



(ACT) – ACTION NEEDED
(INF) – INFORMATION ONLY
(DIS) – DISCRETIONARY

A G E N D A

REGULAR MEETING OF THE CITY COUNCIL,
NEEDLES PUBLIC UTILITY AUTHORITY
CITY OF NEEDLES, CALIFORNIA
TUESDAY, FEBRUARY 14, 2023
COUNCIL EXECUTIVE SESSION – **5:00 P.M.**
CITY COUNCIL MEETING – **6:00 P.M.**
CITY COUNCIL CHAMBERS
1111 BAILEY AVENUE, NEEDLES

THE PUBLIC MAY ATTEND VIA TEAMS AND MAY SUBMIT ANY COMMENTS IN WRITING PRIOR TO NOON ON THE DAY OF THE MEETING BY EMAILING djones@cityofneedles.com

TO JOIN THE LIVE TEAMS MEETING log into the City of Needles website at www.cityofneedles.com to access the agenda and [Click here to join the meeting](#)

If asked, enter the following: Meeting ID: 246 542 070#

OR listen in and participate by calling Teams: 1-323-488-2227 - Meeting ID: 246 542 070#

The meetings are being recorded - MASKS ARE ENCOURAGED

CALL TO ORDER
ROLL CALL

RECESS THE CITY COUNCIL MEETING AND CONVENE A JOINT COUNCIL / NPUA MEETING
CALL TO ORDER (Roll Call previously taken)

PUBLIC COMMENTS PERTAINING TO THE EXECUTIVE SESSION ITEMS (A three-minute time limit per person has been established.)

RECESS TO EXECUTIVE SESSION

- a) Conference with Legal Counsel – Existing Litigation (Gov't Code § 54956.9(d)(1))
In re: City of Needles v. Jean E. Jones, et al. - 1202 W. Broadway, California Superior Court-County of San Bernardino (Case No. CIVSB2116334)
- b) Conference with Legal Counsel – Existing Litigation (Gov't Code § 54956.9(d)(1))
In re: City of Needles v. Khilia Scroggins, et al. – 1921 Rio Vista, California Superior Court-County of San Bernardino (Case No. CIVSB2130671)
- c) Conference with Legal Counsel – Existing Litigation (Gov't Code § 54956.9(d)(1))
In re: City of Needles v. Jonathan & Linda Rivera, et al. California Superior Court-County of San Bernardino (Case No. CIVDS2022575)
- d) Conference with Legal Counsel regarding potential initiation of litigation pursuant to Government Code Section 54956.9(d)(4) One (1) potential case
- e) Conference with Legal Counsel Regarding Potential Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4). (one potential case).
- f) NPUA/COUNCIL: - Conference with Legal Counsel regarding potential initiation of litigation pursuant to Government Code Section 54956.9(d)(4) one potential case

EXECUTIVE SESSION – Report by City Attorney

ROLL CALL (Previously Taken)

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

CONFLICT OF INTEREST

CORRESPONDENCE

INTRODUCTIONS

CITY ATTORNEY Parliamentary procedures

As a courtesy to those in attendance, we would ask that cell phones be turned off or set in their silent mode. Thank you.

PUBLIC APPEARANCE – Persons wishing to address the City Council/Needles Public Utility Authority on subjects other than those scheduled are requested to do so at this time. When called by the Mayor, please announce your name and address for the record. In order to conduct a timely meeting, a three-minute time limit per person has been established by Municipal Code Section 2-18. Amendments to the California Government Code Section 54950 prohibits the City Council from taking action on a specific item until it appears on the agenda.

PUBLIC COMMENTS PERTAINING TO NPUA/ COUNCIL ITEMS (A three-minute time limit per person has been established.)

NPUA / COUNCIL CONSENT CALENDAR: All matters listed on the Consent Calendar are considered to be routine and will be enacted by one motion in the form listed. The Mayor or any member of the NPUA / City Council may pull an item from the Consent Calendar for discussion. Prior to NPUA / Council action, a member of the public may address the NPUA / City Council on matters scheduled on the Consent Calendar. A three-minute time limit per person applies. **Recommended Action:** Approve Items 1 through 3 on the Consent Calendar by affirmative roll call vote. (ACT)

- 1) Award Bid to Phillips Excavating, Inc. for the installation portion of the Water Meter Replacement Project in the amount of \$561,306 plus 10% contingency for a total project cost of \$617,437 and authorize staff to execute the Public Works Agreement with Phillips Excavating, Inc. and move forward with the Notice of Award and Notice to Proceed
- 2) Approve Task No. 6 with Petrelli Electric to replace poles in alley between Coronado and Balboa under the Electric Circuit Reliability Program to complete the Electric System Improvements at a cost not to exceed \$202,000 using funds from The Electric System Asset Replacement Fund
- 3) Approve installation of streetlights on the east side of Clary Drive in the amount of \$16,192.36 using the electric asset replacement funds or include the streetlights in the ADP project scope for the west side

REGULAR ITEMS

- 4) NPUA/Council – Adopt the proposed revised NPUA budget for fiscal year ending June 30, 2023, NPUA Resolution 02-14-2023-NPUA amending Resolution 06-14-2022-NPUA (ACT)

RECESS THE JOINT NPUA / COUNCIL MEETING AND RECONVENE THE COUNCIL MEETING

PUBLIC COMMENTS PERTAINING TO THE COUNCIL ITEMS (A three-minute time limit per person has been established.)

- 5) Chamber of Commerce update on Visitor Center (INF)
- 6) General Plan Study Session amending the City Code and Land Use Map associated with the General Plan Update and adoption of a Mitigated Negative Declaration / Initial Study (DIS)

PUBLIC HEARING

- 7) Public hearing noticed to consider all evidence and testimony for or against amending Chapter 8, Finance, Article II, Section 8-9 Purchasing
 - Staff Report
 - Council questions of staff
 - Mayor to open the public hearing
 - Public Comment
 - Mayor to close the public hearing
 - Council Discussion / Deliberation
 - Ordinance No. 658-AC amending Chapter 8 Finance, Article II, Section 8-9 Purchasing (ACT)

CONSENT CALENDAR: All matters listed on the Consent Calendar are considered to be routine and will be enacted by one motion in the form listed. The Mayor or any member of the City Council may pull an item from the Consent Calendar for discussion. Prior to Council action, a member of the public may address the City Council on matters scheduled on the Consent Calendar. A three-minute time limit per person applies. **Recommended Action:** Approve Items 8 through 15 on the Consent Calendar by affirmative roll call vote. (ACT)

- 8) Approve the warrants registers of February 14, 2023
- 9) Award bid to John Simmons Roofing for Bid Alternate No. 2 for roof improvements at 817 Third Street in the amount of \$144,350 with a total project cost of \$158,785 which includes a 10% contingency using \$122,048 from the Admin Facility Property Capital Buildings Fund and the remainder of \$36,737 from General Fund Reserves and authorize staff to issue a Notice of Award and Notice to Proceed
- 10) Accept the proposal from the Fort Mohave Indian Tribe (FMIT) exclusively to provide Cultural Resource Monitoring during construction activities at the Lillyhill Water Booster Pump Station site not to exceed \$30,611.40 using funds from the California State Water Resources Control Board grant and authorize staff to issue a purchase order without the benefit of a competitive bid process
- 11) Accept the proposal submitted by Cyle George and Gabriel Pecina for the Public Art Mural(s) to be painted within the bowls of the Skate Park for an amount not to exceed \$15,000 using funds from the general fund reserves and authorize staff to issue a purchase order
- 12) Authorize a one-time transfer of \$187,844.01 into the Water Infrastructure account and allocate \$7,700 to Needles Tourism, \$13,000 to Fire House Ministries and \$10,000 to the Needles Rodeo Association to be funded by the City’s Coronavirus State and Local Fiscal Recovery Funds (SLFRF) allocation
- 13) Waive the second reading and adopt Resolution 2023-11 changing the Planning Commission Meetings to every 1st Wednesday of the month at 4:00 PM effective February 28, 2023
- 14) Approve a letter from the Mayor supporting Legislation SB14 to include human trafficking as a serious and violent crime under California law

- 15) Approve additional fees of \$7,500 to BNSF Railway Company in accordance with the Barrier for Underpass Agreement and Easement Agreement for the K Street Barrier project

End of Consent

REGULAR ITEMS

PUBLIC COMMENTS PERTAINING TO THE COUNCIL ITEMS (A three-minute time limit per person has been established.)

- 16) Destination 66 Mixed Use Development Agreement and Option update between the city and Ashot Minasian for property generally located at the north west corner of W. Broadway and G Street, APN's 0186-095-04-0000 and 0186-095-03-0000 (ACT)
- 17) Resolution No. 2023-12 authorizing the City Council to assume the governing body responsibilities for the Needles Housing Authority (ACT)
- 18) Authorize those interested to attend the Innovating Commerce Serving Communities (ICSC) Event at the Las Vegas Convention Center on May 21-23, 2023 using funds from the travel per diem account (ACT)
- 19) Authorize those interested to attend the League of California Cities Desert Mountain Division meeting scheduled for February 17, 2023, in Apple Valley using funds from the travel per diem account (ACT)

CITY ATTORNEYS REPORT

CITY MANAGERS REPORT

COUNCIL REQUESTS

Councilmember Campbell
Councilmember McCorkle
Councilmember Merritt
Councilmember Pogue
Councilmember Belt
Councilmember Longbrake
Mayor Jernigan

ADJOURNMENT

INTERNET ACCESS TO CITY COUNCIL AGENDAS AND STAFF REPORT MATERIAL IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS AT

<http://www.cityofneedles.com>

Posted February 10, 2023

SB 343-DOCUMENTS RELATED TO OPEN SESSION AGENDAS -- Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection at the City Clerk's Office, 817 Third Street, Needles, CA 92363.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (760) 326-2113 ext 145. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-104 ADA Title II).

I hereby certify, under penalty of perjury under the laws of the State of California that the foregoing Agenda was posted at the front entrance of City Hall not less than 72 hours prior to the meeting.

Dated this 10th day of February 2023

Dale Jones, CMC, City Clerk