

Minutes of the Blythe City Council January 10, 2017

The January 10, 2017 Meeting of the Blythe City Council was called to order at 6:00pm in the Council Chambers by Mayor DeConinck. Also in attendance were Vice Mayor Wade and Council Members Galvan and Reynolds. Councilman Egan was excused from the meeting. Staff in attendance included: City Manager Cosentini, Deputy City Clerk Lang, City Treasurer and Interim Finance Director Elms, Police Chief Wade, Public Works Director Baldizzone and Planner Burrow.

The Pledge of Allegiance was led by Mayor DeConinck. The Invocation was offered by Councilman Galvan. Mayor DeConinck asked for a moment of silence in honor of John Benoit and his family.

REPORT FROM CLOSED SESSION: City Attorney Bettenhausen reported the Council entered into Closed Session at 5:00pm to discuss Labor Negotiations with the Mid-Management, Clerical and Laborer's Units and Labor Negotiations with the Public Works Director. Direction was given, no final action was taken.

PRESENTATION:

Blythe Flag Football All-Stars, B Division Champions. Mayor DeConinck asked the team to introduce themselves. Coach Rick Copple thanked the Council for recognizing them, as these kids did an awesome job. They recognized Blythe in the utmost way on and off the field. He thanked Jennifer and the Rec Center, the Rec-N-Crew and all of the other people who made donations to make this possible. The team introduced themselves and the positions played in the tournament.

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.*

2. 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 6, 2017.

3. Approval of the Warrant Register.

Recommendation: Approve **1/10/17**, warrants numbered 65389 through 65474, 65490 through 65507 and Utility Billing Refunds numbered 65476 through 65489 in the amount of \$1,236,123.33 and **1/10/17**, warrants numbered 65322 through 65388 in the amount of \$340,064.31.

4. Approval of the Payroll Register.

Recommendation: Approve **1/10/17**, warrants numbered 48941 through 48969 and Direct Deposits numbered 38318 through 38371 in the amount of \$250,102.92; **1/10/17**, warrants numbered 48935 through 48940 in the amount of \$15,445.61; **1/10/17**, warrants numbered 48905 through 48934 and Direct Deposits numbered 38263 through 38317 in the amount of \$261,786.94 and **1/10/17**, warrants numbered 48970 through 48978 and Direct Deposits numbered 38372 through 38470 in the amount of \$65,509.94.

5. Minutes of the December 13, 2016 City Council Meeting.

Recommendation: Approve the Minutes of the December 13, 2016 Meeting.

6. City of Blythe Permits Issued in December 2016.

Recommendation: Receive and file this monthly report.

7. **City of Blythe Fire Department Monthly Activity Report for December 2016.**
Recommendation: Receive and file this monthly report.
8. **Award Contract to California Consulting for Grant Writing Services.**
Recommendation: Authorize the City Manager to enter into an Agreement with California Consulting for grant writing services and approve a budget transfer of \$20,000 for additional funding for this service.
9. **Participation in the CMFA Pace Program.**
Recommendation: Adopt Resolution No. 2017-001.

RESOLUTION NO. 2017-001. A RESOLUTION OF THE BLYTHE CITY COUNCIL CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE TERRITORY OF THE CITY IN THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY OPEN PACE PROGRAMS; AUTHORIZING THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY TO ACCEPT APPLICATIONS FROM PROPERTY OWNERS, CONDUCT CONTRACTUAL ASSESSMENT PROCEEDINGS AND LEVY CONTRACTUAL ASSESSMENTS WITHIN THE TERRITORY OF THE CITY; AND AUTHORIZING RELATED ACTIONS.

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

CONTINUED BUSINESS:

Interim Moratorium on Recreational Marijuana. Planner Burrow reported at the December meeting Council requested this item be continued to further discuss temporary options for the newly enacted marijuana laws. There is an urgency ordinance proposed, establishing a temporary moratorium on medical Marijuana until further direction is given. There is another option which is a ban on non medical marijuana sells, dispensaries and cultivation. The difference between the ban and the moratorium is the length of time in which each is in effect. The moratorium provides that the issue be readdressed within 45 days. This would allow the City time to establish guidelines for non medical marijuana sells. The ban would remain in effect until guidelines were established. Additionally Council has requested to receive information from an outside consultant. The consultant is available on February 23rd at 1pm. The moratorium or ban will give Council the protections needed to implement an appropriate policy regarding non medical marijuana.

Councilman Reynolds asked what the time frame at the State level was. City Manager Cosentini stated they must issue licenses by January 2018 but it could be sooner. City Attorney Bettenhausen stated the current Municipal Code does not address non-medical marijuana so someone could try to come in and start something. This will buy the Council time to decide what you want to do.

Mayor DeConinck asked if the moratorium could be adopted tonight, with the ban brought back at the next meeting for adoption. It was reported it could.

City Attorney Bettenhausen stated as it's an urgency Ordinance it takes a 4/5 vote of the Council. Staff was directed to place the moratorium on the next agenda.

No public comment. Councilman Reynolds moved approval of Urgency Ordinance No. 880-2017-U. The motion was seconded by Vice Mayor Wade with a unanimous aye vote. City Attorney Bettenhausen read the title of the Ordinance into the record.

ORDINANCE NO. 880-17-U. AN ORDINANCE OF THE COUNCIL OF THE CITY OF BLYTHE ADOPTING THE FINDINGS AND DECLARATIONS FOR A TEMPORARY MORATORIUM ON NON-MEDICAL MARIJUANA RELATED BUSINESSES AND PERSONAL OUTDOOR NON-MEDICAL MARIJUANA CULTIVATION PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858.

NEW BUSINESS:

Debt Coverage Concern. City Manager Cosentini stated to date Council and staff have cleared 3 to 4 million in debt. I have analyzed our fiscal position and during that review I found potential concern for how our debt is covered. We are in no financial danger; this is something we need to keep an eye on. Our Interim Finance Director feels we are becoming safer as time goes on. If we had a significant event in the City our concern level may go up. Our current debt in the Golf Course, Sanitation, Lighting District and General Fund stands at \$2.6 million. Typically you view the Golf Course, Sanitation and Lighting District as separate funds from the General Fund. However, under the law, if these funds cannot pay for their debt the General Fund becomes responsible for it. We do not feel these funds have the ability to pay their debt. In our audit we have a due to due from which is where we have identified a transfer of funds to cover the debt. We can put the City's money into two pots, City owned money such as water and sewer funds. The other pot would be funds given to us by other agencies. These funds are restricted, such as measure A and gas tax. You can't use the restricted funds to cover the debt. If you run out of city money, or it's less than the debt, you can't cover your debt and that's when our trouble would start. Currently the City owned money is \$3.4 million to cover the \$2.6 million debt. You have a safety buffer of \$696,000. The concern is this is all the money you have left to deal with your debt. You don't want your buffer to shrink or your debt to increase. The other way to cover debt is an external loan. If we were to run out of City owned money we would need an external loan. We don't have any cash in the General fund to help with the debt so we don't have means to pay back the debt from an external loan. To pay back a loan we would need budget cuts or additional revenues such as a TOT increase.

No public comment. The item was received and filed.

Transient Occupancy Tax Consultant and Ballot Measure. City Manager Cosentini stated A TOT Tax is one of the Council's goals and at a prior meeting staff was directed to bring a consultant. It is recommended Council put the TOT measure on the ballot in June or November of 2018, set the increase at a minimum of 5% to bring in an additional \$430,000 a year, set the measure to be presented as a general tax, authorize the City Manager to execute a general services agreement for AMN Key Solutions in an amount not to exceed \$32,000 and authorize the City Manger to sign a loan agreement from the Workers Comp fund to fund the hiring of the consultant and survey research and out reach up to \$25,000. We will only use about \$22,000 this year which we hope to use salary savings for so we don't have to do the loan. It is also recommended council make an appropriation of \$69,000 for the consultant. We would be able to repay the loan with the future increase in TOT revenue. This consultant also led the College's bond campaign which passed in 2014 and has worked with the School District.

Ann Knock of AMN Key Solutions has worked with cities and counties for the past 25 years passing bonds and taxes for the public good. To be successful you need a customized approach for your community that is comprehensive and cost effective.

Councilman Galvan asked if she would be able to tell us if the measure would pass or not. She stated she would be able to tell you if it would pass and the parameter around which it would pass and the concerns of the voters.

Mayor DeConinck asked if she had done a TOT tax before. She stated she has passed on in Colorado.

Vice Mayor Wade asked why 5%. City Manager Cosentini stated that was his recommendation. I have seen as high as 22%, 10% is low and I think 15% is safe and we need the extra revenue due to our fiscal situation.

Mayor DeConinck stated once we do our homework we may want to do a different amount.

Councilman Reynolds asked if this would apply to RV resorts and vacation rentals as well as motels.

No public comment. Vice Mayor Wade made a motion to move forward with staff's recommendation. The motion was seconded by Councilman Reynolds with a unanimous aye vote.

Letter of Public Convenience and Necessity for Artem Enterprises, LLC DBA: Brian's Baja Shell. Planner Burrow stated this item requests approval of a letter of convenience and necessity on behalf of Artem Enterprises located at Intake and East Hobsonway. It is the applicant's intent to sell distilled spirits at the existing convenience market that currently has authorization for the sell of beer and wine. ABC standards warrant the City Council to approve before moving forward with issuing a type 21 license in this jurisdiction. It is recommended Council approve the letter approving the type 21 license.

Councilman Reynolds asked if there has been any opposition to this from other businesses. It was reported staff reached out to J&W and Short Stop Liquor and received no verbal or written opposition.

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

Veterans Proposal to Honor Local Veterans. City Manager Cosentini stated he and the Mayor met with local veterans who are proposing a new program to honor veterans. It looks like a nice program to honor the people who fought for us. They are not asking for anything other than the Council's backing and blessing.

Members of the VFW stated once a year on Veterans Day we go to the park and have a bbq for veterans and their families. We would like to expand this to a certificate or medal to veterans past or present. The costs will be absorbed by us and other service organizations. We would like your support and maybe a few words from the Mayor at the event.

No public comment. Vice Mayor Wade made a motion to support the program. The motion was seconded by Councilman Reynolds with a unanimous aye vote.

Street Improvements –Goal #5. Public Works Director Baldizzone stated in May of 2015 the Council approved the design of five street projects. The projects have been constructed over the last few budget years with one left to be constructed. Staff has identified more streets in the City that need to be rehabilitated based on visual inspection and our pavement management system. The streets include: N. Acacia from Hobsonway to Barnard, Defrain from 10th Avenue to 4th Avenue, Date St. from Hobsonway to Barnard, San Luis Way from Barnard to Wisconsin and Main St. from 14th Avenue to Chanslorway. These projects have an estimated design cost of

\$441,000. It is recommended Council allow staff to proceed with the design of these five projects in FY 2017/18.

Vice Mayor Wade stated shortly after I got on Council we said we were going to do N. Broadway from Juniper to 10th Avenue. Its two years later, where are we at? My mind set is I am not approving anything until we get Broadway done. Public Works Director Baldizzone stated it goes to bid next week. Vice Mayor Wade ask where he got Date St. and San Luis Way. Public Works Director Baldizzone stated they are some of the worst streets in Blythe based on the pavement management system. Vice Mayor Wade stated if you lived on that street you would want it done, but we took a lot of static for Solano, and it's more visual. Date and San Luis Way are not visual. I don't understand it. I think we would be laughed at if we did those two streets.

Mayor Deconick asked if this was the order they would be constructed. It was reported there is no specific order, Council can decide the order after they are designed.

No public comment. Councilman Galvan moved approval of staff's recommendation. The motion was seconded by Councilman Reynolds with aye votes from DeConinck, Galvan and Reynolds and a no vote from Wade.

Freeway Clean Up/Beautification –Goal #6. Public Works Director Baldizzone stated staff has met with CalTrans which has established programs for freeway clean up and beautification. The Adopt a Highway program allows volunteers to maintain the roadway. Maintenance can include litter and graffiti removal and planting and controlling vegetation. There is also a Transportation Art Program and a Gateway Monument Program. Whatever is done in these programs needs the approval of CalTrans. This is all that is available for Goal #6. There are 10 miles of freeway with 5 ramps and 2 overpasses in the City of Blythe. It is recommended Council allow staff to proceed with selection of a landscape architect to design the ramp landscaping when funds become available. There are no funds for this project in the current budget.

Councilman Reynolds stated the purpose of this goal was to light a fire under CalTrans to start maintaining these areas. Our 10 miles of freeway are just as important as areas out west. You see adopt a highway signs but most of the time its CalTrans out there cleaning it. I agree with some of these programs, our biggest concern is to get CalTrans to clean up their act. We did two clean up days and couldn't get inside the fence line to clean up the trash. They have done some of the work but I think they can do better.

Councilman Galvan stated volunteers are good up to a certain point, but we need CalTrans out there to clean up their mess.

Mayor DeConinck stated we don't have the money to do anything now so we need to focus on working with CalTrans. Why start something we don't have funding for, we can look at it when funding is available.

City Manage Cosentini stated we will send a letter to CalTrans requesting the appropriate level of clean up for our service area.

No public comment. Councilman Reynolds moved approval for staff to work with CalTrans. The motion was seconded by Councilman Galvan with a unanimous aye vote.

Master Plans for Water/Sewer/Parks/Drainage – Goal #16. Public Works Director Baldizzone stated master plans were prepared in 1996 and 1997. For several reasons the growth of the City is not in line with the growth assumptions used to develop these master plans. The Water and Sewer Master Plans are prepared to address the current capacity and condition of the systems and their development over 20 to 30 years. These plans are intended to provide guidelines for current and future planning of the City. The purpose of a Parks Master Plan is to develop a vision for parkland over a 20 to 30 year time period. The Water master plan is estimated to cost \$120,000, Wastewater is estimated to cost \$100,000, Storm Drainage is estimated at \$75,000 and Parks is estimated to cost \$90,000 for a total of \$385,000. Staff has found funding for these plans using some of the 2008 Bond Proceeds. It is recommended Council authorize the update of the master plans as funding becomes available.

Interim Finance Director Elms stated there is a pretty complex process we have to go through to be able to spend these bond proceeds. Assuming we make it through that process the funding would potentially be transferred to the City by July 1, 2017. There are bond covenants which state the bonds must be spent for a specific purpose which Council will have to follow.

Councilman Reynolds stated we may or may not have the money. It was reported we are still going through the process. The money will need to be spent for its purpose, but how it will be controlled is the question.

Vice Mayor Wade asked how much we were talking about. It was reported around \$1.6 million.

Public Comment. Rob Holt of 201 E. Hobsonway stated he was involved with creating the master plans in the 70's and they were updated in 1996 and 1997. We need to try to identify as best we can how growth is going to proceed in Blythe. We have a unique situation because we don't have a core of the City with radial growth such as communities in the Coachella Valley. We have the Golf Course, the Colorado River Corridor Plan, the core of the City and a lot of infill with water and sewer. No matter who does it, they will need serious input from the City to see how you envision the City. This is going to take a lot of front end study before you turn it over to engineers.

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

Water Conservation –Goal #18. Public Works Director Baldizzone stated Council expressed interest in contacting the Governor about removing the City of Blythe from any water conservation mandates. Staff contacted the State Water Resource Control Board and it's impossible to remove us from future mandates because they don't know what those might be. In November 2015 the State issued conservation orders to the City for emergency regulations. On May 18th the SWRCB adopted emergency regulations which allowed for self certification. The City submitted the information in June of 2016. The documents show that the City will need to conserve 5%. On average the City has been conserving 15%. Staff will continue to submit monthly reports to the SWRCB.

No public comment. The item was received and filed.

Council/Manager Working Relationship Policy. City Manager Cosentini stated a study session was held on this issue. The policy was presented and Council had a variety of changes. I have made those changes which are reflected in the document presented and noted in the staff report. A Councilmember asked to clarify something and I have worked with the City Attorney

for language. City Attorney Bettenhausen stated in section 3 two options were given, one was a one hour rule. Council opted to do an unlimited amount of time with staff members. The following sentence has been added: the City Manager will comply equally with all requests of individual Council Members within his authority and subject to all applicable laws, regulations and contracts.

Councilman Galvan stated the policy says the Manager will only take direction at a Council meeting. There is a pretty big gap there. I could understand if we still met every two weeks, but 30 days is a long time. There are some things that don't need to go to Council. City Attorney Bettenhausen stated this language is consistent with the municipal code, that official instruction is given by the whole Council to avoid confusion at the staff level. That is why that sentence was added so that he can address things outside of a meeting within his authority. This is a policy, not a law or ordinance.

No public comment. This item died for lack of a motion.

ORAL REPORTS: None

PUBLIC COMMENT: None

MEMBER COMMENT:

Mayor DeConinck stated City Clerk Crecelius had her baby and the Blue Grass Festival is coming up.

ADJOURN:

The City Council meeting was adjourned at 8:04pm.

Joseph DeConinck, Mayor

ATTEST:

Mallory Crecelius, City Clerk