

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING
6136 Adobe Road
Twentynine Palms, CA 92277
www.ci.twentynine-palms.ca.us
Tuesday, May 11, 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 – City Attorney Munoz led the Pledge of Allegiance.
INVOCATION – Reverend Milt Merritt, USN (retired) gave the Invocation.
ROLL CALL – The following Councilmembers were present: Cole, Harris, Klink and Flock. Councilmember Spear had an excused absence.

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, May 17, 2010 at 6:30 p.m. and Friday, May 21, 2010, at 6:30 p.m.

4.0 PUBLIC COMMENTS

Calvin Cisco, Twentynine Palms, presented pictures to the City Council of hybrid car and said they are functional and ideal for City vehicles.

Larry Briggs, Twentynine Palms, said Burrtec is having problems with getting an ok on opening their new facility in Yucca Valley and suggested they re-open the one they had in the City.

5.0 COUNCIL COMMENTS

Councilmember Cole congratulated staff on the Chamber of Commerce opening. He said the Adobe Road project and Historic Plaza project are making way.

Councilmember Klink thanked the Park and Recreation Department for their hard work with the concerts in the park. He reminded the public of the increasing temperatures and not to their kids and pets in their cars.

Mayor Pro Tem Harris said he attended the ribbon cutting ceremony for the Chamber of Commerce and the building was beautiful and fresh. He said the back patio that is at the Chamber can hold BBQ's and get together's for the public. He thanked Project Manager Cole for his hard work on the Chamber building and said he never complains.

Mayor Flock said the new Visitor Center and Chamber of Commerce is beautiful and well done. He gave credit to staff, employees and contractors for their hard

work and the pride in their work. He said Project Manager Cole did an outstanding job.

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 \$706,398.41

- 6.3 Approval of Minutes
RECOMMENDATION: The City Council approve the minutes of the April 13, 2010 meeting.

- 6.4 Appropriation Limit
RECOMMENDATION: The City Council change the appropriation limits for fiscal years 2008/2009 and 2009/2010 by the adoption of Resolution 10-06.

- 6.5 Appropriation Limit
RECOMMENDATION: The City Council establish appropriation limit for fiscal year 2010/2011 by the adoption of Resolution 10-12.

- 6.6 Mesquite Springs Road Improvements
RECOMMENDATION: The City Council award the contract for the “Mesquite Springs Road Improvements-Two Mile Road to Indian Trail” to Matich Corporation for the amount of \$959,595.00.

- 6.7 Resolution Ordering Preparation of an Engineer’s Report for the Historic Plaza Maintenance Assessment District
RECOMMENDATION: The City Council adopt Resolution 10-14 that (i) orders Charles Abbot to prepare an engineer’s report, in accordance with the Landscaping and Lighting Act of 1972, Streets and Highways Code section 22500 *et seq.* (the “Act”), for Fiscal Year (“FY”) 2010-11 for the recently formed Historic Plaza Maintenance Assessment District (“Historic Plaza District”); (ii) confirms that there are no new improvements and no substantial changes in existing improvements from the landscaping and irrigation improvements approved by the City Council when the Historic Plaza District was formed; and (iii) directs the Clerk to calendar, in accordance with law, the City Council’s consideration of the engineer’s report once received.

- 6.8 Phone Book Delivery Ordinance
RECOMMENDATION: The City Council receive and file report.

6.9 Resolution of Appreciation for First District Supervisor Brad Mitzelfelt
RECOMMENDATION: The City Council approve Resolution 10-13.

6.10 Treasurer's Report- March 2010
RECOMMENDATION: Receive and file.

Councilmember Cole abstained from item 6.6 due to possible conflict of interest.

ACTION: On a motion made by Mayor Pro Tem Harris, seconded by Councilmember Klink and carried with a 4-0-1 (Spear absent) 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 PC 09-53-Consideration of amendments to the Land Use Element of the adopted General Plan and to the Official Zoning Map of the City's "Development Code" regarding the land use designations for twenty-six (26) properties within the City of Twentynine Palms.

RECOMMENDATION: The City Council direct Hogle-Ireland, Inc., Planning Consultants preparing the comprehensive Update to the City's adopted General Plan, to proceed with the Land Use Designations as have been previously discussed and approved within the comprehensive update to the City's General Plan and related Environmental Impact Report.

Community Development Director LaClaire (Director LaClaire) presented a staff report to the City Council and briefly discussed each of the properties.

Mayor Pro Tem Harris said there was concern with the Garvin property that the expressway runs directly through the Garvin property and not adjacent to. He said regarding Nailini Mahraj's property he was curious why the Planning Commission felt it should not be approved.

Director LaClaire said in regards to the Garvin property there may be an issue where the City Council directed the expressway be removed entirely and that will be reviewed by the Planning Commission when it is sent back to them. He said the Planning Commission was cautious of rezoning Nalini Mahraj's property to Commercial, in an effort to avoid spot zoning. He said the Planning Commission had also mentioned that the property was small and old in nature.

Councilmember Klink asked what significant differences between Neighborhood Commercial and General Commercial are.

Director LaClaire responded it is a matter of intensity of use and permitted review or required review. He said certain uses like a gas station would not be allowed in a Neighborhood Commercial but would be allowed in General Commercial. He said they are 80-85% similar to each other just with minor intensity differentials.

Mayor Flock opened the Public Hearing.

Nahreena Mahraj, applicant for Harmony Motel property, said the hotel may be old but it attracts many visitors. She said it is a historical property and provided an article to the City Council which was written by a CNN news writer named Marjorie Copeland. She said the existing status of the hotel as non-conforming property in a Single-family Residential zone limits her ability to add on to and improve the hotel.

Mayor Flock closed the Public Hearing.

Consensus of the City Council was to leave the Frank LaChapelle property as is.

City Attorney Munoz said at this time staff is looking for direction from the City Council for the staff work that is ongoing for the General Plan project.

Councilmember Klink said the Nalini Maharaj property should be changed to General Commercial.

Councilmember Cole said the property should not be changed to General Commercial because it could put some pressure on her property down the road and suggested Tourist Commercial.

Consensus of the City Council was to change the property of Nalini Maharaj to Tourist Commercial.

Consensus of the City Council for the JB Carrol property and the Alibaba Fazaneh property was to not change them at this time.

Consensus of the City Council for the Garvin property was in agreement with the Planning Commission's recommendation that the property and the surrounding properties should be re-examined at a later date for a possible re-designation (which has been scheduled within the third round of reviews, anticipated within the next sixty (60) days).

The City Council directed staff to send the consensus on to the consultants to include the one change to the Nalini Mahraj property.

9.0 REPORTS, REQUESTS AND COMMUNICATIONS- None

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT - None

11.0 FUTURE COUNCIL INITIATED ITEMS

Mayor Pro Tem Harris said he would like an update at the next City Council meeting regarding the Commercial bins from Burrtec.

12.0 CLOSED SESSION

12.1 Closed Session Pursuant to Government Code Section 54956.9 Conference with Legal Counsel Regarding Potential Litigation, (1case).

13.0 ADJOURN- Mayor Flock adjourned the meeting to Closed Session at 7:05 p.m. Closed Session ended at 7:35 p.m. with no reported action being taken.

Respectfully Submitted,

Jacqueline M. Palmer, Deputy City Clerk