

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY  
REGULAR MEETING  
6136 Adobe Road  
Twentynine Palms, CA 92277  
www.ci.twentynine-palms.ca.us  
Tuesday, July 28, 2009  
6:00 P.M.**

**MINUTES**

- 1.0 CALL TO ORDER** - Mayor Klink called the meeting to order at 6:03 p.m.  
**PLEDGE OF ALLEGIANCE**- Jasmine and Cheryl Hyde led the Pledge of Allegiance.  
**INVOCATION** - Bishop Charles Douglas, Church of Jesus Christ of Latter Day Saints gave the Invocation.  
**ROLL CALL** – The following Councilmembers were present: Cole, Flock, Harris, Klink. Councilmember Spear had an excused absence.

**2.0 SPECIAL RECOGNITION AND PRESENTATIONS**

- 2.1 Mayor Klink will recognize Jasmine and Cheryl Hyde, and Abigail Moorman and Christina Downey for winning the “25 Best Moms of the Desert Cities” competition.

Mayor Klink presented recognition to Jasmine and Cheryl Hyde for winning the “25 Best Moms of the Desert Cities” competition from Time Warner Cable.

Jasmine and Cheryl thanked Mayor Klink and the City Council for the recognition.

**3.0 ANNOUNCEMENTS**

- 3.1 Mayor Klink announced these proceedings will be televised on Cable T.V., Channel 10, as follows: Monday, August 3, 2009 at 6:30 p.m. and Friday, August 7, at 6:30 p.m.

**4.0 PUBLIC COMMENTS –**

Stephen Douth, Twentynine Palms, said he attended the General Plan Advisory Committee meetings and encouraged people to take the General Plan survey on the website. He said the website was [www.29palmsgeneralplan.com](http://www.29palmsgeneralplan.com). He said if anyone needed help with completing their survey and did not have access to a computer to call him, he would help them any way he can at 367-7402.

**5.0 COUNCIL COMMENTS –**

Councilmember Harris said he took a tour of the new Marriott Hotel that was almost finished in town. He said it was a beautiful building and a big plus for the City. He said it would include sewage treatment and provide first class rooms. He reminded the public to stay hydrated and to visit your elderly neighbors to make sure they are doing okay in this heat.

Mayor Pro Tem Flock said the Fairfield Marriott was beautiful and told the public they should go see the hotel.

Mayor Klink wished his Great Niece Abigail Shay a Happy Birthday. He reminded the public that their handicap placard needs to be visible in their car for law enforcement. He also reminded the public of the Larrea signal light and said that it was working now. He said the Marriott Fairfield was still not complete and to be careful in that area due to the roadwork going on there.

## **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 \$ 139,862.64.
- 6.3 Approval of Minutes  
RECOMMENDATION: The City Council approve the minutes of the July 14, 2009 meeting.
- 6.4 Minor Amendment to the Owner Participation Agreement between the Redevelopment Agency and Jerry Mattos and Stephanie Ince.  
RECOMMENDATION: Staff recommends that the Redevelopment Agency approves a Minor Amendment to the Owner Participation Agreement with Jerry Mattos and Stephanie Ince and authorize Agency Legal Counsel and the Executive Director to make the required modifications to the Owner Participation Agreement.
- 6.5 PC 07-70 – General Plan Amendment and Change of Zone from CT (Commercial Tourist) to RS-4 (Single-Family Residential), for the block bound by Gorgonio Drive on the north, Morongo Road on the east, Joshua Drive on the south and Mariposa Avenue on the west (sixteen (16) properties identified as APNs 0615-102-02 through 0615-102-17), TIN, R9E, Section 25.  
RECOMMENDATION: Adopt Ordinance No. 223.
- 6.6 Contribution Cooperative Agreement with Caltrans for Second Phase of Highway Widening Project  
RECOMMENDATION: The City Council approves the Contribution Cooperative Agreement.
- 6.7 Adjustment to the Existing Agreement for Legal Services – Rutan and Tucker

RECOMMENDATION: The City Council authorize the City Manager to execute an amended professional services agreement with Rutan and Tucker.

Councilmember Cole requested item 6.4 be removed from the Consent Calendar for discussion.

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

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

- 6.4 Minor Amendment to the Owner Participation Agreement between the Redevelopment Agency and Jerry Mattos and Stephanie Ince.  
RECOMMENDATION: Staff recommends that the Redevelopment Agency approves a Minor Amendment to the Owner Participation Agreement with Jerry Mattos and Stephanie Ince and authorize Agency Legal Counsel and the Executive Director to make the required modifications to the Owner Participation Agreement.

Boardmember Cole requested clarification and wanted to know when an exception was approved such as in this item and was the City setting a precedent.

Frank Spevacek, RSG, responded no. He said in the end the amount would not exceed the \$90,000 contract amount, he said they are just giving them more flexibility within that amount. He said in the future they would recommend allowing this latitude.

ACTION: On a motion made by Boardmember Cole, seconded by Vice Chair Flock and approved with a 4-0-1 (Spear absent) roll call vote, the Redevelopment Agency approved the remainder of the Consent Calendar.

## **8.0 PUBLIC HEARING**

- 8.1 Twentynine Palms Lighting and Landscaping Assessment District #1, Engineer's Annual Report, and Levy of Assessment for FY 2009-2010  
RECOMMENDATION: 1) Conduct the Public Hearing 2) Adopt Resolution No. 09-27, (A Resolution of the City of Twentynine Palms confirming the diagram and assessment and levying assessment pursuant to the Lighting and Landscaping Act of 1972 for Fiscal Year 2009-2010).

City Engineer Pedersen presented a staff report to the City Council. He said at this time staff recommends that the costs are not increased.

Mayor Klink opened the Public Hearing.

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

Mayor Klink said that since the City had taken over the landscaping it looked really nice.

**ACTION:** On a motion made by Councilmember Harris, seconded by Councilmember Cole and carried with a 4-0-1 (Spear absent) roll call vote, the City Council adopted Resolution No. 09-27, (A Resolution of the City of Twentynine Palms confirming the diagram and assessment and levying assessment pursuant to the Lighting and Landscaping Act of 1972 for Fiscal Year 2009-2010).

8.2 PC 09-36 (Amendments to Chapters 19.12, 19.82, 19.84, 19.96 of the Development Code, and adding a New Chapter 19.57, "Bingo Games" to the Development Code of the City of Twentynine Palms).

**RECOMMENDATION:** Conduct the Public Hearing, consider public comment, determine that PC 09-36 is exempt from further environmental review and introduce Ordinance No. 222, amending Chapters 19.10, 19.12, 19.57 (new) 19.82, 19.84, and 19.96 of the Development Code.

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

Councilmember Harris had a question regarding amendment number three and asked if there was any sixty foot right of ways in Twentynine Palms.

City Engineer Pedersen responded yes, in all the new developments in the City the right of ways were sixty feet. He recommended a minimum of fifty foot right away.

Councilmember Harris said he liked the verbiage of a minimum of fifty feet at the discretion of the City Engineer.

Mayor Pro Tem Flock said he was not comfortable with the City Engineer having all the discretion.

Director LaClaire suggested the standard be adopted that is proposed with the caveat that exceptions may be approved by the City Council based upon recommendations by the City Engineer. He said the City Engineer would then give him the circumstances so the language would be included in the adoption at the next City Council meeting.

City Engineer Pedersen said he would recommend sixty foot in every case unless it was a cul-de-sac, in which case it would be fifty.

Mayor Klink asked if this was something that could be discussed at a later date.

Councilmember Harris said he would like it to come back at the next meeting with the language recommended by the City Engineer.

Mayor Klink opened the Public Hearing.

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

ACTION: On a motion made by Councilmember Cole, seconded by Councilmember Harris and carried with a 4-0-1 (Spear absent) roll call vote, the City Council introduced Ordinance No. 222 with the requested amendments as detailed in the discussion and include proposed language to be brought back at the adoption of the Ordinance.

At Mayor Klink’s direction City Clerk Sherwood introduced Ordinance No. 222, reading by title only.

- 8.3 PC 07-32 – An application by the City of Twentynine Palms to create Special Equestrian Area No. 1 (SEA #1). The proposed two (2) square mile area is bounded by Mesquite Springs Road on the west, Amboy Road on the south, Adobe Road on the east and Valle Vista Road on the north. Section 8 and Section 17, T1N, R9E; Zone CG, RL-1, RL-2.5, RS-2, RM, CS, CN and Public  
RECOMMENDATION: Conduct the Public Hearing, consider public comment, adopt the Negative Declaration and adopt Council Resolution No. 09-26 establishing Special Equestrian Area No. 1 and applying that designation to the General Plan Land Use Element and Zoning Map for the specified properties.

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 Pro Tem Flock said he does not think single family residential should not be included.

ACTION: On a motion made by Councilmember Cole, seconded by Mayor Pro Tem Flock and carried with a 4-0-1 (Spear absent) roll call vote, the City Council adopted the Negative Declaration and adopted City Council Resolution No. 09-26 with the alternate exhibit A which includes RS2 and all single family zoned properties.

**9.0 REPORTS, REQUESTS AND COMMUNICATIONS**

- 9.1 Fraud Policy  
RECOMMENDATION: The City Council approve the Fraud Policy.

Finance Director Peck presented a staff report to the City Council.

ACTION: On a motion made by Councilmember Cole, seconded by Councilmember Harris and carried with a 4-0-1 (Spear absent) voice vote, the City Council adopted the fraud policy with the correction of a minor typing error.

- 9.2 Standards and Restrictions Related to Vehicle Commercial Activity within the General Commercial Zoning District Located within the Downtown area.

RECOMMENDATION: Discuss the issue, consider public comment (at the Mayor's discretion) and provide guidance to staff for possible further action.

Director LaClaire presented a staff report to the City Council.

Mayor Klink said he brought this item up for discussion after speaking with Chuck Donaldson after he was told by the City they could not put the 29' sculpture on his corner lot of Adobe and Highway 62. He said Mr. Donaldson said the City is after him for his fence and cleaning the area up and wanted to know if he could put some of his cars from across the street at the location after he put up a four foot fence with railing and cleaned the lot.

Director LaClaire said the Code currently requires if you have storage it must be contained with a block wall.

Councilmember Harris asked if there was more than one area in the downtown that stores cars.

Director LaClaire responded there are four properties that are being used to store cars that would be inconsistent with the Code that would be considered existing non-conforming.

Councilmember Cole said he had concerns about the type of project that would go on at that location, not because of what it was but because of the accessibility for the type of proposed activity.

Mayor Pro Tem Flock said he had concerns regarding the location and accessibility as well.

Consensus of the City Council was to leave the item as is.

- 9.3 Update on the City's Planned Solar Project and the Adobe Road Project  
RECOMMENDATION: The City Council receives the staff report and provides direction.

Project Manager Cole presented a staff report to the City Council. He said based on our population we are looking at possibly \$100,000-\$150,000 in stimulus funding.

Mayor Pro Tem Flock asked if this was the same company that had proposed constructing the solar panels.

Project Manager Cole responded yes, they would be one of the companies that the City was looking into to do that.

City Engineer Pederson presented a status update on the Adobe Road project. He said the plans would be brought to the City Council in September.

## **10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT**

- 10.1 San Bernardino County Housing Authority and Rehabilitation Proposal  
RECOMMENDATION: The Redevelopment Board (RDA) receives the staff report and provides direction.

Director Tree requested item 10.1 and 10.2 be combined due to being on the same power point presentation.

Chair Klink said this was fine.

- 10.2 Project Phoenix  
RECOMMENDATION: The Redevelopment Board (RDA) receives the staff report and provides direction.

Frank Spevacek, RSG, presented a staff report and power point presentation to the City Council regarding the Project Phoenix and San Bernardino County Housing Authority and Rehabilitation Proposal.

John McMillan, RSG, said they looked at the paseo system, buffers, and trash enclosures. He said the total cost was \$490,000.00 was for the parking lot improvements, paseo and site improvements.

Boardmember Cole asked if there was something to include future sewer systems.

Vice Chair Flock said he likes the idea.

Nicole Panter, Twentynine Palms, said she likes the plans and that the downtown area needs sprucing up. She said Twentynine Palms is a great place.

Steve Doutt, Twentynine Palms, said the Highway carries a lot of traffic. He said when you get a bypass you can make the downtown a pedestrian town.

Mr. Spevacek said the City of Twentynine Palms RDA for fiscal year 2009/2010 will have to pay the state \$478,000 of tax increment revenue pursuant to the budget deal. He said in 2010/2011 the City will have to pay an additional \$98,000. He said the next step would be to submit a formal proposal to the Housing Authority to do a partnership with the Twentynine Palms Redevelopment Agency.

Vice Chair Flock said he liked the single story layout, shade and the private places for each unit are great.

Consensus of the Redevelopment Board was to move forward with item 10.1 and 10.2.

- 10.3 Planning Commission Appointments  
RECOMMENDATION: The City Council directs staff to advertise the vacancy on the Planning Commission for 30 days, and that it form a two member task force to evaluate applications, conduct interviews as necessary, and bring back to the Council recommendations.

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

Mayor Klink asked for volunteers for the task force.

Councilmember Harris and Councilmember Cole volunteered for the task force to appoint a new member to the Planning Commission.

#### **11.0 FUTURE COUNCIL INITIATED ITEMS**

Councilmember Cole said he would like to discuss the development of the agenda.

#### **12.0 CLOSED SESSION**

12.1 Closed Session Pursuant to Government Code Section 54956.8  
Property Negotiations-Conference with Real Property Negotiator-Michael Tree  
0618-332-01, 0618-332-02, 0618-332-03, 0618-332-04

**13.0 ADJOURN-** Mayor Klink adjourned the meeting at 8:40 p.m. to Closed Session. Closed session ended at 9:00 p.m. with no action being taken.

Respectfully Submitted,

Charlene L. Sherwood MMC, City Clerk