

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING
6136 Adobe Road
Twentynine Palms, CA 92277
www.ci.twentynine-palms.ca.us
Tuesday, July 22, 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 – City Manager, Michael Tree gave the Invocation.
ROLL CALL - The following Councilmember’s were present: Flock, Harris, Klink, and Mayor Bernal. Mayor Pro Tem Spear had an excused absence.
- 2.0 SPECIAL RECOGNITION AND PRESENTATIONS** - None
- 3.0 ANNOUNCEMENTS**
- 3.1 Mayor Bernal said that these proceedings will be televised on Cable T.V. Channel 10, as follows: Saturday, July 26, 2008 at 7:00 p.m. and Friday, August 1, 2008 at 5:00 p.m.
- 4.0 PUBLIC COMMENTS**
- 4.1 David Smith, Twentynine Palms, spoke to the City Council about flooding to his property at 72584 Two Mile Road. He read a letter that he had submitted to the City Council and staff, stating that the flooding is a result of the improvements and widening on Two Mile Road in the winter of 2007.
- Anonymous, Twentynine Palms, said that he was not in favor of the Casino. He also said that the road on Mojave needs to be swept and he also said the number of police in the area is too high.
- 5.0 COUNCIL COMMENTS**
- Councilmember Klink spoke about a child that died after being left in a car with the heat inside the car was about 120 degrees. He stressed that when people get out of their car they should take their children and their pets out too.
- Councilmember Harris welcomed Assistant Chief of Police, Dale Mondary to the City Council meeting. Assistant Chief Mondary was covering for vacationing Captain Miller.
- Mayor Bernal said she attended the service for Ernie Baker today, and said he was a great man. She said that people should check on their senior citizen neighbors in this heat. She said that the cooling centers open at 110 degrees instead of 115 degrees. Mayor Bernal said that people should keep their pets safe in the heat. She said people should be preparing for flooding issues and

she said they should check on their neighbors. She said that she attended the Green Path Project meeting in Yucca Valley and she said it was informative. She said that Pioneer Days is going to be the third week of October, and she encouraged people to get involved now.

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 \$548,738.30.
- 6.3 Approval of Minutes
RECOMMENDATION: The City Council approve the minutes of the July 8, 2008, City Council meeting.
- 6.4 Adoption of Ordinances No. 212 and 213-Street Improvement Impact Fee
RECOMMENDATION: The City Council adopt Ordinance No. 212 and 213 .
- 6.5 Adoption of 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: The City Council adopt Ordinance No. 215.
- 6.6 Copier Lease at City Hall
RECOMMENDATION: The City Council approve the lease for a Xerox W5665 copier.
- 6.8 The City Council Award the Contract to Stanley Louis Co. in the amount of \$33,624.69 for the Installation of a Pool Heater and Electrical Work.
RECOMMENDATION: The City Council approve the Luckie Park Pool heater to Stanly Louis Co, in the amount of \$33,624.69.
- 6.9 Building Permit Fees
RECOMMENDATION: The City Council adopt Resolution No. 08-24 adjusting the building permit fees.

Councilmember Klink requested Item No. 6.7 be pulled from the Consent Calendar for further discussion.

On a motion of Councilmember Klink, seconded by Councilmember Harris and carried with a 4-0-1 roll call vote (Spear-absent), 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

- 7.1 El Rey Avenue Improvement Project
RECOMMENDATION: Award the contract for the "El Rey Avenue Improvement

Project to Cooley Construction Inc. in the amount of \$488,002.00.

Councilmember Klink asked if curb, gutter and sidewalk would be put on both sides of the street. City Engineer Richard Pederson replied, yes, the curb, gutter and sidewalk would be on both sides of the street.

On a motion of Councilmember Klink, seconded by Councilmember Flock and carried with a 4-0-1 roll call vote (Spear absent), the City Council approved the remainder of the Consent Calendar.

8.0 PUBLIC HEARING

8.1 Twentynine Palms Lighting and Landscaping Assessment District #1, Engineer's Annual Report, and Levy of Assessment for FY 2008-2009.

RECOMMENDATION: 1) Conduct the Public Hearing 2) Adopt Resolution No. 08-23 (A Resolution of the City Council of the City of Twentynine Palms confirming the diagram assessment and levying assessment pursuant to the Lighting and Landscaping Act of 1972 for Fiscal Year 2008-2009).

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

Mayor Bernal opened the Public Hearing.

After hearing no requests to speak Mayor Bernal closed the Public Hearing.

Councilmember Flock said the assessment district seems to be working well. He asked if there was a contractor taking care of the property.

Engineer Pederson said yes there is a contractor taking care of things, and they will continue to be monitored for their level of service.

Councilmember Klink asked if it rains hard will the money assessed fix walls and slopes.

City Engineer, Richard Pederson replied yes that the money is for ongoing maintenance.

Mayor Bernal said there is sand on the north side of the road and along the east and south boundary.

Engineer Pederson said that the sand is coming down from the natural terrain adjacent to the property and it is not part of the assessment district.

On a motion of Councilmember Flock, seconded by Councilmember Klink and carried with a 4-0-1 roll call vote (Spear-absent), the City Council adopted Resolution No. 08-23.

9.0 REPORTS, REQUESTS AND COMMUNICATIONS

9.1 Joint Use Sewer Treatment Plant

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

City Engineer Pederson presented a staff report to the City Council.

City Manager Tree said that Winsler and Kelly looked at the water quality and water levels and found that the Water Board was doing an excellent job at maintaining nitrate levels and maintaining the water levels in the aquifers. He said that Winsler and Kelly is saying there is not a problem at all with the water quality being unsafe. He said as they proceed and have a long term vision of what they want to do, a good approach would be to do the decentralized approach. He said this is the initial finding by Winsler and Kelly and they are recommending that as they go about making considerations on looking at the general plan more in depth they consider doing a master waste water plan which would better define what steps they would take over the coming years to maintain a safe level of drinking water.

Councilmember Flock said he wanted to know the cost for each option.

City Engineer Pederson said that there are other options and he said it is too early now. He said that there are other studies and other avenues that they are trying to iron out. He said that different funding ideas have to be explored and studied so that the ideas can be presented to the funding sources at a federal level.

Councilmember Klink said that now it can cost between \$56 million dollars to \$80 million dollars but in 10 years it could cost \$200 to \$300 million dollars. He said that he would like the City to continue to work with the Base to see if the City can hook up with the Base on this.

City Manager Tree said that the purpose was to provide a brief overview of a 200 page document and he suggested that the Waste Water Task Force of Mayor Pro Tem Spear and Councilmember Flock look at the document and take a hard look at what the study produced so they can have a game plan to recommend to the City Council.

9.2 Letter to Caltrans

RECOMMENDATION: The City Council receives the staff report, reviews the draft letter to Caltrans, and provides direction before signatures are obtained and the letter is sent.

City Manager Tree presented a staff report to the City Council. He also gave the Councilmember's a copy of a draft letter to Caltrans that covered the key issues.

Councilmember Klink said that he agrees with Mayor Pro Tem Spear that the City Council needs to keep after Caltrans.

Councilmember Harris suggested that Mayor Bernal, himself, Jim Ricker (from the base), and legal staff go to Sacramento to the Department of Transportation to make their feelings strongly known, outside of the letter. He said a personal appearance by them would accomplish more.

The City Manager was directed to add a little bit more to the letter and then bring the letter back to the Council.

9.3 Task Force Assignments

RECOMMENDATION: The City Council makes appropriate Task Force Assignments.

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

On a motion of Councilmember Klink, seconded by Councilmember Flock and carried with a 4-0-1 (Spear absent) roll call vote, the City Council appointed Councilmember Harris and Mayor Bernal to the Caltrans Task Force, and Councilmember's Klink and Flock to the Redevelopment Agency Task Force.

Mayor Bernal appointed Councilmember's Flock and Klink to the Indian Gaming Facility Task Force.

10.1 LEGISLATIVE/COUNCIL/REDEVELOPMENT

10.1 Affordable Housing Investment

RECOMEMNDATION: The Redevelopment Agency Board receives the staff report and provides direction to staff regarding funding parameters.

Frank Spevacek, RSG, presented a staff report to the Redevelopment Agency.

Councilmember Flock said that he is interested in the property the County Housing Authority has on Split Rock and he said it looks like the City may be able to acquire it or with the County on it, to improve that property, have covenants on the property and supervise the property. He said that maybe they could look at other properties in the redevelopment district that might be a good place to have senior housing and also look at acquiring property in the near future even if they do not develop anything right away.

Councilmember Klink said there is a lot of property in the infill area that would be nice to have scattered about the town.

Councilmember Flock said that he would like to see the City make the most of what it has and fix up some of the blighted properties like the County Housing Authority property.

The City Council directed staff to make the most of the current inventory that exists in the community. Focus on purchasing and rehabilitating the apartments owned by the County on Split Rock off Highway 62. Look for opportunities to build or assist a developer in constructing senior housing, and look for opportunities to rehabilitate existing single family residential.

10.2 Property Improvement Program

RECOMMENDATION: The Redevelopment Agency receives the staff report and provides direction to staff regarding funding parameters.

Frank Spevacek, RSG, presented a staff report to the City Council.

Councilmember Flock said that not all of the projects will reach the goals of the Redevelopment Agency. He asked if there were requirements for the projects.

City Attorney Munoz said one of the requirements for utilizing redevelopment funds is that they have to be doing something to alleviate blight.

Paul Smith, Twentynine Palms, said that he and his wife Jane, have a pending request for a grant for \$166,520 for a non-profit native plant nursery. He said that the money they are looking for from the Redevelopment Agency is for land acquisition and improvement construction on the site, plus curbs and gutters. Mr. Smith said that escrow closes on September 6th for this project.

Richard Cobalis, Twentynine Palms, said he was at the June 20, 2008 meeting and it was his understanding that two projects, the Jelly Donut and Pete's Restaurant were to move forward with an agreement drafted for review. He said that nothing has happened yet, and it was supposed to be first come, first serve.

City Manager Tree noted that these projects are being worked on by Frank Spevacek.

Councilmember Flock said that when this was discussed before he said he wanted an option of \$100,000 with a 25% minimum participation from the property owner. He said that was shot down by the Council. The two projects were tentatively approved. He said there should be a maximum of \$75,000 to be put out and a minimum participation by the property owner of \$25,000 and they must meet the requirements of the RDA before they are given any money.

City Attorney Munoz said that they do not have any legal obligation to fund the two projects. He said the Council has given direction, and if they want to come up with criteria tonight it could be applied to these two projects even if it means the applicants do not get the funding they were hoping for. He said they are looking for general guidelines for staff to use as general rule when they approve projects.

Councilmember Klink said that they should do the two projects they have now, and then attach guidelines to the rest.

City Manager Tree said an alternative is to use a task force to identify projects using a questionnaire and a point system. He said that questions could be assigned a point value to identify if that project meets the goals of the RDA.

The City Council directed staff to move forward with the two projects that received initial review. In regard to a match on projects, the City Council would like to see a match from the applicant, but provided no definitive percentage of

dollar amount. The City Council wants applicants to fill out a questionnaire. The City Council also wants the task force to assign a point value to the questions and have staff grade each questionnaire. Staff was directed to bring back all questionnaires at once to view all projects and how they rank.

11.0 FUTURE COUNCIL INITIATED ITEMS

- 11.1 Mayor Bernal requested information on recyclable guidelines and programs for businesses and residential customers.

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: 0618-221-01 and 0618-221-04.
- 12.2 Closed Session Pursuant to Government Code Section 54956.8
Property Acquisition – Conference with Real Property Negotiator, Michael Tree
APN: 0617-041-01, 0617-041-02, 0617-041-22, 0617-0401-23
- 12.3 Closed Session Pursuant to Government Code Section 54957
Public Employee Performance Evaluation – City Manager

- 13.0 ADJOURN** – The City Council adjourned to Closed Session at 8:11 p.m. The Closed Session adjourned at 9:15 p.m. with no action being taken.

Respectfully submitted,

Charlene L. Sherwood CMC, City Clerk