

TWENTYNINE PALMS CITY COUNCIL SPECIAL MEETING

**Council Chambers
6136 Adobe Road
Twentynine Palms, California
www.29palmsgeneralplan.com
Thursday, February 4, 2010
4:30 P.M.**

MINUTES

- 1.0 CALL TO ORDER** - Mayor Flock called the meeting to order at 4:37 p.m.
PLEDGE OF ALLEGIANCE – Mayor Pro Tem Harris led the Pledge of Allegiance to the Flag.
ROLL CALL - Councilmembers Cole, Harris, and Mayor Flock were present for the roll call. Councilmember Klink arrived at 4:41 p.m. and Councilmember Spear arrived at 4:46 p.m.

- 2.0 SPECIAL ANNOUNCEMENTS** – None

- 3.0 PUBLIC COMMENTS** – This is the time for the public to address the City Council.

3.1 There were no requests to speak.

4.0 DISCUSSION ITEMS

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

RECOMMENDATIONS:

Staff recommends that the following actions be considered:

- a) That the City Council review, discuss and consider the proposed Land Use, Circulation and Infrastructure Alternatives; and,
- b) 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,
- c) 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” FOR MINUTES

- 5.0 ADJOURN** – Mayor Flock adjourned the Special Meeting at 8:12 p.m.

Respectfully submitted,

Charlene L. Sherwood MMC, City Clerk



City of Twentynine Palms General Plan Update

City Council Special Meeting

Thursday, February 4, 2010
Agenda Item No. 4.1 (PC 09-53)

Meeting Minutes – Agenda Item No. 4.1 (PC 09-53)

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.

Sewage Disposal

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

Mayor Flock asked whether the total number of potential package treatment plants were only for the “Sewer Service Area”.

Mr. Miller noted that it included the Sewer Service Area as well as the adjacent RS-4 parcels, as shown on the presentation.

Mayor Flock asked how much it would cost a property owner to connect to a sewer system in the future.

Mr. Miller noted that at this time the figure is not known as there are many variables that determine sewer connection fees.

City Engineer Richard Pedersen noted that sewer connection fees are generally based on the cost of the system divided by the total number of parcels that are to connect to the system. Mr. Pedersen also noted that the Town of Apple Valley’s connection fees are approximately \$9,000 per single-family dwelling unit. Fees are typically based on the number of fixtures within the structure.

Councilman Cole asked what would happen to projects that build their own package treatment plants if a City sewer system was to be constructed.

City Engineer Pedersen noted that they could be required to connect to the City’s system only if their package plants failed. Mr. Pedersen also indicated that in the future it might be more cost effective to those property owners to connect to the City’s system, as opposed to replacing their package treatment systems.

Mr. Miller indicated that the City can decide how to best treat properties that have constructed package treatment plants.

Mr. Miller indicated that based on the City Engineer's cost figures from the Town of Apple Valley, it would have cost the Fairfield Inn & Suites hotel approximately \$150,000 to \$180,000 in connection fees to connect to a City sewer system, as opposed to the approximately \$450,000 they paid to construct a package treatment plant that serves only their project.

Public Comment

- Jay Corbin
 - Expressed his opposition to the proposed centralized sewer alternative.
 - Expressed concerns with cost.
 - Noted that there is no data that shows that a sewer system is needed, as percolation in the City is not an issue.
 - Noted that he spoke with the Colorado Regional Water Quality Control Board (RWQCB) and the Twentynine Palms Water District regarding the need of a sewer system for the City and that both agencies indicated that they are not aware of any needs for a centralized sewer facility in the City in the near future.

Mayor Flock noted that if wastewater infrastructure was not needed then the Fairfield Inn & Suites project would have not spent \$450,000 for a package treatment plant.

Councilman Klink noted his support for a centralized sewer system that could serve the Downtown area. He expressed concerns with the potential of constructing approximately 90 package treatment plants within the Sewer Service Area. He noted that the City needs to plan for the future and it would be less costly to construct a sewer system now than later on. He also noted that a sewer system could attract new commercial development to the City, as it would be less costly to pay sewer connection fees as opposed to each developer constructing their own package treatment system.

Councilman Spear asked if the RWQCB has a threshold that would trigger the City to construct a sewer system.

Mr. Corbin noted that one of the triggers is high nitrate levels in the water.

Councilman Spear expressed concern with the cost of a centralized sewer system.

Mr. Corbin noted that nitrate levels in the Town of Yucca Valley are high and that is what triggered the need for a sewer system in Yucca Valley.

City Manager Michael Tree noted that the State's maximum allowable nitrate levels is 45 parts per million and that there is one Water District well above 10 parts per million.

City Manager Tree further noted that staff's concern was the potential impacts on groundwater as several septic systems could be constructed within the City's center core in the future. As such, he believed the Council could opt to construct a centralized sewer system or study the possibility of limiting residential density to two (2) dwelling units per acre, as density restrictions is another mechanism to address the lack of sewer infrastructure.

City Manger Tree noted that staff had spoken with the RWQCB and the Board indicated their desire for the City to develop a wastewater treatment plan. Mr. Tree noted that the plan could look at either limiting density or developing a centralized sewer system by starting with Downtown and moving outward in the future.

Councilman Spear noted that an option could be to reduce density in order to “dodge the bullet”. He also noted that the sewer issue needed to be addressed in order to move forward with the Downtown Plan. He expressed his concerns with delaying development or asking developers to construct package treatment plants now and pay connection fees in the future to connect to a City sewer system.

Mr. Miller noted that current projects could continue to be developed based on existing wastewater policies until a centralized system was constructed.

Mr. Miller noted that an Alternative needed to be selected in order to continue with the preparation of the General Plan. He noted that the City of Twentynine Palms exhibits a pattern manifested in other parts of the State and that the City can better address water quality and growth issues by addressing wastewater now as opposed to delaying action. Mr. Miller noted that existing septic systems could be working well now but they could be an issue once a certain threshold is reached. He further indicated that the State is looking at imposing stringent wastewater requirements in the near future.

Councilman Spear asked who was responsible for the maintenance of the package treatment plants that were constructed for the Fairfield Inn & Suites and Desert Knoll projects.

City Engineer Pedersen noted that developers are generally responsible; however, for residential projects, the responsibility is passed down to the project’s Home Owner’s Association (HOA).

Councilman Harris asked if the City knew how much the Town of Yucca Valley would be paying for their sewer system.

City Manager Tree noted that City staff had worked with the Town of Yucca Valley and that currently the Town is facing financing challenges as State and Federal Grants are low for these types of projects.

City Attorney Patrick Munoz noted that there are various funding mechanisms for these types of projects, generally sewer systems are financed through bond funding, which is paid off with connection and service fees. The biggest hurdle is typically the original investment; however, for upfront cost Redevelopment (RDA) funds could be used, as the Sewer Service Area is located within the RDA project area. The funding details would be addressed in the future; however, at this time the Council needed to provide direction whether the centralized sewer plant alternative is one that they would like to pursue in order to direct the General Plan consultant.

Councilman Cole noted that the General Plan needs to include policy direction regarding how to best address wastewater. He indicated that the General Plan needs to include a mechanism that would trigger the need to construct a sewer plant.

Mayor Flock expressed his agreement with Councilman Cole. He noted that the City needs to plan for the future. Mayor Flock expressed his concerns with the financing of a sewer plant as he does not agree with using bond financing; he would rather see the use of user fees along with development impact fees to pay for the system. He noted that not all the details can be defined at the meeting; however, by providing policy direction it would allow the City to start planning for the future. He expressed his support for a regional facility that could serve the Downtown area.

Councilman Spear asked what a regional facility was.

Mayor Flock noted that he understood a regional facility to mean a facility that would serve the entire City.

City Attorney Munoz noted that there are several mechanisms to finance a centralized sewer system; however, one of the best alternatives would be to consider bonds that could be paid off with connection and user fees, as opposed to using general fund dollars or imposing a tax on City residents.

Councilman Spear expressed his concern over imposing a tax on property owners without a public vote.

City Attorney Munoz noted that the City Council with a 4/5 vote could pass a bond, which then would need to be approved by the property owners affected by the bond. The City could also consider creating an assessment district to pay for the centralized sewer system.

Councilman Spear requested that a possible density reduction be analyzed as well. Councilman Spear then asked Mr. Miller whether under any of the scenarios sewer would be needed in the near future.

Mr. Miller noted that for the near future sewer would not be needed; however, the policy direction being sought is to address potential wastewater issues in the future.

Councilman Spear asked Mr. Miller to identify the areas for which a centralized plant is being considered.

Mr. Miller noted that developing a centralized sewer system for the entire Sewer Service Area would cost approximately \$50 million dollars; as such, the alternative being proposed is only considering a centralized plant for the Downtown area, which could cost approximately \$5 million dollars.

The Council voted to take a five (5) minute break to allow the Consultant Team to provide a map that showed the boundaries of the Downtown area. The City Council Meeting reconvened five (5) minutes later.

Mr. Miller described all four (4) phases that make up the Sewer Service Area. Mr. Miller noted that it could cost approximately \$5 million dollars to construct a centralized plant for Phase I with an additional \$5 million dollars for a trunk system if it is extended to the residential portions of Downtown. Phase I could be limited to include only the commercially designated areas of Downtown. Mr. Miller noted that generally residential projects that are served by existing septic

systems constructed prior to the construction of a sewer system are noted required to connect to the sewer system, unless they chose to.

Mayor Flock asked whether the City could move forward with Phase I.

Mr. Miller noted that one of the Alternatives was to moved forward only with Phase I with an estimated cost of approximately \$5 million dollars.

Councilman Harris asked whether dry sewer lines could be installed in conjunction with the Water District water lines.

City Engineer Pedersen noted that it would not be possible to install sewer lines next to water lines as there is a ten (10') foot separation requirement between sewer and water lines to avoid contamination.

Public Comment

- Steve Enochs (Sunwest Development)
 - Expressed his support for a centralized sewer system.
 - Noted that for Sunwest residential projects, they are required to install internal wastewater collection system; as such, connecting that internal system to a package treatment plant or City sewer would be the same.
 - Requested that the City collect development impact fees instead of requiring developments to construct package treatment plants. The fees could help pay for a centralized system.
 - Noted that package treatment plants are costly and that many builders do not come to the City because of the lack of wastewater infrastructure.
 - Noted that home owners are required to pay a \$136 monthly fee to pay for the maintenance of the package treatment plants.
- Curtis Blankinship
 - Expressed his support for a centralized sewer system.
 - Noted that the plant could even serve as a cogeneration plant to create electricity and pay for the cost of the plant.

Action

- With a 5-0 vote, the City Council conceptually approved the proposed Centralized Sewer System Alternative, which would only serve the commercial properties within the Downtown area.

Potential Commercial Node #2

- The City Council discussed the proposed Commercial Node. The Council discussed the viability of the proposed land use change.

Action

- With a 5-0 vote, the City Council conceptually approved proposed Commercial Node #2.

Potential Commercial Node #3

- The City Council discussed the proposed Commercial Node. The Council discussed the viability of the proposed land use change. The City Council expressed concerns regarding allowable uses within the Tourist Commercial Land Use designation.

Councilman Spear expressed his concern regarding impacting property rights by re-zoning these properties.

Public Comment

- Pat Flanagan
 - Expressed her concern regarding the potential of structures greater than single-story buildings being constructed on this part of town, as this is the City's entrance and it is also in close proximity to the National Park entrance.
 - Noted potential impacts on views.

Mr. Miller noted that the existing Scenic Highway Overlay restricts buildings constructed adjacent to a scenic highway to be single-story or provide greater setbacks.

Mayor Flock expressed his concern over the proposed node and noted that he did not believe there was a major demand for hotels at this location. Mayor Flock also noted that commercial on this part of town could impact the economic viability of Downtown.

The City Council asked that the permitted uses within the Tourist Commercial (CT) land use be read.

Community Development Director LaClaire read the permitted uses within the CT land use.

The Council expressed concern regarding the permitted uses within the CT land use.

Action

- With a 5-0 vote, the City Council did not approve proposed Commercial Node #3.

Circulation Plan Modifications

- The City Council discussed the proposed modifications to the City's Circulation Plan. The Council expressed concerns with the proposed realignment of Amboy Road and the need of a bypass. The Council also expressed concerns regarding the proposed extension of Sherman Hoyt Avenue south of Sullivan Road.

Public Comment

- Sherry Hall
 - Expressed her opposition to the proposed bypass and the extension of Sherman Hoyt Avenue.
- Emily Helm
 - Expressed her opposition to the proposed bypass, as there are several homes that front Two Mile Road.

- Pat Flanagan
 - Expressed her opposition to the extension of Sherman Hoyt Avenue, as it will impact the area's drainage pattern.
- David Hite
 - Expressed his support for the proposed bypass, as it believes it would alleviate traffic coming from the Base.

The Council expressed concerns with the extension of Sherman Hoyt Avenue, as it believed it could be washed out and impact downstream properties.

Mr. Miller noted that Sherman Hoyt Avenue was being proposed to be extended to provide paved access to residents of this area, as most parcels in the area are already subdivided to 2.5 and 5-acre parcels.

The Council expressed concerns with the proposed bypass, as motorists would bypass Downtown, an area in which the City is spending a significant amount of resources to revitalize. The Council also noted that there are several bypasses that currently exist in the City and more are not needed.

City Engineer Pedersen noted that planning for the bypass would allow the City to construct the bypass when needed at a much lower cost. Mr. Tree further noted that the bypass would not be constructed until traffic warrants existed.

Mr. Miller indicated that the proposed bypass is a realignment of the current bypass on Amboy Road. He further noted that based on the projected traffic trips a bypass will be needed in the future.

Mayor Flock noted that the proposed bypass had been revised to address the public concerns regarding the properties that front Two Mile Road. The proposed "S" curve is now proposed at Two Mile Road and Easy Street, west of all existing residential development to ensure that existing homes are not impacted.

Council Spear asked what was the purple hatching on Lear Avenue.

Mr. Miller noted that currently Lear Avenue is being proposed to be upgraded to a 6-lane Expressway; however, the road classifications would be analyzed as part of the Circulation/Traffic Analysis.

Action

- With a 4-1 vote (Spear voted no), the City Council conceptually approved the proposed Modifications to the City's existing Circulation Plan, with the elimination of the proposed Sherman Hoyt Avenue Extension.

General Plan Vision, Guiding Principles, Issues and Objectives Matrix

- Mr. Miller asked if the City Council had any comments, questions or modifications to the clarified Vision, Guiding Principles, Issues and Objectives Matrix.
- The City Council discussed the clarified Matrix.

Councilman Spear asked about water availability and water conservation and where these issues were being addressed.

Mr. Miller indicated that these issues would be addressed in the General Plan's Environmental Impact Report.

Off-Highway Vehicle (OHV) Trails

The Council asked whether Off-Highway Vehicle (OHV) trails were going to be addressed in the General Plan either directly or through the City's trails planning effort.

Mr. Miller highlighted the City's efforts in developing a comprehensive trails system. Mr. Miller noted that the General Plan would incorporate the City's recommendations as part of the General Plan Update.

The City Council discussed OHV trails and how they could be incorporated into the General Plan Update.

Mr. Miller noted that the General Plan would include the City's recommendations as it pertains to OHV trails.

Public Comment

- Several members of the public spoke in support of OHV trails.
 - Noted the need for OHV trails.
 - Noted the economic benefit of OHV trails.
 - Noted the benefits of developing legal OHV trails, which could curve illegal OHV riding.

- Several members of the public spoke in opposition of OHV trails.
 - Noted the environmental impacts that OHV trails could cause and impacts that illegal OHV riding is causing.
 - Noted impacts on quality of life.
 - Noted that the economic benefits of OHV trails were not sufficient to cover the cost of the trails in terms of trail construction, maintenance and security.

The Council asked staff to address OHV trails and provide recommendations for the Council to consider. The Council expressed their desired to incorporate OHV trails as part of the City's comprehensive trails planning effort.

Mr. Miller noted that policies that address OHV trails will be included in the General Plan; however, direction regarding the location of OHV trails needs to be provided by City staff.

Action

- With a 5-0 vote, the City Council conceptually approved the clarified General Plan Vision, Guiding Principles, Issues and Objectives Matrix. The Council also directed the City's Community Services Director to incorporate OHV trails as part of the City's trails planning effort and that alternatives regarding trails, including OHV trails, be presented to the Planning Commission and City Council for review and consideration.

Other Alternatives

- Mr. Miller asked if the City Council wanted to review and consider the alternatives that were not recommended for approval by the Planning Commission.
- The City Council asked Mr. Miller to briefly present the additional alternatives.

Mr. Miller presented the following alternatives:

- Marine Corps Base Buffer
- Potential Industrial Node # 1 – 3
- Revised Potential Industrial Node #1
- Potential Commercial Node #1
- Potential Additional Residential Density #1 and 2

Mayor Flock asked staff whether they had any concerns with the City's existing Industrial Node.

City Manager Tree expressed his concerns with the City's existing Industrial Node as it seems like a large area; however, it is impacted by several natural hazards, thus the developable area is much lower than the 1,000 acres of land currently designed for industrial uses. City Manger Tree noted that Potential Industrial Node #1 or Revised Potential Industrial Node #1 appeared to be the best alternatives, especially if the City opts to construct a centralized sewer system in the vicinity.

The Council discussed the viability of Revised Potential Industrial Node #1 and the impacts that redesignating this property would have on existing property owners.

Mr. Miller indicated that it appears that only two (2) homes have been build within the Revised Potential Industrial Node #1 and that this node is located in proximity to existing truck routes.

Action

- With a 5-0 vote, the City Council conceptually approved the proposed Revised Potential Industrial Node #1. The Council did not approve any of the other additional alternatives.

Next Steps

- Mr. Miller highlighted the next steps in the General Plan Update Work Program, which included the preparation of the draft General Plan and draft Environmental Impact Report with follow up community workshops and meetings before the Planning Commission and City Council by Summer 2010.

Action

- Councilman Klink motioned and Councilman Harris seconded the approval of the selected Alternatives and clarified Matrix.
- With a 5-0 vote, the City Council conceptually approved the Proffered Alternatives as modified by the City Council, the Clarified General Plan Vision, Guiding Principles, Issues and Objectives Matrix and directed the General Plan consultant to prepare the Draft General Plan and Draft Environmental Impact Report.