

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING
6136 Adobe Road
Twentynine Palms, CA 92277
www.ci.twentynine-palms.ca.us
Tuesday, October 14, 2008
6:00 P.M.**

MINUTES

- 1.0 CALL TO ORDER** – Mayor Bernal called the meeting to order at 6:03 p.m.
PLEDGE OF ALLEGIANCE- Councilmember Flock led the Pledge of Allegiance.
INVOCATION - Pastor Chris Wagner of Joshua Springs Calvary Chapel gave the Invocation.
ROLL CALL – The following Councilmember’s were present: Flock, Harris, Klink, Spear and Mayor Bernal.

Mayor Pro Tem Spear requested Item 10.2 be removed from the agenda to another date, to allow more time for discussion. The consensus of the City Council was to pull Item 10.2 from the agenda.

2.0 SPECIAL RECOGNITION AND PRESENTATIONS

Mayor Bernal made presentations to the following:

Rusty Reed of Charles Abbott and Associates (accepted by City Engineer Richard Pederson)

Christina Dooley, former Chamber of Commerce Executive Director

American Red Cross – Candace Fritz and John Benefield

Jane and Paul Smith – 2008 Grand Marshals

3.0 ANNOUNCEMENTS

- 3.1 Mayor Bernal announced these proceedings will be televised on Cable T.V., Channel 10, as follows: Saturday, October 18, 2008 at 7:00 p.m. and Friday, October 24, 2008 at 5:00 p.m.

4.0 PUBLIC COMMENTS

- 4.1 Merl Travers, Twentynine Palms, spoke to the City Council about pedophiles and rapists in the City limits, Recall 29, and the City drawing up papers to file a suit against the State.

Gideon Smith, Yucca Valley, President of the Morongo Basin Tennis Association, spoke to the City Council about youth tennis in the Morongo Basin. He said that he will help prepare a grant for funding of tennis courts.

Alex Ritchie, Redlands told the City Council that he is a candidate for the office of San Bernardino County School Board, Area E, which includes Morongo Valley.

Anonymous, Twentynine Palms, talked about tennis, the City of Redlands, his opposition of the Casino and the financial system.

5.0 COUNCIL COMMENTS

Councilmember Klink thanked Christina Dooley for all of her hard work with the Chamber of Commerce. He said that he attended the League of California Cities (L.O.C.C.) Conference in Long Beach and the news was not good regarding foreclosures. He said happy birthday to friends and family who had birthdays in October.

Mayor Pro Tem Spear apologized for missing two meetings. He said that his son Jay was home on leave from Iraq, and he now has three more months left to do in Iraq.

Councilmember Harris said a lot of events will be taking place during Pioneer Days and he encouraged people to participate. He said the Chamber of Commerce is advertising for a new director, and he said that school is in session so people should be careful when driving.

Councilmember Flock said that he also attended the L.O.C.C. Conference and found it interesting. He said he attended the PASS Summit (Practical Advances in Southwestern Sustainability), and the artist tours. He said the elections and candidate forums are coming up. He also said Pioneer Days is coming up, so there is lot going on in town. He said that with the economic crisis they are not quite sure what the effect will be yet.

Mayor Bernal said that flu shots are available at the Senior Center on October 24th 9-11 a.m., and in Yucca Valley on October 30th, 9:30-11:30 a.m. She said the Chamber of Commerce newsletter has a lot of information and she said there are a lot of entries for the parade and a lot going on during Pioneer Days. She said the Fire Department's 50th Anniversary Dinner Dance and breakfast is happening during Pioneer Days. She said that she attended the PASS Conference and it was informative, and she also said the San Bernardino County Library has a lot of information available at the library and on-line at www.sbcounty/library/gov.

Councilmember Klink said it is City Attorney Patrick Munoz' birthday tonight and everyone sang happy birthday to him.

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 \$1,500,630.93.

6.3 Approval of Minutes

RECOMMENDATION: The City Council approve the minutes of the September 9, 2008, City Council meeting.

- 6.4 Chamber of Commerce Report-September 2008
RECOMMENDATION: Receive and file.
- 6.5 Law Enforcement Report-August 2008
RECOMMENDATION: Receive and file.
- 6.6 Ordinance No. 217 Regulating Registered Sex Offenders
RECOMMENDATION: The City Council adopts Ordinance No. 217.
- 6.7 Update to Management Action Plan (MAP)
RECOMMENDATION: The City Council receives staff report and provides direction as appropriate.
- 6.8 Vacation of Alleys for the Casa Inn Project
RECOMMENDATION: The City Council 1) Find that the road easements for the alleys as shown on Tract Map 2941 per the attached Exhibits "A" are unnecessary for present or prospective public use, and that no public money has been expended for maintenance for more than (5) years, and; 2) Adopt Resolution 08-29 "A Resolution of the City Council of the City of Twentynine Palms, California, vacating the alleys at Lots 1,2,3,4,5,6,22,23,24 and 25 of Tract No. 2941, pursuant to Streets and Highways Code Sections 8330-8336", and 3) Instruct the City Clerk to cause the Resolution vacating the easement to be recorded in the office of the County Recorder of the County of San Bernardino, pursuant to section 8336 of the Streets and Highways Code.
- 6.9 Vacation of Alley for Walgreen's Project
RECOMMENDATION: The City Council 1) Find that the road easement for the alley as shown on Tract Map 2520 per the attached Exhibits "A" are unnecessary for present or prospective public use, and that no public money has been expended for maintenance for more than (5) years, and; 2) Adopt Resolution No. 08-31 "A Resolution of the City Council of the City of Twentynine Palms, California, vacating the alleys at lots 23,24,25, and 26, Tract 2520, pursuant to Streets and Highways Code Sections 8330-8336", and 3) Instruct the City Clerk to cause the Resolution vacating the easement to be recorded in the office of the County Recorder of the County of San Bernardino, pursuant to Section 8336 of the Streets and Highways Code.

Councilmember Klink made a correction to the minutes-Item 9.3, changing Klink to Flock.

Mayor Pro Tem Spear asked when the projects listed in Items 6.8 and 6.9 would begin. Interim Community Development Director Canseco said that both projects are currently in the plan check process.

Councilmember Harris asked for and received clarification on the warrant register.

Mayor Pro Tem Spear abstained from Item 6.2, check numbers 44518, 44722, and 44723 due to a possible conflict of interest.

On a motion of Councilmember Klink, seconded by Councilmember Harris and carried with a 5-0 roll call vote, the City Council approved the Consent Calendar with the correction to Item 9.3.

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

8.0 PUBLIC HEARING - None

9.0 REPORTS, REQUESTS AND COMMUNICATIONS

9.1 Update on Natural Gas Project

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

Mayor Pro Tem Spear and Councilmember Flock recused themselves from this item, due to a conflict of interest and left the Council Chambers.

City Manager Tree presented a staff report to the City Council. He said that 297 signatures are needed to have 70%, and so far 131 signatures have been collected, leaving 166 signatures needed. City Manager Tree said that one alternative might be that they do nothing and the Shinaver's wrap up their work and report back to the Council, or the City could hire a temporary employee to assist the Shinaver's and work with the County to communicate with the out of town property owners.

Roger Shinaver spoke to the City Council about the progress he and his wife Sue are having collecting signatures. He said that they did need help from the City getting signatures.

Councilmember Klink asked what the cost would be to hire an employee to help the Shinaver's.

City Manager Tree said the cost would be \$1500. to \$2000. a month.

City Attorney Munoz suggested a consultant be used to help with the project. He also said that he knows of a paralegal that may be able to help finish the project and he said going forward with the project is a policy question.

Pat Massey, Twentynine Palms, asked what the eastern boundary of this project is.

City Manager Tree replied the eastern boundary is Lear Avenue.

The consensus of the City Council was to move forward and retain someone to help the Shinaver's to collect signatures.

Councilmember Klink said that Sue and Roger Shinaver been doing an excellent job obtaining signatures for the petition.

Mayor Pro Tem Spear and Councilmember Flock returned to the Council Chambers.

- 9.2 Storm Damage Repair – Asphalt Concrete (A.C.) Curbs Reconstruction Project
RECOMMENDATION: The City Council directs staff to prepare bid documents for a contract to reconstruct Asphalt Concrete (A.C.) Curbing/Beams within the area generally located south of Base Line Road and east of Utah Trail including the Hanson Housing Tract.

Mayor Bernal and Mayor Pro Tem Spear left the Chambers due to a conflict of interest.

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

The consensus of the City Council was to direct staff to prepare the bid documents for a contract to reconstruct Asphalt Concrete Curbing/Berms.

Mayor Bernal and Mayor Pro Tem Spear returned to the Council Chambers.

- 9.3 Status Report on Adobe Road Project
RECOMMENDATION: The City Council receives staff report regarding the status of the Adobe Road Project and provides direction.

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

Andy Massouris, Twentynine Palms, asked what the diameter of the well would be.

Engineer Pederson said the diameter would be approximately 6 feet in diameter.

Dee Ritchart, Twentynine Palms, said that if the City needs a catch basin they need to purchase property, because the liability for a property owner would be too high.

Richard Cobalis, Twentynine Palms, said he would rather see a contractor on call to take care of flood water because it would be cheaper.

Pat Flanagan, Twentynine Palms, asked if this would be a significant recharge into the aquifers.

Marie Salisbury, Twentynine Palms, asked what effect this would have on the water quality.

City Engineer Pederson, said that these wells are filtered and clean

D.J. Masker, asked if this is a similar situation like the one at Four Corners.

Engineer Pederson said that a dry well was placed in front of the Radio Shack store and he said it seems to have solved most of the problems.

Mayor Pro Tem Spear said that he could not understand spending millions of taxpayers dollars to solve an issue that happens twice in thirty years.

The consensus of the City Council was to direct staff to proceed as planned with the number four option, constructing four dry wells, and address the next big problem as it happens.

10.0 LEGISLATIVE /COUNCIL/REDEVELOPMENT

10.1 Property Improvement Program

RECOMMENDATION: The Redevelopment Agency Board receive the Redevelopment Task Force recommendations and provide direction.

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

Danny Boyer, owner of Club Vo, Twentynine Palms, asked that the Redevelopment Agency reconsider the task force recommendations for his project.

Andy Massouris, Twentynine Palms, said his project should have been chosen because he has been here since 1979.

Don Kemby, representing the Jelly Donut, said that they would prefer to move along with the application as they have submitted it.

Vice Chair Spear said that perhaps some other projects should be considered for funding, instead of Operation Phoenix, at 3.1 million

Boardmember Flock said he felt the projects they are recommending are worthwhile.

Boardmember Klink said that these are the projects that he and Boardmember Flock agreed upon. He said that if the Redevelopment Agency had more ideas he would love to listen, and he likes the idea of using the \$1.3 million on other projects.

Executive Director Tree said that Operation Phoenix would also include curb, gutter and sidewalks for a few blocks and would improve the parking lots behind the businesses on Highway 62.

Jonathan Callies, Twentynine Palms, asked Boardmember Flock how curb, gutter and sidewalks could help bring taxes and revenue to the City.

Boardmember Harris said he would put Dr. Geduld in touch with some one who has expressed an interested in building a medical building in Twentynine Palms.

Vice Chair Spear recommended that they pare down Operation Phoenix, and

address the subject of parking lots immediately adjacent to the downtown commercial zone, strip down the curb, gutter and sidewalks for the residential areas, take the remainder of that money and move it into property improvement program and fund more small business construction in the City.

Boardmember Klink recommended they receive the Redevelopment Task Force recommendation and later at another date agendaize Operation Phoenix for consideration of downsizing it and redirecting those funds.

Pamela Carmichael, representing the Lodge, Twentynine Palms, asked where her project stands.

Vice Chair Spear said she should meet with City staff.

The direction to staff from the Redevelopment Agency Board was to follow the recommendation that Boardmember Klink made.

10.2 General Plan Analysis

RECOMMENDATION: The City Council directs staff to initiate next phase of General Plan Analysis.

This item was removed from the agenda and will return at a later date.

10.3 Purchase of Vacant Parcel at Southeast Corner of Hwy 62 and Lee Drive (APN 0613-101-01-0000).

RECOMMENDATION: The City Council approves the purchase of the vacant parcel at the southeast corner of Hwy 62 and Lee Drive (APN 0613-101-01-0000) in the amount of \$10,000, with a contingency of \$1,200 to cover closing costs, and directs the City Manager to execute all documentation in regard to the sale.

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

Mayor Pro Tem Spear said he is reluctant to take one dollar out of the Reserves until they discuss the General Fund.

Councilmember Klink asked if they had to pay the closing costs.

Councilmember Flock said this is a good deal for the City and they are actually getting a lot of equity.

On a motion of Mayor Pro Tem Spear, seconded by Councilmember Harris and carried with a 3-2 roll call vote (Klink/Spear-no), the City Council approved the purchase of a vacant parcel at the southeast corner of Hwy. 62 and Lee Drive (APN 0613-1021-01-0000).

10.4. Parking Agreement for APNs 0617-105-10, 0617-111-15, 03, and 04

RECOMMENDATION: The City Council discuss the request by the property owners and direct staff not to allow the existing "Parking Agreement" entered into on May 4, 2004 by the property owners of APNs 0617-105-111-15, 03, and 04 to be dissolved.

Interim Community Development Director Canseco presented a staff report to the City Council.

Rocky Moore, Twentynine Palms, said that the CUP (Conditional Use Permit), should never have been triggered. He said they were forced to sign the agreement in May 2004.

Councilmember Klink clarified that Mr. Moore would lease the City the parking lots for \$1.00 per year, if they got rid of the parking agreement.

Councilmember Flock said that Mr. Moore's offer to lease the property for \$1.00 a year is very generous and the City should take advantage of it.

On a motion of Mayor Pro Tem Spear, seconded by Councilmember Harris and carried with a 4-1 roll call vote (Flock-no)

Mayor Bernal said that she is thinking of dissolving the agreement.

Mayor Pro Tem Spear agreed to dissolve the agreement.

Councilmember Flock said the agreement did not need to be dissolved.

Councilmember Harris agreed the agreement should be dissolved.

City Attorney Munoz said the CUP should be modified, and a Public Hearing at the Planning Commission be held, and a factual finding found that is consistent with the Code. He said the use is substantially the same as the prior use and therefore an agreement is not necessary.

Mr. Moore asked if the alleyway in back of the property could be abandoned during the same process.

Mayor Pro Tem Spear said the issue before them is the parking agreement only.

Councilmember Flock said that he thought it would be a mistake not to require parking for those buildings.

Mayor Pro Tem Spear made a motion, seconded by Councilmember Klink to take this item back to the Planning Commission and modify the CUP with the proper findings to bring it back to the City Council.

11.0 FUTURE COUNCIL INITIATED ITEMS - None

12.0 CLOSED SESSION

12.1 Closed Session Pursuant to Government Code Section 54956.8 Property Acquisition – Conference with Real Property Negotiator APN 617-041-01, 02, 22, 23

12.2 Closed Session Pursuant to Government Code Section 54956.8

Property Acquisition – Conference with Real Property Negotiator
APN 616-281-03

12.3 Closed Session Pursuant to Government Code Section 54956.9
Conference with Legal Counsel regarding Potential Litigation (4 cases)

13.0 ADJOURN – Mayor Bernal adjourned the meeting at 8:55 p.m. to Closed Session.
Closed Session ended at 10:15 p.m. with no action being taken.

Respectfully submitted,

Charlene L. Sherwood CMC, City Clerk