

MINUTES

REGULAR MEETING OF THE CITY COUNCIL,
NEEDLES PUBLIC UTILITY AUTHORITY
CITY OF NEEDLES, CALIFORNIA - TUESDAY, FEBRUARY 14, 2023
COUNCIL EXECUTIVE SESSION – 5:00 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 5:01 PM by Mayor Jernigan

ROLL CALL

Present: Mayor Jernigan, Vice Mayor Kirsten Merritt; Council Members Ellen Campbell (arrived at 5:06 PM), Jamie McCorkle, JoAnne Pogue, Tona Belt (arrived at 5:03 PM), and Henry Longbrake. 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 CONVENE A JOINT COUNCIL / NPUA MEETING at 5:01 PM

CALL TO ORDER (Roll Call previously taken)

PUBLIC COMMENTS PERTAINING TO THE EXECUTIVE SESSION ITEMS – None

RECESS TO EXECUTIVE SESSION at 5:03 PM

- a) Conference with Legal Counsel – Existing Litigation (Gov't Code § 54956.9(d)(1))
In re: City of Needles v. Jean E. Jones, et al. - 1202 W. Broadway, California Superior Court-County of San Bernardino (Case No. CIVSB2116334)
- b) Conference with Legal Counsel – Existing Litigation (Gov't Code § 54956.9(d)(1))
In re: City of Needles v. Khilia Scroggins, et al. – 1921 Rio Vista, California Superior Court-County of San Bernardino (Case No. CIVSB2130671)
- c) Conference with Legal Counsel – Existing Litigation (Gov't Code § 54956.9(d)(1))
In re: City of Needles v. Jonathan & Linda Rivera, et al. California Superior Court-County of San Bernardino (Case No. CIVDS2022575)
- d) Conference with Legal Counsel regarding potential initiation of litigation pursuant to Government Code Section 54956.9(d)(4) One (1) potential case
- e) Conference with Legal Counsel Regarding Potential Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4). (one potential case).
- f) 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 stated there was no reportable action taken on items a, b, c, e, and f. Item d there was reportable as follows:

Councilmember Campbell moved, second by Councilmember McCorkle to move forward with the receivership process against the River Valley Inn. Motion carried by the following roll call vote:

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

ROLL CALL (Previously Taken)

INVOCATION was given by Mayor Jernigan

PLEDGE OF ALLEGIANCE led by Councilmember Campbell

APPROVAL OF AGENDA

Mayor Jernigan asked to move item 17 from the consent calendar to regular items.

CONFLICT OF INTEREST – None

CORRESPONDENCE – City Clerk Dale Jones announced correspondence received from Ruth Musser-Lopez regarding her concerns with the General Plan item #6.

INTRODUCTIONS – None

CITY ATTORNEY Parliamentary procedures given by City Attorney Pinkney

PUBLIC APPEARANCE

Judy Thornton, Needles Tourism, gave an update on coming and current events.

Jared Johnston asked about the light at Casa Linda & Lilly Hill, reported a light out on Larchwood and reported that the off ramps will be undergoing work by CalTrans and that the Havasu/Topock bridge will be down to one lane.

Julie Bigham gave report on the Housing Authority.

PUBLIC COMMENTS PERTAINING TO NPUA/ COUNCIL ITEMS - None

NPUA / COUNCIL CONSENT CALENDAR: Member/Councilmember Campbell moved, seconded by Member/Councilmember Longbrake to approve the consent calendar items as recommended. Motion carried by the following roll call vote:

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

Noes: None

Absent: None

- 1) Awarded Bid to Phillips Excavating, Inc. for the installation portion of the Water Meter Replacement Project in the amount of \$561,306 plus 10% contingency for a total project cost of \$617,437 and authorize staff to execute the Public Works Agreement with Phillips Excavating, Inc. and move forward with the Notice of Award and Notice to Proceed
- 2) Approved Task No. 6 with Petrelli Electric to replace poles in alley between Coronado and Balboa under the Electric Circuit Reliability Program to complete the Electric System Improvements at a cost not to exceed \$202,000 using funds from The Electric System Asset Replacement Fund
- 3) Approved installation of streetlights on the east side of Clary Drive in the amount of \$16,192.36 using the electric asset replacement funds or include the streetlights in the ATP project scope for the west side

End of Consent

- 17) Resolution No. 2023-12 authorizing the City Council to assume the governing body responsibilities for the Needles Housing Authority

City Manager Daniels reported and considerable discussion ensued. Julie Bigham. Housing Authority, reported. Barbara Bead voiced her concern that there could be a conflict between the city and the Housing Authority. City Deputy Attorney Lena Wade addressed legal concerns and referenced laws that address city councils taking over housing authorities. She will be involved in the transition as legal counsel.

Councilmember Campbell moved, seconded by Councilmember Pogue to waive the reading and adopt Resolution No. 2023-12 authorizing the City Council to assume the governing body responsibilities for the Needles Housing Authority Motion carried by the following roll call vote:

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

REGULAR ITEMS

- 4) NPUA/Council – Adopted the proposed revised NPUA budget for fiscal year ending June 30, 2023, NPUA Resolution 02-14-2023-NPUA amending Resolution 06-14-2022-NPUA City Manager Daniels reported.

Member/Councilmember Campbell moved, seconded by Member/Councilmember Merritt to waive the reading and adopt the proposed revised NPUA budget for fiscal year ending June 30, 2023, NPUA Resolution 02-14-2023-NPUA amending Resolution 06-14-2022-NPUA. Motion carried by the following roll call vote:

Ayes: Members/Councilmembers Jernigan, Merritt, Campbell, McCorkle, Pogue, Belt, and Longbrake
 Noes: None
 Absent: None

RECESS THE JOINT NPUA / COUNCIL MEETING AND RECONVENE THE COUNCIL MEETING at 6:55 PM

PUBLIC COMMENTS PERTAINING TO THE COUNCIL ITEMS

Ruth Musser-Lopez commented that after the Planning Commission meeting the General Plan designation for the Pioneer Cemetery was changed and requested that the adjacent flood control lot next to the freeway be considered open space.

- 5) Chamber of Commerce update on Visitor Center given by Board President Mark Orr and a review of upcoming events. Discussion ensued regarding the events, utilities and rent, Visitor Center and if they have a business plan. Mark Orr informed council that the Chamber is in the process of transitioning from a Board directed group to an Executive Director run Chamber that is advised by a board.
- 6) General Plan Study Session amending the City Code and Land Use Map associated with the General Plan Update and adoption of a Mitigated Negative Declaration / Initial Study

Staff report given by City Manager Rick Daniels, Assistant City Manager Patrick Martinez and Colin Drukker from PlaceWorks gave a presentation. Discussion ensued

PUBLIC HEARING

- 7) Public hearing noticed to consider all evidence and testimony for or against amending Chapter 8, Finance, Article II, Section 8-9 Purchasing
 Staff Report given by City Manager Rick Daniels
 Council questions of staff - none
 Mayor opened the public hearing at 7:36 PM
 Public Comment – none
 Mayor to close the public hearing at 7:37 PM
 Council Discussion / Deliberation - None

Councilmember Pogue moved, seconded by Councilmember Campbell to approve for introduction Ordinance No. 658-AC amending Chapter 8 Finance, Article II, Section 8-9 Purchasing. Motion carried by the following roll call vote:

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

CONSENT CALENDAR: Mayor Jernigan pulled consent calendar item 11 for discussion,. Councilmember Campbell moved, seconded by Councilmember Pogue to approve the remaining consent calendar items as recommended. Motion carried by the following roll call vote:

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

- 8) Approved the warrants registers of February 14, 2023
- 9) Awarded bid to John Simmons Roofing for Bid Alternate No. 2 for roof improvements at 817 Third Street in the amount of \$144,350 with a total project cost of \$158,785 which includes a 10% contingency using \$122,048 from the Admin Facility Property Capital Buildings Fund and the remainder of \$36,737 from General Fund Reserves and authorized staff to issue a Notice of Award and Notice to Proceed
- 10) Accepted the proposal from the Fort Mohave Indian Tribe (FMIT) exclusively to provide Cultural Resource Monitoring during construction activities at the Lillyhill Water Booster Pump Station site not to exceed \$30,611.40 using funds from the California State Water Resources Control Board grant and authorized staff to issue a purchase order without the benefit of a competitive bid process
- 12) Authorized a one-time transfer of \$187,844.01 into the Water Infrastructure account and allocate \$7,700 to Needles Tourism, \$13,000 to Fire House Ministries and \$10,000 to the Needles Rodeo Association to be funded by the City's Coronavirus State and Local Fiscal Recovery Funds (SLFRF) allocation
- 13) Waive the second reading and adopted Resolution 2023-11 changing the Planning Commission Meetings to every 1st Wednesday of the month at 4:00 PM effective February 28, 2023
- 14) Approved a letter from the Mayor supporting Legislation SB14 to include human trafficking as a serious and violent crime under California law
- 15) Approved additional fees of \$7,500 to BNSF Railway Company in accordance with the Barrier for Underpass Agreement and Easement Agreement for the K Street Barrier project

End of Consent

- 11) Accept the proposal submitted by Cyle George and Gabriel Pecina for the Public Art Mural(s) to be painted within the bowls of the Skate Park for an amount not to exceed \$15,000 using funds from the general fund reserves and authorize staff to issue a purchase order.
 Mayor Jernigan pulled from Consent for discussion on details of pictures and logos used, copy right laws, and concerns of tagging. After considerable discussion, City Manager Rick Daniels agreed to follow up on the details of the design specifics on this item.

Councilmember Campbell moved, second by Councilmember Longbrake to accept the proposal, with input and direction. Motion carried by the following roll call vote:

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

REGULAR ITEMS

PUBLIC COMMENTS PERTAINING TO THE COUNCIL ITEMS - None

- 16) Destination 66 Mixed Use Development Agreement and Option update between the city and Ashot Minasian for property generally located at the north west corner of W. Broadway and G Street, APN's 0186-095-04-0000 and 0186-095-03-0000

Assistant City Manager Martinez reported. Considerable discussion ensued.

Councilmember Campbell moved, seconded by Councilmember Longbrake to address the contract options during executive session at the next meeting. Motion carried by the following roll call vote:

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

- 18) Authorized those interested to attend the Innovating Commerce Serving Communities (ICSC) Event at the Las Vegas Convention Center on May 21-23, 2023 using funds from the travel per diem account

Council Member Campbell moved, seconded by Council Member Merritt to authorize Mayor Jernigan, Council Members Campbell, Merritt, McCorkle and Longbrake to attend the Innovating Commerce Serving Communities (ICSC) Event at the Las Vegas Convention Center on May 21-23, 2023 using funds from the travel per diem account Motion carried by the following roll call vote:

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

- 19) Authorize those interested to attend the League of California Cities Desert Mountain Division meeting scheduled for February 17, 2023, in Apple Valley using funds from the travel per diem account

Councilmember Campbell moved, seconded by Councilmember Merritt to authorize Council Members Campbell, Pogue and Longbrake to attend the League of California Cities Desert Mountain Division meeting scheduled for February 17, 2023, in Apple Valley using funds from the travel per diem account Motion carried by the following roll call vote:

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

CITY ATTORNEYS REPORT – City Attorney Pinkney reported.

CITY MANAGERS REPORT – City Manager Rick Daniels reported.

COUNCIL REQUESTS

Councilmember Campbell reported on the League of California Cities Academy she recently attended. She also mentioned events happening over the upcoming weekend.

Councilmember McCorkle reported on the League of California Cities Academy she recently attended.

Councilmember Merritt talked about the events happening over the upcoming weekend and requested a meeting with the Chamber of Commerce.

Councilmember Pogue reported on the League of California Cities Academy she recently attended and commented on our representation in Sacramento. She also thanked city staff for addressing the lighting on the power poles.

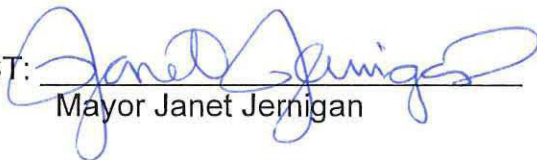
Councilmember Belt spoke about the Women's Club sponsoring a CPR class and wished everyone a Happy Valentine's Day.

Councilmember Longbrake reported on the League of California Cities Academy he recently attended and said he is happy to see more events happening in Needles.

Mayor Jernigan reported on the League of California Cities Academy she recently attended. She also asked about addressing the dead palm trees on Bailey by a vacant building.

ADJOURNMENT - Mayor Jernigan adjourned the meeting at 8:34 PM

ATTEST:



Mayor Janet Jernigan



City Clerk Dale Jones, CMC