

MINUTES

**REGULAR MEETING OF THE CITY COUNCIL
NEEDLES PUBLIC UTILITY AUTHORITY
HOUSING AUTHORITY CITY OF NEEDLES
CITY OF NEEDLES, CALIFORNIA
CITY COUNCIL CHAMBERS
1111 BAILEY AVENUE, NEEDLES**

**TUESDAY, SEPTEMBER, 12, 2023
COUNCIL EXECUTIVE SESSION – 5:00 P.M.
CITY COUNCIL MEETING – 6:00 PM**

CALL TO ORDER - Mayor Jernigan called the meeting to order at 5:03 pm

ROLL CALL

PRESENT

Council Member Ellen Campbell
Council Member Jamie McCorkle
Mayor Janet Jernigan
Council Member JoAnne Pogue
Council Member Henry Longbrake

ABSENT

Vice Mayor Kirsten Merritt arrived at 5:29 p.m.
Council Member Tona Belt arrived at 5:09 p.m.

Also in attendance were City Manager Rick Daniels, Assistant City Manager Patrick Martinez, City Attorney John Pinkney and City Clerk Dale Jones.

RECESSED THE CITY COUNCIL MEETING AND CONVENE A JOINT COUNCIL / NPUA / HACN MEETING

PUBLIC COMMENTS PERTAINING TO THE EXECUTIVE SESSION ITEMS – None

RECESSED TO EXECUTIVE SESSION at 5:06 pm

EXECUTIVE SESSION

Council Member McCorkle declared a conflict on a) as she lives in close proximity to this property and did not participate.

Council Member Pogue and Campbell declared a conflict on b) as they both have sons who work for the business involved in this litigation and did not participate.

Mayor Jernigan declared a conflict because her business is in close proximity to the property and did not participate.

- a) NPUA / COUNCIL: Conference with Legal Counsel regarding existing litigation pursuant to Government Code §54956.9(d)(1) (one case: Rio Buena Vista Assoc. Et. Al. v. City of Needles: Case Number CIVSB 2028439) – No Reportable Action
- b) NPUA / COUNCIL: Conference with Legal Counsel Regarding Potential Initiation of Litigation Pursuant to Government Code §54956.9(d)(4). (one potential case) involving MIH

City Attorney Pinkney reported that Council authorized staff to retain special legal counsel GreenbergTraurig regarding a dispute with MIH related cannabis entities.

NPUA and COUNCIL:

Ayes: Members McCorkle, Merritt, Belt and Longbrake

Noes: None
 Absent: Members Campbell and Pogue

- c) COUNCIL: Conference with Legal Counsel Regarding Potential Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4). One case

A motion to initiate litigation against Ashot Minasian to enforce an option agreement dated February 26, 2021. Council Members Campbell, McCorkle, Belt, Pogue, and Longbrake voted in favor.

- d) COUNCIL: Conference with real property negotiator pursuant to Government Code §54956.8: Agency negotiator City Manager Rick Daniels or his designee. Negotiating Parties are the City of Needles as the potential lessor and The LAMAR Companies as the potential lessee of the property located on APN 0186-201-03-0000 generally located near Arizona Avenue and I-40. Under negotiations are the price and terms - No Reportable Action

EXECUTIVE SESSION – Report by City Attorney John Pinkney as noted above

CALL TO ORDER - Mayor Jernigan called the meeting to order at 6:04 pm

ROLL CALL

PRESENT

Council Member Ellen Campbell
 Council Member Jamie McCorkle
 Vice Mayor Kirsten Merritt
 Mayor Janet Jernigan
 Council Member JoAnne Pogue
 Council Member Tona Belt
 Council Member Henry Longbrake

PLEDGE OF ALLEGIANCE led by Mayor Jernigan

INVOCATION given by Council Member Campbell

APPROVAL OF AGENDA

Council Member Pogue moved, second by Council Member Campbell to approve the agenda.

Ayes: Council Members Campbell, McCorkle, Merritt, Pogue, Belt, and Longbrake

Noes: None

Absent: None

CONFLICT OF INTEREST – Assistant City Manager Patrick Martinez declared a conflict of interest on Agenda Item 27 as he lives within 500' of the property in question. Mayor Jernigan declared a conflict of interest on Agenda Item 28 as she has been involved with the operations of El Garces. Council Member Belt recused herself from Agenda Item 27 as she lives in proximity of the property.

CORRESPONDENCE - None

INTRODUCTIONS - None

CITY ATTORNEY – Parliamentary Procedures given by City Attorney John Pinkney

PUBLIC APPEARANCE

Dyrell Jones spoke regarding claims against a city official falsifying documents and abusing his authority; requested city staff take action before he proceeds further.

Robert Yee invited everyone to attend the 10/10 Celebration 50th Anniversary Event on Tuesday, October 10, 2023; gave history of event and thanked officials for past participation; thanked water department for quick response in dealing with water leaks.

Pastor Jim Jones thanked Rick Daniels for his service as City Manager; reported missing stop signs in his neighborhood that have not been replaced; pothole in pavement in front of his clergy house at 807 Bush Street; overgrown mesquite trees in front of water station on Bush Street impeding traffic.

Lindsey Payson thanked city staff regarding quick response to addressing erosion on sidewalk on Lilly Hill.

PRESENTATIONS

- 1) Dale Jones, City Clerk, administered the Oath of Office to Nancy Huff, Director of Development Services and Angelica Deerner, Housing Authority Manager

PUBLIC COMMENTS PERTAINING TO THE HACN / COUNCIL ITEMS - None

HACN / COUNCIL CONSENT CALENDAR:

Member/Council Member Pogue moved, second by Member/Council Member Campbell to approve HACN/Council consent items 2 through 3. Motion carried by the following roll call vote:

Ayes: Member/Council Members Campbell, McCorkle, Merritt, Jernigan, Pogue, Belt, and Longbrake

Noes: None

Absent: None

- 2) Authorized implementation of new policy for pre-employment background checks of prospective employees in the position of Maintenance Construction Worker assigned to the Housing Authority of the City of Needles
- 3) Waived the reading and adopted Resolution No. 2023-53 naming the Needles City Manager as the Executive Director of the Housing Authority of the City of Needles

End of Consent

PUBLIC HEARINGS

- 4) COUNCIL: Public hearing noticed to consider all evidence and testimony for or against an update to the Needles Zoning Code Development Standards was **continued to October 10, 2023**
- 5) COUNCIL: Public hearing held to consider all evidence and testimony for or against amending Section 13-44 to prohibit stopping, standing, or parking at the Electric Vehicle Charging Stations unless the vehicle is connected for electric charging

Assistant City Manager Patrick Martinez reported, council asked questions and minimal discussion ensued.

Mayor Jernigan opened the public hearing at 6:28 pm

No Public Comment

Mayor Jernigan closed the public hearing at 6:28 pm

Council Member Campbell moved, second by Council Member Pogue to approve Ordinance No. 664-AC amending Section 13-44 to prohibit stopping, standing or parking at the Electric Vehicle Charging Stations unless the vehicle is connected for electric charging violators are subject to towing. Motion carried by the following roll call vote:

Ayes: Council Members Campbell, McCorkle, Merritt, Pogue, Belt, and Longbrake

Noes: None

Absent: None

- 6) HOUSING AUTHORITY: Public hearing noticed to consider all evidence and testimony for or against the Housing Authority Civil Rights Certification Housing Plan

Assistant City Manager Patrick Martinez reported, council asked questions and minimal discussion ensued.

Mayor Jernigan opened the public hearing at 6:32 pm

No Public Comment

Mayor Jernigan closed the public hearing at 6:32 pm

Council Member Campbell moved, second by Council Member McCorkle to accept and file the Civil Rights Certification with the United States Department of Housing and Urban Development. Motion carried by the following roll call vote:

Ayes: Member/Council Members Campbell, McCorkle, Merritt, Jernigan, Pogue, Belt, and Longbrake

Noes: None

Absent: None

PUBLIC COMMENTS PERTAINING TO THE COUNCIL / NPUA ITEMS - None

NPUA / COUNCIL CONSENT CALENDAR:

Council Member Pogue pulled NPUA/Council Consent Item 9 for discussion. Rainie Torrance addressed concerns regarding specific requirements on rebates for energy efficiency upgrades on electric appliances.

Council Member Belt pulled NPUA/Council Consent Item 8 for discussion. Rainie Torrance addressed council questions.

Member/Council Member Merritt moved, second by Member/Council Member Campbell to approve NPUA/Council consent items 7 through 9. Motion carried by the following roll call vote:

Ayes: Member/Council Members Campbell, McCorkle, Merritt, Jernigan, Pogue, Belt, and Longbrake

Noes: None

Absent: None

- 7) Accepted the AB32 Greenhouse Gas (GHG) Emission Verification Report 2022 Emissions prepared by WZI Inc. and authorized the Mayor to send a letter to CARB and requesting a review of the unintended financial hardship and provide relief to avoid such financial hardship
- 8) Authorized Brooks Consulting Electrical Engineering support services for FY24 not to exceed \$15,000 to be funded by electric operations and maintenance budget
- 9) Adopted the Energy Efficiency Rebate Program dated September 12, 2023

End of Consent

ADJOURNED THE JOINT COUNCIL / NPUA / HACN MEETING AND RECONVENED THE CITY COUNCIL MEETING at 6:39 pm

PUBLIC COMMENTS PERTAINING TO THE COUNCIL ITEMS - None

CONSENT CALENDAR

Council Member McCorkle pulled Council Consent Item 17 for discussion. City Manager Rick Daniels addressed Item 17 regarding Fire Truck restoration costs being carried over from last Fiscal Year.

Council Member Belt pulled Council Consent Items 12 and 20 for discussion. City Manager Rick Daniels addressed Item 12 regarding Planning Consultant due to vacant City Planner position. City Manager Rick Daniels addressed Item 20 regarding surplus property in Arizona.

Council Member Campbell moved, second by Council Member Merritt to approve Council consent items 10 through 23. Motion carried by the following roll call vote:

Ayes: Council Members Campbell, McCorkle, Merritt, Pogue, Belt, and Longbrake

Noes: None

Absent: None

- 10) Approved the Warrants Registers dated August 22 and September 12, 2023
- 11) Approved the Minutes of August 8, 2023
- 12) Approved Second Amendment to On-Call Development Review Consulting Services Agreement between the City and Michael Baker International for Planning Consultant Services in the amount not to exceed \$80,000
- 13) Waived the reading and adopted Resolution No. 2023-50 authorizing the city manager or his designee, the community services manager, to purchase one (1) 18-Passenger Transit Vehicle for use by the Needles Area Transit budgeted at \$170,000 to be reimbursed by SBCTA
- 14) Waived the reading and adopted Resolution No. 2023-49 approving the Title VI Compliance Plan for the Needles Area Transit
- 15) Ratified the agreement with Nichols Consulting to continue applying for State of California reimbursements for state mandated costs to the city, increase the General Fund FY 24 by \$52,493, approve the 20 percent contingency of \$10,500 payable to Nichols Consulting and future revenue and expenses as needed
- 16) Authorized the Mayor to sign a petition supporting Senate Bill 14 to combat human trafficking
- 17) Approved a single source purchase from Vintage Vehicle Restorations Inc for \$16,775, sales tax of \$1,301 and estimated shipping of \$500 for a total of \$18,576 for the Fire Truck restoration using funds from the general fund reserves
- 18) Awarded the base bid for the Jack Smith Park Walking / Biking Trail Improvements project to Western Construction Specialist, Inc. for a total bid amount of \$134,965.30, total project cost of \$148,462 including 10% contingency, funded by a grant awarded by the California Department of Parks and Recreation through the 2018 Parks Bond Act per capital program and authorized staff to execute a Public Works Agreement with the Contractor and issue a Notice of Award and Notice to Proceed
- 19) Awarded the base bid for the Duke Watkins Park Pump Track project to Three Peaks Corp. for a total bid amount of \$534,716 funded by a grant awarded by the Statewide Park Development and Community Revitalization Program and authorized staff to execute a Public Works Agreement and issue a Notice of Award and Notice to Proceed
- 20) Waived the reading and adopted Resolution No. 2023-54 accepting the purchase and sale agreement between the city and Robert Raskin, representative of Colorado River Properties LLC, with respect to the real property located at the Southeast Corner of East South Lake Drive and South Riverfront Parkway, Mohave Valley, Arizona also known as Mohave County Assessor's Parcel No. 216-14-007
- 21) Ratified the action taken by the City Manager to accept grant funding for the City Hazard Mitigation Plan update from the California Governor's Office of Emergency Services (Cal OES) for the FEMA Hazard Mitigation Grant Program (HMGP) and waive the reading and adopt Resolution No. 2023-52 for Designation of Applicant's Agent to execute for and on behalf of the City for the purpose of obtaining Federal Financial Assistance for any existing or future grant program listed in the resolution

- 22) Waived the reading and adopted Resolution No. 2023-51 authorizing the city manager or designee to submit an application and accept funding for Strategic Growth Council (SGC) under the Community Resilience Center (CRC) Program
- 23) Authorized the Mayor to send a letter in support of Permanent Implementation of Daylight Savings Time

**END OF CONSENT CALENDAR
REGULAR COUNCIL ITEMS**

- 24) Waived the reading and adopted Ordinance No. 662-AC amending Chapter 9 "Fire Protection" Section 9-1 to adopt the San Bernardino County Fire Protection District Fire Ordinance FPD 23-01 referencing its version of the 2022 Edition of the California Fire Code subject to modifications referenced herein and rescinding prior Ordinance No. 630-AC (2nd reading – publish)

City Manager Rick Daniels gave staff report.

Council Member Pogue moved, second by Council Member Campbell to waive the reading and adopt Ordinance No. 662-AC amending Chapter 9 "Fire Protection" Section 9-1 to adopt the San Bernardino County Fire Protection District Fire Ordinance FPD 23-01 referencing its version of the 2022 Edition of the California Fire Code subject to modifications referenced herein and rescinding prior Ordinance No. 630-AC Motion carried by the following roll call vote:

Ayes: Council Members Campbell, McCorkle, Merritt, Pogue, Belt, and Longbrake
Noes: None
Absent: None

- 25) Provide staff direction regarding parking alternatives for the El Garces on "G" Street and Front Street

City Manager Rick Daniels gave staff report.

Council Member Campbell moved, second by Council Member Longbrake to approve the proposed changes per the diagram for the El Garces on "G" Street and Front Street,

Ayes: Council Members Campbell, McCorkle, Merritt, Pogue, Belt, and Longbrake
Noes: None
Absent: None

- 26) Provide staff direction regarding parking alternatives on Lilly Hill Drive west of Clary Drive

City Manager Rick Daniels gave staff report.

Council Member Campbell moved, second by Vice Mayor Merritt to review parking alternatives on Lilly Hill Drive west of Clary Drive

Ayes: Council Members Campbell, McCorkle, Merritt, Pogue, Belt, and Longbrake
Noes: None
Absent: None

- 27) Provide staff direction on Tentative Parcel Map 20388 subdividing 6.5 acres +/- into 2 parcels located in the R2 (Two Family Residential Zone), APN 0185-233-55 located behind 1335 Lilly Hill Drive and consider possible sale

City Manager Rick Daniels gave staff report.

Council Member Belt declared a conflict because she lives in proximity of the property and left the room.

Vice Mayor Merritt moved, second by Council Member Campbell to bring this back to council and schedule a public hearing on Tentative Parcel Map 20388 subdividing 6.5 acres +/- into 2 parcels located in the R2 (Two Family Residential Zone), APN 0185-233-55 located behind 1335 Lilly Hill Drive.

Ayes: Council Members Campbell, McCorkle, Merritt, Pogue, and Longbrake

Noes: None
Absent: Councilmember Belt

- 28) Provide staff direction regarding the El Garces operational policies and procedures

Mayor Jernigan declared a conflict because she has participated in the El Garces operational policies and procedures and left the room.

City Manager Rick Daniels gave staff report.

Council discussion ensued.

Judy Thornton spoke representing the Needles Tourism Committee.

Further Council discussion ensued.

Council Member Longbrake moved, second by Council Member Campbell, to have staff draft a memorandum of understanding regarding the El Garces operational policies and procedures.

Ayes: Council Members Campbell, McCorkle, Pogue, Belt, and Longbrake

Noes: None

Absent: Mayor Jernigan

- 29) Concur with the creation of a Utility Manager position, setting employment terms and conditions, and endorse the City Manager's intent to appoint Rainie Torrance as Utility Manager effective October 6, 2023 – salary \$185,000 as adjusted by the city manager on an annual basis in compliance with SB1436 and incorporate into the salary schedule for FY 2023-2024 budget

City Manager Rick Daniels gave staff report and discussion ensued.

Council Member Longbrake moved, second by Council Member Pogue to concur with the creation of Utility Manager position, setting employment terms and conditions, and endorse the City Manager's intent to appoint Rainie Torrance as Utility Manager effective October 6, 2023 – salary \$185,000 as adjusted by the city manager on an annual basis in compliance with SB1436 and incorporate into the salary schedule for FY 2023-2024 budget.

Ayes: Council Members Campbell, McCorkle, Merritt, Pogue, Belt, and Longbrake

Noes: None

Absent: None

Presentation of a plaque given to City Manager Rick Daniels by Mayor Jernigan recognizing his accomplishments as City Manager.

CITY ATTORNEY REPORT

Given by City Attorney John Pinkney

CITY CLERK REPORT

Given by City Clerk Dale Jones

CITY MANAGER REPORT

Given by City Manager Rick Daniels

COUNCIL REQUESTS

Councilmember Campbell asked about the status of BNSF road by K Street Bridge; asked about El Monte Street; thanked Code Enforcement and Sheriff's department for handling motor homes being parked on streets; thanked Public Works for Sandbags; thanked City Manager Rick Daniels for guidance to her as a council member and thanked his wife Joyce for her patience and allowing the City to share her time.

Councilmember McCorkle reported on K Street underpass people not stopping for oncoming traffic; asked about detour signs to prevent turn around issues at the bridge; reported after hours utilities call service is essential and a huge benefit; deadlines for Needles Visitor and Relocation Guide advertisements; acknowledged City Manager Rick Daniels for his reputation and knowledge.

Vice Mayor Merritt acknowledged city staff for preparedness on hurricane threat; praised City Manager Rick Daniels for being so knowledgeable and thanked his wife, Joyce, for sharing time with our City.

Council Member Pogue reported on Emergency Preparedness success for the anticipated hurricane; thanked City Manager Rick Daniels for his response, encouragement, and follow-through.

Councilmember Belt reported on the CJPIA Annual Meeting she attended; participated in "learn the beat" partnership with local first responders to teach 8th graders CPR; reported on the upcoming 2nd annual dyslexia awareness golf tournament October 14 at Rivers Edge Golf Course; joined MAPPED (Mohave Area Partnership Promoting Educated Decisions) upcoming event Recovery in the Park on Saturday, September 23, 11-1pm; Laughlin Chamber of Commerce Community Achievement Award in November; attended Chamber Mixer; place on agenda Employee Christmas Party schedule and create ad hoc committee; wants to look into permit costs; acknowledged City Manager Rick Daniels and his success and expressed appreciation for his accessibility and family attitude.

Councilmember Longbrake thanked City Manager Rick Daniels and acknowledged his ability to handle people of all different energy levels and delegate issues efficiently; reported K-TOX owner wants to do live broadcast of City Council meetings; reported that graffiti is on the rise again; citizen reported that she was not allowed to walk her new kindergartner to the classroom; mobile home park on Coronado has issues with gate access for emergency vehicles; received complaints from a neighbor about a maintenance worker at the park being loud and abusive; reported SOAR (Stop Overdose Addiction Resources) will be at the Recovery in the Park event on Saturday, September 23, 11-1 and he will be attending with Tundra.

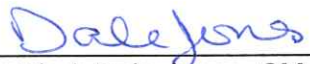
Mayor Jernigan attended 9-11 Ceremony at the Elks Lodge; last week Findlay Chevrolet hosted an event and recognized Needles and the Recreation Department.

ADJOURNMENT

Mayor Jernigan adjourned the meeting at 8:15 pm

ATTEST:


Mayor Jernigan


City Clerk Dale Jones, CMC