

NOTICE IS HEREBY GIVEN, that the City Council of the City of Twentynine Palms will hold a **CLOSED SESSION** on Tuesday, January 26, 2010 at 5:30 p.m. at City Hall, 6136 Adobe Road, Twentynine Palms, to consider the following:

Mayor Flock called the meeting to order at 5:30 p.m. He adjourned the meeting to Closed Session at 5:32 p.m.

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

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING
6136 Adobe Road
Twentynine Palms, CA 92277
www.ci.twentynine-palms.ca.us
Tuesday, January 26, 2010
6:00 P.M.**

MINUTES

- 1.0 CALL TO ORDER** - Mayor Flock re-opened the meeting at 6:00 p.m.
PLEDGE OF ALLEGIANCE – Councilmember Klink led the Pledge of Allegiance.
INVOCATION – Pastor Charlie Zwicker, Nazarene Church gave the Invocation.
ROLL CALL – The following Councilmembers were present: Cole, Harris, Klink, Spear and Flock.

2.0 SPECIAL RECOGNITION AND PRESENTATIONS

- 2.1 There will be a presentation about the upgrade of the power lines going to the Marine Corps Base as part of the Grow the Force construction on the base.

Francisco Martinez, representative of Southern California Edison (SCE), introduced himself and Roger Shultz.

Jim Ricker, Community Plans Liaison Officer of the Marine Base, spoke to the City Council regarding “Project Leatherneck”. He said the reason for the Marine Base doing reconstruction of the power poles is due to the growth force. He said SCE owns the easements and right-a-ways and this would be funded by tax payers.

Roger Shultz, Project Manager of “Project Leatherneck” and representative of SCE, said there would be a new substation and two new lines. He said the old poles would be removed and new poles would be put over them. He said the power will be much more reliable and construction will continue into 2013.

Mayor Pro Tem Harris asked if during construction there would be any power outages for residents of the City.

Mr. Shultz responded there would be at least one power outage which would be about 4 hours on the weekend in the middle of the night so it would affect the least amount of people.

3.0 ANNOUNCEMENTS

3.1 Mayor Flock announced these proceedings will be televised on Cable T.V., Channel 10, as follows: Monday, February 1, 2010 at 6:30 p.m. and Friday, February 5, 2010 at 6:30 p.m.

4.0 PUBLIC COMMENTS

Mike Hawkins, Yucca Valley, said he would like to sand rail in Twentynine Palms.

5.0 COUNCIL COMMENTS

Councilmember Klink thanked Public Works for their hard work in getting the roads cleaned up after the rainstorms and reminded the public to drive carefully.

Mayor Pro Tem Harris said he gave the City address on Martin Luther King Day at the Baptist Church following the march, he said it was an exciting event. He said Public Works Department worked very hard to get the flooded roads closed quickly during the rainstorm. He said the Sherriff's department did a raid and recovered stolen property. He said 5 local Sherriff Deputies were being transferred and he attended a BBQ for them. He said Redevelopment Agency (RDA) money that was given to the Williams Insurance business turned out to be a beautiful job done with the building, landscaping and the parking lot.

Councilmember Cole said he attended the solar energy presentation and there were over 100 people in attendance. He said representatives from the Base and the National Park were there and they explained how they would use solar energy. He said it was interesting and something that is the future.

Mayor Flock said there was a closed session at 5:30 p.m. and no action taken.

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 \$469,847.54.

- 6.3 Approval of Minutes
RECOMMENDATION: The City Council approve the minutes of the December 15, 2009 and January 12, 2010 meeting.
- 6.4 An Appeal of the Planning Commission's December 15, 2009 Approval of the PC 08-72 (Hampton Inn & Suites).
RECOMMENDATION: Adopt City Council Resolution No. 10-03.
- 6.5 Change Order for Knott's Sky Park Parking Lot
RECOMMENDATION: The City Council awards a change order to Ficara Paving in an amount not to exceed \$15,000 on the Knott's Sky Park Parking Lot Project.

Councilmember Spear abstained from check numbers 47540, 47541 and 47546 on the Warrant Register due to possible conflict of interest.

ACTION: On a motion made by Councilmember Klink, seconded by Councilmember Cole 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

- 8.1 Additional Improvements to City Visitor Center
RECOMMENDATION: Staff recommends the City Council and Agency hold a joint Public Hearing and approve City Council Resolution No. 10-04 and RDA Resolution No. 10-02, making the findings required by Health and Safety Code Section 33445 relating to the Agency funding additional rehabilitation of the City's Visitor Center. Staff also recommends that the Redevelopment Agency appropriate \$35,000 in unallocated funds from the Capital Projects fund to the City Visitor's Center fund to cover the costs of these improvements.

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

Councilmember Spear said the sun would eventually fade out the stucco on the building over time but the stucco behind the letters would not be faded out and he said this might result in having to repaint the building. He suggested an alternative such as a monument sign situated outside of the parking lot so the public knows the Chamber is located where the parking lot is as opposed to having it on the backside of another building. He said this is a City building and it should be identified as a City building.

Project Manager Cole responded they were looking at signage on the backside of the building as well. He said lettering was replaced at the Community Services and Recreation building with post type metal lettering like the proposed lettering and the stucco was not faded enough to tell other letters were there before. He suggested a fog coat could go over the stucco.

Mayor Flock opened the Public Hearing.

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

Mayor Pro Tem Harris clarified the letters would be off the surface of the stucco. He agreed with Councilmember Spear's suggestion regarding the letters for the Chamber letters being raised off the stucco, and being able to patch the holes instead of having to paint the building.

Councilmember Klink asked where the monument sign would be located so it was visible but did not take away from the mural.

Mayor Flock said he liked the concept and design. He said it was very well done and he felt it identified how the building was going to be used.

Councilmember Klink asked staff if they could look into a monument sign.

Project Manager Cole said the parking lot could be a good location but it would be several hundred feet back from the highway and not very visible from the highway.

Mayor Pro Tem Harris asked if lettering on the windows had been considered that read Chamber of Commerce.

City Manager Tree responded there had been negative discussion about putting lettering onto the windows.

Councilmember Klink said Director Fleck of the Chamber of Commerce had said the public would not be able to see into the windows if letters were placed in the windows.

Councilmember Spear clarified that in the fifth paragraph of the Resolution the dollar amount needed to be typed in to the Resolution to reflect the dollar amount in the paragraph.

On a motion made by Councilmember Cole, seconded by Mayor Flock, the City Council approve Resolution No. 10-04 and RDA Resolution No. 10-02 as presented with the corrections. The said motion died and secondary motion was made.

ACTION: On a motion made by Council/boardmember Spear, seconded by Council/boardmember Klink and carried with a 3-2 roll call vote (Cole and Flock no), the City Council and RDA agreed to move forward with City Council Resolution No. 10-04 and RDA Resolution No 10-02 without Chamber of Commerce wording fixed to the façade pending further research by staff, and requested staff to look into alternative signs.

ACTION: On a motion made by Council/boardmember Spear, seconded by Mayor Pro Tem/Vice Chair Harris and carried with a 4-1 roll call vote (Flock no) the City Council and RDA approved City Council Resolution No. 10-04 and RDA Resolution No. 10-02 recognizing the prior limitations placed by the previous motion.

8.2 PC 09-52 Consideration of Multiple Variances to Reduce Front, Side and Rear Yard Setbacks at 6421 East Court Way.

RECOMMENDATION: Re-open the open, continued Public Hearing, consider public comment and adopt City Council Resolution No. 10-03 finding that the proposal is Exempt from further environmental review and that it conforms to the required Findings for approval of a Variance.

Community Development Director LaClaire (Director LaClaire) presented a staff report to the City Council. Director LaClaire received an email from the property owner which he said would be entered into the record.

Mayor Flock opened the Public Hearing.

Jamie Avels, Twentynine Palms, spoke in opposition of item 8.2. He said the building does not meet the code requirements.

Mayor Flock closed the Public Hearing.

City Attorney Munoz said the proposal was to make the variance conditional so it would only become effective if the seven Code Enforcement items were addressed as a way to encourage the property owner to get those things done. The owners concern was that he would spend money to fix the Code Enforcement issues whether or not the variance was granted and if it was not he would be throwing money away.

City Attorney Munoz suggested the clause in section 4 be deleted from the Resolution.

Councilmember Spear asked City Attorney Munoz if there was any action that could be taken against the previous City employee that made a bad decision.

City Attorney Munoz responded that was something that could be discussed in Closed Session. He said the appropriate action would be to follow up at the staff level and have a Closed Session discussion at a later date.

Mayor Pro Tem Harris asked if this decision would impede the seven Code Enforcement issues.

City Attorney Munoz responded the Code Enforcement issues could be pursued with the exception of the set back issues.

ACTION: On a motion made by Mayor Flock, seconded by Councilmember Cole and denied with a 2-3 roll call vote (Cole, Klink, Spear no) the City Council denied approval to adopt City Council Resolution No. 10-03.

8.3 PC 09-53 (General Plan Update) – Consideration of General Plan Alternatives

RECOMMENDATION: Staff recommends that the following actions be considered:1.) That the City Council review, discuss and consider the proposed Land Use, Circulation and Infrastructure Alternatives; and, 2.) The City Council accept the Planning Commission's recommendation and conceptually approve

the Preferred Alternatives and the clarified draft Vision, Guiding Principles, Issues and Objectives; and 3.) The City Council direct the General Plan consultant to proceed with the next steps in the General Plan Program to prepare a draft General Plan and a draft Environmental Impact Report for the City of Twentynine Palms.

See attachment A.

9.0 REPORTS, REQUESTS AND COMMUNICATIONS - None

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT – None

11.0 FUTURE COUNCIL INITIATED ITEMS

Councilmember Klink requested staff look into a model water landscaping Ordinance that the State of California has regarding minimizing evasive water.

Director LaClaire responded the City was going to be going with the model Ordinance to be as minimally evasive.

Councilmember Cole requested staff discuss AB32 2006 version the Clean Air Act at the next regular meeting.

12.0 CLOSED SESSION- None

13.0 ADJOURN- Mayor Flock adjourned the meeting at 9:38 p.m.

Respectfully Submitted,

Charlene L. Sherwood MMC, City Clerk