

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING
6136 Adobe Road
Twentynine Palms, CA 92277
www.ci.twentynine-palms.ca.us
Tuesday, August 10, 2010
6:00 P.M.**

MINUTES

- 1.0 CALL TO ORDER** – Mayor Flock called the meeting to order at 6:01 p.m.
PLEDGE OF ALLEGIANCE – Councilmember Klink led the Pledge of Allegiance.
INVOCATION – City Attorney Munoz gave the Invocation.
ROLL CALL – The following Councilmembers were present: Cole, Harris, Klink, Spear and Flock.

2.0 SPECIAL RECOGNITION AND PRESENTATIONS

Community Development Director LaClaire (Director LaClaire) said a letter had been received from Mr. Ed LaRue regarding the Granite Mine Expansion. The Mayor had asked that following the previous City Council meeting Mr. LaRue put his comments and concerns in writing and that staff follow up. Mr. LaRue wanted it made clear that he did not accuse Dr. Turner in his letter of any proprieties.

3.0 ANNOUNCEMENTS

- 3.1 Mayor Flock said these proceedings will be televised on Cable T.V., Channel 10, as follows: Monday, August 16, 2010 at 6:30 p.m. and Friday, August 20, 2010 at 6:30 p.m.

4.0 PUBLIC COMMENTS

Director LaClaire said members of the public were hoping the City Council would hold their regular meeting of August 24, 2010 to discuss the Chalk Fest and if the City Council is interested.

Consensus of the City Council was to hold a special meeting on August 31, 2010 to discuss the Chalk Fest.

Chuck Caplinger, Twentynine Palms, said he was going to speak in favor of holding the meeting at the end of the month regarding the Chalk Fest but will wait until that meeting to address the issue.

Mel Berlin, Twentynine Palms, spoke regarding the Chalk Fest and Action Council 29. He said Action Council 29 first approached the City Council last December regarding the Chalk Fest.

Rocky Moore, Twentynine Palms, said there was a proposed agenda item on new fees regarding buildings. He said the City Council should vote no and let the art community support themselves. He said there should be term limits for the

Planning Commission and the City should revamp the City Ordinances to accommodate growth.

George Croft, Twentynine Palms, said he wanted to know what City source the City Manager is securing the \$10,000 from that he promised to the promoters of the Chalk Fest.

Cal Sisco, Twentynine Palms, suggested a truck stop with solar panels.

Steve Whitten, Twentynine Palms, gave kudos to the Sheriff's department and Deputy Ables for catching the guy who robbed Del Gagnon Real Estate. He spoke to the City Council regarding a moratorium on businesses.

Anna O'Hare, Twentynine Palms, asked how the City sets term limits on Commissioners and said she would like information on how to set the term limits. She encouraged transparency in Government which she said means everyone needs to cooperate. She said the Chalk Fest railroaded the public and there was a limited amount of time that resurfacing could occur. She thanked the City Council for scheduling the special meeting on August 31, 2010.

Ray Kinsman, Twentynine Palms, spoke in support of the mural program in Twentynine Palms and the Chalk Fest 29.

Phil Fultz, Twentynine Palms, said foot traffic helps business and spoke in favor of the Chalk Fest 29.

5.0 COUNCIL COMMENTS

Councilmember Spear said he sensed the concerns of the public regarding the Chalk Fest. He said he was not aware of the guarantee by any City staff member to Action Council 29 for \$10,000.00. He said he is aware of Action Council 29 coming to the City asking for support and the City Manager has deferred that decision to the City Council so nothing has been done behind closed doors for anyone that he is aware of.

Mayor Pro Tem Harris expressed his condolences to the family of Sandra Cox who was killed on the Highway. He thanked Twentynine Palms Deputy Shauna Ables for catching the robber of Del Gagnon Real Estate and said the Sherriff's department is working hard to keep the crime down in the City.

Councilmember Klink wished everyone a Happy Birthday that was celebrating their Birthday in August. He encouraged the public to shop locally. He said the Cash for Trash program is available for nonprofit organizations in the City, through Burrtec and the City of Twentynine Palms. He said if any organization was interested to get in touch with himself or Councilmember Cole.

Mayor Flock said he was contacted by Kathleen DeRosa from Southern California Edison (SCE) and she said SCE had extra money that could be donated to a charity of his choice and he chose the Twentynine Palms Youth Club. SCE presented a check to the Youth Club for \$500.00.

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 \$ 415,884.34.
- 6.3 Approval of Minutes
RECOMMENDATION: The City Council approve the minutes of the July 27, 2010 City Council meeting.
- 6.4 Fee Schedule
RECOMMENDATION: The City Council approve the Fee Schedule by the adoption of Resolution No. 10-22.
- 6.5 Pavement and Berm Repair Project
RECOMMENDATION: Award the Contract for the "Pavement and Berm Repair Project" to Ficara Brothers Construction for the amount of \$44,966.81.
- 6.6 Adoption of Ordinance 233, Zone Change, in Association with PC 06-51, the Expansion of the Existing Granite Construction Twentynine Palms Sand and Gravel Mine within the City of Twentynine Palms.
RECOMMENDATION: Adopt Ordinance No. 233.
- 6.7 Adoption of Ordinance 234, Development Agreement, in Association with PC 06-51, the Expansion of the Existing Granite Construction Twentynine Palms Sand and Gravel Mine within the City of Twentynine Palms.
RECOMMENDATION: Adopt Ordinance No. 234.
- 6.8 PC 10-48 – A Possible Amendment to the Boundaries of Subarea "D" of Specific Plan #10 (Development Code Chapter 19.152 "Specific Plan #10 – Mara Vista").
RECOMMENDATION: Adopt Ordinance No. 235.

Councilmember Spear requested item 6.4 be pulled for further discussion.

Mayor Flock requested items 6.6 and 6.7 be pulled for further discussion.

Councilmember Spear abstained from check number 48799 to the San Bernardino County Sheriff's Department due to a possible conflict of interest.
ACTION: On a motion made by Councilmember Spear, seconded by Councilmember Cole and carried with a 5-0 roll call vote, the City Council approved the balance of the Consent Calendar.

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

6.4 Fee Schedule

RECOMMENDATION: The City Council approve the Fee Schedule by the adoption of Resolution No. 10-22.

Councilmember Spear asked for clarification regarding the administrative charge for the refund of any fee charged by any City department.

Director LaClaire responded when a deposit or an application fee is received it is set into the system and there is paper work involved. He said if the individual does not want to proceed with that activity and asks for their money back a minimal fee has been established to cover the paper work that has to be done to refund the individual their money. He said if the City Council directs staff to refund someone their money a fee would then not be charged.

ACTION: On a motion made by Councilmember Klink, seconded by Councilmember Spear and carried with a 5-0 roll call vote, the City Council approved item 6.4.

6.6 Adoption of Ordinance No. 233, Zone Change, in Association with PC 06-51, the Expansion of the Existing Granite Construction Twentynine Palms Sand and Gravel Mine within the City of Twentynine Palms.

RECOMMENDATION: Adopt Ordinance No. 233.

Director LaClaire presented a brief staff report to the City Council.

City Attorney Munoz said correspondence had been received from Ms. Pat Flanagan and Mr. LaRue regarding the item.

Jay Corbin, Twentynine Palms, said he has never seen Fish and Game attend a City Council meeting before but they were at the July 27, 2010 meeting to express their concern and disagreement with Dr. Turner's analysis. He encouraged the City Council to not take action on the issue and to give themselves additional time to review the issues.

Action was taken on this item following item 6.7.

6.7 Adoption of Ordinance No. 234, Development Agreement, in Association with PC 06-51, the Expansion of the Existing Granite Construction Twentynine Palms Sand and Gravel Mine within the City of Twentynine Palms.

RECOMMENDATION: Adopt Ordinance No. 234.

Jay Corbin, Twentynine Palms, said he had concern with the Development Agreement.

Paul Smith, Twentynine Palms, said this is a real important financial consideration of the City.

Pat Flanagan, Twentynine Palms, said she hoped the City Council would consider Fish and Game's stand on this issue because it is very serious.

Anna O'Hare, Twentynine Palms, said she hoped that the City would avoid any kind of litigation having to do with this issue. She said Granite could close their business and go somewhere else. She said Granite needs to get the issue resolved.

Jane Powell, Granite Construction, said Granite is not happy with the \$0.12 per tonnage fee but they negotiated in good faith and they have one facility where they pay 10 cents a ton and half of that goes to the City and the remaining goes to a mitigation fee. She said 178 acres of this proposal will be set aside as habitat conservation land. She said Twentynine Palms is getting a good deal and they have never come to the City with their hand out for money and they provide money for the City in terms of taxes and asked for City Council's approval of this deal.

Pat Flannigan, Twentynine Palms, said she has letters from the Fish and Game Department and an email from Fish and Wildlife Service and they have been involved in this all along because it is the requirement of the Fish and Game.

City Attorney Munoz said Fish and Game did come out and walked around the site for approximately an hour one day.

Mayor Flock said he is happy with the way things have turned out.

Councilmember Spear said he sides with Granite in developing jobs and moving this City forward.

Councilmember Cole said there are some safe guards built in the document which are important.

ACTION: On a motion made by Councilmember Spear, seconded by Councilmember Klink and carried with a 5-0 roll call vote, the City Council adopted Ordinance No. 233 and Ordinance No. 234.

8.0 PUBLIC HEARING - None

9.0 REPORTS, REQUESTS AND COMMUNICATIONS

- 9.1 Finance Director Ron Peck will give an update on the City of Twentynine Palms Hazard Mitigation Plan.
RECOMMENDATION: Receive the report and provide direction as appropriate.

Finance Director Peck presented a staff report to the City Council regarding an update on the City of Twentynine Palms Hazard Mitigation Plan.

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT - None

11.0 FUTURE COUNCIL INITIATED ITEMS

Councilmember Cole said the moratorium issue will be on the August 31, 2010 agenda.

Councilmember Spear said he would like an explanation of how the public can be issued a citation for parking on property where there is not a no parking sign.

12.0 CLOSED SESSION- None

13.0 ADJOURN- Mayor Flock adjourned the meeting at 7:23 p.m.

Respectfully Submitted,

Charlene L. Sherwood MMC, City Clerk