

MINUTES

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

**TUESDAY, OCTOBER 10, 2023
COUNCIL EXECUTIVE SESSION – 5:00 PM
CITY COUNCIL MEETING – 6:00 PM**

CALL TO ORDER - Mayor Jernigan called the meeting to order at 5:02 pm
ROLL CALL

PRESENT

Council Member Ellen Campbell
Vice Mayor Kirsten Merritt arrived at 5:40 p.m.
Mayor Janet Jernigan
Council Member JoAnne Pogue
Council Member Tona Belt
Council Member Henry Longbrake

ABSENT

Council Member Jamie McCorkle

Also in attendance were City Manager Patrick Martinez, City Attorney John Pinkney, City Clerk Dale Jones, and Assistant City Clerk Candace Clark

RECESSED THE CITY COUNCIL MEETING AND CONVENED A JOINT COUNCIL / NPUA MEETING at 5:02 pm

PUBLIC COMMENTS PERTAINING TO THE EXECUTIVE SESSION ITEMS - None

RECESSED TO EXECUTIVE SESSION at 5:03 pm

EXECUTIVE SESSION concluded at 5:30 p.m.

- a. Potential initiation of litigation pursuant to Government Code Section 54956.9(d)(4) - One Potential Case

Council Members Campbell and Pogue recused due to conflicts because they both have sons that work in the cannabis industry. No quorum, item has been continued to the next meeting.

- b. Conference with Legal Counsel – Existing Litigation (Gov't Code § 54956.9(d)(1))
In re: City of Needles v. John W. Laswell, et al. – 1311 Broadway
California Superior Court-County of San Bernardino (Case No. CIVSB2318161)

Council Member Campbell moved, second by Council Member Longbrake to approve the settlement agreement and the noncompliant structure will be demolished. Motion carried by the following roll call vote:

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

Absent: Council Member McCorkle and Vice Mayor Merritt

- c. Conference with Legal Counsel – Existing Litigation (Gov't Code § 54956.9(d)(1))
In re: City of Needles v. Goldwin, LLC, et al. – 1707 Needles Highway
California Superior Court-County of San Bernardino (Case No. CIVSB2300896)

No reportable action

EXECUTIVE SESSION - Report given by City Attorney Pinkney as noted above.

CALL TO ORDER - Mayor Jernigan called the meeting to order at 6:00 pm

ROLL CALL

PRESENT

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

ABSENT

Council Member Jamie McCorkle.

PLEDGE OF ALLEGIANCE led by Mayor Jernigan

INVOCATION - given by Council Member Campbell

APPROVAL OF AGENDA

City Manager Martinez pulled item 19 from the agenda.

Council Member Campbell moved, seconded by Vice Mayor Merritt, to approve the agenda as amended. Motion carried by the following roll call vote:

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

Noes: None

Absent: Council Member McCorkle

CONFLICT OF INTEREST - Council Member Longbrake declared a conflict of interest on Public Hearing Item 3 because he is an advocate for recovery and does not believe he can be fair and impartial. Council Member Pogue declared a conflict on Public Hearing Item 3 because she spoke against it during the Planning Commission Public Hearing. Councilmember Belt announced a conflict regarding Item 5 because she is in close proximity to the property. City Manager announced a conflict regarding item 5 because he is in close proximity to the property. Assistant City Clerk announced a conflict because she works for the applicant part time.

CORRESPONDENCE - City Clerk Dale Jones stated there were two emails received in opposition to Public Hearing Item 5 from Richard Parnell and Jason Parnell.

Mayor Jernigan granted an excused absence for Council Member McCorkle.

INTRODUCTIONS - Mayor Jernigan acknowledged former Council Members Tim Terral, Zachery Longacre, Shawn Gudmundson, and Public Utility Chair Terry Campbell.

CITY ATTORNEY – Parliamentary Procedures given by City Attorney Pinkney

PUBLIC APPEARANCE

Zachery Longacre - Asked about the status of a stop sign on K Street and Front; asked about the status of the Ed Perry Park road; asked about the skatepark bench and trees that were approved; port of entries need to be finished; requested update on the Visitor Center parking lot in front of El Garces and urged Council to "not ignore" the sheriff contract the next time it comes up.

Preston Taylor asked Council and staff about getting help with placing a Peace Pole possibly on city property.

PRESENTATIONS

1. City Clerk Jones administered Oath of Office to Patrick Martinez, City Manager and Rainie Torrance, Utility Manager
2. Presentation given by Nikita Sinha from the Institute for Local Governments (ILG) 2023 Beacon Spotlight Award presented to the City of Needles.

PUBLIC HEARINGS

3. Public hearing noticed to consider all evidence and testimony for City Council Resolution 2023-55 approving an Amendment to City Council Resolution 2022-75 adding Cannabis Consumption to the existing 2,399 Sq. Ft. Retail Cannabis Business to be located at 2701 Columbus Drive also known as APN 0660-081-40-0000 in the C-2 General Commercial Zone.

Continued to October 24, 2023 due to a lack of quorum

4. Public hearing held to consider all evidence and testimony for or against Ordinance No 663-AC amending the Needles Municipal Code (NMC) sections of the Zoning Ordinance as follows: Section 94 "Permits", Section 96 "Uses", Section 97 "Intensity of Uses", Section 98 "Site Requirements", Section 99 "Development Standards", Section 111 "Vehicular Provisions", Section 112 "Special Requirements for Certain Users", Section 115 "Nonconforming Situations", Needles Municipal Code Chapter 19 "Subdivision of Land"

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

Mayor Jernigan opened the public hearing at 6:26 pm

No Public Comment

Mayor Jernigan closed the public hearing at 6:26 pm

Council Member Campbell moved, second by Council Member Pogue to waive the reading and approve for introduction Ordinance No 663-AC amending the Needles Municipal Code (NMC) sections of the Zoning Ordinance as follows: Section 94 "Permits", Section 96 "Uses", Section 97 "Intensity of Uses", Section 98 "Site Requirements", Section 99 "Development Standards", Section 111 "Vehicular Provisions", Section 112 "Special Requirements for Certain Users", Section 115 "Nonconforming Situations", Needles Municipal Code Chapter 19 "Subdivision of Land". Motion carried by the following roll call vote:

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

Noes: None

Absent: Council Member McCorkle

5. Public hearing held to consider all evidence and testimony for or against 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

Councilmember Belt, City Manager Martinez and Assistant City Clerk left the room due to conflicts previously announced.

Nancy Huff, Director of Development Services, reported, and discussion ensued.

Mayor Jernigan opened the public hearing at 6:29 pm

Public Comments

Debbie Parnell voiced her concerns that the proposed lot encroaches in her back yard and if she will still have access to her property.

Richard Parnell voiced his concerns cited in his communication.

Mayor Jernigan closed the public hearing at 6:32 pm

Considerable discussion ensued.

City Attorney Pinkney reported that this resolution is to approve the TPM only and not the sale of said property.

Council Member Campbell moved, second by Council Member Longbrake to waive the reading and adopt Resolution No. 2023-56 approving the 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, not the sale of said property. Motion carried by the following roll call vote:

Ayes: Council Members Campbell, Merritt, Pogue and Longbrake

Noes: None

Absent: Council Member McCorkle and Belt

PUBLIC COMMENTS PERTAINING TO THE NPUA/COUNCIL ITEMS - None

NPUA / COUNCIL CONSENT CALENDAR

Council Member Belt pulled Items 8 and 9 for discussion. City Manager Martinez and Utility Board Chair Terry Campbell reported.

Member / Council Member Belt moved, second by Member / Council Member Campbell. to approve Items 6 through 9 on the Consent Calendar. Motion carried by the following roll call vote:

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

Noes: None

Absent: Member / Council Member McCorkle

6. Accepted the annual report to the California Energy Commission Power Content Label for year ending December 31, 2022
7. Authorized the purchase of a Terex TC55 Optima 2023 Freightliner bucket truck at a cost not to exceed \$243,785 utilizing electric vehicle replacement funds
8. Approved a 3.6% cost-of-living (COLA) increase in water and wastewater basic service rates as of November 1, 2023
9. Approved a 3.6% cost-of-living (COLA) increase in electric basic service charge rate as of November 1, 2023, approve an over-hydro rate of \$0.1499 effective November 1, 2023 ; and approve the methodology to calculate the annual electric base rate and the power cost adjustment rate based on the rate calculation spreadsheet

END OF NPUA CONSENT CALENDAR

Adjourned the Council / NPUA meeting and reconvened the Council meeting at 6:47 p.m.

COUNCIL CONSENT CALENDAR

Council Member Belt pulled Item 14 for discussion. City Manager Martinez reported.

Council Member Campbell moved, second by Council Member Pogue to approve Items 10 through 16 on the Consent Calendar. Motion carried by the following roll call vote:

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

Noes: None

Absent: Council Member McCorkle

10. Approved the Warrants Register of September 26, 2023 and October 10, 2023
11. Approved the Minutes of the July 15, 2023 Goal Setting Session
12. Ratified the City Manager's Signature for the California for All Animals Statewide Animal Shelter Services Agreement dated October 5, 2023
13. Waived the reading and adopt Resolution No. 2023-43 renaming the Lillyhill Booster Station to the William "Bill" M. Claypool III Booster Station
14. Awarded the base bid for the public restroom sewer line repair project to New Power Contracting for building mechanics for a total bid amount of \$24,750 plus 10% contingency for a total project cost of \$27,225 and authorized staff to execute a public works agreement with the contractor and issue a Notice of Award and Notice to Proceed
15. Waived the reading and adopted Resolution 2023-57 Authorizing City Manager to Execute the Program Supplement No. F0004 to Administering Agency-State Agreement for Federal Aid Projects with the State of California Department of Transportation (Caltrans) for the administration of Federal Aid funds for the Obernolte Water Service Replacement and Street Improvements project.
16. Waived the reading and adopted 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 (2nd reading – publish) (ACT)

END OF COUNCIL CONSENT CALENDAR

REGULAR COUNCIL ITEMS

17. Provided staff direction based on the Aquatic Center Audit and Summary of Findings
Kathy Raasch, Projects Manager, reported and reviewed the summary page and considerable discussion ensued. Council gave staff direction to proceed with minimal and necessary maintenance repairs while looking into funding sources for the remaining work.
18. Mission Statement and Goals for Fiscal Year 2023-2024
City Manager Martinez reported. Council discussion and staff will create a resolution and bring back to Council for review.
19. Accept the Memorandum of Understanding with Janet Jernigan for the El Garces Rental Program
Item removed from the agenda by City Manager Martinez
20. Visitor Center Services Agreement Amendment
City Manager Martinez reported.
Council Member Campbell moved, second by Council Member Belt to approve the Visitor Center Services Agreement Amendment. Motion carried by the following roll call vote:
Ayes: Council Members Campbell, Merritt, Pogue, Belt, and Longbrake
Noes: None
Absent: Council Member McCorkle
21. Employee Appreciation Event
Considerable discussion ensued and City Attorney Pinkney clarified that councilmembers can participate in a social event as long as city business is not discussed.

Council Member Campbell moved, second by Council Member Pogue to schedule the Employee Appreciation Event for December 1, 2023. Motion carried by the following roll call vote:

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

Noes: None

Absent: Council Member McCorkle

CITY ATTORNEY REPORT

City Attorney Pinkney reported

CITY MANAGER REPORT

City Manager Martinez gave the City Manager's Report included in the agenda packet and an update on the state of Cannabis.

COUNCIL REQUESTS

Councilmember Campbell Congratulated Rainie and Patrick; commended Code Enforcement and the Sheriff's Department; thanked the public for showing up to the meeting; commented on the Beacon Award; enjoyed the 10-10 Celebration; reported that the 47th annual Mojave Days are coming up on October 20 & 21, 2023

Vice Mayor Merritt - Congratulated Patrick and Rainie

Council Member Pogue - Congratulated Patrick and Rainie; enjoyed the 10-10 celebration; reported on the Annual League of California Cities Conference she attended and the \$5,000 grant that was received for the animal shelter.

Councilmember Belt - reported on the upcoming Autism Awareness Golf Tournament on October 14, 2023 and reported on the kiddy parade last weekend.

Councilmember Longbrake - Congratulated Patrick and Rainie; asked about the 30 veterans vouchers; reported two refrigerators sitting on the curb outside 1207-1209 Broadway with doors on.

Mayor Jernigan - had no requests

ADJOURNMENT

Mayor Jernigan adjourned the meeting at 7:36 pm

ATTEST:


Mayor Jernigan


City Clerk Jones, CMC