

**NOTICE IS HEREBY GIVEN**, that the City of Twentynine Palms will hold a Closed Session at 5:00 p.m. at City Hall, 6136 Adobe Road, Twentynine Palms, to consider the following:

Closed Session - Pursuant to Government Code Section 54957

1) Personnel Issue, City Manager Recruitment

2) Performance Evaluation, Interim City Manager

Pursuant to Government Code Section 54956.9 Conference with Legal Council Regarding Potential Litigation (1 case).

Mayor Harris called the meeting to order at 5:00 p.m.

Mayor Harris adjourned the meeting to Closed Session at 5:01 p.m.

City Attorney Munoz reported there was no reportable action taken during Closed Session.

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY  
REGULAR MEETING  
6136 Adobe Road  
Twentynine Palms, CA 92277  
www.29palms.org  
Tuesday, January 11, 2011  
6:00 P.M.**

**MINUTES**

- 1.0 CALL TO ORDER** – Mayor Harris re-opened the meeting at 6:04 p.m.  
**PLEDGE OF ALLEGIANCE**- Mayor Pro Tem Cole led the Pledge of Allegiance.  
**INVOCATION** - None  
**ROLL CALL** – The following Councilmembers were present: Cole, Corbin, Klink, Mintz and Harris.
- 2.0 SPECIAL RECOGNITION AND PRESENTATIONS** - None
- 3.0 ANNOUNCEMENTS**
- 3.1 Mayor Harris announced these proceedings will be televised on Cable T.V., Channel 10, as follows: Monday, January 17, 2011 at 6:30 p.m. and Friday, January 21, at 6:30 p.m.
- 4.0 PUBLIC COMMENTS**

Mary Reeves spoke on behalf of Reach Out Morongo Basin and 29 Palms Citizen Emergency Rescue Team (CERT). She gave an update on Reach Out Morongo Basin and CERT.

George Croft, Twentynine Palms, said he and his partner Rocky Moore and Mr. Rodney had a meeting with Interim City Manager John Tooker and Community Development Director Charles LaClaire and one of the City Councilmembers regarding some of the problems they were having getting their Franchise opened up on the Highway. He said they had to get an Attorney to speak about his

property and the parking. He asked if the City Council has the authority to direct the City Attorney to resolve these matters and he said they would like to get the business open.

Rocky Moore, Twentynine Palms, said after their meeting yesterday it is pretty evident the City is paying high retainer fees.

## **5.0 COUNCIL COMMENTS**

Councilmember Klink wished everyone a Happy Birthday to everyone that was celebrating a Birthday in January and wished his wife Tory Happy 28<sup>th</sup> Anniversary on the 8<sup>th</sup>.

Mayor Pro Tem Cole wished everyone a successful and prosperous New Year.

Councilmember Corbin said that he appreciates the hard work staff does. He said this is an opportunity to reinvent themselves as a local Government. He said this is a great opportunity to recommit themselves as a City and provide great customer service.

Councilmember Mintz said his daughter lives in Alabama which has two feet of snow and he is thankful for the weather in the desert. He said he looks forward to the public input at City Council meetings.

Mayor Harris said if the audience would like to have some Birthday cake after the meeting they are welcome to. He said he swore in the new members of the Action Council on Saturday. He said the Harmony Motel is going to re-do their sign to its original state which is featured on the U2 album cover. He said to support the local businesses and keep your money local. He said the people that throw phone books in the driveway were fined \$450 for non compliance of City Codes. He welcomed his daughter Stacy to the meeting.

## **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.

### **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 warrant register totaling \$ 764,583.06.

### **6.3 Approval of Minutes**

**RECOMMENDATION:** The City Council approve the minutes of the December 14, 2010 regular City Council meeting.

6.4 Submission of Applications for the Fiscal Year 2011-2012 Community Development Block Grant (CDBG) Funds.

RECOMMENDATION: The City Council approve the submission of projects for the CDBG funds for Fiscal Year 2011-2012.

6.5 2010 City-Wide Slurry Seal

RECOMMENDATION: That City Council 1) Award a contract for the “2010” City-Wide Slurry Seal” to American Asphalt South, Inc. in the amount of \$290,039.30 with a contingency of \$29,000 for a total of \$319,030.30, and 2) Authorize an additional \$5,000 to be added to the “Slurry Seal Projects” budget in the Traffic Congestion Relief fund. The total cost of the project is expected to be \$335,000.

ACTION: On a motion made by Councilmember Mintz, seconded by Mayor Pro Tem Cole and carried with a 5-0 voice 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 - None**

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

**10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT**

10.1 Appointments of Planning Commissioners

RECOMMENDATION: That the City Council sub-committee of Councilmember Mintz and Councilmember Corbin make recommendations to the Council regarding appointments to the Planning Commission and that the Council makes appointments as appropriate.

Councilmember Mintz said he and Councilmember Corbin met with nine (9) applicants for the Planning Commission positions. He said the three (3) that are being recommended for Planning Commissioners are Greg Mendoza, Christina Benton, and Steve Whitten.

Councilmember Corbin said he concurred and the recommendation has his complete support.

Councilmember Mintz thanked the individuals who had applied and hoped they would continue on and keep their interest.

ACTION: On a motion made by Mayor Pro Tem Cole and seconded by Councilmember Klink and carried with a 5-0 roll call vote, the City Council appointed Greg Mendoza, Steve Whitten and Christina Benton to the Planning Commission.

10.2 An Appeal of the City Manager’s Decision to Suspend the Business License of Business Owner Young Hee Song regarding the Business Known as Oriental Massage Located at 73644 Twentynine Palms Highway.

RECOMMENDATION: That City Council affirm by (Council adoption of Resolution No. 11-01) the City Manager's action to suspend the City Business License for oriental massage on the basis of the arrest and events leading to the arrest of Ms. Malson Mitchell for Disorderly Conduct/Prostitution while working at the business.

Community Development Director LaClaire (Director LaClaire) presented a staff report to the City Council and said the Attorney for the business owner has requested a continuance of the item to the February 22, 2011 City Council meeting and that the individual will not pursue business in any form up to the decision of the City Council.

ACTION: On a motion made by Mayor Pro Tem Cole, seconded by Councilmember Klink and carried with a 5-0 voice vote, the City Council continued the item to the February 22, 2011 City Council meeting.

10.3 PC 09-53 – General Plan Update, discussion of additional General Plan Advisory Committee (GPAC) meetings (possible second Contract Amendment to Option “B” GPAC meetings).

RECOMMENDATION: That City Council determine if the contract with Hogle-Ireland, Inc. should be amended to allow the General Plan Advisory Committee (GPAC) an extension of time to complete its review of the draft General Plan Update and Environmental Impact Report, and if so how much time shall be allocated.

Director LaClaire presented a staff report to the City Council.

Councilmember Corbin asked how many meetings Hogle Ireland would be attending for \$69,430.00.

Director LaClaire responded four (4) additional meetings plus the additional Planning Commission and City Council joint meeting.

Nelson Miller, Hogle Ireland, presented a brief review to the City Council.

Daniel Luckenbill, Twentynine Palms, spoke in favor of item 10.3.

Pat Flanagan, Twentynine Palms, Vice Chair of the GPAC, spoke in favor of item 10.3.

Paul Smith, Twentynine Palms, spoke in favor of item 10.3.

Councilmember Mintz said he was looking for a meeting between the Planning Commission, City Council and the GPAC. He said it would give a chance to give the three (3) new Planning Commissioners an opportunity to get caught up to speed on what is going on.

Mayor Pro Tem Cole said he was looking to doing that as well.

Councilmember Corbin said he did not think the GPAC was in a crisis at this time. He said it is far more important to get this plan right than to get it done on

schedule. He said the GPAC should be allowed to continue their work as long as they are making progress. He said he does not support paying the consultant \$10,000.00 per meeting. He said the GPAC can continue their work without the consultant being there. He recommended suspending the work of Hogle Ireland until further notice and authorize the GPAC to continue until the complete review of all elements and the downtown specific plan are complete and after receiving the GPAC recommendation the City Council decides on how they would like to proceed. He said he could see that being done this summer.

Councilmember Klink said he was not convinced these meetings were conducted in a fair and reasonable setting and there has been too much emphasis on editing the General Plan. He said he recommended dissolving the GPAC and asking them for their final recommendations. He said a lot of the GPAC members felt they were not heard and left the GPAC. He said Hogle Ireland needs to be there running the meetings not a Chairperson.

Mayor Harris said if there was a joint meeting things could be ironed out and it would give the GPAC the opportunity to listen to direction if they were to continue. He said if there was a joint meeting to get input from Hogle Ireland, he is not opposed to that.

Councilmember Corbin made a motion for the GPAC to move on with their schedule without the \$10, 0000 per meeting cost of a consultant and to discuss the direction the City Council would like to give the GPAC at the January 25, 2011 City Council meeting. The following motion died due to lack of a second.

Councilmember Klink made a motion to dissolve the GPAC and ask them for their recommendations to forward onto Hogle Ireland. The following motion died due to lack of a second.

Councilmember Corbin made a motion to have a joint meeting of the GPAC and the City Council. The following motion died due to lack of a second.

**ACTION:** On a motion made by Councilmember Mintz, seconded by Mayor Pro Tem Cole and carried with a 4-1 (Klink no) roll call vote, the City Council recommended a joint meeting between the City Council, the Planning Commission, the GPAC and Hogle Ireland to discuss the update of the General Plan on a date decided by staff and that the GPAC can continue with their meetings.

Interim City Manager Tooker said staff will work on the schedule and chose a date appropriate for the joint meeting.

Councilmember Corbin said Planning Commissioner Steve Whitten should be allowed to serve as both roles on the Planning Commission and on the GPAC as he is a frequent contributor of the GPAC and a valuable part of the dialogue and would be missed if he were removed from the GPAC.

Mayor Harris asked City Attorney Munoz if there were any conflict if Commissioner Whitten were to remain on the GPAC now that he is a Planning Commissioner.

City Attorney Munoz responded there was no legal impediment and it is just a question of policy and public and Council perception.

Mayor Harris asked Mr. Whitten if he would want to still serve both the Planning Commission and the GPAC.

Steve Whitten responded yes, he would like to serve on both the GPAC and Planning Commission.

#### **11.0 FUTURE COUNCIL INITIATED ITEMS**

Councilmember Corbin said he would like to have training for Planning Commissioners on the next agenda and to discuss the policy on public information.

Councilmember Cole said he would like a report on the success of the renovations that were done on the roads during the storms.

Councilmember Klink said he would like the pictures of previous Mayor and Councilmembers hung on a wall. He said he would like a discussion with Council if they should be placed back on the wall.

Interim City Manager Tooker said staff is working on the Mayor and Councilmembers pictures issue and will have some recommendations for the City Council. He said he would prefer not to make it an agenda item and would be happy to convey those in a memo form and if then they need to agendaize it they can.

#### **12.0 CLOSED SESSION – None**

**13.0 ADJOURN-** Mayor Harris adjourned the City Council meeting to Closed Session at 7:30 p.m. Closed Session ended at 8:20 p.m. City Attorney Munoz reported there was no action taken during Closed Session.

Respectfully Submitted,

Charlene L. Sherwood, City Clerk MMC