

**NOTICE IS HEREBY GIVEN**, that the City Council of the City of Twentynine Palms will hold a **CLOSED SESSION** on Tuesday, January 26, 2010 at 5:30 p.m. at City Hall, 6136 Adobe Road, Twentynine Palms, to consider the following:

Mayor Flock called the meeting to order at 5:30 p.m. He adjourned the meeting to Closed Session at 5:32 p.m.

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

**TWENTYNINE PALMS CITY COUNCIL/REDEVELOPMENT AGENCY  
REGULAR MEETING  
6136 Adobe Road  
Twentynine Palms, CA 92277  
www.ci.twentynine-palms.ca.us  
Tuesday, January 26, 2010  
6:00 P.M.**

### **MINUTES**

- 1.0 CALL TO ORDER** - Mayor Flock re-opened the meeting at 6:00 p.m.  
**PLEDGE OF ALLEGIANCE** – Councilmember Klink led the Pledge of Allegiance.  
**INVOCATION** – Pastor Charlie Zwicker, Nazarene Church gave the Invocation.  
**ROLL CALL** – The following Councilmembers were present: Cole, Harris, Klink, Spear and Flock.

### **2.0 SPECIAL RECOGNITION AND PRESENTATIONS**

- 2.1 There will be a presentation about the upgrade of the power lines going to the Marine Corps Base as part of the Grow the Force construction on the base.

Francisco Martinez, representative of Southern California Edison (SCE), introduced himself and Roger Shultz.

Jim Ricker, Community Plans Liaison Officer of the Marine Base, spoke to the City Council regarding “Project Leatherneck”. He said the reason for the Marine Base doing reconstruction of the power poles is due to the growth force. He said SCE owns the easements and right-a-ways and this would be funded by tax payers.

Roger Shultz, Project Manager of “Project Leatherneck” and representative of SCE, said there would be a new substation and two new lines. He said the old poles would be removed and new poles would be put over them. He said the power will be much more reliable and construction will continue into 2013.

Mayor Pro Tem Harris asked if during construction there would be any power outages for residents of the City.

Mr. Shultz responded there would be at least one power outage which would be about 4 hours on the weekend in the middle of the night so it would affect the least amount of people.

### **3.0 ANNOUNCEMENTS**

3.1 Mayor Flock announced these proceedings will be televised on Cable T.V., Channel 10, as follows: Monday, February 1, 2010 at 6:30 p.m. and Friday, February 5, 2010 at 6:30 p.m.

### **4.0 PUBLIC COMMENTS**

Mike Hawkins, Yucca Valley, said he would like to sand rail in Twentynine Palms.

### **5.0 COUNCIL COMMENTS**

Councilmember Klink thanked Public Works for their hard work in getting the roads cleaned up after the rainstorms and reminded the public to drive carefully.

Mayor Pro Tem Harris said he gave the City address on Martin Luther King Day at the Baptist Church following the march, he said it was an exciting event. He said Public Works Department worked very hard to get the flooded roads closed quickly during the rainstorm. He said the Sherriff's department did a raid and recovered stolen property. He said 5 local Sherriff Deputies were being transferred and he attended a BBQ for them. He said Redevelopment Agency (RDA) money that was given to the Williams Insurance business turned out to be a beautiful job done with the building, landscaping and the parking lot.

Councilmember Cole said he attended the solar energy presentation and there were over 100 people in attendance. He said representatives from the Base and the National Park were there and they explained how they would use solar energy. He said it was interesting and something that is the future.

Mayor Flock said there was a closed session at 5:30 p.m. and no action taken.

### **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 \$469,847.54.

- 6.3 Approval of Minutes  
RECOMMENDATION: The City Council approve the minutes of the December 15, 2009 and January 12, 2010 meeting.
- 6.4 An Appeal of the Planning Commission's December 15, 2009 Approval of the PC 08-72 (Hampton Inn & Suites).  
RECOMMENDATION: Adopt City Council Resolution No. 10-03.
- 6.5 Change Order for Knott's Sky Park Parking Lot  
RECOMMENDATION: The City Council awards a change order to Ficara Paving in an amount not to exceed \$15,000 on the Knott's Sky Park Parking Lot Project.

Councilmember Spear abstained from check numbers 47540, 47541 and 47546 on the Warrant Register due to possible conflict of interest.

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 Additional Improvements to City Visitor Center  
RECOMMENDATION: Staff recommends the City Council and Agency hold a joint Public Hearing and approve City Council Resolution No. 10-04 and RDA Resolution No. 10-02, making the findings required by Health and Safety Code Section 33445 relating to the Agency funding additional rehabilitation of the City's Visitor Center. Staff also recommends that the Redevelopment Agency appropriate \$35,000 in unallocated funds from the Capital Projects fund to the City Visitor's Center fund to cover the costs of these improvements.

City Manager Tree presented a staff report to the City Council.

Councilmember Spear said the sun would eventually fade out the stucco on the building over time but the stucco behind the letters would not be faded out and he said this might result in having to repaint the building. He suggested an alternative such as a monument sign situated outside of the parking lot so the public knows the Chamber is located where the parking lot is as opposed to having it on the backside of another building. He said this is a City building and it should be identified as a City building.

Project Manager Cole responded they were looking at signage on the backside of the building as well. He said lettering was replaced at the Community Services and Recreation building with post type metal lettering like the proposed lettering and the stucco was not faded enough to tell other letters were there before. He suggested a fog coat could go over the stucco.

Mayor Flock opened the Public Hearing.

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

Mayor Pro Tem Harris clarified the letters would be off the surface of the stucco. He agreed with Councilmember Spear's suggestion regarding the letters for the Chamber letters being raised off the stucco, and being able to patch the holes instead of having to paint the building.

Councilmember Klink asked where the monument sign would be located so it was visible but did not take away from the mural.

Mayor Flock said he liked the concept and design. He said it was very well done and he felt it identified how the building was going to be used.

Councilmember Klink asked staff if they could look into a monument sign.

Project Manager Cole said the parking lot could be a good location but it would be several hundred feet back from the highway and not very visible from the highway.

Mayor Pro Tem Harris asked if lettering on the windows had been considered that read Chamber of Commerce.

City Manager Tree responded there had been negative discussion about putting lettering onto the windows.

Councilmember Klink said Director Fleck of the Chamber of Commerce had said the public would not be able to see into the windows if letters were placed in the windows.

Councilmember Spear clarified that in the fifth paragraph of the Resolution the dollar amount needed to be typed in to the Resolution to reflect the dollar amount in the paragraph.

On a motion made by Councilmember Cole, seconded by Mayor Flock, the City Council approve Resolution No. 10-04 and RDA Resolution No. 10-02 as presented with the corrections. The said motion died and secondary motion was made.

**ACTION:** On a motion made by Council/boardmember Spear, seconded by Council/boardmember Klink and carried with a 3-2 roll call vote (Cole and Flock no), the City Council and RDA agreed to move forward with City Council Resolution No. 10-04 and RDA Resolution No 10-02 without Chamber of Commerce wording fixed to the façade pending further research by staff, and requested staff to look into alternative signs.

**ACTION:** On a motion made by Council/boardmember Spear, seconded by Mayor Pro Tem/Vice Chair Harris and carried with a 4-1 roll call vote (Flock no) the City Council and RDA approved City Council Resolution No. 10-04 and RDA Resolution No. 10-02 recognizing the prior limitations placed by the previous motion.

8.2 PC 09-52 Consideration of Multiple Variances to Reduce Front, Side and Rear Yard Setbacks at 6421 East Court Way.

RECOMMENDATION: Re-open the open, continued Public Hearing, consider public comment and adopt City Council Resolution No. 10-03 finding that the proposal is Exempt from further environmental review and that it conforms to the required Findings for approval of a Variance.

Community Development Director LaClaire (Director LaClaire) presented a staff report to the City Council. Director LaClaire received an email from the property owner which he said would be entered into the record.

Mayor Flock opened the Public Hearing.

Jamie Avels, Twentynine Palms, spoke in opposition of item 8.2. He said the building does not meet the code requirements.

Mayor Flock closed the Public Hearing.

City Attorney Munoz said the proposal was to make the variance conditional so it would only become effective if the seven Code Enforcement items were addressed as a way to encourage the property owner to get those things done. The owners concern was that he would spend money to fix the Code Enforcement issues whether or not the variance was granted and if it was not he would be throwing money away.

City Attorney Munoz suggested the clause in section 4 be deleted from the Resolution.

Councilmember Spear asked City Attorney Munoz if there was any action that could be taken against the previous City employee that made a bad decision.

City Attorney Munoz responded that was something that could be discussed in Closed Session. He said the appropriate action would be to follow up at the staff level and have a Closed Session discussion at a later date.

Mayor Pro Tem Harris asked if this decision would impede the seven Code Enforcement issues.

City Attorney Munoz responded the Code Enforcement issues could be pursued with the exception of the set back issues.

**ACTION:** On a motion made by Mayor Flock, seconded by Councilmember Cole and denied with a 2-3 roll call vote (Cole, Klink, Spear no) the City Council denied approval to adopt City Council Resolution No. 10-03.

8.3 PC 09-53 (General Plan Update) – Consideration of General Plan Alternatives

RECOMMENDATION: Staff recommends that the following actions be considered:1.) That the City Council review, discuss and consider the proposed Land Use, Circulation and Infrastructure Alternatives; and, 2.) The City Council accept the Planning Commission's recommendation and conceptually approve

the Preferred Alternatives and the clarified draft Vision, Guiding Principles, Issues and Objectives; and 3.) The City Council direct the General Plan consultant to proceed with the next steps in the General Plan Program to prepare a draft General Plan and a draft Environmental Impact Report for the City of Twentynine Palms.

See attachment A.

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

**10.0 LEGISLATIVE/COUNCIL/REDEVELOPMENT – None**

**11.0 FUTURE COUNCIL INITIATED ITEMS**

Councilmember Klink requested staff look into a model water landscaping Ordinance that the State of California has regarding minimizing evasive water.

Director LaClaire responded the City was going to be going with the model Ordinance to be as minimally evasive.

Councilmember Cole requested staff discuss AB32 2006 version the Clean Air Act at the next regular meeting.

**12.0 CLOSED SESSION- None**

**13.0 ADJOURN-** Mayor Flock adjourned the meeting at 9:38 p.m.

Respectfully Submitted,

Charlene L. Sherwood MMC, City Clerk



## City of Twentynine Palms General Plan Update

**City Council Meeting**  
Tuesday, January 26, 2010  
Agenda Item No. 8.3 (PC 09-53)

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### Meeting Minutes – Agenda Item No. 8.3 (PC 09-53)

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Mayor Flock requested the staff report. Community Development Director Charles LaClaire introduced the General Plan Consultant, Nelson Miller of Hogle-Ireland, Inc., who presented the staff report.

Mr. Miller outlined the presentation format for the General Plan agenda item, including public comments and Council discussion components. Mr. Miller presented the first part of the presentation.

Mayor Flock opened the public hearing and requested public testimony. Mayor Flock noted that public testimony on specific General Plan Alternatives be provided when that particular Alternative were discussed by the Council.

#### Public Comments

- James Ricker
  - Recommended that the General Plan's vision statement be amended to include the following language at the end of the current vision statement "The City will encourage high quality development compatible with the Joshua Tree National Park and the Marine Corps Air Ground Combat Center missions."

Mr. Miller explained that he believed it was the General Plan Advisory Committee's (GPAC) intend to include the proposed language, as part of the General Plan's vision statement.

- Jay Corbin
  - Confirmed that it was the GPAC's intend to include the proposed language as part of the General Plan's vision statement, as presented by Mr. Ricker.

The Council discussed the proposed language and agreed that the proposed language was appropriate for inclusion as part of the City's General Plan Vision Statement.

#### Action

- With a 5-0 vote, the City Council approved adding the proposed language to the General Plan Vision Statement, as recommended by Mr. Ricker.

Mayor Flock asked Mr. Miller to continue with his presentation. Mr. Miller noted that he would present each proposed overlay and new land use designation one by one to the City Council.

Mr. Miller requested that the Council provide direction on each item following each items presentation.

Mr. Miller also noted that specific land use/change of zone request made by individuals property owners were going to be brought forward for consideration to the Planning Commission and subsequently to the City Council separately by City staff.

### **Mesquite Dunes Overlay**

- The City Council discussed the proposed Overlay. The Council requested that the proposed southern boundary of the Overlay only extend to Mesa Drive and not further south. The Council expressed their concerns with protecting the Mesquite Dunes, particularly the Mesquite Trees in the Dunes.

### **Public Comment**

- Dan O'Brien
  - Expressed concerns regarding the potential impacts of the Overlay, particularly to hunting within the Dunes.

Mr. Miller indicated that the Overlay would most likely not impact hunting activities in the Mesquite Dunes. Mr. O'Brien was referred to the San Bernardino County Sherriff's Department regarding hunting limitations in the City.

### **Action**

- With a 5-0 vote, the City Council conceptually approved the proposed Overlay with modifications consisting of limiting the southern boundary of the Overlay to Mesa Drive.

### **Proposed Wildlife Corridors**

- The City Council discussed the proposed Overlay. The Council discussed the viability of the corridors. The Council expressed concerns regarding impacting existing land use densities within the corridors given that the corridors cover a large portion of the City.

### **Public Comment**

- Stephanie Weigel
  - Expressed support for the proposed Overlay.
  - Noted that the corridors are areas where wildlife is most likely to cross.
  - Noted that the Morongo Basin Open Space Group is prioritizing the corridors. The prioritization effort would most likely be completed by Spring 2010.
- Dan O'Brien
  - Asked whether special consideration would be given to Off-Highway Vehicle (OHV) trails within the corridors.

Mr. Miller indicated that currently the City is working on a trails planning effort and that any consideration given to OHV trails as part of that effort would be incorporated as part of the General Plan Update.

The Council noted that the corridors connect the Joshua Tree National Park to the Marine Corps Base; as such, it questioned how much wildlife would make it to the Base because of the Base's activities.

- James Ricker
  - Noted that the Marine Corps Base has mechanisms/programs in place that protect wildlife.
  - Noted the Base's continued efforts to protect wildlife that might potentially use the corridors to reach the Base.

**Action**

- With a 5-0 vote, the City Council conceptually approved the proposed Overlay as presented; however, it noted that the details of the Overlay, including the potential prioritization of the corridors, needed to be further discussed.

**Joshua Tree National Park Buffer**

- The City Council discussed the proposed Overlay. The Council requested that existing densities be protected.

Mayor Flock and Councilman Cole did not believe an Overlay was necessary, as existing densities already provided a buffer to the National Park.

Councilmen Spear, Harris and Klink expressed a desired to develop a mechanism that would ensure that existing densities remain and would not be intensified in the future.

City Attorney Patrick Munoz noted that the General Plan could include a policy statement noting the City's desire to protect existing densities; however, the City could not "freeze" zoning, as only a voter initiative could "freeze" existing land uses.

The Council discussed the impact of the Overlay on tribal lands.

City Attorney Munoz noted that by including the Overlay in the General Plan it would provide notice to residents, including tribal nations, of the City's desire to the protect the area's natural resources.

**Action**

- With a 3-2 vote, the City Council conceptually approved of the proposed Overlay to include a policy statement in the General Plan that would discourage the intensification of densities within the National Park adjacent Overlay.

**Hillsides**

- The City Council discussed the proposed Overlay. The Council expressed their desire to protect vistas and view sheds.

Mayor Flock expressed concerns regarding clustering development against hillsides.

Mr. Miller noted that a clustering ordinance would need to be modeled in such a way that it would not give credit for environmentally constrained areas (areas that were not developable).

**Action**

- With a 5-0 vote, the City Council conceptually approved the proposed Overlay.

### **Fault Hazards**

- The City Council discussed the proposed Overlay. The Council expressed their desire to protect residents from fault hazards.

### **Action**

- With a 5-0 vote, the City Council conceptually approved the proposed Overlay.

### **FEMA 100-Year Floodplain**

- The City Council discussed the proposed Overlay. The Council expressed a desire not to impact existing land use densities within the Overlay. However, the Council noted a desire to develop enhanced standards that could protect properties from flooding, including drainage diversion caused by new developments.

Mr. Miller noted that new development could be required to study downstream and upstream impacts as part of the development review process, including a possible pre-development inspection to ensure that drainage, following development, is not diverted.

### **Action**

- With a 5-0 vote, the City Council conceptually approved the proposed Overlay.

### **Indian Cove/Mesquite Drainage Area**

- The City Council discussed the proposed Overlay. The Council expressed their desire to protect residences from drainage hazards; however, it also expressed a desire not to impact existing land use densities within the Overlay.

Mr. Miller indicated that the GPAC and Planning Commission also expressed concerns regarding impacting existing densities; as such, the General Plan would most likely not directly impact allowable development densities within the drainage overlays.

### **Action**

- With a 5-0 vote, the City Council conceptually approved the proposed Overlay.

### **General Plan Build-Out Projection**

- The City Council discussed whether the General Plan should limit the City's build-out.

Councilman Spear asked whether population build-out would trigger the need for a sewer system.

Mr. Miller noted that build-out can impact sewer, water and drainage needs.

### **Public Comment**

- Jay Corbin
  - Explained the theoretical vs. effective build-out projections, as noted in the existing General Plan.

Councilman Spear asked what was the Marine Base's current population.

- James Ricker

- Noted that the Base's current population stands at 23,500 residents and that there are no plans to limit growth at the Base.

Mr. Miller noted that once all overlays and policies are taken into consideration a better defined build-out would be available.

The Council expressed a desired not to set a specific build-out projection, instead the Council opted to allow the overlays and policy directions to dictate build-out/growth.

### **Action**

- With a 5-0 vote, the City Council directed the General Plan consultant to allow the overlays/policies to dictate build-out and not set a specific build-out number that must be reached or could not be exceeded.

### **Sewage Disposal**

- The City Council discussed the proposed Sewage Disposal concepts. The Council discussed the feasibility of the proposed alternatives, which included a centralized sewer plant and regional package treatment plants.

Mayor Flock asked what were the current standards for package treatment plants.

City Engineer Richard Pedersen noted that the City's role in the approval process of package treatment plants is to ensure that they have received approvals from the Regional Water Quality Control Board (RWQCB) and County of San Bernardino.

Mayor Flock asked if any package treatment plants had failed.

City Engineer Pederson noted that plants have failed in the past but it was due to the lack of sufficient flow into the package plant.

Mayor Flock asked who is responsible for the maintenance of the package plants and who oversees the operation of the plants.

City Engineer Pederson noted that the Home Owner's Associations (HOA) are the responsible entities for the maintenance of the treatment plants including related expenses. City Engineer Pederson also noted that the RWQCB oversees the maintenance of package plants.

Councilman Klink asked what was the capacity of package plants.

Mr. Miller indicated that plant capacity is based on design.

Mayor Flock asked if the City could have several package plants.

City Attorney Munoz indicated that the City could have several plants; however, in an urbanized Twentynine Palms, it would be better to have a single centralized plant as opposed to several package plants.

Mayor Flock asked whether the package plants cleaned discharge.

Mr. Miller indicated that package plants do not clean discharge as well as centralized, sewer treatment plants.

Mayor Flock asked what type of density provisions have regional boards established in other areas.

Mr. Miller indicated that some regional boards limit density to two (2) dwelling units per acre for residential projects not connected to a sewer system.

City Engineer Pederson indicated that the results of the Joshua Tree study would be available soon, which could help the City develop density provisions for septic systems.

Councilman Harris noted that it cost half a million dollars for two (2) package treatment plants for the Marriot and second hotel projects. Councilman Harris further noted that he does not favor the ponds system that the Marine Base uses.

#### Public Comment

- Jay Corbin
  - Noted that he does not support projects that could harm groundwater.
  - Noted his opposition to the sewer plant concept.
  - Noted that nitrate levels in the City are well below State thresholds and that there exist adequate percolation in the City that allows the use of septic systems and package treatment plants.
  
- Sunwest Development
  - Noted that nitrate levels at their package treatment plant are 3.5 parts per million, which were below the allowed 10 parts per million by the State of California.
  - Noted his opposition to the centralized sewer plant concept, stating that the only added benefit of sewer plants was that they cleaned solids; however, Sunwest is currently doing this with their package treatment plant, thus negating the need for a sewer plant.
  - Noted that the Sunwest treatment plant is cleaned twice a week by hired professionals.
  - Noted that twenty-three (23) units are currently connected to their plant and there is no flow problems.

Councilman Spear asked what were the options that the Council needed to consider.

Mr. Miller noted that the Alternatives included:

- a) A centralized sewer plant; or,
- b) A series of regional package treatment plants; or,
- c) Propose no change to existing wastewater policies.

Mayor Flock asked what drives the need vs. requirement for a sewer system.

Councilman Klink noted that a centralized sewer system could be considered for the Downtown Area and that wastewater issues need to be planned for now and not wait until the regional board requires the City to do so.

The Council discussed the various alternatives and opted to continue the public hearing to a Special Meeting.

**Action**

- With a 5-0 vote, the City Council continued the discussion of the General Plan Alternatives to a Special Meeting scheduled for February 4, 2010 at 4:30 PM.