

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING
6136 Adobe Road
Twentynine Palms, CA 92277
www.ci.twentynine-palms.ca.us
Tuesday, July 8, 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 Klink led the Pledge of Allegiance to the Flag.
INVOCATION - Father Gerald Vidal, Blessed Sacrament Church
ROLL CALL - The following Councilmembers were present: Flock, Harris, Klink, Spear and Mayor Bernal.

2.0 SPECIAL RECOGNITION AND PRESENTATIONS

2.1 Recognition of “City Employee of the Quarter”

Mayor Bernal asked Larry Bowden, Recreation Superintendent, to join her at the podium where she presented him with recognition as the “City Employee of the Quarter”.

3.0 ANNOUNCEMENTS

- 3.1 Mayor Bernal announced these proceedings will be televised on Cable T.V., Channel 10, as follows: Saturday, July 12, 2008 at 7:00 p.m. and Friday, July 18, 2008 at 5:00 p.m.

4.0 PUBLIC COMMENTS - none

5.0 COUNCIL COMMENTS

Councilmember Harris spoke about the bear that had been roaming around town. He said that in the event a tranquilizer gun is needed, there is not one available at the Animal Control Shelter for situations that might require one and he asked that staff look into that. He said that he and City Manager Tree attended a meeting with 6 representatives from Caltrans. He said that they talked about funding in the amount of \$300,000 that was set aside to help get the left turn lane completed from the quarter mile stretch they left out. He said Caltrans said if they could determine it was a safety issue, Caltrans would fund it 100%. He read an email that Mr. Louis Betancourt, from Caltrans, wrote to the City Manager stating that the project is a safety project and the next step is to get Caltrans Headquarters in Sacramento to approve the project for safety funding.

Councilmember Flock said people should be careful driving through Yucca Valley as Caltrans is constantly tearing up the highway. He said it was good to see Twentynine Palms tax dollars at work in Yucca Valley.

Councilmember Klink congratulated Larry Bowden on receiving Employee of the Quarter. He gave kudos to the City Manager and Public Works department for putting the stops signs out on the two traffic signals that were not working during the recent power outage. He presented a visual of the telephone books that had been lying on the ground for a year and one that had been lying on the ground for a year. He said Pat and Benny at Blessed Sacrament Church gave him a patriotic duck to display in honor of the fourth of July, and he said the duck would stay there until all the people come back from Iraq. He thanked the Marine Corps Base and Sponsors for putting on a great fireworks display aboard the Base.

Mayor Pro Tem Spear said that he and Councilmember Harris attended a golf tournament in Laughlin. He said there were 110 players and this year they hope to raise over \$4000. for Yucca Valley and Twentynine Palms High Schools. He cautioned that the pressure does not stop in regard to the email that Mr. Betancourt, Acting Deputy District Director from Caltrans sent. He said that Caltrans has completed 50% of the projects for the City that they were supposed to and he said that is not good enough for the City's taxpayers or citizens. He asked that the City Manager ride Mr. Betancourt hard.

Mayor Bernal said she would be bringing in flyers to City Hall containing information and a website for information on how to deal with bears and other wildlife in the community. She also said that she is on a board with 14 members on the Mojave Desert Air Quality Management District (MDAQMD). www.mdaqmd.ca.gov. She said they deal with all issues concerning air quality except motor vehicles. She said that MDAQMD is working on policy in regard to open air composting. She said if anyone has any questions they could contact Adam Dusobio. She said she hoped everyone enjoyed the fireworks on the base.

Councilmember Spear wished his wife Laura a happy birthday.

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 \$ 215,967.63.
- 6.3 Approval of Minutes
RECOMMENDATION: The City Council approve the minutes of the June 24, 2008, City Council meeting.
- 6.4 Bagley Avenue Improvement Project
RECOMMENDATION: Award the contract for the Bagley Avenue Improvement Project to Cooley Construction, Inc. for the amount of \$498,410.38.
- 6.5 Approval of Contract with Qualified Land Use Planning Firm for the Preparation of the Downtown Economic Revitalization Specific Plan
RECOMMENDATION: Authorize the Agency Director to sign a contract with Pacific Municipal Consultants (PMC) in the amount of \$94,200 with a 10%

contingency, for a total amount not to exceed \$103,620 to complete the plan, based upon the attached scope of work.

6.6 Law Enforcement Report – May 2008
RECOMMENDATION: Receive and file.

6.7 Chamber of Commerce Report – June 2008
RECOMMENDATION: Receive and file.

Mayor Pro Tem Spear asked that Item 6.3 and Item 6.5 be pulled from the Consent Calendar for discussion. On a motion from Councilmember Klink, 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.

7.0 ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION AND/OR ADDED AGENDA ITEMS - None

7.1 Mayor Pro Tem Spear said that Councilmember Klink's name should be inserted instead of Cole in the minutes of June 24th. He also said that he would vote for Item 6.5 if the City Manager could assure the citizens and himself that a Caltrans Representative would attend the study session and provide information on what could or could not be done on Highway 62. City Manager Tree said yes, he could assure him of that.

On a motion of Councilmember Klink, seconded by Councilmember Harris and carried with a 5-0 roll call vote, the remainder of the Consent Calendar was approved.

8.0 PUBLIC HEARING

8.1 Appeal of Planning Commission's Declaration of a Public Nuisance and Order to Repair or Demolish the Building at 6648, 6650, and 6652 Smoketree Avenue (APN 0617-123-13). (Continued Public Hearing from May 27, 2008)
RECOMMENDATION: Continue the Public Hearing, consider comments from the public and the property owner, review the estimate and timetable for repairs of the property, and stay the demolition order to January 13, 2009.

Community Development Director Meyerhoff (Director Meyerhoff) presented a staff report to the City Council.

Dorothy Erbacher, Las Vegas, property owner, and her son, told the City Council that they had followed the timetable, and had also removed the trash from the property.

Councilmember Harris said that \$3,541.00 has to be paid now for the confirmed costs of the initial abatement, and the subsequent re-board. He said at this point he is not willing to vacate the demolition order unless the money is paid.

Ms. Erbacher said that she would pay at the end of the repair time frame.

Mr. Erbacher asked if the payment could be made in payments.

Mayor Pro Tem Spear said the fiscal impact for the City so far is total is \$4,398, which includes legal consultations, mailing and public notices and Community Development Department staff costs.

Councilmember Klink asked the Erbacher's if the septic system had already been taken care of.

Mr. Erbacher said no. He said once the water is turned on the septic tank will be checked.

Councilmember Flock asked if they had met with the contractors. He asked where the contractor was licensed to work, if they knew the contractor and who his employee was. He said he checked the contractors board on the web and found out the contractor does not pay any workers compensation.

Councilmember Harris said that at the last City Council meeting it was said that when the contractor comes to do the inspection a member of City staff would go with the contractor to be with him while he does the inspection to see what needs to be done. He asked if anyone went with the contractor.

Mr. Erbacher said that they called for the Engineer, and the Engineer forwarded it to Code Enforcement. He said he did not know if there was a scheduling conflict.

Mayor Pro Tem Spear said the address on the paperwork reflects a false address.

Mayor Bernal asked if there had been any inspections called for at the property.

Director Meyerhoff said that there have been no calls for inspections.

Mayor Pro Tem Spear asked if the City Council had the option to rescind their findings of June 10th and reinstate the findings of the Planning Commission and order demolition.

Director Meyerhoff said there were many options, included in the staff report.

Councilmember Flock agreed that this has gone to far and they have not met the requirements.

Following a brief discussion, Mayor Bernal closed the Public Hearing.

On a motion of Mayor Pro Tem Spear, seconded by Councilmember Harris and carried with a 5-0 roll call vote, the City Council approved the demolition of the building at 6648, 6650, and 6552 Smoketree Avenue.

8.2 Ordinances No. 212 and 213-Street Improvement Impact Fee
RECOMMENDATION: The City Council receives the staff report, conducts the Public Hearing, and directs the City Clerk to Introduce Ordinance No. 212 and

213 and read by title only.

Director Meyerhoff presented a staff report to the City Council

Mayor Bernal opened the Public Hearing.

Anna O'Hare, Twentynine Palms, said she liked the idea of sidewalks. She also asked the City Council if there would be sewers in the City.

Mayor Bernal closed the Public Hearing.

On a motion of Councilmember Klink, seconded by Councilmember Harris, and carried with a 5-0 roll call vote, the City Clerk was directed to Introduce and read by title only Ordinance No. 212 and 213.

8.3 Ordinance No. 215 Amending Chapters 19.07 (Rural Living), 19.08 (Single Family) and 19.12 (Service Commercial and Industrial District) of the Twentynine Palms Municipal Code.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, adopt a Categorical Exemption pursuant to CEQA, and direct the City Clerk to Introduce Ordinance No. 215 and read by title only.

Director Meyerhoff presented a staff report to the City Council.

Mayor Bernal opened the Public Hearing.

Anna O'Hare, Twentynine Palms, said that garage conversions will put too many people in one area and she does not like it.

Bill Easter, Twentynine Palms, told the City Council that he wants to provide a place for family to stay.

Councilmember Flock said there is a need for garage conversion and that there is an issue with variances.

Mayor Pro Tem Spear said that the purpose of the revision is to streamline the process in hope of helping the citizens.

Councilmember Flock asked about parking.

Director Meyerhoff said that the Planning Commission recommendation is a minimum of two spaces per garage conversion.

On a motion of Mayor Pro Tem Spear, seconded by Councilmember Harris and carried with a 5-0 roll call vote the City Clerk was directed to introduce and read by title only Ordinance No 215.

9.0 REPORTS, REQUESTS AND COMMUNICATIONS

9.1 Appointment to Public Art Advisory Committee Board

RECOMMENDATION: The City Council approve the Public Art Advisory Committee's recommendation to appoint Pat Flanagan to the vacant Board Position.

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

On a motion of Councilmember Klink, seconded by Councilmember Harris and carried with a 5-0 voice vote, the City Council appointed Ms. Pat Flanagan to the Public Art Advisory Committee Board.

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT - None

11.0 FUTURE COUNCIL INITIATED ITEMS - None

12.0 CLOSED SESSION

12.1 Closed Session Pursuant to Government Code Section 54956.9
Conference with Legal Counsel regarding Potential Litigation (1 case)

12.2 Closed Session Pursuant to Government Code Section 54956.8
Property Acquisition – Conference with Real Property Negotiator, Michael Tree
APN **INSERT NUMBER**

13.0 ADJOURN – The City Council meeting was adjourned at 7:32 p.m. to Closed Session in memory of Mildred Duckworth, who Councilmember Klink said would have been 100 years old on her next birthday. The Closed Session adjourned at 8:04 p.m. with no reportable action.

Respectfully submitted,

Charlene L. Sherwood