

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING
6136 Adobe Road
Twentynine Palms, CA 92277
www.ci.twentynine-palms.ca.us
Tuesday, November 24, 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 – Jamie Avels led the Pledge of Allegiance.
INVOCATION – City Manager Tree gave the Invocation.
ROLL CALL – The following Councilmembers were present: Cole, Flock, Harris, Spear and Klink.

2.0 SPECIAL RECOGNITION AND PRESENTATIONS

2.1 Community Clean Up Day Tonnage and Buck-A-Bag-Results

Community Clean Up Coordinator Deputy City Clerk, Jacqueline Palmer and Mayor Klink presented checks to the winners and participants of the Buck a Bag competition.

Mayor Klink thanked the participants and staff for their hard work.

Mayor Klink announced the annual Tree Lighting Ceremony will take place on Tuesday, December 1st at 5:30 p.m. in Veteran's Park.

Captain Miller introduced Lieutenant Rich Boswell to the City Council and Community.

3.0 ANNOUNCEMENTS

- 3.1 Mayor Klink announced these proceedings will be televised on Cable T.V., Channel 10, as follows: Monday, November 30, 2009 at 6:30 p.m. and Friday, December 4, at 6:30 p.m.

4.0 PUBLIC COMMENTS –

Karen Cole, Twentynine Palms, spoke in opposition of having her dumpster removed from her residence. She asked if a variance was possible.

Aaron Kyle, Twentynine Palms, said he wants a clothing store in the City. He said he wants the City to create more jobs such as windmill or infrastructure jobs.

Jane Smith, Twentynine Palms, congratulated the Buck a Bag program and thanked the program for a cleaner City.

5.0 COUNCIL COMMENTS

Councilmember Harris reminded the public to watch for children as school is out for the holidays.

Councilmember Spear wished the public a safe and Happy Thanksgiving.

Mayor Pro Tem Flock also wished the public a Happy Thanksgiving. He welcomed Lt. Boswell and wished the City a Happy Birthday.

Councilmember Cole reminded the public to be careful of children in the roads as school is out for the holidays right now. He thanked the Buck a Bag participants. He showed the displays of art for the Morongo Basin Transit Authority (MBTA) station, which is going to be across from the Fire Station.

Mayor Klink welcomed Lt. Boswell and said Veterans Day was a huge success. He thanked Administrative Assistant to the City Manager Cindy Villescascas for putting the Veteran's Day Program together. He reminded the public to shop locally. He said the Christmas tree lighting is December 1, 2009 at 5:30 and wished everyone a Happy Thanksgiving.

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 \$ 345,442.50.

6.3 Approval of Minutes

RECOMMENDATION: The City Council approve the minutes of the November, 10, 2009 meeting.

6.4 Submission of Applications for the Fiscal Year 2010-2011 Community Development Block Grant (CDBG)

RECOMMENDATION: Approve the submission for the Community Development Block Grants (CDBG) for Fiscal Year 2010-2011.

Councilmember Spear abstained from check number 48323 on the Warrant Register due to a possible conflict of interest.

ACTION: On a motion made by Councilmember Harris, seconded by Councilmember Cole and approved 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 HEARING

- 8.1 AB 3229 Supplemental Law Enforcement Services Fund
RECOMMENDATION: Approve the spending recommendations as suggested.

Councilmember Spear recused himself from the item at 6:25 p.m. due to a possible conflict of interest.

Captain Miller presented a staff report.

Mayor Klink opened the Public Hearing.

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

ACTION: On a motion made by Councilmember Harris, seconded by Councilmember Cole and carried with a 4-0-1 roll call vote (Spear abstained) the City Council approved the spending recommendations as suggested.

Councilmember Spear returned to the Chambers at 6:27 p.m.

- 8.2 PC 09-52 – Consideration of a Variance request to reduce the required front, street and interior side yard setbacks and rear setback for a property described as 6421 East Court Way (APN 0623-023-07). Continued from September 22, 2008

RECOMMENDATION: Re-open, the open, continued Public Hearing, consider public comment and continue PC 09-52 to the regularly scheduled Council meeting of January 26, 2010.

Community Development Director LaClaire (Director LaClaire) presented a staff report to the City Council. He requested the item be continued to January 26, 2010.

Mayor Klink re-opened the Public Hearing.

Mayor Pro Tem Flock said he had concern with the seven safety violations. He said the City should not put off enforcing any violations.

Director LaClaire responded the safety issues were minimal.

Councilmember Harris said a letter could be sent to the residences to be passed on to the owner or on to the realtor that if they do not take action within 60 days the homes can be red tagged.

Mayor Klink re-opened the continued Public Hearing.

Jamie Avels, Twentynine Palms, said his issue is still the setbacks. He said the setbacks were never followed. He said he did not have a problem with extending this item and giving the people the time to do the things they needed to do.

Mayor Klink closed the Public Hearing.

Councilmember Spear said he does not want to continue the item to January and he wants a restriction on the sale of the property.

Mayor Pro Tem Flock asked staff's opinion if the property should be red tagged. He said the building should be red tagged now since there is no one occupying the residence.

Director LaClaire responded yes, it could be red tagged.

Councilmember Cole questioned if the City red tags the building would the people have to move out. He said his concern was to confirm that no one was living in the building.

ACTION: On a motion made by Councilmember Spear, seconded by Mayor Pro Tem Flock and carried with a 5-0 roll call vote, the City Council authorized staff to red tag and prohibit sale of the property upon determination the residence of 6421 East Court Way is vacant.

Mayor Pro Tem Flock made a motion to grant the variances, the motion died due to lack of a second.

Mayor Klink re-opened the Public Hearing.

Jamie Avels, Twentynine Palms, said he felt the building has been built too close to the street.

Jay Corbin, Twentynine Palms, said code violations are not on the agenda and cannot be discussed.

Director LaClaire responded the code violations are in the staff report and therefore it is part of the public record and can be discussed at the meeting.

ACTION: On a motion made by Councilmember Spear, seconded by Councilmember Cole and carried with a 5-0 roll call vote, the City Council continued the item of addressing the variance to the January 26, 2010 City Council meeting to allow the City Attorney to address legal issues.

9.0 REPORTS, REQUESTS AND COMMUNICATIONS

9.1 PC 09-09 - General Plan Update, Contract Amendment to Option "B" (General Plan Advisory Committee)

RECOMMENDATION: Provide guidance to staff as appropriate.

Director LaClaire presented a staff report to the City Council and read the alternatives offered by Hogle Ireland.

Nelson Miller, Hogle Ireland, presented the General Plan Update program to the City Council. He said the General Plan Advisory Committee (GPAC) members feel they are being moved too fast and would like an extension.

Mayor Pro Tem Flock asked if there was disconnect with Hogle Ireland and the GPAC.

Mr. Miller responded he did not feel there was disconnect but that the GPAC needed more time to understand certain issues.

Jay Corbin, Chairman of the GPAC, thanked the City Council for their opinion. He said he respected the decision of the City Council and received a memo on November 6, 2009 from Hogle Ireland but did not have enough time to respond. He said the GPAC needed more meetings to understand the issues and to really do the job that needed to be done. He said the GPAC had asked for a 4-month extension of March 2010 to complete their issues.

Paul Smith, Twentynine Palms, said as a member of the GPAC he found Hogle Ireland to be great communicators and that there was no disconnect between the GPAC and Hogle Ireland.

Mayor Pro Tem Flock asked what the role of Hogle Ireland is. He said the City Council had asked many questions and did not receive any answers.

Councilmember Cole thanked the GPAC but said he has concerns. He said he is not interested in dropping the GPAC.

Mayor Klink said the City Council gave Hogle Ireland a deadline and warned the GPAC of the workload and schedule. He said he did not want to give an extension to Hogle Ireland.

Councilmember Spear said the General Plan was to be completed prior to the next election. He asked Mr. Miller if Hogle Ireland could meet the November 2010 deadline and he also said he did not want to give any more money than was already agreed upon to Hogle Ireland.

Mr. Miller responded they could make it happen from their side if the City could have the meetings, provide the direction and respond to what is delivered.

ACTION: On a motion made by Mayor Klink, seconded by Councilmember Spear and carried with a 4-1 roll call vote (Harris no) the City Council denied any extensions and asked the GPAC and Hogle-Ireland to deliver on the original date of November 20, 2010 with no further money expended.

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT - None

11.0 FUTURE COUNCIL INITIATED ITEMS

Councilmember Cole requested comments from calls made to the City regarding the removal of trash bins.

12.0 CLOSED SESSION - None

13.0 ADJOURN- Mayor Klink adjourned the meeting at 8:07 p.m.

Respectfully Submitted,

Charlene L. Sherwood MMC, City Clerk