

MINUTES
REGULAR MEETING OF THE CITY COUNCIL / NEEDLES PUBLIC UTILITY AUTHORITY
CITY OF NEEDLES, CALIFORNIA TUESDAY, JANUARY 11, 2022
COUNCIL EXECUTIVE SESSION – 5:30 P.M. CITY COUNCIL MEETING – 6:00 P.M.
CITY COUNCIL CHAMBERS, 1111 BAILEY AVENUE, NEEDLES
THE 5:00 P.M. PORTION OF THE CITY COUNCIL MEETING WAS RECESSED
BY THE CITY CLERK TO 5:30 P.M.

CALL TO ORDER – Vice Mayor Paget at 5:33 p.m.

ROLL CALL

Present: Vice Mayor Paget; Council Members Campbell, Evans via Teams, Merritt, Belt and Longacre.
Also present City Manager Rick Daniels; City Attorney John Pinkney and City Clerk Dale Jones.

PUBLIC COMMENTS PERTAINING TO THE EXECUTIVE SESSION ITEMS - None

RECESSED THE CITY COUNCIL MEETING AND CONVENED A JOINT COUNCIL / NPUA MEETING at 5:35 p.m.

CALL TO ORDER (Roll Call previously taken)

RECESSED TO EXECUTIVE SESSION at 5:36 p.m.

- a) NPUA / COUNCIL: Conference with Legal Counsel regarding existing litigation pursuant to Government Code Section 54956.9(d)(1) (one case: Rio Buena Vista Assoc. Et. Al. v. City of Needles Case Number CIVSB 2028439)

Councilmember Campbell announced she has a conflict of interest regarding item b) because her employer has a conflict with James Babin and left the room.

- b) COUNCIL: Conference with Legal Counsel – Existing Litigation pursuant to (Gov't Code § 54956.9(d)(1) In re: City of Needles v. James Babin, et al. California Superior Court-County of San Bernardino (Case No. CIVSB2111423)

RECESSED THE COUNCIL/NPUA MEETING AND CONVENED THE CITY COUNCIL MEETING at 6:00 p.m.

EXECUTIVE SESSION – Report by City Attorney

No reportable action on item a).

Item b) – Motion to approve a settlement agreement made by Councilmember Evans, second Councilmember Belt.

Ayes: Council Members, Evans, Merritt, Belt and Longacre

Noes: None

Absent: Mayor Williams and Councilmember Campbell

CALL TO ORDER – Vice Mayor Paget

ROLL CALL

Present: Vice Mayor Paget; Council Members Campbell, Merritt, Belt and Longacre. Also present City Manager Rick Daniels; City Attorney John Pinkney and City Clerk Dale Jones. Council Member Evans attended via Microsoft Teams.

INVOCATION led by Vice Mayor Paget

PLEDGE OF ALLEGIANCE given by Councilmember Merritt

APPROVAL OF AGENDA

Councilmember Campbell moved, seconded by Councilmember Belt, to approve the agenda pulling item 9 because there will not be a quorum as submitted. Motion carried by the following roll call vote:

Ayes: Council Members Campbell, Evans, Merritt, Belt and Longacre

Noes: None

Absent: Mayor Williams

Councilmember Merritt moved, seconded by Councilmember Campbell, to grant an excused absence to Mayor Williams. Motion carried by the following roll call vote:

Ayes: Council Members Campbell, Evans, Merritt, Belt and Longacre
Noes: None

CONFLICT OF INTEREST - None

CORRESPONDENCE - None

INTRODUCTIONS – None

CITY ATTORNEY Parliamentary procedures given by City Attorney John Pinkney

PUBLIC APPEARANCE –

Jarod Johnston thanked those who assisted with the recent freeway fire.

Maryann Jones requested an update on the city's old fire engine restoration.

Brian McCorkle voiced his opinion on the cannabis industry, wants the city to be cleaned up, and is there a discrimination policy for code enforcement.

Shawn Gudmundson voiced his opinion that the council needs to move forward with a decision regarding the Chamber of Commerce.

Christian Shafer voiced his concern regarding the unsafe condition on Hwy 95 and E Broadway going to Schultz.

George DeLeon informed council they are ready to move forward with the Chamber of Commerce.

INTERVIEWS

- 1) Interviews / appointments to fill vacancies held on various Board and Commissions, due to resignations and / or expiration of terms

Councilmember Campbell moved, seconded by Councilmember Merritt to appoint Charles Dressler and Jan (Will) Bosboom to the Planning Commission. Motion carried by the following roll call vote:

Ayes: Council Members Campbell, Evans, Merritt, Belt and Longacre
Noes: None
Absent: Mayor Williams

PUBLIC HEARINGS

- 2) Public hearing held - noticed to consider all evidence and testimony for or against amending Chapter 12A "Marijuana" to no longer accept applications for the issuance of Conditional Use Permits for Retail Cannabis Businesses

- 3) Councilmember Longacre left the room because he works in the cannabis industry and has a conflict.

Staff Report given by City Manager Daniels

Council Questions of Staff – Considerable discussion ensued regarding an individual's right to determine the type of business they want to develop on their property.

Mayor to open the public hearing at 6:59 p.m.

Public Comment - Barbara Beard voiced her opinion that it is a constitutional right that citizens can develop their property as they determine.

Tim Terral voiced his opinion that city staff or council should not have the ability to determine what type of business they want to develop.

Jarod Johnston voiced his opinion that the city already has too many cannabis businesses.

Cheryl Montanez spoke in opposition to the proposed change.

Daren Hagar voiced his opinion that the cannabis industry offers good paying jobs and look forward to working with the city.

Bing Lum voiced his concern regarding the locations the cannabis businesses are located.

Mayor to close the public hearing at 7:19 p.m.

Councilmember Evans moved, seconded by Councilmember Belt, to approve Ordinance No. 647-AC amending Chapter 12A "Marijuana" amending Section 12A-32 "Additional Retail Cannabis Business" to no longer accept applications for the issuance of Conditional Use Permits for Retail Cannabis Businesses. Motion **failed** by the following roll call vote:

Ayes: Council Members Evans and Belt
Noes: Council Members Merritt and Campbell
Absent: Mayor Williams and Councilmember Longacre

- 3) Public hearing held -noticed to consider all evidence and testimony for or against amending Chapter 4, Animal Control, regarding un-spayed and un-neutered cats
Staff Report – City Manager Daniels reported.
Council Questions of Staff – Discussion ensued regarding the cost to spay and neuter the animals and euthanasia.
Mayor to open the public hearing 7:20 p.m.
Public Comment
Barbara Beard questioned why our animal shelter cannot provide the service.
Trevor requested why the city cannot pay for the services.
Tim Terral offered to donate to the shelter.
Mayor to close the public hearing at 7:40 p.m.

Councilmember Belt moved, seconded by Councilmember Evans, to approve Ordinance 645-AC amending Chapter 4, Animal Control, related to un-spayed and un-neutered cats. Motion carried by the following roll call vote:

Ayes: Council Members Campbell, Evans, Merritt, Belt and Longacre
Noes: None
Absent: Mayor Williams

PUBLIC COMMENTS PERTAINING TO THE COUNCIL ITEMS

CONSENT CALENDAR:

Councilmember Campbell moved, seconded by Councilmember Belt, to approve the consent calendar items as submitted. Motion carried by the following roll call vote:

Ayes: Council Members Campbell, Evans, Merritt, Belt and Longacre
Noes: None
Absent: Mayor Williams

- 4) Approved the warrants register of December 28, 2021 through January 11, 2022
5) Approved the minutes of October 12, October 26, November 9 and December 14, 2021
6) Waived the reading and adopted Ordinance No. 646-AC amending Chapter 15A "Recreation Area Use" prohibiting glass on city beaches (2nd reading - adopt)
7) Waived the reading and adopted Resolution No. 2022--07 adopting Phase II of the Pay and Classification Study for the City Clerk position
8) Waived the reading and adopted Resolution No. 2022-06 proclaiming a local emergency, ratifying the proclamation of a State of Emergency by Executive Order N-09-21, and authorizing remote teleconference meetings of the legislative bodies of the City of Needles for the period of January 14, 2022 – February 13, 2022, pursuant to provisions of the Ralph M. Brown Act

End of Consent

REGULAR ITEMS

- 9) **Continued** to a subsequent meeting – there was no quorum - Extend the Chamber of Commerce agreement upon the submission of a project plan prepared by a paid qualified project manager who will assure the project completion – Resolution No. No. 2021-69 amending Resolution No. 2021-22 approving an Amendment to the Visitor Center Professional Services Agreement with the Chamber of Commerce and Lease Agreement for the Chamber of Commerce offices located in the Historic El Garces Train Depot OR
Declare the Chamber of Commerce Visitor Center Services Agreement and Lease in default and request the Council Visitor Center Committee to reassess the project and seek other options
- 10) Resolution No. 2022-01 appointing a primary representative and an alternate to the Mojave Desert Air Quality Management District (MDAQMD)
City Manager Daniels reported.
Councilmember Merritt moved, seconded by Councilmember Campbell, to approve Resolution No. 2022-01 appointing a primary representative and an alternate to the Mojave Desert Air Quality Management District (MDAQMD). Motion carried by the following roll call vote:
Ayes: Council Members Campbell, Evans, Merritt, Belt and Longacre
Noes: None
Absent: Mayor Williams
- 11) Resolution No. 2022-02 appointing a delegate and an alternate to represent the City of Needles at the Southern California Association of Governments (SCAG)
Councilmember Merritt moved, seconded by Councilmember Campbell, to approve Resolution No. 2022-02 appointing a delegate and an alternate to represent the City of Needles at the Southern California Association of Governments (SCAG) Motion carried by the following roll call vote:
Ayes: Council Members Campbell, Evans, Merritt, Belt and Longacre
Noes: None
Absent: Mayor Williams
- 12) Resolution No. 2022-03 appointing a City of Needles representative and an alternate to San Bernardino County Transportation Authority (SBCTA)
Councilmember Merritt moved, seconded by Councilmember Campbell, to approve Resolution No. 2022-03 appointing a City of Needles representative and an alternate to San Bernardino County Transportation Authority (SBCTA). Motion carried by the following roll call vote:
Ayes: Council Members Campbell, Evans, Merritt, Belt and Longacre
Noes: None
Absent: Mayor Williams
- 13) Resolution No. 2022-04 appointing a City of Needles Director and alternates to the California Joint Powers Insurance Authority (CJPIA)
Councilmember Merritt moved, seconded by Councilmember Campbell, to approve Resolution No. 2022-04 appointing a City of Needles Director and alternates to the California Joint Powers Insurance Authority (CJPIA) Motion carried by the following roll call vote:
Ayes: Council Members Campbell, Evans, Merritt, Belt and Longacre
Noes: None
Absent: Mayor Williams
- 14) Resolution No. 2022-05 appointing a primary and an alternate to the Mojave Desert & Mountain Integrated Waste Joint Powers Authority Board who will also serve as the delegate and alternate to the Solid Waste Advisory Task-Force (SWAT) (ACT)
Councilmember Merritt moved, seconded by Councilmember Campbell, to approve Resolution No. 2022-05 appointing a primary and an alternate to the Mojave Desert & Mountain Integrated Waste Joint Powers Authority Board who will also serve as the delegate and alternate to the Solid Waste Advisory Task-Force (SWAT). Motion carried by the following roll call vote:
Ayes: Council Members Campbell, Evans, Merritt, Belt and Longacre

Noes: None
Absent: Mayor Williams

CITY ATTORNEYS REPORT – Given by City Attorney

CITY MANAGERS REPORT - Given by City Manager Daniels

COUNCIL REQUESTS

Councilmember Campbell voiced her opinion that the city needs a place for trucks to park and the cannabis industry has provided funding for infrastructure improvements and have participated in volunteer projects.

Councilmember Evans voiced his concern over the utility rates.

Councilmember Merritt inquired about moving forward with the fire truck refurbishment and the cannabis odor in town.

Councilmember Belt asked if the pool can be worked on, update on the Colorado River Bridge and inquired about the K Street underpass.

Councilmember Longacre inquired about cleaning up the graffiti at the skate park.

ADJOURNMENT at 8:17 p.m.

ATTEST:



Vice Mayor



City Clerk

