

NOTICE IS HEREBY GIVEN, that the City Council of the City of Twentynine Palms will hold a **CLOSED SESSION** on Tuesday, June 9, 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	Tamarine
0620-091-03	Erbacher
0620-111-32	Diamond Z Properties

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

Mayor Klink opened the regular meeting at 5:00 p.m. Mayor Pro Tem Flock had an excused absence.

Mayor Klink adjourned the meeting to Closed Session at 5:02 p.m.

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING
6136 Adobe Road
Twentynine Palms, CA 92277
www.ci.twentynine-palms.ca.us
Tuesday, June 9, 2009
6:00 P.M.**

City Attorney Munoz reported no action was taken in the closed session that was held prior to the City Council meeting. He said item 10.4 on the agenda was related to the item that was discussed in Closed Session.

MINUTES

- 1.0 CALL TO ORDER** - Mayor Klink re-opened the meeting at 6:03 p.m.
PLEDGE OF ALLEGIANCE- Kelly O'Sullivan led the Pledge of Allegiance.
INVOCATION -Pastor Frank Ferrandini, First Assembly of God gave the Invocation.
ROLL CALL – The following Councilmembers were present: Cole, Harris, Spear, Klink. Mayor Pro Tem Flock had an excused absence.
- 2.0 SPECIAL RECOGNITION AND PRESENTATIONS**
- Introduction of San Bernardino County Sheriff Ron Hoops

Mayor Klink announced this item would be postponed to later in the meeting due to the late arrival of the Sheriff.

Presentation by Ana Hernandez on the Census 2010

Mayor Klink announced Ms. Hernandez would give her presentation at the next City Council meeting.

3.0 ANNOUNCEMENTS

3.1 Mayor Klink announced these proceedings would be televised on Cable T.V., Channel 10, as follows: Saturday, June 13, 2009, at 7:00 p.m. and Friday, June 19, 2009, at 5:00 p.m.

4.0 PUBLIC COMMENTS – None

5.0 COUNCIL COMMENTS

Councilmember Cole congratulated graduates from Twentynine Palms High School on the upcoming graduation. He also read an article regarding underground water storage.

Mayor Klink congratulated the Class of 2009. He reminded the graduates not to drink and drive and to make sure they had a designated driver. He wished everyone in June a 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 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 \$ 272,183.24.

6.3 Approval of Minutes

RECOMMENDATION: The City Council approve the minutes of the May 26, 2009, City Council meeting and the Adjourned Regular City Council meeting of June 1, 2009.

- 6.4 Adoption of Ordinance No. 221 Amending Chapter 19.150 of the Development Code Establishing Short Duration (less than 30 day) Residential/Semi-Commercial Use as a Permitted Land Use Within Specific Plan Area #1.
RECOMMENDATION: The City Council adopt Ordinance No. 221.
- 6.5 Chamber of Commerce Report - May 2009
RECOMMENDATION: Receive and file.
- 6.6 Purchase of Two-Way Radios
RECOMMENDATION: The City Council approve the purchase of two-way radios in the amount of \$27,456.17.

Councilmember Spear requested item 6.5 to be removed for discussion.

ACTION: On a motion made by Councilmember Cole, seconded by Councilmember Spear and carried with a 4-0-1 (Flock absent) roll call 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

- 6.5 Chamber of Commerce Report-May 2009
RECOMMENDATION: Receive and file.

Councilmember Spear asked Jessica Wagner, Executive Director of the Chamber of Commerce, several questions regarding the May 2009 Chamber of Commerce report.

Jessica Wagner, Executive Director from the Chamber of Commerce responded to Councilmember Spear's questions.

ACTION: On a motion made by Councilmember Spear, seconded by Councilmember Harris and carried with a 4-0-1 (Flock absent) roll call vote, the City Council approved the remainder of the Consent Calendar.

- 2.1 Captain Miller introduced San Bernardino County Sheriff Ron Hoops.

Ron Hoops, San Bernardino County Sheriff apologized for being late and said he was honored to take Gary Penrod's place. He said they will not cut patrol operations and asked the City Council if they had any questions for him.

Gerry Hagman, Twentynine Palms, asked if the Twentynine Palms Sheriff's and Military Police worked together in case there is an issue arising at local businesses in town.

Captain Miller responded the San Bernardino County Sheriff's do partner with the Military Police.

Councilmember Cole thanked Sheriff Hoops for attending the meeting and congratulated him on his appointment.

Councilmember Harris said the newest Commander of the Highway Patrol station, there was a former Military Policeman in Twentynine Palms and was recruited by the Highway Patrol. He said he is happy to be working in this area.

8.0 PUBLIC HEARING

8.1 Annual Budget

RECOMMENDATION: The City Council approve the budget for fiscal year 2009-2010 with the adoption of Resolution No. 09-14.

Finance Director Ron Peck presented a staff report to the City Council. He said there were four (4) budget scenarios as a result of the work shop the City Council had in the previous weeks.

Mayor Klink opened the Public Hearing.

Gerry Hagman, Twentynine Palms, asked who was getting the increases.

Finance Director Peck responded a classification study was performed and as a result the salaries that were under the average amount would be brought up to average.

Ms. Hagman asked if the ones that were already receiving a fair amount would receive an increase.

Finance Director Peck responded no, they would get one half of one percent cost of living increase.

Mayor Klink closed the Public Hearing.

Councilmember Spear commended City staff for providing detailed questions and justifying the expenditures. He said he would like the documents to be available for the public to show how lean the budget is and he thanked City staff.

Councilmember Cole thanked the finance task force for putting the budget together in difficult and uncertain times.

Mayor Klink spoke about the uncertainty of what the State is going to take from the City.

ACTION: On a motion made by Councilmember Cole, seconded by Councilmember Harris and carried with a 4-0-1 (Flock absent) roll call vote, the City Council approved the budget for fiscal year 2009-2010 using scenario one (1) with the adoption of Resolution No. 09-14.

9.0 REPORTS, REQUESTS AND COMMUNICATIONS

9.1 Chamber of Commerce Contract

RECOMMENDATION: The City Council approve the Chamber of Commerce contract.

City Manager Tree presented a staff report to the City Council. He said the major changes to the contract now are that it is more performance based. He said the change will facilitate monitoring the Chamber on an ongoing basis regarding the Chamber's performance.

Councilmember Spear wanted to know the current status of the Twentynine Palms Chamber of Commerce organization. He said as of June 5, 2009 the status of the Twentynine Palms Chamber of Commerce as a non-profit organization/corporation in the State of California was suspended. He wanted to know if the Chamber was able to receive tax payer's money as a non-profit organization although they had a suspended status in the State of California.

City Attorney Munoz responded yes, there is no requirement to be a non-profit organization to receive money. He asked Councilmember Spear if the Chamber's non-profit status was suspended or their corporate status was suspended.

Councilmember Spear said that he believed it was their corporate status in the State of California.

Jessica Wagner, Executive Director of the Chamber of Commerce said she was not aware of this status and that she would check into it.

City Attorney Munoz suggested if the City Council would like to approve the contract tonight, they could give direction to the City Manager to hold back providing executed copies so it would not become effective until after the issue had been resolved to his satisfaction.

Jane Smith, Twentynine Palms, spoke in favor of the contract.

Paul Smith, Twentynine Palms Inn Keepers Association, spoke in favor of the contract.

Dan O'Brien, Twentynine Palms, said all those who have business licenses should be assisted by the Chamber of Commerce. He said they should spread their money around and help other businesses. He said he wanted to know what the Chamber of Commerce does for the average business man. He said he has not seen anything for the past twenty five years.

City Attorney Munoz said there could be a number of reasons for corporate suspension such as non-payment of fees or failure to file annual documents. He said it is typically easy to fix and he needs to find out what is going on. He said he would not be able to sign off on the agreement but the City Council could approve it tonight. Assuming it is something that can be taken care of and fixed, the document can be signed and sent on. He said if it is something more significant it can be brought back to a future meeting.

Councilmember Spear presented a report to the City Council regarding his personal analysis of how the Chamber of Commerce is being run fiscally.

Councilmember Cole thanked Councilmember Spear for the hard work he put into his report. He said Mr. O'Brien's comments would be noted.

Councilmember Harris said it was time to move in a forward direction.

Mayor Klink said he felt it was time to move on. He said he hopes if this is passed the Chamber of Commerce will really give businesses the recognition they need to keep going, aside from just the tourism aspect.

ACTION: On a motion made by Councilmember Cole, seconded by Councilmember Harris and carried with a 3-1-1 (Spear no, Flock absent) roll call vote, the City Council adopted the Chamber of Commerce contract subject to clarification and rectification if necessary of its corporate status.

9.2 Resolution Finding a Severe Fiscal Hardship Will Exist if Additional Local Property Tax Funds are Seized and Additional Unfunded Mandates are Adopted by the State of California.

RECOMMENDATION: The City Council approve Resolution No. 09-18.

City Manager Tree presented a staff report to the City Council.

Councilmember Harris asked if the money must be paid back within three years at an interest rate of 7.5%.

City Manager Tree responded this was correct.

ACTION: On a motion made by Councilmember Spear, seconded by Councilmember Harris and carried with a 4-0 (Flock absent) roll call vote, the City Council approved Resolution No. 09-18.

9.3 Update on Natural Gas Project

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

Councilmember Spear recused himself from the Council Chambers due to conflict of interest.

City Manager Tree presented a brief staff report to the City Council.

Councilmember Cole asked if some of the project areas were isolated and might not be interest in participating.

City Manager Tree responded there might be a slight increase.

Steven Van Dueser, Twentynine Palms, said he felt the City was beating a dead horse and could take the money and put it towards solar panels. He said he thought people would be more willing to go towards solar panel than the piping for natural gas.

Carol Barrett, Twentynine Palms, wanted to know how Indian Cove was determined to be the area to put natural gas in.

City Manager Tree responded residents came to the City and wanted to know how to get natural gas in that area. Staff looked at the parcel map of Indian Cove and the number of structures that had been built and their proximity to each other and determined this would be a good area to explore a potential project.

Sue Shinaver, Twentynine Palms, said bringing in the gas line would allow more residents to have an alternative energy source which would be more financially feasible. She said solar panels require a large outlay. She said there is still a great interest in doing this project but a number of parcels are empty and some just do not respond.

City Manager Tree said that staff will provide the addresses to the Shinavers and when the 70% threshold has been met with positive responses it will be brought back to the City Council.

Councilmember Harris suggested giving a list of nonresponsive property owners to the Shinaver's and through their contacts the people who are for it can get to the nonresponsive people. He said the Shinavers have put a lot of time and effort into this.

Staff was directed by the City Council to ask the Gas Company to cost out additional alternative project definitions and to aid homeowners who have been active in promoting the project in soliciting responses from their neighbors.

Councilmember Spear returned to the Council Chamber.

- 9.4 Recommendation of the Joint Agency Fire Department Committee
RECOMMENDATION: The City Council approves the recommendation of the Joint Agency Fire Department Committee.

City Manager Tree presented a staff report to the City Council.

Councilmember Spear said City staff and the Twentynine Palms Water Board have worked hard to do what is best for the citizens.

It was the consensus of the Committee that staff should return to their main body members to discuss the conclusion and to recommend that continuation of the Committee to enable the District and the City to benefit from future discussion regarding fire protection for the citizens of Twentynine Palms.

ACTION: On a motion made by Councilmember Spear, seconded by Councilmember Harris and carried with a 4-0-1 (Flock absent) roll call vote, the City Council approved the recommendation of the Joint Agency Fire Department Committee.

Mayor Klink thanked the Task Force.

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT

- 10.1 Historic Plaza Maintenance Assessment District
RECOMMENDATION: The City Council approve Resolution No. 09-16 and directs staff to continue on timeline for the project as provided in the staff report.

City Manager Tree presented a staff report to the City Council.

D.J. Masker, Twentynine Palms, asked if a restroom was going to be considered in the pocket park.

City Manager Tree responded not at this time.

Gerry Hagman, Twentynine Palms, thanked City Manager Tree and staff for bringing the Plaza property back to life.

ACTION: On a motion made by Councilmember Cole, seconded by Councilmember Spear and carried with a 4-0-1 (Flock absent) roll call vote, the City Council approved Resolution No. 09-16 and directed staff to continue on a timeline for the project as provided in the staff report.

Mayor Klink called for a recess at 8:04 p.m.

Mayor Klink called the meeting back to order at 8:10 p.m.

- 10.2 Owner Participation Agreement between the Redevelopment Agency and Jerry Mattos and Stephanie Ince.
RECOMMENDATION: The Redevelopment Agency approves the Owner Participation Agreement with Jerry Mattos and Stephanie Ince.

Executive Director Tree presented a staff report to the City Council.

ACTION: On a motion made by Boardmember Cole, seconded by Boardmember Spear and carried with a 4-0-1 (Flock absent) roll call vote, the Redevelopment Agency approved the Owner Participation Agreement with Jerry Mattos and Stephanie Ince.

- 10.3 Geotechnical Study Loan Agreement and Promissory Note Between the Twentynine Palms Redevelopment Agency and Govinda Arehalli and Varalakshmi Rajan for the Circle C Lodge.
RECOMMENDATION: Staff recommends that the Redevelopment Agency approves the Geotechnical Study Loan Agreement and Promissory Note.

Executive Director Tree presented a brief staff report to the City Council.

ACTION: On a motion made by Boardmember Spear, seconded by Boardmember Cole and carried with a 4-0-1 (Flock absent) roll call vote, the Redevelopment Agency approved the Geotechnical Study Loan Agreement and Promissory Note.

- 10.4 Approval of Purchase Agreements Related to the Adobe Road Project

RECOMMENDATION: The City Council will receive report from City Attorney following the Closed Session.

City Attorney Munoz reported the five (5) purchase agreements were the last five (5) agreements necessary for the widening of Adobe Road. He said there are agreements with all five (5) property owners and no eminent domain will be necessary.

ACTION: On a motion made by Councilmember Harris, seconded by Councilmember Cole and carried with a 4-0-1 (Flock absent) the City Council approved the purchase agreements related to the Adobe Road Projects.

11.0 FUTURE COUNCIL INITIATED ITEMS

Councilmember Harris requested an update on the crosswalk at Tamarisk and Highway 62.

12.0 CLOSED SESSION

13.0 ADJOURN – Mayor Klink adjourned the meeting at 8:20 p.m.

Respectfully Submitted,

Charlene L. Sherwood MMC, City Clerk