

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY  
REGULAR MEETING  
6136 Adobe Road  
Twentynine Palms, CA 92277  
www.ci.twentynine-palms.ca.us  
Tuesday, April 14, 2009  
6:00 P.M.**

**MINUTES**

- 1.0 CALL TO ORDER** – Mayor Klink called the meeting to order at 6:05 p.m.  
**PLEDGE OF ALLEGIANCE**- Councilmember Harris led the Pledge of Allegiance.  
**INVOCATION** – Milt Merritt, US Navy, retired gave the Invocation.  
**ROLL CALL** - The following Councilmember's were present: Cole, Flock, Harris, Spear, and Klink.

- 2.0 SPECIAL RECOGNITION AND PRESENTATIONS**- None

**3.0 ANNOUNCEMENTS**

- 3.1 Mayor Klink announced these proceedings will be televised on Cable T.V., Channel 10, as follows: Saturday, April 18, 2009 at 7:00 p.m. and Friday, April 24, 2009 at 5:00 p.m.

**4.0 PUBLIC COMMENTS**

Calvin Sisco, Twentynine Palms, spoke to the City Council regarding the bus terminal being approved without a shower or a public restroom. He said he would like to see a solar industry developed in Twentynine Palms.

Ann Congdon, Twentynine Palms, spoke to the City Council regarding the Observation Post which stated the Combat Center is reducing light and saving energy. She thanked the Base for their efforts.

**5.0 CITY COUNCIL MEMBER REPORTS AND COMMENTS**

Mayor Pro Tem Flock said he attended the City/County conference that is held annually at Lake Arrowhead. He said the main topic was the economy and he said the meetings are a good place to get up to date on issues and to meet and interact with people from other cities, counties, and states. He said he met with Ray Wolfe, whom is the director of the district for Caltrans. He said he got an email the next business day from Mr. Wolfe offering to work out any problems. He said staff had worked with Caltrans also and he said Mr. Wolfe sent a follow up email a week and a half later with specifics he had learned and offered more help with the situation. He said he had a positive experience with Caltrans.

Councilmember Cole echoed Mayor Pro Tem Flocks comments about the meeting held in Arrowhead. He said he attended the Open Spaces meeting hosted by Jim Ricker on the Base.

Councilmember Harris said he also attended the Open Spaces meeting on the Marine Base and that the Base has given up a lot of their land for the tortoise rescue. He told the public to be cautious of dirt bike riders in the area. He said a dirt bike was riding on private property on his street and a neighbor was having a problem with dirt bikes riding on their property.

Mayor Pro Tem Spear said he hoped everyone in the City had a Happy Easter.

Mayor Klink said he attended the Open Space and Lake Arrowhead meetings. He reminded the public to carry a lot of water due to the temperature rising.

**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 \$224,000.39.
- 6.3 Approval of Minutes  
RECOMMENDATION: The City Council approve the minutes of March 24, 2009.
- 6.4 Amendment to City Manager Contract  
RECOMMENDATION: The City Council approve the amended and restated employment amendment with City Manager Michael Tree.
- 6.5 Chamber of Commerce Report – March 2009  
RECOMMENDATION: Receive and file.
- 6.6 Purchase and Installation of Electronically Regenerated Diesel Particulate Filters for Two City Vehicles  
RECOMMENDATION: The City Council approves the purchase and installation of electronically regenerated diesel particulate filters for two heavy duty City vehicles in the amount of \$30,789.30 from Ironman Parts & Services.

- 6.7 Renewal of Delegate Agency Agreement  
RECOMMENDATION: The City Council approve the Delegate Agreement between the City of Twentynine Palms and the County of San Bernardino.

Mayor Pro Tem Flock commented on item 6.4 saying that the City Manager is doing an excellent job.

On a motion made by Councilmember Cole, 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**

**8.0 PUBLIC HEARINGS**

- 8.1 PC 09-07 (Amendments to Chapters 19.06, 19.08, 19.30, 19.40, 19.62 and 19.82 of the Development Code of the City of Twentynine Palms)  
RECOMMENDATION: The Planning Commission recommends that the City Council conduct the public hearing, consider public comments, determine that PC 09-07 is exempt from further environmental review and introduce Ordinance No. 220 amending Chapters 19.06, 19.08, 19.30, 19.40, 19.62 and 19.82 of the Development Code.

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

Mayor Klink opened the Public Hearing.

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

Mayor Klink directed City Clerk Sherwood to introduce Ordinance No. 220.

Mayor Pro Tem Flock said under page 11 item B it says, "Any Sheriff's Officer, any employee of the City or any person designated by the City Manager to give such notices as part of their official duties is hereby empowered to issue an appropriate parking citation or summons and complaint under this Code." He suggested changing the language so it did not read that any City employee could issue a citation but that a Sherriff or person designated by the City Manager.

Councilmember Spear asked if the City had an Ordinance saying the public could not sell vehicles anywhere along highway 62.

City Attorney Munoz responded no, the City did not have such an Ordinance.

**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 Resolution No. 09-02 and accepted the amendments as presented.

**9.0 REPORTS REQUESTS AND COMMUNICATIONS**

9.1 General Plan Advisory Committee (GPAC) Membership Selection

RECOMMENDATION: Receive and file Supplemental Questionnaire and/or provide additional direction to staff as appropriate to select GPAC membership.

Director LaClaire presented a staff report to the City Council.

Mayor Klink said he would like to see the applicants given three minutes each at the podium to be interviewed.

Mayor Klink opened the item up for the public.

Sherry Hall, Twentynine Palms, said she was the late applicant and that her issue was that the letter dated on the 25<sup>th</sup> and it took a week to get from draft to mail and she had just gotten the letter today because she only checks her mail once a week. She said the questions were almost identical as the previous ones and she recommend that if there was going to be on a timeline that it be put on the internet and give a fair amount of applicant response time.

Steve Van Duser, Twentynine Palms, said the City did a really good job at getting the supplemental questionnaire out to the public.

Jay Corbin, Twentynine Palms, suggested to the City Council to dine the committee.

Mayor Pro Tem Flock said he agreed the applicants should address the Council and have the City Council pick the members of the GPAC.

Councilmember Harris agreed the City Council should see all of the GPAC applicants.

Councilmember Cole said he felt it was not necessary to have the applicants come before the City Council and staff had already been given direction of what to do.

Councilmember Spear said he thought the City Council was going backwards and changing what has been already agreed upon and this was putting the issue in a time crunch. He said this document was a document of the people as far as he was concerned.

Pat Flanagan, Twentynine Palms, asked the City Council if the applicant cannot attend the meeting when each applicant would have their three minutes to speak before the City Council. She asked if the applicant would be eliminated if they could not attend the meeting.

Mayor Pro Tem Flock said if the applicant cannot make the meeting it should not be held against the applicant.

**ACTION:** On a motion made by Councilmember Flock, seconded by Councilmember Harris and approved with a 3-2 (Cole and Spear no) the City Council requested a three minute presentation from each applicant.

City Attorney Munoz said staff needed direction on this item. He said he was assuming the City Council wanted a three minute presentation from any of the applicants who want to speak, ask questions and then vote who will be on the GPAC committee that night.

Director LaClaire recommended the City Council have a special meeting on April 28, 2009 to hear the applicants and the final selections will be made on May 12, 2009.

- 9.2 Expansion of the Public Arts Advisory Committee (PAAC) from 5 to 7 Members.  
RECOMMENDATION: Accept the resignation of Ray Kinsman, approve the expansion of the PAAC from 5 members to 7 members, approve the PAAC's recommendation of new Committee Members; Ann Congdon, Lesley Thornburg, and Allen Barter.

Community Services Director Randy Councill (Director Councill) presented a staff report to the City Council.

Councilmember Spear asked if there was any way that the PAAC could operate with Pat Flynn designated as an alternate in the event that the seven member body is missing someone and Pat is available. He said she could be there to round it out as a designated alternate so that she could provide input and attend each meeting.

Director Councill said yes he believed it could be written into the PAAC's bylaws.

ACTION: On a motion made by Councilmember Cole, seconded by Councilmember Harris and approved with a 5-0 voice vote the City Council accepted the PAAC proposal and designated Pat Flynn as an alternate to the committee.

## 10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT

- 10.1 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.

City Attorney Munoz presented a staff report to the City Council.

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

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

ACTION: On a motion made by Councilmember Spear, seconded by Councilmember Cole and approved with a 5-0 roll call vote the City Council accepted Ordinance No. 219 as presented by the City Attorney Munoz.

## **11.0 FUTURE COUNCIL INITIATED ITEMS**

Councilmember Spear said he felt there needed to be an agenda item to discuss the legitimacy, legality and liability of the 16 task forces as opposed to the formation of task forces for very specific and special projects. He asked for a brief from the City Attorney on task forces as opposed to standing committees. He also requested an agenda item on the limitation of how things get on the agenda, specifically by Councilmembers, he wanted to know if they are restricted to 11.0 for putting things on the agenda, or is any Councilmember allowed to go into the City Manager's office and have items placed onto the agenda.

Mayor Klink said he would like an agenda item regarding 2 task force members being appointed to attend Open Space meetings.

## **12.0 CLOSED SESSION - None**

## **13.0 ADJOURN-** Mayor Klink adjourned the meeting at 7:47 p.m.

Respectfully Submitted,

Charlene L. Sherwood MMC, City Clerk