

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
NEEDLES PUBLIC UTILITY AUTHORITY
CITY OF NEEDLES, CALIFORNIA TUESDAY, JANUARY 25, 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 WILL BE RECESSED
BY THE CITY CLERK TO 5:30 P.M.

CALL TO ORDER –Vice Mayor Paget called the meeting to order at ????

ROLL CALL

Present: Mayor Williams arrived at 5:58 p.m., Vice Mayor Paget; Council Members Campbell, Evans, Merritt, Belt and Longacre. Also present City Manager Rick Daniels; Assistant City Manager Patrick Martinez, City Attorney John Pinkney and City Clerk Dale Jones.

PUBLIC COMMENTS PERTAINING TO THE EXECUTIVE SESSION ITEMS

RECESS TO EXECUTIVE SESSION – Vice Mayor Paget at 5:30 p.m.

Councilmember Belt announced she has a conflict because she lives close to the property and did not participate, staff announced that Mayor Williams also has a conflict because he lives close to the property.

- a) 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 seller and Elks Lodge as the potential buyer of the real property described as 1.17 acres located on Lillyhill Drive west of the Elks Lodge, APN 0185-331-22-0000. Under negotiations are the price and terms.

EXECUTIVE SESSION – Report by City Attorney – No reportable action

CALL TO ORDER – Mayor Williams called the meeting to order at 6:04 p.m.

ROLL CALL

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

INVOCATION led by Mayor Williams

PLEDGE OF ALLEGIANCE given by Vice Mayor Paget

APPROVAL OF AGENDA

Councilmember Belt moved, seconded by Councilmember Paget, to approve the agenda as submitted.

Motion carried by the following roll call vote:

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

CONFLICT OF INTEREST – Councilmember Longacre announced he has a conflict with agenda items 7, 8,10, 11 and 12 because he works in the cannabis industry.

CORRESPONDENCE – Additional applicant for Park and Recreation Commission, Cindy Melvin. Correspondence in opposition to 109 N L from Tim Aceves, Damon Axelrod, Adrian Coker, Joseph Fonner, Twyla Walker and Richard Williamson.

INTRODUCTIONS - None

CITY ATTORNEY Parliamentary procedures - None

PUBLIC APPEARANCE –

Logan Knox spoke to council regarding pump tracks at the skate park.

Jared Johnston voiced his concern regarding the abundance of cannabis facilities in our city and the odor and how it will affect the future of Needles.

MaryAnne Jones informed council of the museum activities.

PUBLIC HEARINGS

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

City Manager Daniels reported.

Applicants Merlin Willis, Suzanne Torres and David Upton introduced themselves.

Councilmember Merritt moved, second by Councilmember Evans to appoint Cindy Melvin to the Park and Recreation Commission. Motion carried by the following roll call vote:

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

Councilmember Merritt moved, seconded by Councilmember Campbell, to appoint Norma Jean Williams to the Cemetery Commission. Motion carried by the following roll call vote:

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

- 2) Extend the Chamber of Commerce lease agreement with amendments – Resolution No. 2021-69 amending Resolution No. 2021-22 approving amending the Lease Agreement with the Chamber of Commerce for the offices located in the Historic El Garces Train Depot OR
Declare the Chamber of Commerce Visitor Center Services Agreement and Lease Agreement in default and request the Council Visitor Center Committee to reassess the project and seek other options

Councilmember Evans and Vice Mayor Paget left the room due to conflicts.

City Manager Daniels reported and considerable discussion ensued.

George DeLeon and Steve Cropsy informed council of their progress and plan to complete the improvements by July 11 should there not be material or labor delays.

City Attorney Pinkney compared the original Section 21 and the proposed Section 21 discussing “force majeure”. Continued discussion ensued.

Councilmember Campbell moved, seconded by Councilmember Belt, to extend the Chamber of Commerce lease agreement with amendments – adopt Resolution No. 2021-69 amending Resolution No. 2021-22 approving amending the Lease Agreement with the Chamber of Commerce for the offices located in the Historic El Garces Train Depot. Motion **failed** by the following roll call vote:

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

Mayor Williams Recessed the City Council Meeting and Convened a Joint Council / NPUA Meeting at 7:10 p.m.

CALL TO ORDER (Roll Call previously taken)

NPUA / COUNCIL CONSENT CALENDAR:

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

Member/Council Members Campbell, Evans, Merritt, Paget, Belt, Longacre and Williams
Noes: None
Absent: None

- 3) NPUA / COUNCIL: Authorized TKE Engineering Inc. to develop plans, specifications, bidding assistance, and project management for standby generators for wells 15 and 16 not to exceed \$11,550 to be funded by the Water Capital Improvement Fund
- 4) NPUA / COUNCIL: Authorized Brooks Consulting to develop plans for the 69kV line for future load growth not to exceed \$18,000 to be funded by electric operating expenses
- 5) NPUA / COUNCIL: Authorized Epic Engineering to complete the construction management for the L Street booster station project in an amount not to exceed \$20,904 and an additional \$5,000 for design work for a total cost not to exceed \$25,904 to be partially funded under a Supplemental Environmental Project (SEP) and the balance to be reimbursed by the State Water Resources Control Board
- 6) NPUA / COUNCIL: Authorized Simon Sewer Maintenance to complete three manhole geopolymer rehabilitations in the amount of \$13,500, wastewater plant transfer well no. 1 lift station geopolymer rehabilitation in the amount of \$11,375, and wastewater plant transfer well no. 2 lift station geopolymer rehabilitation in the amount of \$11,375 for a total project cost not to exceed \$36,250 to be funded by Wastewater Asset Replacement Funds

End of Consent

RECESSED THE COUNCIL/NPUA MEETING AND CONVENE THE CITY COUNCIL MEETING at 7:14 p.m.

PUBLIC HEARINGS

- 7) Public hearing held - noticed to consider all evidence and testimony for or against approval of the application from Mr. John E. Bistagne representative for "Route 66 Farms LLC", for a Conditional Use Permit for a two-phase, cannabis cultivation facility, phase one existing building 1, 4,520 sq. ft. and phase two, a new two story 14,324 sq. ft. building located at 315 Balboa in a C-3 Highway Commercial Zone, also known as Assessor's Parcel Number 0660-081-21
Councilmember Longacre left the room due to a conflict, he works in the cannabis industry.
Staff Report – Assistant City Manager gave a PowerPoint presentation and discussion ensued regarding odor.
Mayor to open the public hearing at 7:26 p.m.
Public Comment

Applicant Comments – Cheryl Montanez informed council of the system they will be using to mitigate the odor.

Comments in Favor

Comments Opposed – Jared Johnston thought this was an appropriate location for a cannabis facility.

Applicant Rebuttal

Mayor to close the public hearing at 7:26 p.m.

Councilmember Merritt moved, seconded by Councilmember Campbell, to approve Resolution No. 2022-13 approving a Conditional Use Permit for a two-phase development of a cannabis cultivation facility totaling 19,340 sq. ft. located at 315 Balboa in a C-3 Highway Commercial Zone, APN 0660-081-21. Motion carried by the following roll call vote:

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

Noes: None

Absent: Councilmember Longacre

- 8) Public hearing held - noticed to consider all evidence and testimony for or against approval of an application from Mr. Gregory Lucas to change the General Plan designation for 109 N "L" Street,

also known as APN 0185-111-84-0000 from "Medium Density Residential" to "Industrial". Said property is located near the BNSF railroad underpass at Front Street and "K" Street.

AND

Public hearing held - noticed to consider all evidence and testimony for or against approval of an application from Mr. Gregory Lucas to change the Zoning designation for 109 N "L" Street, also known as APN 0185-111-84-0000 from "Multiple Family Residential" (R-3) to "Light Manufacturing" (M-1). Said property is located near the BNSF railroad underpass at Front Street and "K" Street

Councilmember Longacre left the room due to a conflict as he works in the cannabis industry.

Staff Report Assistant City Manager Martinez gave a PowerPoint presentation.

Council Questions of Staff and discussion ensued.

Mayor to open the public hearing 7:40 p.m.

Public Comment

Comments in Favor

Comments Opposed – Jared Johnston objected to changing the zoning, it is a residential area and not appropriated for the proposed cannabis business. Dan, a local resident was concerned about the proposed business location. Tim Terrall voiced his opinion that this location is not appropriate for proposed business and it will destroy the neighborhood. Barbara Beard informed council that the Planning Commission to deny this request, it should stay a residential neighborhood. Shawn Gudmundson this would change the whole demeanor of the area.

Applicant Rebuttal – Mark, the applicant addressed council that he is here to develop the city and this location has been vacant for over 30 years and the cannabis business will generate large revenues for the city.

Mayor to close the public hearing at 8:00 p.m.

Council Discussion / Deliberation – Considerable discussion ensued.

Motion to **continue the public hearing to February 22, 2022** regarding Resolution No. 2022-09 approving a proposed General Plan amendment from a Residential Medium Density (RM) designation to an Industrial Designation and approving a proposed zone change from a Multi-Family Residential (R-3) to Light Manufacturing (M-1) for the parcel located at 109 N "L" Street, APN 0185-111-084-0000. Motion carried by the following roll call vote:

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

Noes: None

Absent: Councilmember Longacre

9) Pulled from agenda

10) Public hearing noticed to consider all evidence and testimony for or against approval of an application from Mr. Gregory Lucas for a Conditional Use Permit for a cannabis cultivation facility in the "Light Manufacturing" (M-1) zone, at 109 N "L" Street, also known as APN 0185-111-84-0000. Said property is located near the BNSF railroad underpass at Front Street and "K" Street **was continued to February 22, 2022**

11) Public hearing noticed to consider all evidence and testimony for or against approval of an application from Mr. Gregory Lucas for a Conditional Use Permit for a cannabis distribution facility in the "Light Manufacturing" (M-1) zone, at 109 N "L" Street, also known as APN 0185-111-84-0000. Said property is located near the BNSF railroad underpass at Front Street and "K" Street **was continued to February 22, 2022**

12) Application from Mr. Curtis Devine, representative for Mohave Cannabis Club, for a Conditional Use Permit for a cannabis retail business, located at 1409 Needles Highway and 113 Needles Highway, in the C-2 General Commercial Zone, APN 0185-066-19-0000 and 0185-066-23-0000 **has been continued to February 8, 2022**

PUBLIC COMMENTS PERTAINING TO THE COUNCIL ITEMS - None

CONSENT CALENDAR:

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

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

- 13) Approved the warrants register through January 25, 2022
- 14) Authorized the City Manager to execute an Independent Contractor Consulting Agreement with Registered Nurse (RN) Patricia Scott to administer Employee Covid Rapid Tests not to exceed \$100/hour to be funded by each department being tested and reimbursed by the city's second allocation of Cares Act Funding expected in June 2022
- 15) Authorized payment to Daniell's Septic in the amount of \$425 for the Holiday Fun Fair event using funds from account 101-1030-414-61.45 (customer/employee relation)
- 16) Waived the reading and adopt Resolution No. 2022-14 approving a Professional Services Agreement with Mark A. Marnati as the City of Needles Hearing Officer for an amount not to exceed \$10,000 using General Funds and authorized the mayor to sign the agreement
- 17) Waived the reading and adopt Ordinance 645-AC amending Chapter 4, Animal Control, related to un-spayed and un-neutered cats (2nd reading – publish)
- 18) Resolution No. 2022-08 authorizing the California Department of Water Resources Grant Application, Acceptance and Execution for the City of Needles Golf Course Irrigation Efficiency Project Phase 1 and 2

End of Consent

REGULAR ITEMS

- 19) Discussion regarding First Beach Park Design using funds from the Clean California Local Grant Program if awarded

City Manager Daniels reported.

Councilmember Campbell moved, seconded by Councilmember Belt, to approve First Beach Park Design using funds from the Clean California Local Grant Program if awarded Motion carried by the following roll call vote:

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

CITY ATTORNEY reported

CITY MANAGER reported

COUNCIL REQUESTS

Councilmember Campbell requested an update on the old hospital Broadway property and trucks are parking in the red zone by the Indian restaurant.

Councilmember Evans voiced his concern regarding incorrect utility meter reads.

Councilmember Longacre announced that there will be a community clean up in March.

ADJOURNMENT at 8:40 p.m.

Mayor

ATTEST:

City Clerk

