

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

**6136 Adobe Road
Twentynine Palms, CA 92277
www.ci.twentynine-palms.ca.us
Tuesday, February 23, 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 – Mayor Pro Tem Harris led the Pledge of Allegiance.
INVOCATION – Bob Culp, Nazarene Church gave the Invocation.
ROLL CALL – The following Councilmembers were present: Cole, Harris, Klink, Spear and Flock.

- 2.0 SPECIAL RECOGNITION AND PRESENTATIONS-** None

3.0 ANNOUNCEMENTS

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

4.0 PUBLIC COMMENTS

Chuck Uyeda, Twentynine Palms, spoke on behalf of Oscar Bailey whom had sent a letter to the City Manager and City Council regarding a letter sent to Mr. Bailey from Code Enforcement. He said Code Enforcement never talked to Mr. Bailey regarding the materials that were behind his block wall. He said Code Enforcement never spoke to Mr. Bailey, Mr. Freshour who owns the property behind his or the tenant and he asked the City Manager to look into the block wall issue with Code Enforcement.

5.0 COUNCIL COMMENTS

Councilmember Klink gave his condolences to Bo Bowden's family. He said Bo was a business man who lived in the community for many years. He said Adobe Road is torn up from Amboy Road to the Main Gate of the Marine Corps Base and told the public to use alternate routes if possible.

Mayor Pro Tem Harris said his hat is off to the Grand Masonic Lodge that they are willing to send WWII Vets to Washington to the WWII Memorial for 3 days and 2 nights. He said the trip in April is already booked but there will be another one in May. He said if the anyone is interested, contact Clarence Chambers at 760-799-4991 and his email address is hoss44@ips.net to sign up to go on the trip. He gave his condolences to the Bowden family.

Councilmember Cole gave his condolences to the Bowden family and said Mr. Bowden made many contributions to the community.

Mayor Flock gave his condolences to the Bowden family and said Bo was a great hardworking man. He said he had met with Ray Wolff the District Director of Caltrans. He said the traffic signal at Encelia and Highway 62 was discussed and Caltrans is willing to pay for half of the traffic study to see if a traffic signal is warranted. He said the general condition of Highway 62 was discussed and he said Caltrans has been working in a reactive mode fixing potholes as they come up.

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 \$ 957,451.33.

6.3 Approval of Minutes

RECOMMENDATION: The City Council approve the minutes of the Special Meeting of February 4, 2010, and the regular City Council Meeting of February 9, 2010.

6.4 PC 09-74 An Amendment to the "Development Code" of the City of Twentynine Palms regarding Medical Marijuana Dispensaries/Facilities

RECOMMENDATION: The City Council adopt Ordinance No. 225

6.5 PC 10-01 An Amendment to the Land Use Tables within Title 19 "Development Code" regarding "Certified Farmers Markets, Open Air Markets, Craft and Job Fairs".

RECOMMENDATION: The City Council adopt Ordinance No. 227.

Councilmember Spear abstained from check number 47714 to the San Bernardino County Sherriff's Department due to a possible conflict of interest.

ACTION: On a motion made by Councilmember Cole, seconded by Councilmember Klink and carried with a 4-1 roll call vote (Spear no), the City Council approved item 6.4.

ACTION: On a motion made by Councilmember Cole, seconded by Councilmember Klink 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 Consideration of the Redevelopment Agency's FY 2009/2010 through FY 2013/2014 Implementation Plan and Ten Year Housing Compliance Plan

RECOMMENDATION: Staff recommends the Agency Board hold a Public Hearing to receive testimony regarding the Agency's FY 2009/10 – FY 2013/14 Implementation Plan and Ten Year Housing Compliance Plan. Upon closing the Public Hearing, staff further recommends that the Agency Board adopt a Resolution approving the Implementation Plan and Ten Year Housing Compliance Plan.

Frank Spavacek, RSG, presented a power point presentation and staff report to the City Council.

Matt McCleary, RSG, spoke with the City Council regarding branding and marketing.

Vice Chair Harris clarified the Government does not build buildings for lease on the Marine Corps Base.

Chair Flock opened the Public Hearing.

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

Vice Chair Harris asked how the 100 franchises listed in the staff report were contacted for the study.

Mr. Spavacek responded RSG called and emailed the franchises. He said the businesses were also referred to the www.whytwentyninepalms.com website.

Vice Chair Harris requested a listing of each of their responses.

Boardmember Spear asked what the cost from the General Fund was to implement this five year plan.

Mr. Spavacek responded there is no cost from the General Fund for direct expenditures.

ACTION: On a motion made by Boardmember Spear, seconded by Chair Flock and carried with a 5-0 roll call vote, the RDA adopted RDA Resolution No. 10-03 approving the Implementation Plan and Ten Year Housing Compliance Plan.

8.2 PC 10-02 - An Amendment to the City of Twentynine Palms Municipal Code, Creating a New Chapter 19.93 "Unclaimed or Abandoned Property" to Title 19 "Development Code" Establishing the Procedures and Circumstances where through Code Enforcement Efforts the City May Process and Dispose of Abandoned Property within the City of Twentynine Palms.

RECOMMENDATION: Conduct the Public Hearing, consider public comment and introduce Ordinance No. 228, making a determination that PC 10-02 is Exempt from further environmental review and adopt the proposal to amend Title

19 "Development Code" of the City of Twentynine Palms Municipal Code by adding a new Chapter 19.93 "Unclaimed or Abandoned Property" to establish the procedures and circumstances where through Code Enforcement efforts the City may process and dispose of abandoned property within the City of Twentynine Palms.

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

Mayor Flock opened the Public Hearing.

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

City Clerk Sherwood introduced Ordinance No. 228 reading by title only.

ACTION: On a motion made by Councilmember Spear, seconded by Councilmember Klink and carried with a 5-0 roll call vote, the City Council introduced Ordinance No. 228, making a determination that PC 10-02 is Exempt from further environmental review and adopted the proposal to amend Title 19 "Development Code" of the City of Twentynine Palms Municipal Code by adding a new Chapter 19.93 "Unclaimed or Abandoned Property" to establish the procedures and circumstances where through Code Enforcement efforts the City may process and dispose of abandoned property within the City of Twentynine Palms.

8.3 PC 09-75 - An Amendment to Chapter 19.58 "Telecommunications Facilities", Regarding Antenna Placement and Chapter 19.48 "Accessory Structures", Regarding Sea-Going Cargo Containers.

RECOMMENDATION: Conduct the Public Hearing, consider public comment and introduce Ordinance No. 229, making a determination that PC 09-75 is Exempt from further environmental review and adopt the proposal to amend Title 19 "Development Code", of the City of Twentynine Palms Municipal Code by amending Chapter 19.58 "Telecommunications Facilities", regarding antenna placement in residential areas and Chapter 19.48 "Accessory Structures", regarding sea-going cargo container placement in industrial areas within the City of Twentynine Palms.

Director LaClaire presented a staff report to the City Council.

Mayor Pro Tem Harris asked if the sea-going cargo containers were going to have signs, printed on them. He said there were many in town with writing on them and that he did not want them to become a billboard for businesses.

Director LaClaire said there could be proposed language adopted that would clarify the issue.

Mayor Flock opened the Public Hearing.

Frank Thomas, Twentynine Palms, said he agrees with the language that the Planning Commission has come up with regarding portable containers. He said

he agrees with the set back requirements but does not agree with needing to have approval by the Planning Commission to have cargo containers on an industrial piece of property and to have a building permit. He provided the City Council with maps of his business and the surrounding area.

Mayor Flock closed the Public Hearing.

Councilmember Spear said he agreed with Mr. Thomas.

ACTION: On a motion made by Mayor Pro Tem Harris, seconded by Councilmember Cole and carried with a 5-0 roll call vote, the City Council remanded the item to the Planning Commission.

9.0 REPORTS, REQUESTS AND COMMUNICATIONS - None

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT

10.1 Mid-Year Financial Update and Economic Development/Redevelopment Specialist Position

RECOMMENDATION: The City Council receives the staff report and provides direction to staff.

City Manager Tree presented a staff report to the City Council. He said staff was recommending hiring an Economic Development Specialist/Redevelopment Specialist.

Mayor Flock asked if staff had looked into the effect this position would have on the City's income by looking at other Cities.

City Manager Tree said he wanted to be ready when the economy picks up to capture the retail and restaurant industry by building those important relationships with businesses and property owners.

Mayor Pro Tem Harris said he looked online at Economic Development positions with other Cities and wanted to know where the figures in the staff report came from. He said it is a lot of money to spend right now with the way the economy is.

Mayor Flock opened the Public Hearing.

Jay Corbin, Twentynine Palms, spoke in favor of the item.

Dee Richart, Twentynine Palms, representing the Economic Development Committee, spoke in favor of the item.

Jack Briggs, Twentynine Palms, spoke in favor of the item.

Elaine Culp, Twentynine Palms, spoke in favor of the item.

Bill Easter, Twentynine Palms, said something needs to be done.

Chuck Uyeda, Twentynine Palms, asked why businesses should come here because everyone will just go to Yucca Valley. He said the City stifles the small mom and pop businesses.

Mayor Flock closed the Public Hearing.

Councilmember Spear said this is a premature move, to speculate spending \$120,000.00 in today's economy in a position that is not measurable in performance.

Councilmember Cole said the deficit spending trend won't change unless the City takes some action. He said he thought it was worth an effort in both time and money to do this.

Councilmember Klink said not a dollar was spent on the Economic Committee and they are the ones coming to the City Council and recommending the City hire this position. He said the Council should listen to the people and have someone local who knows the City and will want to help the City.

Mayor Flock said he agrees with Councilmember Klink. He said the City has not been aggressive and proactive in going after these businesses. He said someone was needed in the City who could get with property owners and businesses to bring more to the City.

City Manager Tree clarified that the description in the staff report was a draft job description for the position.

The City Council directed staff to refine the job description and would like a discussion on the second half of the employee wage gap at the next City Council meeting.

10.2 Commercial Bins on Residential Properties

RECOMMENDATION: The City Council approve City Council Policy No. 10-1.

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

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 City Council Policy No. 10-1.

10.3 The California Global Warming Solutions Act of 2006 (AB 32)

RECOMMENDATION: The City Council approves Resolution No. 10-05.

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

Mita Barter, Twentynine Palms, said she hoped the City Council was attending the Climate Change Conference in Yucca Valley on March 12, 2010 and presented them with invitations.

Councilmember Cole said a more global perspective was needed.

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 Resolution No. 10-05.

11.0 FUTURE COUNCIL INITIATED ITEMS

Mayor Pro Tem Harris said he would like an update on Code Enforcement issues he had brought to the attention of staff.

12.0 CLOSED SESSION

City Attorney Munoz requested an item be added to the Closed Session due to an item being brought to his attention regarding a case of Save the Plastic Bag vs. City of Manhattan Beach to discuss whether or not to file an amicus brief. He requested the Council to make a motion to add it to the agenda.

ACTION: On a motion made by Councilmember Cole, seconded by Councilmember Spear and carried with a 5-0 roll call vote, the City Council added the item to the agenda under Closed Session.

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

12.2 Initiation of Litigation: (1 case) Save the Plastic Bag Coalition v. City of
Manhattan Beach-consideration re filling amicus brief. Action reported:
consensus of Council was to not file an amicus brief.

13.0 **ADJOURN-** Mayor Flock adjourned the meeting to Closed Session at 8:31 p.m. in memory of Bo Bowden. The Closed Session ended at 9:00 p.m. with no action being taken.

Respectfully Submitted,

Charlene L. Sherwood MMC, City Clerk