

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY  
REGULAR MEETING  
6136 Adobe Road  
Twentynine Palms, CA 92277  
www.ci.twentynine-palms.ca.us  
Tuesday, January 27, 2009  
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**- Carey Alderson led the Pledge of Allegiance to the flag.

**INVOCATION** – City Engineer Richard Pedersen gave the Invocation.

**ROLL CALL** -The following Councilmembers were present: Cole, Flock, Harris, Spear and Mayor Klink.

**Mayor Klink announced item 10.2 would be moved on the Agenda after item 7.0.**

- 2.0 SPECIAL RECOGNITION AND PRESENTATIONS** - None

**3.0 ANNOUNCEMENTS**

- 3.1 Mayor Klink announced these proceedings would be televised on Cable T.V., Channel 10, as follows: Saturday, January 31, 2009 at 7:00 p.m. and Friday, February 6, 2009 at 5:00 p.m.

**4.0 PUBLIC COMMENTS** –

Larry Briggs, Twentynine Palms, recommended a Citizen Advisory Committee is formed to work with the consulting firm in revising the City’s General Plan.

Michael Jaworski, Twentynine Palms, asked if there were plans to pave Mesquite Springs between Two Mile Road and Indian Trail.

Mayor Klink asked Mr. Jawroski to see City Engineer Richard Pederson after the meeting and he would be able to answer his questions.

Barbara Dunn, Twentynine Palms, expressed her opinion of the omission of the Citizen Advisory Committee and said a lot of people were concerned with the lack of development in the City.

**5.0 COUNCIL COMMENTS** -

Councilmember Harris said Rick Boyd, Animal Control Supervisor responded to a call within 10 minutes of him calling Animal Control and had the situation taken care of. He said it was commendable that after hours he responded so quickly.

Councilmember Spear congratulated Councilmember Harris and Mayor Pro Tem Flock on selecting the Michael Swigart sculpture to be placed on National Park Drive. He said he was highly impressed with the selection. He also expressed his concerns about the Chamber of Commerce newsletter. He said the Chamber of Commerce is subsidized by the tax payer's money at \$80,000 a year. He said in the current newsletter of the 19 stories, 10 were somewhat relevant to the City of Twentynine Palms, 6 were non-relevant, 8 of the 19 pages deal solely with theater functions or businesses out of the City of Twentynine Palms. He said the Chamber of Commerce is here to support the local business, not the arts. Lastly he said he heard the concerns of Larry Briggs and Barbara Dunn and he said he would request that the issue of adding a Citizen Advisory Group to the General Plan be re-discussed by the City Council at the next City Council meeting.

Mayor Pro Tem Flock said Councilmember Cole, City Manager Tree, and himself attended the Reverend Martin Luther King Jr. Prayer Memorial Service and said there was a positive attitude and a large turnout.

Councilmember Cole said he had his first introduction and training last week with the League of California Cities and he said they were a very impressive group. He also said he had his first meeting with the Air Quality Management District (AQMD) and he was looking forward to more time with that.

Mayor Klink said he attended the Sherriff's volunteer dinner on January 10, 2009. He thanked all the volunteers from the Citizen's Patrol and the mounted search and rescue volunteers and said it was a great group. He said if anyone was interested in volunteering Citizen Patrol was a great place to start, and noted it saves the City a lot of money by volunteering their time. He stressed to the public to shop locally and to keep the tax money here.

## **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 \$149,290.27.

- 6.3 Approval of Minutes  
RECOMMENATION: The City Council approve the minutes of the December 23, 2008 City Council meeting.
- 6.4 Law Enforcement- November/December 2008  
RECOMMENDATION: Receive and file.
- 6.5 A.C. Berm Reconstruction Project  
RECOMMENDATION: The City Council award the A.C. Berm Reconstruction Project contract to Ficara Paving for the amount of \$73,845.
- 6.6 Treasurer's Report-December 2008  
RECOMMENDATION: Receive and file.

Councilmember Spear abstained from item 6.2 check number 45348 for the San Bernardino County Sherriff's Department due to possible conflict of interest.

On a motion made by Councilmember Spear, seconded by Councilmember Harris and carried with a 5-0 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**

Mayor Klink requested item 10.2 be moved after item 7.0 on the agenda for discussion.

10.2 Written Comments from the City Council in Regard to Base Expansion Plans

RECOMMENDATION: The City Council approves the written comment sheet and attached letter from the Mayor that provides comments and concerns to be addressed in the Environmental Impact Statement for the proposed Twentynine Palms Marine Base expansion plans.

City Manager Michael Tree presented a Staff Report to the City Council.

Mayor Klink read the bullet notes on the concerns the City has over regarding the base expansion plans, which was going to the land acquisition program manager on base.

Dennis Neugebauer, Twentynine Palms spoke in opposition of item 10.2.

Sherri Hall Twentynine Palms spoke on behalf of the Wonder Valley Business Association. She read a letter on their behalf asking for a 90 day extension from the Marine Base.

Councilmember Cole suggested using stronger language for the letter and recommended the wording "could significantly impact". He also said water resources needed to be addressed.

Councilmember Harris said he attended the meeting of the Wonder Valley Citizens Alliance Association and they brought up many good points regarding dust and noise pollution. He said he had spoken with Jim Ricker, Community Liaison Officer of Public Affairs from the Marine Base that was at the meeting and Mr. Ricker stated no one from the Marine Base was invited to the meeting.

Jennifer Godfrey, Wonder Valley, said she spoke to Joe Ross and asked him if he could come out to the Wonder Valley meeting so everyone would have time to understand what they were putting in their comments. She said she had also invited them by email.

Mayor Pro Tem Flock said he would have liked to see the City getting together with Yucca Valley and the County.

Councilmember Spear said the letter from the City is lacking cultural and environmental impacts regarding the concern of tortoises and noise pollution. He said the City Council should provide authority to the City Manager to draft a letter with the points that the City Council has discussed this evening and for the Mayor to sign the letter after they have received the public input.

Councilmember Cole said this is only the first shot which gives more time for a regional discussion.

Mayor Klink asked City Manager Tree if he had all the information discussed tonight to be able to draft a letter available for him tomorrow.

City Manager Tree responded he did but he had a few clarifications. He wanted to know if it was the City Council's decision as a whole not to address mapping inaccuracies. He also asked if they wanted to include property value on homes near the expansion and increased crime.

On a motion made by Councilmember Spear, seconded by Councilmember Harris and approved with a 5-0 voice vote the City Manager make adjustments to the letter that was provided to the City Council as discussed by the City Council to further augment points brought up by Wonder Valley and that the letter will be reviewed and signed by the Mayor so it can reach the Department of the Navy by the 31<sup>st</sup> of January with no further review by the City Council needed.

City Manager Tree said the Circulation Task Force consisting of Councilmember Harris and Councilmember Cole could continue their work on regional issues regarding the expansion as discussed.

## **8.0 PUBLIC HEARINGS**

- 8.1 PC 08-77 Amendment to the Circulation Element of the General Plan  
RECOMMENDATION: That the City Council conduct the Public Hearing, consider all oral and written testimony, accept the Planning Commission's recommendation, adopt the Negative Declaration, adopt a De Minimis Finding

and adopt Resolution 09-01 approving and adopting the proposed Amendment to the Circulation Element of the General Plan.

Community Development Director LaClaire (Director LaClaire) presented a Staff Report to the City Council.

City Engineer Richard Pedersen (City Engineer Pedersen) said the proposed amendment to the circulation element better matches this community currently. He reminded the City Council when they go through the General Plan Update they will get closer to reality with the zoning issues becoming ironed out over the next few months.

Councilmember Spear commended Commissioner Stone and Vice Chair Easter of the Planning Commission saying a lot of hard work had been put into this interim document.

Councilmember Harris asked if the wording on page 3, appendix A was correct.

City Engineer Pedersen responded that was a typo and it would be corrected.

Mayor Klink opened the Public Hearing.

Phillip Block, Twentynine Palms representative for the Twentynine Palms Vispassana Center, spoke to the City Council regarding Montonya Road being designated as a local street instead of a collector street.

April Kohlmeyer, Twentynine Palms spoke to the City Council in support of Phillip Block's suggestion.

Ed Kohlmeyer, Twentynine Palms spoke about an asphalt wash out.

Mayor Klink closed the Public Hearing.

Following a discussion it was decided to change Montonya to a local street and adopt the Circulation Plan.

On a motion made by Councilmember Spear, seconded by Councilmember Cole and approved with a 5-0 roll call vote the City Council accepted the Planning Commission's recommendation, adopted a Mitigated Negative Declaration and approved and adopted Resolution 09-01 approving a General Plan Amendment and Tentative Tract Map No. 18701, subject to the attached Conditions of Approval.

8.2 PC 08-11 General Plan Amendment/Zone Change and Tentative Tract Map No. 18701

RECOMMENDATION: That the City Council conduct the public hearing, consider all oral and written testimony, accept the Planning Commission's recommendation, adopted a Mitigated Negative Declaration and adopted Resolution 09-02 approving a General Plan Amendment and Tentative Tract Map No. 18701, subject to the the attached Conditions of Approval, and introduce Ordinance No. 218, approving a Zone Change.

City Clerk Char Sherwood introduced Ordinance 218 by title only.

Project Planner Bulmaro Canseco presented a Staff Report to the City Council.

John Missouri and Eric Goldsmith representing Adobe Springs presented a power point presentation to the City Council.

Mayor Klink opened the Public Hearing.

Carey Marks, Twentynine Palms spoke to the City Council about the item.

Mike Jorosky, Twentynine Palms spoke to the City Council about the item.

Mayor Klink closed the Public Hearing.

Following a brief discussion of the City Council, City Attorney Munoz said if the applicant does not upkeep the property the City can place a lien and fix it up.

The City Council agreed it was a great project and a fine addition to the City.

Director LaClaire said condition P37 should be corrected to say that the recreational facility shall be constructed prior to the first certificate of occupancy for the first residential unit.

On a motion made by Councilmember Harris, seconded by Councilmember Cole and approved with a 5-0 roll call vote the City Council approved the project with the condition as stated by the builder that they will put in a solid block six foot wall along the west border and accepted the Planning Commission's recommendation, adopted a Mitigated Negative Declaration and approved and adopted Resolution 09-02 approving a General Plan Amendment and Tentative Tract Map No. 18701, subject to the attached Conditions of Approval and directed the City Clerk to introduce and read by title only Ordinance No. 218, approving a Zone Change.

## **9.0 REPORTS, REQUESTS AND COMMUNICATIONS-**

### **9.1 Proposed Ordinance Banning Unsolicited Written Materials**

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

City Attorney Patrick Munoz presented a brief report to the City Council that outlined the law in terms of the phone book issue that was raised a couple of months ago. He suggested options to the City Council which could be included in an Ordinance which were; a free refusal registry at City Hall, a requirement that material still left out be cleaned up after 30 days by the distributor or take no further action, or require that all distributors register with the City prior to each distribution.

Mayor Klink said he was concerned about the littering by distributors, allowing the items to sit for a long period of time. He asked if the City could have a contract with one phone book company as opposed to a few different phone

book companies or if the distributors could be made to put plastic bins by residents mailbox's to place the phone books in.

City Attorney Munoz responded no, the City could not do either of those options.

Mayor Pro Tem Flock suggested the City sending letters out to residents saying if they did not want unsolicited materials left on their property to put the sticker on their mailbox and if someone does put the materials on their property Code Enforcement could site them.

On a motion made by Councilmember Spear, seconded by Mayor Klink and carried with a 5-0 roll call vote the City Council decided to move forward with the item as presented by the City Attorney directing staff to bring back an Ordinance, including a permit process which will be at no cost to the distributor.

## **10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT**

### **10.1 Planning Commission Applications**

**RECOMMENDATION:** The City Council receives the staff report and takes action as appropriate.

City Manager Tree presented a brief Staff Report to the City Council and said Mayor Pro Tem Flock and Councilmember Cole reviewed the applications and interviewed the applicants this week. He said their recommendations were that Bill Easter be re-appointed to the Planning Commission and that Carey Alderson be appointed to the Planning Commission.

Mayor Pro Tem Flock said it was a difficult decision and all applicants interviewed were very interested and very enthused about the position.

On a motion made by Councilmember Spear, seconded by Councilmember Cole and carried with a 5-0 roll call vote the City Council adopted the task force's recommendation for the two Planning Commissioners.

## **11.0 FUTURE COUNCIL INITIATED ITEMS**

Councilmember Spear said he would like a brief on the disgraceful condition of the North West corner of Adobe Road and Highway 62. He said he would like an agenda item for Public Comment and further Council discussion about adding a Citizen Advisory Group to the General Plan endeavor. He said he would like a brief report for the City on the costs to bail your dog out of the animal shelter, he would like to know what the fee schedule is and what it costs to get your animal out of the shelter once picked up by Animal Control.

Councilmember Harris said he would like an update on the takeover of the Fire Department.

**12.0 CLOSED SESSION**

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

**13.0 ADJOURN-** Mayor Klink adjourned the City Council meeting at 8:33 p.m. to Closed Session. The Closed Session adjourned at 8:50 p.m. with no action taken.

Respectfully Submitted,

Charlene L. Sherwood CMC, City Clerk