

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING
6136 Adobe Road
Twentynine Palms, CA 92277
www.ci.twentynine-palms.ca.us
Tuesday, October 27, 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 – Chamber of Commerce Executive Director Rob Fleck led the Pledge of Allegiance.
INVOCATION – Chaplain Milt Merritt, USN Chaplain (retired) gave the Invocation.
ROLL CALL – The following Councilmembers were present: Cole, Flock, Harris, Spear, and Klink.

2.0 SPECIAL RECOGNITION AND PRESENTATIONS

Presentation to the Employee of the Quarter for the Month ending October, 2009

Mayor Klink presented recognition to Employee of the Quarter for the Month ending October, 2009 to Code Enforcement Officer Gary Blackman.

Presentation to out-going Chamber of Commerce Executive Director Jessica Wagner-Shultz

Mayor Klink presented a plaque to out-going Chamber of Commerce Executive Director Jessica Wagner-Shultz.

3.0 ANNOUNCEMENTS

- 3.1 Mayor Klink announced these proceedings will be televised on Cable T.V., Channel 10, as follows: Monday, November 2, 2009 at 6:30 p.m. and Friday, November 6, 2009 at 6:30 p.m.

4.0 PUBLIC COMMENTS- None

5.0 COUNCIL COMMENTS

Councilmember Cole reminded the public about the High School “Battle of the Bell” football game versus Yucca Valley on Friday at the Twentynine Palms Jr. High School football field.

Mayor Pro Tem Flock said the Artist Tour is in session and urged the public to go to the artists’ studios and homes and see what is going on in the local art community. He said the local talent is amazing.

Councilmember Spear announced his resignation from the Morongo Basin Transit Authority (MBTA), Personnel Task Force, Franchise Task Force, Code Enforcement Task Force and San Bernardino County Flood Advisory committee.

Councilmember Harris said he attended the chili dinner at the Art Gallery. He thanked the Chamber of Commerce for putting the Pioneer Days Parade event on and said they made \$13,000 profit from Pioneer Days. He reminded the public to set their clocks back an hour on Saturday for daylight savings.

Mayor Klink said he attended the Desert Mountain League of California Cities meeting in Bishop and a big discussion item was the Dianne Feinstein Desert Bill which is the making for a new national monument which will include Route 66 and Amboy Road and new OHV areas and wilderness areas.

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 registers totaling \$ 127,413.16.

6.3 Approval of Minutes
RECOMMENDATION: The City Council approve the minutes of the October 13, 2009.

6.4 PC 09-51 (Amendments to Chapters 19.06, 19.10, 19.12, 19.48, 19.74 and 19.80 of the "Development Code" of the City of Twentynine Palms)
RECOMMENDATION: Adopt Ordinance No. 224

6.5 Update to City's Drug and Alcohol Policy for Commercially Licensed Drivers
RECOMMENDATION: The recommendation is that the City Council approves the update to the City's Drug and Alcohol Policy for Commercially Licensed Drivers.

ACTION: On a motion made by Councilmember Spear, seconded by Councilmember Harris and carried with a 5-0 roll call vote, the City Council approved the Consent Calendar as presented.

7.0 ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION AND/OR ADDED AGENDA ITEMS- None

8.0 PUBLIC HEARING – None

9.0 REPORTS, REQUESTS AND COMMUNICATIONS

- 9.1 Request for Funding by Copper Mountain College for Signalization Project
RECOMMENDATION: The City Council approves \$65,000 in Measure I funding towards the Copper Mountain College Signalization Project and that staff continue to work with the various participating agencies, including SANBAG to locate funding that would offset this City Council expenditure.

Councilmember Cole recused himself at 6:15 p.m. due to a possible conflict of interest.

City Manager Tree presented a staff report to the City Council. He said at this time staff recommends the item be tabled to see what happens at the SANBAG level in regard to the signalization project and action that can be taken from there.

Councilmember Cole returned to the Chambers at 6:22 p.m.

- 9.2 PC 09-32 – A Possible Development Code Amendment to Establish the Standards and Criteria Applicable to Vacation Home Rentals; Citywide
RECOMMENDATION: Provide guidance to the Planning Commission to proceed or terminate, as appropriate, its discussion of a Development Code Amendment to establish the standards and criteria that would be applicable to Vacation Home Rental.

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

Bill Tally, Twentynine Palms, representing the Twentynine Palms Inn Keepers Association, spoke about the Inn Keepers Association and spoke in opposition of Vacation Home Rentals.

Jay Corbin, Twentynine Palms, spoke in opposition of vacation home rentals and suggested the City Council did not move forward with the item.

ACTION: On a motion made by Mayor Klink, seconded by Councilmember Spear, and carried with a 5-0 roll call vote, the City Council directed the Planning Commission to terminate their efforts looking into Vacation Home Rentals.

- 9.3 Cargo Containers – Discussion of a possible Development Code Amendment to establish new standards and criteria applicable to Cargo Container use within the Service Commercial (CS) and Community Industrial (IC) land use designations. Citywide.
RECOMMENDATION: Receive and file this report or provide guidance to staff to proceed with a Development Code Amendment to amend the established standards and criteria applicable to Cargo Containers as storage devices within the Service Commercial (CS) and Community Industrial (IC) land use districts.

Director LaClaire presented a staff report to the City Council.

Frank Thomas, Twentynine Palms, said he uses the cargo containers for his business and they want to use them for keeping items such as upholstery out of the weather.

Steve Douth, Twentynine Palms, said it was a safety consideration and people cannot get out of the containers if trapped inside.

ACTION: On a motion made by Mayor Klink, seconded by Councilmember Spear and carried with a 5-0 voice vote, the City Council directed staff to proceed with the Code Amendment.

9.4 Update on the Chamber of Commerce Agreement

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

City Manager Tree presented a staff report to the City Council. He said an agreement mutually terminating the contract between the Chamber of Commerce and City was brought forward. He said in the future the City will have a vendor type relationship with the Chamber of Commerce.

Bill Talley, Twentynine Palms, representing the Inn Keepers Association, said whatever comes out of this the Inn Keepers Association would like a place at the table to work with the City.

ACTION: On a motion made by Commissioner Cole, seconded by Mayor Pro Tem Flock and carried with a 5-0 roll call vote, the City Council mutually terminated the contract with the Chamber of Commerce.

Councilmember Spear said he would like a City definition of what is legally a sole source provider.

D.J. Maker, Twentynine Palms, asked who is paying the rent on the new building and was the Chamber still going to move there.

City Manager Tree said the building should be ready in January for the Chamber to move into it. He said the Chamber will pay rent once they move in.

Mayor Klink thanked the Chamber for all they did for the City.

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT

10.1 Award of Bids for City's Visitor Center Remodel

RECOMMENDATION: The Redevelopment Agency Board award the following contracts: Electrical contract to Dana Cooper Electric in the amount of \$21,500., and HVAC contract to Kyle's A/C Services in the amount of \$19,335.

Project Manager Kevin Cole presented a staff report to the City Council.

ACTION: On a motion made by Boardmember Harris, seconded by Boardmember Cole and approved with a 5-0 roll call vote, the Redevelopment Agency Board awarded the following contracts: Electrical contract to Dana

Cooper Electric in the amount of \$21,500., and HVAC contract to Kyle's A/C Services in the amount of \$19,335.

11.0 FUTURE COUNCIL INITIATED ITEMS

Councilmember Spear said he would like to know if an observation by a citizen that only one deputy is on duty during a certain day of the week during certain times of the day is correct, and if it is correct could staff could work with the Sherriff's Department for an amendment to the contract to fill those hours. He said if a partial deputy is not feasible what would it cost to add another full time deputy and what safety enhancements would that bring the City.

Mayor Pro Tem Flock wanted to know who was doing the vehicle maintenance on the Sherriff's and City vehicles to see if we could be buying locally.

City Manager Tree responded that Project Manager Cole had met with the Captain of the Sherriff's Department and would bring that information back to the City Council.

Councilmember Harris suggested repairs on vehicles be done at the Water District. He said there are two certified mechanics there and it would benefit the District and the City.

12.0 CLOSED SESSION

- 12.1 Closed Session Pursuant to Government Code Section 54956.8
Re: RDA Application for the Artist Guild, APN# 0617-263-08, Lot No. 39,40,41,42
- 12.2 Closed Session Pursuant to Government Code Section 54956.9(a)
Re: Existing Litigation, Hanlin v. City of Twentynine Palms
Case Number: CIVMS900513

- 13.0 **ADJOURN-** Mayor Klink adjourned the meeting at 7:15 p.m. to Closed Session. City Manager Tree reported the Closed Session ended at 7:50 p.m. with no action being taken.

Respectfully Submitted,

Charlene L. Sherwood MMC, City Clerk