

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY
REGULAR MEETING
6136 Adobe Road
Twentynine Palms, CA 92277
www.ci.twentynine-palms.ca.us
Tuesday, April 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 Klink led the Pledge of Allegiance.
INVOCATION – Minister Gary O’Gilvie, Spirit & Truth Worship Center 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, April 19, 2010 at 6:30 p.m. and Friday, April 23, 2010 at 6:30 p.m.

4.0 PUBLIC COMMENTS

Curtis Blankenship, Twentynine Palms, suggested a moratorium for curb fees which are required to be paid prior to building.

Phyllis Lalonde, Twentynine Palms, invited the City Council and public to the Water District meeting on Wednesday evening at 5 p.m. She said the main topic is water reclamation and conservation.

5.0 COUNCIL COMMENTS

Councilmember Spear said he would like the City to sponsor two soap box derby cars at the June 4th street fair and car show. He said he would like to challenge the City Council members to donate \$25 each so they could sponsor a car and also the Planning Commission to sponsor a car as well by contributing money.

Councilmember Cole said a few community members had passed away including Mr. Shay, Mr. Higgin and Mr. Limone. He said they had all made significant contributions to the City and gave his condolences to their families and close friends.

Mayor Pro Tem Harris said that he and the City Manager met with Congressman Lewis in a meeting to discuss the Joshua Tree National Park Visitor Center and the rehabilitation of Highway 62 from Yucca Valley to Twentynine Palms. He said Congressman Lewis said he will help and he said he would carry the messages back to Congress. He also said the new San Bernardino Associated Governments (SANBAG) automated 511 phone number system has been activated in San Bernardino County and

it has instant travel information without costing money to call. He said he, Mayor Flock and Councilmember Cole attended the Art Gallery rehabilitation and it was gorgeous. He said it would have not happened through the RDA if it were not for the Mayor. He also wished a Happy Birthday to his daughter Stacy.

Councilmember Klink reminded the public about the brunch with the Mayor on April 25, 2010, Sunday from 10 a.m. to 2 p.m. at the Mayor's house in Indian Cove. He said the tickets were \$25 for individuals and \$40 for couples and all proceeds go to the Twentynine Palms Youth Club. He gave his condolences to the Shay, Higgins, and Limone Families.

Mayor Flock gave his condolences to the Higgins, Shay and Limone families. He said the Art Gallery looks wonderful. He invited the public to attend brunch with the Mayor on the 25th of April.

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 \$ 1,128,092.92.
- 6.3 Approval of Minutes
RECOMMENDATION: The City Council approve the minutes of the regular City Council Meeting of March 23, 2010.
- 6.4 Article 8 Claim
RECOMMENDATION: The City Council authorizes the filing of a Local Transportation Fund (LTF) Article 8, Local Streets and Roads Claim in the amount of \$246,269.
- 6.5 Approval of Job Description for Economic Development/Redevelopment Specialist
RECOMMENDATION: The City Council approves the attached job description and directs staff to advertise for the position.
- 6.6 Resolution of Support for Local Taxpayer, Public Safety, and Transportation Protection Act of 2010
RECOMMENDATION: The City Council approves Resolution No. 10-08.
- 6.7 Funding Other Post Employment Benefits
RECOMMENDATION: The City Council adopts Resolutions 10-09 and 10-10.

- 6.8 Purchase of 2010 Ford Ranger 4X4 for Code Enforcement
RECOMMENDATION: The City Council approves the purchase of a 2010 Ford Ranger 4X4 from Fiesta Ford in an amount not to exceed \$19,600.

Councilmember Spear requested item 6.5 be removed from the Consent Calendar for discussion.

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 remainder of the Consent Calendar as submitted.

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

- 6.5 Approval of Job Description for Economic Development/Redevelopment Specialist
RECOMMENDATION: The City Council approves the attached job description and directs staff to advertise for the position.

Councilmember Spear said he was very pleased with what was written out and provided by staff. He suggested in the requirements for the job description that the school from which the degree comes from for the position needs to be an “accredited” college. He recommended lowering the experience of 5-7 years to 3-5 years.

Councilmember Spear said that saying that a Masters degree preferred might discourage some applicants that have the experience and a Bachelors degree from applying. He said he felt a Masters degree was not needed.

Mayor Pro Tem Harris suggested a Masters degree is preferred but not required.

The City Council agreed with the suggestions of Mayor Pro Tem Harris and Councilmember Spear.

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 item 6.5 with the changes to include adding the word “accredited”, changing the years of experience to 3-5 and saying a Masters degree is preferred but not required.

8.0 PUBLIC HEARING

- 8.1 PC 09-83 – A Development Code Amendment to Consider Adding a New Chapter 19.145 “Planned Unit Development” to the Development Code
RECOMMENDATION: Conduct the Public Hearing, consider public comment and introduce Ordinance No. 231, making a determination that PC 09-83 is Exempt from further environmental review and adopt the proposed change to

Title 19 “Development Code” by the addition of a new Chapter 19.145 “Planned Unit Development”.

Community Development Director LaClaire (Director LaClaire) presented a staff report to the City Council. He said information had been brought to his attention that the City Attorney had been contacted regarding whether or not some of the provisions of the proposed chapters are non-amendable. The question was raised that if a property that went through the planned unit development process were established and a portion of that property were designated as preserved or listed as open space what is the practicality of that property being re-designated as something else in the future and additional development being placed on that property. He said the City Attorney said a series of limitations and requirements could be put into place by the City to make it difficult to change it from that preserve or that open space designation.

Councilmember Spear asked if in the future the City Council is free to recognize projects that come in with special needs. He asked if the City Council is free to do this without implementing this regulation in the future.

Director LaClaire responded in the future the City Council is free to do this without implementing this regulation but must place something in the code to establish a procedure to allow for that review and that kind of consideration to take place.

Mayor Flock opened the Public Hearing.

Phyllis Lalonde, Twentynine Palms, spoke in opposition of item 8.1.

Mayor Flock closed the Public Hearing.

Mayor Flock expressed his concerns; he said he cannot see this being a permanent situation. He said input from the public is that they want less build outs. He said he is in favor of dropping the issue without going through the procedure.

Councilmember Spear said the concept is a developer’s tool and he would like this issue to be terminated.

ACTION: On a motion made by Councilmember Spear, seconded by Mayor Flock and carried with a 5-0 roll call vote the City Council terminated the code amendment (item 8.1 regarding Chapter 19.145 “Planned Unit Development”).

9.0 REPORTS, REQUESTS AND COMMUNICATIONS - None

10.0 LEGISLATIVE COUNCIL/REDEVELOPMENT

- 10.1 Authorization to Prepare and Execute and Owner Participation Agreement with Diane A. Fox Regarding Property Improvements to a Historic Plaza Property.
RECOMMENDATION: The Redevelopment Agency Board direct staff and Agency legal counsel to prepare an Owner Participation Agreement that would provide up to \$8,380 of redevelopment funds to fund property improvements,

authorize the Executive Director to execute said owner participation agreement, and appropriate \$8,380 in unallocated reserves from the Capital Projects Fund to the Property Improvement Program.

Executive Director Tree presented a staff report to the City Council. He added he would like the Redevelopment Agency (RDA) to consider providing the Executive Director with a contingency of \$2000 to help with unknowns in the project and also to assure that the bonding insurance requirements and indemnification are taken care of for the Agency.

Chair Flock said fixing water leaks is not something the RDA assigns as one of their goals. He said when the project is finished it would enhance the area the way the Agency wants it to be.

City Manager Tree said fixing the water leak is imperative for Ms. Fox to continue operations at her current facility. He said one of the goals of the RDA is economic redevelopment and the RDA would be assisting current businesses in staying in business.

Diane Fox, owner of A. Fox, said the water leak is under the sidewalk but she was not certain of the exact location under the sidewalk. She said they would need to go under the sidewalk to detect where the leak was.

Carol Remetsker, Twentynine Palms, said there was no legal access into the Historic Plaza when turning from the east bound lane.

Chair Flock said Ms. Remetsker was welcome to come in and speak with staff regarding the issue and they would be able to answer any questions she may have regarding the issue.

Vice Chair Harris said whatever the RDA can do to help local business owners to stay in business they should do.

Boardmember Klink said Ms. Fox had funded 65% of the project and suggested the RDA could help fund the other 35%.

Boardmember Spear said Ms. Fox runs an excellent business and he was glad to assist one of the City's small businesses.

ACTION: On a motion made by Boardmember Klink, seconded by Boardmember Cole and carried with a 5-0 roll call vote, the Redevelopment Agency (RDA) directed staff and Agency legal counsel to prepare an Owner Participation Agreement that would provide up to \$8,380 of redevelopment funds to fund property improvements, and agreed that staff have \$2000 contingency money available to get the project complete.

11.0 FUTURE COUNCIL INITIATED ITEMS

Councilmember Spear requested the City and City Council donate money to the soapbox derby to sponsor soapbox cars at the June 4th street fair and car show and challenged the Planning Commission to donate money as well. He asked Director LaClaire to have the Planning Commission, in the future, look at a means of the City enabling a by project density shifting concept for projects that are similar to a golf course where the land is left open. He expressed his concern with Project Leatherneck and said the presentation may have not been forth right with the information and the end result. He requested Kathy De Rosa from Southern California Edison attend the next meeting City Council meeting to answer questions and clarify information regarding Project Leatherneck.

12.0 CLOSED SESSION- None

13.0 ADJOURN- Mayor Flock adjourned the meeting at 7:08 p.m.

Respectfully Submitted,

Jacqueline M. Palmer, Deputy City Clerk