

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING
6136 Adobe Road
Twentynine Palms, CA 92277
www.ci.twentynine-palms.ca.us
Tuesday, July 13, 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 Cole led the Pledge of Allegiance.
INVOCATION – Milt Merritt, USN Retired 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, July 19, 2010 at 6:30 p.m. and Friday, July 23, 2010, at 6:30 p.m.

4.0 PUBLIC COMMENTS

Dee Richhart, Twentynine Palms, spoke to the City Council regarding a new business opening in Twentynine Palms called Office Supplies Plus Incorporated. She said it will be where the former Steve's Office Supply store used to be located. She said they hoped to open on August 2, 2010 and they would be keeping the same manager and staff so there would not be a loss of jobs in the City.

Anonymous, Twentynine Palms, said he was accused of a misdeed by the local Sheriff's Department. He said the Sheriff's searched his house and he had sent a letter to the Attorney General to complain.

Cal Sisco, Twentynine Palms, said he was glad to hear the position of Economic Development Specialist had been put on hold. He suggested a waterslide and botanical garden near the base.

Marcelle Vinsone, Twentynine Palms, asked where the City is with the Downtown Plan.

Community Development Director LaClaire (Director LaClaire) responded that the draft document was being reviewed so the 45 day review period could begin.

George Croft, Twentynine Palms, said he was disturbed by a comment Jay Corbin had made at a previous City Council meeting. He said he would like to see a record of why Jay Corbin's termination as a City employee came about. He said there are too many snippets in the paper that are including City staff and the papers should stop writing negative comments about staff and Council.

Rocky Moore, Twentynine Palms, said there has been an uphill struggle for growth in the City. He said the City Council would be much better off to have the City codes reviewed. He encouraged a traffic light downtown and said he would like one put in before there was a death.

Jay Corbin, Twentynine Palms, suggested a park and ride in the downtown area such as at the City owned property on Donnell Hill that has the 29! Sign on it.

Anna O'Hare, Twentynine Palms, asked what the status of the fire truck was. She said the idea of a water park would be a great idea and so would a park and ride.

City Manager Tree responded the water district does not have the fire truck at this time.

5.0 COUNCIL COMMENTS

Councilmember Klink wished everyone in Twentynine Palms a Happy Birthday that is celebrating a Birthday in July. He said to drink a lot of water and do not leave your kids or pets in your cars because it is too hot. He said he asked for the issue of Casa Inn and Suites to come back to Council for further discussion and said he was not discouraged by City staff and did not talk to the Council regarding the issue. He said his decision was based on Citizen concerns and the internet.

Mayor Pro Tem Harris said he was not talked to by staff regarding the Casa Inn and Suites. He said he went to the opening night of the Pajama Game at Theater 29 and it was hilarious. He encouraged the public to go to see the Pajama Game. He said he attended the Basin Wide Foundation recognition at the Helen Grey Center and he thanked Chuck Caplinger for all he does for the entire community.

Councilmember Cole said when a big project such as Adobe Road or the School Safety Project come along the City has to go out to bid and there is an extensive bid process that involves a lot of legalities.

Councilmember Spear said he asked for a report on the computer contract the City has with Marshall Networking, he said there were proper licensing issues and they did not have proper permit and he said the state had cited Marshall Networking. He said the City Manager has addressed the issues and he said the new process for bidding will open next month and to obtain a contract with the City requires that a license must be shown before you are granted a contract is a prerequisite.

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 \$2,725,747.18.
- 6.3 Approval of Minutes
RECOMMENDATION: The City Council approve the minutes of the June 22, 2010 City Council meeting.

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 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 Twentynine Palms Lighting and Landscaping Assessment District #1, Engineer's Annual Report, and Levy of Assessment for FY 2010-2011
RECOMMENDATION: Conduct the Public Hearing, and 2) Adopt Resolution No. 10-26, (A Resolution of the City Council of the City of Twentynine Palms confirming the diagram and assessment and levying assessment pursuant to Lighting and Landscaping Act of 1972 for Fiscal Year 2010-2011).

Director LaClaire presented a staff report to the City Council.

Councilmember Klink asked what the money that is collected is being used for because inside the development sand is covering the sidewalks and there are weeds growing between the cracks of the sidewalks and it is starting to look bad.

City Engineer Pedersen responded the interior sidewalks are the responsibility of the property owner to maintain.

Mayor Flock opened the Public Hearing.

Anna O'Hare, Twentynine Palms, asked for the names of the boundaries of the public knew what area staff was talking about.

Councilmember Klink responded it was the big block of the housing tract that is on Encelia and Sunnyslope and Panorama and El Paseo.

Mayor Flock closed the Public Hearing.

ACTION: On a motion made by Councilmember Klink, seconded by Councilmember Spear and carried with a 5-0 voice vote, the City Council adopted Resolution No. 10-26, (A Resolution of the City Council of the City of Twentynine Palms confirming the diagram and assessment and levying assessment pursuant to Lighting and Landscaping Act of 1972 for Fiscal Year 2010-2011).

8.2 PC 10-07 – An Amendment to the Municipal Code, creating a new Chapter 19.39 “Art in Public Places”.

RECOMMENDATION: Conduct the Public Hearing, consider public comment and introduce Ordinance No. 232, making a determination that PC 10-07 is Exempt from further environmental review and adopt the proposed change to Title 19 “Development Code” by the addition of a new Chapter 19.39 “Art in Public Places”.

Director LaClaire presented a staff report to the City Council.

Chuck Caplinger, Public Arts Advisory Committee (PAAC) Chair, gave a power point presentation to the City Council regarding Arts in Public Places.

Mayor Flock opened the Public Hearing.

Mita Barter, President of Morongo Basin Cultural Arts Council, spoke in favor of item 8.2.

Allen Barter, member of the PAAC and President of the Twentynine Palms Art Guild, spoke in favor of item 8.2.

Larry Briggs, Twentynine Palms, spoke in opposition of item 8.2. He said he is in favor of the concept of private art in public places but is not in favor of the way it will be funded.

Owen Gillick, Twentynine Palms, spoke in favor of item 8.2.

Daniel Luckenbill, Twentynine Palms, spoke in favor of item 8.2.

Rocky Moore, Twentynine Palms, spoke in opposition of item 8.2.

Steve Whitten, Twentynine Palms, spoke in favor of item 8.2.

Paul Smith, Twentynine Palms, spoke in favor of item 8.2.

George Croft, Twentynine Palms, spoke in favor of item 8.2.

Cal Cisco, Twentynine Palms, spoke in favor of item 8.2.

Director LaClaire said a letter was received in support of item 8.2 from Jerry Mattos and each of the Councilmembers was provided with a copy of the letter.

Councilmember Cole said the concept should not go away and that the PAAC should continue to work on this. He said he is not ready to kill the item but he is not ready to fund it.

Mayor Pro Tem Harris said Art in Public Places really says something about the community and it is important.

Councilmember Spear said he is still philosophically opposed to this.

Councilmember Klink said he sees this program as a fee to developers to put up a piece of art work that they might not even like. He said he is not an artsy person and he does not want to see the fee being put on developers.

Mayor Flock said he is in support of the arts in the community. He said public art encourages development but developers do not want to pay for it.

Councilmember Klink asked if the public arts could be funded privately.

Mr. Caplinger responded no, the Arts in Public Places program could not be funded privately.

Director LaClaire suggested the City Council table the present Ordinance review and asked the PAAC to address questions raised by the City Council tonight and to revisit the Ordinance after consideration of the fee review associated with the update to the General Plan.

ACTION: On a motion made by Councilmember Cole, seconded by Mayor Pro Tem Harris and carried with a 3-2 (Klink and Spear no) roll call vote, the City Council tabled the present Ordinance review and asked the PAAC to address questions raised by the City Council tonight and to revisit the Ordinance after consideration of the fee review associated with the update to the General Plan.

9.0 REPORTS, REQUESTS AND COMMUNICATIONS

- 9.1 Pavement Management System, 5-Year Maintenance Program
RECOMMENDATION: The City Council approves the 5-Year Maintenance Program.

City Engineer Pedersen presented a staff report and power point presentation to the City Council regarding the Pavement Management System and Strategy.

Anna O'Hare, Twentynine Palms, asked if chip sealing or micro surfacing would be what the City should go with according to the City Engineer. She asked how many miles would be covered with micro surfacing and clarified about the chip seal process. She said the public usually grumbles from the busted windshields and chip sealing. She spoke in support of the chip seal.

Steve Whitten, Twentynine Palms, said reclamation and slurry seal is used on the Marine Base. He said if the public is educated on what process is used and the claim process there would probably not be the number of complaints that there have been. He said he is for the chip sealing.

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 5-year maintenance program.

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT

10.1 Designation of a Voting and Alternate Delegate for League of California Cities Annual Conference

RECOMMENDATION: The City Council designate two members of the City Council as voting delegate and alternate for the League of California Cities Annual Conference in San Diego, CA September 15 – 17, 2010.

City Manager Tree presented a brief 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 designated Mayor Pro Tem Harris as the voting delegate and Councilmember Cole as the alternate.

11.0 FUTURE COUNCIL INITIATED ITEMS- None

12.0 CLOSED SESSION - None

13.0 ADJOURN- Mayor Flock adjourned the meeting at 8:30 p.m.

Respectfully Submitted,

Charlene L. Sherwood MMC, City Clerk