

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

Tuesday, April 22, 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, 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) 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)
- b) Conference with real property negotiators pursuant to California Government Code §54956.8 – Property: Assessor Parcel Number 0185-101-17 - Agency Negotiator: City Manager Rick Daniels – Negotiating Parties: Gomez-Reynoso - Under Negotiation: Price and Terms
- c) Conference with real property negotiator pursuant to California Government Code §54956.8 - Negotiating Parties: City Manager Rick Daniels as representative and Amtrak - Subject Property: 950 Front Street, Needles, APN 0186-101-04 - Items(s) for discussion: Lease Price and Terms

**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.

**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 Gudmundson.

**Approval of Agenda**

Councilmember Kidd moved, seconded by Councilmember Frazier, to approve the agenda as submitted moving agenda item number three (presentation by Mr. Bracken) to before agenda item seventeen (Economic Development Strategic Plan) 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**

Mr. Bob Shaw informed Council that on May 14 there will be the "Run for the Wall" event in Santa Fe Park and he anticipates over 300 motorcyclists. He requested that the city fly the POW flag which was given to the city from a previous event.

**1) Interviews held and appointment made to Mr. Mike Villa to fill a vacancy on the Planning Commission with a term to expire December 31, 2017**

Mr. Villa was present and spoke to Council.

Councilmember Gudmundson moved, seconded by Councilmember Darcy, to appoint Mr. Mike Villa to fill a vacancy on the Planning 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 Division Chief Benfield gave an overview on current fire department activities**

Chief Benfield informed Council that Tom Marshall has been promoted to Battalion Chief and will be our contact, although he is also available. He informed Council that they are in the process of reviewing the budget and due to an increase in the workman's compensation insurance he anticipates an increase in the contract.

**4) Mr. Brad Brown, Operation Manager for Allied Waste, gave an overview of the bulk pick up process**

City Manager Daniels informed Council that Councilmember Gudmundson had questions regarding the bulk pick up process and rather than write a report, Mr. Brown offered to come to the council meeting to answer any questions. Mr. Brown informed Council that they provide three free bulk pickups per customer per year, that there is a charge to pick up refrigerators and that they cannot pick up electronic items because of California regulations. He distributed a photo of a recent bulk pick up request and what Allied had to deal with when they got there.

Councilmember Gudmundson informed Mr. Brown that he has received numerous complaints because of the itemized list that is being requested by Allied and that items are not being picked up. He believes that if Allied is called to make a bulk pickup they should pick up everything. Mr. Brown informed Council that they will not pick up an item if it is not on the list as they have been accused of taking items that were not on the list. Considerable discussion ensued that maybe Allied could place a disclaimer on the paperwork; that most of the time no one is present when they pick up; to place an article in the newspaper with the bulk pick up rules and/or place a flyer in the utility bills.

Mr. Brown informed Council that he will do whatever it takes to make the city happy. Ms. Cathy McConnell voiced her opinion that if it is a bulk pickup then there is no need to list everything. When people move out there are piles of stuff and maybe Allied could bring them a dumpster if they have a lot of trash. Mr. Brown responded that a dumpster is costly. Code Enforcement Officer Carter informed council that if the sewer and water have been turned off, that location is not eligible for a pickup. He said that Allied comes when the city calls and we work together also they provide some free dumpsters to the city.

James Sullivan informed Council that he has called for bulk pickup several times and there were no issues because he followed the proper rules and guidelines. Councilmember Frazier said that customers leave bulk pickup items curbside and before Allied can get there, people rummage through the items leaving a mess. Councilmember Darcy voiced his opinion that the customers need to be informed as to what they need to do to ensure that all items are picked up.

**5) Public hearing held – Waived the reading and adopted Resolution No. 2014-18 – A Resolution of the City Council of the City of Needles approving Tentative Parcel Map 19340, subdividing 37.81 +/- acres into 4 lots and a remainder, located on the south side of Budweiser Road and the west side of My Place Road, in the CRR Zone, APN 0660-251-08, Applicant: Billy Andrews**

A public hearing was noticed to consider all evidence and testimony for or against a request by Billy Andrews to subdivide a 37.81 +/- acre parcel into four parcels and a remainder parcel: Parcel A, 7.30 acres; Parcel B, 6.92 acres; Parcel C, 5.94 acres; Parcel D, 6.54 acres, and the remainder parcel, 6.11 acres. Tentative Parcel Map 19340 is located in the CRR (Commercial, Residential, Resort) zone, on the south side of Budweiser Road, and the west side of My Place Road, also known as Assessor's Parcel No. 660-251-80.

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 6:38 p.m.

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

There being no persons present to speak on the matter and there being no protests filed, either written or oral, the Mayor declared the public hearing closed at 6:40 p.m.

Councilmember Lopez moved, seconded by Councilmember Darcy, to waive the reading and adopt Resolution No. 2014-18 – A Resolution of the City Council of the City of Needles approving Tentative Parcel Map 19340, subdividing 37.81 +/- acres into 4 lots and a remainder, located on the south side of Budweiser Road and the west side of My Place Road, in the CRR Zone, APN 0660-251-08, Applicant: Billy Andrews. 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 held – Waived the reading and adopted Resolution No. 2014-19 – A Resolution of the City Council of the City of Needles approving Tentative Parcel Map 19449, subdividing 58.10 +/- acres into 4 lots and a remainder, located on the east side of Needles Highway, north of the Rio Vistancia Tract Map and south of the Oasis Storage facility, in the CRR Zone, APN 0660-241-08, Applicant: Billy Andrews**

A public hearing was noticed to consider all evidence and testimony for or against a request by Billy Andrews to subdivide a 58.10 +/- acre parcel into four parcels and a remainder parcel: Parcel A, 11.94 acres; Parcel B, 11.75 acres; Parcel C, 11.61 acres; Parcel D, 11.47 acres, and the remainder parcel, 11.33 acres. Tentative Parcel Map 19449 is located in the CRR (Commercial, Residential, Resort) zone, on the east side of Needles Highway, north of the Rio Vistancia tract map and south of the Oasis Storage Facility, also known as Assessor's Parcel No. 660-241-08.

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 6:40 p.m.

Building Official Carter reviewed the staff report which was included in the agenda packet. He responded to council's inquiry that he is not sure we are there yet regarding a frontal road requirement. Vice Mayor Campbell informed council that other property owners on Needles Highway brought this to

his attention. He believes that the applicant is not willing to change the proposed lot split as it has taken approximately a year to process. The city should note that when future applicants apply for building permits the ingress / egress should be taken into consideration.

Mr. Damian Holther, engineer on this project, informed Council that he is aware of this concern as each lot should have one driveway for fire department access; however, at this time we do not know what improvements will be made to Needles Highway.

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 6:51 p.m.

Councilmember Darcy moved, seconded by Councilmember Kidd, to waive the reading and adopt Resolution No. 2014-19 – A Resolution of the City Council of the City of Needles approving Tentative Parcel Map 19449, subdividing 58.10 +/- acres into 4 lots and a remainder, located on the east side of Needles Highway, north of the Rio Vistancia Tract Map and south of the Oasis Storage facility, in the CRR Zone, APN 0660-241-08, Applicant: Billy Andrews. Motion carried by the following roll call vote:

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

### **Consent Calendar**

Councilmember Darcy moved, seconded by Councilmember Lopez, 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

- 7) Approved the warrants register through April 22, 2014 and hospital related payment of \$225.00 to Slovak, Baron, Empey, Murphy & Pinkney**
- 8) Approved the minutes of March 25, 2014**
- 9) Approved Change Order Number 6 to McCormick Construction for the concrete related additions, including ADA ramp, at the El Garces Phase 2 project in the amount of \$19,600.00**
- 10) Approved Change Order Number 7 to McCormick Construction for the concrete addition on the south side of the west end of the building at the El Garces Phase 2 project in the amount of \$15,200.00**
- 11) Approved Change Order Number 1 to J&M Steel Wrought Iron for wrought iron fence panels around the air conditioning units on the north side and a gate leading up to the second floor stair case inside the El Garces Phase 2 project in the amount of \$6,700.00**
- 12) Approved Change Order Number 3 to Jonic Glass, Inc. for the installation of three, seven inch thresholds at door openings at the El Garces Phase 2 project in the amount of \$695.00**
- 13) Accepted the bid from Bug Emergency Services in the amount of \$1,395.00 for the pigeon exclusion and trapping at the El Garces Phase 2 project and authorized staff to proceed with services**
- 14) Accepted Change Order Number 5 to Craig Plumbing, Inc. for plumbing improvements on the south side by installing a sewer line under new concrete at the El Garces Phase 2 project in the amount of \$2,737.00**

**15) Directed the Mayor to sign and send a letter to Department of Alcoholic Beverage Control (ABC) approving the liquor license for Colorado River Market located at 2100 Needles Highway**

**16) Authorized the City Manager to sign SANBAG Agreement C14159, Memorandum of Understanding between the City of Needles and San Bernardino County Transportation Commission defining the roles and responsibilities with respect to the receipt of Proposition 1B Public Transportation Modernization, Improvement and Service Enhancement Account (PTMISEA) funds allocated to SANBAG pursuant to Government Code Section 8879.55(a)(2).  
End of Consent Calendar**

**3) Mr. Michael Bracken, Managing Partner, Development Management Group, Inc., made a PowerPoint presentation on the Economic Development Strategic Plan**

Mr. Bracken, DMG, gave a PowerPoint presentation which was included in the agenda packet. He distributed a demographic and retail market opportunity analysis handout and thanked Mr. Paul Stubler and Councilmember Kidd for their participation in producing the handout using his facts. Councilmember Kidd thanked Mr. Stubler, who did a great job in printing the handout, and she is very excited about working with Mr. Bracken.

**17) Approved the Economic Development Strategic Plan and receive quarterly status reports on its implementation**

City Manager Daniels reviewed the staff report included in the agenda packet, announcing the list of retailers who have already been contacted. He informed Council that Mr. Bracken represented Needles at Retail Live in Costa Mesa on April 2 which is a retail recruitment event. City Manager Daniels informed council that Mr. Bracken reports monthly, under attorney/client privilege, to the city attorney relative to any prospects; that he is working with three different hotels of which one hotel is upgrading their operation; he is having discussions with Amtrak regarding a lease at the El Garces and Mr. Bracken will be attending International Conference of Shopping Centers (ICSC) in May.

Councilmember Frazier voiced his opinion that we need to spend some money to develop our city and is hopeful DMG will achieve our goal. Councilmember Darcy concurred and Councilmember Kidd voiced her opinion that this is a great opportunity for our city to grow and is very pleased with Mr. Bracken's progress. Mr. Bracken referred to the handout which quantifies the product which is the city. Councilmember Gudmundson is very pleased with the outcome and that Council is united in the effort bring businesses to our city. Councilmember Lopez voiced his opinion that our city has a lot to offer and that we have not done anything to attract businesses to our city until now. This is a great opportunity to grow; we are on the right track and he is really excited to see what comes out of this. Councilmember Kidd said that the community is coming together and we are truly on the right road to make things happen. Ms. Cathy McConnell said that she agrees with everything that has been said commenting that the city has been dying slowly and now is the time to make it a nice comfortable place to live and work.

Councilmember Campbell moved, seconded by Councilmember Lopez, to approve the Economic Development Strategic Plan and receive quarterly status reports on its implementation.

Motion carried by the following roll call vote:

Ayes: Council Members Lopez, Kidd, Frazier, Campbell, Darcy and Gudmundson

Noes: None

Absent: None

**18) Discussion regarding placing measures on the General Municipal Election to be held on Tuesday, November 4, 2014**

Vice Mayor Campbell voiced his opinion that the city needs to raise revenues to support the general fund. City Attorney Pinkney responded to council that the city cannot campaign nor use city resources for any tax issues, however an individual can. City Attorney Pinkney reviewed the difference between a general tax and special tax measure and put forward possible tax measures of a transient occupancy tax on short term rentals, a parcel tax and a utility user tax.

**City Attorney's Report**

City Attorney Piney reviewed the various projects that he is working on for the city.

**City Manager's Report**

City Manager Daniels informed Council that if anyone is interested in attending, he has an invitation from the Bureau of Reclamation for a four day river tour from Yuma to Laughlin on May 19 to May 22.

**Council Requests**

Councilmember Kidd reminded everyone of the ribbon cutting ceremony for the El Garces which will be held on Saturday, May 3 at 11:00 am.

Councilmember Frazier suggested that we need to promote / advertise the El Garces and suggested an art show as an example to get people interested in using the facility.

Vie Mayor Campbell informed council that he will be attending the South Coast AQMD on behalf of the MDAQMD to make a presentation regarding intermodal transportation bump stations and ports of entry into California and will be asking assistance from the city manager and Mr. Bracken.

Councilmember Gudmundson thanked staff for their responsiveness to Council requests.

Mayor Paget declared the regular meeting of the City Council held on the 22nd day of April, 2014, adjourned at 7:55 p.m.

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

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City Clerk Dale Jones, CMC