



City of Needles, California

Request for City Council Action

☒ CITY COUNCIL ☐ NPUA

☒ Regular ☐ Special

Meeting Date: July 11, 2023

Title: City Council Resolution No. 2023-42
Approving an Amendment to the Second Amendment to the Use Permit between the City of Needles and County of San Bernardino for the City-owned property located at 1111 Bailey Avenue

Background: On May 23, 2023, the City Council approved an Amendment to the Use Permit between the City of Needles and County of San Bernardino for the City-owned property located at 1111 Bailey Avenue.

The City was recently contacted by San Bernardino County Real Estate Services Department with a request to change the effective date of the Second Amendment to the Use Permit from May 23, 2023, until September 1, 2023. The Sheriff will not be able to begin the construction on the space until September 1, 2023, as the contract for the improvements to the leased area were delayed.

The following terms are part of the previously approved Second amendment and will not be altered:

- The "Use Permit" will allow for the Colorado River Station of the Sheriff/Coroner office to expand 340.8 square feet to a "Use Area" that will total 4,005 square feet.
- A rent of \$4,405.50 monthly or a total contract amount of \$155,770.

Fiscal Impact: \$52,866 in annual rent or total contract amount of \$155,770.

Finance Dept *[Signature]*

Recommended Action: Approve City Council Resolution No. 2023-42 Approving an Amendment to the Second Amendment to Resolution No. 2022-62 Amending the Use Permit between the City of Needles and County of San Bernardino for the City-owned property located at 1111 Bailey Avenue

Submitted By: Patrick Martinez, Assistant City Manager/Development Services

City Management Review: *[Signature]*

Date: 7/6/23

Approved: ☐

Not Approved: ☐

Tabled: ☐

Other: ☐

Agenda Item: 7

RESOLUTION NO. 2023-42
A RESOLUTION OF THE CITY OF NEEDLES, CALIFORNIA,
APPROVING A USE PERMIT AMENDMENT WITH
THE COUNTY OF SAN BERNARDINO

A. The City of Needles and the County of San Bernardino entered into that certain Use Permit dated February 11, 2014 allowing the County to use a certain portion of the City owned building known as Building "C" ("Building") located at 1111 Bailey Avenue ("Property") in the City of Needles, as more specifically described in the Use Permit.

B. The parties corrected the square footage of use area and clarified the permitted use by entering into that certain First Amendment ("First Amendment") to Use Permit dated October 25, 2022 (together the Use Permit and the First Amendment are referred to as the "Use Permit").

C. On May 23, 2023 the City approved a Second Amendment to expand the area of the Use Permit by 340.8 Square Feet to cover an additional area to be used as a multi-purpose room and gym. The "Leased Area" will total 4005 Square Feet.

D. The County wished to change the effective date of the Second Amendment to the Use Permit from May 23, 2023 to September 1, 2023.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Needles, California hereby approves an Amendment to the Second Amendment to Use Permit expanding the Use Area as defined therein in consideration of proportionately higher rent amount.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 11 day of July, 2023 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Janet Jernigan, Mayor

ATTEST:

Dale Jones, City Clerk

APPROVED AS TO FORM

Lena Wade, Deputy City Attorney

SECOND AMENDMENT TO USE PERMIT

This Second Amendment ("Second Amendment") to the Use Permit ("Use Permit") is entered into between the City of Needles ("City") and San Bernardino County ("County") effective as of the first day of September, 2023 ("Second Amendment Effective Date").

WHEREAS, the City and the County entered into that certain Use Permit dated February 11, 2014 allowing the County to use a certain portion of the City owned building known as Building "C" ("Building") located at 1111 Bailey Avenue ("Property") in the City of Needles, as more specifically described in the Use Permit; and,

WHEREAS, the parties corrected the square footage of use area and clarified the permitted use by entering into that certain First Amendment ("First Amendment") to Use Permit dated October 25, 2022 (together the Use Permit and the First Amendment are referred to as the "Use Permit"); and,

WHEREAS, the County wishes to expand the area of the Use Permit to cover an additional area to be used as a multi-purpose room and gym.

NOW THEREFORE, in consideration of mutual covenants and conditions, the parties hereto agree the Use Permit, is amended as follows:

A. SECTION 1 OF THE USE PERMIT AND EXHIBIT "A" ARE DELETED IN THEIR ENTIRETY; SECTION 1 IS AMENDED TO READ AS FOLLOWS AND EXHIBIT "A" IS AMENDED AS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

"1. **PARTIES:** The City of Needles, hereinafter referred to as CITY, hereby permits San Bernardino County, whose address is 385 N Arrowhead Avenue, San Bernardino, California, 92415-0180, hereinafter referred to as COUNTY; to use a portion of the CITY-owned building located at 1111 Bailey Avenue, Building "C" in the City of Needles ("Property"), comprising approximately 4,005 square feet of office and other space ("Use Area") as the Use Area is more particularly shown on Exhibit "A" attached hereto and made a part hereof by this reference,"

B. SECTION 2 OF THE USE PERMIT IS DELETED IN ITS ENTIRETY AND AMENDED TO READ AS FOLLOWS:

"2. **USE:** The County may use the Use Area for the following purposes: The Colorado River Station of the Sheriff/Coroner office, related business/administrative offices, multi-purpose room and gym and any other activities related to the conduct of Sheriff/Coroner business. No other uses are permissible."

C. SECTION 4 OF THE USE PERMIT IS DELETED IN ITS ENTIRETY AND AMENDED TO READ AS FOLLOWS:

"4. **RENT AND MAINTENANCE:** Commencing the Effective Date, County shall pay rent in the sum of \$4,405.50 which is payable to the City on or before the first day of each month in advance, Any partial month's rent shall be prorated based on a thirty day month. County shall regularly maintain the heating and ventilating system servicing said Building. Such maintenance shall include, but not be limited to, filters, electrical or mechanical repairs, and freon gas replacement due to leaks. COUNTY shall provide any unit replacement including, but not limited to, condenser coils, motors and full unit replacement. Except for any obligations of City, County shall maintain and repair the Use Area at all times in as good a condition as existed on the initial commencement date of this Use Permit,

including the plumbing, electrical, mechanical, windows, interior walls improvements and furnishings that are part of the Use Area, ordinary wear and tear excluded.”

Except as specifically amended by this Second Amendment, the Use Permit shall remain in full force and effect.

City of Needles, a California Charter City

By _____
Rick Daniels,
City Manager

ATTEST:

City of Needles, a California Charter City

By _____
Dale Jones, City Clerk

Date: _____

APPROVED TO FORM:

SLOVAK BARON & EMPEY, LLP

By _____
John O. Pinkney, Esq.
City Attorney

Date: _____

San Bernardino County

By _____
Name: Dawn Rowe
Title: Chair of the Board of Supervisors

ATTEST:

San Bernardino County

By _____
County Clerk

Date: _____

APPROVED TO FORM:

TOM BUNTON, County Counsel
San Bernardino County

By _____
John Tubbs II, Deputy County Counsel

Date: _____