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

# A G E N D A

REGULAR MEETING OF THE CITY COUNCIL,
NEEDLES PUBLIC UTILITY AUTHORITY
CITY OF NEEDLES, CALIFORNIA
**TUESDAY, JULY 9, 2019**
COUNCIL EXECUTIVE SESSION – **NONE**
CITY COUNCIL MEETING – **6:00 P.M.**
CITY COUNCIL CHAMBERS
1111 BAILEY AVENUE, NEEDLES

Councilmember Hazlewood will be participating in this meeting via teleconference call from Oak Tree Inn, 1706 N Park Drive, Winslow, AZ 86047.
The public will be given an opportunity to address the legislative body directly from this teleconference location.

CALL TO ORDER
ROLL CALL
INVOCATION
PLEDGE OF ALLEGIANCE
APPROVAL OF AGENDA
CONFLICT OF INTEREST
CORRESPONDENCE
INTRODUCTIONS
CITY ATTORNEY Parliamentary procedures

**As a courtesy to those in attendance, we would ask that cell phones 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.

## PUBLIC HEARINGS

0) Public hearing noticed to consider all evidence and testimony for or against approving an Escrow and Title Administrative Management Fee for the purpose of recovering a portion of the cost of services provided by the City with respect to the management of the sale of real property assets of the Successor Agency to the Needles Redevelopment Agency and approving certain related actions
   - Staff Report
   - Council Questions of Staff
   - Mayor to open the public hearing

- Public Comment
- Mayor to close the public hearing
- Council Discussion / Deliberation
- Resolution No. 2019-39 approving an Escrow and Title Administrative Management Fee for the purpose of recovering a portion of the cost of services provided by the City of Needles with respect to the management of the sale of real property assets of the Successor Agency to the Needles Redevelopment Agency and approving certain related actions (ACT)

1) Public hearing noticed to consider all evidence and testimony for or against establishment of a proposed fare to provide prescheduled prepaid shopper shuttle transportation service (shopper shuttle pilot program) to Fort Mohave, Arizona effective as of July 10, 2019
   - Staff Report
   - Council Questions of Staff
   - Mayor to open the public hearing
   - Public Comment
   - Mayor to close the public hearing
   - Council Discussion / Deliberation
   - Resolution No. 2019-42 approving a fare for the shopper shuttle pilot program to Fort Mohave, Arizona effective as of July 10, 2019 (ACT)

2) Public hearing noticed to consider all evidence and testimony for or against approving a proposed General Plan Amendment from Residential Medium Density (RM) designation to a Highway Commercial (CH) designation for the parcel located at 3353 Needles Highway, APN 0660-101-32
   - Staff Report
   - PowerPoint Presentation
   - Council Questions of Staff
   - Mayor to open the public hearing
   - Public Comment
   - Mayor to close the public hearing
   - Council Discussion / Deliberation
   - Ordinance No. 623-AC approving a proposed General Plan Amendment from a Residential Medium Density (RM) designation to a Highway Commercial (CH) designation for the parcel located at 3353 Needles Highway, APN 0660-101-32 (ACT)

3) Public hearing noticed to consider all evidence and testimony for or against approving a Conditional Use Permit (CUP) for a two-phase, three buildings, (buildings 1, 2, and 3) marijuana cultivation facility located at 3353 Needles Highway, APN 0660-101-32; Applicant Shannon Illingworth, Fluid Holding LLC
   - Staff Report
   - PowerPoint Presentation
   - Council Questions of Staff
   - Mayor to open the public hearing
   - Public Comment
   - Mayor to close the public hearing
   - Council Discussion / Deliberation
   - Resolution No. 2019-40 approving a Conditional Use Permit (CUP) for a two-phase, three buildings, (buildings 1, 2, and 3) marijuana cultivation facility located at 3353 Needles Highway, APN 0660-101-32; and adoption of the mitigated negative declaration and mitigation monitoring and reporting program (ACT)

4) Public hearing noticed to consider all evidence and testimony for or against approving a Conditional Use Permit (CUP) for a marijuana distribution facility, Building A" located at 3353 Needles Highway, APN 0660-101-32; Applicant Shannon Illingworth, Fluid Holding LLC

- Staff Report
- PowerPoint Presentation
- Council Questions of Staff
- Mayor to open the public hearing
- Public Comment
- Mayor to close the public hearing
- Council Discussion / Deliberation
- Resolution No. 2019-41 approving a Conditional Use Permit (CUP) for a marijuana distribution facility, Building A" located at 3353 Needles Highway, APN 0660-101-32 and adoption of a mitigated negative declaration and mitigation monitoring and reporting program (ACT)

5) Public hearing noticed to consider all evidence and testimony for or against amending Needles Municipal Code (NMC) Sections 96.08 adding "Accessory Dwelling Unit"; Section 96.00 "Table of Permissible Uses"; new Section 97.01 "Density Bonus and Related Incentives and Concessions Program"; Article IV Section 94 "Reasonable Accommodations for Persons with Disabilities" and Section 112.06 adding "Emergency Shelters and Supportive and Transitional Housing"

- Staff Report
- PowerPoint Presentation
- Council Questions of Staff
- Mayor to open the public hearing
- Public Comment
- Mayor to close the public hearing
- Council Discussion / Deliberation
- Ordinance No. 619-AC amending Needles Municipal Code (NMC) Section 96.08 "Dwelling Unit" adding "Accessory Dwelling Unit" and Section 96.00 "Table of Permissible Uses" (1st reading – post) (ACT)
- Ordinance No. 620-AC amending Needles Municipal Code (NMC) rescinding Article VII Section 97.01 "Affordable and Elderly Housing Bonus" and replacing it with a new Section 97.01 "Density Bonus and Related Incentives and Concessions Program" (1st reading – post) (ACT)
- Ordinance No. 621-AC amending Needles Municipal Code (NMC) Article IV, Section 94 adding "Reasonable Accommodations for Persons with Disabilities" (1st reading – post) (ACT)
- Ordinance No. 622-AC amending Needles Municipal Code (NMC) Article XII, Section 112.06 adding "Emergency Shelters and Supportive and Transitional Housing" and Section 96.01 "Table of Permissible Uses" (1st reading – post) (ACT)

6) Public hearing noticed to consider all evidence and testimony for or against amending Chapter14, Article III entitled "Graffiti Prohibition and Removal" of the Needles Municipal Code

- Staff Report
- PowerPoint Presentation
- Council Questions of Staff
- Mayor to open the public hearing
- Public Comment
- Mayor to close the public hearing
- Council Discussion / Deliberation
- Ordinance No. 624-AC amending Chapter14, Article III entitled "Graffiti Prohibition and Removal" of the Needles Municipal Code (1st 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 COMMENTS PERTAINING TO THE NPUA / COUNCIL ITEMS (A three minute time limit per person has been established.)

7) NPUA / COUNCIL: Accept the bid from McFarland Cascade Supplier in the amount of $27,126 per year for Douglas Fir Power Poles for FY 20, FY21 and FY 22 funded by the Electric Department (ACT)

8) NPUA / COUNCIL: Authorize the City Manager to execute Parker-Davis Contract No. 87-BCA-10098, Exhibit A-1, Revision 7 which provides the City with a revised Parker-Davis Project allocation of the total hyro power allotment which remains unchanged (ACT)

**ADJOURN THE JOINT NPUA MEETING AND RECONVENE 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 9 through 15 on the Consent Calendar by affirmative roll call vote. (ACT)

9) Approve the warrants register through July 9, 2019

10) Approve a Close-Out Equitable Sharing Agreement and Certification entered into among the Federal Government, City of Needles Police Department and Needles City Council (as the governing body) transferring the balance of the federally forfeited cash funds in the amount of $2,234.32 to the San Bernardino County Sheriff's Department and authorize the Mayor and City Manager's electronic signature and the electronic submittal to the U.S. Department of Justice closing out the Narcotics Forfeiture Fund

11) Waive the reading and adopt amended Ordinance No. 615-AC approving a General Plan Amendment from "CR" Commercial Resort to "CH" Highway Commercial and a zone change from "CRR" Commercial Residential Resort to "C3" Highway Commercial for the property located along Needles Highway, 320 Balboa, APN 0660-081-08 and -09 (2nd reading – publish)

12) Waive the reading and adopt Resolution No. 2019-43 approving a Second Amendment to Extend the Lease Agreement (El Garces Unit Lease for the NAT office) between the City of Needles and McDonald Transit Associates, Inc. through September 30, 2019

13) Accept the work completed by Redmond Construction in the total project Phase 1 amount of $107,040 as part of the CDBG Gymnasium Rehabilitation Project and authorize staff to issue a Notice of Completion and record with the San Bernardino County's Recorders Office for a total project cost of $110,823.41

14) Accept the work completed by Geary Floors in the total project Phase 111 amount of $106,620 as part of the CDBG Gymnasium Rehabilitation Project and authorize staff to issue a Notice of Completion and record with the San Bernardino County's Recorders Office for a total project cost of $109,722.60

15) Waive the reading and adopt Resolution No. 2019-44 authorizing the City Manager to execute Master Agreement No. 08-5220F15 and Program Supplement No. F003 with California Department of Transportation (CALTRANS) for the administration of Federal-Aid Funds on the Needles – Arizona Colorado River Bridge No. 54C-0349 Deck Rehabilitation Project in the amount of $154,928 for the Scope and Design work

**End of Consent Calendar**

**REGULAR ITEMS**

16) Resolution No. 2019-45 of the Needles City Council declaring the City of Needles, California to be a "Second Amendment Sanctuary City" (ACT)

17) Authorize the Mayor to execute a letter to the California Off Highway Motor Vehicle (OHMV) Recreation Commission requesting approval to use OHMV's on City streets to access desert trails (ACT)

18) Discussion to authorize staff to begin the public hearing process for requesting a Residential Photovoltaic Determination from the California Energy Commission regarding Title 24, Part 6, Building Energy Efficiency Standards effective 2020 (ACT)

CITY ATTORNEYS REPORT

CITY MANAGERS REPORT

COUNCIL REQUESTS

Councilmember Gudmundson
Councilmember Terral
Councilmember Hazlewood
Vice Mayor Paget
Councilmember Belt
Councilmember Longacre
Mayor Williams

ADJOURNMENT

**INTERNET ACCESS TO CITY COUNCIL AGENDAS AND STAFF REPORT MATERIAL IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS AT**
http://www.cityofneedles.com

Posted: July 3, 2019

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 145. 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).

I hereby certify, under penalty of perjury under the laws of the State of California that the foregoing Agenda was posted at the front entrance of City Hall not less than 72 hours prior to the meeting.

Dated this 3rd day of July 2019.

Dale Jones

Dale Jones, CMC, City Clerk

# City of Needles, California
# Request for City Council Action

☒ CITY COUNCIL ☐ NPUA ☐ SARDA ☐ OB SARDA ☒ Regular ☐ Special

**Meeting Date:** July 9, 2019

**Title:** Public Hearing for the Escrow and Title Administrative Management Fee

**Background:** Pursuant to Health and Safety Code (the "HSC") § 34172 (a) (1), the Needles Redevelopment Agency was dissolved on February 1, 2012. Consistent with the provisions of the HSC, on January 23, 2012, the City Council of the City of Needles (the "City") elected to serve in the capacity of the Successor Agency to the Needles Redevelopment Agency (the "Successor Agency"). Pursuant to HSC § 34179, the Successor Agency previously established the Oversight Board to the Successor Agency to the Needles Redevelopment Agency ("Needles Oversight Board") through June 30, 2018, at which time it was dissolved by operation of law. Consistent with HSC § 34179 (j), on July 1, 2018 the San Bernardino Countywide Oversight Board (the "CWOB") was established to assist in winding-down the dissolved redevelopment agencies within the County of San Bernardino.

As a part of redevelopment dissolution, successor agencies with real property assets are required to dispose of real property pursuant to either a Long-Range Property Management Plan (the "LRPMP") approved by the California Department of Finance (the "DOF") or lacking a DOF-approved LRPMP, pursuant to HSC §§ 34177 (e) and 34818 (a), which provides that successor agencies limit the disposition of their real property assets to either governmental use transfers or sales. On October 13, 2015 and October 14, 2015, the LRPMP was approved by the Successor Agency and the Needles Oversight Board, respectively, and thereafter submitted to the DOF.

The LRPMP, which addresses the disposition of the real property assets held by the Successor Agency, includes three (3) parcels of land of which one (1) parcel was previously sold, leaving two (2) parcels (one parcel zoned C-2 and one parcel zoned R-3) yet to be sold (the "Successor Agency Properties"). Based on matters unrelated to the LRPMP, on December 31, 2015, DOF did not approve the Successor Agency's LRPMP and directed the Successor Agency to sell its real property assets consistent with the applicable provisions of the HSC; however, since the LRPMP designated all of the Successor Agency's parcels for sale, the lack of a DOF approval has no practical effect.

The City's responsibilities related to the sale of the Successor Agency Properties includes, but are not limited to, management and oversight of escrow services, review of title reports, clearing-up of exceptions to title, resolving outstanding real property tax matters with the County (if any), preparing, filing and recording appropriate documents related to the transfer of title or as may be reasonably required by the buyer or the title company, management and accounting of the net proceeds of sale, including the payments to the San Bernardino County Auditor Controller, notary services and other related matters that are prerequisites to the close of escrow.

# 0

# City of Needles, California
# Request for City Council Action

The purpose of the Escrow and Title Administrative Management Fee (the "ETAMF") is to allow the City to recover a portion of the City's cost for its services with respect to the management of the sale of the Successor Agency Properties that are not recoverable from the Successor Agency's Recognized Obligation Payment Schedule. The ETAMF is not a permit fee or a development impact fee and will be paid by the seller and not the buyer. Adoption of the attached Resolution will approve the ETAMF and authorize the City Manager, or designee, to implement it.

The attached Resolution has been reviewed with respect to applicability of the California Environmental Quality Act (the "CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, § 15000 *et seq.*, hereafter the "CEQA Guidelines"), and the City's environmental guidelines. The attached Resolution does not constitute a "project" for purposes of CEQA, as that term is defined by CEQA Guidelines § 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per § 15378 (b) (5) of the CEQA Guidelines.

**Fiscal Impact:** The purpose of the ETAMF is to assist the City in defraying some of the cost for extra work involved in processing real property sales that are not recoverable from the Successor Agency's Recognized Obligation Payment Schedule. Based on current estimates with respect to the sale of the two remaining Successor Agency Properties that would be subject to the ETAMF, it is estimated that the ETAMF will generate approximately $43,000 in fee revenue. In addition, and for the same fiscal reasons, the Cities of San Bernardino and Upland have also adopted an ETAMF.

**Recommendation:** Adopt the attached resolution approving an Escrow and Title Administrative Management Fee for the purpose of recovering a portion of the cost of services provided by the City of Needles with respect to the management of the sale of real property assets of the Successor Agency to the Needles Redevelopment Agency and approving certain related actions.

**Submitted By:** Sylvia Miledi, Director of Finance

**City Management Review:** Rick **Date:** 7/2/19

Approved: ☐ Not Approved: ☐ Tabled: ☐ Other: ☐

Agenda Item: O

**RESOLUTION NO. 2019-39**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEEDLES APPROVING AN ESCROW AND TITLE ADMINISTRATIVE MANAGEMENT FEE FOR THE PURPOSE OF RECOVERING A PORTION OF THE COST OF SERVICES PROVIDED BY THE CITY OF NEEDLES WITH RESPECT TO THE MANAGEMENT OF THE SALE OF REAL PROPERTY ASSETS OF THE SUCCESSOR AGENCY TO THE NEEDLES REDEVELOPMENT AGENCY, AND APPROVING CERTAIN RELATED ACTIONS**

**WHEREAS,** pursuant to Health and Safety Code (the "HSC") § 34172 (a) (1), the Needles Redevelopment Agency was dissolved on February 1, 2012; and

**WHEREAS,** consistent with the provisions of the HSC, on January 23, 2012, the City Council of the City of Needles (the "City") elected to serve in the capacity of the Successor Agency to the Needles Redevelopment Agency (the "Successor Agency"); and

**WHEREAS,** pursuant to HSC § 34179, the Successor Agency previously established the Oversight Board to the Successor Agency to the Needles Redevelopment Agency ("Needles Oversight Board") through June 30, 2018, at which time it was dissolved by operation of law; and

**WHEREAS,** consistent with HSC § 34179 (j), on July 1, 2018 the San Bernardino Countywide Oversight Board (the "CWOB") was established to assist in winding-down the dissolved redevelopment agencies within the County of San Bernardino; and

**WHEREAS,** as a part of redevelopment dissolution, successor agencies with real property assets are required to dispose of real property pursuant to either a Long-Range Property Management Plan (the "LRPMP") approved by the California Department of Finance (the "DOF") or lacking a DOF-approved LRPMP, pursuant to HSC §§ 34177 (e) and 34818 (a), which provides that successor agencies limit the disposition of their real property assets to either governmental use transfers or sales; and

**WHEREAS,** on October 13, 2015 and October 14, 2015 the LRPMP was approved by the Successor Agency and the Needles Oversight Board, respectively, and thereafter submitted to the DOF; and

**WHEREAS,** the LRPMP, which addresses the disposition of the real property assets held by the Successor Agency, includes three (3) parcels of land of which one (1) parcel was previously sold, leaving two (2) parcels (one parcel zoned C-2 and one parcel zoned R-3) yet to be sold (the "Successor Agency Properties"); and

**WHEREAS,** based on matters unrelated to the LRPMP, on December 31, 2015, DOF did not approve the Successor Agency's LRPMP and directed the Successor Agency to sell its real property assets consistent with the applicable provisions of the HSC; however, since the LRPMP

designated all of the Successor Agency's parcels for sale, the lack of a DOF approval has no practical effect; and

**WHEREAS,** the City's responsibilities related to the sale of the Successor Agency Properties includes, but are not limited to, management and oversight of escrow services, review of title reports, clearing-up of exceptions to title, resolving outstanding real property tax matters with the County (if any), preparing, filing and recording appropriate documents related to the transfer of title or as may be reasonably required by the buyer or the title company, management and accounting of the net proceeds of sale, including the payments to the San Bernardino County Auditor Controller, notary services and other related matters that are prerequisites to the close of escrow; and

**WHEREAS,** the purpose of the Escrow and Title Administrative Management Fee (the "ETAMF") is to allow the City to recover a portion of the City's cost for its services with respect to the management of the sale of the Successor Agency Properties that are not recoverable from the Successor Agency's Recognized Obligation Payment Schedule; and

**WHEREAS,** the ETAMF is not a permit fee or a development impact fee and will be paid by the seller and not the buyer; and

**WHEREAS,** adoption of this Resolution will approve the ETAMF and authorize the City Manager, or designee, to implement it; and

**WHEREAS,** this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act (the "CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, § 15000 *et seq.*, hereafter the "CEQA Guidelines"), and the City's environmental guidelines; and

**WHEREAS,** this Resolution does not constitute a "project" for purposes of CEQA, as that term is defined by CEQA Guidelines § 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per § 15378 (b) (5) of the CEQA Guidelines; and

**WHEREAS,** all of the prerequisites with respect to the approval of this Resolution have been met.

**NOW, THEREFORE**, the City Council of the City of Needles hereby finds, determines and resolves as follows:

Section 1. The foregoing recitals are true and correct and are a substantive part of this Resolution.

Section 2. The ETAMF, attached hereto as Exhibit "A," is approved.

Section 3. The City Manager, or designee, is authorized and directed to: i) implement the ETAMF; and ii) take such other actions and execute such other documents as are necessary as may otherwise be required to fulfill the intent of this Resolution.

Section 4. This Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines § 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per § 15378 (b) (5) of the Guidelines.

Section 5. This resolution shall take effect upon the date of its adoption.

**PASSED, APPROVED AND ADOPTED** this 9th day of July, 2019.

_____
Jeff Williams
Mayor

ATTEST

_____
Dale Jones, CMC
City Clerk

I, Dale Jones, CMC, City Clerk of the City of Needles, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council held on the 9th day of July, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

ATTEST: _____

Dale Jones, CMC, City Clerk

**EXHIBIT "A"**

## Escrow and Title Administrative Management Fee

The Escrow and Title Administrative Management Fee (the "ETAMF") authorizes the City of Needles (the "City") to recover a portion of the cost of services provided by the City with respect to the management of the sale of real property assets that were owned by the former redevelopment agency. The affected real property assets are listed within the Successor Agency's Long-Range Property Management Plan (the "LRPMP") (the "Successor Agency Properties").

The City's responsibilities related to the transfer or sale of the Disposition Properties includes, but are not limited to, management and oversight of escrow services, review of title reports, clearing-up of exceptions to title, resolving outstanding real property tax matters with the County (if any), preparing, filing and recording appropriate documents related to the transfer of title or as may be reasonably required by the buyer or the title company, management and accounting of the net proceeds of sale, including the payments to the San Bernardino County Auditor Controller, notary services and other related matters that are prerequisites to the close of escrow. These types of services are typically provided by the City Manager's Office, Finance Department, City Clerk and/or City Attorney.

The purpose of the ETAMF is to assist the City in defraying some of the costs for extra work involved in processing real property sales that are not recoverable from the Successor Agency's Recognized Obligation Payment Schedule. It is not a permit fee or a development impact fee. The ETAMF will be paid by the seller and not the buyer. It will be applicable to each real property transfer or sale involving a purchase and sale price of at least $5,000. All no cost transfers or transfers at a cost of less than $5,000 are exempt. The ETAMF is to be paid to the City from real property sales proceeds at the close of each escrow. In that regard, the ETAMF shall be equal to 3.50% of the purchase and sale price for each sales transaction, but in no event less than $500 or more than $50,000. As a part of the escrow process, an invoice will be presented to escrow for the ETAMF by the City. Once the payment is received from escrow, it will be deposited by the Finance Department into a separate fund account to be managed by the City Manager's Office.

Based on current estimates with respect to the sale of the two remaining Successor Agency Properties that would be subject to the ETAMF, it is estimated that the ETAMF will generate approximately $43,000 in fee revenue.

# City of Needles, California
# Request for City Council Action

☒ CITY COUNCIL ☐ NPUA ☒ Regular ☐ Special

**Meeting Date:** July 9, 2019

**Title:** 1) Public Hearing to receive public input on establishment of a proposed fare to provide prescheduled prepaid shopper shuttle transportation service (shopper shuttle pilot program) to Fort Mohave, Arizona effective as of July 10, 2019

2) Resolution No. 2019-42 approving a fare for the shopper shuttle pilot program to Fort Mohave, Arizona effective as of July 10, 2019

**Background:** At the June 11, 2019 meeting, the City Council approved a Third Amendment to the agreement for Dial-a-Ride and Dial-a-Ride Medical Services with McDonald Transit Associates, Inc. implementing a shopper shuttle pilot program effective July 10, 2019. A notice of public hearing was run in the Needles Desert Star on June 19, as well as posted in all public transit vehicles, seeking public input on establishment of a proposed fare for this service which is recommended at $9.00 roundtrip per passenger (currently DAR Medical is $6 to Valley View and $12 to Bullhead City so $9 is right in the middle).

**Fiscal Impact:** Additional farebox revenues to assist in maintaining the required 15% farebox recovery for the DAR-DAR Medical/Shopper Shuttle services

**Environmental Impact:** N/A

**Recommended Action:** Waive the reading and adopt Resolution No. 2019-42 approving a fare for the shopper shuttle pilot program to Fort Mohave, Arizona effective as of July 10, 2019

**Submitted By:** Cheryl Sallis, Transit Services Manager

**City Management Review:** Rick **Date:** 7/2/19

| Approved: ☐ | Not Approved: ☐ | Tabled: ☐ | Other: ☐ |
|---|---|---|---|
| | | | Agenda Item: 1 |

F:\transit svcs-sen cit\council cover sheet - re shopper shuttle fare (July '19).doc/cks

# CITY OF NEEDLES

817 Third Street • Needles, California 92363
(760) 326-2113 • FAX (760) 326-6765



*Mayor Jeff Williams*
*Vice Mayor Edward T. Paget, M.D.*
*Councilmember Shawn Gudmundson*
*Councilmember Tona Belt*
*Councilmember Clayton Hazlewood*
*Councilmember Tim Terral*
*Councilmember Zachery Longacre*
*City Manager Rick Daniels*


## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City Council of the City of Needles on Tuesday, July 9, 2019, at 6:00 p.m., or as soon thereafter as the matter may be heard, in the Needles City Council Chambers located at 1111 Bailey Avenue, Needles, California. The purpose of said hearing will be to receive public input on establishment of a proposed fare to provide prescheduled prepaid shopper shuttle transportation service (Shopper Shuttle Pilot Program) to the Fort Mohave Walmart Supercenter, Safeway, Smith's and CVS (Fort Mohave locations only).

The proposed roundtrip fare is $9.00 per passenger

Any person interested may appear at this hearing and provide oral comments before the City Council or written comments may be mailed to the Needles City Council, c/o City Clerk, 817 Third Street, Needles, California, 92363. Written correspondence should be received by the City Clerk prior to the time set for hearing.

Questions regarding the proposed fares should be directed to Cheryl Sallis, Transit Services Manager, at (760) 326-2113 ext 115.

/s/ Cheryl Sallis
Transit Services

Dated: June 12, 2019
Posted: June 13, 2019

Publish: June 19, 2019

RESOLUTION NO. 2019-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, APPROVING A FARE FOR THE SHOPPER SHUTTLE PILOT PROGRAM TO FORT MOHAVE, ARIZONA

WHEREAS, in April 2018, Needles' only grocery store closed leaving residents without transportation to shopping in Arizona without fresh meat, produce and other necessities; and

WHEREAS, in October 2018, as part of the Short Range Transit Plan (SRTP) process, an onboard passenger survey was conducted which found there is a need within the community to provide a shopper shuttle service into Arizona including stops at Walmart Supercenter, Safeway, Smith's and CVS (Fort Mohave, Arizona locations only); and

WHEREAS, the City Council desires to implement a Shopper Shuttle Pilot Program to Fort Mohave, Arizona; and

WHEREAS, the shopper shuttle pilot program will be funded through fare revenues, Local Transportation Fund (Article 8c), State Transit Assistance funding (STA) and/or Measure I apportioned to the city by the San Bernardino County Transportation Authority (SBCTA); and

WHEREAS, a Notice of Public Hearing was published in the Needles Desert Star on June 19, 2019, as well as posted in all public transit vehicles, to receive public input on establishment of a proposed fare to provide shopper shuttle transportation service into Arizona and said public hearing was held on July 9, 2019 at which time all persons were provided an opportunity to speak for or against the proposed fare.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Needles, California, hereby approves a roundtrip fare of $9.00 per passenger (no discounted fare for one-way service) for the shopper shuttle pilot program to Fort Mohave, Arizona, effective as of July 10, 2019.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 9th day of July, 2019, by the following roll call vote:

AYES:

NOES:
ABSENT:
ABSTAIN:

_____
Mayor

(SEAL)

ATTEST:_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

F:\transit svcs-sen cit\DAR shopper shuttle - resolution re fares.doc/cks

# City of Needles, California
# Request for City Council Action

☒ CITY COUNCIL ☐ NPUA ☒ Regular ☐ Special

**Meeting Date:** July 9, 2019

**Title:** Needles City Council Ordinance 623-AC.
An Ordinance of the City Council of the City of Needles Approving a Proposed General Plan Amendment from a Residential Medium Density (RM) designation to a Highway Commercial (CH) designation for the parcel located at 3353 Needles Highway also Known as APN 0660-101-32

**Background:** In order to permit the operation of the proposed cultivation facility, the processing of a General Plan Amendment for parcel APN 0660-101-32 is required to provide consistency with the Zoning designation of Commercial Highway (C-3). Under the General Plan Amendment, APN 0660-101-32 would be redesignated from a Residential Medium Density (RM) designation to a Highway Commercial (CH) designation.

On December 13, 2016, the City Council adopted Ordinance No. 588 AC, allowing marijuana cultivation in zones C-1, C-2, C-3, M-1 and M-2 with the approval of a Conditional Use Permit and a Regulatory Permit. The project site is located in the Commercial Highway (C-3) zone.

**General Plan Amendment Findings**

The following Goals and Policies contained in the City's General Plan are applicable to the proposed GPA to redesignate the project site from Residential Medium Density (RM) designation to a Highway Commercial (CH) for APN 0660-101-32.

A. *That the amendment or plan is consistent with the intent of the goals and policies of the General Plan as a whole, and is not inconsistent with any element thereof;*

**FINDING:** The proposed General Plan Amendment from a Residential Medium Density (RM) designation to a Highway Commercial (CH) designation would be consistent with the elements, goals and policies of the General Plan related to Highway Commercial uses.

This because the subject parcel with a current RM designation would permit uses (i.e., residential development) that would otherwise not be permitted under the subject parcel's current Zoning designation Highway Commercial (C-3). Furthermore, over the span of several decades, the City has processed and approved more Zone Change applications than General Plan Amendments for the same amount of area throughout the City. The purpose of this was mainly intended for, 1) attracting development and, 2) expediting the process of development permits. As a result of this process, the area of bounded by Park Road, Needles Highway and Interstate 40 (including the subject parcel), which totals roughly 451 acres has a number of sites where there's an inconsistency between the General Plan land use (RM) and the current Zoning designation (C-3).



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A proposed General Plan Amendment for any parcel in this area in proposing a similar land use designation in matching with the area's current zoning designation, will eventually return to a consistency pattern between General Plan land use and Zoning. Therefore, the proposed General Plan Amendment would not be inconsistent with the intent of the goals and policies of the General Plan as a whole, or with individual elements.

B. *That the amendment or plan is necessary to prescribe reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses.*

**FINDING:** The proposed General Plan Amendment is necessary as the subject parcel's current designated land use (RM) conflicts with its current zoning designation (C-3). The proposed General Plan Amendment would eliminate this conflict by providing matching permissible land uses found in the C-3 Zoning designation.

Furthermore, and hypothetically, if the Applicant were to instead propose a Zone Change to a residential designation (i.e., RM), the end result would be consistent between General Plan and Zoning designation, however would create an island of spot zoning in the entire 451 acre area of land as discussed in Finding A as the rest of the area is zoned for commercial uses. Therefore, the proposed General Plan Amendment is necessary in order to prescribe reasonable controls and standards for its affected land use.

C. *That the amendment or plan is necessary to provide reasonable property development rights while protecting environmentally sensitive land uses and species;*

**FINDING:** The proposed GPA, is necessary in order to provide reasonable property development rights in a commercial zone. As discussed in Finding B, the subject parcel would be restricted to commercial development under its current C-3 zoning designation.

A Public hearing on the matter was held at the June 19th Planning Commission meeting. Correspondence from community members was received expressing concern with the "zoning change" that would place a marijuana facility near residential housing, located across Needles Highway on the east side, approximately 100 ft. away. Testimony was also taken from community members expressing concern that the odors generated from the facility would be a deterrent to visitors wanting to stay at the RV park located on the east side of Needles Highway approximately 100 ft. from the proposed facility.

**Public Notification:** A public hearing notice was published in the Needles Desert Star on Wednesday, June 19, 2019. Notices were sent to property owners within 300 feet of the proposed project and posted in two conspicuous locations.

**Critical Timeline**: The applicant's anticipated timeline is to be in production as soon as possible.

**Fiscal Impact:** None.

**Environmental**: Pursuant to the California Environmental Quality Act (CEQA), the attached Initial

Study (IS)/Mitigated Negative Declaration (MND) was prepared to analyze the potential environmental effects of the project. An Initial Study was required for the following reasons:

1) the project site was not considered to be infill due to its location;

2) the site is relatively undisturbed and was therefore subject to an analysis of biological and cultural resources.

Based on the findings contained in that Initial Study, City Staff determined that, with the implementation of mitigation measures, there would be no substantial evidence that the project would have a significant effect on the environment.

Based on that determination, the IS/MND and Notice of Intent (NOI) to Adopt a MND was prepared and posted on the City's website and circulated to responsible agencies for a 30-day public review and comment period starting on April 29, 2019.

A Mitigation Monitoring Program (MMP) has also been prepared to ensure implementation of the mitigation measures for the project.

The public review period for comments on the proposed adoption of the MND closed on May 29, 2019. Comments were received from the California Department of Food and Agricultural (CDFA) and California Department of Fish and Wildlife (CDFW). Responses these comments are responded to in Appendix H of the Final MND. Changes, including those that reflect changes due to the comments received, that were made to the Draft MND are shown in the Final MND in track changes. These changes do not constitute new significant information that would require the revision and recirculation of the MND.

Pursuant to AB 52, the City completed the tribal consultation process for the proposed project. Consultation consisted of sending out letters to tribes that had previously requested consultation. Letters were sent to five tribes and only the 29 Palms Band of Mission Indians provided a response stating that they currently had no concerns but requested that a Tribal monitor be present at each site while any type of excavation activity is occurring.

**Recommended Action:** I make a motion to:

Approve City Council Ordinance 623-AC, approving a General Plan Amendment from a Residential Medium Density (RM) designation to a Highway Commercial (CH) designation for the parcel located at 3353 Needles Highway also Known as APN 0660-101-32.

**Submitted By:** Patrick Martinez, Development Director

**City Management Review:** Rick **Date:** 7/2/19

| Approved: ☐ | Not Approved: ☐ | Tabled: ☐ | Other: ☐ Agenda Item: 2 |
|---|---|---|---|

# ORDINANCE 623-AC

## AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEEDLES APPROVING A PROPOSED GENERAL PLAN AMENDMENT FROM A RESIDENTIAL MEDIUM DENSITY (RM) DESIGNATION TO A HIGHWAY COMMERCIAL (CH) DESIGNATION FOR THE PARCEL LOCATED AT 3353 NEEDLES HIGHWAY ALSO KNOWN AS APN 0660-101-32

**WHEREAS,** Shawn Illingsworth, representative for Fluid Holding LLC, submitted an application requesting a General Plan Amendment from a Residential Medium Density (RM) designation to a Highway Commercial (CH) designation for the parcel located at 3353 Needles Highway also known as APN 0660-101-32.

**WHEREAS,** Government Code Section 65860 requires that the General Plan designation and Zoning Code are consistent; and

**WHEREAS**, a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on June 12, 2019 and notices were sent to property owners within a 300 foot radius of the subject property specifying the date, time and location of the public hearing; and

**WHEREAS**, on June 19, 2019, the Needles Planning Commission held a duly noticed and advertised public hearing to receive oral and written testimony relative to the General Plan Amendment (GPA); and

**WHEREAS,** on June 19, 2019 the Needles Planning Commission approved RESOLUTION 06-19-2019 PC, recommending City Council approval of a General Plan Amendment and

**WHEREAS,** a public hearing notice for the Needles City Council meeting was published in the Needles Desert Star 10 days prior to said meeting, and notices were sent to property owners within a 300-foot radius of the subject property specifying the date, time and location of the public hearing for a General Plan Amendment; and

**WHEREAS,** the matter was scheduled for a public hearing at the July 9, 2019 City Council meeting; and

**WHEREAS,** on July 9, 2019, the Needles City Council held a duly noticed and advertised public hearing to receive oral and written testimony for a General Plan Amendment; and

**WHEREAS**, Section 116.00(d) of the Needles City Code describes the findings required to approve a General Plan Amendment; and

**WHEREAS**, California Government Code Section 65860 describes the findings required to approve a General Plan Amendment; and

**WHEREAS,** the Needles City Council has sufficiently considered all testimony and any documentary evidence presented to them in order to make the following determination.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Needles as follows:

**SECTION 1.** Pursuant to the California Environmental Quality Act (CEQA), the attached Initial Study (IS)/Mitigated Negative Declaration (MND) was prepared to analyze the potential environmental effects of the project. An Initial Study was required for the following reasons:

1) the project site was not considered to be infill due to its location;

2) the site is relatively undisturbed and was therefore subject to an analysis of biological and cultural resources.

Based on the findings contained in that Initial Study, City Staff determined that, with the implementation of mitigation measures, there would be no substantial evidence that the project would have a significant effect on the environment.

Based on that determination, the IS/MND and Notice of Intent (NOI) to Adopt a MND was prepared and posted on the City's website and circulated to responsible agencies for a 30-day public review and comment period starting on April 29, 2019.

A Mitigation Monitoring Program (MMP) has also been prepared to ensure implementation of the mitigation measures for the project.

The public review period for comments on the proposed adoption of the MND closed on May 29, 2019. Comments were received from the California Department of Food and Agricultural (CDFA) and California Department of Fish and Wildlife (CDFW). Responses these comments are responded to in Appendix H of the Final MND. Changes, including those that reflect changes due to the comments received, that were made to the Draft MND are shown in the Final MND in track changes. These changes do not constitute new significant information that would require the revision and recirculation of the MND.

Pursuant to AB 52, the City completed the tribal consultation process for the proposed project. Consultation consisted of sending out letters to tribes that had previously requested consultation. Letters were sent to five tribes and only the 29 Palms Band of Mission Indians provided a response stating that they currently had no concerns but requested that a Tribal monitor be present at each site while any type of excavation activity is occurring.

**SECTION 2**. The City Council HEREBY FINDS AND DETERMINES, with reports and findings in compliance with Chapter 3, Subsection 65860 of the California Government Code and of evaluation of goals and policies contained in the General Plan that facts do exist to approve a General Plan Amendment.

1. *That the amendment or plan is consistent with the intent of the goals and policies of the General Plan as a whole, and is not inconsistent with any element thereof;*

**FINDING:** The proposed General Plan Amendment from a Residential Medium Density (RM) designation to a Highway Commercial (CH) designation would be consistent

with the elements, goals and policies of the General Plan related to Highway Commercial uses.

This because the subject parcel with a current RM designation would permit uses (i.e., residential development) that would otherwise not be permitted under the subject parcel's current Zoning designation Highway Commercial (C-3). Furthermore, over the span of several decades, the City has processed and approved more Zone Change applications than General Plan Amendments for the same amount of area throughout the City. The purpose of this was mainly intended for, 1) attracting development and, 2) expediting the process of development permits. As a result of this process, the area bounded by Park Road, Needles Highway and Interstate 40 (including the subject parcel), which totals roughly 451 acres has a number of sites where there's an inconsistency between the General Plan land use (RM) and the current Zoning designation (C-3). A proposed General Plan Amendment for any parcel in this area in proposing a similar land use designation in matching with the area's current zoning designation, will eventually return to a consistency pattern between General Plan land use and Zoning. Therefore, the proposed General Plan Amendment would not be inconsistent with the intent of the goals and policies of the General Plan as a whole, or with individual elements.

2. *That the amendment or plan is necessary to prescribe reasonable controls and standards for affected land uses to ensure compatibility and integrity of those uses with other established uses.*

**FINDING:** The proposed General Plan Amendment is necessary as the subject parcel's current designated land use (RM) conflicts with its current zoning designation (C-3). The proposed General Plan Amendment would eliminate this conflict by providing matching permissible land uses found in the C-3 Zoning designation.

Furthermore, and hypothetically, if the Applicant were to instead propose a Zone Change to a residential designation (i.e., RM), the end result would be consistent between General Plan and Zoning designation, however would create an island of spot zoning in the entire 451 acre area of land as discussed in Finding A as the rest of the area is zoned for commercial uses. Therefore, the proposed General Plan Amendment is necessary in order to prescribe reasonable controls and standards for its affected land use.

3. *That the amendment or plan is necessary to provide reasonable property development rights while protecting environmentally sensitive land uses and species;*

**FINDING:** The proposed GPA, is necessary in order to provide reasonable property development rights in a commercial zone. As discussed in Finding B, the subject parcel would be restricted to commercial development under its current C-3 zoning designation and does not permit residential development even though with a current RM designated land use.

**SECTION 3**. The City Council HEREBY FINDS AND DETERMINES that facts do exist to approve **ORDINANCE 623-AC.**

**SECTION 4.** The City Council HEREBY APPROVES **ORDNANCE 623-AC**, approving a General Plan Amendment from a Residential Medium Density (RM) designation to a Highway Commercial (CH) designation for the parcel located at 3353 Needles Highway also Known as APN 0660-101-32.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Needles, California, held on the 9th day of July, 2019, by the following roll call vote:

**AYES:**
**NOES:**
**ABSENT:**
**ABSTAIN:**

_____
Mayor

**(Seal)** **Attest:** _____
City Clerk

Approved as to form:

_____
City Attorney

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 13th day of August, 2019, by the following roll call vote:

**AYES:** COUNCIL MEMBERS

**NOES:**
**ABSENT:**
**ABSTAIN:**

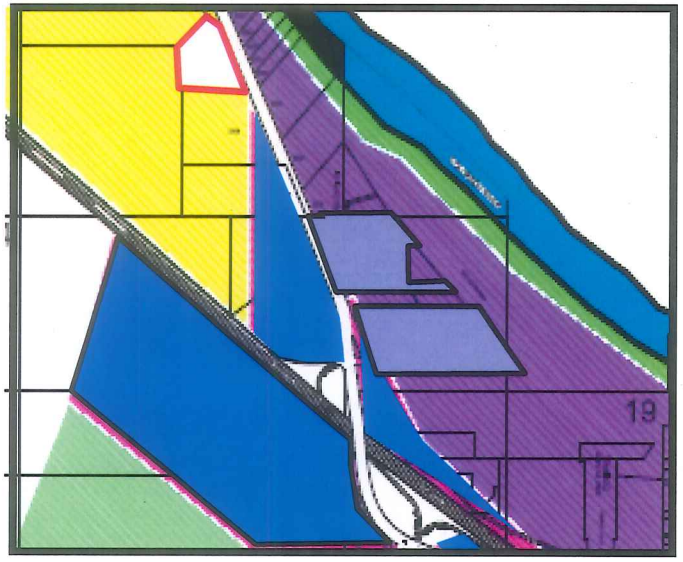
_____
Mayor

(seal)

ATTEST:_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

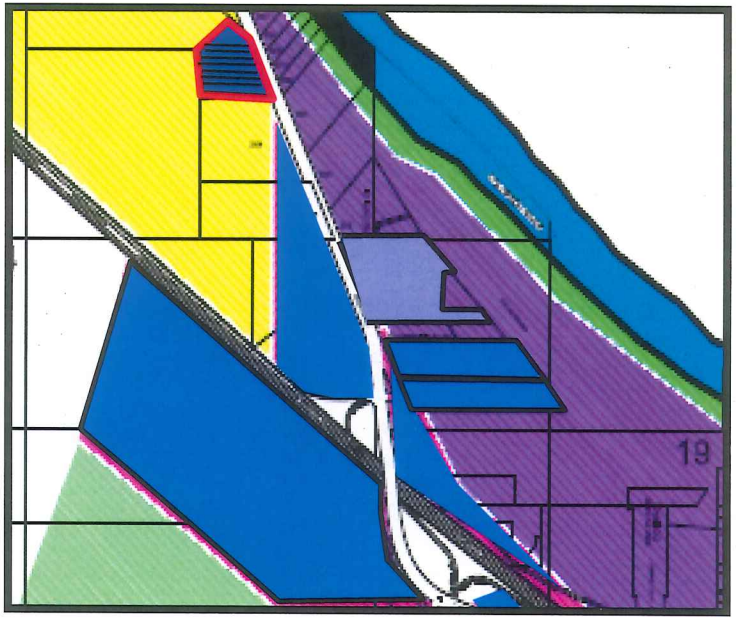



Existing Designations

- Highway Commercial
- Resort Commercial
- Parks / Recreation Commercial
- Medium Density Residential
- Project Site

Proposed Designations

- Highway Commercial
- Resort Commercial
- Parks / Recreation Commercial
- Medium Density Residential
- Project Site




ATTACHMENT: B—GENERAL PLAN AMENDMENT

APPLICANT: SHAWN ILLINGWORTH, FLUID HOLDING

ADDRESS: 3353 NEEDLES HIGHWAY

# City of Needles, California
# Request for City Council Action

☒ CITY COUNCIL ☐ NPUA ☐ Regular ☐ Special

**Meeting Date:** July 9, 2019

**Title:** City Council Resolution No. 2019-40
A Resolution of the City Council of the City of Needles Approving a Conditional Use Permit for a Two-Phase Three Building, Building 1, 2, and 3, Marijuana Cultivation Facility located at 3353 Needles Highway also Known as APN 0660-101-32

**Background:** Applicant, Shannon Illingworth, representative for Fluid Holdings, Micro Lab Farms, is proposing the construction of three buildings for marijuana cultivation. Phase one will include two buildings, Building 1 and 2, with each building totaling 12,000 square feet; phase two will include a 12,000 sq. ft. building, building 3. The project will also include the construction of Building A as part of phase one, 1, 350 sq. ft., to be utilized as office space only. The project site is currently vacant, and is approximately 3.75 acres in size at 3353 Needles Highway in the City of Needles, as shown in Figure 1: Project Site.

The site is located within the Residential (Medium Density) General Plan land use designation. A general plan amendment to change the land use designation to C-3 Highway Commercial is required for project approval. The Site is zoned Highway Commercial (C-3) whereby marijuana cultivation is permitted in the C-3 zone with a Conditional Use Permit (CUP).

The buildings will have a metal building façade, will include architectural enhancements utilizing a stone product to be installed at the base of each building, and will enclose a collection of metal containers known individually as pods. All five metal buildings will have a maximum height of 15 feet. Phase one construction is expected to be completed by the end of 2019; Phase 2 construction is proposed to begin in the first or second quarter of 2020.

A parking lot will be installed adjacent to the buildings with access from Needles Highway as shown in the conceptual rendering of the buildings in Figure 3: Conceptual Rendering. At least four ADA parking spots will be designated based on the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design which requires one spot for every twenty-five. Because of the proprietary design of the pods that allow for remote monitoring and control, employee staff is reduced thereby reducing the parking areas and vehicle trips to and from the facility.

State-of-the-art Phresh Filter carbon filtration units will be utilized by the proposed project to remove cannabis odor from any air vented to the exterior (Condition 60). These units have been utilized successfully by other cannabis projects for odor elimination.

Each individual pod will be a self-contained growing area that will cultivate plants in a vertical structure with soil-like medium. No hydroponic cultivation systems will be used. Details of the growing and monitoring system is proprietary. Plants will be grown on an approximately 8-week cycle with staggered



#3

harvesting on a weekly basis. Harvesting activities will include cutting plants, drying and processing the final cannabis products.

Noise generated from ongoing operational activities is limited to air conditioning units located on the exterior of the metal façade structures. Noise levels generated due to air conditioning units are expected to be at or below 45 dB at the source and below 45 dB at the perimeter fence.

A minimal amount of nutrients and other materials will be stored in appropriate containers inside the warehouse (Building B). Deliveries will be during normal business hours. Used materials such as growing medium will be sent to a licensed disposal facility.

The facility and its operations will implement a track and trace system as required by the City of Needles and by the State of California

Access to the proposed facility will be from Needles Highway. For security purposes, no public access to the facility will be allowed (Condition 42f). Deliveries will be coordinated with on-site employees and only conducted when employees are present during normal business hours (Condition 77).

The perimeter of the parcel that is visible from Needles Highway will be fenced with a combination block and wrought iron fence, including the Needles Highway street frontage, as well as along the north and south property lines. All other areas that are not visible from the highway are proposed to have 6-foot chain-link fence. The east side that faces Needles Highway will have wrought iron entry/exit gates. (Condition 54).

Security cameras will be placed at various strategic points around the property. Cameras will be motion-activated and trigger additional lighting system (Condition 42a). Additional interior security system will be used and is proprietary and confidential. All exterior lighting will comply with the City of Needles lighting standards as outlined in Ordinance 594-AC, amended Chapter 12 of the Needles Municipal Code, and sections §8304(c) and §8304(g) of the California Code of Regulations. All installed lighting will be down-cast and shielded from sunset to sunrise to avoid nighttime glare (Condition 19).

The proposed facility will be served by water supplied by the City of Needles and will require an extension of an existing water line. The operational water needs are 2 to 3 acre-feet per year after the build-out of Phase 2. The Applicant (Micro Lab Farms) will need to request a "Will Serve" letter from the City of Needles for the amount of water requested by the operation as part of the local permitting process (Condition 20). The groundwater well the City uses for the water source has sufficient capacity to meet the needs of the proposed project.

The proposed facility will use a septic system on-site. The septic system and leach field is contained entirely on-site. A 1,000-gallon septic tank will be installed 6-inch below grade. The leach field will be approximately 450 square feet and have perforated effluent distribution pipes with 4-inch diameter buried 3 feet below grade in a bed of gravel. The leach field will be no longer than 100-feet long. Because the cultivation system used by the facility will be self-contained, no wastewater from this process will enter the septic system.

The proposed project will use electrical power supplied by the City of Needles Public Utility Authority. The need for power will be for A/C and cultivation low-watt led lighting. The estimated power draw per structure is 220 kilowatts (kW). At full buildout, the total power draw is estimated at 660 kW.

Two jurisdictional features that facilitate water flow during heavy storm events, will be impacted through the implementation of the proposed project. However, the impacts will not substantially alter the drainage pattern in the area as a whole , and per Fish and Wildlife, one of two options as discussed in Condition 66, would ensure impacts would remain less than significant.. The detention basin will have a rectangular weir in place as an outlet to allow on- and off-site flow through the site to be discharged at a very low velocity. The low velocities will ensure that no erosion of surrounding properties will occur. Therefore, there will be no substantial erosion or siltation on- or off-site.

Landscaping is proposed around all buildings and along Needles Highway as shown in Figure 4: Proposed Landscaping will be of desert tolerant plants and require minimal maintenance and water. The detention basin will be landscaped with native desert scrub plants. All rainwater runoff from rooftops and hardscape areas will flow into the detention basin for irrigation.

Figure 5: Floor Plan, Framing Plan and Elevation Plan for Building A, Figure 6: Floor Plan, Framing Plan and Elevation Plan for Building B, Figure 7: Floor Plan and Lighting for Buildings 1 and 2 and Figure 8: Exterior Elevations for Buildings 1 and 2, show the layout and the elevations of all of the buildings.

Attachment 1: Site Photos provide a series of photos showing existing conditions at the project site.

After the completion of Phase 1, two employees will be needed on a daily basis approximately 8 hours per day. The operating hours will be during normal business hours 8am to 5pm Monday – Friday. After the build-out of Phase 2 structure, an additional employee will be needed for a total of 3 full-time employees.

On March 08, 2016, the City Council adopted Ordinance No. 576 AC, allowing marijuana cultivation in zones C-1, C-2, C-3, M-1 and M-2 with the approval of a Conditional Use Permit and a Regulatory Permit. The parcel is zoned Highway Commercial (C-3) and designated Residential (Medium Density) under the General Plan land use designation. The application proposes a General Plan amendment to change the land use designation to C-3 Highway Commercial. Under the proposed use (Marijuana Cultivation), the parcel accounts for approximately 0.8 percent of the City's total available area for C-3 land (467.30 acres) and approximately 0.2 percent of the City's total available area for CH land (1,532.20 acres).

A public hearing was held on the matter at the June 19, 2019 Planning Commission meeting. No public testimony was taken. The Planning Commission voted unanimously to approve Resolution 06-19-2019-1 PC recommending City Council approval for a Conditional Use Permit for a Three-building, Building 1, 2, and 3, Two-Phase Marijuana Cultivation Facility located at 3353 Needles Highway also Known as APN 0660-101-32

**Fiscal Impact:**

1. The 10% of gross sales of marijuana business tax (voter approved (2012).
2. Valuation of new buildings – added to city tax rolls.
3. NPUA – electric/water/sewer usage revenue.
4. Recurring business license and permitting fees.
5. A 25% State tax – a portion of which will be passed to local government, as enacted by the approval of Proposition 64 in November 2016.
6. Statewide 10% sales tax, the city's share is 1%.

**Environmental:**

Pursuant to the California Environmental Quality Act (CEQA), the attached Initial Study (IS)/Mitigated Negative Declaration (MND) was prepared to analyze the potential environmental effects of the project (Attachment 2).

An IS was required for the following reasons:

1) the project site was not considered to be infill due to its location;

2) the site is relatively undisturbed and was therefore subject to an analysis of biological and cultural resources.

Based on the findings contained in that IS, City Staff determined that, with the implementation of mitigation measures, there would be no substantial evidence that the project would have a significant effect on the environment, and a MND was prepared. A copy of the Final MND is provided.

Based on that determination, the IS/MND and Notice of Intent (NOI) to Adopt a MND was prepared and posted on the City's website and circulated to responsible agencies for a 30-day public review and comment period starting on April 29, 2019.

A Mitigation Monitoring Program (MMP) has also been prepared to ensure implementation of the mitigation measures for the project (Condition 21).

The public review period for comments on the proposed adoption of the MND closed on May 29, 2019. Comments were received from the California Department of Food and Agricultural (CDFA) and California Department of Fish and Wildlife (CDFW). Responses these comments are responded to in Appendix H of the Final MND. Changes, including those that reflect changes due to the comments received, that were made to the Draft MND are shown in the Final MND in track changes. These changes do not constitute new significant information that would require the revision and recirculation of the MND.

Pursuant to AB 52, the City completed the tribal consultation process for the proposed project. Consultation consisted of sending out letters to tribes that had previously requested consultation. Letters were sent to five tribes and only the 29 Palms Band of Mission Indians provided a response stating that they currently had no concerns but requested that a Tribal monitor be present at each site while any type of excavation activity is occurring (Condition 67).

# City of Needles, California
# Request for City Council Action

**Recommended Action:** Approve City Council Resolution 2019-40, Approving a Conditional Use Permit for a Three building, Building 1, 2, and 3, two-phase Marijuana Cultivation Facility located at 3353 Needles Highway also Known as APN 0660-101-62.

**Submitted By:** Victoria Boyd, Meridian Consultants

**City Management Review:** Rick **Date:** _____

| | | | |
|---|---|---|---|
| Approved: ☐ | Not Approved: ☐ | Tabled: ☐ | Other: ☐ |
| | | | Agenda Item: 3 |

# RESOLUTION 2019-40

## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEEDLESAPPROVING A CONDITIONAL USE PERMIT FOR A TWO PHASE MARIJUAN CULTIVATION FACILITY, BUILDING 1, 2, AND 3, LOCATED AT 3353 NEEDLES HIGHWAY ALSO KNOWN AS APN 0660-101-32, AND THE ADOPTION OF A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM.

**WHEREAS,** on August 17, 2016 City Council Ordinance No. 276 was approved allowing medical marijuana cultivation facilities in zones C1, C2, C3, M1 and M2, with a Conditional Use Permit and Regulatory Permit; and

**WHEREAS,** Applicant, Shawn Illingworth, as agent/owner, recently filed an application requesting a Conditional Use Permit for a two-phase three-building marijuana cultivation facility, Building 1, 2, and 3, proposed to be located 3353 Needles Highway, also known as APN 0660-101-32; and

**WHEREAS,** Section 96.01 of the Needles City Code allows these types of projects to occur in the Highway Commercial (C-3) zone, subject to the approval of a Conditional Use Permit; and

**WHEREAS**, a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on April 29, 2019, at least 10 days prior to said meeting, sent to property owners within 300 ft. of the proposed site, and posted in two conspicuous locations within the city; and

**WHEREAS**, on June 19, 2019, the Needles Planning Commission held a duly noticed and advertised public hearing to receive oral and written testimony relative to RESOLUTION 06-19-2019-1 PC, approving the said Resolution and recommending City Council approval for the Conditional Use Permit for a three-building two-phase marijuana cultivation facility; and

**WHEREAS**, a public hearing notice for the Needles City Council meeting was published in the Needles Desert Star 10 days prior to said meeting, notices were sent to property owners within a 300-foot radius of the subject property specifying the date, time and location of the public hearing, and posted in two conspicuous locations within the City; and

**WHEREAS**, on July 9, 2019, the Needles City Council held a duly noticed and advertised public hearing to receive oral and written testimony for a Conditional Use Permit; and,

**WHEREAS**, Section 94.07(d) of the Needles City Code describes the findings required to approve a Conditional Use Permit; and

**WHEREAS,** the Needles City Council has sufficiently considered all testimony and any documentary evidence presented to them in order to make the following determination.

**WHEREAS**, Section 94.07(d) of the Needles City Code describes the findings required to approve a Conditional Use Permit; and

**WHEREAS,** the Needles City Council has sufficiently considered all testimony and any documentary evidence presented to them in order to make the following determination.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Needles as follows:

**SECTION 1.**Pursuant to the California Environmental Quality Act (CEQA), the attached Initial Study (IS)/Mitigated Negative Declaration (MND) was prepared to analyze the potential environmental effects of the project. An Initial Study was required for the following reasons:

1) the project site was not considered to be infill due to its location;

2) the site is relatively undisturbed and was therefore subject to an analysis of biological and cultural resources.

Based on the findings contained in that Initial Study, City Staff determined that, with the implementation of mitigation measures, there would be no substantial evidence that the project would have a significant effect on the environment.

Based on that determination, the IS/MND and Notice of Intent (NOI) to Adopt an MND was prepared and posted on the City's website and circulated to responsible agencies for a 30-day public review and comment period starting on April 29, 2019.

A Mitigation Monitoring Program (MMP) has also been prepared to ensure implementation of the mitigation measures for the project (Condition 21).

The public review period for comments on the proposed adoption of the MND closed on May 29, 2019. Comments were received from the California Department of Food and Agricultural (CDFA) and California Department of Fish and Wildlife (CDFW). Responses these comments are responded to in Appendix H of the Final MND. Changes, including those that reflect changes due to the comments received, that were made to the Draft MND are shown in the Final MND in track changes. These changes do not constitute new significant information that would require the revision and recirculation of the MND.

Pursuant to AB 52, the City completed the tribal consultation process for the proposed project. Consultation consisted of sending out letters to tribes that had previously requested consultation. Letters were sent to five tribes and only the 29 Palms Band of Mission Indians provided a response stating that they currently had no concerns but requested that a Tribal monitor be present at each site while any type of excavation activity is occurring (Condition 67).

**SECTION 2** The City Council HEREBY FINDS AND DETERMINES, with reports and findings, that facts do exist to approve a Conditional Use Permit for a three-building two-phase marijuana cultivation facility, according to the criteria specified in Section 94.07(d) of the Needles City Code:

A. *That the requested permit is within its jurisdiction according to the table of permissible uses.*

**FINDING:** The project site is zoned Highway Commercial (C-3) and marijuana cultivation is permitted in the C-3 zone with a Conditional Use Permit (CUP) and a Regulatory Permit in accordance with Ordinance No. 576 AC.

B. *The Application is Complete*

**FINDING:** The applicant has submitted a complete application and has provided the required Site, Floor, Elevation, Rendering and Landscape Plans for the proposed development for the construction of up to a 37,950 square foot (sq. ft.) indoor cannabis cultivation in three structures built in two phases, which have been incorporated into this Staff Report (Figures 2 through 8). The cultivation portions would be Buildings 1 and 2 which would total 24,000 sq. ft. and Building B would be an office and total 1,350 sq. ft. (Phase 1). Building 3 would expand cultivation (Phase 2) which would total 11,250.

C. *The development is in general conformity with the Needles General Plan.*

**FINDING:** The proposed project, which includes the cultivation of marijuana, is currently inconsistent with the General Plan as the site has a land use designation of Residential (Medium Density). However, the applicant is requesting A general plan amendment to change the land use designation to C-3 Highway Commercial consistent with uses identified in the General Plan Highway Commercial designation through the adoption of Ordinance No. 576 AC, which allows for cultivation facilities to operate within the Highway Commercial (C-2) designated zone, thereby providing consistency with the General Plan.

D. *The development is in harmony with the area in which it is located.*

**FINDING:** The project site is located on a vacant, undeveloped 3.75 acre parcel that is proposed for development of up to a 35,250 square foot (sq. ft.) indoor cannabis cultivation facility in three structures, building 1, 2, and 3, built in two phases, for the purpose of marijuana cultivation. The conditions of approval require that only cultivation may be performed inside each building. No manufacturing of products or sales will be permitted to occur on-site. Traffic generated by the proposed project is expected to be minimal; the proposed project will be contributing less than 20 vehicle trips per day which includes the projected amount of employee personnel and deliveries traveling to the site. In addition, there are no sensitive receptors (residents, hospitals, schools) located nearby that. Therefore, this type of project is consistent with the uses occurring in the vicinity of the project site.

E. *The development will not materially endanger the public health or safety.*

**FINDING:** The project site is located in a commercially developed area of the City. Conditions of approval have been placed on the project to ensure appropriate

lighting, security systems, and ventilation systems are in place for health and safety purposes.

*F. The development will not substantially injure the value of adjoining or abutting properties.*

**FINDING:** The project site is located within City Planning zone, Highway Commercial (C-3). Highway 40 is located to the south and west of the proposed project. Parcels directly adjacent to the proposed project on the west, north and south are vacant, undeveloped land with natural vegetation. To the east of the subject parcel is Needles Highway with a hotel/resort, R/V park, and one residence further to the east. Even further to the east bordering these parcels is the Colorado River. As shown from current site photographs (Attachment 1) and compared with the project's Elevations (Figures 5 through 8) and conceptual rendering (Figure 3), the proposed exterior colors and third dimensional variation applied to the design of the buildings (e.g., façade eaves, planar projections, parapets and sloped roofing) will not substantially alter the adjoining or abutting properties.

**SECTION 3**. The City Council HEREBY FINDS AND DETERMINES that facts do exist to approve **RESOLUTION 2019-40**.

**SECTION 4.** The City Council HEREBY APPROVES Resolutions **2019-40**, approving a Conditional Use Permit for a three building, building 1, 2, and 3, two-phase Marijuana Cultivation Facility located at 3353 Needles Highway, also known as APN 0060-101-32.

1. Conditional Use Permit ("CUP") No. 06-19-2019-1 PC conditionally authorizes two 12,000 sq. ft. (24,000 sq. ft. total) marijuana cultivation facilities in Phase 1 (Building 1 and 2), and one 11,250 sq. ft. marijuana cultivation facility in Building 3, (Phase 2), as well as Building B office, 1,350 square feet, at 3353 Needles Highway in the City of Needles also known as APN 0060-101-32. This CUP does not authorize the use of a Cooperative/Collective, Manufacturing, or Testing Laboratory at this site within the buildings. These Conditions of Approval shall apply to the cultivation of marijuana and the establishment of the Cultivation Facility only.

2. The Applicant/Owner/Operator, and his/her/its successor(s) in interest ("Applicant") shall comply with all conditions of this CUP, including the Needles Municipal Code ("Municipal Code") and Chapter 12A thereof, the City Zoning Code, including Article IV and Section 94 thereof, and all applicable laws, policies, rules and regulations of the City, County, and State; and shall comply with any requirements associated with this approval or with the issuance of any Cultivation Facility License as required by Chapter 12A of the Municipal Code.

3. This CUP is issued in accordance with the provisions of the Municipal Code, and all development subject to the CUP shall occur strictly in accordance with the CUP plans and applications approved by the City. Failure to implement and maintain all provisions of these conditions of CUP approval shall be deemed grounds for revocation.

4. The CUP is issued contingent upon the Applicant's compliance with the provisions of Municipal Code Chapter 12A, and the issuance of all applicable permits and licenses in connection therewith, including, without limitation, a Marijuana Cultivation License, prior to the issuance of a Certificate of Occupancy pursuant to this CUP.

5. The approval for CUP No. 06-19-2019-1 PC is subject to the six (6) month expiration provisions of Section 94.13(a) of the City's Zoning Code and will expire on **12-19-19**.

6. The permit issuing authority may extend for a period of up to six (6) months, the date when the permit would otherwise expire pursuant to 94.13(a) if it concludes that: (1) the permit has not yet expired; (2) the permit recipient has proceeded with due diligence and in good faith; and (3) conditions have not changed so substantially as to warrant a new application.

7. The Applicant shall indemnify, protect, hold harmless and defend, with counsel selected by the City, the City and any agency or instrumentality thereof, and/or any of its officers, employees and agents from any and all claims, actions, or proceedings against the City to attack, set aside, void, annul and/or seek monetary damages resulting from an approval of the City; or any agency or instrumentality thereof, advisory commission; appeal board or legislative body including actions approved by the voters of the City, concerning Applicant's project. The City shall promptly notify the Applicant of any claim, action; or proceeding to which this condition is applicable and shall reasonably cooperate in the defense of the action. The City reserves its right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense. As a condition of this approval, the Applicant or its authorized representative shall:

   (a) Execute an agreement to defend (with legal counsel of the City's choice), indemnify and hold the City harmless from any and all claims, damages, legal or enforcement actions, including, but not limited to, any actions or claims associated with violation(s) of federal law associated with the permitting, licensing, approval, and/or operation of the Cultivation Facility; and

   (b) Maintain insurance in the minimum amount of $1 million per claim and $2 million in the aggregate; and

   (c) Name the City as an additional insured on all City required insurance policies; and

   (d) Agree to defend, at its sole expense, any action against the City, its agents, officers, and employees related to the approval of the Cultivation Facility.

8. All development on the project site shall be in compliance with all applicable provisions of the City's Municipal Code and all applicable provisions of the adopted and applicable Building, Construction and Fire Codes, the Americans with Disabilities Act, and all City building, zoning, business, and health regulations. All new construction shall obtain appropriate building permits and comply with the requirements of the Planning, Building, and Fire Departments.

9. With the exception for amendments and/or modifications that are consistent with Section 94.15 of the City's Zoning Code, anything not shown on the CUP application or the Site

Plan, or which is not specifically approved herein, or which is not in compliance with the CUP, is not approved. Any application and/or plans which are defective as to, but not limited to, omissions, dimensions, scale, use, colors, materials, encroachments, easements, etc., shall render any entitlements granted hereunder null and void. Construction (if any) shall cease until all requirements of this CUP are complied with, and development entitlements may be withheld until any Code violations are abated.

10. No Certificate of Occupancy shall be granted until all Conditions of Approval have been completed and approved by the City and Fire Department unless otherwise identified herein, and all offsite improvements have been completed and accepted by the City.

11. Within fifteen (15) days of final approval by the City Council, the Applicant shall submit a notarized affidavit acknowledging acceptance of the conditions of this CUP. This authorization shall become void, and any privilege, permit, or other authorization granted under these entitlements shall be deemed to have lapsed if compliance with this condition has not been undertaken within the specified time limits.

12. A scanned copy of the signed Conditions of Approval shall be included in the Building Construction Plans submitted for plan check.

13. The Applicant shall pay all established service, permit, impact, environmental, and other applicable fees required by the City as a condition of this CUP.

14. The Applicant shall at all times comply with any applicable State law, including but not limited to: the Compassionate Use Act (Proposition 215), the Medical Marijuana Program Act (Senate Bill 420), the Medical Marijuana Regulation and Safety Act (collectively Assembly Bill 266, Assembly Bill 243, and Senate Bill 643, signed into law by Governor Brown on October 9, 2015, as may be amended from time to time), and any other State or California Constitutional provision, whether now or later adopted, including any location restrictions.

15. The Applicant shall apply for and obtain a Marijuana Cultivation License prior to operating the Cultivation Facility conditionally authorized by this CUP, and shall at all times comply with the provisions of such license and applicable City Codes and regulations. The revocation or suspension of any required regulatory license shall operate to suspend all operations.

16. The Applicant must comply with the recommendations and conditions of the City Manager or his/her designee prior to issuance of any building permits. All development pursuant to this CUP must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.

17. A Management, Operations, and Security Plan including the measures set forth in Municipal Code Chapter 12A-7(F) shall be reviewed, and approved by the City Manager (or Designee) and City Building Official prior to Building Permit Issuance. Installation of security measures, including those listed below (See Condition 44a-f) must be completed, inspected, and approved by the City Manager (or Designee) and City Building Official prior to issuance of a Certificate of Occupancy.

18. The Applicant shall provide adequate lighting above all entrances and exits to the proposed buildings, as well as all parking areas and walkways that are under the control of the Applicant.

19. All required lighting shall be of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons within lighted areas during operating hours and shall be designed so as to direct light and glare onto the premises only. Said lighting and glare shall be shielded to deflect lighting away from all adjoining properties and down-cast and shielded from sunset to sunrise to avoid nighttime glare.

20. Prior to the issuance of a Conditional Use Permit, the Applicant shall obtain an electric "Will-Serve" letter, as well as a "Will-Serve" letter for Domestic Water and Sanitary Sewer Service from the Needles Public Utility Authority ("NPUA").

21. The Applicant shall adhere to all mitigation measures listed in Mitigation Reporting and Monitoring Program (MMP) as applicable to Biological Resources, Cultural Resources, and Noise.

22. During grading activities and in the event of an accidental discovery or recognition of any human remains during project construction activities, Public Resources Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken:

    - There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, then the coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" of the deceased Native American. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98, or

    - Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the property in a location not subject to further subsurface disturbance:

        - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission;

        - The descendant identified fails to make a recommendation; or

- The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the NAHC.

23. During construction, the Applicant shall, at all times, maintain the project site free of weeds, debris, trash or any other offensive, unhealthful and dangerous material. If after five (5) days' notice by certified mail, the Applicant does not comply with a notice of violation issued during construction, the City may either cancel building or grading permits and/or implement nuisance abatement proceedings, including placing a lien on the property for costs of abatement.

24. Applicant shall locate outside trash bin(s) or trash cans in a secured, enclosed area; not to be seen by public view and shall be locked at all times.

25. The outdoor cultivation and/or sale of marijuana and/or marijuana products are prohibited on the project site. No activity including, but not limited to, seeding, growing, or processing shall be conducted outside of the enclosed Cultivation Facility. The only time in which the product of any type is allowed to be outside of the buildings is for loading and/or transportation/logistic and/or disposal purposes, consistent with the approved Site Plan. Indoor Cultivation is allowed only within a fully enclosed and secure structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, is secured against unauthorized entry, provides complete visual screening, is only accessible through doors, and is inaccessible to minors. Other types of activities or special events are prohibited on the project site unless the applicant has received an approved Temporary Use Permit subject to the provisions of the City Municipal Code.

26. All structures, building walls open to public view shall remain free of graffiti or other extraneous markings, drawing, or signage that was not approved by the City, unless directly related to the business being operated on the premises or otherwise providing pertinent information about said premises. In the event graffiti or other extraneous markings occur, the Applicant shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surface.

27. Prior to occupancy, the Applicant shall prepare and file with the County Fire Department and Sheriff's Department a detailed evacuation plan in the event of an emergency that details how the buildings will be secured and how first responders will gain access to the project site and buildings.

28. The Applicant shall comply with the National Pollutant Discharge Elimination System (NPDES) requirements per the California Regional Water Quality Control Board (RWQCB), Colorado Region.

    Prior to construction of the first building (Phase 1), the Applicant shall fill out the City's Industrial Wastewater Discharge checklist and provide the City with a detailed description of the project's proposed treatment for wastewater discharge associated with cultivation.

The Applicant shall also describe if:

a) Reverse osmosis will be utilized, and if so, shall provide documentation to the City of how concentrated levels of Total Dissolved Solids (TDS) and brine solutions will be disposed and of the licensed entity that will be appointed in receiving TDS waste; or

b) If Hydroponic Grow Methods will be utilized, the applicant shall notify the City prior to initial discharge of hydroponic water media. Testing shall be performed at the time of discharge by a licensed wastewater testing firm. If testing reveals an exceedance in the maximum allowable threshold for dissolved solids, the facility shall halt any further discharge until appropriate filtering methods have been replaced/installed and re-tested by the wastewater testing firm until discharge levels of dissolved solids fall below the maximum allowable threshold. Failure to notify the City or detection of an unapproved discharge shall be considered "non-compliant" and is subject to sanctions up to and including discontinuance of service in accordance with Sections 9.5 and 10.7 of the City Code.

29. At the time the applicant connects to the municipal water service, applicant is required to construct a sampling manhole onsite to connect to the facility's wastewater line, and shall be constructed large enough in diameter for test tubes to be fitted down for water capture and testing. Said manhole shall include a composite sampling device to be installed in the manhole with a remote controller.

30. For project sites utilizing a septic system, applicant to provide stand-alone capture area for waters contaminated during the cultivation process, including but not limited to water participating in the reverse osmosis process, irrigation run-off into drains, waters contaminated during the cleaning of any grow rooms, etc.; these waters shall be transported from the premises.

31. For project sites utilizing a sewer system, water being processed through reverse osmosis is required to be captured in a stand-alone area and transported from the premises. Water being processed through reverse osmosis is prohibited from being used as the water source for any on-site landscaping

32. No nuisance water shall escape the Project Site onto public streets or adjacent properties.

33. If hazardous substances are used and/or stored in connection with the project, that exceed 55 gallons, 500 pounds, or 200 cubic feet (compressed gas) at any one time in the course of a year, a Business Emergency/Contingency Plan shall be prepared prior to issuance of Certificate of Occupancy and shall be in compliance with California Health & Safety Code (CHSC), Division 20, Chapter 6.95, Sections 25500 – 25520, California Code of Regulations (CCR), Title 19, Division 2, Chapter 4, Article 4, Sections 2729 - 2732, Title 40, Code of Federal Regulations (CFR), and EPA (SARA, Title III). A technical opinion and report may be required, identifying and developing methods of protection from the hazards presented by the hazardous materials. This report shall be prepared by a qualified

and properly licensed person, firm, or corporation and submitted to the Fire Department. This report shall also explain the proposed Facility's intended methods of operation and list all of the proposed materials, their quantities, classifications, and the effects of any chemical (material) inter-mixing in the event of an accident or spill.

34. Indoor Cultivation shall not exceed 5,440 sq. feet for buildings 1 and 2, and 2,560 for building 3., as authorized pursuant to the CUP. In the event that State law further restricts or limits these requirements, the Cultivation Facility shall comply with all building size requirements for such facilities imposed by State law and consistent with any State issued permit or license. A decrease in Indoor Cultivation below that which is authorized shall not require a new or amended CUP.

35. Indoor Cultivation shall not adversely affect the health or safety of the nearby residents, businesses or properties by creating offensive odors, dust, glare, heat, noise, smoke, traffic, vibration, or other impacts that are disturbing to people of normal sensitivity residing or present on adjacent or nearby properties or areas open to the public, and shall not be hazardous due to use or storage of materials, processes, products or wastes. Each building shall incorporate, operate and maintain sufficient odor absorbing ventilation through the use of charcoal lined filtration and exhaust systems.

36. The Cultivation Facility shall comply fully with all applicable restrictions and mandates set forth in State law. The Cultivation Facility shall not engage in any activities not allowed at Cultivation Facilities pursuant to State law and Chapter 12A of the Municipal Code. The Cultivation Facility shall comply with all horticultural, labeling, processing, and other standards required by State law and Chapter 12A of the Municipal Code.

37. All marijuana and marijuana products shall be stored in a secured manner within the Cultivation Facility during business and non-business hours.

38. On-site smoking, ingestion, or consumption of marijuana or alcohol shall be prohibited on the premises of the Cultivation Facility. The term "premises" includes the actual buildings, as well as any accessory structures and parking areas. The building entrance to the Cultivation Facility shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming marijuana on the premises or in the vicinity of the Facility is prohibited.

39. Alcoholic beverages shall not be sold, stored, distributed, or consumed on the premises. A Cultivation Facility shall not hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of the Cultivation Facility.

40. With the exception of Emergency Medical Care provided in the event of an accident or injury, Physician services shall not be provided on the premises.

41. No physical change, alteration, or modification of the premises of the Cultivation Facility is allowed that materially or substantially alters the permitted use or the approved site plans. Material changes include, but are not limited to, an increase or decrease in the total square

footage of the Cultivation Facility, or the addition, sealing of, or relocation of a wall, common entryway, doorway, or other means of ingress and/or egress to the Facility.

42. The Cultivation facility shall not distribute, sell, dispense, or administer marijuana out of its Facility to the public. A Cultivation facility shall not be operated as a Cooperative/Collective.

43. The Applicant shall identify the on-site manager(s) of the Facility to whom notice of operational issues may be provided. The Cultivation Facility shall make every good faith effort to encourage residents, businesses, or members of the public to call this Facility Manager as a first step to resolving operating problems, if any, before calls or complaints are lodged with the Sheriff's or Planning Department.

44. A security plan shall be clearly detailed on the Site Plan and installed at the Facility, including the following measures:

    (a) Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least 240 concurrent hours of digitally recorded documentation in a format approved by the City Manager or his/her designee. The cameras shall be in use 24 hours per day, 7 days per week. The areas to be covered by the security cameras include, but are not limited to, the storage areas, cultivation areas, all doors and corners of the building, and any other areas as determined by the City Manager or his/her designee. These records shall be maintained for seven (7) years from the date created or longer if required by State or Federal law. Recordings shall be made available to the City Manager or his/her designee upon 24 hours' notice;

    (b) The facility shall be alarmed with an alarm system that is operated and monitored by a properly licensed security company. Any security personnel, whether armed or unarmed, employed by the Cultivation Facility shall have and possess on their person a valid, State issued, licenses (commonly known as a "Guard Card");

    (c) Entrance to the cultivation area and any storage areas shall be locked at all times, and under the control of staff of the Cultivation Facility;

    (d) The entrance(s) shall be illuminated during evening hours. The Applicant shall comply with the City's lighting standards regarding fixture type, wattage, illumination levels, shielding, etc., and secure the necessary approvals and permits as needed.

    (e) Entry doors to all both buildings shall be appropriately secured and all marijuana securely stored, and a reliable, commercial alarm system shall be installed and maintained.

    (f) No public access to the facility will be allowed.

45. The Applicant shall enter into an agreement with the City that fully reimburses the City for all costs incurred by the City, resulting from the existence of the Facility, and provides the City with any applicable impact or other fees, imposed now or hereafter, to offset the potential impacts of the Cultivation Facility within the City.

46. The City Manager, or the City Manager's designee, shall have the right to enter the Cultivation Facility from time to time upon 24 hours' notice for the purpose of making reasonable inspections to observe and enforce compliance with these conditions of approval and all laws of the City and State of California.

47. If the Applicant utilizes an average of 125 percent or more of the permitted electricity or water amount based on the electric and water Will-Serve letters, in any one (1) year without prior written approval by the NPUA, all operations must cease immediately and the same shall be grounds for revocation of the CUP. Average electricity and water usage will be monitored on a quarterly basis by NPUA and City of Needles.

48. Operation of the Cultivation Facility in violation of any condition(s) of this CUP approval or requirements of Chapter 12A of the Municipal Code or other City regulation or ordinance shall constitute a violation of the CUP and shall be enforced pursuant to the provisions of thereof.

49. If any condition of approval of this CUP is held or declared to be invalid by a court of competent jurisdiction, the entire Project and CUP may be reviewed and substitute and/or additional conditions may be imposed.

50. Any violation of these conditions of approval shall constitute grounds for revocation of the CUP. The CUP may be revoked by the permit-issuing authority only in accordance with the requirements of Section 118.04 of the City's Zoning Code. Any such decision is appealable by the Applicant in accordance with Section 118.05 of the City's Zoning Code.

51. The project shall be developed in conformance to the revised site plan drawing. Any deviation from the approved plan shall require Planning Commission approval.

52. The Applicant must use asphalt or concrete for driving and parking surfaces per City standards.

53. The project is required to be handicap accessible, with ADA compliant restrooms for both buildings.

54. Any exposed metal surfaces to the building shall be masked with a minimum 25 percent architectural enhancement treatment for building walls that face streets. At all times the building shall be maintained with appropriate paint or exterior treatment.

55. Prior to issuance of a grading or construction permit, a Precise Grading Plan shall be submitted to the City for review and approval

56. Prior to issuance of Certificate of Occupancy for the Phase 1 buildings, the applicant shall install a combination wrought iron and block fence along any area of the perimeter that is visible from Needles Highway, including Needles Highway street frontage, as well as along the north and south property lines. All other areas that are not visible from the highway are proposed to have 6-foot chain-link fence. The east side that faces Needles Highway will have wrought iron entry/exit gates.

57. Prior to issuance of Certificate of Occupancy for the Phase 1 buildings, the Applicant shall complete the installation of landscape materials identified on the landscape plan dated June 19, 2019. The landowner shall be responsible for maintaining the vigor and life of planted landscape species during the life of the project.

58. Prior to issuance of Certificate of Occupancy for Phase 1 building and Phase 2 building, an electric meter and a main disconnect switch shall be installed on exterior of both buildings.

59. The Applicant must comply with the recommendations of the San Bernardino County Fire Department prior to issuance of any building permits. All development pursuant to this permit must be kept in full compliance with the County Fire Code to the satisfaction of the County Fire Department.

60. The Applicant shall manage its lighting as prescribed in City of Needles Ordinance 594-AC and amended Chapter 12A of the Needles Municipal Code, in compliance with the City's lighting standards regarding fixture type, wattage, illumination levels, and shielding. The indoor grow lighting system will also be shielded to confine light and glare to the interior of the proposed structure. The landscaping and planting plan will include the planting of desert-appropriate and native vegetation such as palm trees and native desert cacti, consistent with the visual context of the area. The planting palette will prohibit the inclusion of invasive species that are listed on CalIPC and the CDFA California Noxious Weeds list.

61. During short-term construction activities, the applicant shall implement the follow dust control measures:

- All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice daily for dust suppression when construction activities are occurring on-site.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All standing soil, sand, or other loose material left on-site shall be covered and secured.
- Adjacent public roads shall be kept clean of loose dirt tracked onto the roadways from the construction-site.
- All vehicle speeds shall be limited to 5 miles per hour.

62. All cultivation and processing structures shall be designed and maintained per manufacturer recommendations with a ventilation and air filtration system containing activated carbon filters, such as Phresh Filters, to ensure odors generated by the proposed facility are not a nuisance.

63. Prior to grading, the Applicant shall obtain a California Department of Fish and Wildlife Fish and Game Code Section 1600 Lake and Streambed Alteration Agreement and a Regional Water Quality Control Board (RWQCB) Waste Discharge Requirement.

64. Prior to construction, a focused plant survey shall be conducted during the appropriate growing season to identify any special-status desert dwelling plants that have the potential for occurring on the proposed project site.

65. If construction occurs during the nesting bird season, (February 15–August 31), then a pre-construction survey must be completed by a qualified biologist to survey for active bird nests on the project site within the project footprint and in a 300-foot buffer (500-foot buffer for raptor species) surrounding the project. This survey must occur no more than seven days prior to when construction begins. If nests are discovered, a qualified biologist shall establish a species appropriate buffer around the nest that shall remain in place until the nest is determined by a qualified biologist to be inactive.

66. Prior to construction, a qualified biologist shall survey for desert tortoise. In the event an individual is found, the qualified biologist shall capture and relocate to a designated area approved by USFWS and CDFW.

67. Prior to construction, a qualified biologist shall survey for burrowing owl. In the event burrowing owl or their sign is observed during pre-construction surveys, the applicant will consult with CDFW prior to clearing and grubbing activities.

68. The Applicant shall implement one of the two options as identified in the draft 1600 agreement from CDFW:

- Option 1 – Purchase Mitigation Bank Credits. Permittee shall mitigate project impacts through the purchase of 3.17 acres of desert wash credits, or the amount approved by a CDFW-approved mitigation bank in the Mojave Desert (e.g. West Mojave Conservation Bank) as identified in the CDFW 1600 Streambed Alteration Agreement.

- Option 2 – Offsite Enhancement and Conservation. Permittee shall mitigate project impacts through the conservation and enhancement of no less than 3.17 contiguous acres of desert wash in the Mojave region of eastern San Bernardino County. Enhancement activities shall include, at a minimum, removal of all trash, nonnative, and invasive plants (including nonnative grasses). Details of the enhancement effort including maintenance schedule, success criteria, and measures to protect the site from trespassing shall be described in the Habitat Mitigation and Monitoring Plan.

69. A Tribal Monitor shall be on site during the ground-disturbance phases of the project. The applicant shall coordinate the services of a tribal monitor with the Twenty-Nine Palms Band of Mission Indians, Morongo Band of Mission Indians, Fort Mojave Indian Tribe, Colorado River Indian Tribes, and Torres Martinez Desert Cahuilla Indians.

70. During short-term construction activities, all exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered twice daily for soil retention and dust suppression when construction activities are occurring on-site.

71. All equipment used for construction shall be compliant with Tier 4 Emissions Standards under the Environmental Protection Agency (EPA) rule.

72. A Material Safety Data Sheets (MSDS) shall be provided to the City of Needles for all potentially hazardous materials used in the operation in the event that emergency responders may require them.

73. Cleanouts shall be installed which will allow cultivation effluent testing for both water and wastewater sent to the city sewer and water sent to landscaping, and cultivation effluent testing will occur on a regular schedule.

74. Drainage swales shall be installed on hard surfaces to facilitate flow into a detention basin. Surface water runoff will be diverted towards the detention basin which has sufficient capacity for ordinary rain events. In the event capacity is reached, there shall be an outflow across the highway via an Arizona crossing into an adjacent unnamed wash. There shall be no substantial additional sources of polluted runoff.

75. The project shall comply with all sections of Titles 22 and 17 of the California Code of Regulations as applicable ("Regulations that Apply to Recycled Water"), including but not limited to type of backflow prevention required, proper installation of backflow prevention, testing and maintenance of backflow prevention, source specifications for recycled water, use area requirements for recycled water including signage, and restrictions on dual plumbed systems. In addition, the sewage disposal and recycled water systems are subject to all local codes, including securing and conforming with the terms of any permits required by the City of Needles, the County of San Bernardino County, or the Colorado River Water Quality Control Board.

76. The applicant shall acknowledge that the noise generated by operation of the proposed project must not exceed 65 dBA at the exterior side of any adjacent residences or result in an increase of more than 5 dBA in ambient noise if ambient noise is over 65 dBA Ldn. To ensure compliance, noise measurements will be taken post construction during facility operations and shall be submitted to the City of Needles.

77. The following shall apply to construction noise from tools and equipment:

    1. The operation of tools or equipment used in construction, drilling, repair, alteration, or demolition shall be limited to between the hours of 8: 00 a.m. and 6:00 p.m. Monday through Friday. The applicant is requesting work to be allowed between 8:00 a.m. and 6:00 p.m. on Saturdays.

    2. No heavy equipment related construction activities shall be allowed on Sundays or holidays.

    3. All stationary and construction equipment shall be maintained in good working order and fitted with factory- approved muffler systems.

78. The project shall be subject to a robust security plan, which includes a provision that the facility will be secured by locked gates where only employees and the facility operator have access codes. There shall be security cameras on each exterior corner of each building. Some cameras shall be motion activated and will turn on exterior lights if movement is detected. There shall be interior security cameras in each of the main spaces.

79. Deliveries shall be coordinated with on-site employees and only conducted when employees are present during normal business hours.

80. The Applicant acknowledges that the Bureau of Reclamation ("BOR") Policy entitled "Use of Reclamation Water or Facilities for Activities Prohibited by the Controlled Substances Act of 1970", which may be amended and/or extended from time to time, prohibits the BOR from approving the use of Reclamation water or facilities to facilitate activities prohibited by the Controlled Substances Act, including the use of Reclamation facilities or water in the cultivation of marijuana, and in the event the BOR becomes aware that Reclamation facilities or the water they supply are being used to facilitate cultivation of marijuana, will report such action to the Department of Justice ("DOJ"). Applicant acknowledges and agrees that as a result of any determination by the BOR that water service constitutes Reclamation water or facilities or any action of the BOR or DOJ taken as a result of such determination, is beyond the reasonable control of the NPUA and/or the City, and the NPUA and the City and its employees shall be free from any liability to the Applicant, its successors in interest, or any other interested party as a result thereof. The Applicant is required to take any action necessary as a result of any BOR determination or action related thereto, including obtaining additional sources of water for the Project. Any actions must be done in accordance with all applicable City Code provisions and regulations.

81. Steel buildings utilized for the project shall be no more than 15' in height.

**SECTION 5**. This action shall become final and effective September 12, 2019 which is the effective date of Ordinance 623-AC.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Needles, California, held on the 9th day of July, 2019, by the following roll call vote:

**AYES:**
**NOES:**
**ABSENT:**
**ABSTAIN:**

_____
Mayor

**(Seal)** **Attest**: _____
City Clerk

Approved as to form:

_____
City Attorney

Additional attachments to this agenda item are on file with the City Clerk and available upon request.
djones@cityofneedles.com
Thank you.

# City of Needles, California
# Request for City Council Action

☒ CITY COUNCIL ☐ NPUA ☐ RDA ☒ Regular ☐ Special

**Meeting Date:** July 9, 2019

**Title:** Needles City Council Ordinance No. 621-AC
An Ordinance of the City Council of the City of Needles, California, Amending Needles Municipal Code (NMC) Article IV Section 94 Adding "Reasonable Accommodation for Persons with Disabilities"

**Background**: State Housing Element law (GC 65583(c)(3) and (5)) requires that cities remove governmental constraints to the development of housing and promote housing opportunities for persons with disabilities; and

Federal and State fair housing laws, including the Federal Fair Housing Amendments Act of 1988, and the California Fair Employment and Housing Act, prohibit discrimination against individuals with disabilities and provide equal opportunity to use and enjoy a dwelling.

The State Housing and Community Development Department encourages cities to adopt written procedures for reasonable accommodation requests with respect to zoning regulations, permit processing, and building codes in light of the aforementioned laws and a city' affirmative duty to comply with fair housing laws.

The attached "Exhibit A" provides the process for requests for reasonable accommodation for persons with disabilities.

A public hearing on the matter was held at the adjourned regular meeting of the Planning Commission on Wednesday, June 19, 2019 with the Planning Commission recommending City Council approval of the Code amendment.

**Public Notification:** A public hearing notice was published in the Needles Desert Star on Wednesday, June 12, 2019 and the San Bernardino Sun on Sunday, June 9, 2019 and posted in two conspicuous locations in the City

**Environmental**: Exempt pursuant to 14 CCR § 15060(c)(2), the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment

**Fiscal Impact:** N/A

**Recommended Action**: Approve Ordinance 621-AC Amending the Needles Municipal Code (NMC) Article IV Section 94 Adding "Reasonable Accommodation for Persons with Disabilities"

**Prepared By:** Patrick Martinez, Development Director

City Management Review: Rick Date: 7/2/19

| Approved: ☐ | Not Approved: ☐ | Tabled: ☐ | Other: ☐ Agenda Item: 5c |
|---|---|---|---|

**ORDINANCE 621-AC**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, AMENDNG NEEDLES MUNICIPAL CODE (NMC) ARTICLE IV SECTION 94 ADDING "REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES"**

**WHEREAS**, it is the intent of the City to implement federal and state housing laws and the policies and programs contained in the City of Needles' General Plan, including the Housing Element; and

**WHEREAS,** State Housing Element law (GC 65583(c)(3) and (5)) requires that cities remove governmental constraints to the development of housing and promote housing opportunities for persons with disabilities; and

**WHEREAS**, Federal and State fair housing laws, including the Federal Fair Housing Amendments Act of 1988, and the California Fair Employment and Housing Act, prohibit discrimination against individuals with disabilities and provide equal opportunity to use and enjoy a dwelling.

**WHEREAS,** a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on Wednesday, June 12, 2019 and the San Bernardino Sun on Sunday, June 9, 2019; and

**WHEREAS**, on June 19, 2019, the Needles Planning Commission held a duly noticed and advertised public hearing to receive oral and written testimony relative to **RESOLUTION 06-19-2019-5** PC recommending City Council approval on the Needles Municipal Code (NMC) change; and

**WHEREAS,** a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on Wednesday, June 12, 2019 and the San Bernardino Sun on Sunday, June 9, 2019; and posted in two conspicuous locations; and

**WHEREAS,** on July 9, 2019, the Needles City Council held a duly noticed and advertised public hearing to receive oral and written testimony relative to the amendment to the Needles Municipal Code (NMC); and

**WHEREAS**, the Needles City Council has sufficiently considered all testimony and any documentary evidence presented to them in order to make the following determination:

**SECTION 1**. The City Council HEREBY FINDS AND DETERMINES that this activity is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Section §§ 15060 (c)(2), the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment

**SECTION 2**. The City Council HEREBY FINDS AND DETERMINES that facts do exist to approve an amendment to the Needles Municipal Code (NMC), attached as "Exhibit "A".

**SECTION 3.** The City Council HEREBY APPROVES Ordinance 621-AC for an amendment to the Needles Municipal Code (NMC) attached as Exhibit "A".

**SECTION 4**. This action shall become final and effective 30 days after this decision by the City Council as provided by the Needles City Code.

**NOW, THEREFORE, BE IT ORDAINED** that the City Council of the City of Needles, California, approves an amendment to the City Code.

**INTRODUCED AND READ** for the first time and ordered posted at a regular meeting of the City Council of the City of Needles, California, held on the 9th day of July, 2019, by the following roll call vote:

AYES:
NOES
ABSENT
ABSTAIN

_____
Mayor

Attest: _____
City Clerk

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 13th day of August, 2019.

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Mayor

(Seal) Attest: _____
City Clerk

Approved as to form:

_____
City Attorney

EXHIBIT "A"

REASONABLE ACCOMMODATION OF

PERSONS WITH DISABILITIES

**Amend Article IV Section 94 as follows:**

Add:

(e) **Reasonable Accommodation for Residential Uses.** A request for reasonable accommodation can be made by any individual with a disability, his or her representative, or a developer or provider of housing for an individual with a disability, when the application of a land use or zoning regulation, or land use, zoning, or building policy, practice or procedure acts as a barrier to fair housing.

(1) **Definitions.** Article II Section 92 is hereby amended to add the following definitions:

***Fair Housing Laws***: The Federal Fair Housing Act (42 U.S.C. § 3601 et. Seq.), the California Fair Employment and Housing Act (Government Code §12900 et seq.), and the California Disabled Persons Act (Civil Code § 54 et. Seq.).

***Individual with a Disability***: A person who has a medical, physical, or mental conditions that limits a major life activity, as those terms are defined in California Government Code section 12926

***Reasonable Accommodation***: A modification in the application of land use or zoning regulations or in the application of land use, zoning, or building policies, procedures, or practices when necessary to eliminate barriers to housing opportunities; which does not impose undue financial or administrative burdens on the City or require a fundamental or substantial alteration of the City's regulations, policies, procedures or practices.

(2) **Submittal requirements for reasonable accommodations.**

Each application for a Reasonable Accommodation shall be accompanied by the site plan information required by Article IV Section 94(e)(2)(a) through (n).

Site plans shall be drawn to scale of an adequate size and shall indicate clearly and with full dimensions the following data where applicable:

(a) Exterior boundary lines of the property indicating easements, dimensions and lot size.

(b) All adjacent streets or rights-of-way, including

bicycle and/or hiking trails.

(c) Location, elevations, size, height, dimensions, materials, colors, and proposed use of all buildings and structures (including walls, fences, signs, lighting and hooding devices) existing and intended to remain on the site.

(d) Setback information for all buildings existing and proposed at the site.

(e) Distances between all structures and between all property lines or easements and structures.

(f) Any nearby buildings which are relevant to this application.

(g) Any existing significant natural features such as rock outcroppings, highly protected trees, creeks, knolls and ridgelines.

(h) Location, number of spaces, and dimensions of off-street parking spaces, loading docks, and maneuvering areas; indicate internal circulation.

(h) Pedestrian, vehicular and service points of ingress and egress; driveway widths, and distances between driveways.

(i) Proposed landscaping; include quantity, location, varieties and container size.

(j) Proposed grading plan (for sites having over five (5) foot grade differential), showing existing and proposed contours, and the direction and path of drainage on, through and off the site; indicate any proposed drainage channels or facilities.

(k) Required and existing street dedications and improvements such as sidewalks, curbing and pavement. Indicate widths, radii of curves, street grades and whether streets are public or private.

(l) Other such data as may be required to permit the Planning Commission or the Zoning Administrator, as the case may be, to make the required findings for approval of the specific type of application.

(m) Scale shown as "Scale: 1 inch =feet" and north arrow.

(n) Vicinity map indicating nearby cross streets in relation to site (need not be to scale).

(o) Whether the proposed site is in a FEMA flood plain

(3) **Reasonable Accommodation applications.** The purpose of granting an application for Reasonable Accommodation is to provide an individual with a disability, his or her representative, or a developer or provider of housing for an individual with a disability, a modification with respect to the application of land use, or zoning regulations, and in the application of land use, zoning, or building policies, practices or procedures when those regulations, policies and procedures act as a barrier to fair housing.

An application for Reasonable Accommodation may be filed with the Planning Department as provided in Article IV Section 94(e)(3). The application shall be accompanied by the following information:

(a) The name, address and telephone number of the applicant;

(b) The name, address, and telephone number of the owner of the property for which the reasonable accommodation request is being made;

(c) The current use of the property for which the reasonable accommodation request is being made;

(d) If the applicant is someone other than the property owner, a letter of agency or authorization signed by the property owner consenting to the application being made;

(e) The basis for the claim that the individual to be reasonably accommodated is an Individual with a Disability under the Fair Housing Laws;

(f) The land use or zoning regulation, or land use, zoning, or building policy, practice or procedure for which reasonable accommodation is being requested;

(g) The type of accommodation sought;

(h) The reason(s) why the accommodation is necessary

for the needs of the disabled person. Where appropriate, include a summary of any potential means and alternatives considered in evaluating the need for the accommodation;

(i) Copies of memoranda, correspondence, pictures, plans or background information reasonably necessary to reach a decision regarding the need for the accommodation;

(j) Other supportive information deemed necessary by the department to facilitate proper consideration of the request, consistent with fair housing laws.

(k) Completion of a CEQA Checklist if proposed site is vacant land

(l) There is no fee imposed on the filing or processing of the application for Reasonable Accommodation.

***(4) Findings.*** The reviewing authority shall approve the application, with or without conditions, unless it determines on the basis of substantial evidence that one or more of the following findings cannot be made:

(a) The accommodation is requested by or on behalf of an individual with a disability protected under the fair housing laws.

(b) The housing, which is subject to the requested accommodation, will be used by an individual with a disability protected under fair housing laws.

(c) The requested accommodation is necessary to provide an individual with a disability an equal opportunity to use and enjoy a dwelling.

(d) The requested accommodation will not impose an undue financial or administrative burden on the City.

(e) The requested accommodation would not require a fundamental alteration in the nature of a City program or law, including land use and zoning.

*(5)* ***Other Discretionary approvals.*** If the project requires other discretionary approval (such as a Conditional Use Permit or

Variance) independent of the reasonable accommodation request, then the reasonable accommodation application will be decided prior to the other applications. Such decisions shall not to be reconsidered as part of the subsequent approvals, but shall be regarded as independent entitlements.

(6) **Decisions.** The Zoning Administrator shall, within 30 days of determining the application complete, approve, approve with conditions, or deny the application based on the findings set forth in Article IV Section 94(e)(4), and may impose such conditions as it deems necessary to ensure the accommodation will comply with the findings required in Article IV Section 94(e)(4) and fair housing laws. As part of consideration of a request for a reasonable accommodation related to construction of new dwelling or dwellings, the Zoning Administrator may consult with the Design Review Committee regarding the requested accommodation and any options that may result in a reasonable accommodation. While any request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

(7) **Appeals.** The decision of the Zoning Administrator may be appealed in accordance with Article XVIII "Enforcement and Review" Appeals are subject to payment of the fee imposed on appeals in the City's Master Fee Schedule.

(8) **Non-conforming Status.** All improvements constructed under the auspices of this chapter shall be removed upon the vacation of the unit by the person to whom the reasonable accommodation was granted unless the Development Department Director, Zoning Administrator, Building Official, or other discretionary reviewing authority, as applicable, makes a determination as follows:

**(a)** The unit has been reoccupied by a qualified person or such improvements provide benefit for future occupancy by a qualified person; or

**(b)** The removal of the improvement is not readily achievable without making significant structural changes that would impact the safety and soundness of the structure, as determined solely by the Building Official, or such costs of removal equal or exceed 25 percent of the market value of the structure.

9) **Confidentiality.** Medical information provided to the City related to the person for whom a reasonable accommodation is being requested shall be retained in a manner so as to respect

the privacy rights of the applicant to the extent feasible, shall be kept confidential and shall not be made available to the public, pursuant to state and federal law.

10) **Urgent, Temporary and Unforeseen Need.** Upon receipt of the application required by **Article IV Section 94(e)(3)**, and without the right of appeal provided by **Article IV Section 94(e)(7)**, upon a showing of an urgent, temporary and unforeseen need made by or on behalf of an Individual with a Disability, the Zoning Administrator shall approve as a Temporary Reasonable Accommodation temporary ramps and temporary and easily remediated alterations to a building that are not designed or intended nor allowed to remain for more than 90 days following such approval during a period of temporary disability (90 days maximum) or during a period during which an application for Reasonable Accommodation has been made and has not been acted upon with finality. Any approved Temporary Reasonable Accommodation shall be removed within the period of time established for such removal by the Zoning Administrator at the time of approval.

Additional attachments to this agenda item are on file with the City Clerk and available upon request.

djones@cityofneedles.com

Thank you.

# City of Needles, California
# Request for City Council Action

☒ CITY COUNCIL ☐ NPUA ☐ RDA ☒ Regular ☐ Special

**Meeting Date:** July 9, 2019

**Title:** Needles City Council Ordinance No. 622-AC
An Ordinance of the City Council of the City of Needles, California, Amending Needles Municipal Code (NMC) Article XII Section 112.06 Adding "Emergency Shelters and Supportive And Transitional Housing" and Section 96.01 "Table of Permissible Uses"

**Background**: Government Code Section 65583 obligates cities and counties to establish a zoning district that allows emergency shelters as a land use which does not require a conditional use permit or other discretionary approval, and allows for the opportunity to create written standards for the development and operation of emergency shelters

SB2 stipulates that supportive housing and transitional housing shall be considered residential uses, only subject to those restrictions that apply to other residential uses of the same type in the same zone

The State Office of Housing and Community Development (HCD) requires implementation of Housing Element Programs regarding emergency shelters and supportive and transitional housing prior to certification of the City's Housing Element.

The attached "Exhibit A" provides the process for permitting of emergency shelters as well as supportive and transitional housing, that is required in order to receive certification of the City's Housing Element update.

A public hearing on the matter was held at the adjourned regular meeting of the Planning Commission on Wednesday, June 19, 2019 with the Planning Commission recommending City Council approval of the Code amendment that would permit supportive and transitional housing in the R-3 Zone and Emergency Shelters in the two Manufacturing Zones.

**Public Notification:** A public hearing notice was published in the Needles Desert Star on Wednesday, June 12, 2019 and the San Bernardino Sun on Sunday, June 9, 2019 and posted in two conspicuous locations in the City

**Environmental**: Exempt pursuant to 14 CCR § 15060(c)(2), the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment

**Fiscal Impact:** N/A

**Recommended Action**: Approve Ordinance 622 Amending Needles Municipal Code (NMC) Article XII Section 112.06 adding "Emergency Shelters and Supportive and Transitional Housing" and Section 96.01 "Table of Permissible Uses"

**Prepared By:** Patrick Martinez, Development Director

City Management Review: Rick Date: 7/2/19

| Approved: ☐ | Not Approved: ☐ | Tabled: ☐ | Other: ☐ Agenda Item: 5d |
|---|---|---|---|

**ORDINANCE 622-AC**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, AMENDNG NEEDLES MUNICIPAL CODE (NMC) ARTICLE XII SECTION 112.06 ADDING "EMERGENCY SHELTERS AND SUPPORTIVE AND TRANSITIONAL HOUSING" AND SECTION 96.01 "TABLE OF PERMISSIBLE USES"**

**WHEREAS**, it is the intent of the City to implement federal and state housing laws and the policies and programs contained in the City of Needles' General Plan, including the Housing Element; and

**WHEREAS**, the City seeks to be in compliance with the State of California regulations for the allowance of emergency shelters as required by State Senate Bill 2 (SB2), effective January 1, 2008, and codified in California Government Code Section 65583; and

**WHEREAS,** SB2 stipulates that supportive housing and transitional housing shall be considered residential uses, only subject to those restrictions that apply to other residential uses of the same type in the same zone; and

**WHEREAS**, The State Office of Housing and Community Development (HCD) requires implementation of emergency shelters and supportive and transitional housing prior to certification of the City's Housing Element; and

**WHEREAS**, A State-approved Housing Element is required for eligibility for certain grants; and

**WHEREAS,** a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on Wednesday, June 12, 2019 and the San Bernardino Sun on Sunday, June 9, 2019; and

**WHEREAS**, on June 19, 2019, the Needles Planning Commission held a duly noticed and advertised public hearing to receive oral and written testimony relative to **RESOLUTION 06-19-2019-7** PC recommending City Council approval on the Needles Municipal Code (NMC) change; and

**WHEREAS,** a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on Wednesday, June 12, 2019 and the San Bernardino Sun on Sunday, June 9, 2019; and posted in two conspicuous locations; and

**WHEREAS,** on July 9, 2019, the Needles City Council held a duly noticed and advertised public hearing to receive oral and written testimony relative to the amendment to the Needles Municipal Code (NMC); and

**WHEREAS**, the Needles City Council has sufficiently considered all testimony and any documentary evidence presented to them in order to make the following determination:

**SECTION 1**. The City Council HEREBY FINDS AND DETERMINES that this activity is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA Section §§ 15060 (c)(2), the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment

**SECTION 2**. The City Council HEREBY FINDS AND DETERMINES that facts do exist to approve an amendment to the Needles Municipal Code (NMC), attached as "Exhibit "A".

**SECTION 3.** The City Council HEREBY APPROVES Ordinance 622-AC for an amendment to the Needles Municipal Code (NMC) attached as Exhibit "A".

**SECTION 4**. This action shall become final and effective 30 days after this decision by the City Council as provided by the Needles City Code.

**NOW, THEREFORE, BE IT ORDAINED** that the City Council of the City of Needles, California, approves an amendment to the City Code.

**INTRODUCED AND READ** for the first time and ordered posted at a regular meeting of the City Council of the City of Needles, California, held on the 9th day of July, 2019, by the following roll call vote:

AYES:
NOES
ABSENT
ABSTAIN

_____
Mayor

Attest: _____
City Clerk

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 13th day of August, 2019.

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Mayor

(Seal) Attest: _____
City Clerk

Approved as to form:

_____
City Attorney

EXHIBIT "A"

# EMERGENCY SHELTERS AND SUPPORTIVE AND TRANSITIONAL HOUSING

Add to Article XII:

Section 112.06 Emergency Shelters and Supportive and Transitional Housing.

(a) Definitions

**Emergency shelter:** means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay (as defined by California Health and Safety Code Section 50801(e)).

**Supportive housing**: means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community (as defined by Government Code Section 65582) Supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

**Target population:** means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people (as defined by Government Code Section 65582).

**Transitional housing:** means a building or buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six (6) months from the beginning of the assistance (as defined by Section 50675.2 of the Health and Safety Code). Transitional housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Transitional housing does not include state licensed residential care facilities.

(b) Emergency shelters.

(1) Purpose and Intent. It is the purpose of this section to facilitate and encourage the provision of emergency shelters for homeless persons and households

by allowing permanent year-round emergency shelters without a conditional use permit or other discretionary action in the zones identified in the "Table of Permissible Uses" zoning districts, subject only to the same development standards that apply to other permitted uses in the same zones, except for the following requirements unique to emergency shelters, as authorized by Government Code Section 65583(a)(4).

(2) Permit requirements.

(a) Emergency shelter facilities shall comply with all federal and California State licensing requirements.

(b) Emergency shelter facilities shall comply with all applicable Uniform Building Codes, Plumbing Codes and Fire Codes, including maximum occupancy restrictions.

(3) Minimum site design and development standards. An emergency shelter is subject to all property development standards of the zoning district in which it is located except as modified by the following standards:

(a) The maximum number of beds or persons to be served nightly by an emergency shelter shall be thirty-four (34).

(b) Off-street parking shall include one (1) vehicle parking space per three (3) beds and one (1) space per employee on the largest shift. A covered and secured area for bicycle parking shall be provided for use by staff and clients, commensurate with demonstrated need, but no less than a minimum of eight (8) bike parking spaces.

(c) Exterior lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public right-of- way, and of an intensity compatible with the neighborhood.

(d) Security shall be provided for residents, visitors and employees during the hours that the emergency shelter is in operation.

(e) On-site management shall be provided. The agency or organization operating the shelter shall comply with the following requirements:

(1) Temporary shelters shall be available to residents for no more than six (6) months within a twelve (12) month period. The days of stay need not be consecutive.

(2) Staff and services shall be provided to assist residents to obtain permanent shelter and income.

(3) The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling and treatment programs for residents.

(f). Appropriately sized and located exterior and interior on-site waiting and intake areas shall be provided.

(g) Laundry facilities or services shall be provided that are adequate for the number of residents.

(h) Emergency shelter facilities shall provide a refuse storage area that is completely enclosed with masonry walls not less than five (5) feet high with a solid-gated opening that is large enough to accommodate standard-sized trash and recycling bins, or other enclosures as approved by the Director of Community Development. The refuse enclosure shall be accessible to refuse collection vehicles.

(i) The facility may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:

(1) Central cooking and dining room(s).

(2) Recreation room.

(3) Counseling center.

(4) Child care facilities.

(5) Other supportive services.

(j) Organized outdoor activities may only be conducted between the hours of 8:00 a.m. and 9:00 p.m. for noise abatement purposes.

(k) An emergency shelter shall not be located within three hundred (300) feet of another emergency shelter, kindergarten through 12th grade curriculum school, child care center, or park as measured from the closest property line.

(l) No individual or household shall be denied emergency shelter because of an inability to pay.

Amend Section 96.01, "Table of Permissible Uses" adding 2.65 "Supportive Housing"; 2.70 "Transitional Housing, 2.75 "Emergency Shelters'.

| | Use Description | Zones | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | R1 | R2 | R3 | CR | C1 | C2 | C3 | M1 | M2 | P |
| **1.00** | **RESIDENTIAL** | | | | | | | | | | |
| 1.20 | Single-Family, one du/lot | Z | Z | Z | Z | Z | | | | | |
| 1.30 | Single-Family, two du/lot (separate buildings) | | S | S | Z | | | | | | |
| 1.40 | Primary with accessory apartment | S | Z | Z | Z | | | | | | |
| 1.50 | Duplex | | Z | Z | Z | | S | | | | |
| 1.60 | Multifamily apartments | | | Z | C | | S | | | | |
| 1.70 | Multifamily townhomes | | | S | C | | | | | | |
| 1.75 | Multifamily condos | | | S | C | | | | | | |
| 1.80 | Mobilehome parks | | C | C | S | | | | | | |
| 1.85 | R.V. parks | | C | C | S | | | C | | | |
| 1.90 | Planned residential development | | C | C | C | | | | | | |

| | Use Description | Zones | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | R1 | R2 | R3 | CR | C1 | C2 | C3 | M1 | M2 | P |
| **2.00** | **RESIDENTIAL/COMMERCIAL** | | | | | | | | | | |
| 2.10 | Homes for handicapped | C | C | S | C | C | C | | | | |
| 2.20 | Nursing care | C | C | S | C | C | C | | | | |
| 2.30 | Adult/child care (residence) | C | S | S | S | C | S | | | | |
| 2.40 | Halfway home | | | C | C | C | | | | | |
| 2.50 | Boarding house | C | C | C | C | C | C | | | | |
| 2.55 | Bed and breakfast | C | S | S | Z | S | S | S | | | |
| 2.60 | Hotels, Motels | | | | C | S | Z | Z | C | | |
| | | | | | | | | | | | |
| **2.65** | **Supportive Housing** | Z | Z | Z | Z | | | | | | |
| **2.70** | **Transitional Housing** | Z | Z | Z | Z | | | | | | |
| | | | | | | | | | | | |
| **2.75** | **Emergency Shelters** | | | | | | | | Z | Z | |

STATE OF CALIFORNIA
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

**State of California**

GOVERNMENT CODE

Section 65583

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65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.

(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4) (A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency

shelter. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

(i) The maximum number of beds or persons permitted to be served nightly by the facility.

(ii) Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.

(iii) The size and location of exterior and interior onsite waiting and client intake areas.

(iv) The provision of onsite management.

(v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.

(vi) The length of stay.

(vii) Lighting.

(viii) Security during hours that the emergency shelter is in operation.

(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.

(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, local processing and permit procedures, and any

locally adopted ordinances that directly impact the cost and supply of residential development. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph (7).

(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Section 65584. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing.

(7) An analysis of any special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. The need for emergency shelter shall be assessed based on annual and seasonal need. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period. An analysis of special housing needs by a city or county may include an analysis of the need for frequent user coordinated care housing services.

(8) An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.

(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use, and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government that have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs that can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program that have not been legally obligated for other purposes and that could be available for use in preserving assisted housing developments.

(b) (1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.

(c) A program that sets forth a schedule of actions during the planning period, each with a timeline for implementation, that may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, the utilization of appropriate federal and state financing and subsidy programs when available, and the utilization of moneys in a low- and

moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period pursuant to Section 65588, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than three years and 120 days from the statutory deadline in Section 65588 for adoption of the housing element.

(B) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2. The identification of sites shall include all components specified in Section 65583.2.

(C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.

(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. Transitional housing and supportive housing shall be considered a residential use of property and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone. Supportive housing, as defined in Section 65650, shall be a use by right in all zones where multifamily and mixed uses are permitted, as provided in Article 11 (commencing with Section 65650).

(4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.

(5) Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law.

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

(7) Include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.

(8) Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.

(9) (A) Affirmatively further fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2. The program shall include an assessment of fair housing in the jurisdiction that shall include all of the following components:

(i) A summary of fair housing issues in the jurisdiction and an assessment of the jurisdiction's fair housing enforcement and fair housing outreach capacity.

(ii) An analysis of available federal, state, and local data and knowledge to identify integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs within the jurisdiction, including displacement risk.

(iii) An assessment of the contributing factors for the fair housing issues identified under clause (ii).

(iv) An identification of the jurisdiction's fair housing priorities and goals, giving highest priority to those factors identified in clause (iii) that limit or deny fair housing choice or access to opportunity, or negatively impact fair housing or civil rights compliance, and identifying the metrics and milestones for determining what fair housing results will be achieved.

(v) Strategies and actions to implement those priorities and goals, which may include, but are not limited to, enhancing mobility strategies and encouraging development of new affordable housing in areas of opportunity, as well as place-based strategies to encourage community revitalization, including preservation of existing affordable housing, and protecting existing residents from displacement.

(B) A jurisdiction that completes or revises an assessment of fair housing pursuant to Subpart A (commencing with Section 5.150) of Part 5 of Subtitle A of Title 24 of the Code of Federal Regulations, as published in Volume 80 of the Federal Register, Number 136, page 42272, dated July 16, 2015, or an analysis of impediments to fair housing choice in accordance with the requirements of Section 91.225 of Title 24 of the Code of Federal Regulations in effect prior to August 17, 2015, may incorporate relevant portions of that assessment or revised assessment of fair housing or analysis or revised analysis of impediments to fair housing into its housing element.

(C) The requirements of this paragraph shall apply to housing elements due to be revised pursuant to Section 65588 on or after January 1, 2021.

(d) (1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.

(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit toward its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.

(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:

(A) How the joint facility will meet the jurisdiction's emergency shelter need.

(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility.

(C) The amount and source of the funding that the jurisdiction contributes to the facility.

(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.

(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:

(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city

and county submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.

(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.

(f) The deadline for completing required rezoning pursuant to subparagraph (A) of paragraph (1) of subdivision (c) shall be extended by one year if the local government has completed the rezoning at densities sufficient to accommodate at least 75 percent of the units for low- and very low income households and if the legislative body at the conclusion of a public hearing determines, based upon substantial evidence, that any of the following circumstances exist:

(1) The local government has been unable to complete the rezoning because of the action or inaction beyond the control of the local government of any other state, federal, or local agency.

(2) The local government is unable to complete the rezoning because of infrastructure deficiencies due to fiscal or regulatory constraints.

(3) The local government must undertake a major revision to its general plan in order to accommodate the housing-related policies of a sustainable communities strategy or an alternative planning strategy adopted pursuant to Section 65080.

The resolution and the findings shall be transmitted to the department together with a detailed budget and schedule for preparation and adoption of the required rezonings, including plans for citizen participation and expected interim action. The schedule shall provide for adoption of the required rezoning within one year of the adoption of the resolution.

(g) (1) If a local government fails to complete the rezoning by the deadline provided in subparagraph (A) of paragraph (1) of subdivision (c), as it may be extended pursuant to subdivision (f), except as provided in paragraph (2), a local government may not disapprove a housing development project, nor require a conditional use permit, planned unit development permit, or other locally imposed discretionary permit, or impose a condition that would render the project infeasible, if the housing development project (A) is proposed to be located on a site required to be rezoned pursuant to the program action required by that subparagraph and (B) complies with applicable, objective general plan and zoning standards and criteria, including design review standards, described in the program action required by that subparagraph. Any subdivision of sites shall be subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)). Design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) A local government may disapprove a housing development described in paragraph (1) if it makes written findings supported by substantial evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the

condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(3) The applicant or any interested person may bring an action to enforce this subdivision. If a court finds that the local agency disapproved a project or conditioned its approval in violation of this subdivision, the court shall issue an order or judgment compelling compliance within 60 days. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders to ensure that the purposes and policies of this subdivision are fulfilled. In any such action, the city, county, or city and county shall bear the burden of proof.

(4) For purposes of this subdivision, "housing development project" means a project to construct residential units for which the project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of at least 49 percent of the housing units for very low, low-, and moderate-income households with an affordable housing cost or affordable rent, as defined in Section 50052.5 or 50053 of the Health and Safety Code, respectively, for the period required by the applicable financing.

(h) An action to enforce the program actions of the housing element shall be brought pursuant to Section 1085 of the Code of Civil Procedure.

(Amended by Stats. 2018, Ch. 958, Sec. 2.5. (AB 686) Effective January 1, 2019.)

# City of Needles, California
# Request for City Council Action

☒ CITY COUNCIL ☐ NPUA ☒ Regular ☐ Special

**Meeting Date:** July 9, 2019

Title: Ordinance No. 624-AC Amending Chapter 14, Article III, Entitled "Graffiti Prohibition and Removal", in the Needles Municipal Code

**Background:** On April 23, 2019 City Council gave direction to staff to draft an Ordinance to provide additional enforcement tools to protect public and private property from acts of vandalism and defacement, including the application of Graffiti on privately and publicly owned walls and structures.

Vandalism whether graffiti or damage or destruction of public property costs the City of Needles thousands of dollars each year.

This Ordinance will establish three (3) remedies for vandalism:

- **Criminal Penalties:** Any violation of this article shall be a misdemeanor punishable by either six months in jail, a one-thousand-dollar fine, or by such fine and imprisonment, and by the performance of community service in the form of Graffiti cleanup to the maximum extent permitted by California Penal Code Section 594 and/or any other provision of law.

- **Civil:** A violation of any of the provisions of this article shall constitute a nuisance and may be abated by the City through civil process by means of restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisance. (Ord. No. 432-AC, (part).)

- **Administrative:** A violation of any of the provisions of this article shall constitute a nuisance and may be abated by the City through administrative proceedings as provided in this Chapter 14 and Chapter 2A of the City's Municipal Code and other applicable law as may be amended from time to time. City may, at its discretion, issue administrative citations and fines as set forth in the City's Municipal Code.

**Fiscal Impact:** Recover costs for staff time and property damage from vandalism



#6

# City of Needles, California
# Request for City Council Action

**Recommended Action:** Approve Ordinance 624-AC, Amending Chapter 14, Article III, Entitled "Graffiti Prohibition and Removal", in the Needles Municipal Code

**Submitted By:** Patrick Martinez, Director of Development Services
John Pinkney, City Attorney

**City Management Review:** Rick **Date:** 7/2/19

| Approved: ☐ | Not Approved: ☐ | Tabled: ☐ | Other: ☐ |
|---|---|---|---|
| | | | Agenda Item: 6 |

# ORDINANCE NUMBER 624-AC

## AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, AMENDING CHAPTER 14, ARTICLE III, ENTITLED "GRAFFITI PROHIBITION AND REMOVAL", IN THE NEEDLES MUNICIPAL CODE

**WHEREAS**, Vandalism whether graffiti or damage or destruction of public property costs the City of Needles thousands of dollars each year; and

**WHEREAS**, The City's operating policy is to immediately correct or repair the situation and report it to law enforcement for prosecution; and

**WHEREAS,** City Council at the April 23, 2019 meeting gave direction to staff to draft an Ordinance to provide additional enforcement tools to protect public and private property from acts of vandalism and defacement, including the application of Graffiti on privately and publicly owned walls and structures; and

**WHEREAS,** a public hearing notice for the Needles City Council meeting was published in the Needles Desert Star on June 26, 2019, posted in two conspicuous locations; and

**WHEREAS,** on July 9, 2019, the Needles City Council held a duly noticed and advertised public hearing to receive oral and written testimony relative to the amendment to the Needles Municipal Code (NMC); and

**WHEREAS**, the Needles City Council has sufficiently considered all testimony and any documentary evidence presented to them in order to make the following determination:

**SECTION 1.** **CEQA.** Pursuant to Section 15060(c)(2) of the California CEQA Guidelines, adoption of the subject Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment and therefore is not subject to CEQA. Additionally, pursuant to Section 15060(c)(3) the activity is not a "project" as defined in Section 15378 because it has no potential for resulting in physical change to the environment, directly or indirectly.

**SECTION 2.** **Severability.** The City Council hereby declares that if any provision, section, paragraph, sentence, or word of this Ordinance is rendered or declared to be invalid or unconstitutional by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, such invalidity shall not affect the other provisions, sections, paragraphs, sentences, or words of this Ordinance, and to this end the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance enforced.

**SECTION 3.** **Prosecution of Prior Ordinances.** Neither the adoption of this Ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution of any violation of any City ordinance or provision of the City of Needles Municipal Code, committed prior to the effective date hereof, nor be construed as a waiver of any penalty or the penal provisions applicable to any violation thereof.

**SECTION 4.** **Chapter 14, Article III. GRAFFITI PROHIBITION AND REMOVAL.** The City Council hereby repeals Chapter 14, Article III "Graffiti Prohibition and Removal" from the City of Needles Municipal Code, and replaces it as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

**SECTION 5.** **Publication.** The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published pursuant to state law within fifteen (15) days after its passage, and this Ordinance shall become effective thirty (30) days after its passage.

**SECTION 6.** **Effective Date.** This action shall become final and effective 30 days after this decision by the City Council as provided by the Needles City Code.

INTRODUCED AND READ for the first time and ordered posted at a regular meeting of the City Council of the City of Needles, California, held on the 9th day of July 2019, by the following roll call vote:

**AYES**:
**NOES**:
**ABSENT**:
**ABSTAIN**:

PASSED, APPROVED AND ADOPTED, at a regular meeting of the City Council of the City of Needles, California, held on the of 13 of August 2019, by the following roll call vote:

**AYES**:
**NOES**:
**ABSENT**:
**ABSTAIN**:

_____
Mayor Jeff Williams

**ATTEST:**

**APPROVED AS TO FORM:**

_____
City Clerk Dale Jones, CMC

_____
City Attorney John O. Pinkney

**Attachment "A"**

**to Ordinance No. 624-AC**

Article III. Graffiti Prohibition and Removal.

Sec. 14-55. Purpose and intent. The City Council of the City hereby specifically finds that Graffiti on public property is a blighting factor which not only depreciates the value of the property which has been the target of such vandalism but also depreciates the value of the adjacent and surrounding properties so as to create a negative impact upon the entire City.

California Government Code section 53069.3 authorizes the City, under certain circumstances, to provide for the removal of Graffiti and other inscribed materials from private as well as public property. The Council finds and determines that Graffiti is obnoxious and a public nuisance and unless the City causes it to be removed from public and private property, it tends to remain. Other properties then become the target of Graffiti with the result that entire neighborhoods are affected and become less desirable places in which to be. Graffiti also has been found to be a means of identification utilized by gangs and its presence may encourage further gang-related activities.

It is the purpose and intent of the City Council, through the adoption of the ordinance codified in this article, to provide additional enforcement tools to protect public and private property from acts of vandalism and defacement, including the application of Graffiti on privately and publicly owned walls and structures. Such acts are hostile to and destructive of the rights and values of private property owners as well as the total community. It is the further intent of the City Council, through the adoption of the ordinance codified in this article, to provide notice to all of those who disregard the property rights of others, that the law enforcement agencies of the City, the sheriff's department and the district attorney's office, will strictly enforce the law and vigorously prosecute those persons engaged in the defacement of public and private properties.

Government Code sections 38772, 38773.2, and 38773.6 authorize cities to adopt ordinances making the expense of abating Graffiti caused by certain Minors (1) a personal obligation of the Minor and of the parents or guardians having custody and control of the Minor, and (2) a lien or special assessment against property of the Minor and property of the parents or guardians having custody and control of the Minor. Welfare and Institutions Code section 742.14 authorizes cities to adopt ordinances electing to have the probation officer of the county recoup for it, through juvenile court proceedings in accordance with Welfare and Institutions Code section 742.16, its costs associated with Graffiti damage caused by certain Minors. Among other things, this chapter is intended to implement such statutory provisions. (Ord. No. 432-AC, (part).)

Sec. 14-56. Definitions. As used in this article, the following words and phrases shall have the meanings ascribed to them in this section:

"Abatement and Related Administrative Costs" means all City costs associated with damage caused by Graffiti, including but not limited to court costs, attorney's fees, cost of removal of Graffiti or other inscribed material, cost of repair and replacement of property defaced by Graffiti that cannot be removed cost effectively, and law enforcement time incurred by or charged to the City for identifying and apprehending the person(s) who caused the Graffiti.

"Aerosol Paint Containers" means any aerosol container which is adapted or made for the purpose of spraying paint or other substance capable of defacing property.

"Felt Tip Marker" means any tipped style marker or similar implement with a tip which at its broadest width, is one-eighth inch or greater.

"Graffiti" means any inscription, word, figure, or design that is marked, etched, scratched, drawn, painted, pasted or otherwise affixed to or on any surface, regardless of the nature of the material of that structural component, to the extent the same was not authorized in advance by the owner thereof, or, despite advance authorization, is otherwise deemed by the City Council to be a public nuisance.

"Graffiti Implement" means any implement capable of marking a surface to create Graffiti including, but not limited to, Aerosol Paint Containers, Paint Sticks, felt-tip markers or marking pens, marking instruments, drill bits, grinding stones, scribes, glass cutters, or etching tools, or other similar implements capable of scarring glass, metal, concrete, stucco, wood or similar surfaces.

"Minor" has the same meaning as specified in Government Code Section 38772.

"Owner's Representative" means any person or entity expressly authorized by the owner of any property to permit another person to place inscriptions, words, figures or designs upon such property, or any person or entity in lawful possession of any property, whose right of possession includes the authority to permit or allow inscriptions, words, figures or designs to be placed upon such property.

"Paint Stick" means a device containing a solid form of paint, wax, epoxy or other similar substance capable of being applied to a surface by pressure and, upon application, leaving a mark.

"Spray Actuator" (also known as a "spray tip," "nozzle" or "button") means an object which is capable of being attached to Aerosol Paint Containers for the purpose of spraying the substance contained therein

Sec. 14-57. Unlawful to Apply Graffiti. It shall be unlawful for any person to apply Graffiti to any trees or structures including, but not limited to, buildings, walls, fences, poles and signs ("structures" hereinafter in this article), located within the City. It shall also be unlawful for any person to apply or affix any adhesive backed label, sticker, "bumper sticker" or similar item, to any tree or structure not owned or lawfully possessed by such person. (Ord. No. 432-AC, (part).)

Sec. 14-58. Minors Prohibited from Possession Graffiti Implements.

(a) Possession of Graffiti Implements by Minors Prohibited. It shall be unlawful for any person under the age of eighteen years to have in his or her possession any Graffiti implement while upon public property or upon private property without the consent of the owner of such private property whose consent to such possession and presence is given in writing in advance. This provision shall not apply to the possession of Felt Tip Markers by Minors attending, or traveling to or from a school at which the Minor is enrolled, if the Minor is participating in a class at said school which formally requires the possession of such Felt Tip Markers. The burden of proof in any prosecution for violation of this section shall be upon the Minor student to establish the need to possess a Felt Tip Marker. (Ord. No. 432-AC, (part).)

(b) Aerosol Paint Containers and Felt-Tip Markers—Sale to Persons Under Eighteen Years of Age Prohibited.

(1) No person shall sell or cause to be sold to any person under the age of eighteen years any Aerosol Paint Containers or Felt Tip Marker.

(2) Evidence that a person, his or her employee, or agent, demanded and was shown bona fide evidence of majority and acted upon such evidence of majority in a transaction or sale shall be a defense to any criminal prosecution thereof.

(3) Any person who owns, manages, or operates a place of business wherein Aerosol Paint Containers and Felt Tip Markers are sold shall post in a conspicuous place a sign in letters at least three-eighths of an inch high stating: "Any person who maliciously defaces real or personal property with paint or any other liquid is guilty of vandalism which is punishable by a fine, imprisonment, or both."

(c) Storage and Display of Aerosol Paint Containers and Felt Tip Markers. Every person who owns, conducts, operates or manages a retail commercial establishment selling Aerosol Paint Containers, or Felt Tip Markers or marker pens and Paint Sticks, or similar Graffiti Implements shall store or cause such containers or pens to be stored in an area viewable by, but not accessible to, the public in the regular course of business without an employee assistance, pending legal sale or disposition of such containers or pens. It is the intent of this section to permit, but not to require, the viewing of Aerosol Paint Containers and Felt Tip Markers or marker pens and Paint Sticks or similar Graffiti Implements while they are stored or displayed pending retail sale.

Sec. 14-59. Possession of Graffiti Implements Prohibited in Designated Public Places. It shall be unlawful for any person to have in his or her possession any Graffiti Implement while in any public park, playground, swimming pool, recreational facility, or while in or within ten feet of an underpass, bridge abutment, storm drain, or other similar type of infrastructure not normally used by the public, except as may be authorized by the City. (Ord. No. 432-AC, (part).)

Sec. 14-59.1. Possession of Spray Actuator Prohibited. It shall be unlawful for any person to possess any Spray Actuator, as defined in herein, for the purpose of defacing, marking or damaging any public or privately-owned property without the express consent of the owner of such property or the Owner's Representative

Sec. 14-60. Graffiti Removal Provisions.

(a) Declaration of Nuisance.

(1) Graffiti as a Nuisance. The City Council hereby declares and finds Graffiti located on public or privately-owned property within the City to be a nuisance subject to abatement according to the provisions and procedures herein contained and as authorized by California Government Code Section 38773, et seq.

(b) Right of City to Remove.

(1) Use of Public Funds. Whenever the City becomes aware, or is notified and determines that Graffiti is so located on public or privately owned property viewable from a public or quasi-public place within the City, the City shall be authorized to use public funds for the removal of same, or for the painting or repairing of same, but shall not authorize or undertake to provide for the painting or repair of any more extensive area than that where the Graffiti is located, unless the City Manager, or designee, determines in writing that a more extensive area is required to be repainted or repaired in order to avoid aesthetic disfigurement to the neighborhood or community, or unless the responsible party agrees to pay for the costs of repainting or repairing the more extensive area.

(2) Right of Entry on Private Property.

(A) Securing Owner Consent. Prior to entering upon private property or property owned by a public entity other than the City, for the purpose of removal of Graffiti, the City shall attempt to secure the consent of the responsible party, and a release of the City from liability for private or public property damage.

(B) Failure to Obtain Owner Consent. If a responsible party fails to remove the offending Graffiti within forty-eight hours, or if the City shall have requested consent to remove or paint over the offending Graffiti and the responsible party shall have refused consent for entry on terms acceptable to the City consistent

with the terms of this section, the City may commence Abatement and Related Administrative Costs recovery proceedings for the removal of the Graffiti pursuant to the nuisance abatement authority granted by California Government Code Section 38773, et seq., which authority includes the recovery of all costs incurred by the City in abating Graffiti and recordation of a lien as to affected property.

(c) Ease of Removal Provisions.

(1) Common Utility Colors and Paint Type. Any gas, telephone, water, sewer, cable, and other utility operating in the City, other than an electric utility, shall paint their above-surface metal fixtures which are installed after the effective date of the ordinance codified in this article, with a uniform paint type and color as directed by the City Manager.

(2) Conditions on Encroachment Permits. Encroachment permits issued by the City may, among other things, be conditioned on (1) the permittee applying an anti-Graffiti material to the encroachment object or structure of a type and nature that is acceptable to the City Manager, or his or her designee; (2) the immediate removal by the permittee of any Graffiti; (3) the right of the City to remove Graffiti or to paint the encroaching object or structure; (4) the permittee providing City with sufficient matching paint and/or anti-Graffiti material on demand for use in the painting of the encroaching object or structure containing Graffiti.

(3) Conditions on Discretionary Approvals. In imposing conditions upon conditional use permits, variances, building permits or other similar land use entitlements or development or design applications, the City may impose Graffiti removal requirements or any or all of the following conditions, or other similar or related conditions:

(A) Use of Anti-Graffiti Material. Applicant shall apply an anti-Graffiti material of a type and nature that is acceptable to the City Manager, or his or her designee, to such of the publicly viewable surfaces to be constructed on the site deemed by the City Manager, or designee, to be likely to attract Graffiti;

(B) Right of Access to Remove Graffiti. Applicant shall grant in writing, the right of entry over and access to such parcels, upon forty-eight (48) hours posted notice, by authorized City employees or agents, for the purpose of removing or "painting over" Graffiti previously designated by the City Manager, or designee. Such grant shall be made an express condition of approval and shall be deemed to run with the land;

(C) Supply City with Graffiti-Removal Material. Applicant, and any and all successors in interest, shall, for a specified period of years after approval, provide the City with sufficient matching paint and/or anti-Graffiti material on demand for use in the painting over or removal of designated Graffiti;

(D) Owner to Immediately Remove Graffiti. Persons applying for subdivision maps shall, as part of any conditions, covenants and restrictions, covenant, which covenant shall run with the land, in a form satisfactory to the City, that the owners of the lots shall immediately remove any Graffiti placed on publicly viewable trees and structures thereon to City's satisfaction. (Ord. No. 432-AC, (part).)

Sec. 14-61. Rewards.

(a) Reward Authority.

(1) Pursuant to Section 53069.5 of the California Government Code, the City does hereby offer a reward in an amount as may be set by resolution of the City Council, for information leading to the arrest and conviction of any person for violation, within the City, of California Penal Code Sections 594 or 594.3 by the use of Graffiti, Penal Code Sections 640, 640.5 or 640.6. In the event of multiple contributions of information, the reward amount shall be divided by the City in the manner it shall deem appropriate. For the purpose of this section, diversion of the violator to a community service program, or a plea bargain to a lesser offense, shall constitute a conviction.

(2) Claims for reward under this section shall be filed with the City. Each claim shall:

(A) Specifically identify the date, location and kind of property damaged or destroyed;

(B) Identify by name the person who was convicted;

(C) Identify the court and the date upon which the conviction occurred.

(3) No claim for a reward shall be allowed by the City Council unless the City investigates and verifies the accuracy of the claim and determines that the requirements of this section have been satisfied.

(4) The person committing the Graffiti vandalism, and if an unemancipated Minor, then the parent or lawful guardian of said Minor, shall be civilly liable for any reward paid pursuant to this section pursuant to the provisions of California Government Code Section 53069.5. (Ord. No. 432-AC, (part).)

Sec. 14-63. Penalties and Civil Liability of Parents.

(a) Criminal Penalties. Any violation of this article shall be a misdemeanor punishable by either six months in jail, a one-thousand-dollar fine, or by such fine and imprisonment, and by the performance of community service in the form of Graffiti cleanup to the maximum extent permitted by California Penal Code Section 594 and/or any other provision of law.

(b) Additional Penalties Available. Whenever deemed appropriate, it is the City's intent to petition a sentencing court to impose the following additional penalties upon conviction:

(1) Litter or Graffiti cleanup pursuant to California Vehicle Code Section 42001.7, upon conviction of violation of California Vehicle Code Sections 23111, 23112 or 23113(a);

(2) Suspension or delay of issuance of a driver's license pursuant to California Vehicle Code Section 13202.6 upon a Graffiti vandalism conviction;

(3) Performance of community service, including Graffiti removal service by any Minor determined to be a ward of the court as a result of committing a vandalism-related offense in the City, as provided in California Welfare and Institutions Code Section 728 and/or 729.6;

(4) Performance of community service, including Graffiti removal service of up to one hundred hours by any Minor determined to be a ward of the court as a result of committing a drug related offense in the City, as provided in California Welfare and Institutions Code Section 729.8.

(c) It is the City's further intent that pursuant to California Penal Code Section 640.6(a), all acts of Graffiti vandalism occurring within the City shall be prosecuted as misdemeanors pursuant to California Penal Code Section 594, et seq., or this article.

(d) Pursuant to California Civil Code Section 1714.1, any parent or legal guardian whose Minor child possesses a Graffiti Implement, shall be personally liable for any and all costs to any person or business incurred in connection with the removal of Graffiti caused by said child, or by said Graffiti Implement, and for all attorney's fees and court costs incurred in connection with the civil prosecution of any claim for damages or reimbursement, up to ten thousand dollars. An invoice may be sent to the parents or guardians having custody and control of the Minor, who shall be jointly and severally liable with the Minor for the City's Abatement and Related Administrative Costs. Invoices shall be due and payable no later than thirty days following their receipt, except to the extent that period is tolled due to a timely request for an administrative hearing. After that, interest on the amount owing shall accrue at the maximum legal rate and the City may proceed to collect the debt through any lawful means, including the procedures established by this chapter and by applicable state law. (Ord. No. 432-AC, (part).)

Sec. 14-64. Civil Remedies Available. A violation of any of the provisions of this article shall constitute a nuisance and may be abated by the City through civil process by means of restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisance. (Ord. No. 432-AC, (part).)

Sec. 14-65. Administrative Citations. A violation of any of the provisions of this article shall constitute a nuisance and may be abated by the City through administrative proceedings as provided in this Chapter 14 and Chapter 2A of the City's Municipal Code and other applicable law as may be amended from time to time. City may, at its discretion, issue administrative citations and fines as set forth in the City's Municipal Code.

Sec. 14-66. Invoice—Contents and Service.

(a) An invoice for abatement and related administrative costs sent pursuant to this Graffiti Ordinance shall include all of the following information:

(1) A statement notifying the recipient that he/she has been determined by the City to be responsible under Government Code section 38772 and Chapter 14, Article III of the City's Municipal Code for the City's expenses of removing certain Graffiti in the City and/or repairing or replacing property damaged by such Graffiti;

(2) The location and description of the Graffiti for which abatement cost recovery is sought;

(3) The date by which the invoice must be paid and the fact that interest on the amount owing will accrue at the maximum legal rate if it is not timely paid;

(4) A statement notifying the recipient of his or her right to request an administrative hearing within ten days of receipt of the invoice regarding liability and/or the amount of costs sought, and the fact that the time period to pay the invoice will be tolled pending the outcome of the hearing;

(5) A statement notifying the recipient that if he/she does not pay the invoice or request a hearing within the time allowed, then the City's determinations regarding liability and costs will become final and non-appealable to any other City authority and the City will proceed with lawful collection methods, which in the case of a Minor and his or her parents or guardians may include recording a lien or special assessment for the full amount of the invoice plus interest against property of the Minor and against property of the parents or guardians.

(b) The City shall serve the invoice in one of the following ways: (1) by personal service; (2) by both regular first class mail and certified mail with return receipt requested; or, if neither of the previous two methods is available or successful in a given case, (3) by some other method reasonably calculated to provide actual notice to the recipient. If mail service is used, then the return receipt shall constitute evidence of the date the invoice was received. If the certified mail is not accepted, then the invoice will be deemed to have been received by regular mail three days after its mailing.

(c) Failure to comply with any of the foregoing requirements shall not render the invoice or other cost recovery proceedings defective if they meet minimum constitutional standards for due process.

Sec. 14-67. Hearing—Notice and Procedure.

(a) Any person sent an invoice for abatement or related administrative costs pursuant to this Graffiti Ordinance is entitled to an administrative hearing regarding liability and/or the amount of costs sought to be recovered, if timely requested. A request for a hearing shall be timely if it is received by the City no later than the close of business on the tenth day following receipt of the invoice. A timely request for a hearing tolls the time for payment of the invoice until the recipient has been notified of the hearing officer's decision.

(b) If a hearing is timely requested, the City shall send the party requesting the hearing written notice of the time, date and location of the hearing. The notice shall be served in the same manner as the invoice and shall be reasonably calculated so as to give the recipient at least three days' advance notice of the hearing. Notice of the hearing officer's final decision after the hearing shall be similarly served.

(c) The scope of an administrative hearing shall be limited to either or both of the following issues: (1) liability for costs; and (2) the amount of costs sought to be recovered. The party requesting the hearing shall be entitled to submit evidence on either or both issues, which shall be duly considered by the hearing officer provided it is either presented during the hearing or received by the City Manager or his or her designee no later than the close of business on the day before the hearing. No formal rules of evidence shall apply. The party requesting the hearing shall be entitled to attend the hearing but such attendance shall not be mandatory.

(d) The hearing officer shall be the City Manager or his or her designee. The hearing officer's decision shall be final and non-appealable to any other City authority. Failure to timely request a hearing waives any right to the hearing and renders the determinations reflected in the invoice similarly final and non-appealable.

Sec. 14-68. Delinquent Invoice—Collection Procedure. If an invoice is not paid in a timely manner and the City's determinations regarding the invoice have become final and non-appealable, then the City may proceed to collect the debt through any lawful means including, in the case of a Minor and the parents or guardians having custody and control of the Minor, imposition of a "Graffiti Nuisance Abatement Lien" following the procedures of Government Code section 38773.2 or, as an alternative to such a lien, a special assessment following the procedures of Government Code section 38773.6. To the extent the aforementioned state law and this article of the City's Municipal Code do not specify a particular aspect of the Graffiti nuisance abatement lien or special assessment imposition procedure, the procedures outlined in Chapter 14, Article II of this City's Municipal Code regarding conventional nuisance abatement liens and special assessments may be followed, provided they do not conflict with applicable state law.

**LEGAL NOTICE**

## PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that a public hearing will be held before the City Council, in the Council Chambers at the Needles Civic Center complex, located at 1111 Bailey Ave., Needles, California, on July 9, 2019 at 6:00 p.m. Said hearing is called to consider all evidence and testimony for or against approval of the following items:

> Approving an Ordinance of the City Council of the City of Needles, California, Amending Chapter 14, Article III, Entitled "Graffiti Prohibition and Removal", in the Needles Municipal Code

All interested persons are encouraged to attend these hearings. Accordingly, written correspondence is encouraged and should be addressed to the City Clerk., 817 Third Street, Needles, CA 92363. Prior to the meeting questions can be answered by the Development Services Department staff, at (760) 326-2115.

"If a decision is made at this hearing and you later disagree with the decision, only issues raised at the public hearing or in written form at or before the public hearing can be considered."

*/s/* Patrick Martinez
Director of Development Services

Publish: June 26, 2019
Posted: June 26, 2019

# City of Needles, California
# Request for Council Action

☒ CITY COUNCIL/NPUA ☐ Board of Public Utilities ☒ Regular ☐ Special

**Meeting Date** July 9, 2019

**Title:** Exclusive three (3) year purchase of Douglas Fir Power Poles through McFarland Cascade Supplier

**Background:** The City went to bid for a three (3) year purchase of Douglas Fir Power Poles. The poles are purchased in truck loads with a variety of pole sizes.

The Electric department is requesting a three year supplier in which a new bid would be completed then be issued.

The Board of Public Utilities approved the recommended action on July 9, 2019.

**Fiscal Impact:** Yearly impact is estimated at $27,126 to be funded by the Electric Department.

**Environmental Impact:** N/A

**Recommended Action**: Accept the bid from McFarland Cascade Supplier for Douglas Fir Power Poles for FY20, FY21 and FY22

**Submitted By:** Justin Scott, Electric Crew Supervisor

**City Management Review:** Rick **Date:** 7/2/19

| Approved: ☐ | Not Approved: ☐ | Tabled: ☐ | Other: ☐ |
|---|---|---|---|
| | | Agenda Item: 7 | |

# CITY OF NEEDLES

# INVITATION FOR SEALED BIDS

FOR

Three (3) year Sole Source Coastal Douglas Fir Power Poles

CITY OF NEEDLES
817 Third Street
Needles, CA 92363
(760) 326-2115 ext. 140

NOTICE IS HEREBY GIVEN that the CITY OF NEEDLES (herein called the "City") invites and will receive sealed bids up to the hour of 3:30 p.m. Pacific Standard Time (PST) on **Tuesday, June 11, 2019** for the purchase of Three (3) year Sole Source Coastal Douglas Fir Power Poles.

At said time, sealed Bid Proposal (herein called the "Bid") will be publicly opened and read aloud by the office of the City Clerk at:

CITY OF NEEDLES
817 Third Street
Needles, CA 92363

Questions regarding the Bid Documents are to be directed to Rainie Torrance, Senior Accountant, by email at rtorrance@cityofneedles.com

Bids shall be submitted only on forms provided in the Bid Packet. Bids shall be in the hands of the City Clerk of the City, 817 Third Street, Needles, California, 92363 on or before the hour of 3:30 p.m. PST on **Monday, June 24, 2019**. No late Bids will be accepted and will be returned unopened. No oral, telegraphic, electronic, facsimile, or telephone bid submittals or modifications will be considered. Bids received after the bid submittal deadline will be rejected and returned to the Bidder unopened.

The Bid Proposal forms can be obtained from the City of Needles' website at www.cityofneedles.com.

The City reserves the right to reject any and/or all Bids received.

## Information for Bidders

Bids will be received by the City of Needles Office of the City Clerk, at City of Needles, 817 Third Street, Needles, CA 92363, until 3:30 p.m. Pacific Standard Time (PST), on **Monday, June 24, 2019** publicly opened and read aloud. Each Bid must contain one complete original set of Bid Proposal Forms. The Bid Proposal forms include "Specifications Compliance" and "Bid Form". The Addendum, if issued, will be posted on the City's website at www.cityofneedles.com. Bidder must acknowledge Addendum, if issued, by submitting signed Addendum with the Bid Proposal Forms. The completed Bid must be submitted in a sealed envelope and addressed to the City at 817 Third Street, Needles, CA 92363. Each sealed envelope containing a Bid must be plainly marked on the outside as "**Electric Power Pole Bid, Attention City Clerk**", and the envelope shall also bear on the outside, the name of the Bidder, and Bidder's address. If forwarded by mail, the sealed envelope containing the Bid Proposal forms must be enclosed in another envelope addressed to the City Clerk at 817 Third Street, Needles, CA 92363, and both envelopes clearly state "**Electric Power Pole Bid; Attention City Clerk**".

Total Bid Price must be filled in, in ink or typewritten, and the Bid Form must be fully completed and executed when submitted, unless otherwise indicated. The Bid Form shall be signed by a person or persons legally authorized to bind Bidder to the Contract. The individuals signing each document shall warrant that they are authorized to bind the Bidder. Mistakes must be corrected and the correction inserted; correction must be initialed in ink by person signing the Bid Form. Each Bidder is responsible for the review of the Bid documents.

The City may waive any informalities or minor defects or reject any and all Bids. Any Bid may be withdrawn prior to the above scheduled time for the opening of Bid or authorized postponement thereof. Any Bid received after the time and date specified shall not be considered. All Bids shall remain firm for at least ninety (90) calendar days after the date and time of the bid opening unless otherwise specified. Should there be reasons why the Bid cannot be awarded within the specified period; the time may be extended by mutual agreement between the City and the Bidder. Award of Bid will be to the lowest responsible Bidder as determined by the City. A conditional or qualified Bid will not be accepted. The failure and omission of any Bidder to do any of the foregoing shall not relieve any Bidder from any obligation with respect to the Bid. The City will not be responsible for, nor be bound by, any oral instructions, interpretations, or explanations issued by the City or its representatives. Any request for clarifications or questions of the bid documents shall be emailed to:

Rainie Torrance, Senior Accountant
rtorrance@cityofneedles.com

Requests for clarification or questions shall be delivered to the City by 4:00 p.m. PST on ***Wednesday June 19, 2019***. Any City response to a request for clarification, questions and answers will be posted to the City's website at www.cityofneedles.com not later than 4:00 p.m. PST, ***June 19, 2019*** and if necessary become a part of the Bid as an Addendum. The proposed timeline of events associated with the awarding of Bid Proposal:

| | | |
|---|---|---|
| Release of Advertisement for Bids | | Thursday, June 11, 2019 |
| Deadline to submit questions/clarifications | 4:00 p.m. | Tuesday, June 18, 2019 |
| Addendum/Questions/Clarifications Posted | 4:00 p.m. | Wednesday, June 19, 2019 |
| Bid Opening | 3:30 p.m. | Monday, June 24, 2019 |
| City Council Awards Bid | 6:00 p.m. | July 9, 2019 |
| Issuance of a Purchase Order | By | July 10, 2019 |

## Specifications Compliance

The City is seeking proposals to enter into a sole source three (3) year agreement to purchase the following power poles; The City is seeking to order **full** truck loads with a minimum of 28 – 40' poles and 23-24 – 45' poles or a combination of both. A minimum of one (1) to two (2) truck loads will be ordered annually, additional loads may be requested.

### Coastal Douglas Fir Poles

Length:

- 30'
- 35'
- 40' (most common)
- 45' (most common)
- 50'
- 55'
- 60'
- 65'

Class:

- CL1
  - Full Length
  - Pressure Treated
  - Fully Penta Treated
  - Roofed and Tagged
  - ANSI & AWPA specifications

*Delivery must be 3-6 weeks from order date and the load must be delievered self loader.

# Bid Form

TO: CITY
CITY OF NEEDLES
817 Third Street
Needles, CA 92363

DATE: June 19, 2019

In compliance with the Invitation for Sealed Bids for Three (3) year Sole Source Coastal Douglas Fir Power Poles undersigned, as Bidder, hereby offers to sell to the City, in accordance with the terms, conditions, requirements and specifications set forth in the Bid documents for the price quoted on this Bid Form for Three (3) year Sole Source Coastal Douglas Fir Power Poles;

**TOTAL BID PRICE FOR ONE (1) UNIT CLASS 1/ 40' POLE $** 993.00*
Total Bid Price includes California Sales Tax, and delivery charges but excludes Federal Excise Tax, if any.

**TOTAL BID FOR ONE (1) UNIT CLASS 1/ 45' POLE $** 1,170.00*
Total Bid Price includes California Sales Tax, and delivery charges but excludes Federal Excise Tax, if any.

**TOTAL BID PRICE PER TRUCK LOAD $** 27,126.00*
Price based on a full load of 12 – 40' and 13 – 45' poles. Total Bid Price includes California Sales Tax, and delivery charges but excludes Federal Excise Tax, if any.

* Prices includes California Sales Tax as well as the California Lumber Assessment fee, which will be billed separately on each invoice.

The undersigned certifies under penalty of perjury that the quotation on this Bid Form constitutes a bona-fide offer to sell, that he/she is an authorized representative of the company listed, that the quotation is in no way sham or collusive, and that issuance of a Purchase Order by City constitutes acceptance of bidder's offer on the terms and conditions stated in the Bid documents, and forms a contract. Bidder will not withdraw its Bid for at least ninety (90) calendar days from the date and time of the bid opening.

BIDDER'S COMPANY
McFarland Cascade Holdings, Inc.

PRINT NAME – AUTHORIZED
Phil Agnelli, Contracts Manager

ADDRESS
1640 Marc Avenue

AUTHORIZED SIGNATURE
Phil Agnelli

TELEPHONE NUMBER
800-426-8430

**ARE YOU CLAIMING A LOCAL BUSINESS PREFERENCE?** _____ **YES** __X__ **NO**
If yes submit written proof of the address of your principle place of business and a copy of your current City business license.

**THIS PAGE MUST BE COMPLETED AND RETURNED WITH BID PROPOSAL FORMS**

Specifications Compliance – Continued

**Comments:**

**Bidder shall fully describe every variance, exception, and /or deviation. If none, please enter "NONE"**

None.

**THIS PAGE MUST BE COMPLETED AND RETURNED WITH BID PROPOSAL FORMS**

# City of Needles, California
# Request for Council Action

☒ CITY COUNCIL/NPUA ☐ BOARD OF PUBLIC UTILITIES ☒ Regular ☐ Special

**Meeting Date:** July 9, 2019

**Title:** Parker-Davis Contract No. 87-BCA-10098, Exhibit A-1, Revision No. 7

**Background:** The enclosed exhibit provides the City with a revised Parker-Davis Project allocation of the following; the total hydro power allotment remains unchanged.

| | (kWH) Allocation | | |
|---|---|---|---|
| | Prior | Current | Change |
| Winter | 6,709,901 | 6,816,856 | 106,955 |
| Summer | 17,677,660 | 17,570,705 | (106,955) |
| Total | 24,387,561 | 24,387,561 | - |

The adjustment comes as a result of the PDP Resource Integration Exchange program for FY2020. Summer season starts in March, and WAPA attempts to move energy from Mar-Jun into the months where Needles is the shortest.

The Board of Public Utilities approved the recommended action on July 9, 2019.

**Fiscal Impact:** None

**Recommended Action:** Authorize the City Manager to execute the Parker-Davis Contract No. 87-BCA-10098, Exhibit A-1, Revision No. 7

**Submitted By:** Rainie Torrance, Senior Accountant

**City Management Review:** Rick **Date:** 7/2/19

Approved: ☐ Not Approved: ☐ Tabled: ☐ Other: ☐

Agenda Item: 8

Department of Energy
Western Area Power Administration
Desert Southwest Customer Service Region
P.O. Box 6457
Phoenix, AZ 85005-6457

MAY 3 1 2019

OVERNIGHT DELIVERY

Mr. Rick Daniels
City Manager
City of Needles
Needles Public Utility Authority
817 Third Street
Needles, CA 92363

Dear Mr. Daniels:

Enclosed for signature are two (2) originals of Exhibit A-1, Revision No. 7 (Exhibit), to Contract No. 87-BCA-10098, as amended, between City of Needles (Contractor) and Western Area Power Administration (WAPA). The Exhibit provides for your revised Parker-Davis Project (P-DP) allocation as a result of your participation in the P-DP Resource Integration Exchange Program for fiscal year 2020.

If the Exhibit meets with your approval, please sign and return both originals, as soon as possible, to one (1) of the following addresses:

**If by U. S. Postal Service**:
Western Area Power Administration
Desert Southwest Regional Office
ATTN: G6200 (May)
P.O. Box 6457
Phoenix, AZ 85005-6457

**If by Overnight Delivery**:
Western Area Power Administration
Desert Southwest Regional Office
ATTN: G6200 (May)
615 South 43rd Avenue
Phoenix, AZ 85009

Please provide an attestation on the signature page and affix your corporate seal. If a seal is not available, then please provide a signed letter of authorization from the Corporate Secretary, or any applicable certificates, resolutions, or minutes to indicate the signatory is duly authorized to commit Contractor to the terms of the Exhibit.

Do not date the originals. WAPA will review the documents upon receipt and, if satisfactory, date and execute them. One (1) executed and dated original will be returned to you.

Any questions related to these P-DP energy allocations should be directed to Mr. Xavier Gonzalez at (602) 605-2678 and contractual issues should be directed to Ms. Tasha May at (602) 605-2516.

Sincerely,

Jimmy Kendrick
Vice President of Power Marketing
for Desert Southwest Region

Enclosure (2)

## MONTHLY DELIVERY OBLIGATIONS

1. This Exhibit A-1, Revision No. 7 (Exhibit A-1) made this _____ day of _____, 2019, to be effective under and as part of Contract No. 87-BCA-10098, as amended (Contract), shall become effective October 1, 2019, and supersedes Exhibit A-1, Revision No. 6, dated September 11, 2018. This Exhibit A-1 shall remain in effect until superseded by another Exhibit A-1; provided, this Exhibit A-1, or any superseding Exhibit A-1, shall terminate upon expiration of the Contract.

2. **CONTRACT RATE OF DELIVERY (CROD)**:

2.1 The seasonal CROD for Parker-Davis Project (P-DP) withdrawable and nonwithdrawable firm capacity in kilowatts (kW) shall be as follows:

| Season | Nonwithdrawable Firm Capacity (kW) | Withdrawable Firm Capacity (kW) | Total Firm Capacity (kW) |
|---|---|---|---|
| Winter | 4,038 | 0 | 4,038 |
| Summer | 5,065 | 0 | 5,065 |

2.2 The seasonal CROD for P-DP withdrawable and nonwithdrawable firm capacity in kW at the Point(s) of Delivery designated in Exhibit B shall be:

2.2.1 **Winter Season**:

| **Point(s) of Delivery** | **Voltage(s) (kV)** | **Kilowatt(s) (kW)** |
|---|---|---|
| No Name Substation | 69 | 4,038 |
| **Winter Season Total** | | **4,038** |

2.2.2 **Summer Season**:

| **Point(s) of Delivery** | **Voltage(s) (kV)** | **Kilowatt(s) (kW)** |
|---|---|---|
| No Name Substation | 69 | 5,065 |
| **Summer Season Total** | | **5,065** |

3. **ENERGY**:

3.1 From October 1, 2019, until September 30, 2020, the Seasonal Energy obligations for P-DP withdrawable and nonwithdrawable firm energy in kilowatt-hours (kWh) shall be as follows:

| Season | Nonwithdrawable Firm Energy (kWh) | Withdrawable Firm Energy (kWh) | Total Firm Energy (kWh) |
|---|---|---|---|
| Winter[1] | 6,816,856 | 0 | 6,816,856 |
| Summer[1] | 17,570,705 | 0 | 17,570,705 |
| **Annual Firm Energy Total** | | | **24,387,561** |

3.2 From October 1, 2019, until September 30, 2020, the Seasonal Energy obligations for P-DP withdrawable and nonwithdrawable firm energy in kWh will be delivered pursuant to the Contract at each point(s) of delivery designated in Exhibit B in the quantities listed below as the Monthly Energy applicable to that billing period.

3.2.1 **Winter Season Energy (October - February):**

| **Month** | **Monthly Energy (kWh)** |
|---|---|
| October | 1,477,544 |
| November | 1,333,000 |
| December | 1,379,571 |
| January | 1,381,885 |
| February | 1,244,856 |
| **Winter Season Total** | **6,816,856** |

1 Western's seasonal energy obligations to the City of Needles will reflect the same ratio of energy to capacity specified in the Conformed Criteria (49 FR 50587, December 28, 1984).

3.2.2 **Summer Season Energy (March - September):**

| **Month** | **Monthly Energy (kWh)** |
|---|---|
| March | 2,563,000 |
| April | 2,475,000 |
| May | 2,563,000 |
| June | 2,367,000 |
| July | 2,563,000 |
| August | 2,563,000 |
| September | 2,476,705 |
| **Summer Season Total** | **17,570,705** |

3.2.3 **Annual Energy Total:** **24,387,561**

3.3 Beginning October 1, 2020, the Seasonal Energy obligations for P-DP withdrawable and nonwithdrawable firm energy in kWh shall be as follows:

| **Season** | **Nonwithdrawable Firm Energy (kWh)** | **Withdrawable Firm Energy (kWh)** | **Total Firm Energy (kWh)** |
|---|---|---|---|
| Winter[2] | 6,708,856 | 0 | 6,708,856 |
| Summer[2] | 17,678,705 | 0 | 17,678,705 |
| **Annual Firm Energy Total** | | | **24,387,561** |

3.4 Beginning October 1, 2020, the Seasonal Energy obligations for P-DP withdrawable and nonwithdrawable firm energy in kWh will be delivered

2 Western's seasonal energy obligations to the City of Needles will reflect the same ratio of energy to capacity specified in the Conformed Criteria (49 FR 50587, December 28, 1984).

pursuant to the Contract at each point(s) of delivery designated in Exhibit B in the quantities listed below as the Monthly Energy applicable to that billing period.

3.4.1 **Winter Season Energy (October - February):**

| Month | Monthly Energy (kWh) |
|---|---|
| October | 1,377,000 |
| November | 1,333,000 |
| December | 1,377,000 |
| January | 1,377,000 |
| February | 1,244,856 |
| **Winter Season Total** | **6,708,856** |

3.4.2 **Summer Season Energy (March - September):**

| Month | Monthly Energy (kWh) |
|---|---|
| March | 2,563,000 |
| April | 2,475,000 |
| May | 2,563,000 |
| June | 2,475,000 |
| July | 2,563,000 |
| August | 2,563,000 |
| September | 2,476,705 |
| **Summer Season Total** | **17,678,705** |

3.4.3 **Annual Energy Total:** **24,387,561**

4. The following terms, when used in the Contract or Exhibits, shall have the meaning specified:

4.1 **NERC Holidays**: Holidays observed by NERC. These days are normally New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day,

and Christmas Day, unless otherwise determined by NERC. Any exception to the above-listed days shall be identified in an attachment to this Exhibit A-1.

4.2 **Off-Peak Hours**: All day on Sunday and NERC Holidays and the following hours on Monday through Saturday:

4.2.1 The hour ending 2300 through the hour ending 0600 Pacific Daylight Time during the period designated as daylight-saving time as observed by NERC.

4.2.2 The hour ending 2300 through the hour ending 0600 Pacific Standard Time during the period designated standard time as observed by NERC.

4.3 **On-Peak Hours**: All other times.

5. This Exhibit A-1 may be modified in accordance with Section 17 of the Contract.

The Parties have caused this Exhibit A-1, Revision No. 7, to Contract No. 87-BCA-10098, as amended, to be effective in accordance with Section 1, herein.

THE UNITED STATES OF AMERICA
DEPARTMENT OF ENERGY
WESTERN AREA POWER ADMINISTRATION

By _____
Jimmy Kendrick
Title Vice President of Power Marketing

for Desert Southwest Region

Address P.O. Box 6457

Phoenix, AZ 85005-6457

CITY OF NEEDLES

Attest:

By _____

Title _____

By _____

Title City Manager

Address 817 Third Street

Needles, CA 92363

# City of Needles, California
# Request for City Council Action

☒ CITY COUNCIL ☐ NPUA ☐ SARDA ☒ Regular ☐ Special

**Meeting Date:** July 9, 2019

**Title:** Warrants

**Background:** n/a

**Fiscal Impact:** n/a

**Recommended Action:** **APPROVE,** the Warrants Register through July 9, 2019.

**Submitted By:** Sylvia Miledi, Director of Finance

**City Management Review:** Rick **Date:** 7/3/19

Approved: ☐ Not Approved: ☐ Tabled: ☐ Other: ☐

Agenda Item: 9

**CITY OF NEEDLES CITY COUNCIL**
**WARRANT SUMMARY TOTALS FOR JULY 09, 2019**

| | | DEPT. AMT. | FUND AMT. | YEAR-TO-DATE 07/09/19 | 18-19 BUDGET |
|---|---|---|---|---|---|
| FUND 101 | GENERAL FUND | $ 16,571.22 | | | |
| 101.1015.412 | CITY ATTORNEY | | | $ 69,189.14 | $85,000 |
| 101.1020.413 | CITY MANAGER | $ 211.99 | | $ 123,960.30 | $156,991 |
| 101.1025.415 | FINANCE DEPT. | $ 860.44 | | $ 247,891.01 | $309,869 |
| 101.1030.414 | CITY CLERK/COUNCIL/MAYOR | $ 715.94 | | $ 62,785.47 | $67,388 |
| 101.1035.416 | PLANNING /ZONING | $ 260.86 | | $ 58,998.44 | $95,227 |
| 101.1040.417 | ENGINEERING | $ 3,100.00 | | $ 103,392.73 | $144,416 |
| 101.1060.410 | COMMUNITY PROMOTIONS | $ 297.50 | | $ 5,940.83 | $21,350 |
| 101.1070.410 | SENIOR CENTER | $ 1,114.87 | | $ 35,103.39 | $46,553 |
| 101.2010.421 | SHERIFF | | | $ 2,484,600.39 | $2,497,833 |
| 101.2020.423 | ANIMAL SHELTER/CONTROL | $ 644.68 | | $ 127,087.37 | $152,779 |
| 101.2025.424 | BULDING & SAFETY | $ 130.63 | | $ 171,217.26 | $256,584 |
| 101.2030.423 | CODE ENFORCEMENT | $ 179.39 | | $ 173,463.90 | $309,221 |
| 101.3010.431 | PUBLIC WORKS | $ 3,688.87 | | $ 334,123.22 | $499,394 |
| 101.4730.472 | SANITATION | $ 101.44 | | $ 102,373.28 | $123,099 |
| 101.5770.452. | AQUATICS | $ 5,321.65 | | $ 86,658.29 | $149,719 |
| 101.5772.452 | PARKS | $ 6,856.87 | | $ 282,465.23 | $351,757 |
| 101.5774.452 | RECREATION | $ 1,791.37 | | $ 220,109.08 | $247,988 |
| GENERAL FUND | TOTAL ALL GF DEPARTMENTS | | $ 41,847.72 | $ 5,001,746.33 | $5,852,600 |
| FUND 205 | CDBG | | $ 21,100.00 | $ 127,267.82 | $156,268 |
| FUND 206 | CEMETERY | | $ 5,177.08 | $ 76,484.80 | $99,518 |
| FUND 209 | NARCOTICS FORFEITURE | | $ - | $ - | $9,777 |
| FUND 210 | SPECIAL GAS TAX | | $ - | $ 122,329.00 | $199,616 |
| FUND 212 | AIR QUALITY (MDAQD) | | $ - | $ 16,606.95 | $16,607 |
| FUND 214 | SANBAG NEW LOCAL MEAS I | | $ - | $ - | $1,000 |
| FUND 225 | COPS-AB 3229 SUPPLEMENTAL | | $ - | $ 100,173.51 | $240,000 |
| FUND 233 | JACK SMITH PK.MARINA | | $ 285.53 | $ 82,603.27 | $99,089 |
| FUND 235 | INTERSTATE COMM/I40 J ST. | | $ - | $ - | $0 |
| FUND 239 | CA.CONSERV RECYLING GRANT | | $ - | $ 4,127.24 | $8,475 |
| FUND 240 | EL GARCES INTERMODAL | | $ - | $ - | $0 |
| FUND 243 | ACTIVE TRANSPORT PROGRAM | | $ - | $ 419,357.00 | $421,225 |
| FUND 270 | REDEVELOPMENT AGENCY | | $ - | $ 288,591.93 | $309,015 |
| FUND 470 | RDA CAP PROJ.LOW & MOD. | | $ - | $ - | $5,000 |
| FUND 501 | NPUA | | $ 1,063.25 | $ 2,203,203.14 | $2,456,432 |
| FUND 502 | WATER DEPARTMENT | | $ 20,521.51 | $ 1,247,156.26 | $1,460,434 |
| FUND 503 | WASTEWATER DEPARTMENT | | $ 18,125.40 | $ 906,268.11 | $1,082,771 |
| FUND 505 | SANITATION | | $ 265.62 | $ 1,000,613.56 | $1,175,000 |
| FUND 506 | ALL AMERICAN CANAL PROJ. | | | $ 695,798.15 | $764,872 |
| FUND 507 | GOLF FUND | | | $ 382,545.57 | |
| FUND 507-5761-453 | GOLF MAINTENANCE DEPARTMENT | $ 9,127.56 | | $ 490,341.69 | $536,865 |
| FUND 507-5762-454 | GOLF PRO SHOP DEPARTMENT | $ 6,081.55 | | $ 169,232.59 | $209,791 |
| FUND 507 | GOLF FUND TOTAL | | $ 15,209.11 | | |
| FUND 508 | CUST.SVC/UT BUSINESS OFFICE | | $ 63.71 | $ 224,785.34 | $321,662 |
| FUND 509 | MIS | | $ 14,239.35 | $ 71,595.21 | $132,312 |
| FUND 510 | ADMIN. FACILITY | | $ 10,529.24 | $ 133,056.97 | $158,718 |
| FUND 511 | FLEET MANAGEMENT | | $ 2,867.00 | $ 180,263.23 | $278,735 |
| FUND 512 | VEHICLE REPLACEMENT | | $ 63,288.93 | $ 248,199.93 | $560,257 |
| FUND 520 | SR DIAL A RIDE | | $ 36.61 | $ 58,682.21 | $211,332 |
| FUND 521 | DIAL-A-RIDE MEDICAL TRANS. | | $ 105.14 | $ 27,129.39 | $32,383 |
| FUND 525 | NEEDLES AREA TRANSIT (NAT) | | $ 181,654.98 | $ 446,984.85 | $538,043 |
| FUND 580 | ELECTRIC | | $ 4,867.00 | $ 5,089,123.33 | $5,829,753 |
| FUND 581 | NPUA CAPITAL ELECTRIC | | $ - | $ 133,360.00 | $69,304 |
| FUND 582 | NPUA CAPITAL WATER | | $ - | $ 4,936.26 | $183,753 |
| FUND 583 | NPUA CAPITAL WASTEWATER | | | $ (31,450.31) | $17,216 |
| FUND 650 | IMPACT FEES NORTH NEEDLES | | $ 1,207.12 | $ 25,447.50 | $26,873 |
| FUND 651 | IMPACT FEES SOUTH AREAS | | $ 63,043.59 | $ 25,447.50 | $65,072 |
| TOTAL | ALL FUNDS & DEPARTMENTS | | $ 465,497.89 | $ 19,972,008.33 | $23,529,768 |

I certify that the expenditures/purchases to be paid by the warrants on this list have complied with the provisions of the City Code Chapter 8, Article II, Purchasing; and further, the funds to cover these purchases/expenditures, as City Audited, are included within the City Council approved and amended FY 2018/2019 Budget.

Rick

Rick Daniels, City Manager — Date

Sylvia Miledi 7/2/19

Sylvia Miledi, Director of Finance — Date

Kippy Poulson 7/2/19

Kippy Poulson, City Treasurer — Date

ACCOUNTS PAYABLE PRELIMINARY CHECK REGISTER



| CHECK NUMBER | VENDOR NUMBER | SEQ# | VENDOR NAME | CHECK DATE | CHECK AMOUNT | DISCOUNTS/RETAINAGE TAKEN |
|---|---|---|---|---|---|---|
| 8368 | 2345 | 00 | A-B COMMUNICATIONS | 07/09/2019 | 30.17 | .00 |
| 8369 | 3773 | 00 | ACE LOCK AND KEY SERVICE | 07/09/2019 | 123.53 | .00 |
| 8370 | 3305 | 00 | AGUA CALIENTE | 07/09/2019 | 76,960.00 | .00 |
| 8371 | 1924 | 00 | AHA MACAV POWER SERVICE | 07/09/2019 | 950.00 | .00 |
| 8372 | 2385 | 00 | ALLIANT INSURANCE SERVICES | 07/09/2019 | 1,016.00 | .00 |
| 8373 | 3457 | 00 | ARIZONA RUBBER CO. | 07/09/2019 | 86.48 | .00 |
| 8374 | 1 | 00 | AUTOZONE | 07/09/2019 | 2,239.29 | .00 |
| 8375 | 1 | 00 | BADILLO EXCHANGE GROUP, INC | 07/09/2019 | 225.00 | .00 |
| 8376 | 2629 | 00 | BARON PEST CONTROL | 07/09/2019 | 32.00 | .00 |
| 8377 | 454 | 00 | BINGHAM EQUIPMENT COMPANY | 07/09/2019 | 463.13 | .00 |
| 8378 | 3313 | 00 | BLUE RIVER WATER CORP. | 07/09/2019 | 29.95 | .00 |
| 8379 | 7 | 00 | BORDER STATES ELECT.SUP.CORP. | 07/09/2019 | 58,491.09 | .00 |
| 8380 | 7 | 00 | BORDER STATES ELECT.SUP.CORP. | 07/09/2019 | 7,754.67 | .00 |
| 8381 | 3479 | 00 | BBSW | 07/09/2019 | 2,596.50 | .00 |
| 8382 | 3276 | 00 | BRODY CHEMICAL COMP.INC. | 07/09/2019 | 58.87 | .00 |
| 8383 | 3738 | 00 | CALIFORNIA DEPT. OF MOTOR VEHICLES | 07/09/2019 | 4,552.10 | .00 |
| 8384 | 3845 | 00 | CALIFORNA MUNICIPAL UTILITIES ASSOC | 07/09/2019 | 4,727.00 | .00 |
| 8385 | 1 | 00 | CAMDAN RECYCLING (METAL YARD) | 07/09/2019 | .79 | .00 |
| 8386 | 1 | 00 | CANDAM RECYCLING (METAL YARD) | 07/09/2019 | 266.09 | .00 |
| 8387 | 1 | 00 | CHERY ALBERT | 07/09/2019 | 8,306.69 | .00 |
| 8388 | 1 | 00 | CHERYL ALBERT | 07/09/2019 | 207.28 | .00 |
| 8389 | 1445 | 00 | CMUA | 07/09/2019 | 2,150.97 | .00 |
| 8390 | 2590 | 00 | COLORADO RIVER PLUMBING INC. | 07/09/2019 | 574.00 | .00 |
| 8391 | 1094 | 00 | COUNTY OF SAN BERNARDINO | 07/09/2019 | 2,566.57 | .00 |
| 8392 | 3551 | 00 | CS-AMSCO | 07/09/2019 | 931.77 | .00 |
| 8393 | 455 | 00 | CULLIGAN WATER COND. | 07/09/2019 | 276.30 | .00 |
| 8394 | 1 | 00 | DANIELLE M. HERNANDEZ | 07/09/2019 | 122.61 | .00 |
| 8395 | 1 | 00 | DBT INVESTMENTS NEEDLES CA | 07/09/2019 | 3,711.57 | .00 |
| 8396 | 440 | 00 | DECO FOODSERVICE INCORP. | 07/09/2019 | 102.93 | .00 |
| 8397 | 3839 | 00 | DEERE & COMPANY | 07/09/2019 | 7,835.75 | .00 |
| 8398 | 424 | 00 | DESERT INDUSTRIAL SUPPLY INC. | 07/09/2019 | 874.61 | .00 |
| 8399 | 3580 | 00 | DIAMOND PURE WATER | 07/09/2019 | 115.00 | .00 |
| 8400 | 501 | 00 | DOI-BOR-REGION: LOWER COLORADO | 07/09/2019 | 11,904.38 | .00 |
| 8401 | 1282 | 00 | DOUBLE TREE SECURITY INC. | 07/09/2019 | 399.00 | .00 |
| 8402 | 2974 | 00 | ECONOMIC DEV. JOURNAL OF MOHAVE CO. | 07/09/2019 | 595.00 | .00 |
| 8403 | 2653 | 00 | EMPIRE SOUTHWEST | 07/09/2019 | 378.64 | .00 |
| 8404 | 3682 | 00 | EPIC ENGINEERING | 07/09/2019 | 55,767.17 | .00 |
| 8405 | 3462 | 00 | EUSI LLC | 07/09/2019 | 975.00 | .00 |
| 8406 | 3717 | 00 | EZLINKS GOLF LLC | 07/09/2019 | 295.00 | .00 |
| 8407 | 3108 | 00 | FASTENAL COMPANY INCORP. | 07/09/2019 | 142.94 | .00 |
| 8408 | 3314 | 00 | FINDLAY MOTOR COMPANY | 07/09/2019 | 58,736.83 | .00 |
| 8409 | 1 | 00 | FORBES FABRICATORS | 07/09/2019 | 8,513.97 | .00 |
| 8410 | 1 | 00 | FRANCO, MARGUERITA E. | 07/09/2019 | 76.75 | .00 |
| 8411 | 1296 | 00 | FRONTIER | 07/09/2019 | 4,806.06 | .00 |
| 8412 | 3568 | 00 | GALAXY CO. | 07/09/2019 | 90.18 | .00 |
| 8413 | 1 | 00 | GARZA, DOMINIQUE | 07/09/2019 | 42.52 | .00 |
| 8414 | 3796 | 00 | GOLDEN VALLEY CABLE & COMM INC. | 07/09/2019 | 710.00 | .00 |
| 8415 | 1 | 00 | GOLDEN VALLEY CABLE & COMM. | 07/09/2019 | 158.28 | .00 |
| 8416 | 324 | 00 | GRAINGER PART OPERATIONS INC. | 07/09/2019 | 1,460.67 | .00 |
| 8417 | 3451 | 00 | GREENS DISTRIBUTION LLC. | 07/09/2019 | 58.34 | .00 |
| 8418 | 2612 | 00 | HARDWARE EXPRESS INCORP. | 07/09/2019 | 1,116.92 | .00 |

| CHECK NUMBER | VENDOR NUMBER | SEQ# | VENDOR NAME | CHECK DATE | CHECK AMOUNT | DISCOUNTS/RETAINAGE TAKEN |
|---|---|---|---|---|---|---|
| 8419 | 1956 | 00 | ITRON INCORP. | 07/09/2019 | 4,189.35 | .00 |
| 8420 | 1 | 00 | JEREMY SMITH | 07/09/2019 | 1,137.68 | .00 |
| 8421 | 61 | 00 | KNORR SYSTEMS INC. | 07/09/2019 | 2,669.45 | .00 |
| 8422 | 1 | 00 | KUCHARSKI, ALBA | 07/09/2019 | 294.91 | .00 |
| 8423 | 2691 | 00 | LAYNE CHRISTENSEN COMPANY | 07/09/2019 | 4,715.90 | .00 |
| 8424 | 3240 | 00 | LESLIE'S POOL SUPPLIES | 07/09/2019 | 146.06 | .00 |
| 8425 | 3662 | 00 | LINCUS INC. | 07/09/2019 | 4,914.00 | .00 |
| 8426 | 3445 | 00 | LOW COST SPAY/NEUTER CLINIC | 07/09/2019 | 166.00 | .00 |
| 8427 | 3785 | 00 | MOHAVE VALLEY SCALE | 07/09/2019 | 11.30 | .00 |
| 8428 | 178 | 00 | BIG O TIRES & AUTO PARTS | 07/09/2019 | 1,737.40 | .00 |
| 8429 | 207 | 00 | NEEDLES SENIOR CITIZENS | 07/09/2019 | 109.29 | .00 |
| 8430 | 1 | 00 | NEEDLES SSA, LLC | 07/09/2019 | 2,444.64 | .00 |
| 8431 | 210 | 00 | NEEDLES UNIFIED SCHOOL DIST. | 07/09/2019 | 50.00 | .00 |
| 8432 | 218 | 00 | NEWS WEST PUBLISHING CO. | 07/09/2019 | 638.76 | .00 |
| 8433 | 1 | 00 | NICHOLAS & LISA BRAVADA | 07/09/2019 | 23.51 | .00 |
| 8434 | 1 | 00 | NICHOLAS & LISA BRAVATA | 07/09/2019 | 1,123.29 | .00 |
| 8435 | 1 | 00 | NOCHOLAS & LISA BRAVATA | 07/09/2019 | 4.30 | .00 |
| 8436 | 1786 | 00 | NPUA | 07/09/2019 | VOID | |
| 8437 | 1786 | 00 | NPUA | 07/09/2019 | 26,493.89 | .00 |
| 8438 | 740 | 00 | OUR TOWN MAGAZINE | 07/09/2019 | 331.50 | .00 |
| 8439 | 1 | 00 | PIERRE LANDSCAPE, INC | 07/09/2019 | 1,137.68 | .00 |
| 8440 | 245 | 00 | PREMIER GOLF CARS INC. | 07/09/2019 | 3,595.50 | .00 |
| 8441 | 1578 | 00 | PURCHASE POWER | 07/09/2019 | 3,299.03 | .00 |
| 8442 | 15 | 00 | QUILL CORP. | 07/09/2019 | 686.59 | .00 |
| 8443 | 3835 | 00 | REDMOND CONSTRUCTION, LLC | 07/09/2019 | 5,352.00 | .00 |
| 8444 | 3835 | 00 | REDMOND CONSTRUCTION, LLC | 07/09/2019 | 15,748.00 | .00 |
| 8445 | 1 | 00 | RICK SEIDNER | 07/09/2019 | 5.06 | .00 |
| 8446 | 1 | 00 | RICK SEIDNER | 07/09/2019 | 1,156.11 | .00 |
| 8447 | 2068 | 00 | RICOH USA INC. | 07/09/2019 | 414.84 | .00 |
| 8448 | 3616 | 00 | RICOH USA, INC. | 07/09/2019 | 176.44 | .00 |
| 8449 | 1 | 00 | RON RICHARDS | 07/09/2019 | 13.26 | .00 |
| 8450 | 1186 | 00 | SAFETY-KLEEN CORP. | 07/09/2019 | 35.00 | .00 |
| 8451 | 2589 | 00 | SAN BERNARDINO COUNTY | 07/09/2019 | 6,058.58 | .00 |
| 8452 | 1 | 00 | SANCHEZ, NINA M. | 07/09/2019 | 133.18 | .00 |
| 8453 | 1 | 00 | SIEBRECHT CONSTRUCTION INC | 07/09/2019 | 1,134.39 | .00 |
| 8454 | 1 | 00 | SIEBRECT CONSTRUCTION INC. | 07/09/2019 | 3.29 | .00 |
| 8455 | 1 | 00 | SY FOLEY | 07/09/2019 | 310.48 | .00 |
| 8456 | 3832 | 00 | TIM TERRAL | 07/09/2019 | 372.40 | .00 |
| 8457 | 3461 | 00 | TITAN MACHINERY | 07/09/2019 | 680.18 | .00 |
| 8458 | 3802 | 00 | TRACY BECK | 07/09/2019 | 922.30 | .00 |
| 8459 | 2874 | 00 | TRANSTRACK SYSTEMS INC. | 07/09/2019 | 13,833.00 | .00 |
| 8460 | 3266 | 00 | TRI STATE TOOL REPAIR | 07/09/2019 | 89.95 | .00 |
| 8461 | 772 | 00 | TRI-STATE BUILDING MATERIALS INC. | 07/09/2019 | 169.89 | .00 |
| 8462 | 3830 | 00 | UNIFIRST CORPORATION | 07/09/2019 | 552.25 | .00 |
| 8463 | 318 | 00 | UPS | 07/09/2019 | 116.00 | .00 |
| 8464 | 761 | 00 | USA BLUE BOOK INC. | 07/09/2019 | 7,309.03 | .00 |
| 8465 | 1741 | 00 | V & L LASER LLC | 07/09/2019 | 957.00 | .00 |
| 8466 | 3844 | 00 | WATERMARK ASSOCIATES LLC | 07/09/2019 | 3,975.00 | .00 |
| 8467 | 3528 | 00 | WESTERN ENVIRONMENTAL TESTING LAB. | 07/09/2019 | 727.00 | .00 |
| 8468 | 2561 | 00 | WINZER CORP. | 07/09/2019 | 74.87 | .00 |
| 8469 | 3842 | 00 | XIO, INC. | 07/09/2019 | 113.00 | .00 |

| CHECK NUMBER | VENDOR NUMBER | SEQ# | VENDOR NAME | CHECK DATE | CHECK AMOUNT | DISCOUNTS/RETAINAGE TAKEN |
|---|---|---|---|---|---|---|
| 8470 | 3828 | 00 | 3D-NETWORKS L.L.C. | 07/09/2019 | 10,539.00 | .00 |

NUMBER OF CHECKS 103 GRAND TOTAL 465,497.89

| CHECK NO | VENDOR NO | VENDOR NAME | VOUCHER NO | P.O. NO | DATE | ACCOUNT | REMITTANCE AMOUNT (NET OF DISC/RETAIN) | | CHECK TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| 8368 | 2345 | A-B COMMUNICATIONS | 009466 | | 07/09/2019 | 510-4410-405.30-25 | 30.17 | | |
| | | | | | | | 30.17 | * | 30.17 |
| 8369 | 3773 | ACE LOCK AND KEY SERVICE | 009162 | | 07/09/2019 | 101-5774-452.43-18 | 123.53 | | |
| | | | | | | | 123.53 | * | 123.53 |
| 8370 | 3305 | AGUA CALIENTE | 009235 | | 07/09/2019 | 580-4750-473.63-10 | 25,948.00 | | |
| | | | 009236 | | 07/09/2019 | 580-4750-473.63-10 | 25,064.00 | | |
| | | | 009237 | | 07/09/2019 | 580-4750-473.63-10 | 25,948.00 | | |
| | | | | | | | 76,960.00 | * | 76,960.00 |
| 8371 | 1924 | AHA MACAV POWER SERVICE | 009164 | | 07/09/2019 | 580-4750-473.61-21 | 950.00 | | |
| | | | | | | | 950.00 | * | 950.00 |
| 8372 | 2385 | ALLIANT INSURANCE SERVICE | 000008 | | 07/09/2019 | 101-1020-413.51-12 | 20.00 | | |
| | | | 000009 | | 07/09/2019 | 101-1025-415.51-12 | 61.00 | | |
| | | | 000010 | | 07/09/2019 | 101-1030-414.51-12 | 20.00 | | |
| | | | 000011 | | 07/09/2019 | 101-1035-416.51-12 | 20.00 | | |
| | | | 000012 | | 07/09/2019 | 101-2020-423.51-12 | 20.00 | | |
| | | | 000013 | | 07/09/2019 | 101-2025-424.51-12 | 20.00 | | |
| | | | 000014 | | 07/09/2019 | 101-2030-423.51-12 | 20.00 | | |
| | | | 000015 | | 07/09/2019 | 101-3010-431.51-12 | 112.00 | | |
| | | | 000016 | | 07/09/2019 | 101-5772-452.51-12 | 71.00 | | |
| | | | 000017 | | 07/09/2019 | 101-5774-452.51-12 | 30.00 | | |
| | | | 000018 | | 07/09/2019 | 206-5771-452.51-12 | 20.00 | | |
| | | | 000019 | | 07/09/2019 | 502-4710-471.51-12 | 132.00 | | |
| | | | 000020 | | 07/09/2019 | 503-4720-475.51-12 | 91.00 | | |
| | | | 000021 | | 07/09/2019 | 505-4730-472.51-12 | 10.00 | | |
| | | | 000022 | | 07/09/2019 | 507-5761-453.51-12 | 91.00 | | |
| | | | 000023 | | 07/09/2019 | 507-5762-454.51-12 | 51.00 | | |
| | | | 000024 | | 07/09/2019 | 580-4750-473.51-12 | 227.00 | | |
| | | | | | | | 1,016.00 | * | 1,016.00 |
| 8373 | 3457 | ARIZONA RUBBER CO. | 009500 | | 07/09/2019 | 511-3020-432.61-28 | 86.48 | | |
| | | | | | | | 86.48 | * | 86.48 |
| 8374 | 1 | AUTOZONE | 009234 | | 07/09/2019 | 651-4720-475.69-83 | 10.09 | | |
| | | | 009256 | | 07/09/2019 | 651-4720-475.69-85 | 46.40 | | |
| | | | 009257 | | 07/09/2019 | 651-4720-475.69-90 | 2,182.80 | | |
| | | | | | | | 2,239.29 | * | 2,239.29 |
| 8375 | 1 | BADILLO EXCHANGE GROUP, I | UT | | 07/09/2019 | 501-0000-211.00-00 | 75.00 | | |
| | | | UT | | 07/09/2019 | 501-0000-211.00-00 | 150.00 | | |
| | | | | | | | 225.00 | * | 225.00 |
| 8376 | 2629 | BARON PEST CONTROL | 009226 | | 07/09/2019 | 511-3021-432.43-24 | 32.00 | | |
| | | | | | | | 32.00 | * | 32.00 |
| 8377 | 454 | BINGHAM EQUIPMENT COMPANY | 009493 | | 07/09/2019 | 511-3021-432.43-26 | 463.13 | | |
| | | | | | | | 463.13 | * | 463.13 |

| CHECK NO | VENDOR NO | VENDOR NAME | VOUCHER NO | P.O. NO | DATE | ACCOUNT | REMITTANCE AMOUNT (NET OF DISC/RETAIN) | | CHECK TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| 8378 | 3313 | BLUE RIVER WATER CORP. | 009227 | | 07/09/2019 | 507-5761-453.63-00 | 29.95 | | |
| | | | | | | | 29.95 | * | 29.95 |
| 8379 | 7 | BORDER STATES ELECT.SUP.C | PI1297 | | 07/09/2019 | 580-4750-473.60-55 | 58,491.09 | | |
| | | | | | | | 58,491.09 | * | 58,491.09 |
| 8380 | 7 | BORDER STATES ELECT.SUP.C | 009034 | | 07/09/2019 | 580-4750-473.60-55 | 111.38 | | |
| | | | 008682 | | 07/09/2019 | 580-4750-473.41-11 | 4,261.80 | | |
| | | | 008683 | | 07/09/2019 | 580-4750-473.41-11 | 1,269.75 | | |
| | | | 009035 | | 07/09/2019 | 580-4750-473.60-55 | 966.68 | | |
| | | | 008684 | | 07/09/2019 | 580-4750-473.60-55 | 338.05 | | |
| | | | 009036 | | 07/09/2019 | 580-4750-473.60-55 | 167.27 | | |
| | | | 009037 | | 07/09/2019 | 580-4750-473.60-55 | 70.95 | | |
| | | | 009332 | | 07/09/2019 | 580-4750-473.60-55 | 568.79 | | |
| | | | | | | | 7,754.67 | * | 7,754.67 |
| 8381 | 3479 | BRAUN BLAISING SMITH WYNN | 009467 | | 07/09/2019 | 580-4750-473.31-50 | 2,596.50 | | |
| | | | | | | | 2,596.50 | * | 2,596.50 |
| 8382 | 3276 | BRODY CHEMICAL COMP.INC. | 009223 | | 07/09/2019 | 511-3020-432.61-28 | 58.87 | | |
| | | | | | | | 58.87 | * | 58.87 |
| 8383 | 3738 | CALIFORNIA DEPT. OF MOTOR | 009168 | | 07/09/2019 | 512-3020-432.72-16 | 4,552.10 | | |
| | | | | | | | 4,552.10 | * | 4,552.10 |
| 8384 | 3845 | CALIFORNIA MUNICIPAL UTIL | 000007 | | 07/09/2019 | 502-4710-471.56-00 | 4,727.00 | | |
| | | | | | | | 4,727.00 | * | 4,727.00 |
| 8385 | 1 | CAMDAN RECYCLING (METAL Y | 009258 | | 07/09/2019 | 651-4720-475.69-83 | .79 | | |
| | | | | | | | .79 | * | .79 |
| 8386 | 1 | CANDAM RECYCLING (METAL Y | 009259 | | 07/09/2019 | 651-4720-475.69-85 | 3.63 | | |
| | | | 009260 | | 07/09/2019 | 651-4720-475.69-90 | 262.46 | | |
| | | | | | | | 266.09 | * | 266.09 |
| 8387 | 1 | CHERY ALBERT | 009263 | | 07/09/2019 | 651-4720-475.69-90 | 8,306.69 | | |
| | | | | | | | 8,306.69 | * | 8,306.69 |
| 8388 | 1 | CHERYL ALBERT | 009261 | | 07/09/2019 | 651-4720-475.69-83 | 30.71 | | |
| | | | 009262 | | 07/09/2019 | 651-4720-475.69-85 | 176.57 | | |
| | | | | | | | 207.28 | * | 207.28 |
| 8389 | 1445 | CMUA | 009166 | | 07/09/2019 | 580-4750-473.56-00 | 2,150.97 | | |
| | | | | | | | 2,150.97 | * | 2,150.97 |
| 8390 | 2590 | COLORADO RIVER PLUMBING I | 009436 | | 07/09/2019 | 507-5762-454.43-08 | 574.00 | | |
| | | | | | | | 574.00 | * | 574.00 |
| 8391 | 1094 | COUNTY OF SAN BERNARDINO | 009264 | | 07/09/2019 | 651-4720-475.69-83 | 11.56 | | |
| | | | 009265 | | 07/09/2019 | 651-4720-475.69-85 | 53.18 | | |

| CHECK NO | VENDOR NO | VENDOR NAME | VOUCHER NO | P.O. NO | DATE | ACCOUNT | REMITTANCE AMOUNT (NET OF DISC/RETAIN) | | CHECK TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| 8391 | 1094 | COUNTY OF SAN BERNARDINO | 009266 | | 07/09/2019 | 651-4720-475.69-90 | 2,501.83 | | |
| | | | | | | | 2,566.57 | * | 2,566.57 |
| 8392 | 3551 | CS-AMSCO | 009468 | | 07/09/2019 | 503-4720-475.43-02 | 931.77 | | |
| | | | | | | | 931.77 | * | 931.77 |
| 8393 | 455 | CULLIGAN WATER COND. | 009167 | | 07/09/2019 | 510-4410-405.43-01 | 276.30 | | |
| | | | | | | | 276.30 | * | 276.30 |
| 8394 | 1 | DANIELLE M. HERNANDEZ | 009165 | | 07/09/2019 | 501-0000-211.00-00 | 122.61 | | |
| | | | | | | | 122.61 | * | 122.61 |
| 8395 | 1 | DBT INVESTMENTS NEEDLES C | 009267 | | 07/09/2019 | 651-4720-475.69-83 | 10.96 | | |
| | | | 009268 | | 07/09/2019 | 651-4720-475.69-85 | 50.43 | | |
| | | | 009269 | | 07/09/2019 | 651-4720-475.69-90 | 3,650.18 | | |
| | | | | | | | 3,711.57 | * | 3,711.57 |
| 8396 | 440 | DECO FOODSERVICE INCORP. | 009171 | | 07/09/2019 | 507-5762-454.61-06 | 102.93 | | |
| | | | | | | | 102.93 | * | 102.93 |
| 8397 | 3839 | DEERE & COMPANY | PI1304 | 019046 | 07/09/2019 | 507-5761-453.72-17 | 7,835.75 | | |
| | | | | | | | 7,835.75 | * | 7,835.75 |
| 8398 | 424 | DESERT INDUSTRIAL SUPPLY | 009469 | | 07/09/2019 | 503-4720-475.43-02 | 874.61 | | |
| | | | | | | | 874.61 | * | 874.61 |
| 8399 | 3580 | DIAMOND PURE WATER | 009169 | | 07/09/2019 | 503-4720-475.60-17 | 10.00 | | |
| | | | 009170 | | 07/09/2019 | 503-4720-475.43-02 | 11.50 | | |
| | | | 009177 | | 07/09/2019 | 510-4410-405.61-01 | 44.00 | | |
| | | | 009391 | | 07/09/2019 | 101-5770-452.61-01 | 40.50 | | |
| | | | 009470 | | 07/09/2019 | 503-4720-475.43-02 | 9.00 | | |
| | | | | | | | 115.00 | * | 115.00 |
| 8400 | 501 | DOI-BOR-REGION: LOWER COL | 009205 | | 07/09/2019 | 580-4750-473.63-10 | 11,904.38 | | |
| | | | | | | | 11,904.38 | * | 11,904.38 |
| 8401 | 1282 | DOUBLE TREE SECURITY INC. | 009357 | | 07/09/2019 | 101-3010-431.43-02 | 43.00 | | |
| | | | 009358 | | 07/09/2019 | 507-5761-453.43-40 | 34.00 | | |
| | | | 009359 | | 07/09/2019 | 503-4720-475.43-40 | 43.00 | | |
| | | | 009360 | | 07/09/2019 | 510-4410-405.43-01 | 192.00 | | |
| | | | 009361 | | 07/09/2019 | 101-5772-452.60-40 | 44.00 | | |
| | | | 009362 | | 07/09/2019 | 101-5772-452.60-40 | 43.00 | | |
| | | | | | | | 399.00 | * | 399.00 |
| 8402 | 2974 | ECONOMIC DEV. JOURNAL OF | 009278 | | 07/09/2019 | 507-5762-454.53-00 | 297.50 | | |
| | | | 009279 | | 07/09/2019 | 101-1060-410.54-05 | 297.50 | | |
| | | | | | | | 595.00 | * | 595.00 |
| 8403 | 2653 | EMPIRE SOUTHWEST | 009224 | | 07/09/2019 | 511-3020-432.43-30 | 268.73 | | |
| | | | 009494 | | 07/09/2019 | 511-3021-432.43-26 | 109.91 | | |

| CHECK NO | VENDOR NO | VENDOR NAME | VOUCHER NO | P.O. NO | DATE | ACCOUNT | REMITTANCE AMOUNT (NET OF DISC/RETAIN) | | CHECK TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| 8403 | 2653 | EMPIRE SOUTHWEST | | | | | 378.64 | * | 378.64 |
| 8404 | 3682 | EPIC ENGINEERING | PI1302 | 019019 | 07/09/2019 | 650-4720-475.69-90 | 332.46 | | |
| | | | PI1303 | 019019 | 07/09/2019 | 651-4720-475.69-90 | 23,540.04 | | |
| | | | 009333 | | 07/09/2019 | 101-1040-417.31-16 | 1,160.00 | | |
| | | | 009374 | | 07/09/2019 | 101-0000-204.03-01 | 461.42 | | |
| | | | 009375 | | 07/09/2019 | 101-0000-204.03-01 | 1,385.00 | | |
| | | | 009376 | | 07/09/2019 | 101-0000-204.03-01 | 2,873.00 | | |
| | | | 009377 | | 07/09/2019 | 101-0000-204.03-01 | 1,000.00 | | |
| | | | 009378 | | 07/09/2019 | 101-0000-204.03-01 | 845.00 | | |
| | | | 009379 | | 07/09/2019 | 101-0000-204.03-01 | 720.00 | | |
| | | | 009380 | | 07/09/2019 | 101-0000-204.03-01 | 540.00 | | |
| | | | 009381 | | 07/09/2019 | 101-0000-204.03-01 | 880.00 | | |
| | | | 009382 | | 07/09/2019 | 101-0000-204.93-00 | 940.00 | | |
| | | | 009383 | | 07/09/2019 | 101-0000-204.93-00 | 490.00 | | |
| | | | 009384 | | 07/09/2019 | 101-0000-204.93-00 | 855.00 | | |
| | | | 009385 | | 07/09/2019 | 101-0000-204.93-00 | 2,375.00 | | |
| | | | 009386 | | 07/09/2019 | 101-1040-417.31-16 | 1,440.00 | | |
| | | | 009387 | | 07/09/2019 | 101-1040-417.31-16 | 160.00 | | |
| | | | 009388 | | 07/09/2019 | 502-4710-471.31-16 | 2,282.50 | | |
| | | | 009389 | | 07/09/2019 | 101-1040-417.31-16 | 340.00 | | |
| | | | 009390 | | 07/09/2019 | 583-4720-475.31-90 | 4,867.00 | | |
| | | | PI1305 | 019019 | 07/09/2019 | 651-4720-475.69-90 | 2,180.00 | | |
| | | | 009472 | | 07/09/2019 | 101-0000-204.03-01 | 637.50 | | |
| | | | 009473 | | 07/09/2019 | 101-0000-204.03-01 | 355.00 | | |
| | | | 009474 | | 07/09/2019 | 650-4720-475.69-82 | 874.66 | | |
| | | | 009475 | | 07/09/2019 | 651-4720-475.69-82 | 3,101.09 | | |
| | | | 009476 | | 07/09/2019 | 101-0000-204.03-01 | 197.50 | | |
| | | | 009477 | | 07/09/2019 | 101-0000-204.03-01 | 360.00 | | |
| | | | 009478 | | 07/09/2019 | 101-0000-204.03-01 | 287.50 | | |
| | | | 009479 | | 07/09/2019 | 101-0000-204.03-01 | 287.50 | | |
| | | | | | | | 55,767.17 | * | 55,767.17 |
| 8405 | 3462 | EUSI LLC | 009471 | | 07/09/2019 | 503-4720-475.31-98 | 975.00 | | |
| | | | | | | | 975.00 | * | 975.00 |
| 8406 | 3717 | EZLINKS GOLF LLC | 009172 | | 07/09/2019 | 507-5762-454.53-00 | 295.00 | | |
| | | | | | | | 295.00 | * | 295.00 |
| 8407 | 3108 | FASTENAL COMPANY INCORP. | 009480 | | 07/09/2019 | 503-4720-475.43-04 | 142.94 | | |
| | | | | | | | 142.94 | * | 142.94 |
| 8408 | 3314 | FINDLAY MOTOR COMPANY | PI1299 | 019022 | 07/09/2019 | 512-3020-432.72-16 | 58,736.83 | | |
| | | | | | | | 58,736.83 | * | 58,736.83 |
| 8409 | 1 | FORBES FABRICATORS | 009312 | | 07/09/2019 | 651-4720-475.69-83 | 30.71 | | |
| | | | 009313 | | 07/09/2019 | 651-4720-475.69-85 | 176.57 | | |
| | | | 009314 | | 07/09/2019 | 651-4720-475.69-90 | 8,306.69 | | |
| | | | | | | | 8,513.97 | * | 8,513.97 |

| CHECK NO | VENDOR NO | VENDOR NAME | VOUCHER NO | P.O. NO | DATE | ACCOUNT | REMITTANCE AMOUNT (NET OF DISC/RETAIN) | | CHECK TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| 8410 | 1 | FRANCO, MARGUERITA E. | UT | | 07/09/2019 | 501-0000-211.00-00 | 76.75 | | |
| | | | | | | | 76.75 | * | 76.75 |
| 8411 | 1296 | FRONTIER | 009281 | | 07/09/2019 | 101-1025-415.52-10 | 91.24 | | |
| | | | 009282 | | 07/09/2019 | 101-3010-431.52-10 | 193.21 | | |
| | | | 009283 | | 07/09/2019 | 101-5770-452.52-10 | 112.24 | | |
| | | | 009284 | | 07/09/2019 | 233-5772-452.52-10 | 178.89 | | |
| | | | 009285 | | 07/09/2019 | 101-5774-452.52-10 | 345.00 | | |
| | | | 009286 | | 07/09/2019 | 502-4710-471.52-10 | 422.50 | | |
| | | | 009287 | | 07/09/2019 | 503-4720-475.52-10 | 358.23 | | |
| | | | 009288 | | 07/09/2019 | 503-4720-475.52-10 | 300.47 | | |
| | | | 009289 | | 07/09/2019 | 507-5761-453.52-10 | 76.47 | | |
| | | | 009290 | | 07/09/2019 | 507-5762-454.52-10 | 221.92 | | |
| | | | 009291 | | 07/09/2019 | 510-4410-405.52-10 | 993.55 | | |
| | | | 009292 | | 07/09/2019 | 510-4410-405.52-10 | 227.74 | | |
| | | | 009293 | | 07/09/2019 | 510-4410-405.52-10 | 226.85 | | |
| | | | 009294 | | 07/09/2019 | 510-4410-405.52-10 | 68.94 | | |
| | | | 009295 | | 07/09/2019 | 510-4410-405.52-10 | 643.61 | | |
| | | | 009296 | | 07/09/2019 | 580-4750-473.52-10 | 345.20 | | |
| | | | | | | | 4,806.06 | * | 4,806.06 |
| 8412 | 3568 | GALAXY CO. | 009228 | | 07/09/2019 | 101-5772-452.60-40 | 90.18 | | |
| | | | | | | | 90.18 | * | 90.18 |
| 8413 | 1 | GARZA, DOMINIQUE | UT | | 07/09/2019 | 501-0000-211.00-00 | 42.52 | | |
| | | | | | | | 42.52 | * | 42.52 |
| 8414 | 3796 | GOLDEN VALLEY CABLE & COM | 009173 | | 07/09/2019 | 101-2020-423.52-10 | 85.00 | | |
| | | | 009434 | | 07/09/2019 | 507-5762-454.52-10 | 440.00 | | |
| | | | 009481 | | 07/09/2019 | 101-5774-452.52-10 | 85.00 | | |
| | | | 009482 | | 07/09/2019 | 101-3010-431.52-10 | 100.00 | | |
| | | | | | | | 710.00 | * | 710.00 |
| 8415 | 1 | GOLDEN VALLEY CABLE & COM | UT | | 07/09/2019 | 501-0000-211.00-00 | 158.28 | | |
| | | | | | | | 158.28 | * | 158.28 |
| 8416 | 324 | GRAINGER PART OPERATIONS | 009280 | | 07/09/2019 | 503-4720-475.43-14 | 1,460.67 | | |
| | | | | | | | 1,460.67 | * | 1,460.67 |
| 8417 | 3451 | GREENS DISTRIBUTION LLC. | 009174 | | 07/09/2019 | 580-4750-473.60-55 | 5.83 | | |
| | | | 009175 | | 07/09/2019 | 580-4750-473.60-55 | 26.78 | | |
| | | | 009176 | | 07/09/2019 | 510-4410-405.43-01 | 25.73 | | |
| | | | | | | | 58.34 | * | 58.34 |
| 8418 | 2612 | HARDWARE EXPRESS INCORP. | 009178 | | 07/09/2019 | 503-4720-475.43-02 | 564.99 | | |
| | | | 009179 | | 07/09/2019 | 503-4720-475.43-02 | 3.08- | | |
| | | | 009180 | | 07/09/2019 | 503-4720-475.43-02 | 127.94 | | |
| | | | 009181 | | 07/09/2019 | 503-4720-475.71-36 | 23.30 | | |
| | | | 009182 | | 07/09/2019 | 101-5770-452.43-02 | 2.70 | | |
| | | | 009214 | | 07/09/2019 | 101-3010-431.60-12 | 13.86 | | |

| CHECK NO | VENDOR NO | VENDOR NAME | VOUCHER NO | P.O. NO | DATE | ACCOUNT | REMITTANCE AMOUNT (NET OF DISC/RETAIN) | | CHECK TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| 8418 | 2612 | HARDWARE EXPRESS INCORP. | 009215 | | 07/09/2019 | 101-3010-431.60-12 | 14.27 | | |
| | | | 009216 | | 07/09/2019 | 101-5772-452.43-18 | 23.51 | | |
| | | | 009217 | | 07/09/2019 | 101-5772-452.43-18 | 6.65 | | |
| | | | 009218 | | 07/09/2019 | 101-5772-452.43-18 | 65.70 | | |
| | | | 009219 | | 07/09/2019 | 101-5772-452.43-18 | 7.68 | | |
| | | | 009220 | | 07/09/2019 | 101-5772-452.43-18 | .39- | | |
| | | | 009221 | | 07/09/2019 | 206-5771-452.61-12 | 7.49 | | |
| | | | 009222 | | 07/09/2019 | 206-5771-452.61-12 | 4.06 | | |
| | | | 009297 | | 07/09/2019 | 502-4710-471.43-53 | 50.48 | | |
| | | | 009298 | | 07/09/2019 | 502-4710-471.43-53 | 12.70 | | |
| | | | 009433 | | 07/09/2019 | 507-5762-454.61-06 | 59.36 | | |
| | | | 009483 | | 07/09/2019 | 101-3010-431.43-57 | 23.54 | | |
| | | | 009484 | | 07/09/2019 | 511-3020-432.43-29 | .74 | | |
| | | | 009485 | | 07/09/2019 | 101-3010-431.60-12 | 20.83 | | |
| | | | 009486 | | 07/09/2019 | 511-3020-432.43-29 | 2.04 | | |
| | | | 009487 | | 07/09/2019 | 507-5761-453.63-00 | 20.22 | | |
| | | | 009488 | | 07/09/2019 | 507-5761-453.63-00 | 8.50 | | |
| | | | 009489 | | 07/09/2019 | 101-5772-452.61-12 | 23.20 | | |
| | | | 009490 | | 07/09/2019 | 101-5772-452.61-12 | 7.88 | | |
| | | | 009491 | | 07/09/2019 | 101-5774-452.43-18 | 15.35 | | |
| | | | 009492 | | 07/09/2019 | 502-4710-471.43-53 | 13.40 | | |
| | | | | | | | 1,116.92 | * | 1,116.92 |
| 8419 | 1956 | ITRON INCORP. | 009183 | | 07/09/2019 | 509-4910-479.43-05 | 4,189.35 | | |
| | | | | | | | 4,189.35 | * | 4,189.35 |
| 8420 | 1 | JEREMY SMITH | 009270 | | 07/09/2019 | 651-4720-475.69-83 | 3.29 | | |
| | | | 009271 | | 07/09/2019 | 651-4720-475.69-85 | 17.98 | | |
| | | | 009272 | | 07/09/2019 | 651-4720-475.69-86 | 22.37 | | |
| | | | 009273 | | 07/09/2019 | 651-4720-475.69-90 | 1,094.04 | | |
| | | | | | | | 1,137.68 | * | 1,137.68 |
| 8421 | 61 | KNORR SYSTEMS INC. | 009336 | | 07/09/2019 | 101-5770-452.60-32 | 2,669.45 | | |
| | | | | | | | 2,669.45 | * | 2,669.45 |
| 8422 | 1 | KUCHARSKI, ALBA | UT | | 07/09/2019 | 501-0000-211.00-00 | 294.91 | | |
| | | | | | | | 294.91 | * | 294.91 |
| 8423 | 2691 | LAYNE CHRISTENSEN COMPANY | 009186 | | 07/09/2019 | 502-4710-471.43-54 | 4,715.90 | | |
| | | | | | | | 4,715.90 | * | 4,715.90 |
| 8424 | 3240 | LESLIE'S POOL SUPPLIES | 009184 | | 07/09/2019 | 503-4720-475.60-33 | 146.06 | | |
| | | | | | | | 146.06 | * | 146.06 |
| 8425 | 3662 | LINCUS INC. | 009213 | | 07/09/2019 | 580-4750-473.63-08 | 4,914.00 | | |
| | | | | | | | 4,914.00 | * | 4,914.00 |
| 8426 | 3445 | LOW COST SPAY/NEUTER CLIN | 009185 | | 07/09/2019 | 101-0000-204.06-00 | 166.00 | | |
| | | | | | | | 166.00 | * | 166.00 |

| CHECK NO | VENDOR NO | VENDOR NAME | VOUCHER NO | P.O. NO | DATE | ACCOUNT | REMITTANCE AMOUNT (NET OF DISC/RETAIN) | | CHECK TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| 8427 | 3785 | MOHAVE VALLEY SCALE | 009187 | | 07/09/2019 | 101-2020-423.58-00 | 11.30 | | |
| | | | | | | | 11.30 | * | 11.30 |
| 8428 | 178 | NAPA AUTO PARTS | 009188 | | 07/09/2019 | 503-4720-475.43-03 | 266.12 | | |
| | | | 009189 | | 07/09/2019 | 503-4720-475.43-14 | 247.68 | | |
| | | | 009190 | | 07/09/2019 | 502-4710-471.43-57 | 30.16 | | |
| | | | 009191 | | 07/09/2019 | 502-4710-471.43-57 | 200.57 | | |
| | | | 009299 | | 07/09/2019 | 507-5761-453.43-04 | 29.34 | | |
| | | | 009300 | | 07/09/2019 | 511-3021-432.43-37 | 73.25 | | |
| | | | 009301 | | 07/09/2019 | 511-3021-432.43-26 | 424.91 | | |
| | | | 009302 | | 07/09/2019 | 511-3021-432.43-24 | 160.68 | | |
| | | | 009303 | | 07/09/2019 | 511-3021-432.43-26 | 38.85 | | |
| | | | 009432 | | 07/09/2019 | 507-5762-454.43-08 | 3.71 | | |
| | | | 009495 | | 07/09/2019 | 511-3021-432.43-26 | 31.52 | | |
| | | | 009496 | | 07/09/2019 | 511-3021-432.43-26 | 71.52 | | |
| | | | 009497 | | 07/09/2019 | 511-3021-432.43-37 | 3.20 | | |
| | | | 009498 | | 07/09/2019 | 511-3021-432.43-36 | 155.89 | | |
| | | | | | | | 1,737.40 | * | 1,737.40 |
| 8429 | 207 | NEEDLES SENIOR CITIZENS | 009452 | | 07/09/2019 | 101-1070-410.52-10 | 54.64 | | |
| | | | 009453 | | 07/09/2019 | 520-4740-462.52-12 | 36.61 | | |
| | | | 009454 | | 07/09/2019 | 521-4740-462.52-12 | 18.04 | | |
| | | | | | | | 109.29 | * | 109.29 |
| 8430 | 1 | NEEDLES SSA, LLC | 009315 | | 07/09/2019 | 651-4720-475.69-83 | 7.23 | | |
| | | | 009316 | | 07/09/2019 | 651-4720-475.69-85 | 33.27 | | |
| | | | 009317 | | 07/09/2019 | 651-4720-475.69-90 | 2,404.14 | | |
| | | | | | | | 2,444.64 | * | 2,444.64 |
| 8431 | 210 | NEEDLES UNIFIED SCHOOL DI | 009163 | | 07/09/2019 | 101-0000-362.01-00 | 50.00 | | |
| | | | | | | | 50.00 | * | 50.00 |
| 8432 | 218 | NEWS WEST PUBLISHING CO. | 009446 | | 07/09/2019 | 101-1030-414.53-00 | 179.50 | | |
| | | | 009447 | | 07/09/2019 | 101-1035-416.59-10 | 110.86 | | |
| | | | 009448 | | 07/09/2019 | 101-0000-204.93-00 | 97.66 | | |
| | | | 009449 | | 07/09/2019 | 101-0000-204.93-00 | 116.14 | | |
| | | | 009450 | | 07/09/2019 | 580-4750-473.53-00 | 47.50 | | |
| | | | 009451 | | 07/09/2019 | 521-4740-462.53-00 | 87.10 | | |
| | | | | | | | 638.76 | * | 638.76 |
| 8433 | 1 | NICHOLAS & LISA BRAVADA | 009275 | | 07/09/2019 | 651-4720-475.69-85 | 23.51 | | |
| | | | | | | | 23.51 | * | 23.51 |
| 8434 | 1 | NICHOLAS & LISA BRAVATA | 009276 | | 07/09/2019 | 651-4720-475.69-86 | 29.25 | | |
| | | | 009277 | | 07/09/2019 | 651-4720-475.69-90 | 1,094.04 | | |
| | | | | | | | 1,123.29 | * | 1,123.29 |
| 8435 | 1 | NOCHOLAS & LISA BRAVATA | 009274 | | 07/09/2019 | 651-4720-475.69-83 | 4.30 | | |
| | | | | | | | 4.30 | * | 4.30 |
| 8436 | 1786 | NPUA | | | | | | | VOIDED |

| CHECK NO | VENDOR NO | VENDOR NAME | VOUCHER NO | P.O. NO | DATE | ACCOUNT | REMITTANCE AMOUNT (NET OF DISC/RETAIN) | CHECK TOTAL |
|---|---|---|---|---|---|---|---|---|
| 8437 | 1786 | NPUA | 009363 | | 07/09/2019 | 101-5772-452.41-10 | 46.99 | |
| | | | 009364 | | 07/09/2019 | 101-5772-452.41-20 | 66.70 | |
| | | | 009365 | | 07/09/2019 | 101-5772-452.41-20 | 188.19 | |
| | | | 009366 | | 07/09/2019 | 101-5772-452.41-30 | 72.50 | |
| | | | 009367 | | 07/09/2019 | 101-5772-452.41-10 | 149.07 | |
| | | | 009368 | | 07/09/2019 | 101-5772-452.41-20 | 1,366.00 | |
| | | | 009369 | | 07/09/2019 | 101-5772-452.41-30 | 72.50 | |
| | | | 009370 | | 07/09/2019 | 580-4750-473.41-11 | 45.87 | |
| | | | 009371 | | 07/09/2019 | 580-4750-473.41-11 | 74.96 | |
| | | | 009393 | | 07/09/2019 | 101-1070-410.41-10 | 777.98 | |
| | | | 009394 | | 07/09/2019 | 101-1070-410.41-20 | 209.75 | |
| | | | 009395 | | 07/09/2019 | 101-1070-410.41-30 | 72.50 | |
| | | | 009396 | | 07/09/2019 | 101-5770-452.41-10 | 1,524.39 | |
| | | | 009397 | | 07/09/2019 | 101-5770-452.41-20 | 899.87 | |
| | | | 009398 | | 07/09/2019 | 101-5770-452.41-30 | 72.50 | |
| | | | 009399 | | 07/09/2019 | 101-5774-452.41-10 | 1,064.45 | |
| | | | 009400 | | 07/09/2019 | 101-5774-452.41-10 | 36.99 | |
| | | | 009401 | | 07/09/2019 | 101-5774-452.41-20 | 77.05 | |
| | | | 009402 | | 07/09/2019 | 510-4410-405.41-10 | 1,201.63 | |
| | | | 009403 | | 07/09/2019 | 510-4410-405.41-20 | 237.19 | |
| | | | 009404 | | 07/09/2019 | 510-4410-405.41-30 | 2,102.50 | |
| | | | 009405 | | 07/09/2019 | 503-4720-475.41-10 | 436.51 | |
| | | | 009406 | | 07/09/2019 | 502-4710-471.41-10 | 41.71 | |
| | | | 009407 | | 07/09/2019 | 503-4720-475.41-10 | 2,220.92 | |
| | | | 009408 | | 07/09/2019 | 503-4720-475.41-10 | 255.74 | |
| | | | 009409 | | 07/09/2019 | 101-5772-452.41-20 | 2,936.55 | |
| | | | 009410 | | 07/09/2019 | 101-5772-452.41-10 | 13.92 | |
| | | | 009411 | | 07/09/2019 | 101-5772-452.41-10 | 61.13 | |
| | | | 009412 | | 07/09/2019 | 101-5772-452.41-10 | 29.82 | |
| | | | 009413 | | 07/09/2019 | 101-5772-452.41-20 | 209.66 | |
| | | | 009414 | | 07/09/2019 | 101-5772-452.41-20 | 43.36 | |
| | | | 009415 | | 07/09/2019 | 101-5772-452.41-20 | 44.43 | |
| | | | 009416 | | 07/09/2019 | 101-5772-452.41-20 | 52.00 | |
| | | | 009417 | | 07/09/2019 | 502-4710-471.41-10 | 55.97 | |
| | | | 009418 | | 07/09/2019 | 502-4710-471.41-10 | 72.48 | |
| | | | 009419 | | 07/09/2019 | 502-4710-471.41-10 | 2,180.65 | |
| | | | 009420 | | 07/09/2019 | 503-4720-475.41-10 | 82.92 | |
| | | | 009421 | | 07/09/2019 | 502-4710-471.41-10 | 32.01 | |
| | | | 009422 | | 07/09/2019 | 101-5772-452.41-10 | 145.89 | |
| | | | 009423 | | 07/09/2019 | 101-5772-452.41-10 | 62.26 | |
| | | | 009424 | | 07/09/2019 | 101-5772-452.41-10 | 191.20 | |
| | | | 009425 | | 07/09/2019 | 101-5772-452.41-20 | 200.15 | |
| | | | 009426 | | 07/09/2019 | 101-5772-452.41-10 | 66.25 | |
| | | | 009427 | | 07/09/2019 | 101-3010-431.41-20 | 512.02 | |
| | | | 009428 | | 07/09/2019 | 101-3010-431.41-10 | 345.22 | |
| | | | 009429 | | 07/09/2019 | 101-3010-431.41-20 | 66.46 | |
| | | | 009430 | | 07/09/2019 | 101-3010-431.41-30 | 362.50 | |
| | | | 009431 | | 07/09/2019 | 101-3010-431.41-20 | 43.18 | |
| | | | 009442 | | 07/09/2019 | 101-2020-423.41-10 | 256.44 | |
| | | | 009443 | | 07/09/2019 | 101-2020-423.41-20 | 79.71 | |

| CHECK NO | VENDOR NO | VENDOR NAME | VOUCHER NO | P.O. NO | DATE | ACCOUNT | REMITTANCE AMOUNT (NET OF DISC/RETAIN) | | CHECK TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| 8437 | 1786 | NPUA | 009444 | | 07/09/2019 | 101-2020-423.41-30 | 145.00 | | |
| | | | 009455 | | 07/09/2019 | 206-5771-452.41-10 | 33.29 | | |
| | | | 009456 | | 07/09/2019 | 206-5771-452.41-20 | 4,782.46 | | |
| | | | 009457 | | 07/09/2019 | 206-5771-452.41-30 | 72.50 | | |
| | | | | | | | 26,493.89 | * | 26,493.89 |
| 8438 | 740 | OUR TOWN MAGAZINE | 009435 | | 07/09/2019 | 507-5762-454.53-00 | 331.50 | | |
| | | | | | | | 331.50 | * | 331.50 |
| 8439 | 1 | PIERRE LANDSCAPE, INC | 009318 | | 07/09/2019 | 651-4720-475.69-83 | 3.29 | | |
| | | | 009319 | | 07/09/2019 | 651-4720-475.69-85 | 17.98 | | |
| | | | 009320 | | 07/09/2019 | 651-4720-475.69-86 | 22.37 | | |
| | | | 009321 | | 07/09/2019 | 651-4720-475.69-90 | 1,094.04 | | |
| | | | | | | | 1,137.68 | * | 1,137.68 |
| 8440 | 245 | PREMIER GOLF CARS INC. | 009511 | | 07/09/2019 | 507-5762-454.60-16 | 3,595.50 | | |
| | | | | | | | 3,595.50 | * | 3,595.50 |
| 8441 | 1578 | PURCHASE POWER | 009337 | | 07/09/2019 | 510-4410-405.52-20 | 3,299.03 | | |
| | | | | | | | 3,299.03 | * | 3,299.03 |
| 8442 | 15 | QUILL CORP. | 009193 | | 07/09/2019 | 510-4410-405.61-06 | 228.39 | | |
| | | | 009194 | | 07/09/2019 | 101-1030-414.61-01 | 13.99 | | |
| | | | 009195 | | 07/09/2019 | 508-4810-478.61-01 | 34.47 | | |
| | | | 009229 | | 07/09/2019 | 101-1025-415.61-01 | 161.60 | | |
| | | | 009230 | | 07/09/2019 | 101-1025-415.61-01 | 4.62 | | |
| | | | 009231 | | 07/09/2019 | 510-4410-405.61-01 | 110.97 | | |
| | | | 009232 | | 07/09/2019 | 101-1025-415.61-01 | 35.55- | | |
| | | | 009233 | | 07/09/2019 | 101-1025-415.61-01 | 61.46 | | |
| | | | 009499 | | 07/09/2019 | 233-5772-452.61-01 | 106.64 | | |
| | | | | | | | 686.59 | * | 686.59 |
| 8443 | 3835 | REDMOND CONSTRUCTION, LLC | PI1301 | 019038 | 07/09/2019 | 205-6511-494.72-10 | 5,352.00 | | |
| | | | | | | | 5,352.00 | * | 5,352.00 |
| 8444 | 3835 | REDMOND CONSTRUCTION, LLC | PI1300 | 019038 | 07/09/2019 | 205-6511-494.72-10 | 15,748.00 | | |
| | | | | | | | 15,748.00 | * | 15,748.00 |
| 8445 | 1 | RICK SEIDNER | 009324 | | 07/09/2019 | 651-4720-475.69-83 | 5.06 | | |
| | | | | | | | 5.06 | * | 5.06 |
| 8446 | 1 | RICK SEIDNER | 009325 | | 07/09/2019 | 651-4720-475.69-85 | 27.66 | | |
| | | | 009326 | | 07/09/2019 | 651-4720-475.69-86 | 34.41 | | |
| | | | 009327 | | 07/09/2019 | 651-4720-475.69-90 | 1,094.04 | | |
| | | | | | | | 1,156.11 | * | 1,156.11 |
| 8447 | 2068 | RICOH USA INC. | 009338 | | 07/09/2019 | 510-4410-405.70-02 | 414.84 | | |
| | | | | | | | 414.84 | * | 414.84 |
| 8448 | 3616 | RICOH USA, INC. | 009192 | | 07/09/2019 | 510-4410-405.70-02 | 176.44 | | |

| CHECK NO | VENDOR NO | VENDOR NAME | VOUCHER NO | P.O. NO | DATE | ACCOUNT | REMITTANCE AMOUNT (NET OF DISC/RETAIN) | | CHECK TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| 8448 | 3616 | RICOH USA, INC. | | | | | 176.44 | * | 176.44 |
| 8449 | 1 | RON RICHARDS | 009322 | | 07/09/2019 | 651-4720-475.69-83 | 2.37 | | |
| | | | 009323 | | 07/09/2019 | 651-4720-475.69-85 | 10.89 | | |
| | | | | | | | 13.26 | * | 13.26 |
| 8450 | 1186 | SAFETY-KLEEN CORP. | 009512 | | 07/09/2019 | 511-3020-432.59-55 | 35.00 | | |
| | | | | | | | 35.00 | * | 35.00 |
| 8451 | 2589 | SAN BERNARDINO COUNTY | 009339 | | 07/09/2019 | 101-2020-423.62-00 | 47.23 | | |
| | | | 009340 | | 07/09/2019 | 101-2025-424.62-00 | 110.63 | | |
| | | | 009341 | | 07/09/2019 | 101-2030-423.62-00 | 159.39 | | |
| | | | 009342 | | 07/09/2019 | 101-3010-431.62-00 | 1,630.40 | | |
| | | | 009343 | | 07/09/2019 | 101-4730-472.62-00 | 101.44 | | |
| | | | 009344 | | 07/09/2019 | 101-5772-452.62-00 | 430.84 | | |
| | | | 009345 | | 07/09/2019 | 206-5771-452.62-00 | 257.28 | | |
| | | | 009346 | | 07/09/2019 | 502-4710-471.62-00 | 744.63 | | |
| | | | 009347 | | 07/09/2019 | 503-4720-475.62-00 | 163.02 | | |
| | | | 009348 | | 07/09/2019 | 507-5761-453.62-00 | 880.95 | | |
| | | | 009349 | | 07/09/2019 | 511-3020-432.62-00 | 130.63 | | |
| | | | 009350 | | 07/09/2019 | 580-4750-473.62-00 | 1,402.14 | | |
| | | | | | | | 6,058.58 | * | 6,058.58 |
| 8452 | 1 | SANCHEZ, NINA M. | UT | | 07/09/2019 | 501-0000-211.00-00 | 133.18 | | |
| | | | | | | | 133.18 | * | 133.18 |
| 8453 | 1 | SIEBRECHT CONSTRUCTION IN | 009329 | | 07/09/2019 | 651-4720-475.69-85 | 17.98 | | |
| | | | 009330 | | 07/09/2019 | 651-4720-475.69-86 | 22.37 | | |
| | | | 009331 | | 07/09/2019 | 651-4720-475.69-90 | 1,094.04 | | |
| | | | | | | | 1,134.39 | * | 1,134.39 |
| 8454 | 1 | SIEBRECT CONSTRUCTION INC | 009328 | | 07/09/2019 | 651-4720-475.69-83 | 3.29 | | |
| | | | | | | | 3.29 | * | 3.29 |
| 8455 | 1 | SY FOLEY | 000006 | | 07/09/2019 | 503-4720-475.55-00 | 310.48 | | |
| | | | | | | | 310.48 | * | 310.48 |
| 8456 | 3832 | TIM TERRAL | 009304 | | 07/09/2019 | 101-1030-414.55-00 | 372.40 | | |
| | | | | | | | 372.40 | * | 372.40 |
| 8457 | 3461 | TITAN MACHINERY | 009502 | | 07/09/2019 | 511-3021-432.43-36 | 680.18 | | |
| | | | | | | | 680.18 | * | 680.18 |
| 8458 | 3802 | TRACY BECK | 009238 | | 07/09/2019 | 101-1020-413.55-00 | 23.99 | | |
| | | | 009239 | | 07/09/2019 | 101-1025-415.61-01 | 20.07 | | |
| | | | 009240 | | 07/09/2019 | 101-1030-414.61-31 | 130.05 | | |
| | | | 009241 | | 07/09/2019 | 501-4760-474.69-21 | 10.00 | | |
| | | | 009242 | | 07/09/2019 | 502-4710-471.43-03 | 13.33 | | |
| | | | 009243 | | 07/09/2019 | 502-4710-471.52-20 | 41.55 | | |
| | | | 009244 | | 07/09/2019 | 502-4710-471.62-00 | 85.01 | | |

| CHECK NO | VENDOR NO | VENDOR NAME | VOUCHER NO | P.O. NO | DATE | ACCOUNT | REMITTANCE AMOUNT (NET OF DISC/RETAIN) | | CHECK TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| 8458 | 3802 | TRACY BECK | 009245 | | 07/09/2019 | 502-4710-471.69-22 | 77.98 | | |
| | | | 009246 | | 07/09/2019 | 503-4720-475.31-40 | 39.95 | | |
| | | | 009247 | | 07/09/2019 | 503-4720-475.43-03 | 13.33 | | |
| | | | 009248 | | 07/09/2019 | 503-4720-475.61-01 | 68.64 | | |
| | | | 009249 | | 07/09/2019 | 505-4730-472.90-00 | 255.62 | | |
| | | | 009250 | | 07/09/2019 | 510-4410-405.61-01 | 29.36 | | |
| | | | 009251 | | 07/09/2019 | 580-4750-473.43-03 | 13.34 | | |
| | | | 009252 | | 07/09/2019 | 580-4750-473.43-57 | 8.88 | | |
| | | | 009253 | | 07/09/2019 | 580-4750-473.52-20 | 25.80 | | |
| | | | 009254 | | 07/09/2019 | 580-4750-473.55-00 | 56.00 | | |
| | | | 009255 | | 07/09/2019 | 580-4750-473.61-21 | 9.40 | | |
| | | | | | | | 922.30 | * | 922.30 |
| 8459 | 2874 | TRANSTRACK SYSTEMS INC. | 000004 | | 07/09/2019 | 525-4770-461.70-21 | 13,833.00 | | |
| | | | | | | | 13,833.00 | * | 13,833.00 |
| 8460 | 3266 | TRI STATE TOOL REPAIR | 009225 | | 07/09/2019 | 101-3010-431.61-33 | 89.95 | | |
| | | | | | | | 89.95 | * | 89.95 |
| 8461 | 772 | TRI-STATE BUILDING MATERI | 009196 | | 07/09/2019 | 503-4720-475.43-02 | 169.89 | | |
| | | | | | | | 169.89 | * | 169.89 |
| 8462 | 3830 | UNIFIRST CORPORATION | 009199 | | 07/09/2019 | 503-4720-475.61-04 | 16.10 | | |
| | | | 009200 | | 07/09/2019 | 502-4710-471.61-04 | 26.52 | | |
| | | | 009201 | | 07/09/2019 | 503-4720-475.61-04 | 17.56 | | |
| | | | 009202 | | 07/09/2019 | 507-5762-454.61-06 | 7.00 | | |
| | | | 009203 | | 07/09/2019 | 101-5774-452.61-06 | 7.00 | | |
| | | | 009204 | | 07/09/2019 | 508-4810-478.61-04 | 9.70 | | |
| | | | 009351 | | 07/09/2019 | 503-4720-475.61-04 | 16.10 | | |
| | | | 009352 | | 07/09/2019 | 507-5761-453.61-04 | 46.51 | | |
| | | | 009353 | | 07/09/2019 | 101-5772-452.61-04 | 25.05 | | |
| | | | 009354 | | 07/09/2019 | 101-3010-431.61-04 | 39.48 | | |
| | | | 009355 | | 07/09/2019 | 511-3020-432.61-04 | 39.47 | | |
| | | | 009356 | | 07/09/2019 | 508-4810-478.62-00 | 9.77 | | |
| | | | 009392 | | 07/09/2019 | 502-4710-471.61-04 | 51.52 | | |
| | | | 009437 | | 07/09/2019 | 507-5762-454.61-06 | 7.00 | | |
| | | | 009438 | | 07/09/2019 | 507-5762-454.61-06 | 95.13 | | |
| | | | 009504 | | 07/09/2019 | 101-5774-452.61-06 | 7.00 | | |
| | | | 009505 | | 07/09/2019 | 502-4710-471.61-04 | 26.52 | | |
| | | | 009506 | | 07/09/2019 | 503-4720-475.61-04 | 16.10 | | |
| | | | 009507 | | 07/09/2019 | 508-4810-478.61-04 | 9.77 | | |
| | | | 009508 | | 07/09/2019 | 101-3010-431.61-04 | 78.95 | | |
| | | | | | | | 552.25 | * | 552.25 |
| 8463 | 318 | UPS | 009439 | | 07/09/2019 | 503-4720-475.52-20 | 38.67 | | |
| | | | 009440 | | 07/09/2019 | 502-4710-471.52-20 | 38.66 | | |
| | | | 009441 | | 07/09/2019 | 580-4750-473.52-20 | 38.67 | | |
| | | | | | | | 116.00 | * | 116.00 |
| 8464 | 761 | USA BLUE BOOK INC. | 009198 | | 07/09/2019 | 502-4710-471.60-32 | 121.76 | | |

| CHECK NO | VENDOR NO | VENDOR NAME | VOUCHER NO | P.O. NO | DATE | ACCOUNT | REMITTANCE AMOUNT (NET OF DISC/RETAIN) | | CHECK TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| 8464 | 761 | USA BLUE BOOK INC. | 009305 | | 07/09/2019 | 503-4720-475.60-32 | 990.04 | | |
| | | | 009306 | | 07/09/2019 | 503-4720-475.61-33 | 162.36 | | |
| | | | 009307 | | 07/09/2019 | 503-4720-475.61-33 | 824.47 | | |
| | | | 009308 | | 07/09/2019 | 503-4720-475.60-55 | 2,355.88 | | |
| | | | 009309 | | 07/09/2019 | 503-4720-475.60-17 | 23.76 | | |
| | | | 009310 | | 07/09/2019 | 503-4720-475.43-14 | 329.89 | | |
| | | | 009501 | | 07/09/2019 | 503-4720-475.60-32 | 2,500.87 | | |
| | | | | | | | 7,309.03 | * | 7,309.03 |
| 8465 | 1741 | V & L LASER LLC | 009206 | | 07/09/2019 | 101-0000-204.20-00 | 59.00 | | |
| | | | 009207 | | 07/09/2019 | 101-0000-204.20-00 | 69.00 | | |
| | | | 009208 | | 07/09/2019 | 101-0000-204.20-00 | 524.00 | | |
| | | | 009509 | | 07/09/2019 | 101-1025-415.61-02 | 137.00 | | |
| | | | 009510 | | 07/09/2019 | 101-1020-413.61-01 | 168.00 | | |
| | | | | | | | 957.00 | * | 957.00 |
| 8466 | 3844 | WATERMARK ASSOCIATES LLC | 009212 | | 07/09/2019 | 502-4710-471.31-90 | 3,975.00 | | |
| | | | | | | | 3,975.00 | * | 3,975.00 |
| 8467 | 3528 | WESTERN ENVIRONMENTAL TES | 009209 | | 07/09/2019 | 503-4720-475.60-17 | 230.00 | | |
| | | | 009210 | | 07/09/2019 | 503-4720-475.60-17 | 143.00 | | |
| | | | 009334 | | 07/09/2019 | 502-4710-471.59-75 | 236.00 | | |
| | | | 009335 | | 07/09/2019 | 503-4720-475.60-17 | 118.00 | | |
| | | | | | | | 727.00 | * | 727.00 |
| 8468 | 2561 | WINZER CORP. | 009211 | | 07/09/2019 | 507-5761-453.43-04 | 74.87 | | |
| | | | | | | | 74.87 | * | 74.87 |
| 8469 | 3842 | XIO, INC. | 000002 | | 07/09/2019 | 502-4710-471.31-90 | 113.00 | | |
| | | | | | | | 113.00 | * | 113.00 |
| 8470 | 3828 | 3D-NETWORKS LLC | 009197 | | 07/09/2019 | 509-4910-479.31-90 | 1,200.00 | | |
| | | | 009372 | | 07/09/2019 | 101-1035-416.61-02 | 130.00 | | |
| | | | 009373 | | 07/09/2019 | 101-1025-415.61-02 | 359.00 | | |
| | | | 009445 | | 07/09/2019 | 509-4910-479.31-90 | 1,050.00 | | |
| | | | 009503 | | 07/09/2019 | 509-4910-479.31-53 | 3,300.00 | | |
| | | | 000005 | | 07/09/2019 | 509-4910-479.43-05 | 4,500.00 | | |
| | | | | | | | 10,539.00 | * | 10,539.00 |
| | | | | | | BANK/CHECK TOTAL | 465,497.89 | | 465,497.89 |
| | | | | | | ALL BANKS/CHECKS TOTAL | 465,497.89 | | 465,497.89 |

**CITY OF NEEDLES CITY COUNCIL**
**WARRANT SUMMARY TOTALS FOR JUNE 21, 2019**

| | | DEPT. AMT. | FUND AMT. | YEAR-TO-DATE 06/21/19 | 18-19 BUDGET |
|---|---|---|---|---|---|
| FUND 101 | GENERAL FUND | $ 1,682.11 | | | |
| 101.1015.412 | CITY ATTORNEY | | | $ 69,189.14 | $85,000 |
| 101.1020.413 | CITY MANAGER | | | $ 123,960.30 | $156,991 |
| 101.1025.415 | FINANCE DEPT. | | | $ 247,891.01 | $309,869 |
| 101.1030.414 | CITY CLERK/COUNCIL/MAYOR | | | $ 62,785.47 | $67,388 |
| 101.1035.416 | PLANNING /ZONING | $ 12.50 | | $ 58,998.44 | $95,227 |
| 101.1040.417 | ENGINEERING | $ 12.50 | | $ 103,392.73 | $144,416 |
| 101.1060.410 | COMMUNITY PROMOTIONS | | | $ 5,940.83 | $21,350 |
| 101.1070.410 | SENIOR CENTER | | | $ 35,103.39 | $46,553 |
| 101.2010.421 | SHERIFF | | | $ 2,484,600.39 | $2,497,833 |
| 101.2020.423 | ANIMAL SHELTER/CONTROL | | | $ 127,087.37 | $152,779 |
| 101.2025.424 | BULDING & SAFETY | $ 62.50 | | $ 171,217.26 | $256,584 |
| 101.2030.423 | CODE ENFORCEMENT | $ 62.50 | | $ 173,463.90 | $309,221 |
| 101.3010.431 | PUBLIC WORKS | | | $ 334,123.22 | $499,394 |
| 101.4730.472 | SANITATION | | | $ 102,373.28 | $123,099 |
| 101.5770.452. | AQUATICS | $ 290.82 | | $ 86,658.29 | $149,719 |
| 101.5772.452 | PARKS | $ 265.74 | | $ 282,465.23 | $351,757 |
| 101.5774.452 | RECREATION | | | $ 220,109.08 | $247,988 |
| GENERAL FUND | TOTAL ALL GF DEPARTMENTS | | $ 2,388.67 | $ 5,001,746.33 | $5,852,600 |
| FUND 205 | CDBG | | | $ 127,267.82 | $156,268 |
| FUND 206 | CEMETERY | | | $ 76,484.80 | $99,518 |
| FUND 209 | NARCOTICS FORFEITURE | | | $ - | $9,777 |
| FUND 210 | SPECIAL GAS TAX | | | $ 122,329.00 | $199,616 |
| FUND 212 | AIR QUALITY (MDAQD) | | | $ 16,606.95 | $16,607 |
| FUND 214 | SANBAG NEW LOCAL MEAS I | | | $ - | $1,000 |
| FUND 225 | COPS-AB 3229 SUPPLEMENTAL | | | $ 100,173.51 | $240,000 |
| FUND 233 | JACK SMITH PK.MARINA | | $ 15.90 | $ 82,603.27 | $99,089 |
| FUND 235 | INTERSTATE COMM/I40 J ST. | | | $ - | $0 |
| FUND 239 | CA.CONSERV RECYLING GRANT | | | $ 4,127.24 | $8,475 |
| FUND 240 | EL GARCES INTERMODAL | | | $ - | $0 |
| FUND 243 | ACTIVE TRANSPORT PROGRAM | | | $ 419,357.00 | $421,225 |
| FUND 270 | REDEVELOPMENT AGENCY | | | $ 288,591.93 | $309,015 |
| FUND 470 | RDA CAP PROJ.LOW & MOD. | | | $ - | $5,000 |
| FUND 501 | NPUA | | | $ 2,203,203.14 | $2,456,432 |
| FUND 502 | WATER DEPARTMENT | | $ 312.08 | $ 1,247,156.26 | $1,460,434 |
| FUND 503 | WASTEWATER DEPARTMENT | | | $ 906,268.11 | $1,082,771 |
| FUND 505 | SANITATION | | | $ 1,000,613.56 | $1,175,000 |
| FUND 506 | ALL AMERICAN CANAL PROJ. | | | $ 695,798.15 | $764,872 |
| FUND 507 | GOLF FUND | | | $ 382,545.57 | |
| FUND 507-5761-453 | GOLF MAINTENANCE DEPARTMENT | $ 240.48 | | $ 490,341.69 | $536,865 |
| FUND 507-5762-454 | GOLF PRO SHOP DEPARTMENT | $ 50.00 | | $ 169,232.59 | $209,791 |
| FUND 507 | GOLF FUND TOTAL | | $ 290.48 | | |
| FUND 508 | CUST.SVC/UT BUSINESS OFFICE | | $ 181.02 | $ 224,785.34 | $321,662 |
| FUND 509 | MIS | | | $ 71,595.21 | $132,312 |
| FUND 510 | ADMIN. FACILITY | | | $ 133,056.97 | $158,718 |
| FUND 511 | FLEET MANAGEMENT | | $ 533.88 | $ 180,263.23 | $278,735 |
| FUND 512 | VEHICLE REPLACEMENT | | | $ 248,199.93 | $560,257 |
| FUND 520 | SR DIAL A RIDE | | | $ 58,682.21 | $211,332 |
| FUND 521 | DIAL-A-RIDE MEDICAL TRANS. | | | $ 27,129.39 | $32,383 |
| FUND 525 | NEEDLES AREA TRANSIT (NAT) | | | $ 446,984.85 | $538,043 |
| FUND 580 | ELECTRIC | | $ 1,255.63 | $ 5,089,123.33 | $5,829,753 |
| FUND 581 | NPUA CAPITAL ELECTRIC | | | $ 133,360.00 | $69,304 |
| FUND 582 | NPUA CAPITAL WATER | | | $ 4,936.26 | $183,753 |
| FUND 583 | NPUA CAPITAL WASTEWATER | | | $ (31,450.31) | $17,216 |
| FUND 650 | IMPACT FEES NORTH NEEDLES | | $ - | $ 25,447.50 | $26,873 |
| FUND 651 | IMPACT FEES SOUTH AREAS | | $ - | $ 25,447.50 | $65,072 |
| TOTAL | ALL FUNDS & DEPARTMENTS | | $ 4,977.66 | $ 19,972,008.33 | $23,529,768 |

I certify that the expenditures/purchases to be paid by the warrants on this list have complied with the provisions of the City Code Chapter 8, Article II, Purchasing; and further, the funds to cover these purchases/expenditures, as City Audited, are included within the City Council approved and amended FY 2018/2019 Budget.

Rick Daniels, City Manager — Date

Sylvia Miledi, Director of Finance — Date 7/2/19

Kippy Poulson, City Treasurer — Date 7/2/19

6/20/2019

ACCOUNTS PAYABLE PRELIMINARY CHECK REGISTER



| CHECK NUMBER | VENDOR NUMBER | SEQ# | VENDOR NAME | CHECK DATE | CHECK AMOUNT | DISCOUNTS/RETAINAGE TAKEN |
|---|---|---|---|---|---|---|
| 8344 | 3709 | 00 | CHAVEZ, ADRIAN | 06/21/2019 | 50.00 | .00 |
| 8345 | 3688 | 00 | PONCE, ALBERT | 06/21/2019 | 50.00 | .00 |
| 8346 | 3319 | 00 | CITY EMPLOYEES ASSOCIATES | 06/21/2019 | 200.00 | .00 |
| 8347 | 1094 | 00 | COUNTY OF SAN BERNARDINO | 06/21/2019 | 50.00 | .00 |
| 8348 | 3399 | 00 | COURT-ORDERED DEBT COLLECTIONS | 06/21/2019 | 50.24 | .00 |
| 8349 | 2235 | 00 | CALLAWAY, DENNIS | 06/21/2019 | 50.00 | .00 |
| 8350 | 3634 | 00 | EMPOWER | 06/21/2019 | 299.59 | .00 |
| 8351 | 322 | 00 | FRANK VALENZUELA JR. | 06/21/2019 | 50.00 | .00 |
| 8352 | 1305 | 00 | GREAT WEST LIFE | 06/21/2019 | 2,595.00 | .00 |
| 8353 | 2879 | 00 | JENNIFER VALENZUELA | 06/21/2019 | 304.56 | .00 |
| 8354 | 325 | 00 | WILLIS, JIM | 06/21/2019 | 50.00 | .00 |
| 8355 | 2222 | 00 | SCOTT, JUSTIN | 06/21/2019 | 50.00 | .00 |
| 8356 | 3703 | 00 | MICHAEL POE-EVANS | 06/21/2019 | 50.00 | .00 |
| 8357 | 3706 | 00 | MCGILLIVRAY, MIKE | 06/21/2019 | 50.00 | .00 |
| 8358 | 3767 | 00 | MARTINEZ, PATRICK | 06/21/2019 | 50.00 | .00 |
| 8359 | 3654 | 00 | RAINIE TORRANCE | 06/21/2019 | 100.00 | .00 |
| 8360 | 3654 | 00 | RAINIE TORRANCE | 06/21/2019 | 51.00 | .00 |
| 8361 | 1199 | 00 | SBPEA TEAMSTERS LOCAL 1932 | 06/21/2019 | 643.27 | .00 |
| 8362 | 2505 | 00 | CAMPBELL, SHERYL | 06/21/2019 | 33.00 | .00 |
| 8363 | 2511 | 00 | TAMMY ELLMORE | 06/21/2019 | 51.00 | .00 |
| 8364 | 3622 | 00 | MILLER, TAYLOR | 06/21/2019 | 50.00 | .00 |
| 8365 | 2744 | 00 | DELEON, THOMAS | 06/21/2019 | 50.00 | .00 |
| 8366 | 3695 | 00 | VINCE GARZA | 06/21/2019 | 50.00 | .00 |

NUMBER OF CHECKS 23 GRAND TOTAL 4,977.66

ACCOUNTS PAYABLE CHECK REGISTER BY BANK NUMBER



| CHECK NO | VENDOR NO | VENDOR NAME | VOUCHER NO | P.O. NO | DATE | ACCOUNT | REMITTANCE AMOUNT (NET OF DISC/RETAIN) | | CHECK TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| 8344 | 3709 | ADRIAN CHAVEZ | 007600 | | 06/21/2019 | 505-4730-472.90-00 | 55.00 | | |
| | | | 009102 | | 06/21/2019 | 505-4730-472.90-00 | 55.00- | | |
| | | | 009143 | | 06/21/2019 | 101-2030-423.52-10 | 50.00 | | |
| | | | | | | | 50.00 | * | 50.00 |
| 8345 | 3688 | ALBERT PONCE | 009151 | | 06/21/2019 | 502-4710-471.52-10 | 50.00 | | |
| | | | | | | | 50.00 | * | 50.00 |
| 8346 | 3319 | CITY EMPLOYEES ASSOCIATES | 009139 | | 06/21/2019 | 101-0000-209.03-01 | 140.00 | | |
| | | | 009140 | | 06/21/2019 | 507-0000-209.03-01 | 20.00 | | |
| | | | 009141 | | 06/21/2019 | 508-0000-209.03-01 | 20.00 | | |
| | | | 009142 | | 06/21/2019 | 580-0000-209.03-01 | 20.00 | | |
| | | | | | | | 200.00 | * | 200.00 |
| 8347 | 1094 | COUNTY OF SAN BERNARDINO | 009158 | | 06/21/2019 | 101-5772-452.31-90 | 50.00 | | |
| | | | | | | | 50.00 | * | 50.00 |
| 8348 | 3399 | COURT-ORDERED DEBT COLLEC | 009138 | | 06/21/2019 | 101-0000-209.01-00 | 50.24 | | |
| | | | | | | | 50.24 | * | 50.24 |
| 8349 | 2235 | DENNIS CALLAWAY | 009144 | | 06/21/2019 | 507-5761-453.52-10 | 50.00 | | |
| | | | | | | | 50.00 | * | 50.00 |
| 8350 | 3634 | EMPOWER | 009123 | | 06/21/2019 | 101-0000-209.01-00 | 9.94 | | |
| | | | 009124 | | 06/21/2019 | 101-0000-209.01-00 | 64.82 | | |
| | | | 009125 | | 06/21/2019 | 580-0000-209.01-00 | 170.90 | | |
| | | | 009126 | | 06/21/2019 | 580-0000-209.01-00 | 53.93 | | |
| | | | | | | | 299.59 | * | 299.59 |
| 8351 | 322 | FRANK VALENZUELA JR. | 009155 | | 06/21/2019 | 502-4710-471.52-10 | 50.00 | | |
| | | | | | | | 50.00 | * | 50.00 |
| 8352 | 1305 | GREAT WEST LIFE | 009127 | | 06/21/2019 | 101-0000-209.03-01 | 1,160.00 | | |
| | | | 009128 | | 06/21/2019 | 502-0000-209.03-01 | 25.00 | | |
| | | | 009129 | | 06/21/2019 | 507-0000-209.03-01 | 140.00 | | |
| | | | 009130 | | 06/21/2019 | 508-0000-209.03-01 | 100.00 | | |
| | | | 009131 | | 06/21/2019 | 511-0000-209.03-01 | 500.00 | | |
| | | | 009132 | | 06/21/2019 | 580-0000-209.03-01 | 670.00 | | |
| | | | | | | | 2,595.00 | * | 2,595.00 |
| 8353 | 2879 | JENNIFER VALENZUELA | 009133 | | 06/21/2019 | 101-5774-452.31-42 | 41.00 | | |
| | | | 009134 | | 06/21/2019 | 101-5770-452.31-20 | 38.00 | | |
| | | | 009135 | | 06/21/2019 | 101-5770-452.60-24 | 152.82 | | |
| | | | 009136 | | 06/21/2019 | 101-5774-452.60-24 | 32.74 | | |
| | | | 009137 | | 06/21/2019 | 101-5774-452.62-00 | 40.00 | | |
| | | | | | | | 304.56 | * | 304.56 |
| 8354 | 325 | JIM WILLIS | 009153 | | 06/21/2019 | 580-4750-473.52-10 | 50.00 | | |
| | | | | | | | 50.00 | * | 50.00 |

| CHECK NO | VENDOR NO | VENDOR NAME | VOUCHER NO | P.O. NO | DATE | ACCOUNT | REMITTANCE AMOUNT (NET OF DISC/RETAIN) | | CHECK TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| 8355 | 2222 | JUSTIN SCOTT | 009152 | | 06/21/2019 | 580-4750-473.52-10 | 50.00 | | |
| | | | | | | | 50.00 | * | 50.00 |
| 8356 | 3703 | MICHAEL POE-EVANS | 009154 | | 06/21/2019 | 580-4750-473.52-10 | 50.00 | | |
| | | | | | | | 50.00 | * | 50.00 |
| 8357 | 3706 | MIKE MCGILLIVRAY | 009149 | | 06/21/2019 | 101-2025-424.52-10 | 50.00 | | |
| | | | | | | | 50.00 | * | 50.00 |
| 8358 | 3767 | PATRICK MARTINEZ | 009145 | | 06/21/2019 | 101-2030-423.52-10 | 12.50 | | |
| | | | 009146 | | 06/21/2019 | 101-2025-424.52-10 | 12.50 | | |
| | | | 009147 | | 06/21/2019 | 101-1035-416.52-10 | 12.50 | | |
| | | | 009148 | | 06/21/2019 | 101-1040-417.52-10 | 12.50 | | |
| | | | | | | | 50.00 | * | 50.00 |
| 8359 | 3654 | RAINIE TORRANCE | 009159 | | 06/21/2019 | 101-5770-452.31-90 | 100.00 | | |
| | | | | | | | 100.00 | * | 100.00 |
| 8360 | 3654 | RAINIE TORRANCE | 009161 | | 06/21/2019 | 101-5772-452.55-00 | 51.00 | | |
| | | | | | | | 51.00 | * | 51.00 |
| 8361 | 1199 | SBPEA TEAMSTERS LOCAL 193 | 009110 | | 06/21/2019 | 101-0000-209.03-01 | 240.11 | | |
| | | | 009111 | | 06/21/2019 | 233-0000-209.03-01 | 15.90 | | |
| | | | 009112 | | 06/21/2019 | 502-0000-209.03-01 | 83.08 | | |
| | | | 009113 | | 06/21/2019 | 507-0000-209.03-01 | 78.48 | | |
| | | | 009114 | | 06/21/2019 | 508-0000-209.03-01 | 57.02 | | |
| | | | 009115 | | 06/21/2019 | 511-0000-209.03-01 | 32.88 | | |
| | | | 009116 | | 06/21/2019 | 580-0000-209.03-01 | 135.80 | | |
| | | | | | | | 643.27 | * | 643.27 |
| 8362 | 2505 | SHERYL CAMPBELL | 009117 | | 06/21/2019 | 101-0000-209.03-01 | 17.00 | | |
| | | | 009118 | | 06/21/2019 | 502-0000-209.03-01 | 4.00 | | |
| | | | 009119 | | 06/21/2019 | 507-0000-209.03-01 | 2.00 | | |
| | | | 009120 | | 06/21/2019 | 508-0000-209.03-01 | 4.00 | | |
| | | | 009121 | | 06/21/2019 | 511-0000-209.03-01 | 1.00 | | |
| | | | 009122 | | 06/21/2019 | 580-0000-209.03-01 | 5.00 | | |
| | | | | | | | 33.00 | * | 33.00 |
| 8363 | 2511 | TAMMY ELLMORE | 009160 | | 06/21/2019 | 101-5772-452.55-00 | 51.00 | | |
| | | | | | | | 51.00 | * | 51.00 |
| 8364 | 3622 | TAYLOR MILLER | 009150 | | 06/21/2019 | 502-4710-471.52-10 | 50.00 | | |
| | | | | | | | 50.00 | * | 50.00 |
| 8365 | 2744 | THOMAS DELEON | 009157 | | 06/21/2019 | 580-4750-473.52-10 | 50.00 | | |
| | | | | | | | 50.00 | * | 50.00 |
| 8366 | 3695 | VINCE GARZA | 009156 | | 06/21/2019 | 502-4710-471.52-10 | 50.00 | | |
| | | | | | | | 50.00 | * | 50.00 |
| | | | | | | BANK/CHECK TOTAL | 4,977.66 | | 4,977.66 |

| CHECK NO | VENDOR NO | VENDOR NAME | VOUCHER NO | P.O. NO | DATE | ACCOUNT | REMITTANCE AMOUNT (NET OF DISC/RETAIN) | CHECK TOTAL |
|---|---|---|---|---|---|---|---|---|
| | | | | | | ALL BANKS/CHECKS TOTAL | 4,977.66 | 4,977.66 |

**CITY OF NEEDLES CITY COUNCIL**
**WARRANT SUMMARY TOTALS FOR JUNE 28, 2019**

| | | DEPT. AMT. | FUND AMT. | YEAR-TO-DATE 06/28/19 | 18-19 BUDGET |
|---|---|---|---|---|---|
| FUND 101 | GENERAL FUND | | | | |
| 101.1015.412 | CITY ATTORNEY | | | $ 69,189.14 | $85,000 |
| 101.1020.413 | CITY MANAGER | | | $ 123,960.30 | $156,991 |
| 101.1025.415 | FINANCE DEPT. | | | $ 247,891.01 | $309,869 |
| 101.1030.414 | CITY CLERK/COUNCIL/MAYOR | | | $ 62,785.47 | $67,388 |
| 101.1035.416 | PLANNING /ZONING | | | $ 58,998.44 | $95,227 |
| 101.1040.417 | ENGINEERING | | | $ 103,392.73 | $144,416 |
| 101.1060.410 | COMMUNITY PROMOTIONS | | | $ 5,940.83 | $21,350 |
| 101.1070.410 | SENIOR CENTER | | | $ 35,103.39 | $46,553 |
| 101.2010.421 | SHERIFF | | | $ 2,484,600.39 | $2,497,833 |
| 101.2020.423 | ANIMAL SHELTER/CONTROL | | | $ 127,087.37 | $152,779 |
| 101.2025.424 | BULDING & SAFETY | | | $ 171,217.26 | $256,584 |
| 101.2030.423 | CODE ENFORCEMENT | | | $ 173,463.90 | $309,221 |
| 101.3010.431 | PUBLIC WORKS | | | $ 334,123.22 | $499,394 |
| 101.4730.472 | SANITATION | | | $ 102,373.28 | $123,099 |
| 101.5770.452. | AQUATICS | | | $ 86,658.29 | $149,719 |
| 101.5772.452 | PARKS | | | $ 282,465.23 | $351,757 |
| 101.5774.452 | RECREATION | | | $ 220,109.08 | $247,988 |
| GENERAL FUND | TOTAL ALL GF DEPARTMENTS | | $ - | $ 5,001,746.33 | $5,852,600 |
| FUND 205 | CDBG | | | $ 127,267.82 | $156,268 |
| FUND 206 | CEMETERY | | | $ 76,484.80 | $99,518 |
| FUND 209 | NARCOTICS FORFEITURE | | | $ - | $9,777 |
| FUND 210 | SPECIAL GAS TAX | | | $ 122,329.00 | $199,616 |
| FUND 212 | AIR QUALITY (MDAQD) | | | $ 16,606.95 | $16,607 |
| FUND 214 | SANBAG NEW LOCAL MEAS I | | | $ - | $1,000 |
| FUND 225 | COPS-AB 3229 SUPPLEMENTAL | | | $ 100,173.51 | $240,000 |
| FUND 233 | JACK SMITH PK.MARINA | | | $ 82,603.27 | $99,089 |
| FUND 235 | INTERSTATE COMM/I40 J ST. | | | $ - | $0 |
| FUND 239 | CA.CONSERV RECYLING GRANT | | | $ 4,127.24 | $8,475 |
| FUND 240 | EL GARCES INTERMODAL | | | $ - | $0 |
| FUND 243 | ACTIVE TRANSPORT PROGRAM | | | $ 419,357.00 | $421,225 |
| FUND 270 | REDEVELOPMENT AGENCY | | | $ 288,591.93 | $309,015 |
| FUND 470 | RDA CAP PROJ.LOW & MOD. | | | $ - | $5,000 |
| FUND 501 | NPUA | | | $ 2,203,203.14 | $2,456,432 |
| FUND 502 | WATER DEPARTMENT | | | $ 1,247,156.26 | $1,460,434 |
| FUND 503 | WASTEWATER DEPARTMENT | | | $ 906,268.11 | $1,082,771 |
| FUND 505 | SANITATION | | | $ 1,000,613.56 | $1,175,000 |
| FUND 506 | ALL AMERICAN CANAL PROJ. | | | $ 695,798.15 | $764,872 |
| FUND 507 | GOLF FUND | | | $ 382,545.57 | |
| FUND 507-5761-453 | GOLF MAINTENANCE DEPARTMENT | | | $ 490,341.69 | $536,865 |
| FUND 507-5762-454 | GOLF PRO SHOP DEPARTMENT | | | $ 169,232.59 | $209,791 |
| FUND 507 | GOLF FUND TOTAL | | $ - | | |
| FUND 508 | CUST.SVC/UT BUSINESS OFFICE | | | $ 224,785.34 | $321,662 |
| FUND 509 | MIS | | | $ 71,595.21 | $132,312 |
| FUND 510 | ADMIN. FACILITY | | | $ 133,056.97 | $158,718 |
| FUND 511 | FLEET MANAGEMENT | | | $ 180,263.23 | $278,735 |
| FUND 512 | VEHICLE REPLACEMENT | | | $ 248,199.93 | $560,257 |
| FUND 520 | SR DIAL A RIDE | | $ 4,993.92 | $ 58,682.21 | $211,332 |
| FUND 521 | DIAL-A-RIDE MEDICAL TRANS. | | $ 1,999.83 | $ 27,129.39 | $32,383 |
| FUND 525 | NEEDLES AREA TRANSIT (NAT) | | $ 26,242.96 | $ 446,984.85 | $538,043 |
| FUND 580 | ELECTRIC | | | $ 5,089,123.33 | $5,829,753 |
| FUND 581 | NPUA CAPITAL ELECTRIC | | | $ 133,360.00 | $69,304 |
| FUND 582 | NPUA CAPITAL WATER | | | $ 4,936.26 | $183,753 |
| FUND 583 | NPUA CAPITAL WASTEWATER | | | $ (31,450.31) | $17,216 |
| FUND 650 | IMPACT FEES NORTH NEEDLES | | $ - | $ 25,447.50 | $26,873 |
| FUND 651 | IMPACT FEES SOUTH AREAS | | $ - | $ 25,447.50 | $65,072 |
| TOTAL | ALL FUNDS & DEPARTMENTS | | $ 33,236.71 | $ 19,972,008.33 | $23,529,768 |

I certify that the expenditures/purchases to be paid by the warrants on this list have complied with the provisions of the City Code Chapter 8, Article II, Purchasing; and further, the funds to cover these purchases/expenditures, as City Audited, are included within the City Council approved and amended FY 2018/2019 Budget.

Rick Daniels, City Manager — Date

Sylvia Miledi, Director of Finance — 7/2/19 Date

Kippy Poulson, City Treasurer — 7/2/19 Date

6/27/2019

ACCOUNTS PAYABLE PRELIMINARY CHECK REGISTER



| CHECK NUMBER | VENDOR NUMBER | SEQ# | VENDOR NAME | CHECK DATE | CHECK AMOUNT | DISCOUNTS/RETAINAGE TAKEN |
|---|---|---|---|---|---|---|
| 8367 | 2981 | 00 | MCDONALD TRANSIT ASSOC. INC. | 06/28/2019 | 33,236.71 | .00 |
| NUMBER OF CHECKS | | | 1 | GRAND TOTAL | 33,236.71 | |

BANK 04 WELLS FARGO BANK - CITY GENERAL CHECKING

| CHECK NO | VENDOR NO | VENDOR NAME | VOUCHER NO | P.O. NO | DATE | ACCOUNT | REMITTANCE AMOUNT (NET OF DISC/RETAIN) | | CHECK TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| 8367 | 2981 | MCDONALD TRANSIT ASSOCIAT | 009458 | | 06/28/2019 | 520-4740-462.32-90 | 4,421.92 | | |
| | | | 009459 | | 06/28/2019 | 520-4740-462.51-20 | 259.70 | | |
| | | | 009460 | | 06/28/2019 | 520-4740-462.62-00 | 312.30 | | |
| | | | 009461 | | 06/28/2019 | 521-4740-462.32-90 | 1,628.64 | | |
| | | | 009462 | | 06/28/2019 | 521-4740-462.51-20 | 210.30 | | |
| | | | 009463 | | 06/28/2019 | 521-4740-462.62-00 | 160.89 | | |
| | | | 009464 | | 06/28/2019 | 525-4770-461.32-90 | 24,493.00 | | |
| | | | 009465 | | 06/28/2019 | 525-4770-461.62-00 | 1,749.96 | | |
| | | | | | | | 33,236.71 | * | 33,236.71 |
| | | | | | | BANK/CHECK TOTAL | 33,236.71 | | 33,236.71 |
| | | | | | | ALL BANKS/CHECKS TOTAL | 33,236.71 | | 33,236.71 |

# City of Needles, California
## Staff Report

==========

☒ CITY COUNCIL ☐ NPUA ☐ SARDA ☒ Regular ☐ Special

**Meeting Date:** July 9, 2019

**Title:** Approve a Close-Out Equitable Sharing Agreement and Certification entered into among the Federal Government, City of Needles Police Department, and Needles City Council (as the governing body) transferring the balance of the federally forfeited cash funds in the amount of $2,234.32 to the San Bernardino County Sheriff's Department

**Background:** On November 10, 2010, the city received a check for $10,119.38 which was ultimately determined to be federal asset forfeiture funds and in August 2011, the City Council approved an Equitable Sharing Agreement with the federal government in order to retain these funds. We've received no federal asset forfeiture funds since 2011, however, annually we received notice that in order to remain compliant and eligible to receive these funds, we must complete the Agreement and Certification form for the then fiscal year. Since the City's last filing in 2018, per the US Department of Justice, the Needles Police Department is not recognized as an independent entity since we contract with the sheriff's department for law enforcement services, therefore, we must file a closing Equitable Sharing Agreement and Certification and remit the balance of these funds received to the sheriff who must use them for law enforcement purposes and cannot be used to supplant existing resources.

**Fiscal Impact:** $2,234.32 to come from #209-4010-425.90-04 thus closing out the Narcotics Forfeiture fund

**Critical Timeline:**

**Environmental:** N/A

**Recommendation:** Approve a Close-Out Equitable Sharing Agreement and Certification entered into among the Federal Government, City of Needles Police Department, and Needles City Council (as the governing body) transferring the balance of the federally forfeited cash funds in the amount of $2,234.32 to the San Bernardino County Sheriff's Department and authorize the Mayor and City Manager's electronic signature and the electronic submittal to the U.S. Department of Justice.

**Submitted By:** Cheryl Sallis

City Management Review: Rick Date: 7/2/19

| Approved: ☐ | Not Approved: ☐ | Tabled: ☐ | Other: ☐ |
|---|---|---|---|
| | | | Agenda Item: 10 |

OMB Number 1123-0011
Expires: December 31, 2021

# Equitable Sharing Agreement and Certification

**NCIC/ORI/Tracking Number:** [redacted]
**Agency Name:** City Of Needles Police Department
**Type:** Police Department
**Mailing Address:** 817 Third Street
Needles, CA 92363

**Agency Finance Contact**
**Name:** Cheryl Sallis
**Phone:** 760-326-2113 ext 115 **Email:** csallis@cityofneedles.com

**Jurisdiction Finance Contact**
**Name:** Sallis, Cheryl
**Phone:** 760-326-2113 ext 115 **Email:** csallis@cityofneedles.com

**ESAC Preparer**
**Name:** Cheryl Sallis
**Phone:** 760-326-2113 ext 115 **Email:** csallis@cityofneedles.com

**FY End Date:** 06/30/2019
**Agency FY 2019 Budget:** $2,647,940.00

## Annual Certification Report

| | Summary of Equitable Sharing Activity | Justice Funds [1] | Treasury Funds [2] |
|---|---|---|---|
| 1 | Beginning Equitable Sharing Fund Balance | $2,234.32 | $0.00 |
| 2 | Equitable Sharing Funds Received | $0.00 | $0.00 |
| 3 | Equitable Sharing Funds Received from Other Law Enforcement Agencies and Task Force | $0.00 | $0.00 |
| 4 | Other Income | $0.00 | $0.00 |
| 5 | Interest Income | $0.00 | $0.00 |
| 6 | Total Equitable Sharing Funds Received (total of lines 1-5) | $2,234.32 | $0.00 |
| 7 | Equitable Sharing Funds Spent (total of lines a - n ) | $2,234.32 | $0.00 |
| 8 | Ending Equitable Sharing Funds Balance (difference between line 7 and line 6) | $0.00 | $0.00 |

[1] Department of Justice Asset Forfeiture Program participants are: FBI, DEA, ATF, USPIS, USDA, DCIS, DSS, and FDA
[2] Department of the Treasury Asset Forfeiture Program participants are: IRS, ICE, CBP and USSS.

| | Summary of Shared Funds Spent | Justice Funds | Treasury Funds |
|---|---|---|---|
| a | Law Enforcement Operations and Investigations | $0.00 | $0.00 |
| b | Training and Education | $0.00 | $0.00 |
| c | Law Enforcement, Public Safety, and Detention Facilities | $0.00 | $0.00 |
| d | Law Enforcement Equipment | $0.00 | $0.00 |
| e | Joint Law Enforcement/Public Safety Equipment and Operations | $0.00 | $0.00 |
| f | Contracts for Services | $0.00 | $0.00 |
| g | Law Enforcement Travel and Per Diem | $0.00 | $0.00 |
| h | Law Enforcement Awards and Memorials | $0.00 | $0.00 |
| i | Drug, Gang, and Other Education or Awareness Programs | $0.00 | $0.00 |
| j | Matching Grants | $0.00 | $0.00 |
| k | Transfers to Other Participating Law Enforcement Agencies | $2,234.32 | $0.00 |
| l | Support of Community-Based Programs | $0.00 | |
| m | Non-Categorized Expenditures | $0.00 | $0.00 |
| n | Salaries | $0.00 | $0.00 |
| | Total | $2,234.32 | $0.00 |

Equitable Sharing Funds Received From Other Agencies

| Transferring Agency Name | Justice Funds | Treasury Funds |
|---|---|---|
| | | |

Other Income

| Other Income Type | Justice Funds | Treasury Funds |
|---|---|---|
| | | |

Matching Grants

| Matching Grant Name | Justice Funds | Treasury Funds |
|---|---|---|
| | | |

Transfers to Other Participating Law Enforcement Agencies

| Receiving Agency Name | Justice Funds | Treasury Funds |
|---|---|---|
| San Bernardino County Sheriff's Department - CA0360000 | $2,234.32 | |

Support of Community-Based Programs

| Recipient | Justice Funds | |
|---|---|---|
| | | |

Non-Categorized Expenditures

| Description | Justice Funds | Treasury Funds |
|---|---|---|
| | | |

Salaries

| Salary Type | Justice Funds | Treasury Funds |
|---|---|---|
| | | |

## Paperwork Reduction Act Notice

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create accurate and easily understood forms that impose the least possible burden on you to complete. The estimated average time to complete this form is 30 minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, please write to the Asset Forfeiture and Money Laundering Section at 1400 New York Avenue, N.W., Washington, DC 20005.

## Privacy Act Notice

The Department of Justice is collecting this information for the purpose of reviewing your equitable sharing expenditures. Providing this information is voluntary; however, the information is necessary for your agency to maintain Program compliance. Information collected is covered by Department of Justice System of Records Notice, 71 Fed. Reg. 29170 (May 19, 2006), JMD-022 Department of Justice Consolidated Asset Tracking System (CATS). This information may be disclosed to contractors when necessary to accomplish an agency function, to law enforcement when there is a violation or potential violation of law, or in accordance with other published routine uses. For a complete list of routine uses, see the System of Records Notice as amended by subsequent publications.

# Single Audit Information

**Independent Auditor**

**Name:** Sandy Sup
**Company:** Fechter & Company
**Phone:** 916-333-5360 ext 111 **Email:** ssup@fechtercpa.com

**Were equitable sharing expenditures included on your jurisdiction's prior fiscal year's Schedule of Expenditures of Federal Awards (SEFA)?**

YES [X] NO [ ]

**Prior year Single Audit Number Assigned by Harvester Database:**

# Affidavit

Under penalty of perjury, the undersigned officials certify that they have read and understand their obligations under the *Guide to Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies (Guide)* and all subsequent updates, this Equitable Sharing Agreement, and the applicable sections of the Code of Federal Regulations. The undersigned officials certify that the information submitted on the Equitable Sharing Agreement and Certification form (ESAC) is an accurate accounting of funds received and spent by the Agency.

The undersigned certify that the Agency is in compliance with the applicable nondiscrimination requirements of the following laws and their Department of Justice implementing regulations: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), and the Age Discrimination Act of 1975 (42 U.S.C. § 6101 *et seq.*), which prohibit discrimination on the basis of race, color, national origin, disability, or age in any federally assisted program or activity, or on the basis of sex in any federally assisted education program or activity. The Agency agrees that it will comply with all federal statutes and regulations permitting federal investigators access to records and any other sources of information as may be necessary to determine compliance with civil rights and other applicable statutes and regulations.

# Equitable Sharing Agreement

This Federal Equitable Sharing Agreement, entered into among (1) the Federal Government, (2) the Agency, and (3) the Agency's governing body, sets forth the requirements for participation in the federal Equitable Sharing Program and the restrictions upon the use of federally forfeited funds, property, and any interest earned thereon, which are equitably shared with participating law enforcement agencies. By submitting this form, the Agency agrees that it will be bound by the *Guide* and all subsequent updates, this Equitable Sharing Agreement, and the applicable sections of the Code of Federal Regulations. Submission of the ESAC is a prerequisite to receiving any funds or property through the Equitable Sharing Program.

**1. Submission.** The ESAC must be signed and electronically submitted within 60 days of the end of the Agency's fiscal year. Electronic submission constitutes submission to the Department of Justice and the Department of the Treasury.

**2. Signatories.** The ESAC must be signed by the head of the Agency and the head of the governing body. Examples of Agency heads include police chief, sheriff, director, commissioner, superintendent, administrator, county attorney, district attorney, prosecuting attorney, state attorney, commonwealth attorney, and attorney general. The governing body head is the head of the agency that appropriates funding to the Agency. Examples of governing body heads include city manager, mayor, city council chairperson, county executive, county council chairperson, administrator, commissioner, and governor. The governing body head cannot be an official or employee of the Agency and must be from a separate entity.

**3. Uses.** Shared assets must be used for law enforcement purposes in accordance with the *Guide* and all subsequent updates, this Equitable Sharing Agreement, and the applicable sections of the Code of Federal Regulations.

**4. Transfers.** Before the Agency transfers funds to other state or local law enforcement agencies, it must obtain written approval from the Department of Justice or Department of the Treasury. Transfers of tangible property are not permitted. Agencies that transfer or receive equitable sharing funds must perform sub-recipient monitoring in accordance with the Code of Federal Regulations.

**5. Internal Controls.** The Agency agrees to account separately for federal equitable sharing funds received from the Department of Justice and the Department of the Treasury, funds from state and local forfeitures, joint law enforcement operations funds, and any other sources must not be commingled with federal equitable sharing funds.

The Agency certifies that equitable sharing funds are maintained by the entity that maintains the Agency's appropriated or general funds and agrees that the funds will be subject to the standard accounting requirements and practices employed by the Agency's jurisdiction in accordance with the requirements set forth in the *Guide,* any subsequent updates, and the Code of Federal Regulations, including the requirement to maintain relevant documents and records for five years.

The misuse or misapplication of equitably shared funds or assets or supplantation of existing resources with shared funds or assets is prohibited. The Agency must follow its jurisdiction's procurement policies when expending equitably shared funds. Failure to comply with any provision of the *Guide*, any subsequent updates, and the Code of Federal Regulations may subject the Agency to sanctions.

**6. Single Audit Report and Other Reviews.** Audits shall be conducted as provided by the Single Audit Act Amendments of 1996 and OMB Uniform Administrative Requirements, Costs Principles, and Audit Requirements for Federal Awards. The Agency must report its equitable sharing expenditures on the Schedule of Expenditures of Federal Awards (SEFA) under Catalog of Federal Domestic Assistance number 16.922 for Department of Justice and 21.016 for Department of the Treasury. The Department of Justice and the Department of the Treasury reserve the right to conduct audits or reviews.

**7. Freedom of Information Act (FOIA).** Information provided in this Document is subject to the FOIA requirements of the Department of Justice and the Department of the Treasury. Agencies must follow local release of information policies.

**8. Waste, Fraud, or Abuse.** An Agency or governing body is required to immediately notify the Money Laundering and Asset Recovery Section of the Department of Justice and the Executive Office for Asset Forfeiture of the Department of the Treasury of any allegations or theft, fraud, waste, or abuse involving federal equitable sharing funds.

## Civil Rights Cases

**During the past fiscal year: (1) has any court or administrative agency issued any finding, judgment, or determination that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above; or (2) has the Agency entered into any settlement agreement with respect to any complaint filed with a court or administrative agency alleging that the Agency discriminated against any person or group in violation of any of the federal civil rights statutes listed above?**

☐ Yes ☒ No

## Agency Head

Name: Daniels, Rick
Title: City Manager
Email: rdaniels@cityofneedles.com

Signature: _____ Date: _____

To the best of my knowledge and belief, the information provided on this ESAC is true and accurate and has been reviewed and authorized by the Law Enforcement Agency Head whose name appears above. Entry of the Agency Head name above indicates his/her agreement to abide by the Guide, any subsequent updates, and the Code of Federal Regulations, including ensuring permissibility of expenditures and following all required procurement policies and procedures.

## Governing Body Head

Name: Jeffrey H. Williams
Title: Mayor
Email: jwilliams@cityofneedles.com

Signature: _____ Date: _____

To the best of my knowledge and belief, the Agency's current fiscal year budget reported on this ESAC is true and accurate and the Governing Body Head whose name appears above certifies that the agency's budget has not been supplanted as a result of receiving equitable sharing funds. Entry of the Governing Body Head name above indicates his/her agreement to abide by the policies and procedures set forth in the Guide, any subsequent updates, and the Code of Federal Regulations.

☐ I certify that I have obtained approval from and I am authorized to submit this form on behalf of the Agency Head and the Governing Body Head.

**AMENDED**
**ORDINANCE 615-AC**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEEDLES APPROVING A GENERAL PLAN AMENDMENT FROM "CR" COMMERCIAL RESORT TO "CH" HIGHWAY COMMERCIAL AND A ZONE CHANGE FROM "CRR" COMMERCIAL RESIDENTIAL RESORT TO "C-3" HIGHWAY COMMERCIAL FOR THE PROPERTY LOCATED ALONG NEEDLES HIGHWAY KNOWN AS APN ~~0660-081-01 THROUGH 04,~~ 0660-081-08 AND 09, ~~AND 0660-091-04~~**

**WHEREAS,** Deer Park Development submitted an application requesting a General Plan Amendment from Commercial Resort (CR) to Commercial Highway (CH) and a Zone Change from Commercial Residential Resort (CRR) to Highway Commercial (C-3) for their property located along Needles Highway, north of the I-40 off-ramp; and

**WHEREAS,** Government Code Section 65860 requires that the General Plan designation and Zoning Code are consistent; and

**WHEREAS,** a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on February 20, 2019, 10 days prior to said meeting, and notices were sent to property owners within a 300-foot radius of the subject property specifying the date, time and location of the public hearing; and

**WHEREAS,** on March 6, 2019, the Needles Planning Commission held a duly noticed and advertised public hearing to receive oral and written testimony relative to the General Plan Amendment and Zone Change; and

**WHEREAS,** a public hearing notice for the Needles City Council meeting was published in the Needles Desert Star on February 20, 2019, 10 days prior to said meeting, and notices were sent to property owners within a 300-foot radius of the subject property specifying the date, time and location of the public hearing for a proposed General Plan Amendment and Zone Change; and

**WHEREAS,** the matter was scheduled for a public hearing at the March 26, 2019 City Council meeting; and

**WHEREAS,** the matter was continued to the April 9, 2019 City Council meeting; and

**WHEREAS,** on April 9, 2019, the Needles City Council held a duly noticed and advertised public hearing to receive oral and written testimony for the proposed General Plan Amendment and Zone Change and the matter was referred back to the Planning Commission for re-consideration; and,

**WHEREAS,** a public hearing notice for the Needles Planning Commission meeting was published in the Needles Desert Star on May 8, 2019, 10 days prior to said meeting, and notices



7-9-19 #11

were sent to property owners within a 300-foot radius of the subject property specifying the date, time and location of the public hearing; and

**WHEREAS**, on June 5, 2019, the Needles Planning Commission held a duly noticed and advertised public hearing to receive oral and written testimony relative to the General Plan Amendment and Zone Change and considered the matter; and

**WHEREAS,** a public hearing notice for the Needles City Council meeting was published in the Needles Desert Star on May 8, 2019, 10 days prior to said meeting, and notices were sent to property owners within a 300-foot radius of the subject property specifying the date, time and location of the public hearing for a proposed General Plan Amendment and Zone Change; and

**WHEREAS**, on June 11, 2019, the Needles City Council held a duly noticed and advertised public hearing to receive oral and written testimony for the proposed General Plan Amendment and Zone Change; and,

**WHEREAS**, Section 116.00(d) of the Needles City Code describes the findings required to approve a General Plan Amendment and Zone Change; and

**WHEREAS,** the Needles City Council has sufficiently considered all testimony and any documentary evidence presented to them in order to make the following determination.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Needles as follows:

**SECTION 1.** The City Council HEREBY FINDS AND DETERMINES that this subject site is categorically exempt under the California Environmental Quality Act (CEQA) under Section 15601(b), whereby it can be seen with certainty that there that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The project area for the General Plan Amendment and Zone Change is an existing developed area of land occupied by residential structures and accessory buildings.

**SECTION 2**. The City Council HEREBY FINDS AND DETERMINES, with reports and findings, that facts do exist to approve a General Plan Amendment.

*A.* The project is consistent with the General Plan

**FINDING:** The proposed General Plan Amendment from Commercial Resort (CR) to Highway Commercial (CH) for the project area will be consistent with the elements, goals and policies of the General Plan and that no effects of inconsistency can be determined with the proposed General Plan Amendment onto surrounding land uses.

*B.* *Approval of the Amendment will not create conditions materially detrimental to the public health, safety and general welfare*

**FINDING**: Approval of the proposed General Plan Amendment will not create conditions materially detrimental to public health, safety and general welfare in that the proposed change will continue the expansion of the Highway Commercial area in North Needles that has seen growth from the permitting of cannabis facilities and re-develop the blighted residential area that continues to experience problems with transient nuisance problems.

C. *The new designation is compatible with the land use designations on adjacent properties.*

**FINDING**: The General Plan Amendment will allow the creation of an industrial park that allows the permitting of cannabis facilities, as well as ancillary businesses that support the industry. Other types of commercial uses in the vicinity of the proposed amendment area include a truck repair facility and boat and RV storage facility. A parcel located east of the area being proposed for the change in designation, will maintain the CRR zoning designation. At one time the parcel had a residential structure, but has experienced a fire and now is being cited for a public nuisance. The parcel can be used for either commercial or residential uses, but cannot be used for a cannabis facility.

D. *Approval of the Amendment is warranted because the general conditions of the property have substantially changed since the existing designation was imposed.*

Residential uses in the vicinity of the proposed amendment area have been abandoned for many years and continue to experience ongoing transient nuisance problems. The areas south and west of the proposed amendment area are experiencing significant growth through the permitting of cannabis facilities.

**SECTION 3.** The City Council HEREBY FINDS AND DETERMINES, with reports and findings, that facts do exist to approve a Zone Change, according to the criteria specified in Section 116.00(d) of the Needles City Code:

A. *An explanation of the relationship to the General Plan and any applicable specific Plan.*

**FINDING:** The site is designated as CR in the General Plan with no specific plan that has been adopted in this area. Currently, the property is zoned CRR and the relationship between the General Plan and Zoning designations are consistent. If approved, the land use designation (CH) and zoning (C-3) would be consistent.

B. *Consideration of the effect of the proposal on the housing needs of the region balanced against the public service needs of the city residents and the fiscal and environmental resources available.*

**FINDING:** The proposed Zone Change to Highway Commercial (C-3) will not create a significant imbalance or deficit in the housing needs for the City of Needles as

forecasted by the Southern California Associate of Government's (SCAG) Regional Housing Needs Assessment (RHNA), as SCAG has identified 181 additional residences required in the City of Needles based on population, and that the City has a number of properties zoned for residential development that can fulfill this need.

**SECTION 4**. The City Council HEREBY FINDS AND DETERMINES that facts do exist to approve **ORDINANCE 615-AC with conditions:**

1) Applicant to ensure that existing private water lines located on his property(s) and attached to structures on or near his property remain in place and functional or are relocated due to lot reconfigurations and continue to provide the same services that exist as of this date.

2) Applicant to provide a 20' wide paved easement from Needles Highway, across the property known as APN 0660-081-04 to the property line of the parcel known as APN 0660-081-05

**SECTION 5.** The City Council HEREBY APPROVES **ORDINANCE 615-AC**, approving a General Plan Amendment from a Commercial Resort (CR) designation to a Highway Commercial (CH) designation and a proposed Zone Change from a Commercial Residential Resort (CRR) designation to a Highway Commercial (C-3) designation for the property known as ~~0660-081-01 through 04,~~ 0660-081-08 and 09, ~~and 0660-091-04~~.

**PASSED AND APPROVED FOR INTRODUCTION** at a regular meeting of the City Council of the City of Needles, California, held on the 11th day of June, 2019, by the following roll call vote:

AYES: COUNCIL MEMBERS

NOES:
ABSENT:
ABSTAIN:

_____
Mayor

(seal)

ATTEST: _____
City Clerk

Approved as to form:

_____
City Attorney

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of Needles, California, held on the 9th day of July, 2019, by the following roll call vote:

AYES: COUNCIL MEMBERS

NOES:
ABSENT:
ABSTAIN:

_____
Mayor

(seal)

ATTEST:_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

# City of Needles, California
# Request for City Council Action

☒ CITY COUNCIL ☐ NPUA ☒ Regular ☐ Special

**Meeting Date:** July 9, 2019

**Title:** Resolution No. 2019-43 approving a Second Amendment to Extend the Lease Agreement (El Garces Unit Lease) between the City of Needles and McDonald Transit Associates, Inc. providing for a three month extension through September 30, 2019

**Background:** This Second Amendment with McDonald Transit will allow McDonald's continued lease of the NAT office and garage for an additional three months until a new contractor operator can be brought onboard.

**Fiscal Impact:** $728.334 per month during the extension

**Environmental Impact:** N/A

**Recommended Action:** MOVE to waive the reading and adopt Resolution No. 2019-43 approving a Second Amendment to Extend the Lease Agreement (El Garces Unit Lease) between the City of Needles and McDonald Transit Associates, Inc. providing for a three month extension through September 30, 2019

**Submitted By:** Cheryl Sallis, Transit Services Manager

**City Management Review:** Rick **Date:** 7/2/19

| Approved: ☐ | Not Approved: ☐ | Tabled: ☐ | Other: ☐ |
|---|---|---|---|
| | | | Agenda Item: 12 |

F:\transit svcs-sen cit\NAT - council cover sheet - lease agree w McDonald Transit 3 mo extension (July '19).doc/cks

RESOLUTION NO. 2019-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, APPROVING A SECOND AMENDMENT TO EXTEND THE LEASE AGREEMENT (EL GARCES UNIT LEASE) BETWEEN THE CITY OF NEEDLES AND McDONALD TRANSIT ASSOCIATES, INC. THROUGH SEPTEMBER 30, 2019

WHEREAS, the City and McDonald Transit Associates, Inc. entered into a Lease Agreement (El Garces Unit Lease) dated March 1, 2015, whereby McDonald leased from City approximately 1,194 square feet of office space in the El Garces Station and garage space of approximately 1,500 square feet located across the station parking lot as amended by a First Amendment dated as of June 14, 2017 hereinafter collectively referred to as the "Lease Agreement"; and

WHEREAS, by letter dated December 31, 2018, McDonald provided notice of termination for convenience of the local route deviation transit service agreement (Needles Area Transit); and

WHEREAS, a Request for Proposals (RFP) was issued by the City for the local route deviation transit service with a bid opening date of April 25, 2019 at which time no bids had been received and a reissuance of the RFP was distributed with a new bid opening date of June 3, 2019; and

WHEREAS, McDonald has agreed to extend the terms of the Lease Agreement for an additional three months through September 30, 2019, to allow City time to complete the RFP process and procure a new contract operator for the transit services.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Needles, California, hereby approves a Second Amendment to Extend the Lease Agreement (El Garces Unit Lease) between the City of Needles and McDonald Transit Associates, Inc. for occupancy by the Needles Area Transit for an additional three (3) month period through September 30, 2019 and further authorizes the Mayor to sign same for and on behalf of the City of Needles.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 9th day of July, 2019, by the following roll call vote:

AYES:

NOES:
ABSENT:

_____
Mayor

(SEAL)

ATTEST:_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

F:\transit svcs-sen cit\NAT - resolution re El Garces lease agreement 3 mo extension (July '19 ).doc/cks

SECOND AMENDMENT TO EXTEND THE
LEASE AGREEMENT (EL GARCES UNIT LEASE)
BETWEEN THE CITY OF NEEDLES AND
McDONALD TRANSIT ASSOCIATES, INC.
PROVIDING FOR A THREE MONTH EXTENSION
THROUGH SEPTEMBER 30, 2019

This Second Amendment to Extend the Lease Agreement (El Garces Unit Lease) is made and entered into this _____ day of _____, 2019, by and between the City of Needles, hereinafter referred to as "LESSOR", and McDonald Transit Associates, Inc., hereinafter referred to as "LESSEE".

WHEREAS, the parties entered into a Lease Agreement (El Garces Unit Lease) dated March 1, 2015, whereby Lessee leases from Lessor approximately 1,194 square feet of office space in the El Garces Station and garage space of approximately 1,500 square feet located across the station parking lot as amended by a First Amendment dated as of June 14, 2017 hereinafter collectively referred to as the "Lease Agreement"; and

WHEREAS, by letter dated December 31, 2018, Lessee provided notice of termination for convenience of the local route deviation transit service agreement (Needles Area Transit); and

WHEREAS, a Request for Proposals (RFP) was issued by the City for the local route deviation transit service with a bid opening date of April 25, 2019 at which time no bids had been received and a reissuance of the RFP has been distributed with a new bid opening date of June 3, 2019; and

WHEREAS, Lessee has agreed to extend the terms of the Lease Agreement for an additional three months through September 30, 2019, to allow City time to complete the RFP process and procure a new contract operator for the transit services.

NOW, THEREFORE, it is mutually agreed as follows:

1. <u>TERM OF AGREEMENT</u>

The term of the Lease Agreement (El Garces Unit Lease) shall be extended for an additional three (3) months beginning July 1, 2019 and ending September 30, 2019.

2. <u>RENT</u>

LESSEE shall pay rent to LESSOR for the Premises in accordance with the rent set forth in the Lease Agreement ($728.34 per month) during the term of extension.

3. <u>ADDITIONAL EXTENSION IF NECESSARY</u>

LESSOR agrees to diligently pursue procurement of a new contract operator for the local route deviation transit service, however should that RFP process and required approvals not be completed by September 30, 2019, LESSOR and LESSEE further agree that this Second Amendment shall continue month-to-month thereafter until transition to a new contractor is completed. LESSEE shall pay LESSOR rent set forth in the Lease Agreement to date of termination.

4. AGREEMENT OF PARTIES

Except as set forth herein, all other terms and conditions of the Lease Agreement (El Garces Unit Lease) shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Second Amendment to extend the Lease Agreement (El Garces Unit Lease) as of the day and year first written above.

| CITY: | CONTRACTOR: |
|---|---|
| City of Needles | McDonald Transit Associates, Inc. |
| By: _____ | By: _____ |
| Jeffrey H. Williams | Blaine Rigler |
| Its: Mayor | Its: President |

# Request for Council Action
## City of Needles, California

☒ CITY COUNCIL ☐ UTILITY BOARD ☐ NPUA ☒ Regular ☐ Special

**Meeting Date:** July 9th, 2019

**Title:** Accept the work completed by REDMOND CONSTRUCTION for the Phase I – CDBG Recreation Center work and Demolition of the old Gymnasium Floor.

**Background:** Phase I of the Project consisted of remove and replace the sounding material and paint in the Recreation Center. While removing insulation material and patching holes it was determined that some framework was not installed during original construction. The removal of the existing insulation left behind imperfections that would be noticed and it was recommended that the ceiling be textured. Additional framing was also required to install drywall in the selected locations.

On April 9, 2019 the City Council approved a change order in the amount $34,576 for the repairs needed to the ceiling, returning and re-ordering sound material and the demolition of the existing gymnasium floor as part of Phase III (see attached agenda item.)

**Fiscal Impact:** Demolition of the existing floor in preparation of the new one being installed also took place which was issued by a Change Order #1 approved on April 9th, 2019 for a Total Phase I – Sound & Paint portion including bid prep, design and permits for $107,040.

**FINAL COSTS**

| | |
|---|---|
| $3,783.41 | BID PREP, DESIGN & PERMITS |
| $72,464.00 | CONSTRUCTION |
| $34,576.00 | CHANGE ORDER |
| $0.00 | QUALITY ASSURANCE / CONTROL |
| $0.00 | CONTINGENCY |
| **$110,823.41** | **ACTUAL** |
| | **TOTAL PROJECT COSTS to date** |

**Recommendation:** Accept the work completed by REDMOND CONTRUCTION in the total project - phase I amount of $107,040 as part of the CDBG Gymnasium Rehabilitation Project and authorize staff to issue a Notice of Completion and record with the San Bernardino County recorder's office.

**Submitted By:** Tammy Ellmore, Engineering Tech II

**City Management Review:** Rick **Date:** 7/2/19

**Approved:** ☐ **Not Approved:** ☐ **Tabled:** ☐ **Other:** ☐



**AGENDA ITEM:** 13

RECORDING REQUESTED BY:

City of Needles
817 Third Street
Needles, CA 92363

AND WHEN RECORDED MAIL TO:

**City of Needles**
**817 Third Street**
**Needles, CA 92363**

No fee per Govt. Code § 27383

*~ SPACE ABOVE FOR RECORDER'S USE ONLY ~*

# NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

The undersigned is OWNER or AGENT OF THE OWNER of the interest or estate stated below in the property hereinafter described.

| | |
|---|---|
| The full NAME of the OWNER is | **CITY OF NEEDLES** |
| The ADDRESS of the OWNER is | **817 THIRD STREET, NEEDLES, CA 92363** |
| The NATURE OF THE INTEREST or estate of the undersigned is | **In FEE** |
| Street Address / APN (if applicable) | **1705 J Street / APN: 0185-221-13** |

The full name(s) and address(es) of all persons, if any, who hold such interest or estate with the undersigned as joint tenants or as tenants in common are:

| **Contractor's Name** | **Contractor's Address:** |
|---|---|
| **REDMOND CONSTRUCTION, INC** | **5902 HWY 95, UNIT 118, FORT MOHAVE, AZ 86426** |

The property on which said work of improvement was completed is in the City of **Needles**, County of **San Bernardino**, State of **California**, and was approved by the Needles City Council by minute action at the **06/07/2019** meeting and is DESCRIBED AS FOLLOWS:

Improvement on the property hereinafter described and COMPLETED on **JUNE 25, 2019**

Improvements described as **Remove and Replace the sounding material and paint in the Recreation Center and Demolition of old Gym Floor.**

I, **RICK DANIELS** (*Name of below signor*) am the **CITY MANAGER** (*Owner, President, Authorized Agent, Partner, etc.*) the declarant of the foregoing Notice of Completion. I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 07/10/2019 Signature: _____

*Signature of Owner or Agent of Owner*

# Request for Council Action
## City of Needles, California

☒ CITY COUNCIL ☐ UTILITY BOARD ☒ Regular ☐ Special

**Meeting Date:** April 9th, 2019

**Title:** Accept Change Order #1 to Redmond Construction for the additional work needed on the unforeseen issues during the removal and replacement of the existing sound material and accept the alternate bid for demolition of existing floor in preparation of the new floor installation in Phase III.

**Background:** While removing the insulation material and patching holes on the ceiling it was determined that some frame work was not installed during original construction. Once the contractor removed the insultation material it was identified that there were imperfections and it was recommended that the ceiling be textured. Additional framing was also required to install drywall in the selected locations.

The sound proof product delivered was not as expected. The products white texture would become dirty very quickly with the volume of users. Staff reached out to the manufacturer and selected a product with more durability for the use of the gymnasium. The City avoided having to pay a restocking fee but was charged for return delivery and the shipping of the new product which is a difference of $1,979. The additional costs for Phase I are $13,476.00

The change order also includes the alternate bid for the demolition of the existing floor for Phase III. The alternate bid submitted by Geary Floors Inc. was $24,200 but Redmond Construction has submitted a lower bid for $21,100 to demolish the existing floor. The total for Change Order #1 including the additional amount for Phase III demolition is $34,576.

**Fiscal Impact:** Phase I and Change Order #1 are funded by C.D.B.G funds. The County has agreed to the City's request of advancing the City's anticipated C.D.B.G. allocation for the next four (4) years for a total of $168,389. The remaining balance of C.D.B.G funds after this change order is $20,882.00.

| | |
|---|---|
| $72,464.00 | Phase I Original Bid |
| $13,476.00 | Change Order #1 – Phase I |
| $21,100.00 | Floor Demolition – By Redmond Construction |
| **$107,040.00** | **REDMOND CHANGE ORDER #1 TOTAL** |

**Recommendation:** Accept Change Order #1 in the amount of $34,576 for the repairs needed to the ceiling, returning and re-ordering sound material and the demolition of the existing gymnasium floor as part of Phase III.

**Submitted By:** Tammy Ellmore, Engineering Tech II

**City Management Review:** Rick **Date:** 4/4/19

**Approved:** ☐ **Not Approved:** ☐ **Tabled:** ☐ **Other:** ☐

**AGENDA ITEM:** 7

# 16 – CHANGE ORDER

Project: CDBG Needles Gymnasium – Phase 1 Sound Order No: 1

Owner: **City of Needles**

Contractor: **REDMOND CONSTRUCTION INC**

**The Following Changes are made to the Contract:**

While removing the insulation material and patching holes on the ceiling it was determined that some frame work was not installed during original construction. Once the contractor removed the insultation material it was identified that there were imperfections and it was recommended that the ceiling be textured. Additional framing was also required to install drywall in the selected locations.

The sound proof product delivered was not as expected. The products white texture would become dirty very quickly with the volume of users. Staff reached out to the manufacturer and selected a product with more durability for the use of the gymnasium. The City avoided having to pay a restocking fee but was charged for return delivery and the shipping of the new product which is a difference of $1,979.

The change order also includes the alternate bid for the demolition of the existing floor for Phase III. The alternate bid submitted by Geary Floors Inc. was $24,200 but Redmond Construction has submitted a lower bid for $21,100 to demolish the existing floor. The total for Change Order #1 is $34,576.

**Justification:**

Remaining CDBG Funds

| | | |
|---|---|---|
| Original Contract Price *(Starting Bid Amount)* | $ | 72,464.00 |
| Previous Change Order(s) Amount | $ | 0.00 |
| Original Contract Price plus previous Change Order(s) *(sub-total lines 1 & 2)* | $ | 72,464.00 |
| Contract Price due to this Change Order *(This Change Order being presented)* | $ | 34,576.00 |
| New Contract Price including this Change Order | $ | **107,040.00** |

**Change in Contract Time**

| Contract Time will be (Increased) | Adjusted Date for Completion of all Work | Calendar Days |
|---|---|---|
| - | - | - |

## 16 – CHANGE ORDER

**APPROVALS REQUIRED**

Requested by: Tammy Elmore Date: 4/4/2019

Contractor Acceptance: _____ Date: _____
*Signature*

_____
*Title*

Approved by: _____ Date: 04/09/2019
*CC meeting*

Title: City Manager
*Title*

# Request for Council Action
## City of Needles, California

☒ CITY COUNCIL ☐ UTILITY BOARD ☐ NPUA ☒ Regular ☐ Special

**Meeting Date:** July 9th, 2019

**Title:** Accept the work completed by GEARY FLOORS, INC for the Phase III – CDBG Recreation Center work, installation of a new Polyturf Plus Pad and Pour Sports Floor with Game Lines.

**Background:** Phase III of the Project consisted of installation of a new Polyturf Plus Pad and Pour Sports Floor including game lines for basketball and volleyball in the Needles Recreation Center. With relativity humidity tests came back well over 90% the manufacturer would not allow the product to be installed without a moisture mitigation system being installed under the floor

On April 9th, 2019 the City Council approved a change order in the amount of $24,320 for the moisture mitigation system (see attached agenda item)

Total Phase III – Floor portion including bid prep, design and permits of $109,722.60.

**Fiscal Impact:**

**FINAL COSTS**

| | |
|---|---|
| $3,102.60 | BID PREP, DESIGN & PERMITS |
| $82,300.00 | CONSTRUCTION |
| $24,320.00 | CHANGE ORDER |
| $0.00 | QUALITY ASSURANCE / CONTROL |
| $0.00 | CONTINGENCY |
| **$109,722.60** | **ACTUAL** |
| | **TOTAL PROJECT COSTS to date** |

**Recommendation:** Accept the work completed by GEARY FLOORS, INC in the total project - phase III amount of $106,620 as part of the CDBG Gymnasium Rehabilitation Project and authorize staff to issue a Notice of Completion and record with the San Bernardino County recorder's office.

**Submitted By:** Tammy Ellmore, Engineering Tech II

**City Management Review:** Rick **Date:** 7/2/19

**Approved:** ☐ **Not Approved:** ☐ **Tabled:** ☐ **Other:** ☐



**AGENDA ITEM:** 14

RECORDING REQUESTED BY:

City of Needles
817 Third Street
Needles, CA 92363

AND WHEN RECORDED MAIL TO:

**City of Needles**
**817 Third Street**
**Needles, CA 92363**

No fee per Govt. Code § 27383

*~ SPACE ABOVE FOR RECORDER'S USE ONLY ~*

# NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

The undersigned is OWNER or AGENT OF THE OWNER of the interest or estate stated below in the property hereinafter described.

| | |
|---|---|
| The full NAME of the OWNER is | **CITY OF NEEDLES** |
| The ADDRESS of the OWNER is | **817 THIRD STREET, NEEDLES, CA 92363** |
| The NATURE OF THE INTEREST or estate of the undersigned is | **In FEE** |
| Street Address / APN (if applicable) | **1705 J Street / APN: 0185-221-13** |

The full name(s) and address(es) of all persons, if any, who hold such interest or estate with the undersigned as joint tenants or as tenants in common are:

| **Contractor's Name** | **Contractor's Address:** |
|---|---|
| **GEARY FLOORS, INC.** | **1489 NORTH CUYAMACA, EL CAJON, CA 92020** |

The property on which said work of improvement was completed is in the City of **Needles**, County of **San Bernardino**, State of **California**, and was approved by the Needles City Council by minute action at the **07/09/2019** meeting and is DESCRIBED AS FOLLOWS:

Improvement on the property hereinafter described and COMPLETED on **JUNE 25, 2019**

Improvements described as **Polyturf Plus Pad & Pour by Tarkett Sports with Game Lines at the Needles Recreation Gym**

I, **RICK DANIELS** (*Name of below signor*) am the **CITY MANAGER** (*Owner, President, Authorized Agent, Partner, etc.*) the declarant of the foregoing Notice of Completion. I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 07/01/2019 Signature: _____

*Signature of Owner or Agent of Owner*

# Request for Council Action
## City of Needles, California

☒ CITY COUNCIL ☐ UTILITY BOARD ☐ NPUA ☒ Regular ☐ Special

**Meeting Date:** June 11, 2019

**Title:** Accept Change Order #1 to Geary Floors Inc. in the amount of $24,320 for the installation of a moisture mitigation system for the unforeseen issues discovered after demolition of existing floor at the Needles Recreation Gymnasium.

**Background:** After the removal of the existing gymnasium floor the contractor inspected the slab and consulted with the manufacturer regarding the following issues:

1) The recreation center was built in 1972 with areas that have a slab that is less than 4". As a result, the manufacturer cannot provide a warranty on the floor but can provide a 30-Yr product defect warranty. The manufacturer requires a minimum 4" thick slab to be able to warranty the product.

2) On June 5, 2019 Geary Floors performed moisture testing per manufacturer specs as part of their preconstruction work. Six (6) of the seven (7) Relativity Humidity Tests came back well over 90% and they also recorded readings with a Tramex Concrete Moisture Meter that were well over 4.5. The manufacturer will not allow installation of their product with readings this high and without the installation of a moisture mitigation system. The cost of the change order for this process is $24,320.00 for the moisture mitigation system.

3) The old gypsum-based underlayment from the original installation was discovered after removing the floor and adhesive. The material is brittle and if removed can open up more problems for the project.

**Fiscal Impact:**

| | |
|---|---|
| $84,047.76 | Base Bid for Phase III - Floor |
| $24,320.00 | Change Order #1 – Moisture Mitigation System |
| **$108,367.76** | **TOTAL PHASE III COSTS** |

**Recommendation:** Accept Change Order #1 in the amount of $24,320 for the installation of a moisture mitigation system for the unforeseen issues discovered after demolition of existing floor at the Needles Recreation Gymnasium using General Fund reserves.

**Submitted By:** Tammy Ellmore, Engineering Tech II

**City Management Review:** Patrick Martinez for Rick Daniels **Date:** 6/7/19

**Approved:** ☑ **Not Approved:** ☐ **Tabled:** ☐ **Other:** ☐

6-0

**AGENDA ITEM:** 27

# CITY OF NEEDLES

817 Third Street • Needles, California 92363
(760) 326-2113 • FAX (760) 326-6765



*Mayor Jeff Williams*
*Vice Mayor Edward T. Paget, M.D.*
*Councilmember Shawn Gudmundson*
*Councilmember Tim Terral*
*Councilmember Clayton Hazlewood*
*Councilmember Tona Belt*
*Councilmember Zachery Longacre*

*City Manager Richard Daniels*


## RECORD OF MINUTE ACTION

Councilmember Gudmundson moved, seconded by Councilmember Terral to accept Change Order #1 in the amount of $24,320 for the installation of a moisture mitigation system for the unforeseen issues discovered after demolition of the existing gymnasium floor at the Recreation Center.

Motion carried by the following roll call vote:

| | |
|---|---|
| Ayes: | Council Members Gudmundson, Terral, Hazlewood, Paget, Belt and Longacre |
| Noes: | None |
| Absent: | None |
| Abstain: | None |

I, Dale Jones, City Clerk of the City of Needles, California, do hereby certify that the aforementioned is a true and correct copy of the official action taken at the regular meeting of the City Council of the City of Needles, California, held on the 11th day of June 2019.

Dale Jones

Dale Jones, CMC
City Clerk
(SEAL)

Date: June 13, 2019

# City of Needles, California
# Request for City Council Action

☒ CITY COUNCIL ☐ UTILITY BOARD ☐ NPUA ☐ RDA ☒ Regular ☐ Special

**Meeting Date:** July 9, 2019

**Title:** Resolution 2019-44, Authorizing City Manager to execute Master Agreement No.08-5220F15 and Program Suppliment No F003 with the California Department of Transportation (CalTrans) for the administration of Federal-Aid funds on the Needles-Arizona Bridge Deck Rehabilitiion project.

**Background:** On July 25th, 2017, the City Council approved the scope and design work for the rehabilitation of the Needles-Arizona Bridge. On June 28, 2018 the Intergovermental Agreement between "ADOT" Arizona Department of Transportation and the City was signed.

**Fiscal Impact:** The City was awarded grant funds from the State of California with CalTrans being the administering agency in the amount of $154,928 for FY19/20 year to begin the Scope & Design work for the project.

**Recommendation:** Adopt Resolution 2019-44, Authorizing City Manager to execute Master Agreement No.08-5220F15 and Program Suppliment No F003 with the California Department of Transportation (CalTrans) for the administration of Federal-Aid funds on the Needles-Arizona Bridge Deck Rehabilitiion project.

**Submitted By:** Tammy Ellmore, Engineering Tech II

**City Management Review:** Rick **Date:** 7/2/19

**Approved:** ☐ **Not Approved:** ☐ **Tabled:** ☐ **Other:** ☐

**AGENDA ITEM:** 15

# RESOLUTION NO. 2019-44

RESOLUTION 2019-44, AUTHORIZING CITY MANAGER TO EXECUTE MASTER AGREEMENT NO. 08-5220F15 AND PROGRAM SUPPLEMENT NO. F003 WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE ADMINISTRATION OF FEDERAL-AID FUNDS ON THE NEEDLES-ARIZONA BRIDGE DECK REHABILITATION PROJECT

WHEREAS, The City of Needles is eligible to receive Federal and/or State funding for certain Transportation Projects, through the California Department of Transportation; and

WHEREAS, Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements and/or Fund Transfer Agreements need to be executed with the California Department of Transportation (CALTRANS) before such funds could be claimed; and

WHEREAS, The City of Needles wishes to delegate authorization to execute these agreements and any amendments thereto to the City Manager; and

WHEREAS, The City of Needles is currently approved for scope and design phase for the Needles-Arizona Bridge deck rehabilitation. Federal–Aid Project No 08-5220F15, Project Number BPMPL-5220(007)

NOW, THEREFORE, BE IT RESOLVED THAT THE City Council of the City of Needles, California, hereby approves the following:

The City Manager is authorized to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements and any amendments thereto with California Department of Transportation on Needles-Arizona Bridge deck rehabilitation, subject to City Attorney review.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Needles, California, held on the 9th day of July 2019.

AYES:

NOES:

ABSENT:

_____
MAYOR

(SEAL)

ATTEST: _____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

**PROGRAM SUPPLEMENT NO.** F003
**to**
**ADMINISTERING AGENCY-STATE AGREEMENT**
**FOR FEDERAL-AID PROJECTS NO** 08-5220F15

| **Adv Project ID** | | |
|---|---|---|
| 0819000086 | **Date:** | June 7, 2019 |
| | **Location:** | 08-SBD-0-NED |
| | **Project Number:** | BPMPL-5220(007) |
| | **E.A. Number:** | |
| | **Locode:** | 5220 |

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. approved by the Administering Agency on (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

**PROJECT LOCATION:**

K Street (also AZ State Route 95) over the Colorado River, Br. No. 54C-0349

**TYPE OF WORK:** Bridge preventative maintenance **LENGTH:** 0.1(MILES)

| **Estimated Cost** | **Federal Funds** | | **Matching Funds** | | |
|---|---|---|---|---|---|
| | Z001 | $154,928.00 | LOCAL | | OTHER |
| $175,000.00 | | | $20,072.00 | | $0.00 |

**CITY OF NEEDLES**

**By** _____

**Title** _____

**Date** _____

**Attest** _____

**STATE OF CALIFORNIA**
**Department of Transportation**

**By** _____

**Chief, Office of Project Implementation**
**Division of Local Assistance**

**Date** _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

**Accounting Officer** _____ **Date** 6/10/19 $154.928.00

STATE OF CALIFORNIA. DEPARTMENT OF TRANSPORTATION

# PROGRAM SUPPLMENT AND CERTIFICATION FORM

PSCF (REV. 01/2010)



| TO: STATE CONTROLLER'S OFFICE<br>Claims Audits<br>3301 "C" Street, Rm 404<br>Sacramento, CA 95816 | DATE PREPARED:<br>6/7/2019 | PROJECT NUMBER:<br>0819000086 |
|---|---|---|
| | REQUISITION NUMBER / CONTRACT NUMBER:<br>RQS - 2660 - 081900000824 | |

FROM:

**Department of Transportation**

SUBJECT:

**Encumbrance Document**

VENDOR / LOCAL AGENCY:

**CITY OF NEEDLES**

**$154,928.00**

PROCUREMENT TYPE:

**Local Assistance**

| CHAPTER | STATUTES | ITEM | YEAR | PEC / PECT | TASK / SUBTASK | AMOUNT |
|---|---|---|---|---|---|---|
| 29 | 2018 | 2660-102-0890 | 2018/2019 | 2030010300 | | $154,928.0 |
| | | | | **TOTAL CONTRACT AMOUNT** | | **$154,928.0** |

**ADA Notice** For individuals with sensory disabilities, this document is available in alternate formats. For information, call (915) 654-6410 of TDD (916) -3880 or write Records and Forms Management, 1120 N. Street, MS-89, Sacramento, CA 95814.

## SPECIAL COVENANTS OR REMARKS

1. A. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.

B. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).

C. STATE and ADMINISTERING AGENCY agree that any additional funds which might be made available by future Federal obligations will be encumbered on this PROJECT by use of a STATE-approved "Authorization to Proceed" and Finance Letter. ADMINISTERING AGENCY agrees that Federal funds available for reimbursement will be limited to the amounts obligated by the Federal Highway Administration.

D. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Attention is directed to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

E. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

F. Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-

assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

G. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

H. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Exclusion List. Exclusions can be found at www.sam.gov.

2. A. ADMINISTERING AGENCY shall conform to all State statutes, regulations and procedures (including those set forth in the Local Assistance Procedures Manual and the Local Assistance Program Guidelines, hereafter collectively referred to as "LOCAL ASSISTANCE PROCEDURES") relating to the federal-aid program, all Title 23 Code of

SPECIAL COVENANTS OR REMARKS

Federal Regulation (CFR) and 2 CFR Part 200 federal requirements, and all applicable federal laws, regulations, and policy and procedural or instructional memoranda, unless otherwise specifically waived as designated in the executed project-specific PROGRAM SUPPLEMENT.

B. Invoices shall be submitted on ADMINISTERING AGENCY letterhead that includes the address of ADMINISTERING AGENCY and shall be formatted in accordance with LOCAL ASSISTANCE PROCEDURES.

C. ADMINISTERING AGENCY must have at least one copy of supporting backup documentation for costs incurred and claimed for reimbursement by ADMINISTERING AGENCY. ADMINISTERING AGENCY agrees to submit supporting backup documentation with invoices if requested by State. Acceptable backup documentation includes, but is not limited to, agency's progress payment to the contractors, copies of cancelled checks showing amounts made payable to vendors and contractors, and/or a computerized summary of PROJECT costs.

D. Indirect Cost Allocation Plan/Indirect Cost Rate Proposals (ICAP/ICRP), Central Service Cost Allocation Plans and related documentation are to be prepared and provided to STATE (Caltrans Audits & Investigations) for review and approval prior to ADMINISTERING AGENCY seeking reimbursement of indirect costs incurred within each fiscal year being claimed for State and federal reimbursement. ICAPs/ICRPs must be prepared in accordance with the requirements set forth in 2 CFR, Part 200, Chapter 5 of the Local Assistance Procedural Manual, and the ICAP/ICRP approval procedures established by STATE.

E. STATE will withhold the greater of either two (2) percent of the total of all federal funds encumbered for each PROGRAM SUPPLEMENT or $40,000 until ADMINISTERING AGENCY submits the Final Report of Expenditures for each completed PROGRAM SUPPLEMENT PROJECT.

F. Payments to ADMINISTERING AGENCY for PROJECT-related travel and subsistence (per diem) expenses of ADMINISTERING AGENCY forces and its contractors and subcontractors claimed for reimbursement or as local match credit shall not exceed rates authorized to be paid rank and file STATE employees under current State Department of Personnel Administration (DPA) rules. If the rates invoiced by ADMINISTERING AGENCY are in excess of DPA rates, ADMINISTERING AGENCY is responsible for the cost difference, and any overpayments inadvertently paid by STATE shall be reimbursed to STATE by ADMINISTERING AGENCY on demand within thirty (30) days of such invoice.

G. ADMINISTERING AGENCY agrees to comply with 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards.

H. ADMINISTERING AGENCY agrees, and will assure that its contractors and subcontractors will be obligated to agree, that Contract Cost Principles and Procedures,

**SPECIAL COVENANTS OR REMARKS**

48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual PROJECT cost items.

I. Every sub-recipient receiving PROJECT funds under this AGREEMENT shall comply with 2 CFR, Part 200, 23 CFR, 48 CFR Chapter 1, Part 31, Local Assistance Procedures, Public Contract Code (PCC) 10300-10334 (procurement of goods), PCC 10335-10381 (non-A&E services), and other applicable STATE and FEDERAL regulations.

J. Any PROJECT costs for which ADMINISTERING AGENCY has received payment or credit that are determined by subsequent audit to be unallowable under 2 CFR, Part 200, 23 CFR, 48 CFR, Chapter 1, Part 31, and other applicable STATE and FEDERAL regulations, are subject to repayment by ADMINISTERING AGENCY to STATE.

K. STATE reserves the right to conduct technical and financial audits of PROJECT WORK and records and ADMINISTERING AGENCY agrees, and shall require its contractors and subcontractors to agree, to cooperate with STATE by making all appropriate and relevant PROJECT records available for audit and copying as required by the following paragraph:

ADMINISTERING AGENCY, ADMINISTERING AGENCY'S contractors and subcontractors, and STATE shall each maintain and make available for inspection and audit by STATE, the California State Auditor, or any duly authorized representative of STATE or the United States all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts and ADMINISTERING AGENCY shall furnish copies thereof if requested. All of the above referenced parties shall make such AGREEMENT, PROGRAM SUPPLEMENT, and contract materials available at their respective offices at all reasonable times during the entire PROJECT period and for three (3) years from the date of submission of the final expenditure report by the STATE to the FHWA.

L. ADMINISTERING AGENCY, its contractors and subcontractors shall establish and maintain a financial management system and records that properly accumulate and segregate reasonable, allowable, and allocable incurred PROJECT costs and matching funds by line item for the PROJECT. The financial management system of ADMINISTERING AGENCY, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles, enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices set to or paid by STATE.

M. ADMINISTERING AGENCY is required to have an audit in accordance with the Single Audit Act of 2 CFR 200 if it expends $750,000 or more in Federal Funds in a single fiscal year of the Catalogue of Federal Domestic Assistance.

N. ADMINISTERING AGENCY agrees to include all PROGRAM SUPPLEMENTS adopting the terms of this AGREEMENT in the schedule of projects to be examined in

**SPECIAL COVENANTS OR REMARKS**

ADMINISTERING AGENCY's annual audit and in the schedule of projects to be examined under its single audit prepared in accordance with 2 CFR, Part 200.

O. ADMINISTERING AGENCY shall not award a non-A&E contract over $5,000, construction contracts over $10,000, or other contracts over $25,000 [excluding professional service contracts of the type which are required to be procured in accordance with Government Code sections 4525 (d), (e) and (f)] on the basis of a noncompetitive negotiation for work to be performed under this AGREEMENT without the prior written approval of STATE. Contracts awarded by ADMINISTERING AGENCY, if intended as local match credit, must meet the requirements set forth in this AGREEMENT regarding local match funds.

P. Any subcontract entered into by ADMINISTERING AGENCY as a result of this AGREEMENT shall contain provisions B, C, F, H, I, K, and L under Section 2 of this agreement.

3. In the event that right of way acquisition for or construction of this project of the initial federal authorization for preliminary engineering is not started by the close of the tenth fiscal year following the fiscal year in which the project is authorized, the ADMINISTERING AGENCY shall repay the Federal Highway Administration through Caltrans the sum of Federal funds paid under the terms of this agreement.

Additional attachments to this agenda item are on file with the City Clerk and available upon request.
djones@cityofneedles.com
Thank you.

# City of Needles, California
# Request for City Council Action

☒ CITY COUNCIL ☐ NPUA ☐ Regular ☐ Special

**Meeting Date:** July 9, 2019

**Title:** Resolution No. 2019-45 Declaring the City of Needles, California to be a "Second Amendment Sanctuary City"

**Background:** At the June 11, 2019 Council meeting, the Council formed an Ad Hoc committee to work on a draft resolution formally declaring the City of Needles as a Second Amendment Sanctuary City. The Ad Hoc Committee has worked with the City Attorney's office on a draft resolution for full Council consideration. A copy of the draft resolution is included in the packet for Council consideration and action.

**Recommendation:** Resolution No. 2019-45 Declaring the City of Needles, California to be a "Second Amendment Sanctuary City"

**Submitted By:**

**City Management Review:** Rick **Date:** 7/3/19

| Approved: ☐ | Not Approved: ☐ | Tabled: ☐ | Other: ☐ |
|---|---|---|---|
| | | Agenda Item: 16 | |

**RESOLUTION NO. 2019-45**
**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, DECLARING THE CITY TO BE A "SECOND AMENDMENT SANCTUARY CITY"**

**WHEREAS**, the City Council of the City of Needles, California (the "City Council" of the "City"), pursuant to the Charter of the City of Needles, is vested with the authority of administering the affairs of the City; and

**WHEREAS**, the Second Amendment to the United States Constitution, adopted in 1791 as part of the Bill of Rights, protects the inalienable and individual rights of the people to keep and bear arms; and

**WHEREAS**, the United States Supreme Court, in *District of Columbia v. Heller* (2008) 554 U.S. 570, affirmed an individual's right to possess firearms, unconnected with service in a militia, for traditionally lawful purposes, such as self-defense within the home; and

**WHEREAS**, the United States Supreme Court in *McDonald v. Chicago* (2010) 561 U.S. 742, affirmed that the right of an individual to "keep and bear arms," is protected under the Second Amendment, and is incorporated by the Due Process Clause of the Fourteenth Amendment to apply also to the States, such that the States cannot deprive people of their liberty without due process of law; and

**WHEREAS**, Article I, Section 8, Clause 3, of the United States Constitution (the "Commerce Clause"), provides that the United States Congress shall have the power "to regulate commerce with foreign Nations, and among the several States, and with the Indian Tribes;" and

**WHEREAS**, Article I, Section 1 of the California Constitution provides that "[a]ll people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy;" and

**WHEREAS**, Article I, Section 7 of the California Constitution provides that "a person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws; . . .;" and

**WHEREAS**, Article I, Section 13 of the California Constitution provides that "[t]he right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches may not be violated; . . .;" and

**WHEREAS**, Article I, Section 19 of the California Constitution provides that "[p]rivate property may be taken or damaged for a public use only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner," and the California Supreme Court has indicated this includes compensation for permanent or temporary interference with the physical use, possession, disposition, or enjoyment of property; and

**WHEREAS**, it is the desire of the City Council to declare its support of the Second Amendment to the United States Constitution and of the provisions of the California Constitution which protect the inalienable and individual rights of the citizens of the City to keep and bear arms; and

**WHEREAS**, each member of the City Council has taken an oath to support and defend the United States Constitution; and

**WHEREAS**, the City is geographically and economically isolated within the State of California, with the nearest neighboring California cities of Barstow and Blythe, being 144 miles and 96 miles away, respectively; and

**WHEREAS**, the City derives economic benefit from interstate commerce among and between the citizens of the City and the citizens of the States of Nevada and Arizona due to their proximity; and

**WHEREAS**, it is the desire of the City Council to declare its support for the free flow of commerce between the citizens of the City and the citizens of the States of Nevada and Arizona, consistent with the Commerce Clause of the United States Constitution; and

**WHEREAS**, the States of Nevada and Arizona provide for concealed carry reciprocity in the honoring of each other's concealed weapons permits; and

**WHEREAS**, the State of California does not honor concealed carry permits from any other state; and

**WHEREAS**, the State of California has passed Proposition 63, and pursuant to Section 30314 of the California Penal Code, California prohibits or infringes upon the importation of ammunition purchased outside of the State; and

**WHEREAS**, Proposition 63 provides that all ammunition purchases or transfers made in California require a Department of Justice "point of sale" eligibility check; and

**WHEREAS**, the enforcement of these laws creates an undue hardship on the citizens of the City, who must forego the opportunity to conveniently purchase ammunition in a neighboring State, and instead must travel roundtrip over 3 hours in exercising their constitutional right to legally purchase ammunition; and

**WHEREAS**, the City's economy is irreparably harmed by lost revenues from consumer purchases by its out-of-state neighbors, without risk of being prosecuted under California's restrictive firearm laws; and

**WHEREAS**, California's laws regulating firearms and ammunition are over restrictive, and have impaired, and will continue to impair, the free flow of commerce among and between the States of California, Nevada and Arizona, with immediate adverse economic impacts on the City and its residents.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEEDLES, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** That the City of Needles be, and hereby is, declared to be a "Second Amendment Sanctuary City."

**SECTION 2.** That the City Council affirms its support for the San Bernardino County Sheriff in his exercise of sound discretion to not enforce against any person an unconstitutional firearms and ammunitions law within the City, and to demonstrate leniency to concealed carry permit holders from other States while in the City.

**SECTION 3.** That the City of Needles will not appropriate funds for the purpose of enforcing any law that unconstitutionally infringes upon the right of the People of the City, or the People of neighboring States, to keep and bear arms.

**SECTION 4.** That the City of Needles affirms its support for the free flow of commerce among and between the City and neighboring communities in the States of Nevada and Arizona, and demands that the California State Legislature cease adopting and rescind unlawfully restrictive firearm and ammunition laws that violate the Commerce Clause of the United States Constitution by improperly impairing the free flow of commerce between the States.

**SECTION 5.** That the State of California adopt a policy of reciprocity for concealed carry permit holders of other States and thereby restore the free flow of commerce between the States.

**SECTION 6.** That the City Clerk is hereby directed to prepare and deliver certified copies of this Resolution to all members of the California State Legislature and to the Office of the Governor.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council held on the 9th day of July, 2019, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Mayor
(seal)

(Seal)
Approved as to form:

Attest: _____
City Clerk

_____
City Attorney

# City of Needles, California
# Request for City Council Action

☒ CITY COUNCIL ☐ NPUA ☐ Regular ☐ Special

**Meeting Date:** July 9, 2019

**Title:** Off Highway Motor Vehicle Combined-Use Request (OHMV)

**Background:** City Council requested staff to research the use of off highway motor vehicle use on City streets to access desert trails. Generally, the California Motor Vehicle Code prohibits the use of OHMVs on public streets, highways, and roads, but Section 38026(b) allows the Off-Highway Motor Vehicle Recreation Commission to consider requests for recreation use.

The attached letter formalizes the City's request.

**Fiscal Impact:** None at this time. Potential increased tourism.

**Recommendation:** Authorize the Mayor to request that the Off Highway Motor Vehicle Recreation Commission approve the use of OHMVs on City streets to access desert trails.

**Submitted By:**

**City Management Review:** Rick **Date:** 7/2/19

| Approved: ☐ | Not Approved: ☐ | Tabled: ☐ | Other: ☐ |
|---|---|---|---|
| | | | Agenda Item: 17 |

# City of Needles

817 Third Street • Needles, California 92363
(760) 326-2113 • FAX (760) 326-6765
www.cityofneedles.com



*Mayor, Jeff Williams*
*Vice Mayor Edward T. Paget, M.D*
*Councilmember Shawn Gudmundson*
*Councilmember Tona Belt*
*Councilmember Clayton Hazlewood*
*Councilmember Tim Terral*
*Councilmember Zachery Longacre*

*City Manager Rick Daniels*


July 9, 2019

Mr. Tom Lemmon
Chair California OHMVR Commission
1725 23rd Street, Suite 200
Sacramento, CA 95816

Re: Off-Highway Motor Vehicles on Combined Highway Segments

Dear Mr. Lemmon,

The City of Needles strongly supports and requests that the Off-Highway Motor Vehicle Recreation Commission allow Off-Highway Motor Vehicles on combined-use highways segments and City streets in and around the City of Needles to access desert trails.

The City of Needles (pop. 5200) is a remote, rural and disadvantaged community along the Colorado River and adjacent to Arizona that relies heavily on tourism for its economy. The City is surrounded by BLM and Bureau of Reclamation public lands that are used by locals and visitors for OHMV and hiking activity.

The City has received a petition signed by hundreds of residents that live in the Arizona and Nevada communities, the local community and other distant communities that vacation in Needles. The City requests the California State Legislature permit combined-use highways for off-highway motor vehicles in and around the City of Needles. The City of Needles would like to employ Vehicle Code 38026(b) to request the Off-Highway Motor Vehicle Recreation Commission consider combined-use highway segments and City streets in and around the City of Needles to access desert trails.

AB 628, creating Vehicle Code section 38026.1, was passed by the Legislature and signed into Law in 2011 and then extended Vis SB 1345 in 2016. The bills authorized Inyo County to establish a pilot project and designate specified combined-use highways to link existing off-highway motor vehicle trails and trailheads on federal Bureau of Land Management and to link off-highway motor vehicle recreational-use areas with necessary service and lodging facilities, in order to provide a unified linkage of trail system for off-highway motor vehicles.

Providing a unified system for Off-Highway Motor Vehicles on highway segments in and around the City of Needles would help support our local economy tremendously. It would enhance our recreational activity and be a driving economic force in our City and its surrounding communities. Locals and visitors would be provided a legal system to get to the off-road recreation areas. With no routes currently being available, it limits the City of Needles ability to feel the true impact that it deserves from the OHMV tourism economy.

For these reasons, the City of Needles requests that the Off-Highway Motor Vehicle Recreation Commission consider highway segments in our City for combined use of OHMV's.

Sincerely,

_____

Mayor Jeff Williams
City of Needles

California State Senator Shannon Grove
U.S Bureau of Land Management- Needles Office
Assembly member Jay Obernolte
City Council
San Bernardino County Supervisor Robert Lovingood

# City of Needles, California
# Request for Council Action

☒ CITY COUNCIL ☐ NPUA ☐ BOARD OF PUBLIC UTILITIES
☒ Regular ☐ Special

**Meeting Date:** July 9, 2019

**Title:** California Energy Commission Residential Photovoltaic Determination Public Hearing Request

**Background:** The California Energy Commission (CEC) updated the State's 2019 Title 24, Part 6, Building Energy Efficiency Standards. The latest updated to the building codes takes effect in *2020.*

The building codes now include the requirement that all new residential homes under three stories install solar panels in addition the new codes help to incentivize energy storage and include a host of energy efficiency upgrades that will collectively reduce energy use in new homes by more than 50 percent.

Rooftop solar can potentially create a cost shift from solar customers onto non-solar customers, because those with solar pay lower electricity bills and thus pay less to maintain the grid. The new regulations do not relate to existing buildings.

In April, 2019 the City of Needles and Braun Blaising Smith Wynne, P.C. began discussions with the California Energy Commission to discuss if the City would be able to applied for a determination from the CEC that Section 10-109(k) of the 2019 Energy Code will not apply within the City of Needles service area.

The City provided the following documents/information to the CEC to support that the are not cost-effective for the customer nor the utility;

- Needles' Population, median household income statistics and location
- Current and historical rates – This supports the low power cost rates within the Needles
- Needles' current electric rate calculation – This supports the low hydro and over-hydro rates
- Sample average utility bills – This provides the CEC an example of what an average customer pay in the winter and summer months

The City is requesting the CEC to determine the photovoltaic ("PV") requirements of Section 150.1©14 should not apply as it is not cost effective and may worsen Needles already precarious position.

In order to receive a determination, the City must hold a public hearing in order to receive pubic comment on the submission of this request for a determination regarding the cost-effectiveness of the PV requirement and City Council approved this action.

#18

# City of Needles, California
# Request for Council Action

**Fiscal Impact:** The solar roof mandate could potentially exacerbate the electric utility revenue and grid management maintenance costs.

**Recommended Action:** ***Authorize*** staff to begin the Public Hearing process for requesting a Residential Photovoltaic Determination

**Submitted By:** Rainie Torrance, Senior Accountant

**City Management Review:** Rick **Date:** 7/3/19

| Approved: ☐ | Not Approved: ☐ | Tabled: ☐ | Other: ☐ |
|---|---|---|---|
| | | | Agenda Item: 18 |

# City of Needles

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*Mayor, Jeff Williams*
*Vice Mayor Edward T. Paget, M.D*
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*Councilmember Clayton Hazlewood*
*Councilmember Tim Terral*
*Councilmember Zachery Longacre*

*City Manager Rick Daniels*


July 2, 2019

Maziar Shirakh, P.E.
Senior Engineer, Building Energy Efficiency Standards
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512
Maziar.Shirakh@energy.ca.gov

Re: City of Needles' Request for a Residential Photovoltaic Determination

Dear Mr. Shirakh,

On behalf of the City of Needles ("City" or "Needles"), I am writing to seek a determination from the California Energy Commission ("Commission") under Section 10-109(k) of the 2019 Energy Code. Section 10-109(k) allows the Commission to determine that the photovoltaic ("PV") requirements of Section 150.1(c)14 should not apply, if the Commission finds that "the implementation of public agency rules regarding utility system costs and revenue requirements, compensation for customer-owned generation, or interconnection fees, causes the Commission's cost effectiveness conclusions to not hold for particular buildings."

The City of Needles is a small community of roughly 5,000 residents nestled on the eastern edge of California, touching Arizona and a short distance from Nevada. Needles provides electric service to its residents through Needles Public Utility Authority ("NPUA"). The median household income is $31,372, making Needles a severely disadvantaged community. Currently, very few new houses (approximately 2-3) are built in Needles each year; residents' economic condition likely contributes to this lack of new development. Adding the residential PV requirement in this community may worsen Needles already precarious position.

Importantly, the residential PV requirement is not cost-effective for Needles' citizens. While Needles electric rates fluctuate based on the season and customer consumption, they are some of the lowest in the state. For example, this summer an NPUA customer will receive hydropower for the first 742 kWhs at a rate of $0.0621/kWh. When they exceed this amount, the price increases to an "over hydro" rate of 0.0917/kWh. For the typical residential electric customer, we believe that the Section 150.1(c)14 mandate is not cost-effective within Needles' service area and a determination under Section 10-109(k) is appropriate.

NPUA reviewed and approved this application for a determination from the Commission. Needles then held a public meeting and received public comment on the submission of this request for a determination regarding the cost-effectiveness of the PV requirement, and the city council approved this action. The City of Needles respectfully requests that the California Energy Commission make a determination under Section 10-109(k) of the 2019 Energy Code that the photovoltaic requirements of Section 150.1(c)14 do not apply within Needles' service area.

Sincerely,

Rick

Rick Daniels
City of Needles, City Manager
rdaniels@cityofneedles.com

Cc (email only): Rebecca Westmore
Bill Pennington
Christopher Meyer
Danny Tam

**Electric Rates – Effective October 1, 2018** (Rates were calculated using CPI of 3.2%)

**Winter Rates** – October 1 thru February 28

| | | |
|---|---|---|
| Basic Service Charge | | $29.82 |
| Hydro Allotment | **406 KWH** | .0652 |
| Over Hydro | | .0917 |
| CA Conservation Charge | | .0033 |
| Utility Users Tax | | 2.5% |

**Summer Rates** – March 1 – October 30

| | | |
|---|---|---|
| Basic Service Charge | | $29.82 |
| Hydro Allotment | **742 KWH** | .0621 |
| Over Hydro | | .0917 |
| CA Conservation Charge | | .0033 |
| Utility Users Tax | | 2.5% |

**Electric Rates – Effective October 1, 2017** (Rates were calculated using CPI of 2%)

**Winter Rates** – October 1 thru February 2018

| | |
|---|---|
| Basic Service Charge | $28.90 |
| Hydro Allotment **414 KWH** | .0660 |
| Over Hydro | .0844 |
| CA Conservation Charge | .0038 |
| Utility Users Tax | 2.5% |

**Electric Rates – Effective March 1, 2018** (Rates were calculated using CPI of 2%)

**Summer Rates** – March 1 thru September 2018

| | |
|---|---|
| Basic Service Charge | $28.90 |
| Hydro Allotment **756 KWH** | .0629 |
| Over Hydro | .0844 |
| CA Conservation Charge | .0038 |
| Utility Users Tax | 2.5% |

**Electric Rates – Effective October 1, 2016** (Rates were calculated using CPI of 1.61%)

**Winter Rates** – October 1 thru December 31

| | |
|---|---|
| Basic Service Charge | $28.33 |
| Hydro Allotment **411 KWH** | .0693 |
| Over Hydro | .0933 |
| CA Conservation Charge | .0039 |
| Utility Users Tax | 2.5% |

**Electric Rates – Effective January 1, 2017** (Rates were calculated using CPI of 1.61%)

**Winter Rates** – January 1 thru February 28

| | |
|---|---|
| Basic Service Charge | $28.33 |
| Hydro Allotment **411 KWH** | .0693 |
| Over Hydro | .0459 |
| CA Conservation Charge | .0039 |
| Utility Users Tax | 2.5% |

**Electric Rates – Effective March 1, 2017** (Rates were calculated using CPI of 1.61%)

**Summer Rates** – March 1 thru March 30

| | |
|---|---|
| Basic Service Charge | $28.33 |
| Hydro Allotment **751 KWH** | .0651 |
| Over Hydro | .0459 |
| CA Conservation Charge | .0039 |
| Utility Users Tax | 2.5% |

**Electric Rates – Effective November 1, 2015** (Rates were calculated using CPI of 1.1%)

**Winter Rates** – November 1 thru February 28

| | | |
|---|---|---|
| Basic Service Charge | | $27.88 |
| Hydro Allotment | **389 KWH** | .0713 |
| Over Hydro | | .1007 |
| CA Conservation Charge | | .0039 |
| Utility Users Tax | | 2.5% |

**Summer Rates** – March 1 thru October 31

| | | |
|---|---|---|
| Basic Service Charge | | $27.88 |
| Hydro Allotment | **712 KWH** | .0680 |
| Over Hydro | | .1007 |
| CA Conservation Charge | | .0039 |
| Utility Users Tax | | 2.5% |

The electric rates for November 2014

| | | |
|---|---|---|
| Basic Service Charge | | $27.58 |
| El Hydro | 370 KWH | .0843 |
| El Usage | | .1123 |
| El Conservation | | .0039 |

The electric rates for March 2015

| | | |
|---|---|---|
| Basic Service Charge | | $27.58 |
| El Hydro | 697 KWH | .0804 |
| El Usage | | .1123 |
| El Conservation | | .0039 |

The electric rates for April 2015 (.0025% PCA attached to Usage to offset the PCA being in the red until September 2015)

| | | |
|---|---|---|
| Basic Service Charge | | $27.58 |
| El Hydro | 697 KWH | .0804 |
| El Usage | | |
| El Conservation | | .0039 |

SECTION 2 AMENDED BY NEEDLES CITY COUNCIL AND NEEDLES PUBLIC UTILITIES AUTHORITY DECEMBER 8, 2015 AMENDED MAY 7, 2019

# *PHOTOVOLTAIC INTERCONNECTION AGREEMENT FOR NET ENERGY METERING FROM RESIDENTIAL AND SMALL COMMERCIAL SOLAR ELECTRIC GENERATING FACILITIES OF 10 KILOWATTS OR LESS*

_____("Customer-Generator"), and
*Needles Public Utility Authority* **("NPUA")** referred to collectively as "Parties" and individually as "Party", agree
as follows:

1. SOLAR-ELECTRIC GENERATING FACILITY:

1.1 PVID Number: _____

1.2 PV Array Rating: _____kW.

1.3 Address: _____

1.4 Facility will be ready for operation on or about_____
(date)

1.5 Location of NPUA Substation and Circuit:

_____

1.6 Operating Option

Customer-Generator has elected to operate its solar-electric generating facility in parallel with NPUA's facilities. The solar-electric generating facility is intended primarily to offset part or all of the Customer-Generator's own electrical requirements.

2. PAYMENT FOR NET ENERGY

2.1 For eligible residential and small commercial customer-generators, the net energy metering calculation shall be made by measuring the difference between the electricity supplied to the eligible customer-generator and the electricity generated by the eligible customer-generator and fed back to the electric grid over a monthly and 12-month period. The following rule shall apply to the annualized net metering calculation:

2.2 Customer will be billed on a monthly basis, regardless of Customer's previous billing cycle. The monthly Net Energy Metering calculation shall be made by measuring the difference between the electricity supplied to the Customer and the electricity generated by the Customer and fed back to the grid over a normal one-month billing period.

2.3 At the end of each one-month billing period following the date of first interconnection, NPUA shall determine if Customer was a net consumer or a net producer of electricity during the one-month time period.

2.4 In the event the electricity supplied by NPUA during the one-month period exceeds the electricity generated and fed back to the grid by Customer during the same period, Customer is a net energy consumer. If Customer is a net energy consumer, NPUA shall bill Customer for the net energy consumption during such billing period based on the Customer's Rate Schedule and Customer shall pay for such net energy consumption monthly in accordance with Customer's monthly billing statement.

2.5 In the event the electricity supplied by NPUA during the one-month period is less than the electricity generated and fed back to the grid by Customer during the same period, Customer is a net energy producer. If Customer is a net energy producer, any excess kilowatt-hours generated during the billing cycle shall be carried over to the following billing period on a monetary basis until the end of the 12-month period.

2.6 Any net monthly consumption of electricity shall be calculated according to the terms of the rate schedule. If Customer is a net generator over a billing period, the net kilowatt-hours generated shall be valued at the same price per kilowatt-hour as NPUA would charge for the baseline quantity of electricity during that billing period, and if the number of kilowatt-hours generated exceeds the baseline quantity, the excess shall be valued at the same price per kilowatt-hour as NPUA would charge electricity over the baseline quantity during the billing period.

2.7 The eligible customer –generator account shall, at the end of the 12-month period following the date of final interconnection of the customer-generator's system with the NPUA distribution system, and at each anniversary month thereafter, be evaluated and reconciled for electricity used or generated during the period.

2.8 NPUA shall retain any Net Surplus Energy generated by Customer, including any associated environmental attributes or renewable energy credits ("RECs"), and Customer's credits shall be reset to zero for the subsequent 12-month period. No payment will be made to Customer for the excess energy delivered to NPUA's grid, unless Customer elects a compensation option in Subsection 2.11.

2.9 NPUA will determine if the customer-generator was a net consumer or a net producer of electricity during that period.

2.10 Customer may be eligible for Net Surplus Energy Compensation. The Customer's Net Surplus Energy Compensation shall be calculated over a 12-month period. If Customer is eligible for Net Surplus Compensation, customer shall be compensated pursuant to the method selected by Customer in Subsection 2.11. Such Net Surplus Compensation Rate shall provide just and reasonable compensation for the value of the Net Surplus Energy, and shall be adopted by the Board of Public Utilities and the Needles Public Utility Authority. Such Net Surplus Compensation Rate shall be reviewed and subject to change on an annual basis.

2.11 At the end of the 12-month period, upon certification by the Customer that they have sole ownership of the environmental attributes and RECs associated with the energy generated from the Generating Facility in accordance with Subsection 2.12 Customer may receive Net Surplus Energy Compensation for Net Surplus Energy by affirmatively electing one of the following methods (Please initial just one): The Customer will be required to complete this form annually prior to the end of a 12-month period. If an annual form is not returned by the requested due date the response below will automatically be the default response.

(a). ___ Receive monetary compensation for Net Surplus Generation exported to NPUA during the prior 12-month period at the Net Surplus Energy Compensation Rate

(b).____ Receive the Net Surplus Energy Compensation as a kilowatt-hour credit calculated using the Net Surplus Energy Compensation rate and applied against future billing periods.

___ (Please initial) By making this election, I also agree that all environmental attributes and RECs associated with the kilowatt-hours generated shall be the property of NPUA.

2.12 Customer hereby certifies that they have sole ownership of the environmental attributes and RECs associated with the energy generated from the Generating Facility. For Customers who elect to receive Net Surplus Energy Compensation based on a per kilowatt-hour rate in accordance with Subsection 2.11, the environmental attributes and RECs associated with the kilowatt-hours in which the Customer received Net Surplus Energy Compensation at the per kilowatt-hour rate shall be the property of the NPUA. Customer hereby transfers to the NPUA all rights, title, and interest Customer has to such environmental attributes and RECs. Customers who elect to receive Net Surplus Energy Compensation based on a per kilowatt-hour credit calculated using the net surplus energy compensation rate and applied in accordance with Subsection 2.11 may elect to transfer to City all rights, title, and interest Customer has to such environmental attributes and RECs.

2.13 All net consumption over 12 months will be charged the Utility Users Tax, not to exceed the rate of two and a half percent (2.5%) as

established by Ordinance No. 545-AC and the Mandated Conservation fee (adopted every October) as established by Resolution No. 7-24-07.

3. INTERRUPTION OR REDUCTION OF DELIVERIES

3.1 NPUA shall not be obligated to accept or pay for, and may require Customer-Generator to interrupt or reduce, deliveries of as-available energy:

(a) When necessary in order to construct, install, maintain, repair, replace, remove,
Investigate, or inspect any of its equipment or any part of its system; or

(b) If NPUA determines that curtailment, interruption, or reduction is necessary because of emergencies, forced outages, force majeure, or compliance with prudent electrical practices.

3.2 Whenever possible, NPUA shall give Customer-Generator reasonable notice of the possibility that interruption or reduction of deliveries may be required.

3.3 Notwithstanding any other provisions of this Agreement, if at any time NPUA determines that either:

(a) the facility may endanger NPUA personnel, or

(b) the continued operation of Customer-Generator's facility may endanger the integrity of NPUA's 's electric system, NPUA shall have the right to disconnect Customer-Generator's facility from NPUA 's electric system. Customer-Generator's facility shall remain disconnected until such time as NPUA is satisfied that the conditions(s) referenced in (a) or (b) of this Section 3.3 have been corrected.

4. INTERCONNECTION

4.1 Customer-Generator shall deliver the as-available energy to NPUA at the utility's meter.

4.2 Customer-Generator shall pay for designing, installing, operating, and maintaining the solar-electric generating facility in accordance with all applicable laws and regulations and shall comply with NPUA's Appendix A, which is attached hereto.

4.3 Customer-Generator shall not commence parallel operation of the generator facility until written approval of the interconnection facilities has been given by NPUA. Such approval shall not be unreasonably withheld. NPUA shall have the right to have representatives present at the initial testing of Customer-Generator's protective apparatus.

5. METER REQUIREMENTS

5.1 NPUA shall own, operate and maintain on Customer's premises a single meter capable of registering the flow of electricity in two directions ("Required Meter"). In addition, the meter shall be capable of recording time-of-use information for all customers. NPUA may waive metering requirements of this Section; provided such waiver shall be applied in a non-discriminatory manner.

5.2 If the existing electrical meter of Customer is not capable of measuring the flow of electricity in two directions or supplying time-of-use information, Customer shall be responsible for all expenses involved in NPUA purchase and installation of a Required Meter. NPUA may waive metering expenses of this Section; provided such a waiver shall be applied in a non-discriminatory manner.

6. OWNERSHIP OF ENVIRONMENTAL ATTRIBUTES

Customer shall assign NPUA any and all environmental attributes, renewable energy credits ("RECs"), green tags, energy or carbon credits/allowances with respect to the PV solar systems, and agree that NPUA shall have sole discretion and full benefits of any and all environmental attributes from distributed solar generation within NPUA service territory.

5. MAINTENANCE AND PERMITS

Customer-Generator shall obtain any governmental authorizations and permits required for the construction and operation of the solar-electric generating facility and interconnection facilities and shall maintain all facilities in a safe and prudent manner and in conformance with all applicable laws and regulations including, but not limited to, NPUA's Appendix A.

Customer-Generator shall reimburse NPUA for any and all losses, damages, claims, penalties, or liability it incurs as a result of Customer-Generator's failure to obtain or maintain any governmental authorizations and permits required for construction and operation of Customer-Generator's generating facility.

6. ACCESS TO PREMISES

NPUA may enter Customer-Generator's premises:

(a) to inspect, at all reasonable hours, Customer-Generator's protective devices and read or test meter; and

(b) to disconnect, without notice the interconnection facilities if, in NPUA's opinion, a hazardous condition exists and such immediate action is necessary to protect persons, or NPUA's facilities, or

property of others from damage or interference caused by Customer-Generator's solar-electric facilities, or lack of properly operating protective devices.

7. INDEMNITY AND LIABILITY

7.1 Each party as indemnitor shall defend, hold harmless, and indemnify the other Party and the directors, officers, employees, and agents of such other Party against and from any and all loss, liability, damage, claim, cost, charge, demand, or expense (including any direct, indirect, or consequential loss, liability, damage, claim, cost, charge, demand, or expense, including attor4ney's fees) for injury or death to persons including employees of either Party and damage to property including property of either Party arising out of or in connection with (a) the engineering, design, construction, maintenance, repair, operation, supervision, inspection, testing, protection or ownership of, or (b) the making of replacements, additions, betterments to, or reconstruction of, the indemnitor's facilities; provided, however, Customer-Generator's duty to indemnify NPUA hereunder shall not extend to loss, liability, damage, claim, cost, charge, demand, or expense resulting from interruptions in electrical service to NPUA's customers other than Customer-Generator. This indemnity shall apply notwithstanding the active or passive negligence of the indemnitee. However, neither Party shall be indemnified hereunder for its loss, liability, damage, claim, cost, charge, demand, or expense resulting from its sole negligence or willful misconduct.

7.2 Not withstanding the indemnity of Section 7.1, and except for a Party's willful misconduct or sole negligence, each Party shall be responsible for damage to its facilities resulting from electrical disturbances or faults.

7.3 The provisions of this Section 7 shall not be construed to relieve any insurer of its obligations to pay any insurance claims in accordance with provisions of any valid insurance policy.

7.4 Except as otherwise provided in Section 7.1, neither Party shall be liable to the other Party for consequential damages incurred by that Party.

7.5 If Customer-Generator fails to comply with the insurance provisions of this Agreement, if any, Customer-Generator shall, at its own cost, defend, hold harmless and indemnify NPUA, its directors, officers, employees, agents, assignees, and successors in interest from and against any and all loss, liability, damage, claim, cost, charge, demand, or expense of any kind or nature (including attorneys' fee and other costs of litigation) resulting from the death or injury to any person or damage to any property, including the personnel and property of NPUA, to the extent that NPUA would have been protected had Customer-Generator complied with all such insurance provisions. The inclusion of this Section 7.5 is not intended to create any express or implied right in Customer-Generator to elect not to provide any such required insurance.

8. INSURANCE *(Optional)*

8.1 Customer-Generator shall maintain, during the term of this Agreement Comprehensive Personal Liability Insurance with a combined single limit of not less than one hundred thousand dollars ($100,000) for each occurrence.

8.2 Such insurance required in Section 8.1 shall, by endorsement to the policy or policies, provide for thirty (30) calendar days written notice to NPUA prior to cancellation, termination, alterations, or material change of such insurance.

8.3 NPUA shall have the right to inspect or obtain a copy of the original policy or policies of insurance.

8.4 Customer-Generator shall furnish the required certificates and endorsements to NPUA prior to commencing operation.

8.5 All insurance certificates, endorsements, cancellations, terminations, alterations, and material changes of such insurance shall be issued and submitted to the following:

NPUA - 817 Third Street
Needles, California 92363

9. GOVERNING LAW

This Agreement shall be interpreted, governed, and construed under the laws of the State of California as if executed and to be performed wholly within the State of California.

10. AMENDMENT MODIFICATION OR WAIVER

Any amendments or modifications to this Agreement shall be in writing and agreed to by both Parties, The failure of any Party at any time or times to require performance of any provision hereof shall in no manner affect the right at a later time to enforce the same.

No waiver by any Party of the breach of any term of covenant contained in this Agreement, whether by conduct or otherwise, shall be deemed to be construed as a further or continuing waiver of any such breach or waiver of the breach of any other term or convent unless such waiver is in writing.

11. APPENDIX

The Agreement includes the following appendix, which is attached and incorporated by reference:

Appendix A: NPUA's Photovoltaic Interconnection Standards for Residential Solar Electric Generating Facilities of 10 kW or Less

12. NOTICES

All written Notices shall be directed as follows:

NPUA- 817 Third Street
Needles, California 92363

CUSTOMER-GENERATOR:

Name
Address
City

Customer-Generator's notices to NPUA pursuant to this Section 12 shall reference the PVID Number set forth in Section 1.1

12.1 In the event of an emergency, Customer shall immediately notify NPUA at its 24-hour emergencies number,760-326-5700, of any emergency situation related to the Generating Facility.

13. TERM OF AGREEMENT

This Agreement shall be in effect when signed by the Customer-Generator and NPUA and shall remain in effect thereafter month-to-month unless terminated by either Party on thirty (30) days' prior written notice in accordance with Section 12.

14. ASSIGNMENT PROHIBITED

Customer-Generator understands and agrees that this Agreement is personal to Customer and that Customer-Generator shall not assign or transfer in any way all or any portion of this Agreement to any other person or entity of any kind. Any attempt by Customer-Generator to assign or transfer in any way all or any portion of this Agreement shall be void ab initio.

15. SIGNATURES

IN WITNESS WHEREOF, the Parties hereto have caused two originals of this Agreement to be executed by their duly authorized representatives.

| (CUSTOMER-GENERATOR) | NPUA |
| --- | --- |
| By: _____ | By: _____ |
| Name: | Name |
| Title: | Title: |
| Date: _____ | Date:_____ |

## NEEDLES PUBLIC UTILITY AUTHORITY
## ANNUAL BASE RATE CALCULATION SPREADSHEET - FY 2017/2018

| | |
|---|---|
| **Basic Service Charge for New Rate Year** | $29.82 |

| | |
|---|---|
| PY Non-Power Carry Forward | $0 |
| Asset Replacement Fund Target | $590,419 |
| Total - Non Power Related Expenses | $5,221,671 |

| **Power Supply with Line Losses** | | **Hydro Allotment/Cust** |
|---|---|---|
| Total Power Supply - Sales KWHRs | 60,486,000 | |
| Power Supply - Winter Hydro | 6,096,633 | 406 |
| Power Supply - Summer Hydro | 15,594,714 | 742 |
| Power Supply - Total Hydro | 21,691,347 | |
| Power Supply - Non Hydro | 38,794,653 | |

| **Power Supply Expenses** | | **Cost Per Kwhr** |
|---|---|---|
| Total Power Purchased | $2,200,000 | $0.0364 |
| Power Supply - Winter Hydro | $123,067 | $0.0202 |
| Power Supply - Summer Hydro | $266,553 | $0.0171 |
| Power Supply - Non Hydro | $1,810,380 | $0.0467 |

| **Revenue From Other Than Power Sold** | |
|---|---|
| Basic Service Charge | $1,073,924 |
| Other Revenue | $1,225,940 |
| Total Non-Power Revenue | $2,299,864 |

| **Total Expenses** | | **Cost Per Kwhr** |
|---|---|---|
| Non-Power Related Expenses | $5,221,671 | |
| Total Power Cost | $2,200,000 | $0.0364 |
| Total Operating Expense | $7,421,671 | |

Use this rate for PCA Annual Base Rate for power purchased.

| **Rate Calculations** | | **Cost Per Kwhr** | **Bill Rate Per Kwhr** |
|---|---|---|---|
| Rate For Non-Power Related Expenses | $2,721,806 | 0.0450 | |
| Winter Hydro Sales - (Oct - Feb) | $123,067 | 0.0202 | 0.0652 |
| Summer Hydro Sales - (Mar - Sept) | $266,553 | 0.0171 | 0.0621 |
| Over Hydro Allotment Sales | $1,810,380 | 0.0467 | 0.0917 |
| California Energy Efficiency Program | $200,000 | | 0.0033 |

**Average Avoided Cost**
$0.0299

# NEEDLES PUBLIC UTILITY AUTHORITY

## ANNUAL BASE RATE CALCULATION SPREADSHEET - FY 2017/2018

| EXPENSES | DOLLARS |
|---|---|
| O & M[6] | $2,792,690 |
| Taxes* | $16,056 |
| Purchase Payment | $366,537 |
| Trustee Fee | $15,950 |
| Conservation Program* | $16,667 |
| Debt Service | $793,650 |
| City of Needles "Fair Share" Fee | $429,702 |
| California Energy Efficiency Program* | $200,000 |
| PY Non-Power Rate Component | $0.0000 |
| Power Supply Total[1] | $2,200,000 |
| Power Supply, Hydro - Winter[2] | $123,067 |
| Power Supply, Hydro - Summer[3] | $266,553 |
| Other Income* not adjusted for utt | $1,225,940 |
| Basic Service Charge PY | $28.90 |
| Asset Replacement Fund PY | $572,111 |

| | KWHR |
|---|---|
| Power Supply Total[1] | 68,000,000 |
| Power Supply, Hydro - Winter[2] | 6,854,000 |
| Power Supply, Hydro - Summer[3] | 17,532,000 |
| PY Estimated Power Sales | 0 |
| PY Actual Power Sold | 0 |

| | | PERCENT |
|---|---|---|
| * | JUNE CPI % | 3.20 |
| ** | Line Loss % | 11.05 |

| | |
|---|---|
| Number of Customers | 3001 |

* US West

** 3 year average line loss using the Electric Database calculation.