

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING
6136 Adobe Road
Twentynine Palms, CA 92277
www.ci.twentynine-palms.ca.us
Tuesday, September 9, 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 – Dr. Kevin Brewer, Faith in the Word Church, gave the Invocation.
ROLL CALL - The following Councilmember’s were present: Flock, Harris, Klink, Spear, and Mayor Bernal.
- 2.0 SPECIAL RECOGNITION AND PRESENTATIONS**
- 2.1 Members of the Citizen on Patrol presented Mayor Bernal with a plaque they were awarded recently at the National Association of Citizen on Patrol. They were awarded first place for the most unique vehicle in a group of over 80 vehicles. It was announced that a new Citizen Patrol Academy will begin in October, for more information contact Sheriff Specialist Anita Baker.
- 3.0 ANNOUNCEMENTS**
- 3.1 Mayor Bernal announced these proceedings will be televised on Cable T.V., Channel 10, as follows: Saturday, September 13, 2008 at 7:00 p.m. and Friday, September 19, 2008 at 5:00 p.m.
- 4.0 PUBLIC COMMENTS**
- 4.1 Ray Hughes, Twentynine Palms, spoke to the City Council about issues arising between the Taxi Companies, Morongo Basin Transit Authority and the Marine Corps Base.
- Anonymous, Twentynine Palms, spoke to the City Council about the poorly constructed chairs, Ms. Sarah Palin (Vice President Elect), gambling and the Los Angeles County Fair.
- Steve Van Duser, Twentynine Palms, spoke to the City Council about Assembly Bill AB811 and an energy loan program that is available to residents.
- 5.0 COUNCIL COMMENTS**
- 5.1 Councilmember Klink said that Janice Lohr passed away. He said that she had been a Director at Knott Sky Park Preschool for fifteen years. He said that she would be deeply missed.
- Mayor Pro Tem Spear echoed Councilmember Klink’s thoughts about Mrs. Lohr.

Councilmember Harris said that he attended a meeting at the Sportsman Club in Joshua Tree. There were 8 community resource providers in attendance giving a lot of information to economically distressed families. Councilmember Harris said this will be available on the first Monday of each month from 9 a.m. to 3 p.m. He said that free legal information is also available, and there is a program for transportation that gave away a free \$25.00 gas card.

Mayor Bernal said that the services for Mrs. Lohr will be at 2 p.m. at the Desert Congregational Church. She said she attended a Water Conference in San Bernardino and water issues were discussed. Mayor Bernal said the next Council Connections meeting would be held on September 27, 2008 at 7:00 a.m. Councilmember Harris said he would also attend the Council Connection meeting.

Councilmember Harris said that Christina Dooley will be leaving the Chamber of Commerce this Month as the Executive Director.

Mayor Bernal reminded everyone that the Pioneer Days Parade is on October 18th. She encouraged everyone to join in the community spirit during the Pioneer Day celebrations.

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 \$ 156,162.47.
- 6.3 Approval of Minutes
RECOMMENDATION: The City Council approve the minutes of the August 26, 2008, City Council meeting.
- 6.4 Chamber of Commerce Report-August 2008
RECOMMENDATION: Receive and file.
- 6.5 Law Enforcement Report-July 2008
RECOMMENDATION: Receive and file.
- 6.6 Mid-year Budget Adjustment
RECOMMENDATION: The Redevelopment Agency Board adopt Resolution No. RDA 08-02.
- 6.7 Accept 2008 Slurry Seal Contract
RECOMMENDATION: The City Council accept the completed work on the 2008 Slurry Seal Contract with American Asphalt South for the amount of \$460,200.

6.8 Mesquite Springs Road Re-Alignment Project
RECOMMENDATION: The City Council accept the completed work on the “Mesquite Springs Road Re-Alignment Project” with Matich Cooperation for the amount of \$477,634.

6.9 Authorization to Purchase Polar King Brand Outdoor Walk-In Freezer for \$22,290.54
RECOMMENDATION: The City Council authorize the purchase of an Outdoor Walk-In Freezer made by Polar King in the amount of \$22,290.54.

City Manager Tree requested that Item 6.6 be tabled until a future meeting.

Mayor Pro Tem Spear asked for clarification on what the freezer was going to be used for in Item 6.9. City Manager Tree said it was for the placement of expired animals at the animal shelter.

On a motion of Councilmember Flock, seconded by Councilmember Harris and approved 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.

8.0 PUBLIC HEARING

8.1 PC 07-82 Application by Danny Boyer for a Conditional Use Permit and a Letter of Public Convenience and Necessity for the Club Silver Screen a Bar at 5712 Adobe Road, (APN 0618-343-24), CG Zone T1N, R9E, Section 29.
RECOMMENDATION: The City Council conduct the Public Hearing, consider all oral and written testimony, deny or approve the project as the City Council deems appropriate, and adopt a denial or approval resolution.

Interim Community Development Director Bulmaro Canseco (Director Canseco) presented a staff report to the City Council. He said it is being recommended that this item go back to the Planning Commission for consideration.

Director Canseco was asked how long it would take staff to get the item ready to go before the Planning Commission. He said it could be scheduled for a Public Hearing at the October 7, 2008 Planning Commission meeting.

Councilmember Flock had questions regarding the liquor license, law enforcement activity, activities by the Alcoholic Beverage Control (ABC), and law enforcement calls. There were 8 law enforcement calls in a 6 year period and the ABC actions pending were dropped.

Mayor Pro Tem Spear said that the definition in the Municipal Code lacks defining night clubs and bars, and it needs to address the whole concept of night clubs and bars. He also said that the Development Code does not adequately address the requirements of parking.

Mayor Bernal opened the Public Hearing.

Jay Corbin, representative for Club Vo, introduced applicants Danny Boyer and Kim Vo to the City Council. Mr. Corbin said that the applicants have waited a full year for approval of their application. He said the application was deemed complete October 2007. He said that all of the needed changes could be done at staff level and the applicants will follow the code to the letter. Mr. Corbin said there is no reason to delay, and there is nothing in the record that indicates that they were asked for additional materials during the 30 day period. He said regarding the items that were on the list they are all easy to resolve at staff level if approved tonight. Mr. Corbin also read the definition of a night club from the Municipal Code.

Jay Corbin said that a Brown Act Violation had occurred regarding Mr. Boyers applications. He also said the 2nd driveway can be deleted, and the applicants support a southwest design, He said he thought that one law enforcement call a month was not excessive. He said it meets the standards and the goals of the Development Code and General Plan.

On a motion of Mayor Pro Tem Spear, seconded by Councilmember Flock and carried with a 5-0 roll call vote, the City Council adjourned to Closed Session to talk about the Brown Act violation Mr. Corbin had raised. The City Council adjourned to Closed Session at 6:50 p.m. The City Council was reconvened at 7:12 p.m. with no reportable action taken.

Steve Van Duser, Twentynine Palms, told the City Council said the square footage is the only difference he sees between a bar and a night club.

Jack Briggs, Twentynine Palms, said that he was opposed to the project.

David Smith, Twentynine Palms, said that he was in favor of the project.

Mayor Bernal closed the Public Hearing.

On a motion of Mayor Bernal, seconded by Councilmember Flock and carried with a 4-1 roll call vote (Harris-no), the City Council approved sending this item back to the Planning Commission for consideration in light of the new information and that the City Council direct the applicant to work with staff to address the site design concerns included in the staff report.

9.0 REPORTS, REQUESTS AND COMMUNICATIONS

9.1 Update to Management Action Plan (MAP)

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

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

The consensus of the City Council was to redefine the Management Action Plan after the election.

- 9.2 Ordinance Regulating Registered Sex Offenders
RECOMMENDATION: The City Council introduces Ordinance No. 217 and directs the City Clerk to read by title only.

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

Mayor Pro Tem Spear asked if Peace Officers would enforce this law as opposed to Code enforcement.

Captain Miller, San Bernardino County Sheriff's, said that this Ordinance is a tool for the officers, and is not a code enforcement issue. He said that offenders could be cite released at the scene or booked.

Councilmember Flock asked if there are other agencies supporting this type of Ordinance.

Captain Miller responded that San Bernardino County, Yucca Valley and Ontario have similar Ordinances. Enforcement is at the officers discretion.

Steven Van Duser, Twentynine Palms, asked if there was a local website that informs the public of sex offenders.

Councilmember Flock said that there is a state website online that list where the registered sex offenders are in an area.

Councilmember Flock said that this Ordinance is too general and too broad.

Mayor Pro Tem Spear said this Ordinance is good and is in the right direction.

On a motion of Mayor Pro Tem Spear, seconded by Councilmember Harris, and carried with a 5-0 roll call vote, the City Council amended the wording of the Ordinance and directed the City Clerk to introduce and read by title only Ordinance No. 217.

- 9.3 29! Sculpture
RECOMMENDATION: The City Council approves the 29! Sculpture Project and budget, and directs staff to execute an agreement with the property owner at the northwest corner of Hwy 62 and Adobe Road.
City Manager Tree presented a staff report.

Councilmember Klink asked what would happen if the property was sold that the sculpture is on.

City Manager Tree said that it would be removed at the cost of the City.

Councilmember Flock said the Task Force said that this location was choose because it has maximum expression and beautification of the lot.

Chuck Caplinger, Planning Commission, designed the sculpture and said the sculpture makes a profound statement, and he hopes that one day there will be a sculpture park.

Anna Ohare, Twentynine Palms, said she was opposed to the 29! Sculpture.

Jack Briggs, Twentynine Palms, said he is in favor of the 29! Sculpture.

Mayor Pro Tem Spear said this is one of the best ideas that has come out of the Public Arts Advisory Committee (PAAC).

Councilmember Harris said that maybe the others would be unique.

Councilmember Flock said that this is a good idea.

On a motion of Mayor Pro Tem Spear, seconded by Councilmember Harris and carried with a 4-1 roll call vote (Klink-no), the City Council approved Item 9.3, applying the full amount of money budgeted for the project.

10.0 LEGISLATIVE /COUNCIL/REDEVELOPMENT - None

11.0 FUTURE COUNCIL INITIATED ITEMS

- 11.1 Councilmember Klink request the City look into the area at Two Mile Road on the north side near David Smiths property.
- 11.2 Mayor Pro Tem Spear said he would like to see what the additional impacts night clubs would have on the infrastructure.
- 11.3 Councilmember Flock said he would like an update on the Indian Cove gas update.
- 11.4 Councilmember Klink requested an update of the August 4th storm, including the East Valley Vista Road.
- 11.5 Mayor Bernal would like a discussion regarding Simi Dabah's donations of art.

12.0 CLOSED SESSION

- 12.1 Closed Session Pursuant to Government Code Section 54956.9 Conference with Legal Counsel regarding Potential Litigation (4 cases)
- 12.2 Closed Session Pursuant to Government Code Section 54956.8 Property Acquisition-Conference with Real Property Negotiator, City Manager Michael Tree APN: 0613-101-01
- 12.3 Closed Session Pursuant to Government Code Section 54956.8, Property Acquisition-Conference with Real Property Negotiator, City Manager Michael Tree, APN: 0616-281-03

13.0 ADJOURN – Mayor Bernal adjourned the City Council meeting to Closed Session at 7:50 p.m. The Closed Session adjourned at 9:15 p.m., with no action being taken.

Respectfully submitted,

Charlene L. Sherwood CMC, City Clerk