynine Palms.

Councilmember Benton said that there were a lot of choices for the City Manager position, and it was a challenge selecting the final candidate.

On a motion of Councilmember Benton, seconded by Mayor Pro Tem Klink and carried with a 5-0 roll call vote, the City Council approved the Employment Agreement for the City Manager.

10.3 Downtown Traffic – Placement of Red Curbs on Twentynine Highway

RECOMMENDATION: Discuss, make determination.

City Manager Swigart presented a staff report to the City Council. He reported that the traffic study has not been complete.

Councilmember Spear said that he requested a discussion of this topic because he is interested in obtaining a long term viable solution to the downtown parking.

Councilmember Benton agreed with Mayor Cole that they should wait for the complete traffic study. He said that he understands Councilmember Spear's concerns, but he wants to would like to for the traffic study.

Mayor Cole said that Public Safety is the City Council's utmost concern. Richard Pederson, City Engineer, said that they must do the study to be able to quantify the problem. He suggested that the Consultant be allowed to complete the study so that the City Council can make an informed decision.

City Manager Swigart said that he hopes the study will be completed in June.

11.0 FUTURE COUNCIL INITIATED ITEMS - None

12.0 CLOSED SESSION - The City Council will discuss this item under section 1.0.

- 12.1 Closed Session – Existing Litigation, Pursuant to Government Code Section 54969.9 (a)
Name of Case: In re: Adelpia Communications Corporation, et al, United States Bankruptcy Court, Southern District of New York, Case No. 02-41729
- 12.2 Closed Session – Conference with Legal Counsel – Re: Initiative of Litigation Government Code Section 54956.9 ©, I case

13.0 ADJOURN – The City Council meeting adjourned at 7:57 p.m. to Closed Session. The Closed Session ended at 8:45 p.m. with the City Council giving direction to staff.

Respectfully submitted,

Charlene L. Sherwood CMC, City Clerk