

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
NEEDLES PUBLIC UTILITY AUTHORITY
CITY OF NEEDLES, CALIFORNIA - TUESDAY, MAY 24, 2022
COUNCIL EXECUTIVE SESSION – 5:00 P.M. - CITY COUNCIL MEETING – 6:00 P.M.
CITY COUNCIL CHAMBERS - 1111 BAILEY AVENUE, NEEDLES

CALL TO ORDER

Mayor Williams called the meeting to order at 5:11 p.m.

ROLL CALL

Present: Mayor Williams, Vice Mayor Paget, Council Members Campbell, Evans (via teleconference during executive session), Merritt (arrived at 5:33 p.m.), Belt and Longacre. Also present City Manager Rick Daniels, Assistant City Manager Patrick Martinez, City Attorney John Pinkney and City Clerk Dale Jones.

RECESS THE CITY COUNCIL MEETING AND CONVENED A JOINT COUNCIL / NPUA MEETING at 5:16 p.m.

- a) 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 seller and William Cavanaugh as the potential buyer of a portion of the property described as a 4.59 acre vacant parcel, generally located South of W. Broadway Street and West of the S Street Flood Control Channel; APN 0185-071-11. Under negotiations are the price and terms
- b) NPUA / COUNCIL: Conference with Legal Counsel regarding potential initiation of litigation pursuant to Government Code Section 54956.9(d)(4) one potential case

Pursuant to Government Code Section 54954.2 (2) - Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted.

Vice Mayor Paget moved, second by Councilmember Campbell to add executive session c) to agenda. Motion carried by the following roll call vote:

Ayes: Vice Mayor Paget, Councilmembers Campbell, Belt, and Longacre
Noes: None
Absent: Councilmembers Evans and Merritt

- c) Conference with Legal Counsel – Anticipated Litigation: Potential initiation of litigation pursuant to Government Code Section 54956.9(d)(4): One Potential Case

EXECUTIVE SESSION – City Attorney John Pinkney reported there was no reportable action on items a) and b).

Item c) A motion was made by Councilmember Campbell, second by Vice Mayor Paget to initiate legal action against Brian Brown – all ayes.

CALL TO ORDER

Mayor Williams called the meeting to order at 6:09 p.m.

ROLL CALL

Present: Mayor Williams, Vice Mayor Paget, Council Members Campbell, Evans, Merritt, Belt and Longacre.

INVOCATION was led by Mayor Williams

PLEDGE OF ALLEGIANCE was led by Vice Mayor Paget

APPROVAL OF AGENDA

Councilmember Merritt moved, second by Vice Mayor Paget to approve the agenda however mor item # 16 before concenst. Motion carried by the following roll call vote:

Ayes: Vice Mayor Paget, Councilmembers Campbell, Evans, Merritt, Belt, and Longacre
Noes: None
Absent: None

CONFLICT OF INTEREST

Councilmember Longacre announced a conflict on Items 3, 4, and 16 because he works in the cannabis industry.

CORRESPONDENCE - None

INTRODUCTIONS - None

CITY ATTORNEY parliamentary procedures - None

PUBLIC APPEARANCE

Jarod Johnston has noticed there is more graffiti in town and inquired if the Recreation Center can be open while the pool is open.

- 1) NPUA / COUNCIL: Direction to proceed with the budget process and schedule the matter for a public hearing and action on June 14, 2022 for the fiscal year ending June 30, 2023

Finance Director Miledi reported.

Councilmember Campbell moved, second by Councilmember Longacre to proceed with the budget process and schedule the matter for a public hearing and action on June 14, 2022 for the fiscal year ending June 30, 2023. Motion carried by the following roll call vote:

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

- 2) NPUA / COUNCIL: Accept the bid from Cora Construction for Base Bid to construct a new Lillyhill Water Booster Station on Lillyhill & Clary Drive

City Manager Daniels reported.

Councilmember Campbell moved, second by Councilmember Merritt to accept the bid from Cora Construction for Base Bid in the amount of \$2,086,775 to construct a new Lillyhill Water Booster Station on Lillyhill & Clary Drive and authorize staff to issue a Notice of Award and Notice to Proceed to be reimbursed by a grant from the California State Water Resources Control Board.

Motion carried by the following roll call vote:

Ayes: Vice Mayor Paget, Councilmembers Campbell, Evans, Merritt, Belt, and Longacre
Noes: None
Absent: None

Mayor Williams adjourned the Joint Council / NPUA Meeting and reconvened the City Council Meeting at 6:38 p.m.

- 16) Provide staff direction on proposed ballot measure to amend Chapter 20 of the Needles Municipal Code establishing a tax on cannabis and hemp business activities within the City and Suspending Article VIII (Current Marijuana Business Tax)

Councilmember Longacre left the room due to a conflict.

City Manager Daniels reported and considerable discussion ensued regarding the cannabis tax.

Cheryl Montanez spoke about a square foot tax as an option.

Councilmember Campbell moved, second by Councilmember Belt to approve the proposed ballot measure to amend Chapter 20 of the Needles Municipal Code establishing a tax on cannabis and hemp business activities within the City and Suspending Article VIII (Current Marijuana Business Tax).
Motion carried by the following roll call vote:

Ayes: Councilmembers Paget, Merritt, Belt and Campbell
Noes: Councilmember Evans
Absent: Councilmember Longacre

3) Public hearing held - noticed to consider all evidence and testimony for or against approval of an application from MSB Facilities Representative for "MSB LLC", for Amending Resolution No. 2017-12, of a Conditional Use Permit adding a second 20,000 Sq. Ft. Building for Cannabis Cultivation Facility in the C-1 Neighborhood Commercial Zone, located at 1105 Lillyhill Drive, Also known as APN's 0186-191-57-0000 and 0186-191-50-0000. Formally known as APN's 0186-191-50-0000 and 0186-191-53-00000: Applicant MSB Facilities

Councilmember Longacre out of the room due to a conflict.

Assistant City Manager Martinez gave a PowerPoint presentation and considerable discussion ensued.

Mayor to open the public hearing at 7:10 p.m.

The applicant responded to the odor issue and how they are mitigating it.

Jarod Johnston voiced his concern regarding the odor.

Barbara Beard informed council she lives close to the proposed location and will report on odor issues.

Pat Murch sent a communication in opposition to the proposed project.

Lester Hensley informed council that they built a fence four feet from his fences and now he has lost alley access.

Mayor to close the public hearing at 7:28 p.m.

One of the applicants informed council who they are, the walls should eliminate the noise; that they are very environmentally conscious and showed a PowerPoint informing council of their water conservation methods.

Councilmember Campbell moved, seconded by Vice Mayor Paget to approve Resolution No. 2022-43 approving an amendment to Resolution No. 2017-12 for a Conditional Use Permit adding a 20,000 Sq. Ft. Second Building for Cannabis Cultivation located at 1105 Lillyhill Drive, APN's 0186-191-57-0000 and 0186-191-50-0000 in the Neighborhood Commercial (C-1) zone; formally known as APN's 0186-191-50-0000 and 0186-191-53-0000, in the C-1 Neighborhood Commercial Zone.

Motion carried by the following roll call vote:

Ayes: Councilmembers Campbell, Evans, Merritt, Paget and Belt
Noes: None
Absent: Councilmember Longacre

Break at 7:35 p.m. Councilmember Longacre left the meeting and participated for the balance of the meeting via teleconference.

Resumed meeting at 7:47 p.m.

4) Public hearing held - noticed to consider all evidence and testimony for or against approval of an application from Edward Andrade Representative for "209 I Street, Inc", for a Conditional Use Permit for a 25,782 Sq. Ft. cannabis cultivation facility in the C-2 General Commercial Zone, located at 209 I Street, Also known as APN 0186-094-51-0000 formerly known as APN's 0186-094-01-0000, 0186-094-02-0000, 0186-094-34-0000, 0186-094-35-0000; Applicant Edward Andrade

Assistant City Manager Martinez presented a PowerPoint presentation and discussion ensued.

Mayor to open the public hearing at 8:04 p.m.

Cheryl Montanez responded to council inquiries regarding the project, and they have met all of the requirements.

Barbara Beard informed council that the Planning Commission received a letter from a resident across the street who is in favor of the location.

A communication from Pat Murch in opposition.

Mayor to close the public hearing at 8:15 p.m.

Discussion ensued regarding placing artwork on the building.

Councilmember Belt moved, second by Councilmember Campbell to approve Resolution No. 2022-42 as amended approving a Conditional Use Permit for a 25,782 Sq. Ft. cannabis cultivation facility in the C-2 General Commercial Zone, located at 209 I Street, also known as APN 0186-094-51-0000 formerly known as APN's 0186-094-01-0000, 0186-094-02-0000, 0186-094-34-0000, 0186-094-35-0000 Motion carried by the following roll call vote:

Ayes: Councilmembers Campbell, Merritt, Paget and Belt

Noes: Councilmember Evans

Absent: Councilmember Longacre

CONSENT CALENDAR:

Councilmember Merritt moved, seconded by Councilmember Campbell to approve the Council Consent Calendar as submitted. Motion carried by the following roll call vote:

Ayes: Councilmembers Campbell, Evans, Merritt, Paget, and Belt

Noes: None

Absent: Councilmember Longacre.

- 5) Approved the Warrants Register through May 24, 2022
- 6) Authorized the city manager to declare items with a proposed value of \$1,000 or less as surplus property and authorize for sale
- 7) Approved final balancing Change Order #5 in an amount not to exceed \$8,040 for work completed by Christensen Brothers General Engineering Inc. on the Phase II Water Service Replacement and Street Improvements Project
- 8) Waived the reading and adopted Resolution No. 2022-41 approving an Agreement between the City of Needles and Needles Unified School District for a Sheriff's Service Specialist for the 2022-2023 school year using COPS funding in the amount of \$91,593 of which half is to be reimbursed by the School District
- 9) Waived the reading and adopted Resolution No. 2022-40 approving a Fourteenth Amendment to and Extension of the License between the City of Needles and Bonnie Baker Senior Center for use of the kitchen and a portion of the dining area in the Needles Senior Citizens Center during the 2022-2023 fiscal year
- 10) Waived the reading and adopted Resolution No. 2022-44 Receiving and Submitting the City of Needles General Plan and Housing Element Annual Progress Reports for the 2021 Calendar Year to the California Department of Housing and Community Development (HCD) and to the Governor's Office of Planning and Research (OPR)
- 11) Accepted Change Order #2 with Pacific Play Systems for installation of a 2-bay swing set not to exceed \$8,950 to be funded by the Statewide Park Development and Community Revitalization Duke Watkins Grant No. C9803078
- 12) Accepted the bid of Phillips Excavation Inc to install a 50 ft X 30 ft shade structure over the new playground equipment at Duke Watkins Park not to exceed \$29,000 and authorize staff to issue a Notice of Award and Notice to Proceed to be funded by a grant received from the State of California Department of Parks and Recreation Statewide Park Development and Community Revitalization for Duke Watkins Park

- 13) Awarded Reinke Heating and Air Conditioning Inc a bid to install a 20-ton HVAC unit at the Recreation Center not to exceed \$36,000 of which \$25,000 is budgeted and the remaining balance of \$11,000 to be covered by general fund reserves

End of Consent

REGULAR ITEM

- 14) Approve the Twenty Sixth Amendment to Contract No. 99-376 with the County of San Bernardino in the total amount of \$3,369,365 providing for law enforcement services by amending Schedule A for the 2022-2023 fiscal year and authorize the Mayor to sign same

Provide direction as to the sheriff's department request for an additional 40 Patrol Hours per week: plus an increase in the positions of lieutenant, sergeant, office specialist, HT. general county services and startup cost at an additional cost of \$387,353

City Manager Daniels reported and discussion ensued between council and Captain Tarangle.

Councilmember Belt moved, seconded by Councilmember Evans to approve the Twenty Sixth Amendment to Contract No. 99-376 with the County of San Bernardino in the total amount of \$3,369,365 providing for law enforcement services by amending Schedule A for the 2022-2023 fiscal year and authorize the Mayor to sign same. Motion carried by the following roll call vote:

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

- 15) Provide staff direction on proposed ballot measure to establish a Transient Occupancy Tax for Short Term Rental Units
City Manager Daniels reported.

Councilmember Belt moved, second by Councilmember Merritt to approve the proposed ballot measure to establish a Transient Occupancy Tax for Short Term Rental Units.

Motion carried by the following roll call vote:

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

CITY ATTORNEYS REPORT - None

CITY MANAGER REPORTED

COUNCIL REQUESTS

Councilmember Campbell thanked code enforcement and sheriff's department for all they do and reported on ICSC she attended.

Councilmember Evans thanked the rodeo committee and announced the Needles Stangs are the state champions.

Councilmember Merritt voiced her opinion that the city needs to get the general plan updated; ICSC was a great conference, and the Needles Museum had a tour for kids today of the El Garces.

Vice Mayor Paget - None

Councilmember Belt announced that there will be a dyslexia golf tournament October 22.

Councilmember Longacre questioned what it cost the city for the Run for the Wall event, there is a lot of graffiti and what would it take to allow the building department to carry tasers.

Mayor Williams - None

ADJOURNMENT

Mayor Williams adjourned the meeting at 8:50 p.m.

ATTEST:

Mayor

City Clerk