

NOTICE IS HEREBY GIVEN, that the City Council of the City of Twentynine Palms will hold a **CLOSED SESSION** on Tuesday, May 26, 2009 at 5:00 p.m. at City Hall, 6136 Adobe Road, Twentynine Palms, to consider the following:

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

Conference with Real Property Negotiators - Pursuant to Government Code Section 54956.8 Real Property Under Negotiation:

<u>A.P.N. No.</u>	<u>Owner</u>
0620-081-04	Bazzini
0620-111-20	Eddings
0620-321-10	Tammarine
0620-091-03	Erbacher
0620-111-32	Diamond Z Properties

Agency Negotiators: City Attorney Patrick Munoz and City Manager Michael Tree.

Mayor Pro Tem Flock called the meeting to order at 5:00 p.m. (Klink absent) and adjourned to Closed Session at 5:01 p.m.

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING
6136 Adobe Road
Twentynine Palms, CA 92277
www.ci.twentynine-palms.ca.us
Tuesday, May 26, 2009
6:00 P.M.**

MINUTES

- 1.0 CALL TO ORDER** - Mayor Pro Tem Flock re-opened the meeting at 6:00 p.m.
PLEDGE OF ALLEGIANCE- Councilmember Cole led the Pledge of Allegiance.
INVOCATION - Pastor Chris Wagner, Joshua Springs Calvary Church gave the Invocation.
ROLL CALL – The following Councilmembers were present: Cole, Flock, Harris, and Spear. Mayor Klink had an excused absence.
- 2.0 SPECIAL RECOGNITION AND PRESENTATIONS** – None
- 3.0 ANNOUNCEMENTS**
 - 3.1 Mayor Pro Tem Flock announced these proceedings will be televised on Cable T.V., Channel 10, as follows: Saturday, May 30, 2009, at 7:00 p.m. and Friday, June 5, 2009, at 5:00 p.m.

- 3.2 City Attorney Munoz announced there was no action taken during the Closed Session that was held prior to the regular meeting.

4.0 PUBLIC COMMENTS

DJ Maker, Twentynine Palms, said she appreciated Burrtec getting in touch with her and she said she hopes the recycling bins continue to stay on Bullion Road at the Public Works yard.

Tom Parker, Road Runner Golf Course, invited the public to stop by and say hello at the golf course. He said he had purchased the golf course in March and was going to upgrade the course.

Sherry Hall, Twentynine Palms, said there was no funding for the bike paths.

5.0 COUNCIL COMMENTS

Councilmember Cole said he had gone to a Flood Control Advisory meeting and that it was very interesting and informative.

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 register totaling \$ 432,540.39.
- 6.3 Approval of Minutes
RECOMMENDATION: The City Council approve the minutes of the May 12, 2009, City Council meeting.
- 6.4 Article 8 Claim
RECOMMENDATION: The City Council authorize the filing of a Local Transportation Fund (LTF) Article 8, Local Streets and Roads Claim in the amount of \$301,829.

ACTION: On a motion made by Councilmember Cole, seconded by Councilmember Harris and approved with a 4-0-1 roll call vote (Klink absent) 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 HEARING

8.1 PC 09-27 – Specific Plan Amendment – Mr. Honorato Naraval - applicant

RECOMMENDATION: Conduct the Public Hearing, consider public comment and introduce Ordinance No. 221 that determines that PC 09-27 will not have an adverse impact upon the environment, adopt the Negative Declaration and allow the proposed changes to Section 19.150.10 “Specific Plan #1” of the Development Code.

Director LaClaire presented a staff report to the City Council.

Mayor Pro Tem Flock opened the Public Hearing.

Tony Naraval, applicant, said he agreed with the staff report.

Paul Smith, Twentynine Palms Inn, said he was in favor of Mr. Naraval’s project and said he runs his site very well.

Mayor Pro Tem Flock closed the Public Hearing.

At Mayor Pro Tem Flock’s direction City Clerk Sherwood introduced Ordinance No. 221 reading by title only.

City Clerk Sherwood introduced Ordinance No. 221 reading by title only.

ACTION: On a motion made by Councilmember Cole seconded by Councilmember Harris and approved with a 4-0-1 roll call vote (Klink absent) the City Council introduced Ordinance No. 221, determining that PC 09-27 will not have an adverse impact upon the environment, adopting the Negative Declaration and allowed the proposed changes to Section 19.150.10 “Specific Plan #1” of the Development Code.

8.2 Resolution of Necessity Regarding Property Along Adobe Road

RECOMMENDATION: Adopt Resolution No’s. 09-09 through 09-13 finding that the Public Interest and Necessity require the acquisition of a simple fee interest in certain real property located along Adobe Road, Twentynine Palms, California (“Property”), for the purpose of accommodating public roadway improvements with the circulation element of the General Plan of the City.

City Attorney Munoz, presented a staff report to the City Council. He read the names of the five property owners involved and explained the eminent domain process, saying that adoption of the Resolutions is the first step.

Mayor Pro Tem Flock opened the Public Hearing.

Having no requests to speak from the public, Mayor Pro Tem Flock closed the Public Hearing.

Councilmember Cole said it was a positive situation with all the property owners.

Mayor Pro Tem Flock asked City Attorney Munoz to read the findings.

City Attorney Munoz read the four findings which were as follows: That the public interest and necessity require the project for which the property is proposed to be acquired; That the project is planned in a manner that will create the greatest public good and the least private injury; That the property proposed to be acquired is necessary for the project; and that the offer required by Government Code § 7267.2 has been made to the owner of record.

Mayor Pro Tem Flock said the project had been held up and they were moving forward now and would address the issues to keep it moving.

Councilmember Spear asked how many votes were needed to approve the Resolutions.

City Attorney Munoz responded four (4) yes votes were necessary.

ACTION: On a motion made by Councilmember Cole, seconded by Councilmember Harris and approved with a 4-0-1 roll call vote (Klink absent) the City Council continued the item to an adjourned regular meeting on June 1, 2009; so all five Councilmembers could attend.

9.0 REPORTS, REQUESTS AND COMMUNICATIONS - None

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT - None

11.0 FUTURE COUNCIL INITIATED ITEMS-

Councilmember Spear said at the budget workshop meeting the electric bill was discussed. He said the electric bill can be controlled by staff and said he would like to work on a 4/10 work schedule.

12.0 CLOSED SESSION- None

13.0 ADJOURN – Mayor Pro Tem Flock adjourned the meeting at 6:30 p.m.

Respectfully Submitted,

Charlene L. Sherwood MMC, City Clerk