

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING
6136 Adobe Road
Twentynine Palms, CA 92277
www.ci.twentynine-palms.ca.us
Tuesday, March 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- Mayor Pro Tem Flock led the Pledge of Allegiance.
INVOCATION - Dr. K. B. Brewer, Faith in the Word Church gave the Invocation.
ROLL CALL –The following Councilmember’s were present: Cole, Flock, Harris, Spear, and Klink.

2.0 SPECIAL RECOGNITION AND PRESENTATIONS

2.1 Recognition of the “City Employee of the Quarter”

Mayor Klink presented Kary Minatrea with the Employee of the Quarter recognition.

Kary Minatrea thanked the City Council and staff for the recognition.

3.0 ANNOUNCEMENTS

- 3.1 Mayor Klink announced these proceedings will be televised on Cable T.V., Channel 10, as follows: Saturday, March 28, 2009 at 7:00 p.m. and Friday, April 3, 2009 at 5:00 p.m.

4.0 PUBLIC COMMENTS

Elaine Bernal, Twentynine Palms, spoke to the City Council about the wildflowers in Twentynine Palms and said there are so many flowers in bloom right now and that everyone should stop and take a look at them. She also spoke to the City Council about the National Park Drive median and said there are wildflowers there and asked the City not to use pesticides.

Mimi Mitz, Joshua Tree, President of the Morongo Basin Humane Society, said they are the only no kill shelter in the area. She said the Society is in danger of closing due to the economic down turn and said they are looking for funding.

Councilmember Harris asked where the Morongo Basin Humane Society Thrift Store was located.

Ms. Mitz responded it was in Yucca Valley on Pioneer Town Road.

Keith Sky, Twentynine Palms, spoke on behalf of Fueled by the Fallen. He said the organization is working on coming to Twentynine Palms and he said they were hoping to work with the drive-in to provide GI films.

Mayor Klink announced item 9.2 would be removed from the agenda and item 10.1 would be moved after the Consent Calendar approval.

5.0 COUNCIL COMMENTS –

Councilmember Cole said the Circus was in town and invited the public to attend. He said he went to a meeting for the Air Quality Management District (AQMD) in Victorville and he said an environmental retreat took place, and that two of the Cities local teachers, Jason Smith and Tera Bottorff were there. He also thanked Larry Bowden and everyone who helped Larry put on the Michael Swigart dedication ceremony on Friday night.

Mayor Pro Tem Flock said he attended a function put on by the California Association for Coordinated Transportation last week. He said the Morongo Basin Transit Authority (MBTA) was a member of the Association and the MBTA received an award for 2009 Best Transit Agency of the year.

Councilmember Spear encouraged the public to change their route of travel to cross the highway at times, so that you are not looking directly into the sun. He said this will help avoid collisions which are caused by blinding of the sun this time of year.

Councilmember Harris congratulated Kary on receiving Employee of the Quarter and welcomed Lieutenant Mondary to the meeting.

Mayor Klink said on Larrea and Highway 62 Cal Trans was working on the traffic light and reminded the public to be careful around that area. He reminded the public to shop locally and wished everyone who was celebrating a Birthday in March a very Happy Birthday.

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 (if any exist) 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 \$714,410.94.

6.3 Approval of Minutes

RECOMMENDATION: The City Council approve the minutes of the February 24 and March 10, 2009, City Council meetings.

- 6.4 Approval to Award Contract to Joe Putrino General Contractor in the Amount of \$79,398.00 for the construction of a Metal Building at Knott's Sky Park for High Desert Football.

RECOMMENDATION: The City Council approve the Metal Storage Building to Joe Putrino General Contractor in the amount of \$79,398.00

- 6.5 Law Enforcement Report – February 2009

RECOMMENDATION: Receive and file.

Councilmember Spear abstained from check number 45654 in the amount of \$204,683.00 to the San Bernardino County Sherriff's Department due to conflict of interest.

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 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

- 10.1 Update on Redevelopment Agency (RDA) Projects

RECOMMENDATION: The Board receives the staff report and provides direction.

Frank Spevacek, RSG, provided an update to the City Council on the Jelly Donut Project, The Warehouse Project, the Circle C Lodge, Demolition of the Taxicab Stand and Building Improvements, 29 Bistro, Historic Plaza, Operation Phoenix, and the Storefront Improvement Plan. He said the Jelly Donut Project was in the phase of remodeling, he said the Historic Plaza plans were moving forward and letters were sent out to all the owners in the area of the Historic Plaza and there were signed agreement from six of the nine owners. He said he had been working with the San Bernardino County Housing Authority and said the County was interested in partnering with the Twentynine Palms Redevelopment Agency to either rehabilitate the property behind the AM PM or redevelop the property with new affordable units. He said RSG would come back to the City Council on April 28, 2009 with further discussions on the amount of agency investments.

Councilmember Cole said some of the projects seemed to have stalled and wanted to know if a deadline should be set to keep moving.

Mayor Pro Tem Flock asked Mr. Spevacek if these were the same item updates that were brought before them a few months ago, because it seemed as if nothing is happening. He said a time limit should be set to keep things moving.

Frank Spevacek responded yes, that things were moving slowly.

Councilmember Spear suggested a ninety (90) day time deadline.

Mayor Klink suggested sending a letter to each of the business owners saying they would need something solid by the end of the fiscal year.

- 8.1 Ordinance No. 219 Regulating the Distribution of Unsolicited Written Materials
RECOMMENDATION: The City Council introduce Ordinance No. 219 and direct the City Clerk to read by title only.

Mayor Klink asked City Clerk Sherwood to introduce Ordinance No. 219 by title only.

City Clerk Sherwood introduced Ordinance No. 219 reading by title only.

Patrick Munoz, City Attorney (City Attorney Munoz), presented a staff report to the City Council.

Councilmember Spear asked what will happen if an infraction is committed.

City Attorney responded a citation similar to a traffic ticket would be issued. He said an infraction is any criminal violation for which jail is not a possible consequence. He said the Code Enforcement Officer of Deputy Sherriff could issue the citation.

Councilmember Harris asked if the citations would be issued per location and per incident.

City Attorney Munoz responded yes.

Mayor Pro Tem Flock said he would like to see language added of permit denial with an appeal process.

Mayor Klink opened the Public Hearing.

After there were no requests to speak from the public, Mayor Klink closed the Public Hearing.

City Attorney Munoz said if the City Council would like him to add in the language of permit denial with an appeal process he said he would like to bring the item back at a later date for a new first reading to add that language.

The City Council directed City Attorney Munoz to amend the Ordinance to add the language of permit denial with an appeal process as discussed, and bring part of the item back at the April 28, 1009 City Council meeting.

9.0 REPORTS, REQUESTS AND COMMUNICATIONS

- 9.1 Downtown Specific Plan Update and Status Report
RECOMMENDATION: The City Council provide direction to staff and the consultants as appropriate regarding the creation of the City of Twentynine Palms Downtown Specific Plan.

Community Development Director Charles LaClaire presented a staff report to the City Council.

Mark Brodeur, representative from PMC spoke to the City Council regarding the Downtown Specific Plan. He suggested submitting to Caltrans that if they move forward with a design that is consistent with what is in the design manual.

Mayor Klink asked how long it would take to move forward with the design.

Mr. Brodeur said they will accelerate the design concept so they can get it to Caltrans. He said one of the goals of the plan was to make Twentynine Palms Highway 62 as safe and pedestrian friendly as possible.

Mayor Pro Tem Flock said reducing from four lanes to two lanes would be a disaster in the proposed area.

Mr. Brodeur said his recommendation is for the City Council to let him bring back the conceptual design to the City Council and he will go through the list of what is in the design manual and in the plan. He said then the City Council could make a decision. He said the biggest decision is two lanes or four lanes.

Mayor Pro Tem Flock said he felt 4 lanes were appropriate.

Mr. Brodeur said he would bring a spec plan and conceptual street plan back to the City Council.

9.2 Establishment of a Media Task Force

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

Mayor Klink removed this item from the agenda.

9.3 Potential Indian Cove Natural Gas Project

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

Mayor Pro Tem Flock and Councilmember Spear recused themselves from the Chambers at 7:23 p.m. due to conflict of interest.

City Manager Tree presented a staff report to the City Council. He said the cost estimate that had been established for the parcels north of Highway 62 in the project area were estimated at \$52,000.00.

Lynn Smakoff, Twentynine Palms, said she was very disappointed with the no votes.

Sue Shinaver, Twentynine Palms, thanked the City for the support given in trying to get the acquisition of all the petitions. She said the natural gas project would add value to the property and hoped the City Council looked favorably at the item.

City Manager Tree said fifty five (55) percent of the parcel owners did not respond to the petition. He said the City Council could take action to continue on with the analysis and with the election process, he said the risk would be that those who did not respond to the petition process would vote and vote no. He said a simple majority was needed to have the election approved and for the project to move forward. He said the other option would be to work with the parcel owners to get a response from the fifty five (55) percent who did not respond, or shelf the project until greater interest arises.

Mayor Klink asked how much it would cost to send another letter to the parcel owners who did not respond previously.

City Manager Tree responded it would cost \$500 including materials and labor.

Mayor Klink said he would like to have letters sent out once more to the parcel owners who did not respond. He said he would like the parcel owners to know they are getting a deal and the renters would be happier.

City Manager Tree said he would work on a letter and get it to the City Council.

Mayor Pro Tem Flock and Councilmember Spear returned to the Council Chambers at 7:32 p.m.

- 9.4 Review of Progress on the HWY 62 Rehabilitation and Street Improvement Project, the JTNP Visitor Center Project, and the Wastewater Master Plan
RECOMMENDATION: The City Council receives the staff report and provides direction.

City Manager Tree presented a staff report to the City Council. He said the Joshua Tree National Park Visitor Center/Cultural Center had a slight delay with the seismic trench study which has thrown the project slightly behind. He said the estimate for completion of construction documents is March of 2010. He said construction should be started in 2010 or 2011 with a worst case scenario in 2012. He said the City is looking at a Wastewater Master Plan that would provide direction on how the City Council would proceed with conditioning projects with wastewater. He said staff is looking on different fronts for money to conduct a wastewater management plan.

The City Council's recommendation was to continue moving forward with the item.

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT

- 10.2 General Plan Advisory Committee (GPAC) Membership Application Review
RECOMMENDATION: The City Council select GPAC members or provide additional direction to staff as appropriate to solicit additional applications or create an additional questionnaire for membership evaluation purposes.

Director LaClaire presented a staff report to the City Council.

Mayor Klink asked if anyone in the audience would like to comment on the item.

Mayor Klink said the City should go the CDBG way and let the public have three (3) minutes to speak. He said two (2) hours one evening could be dedicated for questions that could be given and what their interest would be in becoming part of the General Plan Advisory Committee (GPAC)

Mayor Pro Tem Flock asked for a combination of questionnaire the City sends out and three (3) minutes because not a lot could not be covered in three (3) minutes.

Councilmember Harris said it was unfair to pick a night and ask all of the applicants to attend. He suggested if those who cannot be at the meeting could respond to the questionnaire and send them back, he said it might cut the meeting time down to an hour.

Councilmember Spear said at this point in this process he would like to keep his hands off the item for as long as possible. He said the General Plan in the final analysis is a document of the people, by the people, for the people not the City Council. He said they would need to see a fifty (50) percent reduction in the amount in applications that the City Council is presently looking at. He said he would like Hogle Ireland or City staff to review the thirty seven (37) applications and place them into the various categories. He said he would like staff or Hogle Ireland to bring back to the City Council a list of whom they believe to be the best and at that point the City Council can revisit the selections and provide those individuals with more in depth interviews with the City Council.

Mayor Pro Tem Flock said he would still like the questionnaire to go out and have staff make up a series of questions to allow them to put people in categories.

The consensus of the City Council was to send out the questionnaires.

Director LaClaire said he recommended that he would come up with a questionnaire that the City Council would be able to review at their next City Council meeting. He said he and Hogle Ireland would be able to go through the material and give the City Council appropriate categories.

City Manager Tree said there was a fifth Tuesday this month and he said they could bring this item to a special meeting on March 31, 2009.

Councilmember Cole requested the questionnaire include a question regarding the given additional information of excessive reading would the applicant like to continue to be considered. He said this question might cut down the list. He suggested defaulting construction of the questionnaire to staff.

The City Council directed Director LaClaire, along with the Hogle Ireland Consultants to create a supplemental questionnaire, evaluate the submitted questionnaires and provide a recommendation to the City Council of twelve (12) to fifteen (15) applicants.

11.0 FUTURE COUNCIL INITIATED ITEMS

Mayor Pro Tem Flock requested information from Staff regarding an Enterprise Car Rental business in Twentynine Palms.

12.0 CLOSED SESSION

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

12.2 Closed Session Pursuant to Government Code Section 54957 Public Employee Performance Evaluation – City Manager

13.0 ADJOURN- Mayor Klink adjourned the meeting at 8:15 p.m to Closed Session. Closed Session ended at 9:45 p.m. with no action being taken.

Respectfully Submitted,

Charlene L. Sherwood MMC, City Clerk