

MINUTES
REGULAR MEETING OF THE CITY COUNCIL/NEEDLES PUBLIC UTILITY AUTHORITY
CITY OF NEEDLES, CALIFORNIA TUESDAY, NOVEMBER 8, 2022
COUNCIL EXECUTIVE SESSION – 5:30 P.M. - CITY COUNCIL MEETING – 6:00 P.M.
CITY COUNCIL CHAMBERS - 1111 BAILEY AVENUE, NEEDLES

CALL TO ORDER - Meeting was called to order at 5:33 pm by Vice Mayor Paget
ROLL CALL – Present: Councilmembers Campbell, Merritt, Evans (via Teams), Paget, Belt and Longacre; Mayor Williams arrived at 5:45 p.m.
Also present were Deputy City Attorney Lena Wade (via Teams), City Manager Rick Daniels, Assistant City Manager Patrick Martinez, and City Clerk Dale Jones.

PUBLIC COMMENTS PERTAINING TO THE EXECUTIVE SESSION ITEMS None

RECESS TO EXECUTIVE SESSION – Vice Mayor Paget recessed the meeting to executive session at 5:34 pm

- a) Conference with Labor Negotiator pursuant to California Government Code §54957.6- Personnel - Agency Representative City Manager Rick Daniels - Employee Organizations: Teamsters Local 1932
- b) NPUA / COUNCIL: Conference with Legal Counsel regarding existing litigation pursuant to Government Code Section 54956.9(d)(1) (one case: Rio Buena Vista Assoc. Et. Al. v. City of Needles: Case Number CIVSB 2028439) – this item was removed.

EXECUTIVE SESSION – Report by Deputy City Attorney Lena Wade – No Reportable Action

CALL TO ORDER - City Council/NPUA Regular meeting was called to order by Mayor Williams at 6:07 pm.

ROLL CALL - previously taken

INVOCATION – Given by Mayor Williams

PLEDGE OF ALLEGIANCE – Led by Vice Mayor Paget

APPROVAL OF AGENDA - Councilmember Belt moved, seconded by Councilmember Merritt to approve the agenda. 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 declared a conflict of interest on public hearing items 2 & 3 because he works in the cannabis industry.

CORRESPONDENCE - None

INTRODUCTIONS – Former Councilmembers Tim Terral and Shawn Gudmundson

CITY ATTORNEY - Parliamentary procedures – None

PUBLIC APPEARANCE – Janet Jernigan thanked the City and Set Free Church for their help with El Garces. She also asked about lighting for the train cars and gave an update on the rail cam. She mentioned that the cuts made by the Chamber of Commerce inside and outside El Garces during the Visitor Center construction are still open and present a liability hazard.
Charlotte Knox stated that one of the vendors giving away candy at the Trunk or Treat event missed her granddaughter and she also mentioned an odor issue with various cannabis facilities.

PRESENTATION – PowerPoint presentation was given by representatives of the San Bernardino Regional Housing Trust

PUBLIC HEARINGS

- 2) Continued from October 25 - Public hearing held - noticed to consider all evidence and testimony for or against approving a Conditional Use Permit adding a 28,601 square foot building to the existing 3,933 square foot building for cannabis cultivation totaling 32,534 square feet located at 211 Balboa Place, APN 0660-081-27-0000 in the C-3 Zone:
Applicant Lamont Wolsey
Councilmember Longacre left the room at 6:35 p.m.
Staff Report – Given by City Manager Daniels and Assistant City Manager Martinez gave a PowerPoint presentation.
Council Questions of Staff – None
Mayor Williams opened the public hearing at 6:44 p.m.
Public Comment – Jared Johnston raised concerns about the smell, and also the color and look of the proposed buildings. Charlotte Knox spoke about concerns of smell and safety and noted that this is in her neighborhood. Former Councilmember Tim Terral mentioned the poor condition of the road and suggested its repair be included in the requirements for approval.
Mayor Williams closed the public hearing at 6:50 p.m.
Applicant Comments – Cheryl Montanez addressed concerns about odor and the look of the building.
Comments in Favor – Councilmember Campbell noted that the smell is not as bad as other facilities.
Comments Opposed - None
Applicant Rebuttal - None
Council Discussion / Deliberation
A motion was made by Councilmember Campbell, second by Councilmember Belt, to approve Resolution No. 2022-74 for a Conditional Use Permit adding a 28,601 square foot building to the existing 3,933 square foot building for cannabis cultivation totaling 32,534 square feet located at 211 Balboa Place, APN 0660-081-27-0000 in the C-3 Zone.
Motion carried by the following roll call vote:
Ayes: Council Members Campbell, Evans, Merritt, Paget and Belt
Noes: None
Absent: Councilmember Longacre
- 3) Continued from October 25 - Public hearing held - noticed to consider all evidence and testimony for or against approving an amendment to Resolution No. 2021-52 reducing the cannabis cultivation area by 2,511 square feet and adding a 2,399 square foot retail cannabis business located at 2701 Columbus Drive, APN 0660-081-30-0000 in the C-3 Zone
Staff Report – Assistant City Manager Martinez gave a PowerPoint presentation.
Council Questions of Staff - Vice Mayor Paget clarified that the fence would be 6' all the way around.
Mayor Williams opened the public hearing at 7:08 p.m.
Public Comment - Barbara Beard raised concern over refractive noise.
Applicant Comments - Cheryl Montanez addressed concerns about the noise.
Comments in Favor - None
Comments Opposed - None
Applicant Rebuttal - None
Mayor Williams closed the public hearing at 7:13 p.m.
Council Discussion / Deliberation
A motion was made by Councilmember Belt, second by Councilmember Merritt, to approve Resolution No. 2022-75 amending the fence height should be 6 feet for an amendment to Resolution No. 2021-52 reducing the cannabis cultivation area by 2,511 square feet and adding a 2,399 square foot retail cannabis business located at 2701 Columbus Drive, APN 0660-081-30-0000 in the C-3 Zone. Motion carried by the following roll call vote:
Ayes: Council Members Campbell, Evans, Merritt, Paget and Belt
Noes: None

Absent: Councilmember Longacre

Councilmember Longacre rejoined the meeting.

- 4) Public hearing held - noticed to consider all evidence and testimony for or against approving the Cost of Service Fee Study and proposed new fee schedule
City Manager Daniels reported.
Former Councilmember Gudmundson raised concerns about raising the cost of services and therefore discouraging new business from coming here as opposed to across the river.
A motion was made by Vice Mayor Paget, second by Councilmember Longacre to continue public hearing regarding the Cost of Service Fee Study and proposed new fee schedule to November 22, 2022. Motion carried by the following roll call vote:
Ayes: Council Members Campbell, Evans, Merritt, Paget, Belt and Longacre
Noes: None
Absent: None

CONSENT CALENDAR

Councilmember Campbell moved, second by Councilmember Longacre to approve consent calendar items 5, 6, 7, and 9. Motion carried by the following roll call vote:

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

- 5) Approved the Warrants Register through November 8, 2022
- 6) Authorized Scott Crane Roofing not to exceed \$4,299, Cal-Zone Fence Co. not to exceed \$15,251 and River Valley Air Conditioning not to exceed \$35,948 for storm damage repairs to be reimbursed by California Joint Powers Insurance Authority (CJPIA) with a deductible of \$10,000 to be funded by General Fund Reserves
- 7) Approved Resolution No. 2022-77 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 November 16, 2022 – December 15, 2022, pursuant to provisions of the Ralph M. Brown Act
- 9) Accepted the annual report to the California Energy Commission Power Content Label for the year ending December 31, 2021

End of Consent

- 8) Consider cancelling the regular City Council / NPUA meeting on Tuesday, December 27, 2022, due to a potential lack of quorum because of the Christmas Holiday.
This item was pulled by Councilmember Merritt for discussion.
A motion was made by Councilmember Merritt, second by Councilmember Campbell to approve cancelling the regular City Council / NPUA meeting on Tuesday, December 27, 2022, due to a potential lack of quorum because of the Christmas Holiday.
The motion was carried by the following roll call vote:
Ayes: Council Members Campbell, Evans, Merritt, Longacre and Belt
Noes: Vice Mayor Paget
Absent: None

REGULAR ITEMS

- 10) Approved the Barrier for Underpass Agreement and Easement Agreement with BNSF Railway Company for the K Street Barrier project and authorize staff to execute said agreement with a not

to exceed \$12,700 for the easement dedication, administration fee and flagging to be funded by General Fund Reserves

City Manager Daniels reported.

Councilmember Campbell moved, second by Councilmember Merritt to approve the Barrier for Underpass Agreement and Easement Agreement with BNSF Railway Company for the K Street Barrier project and authorize staff to execute said agreement with a not to exceed \$12,700 for the easement dedication, administration fee and flagging to be funded by General Fund Reserves.

Motion was carried by the following roll call vote:

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

Noes: None

Absent: None

- 11) Authorized the City Manager or his designee to execute the First Amendment to the Master Purchase License and Services Agreement for the Advanced Metering Infrastructure (AMI) Project with Landis & Gyr removing the installation of electric meters from the scope of work reducing the not to exceed amount to \$1,687,359 and execute an electric meter installation agreement in substantially the same form after City Attorney review, with Wellington Energy Inc in the amount of \$262,463 plus the cost of required bonding
City Manager Daniels reported.

Councilmember Belt moved, second by Councilmember Campbell to authorize the City Manager or his designee to execute the First Amendment to the Master Purchase License and Services Agreement for the Advanced Metering Infrastructure (AMI) Project with Landis & Gyr removing the installation of electric meters from the scope of work reducing the not to exceed amount to \$1,687,359 and execute an electric meter installation agreement in substantially the same form after City Attorney review, with Wellington Energy Inc in the amount of \$262,463 plus the cost of required bonding. Motion carried by the following roll call vote:

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

Noes: None

Absent: None

CITY ATTORNEYS REPORT – City Deputy Attorney Wade spoke about the new Brown Act amendment SB 2449 and its effects on remote meeting attendance.

CITY MANAGERS REPORT – City Manager Daniels reported.

COUNCIL REQUESTS

Councilmember Campbell – Commented on the street repairs and the fact that priority is put on severity of water leaks under streets and overall condition. She thanked everyone who consoled her on the death of her brother.

Councilmember Evans – No requests

Councilmember Merritt - No requests

Vice Mayor Paget – Thanked the Mayor and City Manager for streets and bridge improvements.

Councilmember Belt – Reminded everyone about the December 2 Employee Appreciation Christmas Party

Councilmember Longacre – lights at the train park need replacing and raised concerns about graffiti near the old taco bell.

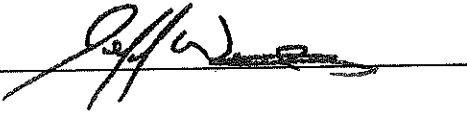
Mayor Williams – spoke about a water filtration system and updated council on the UTV legislation.

City Manager Rick Daniels sent condolences to John Pinkney on the loss of both of his parents.

ADJOURNMENT – Mayor Williams adjourned the meeting at 8 p.m.

ATTEST:

Mayor



City Clerk

