

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY  
CITY COUNCIL CHAMBERS, 6136 ADOBE ROAD  
TWENTYNINE PALMS, CALIFORNIA  
www.ci.twentynine-palms.ca.us  
TUESDAY, May 27, 2008  
6:00 P.M.**

**MINUTES**

- 1.0 CALL TO ORDER** – Mayor Bernal called the meeting to order at 6:02 p.m.  
**PLEDGE OF ALLEGIANCE** – Councilmember Harris led the Pledge of Allegiance to the Flag.  
**INVOCATION** – Pastor Joseph Matoush gave the Invocation.  
**ROLL CALL** - The following Councilmembers were present: Flock, Harris, Spear and Mayor Bernal. Councilmember Klink arrived at 6:25 p.m.

**2.0 SPECIAL RECOGNITION AND PRESENTATIONS-**

2.2 Introduction of Twentynine Palms Youth Advisory Commission

Kevin Cole, Twentynine Palms Youth Advisor introduced the Youth Advisory Commission members Ariella Warner, Daniel Douglas, Xavier Candelaria, Randy Smith, Jaren Rice, Jonathan Livingston, Katherine Mount, Elizabeth Fleck, Jawon Rice, and Morgan Cole.

**3.0 ANNOUNCEMENTS**

- 3.1 Mayor Bernal announced these proceedings will be televised on Cable T.V., Channel 10, as follows: Saturday, May 31, 2008 at 7:00 p.m. and Friday, June 6, 2008 at 5:00 p.m.

**4.0 PUBLIC COMMENTS**

- 4.1 Anonymous, spoke in opposition of the NuWu Casino.

Merl Travers, Twentynine Palms, spoke in support of Tops Taxi Company and thanked Mayor Pro Tem Spear for getting the trash rates reduced in the past.

Pat Flanagan, Twentynine Palms, spoke in support of the Mojave Desert Land Trust and provided five DVD copies of Climate Change and California Desert to the City Council.

Steve Van Duser, Twentynine Palms, spoke in support of the plastic bag ban.

**5.0 CITY COUNCIL COMMENTS-**

Mayor Pro Tem Spear presented checks to three youth Neighborhood Cleanup Program participant groups who cleaned up neighborhoods in

February, March and April. The checks were presented to: Twentynine Palms High School Boys Basketball Team, Palm Vista Elementary School, and Boy Scout Troop 77. Each check was for \$750. He said of that \$750, \$300 comes from Burrtec, \$100 comes from Mike Duncan at Triad Realty, \$200 comes from special grant funds obtained by the City of Twentynine Palms, and \$150 comes from Granite Construction.

Councilmember Harris reminded the public to pick up the newspaper and telephone books left in the driveways of vacant homes; he said the newspapers have gotten out of hand. He said he attended the Change of Command on base and it was a moving service. He also said the stripping on Adobe Road is horrible.

City Engineer Pedersen said the yellow is temporary and it was not the finished product. He said the thermoplastic is pending completion.

Councilmember Flock said he missed the last City Council because he was in North Carolina and that he noticed when he got back that the roadwork is gradually coming along.

Mayor Bernal said she wrote an article for the Chamber of Commerce newspaper. She said she forget to mention The Sun Runner in her listings of where to get information about on goings in the City. She reminded the public to visit the Chamber of Commerce website at [www.29chamber.com](http://www.29chamber.com). She said June 26<sup>th</sup> there would be an informal meeting with Councilmember's called the Council Connection at the Chamber of Commerce at 6 p.m. She said she attended the change of command on base and that is was a great ceremony, she welcomed General Gurganus.

Councilmember Klink apologized for being late to the meeting and wished the Youth Commission well. He reminded everyone to vote on June 3<sup>rd</sup>.

## **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 \$466,798.73.
- 6.3 Approval of Minutes  
RECOMMENDATION: The City Council approve the minutes of the May 13, 2008, City Council meeting.
- 6.4 Mesquite Springs Road Re-Alignment Project  
RECOMMENDATION: Award the contract for the "Mesquite Springs Road Re-Alignment Project" to Match Corporation for the amount of \$432,432.

- 6.5 Adoption of Measure I Two-year Plan for fiscal years 2008-09 through 2009-10

RECOMMENDATION: The City Council adopt Resolution No. 08-13 approving the Plan.

Mayor Pro Tem Spear requested item 6.5 be pulled for comment.

Mayor Pro Tem Spear abstained from Check No. 43,741 of the warrant register due to possible conflict of interest.

On a motion made by Councilmember Klink, seconded by Mayor Pro Tem Spear and carried with a 5-0 roll call vote the City Council approved the remainder Consent Calendar.

## **7.0 ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION AND/OR ADDED AGENDA ITEMS-**

- 6.5 Adoption of Measure I Two-year Plan for fiscal years 2008-2009 through 2009-10.

RECOMMENDATION: The City Council adopt Resolution No. 08-13 approving the Plan.

Mayor Pro Tem Spear had concern that item 9.7 regarding the widening of highway 62 may exceed expenditure levels.

On a motion made by Mayor Pro Tem Spear, seconded by Councilmember Harris and carried with a 5-0 roll call vote Item 6.5 was approved.

## **8.0 PUBLIC HEARINGS-**

- 8.1 Adoption of San Bernardino County Food /Establishment Grading System

RECOMMENDATION: Conduct the Public Hearing, consider public comment, and direct the City Clerk to introduce Ordinance No. 216 and read by title only.

Director Meyerhoff presented a Staff Report to the City Council.

Mayor Bernal opened the Public Hearing.

Mayor Bernal closed the Public Hearing after having no comments from the public.

Councilmember Klink said he thought it was a good idea to post grades in the restaurants.

Mayor Bernal directed Deputy City Clerk Jacqueline Palmer to introduce Ordinance No. 216.

Deputy City Clerk Palmer introduced Ordinance No. 216 reading by title only.

Councilmember Harris agreed that it was a good idea to post the grades.

On a motion made by Councilmember Flock, seconded by Councilmember Harris and approved with a 5-0 roll call vote the City Council conducted the Public Hearing, considered public comment, and directed the City Clerk to introduce Ordinance No. 216 and read by title only.

- 8.2 PC 08-05 Appeal of Planning Commission's April 1, 2008 declaration of a public nuisance at 6648, 6650, 6652 Smoketree Avenue (APN 0617-123-13), which directed the property owner to make all necessary repairs within thirty (30) days, with the provision that should the owner fail to make all necessary repairs, staff was directed to obtain an abatement warrant and demolish the nuisance.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, adopt Resolution No. 08-18, affirming the Planning Commissions declaration that 6648, 6650, and 6652 Smoketree Avenue is a substandard building and a public nuisance, and uphold the order to demolish the building.

Director Meyerhoff presented a Staff Report to the City Council.

Mayor Bernal opened the Public Hearing.

Mrs. Erbacher, property owner spoke to the City Council requesting time to make necessary repairs on her properties.

Mr. Massey, Attorney representing Mrs. Erbacher spoke to the City Council saying his client would like to work with the City in getting the necessary repairs completed.

Gary Blackman, Code Enforcement Office for the City of Twentynine Palms said the costs for refurbishment to the properties were over \$60,000.00.

Nicole Panter, Twentynine Palms asked the City Council what time line Mrs. Erbacher was asking for.

Charles Erbacher, Son of Mrs. Erbacher spoke to the City Council saying he would be able to do the repairs on the properties but he did not have a contractor's license.

Mayor Bernal closed the Public Hearing.

Mayor Pro Tem Spear said the property is not acceptable.

Councilmember Harris said the work on the buildings needs to be professionally done by a contractor who is licensed.

Councilmember Flock asked if the property is in the Redevelopment

Agency and could possibly work with staff to apply for some RDA funds.

City Manager Tree responded the City had not had that discussion regarding the funds. He suggested the appellant hire a contractor to evaluate the building at their expense.

On a motion made by Councilmember Klink, seconded by Councilmember Harris and carried with a 5-0 roll call vote the City Council required the appellant to return in thirty days with a written report of the repairs to be made to the property that will bring it to livable standards. Also included in the motion is that the appellant will be given six months to comply, and a failure to comply with anything that staff directs shall result in immediate demolition.

## **9.0 REPORTS, REQUESTS AND COMMUNICATIONS**

- 9.1 Update on Joshua Tree National Park Visitor Center Planning  
RECOMMENDATION: The City Council receives the staff report and provides direction as appropriate.

City Manager Tree presented a brief staff report to the City Council and said the presentation by Kurt Sauer of the Joshua Tree National Park Visitor Center was moved to June 10, 2008 City Council meeting.

- 9.2 Planning for Flash Flood Warning Project  
RECOMMENDATION: The City Council receives the staff report and provides direction to staff.

City Engineer, Richard Pedersen presented a staff report to the City Council. He said the Public Works staff would be in charge of controlling the flash flood warning barricades for the City.

Mayor Pro Tem Spear directed City Engineer Pedersen to proceed with the planning of the flash food-warning project.

Steve Van Duser, Twentynine Palms suggested flashing flood lights.

Mayor Bernal adjourned the meeting to a recess at 7:46 p.m.

Mayor Bernal brought the meeting back to order at 7:56 p.m.

- 9.3 Budget for Fiscal Year 2008-2009 and Tentative Budget for 2009-2010  
RECOMMENDATION: The City Council/Redevelopment Agency a.) approve the Budget for 2008-09 and the tentative Budget for 2009-10 by the adoption of Resolution No. 08-14, b) the Fee Schedule for 2008-09 by the adoption of Resolution No. 08-15, c) establish the Proposition 4 spending limit for 2008-09 by the adoption of Resolution No. 08-16, d.) authorize the City Manager to sign the Sheriff's contract Schedule "A", e.) approve the City Investment Policy f.) and the Capital Improvement Plan. The City Council may act on all these items in one motion.

Finance Director, Ron Peck presented a staff report to the City Council.

Mayor Pro Tem Spear had a few concerns regarding Schedule A for Law Enforcement; he said the Captain's position was not listed on the schedule. He also wanted to know if the Morongo Unified School District (MUSD) was providing offset dollars for the School Resource Officer.

Mr. Peck responded yes, MUSD was providing offset dollars for the School Resource Office of \$38,000 a year.

Mayor Pro Tem Spear asked if there were intentions to meet with Mr. Majachek and discussing increasing the cost of the service.

City Manager Tree responded Staff would be meeting with Mr. Majachek soon.

On a motion made by Mayor Pro Tem Spear, seconded by Councilmember Klink and carried with a 5-0 roll call vote the City Council approved the budget as submitted with a the provision that staff come back with a report on Schedule A.

9.4 Support for AB 2058-Plastic Bag Fee Bill

RECOMMENDATION: The City Council approve a letter of support from the Mayor for AB 2058.

City Manager Tree presented a staff report to the City Council.

On a motion made by Councilmember Klink, seconded by Mayor Pro Tem Spear, carried with a 5-0 roll call vote the City Council approved the letter of support from Mayor for AB 2058.

9.5 Discussion Regarding Findings of Joint Committee of Twentynine Palms Water District and City Relating to the Potential Transfer of Fire Protection from Water District to City and Contract Award for Technical Assistance.

RECOMMENDATION: The City Council receives staff report, provides Direction to staff, and awards a contract in an amount not to exceed \$18,700 to The Davis Company for technical assistance related to the potential transfer of fire protection from the Twentynine Palms Water District to the City of Twentynine Palms.

City Manager Tree presented a staff report.

Steve Van Dusser, Twentynine Palms asked the City Council if there would be an increase in taxes in the Desert Heights area alone.

Councilmember Harris said the level of service and tax money would stay the same.

On a motion made by Councilmember Klink, seconded by Councilmember Harris and carried with a 5-0 roll call vote, the City

Council award a contract in an amount not to exceed \$18,700 to the Davis Company for technical assistance related to the potential transfer of fire protection from the Twentynine Palms Water District to the City of Twentynine Palms.

9.6 Adoption of Ordinance No. 212 and 213 relating to Street Improvement Impact Fees

RECOMMENDATION: The City Council adopt Ordinance No. 212 and 213.

Richard Pederson, City Engineer presented a brief staff report to the City Council.

Mayor Bernal opened the item to the public for comment.

Phillip Block, Twentynine Palms, spoke in opposition of item 9.6.

Jerry Matis, Twentynine Palms, spoke in opposition of item 9.6.

The Councilmembers had a brief discussion regarding non-profit organizations and the deferral process.

On a motion made by Mayor Pro Tem Spear, seconded by Councilmember Klink, and carried with a 5-0 roll vote, the City Council requested putting the deferral option continue the item to the June 10, 2008 City Council meeting.

9.7 Amendment No. 1 to Caltrans Contribution Agreement for Highway Widening Project

RECOMMENDATION: Staff recommendation is that the City Council approves Amendment No. 1 to the Contribution Agreement with Caltrans.

City Manager Tree presented a brief staff report to the City Council, he said at the June 10, 2008 City Council meeting a resolution would be reached with Caltrans.

On a motion made by Councilmember Klink, seconded by Mayor Pro Tem Spear and carried with a 5-0 roll call vote the City Council approved Amendment No. 1 to the Contribution Agreement with Caltrans.

## **8.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT- None**

## **9.0 FUTURE COUNCIL INITIATED ITEMS-**

Councilmember Klink asked Staff if they were able to get a price on trimming the palm trees.

City Manager Tree said the price was approximately \$20,000.00, which was approved in the budget this evening. He said a bid would go out for the job.

Mayor Pro Tem Spear said he would like a discussion of expansion of the crime free multi-housing concept.

**12.0 CLOSED SESSION –**

- 12.1 Closed Session Pursuant to Government Code Section 54956.8  
Property Acquisition - Conference with Real Property Negotiator, Michael  
Tree APN 618-222-01, 04
- 12.2 Closed Session Pursuant to Government Code Section 54956.9  
Conference with Legal Counsel Regarding Potential Litigation (1 case)

**13.0 ADJOURN-**

Mayor Pro Tem Spear adjourned the meeting at 9:00 p.m. to Closed Session in honor of Staff Sgt. Charlie Owens who was killed May 1, 2008 in a motorcycle accident in Joshua Tree. City Manager Tree reported the Closed Session ended at 9:15 p.m. with no action being taken.

Respectfully Submitted,

Jacqueline Palmer, Deputy City Clerk