

Minutes of the Blythe City Council April 9, 2019

The April 9, 2019 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, Finance Director and City Treasurer Elms, Police Chief Wade, Chief Building Official Garnica and City Attorney Bettenhausen.

The Pledge of Allegiance was led by Mayor Reynolds. The invocation was offered by Vice Mayor Egan.

PROCLAMATION:

April is DMV/Donate Life Month in California. Interim City Manager Crecelius stated the proclamation was mailed for display during their Donate Life activities.

May is Mental Health Month. Interim City Manager Crecelius stated the proclamation will be mailed to the County of Riverside.

Honoring Chief Jeff Wade's 34 Years of Dedicated Service. The Mayor and City Council presented the proclamation to retiring Chief Jeff Wade.

PRESENTATION:

Memorial for 19 Farm Workers. Dan and Betty Lazenby stated on January 15, 1974 a bus load of farm workers traveling to Blythe plunged into the drainage canal on Rannels Blvd and 20th Avenue. 19 died in the accident and 28 were injured. We remember how that impacted our lives and realized it was 45 years ago this happened this past January. We thought we should honor those farm workers that were killed. The ages range from 16 to 67 years of age. We decided to step forward to see what it would take to build a memorial. We approached community and business leaders and several have expressed interest. One is Fernando Guerra who has offered a large piece of granite for the monument. We also spoke to Supervisor Perez who offered support. We are here this evening asking for the City Council's public support of this effort.

Councilman DeConinck stated there was a family from Blythe on the bus and the father and 3 of his children died in the accident.

Mayor Reynolds stated this memorial is well deserved for the people who lost their lives in this accident and you have our support.

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.*

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

4. 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, April 5, 2019.

5. Approval of the Warrant Register.

- Recommendation: Approve **4/9/19**, warrants numbered 69628 through 69675, 69694 through 69695 and Utility Billing Refund Warrants numbered 69676 through 69693 in the amount of \$223,859.85 and **4/9/19**, warrants numbered 69696 through 69761 in the amount of \$283,907.53.
6. **Approval of the Payroll Register.**
Recommendation: Approve **4/9/19**, warrants numbered 50956 through 50971 and Direct Deposits numbered 44337 through 44395 in the amount of \$226,069.26; **4/9/19**, warrants numbered 50972 through 50973 in the amount of \$344.79; **4/9/19**, warrants numbered 50974 through 50987 and Direct Deposits numbered 44396 through 44452 in the amount of \$205,012.06 and 4/9/19, warrants numbered 50988 through 50992 and Direct Deposits numbered 44453 through 44556 in the amount of \$66,583.83.
 7. **Minutes of the March 12, 2019 City Council Meeting.**
Recommendation: Approve the Minutes of the March 12, 2019 meeting.
 8. **City of Blythe Permits issued for the Month of March 2019.**
Recommendation: Receive and file this monthly report.
 9. **City of Blythe Fire Department Monthly Activity Report for March 2019.**
Recommendation: Receive and file this monthly report.
 10. **City of Blythe Police Department Monthly Activity Report for March 2019.**
Recommendation: Receive and file this monthly report.
 11. **Fee Waiver for PVC's Use of Community Center.**
Recommendation: Waive all fees except for the labor charge for Palo Verde College's use of the Community Center for a College Night to discuss degree programs offered and to kick start summer and fall registration.
 12. **Third Quarter Investment Report for FY 2018-19.**
Recommendation: Accept and file this quarterly report.

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

PUBLIC HEARING:

Major Variance- Joshua Lloyd. Interim City Manager Crecelius stated during review of a permit submittal for 574 N. Olive Lake Blvd three accessory structures were discovered that had been installed years prior without permits. Two of the three unpermitted structures do not comply with Blythe Municipal Code Section 17.10.031 which states the square footage of any accessory structure shall not exceed the ground floor area of the primary dwelling unit, unless approved through the variance process. The Lloyds submitted an application for a Major Zoning Variance for the structures which were installed prior to them acquiring the property. Staff supports the approval of this Major Zoning Variance as: the property is 5.6 acres which is adequate for these structures, the surrounding neighborhood supports accessory structures of this type and use and the Municipal Code allows this use with an approved variance. A notice of the Hearing to discuss the Variance was mailed to all property owners within a 300 foot radius of 574 N. Olive Lake Blvd. It is recommended Council adopt resolution no. 2019-005 approving major zoning variance VAR 1902-001 for 574 N. Olive Lake Blvd.

Councilman DeConinck excused himself from the meeting for a potential conflict of interest. No public comment. Councilman Rodriguez moved approval of staff's recommendation. The motion was seconded by Vice Mayor Egan with a unanimous aye vote. Councilman DeConinck rejoined the meeting.

RESOLUTION NO. 2019-005. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA CONTAINING FINDINGS IN SUPPORT OF THE APPROVAL OF VARIANCE 1902-001 BEING A REQUEST TO ALLOW FOR TWO EXISTING FREE-STANDING STRUCTURES WHICH EXCEED THE GROUND FLOOR AREA OF THE PROPERTY'S MAIN DWELLING UNIT AT 574 OLIVE LAKE BLVD.

CONTINUED BUSINESS:

Commercial Cannabis Ordinance Amendments. Interim City Manager Crecelius stated staff received a request from El Rancho Verde, LLC to amend a section of the Commercial Cannabis Ordinance related to signage and hours of operation. An Ordinance Amendment was brought to Council on March 12, 2019. At that meeting El Rancho Verde, LLC asked for clarification on the use of billboards. Billboards are a prohibited sign for cannabis businesses in the City, but the Ordinance is vague on the use of billboard outside of City limits. State law does not allow the placement of a billboard within a 15 mile radius of the California border on an Interstate Highway or State Highway that crosses the California Border. This would exclude the placement of billboards in the City of Blythe. The attached Ordinance amendment has been modified to include the State's regulation to clarify where billboards are prohibited. At the meeting a lengthy discussion also ensued related to logos and the use of cannabis or cannabis products on logos. As currently written, the Cannabis Ordinance does not allow any products or graphics depicting cannabis or cannabis products to be visible from the exterior of the property. El Rancho Verde, LLC has requested to use their logo for advertising which has what could be considered a graphic of a cannabis leaf. Council directed staff to research criteria for approving logos on a case by case basis. To do so, Council would need to add objective criteria into the code as to what is and is not allowed. As the logo presented by El Rancho Verde, LLC could arguably be a cannabis leaf, the only way to allow the logo would be to remove the restriction of the use of a cannabis leaf on logos or graphics. This would allow the use of any cannabis leaf or leaf that could be construed to be a cannabis leaf. If Council was not comfortable approving the use of any graphic depicting the cannabis leaf, Council could keep the current language which does not allow any cannabis or cannabis products to be visible or used for advertising purposes. Also included in the Ordinance Amendment are the items tentatively approved at the last meeting which includes a change in hours of operation for dispensaries and use of illuminated signs for cannabis businesses. It is recommended Council conduct the first reading of ordinance No. 895-19 by title only, waiving further reading.

Vice Mayor Egan prefers to have no graphics if it's all or none.

No Public comment. Councilman Halby moved approval of staff's recommendation. The motion was seconded by Councilman Rodriguez with aye votes from Reynolds, DeConinck, Rodriguez and Halby and a no vote from Egan. City Clerk Crecelius read the title of the Ordinance into the record.

ORDINANCE NO. 895-19. AN ORDINANCE AMENDING CHAPTER 5.10 ("COMMERCIAL CANNABIS ACTIVITY") OF TITLE 5 (BUSINESS LICENSES AND REGULATIONS") OF THE BLYTHE MUNICIPAL CODE REGARDING COMMERCIAL CANNABIS ACTIVITY IN THE CITY OF BLYTHE.

NEW BUSINESS:

1st Amendment to Transfer Agreement between Riverside County Regional Park and Open-Space District and the City of Blythe. Interim City Manager Crecelius stated in 2012 The City entered into an Agreement with Riverside County Regional Parks and Open-Spaces District for the Transfer of Quechan Park. At the same time, the County was working on sewer improvements for Mayflower Park. This involved connecting Mayflower Park to the City's sewer infrastructure. The original design consisted of a sewer line being installed along Colorado River Road to the City's force main on 6th Avenue. As the City did not have funding to purchase Quechan Park, the City and County entered into an agreement in which the City would apply a credit of \$265,000, the appraised value of Quechan Park, towards the County's cost of sewer connection fees related to the Mayflower Park Project in exchange for Quechan Park. The City was to honor the credit until the County was able to move forward with the project. In the original sewer design, residents of Colorado River Road would be able to connect to the City's sewer service once installed. In June of 2018 staff had a meeting with County Park officials to discuss the status of the Mayflower Park project. The County determined the cost of the original design was prohibitive and looked for construction alternatives. The new approach redirects the sewer line to the City's force main on 6th Avenue and will no longer travel down Colorado River Road. After this meeting Council met with Riverside County Officials in two study sessions on August 28, 2018 and January 22, 2019 to discuss the amended project and the need to amend the Transfer Agreement to accommodate the project changes proposed by the County. At the January 22nd meeting Staff was directed to work with the County on amendments to the Transfer Agreement. The County prepared an Amendment to the Transfer Agreement to include the items directed by City Officials and staff. The terms have been reviewed by City staff and the City Attorney. The amendment includes language for the future connection of residents of Colorado River Rd. as a separate project and the responsibility of the County to maintain the sewer main starting at the southern boundary of Mayflower Park and extending to the City's Sewer Force Main on 6th Avenue. Except as amended or modified in the attached Agreement, all other terms of the original agreement shall remain in full force and effect. It is therefore recommended the Council authorize the Interim City Manager to execute the First Amendment to the Transfer Agreement between the County and City.

Councilman DeConinck asked if the information requested at the last Study Session related to B-29 monies, an accounting of development impact fees collected in this area and who is responsible for maintaining the second access to Mayflower Park. It was report the information was not received from the Supervisors Office. Councilman DeConinck stated I have been very involved with this project and have backed it 100%. When Roy Wilson and John Benoit were involved they had all the connections at Colorado River Road. When you re-design this project you are going to have to re-do all of the lines to go backwards to the way you are going. That is going to be costly. Have you factored that in?

Scott Bangle, General Manager of the Park District stated we looked into the roads and the County maintains the access road for the first mile in off Intake Blvd. The rest is maintained by the property owners. On the other road the County maintains $\frac{3}{4}$ mile and the rest is maintained by the property owners.

Councilman DeConinck said it was purposely designated as a second access to Mayflower Park. There were things done that were supposed to move this project forward and nothing has happened.

Scott Bangle stated we are dealing with one thing tonight, the sewer project. Until we move that ball down the court we are kind of stuck.

Councilman DeConinck stated we have not received any B-29 money. That could be used to do the sewer line on Colorado River Road. That is what I am addressing. I have personally paid development impact fees to the County and those funds could be used for this project. Nobody has looked at where our money is going.

Scott Bangle stated two months ago the Supervisor committed a large sum of solar money to Mayflower Park. I believe it was \$6 million.

Councilman DeConinck stated he attended all of the closed session meetings on the solar issue. I was there to make sure things happened for Blythe. What was discussed is how to make things happen out there. It was for the park, but also Colorado River Rd to develop the unincorporated areas of the County. I did that twice a month for nearly a year to make sure things happen for Blythe. Where has the money gone for Blythe?

Vice Mayor Egan stated this is separate from this project. At the Study Session Supervisor Perez stated there was a 25 mile cannabis radius around Blythe. There is apparently someone trying to open a cannabis business on S. Broadway, well within the radius, can you ask him about that?

Councilman Halby stated Supervisor Perez always says we need to have open dialogue. Well we've had it and the County keeps selling us short. I understand this isn't what you are here for, but you heard what I had to say at that meeting and you are proving us right.

Scott Bangle stated I would like to reemphasize the commitment of \$6 million. That is a pretty sizeable sum in my world.

Councilman DeConinck stated this was put together by John Benoit whose goal was to bring the sewer line down Colorado River Rd. It was never said there wouldn't be any money to do it. A majority of the people want it.

Scott Bangle stated part of the construction plans include a community meeting in addition to a survey.

Councilman DeConinck stated that won't do any good because that's not where you are putting the sewer.

Scott Bangle stated nothing prevents them from putting in their own sewer line. Although we are part of the County, we are a Special District. The Board of Supervisors serve as my board of directors. We are self funded and self managed. We are independent. I am aware of some of this and some I am not but I can share your concerns with the Supervisor.

Vice Mayor Egan stated we have been working on this for 10 years. Let's do it so we can move on and then work on the sewer; or it will be another 10 years and we still won't have that park. That will benefit everyone in town, not just that one road.

Councilman DeConinck stated the problem is they are going to spend \$1 million putting the sewer down so why can't they put the money into the original design. Come up with a little more money and it's a done deal.

Scott Bangle stated that design is over \$3 million and we simply don't have that kind of money. We can't spend park money on residential hook ups. Everyone will have to commit to hooking up and share in the full burden of that \$2 million. We will give them the opportunity to pay to play.

Councilman DeConinck stated the Water Board has been down and there is going to be issues with those wells. The sewer lines are in the road now, and that will have to be abandoned.

Rob Holt of The Holt Group stated there have been changes since the original plans were designed. I think there could be a much more economical way to sewer the folks around Colorado River Rd. than a deep sewer line system that will tear up all the pavement and cause a lot of havoc. I think you could build another lift station between the park and 6th Avenue and keep the lines shallow and build another force main. I think before we spend \$3 million on a design that is technically outdated we re-examine it. I would be happy to explain it in detail, but there are some technical issues here. I think Colorado River Rd.

needs a fresh engineering look in the fact that the means and methods to pump sewage have changed a lot in the last 10-15 years.

Mayor Reynolds stated this is County business. It's an old agreement and an old design and everything needs to be looked at. We will gladly let you hook into our force main and send it down the line, but everything prior to that is on the County.

Councilman DeConinck stated you are still including residents in this agreement but nobody can connect to it. Interim City Manager Crecelius stated there wasn't originally language about the residents in the amendment. Public Works Director Baldizzone wanted it included in case there were connections later on. Since the other parts of the agreement reference Colorado River Rd. the County agreed to add it back at Armando's request.

Mayor Reynolds would like to table this until we get what we need. There are a lot of questions.

Vice Mayor Egan said these sewer issues along Colorado River Rd. are not part of this Mayflower Park Project.

Councilman Rodriguez asked if we were on a time line. Scott Bangle stated we are on a time crunch for Prop 68 funding. Mayflower Park is the #1 project in the entire County. This is important for the community of Blythe. We are running out of time after being after this for a number of months. I understand some of your questions and will look into it; you have my word on that. But I ask that you do not hold this project up due to that.

Interim City Manager Crecelius stated to go back to the question about monthly fees, there was some confusing language in the original agreement so a paragraph was deleted as it conflicted with section 4.1.3. This section states the credit of \$265,000 will not be applied against any monthly usage fees. They do understand there are monthly usage fees once they connect to the sewer and the District will pay those fees.

There was a lengthy discussion on how the fees would be charged. It was reported it would be billed based on the EDU. Monthly reports will be submitted by the District to the City for billing purposes.

Councilman DeConinck asked if this Agreement was approved by the City Attorney. City Attorney Bettenhausen stated he has reviewed the agreement and approved it as to form.

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

Phlebotomist/Evidence Collection Services. Lieutenant Coe stated at last month's meeting Council authorized staff to enter into a Professional Services Agreement with Phlebotomist Jennifer Lambert. Contract negotiations with Ms. Lambert have been slow. As we have been unable to finalize the contract with Ms. Lambert, Gale Nelson has continued to provide service. Gale Nelson wanted April 1st to be her last day, but has agreed to continue her services at the agreed upon pay rate as Ms. Lambert. We will only pay Mrs. Nelson for her services, and will not pay Ms. Lambert until her contract is signed. We anticipate Ms. Nelson continuing her services for about a month until Ms. Lambert is under contract.

No public comment. Councilman Rodriguez moved approval of staff's recommendation for a temporary contract with Mrs. Nelson. The motion was seconded by Vice Mayor Egan with a unanimous aye vote.

ORAL REPORTS:

Interim City Manager Crecelius reported on the Drive for your School Event at Appleby and the upcoming Outlook Conference.

Chief Wade stated April is distracted driver awareness month. There will be zero tolerance for distracted drivers. We have a special task force and are averaging 20 extra tickets a day. We had a fatal collision last month that was partially attributing to distracted driving so this is important for our community. They will not be giving warnings.

Councilman DeConinck stated after the fatal collision there was another bad accident on 4th Avenue and Highway 95. I heard the noise and went over there and Blythe PD was the first on scene. Luckily nobody was killed. That road is very dangerous.

Councilman Halby stated the State is looking to build a new Ag Station. It is my understanding the acquisition team has approached property owners in our least preferred area.

Mayor Reynolds thanked everyone involved in the Cancio Event. Adrian's Boxing Gym had their exhibition this past Saturday and they were blown away by the attendance. They are looking at more events and semi pro events in the City.

Councilman DeConinck gave an update on the 3rd Place street project.

PUBLIC COMMENT: None

ADJOURN: The City Council meeting was adjourned at 7:12pm.

Dale Reynolds, Mayor

ATTEST:

Mallory Crecelius, City Clerk