

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING**

**6136 Adobe Road
Twentynine Palms, CA 92277
www.ci.twentynine-palms.ca.us
Tuesday, February 9, 2010
6:00 P.M.**

MINUTES

- 1.0 CALL TO ORDER** - Mayor Flock called the meeting to order at 6:00 p.m.
PLEDGE OF ALLEGIANCE - Councilmember Spear led the Pledge of Allegiance.
INVOCATION – Reverend Frank Ferrandini of the First Assembly of God 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 Presentation to the Employee of the Quarter for the Month ending December 2009.

Mayor Flock presented Ryan Waddell with the Employee of the Quarter Award. Mayor Flock said that Ryan is an asset to the City.

3.0 ANNOUNCEMENTS

- 3.1 Mayor Flock said that these proceedings will be televised on Cable T.V., Channel 10, as follows: Monday, February 15, 2010 at 6:30 p.m. and Friday, February 19, 2010 at 6:30 p.m.

4.0 PUBLIC COMMENTS

- 4.1 Curtis Blakenship asked the City for deferment of a \$12,000. in-lieu fee. Councilmember Spear requested Mr. Blakenship's address and the City Manager gave him a business card so he could get in touch with him.

Brad White-Findeisen spoke to the City Council about the Boy Scouts of America. He said that the Boy Scouts of America were 100 years old on February 8th. He said that there are 2.8 million Scouts and 1.1 million adults involved in teaching the Boy Scouts.

5.0 COUNCIL COMMENTS

Councilmember Klink said Happy Birthday to the Boy Scouts, and said the City appreciates what they do for the community. Councilmember Klink congratulated Ryan Waddell for his award, and said happy birthday to all those having a birthday in February.

Mayor Pro Tem Harris said that his step-son's very good friend, Captain Amanda Harrington was killed in a plane crash in Riverside, along with another member

from the International Guard. He said he attended a League of California Cities (LOCC) meeting on Jan 29th and he said that some of the things the State is looking at is building and contracting out the State prison system to Mexico, and proposing a 38 cent gas tax. He said the State is spending 900 million dollars a year to incarcerate illegal aliens, 10,000 small businesses are going out of business, and Senator Roy Ashburn is asking that every City within the State form a partnership with their Chambers of Commerce to support small business and keep them fluent and open. Mayor Pro Tem Harris said that there is a 21 billion dollar deficit and the Governor has said no cuts in education, but 55% of his budget is in education. Assemblyman Steve Knight said that Veterans' who are getting out of the military right now, only have 30 days to apply for benefits, and they are trying to extend it to 90 days. Councilmember Harris said that this is not long enough, and he encouraged Assemblyman Knight and Cook to push this forward.

Councilman Spear said if what he saw in San Bernardino today was any indication of the weather coming, everyone should baton down the hatches and drive careful. He said never drive over running water because you never know how deep it may be.

Councilmember Cole said congratulations to Ryan Waddell for doing a fine job. He also said it good to see some of the big projects that are being completed this year underway. He also thanked Mayor Pro Tem Harris for bringing the Council the LOCC report.

Mayor Flock reminded everyone to go by the Twentynine Palms Art Gallery and see the art work of the students.

Councilmember Cole thanked the youth of the community, particularly the Boy Scouts for their contributions to the City.

Mayor Flock said happy birthday to the Boy Scouts. He said that he and City Manager Tree were Eagle Scouts.

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 \$ 157,421.69.
- 6.3 Approval of Minutes

RECOMMENDATION: The City Council approve the minutes of the January 26, 2010 meeting.

6.4 Treasurer's Report

RECOMMENDATION: Receive and file.

6.5 PC 09-64 – An Amendment to the “Development Code” by the Addition of “Certified Farmer’s Markets, Open Air Markets, Craft and Job Fairs”.

RECOMMENDATION: The City Council adopt Ordinance No. 226.

ACTION: On a motion of Mayor Pro Tem Harris, seconded by Councilmember Cole and carried 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 Public Hearing Regarding Prioritization for Funding of Community Development Block Grant (CDBG) Applications for Fiscal Year 2010-2011.

RECOMMENDATION: The City Council approve funding for the Fiscal Year 2010-2011 Community Development Block Grant Program.

Community Services Director Council (Director Council) presented a staff report.

Mayor Flock opened the Public Hearing.

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

Councilmember Cole commented that it is hard to help with only \$25,000.

On a motion of Councilmember Klink, seconded by Mayor Pro Tem Harris and carried with a 5-0 voice vote, the City Council approved funding for the Fiscal Year 2010-2011 Community Development Block Grant Program.

8.2 PC 09-74 – An Amendment to the “Development Code” of the City of Twentynine Palms Regarding Medical Marijuana Dispensaries/Facilities.

RECOMMENDATION: Conduct the Public Hearing, consider public comment and introduce Ordinance No. 225, making a determination that PC 09-74 is exempt from further environmental review and adopt the proposed amendments to Chapter 19.10 “Commercial Districts”, Table 19.10-A “Permitted and Conditional Uses” and Chapter 19.12 “Service Commercial and (CS) Community Industrial (IC) Districts”, Table 19.12-A “Permitted and Conditional Uses of the Development Code”.

Community Development Director LaClaire (Director LaClaire) presented a staff report.

City Attorney Munoz presented a brief report on medical marijuana.

Mayor Pro Tem Harris asked the City Attorney if it is true that the places that are operating are supposed to be non-profit, even though they are making a significant profit.

City Attorney Munoz said, yes, they are supposed to be non-profit.

Director LaClaire said that the mailing address for the applicant is in Hollywood or West Hollywood, CA.

Mayor Flock opened the Public Hearing.

Having no requests to speak Mayor Flock closed the Public Hearing.

Councilmember Spear said he has not heard an argument that overrides the will of the people that enacted Proposition 215, in the late 1990's to the tune of a 56% approval rate. He said that he stopped by the dispensary in Yucca Valley, and he said what the City Attorney relayed was not happening in Yucca Valley. Councilmember Spear said that they had 1 burglary and 3 attempted burglaries since its opening which is no more than the banks in Twentynine Palms have had, and he asked if they prohibit the land use of the banks in Twentynine Palms. He said that he is looking for a compelling reason to overturn the will of the people.

Mayor Flock opened the Public Hearing.

Pastor Frank Ferrandini, Twentynine Palms, said he was opposed to medical marijuana dispensaries.

Sherry Hall, Twentynine Palms, said she is in favor of medical marijuana dispensaries.

Ron Bryant, Twentynine Palms, spoke against medical marijuana dispensaries.

Nick Panzerella, Twentynine Palms, spoke against medical marijuana dispensaries.

Harold Grey, Twentynine Palms, spoke against medical marijuana dispensaries.

Nofo Tavai, Twentynine Palms, spoke against medical marijuana dispensaries.

Mayor Flock closed the Public Hearing.

Mayor Flock directed City Clerk Sherwood to introduce and read Ordinance No. 225 by title only.

On a motion of Councilmember Cole, seconded by Mayor Flock and carried with a 4-1 (Spear-no) roll call vote, the City Council determined that PC 09-74 is exempt from further environmental review and adopted the proposed amendments to Chapter 19.10 "Commercial Districts", Table 19.10-A "Permitted

and Conditional Uses” and Chapter 19.12 “Service Commercial and (CS) Community Industrial (IC) Districts”, Table 19.12-A “Permitted and Conditional Uses of the Development Code”.

8.3 PC 10-01 - An Amendment to the Land Use Tables within Title 19 “Development Code” regarding “Certified Farmers Markets”

RECOMMENDATION: Conduct the Public Hearing, consider public comment and introduce Ordinance No. 227, making a determination that PC 10-01 is Exempt from further environmental review and adopt the proposed amendments to Tables 19.10-A “Permitted and Conditional Uses” within Commercial zoning districts, 19.12-A “Permitted and Conditional Uses” within the Service Commercial and Community Industrial zoning districts and 19.15-A “Permitted and Conditional Uses” within the Public zoning district regarding Certified Farmer’s Markets.

Director LaClaire presented a staff report.

Mayor Flock opened the Public Hearing.

Jay Corbin, Twentynine Palms, spoke in favor of the Farmer’s Market.

Mayor Flock closed the Public Hearing.

Mayor Flock directed City Clerk Sherwood to introduce and read Ordinance No. 227 by title only.

On a motion of Councilmember Spear, seconded by Mayor Pro Tem Harris and carried with a 5-0 roll call vote, the City Council made a determination that PC 10-01 is Exempt from further environmental review and adopted the proposed amendments to Tables 19.10-A “Permitted and Conditional Uses” within Commercial zoning districts, 19.12-A “Permitted and Conditional Uses” within the Service Commercial and Community Industrial zoning districts and 19.15-A “Permitted and Conditional Uses” within the Public zoning district regarding Certified Farmer’s Markets.

9.0 REPORTS, REQUESTS AND COMMUNICATIONS

9.1 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 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 Rentals.

Director LaClaire presented a staff report to the City Council.

Sheri Hall, Twentynine Palms, spoke in favor of Vacation Home Rentals.

Dan O’Brian, Twentynine Palms, said Vacation Home Rentals is a money source and money is not being collected and wanted staff to look into why the taxes were not being paid by the current Vacation Home Rental owners.

Bill Talley, Twentynine Palms, representing the Innkeeper's Association, spoke in opposition of Vacation Home Rentals.

Sheri Hall, Twentynine Palms, said she would like to see more talent and economic diversity in the City.

Jack Briggs, Twentynine Palms, spoke in favor of Vacation Home Rentals.

Councilmember Klink asked if Ms. Hall's house was rented weekly.

Ms. Hall responded there was a month that her house had been rented out the whole month. She said fifteen days a month was doing really well.

Mayor Pro Tem Harris said he did not know what the City could do to regulate these business owners to make them pay if the City had not been doing anything in the past. He asked if the City had done anything with Code Enforcement to get these businesses into Code compliance.

City Manager Tree responded a letter had been sent to the property owners urging them to speak with the Council at the meeting regarding the operations they were conducting.

Bob French, Twentynine Palms, said for Inn Keeper's Association condemning the Vacation Home Rentals disgusted him.

Bill Easter, Twentynine Palms, Planning Commissioner, said for people to make this sound like it's going to be great and everyone is going to get along is untrue. He said there is going to be some problems.

Chuck Caplinger, Twentynine Palms, Planning Commissioner, said he is not entirely against Vacation Home Rentals. He said there are pros and cons on the issue.

Mayor Flock said there are potential problems with Vacation Home Rentals.

Councilmember Cole said something needs to be done and he can see valid points coming from both sides.

Councilmember Klink suggested the issue should go back to the Planning Commission.

ACTION: On a motion Councilmember Klink, seconded by Councilmember Spear and carried with a 5-0 roll call vote, the City Council directed staff to send the item back to the Planning Commission.

Councilmember Spear asked that the Planning Commission address the issue he raised regarding the Twentynine Palms Inn and the rented rooms with the property adjacent to their land.

- 9.2 City's Energy Efficiency and Solar Projects
RECOMMENDATION: The City Council receives the staff report and provides direction to staff.

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

Doug Kaufburger said the project had been split into two pieces, energy efficiency and solar components.

Councilmember Cole asked when the result of the block grant would be received.

Mr. Kaufbruger said early March.

Councilmember Spear clarified that both projects would be going out to bid.

City Manager Tree responded this was correct. He said there would be a request for qualifications (RFQ) HVAC contractors bid that the City would get the most qualified contractor for. He said the City would advertise for a power purchase agreement.

Consensus of the City Council was to move forward with the RFQ and the solar project and to advertise for a power purchase agreement and take a look at what is received from the solar companies.

- 9.3 Alternative Workweek for Employees at City Hall and Public Works Department Employees

RECOMMENDATION: The City Council approve the 4-10 work week for employees at City Hall and the Public Works Department on a permanent basis.

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

ACTION: On a motion made by Councilmember Klink, seconded by Councilmember Spear and carried with a 5-0 roll call vote, the City Council approved the 4-10 work week for employees at City Hall and Public Works Department on a permanent basis.

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT

- 10.1 Chamber of Commerce Lease Agreement and City Visitor Center Operations Agreement

RECOMMENDATION: The City Council approves the Chamber of Commerce Lease Agreement and approve the City's Visitor Center Operations Agreement.

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

Councilmember Spear requested that the guest log shall be available to City staff and City Council for its inspection and use at all times, and this should be added to attachment A paragraph 6.

Rob Fleck, Executive Director of the Chamber of Commerce, said he had no problem with that.

ACTION: On a motion made by Councilmember Klink, seconded by Mayor Pro Tem Harris and carried with a 4-1 roll call vote (Spear no) the City Council approved the Chamber of Commerce Lease Agreement and the City's Visitor Center Operations Agreement as amended.

10.2 Chamber of Commerce Signage for the Visitor Center

RECOMMENDATION: Staff recommends placing "Chamber of Commerce" signage on the front of the Visitor Center with lettering to match the City's "Visitor Center" signage.

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

Councilmember Spear asked if this building was restricted to nonprofit organizations.

City Attorney Munoz said the City could rent the building to anyone they wanted. He said it could be rented under the same terms as the Visitor Center.

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 placing "Chamber of Commerce" signage on the front of the Visitor Center with lettering to match the City's "Visitor Center" signage.

11.0 FUTURE COUNCIL INITIATED ITEMS

Councilmember Klink said he would like staff to look into the widening project of Easy Street to Sunrise.

Councilmember Cole asked for updates on current projects that were going on in the City.

12.0 CLOSED SESSION

12.1 Closed Session Pursuant to Government Code Section 54957
Public Employee Performance Evaluation – City Manager

12.2 Closed Session Pursuant to Government Code Section 54956.9
Conference with Legal Counsel Regarding Potential Litigation (3cases)

13.0 ADJOURN: Mayor Flock adjourned the meeting at 8:30 p.m. to Closed Session. The Closed Session ended at 9:15 p.m. with no action taken.

Respectfully submitted,

Charlene L. Sherwood MMC, City Clerk