

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING
6136 Adobe Road
Twentynine Palms, CA 92277
www.ci.twentynine-palms.ca.us
Tuesday, March 25, 2008
6:00 P.M.**

MINUTES

- 1.0 CALL TO ORDER** - Mayor Bernal called the meeting to order at 6:00 p.m.
PLEDGE OF ALLEGIANCE - Councilmember Harris led the Pledge of Allegiance to the Flag.
INVOCATION - Pastor Chris Wagner, Joshua Springs Calvary Church gave the Invocation.
ROLL CALL – The following Councilmembers were present: Flock, Harris, Klink, Spear and Mayor Bernal

2.0 SPECIAL RECOGNITION AND PRESENTATIONS

- 2.1 The Mayor will present a Resolution No. 08-10, a Resolution of Support to First District Supervisor Brad Mitzelfelt

RECOMMENDATION: The City Council adopt Resolution No. 08-10, a Resolution of support for Brad Mitzelfelt to be elected First District Supervisor of the County of San Bernardino Board of Supervisors in the coming election.

On a motion of Councilmember Klink, seconded by Mayor Pro Tem Spear and carried with a 5-0 roll call vote, the City Council approved Resolution No. 08-10 supporting Brad Mitzelfelt to be elected First District Supervisor of the County of San Bernardino Board of Supervisors in the coming election. Mayor Bernal presented the resolution to Mr. Mitzelfelt, and he said it was a great honor to receive the resolution. He said that Twentynine Palms is a special place and he is accessible if people need to speak to him.

- 2.2 Mayor Bernal will present a Proclamation to the American Diabetes Association

Mayor Bernal presented a Proclamation to Ms. Leslie Pepper, Marketing Manager in the Desert for the American Diabetes Association. Ms. Pepper thanked the City Council for allowing her to come to the meeting and spoke about Diabetes.

3.0 ANNOUNCEMENTS

- 3.1 Mayor Bernal announced that these proceedings will be televised on Cable T.V. Channel 10, as follows: Friday, March 28, 2008 at 7:00 p.m. and Saturday, March 29, 2008 at 5:00 p.m.

4.0 PUBLIC COMMENTS

4.1 Dave Smith, Twentynine Palms, spoke to the City Council about people speeding. He said that the problem areas need to be looked at.

Mayor Pro Tem Spear and Councilmember Harris said that there are Deputies near the motel and Donnell Hill.

Charlie Brown, Twentynine Palms, told the City Council the food pantry is closing

Mayor Pro Tem Spear asked for a staff report concerning the food pantry be placed on a future agenda.

5.0 CITY COUNCIL COMMENTS

Councilmember Klink said that he attended the Lt. Dan concert aboard the base and had a nice time. He wished several people a Happy Birthday for March. He also said that if people are interested in the Adopt a Street Program they should contact Cindy Villescascas.

Mayor Pro Tem Spear said this is the Anniversary of 5 years of war and the death of 4,000 troops. He asked that people pray for the war to end soon.

Councilmember Flock said that they met with Congressmen Lewis and heard discussion of building a cultural center. He said the Kurt Sauer, Park Superintendent is doing an excellent job with the Joshua Tree National Park.

Councilmember Harris said he attended the 24th Anniversary of the City/County Conference with the Mayor and the City Manager, and he said that it was a nice event.

Mayor Bernal said she attended the City/County Conference and it was a very informative two days. She suggested on March 29th people turn their lights out for an hour in support of conserving energy. Mayor Bernal said that a new trade school has opened – Elite Cosmetology, in Yucca Valley, owner Holly Griffin. Mayor Bernal read the new toll-free phone number for Burrtec Waste and Recycling.

Councilmember Klink said the 50th Annual Basketball Tournament is taking place in Twentynine Palms next weekend. He said that 40 teams are taking part and the hotels in town are full. He also said the Grand Prix Motorcycle Races are coming up soon and are fun to watch.

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 \$358,231.02.

- 6.3 Approval of Minutes
RECOMMENDATION: The City Council approve the minutes of the March 11, 2008 City Council meeting.
- 6.4 Law Enforcement Report – January 2008
RECOMMENDATION: Receive and file.
- 6.5 Release Performance Securities for Tract Map No. 16729, 16729-1
RECOMMENDATION: Find that the construction of various improvements required for Tract Map 16729 and 16729-1 is complete, and approve the 75% reduction of the performance securities.

Mayor Pro Tem Spear abstained from Item No. 6.2, check no. 43337 on the warrant register due to a possible conflict of interest.

On a motion by Councilmember Klink, seconded by Councilmember Harris 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

8.0 PUBLIC HEARING

- 8.1 PC 06-51 - An Application by Granite Construction Company for the Twentynine Palms Mine Expansion and Reclamation Project. The Project Includes a General Plan Amendment and Change of Zoning from RL 2.5 (Rural Living) to IC (Community Industrial), and Conditional Use Permit for a 356 Acre Expansion to the Existing 113.5 Acre Mine Site, Through 2092. The Site is Located at 7451 Mojave Road. The Expansion Area is Located South and West of the Existing Mine Site, IC and RL 2.5 Zones, APN 0591-301-04, 0591-301-05, 0591-341-06, 0591-341-07,-08, and 0592-021-19, T1S, R10 E Section 6 and T1S, R9E, Section 1.
RECOMMENDATION: Open the Public Hearing, take testimony and continue the Public Hearing to a date certain.

This item was cancelled at the request of the Applicant.

- 8.2 PC 07-72 – An application by Evergreen Real Estate Development on behalf of Walgreens, for a proposed 14,820 sq. ft. retail store on 1.19 acres, at 73365 Twentynine Palms Highway. The application includes a General Plan Amendment and Zone Change from RM-SP#4 to CG, an Amendment to Specific Plan #4, a Conditional Use Permit for a drive-through, a Variance for parking and lot coverage, and a Right of Way Vacation for the 20' wide alley between Oasis Avenue and Pine Avenue, Zone CG and RM-SP#4, T1N, R9E, Section 32, APN 0617-107-07 through -15.
RECOMMENDATION: Conduct the Public Hearing, consider public comment, adopt the Negative Declaration, adopt Resolution No. 08-08, introduce Ordinance No. 208 and approve the project, subject to the attached Conditions.

Community Development Director Meyerhoff (Director Meyerhoff) presented a Staff Report to the City Council. He said that the application has been amended by the Evergreen Real Estate Development to reduce the size of the parking lot and the number of parking spaces from 74 to 60 and to relocate a driveway.

Mayor Bernal opened the Public Hearing.

Paul Smith, Twentynine Palms, said that he hopes that natural desert plants will be used for the project.

Brad Rabel, representing Evergreen, spoke to the City Council about the project. He said that one of the biggest challenges with the project was parking and finding boundaries acceptable to the City and Walgreens.

Councilmember Flock was concerned about granting a variance to reduce the number of parking space and said that he did not want to start a precedent for other projects in the future. He asked if the store could be made smaller so that a parking variance would not be necessary.

Mr. Rable said that they tried to do that but could not achieve a size reduction.

Mayor Pro Tem Spear and Councilmember Harris said that there was no impact because of parking.

Paul Smith said the Rite Aid building is beautiful and he supports the Walgreen project.

Carol Barret, Twentynine Palms, said that she is in support of the project.

Sabrina Peukert, Yucca Valley, said that this project will be a great addition to Twentynine Palms.

Bill Easter said that as a Planning Commissioner, this is what the Commission wanted. He said with Bucky Bucklin Park part of the downtown area it will become a walkable downtown with the Walgreens there.

Following further discussion, a motion was made by Councilmember Klink, seconded by Mayor Pro Tem Spear and carried with a 4-1 roll call vote (Flock-no) to adopt Resolution No. 08-08. City Clerk Sherwood was directed to read Ordinance No. 208 by title only, thereby introducing the Ordinance.

9.0 REPORTS, REQUESTS AND COMMUNICATIONS

- 9.1 Presentation by Kathleen DeRosa, Public Affairs Regional Manager, Southern California Edison on Alternative Energy Technologies Available to Residents
RECOMMENDATION: The City Council receive the report.

Kathleen Derosa, Southern California Edison (SCE) public affairs regional Manager updated the City Council about several programs SCE is offering. She

told them about the California Solar Initiative, the In-Home Energy Audit and Rebate Programs. Ms. Cynthia Garcia said that she is the representative to the City for facilities and the said customers should let SCE sign up for the program that allows SCE to take control of their compressor for rebates.

Councilmember Harris said that he is an advocate for the programs and services because his mother was helped by them.

9.2 Introduction of Mr. Louis Betancourt, Acting Deputy District Director of Planning, Caltrans District 8.

RECOMMENDATION: Receive introduction and report of Mr. Betancourt.

Mr. Louis Betancourt, Acting Deputy District Director for Caltrans District 8, spoke to the City Council about three projects planned for this year. He said there is an asphalt overlay on Twentynine Palms from Copper Mountain Road to Encelia Avenue, scheduled to begin in June or July; installation of a traffic signal at Larrea Avenue and Twentynine Palms Highway in June or July, and installation of a left turn lane on Twentynine Palms Highway from Canyon Road to Easy Street to begin sometime in the fall.

Mayor Pro Tem Spear, and Councilmembers Harris and Klink asked Mr. Betancourt why the turn lane project originally scheduled to extend from Canyon to Sunrise was cut back, especially due to the number of accidents and fatalities in that area over the years. Councilmember Harris said he was at a loss as to leaving out that quarter of a mile.

Mr. Betancourt said that portion was left out due to construction costs. He explained that \$1.3 million has been allocated for the project with the City paying \$300,000 and Caltrans paying \$1 million. He said it is possible the City could receive all or part of the money back because bids have been coming in under what was anticipated. He said that the final portion could be included for construction at a later date but he was not sure where the money would be coming from.

Mayor Pro Tem Spears questioned Mr. Betancourt about several additional items, including the crosswalk markings at Mariposa Avenue and Twentynine Palms Highway, and the left turn lane at Stater Bros. and the Highway.

Mr. Betancourt said that the Caltrans area Superintendent from Yucca Valley should be addressing these issues. He said that he would follow up with Highway issues in Twentynine Palms.

Councilmember Harris thanked Mr. Betancourt for coming to the City Council meeting.

D.J. Masker, Twentynine Palms, asked that representatives from Caltrans come back for a Public Hearing.

Mayor Bernal called for a recess at 8:11 p.m. The meeting resumed at 8:27 p.m.

9.3 Discussion of Community Workshops and Survey Results

RECOMMENDATION: The City Council receives the staff report and provides direction as appropriate.

Mr. Frank Spevacek, RSG, presented a power point presentation to the City Council. He explained the progress that has taken place with the Community Workshops and the Survey results. He told the City Council of his recommendation not to do a comprehensive general plan update. He recommended they should look at the individual elements and make sure they are vertically integrated. He said to look at the community desires to maintain and enhance open space, and concentrate commercial development in more selective areas. He said they should move forward and improve development standards to promote higher quality development. He also recommended working with the City Attorney to figure out a way to best address the environmental impact needs associated with the general plan. Mr. Spevacek said currently at this time there is not a General Plan Environmental Impact Review (EIR) that covers the General Plan for this City, and it would be wise to start looking at ways to address this.

Councilmember Flock asked if the environmental review would have to be adjusted every time the density changed.

City Attorney Munoz responded that if a comprehensive EIR that addresses these issues on a City-wide basis were in place, any new development projects could piggy back on that EIR report.

Councilmember Klink asked Mr. Spevacek if this means residential and commercial. He said the survey says that people want retail and restaurants and if the price to build is increased they are not going to want to build here

Mr. Spevacek said his recommendation is to do it for residential and commercial.

Mayor Pro Tem Spear thanked Mr. Spevacek for being there tonight. He asked if 11% response rate is considered a valid number for the surveys.

Ms. Keri Bullock, League of California Cities, responded that the typical response rate is around 4%.

Mayor Pro Tem Spear said that he wants to be able to say to the public that RSG provided them a road map to build the City they want to build.

Ms. Carol Barrett, Twentynine Palms, asked what the total percentage of the total number of surveys was.

Ms. Keri Bullock said she did not have those statistics with her but she would get them. She said that 1570 surveys were the actual amount they counted.

Paul Smith, Twentynine Palms, asked if there was a statistical way to measure the survey results.

Dave Smith, Twentynine Palms, commented that renters were not included in the survey.

Bill Easter, Twentynine Palms, said he did not realize that this was about reducing the population or the build out in Twentynine Palms. He was also concerned that renters were not included in the survey, and he said that the City cannot control the number of people on the base.

Mayor Pro Tem Spear said he would like staff to come back with a series of options to evaluate and discuss.

Councilmember Flock agreed with Mayor Pro Tem Spear, and said they will need to look at the consequences and who will be affected. Councilmember Flock also asked for an explanation of an alluvial fan.

City Attorney Munoz recommended that the City Council hear a detailed explanation from Mr. Spevacek to fill in the details of the information that has already been provided.

Mr. Spevacek explained that an alluvial fan is when water flows out of the mountain areas and creates a fan of soil that runs out into runoff areas. It is the movement of soil and earth coming off the hills from water courses and then fanning out and creating an area where the soil is unstable or becomes a larger drainage course.

City Manager Tree said that a study session will be scheduled for further discussion per City Council direction.

- 9.4 Update of Work Performed by Joint Committee of the Twentynine Palms Water District and the City of Twentynine Palms Currently Reviewing a Potential Transfer of the Twentynine Palms Fire Department to the City.
RECOMMENDATION: The City Council receive the staff report and provide direction as appropriate.

City Manager Tree presented a staff report to the City Council. He said the joint Committee of two members of the City Council and two members of the Water Board decided on Option C: Fire Department jurisdiction is transferred to the City within City boundaries and the Water District contracts with the City for fire service in the unincorporated areas. He said that staff has developed a Request for Proposals (RFP) for an auditor or consultant to look into the details of how this transaction would impact the District and the City. City Manager Tree said that staff is seeking direction for the RFP and said the cost would be slightly over \$15,000.

Councilmember Klink asked what the timeframe would be for the project. City Manager Tree said the successful consultant should have the project completed by May 16th. It would then be presented to the task forces and then brought to the City Council before the end of the fiscal year.

On a motion of Councilmember Klink, seconded by Councilmember Harris and carried unanimously the City Council approved hiring a consultant, at a cost not to exceed \$17,000 to study the recommendation of the joint committee task forces.

9.5 Request from Burrtec Waste and Recycling Services LLC (“Burrtec”) for City Council Consent to Approve Amendments to it’s Franchise Agreement with the City to Provide Solid Waste Handling Services.

RECOMMENDATION: Approve the First Amendment to the Agreement between The City of Twentynine Palms and Burrtec Waste and Recycling Services LLC for Solid Waste Handling Services and adopt Resolution No. 08-09.

City Attorney Munoz presented a staff report to the City Council. He explained that the City has been approached by Burrtec stating that the reality of keeping the office and yard open on Amboy Road is very expensive, that they have virtually no one that comes into utilize it and they are having problems with security such as graffiti and vandalism. He said that Burrtec has asked that they not have the requirement to have the office physically opened and manned in the City.

City Attorney Munoz outlined the amendment to the Burrtec contract that was negotiated by staff.

Mayor Pro Tem Spear suggested that the office and yard be closed down completely and he said that the payment centers were not necessary.

Frank Orlett, District Manager for Burrtec agreed that the entire operation at Amboy Road should be closed and they will pick up all recyclable items at the curb.

Councilmember Harris said that periodically the site will have to be checked for vandalism.

D.J.Masker, Twentynine Palms, said she is concerned that e-waste left on the curb will be vandalized. She also said that there is no recycling system for multiple dwelling areas, and she asked where that should be taken.

Councilmember Harris asked what time the trucks were supposed pick up

City Attorney Munoz recommended that the City Council adopt the Resolution and authorize amending the contract reflecting their discussion to the City Attorney or Mayor’s satisfaction and that would enable them to sign off on the contract without having to bring it back again.

City Attorney Munoz proposed language that would be incorporated into the contract. He said in addition to the e-waste that will be picked up at no charge, the recycable materials that are currently allowed to be picked up at the yard would be picked up at the curb at no additional charge. He said that he will talk with Mr. Orlett regarding the wording of the amendment.

On a motion of Councilmember Klink, seconded by Mayor Pro Tem Spear and carried with a 5-0 roll call vote, the City Council approved staff recommendation to amend the contract and approve Resolution No. 08-09.

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT - None

11.0 FUTURE COUNCIL INITIATED ITEMS - None

12.0 CLOSED SESSION

12.1 Property Acquisition – Conference with Real Property Negotiator, Michael Tree
618-222-01, 618-222-04, 620-091-01 through 02, 10, 11, 12, 13, 14, 15, 16, 17.

13.0 ADJOURN - The City Council meeting adjourned at 9:37 p.m. to Closed Session. The Closed Session ended at 10:05 p.m. with no action being taken.

Respectfully submitted,

Charlene L. Sherwood CMC, City Clerk