

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
NEEDLES PUBLIC UTILITY AUTHORITY
CITY OF NEEDLES, CALIFORNIA TUESDAY, APRIL 12, 2022
COUNCIL EXECUTIVE SESSION – 5:00 P.M. CITY COUNCIL MEETING – 6:00 P.M.
CITY COUNCIL CHAMBERS 1111 BAILEY AVENUE, NEEDLES

AUTHORIZED BY AB 361

THE MAYOR AND COUNCIL MEMBERS MAY BE ATTENDING THIS MEETING VIA

*** MICROSOFT TEAMS ***

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

If asked, enter the following: Meeting ID: 657 807 190#

OR listen in and participate by calling Teams: 1-323-488-2227 - Meeting ID: 657 807 190#

The meetings are being recorded. - MASKS ARE ENCOURAGED

CALL TO ORDER

Mayor Williams called the meeting to order at 5:04 p.m. via teleconference.

ROLL CALL

Present: Mayor Williams via teleconference, Vice Mayor Paget, Council Members Campbell, Evans, Merritt arrived at 5:08 p.m., Belt and Longacre. Also present City Manager Rick Daniels; City Attorney John Pinkney, and City Clerk Dale Jones.

RECESS THE CITY COUNCIL MEETING AND CONVENE A JOINT COUNCIL / NPUA MEETING

Mayor Williams recessed the City Council Meeting and Reconvened a Joint Council / NPUA Meeting at 5:08 p.m.

CALL TO ORDER (Roll Call previously taken)

Councilmember Longacre announced he has a conflict on items c) and d) because he works in the cannabis industry

Mayor Williams recessed the City Council Meeting for the purpose of Executive Session at 5:09 p.m.

- a) ~~SARDA: Conference with Real Property Negotiator regarding sale of Successor Agency to the Redevelopment Agency property to Hooman Davoodi pursuant to Government Code Section 54956.8. Agency negotiator: City Manager Rick Daniels; Negotiating Parties: Successor Agency to the Redevelopment Agency as Seller and Hooman Davoodi as Buyer; Under Negotiation: price and terms of payment – APN 0186-222-11-0000 formerly known as APN 0186-222-07-0000 (26.86 acres located at Ice Plant Road/I-40)~~
- a) SARDA CORRECTED AT MEETING: Conference with Real Property Negotiator regarding sale by Successor Agency to the Redevelopment Agency property to Hooman Davoodi and assignment of such rights to the City of Needles pursuant to Government Code Section 54956.8 (Agency negotiator: City Manager Rick Daniels; Negotiating Parties: Successor Agency to the Redevelopment Agency as Seller and Hooman Davoodi as Buyer and City of Needles as assignee of Buyer; Under Negotiation: price and terms of payment – APN 0186-222-11-0000 formerly known as APN 0186-222-07-0000 (26.86 acres located at Ice Plant Road/I-40)
- b) COUNCIL: Conference with Legal Counsel – Existing Litigation (Gov't Code § 54956.9(d)(1)) In re: City of Needles v. Kim Carter, et al. - 421 Acoma, California Superior Court-County of San Bernardino Case No. CIVDS2018115
- c) COUNCIL: Conference with Legal Counsel Regarding Anticipated Litigation Pursuant to Government Code Section 54956.9(d)(2) and/or (3): One potential case related to claim dated March 2, 2022 from In & Out Construction

- d) 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

City Attorney John Pinkney reported that there was no reportable action on items a) and d).

- b) Councilmember Evans moved, seconded by Councilmember Campbell to approve the settlement agreement in the amount of \$13,354. Motion carried by the following roll call vote:
Ayes: Council Members Campbell, Evans, Merritt, Belt and Longacre
Noes: None
Absent: None
- c) Councilmember Campbell moved, seconded by Councilmember Evans to deny the claim as submitted. Motion carried by the following roll call vote:
Ayes: Council Members Campbell, Evans, Merritt, Paget and Belt
Noes: None
Absent: Councilmember Longacre

CALL TO ORDER

Mayor Williams called the meeting to order at 6:05 p.m.

Vice Mayor Paget presented a Proclamation to Connor Ferrell for his community service and Eagle Scout Project to paint the Sports Complex Bathrooms.

ROLL CALL

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

INVOCATION was led by Vice Mayor Paget

PLEDGE OF ALLEGIANCE was led by Council Member Merritt

APPROVAL OF AGENDA

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

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

CONFLICT OF INTEREST None

CORRESPONDENCE None

INTRODUCTIONS

Former Council Members Timothy Terral, Linda Kidd, Bob Rath, Shawn Gudmundson, Terry Campbell, and Pat Murch

City Manager Daniels introduced Ashlee Smith, new code enforcement officer and Elena Galindo, new building permit technician.

CITY ATTORNEY – John Pinkney gave the parliamentary procedures

Public Appearances

Judy Thornton gave an update on the success of the Rodeo and a tourism report.

Jarred Johnson reported on public dumping at the end of Monterey Street.
Selah Johnson spoke about her involvement in raising money and desire to be a part of the new playground construction.

PUBLIC COMMENTS PERTAINING TO THE NPUA / COUNCIL ITEM None

NPUA / COUNCIL CONSENT CALENDAR:

Councilmember Merritt moved, seconded by Councilmember Campbell to approve the NPUA/Council 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

- 1) NPUA /COUNCIL: Waived the reading and adopted Resolution No. 2022-29 authorizing the City Manager or Designee to Apply for and Receive Financial Assistance from the California State Water Resources Control Board for the Planning, Design and Construction of the Replacement of Needles City Well No.11 Treatment System and Distribution Pipeline
- 2) NPUA /COUNCIL: Waived the reading and adopted Resolution No. 2022-30 authorizing the City Manager or Designee to Apply for and Receive Financial Assistance from the California State Water Resources Control Board for the Planning, Design and Construction of the Waterline and Manifold Replacement: Backup Generators at Existing Well Sites

End of Consent

- 3) NPUA /COUNCIL: Adopted a revised Electric Statement of Policies dated April 2022 by amending the Power Cost Adjustment (PCA) Balancing Fund to reflect the PCA to be twenty percent (20%) of the yearly over-hydro budgeted power costs for the fiscal year (annual budget or revised budget as applicable)

City Manager Daniels reported, and discussion ensued.

Utility Board Chair Terry Campbell spoke about the adjustment due to increased power costs and the anticipation of further increases for the cost of power.

Mayor Williams left the meeting (IPAD stopped working) at 6:39 p.m., Vice Mayor Paget presiding

Member / Councilmember Campbell moved, seconded by Member / Councilmember Merritt, to adopt a revised Electric Statement of Policies dated April 2022 by amending the Power Cost Adjustment (PCA) Balancing Fund to reflect the PCA to be twenty percent (20%) of the yearly over-hydro budgeted power costs for the fiscal year (annual budget or revised budget as applicable)

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

Vice Mayor Paget recessed the Joint NPUA / SARDA / Council Meeting & Reconvened the City Council Meeting at 6:39 p.m.

PUBLIC APPEARANCE – None

- 4) Public hearing noticed to consider all evidence and testimony for or against Short Term Residential Rentals
Assistant City Manager Patrick Martinez gave a PowerPoint presentation and discussion ensued.

Mayor to open the public hearing at 6:44p.m.

Public Comments

Several issues were raised by members of the public regarding oversight and enforcement of requirements relating to business license enforcement, short term rental fees and inspections, to amend the ordinance to reflect the \$400 fee is annual, contact information and response time for short term rental owners should there be a complaint.

Mayor to close the public hearing at 7:04 p.m.

Council Member Merritt moved, seconded by Council Member Campbell to waive the reading and approve for introduction as amended Ordinance No. 649-AC mending Chapter 12 Entitled "Licenses" adding "Short-Term Residential Rentals" to the Needles Municipal Code.

Motion carried by the following roll call vote:

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

CONSENT CALENDAR:

Council Member Evans pulled item 11 for discussion. Council Member Merritt pulled item 12 for discussion.

Councilmember Merritt moved, seconded by Councilmember Campbell to approve the remaining consent 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

- 5) Approved the Warrants Register through April 12, 2022
- 6) Accepted work completed by Philips Excavating Inc. in the amount of \$63,000 to perform clean up abatement services along Reclamation Road using Cal Recycle Grant funds and authorized a Notice of Completion and record with the San Bernardino County Recorder's Office
- 7) Accepted Deductive Change Order #1 in the amount of negative \$544,265 with Christensen Brothers for the removal of Alternate Bid Items, Palo Verde College Parking Lots, County Sheriff Complex Parking Lots and Flip Mendez Parkway from the Phase II Water Service Replacement & Street Improvements Project
- 8) Accepted Change Order #2 in the amount of \$67,840 with Christensen Brothers for additional concrete driveway approaches and a paved fire lane for the new classroom on Erin Drive and additional asphalt for parking lots as part of the Phase II Water Service Replacement & Street Improvements Project to be invoiced to the Needles Unified School District
- 9) Accepted Change Order #3 in the amount of \$53,300 with Christensen Brothers for additional water service street repair on Erin Drive, leveling a portion of L Street to pave over, additional work between O&P Streets and additional work on North K from Colorado River Bridge to Needles Hwy to Broadway: \$10,800 to be reimbursed by TE Roberts, \$5,900 from the Water Asset Replacement Fund and the balance budgeted in FY 2022 General Fund Public Works Street Improvements for the Phase II Water Service Replacement & Street Improvements Project
- 10) Accepted Change Order #4 for one half (\$15,500) of the requested increase of \$31,000 due to Oil Price Index affecting Fuel and Asphalt increases from sub-contractors and sharing the increase with the School District by percentage for the current Phase II Water Service Replacement & Street Improvement project

- 13) Waived the reading and adopted Resolution No. 2022-31 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 April 16, 2022 – May 16, 2022, pursuant to provisions of the Ralph M. Brown Act
- 14) Waived the reading and adopted Resolution No. 2022-32 declaring certain land as surplus under Government Code Section 54220 et. seq. for property located on the southeast corner of East South Lake Drive and South of Riverfront Parkway, APN 216-14-007 in the State of Arizona
- 15) Waived the reading and adopted Resolution No. 2022-33 awarding a bid for Mobile Spayed and Neutered Services to Dr. Angelina Beeks, in the amount not to exceed \$3,600 per year for mobile clinic services, to be conducted bi-annually, and authorized staff to issue a Notice of Award and Notice to Proceed with executing an agreement
- 16) Waived the reading and approved Resolution No. 2022-34 accepting the purchase offer from Joy and Charles Bennett for Surplus City-Owned Property located on the Southeast Corner of Clary Drive and La Cima Road APN #0185-351-24-0000
- 17) Approved a budget revision for the 2021-2022 fiscal year for the Needles Area Transit increasing the Section 5311 federal funding to \$56,584
- 18) Approved a Letter of Support for AB 2728 and SB 1426 to Assist the San Bernardino County Sheriff's Efforts to Stop Illegal Cannabis Farming

End of Consent

- 11) Accept Change Order #1 in the amount of \$15,840 and Deductive Change Order #2 in the amount of negative ~~\$967,360~~ \$983,200 (corrected) and issue a Notice of Completion with Layne Christensen LLC for work completed to this stage and file Notice of Completion with San Bernardino County Recorder's Office
- City Manager Daniels reported.

Council Member Evans moved, seconded by Council Member Merritt to accept Change Order #1 in the amount of \$15,840 and Deductive Change Order #2 in the amount of negative \$983,200 and issue a Notice of Completion with Layne Christensen LLC for work completed to this stage and file Notice of Completion with San Bernardino County Recorder's Office.

Motion carried by the following roll call vote:

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

- 12) Accept the cost increase for work designated by Arizona Department of Transportation under the Intergovernmental Agreement for an additional \$405,000 for the Bridge using General Fund Reserves
- City Manager Daniels reported.

Council Member Merritt moved, seconded by Council Member Longacre accept the cost increase for work designated by Arizona Department of Transportation under the Intergovernmental Agreement for an additional \$405,000 for the Bridge using General Fund Reserves. Motion carried by the following roll call vote:

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

- 19) Ordinance No. 650-AC amending Section 15A-3, "Closing hours of certain recreation areas" and 15A-7 Designated Skateboarding Areas" hours (1st reading – post)
City Manager Daniels reported. After some discussion regarding the beach areas and fishing the following motion was made.

Council Member Evans motioned, seconded by Council Member Longacre to table the item to the next city council meeting on April 26, 2022. Motion was carried by the following roll call vote:

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

- 20) Review and authorize the Mayor to sign a letter(s) of support for legislation proposed by Senator Shannon Grove
City Manager Daniels reported.

Council Member Merritt motioned, seconded by Council Member Longacre to continue the item to the next city council meeting on April 26, 2022. Motion was carried by the following roll call vote:

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

- 21) HomeKey Program discussion regarding a state program to provide transitional housing for the homeless
City Manager Daniels reported. Councilmember Campbell reviewed the program. Considerable discussion ensued raising concerns about the city's inability and lack of experience in running such a program.

Council Member Evans motioned, seconded by Council Member Belt to not be the lead agency for the HomeKey Program. Motion was carried by the following roll call vote:

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

CITY ATTORNEYS REPORT - None
CITY MANAGERS REPORT - None

COUNCIL REQUESTS

Councilmember Campbell spoke about her trip to Lake Arrowhead for the League of California Cities meeting.

Councilmember Evans spoke about the success of the Rodeo.

Councilmember Merritt mentioned the Rodeo success, talked about the museum, and the recent book signing at the El Garces.


Vice Mayor Paget spoke about the meeting at Lake Arrowhead and speaking with Colonel Cook at the meeting.

Councilmember Longacre requested that the arrowhead weeds be removed from 1st beach before the weather gets too hot; lane marking; potholes on Balboa that have been marked with yellow spray paint; a bush on balboa that blocks traffic vision, and placing a trash can at the train park.

ADJOURNMENT

Vice Mayor Paget adjourned the meeting at 8:07 p.m.

ATTEST:


Vice Mayor


City Clerk