

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL,
NEEDLES PUBLIC UTILITY AUTHORITY
NEEDLES, CALIFORNIA

Tuesday, April 8, 2014

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

Mayor Paget called the meeting to order at 5:30 p.m. in the Council Chambers at 1111 Bailey.

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.

Public Appearance – None

Meeting Recessed for Executive Session Item

Mayor Paget recessed the meeting for the purpose of Executive Session at 5:31 p.m.

- a) Conference with Labor Negotiator pursuant to California Government Code §54957.6 – Personnel
- City Negotiator: Attorney Tom Slovak via teleconference – 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.

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 Councilmember Lopez.

Approval of Agenda

Councilmember Lopez moved, seconded by Councilmember Kidd, 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 - None

Introductions – None

Public Appearance - None

1) San Bernardino County Fire Department Chief Tom Marshall gave an overview on current fire department activities

Chief Tom Marshall reviewed the March Administrative Report and information regarding smoke detectors and on how important they are. He responded to City Manager Daniels that he would look into the subscription service that is being offered in other cities to augment the cost of ambulance services.

2) Public hearing held – Waived the reading and adopted Resolution No. 2014-16 – A Resolution of the City Council of the City of Needles, establishing fares and basic rules and regulations for ridership on the Needles Area Transit Jack Smith Park Seasonal Express Route effective as of May 1, 2014

A public hearing was noticed to consider all evidence and testimony for or against proposed fares for ridership on the Needles Area Transit (NAT) Jack Smith Park Seasonal Express Route effective as of May 1, 2014

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 6:10 p.m.

Ms. Cheryl Sallis, Transit Services Manager, reported. Considerable discussion ensued regarding the proposed route, the proposed fare, the transfer fee and what passengers are allowed to carry onto the bus.

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 6:17 p.m.

Councilmember Gudmundson moved, seconded by Councilmember Darcy, to waive the reading and adopt Resolution No. 2014-16 – A Resolution of the City Council of the City of Needles, establishing fares and basic rules and regulations for ridership on the Needles Area Transit Jack Smith Park Seasonal Express Route effective as of May 1, 2014. Motion carried by the following roll call vote:

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

Adjourned the City Council meeting and convened a joint City Council and NPUA meeting

Mayor Paget recessed the City Council meeting and convened a joint meeting with the NPUA at 6:17 p.m. Roll call previously taken.

Public Appearance – None

3) NPUA ACTION: Approved the minutes of March 11, 2014

Member Darcy moved, seconded by Member Lopez, to approve the minutes of March 11, 2014. Motion carried by the following roll call vote:

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

4) NPUA / COUNCIL ACTION: Approved the City of Needles Water Shortage Contingency Plan

Assistant City Manager Brownlee reported. He responded to Mayor Paget's concern that the plan calls for a water restrictor however this action would come back to Council for consideration and/or implementation.

Member Gudmundson moved, seconded by Member Darcy, to approve the City of Needles Water Shortage Contingency Plan. Motion carried by the following roll call vote:

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

Councilmember Darcy moved, seconded by Councilmember Gudmundson, to approve the City of Needles Water Shortage Contingency Plan. Motion carried by the following roll call vote:

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

Adjourned the joint Council / NPUA meeting and reconvened the Council meeting

Mayor Paget adjourned the joint meeting with the NPUA at 6:24 p.m. and convened the Council meeting; roll call previously taken.

Consent Calendar

Councilmember Gudmundson moved, seconded by Councilmember Darcy, 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

5) Approved the warrants register through April 8, 2014

6) Approved the minutes of March 11, 2014

7) Accepted the proposal submitted by Selberg Associates, Inc. for design and working drawings for tenant improvements in the first floor southwest corner of the El Garces for the Needles Area Transit office space subject to Cal EMA and San Bernardino Associated Governments (SANBAG) approval to relocate the project and use of grant funds

8) Waived the reading and adopted Resolution No. 2014-15 – A Resolution of the City Council of the City of Needles approving the City-County Cooperation Delegate Agency Agreement for the 2015-2018 County Community Development Block Grant (CDBG) Program

10) Accepted Change Order #1 to Design Center Design for additional flooring and sealing of existing porcelain tile improvements in the interior area at the El Garces Phase 2 project in the amount of \$13,164.00

End of Consent Calendar

9) Approved a professional services agreement for civil engineering services with Charles K. Dewald, P.E. (formally Territorial Engineering) - This item died for the lack of a motion however was revisited later in the meeting and approved.

Councilmember Lopez pulled this item from the Consent Calendar voicing his concerns that Mr. Dewald's hourly rate increased by \$50.00 per hour; reimbursement for mileage and lodging and that he believes our city engineer should be writing grants for much needed projects. Councilmember Lopez voiced his opinion that the city should submit a Request for Proposal (RFP) for an engineer / grant writer.

Councilmember Lopez moved, seconded by Vice Mayor Campbell to submit a Request for Proposal for an engineer / grant writer. Vice Mayor Campbell voiced his opinion that the city should hire someone out of college and give them an opportunity to earn their credentials. City Attorney Pinkney informed Council that the item before them was to approve the agreement and not to submit a RFP.

11) Direction to dissolve the Needles Community Enhancement Corporation (NCEC) and directed the city manager to negotiate with Mr. Scott Johnson the terms of the lease for the concession at Rivers Edge Golf Course – No action taken on Resolution No. 2014-17 – Terminating the existing lease between the City of Needles and Needles Community Enhancement Corporation (NCEC), transferring the existing lease between the NCEC and Scott Johnson to the City of Needles and dissolving the NCEC

City Manager Daniels informed Council that the NCEC met and voted to dissolve the corporation. By doing so the city shall terminate the existing lease with the NCEC and transfer the existing lease with Mr. Schott Johnson for the golf course concession. The current concession lease has a payment of \$550.00 plus five percent of gross per month to be applied to the outstanding loan and after one year, Mr. Johnson has an option for an additional year and the two five year options at this discretion.

Councilmember Kidd moved, seconded by Councilmember Lopez to waive the reading and adopt Resolution No. 2014-17, A Resolution of the City Council of the City of Needles terminating the existing lease between the City of Needles and Needles Community Enhancement Corporation (NCEC), transferring the existing lease between the NCEC and Scott Johnson to the City of Needles and dissolving the NCEC.

Considerable discussion ensued regarding the lease between the NCEC and Mr. Johnson; that Mr. Johnson has the option to continue with the terms of the lease as long as he is in compliance and current with his rent, etc.; what if the city wanted to sell the golf course; twelve years is a long time to tie up the concession and could the city negotiate for a mutual agreement regarding the terms of the lease.

Councilmember Gudmundson moved, seconded by Councilmember Lopez to amend the motion. Discussion continued that Mr. Johnson has entered into a lease in good faith; that we want him to succeed; to discuss the terms after one year and that both parties should have the option to opt out of the lease. Motion carried by the following roll call vote:

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

Councilmember Kidd moved, seconded by Councilmember Gudmundson, to dissolve the Needles Community Enhancement Corporation (NCEC) and direct the city manager to negotiate with Mr. Scott Johnson the terms of the lease for the concession at Rivers Edge Golf Course.

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

City Attorney Pinkney reminded Council that they took no action on item number 9 regarding a professional services agreement for civil engineering services with Charles K. Dewald, P.E. (formally Territorial Engineering) and gave direction to staff to proceed with a RFP. He informed Council that the city is legally required to have an engineer and Mr. Dewald has been working in good faith with the city. He read from the agreement Section 3.6.1.1, grounds for termination, informing Council that they can terminate the agreement seven days before the effective date.

Councilmember Lopez moved, seconded by Councilmember Darcy, to approve a professional services agreement for civil engineering services with Charles K. Dewald, P.E. (formally Territorial Engineering).

Motion carried by the following roll call vote:

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

City Manager’s Report

City Manager Daniels reported that during executive session on March 25, Mayor Paget and Councilmember Lopez left the room due to a potential conflict of interest regarding the real property negotiation pursuant to California Government Code §54956.8 on various properties.

City Manager Daniels informed Council that the Bashas contract with the city ended in April and they have already received their reimbursement. The City, Michael Bracken of DMG and the property owners are all working on securing a replacement store and that there are two chains that are interested. The County has also been contacted for assistance in addition to the local stores asking them to provide basic food items for those who have limited transportation and are on the WIC program.

Council Requests

Councilmember Lopez inquired if the Salvation Army could relocate to possibly the Recreation Center to distribute the free food as it gets very congested in the utility office.

Councilmember Darcy voiced his belief that it is very important for the city to get another store.

Councilmember Gudmundson informed staff that he has received complaints regarding the bulk pick up service offered by Allied Waste and it needs to be reviewed.

Councilmember Gudmundson reminded everyone that the Needles Rodeo is this weekend.

Mayor Paget reminded everyone that the El Garces Ribbon Cutting Ceremony is May 3 and also the Flip Mendez Golf Tournament.

Mayor Paget declared the regular meeting of the City Council held on the 8th day of April, 2014, adjourned at 6:57 p.m.

ATTEST: _____
Mayor Edward T. Paget, M.D.

City Clerk Dale Jones, CMC

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Adjourned the City Council meeting and convened a joint City Council and NPUA meeting

Mayor Paget recessed the City Council meeting and convened a joint meeting with the NPUA at 6:17 p.m. Roll call previously taken.

Present: President/Mayor Edward T. Paget, M.D.; Members/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.

Public Appearance – None

3) NPUA ACTION: Approved the minutes of March 11, 2014

Member Darcy moved, seconded by Member Lopez, to approve the minutes of March 11, 2014.

Motion carried by the following roll call vote:

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

4) NPUA / COUNCIL ACTION: Approved the City of Needles Water Shortage Contingency Plan

Assistant City Manager Brownlee reported. He responded to Mayor Paget's concern that the plan calls for a water restrictor however this action would come back to Council for consideration and/or implementation.

Member Gudmundson moved, seconded by Member Darcy, to approve the City of Needles Water Shortage Contingency Plan. Motion carried by the following roll call vote:

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

Councilmember Darcy moved, seconded by Councilmember Gudmundson, to approve the City of Needles Water Shortage Contingency Plan. Motion carried by the following roll call vote:

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

Adjourned the joint Council / NPUA meeting and reconvened the Council meeting

President/Mayor Paget adjourned the joint meeting with the NPUA at 6:24 p.m. and convened the Council meeting.

ATTEST: _____
President/Mayor Edward T. Paget, M.D.

Secretary/City Clerk Dale Jones, CMC