

**NOTICE IS HEREBY GIVEN**, that the City Council of the City of Twentynine Palms will hold a **WORKSHOP** on June 22, 2010 at 5:00 p.m. in the City Hall Council Chambers, 6136 Adobe Road, Twentynine Palms, CA to consider the following:

The Trails Project

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY  
REGULAR MEETING  
6136 Adobe Road  
Twentynine Palms, CA 92277  
www.ci.twentynine-palms.ca.us  
Tuesday, June 22, 2010  
6:00 P.M.**

**MINUTES**

- 1.0 CALL TO ORDER** - Mayor Flock called the meeting to order at 6:05 p.m.  
**PLEDGE OF ALLEGIANCE** – Councilmember Klink led the Pledge of Allegiance.  
**INVOCATION** – Pastor Charlie Zwicker, Twentynine Palms Church of the Nazarene 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**
- 2.1 Presentation by Southern California Edison
- Kathy DeRosa, Public Affairs Region Manager for Southern California Edison (SCE) gave an update to the City Council on what SCE is doing in the City and the projects they are undertaking.
- 2.2 Presentation from Theatre 29 regarding a Future Theatre
- Gary Daigneault, President of the Board of Directors of Theatre 29, presented a power point presentation to the City Council regarding a future theatre for Theatre 29.
- 2.3 Presentation by Action Council 29 regarding a Chalk Art Program
- Mel Berlin, President of Action Council 29, spoke to the City Council regarding a Chalk Art Program in the City of Twentynine Palms which would be co-hosted by the City of Twentynine Palms. He said Action Council 29 would like the City to give a Presidential Sponsorship of \$10,000.00, waive the fees associated with Conditional Use Permit, slurry seal in the event area for dynamic color presentation and provide support from staff for the program. He said Action Council 29 would like the Chalk Art Program to close down 1000 feet on Adobe Road and would like the area between Gorgonio and Joshua Lane slurry sealed on Adobe Road.

Mayor Flock said the City Council would consider the program tonight while discussing the budget.

### **3.0 ANNOUNCEMENTS**

3.1 Mayor Flock announced these proceedings will be televised on Cable T.V., Channel 10, as follows: Monday, June 28, 2010 at 6:30 p.m. and Friday, July 2, 2010, at 6:30 p.m.

### **4.0 PUBLIC COMMENTS**

Jerri Hagman, Twentynine Palms, said if the Casa Inn had stayed with the three story building it was originally supposed to be instead of becoming four they might not need the financial help of the City.

Cal Sisco, Twentynine Palms, said he had his 50<sup>th</sup> reunion last week and spoke about the military base.

C.J. Horn, Twentynine Palms, said he is 100% in favor of the Chalk Fest but not in favor on the location. He suggested having a Public Hearing to address the issue. He suggested having the Chalk Fest at Luckie Park or somewhere else.

Bill Talley, Twentynine Palms, would like to see the City Council consider a policy where any report from anyone that has financial implications needs to be in the report to come before the City Council.

Nalini Maharaj, Twentynine Palms, spoke in praise of Mayor Pro Tem Harris. She said she has been in a battle with Caltrans regarding a turning lane into her business which is located off Highway 62. She read a letter to the City Council from Caltrans which indicated there would be a road widening project in 2011 at the location she had inquired about.

### **5.0 COUNCIL COMMENTS**

Councilmember Klink said he attended the Twentynine Palms Chamber of Commerce Installation Dinner and it was a great turnout. He congratulated Jane and Paul Smith, Dee Richart, and Kevin Cole. He reminded the public to drink a lot of water and keep cool because it was going to get hot this summer.

Mayor Pro Tem Harris said he did a tour of the Granite mine and it was shocking. He said the facility has no materials that they are pulling from the area they are mining in. He said he attended the Yucca Valley Chamber of Commerce dinner and it was excellent and there were a lot of awards given to a lot of deserving people. He said the Employee Recognition BBQ had a great turn out and Grumpy did an excellent job with the hot dogs and hamburgers. He thanked every employee of the City who makes the City look good.

Councilmember Cole echoed Mayor Pro Tem Harris' thank you to the employees that were at the BBQ and thanked them for all they do. He congratulated all the people who were recognized at the Twentynine Palms Chamber of Commerce

Installation Dinner. He said the Mesquite Springs Road project seems to be underway.

Mayor Flock said he attended the Chamber of Commerce Installation Dinner and congratulated the people who were recognized. He attended a Court of Honor which Troop 77 put on and new Eagle Scout Eddie Fultz received his Eagle pin and he congratulated Eddie and his parents. He said he attended the Board of Supervisors meeting with Larry Bowden and Randy Cuncell and he presented Brad Mitzelfelt with a Resolution from the City of Twentynine Palms.

## **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 \$937,154.58.
- 6.3 Approval of Minutes  
RECOMMENDATION: The City Council approve the minutes of the June 8, 2010 City Council meeting.
- 6.4 Adoption of Election Resolution No. 10-17 Calling and Giving Notice of a General Municipal Election, and Requesting Consolidation of the Municipal Election with the Statewide General Election  
RECOMMENDATION: The City Council adopt Resolution No. 10-17 Calling and giving Notice of a General Municipal Election, and Requesting Consolidation of the Municipal Election with the Statewide General Election.
- 6.5 Safe Routes to Schools Project Including Portions of E Paseo Drive, Mesquite Springs Road, Split Rock Avenue, and Baseline Road.  
RECOMMENDATION: The City Council award the contract for the Safe Routes to Schools Project to Cooley Construction for the amount of \$469,662.53.
- 6.6 Sheriff's Contract  
RECOMMENDATION: The City Council approve the Law Enforcement Services Contract (Schedule A) for Fiscal Year 2010-11.
- 6.7 Investment Policy  
RECOMMENDATION: The City Council approve the City Investment Policy.
- 6.8 Letter from Auditors  
RECOMMENDATION: Receive and file.

ACTION: On a motion made by Councilmember Klink, seconded by Mayor Pro Tem Harris 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 Resolution Authorizing the Levy of Assessments for FY 2010-11 on Properties in the Historic Plaza Maintenance Assessment District.

RECOMMENDATION: The City Council conduct the Public Hearing, consider public comment and adopt Resolution No. 10-24 that authorizes the levying and collecting of assessments in the Historic Plaza Maintenance Assessment District ("District") for Fiscal Year 2010-11, in accordance with the landscaping and Lighting Act of 1972, Streets and Highways Code Section 22500 et seq, (the "Act").

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

Mayor Flock opened the Public Hearing.

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

ACTION: On a motion made by Councilmember Klink, seconded by Councilmember Cole and carried with a 4-0-1 (Spear absent) roll call vote, the City Council adopted Resolution No. 10-24 that authorizes the levying and collecting of assessments in the Historic Plaza Maintenance Assessment District ("District") for Fiscal Year 2010-11.

8.2 PC 10-23 - Xia Hong Zhuang of "Top 100 Chinese Restaurant" is proposing a Conditional Use Permit and Requesting a Letter of Public Convenience and Necessity to Establish a restaurant with alcoholic beverage sales (Type 41 On-Sale Beer and Wine Eating Place) at 72115 Twentynine Palms Highway, Twentynine Palms, CA 92277; CG Zone; APN 0616-291-02.

RECOMMENDATION: Conduct the Public Hearing, consider Planning Commission recommendation, consider public comment and adopt City Council Resolution No. 10-21 determining that the project is exempt from further environmental review, issue the Letter of Public Convenience and Necessity and approve the Conditional Use Permit to establish the restaurant with sale of alcohol, subject to the attached Conditions of Approval.

Director LaClaire presented a staff report to the City Council. He said one letter was received which was in opposition of the item.

Mayor Pro Tem Harris said on page 4 of 14 of the staff report, Cactus and Bistro were spelled incorrectly.

Mayor Flock opened the Public Hearing.

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

Councilmember Klink asked what the hours of operation for the business are. He said that people are going to a restaurant to eat and have a couple of drinks and go home. He said he thinks a lot of the problems that the person who wrote the letter in opposition of the item is having, is more problems with the bar that is adjacent to the location.

ACTION: On a motion made by Councilmember Cole, seconded by Mayor Pro Tem Harris and carried with a 4-0-1 (Spear absent) roll call vote, the City Council adopted City Council Resolution No. 10-21 determining that the project is exempt from further environmental review, issued the Letter of Public Convenience and Necessity and approved the Conditional Use Permit to establish the restaurant with sale of alcohol, subject to the attached Conditions of Approval.

8.3 PC 09-32 – A Proposed Development Code Amendment to Create a New Chapter 19.55 “Vacation Home Rental” Establishing the Standards and Criteria Applicable thereto within Residential Zoning Districts

RECOMMENDATION: Open and conduct the Public Hearing, consider public comment and introduce Ordinance No. 234 amending Title 19 “Development Code” of the City’s Municipal Code by the addition of a new Chapter 19.55 “Vacation Home Rental” establishing the standards and criteria applicable thereto Citywide.

Director LaClaire presented a staff report to the City Council.

Mayor Pro Tem Harris asked if other Cities had been looked at that had this program to see how this is working.

Director LaClaire responded yes, he had received information from other cities and received input from the public and people who have dealt with these rental issues.

Councilmember Klink asked if there could be one home per parcel. He asked if guests were allowed to bring their OHV on the property but had to use it elsewhere.

Director LaClaire responded they could tow their OHV elsewhere but cannot ride the OHV on the property.

Mayor Flock opened the Public Hearing.

Jane Smith, Twentynine Palms, requested to be recorded in favor of item 8.3

Paul Smith, Twentynine Palms, asked the City Council to be aware that there are 70 units in Joshua Tree and Wonder Valley that are taking business away from the Inn and local business because they are not shopping in the City.

Nalini Maharaj, Twentynine Palms, spoke in opposition of item 8.3.

Bill Talley, Twentynine Palms, spoke in opposition of item 8.3.

Tony Naraval, Twentynine Palms, spoke in opposition of item 8.3.

Govinda, Twentynine Palms, spoke in opposition of item 8.3.

Mayor Flock closed the Public Hearing.

Councilmember Cole said the City will spend more in resources in time and money in enforcement and monitoring this program than the possible gain from it. He said the extensive provision; monitoring and supervising, far outweighs the benefits of such a code and such a program in Twentynine Palms at this time.

Mayor Pro Tem Harris said a high percentage of people that go looking for Vacation Home Rentals are good people that do the right thing; there is maybe ten percent that cast a cloud over Vacation Home Rentals where monitoring and enforcement are needed.

Councilmember Klink thanked the Planning Commission for their work on this project and said they did a great job. He said he liked the idea of this being on a trial basis and liked the idea of limiting Conditional Use Permits (CUP's) to 10 but did not like the idea of more than one property on a parcel.

Mayor Flock said he does not see a two year trail period happening. He said to not create a problem in the first place will solve the problem. He said he can see the advantage of Vacation Home Rentals but the negatives outweigh the positives.

ACTION: On a motion made by Councilmember Cole, seconded by Mayor Pro Tem Harris and carried with a 3-1-1 (Klink no, Spear absent) the City Council terminated the Development Code Amendment.

8.4 PC 10-32 – 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 Four (4) Specific Properties within the City of Twentynine Palms, and Potentially Several Properties within the Vicinity of the North Side of Highway 62 and Midway Road within the City of Twentynine Palms.

RECOMMENDATION: Open and conduct the Public Hearing, consider public comment and based upon the recommendation of the Planning Commission, take no further action on the request 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 four (4) specific properties within the City of Twentynine Palms, and potentially several properties within the vicinity of the north side of Highway 62 and Midway Road identified within PC 10-32 and not include these changes to the identified properties within the Environmental Impact Report being prepared for the comprehensive Update to the City's adopted General Plan.

Director LaClaire presented a staff report and power point presentation to the City Council regarding Mr. Paul Betouliere's property.

Mayor Flock opened the Public Hearing.

Paul Betouliere, Topanga, spoke in favor of item 8.4.

Mayor Flock closed the Public Hearing.

Councilmember Cole said he would go with the Planning Commission's recommendation for Mr. Betouliere's property.

Director LaClaire said if Mr. Betouliere were to obtain ownership of the property the City Council could change the land use designation at that point.

Consensus of the City Council was to support the condition for Mr. Betouliere's property.

Director LaClaire presented a staff report to the City Council regarding Mr. Bill Garvin's property.

Mayor Flock re-opened the Public Hearing.

Bill Garvin, Twentynine Palms, spoke in favor of item 8.4. He said he is happy with the way the property is and is happy to hear the expressway is not going through his property. He said if it is not going to be zoned Commercial, to destroy the maps with the expressway roads going through the property.

Mayor Flock closed the Public Hearing.

Consensus of the City Council was there was no change needed to be made regarding the Garvin property.

- 8.5 PC 10-45- An Appeal of the Planning Commission's Adopting of a Mitigated Negative Declaration Prior to its Approval of PC 09-87 to Construct a 44,986 square foot Mini-storage Facility on a 4.26 acre lot consisting of six (6) buildings that contain a live-in Manager/Office Suite, 284 Storage Rooms, eight two (82) Vehicle Storage Parking Spaces (covered and uncovered) and eight (8) Recreational Vehicle Spaces.

RECOMMENDATION: Receive a staff presentation, open and conduct the Public Hearing, consider public comment and uphold the adoption by the Planning Commission of a Mitigated Negative Declaration for PC 09-87 to construct a 44,986 square foot Mini-storage Facility located south of Callie Todd Lane, east of Adobe Road, north of Desert Dune Drive and west of Desert Knoll Avenue in the City of Twentynine Palms; APN 0621-221-35.

Director LaClaire presented a staff report to the City Council.

Mayor Flock opened the Public Hearing.

Jay Corbin, Twentynine Palms, said the confusion of the biologist has led to this point. He said Mr. Welch is only asking for the \$4,100.00 difference.

Councilmember Klink said he would just like the ten (10) chollas removed and possibly make the front part into a cactus garden.

Mayor Flock said an allowance should be made but he did not think staff had made an error, he thought there was a misunderstanding but the applicant should not have to pay for that and City should not be looked down upon.

Councilmember Cole said he agreed this was a clarification process.

ACTION: On a motion made by Councilmember Cole, seconded by Councilmember Klink and carried with a 4-0-1 (Spear absent) roll call vote, the City Council amended the designations within the initial study as illustrated within the staff report from significant to less than significant and adopted a Negative Declaration for PC 09-87 and authorized a \$4,100.00 refund of submitted application fees.

8.6 Adoption of FY 2010/2011 Budget

RECOMMENDATION: The City Council approves Resolution No, 10-23 adopting the City budget for FY 2010/11.

City Manager Tree presented a brief staff report to the City Council. He said regarding the request from the Action Council to purchase a Presidential Level Sponsorship for the Chalk Fest event, staff recommendation is that the City Council gives the City Manager direction to move expenditures in the economic fund. He said the Economic Development Specialist position would not be filled until possibly August which would save \$10,000.00. He said the City could then move the funds around to allow the purchase of the Presidential Level Sponsorship.

Councilmember Cole said maybe not purchasing a Presidential Sponsorship but another level of Sponsorship.

City Manager Tree responded the Presidential Level Sponsorship would be contingent on a successful Conditional Use Permit.

Mayor Flock opened the Public Hearing.

Jack Briggs, Twentynine Palms, said two good locations for the Chalk Fest would be Two Mile Road near Luckie Park, because there is a wide area by Desert Knoll or even at the Historic Plaza.

Mayor Flock closed the Public Hearing.

Mayor Pro Tem Harris said Councilmember Spear asked him to bring a message back that on a monthly basis he would like to see some kind of an update by department if the City is staying on budget or going over budget in some departments. He said Councilmember Spear would like to know if something is way out of line.

ACTION: On a motion made by Councilmember Cole, seconded by Councilmember Klink and carried with a 4-0-1 (Spear absent) roll call vote, the City Council approved Resolution No. 10-23 adopting the City budget for FY 2010/2011.

**9.0 REPORTS, REQUESTS AND COMMUNICATIONS - None**

**10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT - None**

**11.0 FUTURE COUNCIL INITIATED ITEMS**

Councilmember Klink said he found himself doubting his support of the Casa Inn & Suites Redevelopment Agency Project at this time and wanted to see the project brought back for further discussion and direction at the next City Council meeting. He said he hoped staff would take careful action in the expenditure of consultant and legal fees that would otherwise occur in the creation of an Owners Participation Agreement before the next City Council meeting in July.

Mayor Pro Tem Harris said he would like an update on the fire truck.

Councilmember Cole said he would like a discussion for a business moratorium and thanked Director LaClaire for the memo he had provided the City Council, but he would like it placed on the agenda to discuss the item.

Mayor Flock said he would like an update on the fire truck as well.

**12.0 CLOSED SESSION - None**

**13.0 ADJOURN-** Mayor Flock adjourned the meeting at 8:45 p.m.

Respectfully Submitted,

Charlene L. Sherwood MMC, City Clerk