

MINUTES OF THE REGULAR MEETING  
OF THE CITY COUNCIL  
NEEDLES, CALIFORNIA

Tuesday, January 14, 2014

**Call to Order**

Mayor Paget called the meeting to order at 5:00 p.m. in the Council Chambers at 1111 Bailey.

**Roll Call**

Present: Mayor Edward T. Paget, M.D.; Council Members Jim Lopez (arrived at 5:03 p.m.), Linda Kidd, Tony Frazier, Terry Campbell, Tom Darcy and Shawn Gudmundson. Also present City Manager Rick Daniels; City Attorney John Pinkney and City Clerk Dale Jones.

**Public Appearance - None**

**Meeting Recessed for Executive Session Item**

Mayor Paget recessed the meeting for the purpose of Executive Session at 5:01 p.m.

- a) Pursuant to California Government Code §54956.9(a) – Conference with Legal Counsel – Existing Litigation – City of Needles v. Keith Enterprises, LLC (Case Number CIVNS1100085)
- b) Pursuant to California Government Code §54956.9(c) - Conference with Legal Counsel - Potential Litigation - Number of potential cases: 1
- c) Pursuant to California Government Code §54956.9(a) - Conference with legal counsel – pending litigation: - Huxster v. City of Needles” Case Number CIVDS1313928
- d) Conference with Labor Negotiator pursuant to California Government Code §54957.6 – Personnel - City Negotiator: City Manager Rick Daniels – Employee Organization: San Bernardino Public Employees Association (SBPEA)

**Meeting Reconvened**

Mayor Paget reconvened the meeting at 6:00 p.m. with all persons heretofore mentioned present.

**Report Out of Executive Session by City Attorney**

City Attorney Pinkney reported that there was no reportable action taken during executive session on the aforementioned items.

**Roll Call**

Present: Mayor Edward T. Paget, M.D.; Council Members Jim Lopez, Linda Kidd, Tony Frazier, Terry Campbell, Tom Darcy and Shawn Gudmundson. Also present City Manager Rick Daniels; City Attorney John Pinkney and City Clerk Dale Jones.

**Invocation** Given by Mayor Paget

**Pledge of Allegiance** Led by Mayor Paget

**Approval of Agenda**

Councilmember Kidd moved, seconded by Councilmember Gudmundson, to approve the agenda as submitted. Motion carried by the following roll call vote:

Ayes: Council Members Lopez, Kidd, Frazier, Campbell, Darcy and Gudmundson  
Noes: None  
Absent: None

**Conflict of Interest - None**

**Correspondence** – City Clerk Jones announced that there was a communication distributed to council with the corrected parcel maps for agenda item #11, Resolution No. 2014-1.

**Introductions** – Mayor Paget introduced Mr. Ron Frame, representative to County Supervisor Lovingood and Ms. Nanette McCorkle and Mr. Bob Rath who were in attendance for the Board interviews.

**Public Appearance**

Ms. Ruth Messer-Lopez informed council that she preferred the parliamentary process that the council used to follow; opposes the new tax on water; voiced her opinion that council violated the Brown Act when they voted in executive session to demolish the historic Overland stating that there was nothing on the agenda to allow the citizens to comment; that former BB&K attorney was involved with another hotel issue in the past; and that there will be funding to refurbish Route 66 historic buildings such as the Overland. City Attorney Pinkney responded that he was not involved with the Hotel California issue; Council did not vote to demolish the Overland and what he reported out of executive session was properly agenzized pursuant to the Brown Act. City Attorney Pinkney informed her that the Overland is for sale and anyone is free to purchase and revitalize the property.

**1) Appointments made to fill vacancies on various Boards and Commissions**

Councilmember Lopez moved, seconded by Councilmember Kidd, to appoint Mr. Bruce Pocock to the Board of Public Utilities with a term to expire December 31, 2017; appoint Mr. Bob Rath and Mr. Robert McDaniel to the Planning Commission with terms to expire December 31, 2017; appoint Ms. Sheryl Porter for the at-large vacancy with a term to expire December 31, 2017 and Ms. Tamera Kissell for the tenant vacancy with a term to expire December 31, 2015; and appoint Ms. Nannette McCorkle to the Cemetery Advisory Commission with a term to expire December 31, 2017.

Motion carried by the following roll call vote:

Ayes: Council Members Lopez, Kidd, Frazier, Campbell, Darcy and Gudmundson  
Noes: None  
Absent: None

**2) San Bernardino County Fire Department representative will review the December 2013 Administrative Monthly Report and “What to do during a Winter Storm”**

Mayor Paget announced that there was no one present from the Fire Department.

**3) Ms. Linda Fitzpatrick, representing A&I Investments, made a presentation regarding the “Masonic Building” located at 827 W. Broadway, requesting the City Council to designate this building as an “Historic” building – included in the packet is a memorandum from City Attorney Pinkney relative to historic buildings and grant funding opportunities - Council consensus was to have the City Attorney update the city code and bring it back to Council for consideration**

Ms. Linda Fitzpatrick distributed a one page document titled “California’s SHBC: Code Compliance and the SHBC” and another one page document titled “California’s State Historical Building Code”. She reviewed the history of the building; informed council that the owner is acquiring bids to replace the roof and that it is the right thing to do by declaring this as a historic building. City Attorney Pinkney reviewed his memorandum included in the agenda packet reviewing the current city code (Chapter 6A) and informed council that they could appoint a Cultural Resources Preservation Commission. City Attorney Pinkney responded to Councilmember Kidd’s inquiry that the Planning Commission could be appointed as the Commission.

Considerable discussion ensued that there are different types of historic designations; that there is a building code addressing historical buildings; concern that our code is outdated and needs to be revised; concerns that if you designate a building historic there could be additional costs to the property owner for restoration and that the State determines if the building qualifies.

Ms. Messer-Lopez voiced her opinion that it would be a great idea to appoint a Cultural Resources Preservation Commission and there is a lot of funding for properties located on Route 66. Vice Mayor Campbell reminded Council that this building is not located on the original Route 66.

Ms Fitzpatrick responded to council's inquiry that the owner of the property can still move forward with or without council designating the building historic and the owner is prepared to match the funding requirements on any of the grants they may be awarded.

Council consensus was to have the City Attorney update the city code and bring it back to Council for consideration.

**4) Public hearing held - Adopted Resolution No. 2014-2 "A Resolution of the City Council of the City of Needles finding that the vacation of public right-of-way (ROW) easement on My Place Road adjacent to APN 0660-251-71 is consistent with the Needles General Plan" Lot A of Parcel Map 17909**

A public hearing was noticed to consider all evidence and testimony for or against to consider all evidence and testimony for or against to vacate a City of Needles street right-of-way (ROW) consisting of an unused 40' portion along My Place Road, adjacent to Assessor's Parcel Number 660-251-71, known as Lot "A" of Parcel Map 17909.

Legal notice as provided to the City Clerk's Office by staff had been published and posted.

Mayor Paget declared the public hearing open at 6:31 p.m.

Building Official Marvin Carter reviewed the staff report included in the agenda packet.

There being no persons present to speak further on the matter and there being no protests filed, either written or oral, the Mayor declared the public hearing closed at 6:34 p.m.

Councilmember Lopez moved, seconded by Councilmember Gudmundson, to waive the reading and adopt Resolution No. 2014-2 - A Resolution of the City Council of the City of Needles finding that the vacation of public right-of-way (ROW) easement on My Place Road adjacent to APN 0660-251-71 is consistent with the Needles General Plan" Lot A of Parcel Map 17909.

Motion carried by the following roll call vote:

Ayes: Council Members Lopez, Kidd, Frazier, Campbell, Darcy and Gudmundson  
Noes: None  
Absent: None

**5) Public hearing held – Adopted Resolution No. 2014-3 "A Resolution of the City Council of the City of Needles finding that the vacation of public right-of-way (ROW) easement on My Place Road adjacent to APN 0660-251-75 is consistent with the Needles General Plan" Lot A of Parcel Map 17910**

A public hearing was noticed to consider all evidence and testimony for or against noticed to consider all evidence and testimony for or against to vacate a City of Needles street right-of-way (ROW) consisting of an unused 40' portion along My Place Road, adjacent to Assessor's Parcel Number 660-251-75, known as Lot "A" of Parcel Map 17910.

Legal notice as provided to the City Clerk's Office by staff had been published and posted.

Mayor Paget declared the public hearing open at 6:34 p.m.

Building Official Marvin Carter reviewed the staff report included in the agenda packet.

There being no persons present to speak further on the matter and there being no protests filed, either written or oral, the Mayor declared the public hearing closed at 6:35 p.m.

Councilmember Lopez moved, seconded by Councilmember Frazier, to waive the reading and adopt Resolution No. 2014-3 - A Resolution of the City Council of the City of Needles finding that the vacation of public right-of-way (ROW) easement on My Place Road adjacent to APN 0660-251-75 is consistent with the Needles General Plan" Lot A of Parcel Map 17910.

Motion carried by the following roll call vote:

Ayes: Council Members Lopez, Kidd, Frazier, Campbell, Darcy and Gudmundson  
Noes: None  
Absent: None

**6) Public hearing noticed to consider all evidence and testimony for or against sale of city-owned property, .62 acres, located on east side of Coronado St., north of El Monte St, south of Desoto St., also known as APN 185-233-19 has been continued by staff to February 11, 2014 (see Resolution of Intent No. 2014-4)**

**7) Public hearing noticed to consider all evidence and testimony for or against approving an additional \$3.00 per month charge for an asset replacement fund and establishing a cost of living adjustment beginning October 1, 2014 through and including October 1, 2016 has been continued by staff to March 11, 2014**

#### **Consent Calendar**

Councilmember Kidd moved, seconded by Councilmember Gudmundson, to approve the consent calendar items as recommended. Motion carried by the following roll call vote:

Ayes: Council Members Lopez, Kidd, Frazier, Campbell, Darcy and Gudmundson  
Noes: None  
Absent: None

**8) Approved the warrants register through January 14, 2014 and hospital related payments of \$5,662.10 to CPSI and \$13,391.31 to Slovak, Baron, Empey et al.**

**9) Approved the minutes of the special meetings of November 19 and December 3 and the regular meeting of December 10, 2013**

**10) Waived the reading and adopted Ordinance No. 557-AC – An Ordinance of the City of Needles adding Chapter 9.33 to Title 9 of the Needles Municipal Code regarding providing accountability for Social Hosts of Minors**

**11) Waived the reading and adopted Resolution No. 2014-1 "A Resolution of the City Council of the City of Needles approving Final Parcel Map No. 19348, APN 0660-261-43"**

**12) Accepted the bid from J & M Steel in the amount of \$13,840.00 for the Steel Trade at the El Garces Phase II Project and authorized staff to issue a Notice of Award and Notice to Proceed**

**13) Accepted Change Order No. 1 for Kelley Bros. of Arizona for the purchase of an additional door for the El Garces Phase II Project in the amount of \$1,996.00**

- 14) **Accepted Change Order No. 4 to Robinson Electric for the Electrical and Fire Alarm Improvements El Garces Phase II Project in the amount of \$25,375.00**
  - 15) **Accepted Change Order No. 5 to Robinson Electric for future conduit installation, El Garces Phase II Project in the amount of \$5,800.00**
  - 16) **Accepted Change Order No. 2 to Reinke Heating & Air Conditioning for Drainage Downspout Improvements, El Garces Phase II Project, in the amount of \$38,807.69**
  - 17) **Accepted Change Order No. 2 to McCormick Construction for the Concrete Improvements, El Garces Phase II Project for 1,517 square feet of additional concrete inside the building on the north west end in the amount of \$14,411.50**
- End of Consent Calendar**

18) **Waived the reading and adopted Resolution No. 2014-4 – A Resolution of the Needles City Council approving its intent to abandon .63 acres (more or less) of real property conveyed to the City of Needles by Buck-John Corporation for Park Purposes on April 6, 1966**  
 City Manager Rick Daniels reported that there is a process to be followed before we can declare this property surplus referring to the agenda coversheet. Mayor Paget inquired if Dr. Richardson had been notified of the cities intent. City Manager Daniels informed council that staff will notify Dr. Richardson.

Councilmember Lopez moved, seconded by Councilmember Frazier, to waive the reading and adopt No. 2014-4 – A Resolution of the Needles City Council approving its intent to abandon .63 acres (more or less) of real property conveyed to the City of Needles by Buck-John Corporation for Park Purposes on April 6, 1966. Motion carried by the following roll call vote:

Ayes: Council Members Lopez, Kidd, Frazier, Campbell, Darcy and Gudmundson  
 Noes: None  
 Absent: None

**City Attorney’s Report - None**

**City Manager’s Report - None**

**Council Requests**

Councilmember Lopez requested staff to contact Cal Trans to replace the lights at the freeway bridge and he thanked staff for putting lights up in front of the recreation buildings.

Councilmember Kidd thanked those who are working on the new dog park informing council that there has been some vandalism and area lights are being looked into.

Councilmember Gudmundson informed staff that a citizen has complained about the bulk pick up policy and to contact Allied Waste.

Mayor Paget welcomed everyone to the New Year and is looking forward to the El Garces grand opening and future events.

Mayor Paget declared the regular meeting of the City Council held on the 14th day of January, 2014, adjourned at 6:43 p.m.

ATTEST: \_\_\_\_\_  
 Mayor Edward T. Paget, M.D.

\_\_\_\_\_  
 City Clerk Dale Jones, CMC