

## MINUTES

REGULAR MEETING OF THE CITY COUNCIL,  
NEEDLES PUBLIC UTILITY AUTHORITY  
CITY OF NEEDLES, CALIFORNIA - TUESDAY, FEBRUARY 28, 2023  
COUNCIL EXECUTIVE SESSION – 5:30 P.M. - CITY COUNCIL MEETING – 6:00 P.M.  
CITY COUNCIL CHAMBERS - 1111 BAILEY AVENUE, NEEDLES

THE 5:00 P.M. PORTION OF THE CITY COUNCIL MEETING WAS RECESSED  
BY THE CITY CLERK TO 5:30 P.M.

### CALL TO ORDER

Meeting was called to order at 5:31pm by Mayor Jernigan

### ROLL CALL

Present: Mayor Jan Jernigan, Vice Mayor Kirsten Merritt; Council Members Ellen Campbell, JoAnne Pogue, Tona Belt, and Henry Longbrake. Also present; City Manager Rick Daniels, Assistant City Manager Patrick Martinez, and City Clerk Dale Jones. City Attorney John Pinkney attended via Teams teleconference.

**PUBLIC COMMENTS PERTAINING TO THE EXECUTIVE SESSION ITEMS – None**

### RECESS TO EXECUTIVE SESSION at 5:32 pm

- a) Conference with Legal Counsel regarding existing litigation pursuant to Government Code Section 54956.9(d)(1): Rajee Kolachana et al. v. City of Needles et al., US Dist. Ct. Case No. EDCV 23-237-SVW (AFM)

**EXECUTIVE SESSION** –City Attorney Pinkney reported that action was taken on item a as follows:

Motion to pursue defense against existing litigation pursuant to Government Code Section 54956.9(d)(1): Rajee Kolachana et al. v. City of Needles et al., US Dist. Ct. Case No. EDCV 23-237-SVW (AFM) was made by Council Member Campbell, seconded by Council Member Pogue and carried by the following roll call vote:

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

Noes: None

Absent: Council McCorkle

### ROLL CALL (Previously Taken)

A motion to excuse the absence of Council Member McCorkle was made by Council Member Campbell, seconded by Vice Mayor Merritt and carried by the following roll call vote:

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

Noes: None

Absent: Council Member McCorkle

**INVOCATION** given by Council Member Campbell

**PLEDGE OF ALLEGIANCE** led by Mayor Jernigan

### APPROVAL OF AGENDA

A motion to approve the agenda was made by Council Member Pogue, seconded by Council Member Campbell and 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 – None**

**CORRESPONDENCE** – City Clerk Dale Jones acknowledged a letter submitted by Ruth Musser-Lopez regarding concerns over the general plan. Copies were previously distributed to all Council Members.

**INTRODUCTIONS** – Mayor Jernigan acknowledged Commissioner Linda Kidd, former Council Members Shawn Gudmundson and Tim Terral, Commissioner Barbara Beard and former Council Member Ruth Musser-Lopez.

**CITY ATTORNEY** Parliamentary procedures given by City Attorney Pinkney

**PUBLIC APPEARANCE**

Honey Davis asked the City Council to consider banning black top in the city, due to extreme heat in the summer.

**PRESENTATION**

- 1) Adopted Resolution No. 2023-17 approving the Proposed Revised Mid- Year City Budget amending Resolution No. 2022-46

Staff report given by City Manager Rick Daniels. Council Member Pogue asked if this budget included hiring another police officer. City Manager Daniels responded that it provides for salary increases for the sheriff's department, but not an additional officer at this time. Continued discussion ensued.

A motion to waive the reading and adopt Resolution No. 2023-17 approving the Proposed Revised Mid- Year City Budget amending Resolution No. 2022-46 was made by Council Member Belt, seconded by Council Member Campbell and carried by the following roll call vote:

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

- 2) Public Hearing held - noticed to consider adopting the General Plan, 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 Martinez and a PowerPoint presentation was given by Colin Drukker from Placeworks and considerable discussion ensued regarding the Elks request for an 80 foot tower and historic properties.

Mayor opened the public hearing at 6:48 pm

**Public Comments:**

Barbara Beard, Planning Commission, informed council that the Planning Commission did not know about the 80 foot tower request and expressed concern that this issue should be considered by the planning commission.

Tim Terral spoke against the tower, stating that this zone change would allow the tower without neighborhood approval nor planning commission or council approval. He stated his view and the neighbors' views would be affected by this tower.

Gayle Broadbeck from the Elk's Lodge spoke in favor of the zone change allowing the tower, stating it would be placed on lower ground and therefore barely visible behind the lodge building. She further stated that the Elk's Lodge has done a lot for the community and it's time for the community to give back.

Leslie Simmons, participating via Teams, voiced concern over the zone change on her property near the airport.

Jeff West, participating on Teams, voiced his opinion that the zone change at the Elk's can be discussed at a later date and spoke in favor of the city's need to be open to growth.

Jerry Telles spoke regarding Leslie's concern over zone changes that could affect her property value as well as others, and questioned her property's viability for development due to the topography.

Shawn Gudmundson spoke in favor of the proposed general plan and this is an ongoing process which can be changed.

Mayor closed the public hearing at 7:23 pm.

Considerable discussion ensued regarding the Elk's Lodge parcel new zoning designation and the proposed 80' Tower, as well as discussion regarding other property zone changes.

Council Member Campbell moved, second by Council Member Pogue to waive the reading and adopt Resolution No. 2023-16 approving the Land Use and Transportation Element and approving the Mitigated Negative Declaration / Initial Study and adopt a Mitigation Monitoring Program for the Land Use and Transportation Elements of the General Plan Update (SCH NO. 2022120053). Motion was carried by the following roll call vote:

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

Noes: None

Absent: Council Member McCorkle

Council Member Campbell moved, second by Vice Mayor Merritt to waive the reading and approve for introduction Ordinance No. 659-AC **as amended to include the 80 foot tower zoning** amending the Needles Municipal Code Section 92.00 "Definitions" and Section 93.04 "Commercial Zones" and Section 96.01 "Table of Permissible Uses" and Section 98.00 "Site Dimensions" and Section 99.03 "Table of Minimum Dwelling Unit Floor Area" and Section 99.05 "Height of Structures, Table of height limits nonresidential zones" and Section 99.06.02 "Common Usable Open Space Area" and Section 99.06.05 "Front, Side, Rear Yards, Table of yards required nonresidential zones" and Section 99.06.09 "Courts" and Section 111.04.27 "Downtown Core Parking Requirements" and Sections 12A-6, 12A-7, 12A-9, 12A-10, 12A-11 of the Cannabis Businesses ordinance and rescinding Ordinance 620-AC replacing Chapter VII "Intensity of Uses". Motion carried by the following roll call vote:

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

Noes: None

Absent: Council Member McCorkle

#### CONSENT CALENDAR:

Council Member Pogue moved, second by Council Member Campbell to approve consent items 3, 4, 5 and 7. Motion carried by the following roll call vote:

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

Noes: None

Absent: Council Member McCorkle

- 3) Approved the warrants registers of February 28, 2023

- 4) Authorized Fiscal Year 2023 Brooks Consulting Electrical Engineering for support services for the Park Moabi and Mohave Line improvements not to exceed \$15,000 to be funded by the electric operations and maintenance budget
- 5) Waived the reading and adopt Resolution No. 2023-15 approving participation in the Institute for Local Government's Recognition Program, The Beacon Program, working to build a more vibrant and sustainable community
- 7) Authorize a Client Services Agreement for the integration / technical support for the installation of water meters for the Advanced Metering Infrastructure (AMI) project to Wellington Energy, Inc. in the amount of \$35,610 using the water asset replacement fund

#### **End of Consent**

- 6) Authorize the city to cosponsor the Run for the Wall in an approximate amount of \$2,000 for providing services.

City Manager Daniels reported and discussion ensued regarding the funding and the City's role in sponsoring the event; the city will be a co-sponsor with equal billing; inviting all veterans in the tri-state area, providing a public service and the mayors opposition for the use of the restrooms in the El Garces based on previous events. Council spoke in favor of allowing the use the restrooms, stating that other events allow it and there needs to be consistency.

Shawn Gudmundson asked for an accounting of all money raised and spent on the event. Ruth Musser-Lopez question if this is a gift of public funds.

Council Member Belt moved, second by Council Member Campbell to authorize the city to cosponsor the Run for the Wall in an approximate amount of \$2,000 for providing services and allow the use of the restrooms in the El Garces. Motion was and carried by the following roll call vote:

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

Noes: None

Absent: Council Member McCorkle

- 8) Housing Authority Implementation Status  
Council Member Campbell asked for an update on the housing authority status. City Manager Rick Daniels gave a report.

#### **REGULAR ITEMS**

##### **PUBLIC COMMENTS PERTAINING TO THE COUNCIL ITEMS**

- 9) City Manager Daniels reported.  
Vice Mayor Merritt moved, second by Council Member Campbell to waive the reading and adopt Ordinance No. 658-AC amending Chapter 8 Finance, Article II, Section 8-9 Purchasing  
AND  
Waive the reading and adopt Resolution No. 2023-13 excepting utility projects and the purchase of supplies or equipment for any such utilities in an amount not to exceed \$100,000 from Needles Municipal Code Section 8-9 (e) and (f). Motion was carried by the following roll call vote:

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

Noes: None

Absent: Council Member McCorkle

- 10) Authorized those interested to attend the League of California Cities Leaders' Summit in Sacramento on April 12-14, 2023 using funds from the travel per diem account.

City Manager Daniels reported

Council Member Longbrake motioned, seconded by Council Member Pogue to authorize Council Members Campbell and McCorkle to attend the League of California Cities Leaders' Summit in Sacramento on April 12-14, 2023 using funds from the travel per diem account. Motion was carried by the following roll call vote:

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

CITY ATTORNEYS REPORT was given by City Attorney John Pinkney

CITY MANAGERS REPORT was given by City Manager Rick Daniels

#### COUNCIL REQUESTS

Councilmember Campbell – Spoke about the Helen Putney award and acknowledged the passing of Zach Lopez (Zach News) and offered condolences to the family of Marilyn Matthews on their house fire. She commended the fire department and SB County Sheriff's Department Captain Ross Tarangle and former officer Dave Smith for their quick action in getting everyone out safe.

Councilmember Merritt – spoke on budget concerns about too many council members travelling to too many events and suggested there be a limit on the number of people at events.

Councilmember Pogue – reported that the flag by the wagon wheel is in bad shape and needs to be replaced: asked about the status of the pedestrian light working at J street and Council Chambers, stating that it wasn't working at the last council meeting.

Councilmember Belt - asked about the acoustics in the gym and when the work that was previously approved would be completed.

Councilmember Longbrake – said he'd received a complaint from someone at the Erin Apartments about a strong marijuana odor and commented on the graffiti around town and voiced concerns about gang symbols.

Mayor Jernigan – reported on the upcoming SB County Resource Fair on March 8 from 10am to 2 pm and encouraged everyone to attend.

**ADJOURNMENT** - Mayor Jernigan adjourned the meeting at 8:47 PM

ATTEST:

  
 Mayor Janet Jernigan

  
 City Clerk Dale Jones, CMC