

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING
6136 Adobe Road
Twentynine Palms, CA 92277
www.ci.twentynine-palms.ca.us
Tuesday, February 24, 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- Irving Stone III led the Pledge of Allegiance to the Flag.
INVOCATION – Milt Merritt, United States Navy (retired) gave the Invocation.
ROLL CALL - The following Councilmembers were present: Cole, Flock, Harris, Spear, and Mayor Klink.
- 2.0 SPECIAL RECOGNITION AND PRESENTATIONS**
- 2.1 Mayor Klink presented Irving O. “Stoney” Stone III a recognition plaque for his years of service on the Planning Commission.
- Stoney said it was a pleasure to represent the community and be a part of the Planning Commission for so many years. He said it was a privilege and honor to serve the public.
- 3.0 ANNOUNCEMENTS**
- 3.1 Mayor Klink announced these proceedings will be televised on Cable T.V., Channel 10, as follows: Saturday, February 28, 2009 at 7:00 p.m. and Friday, March 6, 2009 at 5:00 p.m.
- 4.0 PUBLIC COMMENTS**
- 4.1 Steve Van Duser, Twentynine Palms, spoke in support of AB 811.
- City Manager Michael Tree (City Manager Tree) said staff would have a staff report at a City Council meeting in April.
- David Smith, Twentynine Palms, spoke to the City Council regarding crosswalks in Twentynine Palms. He said the crosswalks are dangerous in front of City Hall on Adobe Road and on Highway 62 in front of Kentucky Fried Chicken.
- 5.0 COUNCIL COMMENTS**
- Councilmember Harris said to remember Joe Perez and Peggy Burke and to keep them in their thoughts in prayers.

Councilmember Cole echoed Councilmember Harris' comments. He also said he attended the MDAQMD meeting in Victorville on Monday and they discussed the issues surrounding the issues of the base expansion. He said on Sunday there was a Hike for Hope in Palm Springs Canyons for the City of Hope. He also said the boys basket ball team was eliminated Friday night but the girls were still in.

Mayor Pro Tem Flock thanked Stoney for his years of service and said he made Twentynine Palms a better place to live. He also echoed the comments about Wally Bradfield and the others involved in the tragic accident.

Mayor Klink echoed the comments of the Council regarding Wally and those involved in the accident. He said they were all in his prayers and that Wally will be missed. He also said go Lady Wildcats!

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 \$503,136.42.

6.3 Approval of Minutes

RECOMMENDATION: The City Council approve the minutes of the January 27, 2009 City Council meeting.

Councilmember Spear requested removing item 6.2 off the Consent Calendar.

ACTION: On a motion made by Councilmember Cole, seconded by Councilmember Harris and carried with a 5-0 voice vote, the City Council approved the remainder of the consent calendar as presented.

7.0 ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION AND/OR ADDED AGENDA ITEMS

6.2 Warrant Register

RECOMMENDATION: Receive and file warrant register totaling \$503,136.42.

Councilmember Spear questioned check number 45491 for \$75.00 for KCDZ radio and wanted to know what it was for.

Ron Peck Finance Director responded the check was for an advertisement for the Christmas Tree recycling program.

Councilmember Spear asked if recycling of Christmas trees was an advertisement or a service.

City Manger Tree responded it was a public service announcement and the expectation is the local media will run the public service announcement. He said if one of the local media outlets runs it continually to inform the public on an ongoing basis, the City is asked to pay for it as an advertisement.

Councilmember Spear wanted to know if there was a financial committee that reviewed expenditures of tax payer's money in regards to advertising in newspaper and or radio.

City Manager Tree responded the finance committee usually looks into expenditures and can report back.

Councilmember Spear asked what check number 4556 for \$47, 735.66 was for.

Finance Director Ron Peck responded it was for law enforcement overtime for three months October, November and December.

Councilmember Spear requested itemized expenditure accounts from the sheriff department for that type of expenditure.

Councilmember Spear abstained from check number 45534 for the San Bernardino County Sherriff Department and check number 45546 for the San Bernardino County Sherriff Department due to possible conflict of interest.

ACTION: On a motion made by Councilmember Cole, seconded by Councilmember Harris and approved with a 5-0 roll call vote, the City Council approved the remainder of the Consent Calendar.

8.0 PUBLIC HEARINGS

8.1 Public Hearing Regarding Prioritization for Funding of Community Development Block Grant (CDBG) Applications for Fiscal Year 2009-2010

RECOMMENDATION: The Public Hearing be opened and public comments be received and after consideration of the task force recommendation and the public comments, the City Council approve the funding for the Fiscal Year 2009-2010 Community Development Block Grant Program.

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

Mayor Klink opened the public hearing.

After there were no requests to speak, Mayor Klink closed the public hearing.

ACTION: On a motion made by Councilmember Spear, seconded by Councilmember Harris and approved with a 5-0 roll call vote the City Council adopted the recommendation of the task force for the Community Development Block Grant Project.

9.0 REPORTS, REQUESTS AND COMMUNICATIONS

9.1 Update on Indian Cove Natural Gas Project

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

Councilmember Spear and Mayor Pro Tem Flock recused themselves from the Council Chambers due to possible conflict of interest at 6: 27 p.m.

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

Eric Bond, Twentynine Palms, spoke to the City Council regarding the project and said Southern California Gas Company should pay for it.

George Lear, Twentynine Palms, spoke in opposition of the project.

Consensus of the City Council was to shelf the item until the economy is back up.

Councilmember Spear and Mayor Pro Tem Flock returned to the Council Chambers at 6:50 p.m.

9.2 General Plan Advisory Committee (GPAC) Membership Appointment and Work Program

RECOMMENDATION: The City Council provide direction to staff as appropriate

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

ACTION: On a motion made by Councilmember Spear, seconded by Mayor Klink and carried with a 5-0 voice vote the City Council directed staff to not use categories and use the current application as it exists and to add categories at a later date in the event that there is an excess of twenty volunteers.

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT

10.1 Mid-Year Budget Review

RECOMMENDATION: Receive and file.

Finance Director Ron Peck presented a Staff Report to the City Council. He said he thought the City would end up with more revenue than expenditures. He projected property tax and vehicle license fees will decrease by 20%, transient occupancy taxes 5%, planning fees by 60% and building permits by 30%. He said staff recommends that the second phase of the classification and compensation study not be implemented. He said staff is close to a balanced budget, not counting the \$500,000 General Plan Update cost the City Council has agreed to charge against the General Fund Reserve.

Councilmember Spear asked the cost of the second phase of the classification and compensation study.

Finance Director Peck said he believed the cost was \$45,000.00.

Councilmember Spear said he would like staff to consider not funding the school resource officer and the Chamber of Commerce for \$80,000.00.

City Manager Tree said there are several options the City Council could take and they are not projecting any layoffs at this point or downsizing any programs or services the City provides.

10.2 Transportation Development Act Project Submittals

RECOMMENDATION: The City Council take action as appropriate.

Director LaClaire presented a Staff Report to the City Council.

Councilmember Spear said a bike should not be on the same level as a car, it should be a class one.

Councilmember Cole asked what the Article 8, Measure I was.

Finance Director Ron Peck responded Article 8 is money that is received from the state that is designated for streets, roads, sidewalks, and bike paths. He said Measure I is a county initiative where one half of one percent of the sales tax is set aside and distributed to the counties. He said money could be used from Measure I but that would make less money for road projects.

Consensus of the City Council was to shelf the item until the next fiscal year 2009/2010.

10.3 Update on Historic Plaza

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

Frank Spavacek representative of RSG, presented a staff report to the City Council. He said if and when the authorization was given by the City Council to proceed they would be on the path to send information out to every owner of a business in the Historic Plaza and give them full details on what is going to be occurring and have them execute a memorandum of understanding to show their support for moving forward. He said they would then be starting the activities to finalize the plans and specifications would follow and lastly working with the engineer to identify the areas that need to be secured through easements so sidewalks could be constructed in the area.

Councilmember Spear asked if a couple of landowners decided they did not want to be a part of the process would they be eligible for eminent domain.

City Attorney Patrick Munoz responded yes they would be eligible.

Consensus of the City Council all agreed to move the project forward.

10.4 Highway 62 Road Improvement Project

RECOMMENDATION: The Redevelopment Board provide direction to staff on funding a needed environmental study as a part of a grant-funded improvement program for Highway 62 that will provide for new curb, gutter, medians and sidewalk improvements.

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

Boardmember Spear asked if the performance of the environmental study involved Cal Trans or any of their staff.

City Attorney Patrick Munoz responded yes they were entitled to participate and the City is required to give them the opportunity to comment.

ACTION: The Redevelopment Agency directed staff with a 4-0-1 (Spear abstained) roll call vote to move forward on funding a needed environmental study as part of a grant-funded improvement program for Highway 62 that will provide for new curb, gutter, medians, and sidewalk improvements.

10.5 Purchase of Property

RECOMMENDATION: The City Council receives the staff report, approves the purchase of property (APN 0613-051-25 & APN 0613-051-07) in the amount of \$400,000 plus buyer costs, and authorizes the city manager to sign purchasing documents on behalf of the City.

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

City Attorney Patrick Munoz said if the seller says he does not want to sell, we now have is a binding agreement, we can go to arbitration and a judge would require more likely than not, the sale to move forward.

Mayor Pro Tem Flock asked what the cost of arbitration would be.

City Attorney Patrick Munoz estimated between \$15,000 and \$20,000. He said there are provisions that the seller would be responsible for those costs if the City won.

Barbara Dunn, Libby's Realty, Twentynine Palms, said she was not aware the owner was not wanting to sell the property.

City Attorney Patrick Munoz suggested if the City Council has concerns about the property that he had not been able to address, it would be appropriate to call a recess and go into closed session and talk about the issue.

Mayor Pro Tem Flock said he had information he would like to give to the City Council that might raise some concerns but he was not allowed to do that unless they went into closed session.

Mayor Klink adjourned the City Council meeting to closed session at 8:10 p.m.

City Attorney Patrick Munoz announced the City Council was going into closed session pursuant to Government Code section 54956.8 as a result of discussions relating to real property.

Mayor Klink adjourned the meeting to closed session at 8:10 p.m.

Mayor Klink re-opened the meeting at 8:22 p.m.

Robin Anaya, Twentynine Palms, wanted to know why the City was purchasing the property and wanted to know what the property was going to be used for and how she a tax payer was going to benefit from this purchase.

Mayor Klink said his main reason for wanting to purchase the property was the park master plan which indicated the Indian Cove area needed a park which had open space by the National Park. He said to have a park in that area would be a good thing for Twentynine Palms.

Kelly Crawford, Twentynine Palms, spoke in opposition of the item and said it seemed to be an excessive amount of money to be spending at this point.

ACTION: On a motion made by Councilmember Cole, seconded by Mayor Pro Tem Flock and approved with a 5-0 roll call vote the City Council approved the decision to move forward with the purchase of property (APN 0613-051-25 & APM 0613-051-07) in the amount of \$400,000 plus buyer costs, and authorized the City Manager to sign purchasing documents on behalf of the City.

11.0 FUTURE COUNCIL INITIATED ITEMS

Councilmember Spear said he would like an agenda item on the March 24, 2009 City Council meeting on putting together a Media Task Force. He said he would also like on the March 24, 2009 City Council meeting an in-depth staff report from the Sherriff Department regarding the red flex systems out of Arizona which are camera lights which take pictures of vehicles that do not stop at red lights.

Mayor Pro Tem Flock said he wanted an update from staff on the Cultural Center.

12.0 CLOSED SESSION

- 12.1 Conference with the Agency's Real Property Negotiator, Michael Tree, Pursuant to Government Code Section 54956.8 Concerning Potential Terms and Conditions of Acquisition and Section 54956.8 Concerning Potential Terms and Conditions of Acquisition and/or Disposition of Real Property Identified as APN 618-232-03, 04, 07, 14, 15, 16, 17, 18, 19, 20, 21, and 30. Property Owner/Negotiator: Dawn K. Benton, Benton Brothers, Limited.
- 12.2 Conference with the Agency's Real Property Negotiator, Michael Tree, Pursuant to Government Code Section 54956.8 Concerning Potential Terms and Conditions of Acquisition and /or Disposition of Real Property Identified as 6434 Split Rock Road. Property Owner/Negotiator: Gus Joslin, San Bernardino County Housing Authority.

- 12.3 Conference with the Agency's Real Property Negotiator, Michael Tree, Pursuant to Government Code Section 54956.8 Concerning Potential Terms and Conditions of Acquisition and/or Disposition of Real Property Identified as 73579 Twentynine Palms Highway. Property Owner/Negotiator: Rose Kuot, Jelly Donut.
- 12.4 Conference with the Agency's Real Property Negotiator, Michael Tree, Pursuant to Government Code Section 54956.8 Concerning Potential Terms and Conditions of Acquisition and/or Disposition of Real Property Identified as 6340 El Rey Avenue. Property Owner/Negotiator: Govinda Arehalli, Circle C Lodge.
- 12.5 Conference with the Agency's Real Property Negotiator, Michael Tree, Pursuant to Government Code Section 54956.8 Concerning Potential Terms and Conditions of Acquisition and/or Disposition of Real Property Identified as APN 617-041-01, 02, 22, and 23. Property Owner/Negotiator: Peter Strauss.
- 12.6 Closed Session pursuant to Government Code Section 54956.9 Conference with Legal Counsel Regarding Potential Litigation (2 cases).
- 13.0** ADJOURN- Mayor Klink adjourned the City Council meeting at 8:40 p.m. to closed session in memory of Wally Bradfield. The closed session adjourned at 10:00 p.m. with no action taken.

Respectfully Submitted,

Charlene L. Sherwood MMC, City Clerk