

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING
6136 Adobe Road
Twentynine Palms, CA 92277
www.ci.twentynine-palms.ca.us
Tuesday, December 23, 2008
6:00 P.M.**

MINUTES

- 1.0 CALL TO ORDER** - Mayor Klink called the meeting to order at 6:00 p.m.
PLEDGE OF ALLEGIANCE- Councilmember Cole led the Pledge of Allegiance.
INVOCATION – Pastor Robert Harris with Helping Hands Ministry gave the Invocation.
ROLL CALL -The following Councilmembers were present: Cole, Flock, Harris, and Mayor Klink. Councilmember Spear had an excused absence.
- 2.0 SPECIAL RECOGNITION AND PRESENTATIONS** - None
- 3.0 ANNOUNCEMENTS**
- 3.1 These proceedings will be televised on Cable T.V., Channel 10, as follows:
Saturday, December 27, 2008 at 7:00 p.m. and Friday, January 2, 2009 at 5:00 p.m.
- 4.0 PUBLIC COMMENTS –**
- 4.1 William Hampton, Twentynine Palms resident spoke to the City Council regarding himself being terminated from the Morongo Basin Unified School District (MUSD) and the mistreatment of students in the MUSD. He asked the public to call 367-9191 at the MUSD to get his position back.
- 5.0 COUNCIL COMMENTS -**
- Councilmember Harris wished everyone a Merry Christmas and a Happy New Year. He reminded everyone to be safe and he said if you see a drunk driver on the road to call 911.
- Mayor Pro Tem Flock wished everyone Merry Christmas and a Happy New Year and to be safe during the holidays.
- Councilmember Cole extended his holiday wishes for the community. He encouraged the public to have a safe holiday season.
- Mayor Klink thanked the citizens of Twentynine Palms for their help with the letter carrier canned food drive which received 6,021 pounds of can goods, which is 21 pounds more than they were striving for. He thanked all the letter carriers. He thanked Public Works for helping Yucca Valley Town Hall with their roads and for cleaning up our roads during the recent snow storm. He wished everyone a safe Merry Christmas.

6.0 CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR

All matters listed under the Consent Calendar are to be considered routine by the City Council/Redevelopment Agency and will be enacted by one motion in the form listed. Any item may be removed from the Consent Calendar and considered separately by the City Council under item number 7.0 on the agenda. The public will be given an opportunity to comment on Consent Calendar items prior to the City Council action (roll call vote).

- 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 warrant register totaling \$724,761.67.
- 6.3 Approval of Minutes
RECOMMENATION: The City Council approve the minutes of the November 25, 2008 City Council meeting.
- 6.4 Law Enforcement Report - October 2008
RECOMMENDATION: Receive and file.
- 6.5 Award Public Works Maintenance Contracts for Fiscal Year 2008/2009 to 2010/2011
RECOMMENDATION: Award the maintenance contracts as recommended in the staff report to "Approval as to Form" by the City Attorney and "Approval as to Content" by the City Manager.

On a motion made by Councilmember Cole, seconded by Mayor Pro Tem Flock and carried with a 4-0-1 (Spear absent) roll call vote, the City Council approved the Consent Calendar as submitted.

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

8.0 PUBLIC HEARINGS

- 8.1 Appeal of the City Business License Suspension for R & R Roofing
RECOMMENDATION: The City Council conduct the appeal hearing, consider all oral and written testimony, uphold the City Manager's action to suspend R & R Roofing's City Business License, adopt Resolution No. 08-38, and deny the appeal.

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

Mayor Pro Tem Flock asked City Manager Tree if anything had happened between then and now that would change his mind on the action he took.

City Manager Tree responded he was not aware of any.

Councilmember Harris said R & R Roofing did not see the stop work order, yet the City Inspector or Engineer issued the order to stop and wanted to know if it had been served to someone.

Director Canseco responded when no one is found on the property the typical procedure would be to post the notice in an area that is visible and the building inspector had posted the notice on the front window of the house.

Mayor Klink opened the Public Hearing.

Thurman Carson, a roofing contractor in town since 1973 spoke in opposition of item 8.1.

Janis De Silva, Twentynine Palms, spoke to the City Council and wanted to know who was checking on the payroll for the Roofing company.

Gene Nelson, Twentynine Palms, spoke to the City Council and said the contractors need to be protected.

Mayor Klink closed the Public Hearing.

On a motion made by Councilmember Cole, seconded by Mayor Pro Tem Flock and approved with a 4-0-1 (Spear absent) roll call vote, the City Council upheld the City Manager's action to suspend R & R Roofing's City Business License, and adopted Resolution No. 08-38, and denied the appeal.

8.2 PC 08-78 (Conditional Use Permit Amendment): Modification to the Parking Requirements of PC 04-09 and a Request to Terminate a Parking Agreement Required as a Condition of Approval by PC 04-09.

RECOMMENDATION: The City Council conduct the Public Hearing, consider all oral and written testimony, accept the Planning Commission's recommendation, adopt Resolution No. 08-39, find the project Categorically Exempt pursuant to CEQA, approve the Conditional Use Permit Amendment, and terminate the Parking Agreement between APN's 0617-105-10, and 0617-111-03, -04, and -15 dated May 4, 2004.

Director Bulmaro Canseco (Director Canseco) presented a staff report to the City Council.

Mayor Klink opened the Public Hearing.

Mayor Klink read a letter submitted by Vincent Laba which spoke in opposition of the item.

Mayor Klink closed the Public Hearing.

Mayor Pro Tem Flock said the usage now is close to what it was in 1987. He said the requirement for parking was increased for a time due to the usage of one of the properties being a restaurant at one time but has now decreased again so the additional parking required at that time is not required. He said

if the property owner not use the exemption but changes the usage of the property then they would not be able to use that exemption again.

Director Canseco responded staff was looking at the Downtown Specific Plan and how exemption can be better applied to projects in the downtown area.

On a motion made by Councilmember Harris, seconded by Councilmember Cole and approved with a 4-0-1 (Spear absent) roll call vote, the City Council accepted the Planning Commission's recommendation, adopted Resolution No. 08-39, found the project Categorically Exempt pursuant to CEQA, approved the Conditional Use Permit Amendment, and terminated the Parking Agreement between APN's 0617-105-10, and 0617-111-03, -04, and -15 dated May 4, 2004.

9.0 REPORTS, REQUESTS AND COMMUNICATIONS- None

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT

10.1 City Financial Statements

RECOMMENDATION: Receive and file financial reports.

Richard Teaman, representative from the firm Teaman, Ramirez, and Smith who performed the audit this year for the City presented the City Council with a financial report. He said this was the firm's first year working with the City and that things went very smoothly. He said staff was forthcoming and facilitated the ease of the process.

City Manager Tree said the finance task force consisting of Mayor Klink and Mayor Pro Tem Flock met and went through the audit documents in detail.

10.2 Redevelopment Agency (RDA) Annual Financial Report and Other Required Reports.

RECOMMENDATION: The Agency receives the reports and adopts and adopt Resolution No. RDA 08-02.

Richard Teaman, representative from the firm Teaman, Ramirez, and Smith gave the City Council a brief report.

On a motion made by Vice Chair Flock, seconded by Boardmember Harris and approved with a 4-0-1 (Spear absent) vote the Redevelopment Agency Board received the reports and adopted Resolution No. RDA 08-02.

10.3 City Council Agency Liaison and Task Force Assignments

RECOMMENDATION: Review assignments and take action as appropriate.

Mayor Klink reported City Manager Tree said he would meet in the evenings or weekends if Councilmembers were not able to meet during the day.

The Councilmembers all agreed they were okay with the task force assignments as assigned.

- 10.4 Historic Plaza Public Art Project
RECOMMENDATION: The Redevelopment Agency Board receives staff report and provides direction.

Executive Director Tree presented a report to the Redevelopment Agency Board (RDA) and said the Park Committee Task Force comprised of Councilmember Harris and Mayor Pro Tem Flock reviewed the art pieces that had come before the City Council for approval. Following a review of the art and recommending the City sole source to artist Steve Rieman, Executive Director Tree said the Redevelopment Agency can make one of two decisions. One would be to go through a request for proposal process on the piece of art for the Historic Plaza, and the second alternative is to go with the Park Task Force recommendation to sole source the project to Steve Rieman and then to direct staff to work with the Public Arts Advisory Committee (PAAC). He said staff's timeline is to have the bid document to the Council for the Historic Plaza Renovation in February and a construction date in March.

On a motion made by Boardmember Cole, seconded by Boardmember Harris and approved with a 4-0-1 (Spear absent) roll call vote the Redevelopment Agency Board accepted Steve Rieman's sculpture on the Historic Plaza Public Arts Project.

11.0 FUTURE COUNCIL INITIATED ITEMS

Mayor Klink introduced the new Community Development Director Charles LaClaire.

Mayor Pro Tem Flock expressed his concern about the fact that Enterprise Rental is operating exclusively on the military base and there was not one in town. He also said he attended a meeting in Wonder Valley regarding the base expansion.

Mayor Klink requested an update from Jim Ricker, Community Liaison of Public Affairs on the Marine Corps Air Ground Combat Center regarding the base expansion at an upcoming City Council meeting. He also said he would like to bring back discussion of the crosswalk for the median on Adobe Road in front of City Hall.

City Manager Tree said staff has been working with Jim Ricker regarding base expansion and the task force will be working with base staff for clarification of issues and to get the details on the project to make a recommendation or state concerns regarding base expansion.

Councilmember Harris said Enterprise Rental Car has a contract with Marine Corps Community Services on the Marine Base. He said Enterprise would need to be contacted and not the Military base.

12.0 CLOSED SESSION

Mayor Klink announced the Closed Session had been cancelled due to City Attorney Patrick Munoz being absent.

13.0 ADJOURN- Mayor Klink adjourned the City Council meeting at 7:13 p.m.

Respectfully Submitted,

Charlene L. Sherwood CMC, City Clerk