

BLYTHE CITY COUNCIL



AGENDA

JANUARY 12, 2016

6:00 P.M.

Joseph "Joey" DeConinck, Mayor
Timothy "Tim" Wade, Vice Mayor
Oscar Galvan, Councilman
Dale S. Reynolds, Councilman
Eric Egan, Councilman
Mallory Sutterfield, Interim City Manager/City Clerk
Baron Bettenhausen, City Attorney

MEETINGS ARE HELD IN THE CITY COUNCIL CHAMBER, 235 NORTH BROADWAY, BLYTHE, CA



**CITY OF BLYTHE
CITY COUNCIL MEETING
January 12, 2016
5:00pm**

CALL TO ORDER

ROLL CALL

Mayor DeConinck
Vice Mayor Wade
Councilman Galvan
Councilman Reynolds
Councilman Egan

Interim City Manager/ City Clerk Sutterfield
City Attorney Bettenhausen
City Treasurer/Interim Finance Director Elms
Interim Police Chief Mathews

Planner Burrow
Public Works Director Baldizzone

PUBLIC COMMENT: Public comments will be allowed on matters not appearing on the agenda, but within Council/Successor Agency's jurisdiction. Speakers are asked to identify themselves by stating their name and address for the record. Comments shall be limited to 3 minutes in duration.

EXECUTIVE SESSION:

1. **Potential Litigation**, Pursuant to Government Code Section 54956.9, once case.
2. **Personnel**, Pursuant to Government Code Section 54957, City Manager Recruitment.

NOTE TO THE PUBLIC:

In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact City Clerk Mallory Sutterfield at (760)922-6161 EXT. 237. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.104 ADA Title II).



Meeting of
The Blythe City Council
January 12, 2016
6:00pm

CALL TO ORDER

ROLL CALL

Mayor DeConinck
Vice Mayor Wade
Councilman Galvan
Councilman Reynolds
Councilman Egan

Interim City Manager/City Clerk Sutterfield
City Treasurer/Interim Finance Director Elms
Public Works Director Baldizzone
City Attorney Bettenhausen

Interim Police Chief Mathews
Planner Burrow

PLEDGE OF ALLEGIANCE

INVOCATION

ADDED STARTER

The City Council may add an item to the Agenda after making a finding that there is a need to take immediate action on the item and that the item came to the attention of the City Council and/or staff subsequent to the posting of the Agenda. An action adding an item to the Agenda requires a 2/3 vote of the City Council (4 of 5 Council Members). If less than 2/3 of the City Council is present, adding an item to the Agenda requires a unanimous vote.

CONSENT CALENDAR- (Items 1- 9) All matters listed under Consent Calendar are considered routine and will be enacted by one motion. There will be no separate discussion of these items prior to the time of voting on the motion unless members of the Council or staff request specific items be discussed and/or removed from the Consent Calendar for separate action.

1. **Posting of the Agenda.**

The summary of agenda items were posted on the bulletin boards on the outside of the public entrance to the Council Chamber and near the inside entrance of the Council Chamber on Friday, January 8, 2016.

2. **Approval of the Warrant Register.**

Recommendation: Approve 1/12/16, warrants numbered 63433 through 63482 in the amount of \$177,168.29; 1/12/16, warrants numbered 63483 and 63484 in the amount of \$92,396.72 and 1/12/16, warrants numbered 63485 through 63550, 63551 through 63555 and 63556 through 63566 in the amount of \$725,824.39.

3. **Approval of the Payroll Register.**

Recommendation: Approve 1/12/16, warrants numbered 47894 through 47898 in the amount of \$22,137.83; 1/12/16, warrants numbered 47899 through 47930 and Direct Deposits numbered 35646 through 35700 in the amount of \$257,882.05; 1/12/16, warrants numbered 47931 through 47933 in the amount of \$2,133.01; 1/12/16, warrants numbered 47934 through 47935 in the amount of \$3,290.68; 1/12/16, warrants numbered 47937 through 47967 and Direct Deposits numbered 35701 through 35755 in the amount of \$252,087.38 and 1/12/16, warrants numbered 47968 through 47977 and Direct Deposits numbered 35756 through 35851 in the amount of \$58,619.88.

4. **Minutes of the December 21, 2015 Special City Council Meeting.**

Recommendation: Approve the Minutes of the December 21, 2015 Meeting.

5. **City of Blythe Permits Issued in December 2015.**

Recommendation: Receive and file this monthly report.

Any writings or documents provided to a majority of the City Council regarding any item on this Agenda will be made available for Public inspection in the City Clerk's Office at City Hall, 235 N. Broadway, Blythe, California, and the information counter of the Palo Verde Valley District Library located at 125 W. Chanslorway, Blythe, California, during normal business hours. In addition such writings and documents will be posted on the City's website: www.cityofblythe.ca.gov.

6. **City of Blythe Fire Department Monthly Activity Report for December 2015.**
Recommendation: Receive and file this monthly report.
7. **Recreation Center Donation-Gym Floor.**
Recommendation: Accept the donation of \$23,600 from the Rec-N-Crew for the gym floor installed at the Recreation Center in September 2015.
8. **NV5 Settlement Agreement and Release.**
Recommendation: Authorize the Mayor to sign the Settlement Agreement and Release with NV5 for \$28,333.73 in back charges for the N. Solano Rehabilitation Project.
9. **Levy & Collection of Assessments for Building and Weed Abatement.**
Recommendation: Adopt Resolution No. 2015-036 authorizing the levy and collection of assessments for building and weed abatement at APN's 839080003-1 and 836062012-2.

RESOLUTION NO. 2015-036. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR PROPERTY BUILDING AND WEED ABATEMENT PURSUANT TO THE PROVISIONS OF THE BLYTHE MUNICIPAL CODE.

PUBLIC HEARING: (Item 10)

10. **Ordinance No. 873-2016-U, Preserving Local Authority over Regulation and Prohibition of Medical Marijuana Dispensaries and Cultivation.**
Recommendation: Adopt Ordinance No. 873-16-U.

ORDINANCE NO. 873-16-U. AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, PURSUANT TO SECTION 36937 OF THE GOVERNMENT CODE TO AMEND THE BLYTHE MUNICIPAL CODE BY AMENDING CHAPTER 5.22 OF TITLE 5 (BUSINESS LICENSING AND REGULATION) AND ADDITION OF CHAPTER 17.64 OF TITLE 17 (ZONING) TO PRESERVE LOCAL AUTHORITY IN REGARDS TO REGULATION AND PROHIBITION OF MARIJUANA DISPENSARIES AND CULTIVATION FOR THE IMMEDIATE PROTECTION OF THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.

NEW BUSINESS: (Items 11-13)

11. **N. Broadway between Juniper Trail and 10th Avenue Street Rehabilitation Project.**
Recommendation: Authorize staff to proceed with design of the project at a cost not to exceed \$49,000.
12. **6th Avenue Pavement Rehabilitation.**
Recommendation: Authorize a purchase order to Riverside County Transportation Department in the amount of \$182,000 for pavement of 6th Avenue from Olive Lake Blvd. to Colorado River Rd. and allow staff to amend and adjust the FY 15/16 budget as necessary.
13. **On-Call Geotechnical Engineering Services.**
Recommendation: Authorize Landmark Consultants Inc. to perform on-call Geotechnical Engineering Services in the City.

WRITTEN COMMUNICATION: None

SUCCESSOR AGENCY: None

ORAL REPORTS (Council may ask a question for clarification, make a brief announcement, make a brief report on his/her own activities, request staff to report back at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.)

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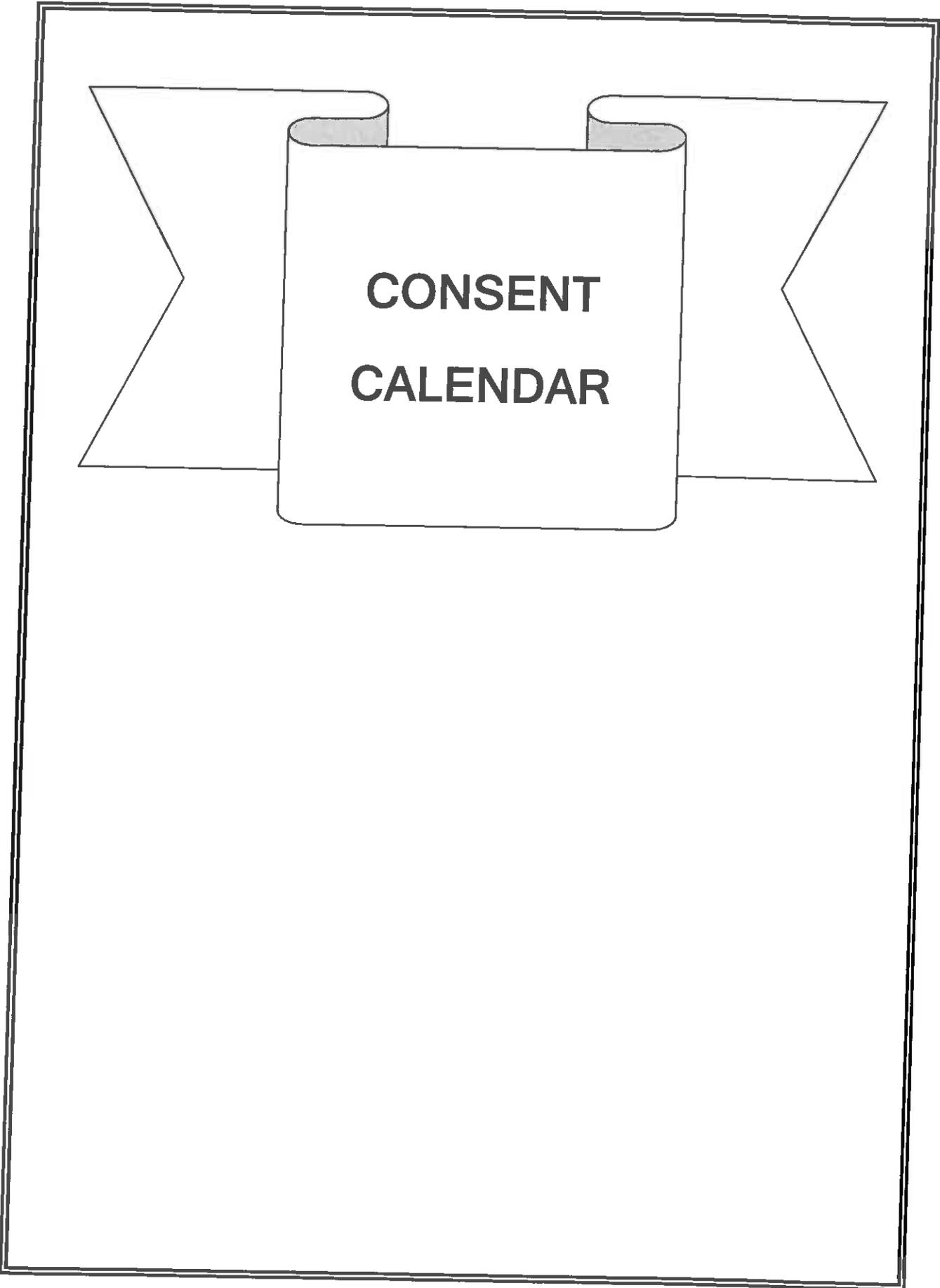
PUBLIC COMMENT Public comments will be allowed on matters not appearing on the agenda, but within Council/Blythe Successor Agency jurisdiction. Speakers are asked to identify themselves by stating their name and address for the record. Comments shall be limited to 3 minutes in duration.

ADJOURNMENT The next regular City Council/Successor Agency meeting will be held on February 9, 2016, at 6:00 p.m. in the Council Chamber, 235 N. Broadway, Blythe, California.

NOTE TO THE PUBLIC:

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Voucher List
City of Blythe

Bank code : union									
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount			
63426	12/9/2015	002150 LAW OFFICES OF JONES & MAYER	74541	004543	LEGAL SERVICES 9/2015	34,719.65			
					Total :	34,719.65			
63427	12/11/2015	000070 CHEVRON AND TEXACO	45939961	003880	GASOLINE 10/22-11/21/2015	70.64			
					Total :	70.64			
63428	12/16/2015	006565 CAPITAL MAILING SERVICES	121015	004589	ADVANCE PAYMENT-RATE STUDY	3,161.28			
					Total :	3,161.28			
63429	12/10/2015	000323 STATE BOARD OF EQUALIZATION	23300030	004551	USE TAX - SEPTEMBER 2015	416.26			
					Total :	416.26			
63430	12/10/2015	000323 STATE BOARD OF EQUALIZATION	23300030	004552	USE TAX - OCTOBER 2015	801.99			
					Total :	801.99			
63431	12/10/2015	000323 STATE BOARD OF EQUALIZATION	23300030	004553	USE TAX - NOVEMBER 2015	167.00			
					Total :	167.00			
63432	12/17/2015	000115 FEDEX	5-157-43260 5-186-86543 5-224-00422	004529 004529 004529	EXPRESS SHIPPING EXPRESS SHIPPING EXPRESS SHIPPING	41.92 213.64 142.88			
					Total :	398.44			
63433	12/22/2015	005718 3D SUPPLY & DISTRIBUTION	009393	004537	PARTS / SUPPLIES	330.90			
					Total :	330.90			
63434	12/22/2015	005440 ADAMSON POLICE PRODUCTS	INV194864	004558	BULLET PROOF VEST - OPSG GRA	1,598.40			
					Total :	1,598.40			
63435	12/22/2015	005178 ALFARO, EVELYN	Z11/2015	004522	ZUMBA-NOVEMBER	300.00			
					Total :	300.00			
63436	12/22/2015	005515 BENEFIELD, SHERRY JO	ZM11/2015	004523	ZUMBA-NOVEMBER	120.00			
					Total :	120.00			
63437	12/22/2015	006243 BRUCE BOWER INVESTIGATIONS	15-040	004563	EMPLOYMENT BACKGROUND FOR	1,303.96			

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
63437	12/22/2015	006243 BRUCE BOWER INVESTIGATIONS	(Continued)			
63438	12/22/2015	000051 C B PLUMBING	72732 72815	004559 004498	HOT WATER HEATER REPAIR WWTP REPAIRS	163.09 203.27
63439	12/22/2015	001086 COPA INC	11/2015	003909	CITY VEHICLES - GASOLINE - NOVI	366.36
63440	12/22/2015	006436 CORA CONSTRUCTORS, INC	RETAIN/FY15 RETAIN/FY16	004180 004593	WWTP RETROFIT PROJECT - RETA WWTP RETROFIT PROJECT - RETA	493.92 493.92
63441	12/22/2015	005421 COUNTY OF RIVERSIDE	PU0000003578	003952	FLEET FUEL CHARGES 10/1-10/31/15	6,192.93 8,227.61 14,420.54
63442	12/22/2015	005603 CR&R INCORPORATED	NOV 2015	004518	FRANCHISE CONTRACT 11/2015	5,670.39
63443	12/22/2015	005603 CR&R INCORPORATED	0052874	003646	445 N BROADWAY - COMMERCIAL	60,786.33 60,786.33
63444	12/22/2015	000156 CYLE JOHNSON ELECTRIC INC	105 51909	004560 004499	BUILDING REPAIRS PARK LIGHTS	198.13 198.13
63445	12/22/2015	000084 D & LAUTO PARTS INC	8681-112706	004476	PARTS	1,025.11 95.80 1,120.91
63446	12/22/2015	005996 DE LAGE LANDEN PUBLIC FINANCE	48080720 48158327 48297743	003561 003696 003629	CONTRACT #25293025 LANIER/MPY CONTRACT #25273764 LANIER/MPY CONTRACT #100-10017096 12/24/15	90.34 90.34
63447	12/22/2015	005213 FRONTIER	7601980011 7609223812 9091590013 9091590039	003697 003631 003697 003631	COMMUNICATION/CITY HALL PRI COMMUNICATIONS/ELECTRONIC S COMMUNICATION/CITY FACILITIES COMMUNICATIONS/FIRE 12/7/2015	264.25 256.99 3,397.92 3,919.16
						505.56 127.62 6,157.96 307.92

Voucher List
City of Blythe

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
63447	12/22/2015	005213 FRONTIER	(Continued) 9091590042	003631	COMMUNICATIONS/SLWELLS 12/1	1,698.04
					Total :	8,797.10
63448	12/22/2015	006512 FULL SOURCE LLC	FS4020047-IN	004227	SAFETY VEST FOR SRTS GRANT	298.88
					Total :	298.88
63449	12/22/2015	005978 FULTON DISTRIBUTING - SO CAL	366189	004592 004592	JANITORIAL SUPPLIES/ALL DEPTS	276.51
63450	12/22/2015	003650 GALE NELSON PHLEBOTOMY	OCT/NOV	004564	TECH SERVICES/BLOOD DRAWS	250.00
					Total :	250.00
63451	12/22/2015	002257 GARNICA, GABRIELA	FS11/2015	004524	FUNSTEPS NOVEMBER	800.00
63452	12/22/2015	005962 GOMEZ, DAISY	Z11/2015	004525	ZUMBA-NOVEMBER	800.00
63453	12/22/2015	003088 HUNTINGTON COURT REPORTERS	27605	004565	TRANSCRIPTION SERVICES 11/1-1'	533.45
					Total :	533.45
63454	12/22/2015	000150 INLAND BUILDERS SUPPLY INC	532376	004517	KEY FOR TRANSIT BLDG	1.35
					Total :	1.35
63455	12/22/2015	003900 INTERNATIONAL CODE COUNCIL INC	1000635141	004548	BOOKS-CODE CHECK COMPLETE,	41.26
					Total :	41.26
63456	12/22/2015	005295 KONICA MINOLTA	9001957615	003868	COPIES/PRINTS - OVERAGE 11/1-1'	171.79
					Total :	171.79
63457	12/22/2015	006529 MARTEL ELECTRONICS, INC	201781A 212496A	004335 004562	BODY CAMERA REPAIR BODY CAMERA REPAIRS	81.00
					Total :	97.00
63458	12/22/2015	002871 NELSON, JON KEVIN	11/2015	004535	NOVEMBER INSPECTIONS	178.00
					Total :	262.50

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12/18/2015 1:45:06PM

Voucher List
City of Blythe

Page: 4

Bank code : union

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
63458	12/22/2015	002871 NELSON, JON KEVIN	2758-403759	004477	PARTS	262.50
63459	12/22/2015	005294 O'REILLY AUTOMOTIVE STORES INC	2758-403769	004477	PARTS	0.00
			2758-403773	004477	PARTS	-29.56
			2758-403780	004477	PARTS	133.00
			2758-404892	004477	PARTS	-15.00
			2758-405779	004477	PARTS	84.70
			2758-405830	004477	PARTS	77.52
			2758-405859	004477	PARTS	-75.79
			2758-405860	004477	PARTS	9.85
63460	12/22/2015	001675 OWSLEY, NOEL R.	12-15-008		PLAN CHECK SERVICES	82.36
					Total :	267.08
63461	12/22/2015	000199 PALO VERDE IRRIGATION DISTRICT	511535	003633		937.50
					Total :	937.50
63462	12/22/2015	003271 PALO VERDE VALLEY TRANSIT	2015-NOV-TC 2015-OCT-TC	004554 004554	2015/2016 WATER TOLL - QUECHAI	222.00
					Total :	222.00
63463	12/22/2015	005009 PARKER OIL PRODUCTS, INC	68297	003910	TRANSPORTATION CONCEPTS SH, TRANSPORTATION CONCEPTS SH,	2,919.84
					Total :	6,497.48
63464	12/22/2015	005980 PMC	44902		GASOLINE/OIL - EQUIPMENT	282.86
					Total :	282.86
63465	12/22/2015	000988 PRUDENTIAL OVERALL SUPPLY	22135361 22135362 22135369 22136804 22138924 22138925 22138933 22140340 22142442	004615 004615 004615 004615 004615 004615 004615 004615 004615	PROFESSIONAL SERVICES FROM UNIFORM SERVICE/MAT & TOWELS UNIFORM SERVICE/MAT & TOWELS	1,245.00 23.11 47.96 41.82 24.99 23.11 39.52 41.82 24.99 23.11
					Total :	1,245.00

Page: 4

Bank code : union

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
63465	12/22/2015	000988 PRUDENTIAL OVERALL SUPPLY	(Continued)			
			22142443	004615	UNIFORM SERVICE/MAT & TOWELS	39.52
			22142450	004615	UNIFORM SERVICE/MAT & TOWELS	41.82
			22142451	004615	UNIFORM SERVICE/MAT & TOWELS	31.52
			22143995	004615	UNIFORM SERVICE/MAT & TOWELS	24.99
			22146013	004615	UNIFORM SERVICE/MAT & TOWELS	23.11
			22146014	004615	UNIFORM SERVICE/MAT & TOWELS	102.51
			22146022	004615	UNIFORM SERVICE/MAT & TOWELS	41.82
			22146023	004615	UNIFORM SERVICE/MAT & TOWELS	43.08
			22147558	004615	UNIFORM SERVICE/MAT & TOWELS	24.99
			22149806	004615	UNIFORM SERVICE/MAT & TOWELS	23.11
			22149808	004615	UNIFORM SERVICE/MAT & TOWELS	39.52
			22149828	004615	UNIFORM SERVICE/MAT & TOWELS	41.82
			22151061	004615	UNIFORM SERVICE/MAT & TOWELS	24.99
			22153450	004615	UNIFORM SERVICE/MAT & TOWELS	23.11
			22153451	004615	UNIFORM SERVICE/MAT & TOWELS	39.52
			22153459	004615	UNIFORM SERVICE/MAT & TOWELS	41.82
			22153460	004615	UNIFORM SERVICE/MAT & TOWELS	29.03
			22155479	004615	UNIFORM SERVICE/MAT & TOWELS	24.99
			22157575	004615	UNIFORM SERVICE/MAT & TOWELS	39.52
			22157582	004615	UNIFORM SERVICE/MAT & TOWELS	41.82
			22158459	004615	UNIFORM SERVICE/MAT & TOWELS	24.99
			22160642	004615	UNIFORM SERVICE/MAT & TOWELS	39.52
			22160651	004615	UNIFORM SERVICE/MAT & TOWELS	41.82
			22162438	004615	UNIFORM SERVICE/MAT & TOWELS	24.99
			22165186	004615	UNIFORM SERVICE/MAT & TOWELS	39.52
			22165194	004615	UNIFORM SERVICE/MAT & TOWELS	41.82
			22166621	004615	UNIFORM SERVICE/MAT & TOWELS	24.99
					Total :	1,270.69
63466	12/22/2015	000988 PRUDENTIAL OVERALL SUPPLY	22135370	004615	UNIFORM SERVICE/MAT & TOWELS	11.86
			22136803	004615	UNIFORM SERVICE/MAT & TOWELS	9.91
			22138934	004615	UNIFORM SERVICE/MAT & TOWELS	11.86
			22140339	004615	UNIFORM SERVICE/MAT & TOWELS	9.91
			22143994	004615	UNIFORM SERVICE/MAT & TOWELS	9.91
			22147557	004615	UNIFORM SERVICE/MAT & TOWELS	9.91
			22149830	004615	UNIFORM SERVICE/MAT & TOWELS	17.81

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12/18/2015 1:45:06PM

Voucher List
City of Blythe

Page: 6

Bank code : union

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
63466	12/22/2015	000988 PRUDENTIAL OVERALL SUPPLY	(Continued)			
			22151060	004615	UNIFORM SERVICE/MAT & TOWELS	9.91
			22155478	004615	UNIFORM SERVICE/MAT & TOWELS	9.91
			22157574	004615	UNIFORM SERVICE/MAT & TOWELS	23.11
			22157583	004615	UNIFORM SERVICE/MAT & TOWELS	9.37
			22158458	004615	UNIFORM SERVICE/MAT & TOWELS	9.91
			22160641	004615	UNIFORM SERVICE/MAT & TOWELS	23.11
			22160652	004615	UNIFORM SERVICE/MAT & TOWELS	9.37
			22162437	004615	UNIFORM SERVICE/MAT & TOWELS	9.91
			22165185	004615	UNIFORM SERVICE/MAT & TOWELS	23.11
			22165195	004615	UNIFORM SERVICE/MAT & TOWELS	9.37
			22166620	004615	UNIFORM SERVICE/MAT & TOWELS	9.91
					Total :	228.16
63467	12/22/2015	000213 QUILL CORPORATION	9883190	004561	OFFICE SUPPLEIS - NOVEMBER	359.44
					Total :	359.44
63468	12/22/2015	005237 RABOBANK EQUIPMENT LEASE	48297749	003635	CONTRACT #100-10047232 BACKH	1,701.87
					Total :	1,701.87
63469	12/22/2015	003606 RODRIGUEZ, GUSTAVO	024	004536	RETAINER FEE - NOVEMBER 2015	1,500.00
					Total :	1,500.00
63470	12/22/2015	006290 SOTO, KRYSTAL	FS11/2015-2	004526	FUNSTEPS-NOVEMBER	576.00
					Total :	576.00
63471	12/22/2015	004635 SOUTH COAST	478166	004445	PARTS	159.04
					Total :	159.04
63472	12/22/2015	000283 SOUTHERN CALIFORNIA EDISON CO	2012032199	003637	ELECTRICITY/STREET LIGHTING	13,159.77
			2245360151	003637	STREET LIGHTING 11/1-12/1/2015	50.06
			2295418958	003637	ELECTRICITY/HIDDEN BEACHES 11	118.76
					Total :	13,328.59
63473	12/22/2015	001136 STANDAGE TIRE & AUTOMOTIVE	160088	003788	TIRE SUPPLIES	250.17
			160100	003788	TIRE SUPPLIES	517.12
			160271	003788	TIRE SERVICE	14.35
			160426	003788	TIRE SUPPLIES	676.12

Page: 6

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12/18/2015 1:45:06PM

Voucher List
City of Blythe

Page: 7

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
Bank code : union						
63473	12/22/2015	001136 STANDAGE TIRE & AUTOMOTIVE	(Continued) 160496 160509	003788 003788	TIRE SERVICE TIRE SERVICE	48.32 99.95
63474	12/22/2015	002289 SUESITES GLOBAL COMMUNICATION	68716	004473	REPAIRS	Total : 1,606.03
63475	12/22/2015	006001 TAMCO CAPITAL CORPORATION	5002683833	003638	MITEL PHONE SYSTEM 12/31/2015-	Total : 95.00
63476	12/22/2015	000247 THE GAS COMPANY	06622932165 07632638008	003639 003639	NATURAL GAS/CITY FACILITIES NATURAL GAS/445 N BROADWAY 1	1,000.61 1,000.61
63477	12/22/2015	006549 TRAFFIC LOGIX INC	I-18693	004472	SRTS SUPPLIES	Total : 119.94 135.81 255.75
63478	12/22/2015	004430 UNITED STATES PLASTIC CORP	4657430	004381	PUMP	Total : 49.35 49.35
63479	12/22/2015	005587 UNITED WATER WORKS, INC	S100029634-001	004386	PARTS	Total : 1,034.58 1,034.58
63480	12/22/2015	000278 WEEKS PRINTING	25236 25254 25262	004423 004534 004538	NAME PLATES FOR NEW COUNCIL PRINTING/FORMS/SUPPLIES - 5-PL PRINTING/FORMS/SUPPLIES - REC	1,102.19 1,102.19 34.56 641.52 7.55
63481	12/22/2015	005313 WILSON, DION	FF/2015	004527	FLAG FOOTBALL COORDINATOR	Total : 683.63 500.00
63482	12/22/2015	001258 WPCI - WESTERN PATHOLOGY INC	0037082-IN	004528	RANDOM DRUG POLICY UPDATES	Total : 500.00 150.00
57 Vouchers for bank code : union						
57 Vouchers in this report						
Bank total :						177,168.29
Total vouchers :						177,168.29

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
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Bank code : union

CLAIMS VOUCHER APPROVAL

WE, THE UNDERSIGNED OFFICERS OF THE CITY OF BLYTHE, CA DO HEREBY CERTIFY THAT THE WARRANTS NUMBERED 63433 - 63482 ARE HEREBY APPROVED IN THE AMOUNT OF \$177,168.29 ON THIS 12th DAY OF JANUARY, 2016.

- CHRISTA ELMS _____ INTERIM DIRECTOR OF FINANCE
- JOSEPH DECONINCK _____ MAYOR
- TIM WADE _____ VICE-MAYOR
- ERIC EGAN _____ COUNCILMAN
- OSCAR GALVAN _____ COUNCILMAN
- DALE REYNOLDS _____ COUNCILMAN

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
63483	12/22/2015	006567 SERRAMONTE FORD	120915	004631 004632	2015 FORD INTERCEPTORS	53,525.54
63484	12/18/2015	000283 SOUTHERN CALIFORNIA EDISON CO	2004171732	004678	ELECTRICITY/CITY FACILITIES	38,871.18
2 Vouchers for bank code : union 2 Vouchers in this report						Total : Bank total : Total vouchers :
						53,525.54 38,871.18 92,396.72

Bank code : union
 Voucher _____ Date _____ Vendor _____ Invoice _____ PO # _____ Description/Account _____ Amount _____

CLAIMS VOUCHER APPROVAL

WE, THE UNDERSIGNED OFFICERS OF THE CITY OF BLYTHE, CA DO
 HEREBY CERTIFY THAT THE WARRANTS NUMBERED 63483 & 63484
 ARE HEREBY APPROVED IN THE AMOUNT OF \$92,396.72
 ON THIS 12th DAY OF JANUARY, 2016.

CHRISTA ELMS _____ INTERIM DIRECTOR OF
 JOSEPH DECONINCK _____ MAYOR
 TIM WADE _____ VICE-MAYOR
 OSCAR GALVAN _____ COUNCILMAN
 DALE REYNOLDS _____ COUNCILMAN
 ERIC EGAN _____ COUNCILMAN

Bank code : union
 Voucher Date Vendor Invoice PO # Description/Account Amount

CLAIMS VOUCHER APPROVAL

WE, THE UNDERSIGNED OFFICERS OF THE CITY OF BLYTHE, CA DO
 HEREBY CERTIFY THAT THE WARRANTS NUMBERED 63485-63550 AND
 THE SUCCESSOR AGENCY TO THE BLYTHE REDEVELOPMENT AGENCY
 WARRANTS NUMBERED 63551-63555 AND THE UTILITY BILLING REFUND
 WARRANTS NUMBERED 63556-63566 ARE HEREBY APPROVED IN THE
 AMOUNT OF \$725,824.39 ON THIS 12th DAY OF JANUARY, 2016.

CHRISTA ELMS _____ INTERIM DIRECTOR OF

JOSEPH DECONINGCK _____ MAYOR

TIM WADE _____ VICE MAYOR

OSCAR GALVAN _____ COUNCILMAN

ERIC EGAN _____ COUNCILMAN

DALE REYNOLDS _____ COUNCILMAN

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Voucher List
City of Blythe

Page: 1

Bank code : union									
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount			
63485	1/2/2016	006381 ASSURANT EMPLOYEE BENEFITS	5475145		DENTAL, VISION, LIFE, STD, PREMI	6,799.47			
					Total :	6,799.47			
63486	1/6/2016	005923 CALIFORNIA PUBLIC EMPLOYEES'	1918		HEALTH BENEFITS - ALL EMPLOYE	110,779.71			
					Total :	110,779.71			
63487	1/7/2016	000070 CHEVRON AND TEXACO	46214734	003880	GASOLINE 11/22/2015-12/21/2015	108.06			
					Total :	108.06			
63488	1/12/2016	002806 AIRGAS	9046626898	004590	GAS	365.89			
					Total :	365.89			
63489	1/12/2016	006366 ALARM PROTECTION SERVICES	030612	003626	MONITORING ELECTRONIC SECUF	149.85			
					Total :	149.85			
63490	1/12/2016	005178 ALFARO, EVELYN	Z12/2015	004636	ZUMBA INSTRUCTOR-DECEMBER	275.00			
					Total :	275.00			
63491	1/12/2016	000025 ALMQUIST BLYTHE AUTO PARTS INC	207560	004281	PARTS	14.52			
			207662	004281	PARTS	77.72			
					Total :	92.24			
63492	1/12/2016	005515 BENEFIELD, SHERRY JO	ZM12/2015	004637	ZUMBA INSTRUCTOR-DECEMBER	120.00			
					Total :	120.00			
63493	1/12/2016	002501 BINGHAM EQUIPMENT COMPANY	S05217	004542	BACKHOE SERVICE	258.40			
					Total :	258.40			
63494	1/12/2016	000026 BLYTHE AREA CHMBER OF COMMERCE 181		004411	CHIRIACO SUMMITT BILLBOARD	215.00			
					Total :	215.00			
63495	1/12/2016	006368 CHANDRA HOSPITALITY LLC	11/2015	004689	ECONOMIC DEVELOPMENT INCEN	10,556.75			
					Total :	10,556.75			
63496	1/7/2016	004804 CITY OF BLYTHE	DEC 2015		AMOUNT BILLED TO CUSTOMERS	33,381.00			
					Total :	33,381.00			

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Voucher List
City of Blythe

Page: 2

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
63497	1/12/2016	000667 CITY OF BLYTHE:WATER UTILITIES	DEC 2015	003925	WATER/SEWER BILLING - CITY FAC	2,952.12
					Total :	2,952.12
63498	1/12/2016	006514 COLLINS COLLINS MUIR	4299614	004616	COB V. EVERIT	74.00
63499	1/12/2016	001086 COPA INC	12/2015	003909	CITY VEHICLES - GASOLINE - DECI	74.00
63500	1/12/2016	005421 COUNTY OF RIVERSIDE	PU0000003612	003952	FLEET FUEL CHARGES 11/1-11/30/2	61.08
					Total :	61.08
63501	1/12/2016	000083 CRAWFORD ASSOCIATES	13411 13419 13422 13451 13452	004532 004532 004547 004547 004547	ADA REPAIR HOBSONWAY ADA REPAIR HOBSONWAY CONCRETE WORK AND SUPPLIES CONCRETE WORK AND SUPPLIES CONCRETE WORK AND SUPPLIES	342.19 259.18 356.52 601.37 269.18
					Total :	1,828.44
63502	1/12/2016	000037 CULLIGAN SOFT WATER SERVICE	630724,630677	003722	WATER SERVICE/MWTP 12/11/2015	68.67
					Total :	68.67
63503	1/12/2016	000084 D & L AUTO PARTS INC	8681-112507 8681-113197 8681-113278 8681-113315 8681-113546	004545 004545 004545 004545 004545	146618 PARTS 148048 PLUGS, GAGE, COUPLERS 146618 PARTS 148309 PARTS 148762 FD DOOR REPAIR PARTS	4.35 188.91 379.84 9.62 119.56
					Total :	702.28
63504	1/12/2016	001757 DATA TICKET INC	66745 66888	004690 004690	PARKING CITATION PROCESSING ADMIN CITATION PROCESSING 11/	100.00 530.00
					Total :	630.00
63505	1/12/2016	003556 DAVID TAUSSIG & ASSOC., INC.	1510079	004691	PROFESSIONAL SERVICES THROL	1,437.96
					Total :	1,437.96
63506	1/12/2016	005996 DE LAGE LANDEN PUBLIC FINANCE	48965735 48374525	003561 003628	CONTRACT #25293025 LANIER/MP CONTRACT #25340910 LANIER/MP	264.25 214.33

Page: 2

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
63506	1/12/2016	005996	005996 DE LAGE LANDEN PUBLIC FINANCE (Continued)			
63507	1/12/2016	002173	DEPARTMENT OF JUSTICE			
			124766	004692	LIVSCAN SERVICES 9/2015	478.58
			130336	004692	LIVSCAN SERVICES 10/2015	77.00
			130577	004692	LIVSCAN SERVICES 10/2015	1,128.00
			135836	004692	LIVSCAN SERVICES 11/2015	128.00
			136072	004692	LIVSCAN SERVICES 11/2015	1,458.00
					Total:	2,921.00
63508	1/12/2016	002626	ELECTRIC MOTOR SERVICE	004614	SEWER LIFT GATEWAY	1,472.00
63509	1/12/2016	006504	EZ LINER INDUSTRIES	004079	STREET MARKING, AL50-SP	1,472.00
63510	1/12/2016	002750	FERGUSON, PRAET & SHERMAN	004638	COB V. WADE	76,813.00
			19614		Total:	76,813.00
63511	1/12/2016	005213	FRONTIER	003631	COMMUNICATION/ALARM SYSTEM	292.50
			7609223545	003631	COMMUNICATNS/LIFT STATIONS 1:	292.50
			7609229375		Total:	85.76
63512	1/12/2016	002664	GALLS/QUARTERMASTER	004566	CG PARTS	83.69
			004584034		Total:	169.45
63513	1/12/2016	002257	GARNICA, GABRIELA	004639	FUNSTEPS INSTRUCTOR-DECEMB	510.27
63514	1/12/2016	006566	GAYTAN, JOSE ALBERTO	004617	FLAG FOOTBALL OFFICIAL	510.27
			FF/2015-15		Total:	650.00
63515	1/12/2016	000129	GRANITE CONSTRUCTION	004181	NORTH SOLANO STREET REHAB F	650.00
			RETAIN/FY15	004634	NORTH SOLANO STREET REHAB F	49.00
			RETAIN/FY16		Total:	49.00
63516	1/12/2016	006505	HAIGHT BROWN & BONESTEEL, LLP	004640	COB V. EVERITT	34,165.21
			3098532		Total:	277.50
					Total:	277.50

Bank code : union

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
63521	1/12/2016	005420 IRONMAN	(Continued) 392841 393064	004539 004539	DURATHON CLEANING DURATHON CLEANING	459.95 459.95 1,839.80
63522	1/12/2016	000704 KENNETH GRANT LUCERO	WC4968	004619	WC INJURY	175.00 175.00
63523	1/12/2016	003135 LARRY GREEN FORD INC.	6045868	004544	SENSOR AND INSPECTION	162.59 162.59
63524	1/12/2016	000166 LEAGUE OF CALIFORNIA CITIES	102478	004694	2016 LOCAL STREETS & ROADS M	200.00 200.00
63525	1/7/2016	004168 LOVEKIN - DONLON INC.	B1510-045		REFUND OF UNUSED ESGIL PLAN	45.15 45.15
63526	1/12/2016	004231 MUNICIPAL MAINTENANCE EQUIP	0106671-IN	004550	CG-JET RODDER PARTS	10,697.99 10,697.99
63527	1/12/2016	002559 NEWMAN TRAFFIC SIGNS	TI-0293615	004567	STREET SIGN BLANK	236.09 236.09
63528	1/12/2016	006027 OJEDA, EVELIA	FF/2015-7 FF/2015-8	004620 004621	FLAG FOOTBALL OFFICIAL FLAG FOOTBALL OFFICIAL	58.00 54.00 112.00
63529	1/12/2016	005294 O'REILLY AUTOMOTIVE STORES INC	2758-404953 2758-405712 2758-406930 2758-407576 2758-408476	004478 004478 004478 004478 004546	CG PARTS CG PARTS CG PARTS CG PARTS SUPPLIES	20.08 227.98 257.84 51.02 122.17 679.09
63530	1/12/2016	000201 PALO VERDE VALLEY TIMES INC	315/NOV	004370	PUBLICATIONS - RICE STREET PR	321.54 321.54
63531	1/12/2016	005009 PARKER OIL PRODUCTS, INC	121615	003910	GASOLINE/OIL - EQUIPMENT FY20	19.25

Bank code : union									
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount			
63531	1/12/2016	005009 PARKER OIL PRODUCTS, INC	(Continued)						
			67690	003910	GASOLINE/OIL - EQUIPMENT FY20'	84.46			
			67691	003910	GASOLINE/OIL - EQUIPMENT FY20'	22.70			
			67826	003910	GASOLINE/OIL - EQUIPMENT FY20'	74.84			
					Total :	201.25			
63532	1/12/2016	003150 PITNEY BOWES	8389488-DC15	003634	TERM RENTAL CHARGES/CH 12/30	1,505.43			
					Total :	1,505.43			
63533	1/12/2016	006064 PLANIT REPROGRAPHICS SYSTEMS	65603	004482	PLANS COPIED	195.00			
					Total :	195.00			
63534	1/12/2016	000073 PUBLIC ENTITY RISK MGMT AUTHO	2016/3RD QTR	004622	WORKERS' COMP DEPOSIT PROGI	77,890.75			
					Total :	77,890.75			
63535	1/12/2016	000213 QUILL CORPORATION	1381150	004549	VVWTP TONER	365.42			
					Total :	365.42			
63536	1/12/2016	002318 RAYVERN LIGHTING SUPPLY CO INC	38628-0	004635	STREET LIGHTING	188.59			
					Total :	188.59			
63537	1/7/2016	006569 REC-N-CREW	11543		FUNDRAISER CHECKS ISSUED TO	2,020.00			
					Total :	2,020.00			
63538	1/12/2016	000218 RICHARDS WATSON & GERSHON	203691	004695	PROFESSIONAL SERVICES THROL	101.81			
			204130	004695	PROFESSIONAL SERVICES THROL	12,908.04			
			204565	004695	PROFESSIONAL SERVICES THROL	10,678.20			
					Total :	23,688.05			
63539	1/12/2016	003606 RODRIGUEZ, GUSTAVO	025	004647	RETAINER FEE - DECEMBER 2015 :	1,500.00			
					Total :	1,500.00			
63540	1/12/2016	000627 S & S WORLDWIDE, INC	8852530	004623	ART SUPPLIES	92.22			
					Total :	92.22			
63541	1/12/2016	003567 SCMAF	3928	004624	FLAG FOOTBALL MEMBERSHIP DU	70.00			
					Total :	70.00			

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Voucher List
City of Blythe

Page: 7

Bank code :		union									
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount					
63542	1/12/2016	006555 SEALMASTER OF SOUTHERN CA	201443	004557	ASPHALT SUPPLIES	6,955.20					
						6,955.20	Total :				
63543	1/12/2016	006290 SOTO, KRYSTAL	FS12/2015-2	004641	FUNSTEPS INSTRUCTOR-DECEMB	504.00					
						504.00	Total :				
63544	1/12/2016	004635 SOUTH COAST	478273	004521	LIGHTS	926.74					
						926.74	Total :				
63545	1/12/2016	000283 SOUTHERN CALIFORNIA EDISON CO	2295418958	003637	ELECTRICITY/HIDDEN BEACHES 1'	121.73					
						121.73	Total :				
63546	1/12/2016	003392 SPRINT	248009810-097	003562	CELL PHONE SERVICE 11/15-12/14/	132.47					
						132.47	Total :				
63547	1/12/2016	000247 THE GAS COMPANY	06622932165	003639	NATURAL GAS/CITY FACILITIES	406.11					
						406.11	Total :				
63548	1/12/2016	004501 US BANK CORP	044555649478		CREDIT CARD CHARGES 11/2015	5,002.14					
						5,002.14	Total :				
63549	1/12/2016	003035 VERIZON WIRELESS	970160912-00004	003727	WIRELESS SERVICE 11/14/2015-12/	454.60					
						454.60	Total :				
63550	1/7/2016	006568 YANEZ, MARIO	B1510-030		REFUND OF UNUSED ESGIL PLAN	69.99					
						69.99	Total :				
63551	1/7/2016	004664 CAPITAL REALTY ANALYSTS	15-4151 15-4152 15-4153 15-4154		APPRAISAL FEE - COMMERCIAL APPRAISAL FEE - COMMERCIAL APPRAISAL FEE - COMMERCIAL APPRAISAL FEE - COMMERCIAL	5,000.00 3,500.00 4,200.00 4,500.00					

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
63562	12/30/2015	006557 RIVAS, MISTY	(Continued)			16.16
63563	12/30/2015	006556 RIVERA, MARY	Ref000184723		UB Refund Cst #007050	109.89
					Total :	109.89
63564	12/30/2015	006562 VILLAGE, MESA BLUFF	Ref000184730		UB Refund Cst #020330	29.79
					Total :	29.79
63565	12/30/2015	006561 WEBB-STUARD, LORETTA	Ref000184729		UB Refund Cst #020276	105.76
					Total :	105.76
63566	12/30/2015	006558 WILLIAMS, CHRISTOPHER	Ref000184726		UB Refund Cst #020171	67.58
					Total :	67.58
82 Vouchers for bank code : union						Bank total : 725,824.39
82 Vouchers in this report						Total vouchers : 725,824.39

CITY OF BLYTHE

PAYROLL LISTING

Pay period 11/20/2015 to 12/03/2015

Payday 12/03/2015

We the undersigned officers of the City of Blythe, CA, do hereby certify that Warrants numbered 47894 to 47898 are hereby approved in the amount of \$22,137.83 this 12th day of January 2016.


Interim Director of Finance

Mayor De Coninck

Vice Mayor Wade

Councilman Cusick

Councilman Galvan

CITY OF BLYTHE

PAYROLL LISTING

Pay period 11/20/2015 to 12/03/2015

Payday 12/11/2015

We the undersigned officers of the City of Blythe, CA, do hereby certify that Warrants numbered 47899 to 47930 and Direct Deposits numbered 35646 to 35700 are hereby approved in the amount of \$257,882.05 this 12th day of January 2016.


Interim Director of Finance

Mayor De Coninck

Vice Mayor Wade

Councilman Galvan

Councilman Egan

Councilman Reynolds

CITY OF BLYTHE

PAYROLL LISTING

Pay period 12/11/2015 to 12/11/2015

Payday 12/11/2015

We the undersigned officers of the City of Blythe, CA, do hereby certify that Warrants numbered 47931 to 47933 are hereby approved in the amount of \$2,133.01 this 12th day of January 2016.


Interim Director of Finance

Mayor De Coninck

Vice Mayor Wade

Councilman Galvan

Councilman Egan

Councilman Reynolds

CITY OF BLYTHE

PAYROLL LISTING

Pay period 11/20/2015 to 12/03/2015
Payday 12/11/2015

We the undersigned officers of the City of Blythe, CA, do hereby certify that Warrants numbered 47934 to 47935 are hereby approved in the amount of \$3,290.68 this 12th day of January 2016.

Interim Director of Finance

Mayor De Coninck

Vice Mayor Wade

Councilman Egan

Councilman Galvan

Councilman Reynolds

CITY OF BLYTHE

PAYROLL LISTING

Pay period 12/04/2015 to 12/17/2015

Payday 12/23/2015

We the undersigned officers of the City of Blythe, CA, do hereby certify that Warrants numbered 47937 to 47967 and Direct Deposits numbered 35701 to 35755 are hereby approved in the amount of \$252,087.38 this 12th day of January 2016.


Interim Director of Finance

Mayor De Coninck

Vice Mayor Wade

Councilman Galvan

Councilman Egan

Councilman Reynolds

CITY OF BLYTHE

PAYROLL LISTING

Pay period 12/1-12/31/2015

Payday 1/5/2016

We the undersigned officers of the City of Blythe, CA, do hereby certify that Warrants numbered 47968-47977 and Direct Deposits numbered 35756-35851 are hereby approved in the amount of \$58,619.88 on this 12th day of January, 2016.

Christa Elms, Interim Finance Director

Mayor De Coninck

Vice Mayor Wade

Councilman Galvan

Councilman Egan

Councilman Reynolds

**Minutes of the Blythe City Council
December 21, 2015**

The December 21, 2015 Special Meeting of the Blythe City Council was called to order at 8:00am in the Council Chambers by Mayor DeConinck. Also in attendance were Vice Mayor Wade, Council Members Galvan, Reynolds and Egan. Staff in attendance included: Interim City Manager and City Clerk Sutterfield, City Treasurer and Interim Finance Director Elms, Police Lieutenant Wade, Public Works Director Baldizzone and Planner Burrow.

The Pledge of Allegiance was led by Mayor DeConinck.

CONSENT CALENDAR:

Items on the Consent Calendar are considered routine and will be enacted with one motion of the Council. If any item requires individual consideration, it will be removed from the consent calendar and acted upon separately.

1. **Posting of the Agenda.**
The summary of agenda items were posted on the bulletin boards on the outside of the public entrance to the Council Chamber and near the inside entrance of the Council Chamber on Friday, December 18, 2015.
2. **Minutes of the December 8, 2015 City Council Meeting.**
Recommendation: Approve the Minutes of the December 8, 2015 Council Meeting.
3. **Rejection of Claim, Willie Norman.**
Recommendation: Reject this Claim pursuant to law.
4. **Rejection of Claim, Deborah Stewart.**
Recommendation: Reject this Claim pursuant to law.

No public comment. Vice Mayor Wade moved approval of the Consent Calendar. The motion was seconded by Councilman Egan with a unanimous aye vote.

NEW BUSINESS:

Vehicle Purchase. Lieutenant Wade stated it's no surprise that the Police Department is in dire need of unmarked police units. The current fleet consists of one 1997 model, two 1999 models, three 2001 models and one 2006 model. All but the 2006 unit has over 100,000 miles and most have over 120,000 miles. Some are not safe to travel out of town anymore. We have been looking for ways to purchase a vehicle and came across our Asset Forfeiture Fund. There is a local fund and a fund we share with the Blythe Narcotic Enforcement Team. Our local account administered by the Finance Department has a balance of \$51,778. We knew we had money in the other account but had difficulty obtaining the amount available to us. When I initially wrote the staff report we were only asking for 1 unmarked police vehicle, I am now asking for 3. We now know the balance of our shared account is \$100,130. We are asking for the additional two units to be purchased from that fund. It was difficult to find vehicles. The Chief located a place in the Bay Area that had 15 unmarked police interceptors which are basically Ford Explorers like the CHP operates. They were selling them at \$1,200 under the State bid price making the vehicles \$26,760.42. Our request is that we purchase 1 with our local fund and an additional two units from the fund shared with BNET.

Councilman Egan asked if these vehicles could be purchased locally. Lieutenant Wade stated Blythe Ford was called and asked if they could do a dealer trade and they were unable to locate any.

Mayor DeConinck stated we are currently paying off a loan on police cars. Does this purchase have any effect on that? It was reported it does not. Asset Forfeiture funds will be used which is designated for certain purposes. There is no burden on the General Fund for the purchase of these vehicles.

Mayor DeConinck stated there is a delivery charge. Is that included or on top of the \$26,000? Lieutenant Wade stated it would be in addition to the vehicle cost.

No public comment. Vice Mayor Wade moved approval of staff's recommendation. The motion was seconded by Councilman Egan with a unanimous aye vote.

Riverside County Mortgage Credit Certificate (MCC) Program. Planner Burrow stated this item in an invitation by the County of Riverside to participate in the Mortgage Credit Certificate Program which is a federally funded program. This program allows 1st time homebuyers to use the tax credit you would receive at the end of the year for owning a home up front. By taking it up front it increases your net income which could make it easier to qualify for a home loan. It's another tool to help first time homebuyers purchase a home or qualify for a larger home. It sounds like it skews their income but it is a dollar for dollar trade and instead of getting it at the end of the year you get it up front. In order to participate in this program we need a resolution from the City Council allowing our residents to participate. There is no extra work or cost to the City of Blythe to participate in this program. It is recommended Council adopt Resolution No. 2015-039.

Vice Mayor Wade asked is this is a one time approval or if it needs to be renewed. Planner Burrow stated we do have to renew it periodically.

No public comment. Councilman Galvan moved approval of staff's recommendation. The motion was seconded by Councilman Reynolds with a unanimous aye vote.

RESOLUTION NO. 2015-039. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, PARTICIPATING WITH THE COUNTY OF RIVERSIDE MORTGAGE CREDIT CERTIFICATE (MCC) PROGRAM.

Interim City manager asked that the Rice Street Improvement Project and Construction Surveying for Rice Street Improvement Project staff reports be handled as one Item.

Rice Street Improvement Project and Construction Surveying for Rice Street Improvement Project. Public Works Director Baldizzone stated the project was approved in the FY 2015/16 budget under Street Capital Improvement Projects. The project specifications were prepared by the Holt Group. It was published in November and the bids were opened on December 15th. The low bidder was Granite Construction in the amount of \$277,777. This was below the engineer's probable cost. It is recommended Council award the contract to Granite Construction and authorize the Mayor to sign all contract documents contingent on all bonds being received. Staff is also requesting a contingency of 10% for a total project cost of \$305,477. It is also recommended Council award the Holt Group a contract for construction surveying of the project in an amount not to exceed \$19,500.

Interim City Manager Sutterfield stated that after reviewing this staff report with the Finance Director it was brought to my attention that the original budget for this project was \$168,000. If Council would like to move forward with this project we will also need approval of a budget

amendment allocating reserves to cover the difference between actual project cost and what was budgeted for this project.

Mayor DeConinck asked how much we had in reserves. Interim Finance Director Elms stated we have ample reserves to cover this expenditure. We are sitting on about \$3 million. This will not hurt the other projects budgeted.

Vice Mayor Wade asked if we have looked into not allowing trucks to drive on this street after it is rehabilitated. It was reported that will take a traffic study which was also budgeted this year. The current street has lasted 20 years even with trucks driving on it.

Councilman Reynolds asked if the cost between asphalt and concrete were compared. Public Works Director Baldizzone stated they are comparable.

Councilman Egan asked which lasted longer. It was reported concrete lasts longer but asphalt is easier and less costly to repair.

Councilman Reynolds asked where the trucks would go during construction. Public Works Director Baldizzone stated Rice Street would be closed during construction but a traffic control plan was submitted in the documents.

Councilman Reynolds asked when the project would start. It was reported at the end of January.

No public comment. Vice Mayor Wade moved approval of staff's recommendation. The motion was seconded by Councilman Reynolds with a unanimous aye vote.

WRITTEN COMMUNICAION: None

ORAL REPORTS:

Lieutenant Wade reported Civil Servants for Santa was held on Saturday. There was a great turn out and we were able to take 100 kids shopping at Kmart. We actually had more volunteers than kids. They were fed afterwards at the Rec Center.

Councilman Galvan stated the Rec-n-Crew provided the food for the event.

PUBLIC COMMENT: None

MEMBER COMMENT: None

ADJOURN:

The City Council meeting was adjourned at 8:30am.

Joseph DeConinck, Mayor

ATTEST:

Mallory Sutterfield-Crecelius, City Clerk

City of Blythe
PERMITS ISSUED

For the Period 12/1/2015 thru 12/31/2015

Permit No./Issued							
Applied/Approved	Type/Sub-Type/Status	Site Address and Parcel No.	Owner and Contractor	Valuation	Fees	Paid	
B1509-016 12/15/2015 9/11/2015 11/18/2015	COM-ADD ISSUED	330 SOUTH LOVEKIN BOULEV 848100034 Permit Name: INTERIOR REMODEL	Jdada HOBSONWAY INC NEI CONTRACTING AND ENGI	250,000.00	3,100.58	3,100.58	
Total for: COM-ADD				250,000.00	3,100.58	3,100.58	
Permit No./Issued							
Applied/Approved	Type/Sub-Type/Status	Site Address and Parcel No.	Owner and Contractor	Valuation	Fees	Paid	
B1512-002 12/7/2015 12/2/2015 12/4/2015	COM-STOR ISSUED	120 EAST HOBSONWAY 848061031 Permit Name:	FERNANDO & MANUELA GUEI OWNER	13,000.00	391.00	391.00	
Total for: COM-STOR				13,000.00	391.00	391.00	
Permit No./Issued							
Applied/Approved	Type/Sub-Type/Status	Site Address and Parcel No.	Owner and Contractor	Valuation	Fees	Paid	
B1510-063 12/11/2015 10/30/2015 10/30/2015	DEMO-INT ISSUED	933 EAST HOBSONWAY 851054009 Permit Name: Remove Wall	WEN & STEPHANY WANG OWNER	0.00	47.00	47.00	
Total for: DEMO-INT				0.00	47.00	47.00	
Permit No./Issued							
Applied/Approved	Type/Sub-Type/Status	Site Address and Parcel No.	Owner and Contractor	Valuation	Fees	Paid	
B1511-044 12/10/2015 11/23/2015 11/24/2015	ELEC SOLAR ISSUED	664 MICHELLE STREET 842172012 Permit Name: ROOF SOLAR	CARLOS SAUCEDA CALIFORNIA SOLAR CONCEPT	19,575.00	110.64	110.64	
B1511-017 12/1/2015 11/6/2015 11/9/2015	ELEC FINALED	182 COTTONWOOD LANE 854080016 Permit Name:	GERARDO & DELIA PEREZ CHRIS COOK	500.00	68.50	68.50	
B1511-054 12/10/2015 11/30/2015 12/4/2015	ELEC SOLAR ISSUED	2731 COLORADO RIVER ROAL 833360047 Permit Name: ROOF SOLAR	J C & MARGIE CURRIER CALIFORNIA SOLAR CONCEPT	24,525.00	111.29	111.29	
B1512-006 12/9/2015 12/4/2015 12/7/2015	ELEC SOLAR ISSUED	526 RANCHETTE ROAD 857221004 Permit Name: ROOF SOLAR	JORGE GONZALEZ LIVING TRU PLANET SOLAR INCORPORATI	25,000.00	134.95	134.95	
B1512-012 12/28/2015 12/15/2015 12/17/2015	ELEC SOLAR ISSUED	268 NORTH SOLANO AVENUE 836090017 Permit Name: ROOF MOUNT SOLAR	LINA & SHARON YOUNG HOSOPO CORPORATION	39,637.36	113.06	113.06	
B1512-013 12/28/2015 12/15/2015 12/17/2015	ELEC SOLAR ISSUED	268 NORTH SOLANO AVENUE 836090017 Permit Name: NEW 200 AMP PANEL	LINA & SHARON YOUNG HOWARD ELECTRIC	1,800.00	55.50	55.50	
B1512-005 12/9/2015 12/4/2015 12/7/2015	ELEC SOLAR ISSUED	672 RIVIERA DRIVE 869240009 Permit Name: ROOF SOLAR	JACK & JODY CALABRESE PLANET SOLAR INCORPORATI	28,000.00	136.79	136.79	

City of Blythe
PERMITS ISSUED

For the Period 12/1/2015 thru 12/31/2015

Total for: **ELEC** 139,037.36 730.73 730.73

Permit No./Issued

Applied/Approved	Type/Sub-Type/Status	Site Address and Parcel No.	Owner and Contractor	Valuation	Fees	Paid
B1512-003 12/3/2015	ENCROACHMENT	3450 WEST HOBSONWAY 824170054	CITY RIGHT OF WAY LONG'S DIRECTIONAL BORING	15,500.00	482.00	482.00
12/3/2015 12/3/2015	ISSUED	Permit Name: @HOBSON & NEIGHBOURS				

Total for: **ENCROACHMENT** 15,500.00 482.00 482.00

Permit No./Issued

Applied/Approved	Type/Sub-Type/Status	Site Address and Parcel No.	Owner and Contractor	Valuation	Fees	Paid
B1512-010 12/18/2015	OTHER	280 EAST HOBSONWAY 848062004	EL MAR DRIVE LLC M S CONSTRUCTION	950.00	65.00	65.00
12/15/2015 12/17/2015	ISSUED	Permit Name: PARKING LOT STRIPING				

B1511-050 12/16/2015	OTHER	534 WEST MURPHY STREET 845113005	EVA AGUILAR RAMOS OWNER	3,600.00	386.09	386.09
11/25/2015 12/15/2015	ISSUED	Permit Name:				

B1511-045 12/21/2015	OTHER	711 EAST HOBSONWAY 845170006	ROXBURY PROP BURROW CONSTRUCTION	45,000.00	1,680.37	1,680.37
11/23/2015 12/21/2015	ISSUED	Permit Name: INTERIOR REMODEL				

B1509-033 12/9/2015	OTHER	939 EAST HOBSONWAY 851054020	TRUE VINE HOSPITALITY LLC OWNER	3,000.00	331.33	331.33
9/22/2015 9/30/2015	ISSUED	Permit Name: Replacing Ceiling & Electrical				

B1507-026 12/15/2015	OTHER	130 SOUTH MAIN STREET 848042011	VICTOR & TANYA AGUILAR CADD WORKS INC	6,500.00	417.76	417.76
7/23/2015 10/26/2015	ISSUED	Permit Name: CANOPY DEMOLITION				

Total for: **OTHER** 59,050.00 2,880.55 2,880.55

Permit No./Issued

Applied/Approved	Type/Sub-Type/Status	Site Address and Parcel No.	Owner and Contractor	Valuation	Fees	Paid
B1510-046 12/8/2015	PATIO ALUM AWNING	440 NORTH SOLA AVENUE 851021006	TOMAS & EVELYN MENDEZ OWNER	3,737.50	179.96	179.96
10/22/2015 12/4/2015	ISSUED	Permit Name: ALUMINUM AWNING				

B1512-017 12/21/2015	PATIO	2731 COLORADO RIVER ROAD 833360047	J C & MARGIE CURRIER OWNER	8,190.00	296.02	296.02
12/16/2015 12/17/2015	ISSUED	Permit Name: SOLID				

B1511-052 12/11/2015	PATIO ALUM AWNING	3410 NORTH ARROWHEAD BC 821232003	HERMAN & JEANNIE EISENKR OWNER	3,900.00	226.97	226.97
11/30/2015 12/10/2015	ISSUED	Permit Name: ALUMINUM AWNING				

Total for: **PATIO** 15,827.50 702.95 702.95

Permit No./Issued

Applied/Approved	Type/Sub-Type/Status	Site Address and Parcel No.	Owner and Contractor	Valuation	Fees	Paid
B1511-046 12/14/2015	PLUMB WATER HEATER	2109 FLORENCE BOULEVARD 824191034	CHARLES & TAMARA PATTEN CRECELIUS INC	1,181.30	26.00	26.00
11/24/2015 11/25/2015	FINALED	Permit Name: WATER HEATER				

City of Blythe
PERMITS ISSUED

For the Period 12/1/2015 thru 12/31/2015

B1512-009 12/10/2015 12/10/2015 12/10/2015	PLUMB FINALED	322 NORTH LOVEKIN BOULEV 845022038 Permit Name:	RICHARD & PATRICIA SELPH OWNER	1,000.00	50.50	50.50
B1510-033 12/14/2015 10/16/2015 10/16/2015	PLUMB WATER HEATER FINALED	251 NORTH PALM DRIVE , #45 845100013 Permit Name: WATER HEATER	BLYTHE VILLA APARTMENTS CRECELIUS INC	939.00	26.00	26.00
B1511-002 12/14/2015 11/2/2015 11/2/2015	PLUMB WATER HEATER FINALED	400 NORTH PALM DRIVE #103 845030008 Permit Name: WATER HEATER	HPD RIO COLORADO CRECELIUS INC	929.00	26.00	26.00
B1511-007 12/14/2015 11/2/2015 11/2/2015	PLUMB WATER HEATER FINALED	410 SOUTH THIRD STREET 848163032 Permit Name: WATER HEATER	DIANA & ALEJANDO NAVARR CRECELIUS INC	1,033.98	26.00	26.00
B1511-047 12/14/2015 11/24/2015 11/25/2015	PLUMB WATER HEATER FINALED	640 NORTH NINTH STREET 857065004 Permit Name: WATER HEATER	MOISES & LETICIA SORIA CRECELIUS INC	219.94	26.00	26.00
B1511-048 12/14/2015 11/25/2015 11/25/2015	PLUMB WATER HEATER FINALED	1251 EAST FOURTEENTH AVE 854060021 Permit Name: WATER HEATER	MONTEREY OF BLYTHE LTD P CRECELIUS INC	959.58	26.00	26.00
B1511-049 12/14/2015 11/25/2015 11/25/2015	PLUMB WATER HEATER FINALED	1251 EAST FOURTEENTH AVE 854060021 Permit Name: WATER HEATER	MONTEREY OF BLYTHE LTD P CRECELIUS INC	879.48	26.00	26.00
B1511-053 12/14/2015 11/30/2015 11/30/2015	PLUMB WATER HEATER FINALED	471 MONTEZUMA STREET 839062003 Permit Name: WATER HEATER	JULIANNE L HARRISON CRECELIUS INC	1,131.53	26.00	26.00
B1511-036 12/14/2015 11/17/2015 11/18/2015	PLUMB WATER HEATER FINALED	230 OASIS STREET 842162007 Permit Name: WATER HEATER	CARLOTTA LOGAN CRECELIUS INC	1,074.83	26.00	26.00
B1511-018 12/14/2015 11/6/2015 11/6/2015	PLUMB WATER HEATER FINALED	323 NORTH FIFTH STREET 845190039 Permit Name: WATER HEATER	KEVIN R COUCH CRECELIUS INC	948.07	26.00	26.00
Total for: PLUMB				10,296.71	310.50	310.50

Permit No./Issued

Applied/Approved	Type/Sub-Type/Status	Site Address and Parcel No.	Owner and Contractor	Valuation	Fees	Paid
B1512-007 12/17/2015 12/7/2015 12/15/2015	POOL ISSUED	2620 COLORADO RIVER ROAL 833370049 Permit Name: & Spa, Fire Pit & Retaining Walls [2]	ROBERT & ANDREA LOFTON JAY'S POOL & SPA SERVICE	9,877.50	599.84	599.84
Total for: POOL				9,877.50	599.84	599.84

Permit No./Issued

Applied/Approved	Type/Sub-Type/Status	Site Address and Parcel No.	Owner and Contractor	Valuation	Fees	Paid
B1512-026 12/28/2015 12/28/2015 12/28/2015	RERF TEAR OFF ISSUED	1582 EAST HOBSONWAY 854071009 Permit Name:	JEAN WAI WONG FOAMBOND CORPORATION	8,550.00	170.64	170.64

City of Blythe
PERMITS ISSUED

For the Period 12/1/2015 thru 12/31/2015

B1512-024 12/18/2015 12/18/2015 12/18/2015	RERF TEAR OFF ISSUED	380 SOUTH FIFTH STREET 848172029 Permit Name: TEAR OFF	LULE & DELULE OWNER	1,300.00	49.40	49.40
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Total for: **RERF** 9,850.00 220.04 220.04

Permit No./Issued

Applied/Approved	Type/Sub-Type/Status	Site Address and Parcel No.	Owner and Contractor	Valuation	Fees	Paid
B1512-015 12/21/2015 12/16/2015 12/17/2015	RES-STOR ISSUED	2303 RIVIERA DRIVE 875280027 Permit Name:	THOMAS H DAY OWNER	11,880.00	365.80	365.80
B1511-051 12/1/2015 11/30/2015 12/1/2015	RES-STOR ISSUED	211 SOUTH FIFTH STREET 848092010 Permit Name:	GASPAR & ELENA SILVA OWNER	6,480.00	249.60	249.60

Total for: **RES-STOR** 18,360.00 615.40 615.40

Permit No./Issued

Applied/Approved	Type/Sub-Type/Status	Site Address and Parcel No.	Owner and Contractor	Valuation	Fees	Paid
RC1512-003 12/23/2015 12/14/2015 12/17/2015	RIVCOUNTY ISSUED	10292 EAST TENTH AVENUE 830200008 Permit Name: ROOF MOUNT SOLAR	LARRY D KELLEY PLANET SOLAR INCORPORATI	45,000.00	438.45	438.45
RC1511-003 12/3/2015 11/23/2015 11/24/2015	RIVCOUNTY FINALED	9085 EAST SIXTH AVENUE 830090015 Permit Name: ELECTRIC	LINDLEY ET AL JOHNSON CYLE ELECTRIC INC	2,500.00	178.60	178.60
RC1512-005 12/22/2015 12/15/2015 12/17/2015	RIVCOUNTY ISSUED	22541 SOUTH LOVEKIN BOULI 875131008 Permit Name: GROUND MOUNT SOLAR	GARY & BARBARA BRYCE EMPIRE RENEWABLE ENERGY	50,000.00	513.10	513.10
RC1512-001 12/7/2015 12/7/2015 12/7/2015	RIVCOUNTY FINALED	13510 RIVERSIDE AVENUE 821140010 Permit Name:	PEARL L PRATT R & L WATKINS INC	8,000.00	177.60	177.60
RC1512-004 12/22/2015 12/15/2015 12/17/2015	RIVCOUNTY ISSUED	10505 22ND AVENUE 875140003 Permit Name: GROUND MOUNT SOLAR	GARY A & BARBARA BRYCE EMPIRE RENEWABLE ENERGY	50,000.00	513.10	513.10
RC1512-002 12/21/2015 12/8/2015 12/15/2015	RIVCOUNTY ISSUED	24801 NEIGHBOURS BOULEVA 872294016 Permit Name: STORAGE BLDG	SUSAN VELEZ OWNER	22,500.00	603.29	603.29
RC1511-002 12/10/2015 11/20/2015 11/24/2015	RIVCOUNTY ISSUED	9539 NORTH BROADWAY 830190003 Permit Name: ROOF SOLAR	GARCIA ET AL CALIFORNIA SOLAR CONCEPT	11,700.00	482.62	433.12

Total for: **RIVCOUNTY** 189,700.00 2,906.76 2,857.26

Permit No./Issued

Applied/Approved	Type/Sub-Type/Status	Site Address and Parcel No.	Owner and Contractor	Valuation	Fees	Paid
B1509-008 12/3/2015 9/8/2015 9/15/2015	SIGN ISSUED	840 EAST HOBSONWAY 854020023 Permit Name: TRAFFIC CONTROL FOR STOP LIGHTS?	ABS CA O SUPERIOR ELECTRICAL ADVE	29,000.00	967.80	967.80

City of Blythe
PERMITS ISSUED

For the Period 12/1/2015 thru 12/31/2015

B1512-025 12/21/2015 12/21/2015 12/21/2015	SIGN FINALED	1020 WEST HOBSONWAY 836122011 Permit Name: WALL SIGN	LONE PINE INVESTMENTS LLC	500.00	39.28	39.28
Total for: SIGN				29,500.00	1,007.08	1,007.08

44 Permits Issued from 12/1/2015 Thru 12/31/2015

Total Valuation: \$759,999.07
Total Fees: \$13,994.43
Total Fees Paid: \$13,944.93

City of Blythe
Permits Applications Received
For the Period 12/1/2015 thru 12/31/2015

Permit No.	Applied	Type	Subtype	Status	Site Address/Parcel No.	Applicant/Owner/Contractor
BP1512-001	12/7/2015	BURNPERMIT		FINALED	903 WEST HOBSONWAY 836090040	LEON MICALIZIO ? REGENCY INN & SUITES
Permit Name: BEHIND HOTEL						
Description:						
BP1512-002	12/10/2015	BURNPERMIT		FINALED	2170 WEST HOBSONWAY 824200005	OWNER RICARDO & ERIKA LIMON
Permit Name:						
Description:						
BP1512-003	12/15/2015	BURNPERMIT		FINALED	2237 WEST HOBSONWAY 824194007	BRYAN CRAIG ACE TOWING & RECOVERY
Permit Name:						
Description:						
BP1512-004	12/21/2015	BURNPERMIT	AG BURN	FINALED	3017 NORTH DEFRAIN BOULEVARD 821180013	Leslie Lee Duncan WALTER & NANCY DUNCAN
Permit Name: AG BURN						
Description: (12/21/2015 10:00 AM MV) CALL DEVELOPMENT SERVICES BEFORE BURNING						

4 Permit Applications from 12/1/2015 Thru 12/31/2015

City of Blythe
Permits Applications Received
For the Period 12/1/2015 thru 12/31/2015

Permit No.	Applied	Type	Subtype	Status	Site Address/Parcel No.	Applicant/Owner/Contractor
F1512-001	12/2/2015	ANNLFIRE		APPLIED	1411 EAST FOURTEENTH AVENUE 854121040	BETHEL AME CHURCH
Permit Name:						
Description:						

1 Permit Applications from 12/1/2015 Thru 12/31/2015

City of Blythe
Cases Opened (By Type)

For the Period 12/1/2015 thru 12/31/2015

Type of Case	Number opened
BLDG	6
COMPLAINT	0
DEBRIS	1
DUMPING	0
FIRE	0
HAZMAT	0
SHOPPING CARTS	0
SIDEWALK	0
TRASH	0
VERMIN	1
WATER	0
WEED	2
WITNESS IN FIELD	0
ZONING	3

Total Cases Opened: 13

Cases Closed in December: 20

Cases Still Active: 246

**CITY OF BLYTHE FIRE DEPARTMENT
MONTHLY INCIDENT AND ACTIVITY REPORT
DECEMBER 2015**

<u>Incident</u>	<u>Total</u>
Public Assist / Rescue / Medical Aid	10
Brush, Grass, Leaves	1
Trash, Rubbish, Dumpster	4
Fire Alarms	4
Other	2
Total # of Incidents	21
<u>Activity</u>	
Drills	5
Staff Meeting	1
Total Activities	6

Respectfully Submitted



Billy Kem, Fire Chief



**CITY OF BLYTHE
CITY COUNCIL MEETING**

STAFF REPORT

MEETING DATE: January 12, 2016

SUBJECT: Recreation Center Donation-Gym Floor

PRESENTED BY: Mallory Sutterfield, Interim City Manager

PREPARED BY: Mallory Sutterfield, Interim City Manger

RECOMMENDATION: Council accept a donation of \$23,600 from the Rec-n-Crew for the gym floor installed at the Recreation Center in September 2015.

FISCAL IMPACT: A gym floor valued at \$23,600.

BACKGROUND: In June of 2015 Mayor DeConinck learned that Supervisor Benoit had Community Improvement Funds that could be awarded to non-profit organizations in Blythe. City staff then worked with the Rec-n-Crew to prepare and submit an application requesting \$10,000 to be used toward a new gym floor at the Recreation Center. The Rec-N-Crew also generously agreed to raise the all other funding needed to cover the cost of the new floor. At that time the cost of a new floor was estimated at \$30,000. Soon after the application was submitted staff learned the Rec-N-Crew has been granted \$10,000 for this project.

STAFF REPORT: In September the Recreation Center closed for a much needed roof rehabilitation. The closure presented the perfect opportunity to construct the new floor in the gym. The Rec-N-Crew received quotes for the project according to the City's purchasing policy. McWill Sports was award the Contract with a bid amount of \$23,600. They were also available to complete the work during the closure. The CID funds provided by Supervisor Benoit were applied to the project and the Rec-N-Crew supplied the difference of \$13,600 to make the project possible. The floor was completed in September and the center was re-opened to the Public with a new roof and floor. A grand re-opening of the Center was held for the public on November 5, 2015.

ATTACHMENTS: None



**CITY OF BLYTHE
CITY COUNCIL MEETING**

STAFF REPORT

MEETING DATE: January 12, 2015

SUBJECT: NV5 Settlement Agreement and Release
PRESENTED BY: Armando Baldizzone, Public Works Director
PREPARED BY: Armando Baldizzone, Public Works Director

RECOMMENDATION: Staff recommends City Council authorize the Mayor to sign the Settlement Agreement and Release with NV5.

FISCAL IMPACT: \$28,333.73 in Measure A revenue due to back charges.

BACKGROUND: At the July 14, 2015 Meeting Council was informed of all contract changes required for the successful execution of the N. Solano Avenue project. The Council was also informed that NV5 Inc., as the engineering firm responsible of the project design, was notified of back charges in the amount of \$ 23,229.92 due to deficiencies, discrepancies, errors and omissions in the design of the project.

STAFF REPORT: Staff revised the change orders and worked with the City attorney and NV5 Inc. to resolve all aspects of the dispute and on the preparation Settlement Agreement and Release.

The final Settlement Agreement and Release is for the total amount of \$28,333.73. The City releases NV5 Inc. only from those claims it has against NV5 for increased construction costs, limited to the Back Charges, incurred as a result of the consultant's actions and/or inactions regarding the Contract.

The City is not waiving any warranties, guarantees or claims that the City may have regarding work performed or services rendered by NV5 Inc. under the original Contract and/or any subsequent Change Orders agreed to by the parties. Furthermore, NV5 Inc specifically acknowledges that the City is not waiving any future cause of action for indemnity it may have in the future from third party claims for property damage or personal injury caused by latent defects in the work performed by NV5 Inc. under the original Contract and/or any subsequent Change Orders agreed to by the parties.

ATTACHMENTS:

1. Settlement Agreement and Release

SETTLEMENT AGREEMENT AND RELEASE

CITY OF BLYTHE, its agents, representatives, employees, sub-contractors, attorneys, predecessors, successors and assignees (hereinafter referred to collectively as "Releasor") on the one hand and NV5, Inc., a California corporation, and its affiliates, subsidiaries, officers, directors, principals, agents, representatives, employees, attorneys, predecessors, successors, assignees, insurance companies, insurance adjusters, insurance agents and brokers (hereinafter collectively referred to as "Releasee") on the other hand, enter into the following Settlement Agreement and Release. Hereinafter the parties to this action are collectively referred to as the "Parties."

A. RECITALS

1. WHEREAS, on December 12, 2014 the Parties entered into a Professional Services Agreement for the design of North Solano Avenue Rehabilitation Project located in Blythe, California (the "Project"). The Proposal and Agreement for the Project are attached hereto as Composite Exhibit "A";

2. WHEREAS, Releasor has alleged a claim of reimbursement for back charges the Releasor received from its Contractor, Granite Construction, during the construction of the Project (the "Back Charges"). Releasor is seeking reimbursement from Releasee for allegations of increased costs related to the Project. **Releasee has disagreed with the allegations and denied that there is any liability to Releasor.**

3. The Parties wish to settle all differences between themselves arising out of or in any way concerning, connected with or pertaining to the facts, circumstances, events, documents and purported claims, which have been alleged Pursuant to the terms of this Agreement; and

SETTLEMENT AND RELEASE AGREEMENT
City of Blythe – NV5

B. SETTLEMENT AGREEMENT AND RELEASE

NOW, THEREFORE, in consideration of the above and the promises and agreements herein contained, The Parties agree as follows:

1. PAYMENT

The total settlement amount to the CITY OF BLYTHE is Twenty-Eight Thousand Three Hundred Thirty-Three Dollars and Seventy-Three Cents (\$28,333.73).

Upon execution of this Agreement by all parties hereto, Releasee shall forthwith tender the payment to Releasor.

2. GOOD FAITH FINDING REQUIRED

The Parties desire to resolve all aspects of the dispute that involved each of them and to release each other from all liability known or unknown in connection with the disputes. The Parties agree that the settlement in this Agreement is made in good faith and that the amount agreed upon between these parties is a fair and appropriate settlement.

3. ATTORNEY'S FEES AND COSTS

Each of the Parties shall bear its own attorneys' fees and costs with respect to this claim including the preparation of this Settlement Agreement and Release.

4. RELEASE

In consideration for the full and timely performance of all of the terms and conditions of this Agreement in the manner prescribed herein, Releasor releases and discharges Releasee **only from those claims it has against Releasee for increased construction costs, limited to the Back Charges, incurred as a result of Releasee's actions and/or inactions regarding the Contract.** The Parties agree and accept that the foregoing claims are the only claims released by this Agreement.

SETTLEMENT AND RELEASE AGREEMENT
City of Blythe – NV5

Notwithstanding this Section 4, the Releasee specifically acknowledges that by entering into this Settlement Agreement and Release the Releasor is not waiving any warranties, guarantees or claims Releasor may have regarding work performed or services rendered, under the original Contract and/or any subsequent Change Orders agreed to by the parties, by Releasee. Furthermore, Releasee specifically acknowledges that by entering into this Settlement Agreement and Release the Releasor is not waiving any future cause of action for indemnity it may have in the future from third party claims for property damage or personal injury caused by latent defects in the work performed by Releasee under the original Contract and/or any subsequent Change Orders agreed to by the parties.

5. COVENANT

Releasor, with respect to matters released under this Settlement Agreement and Release, and as consideration for this Settlement Agreement and Release, hereby covenants and promises that no claim shall be made and no litigation or proceeding shall be commenced against any other party released or against any past or present elected officials, past or present employees, agents (whether ostensible or actual), officers, directors, shareholders, insurance carriers, attorneys, successors, predecessors, assigns, or servants, based upon or arising out of the Back Charges alleged in this claim by Releasor against Releasee.

6. NO WAIVER OF SECTION 1542

Settling Releasee specifically acknowledged that by entering into this Settlement Agreement and Release the Releasor is not waiving the provisions of Section 1542 of the Civil Code of the State of California, which provides that:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT

THE TIME OF EXECUTING THE RELEASE WHICH IF KNOWN BY HIM
MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE
DEBTOR."

7. FACTS MAY TURN OUT DIFFERENT THAN BELIEVED

It is understood by the Parties that the facts with respect to which the releases are hereby given may turn out to be other than, or different from, the facts now believed by the Parties to be true, and each of the Parties, therefore, expressly assumes the risk of the facts turning out to be different than they believe them to be, and each of the Parties agree that the foregoing release shall in all respects be effective and not subject to termination or rescission because of any such mistaken belief.

8. NO ADMISSIONS

In making this Agreement, no party to this Agreement is admitting the sufficiency of any claims, allegations, assertions, contentions or positions of any other party, or the sufficiency of any defenses to any such claims, allegations, assertions, contentions or positions. The parties hereto desire to resolve their portion of the Back Charges in an amicable fashion and, pursuant to Code of Civil Procedure 877, et seq., the parties have entered into this Agreement in good faith and with the desire to forever settle between them the Back Charges and to execute a release as set forth herein.

9. AGREEMENT TO DEFEND AND INDEMNIFY

In addition to the full and complete release and discharge by Releasor as set forth herein, Releasor further agrees and covenants that it has not assigned any of the rights, causes of action, or any claims asserted in the Back Charges and agree to defend and indemnify Settling Releasee on any claim, demand, or cause of action asserted by any other person or entity not a party to this

SETTLEMENT AND RELEASE AGREEMENT
City of Blythe – NV5

Agreement by way of subrogation or otherwise arising out of the subject matter of the Back Charges.

10. COURT JURISDICTION OVER AGREEMENT

The Parties to this Agreement agree that this Court shall have continuing jurisdiction over the Parties to this Agreement in order to finalize, execute and enforce its terms and conditions.

11. MISCELLANEOUS PROVISIONS

The Parties in consideration of the above-described settlement and as an inducement therefore, represent, covenant and agree as follows:

(a) that the signatory for each of the Parties is competent to sign on behalf of and is fully authorized by the party on whose behalf the signatory has executed this instrument;

(b) that the consideration herein above recited is contractual and not mere recital;

(c) that no inducements other than those stated in this Agreement have been made to the Parties on behalf of any of the other of the Parties released hereby and that in deciding to release these claims and to execute this instrument, the Parties have relied solely and only upon their own judgment and the advice given to them by their attorney, whom the Parties have selected;

(d) that this instrument contains the entire, complete and final agreement between the Parties, and no other agreements, written or oral, express or implied, exist between the Parties concerning the subject matter of this instrument which are not incorporated herein;

(e) that this instrument is not intended to be an admission of liability, which is expressly denied, on the part of each of the Parties, but is made solely for the purpose of compromise and settlement;

SETTLEMENT AND RELEASE AGREEMENT
City of Blythe – NV5

(f) that the compromise and settlement which forms the basis of this Agreement has been reached after thorough negotiation and bargaining and represents a final, mutually agreeable compromise;

(g) this Agreement may be signed in counterparts and shall be considered as if signed in one document.

12. AWARD OF ATTORNEYS' FEES AND COSTS

In the event that any party brings an action or other proceeding for the enforcement of, or seek a declaration as to, or assert by way of defense, any term or provision of this Agreement, then there shall be an award of reasonable attorneys' fees and costs to the prevailing party or parties.

13. COSTS AND ATTORNEYS' FEES

All parties to this Agreement shall bear their own attorneys' fees and costs in connection with THIS LITIGATION.

14. CALIFORNIA LAW

This Agreement shall be construed in accordance with, and shall be governed by, the procedural and substantive law of the State of California.

15. CAPTIONS

The captions of this Agreement have been inserted solely for reference purposes and shall not be given any effect in the construction or interpretation of this Agreement.

SETTLEMENT AND RELEASE AGREEMENT
City of Blythe – NV5

The terms of this Settlement Agreement and Release have been drawn by mutual cooperation of THESE PARTIES and shall not be construed for or against any party by reason of its participation or lack of participation in drafting this Settlement Agreement and Release.

Dated: _____

NV5, INC.

BY: _____

ITS: _____

Dated: _____

CITY OF BLYTHE

BY: _____

ITS: _____

Approved as to form and content:

NV5, INC.

Dated: _____

Richard Tong
Executive Vice President and General Counsel
Counsel for Releasee

JONES & MAYER

Dated: _____

Gary S. Kranker, Esq.
Attorneys for Releasor,
CITY OF BLYTHE



**CITY OF BLYTHE
CITY COUNCIL MEETING**

STAFF REPORT

MEETING DATE: January 12, 2016

SUBJECT: Levy & Collection of Assessments for Building & Weed Abatement

PRESENTED BY:

PREPARED BY: Michelle Van Dyke, Permit Technician

RECOMMENDATION: It is recommended that the City Council adopt Resolution No. 2015-036 authorizing the levy and collection of assessments for building and weed abatement at APN's 839080003-1 & 836062012-2, in the amounts listed.

FISCAL IMPACT: None

BACKGROUND:

APN 839080003-1: This property has been abandoned for well over thirteen years. We have sent notices to property owner(s) regarding substandard structure(s), weeds and illegal dumping for the past ten years. In January 2011 we received a notice that the property was in default, but no new owner took possession and conditions on the property continued to deteriorate. October 2012 it was noted that the structure had caved in on itself. In summer 2013, the property was due to go to tax auction, but the taxes were paid prior to auction. There was still no new property owner contact information and the conditions on the property continued to deteriorate. In early 2014, the City of Blythe was provided with an opportunity to obtain a Grant to clean this property. The Grant was awarded in early 2015 and the abatement/clean-up process began.

APN 836062012-2: The property owners of this site were both deceased prior to Code Enforcement first getting involved in 2003. Over the years our office has dealt with several different family members, but none of whom are legally responsible for the property and none who would abate the property nuisances. In 2008 our office attempted on numerous occasions to pair the family with an organization to help them probate and clean up the property and City legal counsel was also contacted. Over the years, the homeless took over the property and illegal dumping was frequent. During the winter months, fires which endangered neighboring properties were common. In early 2014, the City of Blythe was provided with an opportunity to obtain a Grant to clean this property. The Grant was awarded in early 2015 and the abatement/clean-up process began.

STAFF REPORT: The Development Services Department is requesting that the City Council authorize the levy and collection of the assessments on the properties referenced in the resolution. In early 2014, the City of Blythe was provided with an opportunity to obtain a Grant to clean these properties. The Grant was awarded in early 2015 and the abatement/clean-up process began. A condition of CalRecycle's Grant requires the City of Blythe to lein properties following nuisance abatement.

ATTACHMENTS:

1. Resolution No. 2015-036 with Exhibit A.
2. Breakdown of Property Assessment Charges

RESOLUTION NO. 2015-036**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE ORDERING THE LEVY AND COLLECTION OF ASSESSMENTS FOR PROPERTY BUILDING AND WEED ABATEMENT PURSUANT TO THE PROVISIONS OF THE BLYTHE MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF BLYTHE HEREBY FINDS, DETERMINES, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. Pursuant to the City of Blythe Municipal Code Section 8.28.080, the City of Blythe Development Services Department, Code Enforcement Division (hereinafter referred to as "Development Services"), over a period of 10 years, attempted to notify the property owner of parcel 839080003-1 (hereinafter referred to as "Property Owner #1") of hazardous conditions on their property due to the existence of a substandard structure(s), weeds and illegal dumping. At Parcel 836062012-2, both property owners are deceased and remaining family members do not maintain the property, which consisted of a collapsed house, weeds and illegal dumping. Conditions on both properties constitute a "Public Nuisance".

Section 2. All Notices of Public Nuisance issued to Property Owner #1 clearly stated that property owners failing to comply by abating the hazards identified on their property would be cause for the City of Blythe to abate the nuisance and all costs, in addition to administrative, assessed to the property taxes.

Section 3. No action was taken by Property Owner #1 to abate the property violations. With the conditions on both properties constituting a Public Nuisance, Development Services secured a Grant through CalRecycle to abate the nuisances on both properties to help protect the public life safety.

Section 4. A condition of CalRecycle's Grant requires the City of Blythe to lein properties following nuisance abatement.

Section 5. All nuisance notices clearly stated that unless abated by the Property Owner, all costs, in addition to administrative fees, would be assessed to the property taxes.

Section 6. The assessments are levied without regard to the property valuation.

Section 7. The assessments are levied for the purpose of paying the costs and expenses of the abatement described in Section 3 above, beginning April 2015 and completed July 2015.

Section 8. The adoption of Resolution No. 2015-036 constitutes the levy of an assessment for the fiscal year commencing July 1, 2016 and ending June 30, 2017.

Section 9. The County Auditor of Riverside County shall enter on the County Assessment Roll opposite each lot or parcel of land the amount of the assessment and such assessments shall then be collected at the same time and in the same manner as the County taxes are collected. After collection by the County, the net amount of the assessments shall be paid to the City Treasurer.

Section 10. The City Clerk is hereby authorized and directed to file a certified copy of Exhibit "A", with the County Auditor, together with a certified copy of Resolution No. 2015-036 upon its adoption.

Section 12. A certified copy of Resolution No. 2015-036 and Exhibit "A" shall be filed in the office of Development Services, with a duplicate copy on file in the office of the City Clerk.

PASSED, APPROVED, and ADOPTED this 12th day of January 2016, by the following vote, to wit:

AYES:
NOES:
ABSENT:

Joseph Deconinck, Mayor

ATTEST:

Mallory Crecelius, City Clerk

(S E A L)

EXHIBIT "A"

Following is a list of the properties and the costs associated with their abatement.

Fund Number	Assessors Parcel Number	Amount
68-2154	839080003-1	\$ 26,838.57
68-2154	836062012-2	\$ 23,737.55
68-2153	839080003-1	\$ 26,468.58
68-2153	836062012-2	\$ 23,737.56

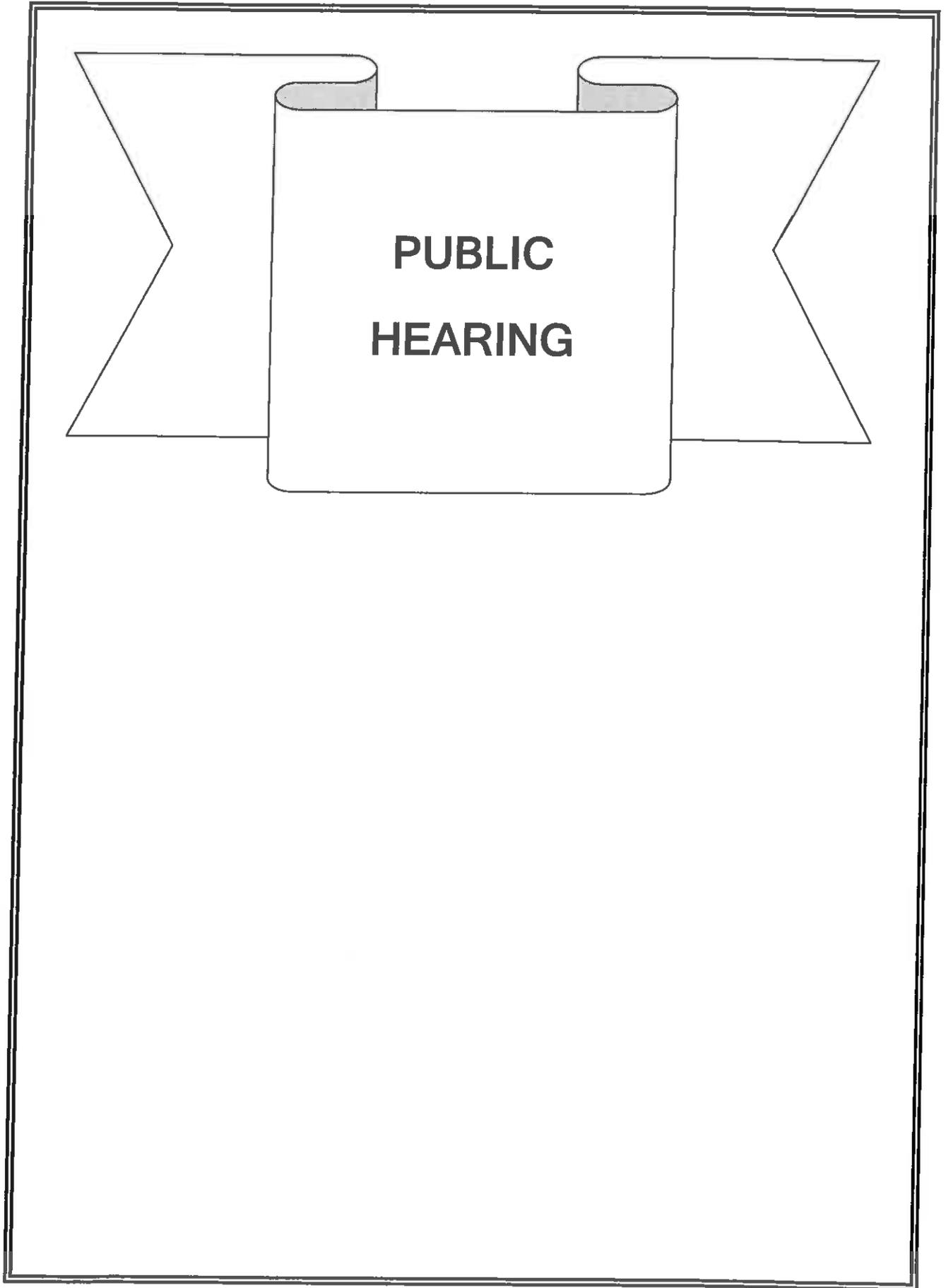
Breakdown of Property Assessment Charges

Project Site #1 – 1159 North Broadway, APN 839-080-003:

- Asbestos test \$370
- Property demolition & cleanup \$41,832
- Security fencing & installation \$6,187
- Staff time \$1,020.00
- Attorney's Fees \$3,898.15

Project Site #2 – 402 North Carlton Avenue, APN 836-062-012:

- Property demolition & cleanup \$33,150
- Security fencing & installation \$9,057
- Staff time \$1,215.06
- Attorney's Fees \$4,053.05





CITY OF BLYTHE
CITY COUNCIL MEETING

STAFF REPORT

MEETING DATE: January 12, 2016

SUBJECT: Ordinance No. 873-16-U

PRESENTED BY: Mallory Sutterfield, Interim City Manager

PREPARED BY: Baron Bettenhausen, City Attorney

RECOMMENDATION: It is recommended Council adopt Urgency Ordinance 873-16-U, and introduce the attached regular ordinance with identical substantive content so it can be adopted pursuant to normal procedures at the next City Council meeting as a precaution against any potential challenges to the validity of the urgency ordinance based on its adoption.

FISCAL IMPACT: None.

BACKGROUND: In the state of California, cities have the authority to adopt and enforce local laws so long as they are not in conflict with state or federal law. On the basis of this authority, the City has adopted a zoning ordinance that provides the permissible uses of and development standards for all land within the City's boundaries. To this end, the City has adopted a host of 'use classifications,' which define uses within the City. Under the zoning ordinance, a use classification not listed within a given zoning district is prohibited, unless otherwise authorized by the zoning administrator.

The outdoor cultivation of marijuana is not found among the use classifications approved by the City. It is thus currently prohibited. Despite this prohibition, the City is informed that outdoor marijuana cultivation occurs within the City and has a negative effect on the community. The proposed ordinance prohibiting marijuana cultivation, however, will make the prohibition explicit. The proposed ordinance will also combine the substantive content from Chapter 5.22 relating to marijuana dispensaries with the proposed new prohibition on marijuana cultivation and insert both prohibitions into newly created Chapter 17.64 of the City's Zoning Code. Combining these two related prohibitions into a single chapter within the Zoning Code will make clear that both prohibitions are land-use regulations adopted under the authority of the City's land use power.

Public safety agencies, city residents, and other public entities have reported adverse impacts from marijuana cultivation, including disagreeable odors and release of pollen that can aggravate the respiratory system; increased risk of burglary and other property crimes; and acts of violence in connection with the commission of such crimes or the occupants' attempts to prevent such crimes.

The creation of persistent strong odors as marijuana plants mature and flower is offensive to many people and creates an attractive nuisance, alerting persons to the location of valuable marijuana plants and creating an increased risk of crime.

The unregulated cultivation of marijuana can adversely affect the health, safety and well-being of the city and its residents. Comprehensive regulation of premises used for marijuana cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, smells and indoor electrical fire hazards that may result from unregulated marijuana cultivation, especially if the amount of marijuana cultivated on a single premises is not regulated and substantial amounts of marijuana can be cultivated in a concentrated place.

The indoor cultivation of substantial amounts of marijuana also frequently requires excessive use of electricity, which often creates an unreasonable risk of fire from the electrical grow lighting systems used in indoor cultivation.

Children are particularly vulnerable to the effects of marijuana use, and the presence of marijuana plants has proven to be an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children including hospitals, schools, church parks or playgrounds, childcare centers, recreation centers or youth centers. Cultivation of any amount of marijuana at, or near these sensitive uses presents unique risks that the marijuana plants may be observed by juveniles, and therefore be especially vulnerable to theft or recreational consumption by juveniles. Further, the potential for criminal activities associated with marijuana cultivation in such locations poses heightened risks that juveniles will be involved or endangered. Therefore, cultivation of any amount of marijuana in such locations or premises is especially hazardous to public safety and welfare, and to the protection of children and the person(s) cultivating the marijuana plants.

The cultivation of marijuana in other cities has resulted in calls for service to the police department, including calls for robberies thefts, and physical assaults from marijuana that is grown outdoors;

Marijuana growth poses significant safety risks for surrounding neighbors, including but not limited to, risks of violent confrontation in connection with attempts to steal marijuana, risk of fire from improperly wired electrical lights within structures growing marijuana, risk of guard dogs and security measures associated with structures and properties growing marijuana; and Staff and residents of the city have observed that the smell associated with marijuana cultivation is severe enough that it interferes with the use and enjoyment of property in the City.

Furthermore, the United States Environmental Protection Agency has not established appropriate pesticide tolerances for, or permitted the registration and lawful use of, pesticides on cannabis crops intended for human consumption under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136, et seq.). The use of pesticides is therefore inadequately regulated due to these omissions in federal law, and cannabis cultivated in California can and often does contain pesticide residues. These substances can run off of outdoor cultivation sites onto neighboring properties and/or leach into the groundwater.

There are thus serious nuisance impacts associated with the outdoor cultivation of marijuana. Cultivation bans in other cities have been reviewed by the courts and have been upheld in a variety of forms, including complete bans on cultivation within city limits (see *Maral v. City of Live Oak*, 221 Cal. App. 4th 975 (Cal. App. 3d Dist. 2013)).

STATE LAW GOVERNING MARIJUANA CULTIVATION:

The laws governing medical marijuana cultivation, sale, and use in California have evolved rapidly, and are presently in flux at the state level. As has been widely reported in the media, the State of California is attempting to create a new statewide framework to regulate medical marijuana cultivation, sale, and use (see AB 243 (Wood), AB 266 (Bonta, Cooley, Jones-Sawyer,

Lackey, and Wood), and SB 643 (McGuire)). These efforts are partially an acknowledgment of the confusion and lack of uniform regulation created in the wake of Proposition 215 (1996), which enacted the Compassionate Use Act, and passage of the Medical Marijuana Program Act of 2003. All three of these bills have been passed by the Legislature and were signed by Governor Brown on October 9, 2015. Their passage significantly affects the City's regulation of this subject.

Generally, the new laws continue to recognize the power of local governments to regulate marijuana cultivation. However, under AB 243, the State Department of Food and Agriculture will establish a 'Medical Cannabis Cultivation Program,' which will be administered by the Department's secretary "except as specified in subdivision (c)" and will administer the new state laws pertaining to the cultivation of medical marijuana.

Under subdivision (c):

If a city ... does not have land use regulations or ordinances regulating or prohibiting the cultivation of marijuana, either expressly or otherwise under principles of permissive zoning, or chooses not to administer a conditional permit program pursuant to this section, then commencing March 1, 2016, the [State Department of Food and Agriculture] shall be the sole licensing authority for medical marijuana cultivation applicants in that city... (Health & Safety Code § 11362.777(c)(4).)

STAFF REPORT: Since this new framework has been signed into law, it is appropriate that the City ensure its prohibition on the cultivation of marijuana is clear, so there is no question of the need for the State to act as the only licensing authority under the new laws. Since this prohibition needs to be effective as of March 1, 2016 in order to not cede sole licensing authority to the State, there is an immediate need to adopt the proposed ordinance as an urgency ordinance in order to not have the adverse effects associated with marijuana cultivation discussed in this report potentially occur within the City.

In order to approve an amendment to the Zoning Ordinance, the City Council is required to make findings as follows:

1. The new ordinance is consistent with the policies of the General Plan;
2. The new ordinance will not adversely affect property values and will not be detrimental to the City.
3. The ordinance amendment is consistent with the purpose of the Zoning Ordinance which is to protect and promote the public health, safety and general welfare and implement the policies of the General Plan.

GENERAL PLAN CONSISTENCY FINDINGS

In order to approve an amendment to the Zoning Ordinance, the City Council is required to make General Plan consistency findings. In making these consistency findings, the City Council should rely on the general rule for consistency contained in the State of California General Plan Guidelines (2003) as follows:

"An action program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment."

This amendment to the Zoning Ordinance is consistent with Section 3.1 of the City's General Plan because it would clarify the existing prohibition on cultivation of marijuana and marijuana

dispensaries. More clearly regulating these activities will better limit neighborhood effects such as odor and help to limit potential theft associated crime that could have a detrimental effect on surrounding properties.

ENVIRONMENTAL REVIEW

Pursuant to Section 15061(b)(3) of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) of 1970, as amended, the adoption of the zoning ordinance amendments contemplated by the proposed ordinance (the "Project") is exempt from environmental review as there is no possibility that the Project would have a significant effect on the environment given that the proposed amendments simply clarify existing prohibitions on the outdoor cultivation of marijuana in City.

ATTACHMENT:

1. Ordinance No. 873-16-U

ORDINANCE NO. 873-2016-U

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, PURSUANT TO SECTION 36937 OF THE GOVERNMENT CODE TO AMEND THE BLYTHE MUNICIPAL CODE BY AMENDING CHAPTER 5.22 OF TITLE 5 (BUSINESS LICENSING AND REGULATION) AND ADDITION OF CHAPTER 17.64 OF TITLE 17 (ZONING) TO PRESERVE LOCAL AUTHORITY IN REGARDS TO REGULATION AND PROHIBITION OF MARIJUANA DISPENSARIES AND CULTIVATION FOR THE IMMEDIATE PROTECTION OF THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE.

WHEREAS, the City of Blythe, pursuant to its police power, may adopt regulations to protect the health, safety and welfare of the public, Cal. Const. art. XI, § 7, Cal. Govt. Code § 37100, and thereby is authorized to declare what use or condition constitutes a public nuisance; and

WHEREAS, Government Code Section 36937 provides for the adoption of an urgency ordinance by a four-fifths majority vote for the immediate preservation of the public peace, health or safety; and

WHEREAS, Section 38771 of the California Government Code 38771 authorizes the City through its legislative body to declare actions and activities that constitute a public nuisance; and

WHEREAS, in 1970, Congress enacted the Controlled Substances Act (21 U.S.C. Section 801 et seq.) which, among other things, makes it illegal to import, manufacture, distribute, possess, or use marijuana for any purpose in the United States and further provides criminal penalties for marijuana possession, cultivation and distribution; and

WHEREAS, the People of the State of California have enacted Proposition 215, the Compassionate Use Act of 1996 (codified at Health and Safety Code Section 11362.5 et seq.) (the "CUA"), which exempts qualified patients and their primary caregivers from criminal prosecution under enumerated Health and Safety Code sections for use of marijuana for medical purposes; and

WHEREAS, the California Legislature enacted Senate Bill 420 in 2003, the Medical Marijuana Program Act (codified at Health and Safety Code Section 11362.7 et seq.) (the "MMPA"), as amended, which created a state-wide identification card scheme for qualified patients and primary caregivers; and

WHEREAS, on October 11, 2015, the Governor signed into law Senate Bill 643, Assembly Bill 266, and Assembly Bill 243, collectively referred to as the Medical Marijuana Regulation and Safety Act ("MMRSA"), effective January 1, 2016, which establishes a state licensing system for medical marijuana cultivation, manufacturing, delivery, and dispensing, regulating these activities with licensing requirements and regulations that are only applicable if cities and counties also permit marijuana cultivation, manufacturing, dispensing, and delivery within their jurisdictions. Under the MMRSA, cities and counties may continue to ban medical marijuana cultivation, manufacturing, dispensing, and delivery, in which case the new law would not allow or permit these activities within the cities and counties; and

WHEREAS, notwithstanding the CUA, the MMPA, and the MMRSA, marijuana remains a schedule I substance pursuant to Cal. Health & Saf. Code § 11054 (d)(13); and

WHEREAS, marijuana also remains a schedule I substance pursuant to federal law, 21 U.S.C. § 812, Schedule 1 (c)(10), and federal law does not provide for any medical use defense or exception (Gonzales v. Raich, 545 U.S. 1 (2005); United States v. Oakland Cannabis Buyers' Coop., 532 U.S. 483 (2001)); and

WHEREAS, the California Supreme Court has established that neither the CUA nor the MMPA preempt local regulation in the case of City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc., 56 Cal. 4th 729 (2013); and

WHEREAS, the MMRSA expressly allows cities and counties to ban marijuana cultivation consistent with current state law including the City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc., 56 Cal. 4th 729 (2013);

WHEREAS, the MMRSA provides that if a city, county, or city and county does not have land use regulations or ordinances regulating or prohibiting the cultivation of marijuana, either expressly or otherwise under the principles of permissive zoning, or chooses not to administer a conditional permit program pursuant to the MMRSA, then commencing March 1, 2016, the state will be the sole licensing authority for medical marijuana cultivation applicants (Health & Safety Code section 11372.777(c)(4));

WHEREAS, the City intends by the adoption of this ordinance to relocate the existing sections prohibiting marijuana dispensaries from Title 5 of the municipal code governing Business Licenses and Regulations to Title 17 containing the City's land use regulations for the express and specific purpose of clarifying that prohibition as a land use ordinance and that such ban includes cultivation in order to preserve the City's authority to ban and/or adopt future regulations pertaining to marijuana cultivation as is required by California Health and Safety Code section 11372.777(c)(4), effective January 1, 2016, added by the MMRSA; and

WHEREAS, the City of Blythe's permissive Zoning Code does not list marijuana cultivation as a permitted use in any zone in the City; and

WHEREAS, the City Council of the City of Blythe finds that it is in the interest of the health, safety and welfare and necessary for the immediate preservation of the public peace, health and safety of the City to make explicit that marijuana cultivation is prohibited anywhere in the City and is a public nuisance per se; and

WHEREAS, the City of Blythe finds and declares that losing its authority to regulate marijuana cultivation in the City by not prohibiting this type of land use by March 1, 2016 would seriously impact the peace, health and safety of the public because the cultivation of marijuana significantly impacts, or has the potential to significantly impact, the City's jurisdiction. These impacts include the following:

- A. Public safety agencies, city residents, and other public entities have reported adverse impacts from marijuana cultivation, including disagreeable odors and release of pollen that can aggravate the respiratory system; increased risk of burglary and other

property crimes; and acts of violence in connection with the commission of such crimes or the occupants' attempts to prevent such crimes.

- B. The creation of persistent strong odors as marijuana plants mature and flower is offensive to many people and creates an attractive nuisance, alerting persons to the location of valuable marijuana plants and creating an increased risk of crime.
- C. The unregulated cultivation of marijuana can adversely affect the health, safety and well-being of the city and its residents. Comprehensive regulation of premises used for marijuana cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, smells and indoor electrical fire hazards that may result from unregulated marijuana cultivation, especially if the amount of marijuana cultivated on a single premises is not regulated and substantial amounts of marijuana can be cultivated in a concentrated place.
- D. The indoor cultivation of substantial amounts of marijuana also frequently requires excessive use of electricity, which often creates an unreasonable risk of fire from the electrical grow lighting systems used in indoor cultivation.
- E. Children are particularly vulnerable to the effects of marijuana use, and the presence of marijuana plants has proven to be an attractive nuisance for children, creating an unreasonable hazard in areas frequented by children including hospitals, schools, church parks or playgrounds, childcare centers, recreation centers or youth centers. Cultivation of any amount of marijuana at, or near these sensitive uses presents unique risks that the marijuana plants may be observed by juveniles, and therefore be especially vulnerable to theft or recreational consumption by juveniles. Further, the potential for criminal activities associated with marijuana cultivation in such locations poses heightened risks that juveniles will be involved or endangered. Therefore, cultivation of any amount of marijuana in such locations or premises is especially hazardous to public safety and welfare, and to the protection of children and the person(s) cultivating the marijuana plants.
- F. The cultivation of marijuana in other cities has resulted in calls for service to the police department, including calls for robberies thefts, and physical assaults from marijuana that is grown outdoors;
- G. Marijuana growth poses significant safety risks for surrounding neighbors, including but not limited to, risks of violent confrontation in connection with attempts to steal marijuana, risk of fire from improperly wired electrical lights within structures growing marijuana, risk of guard dogs and security measures associated with structures and properties growing marijuana; and
- H. The smell associated with marijuana cultivation is severe enough that it interferes with the use and enjoyment of property.

WHEREAS, the City Council finds that sanctioning the cultivation of marijuana would be inconsistent with federal law; and

WHEREAS, the City of Blythe California, pursuant to the provisions of the California Environmental Quality Act (hereinafter "CEQA") (California Public Resources Code Sections 21000 et seq.) and State CEQA guidelines (Sections 15000 et seq.) has determined that the Ordinance is exempt pursuant to Sections 15061(b)(3), 15060(c)2) and (c)(3), and 15183 of Title 14 the California Code of Regulations and pursuant to; and

WHEREAS, the City Council finds that the provisions of this Ordinance are consistent with the City of Blythe's General Plan; and

WHEREAS, the City Council finds that this Ordinance will not adversely affect property values and will not be detrimental to the City; and

WHEREAS, the City Council has considered all evidence presented at a duly noticed public hearing held on January 12, 2016; and

WHEREAS, all legal prerequisites prior to the adoption of this agency ordinance have occurred.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY BIYTHE DOES ORDAIN AND ADOPT BY AT LEAST A FOUR-FIFTHS VOTE THIS URGENCY ORDINANCE PURSUANT TO GOVERNMENT CODE SECTION 63937 AS FOLLOWS:

SECTION 1: The City Council finds that all the facts, findings, and conclusions set forth above in this Ordinance are true and correct.

SECTION 2: Chapter 5.22 of the Blythe Municipal Code is hereby amended to read as follows:

Chapter 5.22 Cannabis Dispensaries
5.22.010 – Cannabis Dispensaries.

The City shall refuse to issue any license under this Title 5 when it is determined from the application for such license that the business or occupation for which the license is requested involves in anyway whatsoever commercial cannabis activities prohibited within the City, pursuant to Chapter 17.64 of the Blythe Municipal Code:

SECTION 3: Chapter 17.64 is hereby added to the Blythe Municipal Code to read as follows:

Chapter 17.64 Marijuana Dispensaries
17.64.010 - Purpose.

The City Council of the City of Blythe hereby finds and determines that it is the purpose and intent of this article to prohibit marijuana dispensaries, in order to promote the health, safety, morals and general welfare of the residents and the businesses within the City by maintaining local control over the ability to regulate marijuana related businesses.

17.64.020 – Applicability.

- A. Nothing in this article is intended, nor shall it be construed, to burden any defense to criminal prosecution under the CUA.
- B. All the provisions of this article shall apply to all property, public and private, within the City.
- C. All the provisions of this article shall apply indoors and outdoors.

17.64.030 – Definitions.

The following definitions apply to this chapter:

- A. “Cultivate” shall mean the planting, growing, harvesting drying or processing of marijuana plants or any part thereof for any purpose, including medical marijuana, and shall include both indoor and outdoor cultivation.
- B. “Marijuana” shall have the same definition as that set forth in California Health & Safety Code Section 11018.
- C. “Medical marijuana” shall mean marijuana used for medical purposes in accordance with California Health and Safety Code section 11362.5.
- D. "Medical marijuana dispensary" or "dispensary" shall mean any location, structure, facility, vehicle utilized in full or in part, as a place at or in which medical marijuana is made available, sold traded, exchanged or bartered for in any way with or without consideration, made available, located, stored, placed, cultivated and/or distributed. A “medical marijuana dispensary” shall not include the following uses, so long as the locations of such uses are otherwise regulated by this Code or applicable law:
 - 1. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code;
 - 2. A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code;
 - 3. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code;
 - 4. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code;
 - 5. A residential hospice, or a home health agency, licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq.

- E. "Person" shall mean any person, firm, corporation, association, club, society, or other organization. The term person shall include any owner, manager, proprietor, employee, volunteer and/or salesperson.

17.64.040 – Marijuana dispensaries prohibited.

The operation of medical marijuana dispensaries by any person, including primary caregivers, qualified patients and dispensaries, is prohibited in all zone districts within the City of Blythe.

17.64.050 - Declaration of public nuisance.

Any use, structure, or property that is altered, enlarged, erected, established, maintained, moved, or operated contrary to the provisions of this article, is hereby declared to be unlawful and a public nuisance and may be abated by the city through civil, criminal, and/or administrative proceedings by means of a restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances.

17.64.060 – Violations.

- A. Violations of this article shall be punishable pursuant to Chapter 1.24 of this Code.
- B. This article is not the exclusive means for the abatement of marijuana dispensaries within the City of Blythe. The remedies set forth pursuant to this section shall be in addition to any other existing remedies for violations of the Zoning Code, including but not limited to, any action at law or equity.

SECTION 4: The City Council finds and declares that this ordinance is required for the immediate protection of the public health, safety and welfare as previously stated in this ordinance, and that this ordinance shall become effective immediately upon its adoption and will continue in full force and effect in accordance with Government Code 36937.

SECTION 5: Any provision of the Blythe Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 6: Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable. The City Council of the City of Blythe declares that it would have adopted all the provisions of this ordinance that remain valid if any provisions of this ordinance are declared invalid.

SECTION 7: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect immediately from and after its passage.

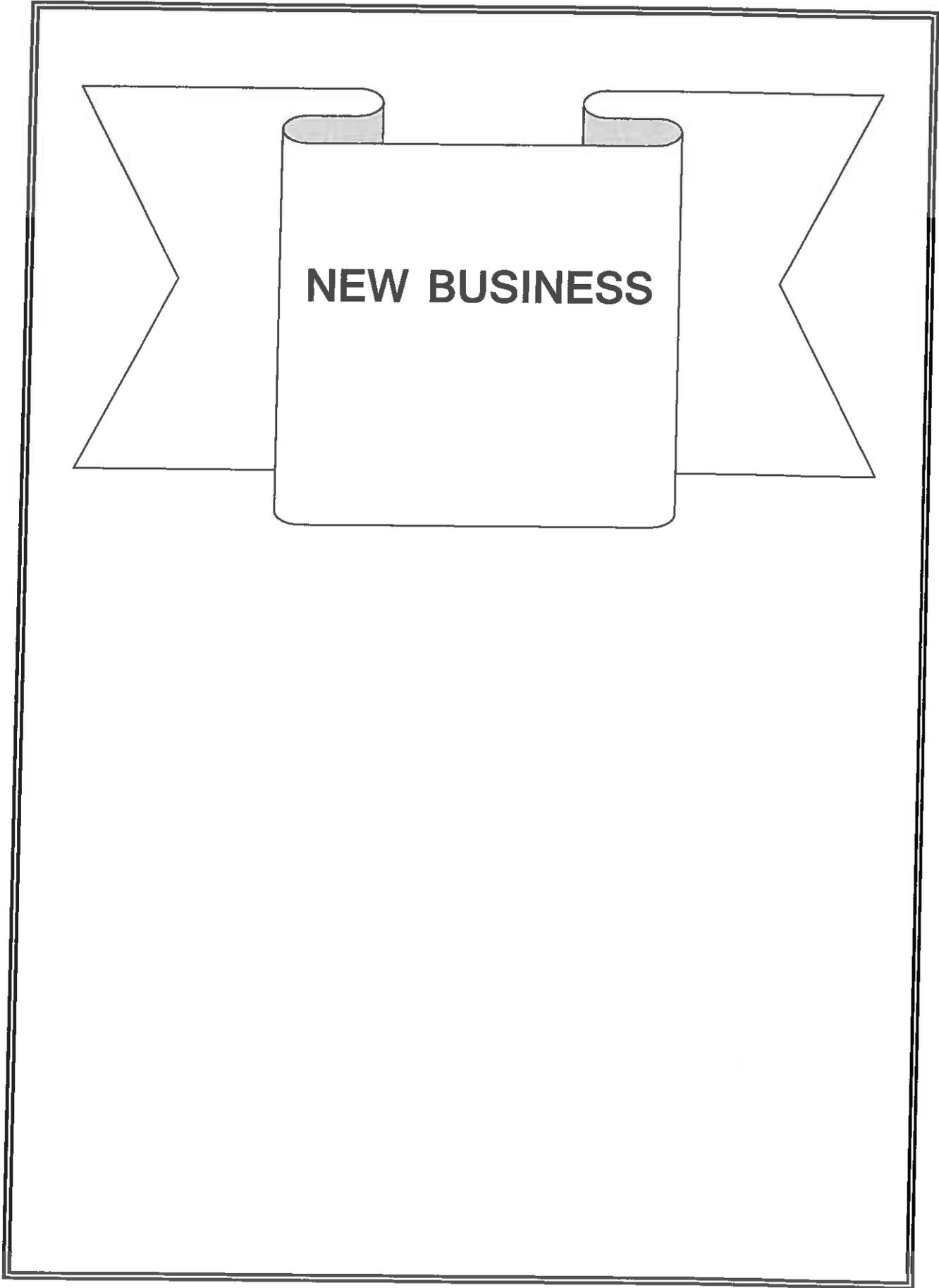
PASSED, APPROVED, AND ADOPTED this 12th day of January, 2016, by the following vote:

AYES:
NOES:
ABSENT:

Joseph DeConinck, Mayor

ATTEST:

Mallory Sutterfield-Crecelius, City Clerk





**CITY OF BLYTHE
CITY COUNCIL MEETING**

STAFF REPORT

MEETING DATE: January 12, 2015

SUBJECT: N. Broadway between Juniper Trail and 10th Avenue
PRESENTED BY: Armando Baldizzone, Public Works Director
PREPARED BY: Armando Baldizzone, Public Works Director

RECOMMENDATION: Staff recommends Council authorize the City Manager or her designee to proceed with the design of N. Broadway between Juniper Trail and 10th Avenue and authorize purchase orders in an amount not to exceed \$49,000.

FISCAL IMPACT: \$49,000 from Measure A Funds.

BACKGROUND: N. Broadway between Juniper Trail and 10th Avenue was identified as one of the streets requiring maintenance and rehabilitation based on visual inspection of the existing conditions in November 2013. The project was proposed to be financed with Federal STP funds and Measure A funds. The design of this project will provide staff with the necessary documentation to bid the project and request funding for construction.

STAFF REPORT: Staff has been working on this project since 2014. The following documents were submitted to CALTRANS for the project approval:

- Field Review Form; Vicinity Map and Map
- Roadway Data Sheet
- Preliminary Environmental Study (PES)
- Hazardous Waste Initial Site Assessment (ISA).
- Right Of Way (ROW) Certification (

On December 16, 2015 the Public Works Department received the NEPA Categorical Exemption from CALTRANS that allows the City to move forward with the design. It is expected that the ROW Certification will be approved in the next month.

Once the design and specifications are complete, the City will be ready to bid the project. The City will have to submit the project design and specifications and 2 certifications (NEPA CE and ROW certifications) to request Federal STP funds for construction.

The Federal STP Funds available for the City of Blythe are \$150,000. The preliminary cost estimate for the project, including design, was \$349,000. Federal STP funds can be use only for construction; it is the City's responsibility to perform all environmental studies, design, and to have funds matching a minimum of 11.7% of the Federal STP funds during construction. In this case, the City of Blythe exceeds the 11.7% matching required. The construction of this project is expected to start in the first months of FY 2016-17.

ATTACHMENTS:

Categorical Exemption from CALTRANS

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM

City of Blythe Dist.-Co.-Rte. (or Local Agency)	STPL 5233 (008) Federal-Aid Project No. (Local Project)/Project No.
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PROJECT DESCRIPTION: (Briefly describe project including need, purpose, location, limits, right-of-way requirements, and activities involved in this box. Use Continuation Sheet, if necessary.)

Approximately 0.56 miles of pavement rehabilitation on N. Broadway from Juniper Street to 10th Ave. in the City of Blythe.

CEQA COMPLIANCE (for State Projects only)

Based on an examination of this proposal and supporting information, the following statements are true and exceptions do not apply (See 14 CCR 15300 et seq.):

- If this project falls within exempt class 3, 4, 5, 6 or 11, it does not impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law.
- There will not be a significant cumulative effect by this project and successive projects of the same type in the same place, over time.
- There is not a reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances.
- This project does not damage a scenic resource within an officially designated state scenic highway.
- This project is not located on a site included on any list compiled pursuant to Govt. Code § 65962.5 ("Cortese List").
- This project does not cause a substantial adverse change in the significance of a historical resource.

CALTRANS CEQA DETERMINATION (Check one)

Exempt by Statute. (PRC 21080[b]; 14 CCR 15260 et seq.)

Based on an examination of this proposal, supporting information, and the above statements, the project is:

- Categorically Exempt Class** (PRC 21084; 14 CCR 15300 et seq.)
- Categorically Exempt. General Rule exemption.** [This project does not fall within an exempt class, but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment (CCR 15061[b])(3).]

N/A

N/A

Print Name: Environmental Branch Chief

Print Name: Project Manager/DLA Engineer

Signature

Date

Signature

Date

NEPA COMPLIANCE

In accordance with 23 CFR 771.117, and based on an examination of this proposal and supporting information, the State has determined that this project:

- does not individually or cumulatively have a significant impact on the environment as defined by NEPA and is excluded from the requirements to prepare an Environmental Assessment (EA) or Environmental Impact Statement (EIS), and
- has considered unusual circumstances pursuant to 23 CFR 771.117(b).

CALTRANS NEPA DETERMINATION (Check one)

23 USC 326: The State has determined that this project has no significant impacts on the environment as defined by NEPA, and that there are no unusual circumstances as described in 23 CFR 771.117(b). As such, the project is categorically excluded from the requirements to prepare an environmental assessment or environmental impact statement under the National Environmental Policy Act. The State has been assigned, and hereby certifies that it has carried out the responsibility to make this determination pursuant to Chapter 3 of Title 23, United States Code, Section 326 and a Memorandum of Understanding dated June 07, 2013, executed between the FHWA and the State. The State has determined that the project is a Categorical Exclusion under:

- 23 CFR 771.117(c): activity (c)(26)
- 23 CFR 771.117(d): activity (i)
- Activity ___ listed in Appendix A of the MOU between FHWA and the State

23 USC 327: Based on an examination of this proposal and supporting information, the State has determined that the project is a CE under 23 USC 327.

Aaron Burton

Sean Yeung

Print Name: Environmental Branch Chief

Print Name: Project Manager/DLA Engineer

 12-11-2015
Signature Date

 12/14/2015
Signature Date

Date of Categorical Exclusion Checklist completion: 12/2015

Date of ECR or equivalent : N/A

Briefly list environmental commitments on continuation sheet. Reference additional information, as appropriate (e.g., CE checklist, additional studies and design conditions).

February 12, 2014

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION FORM
Continuation Sheet

City of Blythe Dist.-Co.-Rte. (or Local Agency)	STPL 5233 (008) Federal-Aid Project No. (Local Project)/Project No.
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Continued from page 1:

Air Quality: project is exempt from the requirements to determine conformity. Transportation Air Quality Conformity Findings Checklist completed 01/28/2015.

Noise: This is not a Type 1 project, a noise impact analysis is not required. Because of the proximity of sensitive land uses to the proposed project, there will be construction generated noise impacts. To minimize construction generated noise, sound control should conform to the provisions in Standard Specification "Noise Control" section 14-8.02 and SSP 14-8.02

Hazardous Waste: Initial Site Assessment Checklist determined this project will not likely encounter hazardous waste 10/30/2015

Biology: Natural Environment Study No Effect Memo determined No Effects to Biological Resources/No avoidance measures 01/26/2015.

Cultural: Proposed project qualifies as a screened undertaking under Section 106 programmatic agreement. Determined 04/06/2015. The following standard Avoidance, Minimization, Mitigation Measures apply:

If buried cultural resources are encountered during construction, it is Caltrans policy that work stop in that area until a qualified archaeologist can evaluate the nature and significance of the find.

In the event that human remains are found, the county coroner shall be notified and ALL construction activities within 50 feet of the discovery shall stop. Pursuant to Public Resources Code Section 5097.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC) who will then notify the Most Likely Descendent (MLD). The person who discovered the remains will contact the Caltrans District 8 Division of Environmental Planning; Gabriel Duff, DEBC (909) 383-6933 and Gary Jones, DNAC (909) 383-7505. Further provisions of PRC 5097.98 are to be followed as applicable.

Community Impacts: No temporary roads, detours, ramp closures or restrictions to property access anticipated. Traffic control will be necessary during construction. No utility relocations or interruptions.

February 12, 2014



**CITY OF BLYTHE
CITY COUNCIL MEETING**

STAFF REPORT

MEETING DATE: January 12, 2016

SUBJECT: 6TH Avenue Pavement Rehabilitation
PRESENTED BY: Armando Baldizzone, Public Works Director
PREPARED BY: Armando Baldizzone, Public Works Director

RECOMMENDATION: Staff recommends Council authorize a purchase order to Riverside County Transportation Department in the amount of \$182,000.00 for the pavement rehabilitation of 6th Avenue from Olive Lake Blvd. to Colorado River Road, and allow staff to amend or adjust the budget as necessary to include the construction of this project in the FY 2015/16 budget.

FISCAL IMPACT: Measure A Funds. One hundred eighty two thousands and 00/100 dollars.

BACKGROUND: The Riverside County Transportation Department planned to overlay 6th Avenue from Olive Lake Blvd. (5,145 ft east of State Highway 95) to Colorado River Road during the spring 2015. The project was postponed and scheduled for 2016.

STAFF REPORT: Riverside County Transportation Department District 20 (Blythe) is preparing to overlay pavement on 6th Avenue from Olive Lake Blvd. to Colorado River Road within FY 2015/16. The length of this project is approximately 7,820 feet and half of the road (14 feet in width) is within the Blythe City limits.

Riverside County Transportation Department is proposing a 3-inch overlay, using their own desert mix asphalt. The work will be performed using Riverside County Transportation Department own in-house construction crews. The estimated cost for the City's is \$182,000.00.

Riverside County Transportation Department anticipates conducting the work sometime during May/June 2016. Staff's recommendation is to share the cost of these types of road improvements with Riverside County Transportation Department.

ATTACHMENTS:



**CITY OF BLYTHE
CITY COUNCIL MEETING**

STAFF REPORT

MEETING DATE: January 12, 2016

SUBJECT: On-Call Geotechnical Engineering Services

PRESENTED BY: Armando Baldizzone, Public Works Director

PREPARED BY: Armando Baldizzone, Public Works Director

RECOMMENDATION: Staff recommends Council authorize the City Manager or her designee to incorporate Landmark Consultants Inc. to the City's list of consultants to perform On-Call Geotechnical Engineering Services.

FISCAL IMPACT: Measure A funds or as needed in other department or City facilities.

BACKGROUND: During the past year, the City hired Civil Engineering Consultants for the design of 5 street projects within the City. Those contracts included the Geotechnical Services to be hired, and asphalt and soils testing to be conducted under the responsibility of the Civil Engineering awarded with the project. City staff was required to contact a geotechnical engineer, as a third party, when discrepancies between the recommendations from the City's Management Pavement Plan (2007) and the project's design were found and also the engineering opinion of probable cost of the project exceeded the project's budget.

Landmark Consultants Inc was contacted to perform a new soils report. Mr. Greg Chandra, Area Manager and Principal Engineer of Landmark, suggested to review the existing soils report of the project and provided a conservative solution similar to: the City's Management Pavement Plan; the recommendation of Public Works, with a significant reduction in the engineering opinion of probable cost.

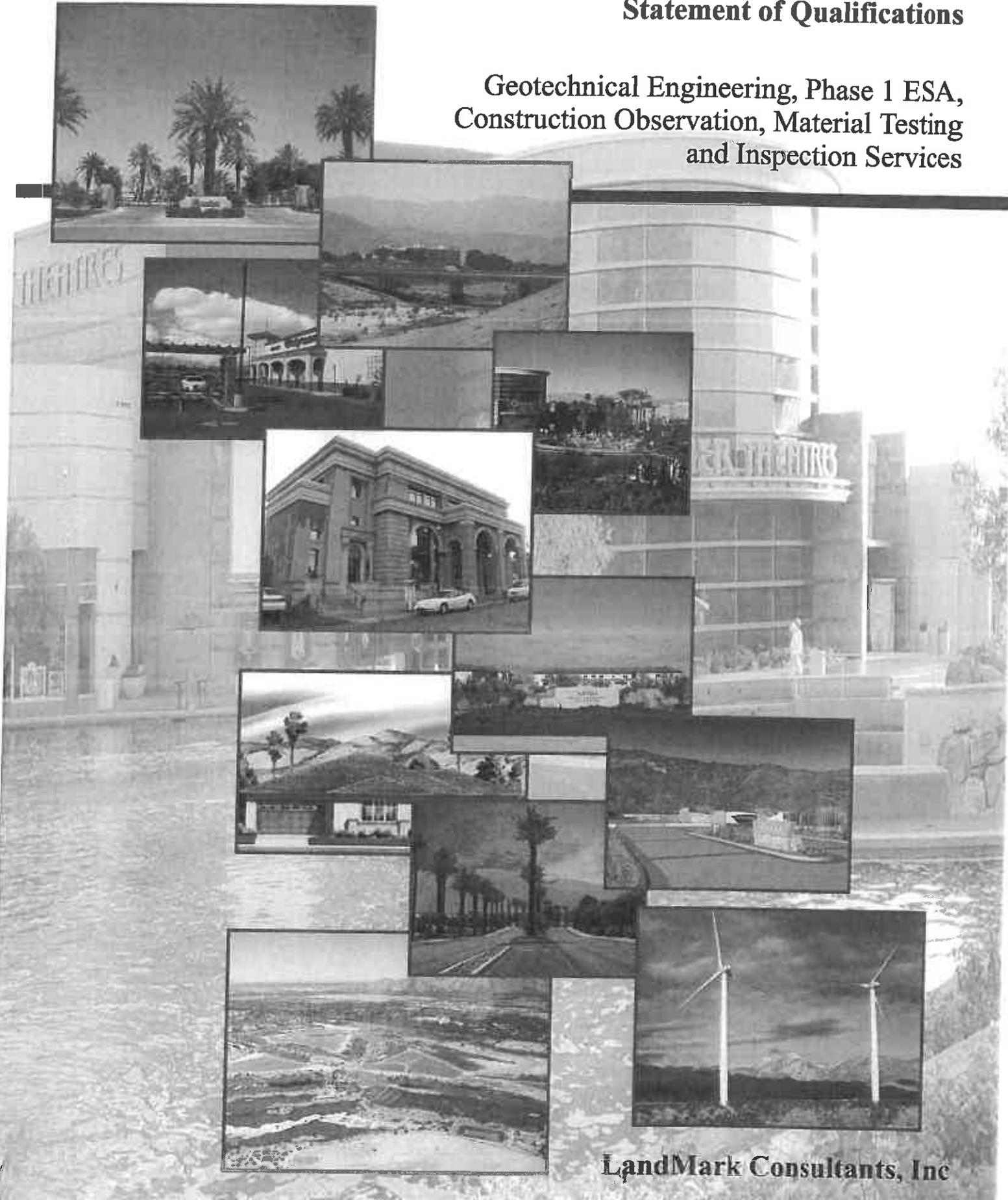
STAFF REPORT: Landmark Consultants Inc is a recognized Geotechnical Engineering firm with 29 years of experience providing geotechnical services and construction material testing in Imperial, Riverside and San Bernardino County, with offices in El Centro and Palm Desert. Landmark is approved by the Division of the State Architects (DSA), receives biannual inspections to ensure compliance with the American Society of Testing Materials (ASTM), and possesses certifications from CALTRANS, Cement and Concrete Reference Laboratory (CCRL) and AASHTO Materials Reference Laboratory (AMRL). Due to qualifications and performance of Landmark Consultants Inc, staff recommends incorporating this company to the City's list of consultants, for on-call geotechnical services.

ATTACHMENTS:

1. Statement of Qualifications
2. Letter of Proposal and fee schedule
3. MBE – Los Angeles

Statement of Qualifications

Geotechnical Engineering, Phase 1 ESA,
Construction Observation, Material Testing
and Inspection Services

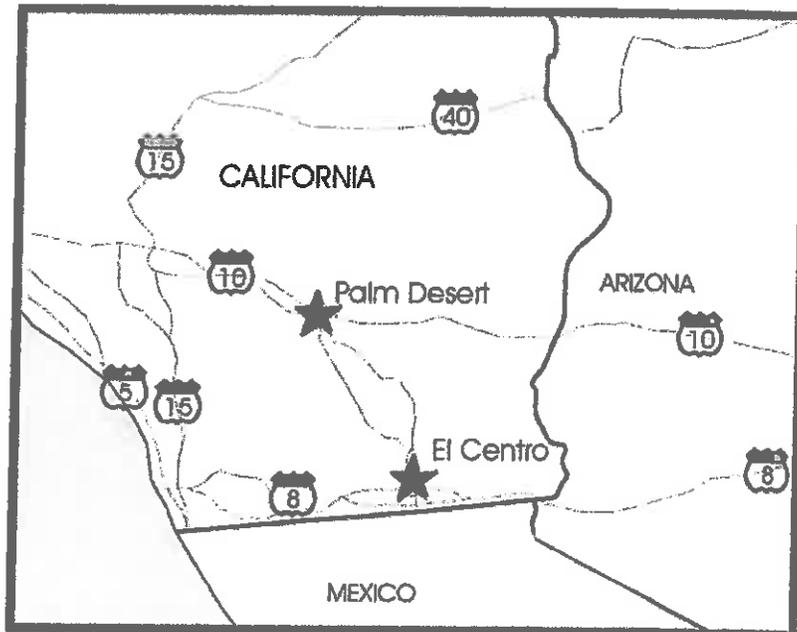


LandMark Consultants, Inc

COMPANY BACKGROUND

Two offices in southern California

LandMark Consultants, Inc. is a consulting firm providing geotechnical and construction materials testing services in the Imperial, Riverside, and San Bernardino, County areas of Southern California. The firm's practice began in 1987 in El Centro, California, with staff operating together since 1982, rapidly earning the reputation for high quality, cost effective, and responsive technical and professional service. The firm established a branch office in Palm Desert, California in 1989 with a combined total staff of nearly 21 employees.

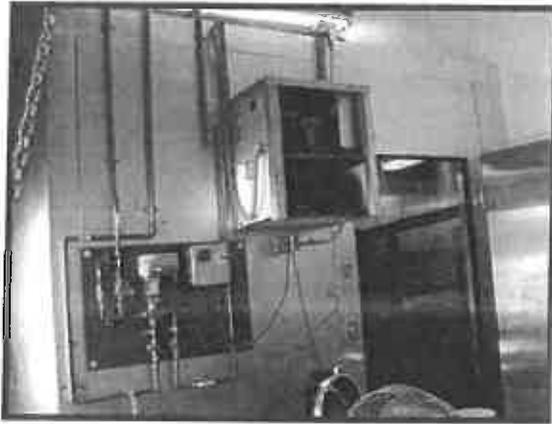


Variety of Services

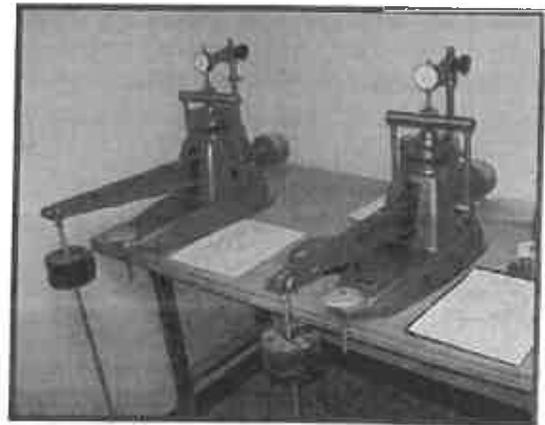
Under the leadership of Mr. Jeffrey O. Lyon, founder and CEO, the firm offers personalized, "small-company" service, working with clients to develop common sense, constructible, and cost effective solutions to geotechnical and construction challenges. The success of this approach is evidenced by the large number of repeat clients.

Laboratory Certifications

Palm Desert office of *LandMark Consultants, Inc.* is approved by the Division of the State Architect (DSA) to conduct geotechnical engineering and materials testing services encompassed by their jurisdiction. Additionally, the firm participates in the Cement and Concrete Reference Laboratory (CCRL) and AASHTO materials Reference Laboratories (AMRL) inspection program administered by the National Institute of Standards and Technology. This biannual inspection assures that our lab practices are providing testing services according to the latest American Society for Testing and Materials (ASTM) methods. We periodically review our test methodology to verify compliance with the latest test methods and procedures. Additionally, we participate in CALTRANS proficiency sampling as well as hold laboratory certifications with CCRL, AMRL, and CALTRANS.



Concrete Moist Room



Soil Consolidometer Machine



Compression Machine

SUMMARY OF SERVICES

LandMark Consultants, Inc. offers a broad range of consulting services on diverse projects in both the public and private sectors. The firm specializes in geotechnical engineering, engineering geology, soils and construction materials testing, and inspection services. Typical clients include public agencies, municipalities, industrial plants, power generation companies, commercial and subdivision developers, architects, engineers, the military, and construction companies.

The firm provides professional and technical consulting services to project planners, designers, owners, and builders from the initial planning phase through the design and construction of projects. These services include fatal flaw/geologic reconnaissance studies, geotechnical design investigations, and construction consulting, testing and inspection services. The firm's involvement in all phases of design and construction ensures continuity and facilitates the establishment of a strong understanding of client goals and project requirements.

The technical experience and commitment of the staff result in innovative, cost-effective geotechnical consulting services for small routine projects, as well as large, complex projects with challenging site conditions and issues. The staff works with clients and other involved parties to develop strong working relationships based on integrity, mutual respect, and the shared commitment to designing and constructing noteworthy projects

Geotechnical Investigation	Phase I ESA (GS Lyon)
Foundation Design	Litigation Support
Pavement Design	Grading Observation & Testing
Geotechnical Instrumentation	Compaction Testing
Exploration Drilling	Foundation Inspection
Soil Stabilization	Pile Driving Inspection
Faulting and Seismicity Studies	Pile Load Testing
Landslide Investigation and Remediation	Aggregate Testing
Liquefaction Analyses	Portland Cement Concrete Testing
Slope Stability Analysis	Asphaltic Concrete Testing
Dewatering Studies	Special Inspections (ICC)

SUMMARY OF STAFF QUALIFICATIONS

The staff of *LandMark Consultants, Inc.* is a combination of professional, technical, and administrative personnel who approach each project with skill, experience, and innovative technology. The most valuable asset of the company is the dedication of all its employees to the continued growth, success, and reputation of the firm for providing highly responsive, personal service.

Mr. Jeffrey Lyon, founder and CEO, is involved in the day-to-day management of the firm and practices the business philosophy of maintaining accessibility and personal relationships with clients and employees alike.

Brief outlines of the qualifications of our key professional and technical staff follow. Detailed resumes are included at the end of this document.

Mr. Jeffrey O. Lyon **Principal Engineer, CEO**

Mr. Lyon is the founder and Principal Engineer of *LandMark Consultants, Inc.* and is responsible for general management and technical oversight of all its offices. He has over thirty (30) years experience in ownership and operation of professional engineering firms including up to four (4) branch offices in southern California and Arizona. In addition to practicing geotechnical engineering, Mr. Lyon is experienced in structural and general civil engineering, making him sensitive to the needs of the design and construction team. Mr. Lyon is a registered professional engineer licensed to practice in California and Arizona

Mr. Greg M. Chandra, PE **Branch manager/Principal Engineer**

Mr. Chandra has over thirty (30) years of experience supervising geotechnical, construction, and materials testing and inspection projects from initiation to completion. His experience consists of a wide range of projects for both private developers and government agencies, in both the United States and Asia. Such projects have included: residential communities and subdivisions, commercial buildings and industrial complexes, recreational facilities, sewage treatment facilities, school and

university facilities, airports, power plants, street and highway improvements with construction costs well over \$2 billion. Mr. Chandra has also supervised public works projects including assessment districts, flood control and sewage treatment plants.

Mr. Steven K. Williams, CEG
Senior Engineer Geologist

Mr. Williams is an engineering geologist with over fifteen (15) years experience in engineering geology, geotechnical and environmental site assessment projects in southwestern Arizona and southern California. In addition, his experience includes two years in the mining industry in Utah, Nevada and Idaho. He has served as a project geologist on correctional facilities, bridges, pipelines, residential subdivision, schools, power plants, public works facilities, and water and wastewater treatment facilities. Mr. Williams is a Registered Geologist in the states of Arizona and California and a Certified Engineering Geologist in California.

Mr. Julian Avalos, PE
Senior Engineer

Mr. Avalos has performed geotechnical investigations in the Mexico City and Mexicali Valley. His field experience includes logging of soil borings and exploratory trenches, collection and documentation of soil samples, collection of field geotechnical data, and soils testing. Mr. Avalos is also responsible for preparing computer-generated data and figures, drafting and subsequent writing of geotechnical reports for a variety of projects.

In addition to the professional staff described above, *LandMark Consultants, Inc.* maintains a staff of twelve (12) field and laboratory technicians, five (5) managerial staff, and four (4) Administrative staff.

INSURANCE

LandMark Consultants, Inc. carries all insurances required by law, as well as Professional Liability (Errors and Omissions) Insurance. Our insurance policy limits are \$2,000,000 for general liability and automobile insurance, and \$1,000,000 for professional liability insurance. Our insurance carriers have ratings of "A" or better in the latest Best's Key Rating Guide and are Class V or better in financial size. Our firm also carries worker's compensation insurance through the State Compensation Insurance Fund.

EQUAL OPPORTUNITY STATEMENT

It is the policy of *LandMark Consultants, Inc.* to give equal opportunity to all qualified persons without regard to race, sex, creed, national origin, color, disability as defined by law, disabled veteran status, Vietnam veteran status, religion, age (40 and above), medical condition as defined by law, marital status, ancestry or sexual orientation.

All employment practices are to provide that all individuals be recruited, hired, assigned, advanced, compensated and retained on the basis of their qualifications, and treated equally in these and all other respects without regard to race, sex, creed, national origin, color, disability as defined by law, disabled veteran status, Vietnam veteran status, religion, age (40 and above), medical condition as defined by law, marital status, ancestry or sexual orientation.

It is considered the responsibility of every supervisory employee to further the implementation of this policy and ensure conformance by their subordinates.

Supervisory personnel as well as those responsible for hiring new employees must take all necessary action in the elimination of possible discrimination toward employees and applicants for employment with *LandMark Consultants, Inc.* in all categories and levels of employment and employee relations.

PROJECT REFERENCES

The firm's professionals have provided services on projects for numerous public agencies and municipalities. As such, the staff is very familiar with the accepted standards and procedures required on these types of projects. The firm is also very knowledgeable concerning the geologic environment of southern California desert region and experienced in providing services on similar public agency projects. The following is a list of selected projects:

The K-12 Educational Park
Coachella Valley Unified School District
Coachella, CA



The Coachella Valley Unified School District broke ground in November 2001 to build on a 1 million square feet of an area in the Coachella Valley the largest K-12 combination school site and the only one of its kind in California. The K-12 Educational Park, with three schools on an 80 acre site, have distinctive areas and characteristics, but they also share many facilities such as a library/media center and a performing arts complex.

LandMark Consultants, Inc. is the geotechnical engineer of record for this project. We provided geotechnical investigation report starting in 2001, construction inspection and materials testing during construction until it's completion in 2005.

Mid - Valley Pipeline
Coachella Valley, CA



Mid-Valley Pipeline, Phase I, a \$ 70 million project, consists of 6.7 miles 54-inch steel pipeline within the stormwater channel from booster station in Indio to Wastewater Reclamation plant in Palm Desert. This project is a key element of district's *Water Management Plan* goal to reduce demand on the groundwater supply by delivering golf courses an alternative source of water.

LandMark Consultants, Inc. is the geotechnical engineer of record for this project. We are providing geotechnical investigation, compaction and materials testing during construction starting in 2006, for GEI Consultants, Inc.

Coachella Canal Lining
Imperial County - Riverside County, CA



Coachella Canal Lining, a \$100 million project, consists of constructing a new 34.8 mile section of concrete waterway to replace the still earthen sections. The portion of the canal being replaced begins north of Niland in Imperial County and ends near North Shore in Riverside County.

LandMark Consultants, Inc. is the geotechnical engineer of record for this project. We are providing geotechnical investigation reports and materials testing during construction starting in 2004, for MWH Americas, inc.

WRP No.4 Expansion (Phase IV)
Coachella Valley, CA



Water Reclamation Plant No. 4 Expansion (Phase IV), is a \$17 million project for CVWD located in the community of Thermal, Coachella Valley, California. The plant will increase the capacity to handle local sewage from 6.9 to 9.9 mgd. The project is designed and managed by Lee & Ro, Inc

LandMark Consultants, Inc. is providing construction inspection and materials testing during construction starting in 2005, for CVWD.

Banning Police Station
Banning, CA



A \$15M Police Facility, designed by *Holt Architects* of Rancho Mirage, will be the new home for City of Banning, Police Department. The structures consist of 20,500 square feet, two-story ultra modern masonry building with copper roof, and secured car ports and parking facilities, next to the City Hall.

LandMark Consultants, Inc. is providing geotechnical investigation, construction inspection and materials testing during construction starting in 2006.

Dillon Wind Farm
Palm Springs, CA



Dillon Wind Farm Project consists of forty-five (45) MHI 1.0 Mw wind turbine generators, and a Substation, is located in the northern portion of Palm Springs, California. The tower was approximately 200 feet high, and was placed on an 8 foot thick reinforced concrete mat foundation. The project is owned by Dillon Wind Power, LLC, a subsidiary of PPM Energy.

LandMark Consultants, Inc. is the geotechnical of record for this project. We are providing construction inspection and materials testing during construction in 2007, for D.H Blattner & Sons of Minnesota and Rosendin Electric of California.

Photovoltaic Array Design/Build @ Selev Ranch
Borrego Springs, CA



The project occupies approximately 1 acre of land and required the installation of 1,700 solar panels and associated electrical equipment. It is the largest solar power system in San Diego County and the largest solar driven pump system in the world.

LandMark Consultants, Inc. is the geotechnical of record for this project. We are provided geotechnical design parameters and investigation for the proposed project in 2004 for Blymyer Engineers Inc.

P-971A CAMOUT Training Facilities I
MCAGCC, Twenty-nine Palms, CA



P-971A CAMOUT Facilities, Phase I (Urban Core), was constructed by Soltek Pacific of San Diego as part of desert ground training facilities located at the Marine Corps Air Ground Combat in Twentynine Palms, California. The phase I included fifty four (54) buildings (approximately 131,000 M2), and urban roads, on approximately 69 acres of land. These buildings are one to five story cast-in-place concrete buildings which resembled typical urban desert cities. The project also included installation of several miles of utilities and pipelines.

LandMark Consultants, Inc. was retained by Soltek Pacific to provide geotechnical engineering services, on-site construction inspection and materials testing during constructions through 2008.

GREG M. CHANDRA, PE
Principal Engineer

Education

B.S. Civil Engineering, California Polytechnic University, 1979

Registration

Registered Civil Engineer
No. 34432, California
No. 49886, Arizona

Summary of Experience

Mr. Chandra has over 31 years of experience supervising geotechnical, construction, and materials testing and inspection projects from initiation to completion. His experience consists of a wide range of projects for both private developers and government agencies, in both the United States and Asia. Such projects have included: school and university facilities, residential communities/subdivisions, commercial buildings and industrial complexes, recreation facilities, sewage treatment facilities, water facilities, airports, street and highway improvements with construction costs well over \$2 billion. Mr. Chandra has also supervised public works project including assessment districts, flood control and sewage treatment plants.

Professional Experience

2002 – Present	Area Manager/Principal Engineer, Landmark Consultants, Inc.
1998 – 2002	Project Manager/Materials Engineer, Kleinfelder, Inc.
1993 – 1998	Deputy Construction Manager, PT Sentra BDNI
1978 – 1993	Materials Engineer/Operations Manager, RMA Group

Selected Project Experience

- Performed geotechnical and materials consulting services for La Quinta Fire Station No. 32, La Quinta, California
- Performed geotechnical and materials consulting services for various street and bridge Improvements for cities of Rancho Mirage, Cathedral City, Palm Desert, Palm Springs, Indian Wells, La Quinta and Indio, in Coachella Valley, California.
- Performed geotechnical and materials consulting services for Mission Spring Water District, in Desert Hot Springs, California
- Performed geotechnical and materials consulting services for Desert Water Agency in Palm Springs, California.
- Performed materials consulting services for 35th Street and The Cove Assessments District, for city of Cathedral City, in San Bernardino, California.
- Performed construction inspection and materials testing for Xavier College Preparatory Catholic High School, in Palm Desert, California
- Performed geotechnical and materials consulting services for custom homes in The Vintage, In Indian Wells, for Thomas Jakway Architect, California
- Performed geotechnical and materials consulting services for housing tracts in Coachella Valley, for Centennial Homes, California.

- Performed geotechnical and materials consulting services for the K-12 Educational Park, for the Coachella Unified School District in Thermal, California
- Performed geotechnical and materials testing services for the Jackson Elementary School Modernization in Indio, California.
- Performed geotechnical and materials consulting services for Coachella Canal Lining for Montgomery Watson Harza, in Coachella Valley, California.
- Performed geotechnical and materials consulting services for Desert Water Agency in Palm Springs, California.
- Performed materials consulting services for East Branch Water Extension Project, for State of California Department of Water Resources, in Redlands-Yucaipa-Cherry Valley, California
- Performed geotechnical and materials consulting services for TVRI and TVWP Waterline Projects for Boyle Engineering, in the County of Riverside, California.
- Performed materials consulting services for Westfield Shoppingtown Expansion, for Westfield Corporation, in Palm Desert, California.
- Performed geotechnical and materials consulting services for New Commissary in Twenty-nine Palms Marine Base, for Hensel Phelps, in Twenty-nine Palms, California.
- Performed geotechnical and materials consulting services for Big Bear Mountain Bottling Facility, for San Manuel Band of Mission Indians, in San Bernardino, California.
- Performed geotechnical and materials consulting services for Con-Way Transportation Facilities in Fontana, Blythe, Kettlement City and Oxnard, California.
- Performed materials consulting services for Anaheim Convention Center Expansion, for City of Anaheim, in Anaheim, California
- Performed materials consulting services for the USP and FCI Correction Facilities for Hensel Phelps in Victorville, California.
- Performed geotechnical and materials consulting services for Lowe's in Palm Desert, Riverside and Rancho Santa Margarita, in California.
- Performed construction management, geotechnical and materials consulting services for Sentra BDNI, for Gajah Tunggal Group, in Jakarta, Indonesia
- Performed geotechnical and materials consulting services for Esplanade in La Quinta, for Lennar Homes and Ponderosa Homes, California.
- Performed geotechnical and materials consulting services for housing tracts in San Bernardino and Riverside Counties, for Lewis Homes, California.
- Performed materials testing consulting services for modernization project Phases D-H and Valley View Elementary School Addition for the Alvord Unified School District, Riverside, California.
- Provided geotechnical consulting services for Jewish Academy in Los Angeles and Perris Day School in Perris for WLC Architects, Rancho Cucamonga, California.
- Performed geotechnical and materials testing consulting services for Linde Hall, Collins Kitchen, Broad Academy Center, W.M. Keck Jacob Science Building, Libra Library, CMC Aquatic Center, and Jacob Science Building for the Claremont Colleges, Claremont, California.

LANDMARK

Civil Engineers and Geologists

a MBE Company

November 18, 2015

Mr. Armando J. G. Baldizzone, PE
City of Blythe
440 S. Main Street
Blythe, CA 92225

780 N. 4th Street
El Centro, CA 92243
(760) 370-8000
(760) 337-8900 fax

77-948 Wildcat Drive
Palm Desert, CA 92211
(760) 360-0885
(760) 360-0521 fax

**Subject: Geotechnical & Materials Testing Services
Various Public Work Projects
Blythe, California
LCI Proposal No.: LP15108T**

Dear Mr. Baldizzone:

LandMark Consultants, Inc. is pleased to provide this proposal for geotechnical and materials testing at the various public work projects in the city of Blythe, California.

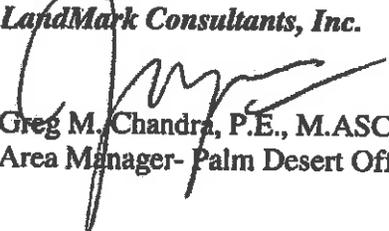
The following scope of work is anticipated for this project:

- Geotechnical Engineering Report
- Pavement Structural Sections Report
- Soil Compaction Testing
- Asphalt Concrete Compaction Testing
- Concrete Inspection & Testing
- Laboratory Testing for soil, aggregate base, asphalt concrete and concrete

Our services will be provided on *time and materials* basis in accordance with the rates set forth in the attached Prevailing Wage Fee Schedule. The fees presented are based on prompt payment for services presented in our standard invoicing format.

We appreciate the opportunity to provide these services for the subject project. Please feel free to call me if you have any questions.

Sincerely Yours,
LandMark Consultants, Inc.


Greg M. Chandra, P.E., M.ASCE
Area Manager- Palm Desert Office



2015/2016 PREVAILING WAGE PROFESSIONAL FEE SCHEDULE

Landmark Consultants, Inc. is a consulting firm which provides services in Soils and Materials Engineering, Fault and Seismic Studies, and Construction Materials Testing. The firm's objective has been providing engineering services for public utilities, public works infrastructure, residential, commercial, and industrial projects in the Southern California areas.

OFFICES AND LABORATORIES

	<u>Phone</u>	<u>Fax</u>
El Centro, California	(760) 370-3000	337-8900
Palm Desert, California	(760) 360-0665	360-0521

Email: gchandra@landmark-ca.com

BASIS OF CHARGES

Listed herein are typical fees for services most frequently performed by *Landmark Consultants, Inc.* Fees for other services not listed will be given upon request, as well as special quotations for projects involving volume or special provisions.

Invoices will be issued on a bi-monthly basis, or upon completion of a project, whichever is sooner. Invoices are payable when received unless otherwise agreed. A late payment service charge will be computed at the periodic rate of 1.5% per month, which is an annual percentage rate of 18 % and will be applied to any unpaid balance commencing 30 days after date of the original invoice. A four (4) hour minimum will be charged per trip for all field testing and thereafter in 4 hour increments. An overtime premium of 1.5 times the standard rate will be charged for all personnel service or laboratory test periods in excess of eight hours per day or Saturday, and 2 times the standard rate for work in excess of 12 hours per week day, in excess of 8 hours on Saturdays and all day on Sundays or holidays. A four (4) hour minimum will be charged for all special inspection services. Trip Charge will be charged at a rate of \$75.00 per trip per person. Outside services will be charged at cost + 10% unless otherwise noted. All samples of soil or rock will be destroyed 30 days after submission of final report unless prior arrangements are made.

Our liability to Client for injury or damage to persons or property arising our work performed for Client and for which legal liability may be found to rest upon us rather than for professional errors and omissions, will be limited to our general liability insurance coverage, which we maintain in limits of \$2,000,000. For any damage on account of any error, omission, or other negligence, our liability will be limited to a sum of not to exceed \$50,000 or our fee less direct third-party costs, whichever is greater, unless specifically negotiated otherwise.

2015/2016 Prevailing Wage Professional Fee Schedule

<u>Field</u>	<u>Hourly Rate</u>
Technician (Soil/Concrete/Asphalt Concrete)	\$ 97.50
Coring Technician	\$ 97.50
Inspector (ICBO/AWS/CWI)	\$ 100.00
Ultrasonic (Level II)	\$ 145.00
Staff Engineer/Geologist	\$ 130.00
Project Engineer/Geologist	\$ 160.00
Supervisory Tech./Operation Manager	\$ 110.00
Principal Engineer/Geologist	\$ 200.00
Word Processor/Typist	\$ 65.00
Drafting	\$ 90.00
Drilling - Flight Auger	\$ 300.00
Backhoe	\$ 175.00
Coring	Quote per project
Trip Charges	\$ 75.00/trip
<u>Laboratory Test</u>	<u>Each</u>
Max. Density – Op. Moisture (A)	\$ 175.00
Max. Density – Op. Moisture (B, C, D)	\$ 200.00
Check Point	\$ 80.00
Sieve Analysis	\$ 130.00
Sand Equivalent	\$ 90.00
Direct Shear	\$ 290.00
Collapse Potential	\$ 200.00
Soil Expansion Index	\$ 145.00
Soil Corrosion	\$ 220.00
R-Value	\$ 275.00
CBR (100% Compaction)	\$ 380.00
AC Maximum Density (Marshall)	\$ 200.00
AC Extraction/Gradation	\$ 250.00
Concrete Compression Test	\$ 28.00
Concrete/AC Core Compression Test	\$ 50.00
Grout/Mortar Compression Test	\$ 30.00
Mix Design Review	\$ 250.00
Masonry Prism Compression Test	\$ 150.00
Reinforcing Steel Tension & Bend Test	\$ 160.00
Structural Steel Tension & Bend Test	\$ 160.00
Machine Test Specimen	\$ cost + 20%

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CALIFORNIA

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and
Director

BUREAU OF
CONTRACT ADMINISTRATION
Office of Contract Compliance
1149 S. BROADWAY, SUITE 300
LOS ANGELES, CA 90015
(213) 847-1922

<http://bca.lacity.org>

Jeffrey O. Lyon, P.E.
Landmark Consultants, Inc.
780 North 4th Street,
El Centro, CA 92243

March 25, 2011
File No. - 11626
Phone No. - (760) 370-3000

RE: MINORITY BUSINESS ENTERPRISE (MBE) CERTIFICATION APPROVAL

Dear Mr. Lyon:

Based on a thorough review of the submitted documents, we are pleased to inform you that your firm has been certified as a **Minority Business Enterprise (MBE)** and has been placed in the City of Los Angeles DBE/MBE/WBE directory as a firm specializing in:

NAICS Codes

Description

541330

Engineering Services

541690

Other Scientific and Technical Consulting Services

You may review your firm's information in the City of Los Angeles DBE/MBE/WBE database at <http://bca.lacity.org>. Any additions and revisions must be submitted for review and approval.

This certification will continue until or unless it is removed by our agency. If there are any changes in ownership, control, or structure of your firm, you are required to notify this office of those changes in writing. Also, please include your file number on each page of correspondence relating to these matters.

The City reserves the right to withdraw this certification if at any time it is determined certification was knowingly obtained by false, misleading or incorrect information. The City also reserves the right to request additional information and/or conduct on site visits at any time during the certification period to verify any documentation submitted with your application. By accepting certification, the firm of **Landmark Consultants, Inc.** hereby consents to the examination of its books, records and documents by the City.

Should you have any questions, please contact Rolando Tuason at (213) 847-2642 or e-mail at rolando.tuason@lacity.org.

AN EQUAL OPPORTUNITY - AFFIRMATIVE ACTION EMPLOYER

Landmark Consultants, Inc.

March 25, 2011

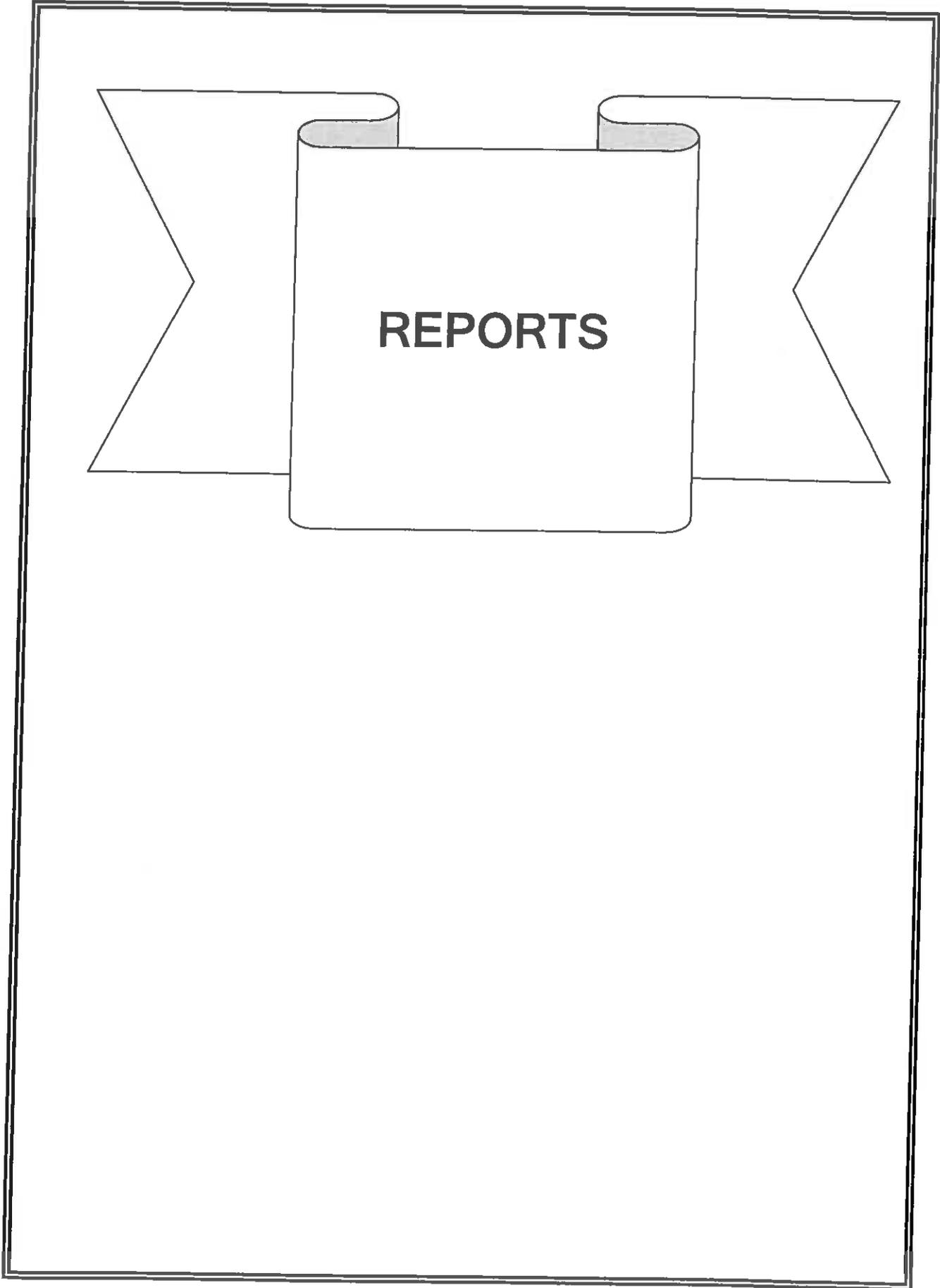
Page 2

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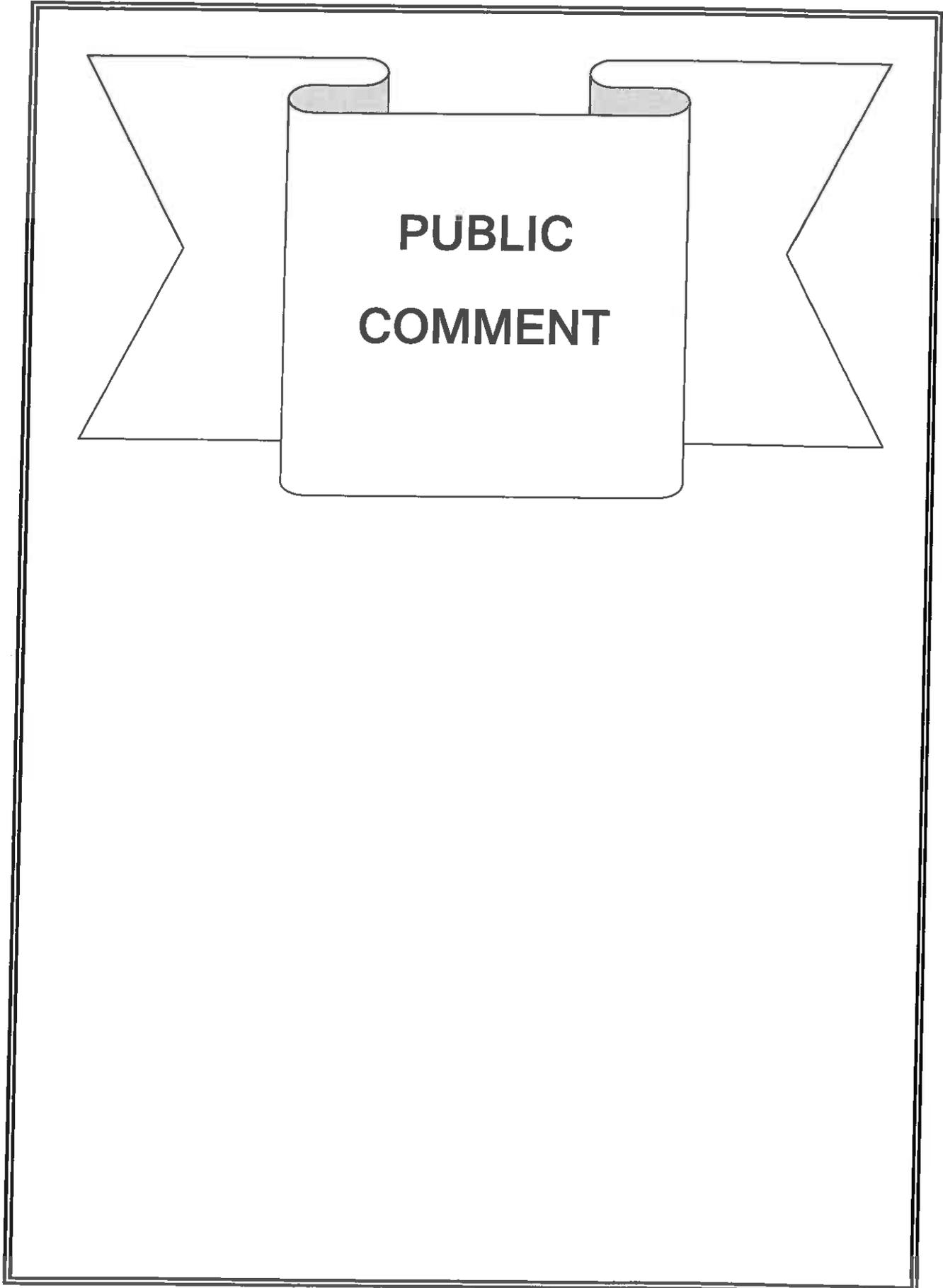
Sincerely,



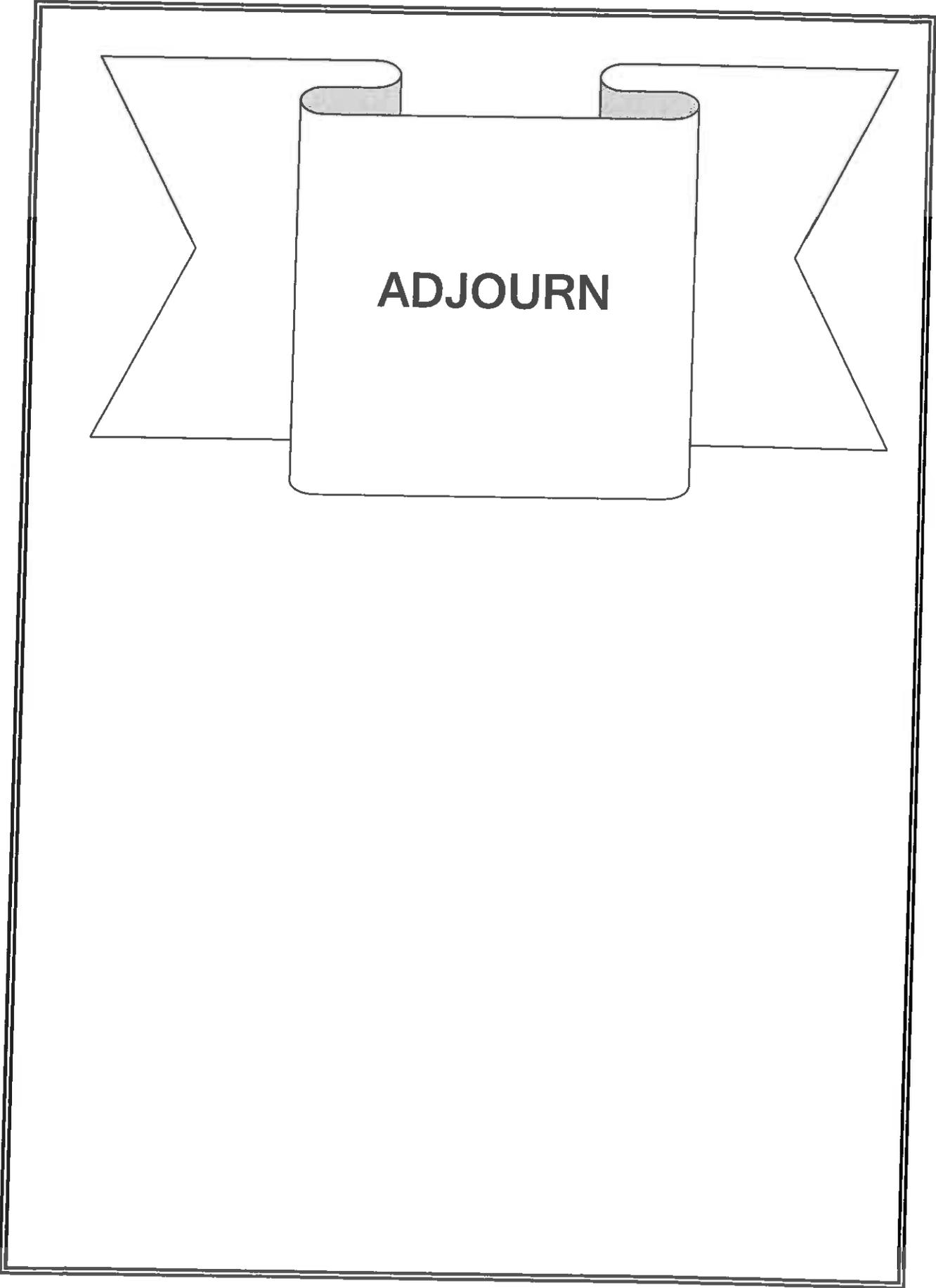
HELMUT PEINDL, Certification Manager
Office of Contract Compliance
Bureau of Contract Administration



REPORTS



**PUBLIC
COMMENT**



ADJOURN