



(ACT) – ACTION NEEDED  
(INF) – INFORMATION ONLY  
(DIS) – DISCRETIONARY

## AGENDA

REGULAR MEETING OF THE CITY COUNCIL,  
NEEDLES PUBLIC UTILITY AUTHORITY  
CITY OF NEEDLES, CALIFORNIA  
**TUESDAY, DECEMBER 8, 2015**  
COUNCIL EXECUTIVE SESSION – **5:00 P.M.**  
CITY COUNCIL MEETING – **6:00 P.M.**

CITY COUNCIL CHAMBERS  
1111 BAILEY AVENUE, NEEDLES

Councilmember Darcy will be participating in this meeting via teleconference call from 32335 Live Oak Canyon Road, Redlands, CA 92373.  
The public shall be given an opportunity to address the legislative body directly from this teleconference location.

Councilmember Richardson will be participating in this meeting via teleconference call from Hotel Extended Studio, 14786 Monarch Blvd., Victorville, CA 92395.  
The public shall be given an opportunity to address the legislative body directly from this teleconference location.

CALL TO ORDER  
ROLL CALL

PUBLIC COMMENTS PERTAINING TO THE EXECUTIVE SESSION ITEM (A three minute time limit per person has been established.)

### RECESS TO EXECUTIVE SESSION

- a) Conference with legal counsel – Pending Litigation pursuant to Government Code Section 54956.9(d)(1) (City of Needles v. Matosantos: Case No: 43-2013-80001590).
- b) Conference with legal counsel – Pending Litigation pursuant to Government Code Section 54956.9(d)(1) (City of Needles v. Lopez et al. Case No. CIVDS1500198) – APN 0186-092-24 Valero Gas Station, New property owner Woodland Hills, Inc., Ahmad Nikakhtar) – (Consideration and possible action on proposed settlement/stipulation for entry of judgment and final order of condemnation)
- c) Conference with Real Property Negotiator regarding sale of surplus city owned property to Community Healthcare Partner, Inc pursuant to Government Code Section 54956.8 (Agency negotiator: City Manager Rick Daniels; Negotiating Parties: City of Needles as Seller and Community Healthcare Partner, Inc as Buyer; Under Negotiation: price and terms of payment) – APN 0185-233-45 – 5 acres located on Bailey Avenue between the Hospital and Senior Center

**EXECUTIVE SESSION** – Report by City Attorney

CALL TO ORDER  
ROLL CALL  
INVOCATION  
PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA  
CONFLICT OF INTEREST  
CORRESPONDENCE  
INTRODUCTIONS  
CITY ATTORNEY – Parliamentary Procedure Review

**As a courtesy to those in attendance, we would ask that cell phones and pagers be turned off or set in their silent mode. Thank you.**

**PUBLIC APPEARANCE** – Persons wishing to address the City Council on subjects other than those scheduled are requested to do so at this time. When addressing the Council, please come to the podium and give your name and address for the record. In order to conduct a timely meeting, a three minute time limit per person has been established by Municipal Code Section 2-18. Amendments to the California Government Code Section 54950 prohibits the City Council from taking action on a specific item until it appears on the agenda.

### **INTERVIEWS**

- 1) Interview(s) to be held and possible appointment(s) made to fill vacancies on the Board of Public Utilities (DIS)

### **PUBLIC HEARINGS**

- 2) Public hearing noticed to consider all evidence and testimony for or against a proposed fare increase for ridership on the Needles Area Transit (NAT) effective as of January 1, 2016
  - Staff Report
  - Mayor to open the public hearing
  - Public Comment
  - Mayor to close the public hearing
  - Resolution No. 2015-50 approving a fare increase for ridership on the Needles Area Transit (NAT) effective as of January 1, 2016 (ACT)
- 3) Public hearing noticed to consider all evidence and testimony for or against amending the Needles Municipal Code adding Section 99.11 "Water Efficient Landscaping Requirements" in accordance with Governor Brown's Drought Executive Order EO B-29-1 5
  - Staff Report
  - Mayor to open the public hearing
  - Public Comment
  - Mayor to close the public hearing
  - Ordinance No. 570-AC amending the Needles Municipal Code with the addition of Section 99.11 "Water Efficient Landscaping" to Article IX "Development Standards" (1<sup>st</sup> reading – post) (ACT)
- 4) Public hearing noticed to consider all evidence and testimony for or against amending the Needles Municipal Code related to marijuana businesses, cooperatives / collectives, cultivation and transportation adding provisions to Part III, Article VI "Table of Permissible Uses"
  - Staff Report
  - Mayor to open the public hearing
  - Public Comment
  - Mayor to close the public hearing
  - Ordinance No. 574-AC repealing Ordinance No. 564-AC amending Chapter 12A "Marijuana Businesses" of the Needles Municipal Code and amending Section 96.01 "Table of Permissible Uses" of the Needles Zoning Code adding "17.00 Medical Marijuana" (1<sup>st</sup> reading - post) (ACT)

**RECESS CITY COUNCIL MEETING AND CONVENE A JOINT MEETING WITH THE NEEDLES PUBLIC UTILITY AUTHORITY**

CALL TO ORDER (Roll Call previously taken)

**PUBLIC APPEARANCE** – Members of the public may address the City Council and Needles Public Utility Authority on matters scheduled on the agenda. Please come to the podium at the time the agenda item is announced. A three-minute time limit applies.

**CONSENT CALENDAR:** All matters listed on the Consent Calendar are considered to be routine and will be enacted by one motion in the form listed. The President/Mayor or any member of the NPUA/City Council may pull an item from the Consent Calendar for discussion. Prior to NPUA/City Council action, a member of the public may address the NPUA/City Council on matters scheduled on the Consent Calendar. A three-minute time limit per person applies. **Recommended Action:** Approve Items 5 through 9 on the Consent Calendar by affirmative roll call vote. (ACT)

- 5) NPUA / COUNCIL ACTION: Approve the purchase of Portfolio Content Category (“PCC”) 3 Renewable Energy Credits to comply with the Renewable Portfolio Standard (RPS”) procurement percentage for Calendar Year 2016
- 6) NPUA / COUNCIL ACTION: Approve staff’s recommendation to include small commercial Customer-Generators as eligible participants and amend the existing Interconnect Agreement to credit Customer-Generator’s account based on NPUA’s avoided power purchase costs only and is set at the average cost of thermal and hydro power purchased from WAPA during the prior 12-month period (as identified in WAPA’s monthly activity reports). NPUA shall retain any excess kilowatt-hours generated during the prior 12-month period. The Customer-Generator shall not be compensated by NPUA for the excess kilowatt hours generated and Customer-Generator shall be charged the retail price of the NPUA’s avoided costs of purchasing power for Customer-Generator’s utilization of the NPUA grid. **AND**  
Direct staff to develop methods to measure how much excess power the Customer-Generator puts up on the NPUA grid during peak solar power generation hours and how much NPUA power Customer-Generator uses from the NPUA grid when the sun isn’t shining in order to charge for the NPUA grid’s acting as Customer-Generator’s “battery back-up” power. The use of the NPUA grid should not be free to Customer-Generators.
- 7) NPUA / COUNCIL ACTION: Accept the Board of Public Utilities’ Resolution Numbers 12-1-15 BPU recommending rates for water service and 12-1-15-1 BPU recommending rates for wastewater service and initiate the Proposition 218 process of notice and public hearings
- 8) NPUA ACTION: Waive the reading and adopt Resolution No. 12-08-2015-NPUA re-certifying the City of Needles Sewer System Management Plan originally adopted on January 11, 2011 by the City Council of the City of Needles  
COUNCIL ACTION: Waive the reading and adopt Resolution No. 2015-52 re-certifying the City of Needles Sewer System Management Plan originally adopted on January 11, 2011 by the City Council of the City of Needles
- 9) NPUA / COUNCIL: Compliance with Senate Bill 350 – Clean Energy and Pollution Control Act of 2015 increasing Renewables Portfolio Standards (“RPS”) from 33% by 2020 to 50% by 2030 (Information Only)

**End of Consent**

**ADJOURN THE JOINT MEETING AND RECONVENE THE CITY COUNCIL MEETING**

**CONSENT CALENDAR:** All matters listed on the Consent Calendar are considered to be routine and will be enacted by one motion in the form listed. The Mayor or any member of the City Council may pull an item from the Consent Calendar for discussion. Prior to Council action, a member of the public may address the City Council on matters scheduled on the Consent Calendar. A three-minute time limit per person applies. **Recommended Action:** Approve Items 10 through 13 on the Consent Calendar by affirmative roll call vote. (ACT)

- 10) Approve the warrants register through December 8, 2015
- 11) Receive and file Fiscal Years 2012-2014 Triennial Performance Audit of Needles Transit Services
- 12) Receive and File the Needles Transit Services Short Range Transit Plan (SRTP) 2016-2020
- 13) Authorize the City Clerk to publish a public notice of the vacancies on the various Boards and Commissions due to the expiration of terms as of December 31, 2015 and other such vacancies

**End of Consent**

**REGULAR ITEMS** - Public appearance (A three minute time limit per person has been established.)

- 14) Resolution No. 2015-51 authorizing the filing of an application to the Local Agency Formation Commission to initiate proceedings for a sphere of influence amendment (expansion) of the San Bernardino County Fire Protection District and reorganization to include annexations to the San Bernardino County Fire Protection District, its South Desert Service Zone and Service Zone FP-\_\_\_\_ (to be determined) (ACT)
- 15) Discussion regarding establishing dry camping near Bureau Bay (DIS)
- 16) Discussion regarding cancelling the regular meeting of Tuesday, December 22 due to the Christmas Holiday (DIS)

**CITY ATTORNEYS REPORT**

**CITY MANAGERS REPORT**

**COUNCIL REQUESTS**

- Councilmember Gudmundson
- Councilmember Evans
- Councilmember Frazier
- Councilmember Williams
- Councilmember Darcy
- Councilmember Richardson
- Mayor Paget

**ADJOURNMENT**

**INTERNET ACCESS TO CITY COUNCIL AGENDAS AND STAFF REPORT MATERIAL  
IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS AT**

<http://www.cityofneedles.com>

Posted: December 4, 2015

SB 343-DOCUMENTS RELATED TO OPEN SESSION AGENDAS -- Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection at the City Clerk's Office, 817 Third Street, Needles, CA 92363.

In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (760) 326-2113 ext 345. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-104 ADA Title II).