

NOTICE IS HEREBY GIVEN, that the City Council/Redevelopment Agency Board of the City of Twentynine Palms will hold a **Closed Session** at 5:15 p.m. at City Hall, 6136 Adobe Road, Twentynine Palms, to consider the following:

Pursuant to Government Code Section 54956.9 Conference with Legal Counsel Regarding Redevelopment Agency Potential Litigation (1 case)

Mayor Harris called the meeting to order at 5:18 p.m.

Mayor Harris adjourned the meeting to Closed Session at 5:20 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, July 12, 2011
6:00 P.M.**

MINUTES

- 1.0 CALL TO ORDER** – Mayor Harris re-opened the meeting at 6:14 p.m.
PLEDGE OF ALLEGIANCE- Larry Briggs led the Pledge of Allegiance.
INVOCATION – Minister Melvin Brock, Spirit & Truth Worship Center gave the Invocation.
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, July 18, 2011 at 6:30 p.m. and Friday, July 22, 2011 at 6:30 p.m.
- 4.0 PUBLIC COMMENTS**
- Jodi Callahan, 29 Palms Chamber of Commerce Executive Director, said the 4th of July festivities were a big success and they plan to do it again next year. She said the Chamber is starting to plan for Pioneer Days which would be the 13th through 16th of October and they are currently looking for food and business vendors and that information regarding Pioneer Days is on the Chamber website. She said there will be ribbon cutting ceremony for Louisiana Fried Chicken on Highway 62 on Tuesday, July 26 at 12:00 p.m. and she encouraged the public to attend.
- 5.0 COUNCIL COMMENTS / BUSINESS**

Councilmember Mintz congratulated the Chamber of Commerce of the 4th of July activities.

Councilmember Klink wished everyone a Happy Birthday in the Morongo Basin celebrating their Birthday in July. He said he attended the play A Funny Thing Happened on the Way to the Forum over the weekend at Theater 29 and recommended everyone going and seeing it. He welcomed Brigadier Smith and gave best wishes to General Claridy. He thanked Public Works for cleaning up the roads after the recent rain storms and said they are still working on the roads and commended Southern California Edison for getting the power poles that were down up within a day.

Councilmember Corbin said it was great that the Chamber of Commerce is already promoting Pioneer Days, and he said he saw a poster promoting the event in the window of a store he walked by in town.

Mayor Pro Tem Cole thanked everyone for attending the 4th of July activities. He welcomed the new General and his family to Twentynine Palms and wished God speed to General Claridy and his family. He said the High Desert Medical Center has an open house for the pulmonary recovery unit and congratulated Cassandra Gray for pushing for the unit and the cooperation with the hospital.

Mayor Harris said he attended the opening night of the play and it was very good and recommended the public going to see it. He wished his mother a Happy 89th Birthday on July 18th. He said the Chamber did a great job on the 4th of July activities. He said he went to the Chief of Staff's house on the 6th and spoke with the new General and he said he is excited about being in Twentynine Palms.

6.0 CITY COUNCIL/REDEVELOPMENT AGENCY CONSENT CALENDAR

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 \$179,229,48 .

6.3 Approval of Minutes

RECOMMENDATION: The City Council approve the minutes of the June 14, 2011 and June 28, 2011 regular City Council meeting.

6.4 Resolution No. 11-25 Approving Engineer's Report for the Historic Plaza Maintenance Assessment District and Declaring the Intent to Levy Fiscal Year 2011-12 Assessments

RECOMMENDATION: The City Council adopt Resolution No. 11-25 of the City Council that:

1) Approves the engineer's report ("Report") prepared by Charles Abbott 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") 2011-12 in the Historic Plaza Maintenance Assessment District ("District");

2) Declares the City Council's intent to levy the assessments for FY 2011-12 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 Approve Purchase of 10 Acres (APN#613-051-15) in Indian Cove from Alex Nichols in the amount of \$20,000.

RECOMMENDATION: The City Council approve the purchase of 10 acres from Alex Nichols in the amount of \$20,000.

6.6 Appropriation Limit

RECOMMENDATION: The City Council establish the appropriation limit for fiscal year 2011/2012 by the adoption of Resolution No. 11-23.

Councilmember Mintz abstained from check number 50748 due to possible conflict of interest.

City Manager Warne and City Attorney Munoz requested removing item 6.5 for discussion.

ACTION: On a motion made by Mayor Pro Tem Cole, seconded by Councilmember Corbin and carried with a 5-0 voice 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

6.5 Approve Purchase of 10 Acres (APN#613-051-15) in Indian Cove from Alex Nichols in the amount of \$20,000.

RECOMMENDATION: The City Council approve the purchase of 10 acres from Alex Nichols in the amount of \$20,000.

City Attorney Munoz explained the steps to purchase the property. He said a report from the Planning Commission as to the proposed consistency of the General Plan would be requested.

City Manager Warne said the motivation for moving quickly was at the request of the seller for personal reasons.

Councilmember Corbin said he was concerned when the local government gets involved in land speculation and because the City does not have a plan in mind for this property. He said the City speculated on the 100 acres and now the City is proposing on 10 more acres and there is not funding for a park in this area.

ACTION: On a motion made by Councilmember Klink, seconded by Mayor Pro Tem Cole and carried with a 4-1 (Corbin no) roll call vote, the City Council approved item 6.5.

8.0 PUBLIC HEARINGS

8.1 PC 11-01 – Proposed Amendment to the City of Twentynine Palms Municipal Code Amending Section R313 “Automatic Fire Sprinkler Systems” of the

Adopted Building Code, 2010 Edition.

RECOMMENDATION: Conduct the Public Hearing, consider public comment, determine that PC 11-01 is Exempt from further review and introduce City Ordinance No. 238 amending Section R313 “Automatic Fire Sprinkler Systems” of the adopted Building Code, 2010 Edition to require the installation of fire sprinklers within mobile and modular homes, citywide.

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

Mayor Harris opened the Public Hearing.

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

City Clerk Sherwood introduced City Ordinance No. 238.

ACTION: On a motion made by Councilmember Mintz, seconded by Councilmember Klink and carried with a 5-0 voice vote, the City Council determined that PC 11-01 is Exempt from further review and introduced City Ordinance No. 238 amending Section R313 “Automatic Fire Sprinkler Systems” of the adopted Building Code, 2010 Edition to require the installation of fire sprinklers within mobile and modular homes, citywide.

8.2 PC 10-05 – A Request from Applicant Eugene McMEnamin to Defer the Installation of Underground Utilities

RECOMMENDATION: Conduct the Public Hearing, consider public comment, determine that PC 10-05, the deferral of undergrounding of existing above ground power lines, is Exempt from further environmental review and authorize the City Manager to enter into an agreement to defer the installation of underground utilities as stipulated within the agreement.

Councilmember Corbin recused himself from the Council Chambers due to possible conflict of interest at 6:48 p.m.

Director LaClaire presented a staff report to the City Council.

Mayor Harris opened the Public Hearing.

Eugene McMEnamin, Long Beach, spoke in favor of item 8.2 and staff's recommendation.

Mayor Harris closed the Public Hearing.

ACTION: On a motion made by Councilmember Mintz, seconded by Councilmember Klink and carried with a 4-0-1 roll call vote (Corbin abstained) the City Council determined that PC 10-05, the deferral of undergrounding of existing above ground power lines, is Exempt from further environmental review and authorized the City Manager to enter into an agreement to defer the installation of underground utilities as stipulated within the agreement.

Councilmember Corbin returned to the Council Chambers at 6:59 p.m.

- 8.3 Public Hearing and Work Session on Proposed Budget for Fiscal Year 2011-2012
RECOMMENDATION: Listen to City Manager budget presentation, take public comment on proposed budget, ask questions and discuss proposed budget, make desired changes, give staff direction and take action to either (1) continue public hearing and work session to a future meeting or (2) adopt budget with changes directed by the City Council.

City Manager Warne presented a brief power point presentation to the City Council regarding the Budget for Fiscal Year 2011-2012. He thanked Finance Director Ron Peck for his hard work in helping prepare the budget and thanked Finance Technicians Darla Holquin and Cindy Keniry in helping prepare the budget document. He thanked Department Heads and staff for also helping with the work that went into putting the budget together.

Mayor Harris opened the Public Hearing.

Larry Briggs, Twentynine Palms, spoke in favor of item 8.3 and thanked the City Manager and staff for the outstanding budget presentation and encouraged the Council to make a priority of unlocking section 19 for development and to increase tax revenue.

Ms. Fleck, Twentynine Palms, wanted to know what area Section 19 was and recommended allowing more time for review of the budget.

Mayor Pro Tem Cole responded Section 19 consisted of an area of Mesquite Springs Road and Two Mile Road.

Mayor Harris closed the Public Hearing.

The following is a list of City Council initiated budget items:

Consensus of the City Council was to include \$20,000 to be spent on back-up batteries for traffic signal lights in the City.

Councilmember Corbin suggested adding a goal to the City Council goals to have joint meetings with the Planning Commission in an effort to give direction to the Planning Commission regarding what they want them to be following. He said he was not in favor of establishing the goals on page 250 and 251 goals six through nine (6-9) and possibly ten (10). He said on page 274 regarding the Public Arts Advisory Committee (PAAC) he requested a goal in the budget regarding the need to solicit for approval and said the piece should have to be approved by the City Council.

Consensus of the City Council was to delete goals six through nine (6-9) on page 250-251 of the budget.

Councilmember Klink said he wanted the mural to be replaced that was torn down by Walgreens but he said the City should not be responsible for financially replacing the mural.

Consensus of the City Council was to leave the \$20,000 towards a replacement mural or a public art piece and accept recommendations from the Public Arts Advisory Committee (PAAC).

Consensus of the City Council was to include \$25,000 in the Capital Projects Fund under research and development indicating it is a study for potential Geo Thermal resources.

Councilmember Klink suggested Baseline Road and Utah Trail be redone as soon as possible and the possibility of adjusting the project street list to move it closer to being done.

City Manager Warne responded to chip seal the road is \$30,000 for Baseline but leaves the condition of the road in place, so it will not change the rideability of the road. Paving is \$200,000 for a two (2) inch lift for one mile. Paving from Baseline to Highway 62 would be another \$200,000 and he said the project money would come from Measure I.

Consensus of the City Council was to add a line item for \$400,000 to pave portions of Baseline Road, including Utah Trail to Adobe Road.

Consensus of the City Council was to add a line item to the budget for \$25,000 to \$30,000 for a July 4th community celebration.

City Manager Warne said there are two policy issues, the first being the fire truck and impact fees and wanted to know if the City Council wanted to have the City pay for that with General Fund money or advertise it over time using the impact fees or do something in between. He said the other issue that concerns him is the amount of flood damage to the community and how to refine how handling storm water in the community.

Mayor Harris suggested partnering with Town of Yucca Valley to see how they handle their flood issues.

Councilmember Mintz said the Fire Truck should be left in the fire departments hands and taken off the books for accounting purposes.

ACTION: On a motion made by Councilmember Mintz, seconded by Councilmember Corbin and carried with a 5-0 roll call vote, the City Council approved the budget subject to the changes made and also with the understanding that the City would be funding current operations in regards to the redevelopment and incorporate changes into a final document which would become the official budget.

City Manager Warne said the final budget will be available on the website when it is completed.

9.0 DEPARTMENTAL REPORTS, REQUESTS AND COMMUNICATION - None

10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT - None

11.0 FUTURE COUNCIL INITIATED ITEMS- None

12.0 CLOSED SESSION - None

13.0 ADJOURN- Mayor Harris adjourned the meeting at 8:25 p.m.

Respectfully Submitted,

Charlene L. Sherwood MMC, City Clerk