



City of Needles, California Request for City Council Action

CITY COUNCIL NPUA

Regular Special

Meeting Date: December 15, 2020

Title: City Council Resolution No. 2020-77
A Resolution of the City Council of the City of Needles Amending Resolution 2020-18 “Charging Station Site License Agreement” between the City and Electrify America, LLC, to Include the “First Amendment to Charging Station Site License Agreement” Approving a Change in Design to Incorporate a Solar Canopy, Located at 1199 Third St., Needles, CA, Also Known as APN 0185-341-09

Background: On April 14, 2020 The City of Needles entered into an agreement with Electrify America, LLC, a subsidiary of Volkswagen Group of America, Inc. to lease approximately nine hundred sixty (960) square feet for four (4) electric vehicle (EV) charging parking spaces and approximately eight hundred (800) square feet for equipment for ten (10) years in order to build an electric vehicle charging station to charge electric vehicles next to the existing MDAQMD charging station adjacent to the McDonalds on 3rd Street Hill.

Electrify America, LLC desires to amend the location of the premises due to a change in design to incorporate a solar canopy. The attached “First Amendment to Charging Station Site License Agreement” will memorialize the solar canopy that is being proposed at the site.

Fiscal Impact: \$52,800 in revenue to the city over ten years.

Environmental Impact: N/A

Recommended Action: Approve Resolution No. 2020-77 Amending Resolution 2020-18 “Charging Station Site License Agreement” between the City and Electrify America, LLC, to Include the “First Amendment to Charging Station Site License Agreement” Approving a Change in Design to Incorporate a Solar Canopy, Located at 1199 Third St., Needles, CA, Also Known as APN 0185-341-09

Submitted By: Patrick Martinez, Director of Development Services

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

Approved: Not Approved: Tabled: Other:

Agenda Item: _____

RESOLUTION NO. 2020-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEEDLES AMENDING RESOLUTION 2020-18 "CHARGING STATION SITE LICENSE AGREEMENT" BETWEEN THE CITY AND ELECTRIFY AMERICA, LLC, TO INCLUDE THE "FIRST AMENDMENT TO CHARGING STATION SITE LICENSE AGREEMENT" APPROVING A CHANGE IN DESIGN TO INCORPORATE A SOLAR CANOPY, LOCATED AT 1199 THIRD ST., NEEDLES, CA, ALSO KNOWN AS APN 0185-341-09

WHEREAS, on April 14, 2020 The City of Needles entered into an agreement with Electrify America, LLC, a subsidiary of Volkswagen Group of America, Inc. to lease approximately nine hundred sixty (960) square feet for four (4) electric vehicle (EV) charging parking spaces and approximately eight hundred (800) square feet for equipment for ten (10) years in order to build an electric vehicle charging station to charge electric vehicles next to the existing MDAQMD charging station adjacent to the McDonalds on 3rd Street Hill; and

WHEREAS, on November 5, 2020 Electrify America, LLC presented the City with the "First Amendment to Charging Station Site License Agreement" to amend the location of the premises due to a change in design to incorporate a solar canopy; and

WHEREAS, the "First Amendment to Charging Station Site License Agreement" will memorialize the solar canopy that is being proposed at the site and the specific terms of the Agreement are identified on Exhibit "A", attached.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Needles, California, hereby approves the First Amendment to the Charging Station Site License Agreement, attached as Exhibit "A", between the City and Electrify America, LLC and directs the Mayor to sign.

PASSED, APPROVED, AND ADOPTED at an adjourned regular meeting held the 15th day of December, 2020 by the following roll call vote:

AYES
NOES
ABSENT
ABSTAIN

Mayor

Attest: _____
City Clerk

(Seal)

Approved as to form:

City Attorney

FIRST AMENDMENT TO CHARGING STATION SITE LICENSE AGREEMENT

This First Amendment to Charging Station Site License Agreement (this “First Amendment”) is dated and effective as of _____ (the “First Amendment Effective Date”) by and between **ELECTRIFY AMERICA, LLC**, a Delaware limited liability company (“Licensee”) and **CITY OF NEEDLES**, a California charter city (“Licensor”) (each a “Party” and collectively the “Parties” to this First Amendment). This First Amendment amends and supplements the Charging Station Site License Agreement executed between the Parties on April 23, 2020 (the “Agreement”).

WHEREAS, the Parties desire to amend the location of the Premises due to a change in design to incorporate a solar canopy;

WHEREAS, the Parties desire to amend the amount of the License Fee; and

WHEREAS, the Parties desire to amend the Agreement pursuant to the procedures set forth in Section 32(h) of the Agreement for effective amendment and modification.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. Exhibit B is hereby deleted in its entirety and replaced with the attached final site plan, which is attached hereto as Exhibit B and has been fully approved by Licensor.
2. All capitalized terms used and not otherwise defined in this First Amendment shall have the meanings ascribed to them in the Agreement.
3. This First Amendment represents the entire agreement between the Parties with respect to the subject matter herein. In the event of any conflict or inconsistency between the provisions of the Site License and this First Amendment, the provisions of this First Amendment shall control and govern.
4. Except as expressly set forth herein, all of the terms and provisions of the Site License are and shall remain in full force and effect.

[Signatures on the following page.]

IN WITNESS WHEREOF, the Parties have caused this First Amendment to be executed by their duly authorized representatives as of the First Amendment Effective Date:

LICENSOR:

CITY OF NEEDLES,
a California charter city

By: _____
Name: Jeff Williams
Title: Mayor

LICENSEE:

ELECTRIFY AMERICA, LLC,
a Delaware limited liability company

By:  _____
Name: Christina Slayton
Title: Manager, Site Acquisition &
Portfolio Management

EXHIBIT B

Revised Site Plan

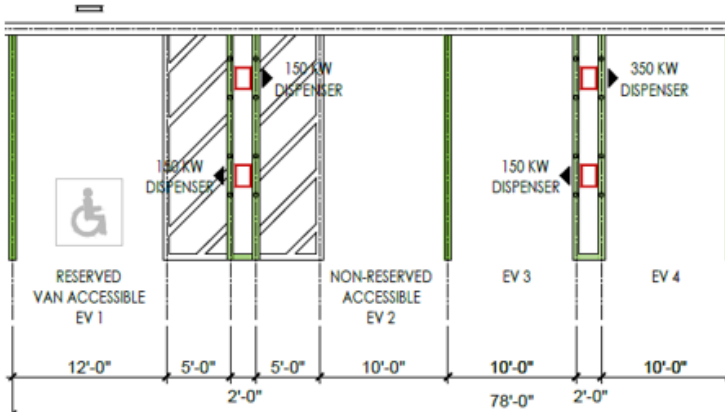
ELECTRIC VEHICLE CHARGING SITE PLAN



CITY OF NEEDLES, CA

PROPERTY NAME:	NEEDLES CHARGING DEPOT	DATE:	09/30/2020
ADDRESS:	1199 THIRD ST	PDM NAME:	CINDEL PENA
CITY, STATE ZIP:	NEEDLES, CA 92363	PDM PHONE #:	571-352-9027
SITE ID:	110008	UTILITY:	NPUA

SPECIFICATIONS & DESIGN LAYOUT









DISPENSER DESIGN FOR ILLUSTRATION PURPOSES ONLY

STANDARD DESIGN FIT: CA HIGHWAY SIDE BY SIDE 4 DISPENSERS

NUMBER OF EV PARKING SPACES (DISPENSERS)	4
NUMBER OF EXISTING PARKING SPACES REQUIRED FOR EV PARKING (DISPENSERS)	N/A
NUMBER OF EXISTING PARKING SPACES REQUIRED FOR EQUIPMENT PAD, TRANSFORMER, BATTERY	N/A
EXISTING PARKING SPACE WIDTH (SINGLE SPACE)	N/A
EXISTING PARKING SPACE DEPTH	N/A
DRIVING AISLE WIDTH	N/A
PARKING SPACE SLOPE (ALONG WIDTH / DEPTH)	N/A

PROPOSED CHARGING AREA LAYOUT – CALIFORNIA



LEGEND	EXIST. POWER SOURCE		POSSIBLE EASEMENT		EQUIP. PAD		ACCESSIBLE ROUTE	
	NEW TRANSFORMER		SECONDARY RUN		EV SPACES		CANOPY AREA	