

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING
6136 Adobe Road
Twentynine Palms, CA 92277
www.ci.twentynine-palms.ca.us
Tuesday, June 8, 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 Harris led the Pledge of Allegiance.
INVOCATION – City Manager Tree gave the Invocation.
ROLL CALL – The following Councilmembers were present: Cole, Harris, Klink, Spear and Flock.

2.0 SPECIAL RECOGNITION AND PRESENTATIONS

2.1 Buck-a-Bag Results for Community Clean Up Day April 10, 2010

Deputy City Clerk Jacqueline Palmer presented the Buck-a-Bag results for Community Clean up Day April 10, 2010.

3.0 ANNOUNCEMENTS

- 3.1 Mayor Flock announced these proceedings will be televised on Cable T.V., Channel 10, as follows: Monday, June 14, 2010 at 6:30 p.m. and Friday, June 18, 2010, at 6:30 p.m.

4.0 PUBLIC COMMENTS

Jerri Hagman, Twentynine Palms, said the Twentynine Palms sign is an outstanding welcome to the City. She said the community will be thankful for a job well done on the Plaza project when it is completed. She thanked Councilmember Harris for helping her take care of a problem that she had spoken to him about. She said the Council does a good job and she appreciates them.

Cal Sisco, Twentynine Palms, encouraged bringing jobs to the community.

Phyllis LaLonde, Twentynine Palms, asked if there could be a public forum for the community to address people who would be running for Council during the coming election.

Carey Alderson, Twentynine Palms, said he is running for City Council to better the community this coming election season.

5.0 COUNCIL COMMENTS

Councilmember Klink said he was elected by the Councilmembers to play the Harlem Ambassadors game and he scored two points and had a blast. He thanked the General for honoring Law Enforcement officers and thanked the Morongo Basin Law Enforcement for keeping the citizens safe. He said he went to We Salute You which honored the Marines for the jobs they do and he thanked them for honoring the Country and keeping the Country safe. He congratulated everyone who was graduating and wished them best of luck in the future. He thanked staff for their hard work over the weekend, opening the cooling center for the public when the power outage occurred. He reminded the public to watch for children due to school being out. He wished everyone that was celebrating a Birthday in June a Happy Birthday and the City Council sang Happy Birthday to City Manager Tree and Director LaClaire.

Mayor Pro Tem Harris congratulated all of the 2010 graduates. He said the Street Fair and Car Show turned out very nice and there was decent weather for the event. He said the DUI check point from 6 p.m. to 12 a.m. went very well and our local law enforcement did a great job. He said the Adobe Road project was almost complete. He asked if the City of Twentynine Palms Retail Market report 2010 cost the City money.

City Manager Tree responded no, it did not cost the City anything. He said the staff went through the report before it was printed. He said all the information regarding the Marine base was provided by the Public Affairs Office.

Councilmember Cole said the Adobe Road project is coming together and there is a lot of progress down at the Historic Plaza. He said the Mesquite Springs Road project is expected to start on Thursday. He said the Morongo Basin Transit Authority transient center is about ready to be opened up downtown. He said the car show was fun and the soap box derby cars turned out great and there was a lot of Community involvement. He congratulated the graduates of Twentynine Palms High School and Monument High.

Councilmember Spear said the best cars at the car show were the soap box derby. He gave his \$25.00 for the car that was sponsored by the City Council and asked each of the Councilmembers to present their \$25.00 contributions. He said his son Jay left for Afghanistan on June 4, 2010. He said to please remember his son and all the sons and daughters who are in the combat zone.

Mayor Flock said Mayor Pro Tem Harris took home the General's Award for the car show and he congratulated him. He thanked Mayor Pro Tem Harris for his work with SanBag and said Highway 62 had a slurry seal which was a lot better than what was there before.

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 \$1,250,992.59
- 6.3 Approval of Minutes
RECOMMENDATION: The City Council approve the minutes of the April 27, 2010 and the May 11, 2010 City Council meetings.
- 6.4 Resolution No. 10-15 Approving Engineer's Report for the Historic Plaza Maintenance Assessment District and Declaring the Intent to Levy Fiscal Year 2010-11 Assessments
RECOMMENDATION: The City Council adopt Resolution No. 10-15 of the City Council that 1) approves the engineer's report ("Report") prepared by Charles Abbot Associates, which was required by the Landscaping and Lighting Act of 1972, Streets and Highways Code section 22500 *et seq.* (the "Act"), to start the process for levying assessments for Fiscal Year ("FY") 2010-11 in the Historic Plaza Maintenance Assessment District ("District"); 2) declares the City Council's intent to levy the assessments for FY 2010-11 and set a Public Hearing thereon for the next regular City Council meeting; and 3) directs the Clerk to publish notice of the Public Hearing as required by the Act.
- 6.5 Establishment of a Citizen Corps Council
RECOMMENDATION: The City Council approves the establishment of a Citizen Corps Council.
- 6.6 Twentynine Palms Lighting and Landscaping Assessment District #1, Engineer's Annual Report, and Levy of Assessment for FY 2010-2011
RECOMMENDATION: The City Council 1) Adopt Resolution No.10-19, (A Resolution of the City Council of the City Twentynine Palms Directing the Filing of the Annual Report for the Twentynine Palms Landscaping and Lighting Assessment District No. 1), 2) Receive and approve the engineer's report as filed or as amended, and 3) Adopt Resolution No.10-20, (A Resolution of the City Council of the City of Twentynine Palms Declaring its intention to order improvements, and to levy and collect assessments pursuant to the Lighting and Landscaping Act of 1972 for Fiscal Year 2010-2011).
- 6.7 Update: Commercial Trash Bins ("Dumpsters") on Residential Properties
RECOMMENDATION: The City Council receives the staff report and provides direction.
City Manager Tree requested item 6.5 be pulled from the Consent Calendar for discussion.

Councilmember Spear abstained from check number 48329 and 48330 on the warrant register.

ACTION: On a motion made by Mayor Pro Tem Harris, seconded by Councilmember Klink and carried with a 5-0 roll call vote, the City Council approved the balance of the Consent Calendar as presented.

7.0 ITEMS REMOVED FROM CONSENT CALENDAR FOR DISCUSSION OR SEPARATE ACTION AND/OR ADDED AGENDA ITEMS

- 6.5 Establishment of a Citizen Corps Council
RECOMMENDATION: The City Council approves the establishment of a Citizen Corps Council.

City Manager Tree said staff supports the Citizens Corps Council and he had received several questions that he would like to take a look at and requested bringing the item back to the City Council, allowing him time to have the questions answered that were raised.

The City Council agreed this item could be brought back at the next City Council meeting.

8.0 PUBLIC HEARING

- 8.1 PC 10-29 – 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 Nineteen (19) Properties within the City of Twentynine Palms

RECOMMENDATION: Conduct the Public Hearing, consider public comment and direct Hogle-Ireland, Inc., Planning Consultants preparing the comprehensive Update to the City’s adopted General Plan, to amend the land use designations illustrated upon the Official Zoning Map of the “Development Code” and the Land Use Element of the adopted General Plan for the nineteen (19) properties identified within PC 10-29 and include these properties within the Environmental Impact Report being prepared for the comprehensive Update to the City’s adopted General Plan.

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

Mayor Flock opened the Public Hearing.

David Smith, Twentynine Palms, applicant, said he is trying to re-zone the back half of his lot from Commercial Office to Commercial General. He said he has things in mind for the location such as convenience stores, daycare center or a sit down restaurant. He said there is not an abundance of property for commercial in Twentynine Palms.

Eugene McMeneman, Long Beach, applicant, said Director LaClaire covered everything he wanted to say. He said he appreciated the City Council’s consideration.

Phyllis LaLonde, Twentynine Palms, speaking on behalf of the applicant, said if it were going to be deemed worthless she requested a letter stating this property as a residential is terminated as worthless. She said if the property is worthless there should not be taxes on it.

Cal Sisco, Twentynine Palms, asked what the zoning for the water pump station is. He said the property should be consolidated with the pump station.

Director LaClaire said a letter was received in regards to an additional request from Larry Briggs. He said Council can include this as a fourth round to be taken to the Planning Commission or can make comment or direction tonight and information can be included in General Plan Update.

Consensus of the City Council was the property proposed by Larry Briggs goes through the same process the other properties had gone through.

Jodie Crow, Twentynine Palms, spoke in support of Ms. LaLonde's comment. She asked if the City Council could support the property owner in their efforts to try to do something with the property.

Mayor Flock closed the Public Hearing.

Mayor Flock said regarding David Smith's property he would like to see a project before making it General Commercial.

Councilmember Spear said the rezoning would be less intrusive and commended Mr. Smith on what he is doing and supported him on his endeavor.

Consensus of the City Council was to change David Smith's property go General Commercial.

Consensus of the City Council was to amend the land use designation from Single Family Residential Four (4) Dwelling Units per Acre to Tourist Commercial.

Consensus of the City Council was to change the property represented by Phyllis LaLonde to General Commercial.

ACTION: On a motion made by Councilmember Cole, seconded by Mayor Pro Tem Harris and carried with a 5-0 roll call vote, the City Council approved the changes as shown in the staff report with the exception to Ms. LaLonde's property which will be shown as General Commercial in the upcoming Comprehensive Update to the General Plan.

9.0 REPORTS, REQUESTS AND COMMUNICATIONS- None

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT

- 10.1 Southern California Association of Governments (SCAG) Membership
RECOMMENDATION: The City Council joins the Southern California Association of Governments (SCAG), approves the Joint Powers Agreement and designates

two City Council members as Delegate and Alternate representatives for the annual General Assembly to be held in May 2011.

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

ACTION: On a motion made by Councilmember Spear, seconded by Councilmember Klink and carried with a 5-0 roll call vote, the City Council approved the expenditure of \$2,516 to join the Southern California Association of Governments (SCAG).

Consensus of the City Council was Mayor Pro Tem Harris to serve as the delegate and Councilmember Klink to serve as the alternate for SCAG.

10.2 Alternative to the Requirement for the Undergrounding of Utilities in Association with PC 09-87 (which is a Conditional Use Permit to establish a Mini-Storage Facility south of Callie Todd Lane, east of Adobe Road, north of Desert Dunes Drive and west of Desert Knoll Avenue).

RECOMMENDATION: Receive a report from staff, consider public comment and provide guidance to staff to either create a deferral or waiver program for the installation of public utilities in conjunction with new development or direct staff to enforce the Code provisions consistent with past enforcement efforts.

Director LaClaire presented a staff report to the City Council.

Jay Corbin, Twentynine Palms, spoke on behalf of Mr. Welch. He said the cost could go as high as \$100,000 for undergrounding the utilities according to John Masterson a local electrician.

Councilmember Spear asked if the City Council could remove condition E25.

Director LaClaire responded yes but it does not remove the requirement.

Mr. Corbin said the Welch's have contributed a great deal to the community. He requested modifying condition E25 to state that the project size is 3.9 acres therefore section 19.12.100 is not applicable.

ACTION: On a motion made by Councilmember Cole, seconded by Councilmember Spear and carried with a 5-0 roll call vote, the City Council determined that the requirement of Condition E-25 is being met by this project as the surrounding properties have above ground utilities off site.

10.3 Agency Strategic Planning

RECOMMENDATION: Staff recommends the Agency Board provide comment and direction regarding the Agency's strategic vision.

Frank Spevacek, RSG, presented a staff report to the Redevelopment Agency (RDA).

Jay Corbin, Twentynine Palms, representing Casa Inn and the Holiday Inn, said the Transient Occupancy Tax (T.O.T) was up considerably because of what the owner of both Inn's had brought into the community and would continue to locally

invest in the downtown and in the Casa Inn. He said the owner should not be penalized because his business is not in the downtown area and asked for funding of offsite improvements of the Casa Inn and Suites that is under construction.

Boardmember Klink said he would like to keep the focus on the downtown area.

Boardmember Cole said he agreed with Councilmember Klink. He said he had concern that providing funds for a hotel project could set precedence where future hotel applications would expect City funding. He said the City will not be in a position to bail people out. He said there are diminishing resources and the focus needs to be on a significant project where there is an impact on the area.

Chair Flock agreed that the City should continue funding for the downtown specific plan.

Boardmember Spear said he had concern with the City funneling money into one area. He said the downtown has been improved over time and will continue to be improved, but as the City expands to the west he wants it to be as esthetically beautiful as the rest of the area.

Chair Flock said he would like to keep the concentration downtown.

Vice Chair Harris said the Cities investment is nowhere near the return we are going to get over the next few years. He said the Casa Inn is already being built and it is a great investment for the City.

Executive Director Tree said west of the downtown area and hotel alley will continue to develop, and he said staff's recommendation is to focus the funds on the downtown area on the infrastructure and the business.

Boardmember Spear spoke in opposition of the idea of building housing for military families in the downtown area.

Boardmember Cole was in favor of pursuing the wastewater study and was in favor of the market rate affordable housing.

Consensus of the RDA was for the façade improvement program; Boardmember Cole and Chair Flock were not in favor of the program.

Consensus of the RDA was for the funding of \$325,000 for the Casa Inn and Suites for off site improvements, Boardmember Cole and Chair Flock were not in favor of the funding for the Casa Inn and Suites. The RDA directed Frank Spavacek to bring the specific property back to the RDA to form the possible expenditures and details of the Casa Inn and Suites agreement.

Anna O'Hare, Twentynine Palms, asked if Casa Inn will be able to complete the project if they are not given the money. She also asked if the City could see their books and how much they have outstanding in debt, she said after giving them money they may still have financial crisis because of the economy. She

suggested offering them a lower tax rate. She said handing out money to one is setting a precedent to hand out to all.

Mayor Flock called a recess at 8:46 p.m.

Mayor Flock re-opened the meeting at 8:58 p.m.

10.4 Draft FY 2010/11 Budget

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

City Manager Tree presented a staff report to the City Council. City Manager Tree said if anything goes wrong, the City will go into the red.

Councilmember Spear said the proposed budget was a recipe for deficit spending. He suggested cuts in the nice to have category as opposed to the need to have category. He also suggested creating a ten (10) percent buffer for unexpected expenses. He said his primary concern is there is no wiggle room.

City Manager Tree said the City will not be able to create the ten (10) percent buffer without cutting jobs and services, he said his recommendation would be to take it one month at a time and start the next fiscal year and if we start to see problems then to start looking at jobs.

Councilmember Cole said the City is not in a position to dip into the reserve.

City Manager Tree suggested staff could go back and find a one percent buffer which is \$75,000. He asked what places they would like the buffer from.

Mayor Pro Tem Harris suggested delaying filling the position of Economic Development Specialist.

Councilmember Klink said he agreed with Mayor Pro Tem Harris because he would not want to cut a position that was already filled and because the Economic Development Specialist position was not filled yet.

City Manager Tree said there was a lot of interest in the City and the available staff cannot handle the volume of questions which would be handed over to the Economic Development Specialist.

Councilmember Spear suggested the School Resource Officer be cut.

Mayor Flock directed staff to continue with the budget as presented and if something came up to bring that to the City Council without the one percent buffer.

11.0 FUTURE COUNCIL INITIATED ITEMS

Councilmember Spear said he would like a report regarding Marshall Networking and if he has the three state licenses to operate his business.

Councilmember Cole said he would like to know how the Planning Commission establishes a moratorium on businesses. He said he would like to know the process if staff could provide a report.

Councilmember Klink said he would like to see financials that justify the need of the RDA funding for Casa Inn. He said he would like to see different ways such as T.O.T. possibly paying for their sidewalks, curb and gutter.

Mayor Flock said he apologized to Carey Alderson for stopping him during his public comment.

12.0 CLOSED SESSION - None

13.0 ADJOURN- Mayor Flock adjourned the meeting at 9:48 p.m.

Respectfully Submitted,

Charlene L. Sherwood MMC, City Clerk