

## **Minutes of the Blythe City Council July 10, 2018**

The July 10, 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 Finance Director Elms, Police Chief Wade, Public Works Director Baldizzone, 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.

**REPORT FROM CLOSED SESSION:** City Attorney Bettenhausen stated at approximately 5:15pm the City Council opened the meeting and recessed into Closed Session for discussion of two items: Conference with Legal Counsel regarding anticipated litigation and Labor Negotiations. Direction was given, no final action was taken.

**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, July 6, 2018.
2. **Approval of the Warrant Register.**  
Recommendation: Approve **7/10/18**, warrants numbered 68302 through 68361 in the amount of \$243,520.52 and **7/10/18**, warrants numbered 68207 through 68287 and Utility Billing refunds numbered 68288 through 68301 in the amount of \$427,055.86.
3. **Approval of the Payroll Register.**  
Recommendation: Approve **7/10/18**, warrants numbered 50376 through 50401 and Direct Deposits numbered 42214 through 42271 in the amount of \$238,427.82; **7/10/18**, warrants numbered 50402 through 50403 in the amount of \$2401,023.76; **7/10/18**, warrant numbered 50404 and Direct Deposit numbered 42272 in the amount of \$4,751.76; **7/10/18**, warrants numbered 50405 through 50408 in the amount of \$1,259.25; **7/10/18**, warrants numbered 50409 through 50430 and Direct Deposits numbered 42273 through 42330 in the amount of \$230,167.72; **7/10/18** warrants numbered 50431 through 50463 in the amount of \$99,592.45 and **7/10/18**, warrants numbered 50464 through 50468 and Direct Deposits numbered 42331 through 42434 in the amount of \$80,152.77.
4. **Minutes of the June 12, 2018 City Council Meeting.**  
Recommendation: Approve the Minutes of the June 12, 2018 meeting.
5. **City of Blythe Permits issued for the Months of May and June 2018.**  
Recommendation: Receive and file these monthly reports.
6. **City of Blythe Fire Department Monthly Activity Report for June 2018.**  
Recommendation: Receive and file this monthly report.
7. **City of Blythe Police Department Monthly Activity Report for June 2018.**  
Recommendation: Receive and file this monthly report.
8. **Sexual Assault Clinical Services.**  
Recommendation: Authorize staff to execute an Agreement with Eisenhower Health Services for sexual assault examinations for the 2018/19 fiscal year.

9. **Investment Report for Fourth Quarter FY 2017/18.**  
Recommendation: Receive and file this quarterly report.
10. **Debt Management Policy.**  
Recommendation: Adopt The City of Blythe Debt Management Policy.
11. **Special Assessment for Prior Year Delinquent Utility Charges.**  
Recommendation: Adopt Resolution No. 2018-025 authorizing the County Auditor to place delinquent utility accounts on the tax roll.

*RESOLUTION NO. 2018-025. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE ADOPTING THE REPORT OF THE DELINQUENT UTILITY ACCOUNTS AND DIRECTING THE CITY MANAGER TO FILE SAID REPORT WITH THE COUNTY OF RIVERSIDE AUDITOR AND REQUEST THE AUDITOR PLACE THE DELINQUENT ACCOUNTS ON THE TAX ROLL.*

12. **Levy of Special Taxes within Community Facilities District No. 2004-1.**  
Recommendation: Adopt Resolution No. 2018-026 authorizing the levy of special taxes within Community Facilities District 2004-1 (Hidden Beaches).

*RESOLUTION NO. 2018-026. A RESOLUTION OF THE CITY COUNCIL ACTING AS THE LEGISLATIVE BODY OF THE COMMUNITY FACILITIES DISTRICT NO. 2004-1 (HIDDEN BEACHES) OF THE CITY OF BLYTHE AUTHORIZING THE LEVY OF SPECIAL TAXES WITHIN COMMUNITY FACILITIES DISTRICT NO. 2004-1 (HIDDEN BEACHES) FOR FISCAL YEAR 2018-19.*

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:**

**City Wide Salinity Study.** Public Works Director Baldizzone stated this is a requirement of the State Water Resources Control Board which regulates the waste discharges from the Waste Water Treatment Plant. Staff worked on a City Wide Salinity Study Work Plan and received approval in October of 2017. We started the bid process in May of 2018. On June 15<sup>th</sup> we received two proposals, one from the Holt Group and one from West and Associates. The lowest bid was submitted by the Holt Group in the amount of \$195,600. The findings and report from the Salinity Study are due by June 30, 2020. This study will take a year and a half to complete and will be funded in this fiscal year and next fiscal year. It is recommended Council award a contract to the Holt Group for the City Wide Salinity Study as required by the State Water Resources Control Board Order R7-2016-0013 in an amount not to exceed \$195,600.

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

#### **NEW BUSINESS:**

**Certifying the June 5, 2018 Election.** City Clerk Crecelius stated the City of Blythe Primary Election held on June 5<sup>th</sup> has been certified by the County Registrar of Voters. The attached Statement of Vote reflects the number of ballots cast in the City, The Ballot Measure voted for, and the number of votes given. The City had one Measure, Measure D on the ballot. A total of 1,525 ballots were cast in the City with 1,235 in favor and 234 against Measure D. Measure D passed with 84.07% of the vote. The results of the election have been reviewed by the City Clerk and determined that the election was held pursuant to law. Therefore, it is recommended Council adopt Resolution No. 2018-027 reciting the fact of the Consolidated Primary Election held on June 5<sup>th</sup> declaring the results and such other matters pursuant to Election Code 10262.

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

*RESOLUTION NO. 2018-027. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLYTHE, CALIFORNIA RECITING THE FACT OF THE CONSOLIDATED PRIMARY ELECTION HELD ON TUESDAY, JUNE 5, 2018, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW.*

**Proposed West Valley Zone Change/General Plan Amendment.** Interim City Manager Crecelius stated Commercial Cannabis businesses are permitted to operate in three zones established by Council. The zones include Community Commercial, General Commercial and Industrial General. Along with selecting property with the correct zoning, the parcel is required to be outside of a 600 ft. radius around schools, parks, daycares, adult daycares, churches and recreation centers. These restrictions can make it challenging to find property for this type of development and a number of applicants will need a zone change/general plan amendment to move their project forward. Staff received a request from John Osborne of Century 21 and Lindsay Holt of the Holt Group asking Council to conceptually approve a zone change for five parcels located in west Blythe, west of Arrowhead, east of Neighbours, South of Riverside Avenue and North of Hobsonway currently zoned Service Industrial. They believe the properties could be marketable for cannabis development if approved for a zone change, and the owners may have potential buyers. When the staff report was written it was recommended Council conceptually approve the zone change. After some thought and speaking with Lindsay Holt, the better alternative may be to amend the Commercial Cannabis Ordinance to allow commercial cannabis businesses in the Service Industrial zone. This will save potential applicants time and money and the City time processing these requests. It will also ensure that we remain in line with the City's General Plan, and do not remove all Service Industrial zones in the City. This action would take an amendment of the Commercial Cannabis Ordinance, two readings of the Council and would go into effect 30 days from the second reading. It is recommended Council provide direction to amend the Ordinance to include this zone for cannabis development. If Council is uncomfortable with this action, it is still recommended that you conceptually approve the zone change/general plan amendment for these properties as it will make them more marketable for development. That concludes my report. Lindsay Holt and John Osborne are present this evening for any questions you may have.

Councilman DeConinck asked for the names of the property owners in case of a possible conflict of interest and if leasing property near the area was a conflict. City Attorney Bettenhausen stated a zone amendment is something that has City wide effects. There would be no conflict of interest issues. Tonight is more of a general discussion and we are not granting anything so there is no conflict of interest here.

Councilman Halby asked what the difference between the General Industrial and Service Industrial zones was. Lindsay Holt with the Holt Group stated the basic difference would likely be that General Industrial allows for all sorts of industrial uses including those that may make a lot of noise, generate a lot of dust or create nuisances that may not be compatible with sensitive uses such as residential uses or schools. Service Industrial generally allows for those industrial uses that don't create those nuisances and are more

compatible with the residential and public institutional uses. In this case it would be my opinion that most cannabis development, especially since the City is not allowing open air cannabis would be compatible in the Service Industrial zone with maybe the exception of a dispensary. You may want to keep dispensaries in a commercial area. If you allow for this zone change you will have others in the Service Industrial area asking you for zone changes. That could side step that problem. It's also a little inconvenient as zone changes are tied to a general plan amendment. The City can only complete four general plan amendments per year per State regulation. Each of those general plan amendments is tied to a 90 day tribal consultation period so it makes the permitting of these projects very onerous. It may be easier to amend the Cannabis Ordinance to allow for these businesses in the Service Industrial zone. This is also in line with what other cities are doing. I would like to point out that this only applies to two of the five parcels shown. If you did make the change to the Ordinance we would still possibly be submitting a request for a zone change to re-zone the other three parcels.

John Osborne stated there are potential buyers for some but not all of the properties. The other requests I received were from Chuck Reynolds on Intake and from two farmers.

Councilman DeConinck asked if the adjacent property owners were notified of the zone change. Interim City Manager Crecelius stated no. At this point it's all conceptual. It's not until they file the application and go through the process that the property owners are notified. What they are looking for, before they spend the time and money doing this, is if Council is conceptually ok with that zone change/general plan amendment. If we allow cannabis in the Service Industrial zones, property owners will not be notified.

City Attorney Bettenhausen stated you are not deciding tonight, this is more for direction for staff as to bring this back or not. There would be a hearing to fully consider whether to do this or not.

Interim City Manager Crecelius stated I apologize, I did not pay close enough attention to the memo received and just assumed that all 5 parcels were Service Industrial. I would need direction for two things. First, if you would like me to bring back an amendment to our Ordinance which would allow cannabis in that Zone and second, do you conceptually approve the zone changes for the other three parcels currently zoned agriculture in that area.

Councilman Halby does not have a problem with the Service Industrial zone being added into the Ordinance.

Interim City Manager Crecelius stated in looking at the zoning map today, there are some Service Industrial properties around residential areas but they are already excluded for cannabis due to the bubble so it shouldn't be an issue. If it becomes a problem Council has the discretion to not approve a cannabis permit based on the location.

No public comment. Vice Mayor Egan moved to direct staff to amend the Cannabis Ordinance bringing it back to Council at a later date for adoption as well as conceptually

approving the zone changes in that area which will also be brought back to Council for approval. The motion was seconded by Councilman Halby with a unanimous aye vote.

**ORAL REPORTS:**

Councilman Halby commended the Police Department for writing 12 tickets for illegal fireworks on the 4<sup>th</sup> of July.

Councilman DeConinck commended the Fire Department on the Fireworks show. I received the 2017 consumer report on water in my utility bill. I want to make sure everyone saw it. I received a call from John Osborn and he told me the County has their draft Ordinance out. I have a copy of it and it's on their website.

Vice Mayor Egan would like the County to draw a cannabis bubble around Blythe. Councilman DeConinck stated there are very few places in this area with the correct zoning.

Councilman DeConinck reported on the Girls Softball All-Stars.

**PUBLIC COMMENT:** None

**ADJOURN:** The City Council meeting was adjourned at 6:35pm.

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Dale Reynolds, Mayor

**ATTEST:**

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Mallory Crecelius, City Clerk