

**Minutes of the Blythe City Council
January 9, 2018**

The January 9, 2018 Meeting of the Blythe City Council was called to order at 6:00pm in the Council Chambers by Mayor Reynolds. Also in attendance were Vice Mayor Egan and Council Members DeConinck, Rodriguez and Halby. Staff in attendance included: Interim City Manager and City Clerk Crecelius, City Treasurer and Interim Finance Director Elms, Police Chief Wade, Public Works Director Baldizzone, Planner Burrow, Chief Building Official Garnica and City Attorney Bettenhausen.

The Pledge of Allegiance was led by Mayor Reynolds. The invocation was offered by Councilman DeConinck.

REPORT FROM CLOSED SESSION: City Attorney Bettenhausen stated the City Council entered Closed Session at 5:15pm to discuss one item, Personnel, recruitment of City Manager. Direction was given, no final action was taken.

PRESENTATION:

C Division Flag Football All Star Team.

Presentation of the City's FY 2016/17 Audited Financial Statements. Rich Teaman with the Auditing Firm Teaman Ramirez and Smith presented the City's audited financial statements which consist of an unqualified opinion of the auditors.

No public comment. The report was received and filed.

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.*

3. 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 5, 2018.

4. Approval of the Warrant Register.

Recommendation: Approve **1/9/18**, warrants numbered 67304 through 67326 in the amount of \$256,828.0 and **1/9/18**, warrants numbered 67225 through 67294 and 67295 through 67303 in the amount of \$260,037.58.

5. Approval of the Payroll Register.

Recommendation: Approve **1/9/18**, warrants numbered 49895 through 49922 and Direct Deposits numbered 40883 through 40937 in the amount of \$247,106.61; **1/9/18**, warrants numbered 49923 through 49947 in the amount of \$113,353.54; **1/9/17**, warrants numbered 49948 through 49974 and Direct Deposits numbered 40938 through 40992 in the amount of \$248,982.05 and **1/9/18**, warrants numbered 49975 through 49982 and Direct Deposits numbered 40993 through 41095 in the amount of \$74,736.22.

6. Minutes of the December 12, 2017 City Council Meeting.

Recommendation: Approve the Minutes of the December 12, 2017 meeting.

7. City of Blythe Permits Issued for the Month of December 2017.

Recommendation: Receive and file this monthly report.

8. City of Blythe Fire Department Monthly Activity Report for December 2017.

Recommendation: Receive and file this monthly report.

9. **City of Blythe Police Department Monthly Activity Report for December 2017.**

Recommendation: Receive and file this monthly report.

10. **Investment Report for 2nd Quarter (Fiscal Year 2017/18).**

Recommendation: Receive and file this quarterly report.

11. **Right of Way and Alley Dedication-Jack in the Box.**

Recommendation: Adopt Resolution No. 2017-042 and authorize the City Manager to execute the Certificate of Acceptance for the alley right of way of 500 sq. ft. and right of way dedication of the ADA Ramp at Willow and Rice.

RESOLUTION NO. 2017-042. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, AUTHORIZING THE ACCEPTANCE OF THE RIGHT-OF-WAY IMPROVEMENTS ON APN #848-021-025 AND #848-021-056 AS COMPLETED ACCEPTING THESE IMPROVEMENTS INTO THE CITY MAINTAINED STREET SYSTEM.

12. **3rd Place Sidewalk and Roadway Dedication.**

Recommendation: Adopt Resolution No. 2018-001 authorizing the County to act as lead agency for land acquisition services of real property located in the City of Blythe for the 3rd Pl. sidewalk and roadway improvements.

RESOLUTION NO. 2018-001. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE CERTIFICATE OF ACCEPTANCE OF THE EASEMENT GRANT DEED FROM APN #869-070-001 FOR 3RD PLACE SIDEWALK AND ROADWAY IMPROVEMENTS.

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

CONTINUED BUSINESS:

Cannabis Zoning Request of Jettie Townsend. Interim City Manager Crecelius stated The Commercial Cannabis Ordinance sets a 600 ft. radius around any portion of any parcel in the City containing: youth facilities, daycares serving nine or more children and licensed by the County or City, parks, places of worship and adult day care facilities serving nine or more adults and licensed by the State, County or City. Based on these guidelines staff prepared a Cannabis map with a cloud around areas of the City cannabis operations are restricted. Mr. Townsend owns a vacant piece of property in the 1500 block of East Hobsonway. The property is located in the cloud due to its vicinity to Sheltering Wings, an adult day care center and a church located on Date Rd. At the November 14, 2017 Council meeting Mr. Townsend asked Council to consider removing the clouded area around his property. Council asked Mr. Townsend for more information and continued the item. At this time no new information has been provided to staff. Due to this, staff cannot support this request due to the vicinity of this property to a Church and an Adult Day Care center and it is recommended Council deny the request of Mr. Townsend.

Councilman Halby asked if there was any correspondence from Sheltering Wings. Interim City Manager Crecelius stated nothing was received from Sheltering Wings, a letter from Mr. Townsend was provided at the back of the Council Chamber.

Jettie Townsend of 870 E. 14th Ave. stated the letter is the same from the last meeting. Sheltering Wings is 200 feet or so east of this property. All I am asking for is to be allowed to do this type of business at this location. We are already zoned for this type of use. I feel it would be best for everyone if we were allowed to participate in this. If we

can't use it for this purpose it will lose its value. I did speak to Mrs. Watkins and she was adamant about not allowing it. If you don't allow this, you are leaving me with no options. All I am asking for is due process and fairness. I am shocked that it is requested that we be denied. I think my letter speaks for itself and hope you consider it.

Ms. Townsend of 870 E. 14th Avenue stated what I see here is people coming in from out of the area and taking the money out of Blythe. I see Blythe going downhill. If you allowed a family businesses I see prosper. Don't let Blythe go downhill.

Councilman Halby asked if they had thought about parceling the property. It was reported the only issue isn't Sheltering Wings; there is also a church that shares that parcel.

Vice Mayor Egan moved approval of staff's recommendation. The motion was seconded by Councilman Rodriguez with a unanimous aye vote.

3rd Place Sidewalk and Roadway Dedication. Councilman DeConinck asked to readdress item #12. He stated he should have recused himself from the vote due a potential conflict of interest as he rents land in that area. He would like Council to pull the item from the Consent Calendar to revote on it. Councilman DeConinck left the Chambers.

Councilman Halby moved approval of staff's recommendation. The motion was seconded by Vice Mayor Egan with a aye votes from Reynolds, Egan, Rodriguez and Halby. Councilman DeConinck rejoined the meeting.

NEW BUSINESS:

Professional Services Agreement between City and County Environmental Health. Chief Building Official Garnica stated the County or Riverside Department of Environmental Health informed the Development Services Department about changes from SB 885. This developed state wide standards for permitting and operating onsite wastewater treatment systems for both commercial and residential projects. These changes provide minimum protective guidelines for the design, installation and maintenance of these systems to protect groundwater and public health. Environmental Health has received approval to enforce the current guidelines. To comply with the State Water Board the City has until March 13th to adopt the proposed agreement with the County or become certified on its own. It is recommended for the limited wastewater treatment systems proposed, the City continue to utilize the services of the County Environmental Health Department.

Councilman DeConinck asked if the costs to the public would go up if we enter into this Agreement. It was reported there would be costs for the services rendered, but no cost to the City. Councilman DeConinck would like to see a cost structure. Every year the fees go up, there is no control of the costs.

No public comment. The item was tabled for further research.

Change in Election Schedule from Odd to Even Year Elections. Interim City Manager Crecelius stated Senate Bill 415 enacted Elections Code §§ 14050-14057 which prohibits the holding of an election other than on a statewide election date if holding an election on a non-concurrent date resulted in a significant decrease in voter turnout. The City of Blythe currently conducts elections in November of odd-numbered years and could be in violation of SB 415 if voter turnout is significantly decreased due to our current election schedule. After review of Senate Bill 415, staff has determined the public interest would be best served by election of its governing body members in even-numbered year elections. If Resolution No. 2018-002 is adopted by Council and Ratified by the Riverside County Board of Supervisors, City elections would be held in even numbered years. The next election would take place in November of 2020. The terms of the current governing body members expire in 2019 and 2021. Through consolidation with the statewide general elections, those terms would be extended by one year to 2020 and 2022. The Resolution submitted in the Agenda packet had a few typos. It should be reflected that the City wishes to consolidate with the state general elections in November of even numbered years beginning in 2018. If consolidation is approved the governing body members with terms expiring in 2019 would be extended to 2020 and members with terms expiring in 2021 would be extended to 2022. The corrections have been made and a clean copy of the Resolution was provided to you this evening. It is recommended Council adopt Resolution No. 2018-002 with amended changes.

Councilman DeConinck stated this says we could be in violation, or will we be in violation? City Attorney Bettenhausen stated when this law came out the City did the research and you are not currently in violation, but the liability is ongoing. It's possible you could be in a future year. So instead of forgetting about it, or waiting for a challenge its better to fix it now.

Public comment. Kim Williams of 125 W. Chanslorway stated the Library Board of Directors dealt with the same issue and there is a fee to notify the community of the change.

Vice Mayor Egan moved approval of staff's recommendation. The motion was seconded by Councilman Rodriguez with a unanimous aye vote.

RESOLUTION NO. 2018-002. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA APPROVING THE RESCHEDULING OF GOVERNING BODY MEMBER ELECTIONS FROM ODD-NUMBERED YEARS TO EVEN-NUMBERED YEARS, IN ACCORDANCE WITH ELECTIONS CODE §1303(B) AND SENATE BILL 415 (2015-2016 REGULAR SESSION), AND REQUESTING THE APPROVAL OF THE COUNTY OF RIVERSIDE TO CONSOLIDATE THE SAME WITH THE STATEWIDE GENERAL ELECTION PURSUANT TO ELECTIONS CODE § 10404.

Setting a Cannabis Tax for the June 2018 Ballot. Interim City Manager Crecelius stated The City is currently processing a number of Commercial Cannabis Business Permit applications. As there may be impacts the City will need to address from this industry, a new revenue source is needed to fund potential impacts. Voter approval is required to levy any new taxes. Council has discussed placing a measure on the June Ballot asking voters to approve a tax on cannabis businesses. Any Ordinances and/or Resolutions necessary to place this measure on the ballot will be brought before Council

for adoption closer to the election. At this time staff is asking Council to set the rate of the proposed ballot measure so staff can prepare those documents and inform citizens about the City's intent to place this measure on the ballot. This tax measure would be paid by all cannabis businesses permitted to operate in the City. The tax would apply to any/all operators in the supply chain which include: Cultivators, Distributors, Manufactures, Testing Labs and Dispensaries. Any revenue collected from adoption of this tax would be paid directly to the City of Blythe. These funds would not pass through the State or County and the City would receive 100% of these funds. Council would then deem how the proceeds should be spent. Items could include: Public Safety including Police and Fire personnel and equipment, road repairs and improvements, water and sewer infrastructure improvements, playground equipment, increased code enforcement, funding for economic development and funding for drug awareness and prevention programs. It is recommended Council set a tax rate of up to \$6 per sq. ft for Cultivation, up to 2% of gross receipts for Dispensary, Testing, Manufacturing and Distribution and an annual Cannabis Business Permit Fee of \$5,000 per Cannabis business for all Cannabis businesses permitted to operate in the City of Blythe.

Public comment. Kim Williams of 125 W. Hobsonway stated the Library and Hospital need funds. How do we get on the list for proceeds? Interim City Manager Crecelius stated they would be general funds spent at the discretion of the Council.

Councilman Halby stated Council held a study session last week to discuss this, and is why we are ready to move forward with this.

Vice Mayor Egan moved approval of staff's recommendation. The motion was seconded by Councilman Halby with a unanimous aye vote.

ORAL REPORTS: None

PUBLIC COMMENT:

George Colangeli invited Council to attend the Palo Verde Valley Transit Agency's 40th Anniversary celebration.

MEMBER COMMENT:

Councilman DeConinck reported on several upcoming community events.

Mayor Reynolds reported on his meeting with Walmart.

ADJOURN: The City Council meeting was adjourned at 7:01pm.

Dale Reynolds, Mayor

ATTEST:

Mallory Crecelius, City Clerk